



CUP18-00101 / CTY Studio PLLC

Summary

The applicant requests a conditional use permit to operate a bar within 300' of residential on 0.12 acres located at 1509 N 13th St. in an C-1CHD (Neighborhood Commercial with Hyde Park Conservation District and Historic District Overlay) zone. A parking reduction is also included.

Prepared By

Nicolette Womack, Associate Planner

Recommendation

Approval with conditions

Reason for the Decision

The applicant's proposal complies with Boise City Code Section 11-03-04.6 (Conditional Use Permit) and is compatible with the general neighborhood consisting of multiple restaurants, cafes, and retail establishments which are part of the Hyde Park District. The site is large enough to accommodate the proposed use with the established off-site parking. Compliance with the Historic Design Review Standards will be ensured through DRH18-00519 and associated conditions of approval. The proposed use and outdoor patio will not adversely affect the adjacent residential uses as the patio is strategically located furthest from the residential uses, with a wood fence trash enclosure, alley and alley-loaded garages providing an increased buffer. Additionally, conditions of approval will regulate amplification device sound levels and hours of operation for the bar. The use is supported by the Comprehensive Plan as the Hyde Park Conservation District is consistent with *Goal NE-CCN 1.2* which outlines using conservation districts to protect neighborhood character. The district is also a designated mixed-use neighborhood activity center designed to serve the North/East End by promoting the availability of local services within walking distance of residential neighborhoods (*Goal NE-CCN 2.1*). Providing transitions between non-residential and adjoining neighborhoods are further encouraged by *Goal NE-CCN 1.6*.

CUP18-00101
1" : 300'



WASHINGTON
ELEMENTARY
SCHOOL

W Lemp St

6

W Ridenbaugh St

W Brumback St

W Eastman St

W Alturas St

W Sherman St

W Ada St

W Resseguie St

NORTH JUNIOR
HIGH SCHOOL

LONGFELLOW
ELEMENTARY
SCHOOL

W Ada St

N 17th St

N Harrison Blvd

N 16th St

N 15th St

N 14th St

N 13th St

N 12th St

N 11th St

N 10th St


N 9th St

N Harrison Blvd

N 17th St

W Fort St

CUP18-00101
1" : 300'



A-1H
WASHINGTON
ELEMENTARY
SCHOOL

R-1MH

6

W Lemp St

W Ridenbaugh St

R-3HD

R-1MH

W Brumback St

W Eastman St

C-1CHD

Harrison
Blvd ROW

W Alturas St

R-1CH

W Sherman St

LONGFELLOW
ELEMENTARY
SCHOOL

W Ada St

W Ada St

W Resseguie St

R-2HD
R-3D/CD

McAuley
Park

R-3HD

R-3D

R-3HD

R-3HD/CD

15th Street ROW
(15th & Fort)

NORTH JUNIOR
HIGH SCHOOL

A-1H

R-2HD

CUP18-00101
1" : 300'



