



*Committed to Service*

**Project/File: CUP11-00090**

This is a conditional-use permit application for the construction of a 175-unit apartment complex. Also being requested is a height exception of 55-feet. The site is located at 1004 W. Royal Boulevard in Boise, Idaho.

**Lead Agency:** City of Boise

**Site address:** 1004 W. Royal Boulevard

**Commission:** January 11, 2012

**Hearing:** Consent Agenda

**Applicant:** Nick Zaferes  
The Michaels Organization  
3 E. Stow Road, Suite 100  
Marlton, NJ 08053

**Representative:** Becky McKay  
Engineering Solutions, LLP  
1029 N. Rosario Street, Suite 100  
Meridian, ID 83642

**Staff Contact:** Jarom Wagoner  
Phone: 387-6174  
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**Tech Review:** December 22, 2011

**A. Findings of Fact**

1. **Description of Application:** The applicant is proposing to construct a 175-unit apartment complex. The proposed structure will be five stories with podium parking.

2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Boise River	A-1
South	Residential Office District	R-OD
East	General Commercial District	C-2D
West	Ann Morrison Park	A-1

3. **Site History:** ACHD has not previously reviewed this site for a development application.

4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:

- Royal Cubes Apartments, 108-unit apartment/residential office project, located directly south of the site, was reviewed and approved by the District on June 20, 2011.

5. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
6. **Capital Improvements Plan (CIP)/Five Year Work Plan (FYWP):**  
There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the Five Year Work Program or the District's Capital Improvement Plan (CIP).

## **B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 785 additional vehicle trips per day (270 existing); 72 additional vehicle trips per hour in the PM peak hour (22 existing), based on the traffic impact study.

2. **Traffic Impact Study**

Bailey Engineers prepared a traffic impact study for the proposed Riverwalk Apartments. Below is an executive summary of the findings **as presented by Bailey Engineers**. The following executive summary is **not the opinion of ACHD staff**. ACHD has reviewed the submitted traffic impact study for consistency with ACHD policies and practices, and may have additional requirements beyond what is noted in the summary. ACHD Staff comments on the submitted traffic impact study can be found below under staff comments.

The proposed Riverwalk Apartments is a multi-family development located north of Royal Boulevard and west of Capitol Boulevard / 9<sup>th</sup> Street in Boise, Idaho. This project is planned to include up to 180 multi-family units. The site was previously occupied by a commercial trucking and storage facility.

The following are the **principal conclusions** of the traffic analysis for the Royal Boulevard development.

- 1) The proposed development is projected to generate an average daily traffic (ADT) volume of 1,055 vehicles of which the a.m. and p.m. peak hour traffic is 79 and 94 vehicles per hour respectively. When compared to the previous trucking terminal's traffic volumes, this is an increase of 785 daily trips and an increase of 55 and 72 vehicles per hour during the a.m. and p.m. peak hours respectively.
- 2) As a result of the site build-out, traffic on the area roadways is expected to increase in the vicinity. Traffic on Capitol Boulevard / 9<sup>th</sup> Street may increase by 633 trips per day north of University Drive. Traffic on Capitol Boulevard may increase by 211 trips per day south of University Drive. Traffic on Ann Morrison Park Drive may increase by 1,055 trips per day west of Capitol Boulevard. Traffic on University Drive may increase by 211 trips per day east of Capitol Boulevard. Boise Avenue traffic may increase by 53 trips per day east of University Drive.
- 3) The intersection of **Capitol Boulevard and University Drive** is a signal controlled intersection. Boise Avenue also intersects the Capitol/University intersection, but ACHD recently reconstructed the Boise Avenue approaches to create a standard four-legged intersection.

Capitol and 9<sup>th</sup> Street form a one-way couplet north of the University Drive intersection. Both roadways provide four travel lanes in each direction. The southbound approach has dual left turn lanes. The Capitol Drive roadway has three travel lanes for each direction south of University Drive. The northbound approach has a single left turn lane. Ann Morrison Park Drive is a four lane roadway west of Capitol Boulevard with an added left turn lane at the Capitol Boulevard intersection. University Drive provides four travel lanes and adds dual left turn lanes on the westbound approach to Capitol Boulevard.

This intersection currently operates at LOS C and F during the a.m. and p.m. peak hours respectively. **Improvements are needed to accommodate the existing traffic volumes.** The conversion of the westbound University Drive approach to provide a separate right turn lane can improve the intersection's LOS to C and E during the a.m. and p.m. peak hours respectively.

With the improvements identified to mitigate the existing conditions, the Year 2016 background conditions (i.e., regional growth but without the site-generated traffic), are forecast to operate at LOS D and F during the a.m. and p.m. peak hours respectively. **Additional improvements are needed to accommodate the background traffic volumes.** No apparent solution is available other than widening Capitol Boulevard to provide additional through lanes.

