

**Project/File: CUP11-00103**

This application is for a conditional-use permit to construct a 4-story mixed-use residential apartment complex, live work units, and retail space. The site is located at 916 Park Boulevard in Boise, Idaho.

Lead Agency: City of Boise

Site address: 916 E. Park Boulevard

Staff Approval: January XX, 2012

Applicant: Glenn Levie
The Levie Group
17711 Karen Drive
Encino, CA 91316

Staff Contact: Jarom Wagoner
Phone: 387-6174
E-mail: jwagoner@achdidaho.org



Tech Review: January XX, 2012

A. Findings of Fact

- Description of Application:** The applicant is requesting to construct a 4-story mixed use building. The building is proposed to contain approximately 5,250 square feet of retail space on the first floor, with apartments on the remaining floors.

2. Description of Adjacent Surrounding Area:

Direction	Land Use	Zoning
North	Service Commercial District	C-3D
South	Service Commercial District	C-3D
East	Multi-Family Residential District	R-3D
West	Neighborhood Commercial District	C-1D

- Site History:** ACHD staff previously reviewed this site as CAR11-00004/CUP11-00019 in April of 2011. The requirements of this staff report are consistent with those of the prior action.
- 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.
- 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 685 additional vehicle trips per day (none existing); 56 additional vehicle trips per hour in the PM peak hour (none existing), based on the Institute of Transportation Engineers Trip Generation Manual, 8th edition.

2. **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
Front Street	420-feet	Principal Arterial	1,129	Better than "D"	Better than "D"
Park Boulevard	205-feet	Principal Arterial	1,253	Better than "D"	Better than "D"
Morrison Knudsen Plaza	150-feet	Local	79	N/A	N/A

* Acceptable level of service for a three-lane principal arterial is "E" (880 VPH per lane).

* Acceptable level of service for a five-lane principal arterial is "E" (1,770 VPH).

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

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

- The average daily traffic count for Front Street north of Park Boulevard was 12,276 on 6/17/2009.
- The average daily traffic count for Park Boulevard east of Broadway Avenue was 14,406 on July 20, 2011.
- The average daily traffic count for Morrison Knudsen Plaza north of Park Boulevard was 1,838 on 3/31/2010.

C. Findings for Consideration

1. **Front Street**

- a. **Existing Conditions:** Front Street is one way westbound and improved with 3-travel lanes, vertical curb, gutter, and 5-foot wide detached sidewalk abutting the site. There is 75-feet of right-of-way for Front Street (35-feet from centerline).

- b. **Policy:**

Arterial Roadway Policy: District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Master Street Map and Typology Policy: District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.

Street Section and Right-of-Way Width Policy: District Policies 7205.2.1 & 7205.5.1 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Front Street is designated in the MSM as a Transitional/Commercial Arterial with 5-lanes and on-street bike lanes, a 69-foot street section within 87-feet of right-of-way.

c. **Applicant Proposal:** The applicant is not proposing any improvements to Front Street.

d. **Staff Comments/Recommendations:** Front Street contains all the elements of a Transitional/Commercial Arterial; as such, staff does not recommend any improvements or right-of-way dedication with this application. If the city of Boise desires additional amenities within the pedestrian zone, the city should coordinate those requests with the applicant.

The applicant should be required to replace any deteriorated or deficient sidewalk, curb, gutter, or pedestrian facilities along Front Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.3.

2. Park Boulevard

a. **Existing Conditions:** Park Boulevard is one-way eastbound and improved with 5-travel lanes, vertical curb, gutter, and 5-foot wide sidewalk abutting the site. There is 100-feet of right-of-way for Park Boulevard (50-feet from centerline).

b. **Policy:**

Arterial Roadway Policy: District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Master Street Map and Typology Policy: District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.

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- c. **Applicant Proposal:** The applicant is not proposing any improvements to Park Boulevard.
- d. **Staff Comments/Recommendations:** Park Boulevard contains all the elements of a Transitional/Commercial Arterial; as such, staff does not recommend any improvements or right-of-way dedication. If the city of Boise desires additional amenities within the pedestrian zone, the city should coordinate those requests with the applicant.

The applicant should be required to replace any deteriorated or deficient sidewalk, curb, gutter, or pedestrian facilities along Park Boulevard abutting the site, consistent with ACHD's Minor Improvements Policy 7203.3.