WASHINGTON
ELEMENTARY
SCHOOL

School

W Lemp St

W Ridenbaugh St

W Brumback St

W Eastman St

W Alturas St

W Sherman St

W Ada St

W Resseguie St

Compact

School

LONGFELLOW
ELEMENTARY
SCHOOL

NORTH JUNIOR
HIGH SCHOOL

School

Mixed Use

Mixed Use

6

Harrison
Blvd ROW

N 17th St

N 16th St

N 15th St

N 14th St

N 13th St

N 12th St

N 11th St

N 10th St

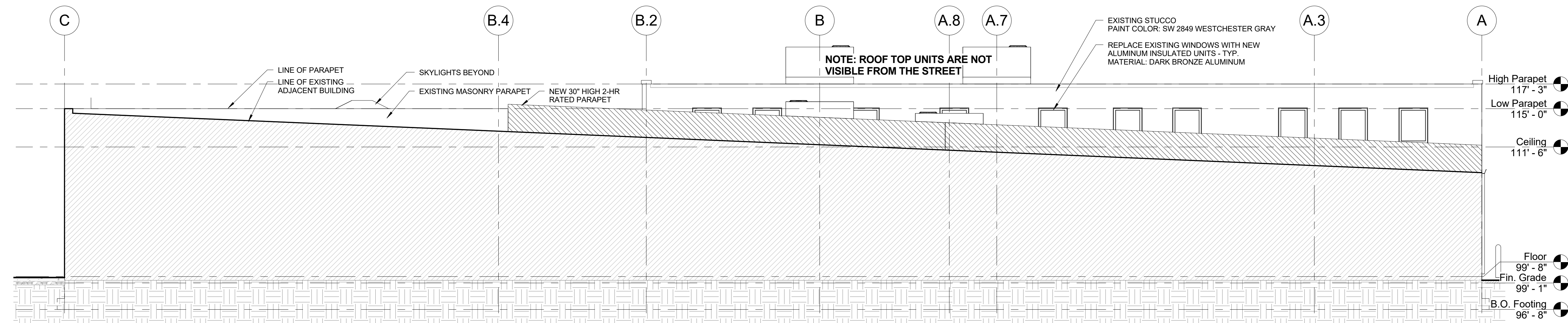
N 9th St



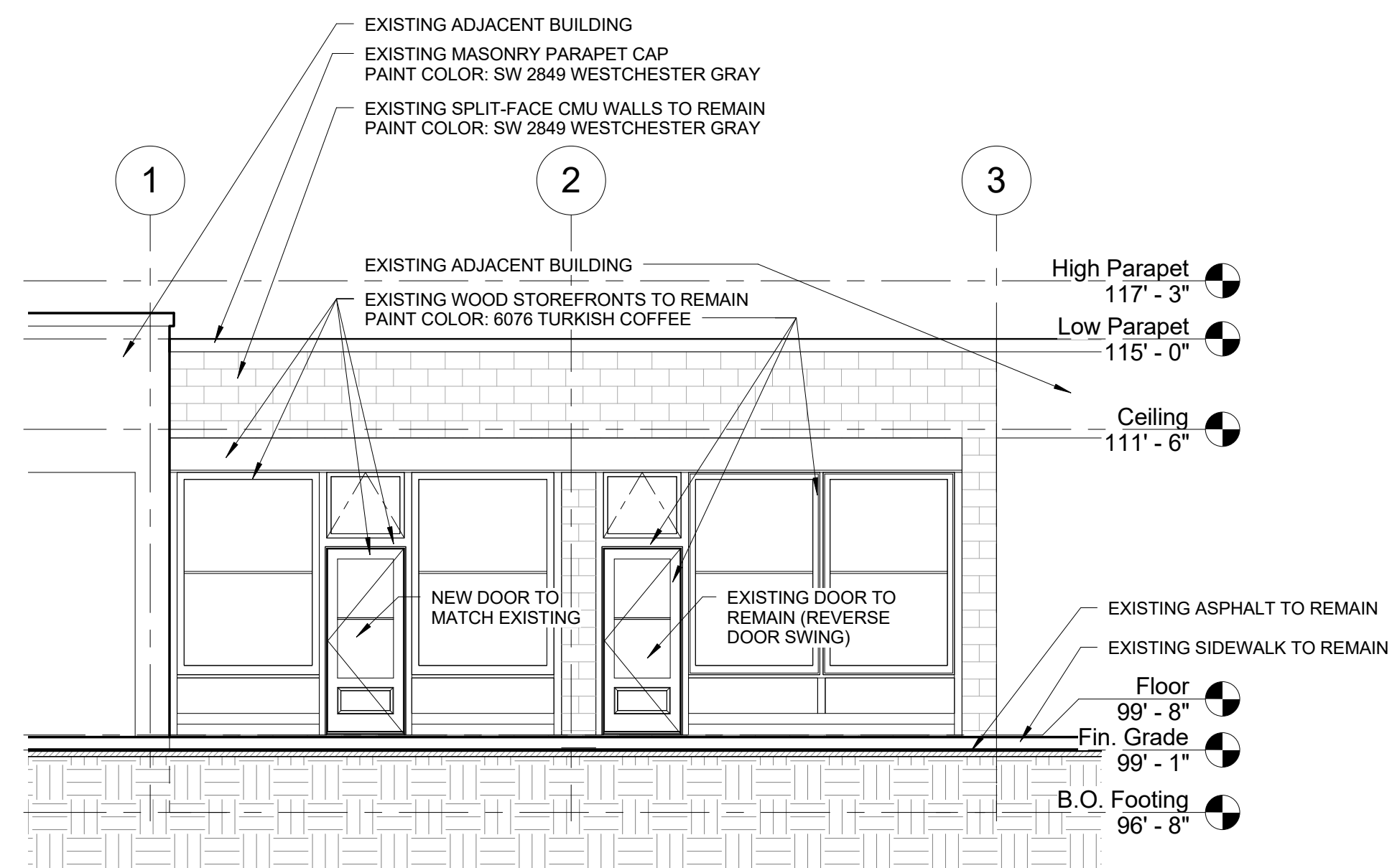
A1.0

[illegible]