With the improvement identified to mitigate the existing conditions, the Year 2016 build out condition (i.e., background regional growth plus the site-generated traffic), is forecast to operate at LOS D and F during the a.m. and p.m. peak hours. **Additional improvements are needed to accommodate the existing traffic volumes.** No apparent solution is available other than widening Capitol Boulevard to provide additional through lanes. The traffic from the Riverwalk Apartments project represents only 1.8% of the intersection traffic volumes during the p.m. peak hour.

- 4) The intersection of **Boise Avenue with Protest Road / Beacon Street** is currently a signal controlled intersection. All four approaches provide two through travel lanes plus an added left turn lane. This intersection currently operates at LOS B and C during the a.m. and p.m. peak hours respectively. For the Year 2016 background condition (i.e., regional growth but without the site-generate traffic), the intersection will continue to operate at LOS B and C during the a.m. and p.m. peak hours. **No improvements are needed to accommodate the existing or background traffic volumes.**

For the year 2016 build out condition (i.e., background regional growth plus the site-generated traffic), the intersection is forecast to operate at LOS B and C during the a.m. and p.m. peak hours. **No additional improvements are needed to accommodate the build out traffic volumes.**

- 5) The forecast peak hour, build-out volumes (Year 2016) for Capitol Boulevard, 9<sup>th</sup> Street, University Drive, Boise Avenue and Ann Morrison Park Drive area II lower than the planning development thresholds in the vicinity of the project. **None of the study area roadways will require further expansion to accommodate the site generated traffic volumes.**
- 6) ACHD has provided additional traffic counts on Island Avenue, La Pointe Street, Royal Boulevard and Sherwood Street. The build out traffic volumes on each of these streets is well below the planning thresholds for a two lane local commercial street. **None of these roadways will require further expansion to accommodate the site generated traffic volumes.**
- 7) This project is expected to generate approximately \$314,000 in impact fee revenues to the Ada County Highway District under the requirements of Ordinance 208.

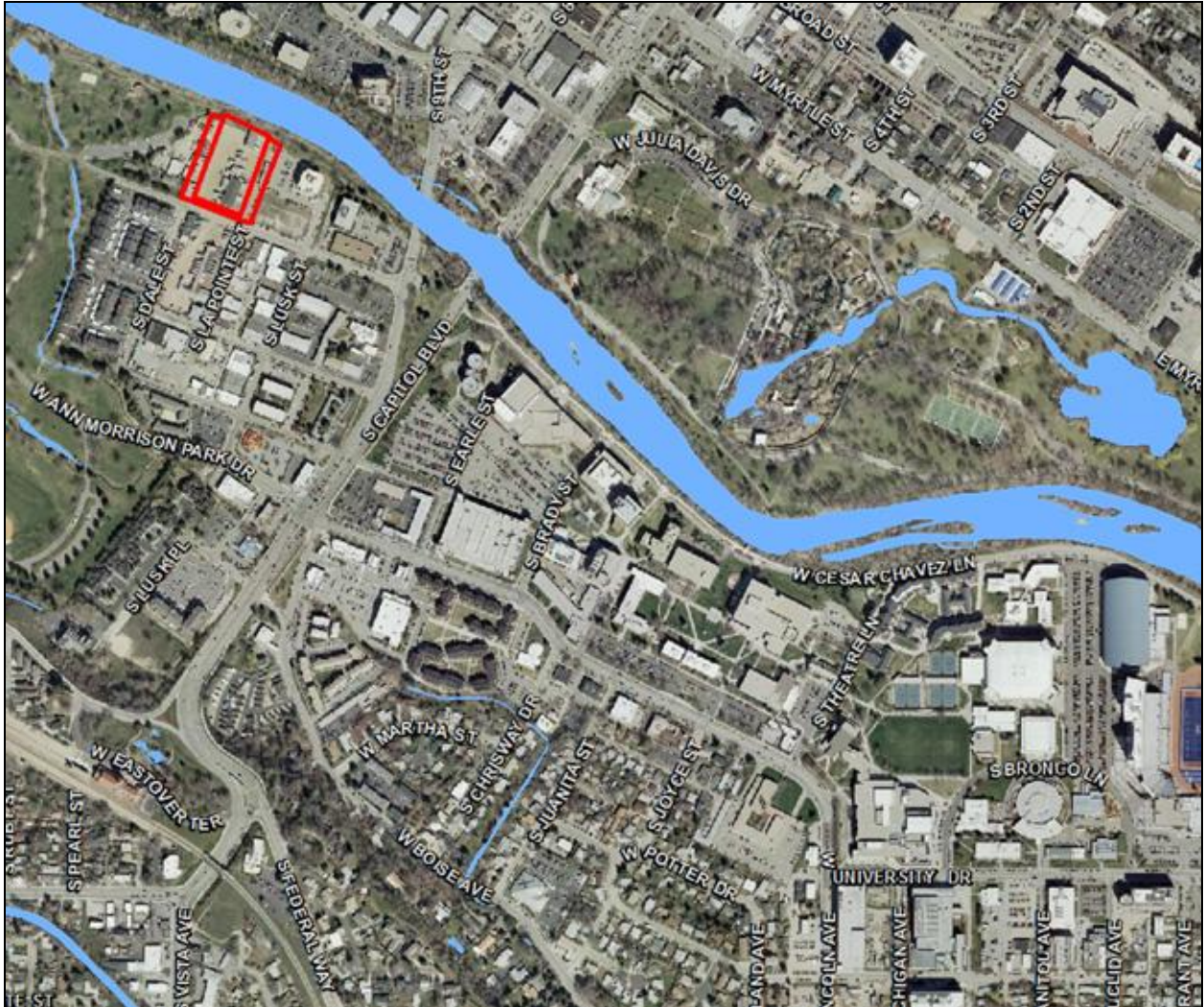
Following are the **transportation-related improvements needed to accommodate the traffic volumes** generate by the Royal Boulevard development:

