



## PLANNING AND DEVELOPMENT SERVICES

MAYOR: David H. Bieter | DIRECTOR: Mark Lavin

July 16, 2019

Emily Voges  
Stack Rock Group  
404 S 8<sup>th</sup> St, STE 154  
Boise, ID 83702  
emily@stackrockgroup.com

**Re: DRH19-00284 | 1114 W Front Street | C-5DD**

Dear Applicant:

The Boise City Planning and Development Services Department has approved your request, with the attached Conditions of Approval to construct an enclosed outdoor patio in the C-5DD (Central Business with Downtown Design Review Overlay) zone.

The Conditions of Approval are based on compliance with the Findings of Sections 11-03-04.12 C (7)(d) of the Zoning Ordinance. The applicable Findings and Considerations of the Zoning Ordinance are attached.

Please be advised of the following:

1. This approval will not take effect until after the appeal period has lapsed.
2. A Building Permit will be required from the Boise City Building Division prior to construction.
3. If this Design Review Permit is not acted upon by the commencement of construction or extended, pursuant to the Boise City Code, within two years, it will become null and void without further notification from this department.
4. Any condition(s) of a Staff Level Design Review may be appealed to the Design Review Committee within ten (10) days from the date of issuance of this approval. All appeals of this Design Review Permit must be filed by **5:00 p.m.** 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 and Development Services Department located on the 2<sup>nd</sup> floor of City Hall.
5. Any work within street rights-of-way requires a Construction Permit from Ada County Highway District.

If you have any questions, please contact me at (208)608-7080.

Sincerely,



KayCee Babb  
Asst. Planner Historic Preservation  
BOISE CITY PLANNING & DEVELOPMENT SERVICES

Attachments:

- Conditions of Approval
- Findings of Fact

cc: Steven Welsh | 1191 W Grove Street | Boise, ID 83702 | [welsh900@gmail.com](mailto:welsh900@gmail.com)



# CONDITIONS OF APPROVAL

## Site Specific Conditions of Approval

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received July 3, 2019 and revised July 10, 2019, except as expressly modified by the following conditions:
  - a. Comply with all submitted documents on file and conditions of approval of past Design Review approvals, including DRH19-00042 and DRH19-00158.
  - b. Patio enclosure shall meet all ADA requirements.
  - c. Patio enclosure shall be no taller than 3' within the clear vision triangle. Street and driveway intersection clear vision triangle diagram may be found within the Findings section.
  - d. Existing patio enclosure on site, using corrugated metal and wood, shall be removed from the site or documentation of Design Review approval submitted to Staff.
  - e. The distance from the easternmost edge of the proposed patio and the end of the parking stalls across the drive aisle shall be a minimum of 22', providing appropriate backup space.
  - f. Accessible parking space shall be relocated closest to the main entrance. Parking space shall be designated van accessible, meeting the applicable dimensional standards, with the access aisle on the passenger side.
  - g. Bicycle parking spaces shall be a minimum of 6' long and 2.5' wide. Bicycle parking shall not encroach into any pedestrian pathways and the enclosure shall extend the full length of the stalls.
  - h. Screens and bumper guards, proposed as raw metal, shall be non-reflective and protected against rusting and/or staining the surrounding pavement, either through a paint or sealant. Details of protectant shall be submitted to Design Review Staff prior to submittal of Building permits.
  - i. The pavers shall be extended to include the pathway between the bumper guard utility screening and bicycle corral, in order to delineate pedestrian pathway from bicycle parking to patio/entry.
  - j. The proposed area between the easternmost wall of the patio and the start of the curb cut shall be provided with delineation to indicate pedestrian access from the sidewalk to the building entry near the patio. This may be done by extending the proposed pavers or providing other decorative elements, meeting ADA



standards. Proposed design shall be submitted to Design Review Staff prior to submittal of Building permits.

- k. Proposed string lighting shall be installed in such a way as to be integrated within the proposed shade sails. Conduit and electrical sources shall be hidden from the public the greatest amount feasible.
- l. Site is not approved for outdoor storage of shipping containers. All shipping containers shall be removed from the site.
- m. Any alterations to the proposed plan shall require additional review by Design Review Staff.

Revised plans indicating compliance with the above conditions shall be submitted to the Design Review staff for approval prior to application for any construction permits.

### **Responsible Agencies and Other Boise City Departments**

- 2. A Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Subdivision Section at (208)608-7089 regarding questions pertaining to this condition.
- 3. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for the following:
  - Sewer
  - Street Lights
  - Solid Waste
  - Drainage/Storm Water
- 4. Prior to a Building Permit and prior to any construction on the site, an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.
- 5. A Building Permit is contingent upon approval from Boise City Community Forestry for tree planting within right-of-way's, per Title 9, Chapter 16, Section 09-16-05.2. Contact Boise City Community Forestry at (208)608-7700 with questions regarding this condition.
- 6. Compliance with requirements as requested by the Ada County Highway District (ACHD).
- 7. The applicant shall comply with the Boise City Fire Code.

