



PLANNING AND DEVELOPMENT SERVICES

MAYOR: David H. Bieter | INTERIM DIRECTOR: Jason Blais

January 16, 2019

Steve Trout
Trout Architects, Chartered
2504 W. Kootenai Street
Boise, ID 83705
stout@troutarchitects.com
(sent via email)

Re: CAR18-00022 & PUD18-00040 / 901 N. 27th Street

Dear Mr. Trout:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request to rezone 1.76 acres from R-2 (Medium Density Residential) and R-3D (Multi-Family Residential with Design Review) to C-1D/DA (Neighborhood Commercial with Design Review and Development Agreement) and a conditional use permit for a mixed-use planned development comprised of 65 residential units and approximately 7,000 square feet of commercial space on a 1.76-acre site located in a proposed C-1D/DA (Neighborhood Commercial with Design Review and Development Agreement) zone.

The Boise City Planning and Zoning Commission, at their hearing of **January 14, 2019**, **approved** your conditional use request, based on compliance with the attached Reason for the Decision and Conditions of Approval.

May we also take this opportunity to inform you of the following:

1. This conditional use approval will not take effect until after the appeal period has lapsed.
2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the issuance of this decision. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at:

<http://pds.cityofboise.org/> or <http://pds.cityofboise.org/home/documents/apps/100/>

3. All appeals of this conditional use permit must be filed by **5:00 P.M., on January 24, 2019**.

4. If this Conditional Use Permit is not acted upon within two (2) years, it will become null and void without further notification from this Department.

This letter constitutes your Conditional Use Permit.

On **January 14, 2019**, the Boise City Planning & Zoning Commission **recommended approval** of the rezone request (CAR18-00022) to the Boise City Council, subject to compliance with the Conditions of Approval listed below.

This application will be considered by the Boise City Council to establish a public hearing date. You will be notified of the established hearing date.

Unless otherwise specified, all conditions shall be completed prior to signing of the Final Plat by the Boise City Engineer.

If you have any questions, please contact me at (208) 608-7086 or bdrmoores@cityofboise.org.

Sincerely,



Brent Moore
Senior Planner, Current Planning and Subdivisions
Boise City Planning and Development Services

BM/tt

Cc: Rex Nielsen / nielsenrex51@gmail.com (sent via email)
West End Neighborhood Association / Rae Brooks / westendboise@gmail.com (sent via email)



Reason for the Decision

Rezone

The proposed rezone is consistent with the Boise City Comprehensive Plan as the subject property is designated as Mixed Use on the Land Use Map and C-1 zoning is allowed within this designation. It is also in compliance with the *30th Street Area Master Plan* which designates the site as a Neighborhood Commercial Center. The zoning is compatible with the surrounding area as the property directly to the south is zoned C-1, and properties zoned R-3 are located to the north and west, in which the same residential density of the C-1 zone is allowed.

Conditional Use

The proposed planned unit development will be compatible with the area as other commercial and multi-family uses are located within the vicinity. The proposed density is supported by the site's proximity to transit service and downtown, and the commercial uses proposed as part of the development will provide an amenity to the surrounding neighborhood. The development will not negatively impact surrounding properties as the alley to the west will be widened and paved to a width of 20' and the parking lot will be buffered to the west by a 6' landscape buffer planted with trees. The height exception is justified as it is primarily to accommodate features associated with the outdoor patio on top of the building, which is primarily oriented to the commercially-zoned properties to the south. The project meets the density, setback and parking requirements of the zone and correspondence received from commenting agencies confirm the use will not place an undue burden on the transportation system or other services in the vicinity. The project is in compliance with the Comprehensive Plan as *Goal ES1.4* promotes compact, walkable development patterns that support transit and reduce carbon emissions.

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 **September 25, 2018**, and revised Site Plan and Landscape Plans submitted **October 22, 2018**, except as expressly modified by the following conditions:
2. Seventy-three bike parking spaces shall be provided. At least of the 19 spaces shall be covered.
3. The alley to the west of property shall be paved to a minimum width of 20'.
4. A separate Design Review application is required to be submitted and approved by the Design Review Committee.



Agency Requirements

5. Comply with the requirements of the Ada County Highway District (ACHD) per the memo dated **October 26, 2018**.
6. Comply with the requirements of the Boise City Fire Department per the memo dated **October 16, 2018**.
7. Comply with the requirements of the Boise Parks and Recreation Department per the memo dated **September 28, 2018**.
8. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for comments received for:
 - a. Drainage (dated **September 26, 2018**);
 - b. Sewer (dated **September 27, 2018**);
 - c. Street Lights (dated **September 27, 2018**);
 - d. Solid Waste Collection (dated **October 2, 2018**).

Contact BCPW at 208-608-7150 for specific comments or questions.

9. The applicant shall comply with all Boise City Building Department requirements.

Standard Conditions of Approval

10. Building permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact Planning and Development Services at (208) 608-7100 regarding questions pertaining to this condition.
11. 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.
12. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
13. In compliance with Title 9, Chapter 16, Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling (208) 384-4083. Species shall be selected from the [Boise City Tree Selection Guide](#).



14. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.
15. Utility services shall be installed underground.
16. 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.
17. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a bid for the amenities, landscaping materials and the installation. The bond shall be for 110% of the bid. For additional information, please call (208) 608-7100.
18. 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.
19. 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.
20. Failure to abide by any condition of this conditional use permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
21. This conditional use permit shall be valid for a period not to exceed twenty-four (24) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations.
22. Prior to the expiration of this conditional use, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.



23. 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.