- No traffic-related improvements have been identified with this analysis.

The following improvement is needed to increase capacity at the Capitol Bouleavrd / University Drive intersection but is not required by the traffic generated by the proposed development.

- Convert one of the westbound through lanes into a westbound right turn lane. This conversion will allow more green time for the right turning traffic and improve the overall level of service at the intersection.

**Area of Influence**



**Staff Comments/Recommendations:** Staff has reviewed the revised Traffic Impact Study; dated December 14, 2011; and agrees with the findings of the report as presented.

**3. Condition of Area Roadways**

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Existing Plus Project	Future Level of Service
Royal Boulevard	350-feet	Local	101	N/A	N/A	N/A

**4. Average Daily Traffic Count (VDT)**

*Average daily traffic counts are based on ACHD's most current traffic counts.*

- The average daily traffic count for Royal Boulevard east of Lusk Street was 2,225 on September 1, 2011.



## 5. Signalized Intersection

LT = Left Turn Lane TH = Thru Lane RT = Right Turn Lane

Boise Ave. / Beacon St.	NB LT	NB TH	NB RT	SB LT	SB TH	SB RT	EB LT	EB TH	EB RT	WB LT	WB TH	WB RT	Over All
Current V/C Ratio	.33	.40	-	.06	.50	-	.23	.68	-	.72	.26	-	.40
Existing Plus Project	.51	.49	-	.09	.60	-	.22	.84	-	.70	.33	-	.47
Future V/C Ratio	.50	.48	-	.09	.60	-	.22	.83	-	.70	.32	-	.47

\*An acceptable level of service for an intersection has an overall V/C ratio of 0.9 or less and lane group V/C ratio of 1.0 or less.

University / Capitol	NB LT	NB TH	NB RT	SB LT	SB TH	SB RT	EB LT	EB TH	EB RT	WB LT	WB TH	WB RT	OverAll
Current V/C Ratio	1.15	1.04	-	.98	.62	-	1.91	0.71	-	.90	.43	.52	.92
Existing Plus Project	1.29	1.01	-	1.16	.68	-	1.62	1.13	-	.70	.72	.49	.98
Future V/C Ratio	1.21	1.0	-	1.14	.65	-	1.64	1.05	-	.77	.65	.48	.95

\*An acceptable level of service for an intersection has an overall V/C ratio of 0.9 or less and lane group V/C ratio of 1.0 or less.

## C. Findings for Consideration

### 1. Royal Boulevard

a. **Existing Conditions:** Royal Boulevard is improved with 2-travel lanes and no curb, gutter or sidewalk abutting the site. There is 60-feet of right-of-way for Royal Boulevard (30-feet from centerline).

b. **Policy:**

**Commercial Roadway Policy:** District Policy 7208.2.1 states that the developer is responsible for improving all commercial street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

**Street Section and Right-of-Way Policy:** District Policy 7208.5 states that right-of-way widths for new commercial streets shall typically be 50 and 70-feet wide and that the standard street section will vary depending on the need for a center turn lane, bike lanes, volumes, percentage of truck traffic, and/or on-street parking.

- A 36-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and on-street parking.
- A 40-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane.
- A 46-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane and bike lanes.

**Sidewalk Policy:** District Policy 7208.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all commercial streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased

safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip.