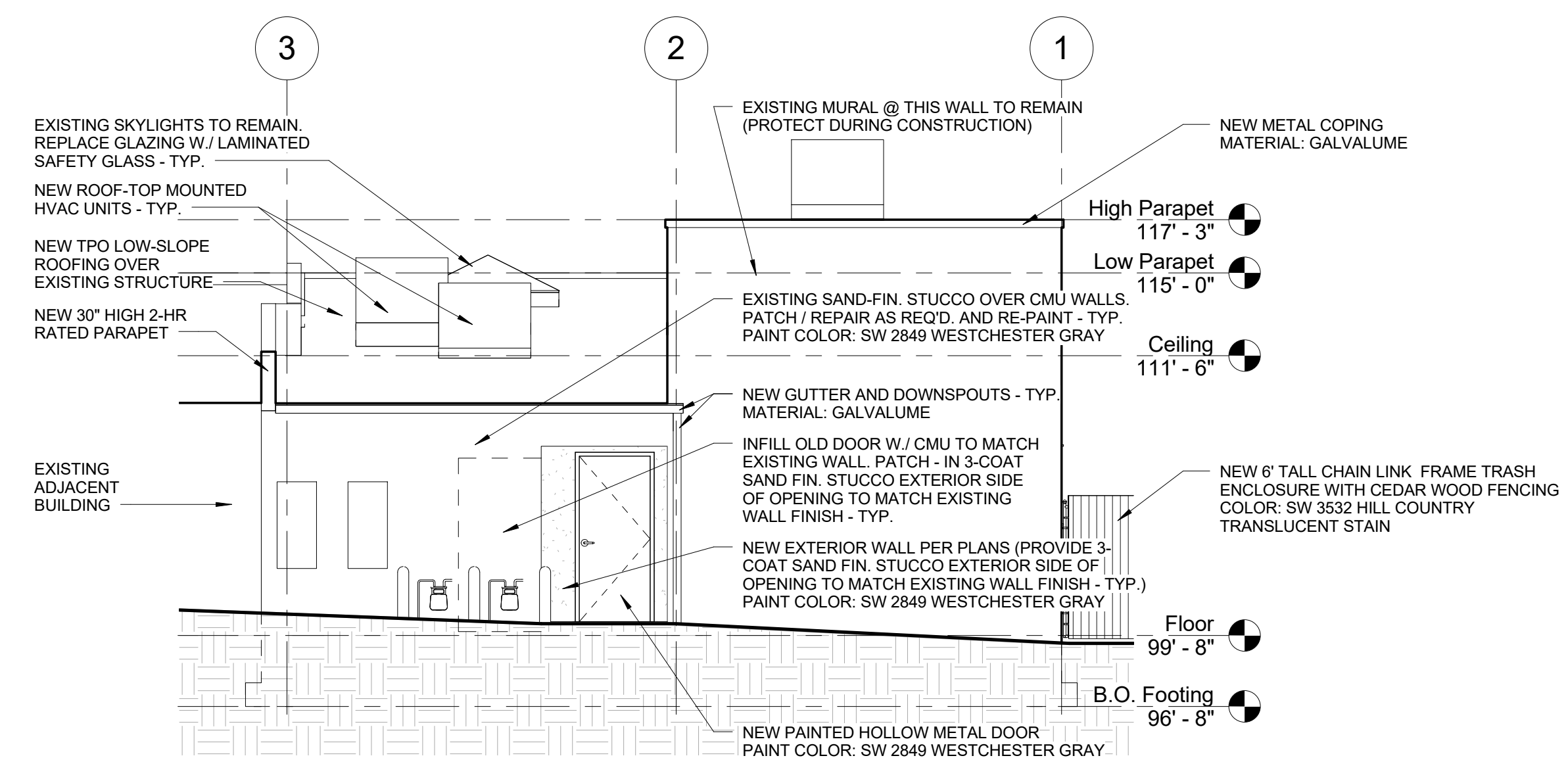
1509 N. 13th Street, Boise, ID



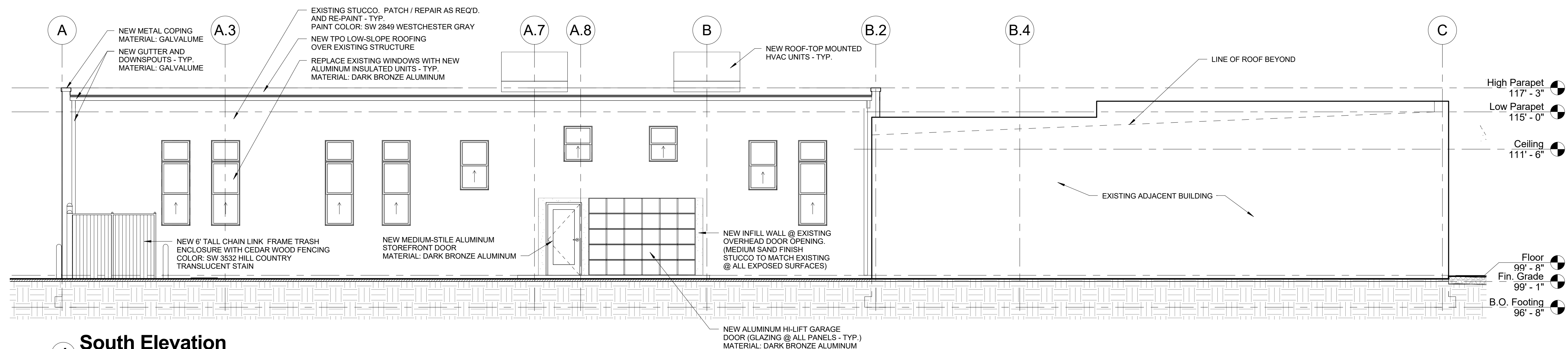
1 North Elevation
3/16" = 1'-0"



2 East Elevation
3/16" = 1'-0"



3 West Elevation
3/16" = 1'-0"



4 South Elevation
3/16" = 1'-0"

CTTY Studio PLLC
ARCHITECTURE PLANNING DESIGN ART
OFFICE: 200 S. 350 E. 205, 200 N. 10TH ST., BOISE, ID 83702

1509 N. 13th St.
Shell & Core
1509 N. 13th Street, Boise, ID

all drawings and copies thereof are instruments of service and as such remain the property of the architect. they are to be used only with respect to this project. with the exception of one complete set for each party of the contract, all copies are to be returned or suitably accounted for to the architect upon completion of the work. **copyright 2017 all rights reserved**

Revision		
No.	Description	Date

Project number 2018.02
Date 11/02/18
Drawn by RLT
Checked by

Historic P&Z Application

Exterior Elevations
A3.1



1 View From NE on 13th Street

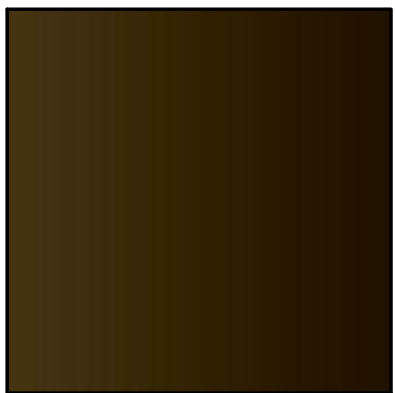


2 View From SE at parking lot

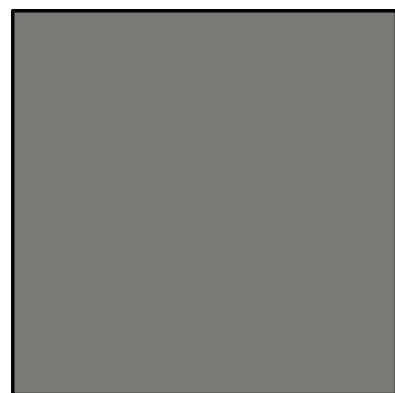
Color Selections



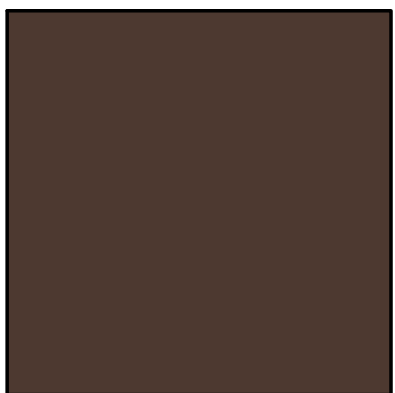
Metal Gutters
Galvalume sheet metal



Aluminum Window Frame
Dark Bronze Anodized Aluminum



Gray Paint
Sherwin Williams
SW 2849 Westchester Gray



Wood Storefront Paint
Sherwin Williams
SW 6076 Turkish Coffee



Brown Stain
Sherwin Williams
SW 3532 Hill Country



3 View From SW at alley



1509 N. 13th St.
Shell & Core
1509 N. 13th Street, Boise, ID

all drawings and copies thereof are instruments of service and as such remain the property of the architect. they are to be used only with respect to this project. with the exception of one complete set for each party of the contract, all copies are to be returned or suitably accounted for to the architect upon completion of the work. copyright 2017 all rights reserved

Revision	No.	Description	Date

Project number	2018.02
Date	11/02/18
Drawn by	RLT
Checked by	
Historic P&Z Application	

Exterior Perspectives / Color Selections
A3.2



NEIGHBOR TO SOUTH ON 13TH ST.