3. Morrison Knudsen Plaza Drive

- a. **Existing Conditions:** Morrison Knudsen Plaza Drive is improved with 1 to 2-travel lanes, vertical curb, and gutter abutting the site. There is 24 to 42-feet of right-of-way for Morrison Knudsen Plaza Drive (12 to 21-feet from centerline). Morrison Knudsen Plaza Drive has a 20-wide drive aisle (back of curb to back of curb) for the first 95-feet off Park Boulevard, then transitions to two lanes and 32-feet of pavement where it stubs to a private drive aisle.

- b. **Policy:**

Existing Alley Policy: District Policy 7210.2 states that if a proposed development abuts an existing alley, the dedication of additional right-of-way to obtain a minimum width from the centerline of the alley of 8-feet for residential uses and 10-feet for non-residential or commercial uses may be required. Each development will be reviewed by the District on a case-by-case basis. If the proposed development takes access from an alley, the developer will be required to pave the entire width of the right-of-way from the nearest public street to and abutting the development.

Alley Parking & Setbacks Policy: District Policy 7210.3.3 states that parking within the alley right-of-way is prohibited. "No Parking" signs are required to be installed by the developer. The signs should be located at the alley/street intersections. Parking which is entered from the alley shall be designed so the minimum clear distance from the back of the parking stall to the opposite side of the alley is 20-feet for all perpendicular parking.

Setbacks for structures taking access from the alley should be closely coordinated with the lead land use agency. The setbacks shall either discourage parking within the alley (where it may partially block or occur within the right-of-way) or allow adequate area for one perpendicular parking pad. In order to discourage parking, building setbacks shall be minimal from the alley right-of-way line, while still achieving the required 20-feet of back-up space from a garage or other parking structure to the opposite side of the alley (i.e. 4-foot setback + 16-foot alley= 20-feet for back-up space).

- c. **Applicant Proposal:** The applicant is not proposing any improvements to Morrison Knudsen Plaza Drive abutting the site.
- d. **Staff Comments/Recommendations:** Morrison Knudsen Plaza Drive, for the first 95-feet, abutting the site was constructed, and functions as a commercial alley. Therefore, staff recommends that no additional street improvements or right-of-way dedication should be required with this application.

4. Driveways

4.1 Front Street

- a. **Existing Conditions:** There is one 22-foot wide driveway on Front Street abutting the site. The driveway is located 420-feet north of the intersection of Front Street and Park Boulevard (measured centerline to centerline). Front Street is one-way northbound; therefore, the driveway functions as right-in/right-out only.

b. Policy

Access Points Policy: District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

Access Policy: District Policy 7205.4.7 states that direct access to principal arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1b under District Policy 7205.4.7, unless a waiver for the access point has been approved by the District Commission. Driveways, when approved on a principal arterial shall operate as a right-in/right-out only, and the District will require the construction of a raised median to restrict the left turning movements.

Driveway Location Policy: District Policy 7205.4.7 requires driveways located on principal arterial roadways to be located a minimum of 355-feet from the nearest intersection for a right-in/right-out only driveway. Full-access driveways are not allowed on principal arterial roadways.

Successive Driveways Policy: District Policy 7205.4.7 Table 1b, requires driveways located on principal arterial roadways with a speed limit of 35 MPH to align or offset a minimum of 355-feet from any existing or proposed driveway.

Driveway Width Policy: District Policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, 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 and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

Cross Access Easements/Shared Access Policy: District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

c. Applicant's Proposal: The applicant is not proposing any changes to the existing driveway.

d. Staff Comments/Recommendations: The applicant's proposal does not meet District Access, or Successive Driveway Policies; however, staff recommends a modification of policy to allow the driveway to be located as proposed due to the fact that the existing driveway will function as right-in/right-out only, and it is the only driveway onto a public street being proposed with this development. Additionally, the driveway location was approved with the prior action on the site and the driveways location will facility emergency services entering and exiting the site.

4.2 Morrison Knudsen Plaza Drive

a. Existing Conditions: There is one 44-foot wide driveway on Morrison Knudsen Plaza Drive abutting the site. The driveway is located 150-feet north of the intersection of Park Boulevard and Morrison Knudsen Plaza Drive (measured centerline to centerline).

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 to reduce the 44-foot wide driveway by 22 feet, so as to be 22 feet wide.
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District Driveway Policy and should be approved, as proposed. The applicant should be required to pave the driveway its full width at least 30-feet into the site beyond the edge of pavement.

5. 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.

6. 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.

7. Other Access

Front Street and Park Boulevard are classified as principal arterial roadways. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways.