### **Standard Conditions of Approval**



8. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have an approved mulch such as bark or soil aid.
9. All landscape trees shall be pruned in accordance with the American National Standards Institute's Standard Practices for Tree Care Operations (ANSI A300 - latest edition). No trees on the site shall be topped, headed back, rounded over or otherwise disfigured. Contact Boise City Community Forestry at (208)608-7700 for information regarding tree care operations.
10. An approved protective curbing shall enclose all landscape areas where they are adjacent to parking areas or driveways.
11. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
12. Vision Triangles as defined under Section 11-012-03 of the Boise City Code shall remain clear of sight obstructions.
13. 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.
14. Deciduous trees shall be not less than 2 to 2½" caliper size at the time of planting, evergreen trees 6' to 8' in height, and shrubs 1 to 5 gallons, as approved by the Design Review staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.
15. All surface drainage shall be reviewed and approved by ACHD and BCPW. Perimeter grading shall be designed to match the existing grade of the adjoining properties.
16. All parking areas and driveways shall be paved and striped. All handicapped spaces and approved compact spaces shall be clearly marked and signed as required. Bicycle parking, as required by Section 11-07-03.3.B of the Boise City Code, shall be provided.
17. All Americans with Disabilities Act (ADA) requirements shall be met.
18. Any outside lighting shall be reflected away from adjacent property and streets. Exterior light fixture details shall be submitted to the Design Review staff for approval prior to issuance of a Building Permit. Impacts on residential areas shall not be permitted.



19. The illumination level of all light fixtures shall not exceed two (2) foot-candles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.
20. Boise City Fire Department requires water mains, fire hydrants and temporary Fire Department access to be installed, inspected and approved by the Fire Department prior to commencement of combustible construction. Note: Temporary water and temporary access during construction may be permitted upon request to, and approval by, the Fire Department.
21. No obstructions (landscaping, signs, fences or other elements) shall encroach upon any required fire access or fire facility.
22. All signs will require approval from the Planning and Development Services Department prior to installation.
23. Trash receptacles and on-grade and rooftop mechanical fixtures and equipment shall be concealed from public view by use of an approved sight-obscuring method. All screening materials shall be compatible with the building materials/design.
24. Utility services shall be installed underground.
25. In the event a tree is removed without prior approval, the tree shall be replaced with a tree with trunk caliper 1.5 times the one removed or with a sufficient number of trees, as approved by the Design Review Committee or the Design Review staff, with a trunk caliper not less than 4" and a total cumulative caliper area equal to 1.5 times the caliper area of the tree(s) removed. Caliper shall be as measured by the American Nurseryman's Association standards. For example, if a 12" caliper tree is removed, it must be replaced with either one 18" caliper tree or three 6" caliper trees or five 4" caliper trees. The replacement requirement may be modified upon a showing made to the Design Review Committee or the Design Review staff of disease or death of the tree which was not caused by neglect.
26. 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.
27. 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.
28. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the



applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

## FINDINGS

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

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

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

- A. Traffic Impact** – That traffic impact is minimized and the pedestrians and cyclists have been provided for through the use of sidewalks, pathways, landscaping, and safe parking lot design.

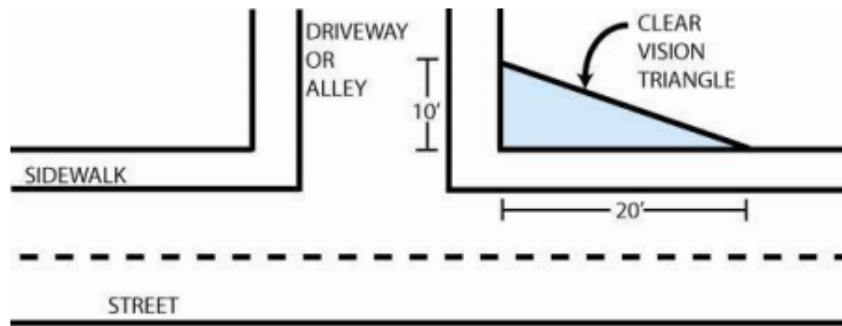
The applicant is proposing to construct an enclosed outdoor patio on the site. The applicant received approval for the overhead door that will lead out to the proposed patio through DRH19-00042. Access to the site is from W Front Street and a rear alley, accessed from S 12<sup>th</sup> Street and S 11<sup>th</sup> Street. There is existing parking on site, with the applicant proposing to remove three stalls. Per the most recent, at time of approval, Building department max occupancy, the use would need 24 parking spaces for 71 seats. However, the property is in the P1 parking overlay, which has a parking space requirement of 0. The removal of parking stalls is thus appropriate. However, existing parking stalls much still meet current standards. The distance from the easternmost edge of the proposed patio and the start of the end of the parking stalls across the drive aisle shall be a minimum of 22', providing appropriate backup space as required by the Boise City Zoning Code. Additionally, the indicated accessible parking space shall be relocated closest to the main entrance, to meet the van accessible dimensional standards and to have the access aisle on the passenger side. The access aisle shall not be used as part of the bicycle parking area. The provided bicycle parking shall be a minimum of 6' long and 2.5' wide. The bicycle parking is provided with a walled enclosure, which serves as the parking structure and is thus exempt from the 4' distance between the racks and nearby walls. However, due to it serving as the enclosure, the walls shall extend the full length of the bicycle stalls. The one-foot extension of the walls will provide compliant parking and create greater pedestrian safety. For additional pedestrian safety and pathway delineation, the pavers for the patio shall be extended to include the pathway between the bumper guard screening and bicycle coral. This alteration will direct traffic from the bicycle stalls to the patio/entry, avoiding pedestrian traffic within the access drive.