FRONT OF BUILDING ON 13TH ST.



NEIGHBOR TO NORTH ON 13TH ST.



SOUTH SIDE OF BUILDING



WEST SIDE OF BUILDING ON ALLEY



PARKING ACROSS ALLEY



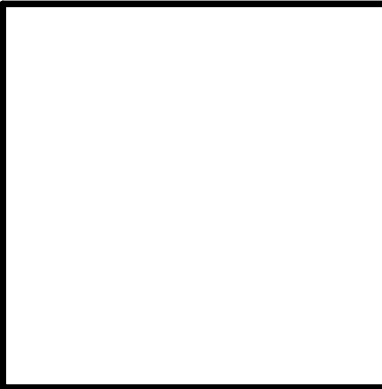
STREET FRONTAGE ON 13TH ST.



STREET FRONTAGE TO SOUTH ON 13TH ST.



STREET FRONTAGE ACROSS 13TH STREET



CITY Studio PLLC
ARCHITECTURE PLANNING DESIGN ART
1012 200 345 2135 220 N. 10TH ST., BOISE, ID 83702

1509 N. 13th St.
Shell & Core
1509 N. 13th Street, Boise, ID

all drawings and copies thereof
are instruments of service and
as such remain the property of
the architect. they are to be
used only with respect to this
project. with the exception of
one complete set for each party
of the contract, all copies are to
be returned or suitably
accounted for to the architect
upon completion of the work.
copyright 2017 all rights
reserved

Revision		
No.	Description	Date

Project number 2018.02
Date 11/02/18
Drawn by RLT
Checked by

Historic P&Z
Application

Site Photos

A3.3



December 18, 2018

Ms. Nicolette Womack
City of Boise Planning and Development Services
150 N. Capitol Blvd.
Boise, ID 83702

Re: *Hyde Park Bar*
Conditional Use Permit Application

Dear Ms. Womack:

We are applying for a Conditional Use permit for a new 2,094 sq. ft. 'bar' tenant improvement within the 4,186 sq. ft. historic *Certified Cleaners* building located at 1509 N. 13th Street in Hyde Park. This tenant space is on the south side of the building, is an approved use, and is located within 300 feet of a residential zone.

The existing built-up roofing will be replaced with new TPO roofing over rigid insulation. Gutters and downspouts will be replaced with new units of similar character. The entire roof of this building is low-sloped and is not visible from any side of the building. New HVAC roof top units will be installed as well. None of these units are visible from the east side of the building facing 13th street.

The east side of the building facing 13th street will be cleaned and painted. The façade will remain the same with the exception of lowering the floor at the southern side of the building to sidewalk level and replacing the entrance door with a taller unit to accommodate the elevation change. The new door will be identical in character with the door being replaced. No other modifications will be made to the storefront.

The south side of the building at the shared parking area will be painted. Vinyl windows facing north and south (not street frontage) will be replaced with insulated metal units of the same modulation. The existing wood overhead garage-type door and adjacent exit door will be replaced with new metal units with glazed panels. Window and door colors will match the new historic paint color selected for the 13th street façade. A new patio will be added in front of the overhead door and 10 new bicycle parking spaces will be installed adjacent to it. A new trash enclosure will be built at the western end of this side of the building adjacent to the alley.

The west side of the building facing the alley will be cleaned and painted with the exception of the mural, which will be retained. A new, recessed, emergency exit door will be built at the northern end of the façade to meet code requirements.

There will be four striped parking spaces along the south side of the building between the trash enclosure and patio (three compact spaces and one standard). The remaining 5 striped parking spaces (four standard spaces and one Van-Accessible space) are located off-site across the alley and adjacent to Alturas Street (both parcels are under the same ownership. This configuration is a hold-over from when the building was purchased from *Certified Cleaners*).

All of the above proposed exterior improvements have been approved by Historic Planning as a 'Commercial Certificate of Appropriateness' (DRH 18-00519)

The van-accessible ADA space is shown on the parcel across the alley (the loading zone for this space is adjacent to the pedestrian sidewalk along the north side of Alturas Street). We placed the ADA space here because it the safest location. Persons with special needs have an unencumbered pedestrian path between the loading zone and the main entrance to both tenant spaces. Any other location requires users to navigate the drive aisle and/or alley to reach main tenant entrances.

Off-site parking (across the alley) shall have a valid contract per *Chapter 11-05* of the *Boise Development Code*. The building owner is also pursuing a cross-access parking agreement with neighbors (adjacent building and across the shared parking area).

This business shall comply with *Chapter 11-06-05 of the Boise Development Code: Commercial Use Standards Subsection 3, (2), (e) C Taverns, Lounges, Concert Halls/Dance Halls and Tobacco Bars*.

Exterior signage and awnings are not a part of this application and shall be submitted for review later and under a separate application. Conceptual awnings have been shown in the exterior perspectives of this submittal package for 'character' purposes only.

Thank you for your consideration of this project. And thank you for your assistance with design; it is deeply appreciated.

Sincerely,



Robert L Thornton
Member CTY Studio PLLC

#109 Conditional Use Application

6

Property Information

CUP 18-00101

Address						
Street Number:	Prefix:	Street Name:	Unit #:			
1509	N.	13th Street				
Subdivision name:	Block:	Lot:	Section:	Township:	Range:	Zoning:
LEMPs ADD.	19		03	3N	2E	C-1CHD
Parcel Number:	Additional Parcel Numbers:					
R5207001810	PAR #1810 OF LOTS 2, 3 & 4					

Primary Contact

Who is responsible for receiving e-mail, uploading files and communicating with Boise City?