Appropriate easements shall be provided if public sidewalks are placed out of the right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

- c. **Applicant's Proposal:** The applicant is proposing to construct vertical curb, gutter, an 8-foot parkway strip and a 6-foot wide detached concrete sidewalk. The sidewalk is proposed to be constructed outside of the right-of-way, within an easement.
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District Policy and should be approved, as proposed. The applicant should be required to enter into a license agreement with the District regarding landscaping proposed within the right-of-way.

The applicant should provide the District with a sidewalk easement for the sidewalk located outside of the right-of-way.

## 2. Driveways

### 2.1 Royal Boulevard

- a. **Existing Conditions:** There are no defined driveways abutting the site, the entire frontage is used for ingress and egress.

- b. **Policy:**

**Driveway Location Policy:** District Policy 7208.4.1 requires driveways located near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest street intersection.

**Successive Driveways:** District Policy 7208.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

**Driveway Width Policy:** District Policy 7208.4.3 restricts commercial driveways to a maximum width of 40-feet. Most commercial driveways will be constructed as curb-cut type facilities.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7208.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

- c. **Applicant's Proposal:** The applicant is proposing two driveways on Royal Boulevard. They are located as follows:

- 26-foot wide enter-only driveway offset approximately 15-feet east of the centerline of La Pointe Street (measured centerline-to-centerline).
- 20-foot wide exit-only driveway offset approximately 10-feet east of the centerline of Dale Street (measured centerline-to-centerline).

- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District Driveway Location Policy; which requires driveways to either offset a minimum of 75-feet or be in alignment with existing driveways/streets. The two driveways are not in direct alignment with the La Pointe Street and Dale Street, to the south. Staff, however, recommends a modification of policy to allow the driveways to remain, as proposed. This is due to the fact that the western driveway is constrained by a drainage swale abutting the western property line and the eastern driveway is located along the east property line to facility parking.

Additionally, traffic services reviewed the proposed driveway locations and had no concerns due to the restricted enter-only and exit-only nature of the driveways.

### 3. Tree Planters

**Tree Planter Policy:** Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

### 4. Landscaping

**Landscaping Policy:** A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

## D. Site-Specific Conditions of Approval

1. Construct vertical curb, gutter and 6-foot wide detached concrete sidewalk with an 8-foot parkway strip on Royal Boulevard abutting the site, as proposed.
2. Construct a 26-foot wide enter-only driveway located approximately 15-feet east of the intersection of Royal Boulevard and La Pointe Street (measured centerline-to-centerline), as proposed. Pave the driveway its entire width and at least 30-feet into the site beyond the edge of pavement. Coordinate a signage program for the driveway (enter only) with District Traffic Services and Development Review staff.
3. Construct a 20-foot wide exit-only driveway located approximately 10-feet east of the intersection of Royal Boulevard and Dale Street (measured centerline-to-centerline), as proposed. Pave the driveway its entire width and at least 30-feet into the site beyond the edge of pavement. Coordinate a signage program for the driveway (exit only) with District Traffic Services and Development Review staff.
4. Provide the District with a sidewalk easement for the sidewalk on Royal Boulevard located outside of the right-of-way, abutting the site.
5. Payments of impact fees are due prior to issuance of a building permit.
6. Comply with all Standard Conditions of Approval.

## E. Standard Conditions of Approval

1. Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way.
2. Private sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.

6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

## **F. Conclusions of Law**

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

## **G. Attachments**

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines



# Vicinity Map







# Ada County Utility Coordinating Council

## Developer/Local Improvement District Right of Way Improvements Guideline Request

*Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.*

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

**Notification to the Ada County UCC can be sent to:** 50 S. Cole Rd. Boise 83707, or Visit [iducc.com](http://iducc.com) for e-mail notification information.

# Development Process Checklist

## Items Completed to Date:

- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD **Planning Review Section** will receive the development application to review
- The **Planning Review Section** will do one of the following:
  - Send a **“No Review”** letter to the applicant stating that there are no site specific conditions of approval at this time.
  - Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
  - Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

## Items to be completed by Applicant:

- For **ALL** development applications, including those receiving a **“No Review”** letter:
  - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
  - The applicant is required to get a permit from Construction Services (ACHD) for **ANY** work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

### DID YOU REMEMBER:

#### *Construction (Non-Subdivisions)*

##### **Driveway or Property Approach(s)**

- Submit a “Driveway Approach Request” form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

##### **Working in the ACHD Right-of-Way**

- Four business days prior to starting work have a bonded contractor submit a “Temporary Highway Use Permit Application” to ACHD Construction – Permits along with:
  - a) Traffic Control Plan
  - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50’ or you are placing >600 sf of concrete or asphalt.

#### *Construction (Subdivisions)*

##### **Sediment & Erosion Submittal**

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

##### **Idaho Power Company**

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

- Final Approval from Development Services is required** prior to scheduling a Pre-Con.

## Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.
  - a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.
  - b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
  - c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
  - d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
  - e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
  - f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.