There is existing pedestrian access to the site from sidewalk along Front Street. As proposed, there is an approximately 3' section between the proposed patio enclosure and the start of the curb cut. This proposed area between the easternmost wall of the patio and the start of the curb cut shall be provided with delineation to



show pedestrian access to and from the sidewalk on the site, particularly to the building entry near the enclosed patio, meeting 3.1.2 of the Boise Downtown Design Standards and Guidelines. This may be done by extending the proposed pavers or providing other decorative elements.

Sections of the proposed patio enclosure are located within the clear vision triangle of the curb access from Front Street. Where a driveway enters the street right-of-way, a clear vision triangle shall be formed horizontally, by measuring 10 feet into the lot as measured from the sidewalk edge that is closest to the property line, and 20 feet along the sidewalk edge, parallel to the street, and vertically by measuring between three feet and ten feet above grade. As conditioned, the enclosure shall be no taller than 3' within the clear vision triangle in order to preserve visibility and vehicular and pedestrian safety.



**Figure 11-12.2: Clear vision triangle at a street and driveway/alley intersection**

- B. Landscaping, Stabilization, and Screening** – That landscaping screens buffer adjacent uses, and screen or conceal unsightly areas.

There is no existing landscaping on site. Based on the area of impact for parking, no parking being required on site, and the level of improvements proposed, no additional landscaping, including terminal planters, are required at this time. Any future development, including redoing of the parking lot or altering the angle of parking spaces, will require the site be brought up to current standards for parking lot landscaping. As part of the proposed patio enclosure, existing utilities will be screened on three sides. This provides greater screening than is currently on site, while also allowing access, complying with the service area citywide design standards and minimizing potential negative impacts.

Per a site visit by city Staff, there is an existing patio enclosure and storage container on site. No prior Design Review approvals for either use were found. The site is not permitted for outdoor storage of containers.

- C. Grading and Drainage** – That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control.



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

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

Any new signs are required to receive separate approvals.

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

All utilities are required to be installed underground.

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

- A. Building Mass** – The building mass should be consistent with development in the immediate area.

No alterations to the existing building are approved under this approval. The maximum height of the patio enclosure and shade sails is 8', below that of the existing building. The massing of the patio cover, once it meets the conditions of approval, is compatible with the site and other development in the area.

- B. Building Facades** – The height to width relationship should be compatible and consistent with the architecture in the area.

Updates to the building façade were approved through DRH19-00042 and DRH19-00158. The site shall comply with all documents on file and conditions of approval of prior approvals. Any additional exterior modifications will require further review by Design Review Staff.

- C. Openings in the Facades** – Openings in the façade shall be consistent with the architecture in the area.

Updates to the openings in the façade were approved through DRH19-00042 and DRH19-00158. The site shall comply with all documents on file and conditions of approval of prior approvals. Any additional exterior modifications will require further review by Design Review Staff.

- D. Exterior Materials** – Exterior materials that complement surrounding development in terms of color and relief should be utilized.

The perforated screen panels and bumper guards are proposed as raw metal. The metal shall be non-reflective and protected against rusting and/or staining the surrounding pavement. The means of protection will be submitted to Design Review



Staff prior to submittal of Building permits. The patio pavers, which shall be extended to meet the conditions of approval, are gray concrete and provide distinction from the existing asphalt parking lot. For the shade sails, dark colored fabric is proposed. The proposed string lighting shall be installed in such a way as to be integrated within the proposed shade sails, by locating the lighting on the edges of the sails or underneath. Overall the materials and colors will complement the surrounding development, while adding design variety.

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

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

#### **A. Blueprint Boise (Boise City Comprehensive Plan)**

- Downtown Planning Area
- Downtown Mixed-Use Land Use Designation
- Design Principles for Mixed-Use Areas

#### **B. Citywide Design Guidelines**