☒ Agent/Representative ☐ Applicant ☐ Owner

Applicant Information

First Name:	Last Name:		
Rob	Thornion		
Company:			
CTY Studio PLLC			
Address:	City:	State:	Zip:
220 N. 10th St.	Boise	ID	83702
E-mail:	Phone Number:	Cell:	Fax:
rob@ctystudio.com	(208) 345-2125		

Agent/Representative Information

Role Type: ☒ Architect ☐ Land Developer ☐ Engineer ☐ Contractor ☐ Other

First Name:	Last Name:		
Rob	Thornion		
Company:			
CTY Studio PLLC			
Address:	City:	State:	Zip:
220 N. 10th St.	Boise	ID	83702
E-mail:	Phone Number:	Cell:	Fax:
rob@ctystudio.com	(208) 345-2125		

Owner Information

Same as Applicant? ☒ No ☐ Yes (If yes, leave this section blank)

First Name:	Last Name:		
Tyson	Carter		
Company:			
KOA RE IV LLC			
Address:	City:	State:	Zip:
432 Summit Ridge	Boise	ID	83702
E-mail:	Phone Number:	Cell:	Fax:
tysoncarter@gmail.com		(415) 317-4467	

RECEIVED

DEC 18 2018

CUP 18-00101

PLANNING & DEVELOPMENT
SERVICES

Project Information

Is this a Modification application? ☐ Yes ☒ No File number being modified:

1. Neighborhood Association:

North End Neighborhood Association

2. Comprehensive Planning Area:

3. This application is a request to construct, add or change the use of the property as follows:

To construct a 'bar' tenant space at 1509 N. 13th St. in Hyde Park that is within 300' of a residential zone

4. Size of Property:

☒ Acres ☐ Square Feet

5. Water Issues:

A. What are your fire flow requirements? (See International Fire Code):

1,500 GPM gpm

B. Number of hydrants (show location on site plan):
Note: Any new hydrants/hydrant piping require Suez Water approval.

Number of Existing: Number of Proposed:

C. Is the building "sprinklered"? ☐ Yes ☒ No

D. What volume of water is available? (Contact SUEZ (208) 362-7354):

1,500 GPM gpm

6. Existing uses and structures on the property are as follows:

This is the former 'Certified Cleaners' building in Hyde Park. A shell & core building remodel will preceed the 'bar' tenant space and a 'bakery' tenant is planned for the northern part of the building.

7. Is the project intended to be phased? Please explain:

No

8. Adjacent property information:

Building types and/or uses		Zone	
North:	<input type="text" value="Hyde Park Pizza"/>	North:	C-1CHD <input type="button" value="v"/>
South:	<input type="text" value="Hyde Perk Coffee House"/>	South:	C-1CHD <input type="button" value="v"/>
East:	<input type="text" value="Parilla Grill (across 13th St.)"/>	East:	C-1CHD <input type="button" value="v"/>
West:	<input type="text" value="Single-Family Residential (across alley)"/>	West:	R-1CH <input type="button" value="v"/>

9. Proposed Structures:A. Number of Structures: Use:

Square footage of proposed structures or additions (if 5+ floors, attach narrative with chart):

Gross Square Feet

1st Floor	A 2094 sq.ft. 'bar' tenant space in a 4-186 sq.ft. building
2nd Floor	
3rd Floor	
4th Floor	

B. Maximum proposed structure height(s): C. Number of stories: D. Number of seats (if restaurant, tavern or lounge): E. Number of residential units (if applicable): **10. Existing Structures:**

Square footage of existing structures or additions (if 5+ floors, attach narrative with chart):

Gross Square Feet

1st Floor	4,186 sq.ft.
2nd Floor	N/A
3rd Floor	N/A
4th Floor	N/A

11. Building Exterior:**Materials**

Roof:	Low slope TPO roof membrane
Walls:	Stucco / CMU
Windows/Doors:	Wood / Aluminum
Fascia, Trim, etc:	Wood (existing)
Other:	Metal Coping at side/rear of building

Colors

White
Sherwin Williams SW 2849 Westchester Gray
Sherwin Williams SW 6076 Turkish Coffee / Dark Bronze
Sherwin Williams SW 6076 Turkish Coffee
22 GA 'Galvalume'

12. Setbacks:

Note: Plans that are not graphically dimensioned will not be accepted.

	Building Required	Building Proposed	Parking Required	Parking Proposed
Front:	0'	0' (existing)	6 (bar)	6 (bar)
Rear:	0'	0' (existing)	3 (future bakery)	3 (future bakery)
Side 1:	0'	0' (existing)		
Side 2:	0'	0' / 25' (existing)		

13. Site Design:

	Site Percentage Devoted to	Square Feet
Building Coverage:	4186 / 5,730 = 73%	4,186 sq.ft.
	%	
Landscaping:	360 / 5,730 = 6%	360 sq. ft. patio
	%	
Paving:	1,184 / 5,730 = 21%	1,184 sq. ft. asphalt
	%	
Other Uses:		
	%	
Describe Other Uses:		

14. Parking:

	Required	Proposed
Accessible Spaces:	One	One
Parking Spaces:	Eight	Eight
Bicycle Spaces:	One	Ten
Proposed compact spaces:		Two

Are you proposing off-site parking? ☒ Yes ☐ No

If yes, how many spaces? Five

Are you requesting ~~shared parking~~ or a parking reduction? ☒ Yes ☐ No

If yes, how many spaces? Two

Restricted parking? ☐ Yes ☒ No

15. Landscaping:

- A. Are there any prominent trees or areas of vegetation on the property? ☐ Yes ☒ No
- B. Type:
- C. Size:
- D. General Location:

16. Mechanical Units:

Number of Units: Four

Unit Location: Roof

Type: HVAC Roof Top Units

Height: 4'

Proposed Screening Method: Not needed: units not visible from 13th Street

6

17. Solid Waste:**A. Type of trash receptacles:**

- ☐ Individual Can/Residential
☐ 3 Yd. Dumpster
☒ 6 Yd. Dumpster
☐ 8 Yd. Dumpster
☐ Compactor