D. Site-Specific Conditions of Approval

- 1. Replace any deteriorated or deficient sidewalk, curb, gutter, or pedestrian facilities along Park Boulevard and Front Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.3.
- 2. Utilize the existing 22-foot wide driveway on Front Street located 420-feet north of the intersection of Front Street and Park Boulevard (measured centerline to centerline), as proposed. Pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.
- 3. Reduce and reconstruct the existing driveway on Morrison Knudson Plaza Drive to a width of 22-feet, as proposed. Pave the driveway its full width at least 30-feet into the site beyond the edge of pavement.

4. Other than the access specifically approved with this application, direct lot access is prohibited to Park Boulevard and Front Street.
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.

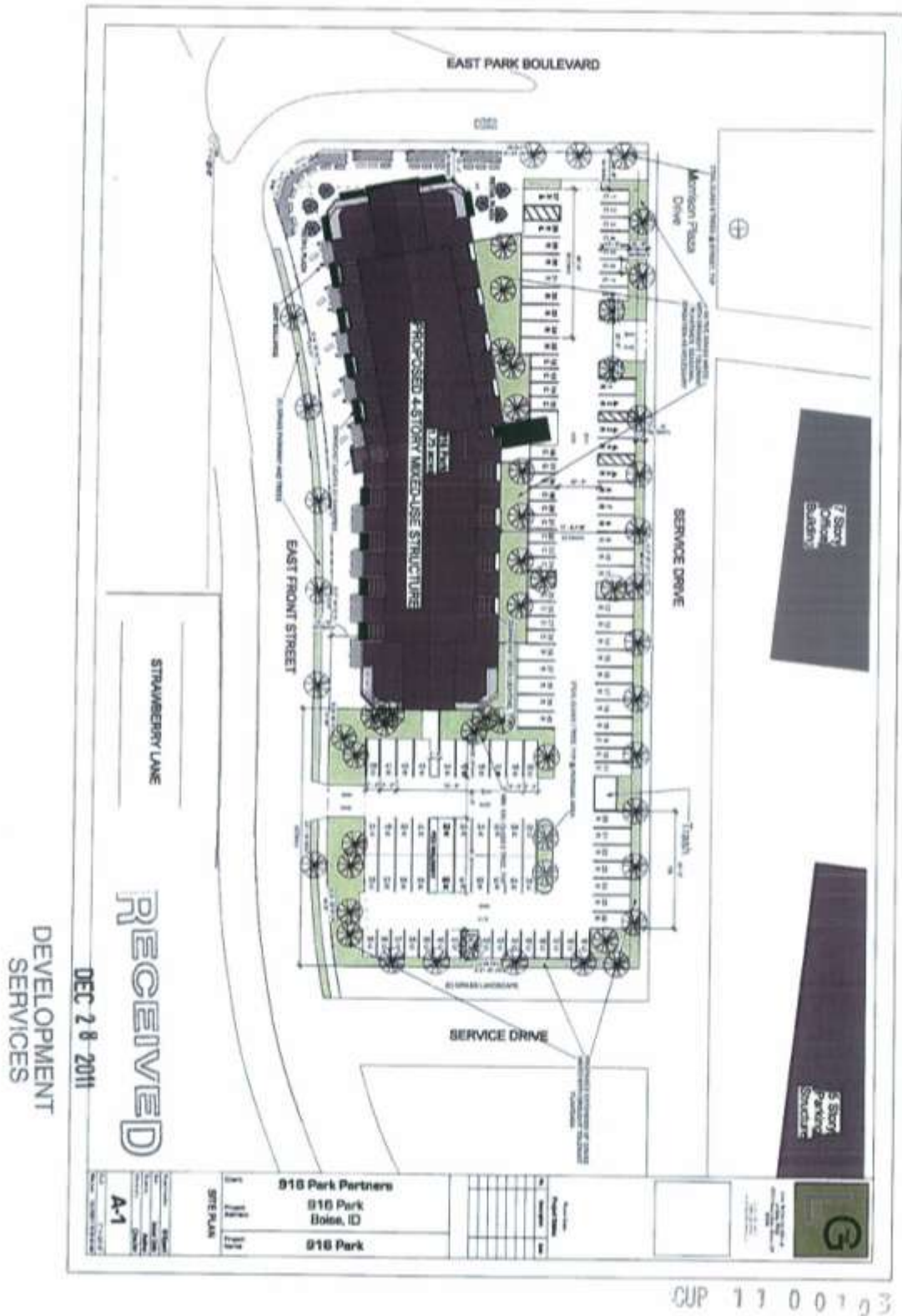
G. Attachments

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

Vicinity Map



Site Plan



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 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 Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the ROWDS Manager when it is alleged that the ROWDS Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
 - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
 - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary of Highway Systems, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
 - c. **Time to Reply:** The ROWDS Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
 - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the ROWDS Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
 - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.