B. Number of trash receptacles:

Two

C. Proposed screening method:

Chain Link Fence frame w./ 6' tall stained cedar wood fencing

D. Is the proposed location accessible for collection?
(Contact Boise Public Works at 384-3901.)☒ Yes ☐ No**E. Is recycling proposed?**☒ Yes ☐ No**18. Irrigation Ditches/Canals:****A. Are there any Irrigation ditches or canals on or adjacent to the property?** ☐ Yes ☒ No**B. Location:****C. Size:****19. Fencing:****Proposed****Existing to Remain****Type:**

N/A

N/A

Height:**Location:****20. Loading Facilities (if proposed, for commercial uses only):****Number:**

N/A

Location:**Size:****Screening:****21. Drainage:****Proposed method of on-site retention:**

N/A: existing roof drainage to daylight

22. Floodways & Hillside:**A. Is any portion of this property located in a Floodway or a 100-year Floodplain?** ☐ Yes ☒ No**B. Does any portion of this parcel have slopes in excess of 15%?** ☐ Yes ☒ No

Note: If the answer to either of the above is yes, you will be required to submit an additional #112 Floodplain and/or #114 Hillside application and additional fee.

23. Airport Influence Area:**Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)**
☒ No ☐ Area A ☐ Area B ☐ Area B1 ☐ Area C



Planning Division Project Report

File Number	CUP18-00101
Applicant	Rob Thornton / CTY Studio PLLC
Property Address	1509 N. 13 th St.
Public Hearing Date	February 4, 2019
Heard by	Planning and Zoning Commission
Analyst	Nicolette Womack, Associate Planner
Reviewed By	Céline Acord, Current Planning Manager

Public Notification

Neighborhood meeting conducted on:	December 26, 2018
Radius notices mailed to properties within 300 feet on:	January 18, 2019
Newspaper notification published on:	January 19, 2019
Staff posted notice on site on:	January 16, 2019

Table of Contents

1. Project Data and Facts.....	2
2. Land Use.....	2
3. Project Proposal.....	3
4. Development Code.....	3
5. Comprehensive Plan.....	4
6. Transportation Data.....	4
7. Analysis.....	4
8. Approval Criteria.....	6
9. Recommended Conditions of Approval.....	8

Exhibits

Agency Comments

1. Project Data and Facts

Project Data	
Property Owner	KOA RE IV LLC
Architect/Representative	Rob Thornton / CTY Studio PLLC
Location of Property	1509 N. 13 th St.
Size of Property	0.12 acres
Zoning	C-1CHD (Neighborhood Commercial with Hyde Park Conservation District and Historic District Overlay)
Land Use Designation	Compact
Planning Area	North / East Ends
Neighborhood Assoc./Contact	North End / Mark Baltes
Procedure	The Planning and Zoning Commission renders a final decision that can be appealed to City Council.

Current Land Use
Commercial Dry Cleaners

Description of Applicant's Request
A conditional use permit to operate a bar within 300' of residential in the C-1CHD zone. A parking reduction is also included.

2. Land Use

Description and Character of Surrounding Area
The subject property is located within an established historic residential neighborhood. The surrounding area includes multiple restaurants, cafes, and retail establishments which are part of the Hyde Park District.

Adjacent Land Uses and Zoning

North	Restaurant / C-1CHD
South	Cafe / C-1CHD
East	Restaurant and Vacant Commercial Building / C-1CHD
West	Alley then Single-Family Homes / R-1CH (Single Family Residential, Urban with Historic District Overlay)

History of Previous Actions	
CAR04-00053	Creation of Hyde Park Conservation District– Approved
DRH18-00062	Remove Front Awnings - Approved

DRH18-00519	Convert building to food and beverage service, including paint, changing of doors and windows, adding patio, bicycle racks and striping for parking – Approved, subject to this conditional use permit
-------------	---

3. Project Proposal

Structure(s) Design

Number and Proposed Use of Buildings
One structure, 4,186 square-feet: 2,146 square-foot 'bar' tenant space and 2110 square-foot future bakery tenant space
Number of Stories / Maximum Building Height
One story / Approximately 18-feet tall

Setbacks

Yard	Required		Existing	
	Building	Parking	Building	Parking
Front (13 th St.)	10'	10'	0'	87'
Side (North)	0'	5'	0'	32'
Side (South)	0'	5'	0'	5'
Rear (Alley)	10'	10'	0'	10'

All parking and building setbacks are existing. No footprint changes are proposed.

Parking

Required		Proposed	
Total parking spaces:	9	Total parking spaces:	9
Accessible spaces:	1	Accessible spaces:	1
Bicycle parking spaces:	1	Bicycle parking spaces:	10
Parking Reduction requested?	*No	Off-site Parking requested?	Yes

*A parking reduction was originally requested and advertised as such. The request was withdrawn due to reconfiguration of the parking lot, allowing the proposal to meet the parking requirements.

4. Development Code [\(Boise City Code Title 11\)](#)

Section	Description
11-03-04.06	Specific Procedures: Conditional Use Permit
11-04-05	Commercial Districts
11-05-02.2	Hyde Park Conservation District
11-06-05.3(C)	Taverns, Lounges, Concert Hall/ Dance Halls and Tobacco Bars

11-07-03	Off-Street Parking and Loading Standards
----------	--

5. Comprehensive Plan [\(Blueprint Boise\)](#)

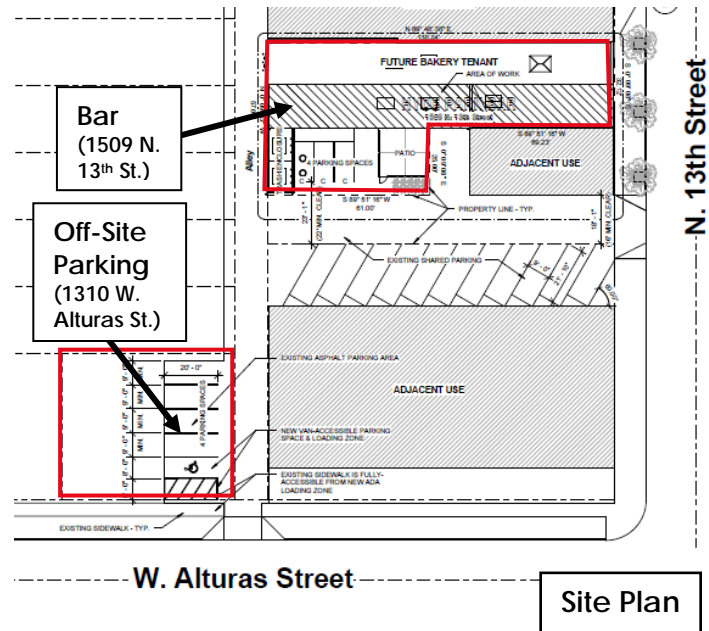
Chapter	Goals, Objectives & Policies
Chapter 3: Community Structure and Design	Principle GDP-MU.4 Pedestrian Access and Orientation
Chapter 4: Planning Area Policies	Goal NE-CCN 1.2 Overlay / Conservation Districts Goal NE-CCN 1.6 Transitions Goal NE-CCN 2.1 Designate Activity Centers

6. Transportation Data

The Ada County Highway District (ACHD) had no site-specific conditions of approval.

7. Analysis

The applicant requests a conditional use permit to operate a bar within 300' of residential on 0.12 acres located at 1509 N. 13th St. in an C-1CHD (Neighborhood Commercial with Hyde Park Conservation District and Historic District Overlay) zone. A parking reduction was also originally included, and will be explained further below. The site was historically used as a commercial dry cleaner. The proposed bar will consist of 60 indoor seats and 20 outdoor seats on a new outdoor patio. The second tenant space in the building will be converted to a bakery with approximately 50 indoor seats, which is an allowed use in the zone.



As conditioned, the proposal complies with all parking and building setbacks; no building footprint modifications are proposed. Per the Hyde Park Conservation District Overlay parking standards (Table 11-05.2), the bar and bakery require 9 off-street parking spaces in total. The proposal includes 4 spaces on-site, 5 spaces off-site at 1310 W. Alturas St., and 10 new bicycle parking spaces. The applicant has outlined that although the code recommends the accessible parking spaces be located closest to the main entrance, their safest location is within the off-site parking area to avoid conflicts navigating within the required drive aisle or alley to reach the main tenant entrances. A pedestrian sidewalk on Alturas and 13th St. connects the off-site parking to the main building. A recommended condition of approval requires that prior to approval of the required

building permit, the applicant provide a recorded off-site parking agreement which meets the Hyde Park Conservation District Overlay requirements per Section 11-05-02.2. Lastly, a parking reduction was also originally included in the request. The parking reduction was withdrawn as the previously designated food truck space was removed from the proposal, allowing the proposal to meet the parking requirements. This request was included within the public notifications and site posting.

The use is compatible with the Hyde Park District and the general neighborhood which consists of multiple restaurants, cafes, and retail. The site is large enough to accommodate the proposed use as required by Code. Compliance with the Historic Design Review Standards will be ensured though DRH18-00519. The associated conditions of approval ensure the historic character of the site is maintained. Compliance with the conditions of approval will ensure the bar will not adversely impact the neighboring properties. These conditions will prohibit amplification devices which allow sound to be plainly audible by neighboring residential uses or on a street 100' or more from the device. In addition, a condition of approval will require the bar remain closed between 2:00 a.m. and 6:00 a.m.



8. Approval Criteria

Conditional Use Permit (11-03-04.6(C7))

i. The location is compatible to other uses in the general neighborhood;

The use of the property for a bar is compatible with the Hyde Park District and the general neighborhood consisting of multiple restaurants, cafes, and retail establishments. The site is currently used as a commercial dry cleaner; conversion to a bar and bakery will strengthen the neighborhood character with active uses and be compatible with the existing service-oriented uses in Hyde Park. Compliance with the Historic Design Review Standards will be ensured through DRH18-00519. The associated conditions of approval ensure the historic character of the site is maintained.

ii. The proposed use will not place an undue burden on transportation and other public facilities in the vicinity;

Comments received from public agencies confirm the proposed use will not place an undue burden on the transportation system or other services in the vicinity. Boise City Public Works and ACHD had no concerns or conditions of approval.

iii. The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls, fences, parking, loading, landscaping, and such other features as are required by this Code;

The site is large enough to accommodate the proposed use with the established off-site parking. The proposal is an adaptive reuse and interior conversion of an existing building; no footprint modifications are proposed. The parking area has been modified to accommodate a new outdoor patio area. This meets the required parking and building setbacks of the zone. The bar and bakery are providing 4 spaces on-site, 5 spaces off-site at 1310 W. Alturas St and 10 new bicycle parking spaces. The accessible parking space is within the off-site parking area to avoid conflicts navigating within the drive aisle or alley to reach the main tenant entrances. A pedestrian sidewalk connects the off-site parking to the main building. A recommended condition of approval requires that prior to approval of the required building permit, the applicant provide a recorded off-site parking agreement which meets the Hyde Park Conservation District Overlay requirements per Section 11-05-02.2. The required parking agreement will solidify the use of this off-site parking solely for the bar and bakery. The additional bike parking, which exceeds the minimum requirement, will also encourage the use of alternative transportation for customers that live within biking distance.

- iv. *The proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity;*

The proposed use will not adversely affect other property in the vicinity. With the reconfiguration of the parking lot, no parking reduction is requested or granted. The proposed outdoor patio should have a limited impact on adjacent residential uses as it is located approximately 42' from the rear property line, with a 6' tall wood fence trash enclosure, 12' alley and alley-loaded garages providing an increased buffer. Additionally, a condition of approval will prohibit amplification devices that allow sound to be plainly audible by neighboring residential uses or on a street 100' or more from the device. Lastly, a condition of approval will require the bar remain closed between 2:00 a.m. and 6:00 a.m.

- v. *The proposed use is in compliance with the Comprehensive Plan.*

The use is supported by the Comprehensive Plan as *Principle GDP-MU.4* advocates for designing sites with an emphasis on the character and safety of the pedestrian realm, by locating parking behind or on the side of the buildings and providing clear pedestrian connections with outdoor gathering spaces. The proposed design locates the parking on the side of the building with an outdoor patio.

The Hyde Park Conservation District is consistent with *Goal NE-CCN 1.2* which outlines using conservation districts to protect neighborhood character. The district is also a designated mixed-use neighborhood activity center designed to serve the North/East End by promoting the availability of local services within walking distance of residential neighborhoods (*Goal NE-CCN 2.1*). Providing transitions between non-residential and adjoining neighborhoods are further encouraged by *Goal NE-CCN 1.6*. The design strategically locates the outdoor gathering space furthest away from the residential uses, buffered by the wood fence trash enclosure, alley and alley-loaded garages.

Commercial Uses (11-06-06.3(C))

In order to approve a conditional use permit for a Bar, Tavern, Lounge, the Commission must determine that the following conditions are met:

- (1) Such business shall not be located within a radius of 300 feet of any building within which public school activities are conducted.*
- (2) Such business shall not be located within a radius of 150 feet of any hospital or any room within which a duly organized and established religion conducts regular religious or worship services.*
- (3) No amplification device shall be used such that the sound:*
 - (a) Is plainly audible within any place of residence, or,*

(b) Is plainly audible on a street at a distance of 100 feet or more from the amplification device.

- (4) Establishments shall remain closed between 2:00 a.m. and 6:00 a.m. Closing times shall be clearly posted on all entrances and exits.**

The business is not within a 300' radius of public school buildings or within 150' of any hospital or room within which an established religion conducts religious or worship services. A condition of approval will prohibit amplification devices that allow sound to be plainly audible by neighboring residential uses or on a street 100' or more from the device. Additional conditions will require the bar remain closed between 2:00 a.m. and 6:00 a.m. with the closing times clearly posted on all entrances and exits.

9. 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 **December 18, 2018**, and **January 21, 2019**, except as expressly modified the following conditions:
2. Compliance with the conditions of approval of **DRH18-00519**.
3. Prior to approval of the required building permit, the applicant shall provide a recorded off-site parking agreement with the property located at 1310 W. Alturas St. The agreement shall comply with the Hyde Park Conservation District Overlay requirements per Section 11-05-02.2.
4. Amplification devices that allow sound to be plainly audible by neighboring residential uses or on a street 100' or more from the device are prohibited.
5. The bar shall remain closed between 2:00 a.m. and 6:00 a.m. The closing times shall be clearly posted on all entrances and exits.

Agency Requirements

6. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) in the memos from:
 - i. Drainage dated **January 8, 2019**; and
 - ii. Sewer dated **January 8, 2019**; and
 - iii. Solid Waste dated **December 19, 2018**; and
 - iv. Street Lights dated **January 8, 2019**.

Contact BCPW at 208-384-3900 for specific comments or questions.

7. The applicant shall comply with the requirements of the Suez in the memo dated **December 18, 2018**.

Standard Conditions of Approval

8. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.
9. Vision Triangles, as defined under Section 11-012-03 of the Boise City Code, shall remain clear of sight obstructions.
10. 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.
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 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.
12. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.
13. 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.
14. 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.
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 approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.
17. This permit shall be valid for a period not to exceed 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.
18. Prior to the expiration of this conditional use permit, 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.

BOISE CITY PUBLIC WORKS DEPARTMENT

DEPARTMENT CORRESPONDENCE

Date: January 8, 2019

To: Boise City Planning & Zoning

Re: CUP 18-00101; 1509 N 13th St.**CONDITIONS OF APPROVAL****SEWER CONDITIONS – MIKE SHEPPARD (208-608-7504)**

Connection to central sewer is required. Sanitary sewers is available in the alley.

Prior to granting of final sewer construction plan approval, all requirements by Boise City Planning and Development Services must be met.

DRAINAGE/STORMWATER CONDITIONS – BRIAN MURPHY (208-608-7148)

No comment.

STREET LIGHT CONDITIONS – TOM MARSHALL (208-608-7526)

No comment.

OTHER COMMENTS – none

JASON TAYLOR – PUBLIC WORKS

MIKE SHEPPARD – PUBLIC WORKS

TO: Planning and Development Services
FROM: Randi Walters
Environmental Analyst
Public Works Department
DATE: 12/19/2018
RE: Solid Waste Comments – CUP18-00101

City of Boise Solid Waste staff has reviewed the application for this project and has the following comment(s):

The only dumpster size approved for alley service is 3 yard. No other dumpster size has wheels, which is required for alley service.

The link below provides information regarding trash enclosure design and location requirements:

<http://curbit.cityofboise.org/media/1314/commercialenclosurerequirements.pdf>

Please contact me with any questions at 208-608-7555 or rwalters@cityofboise.org.

**SUEZ**

8248 West Victory Rd.
Boise, ID 83709
Phone: 208. 362. 7354
Fax: 208. 362. 3858
suezidcustserv@suez.com

EMAIL

TO: Rob Thornton
CTY Studio PLLC

Email: rob@ctystudio.com

PAGES: 1

DATE: December 18, 2018

SUBJECT: **1509 N. 13th St.**

COMMENTS:

Our records indicate the following water pressure and volume at: **1509 N. 13th St.:**

**Flow of 1,500 gpm
At 6" main in 13th St.**

This information represents the water system under maximum-day conditions. The pressures and flows are subject to change, however, depending on system demand and changes in system operations. This document shall be attached to the architectural plan sets, both for "Fire Department reviewed" and "Construction Approved" sets. It is provided for uniformity in fire sprinkler design criteria.

If you have further questions or need information on the volume of water for a conditional use application or design review, please feel free to call.

Sincerely,

SUEZ