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Planning & Development Services

February 7, 2012

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

Re: **CUP11-00103 & CVA11-00056 / 916 East Park Boulevard**

Dear Mr. Levie:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a conditional use permit for a 4-story mixed use building to include 68 residential units, 5 live work units and 5,250 square feet of retail space. A height exception, parking reduction, and variances from the front and street-side setbacks, are included in this request. The 1.75 acre site is located at 916 E. Park Boulevard in an R-OD (Residential Office with Design Review) zone.

The Boise City Planning and Zoning Commission, at their hearing of February 6, 2012, **approved** your request, based on compliance with the attached Reasons for the Decision and Conditions of Approval. A regulatory takings analysis may be requested by the landowner.

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

1. This 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 the Boise 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 Boise City 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:

www.cityofboise.org/pds/
or **<http://www.cityofboise.org/pds/index.aspx?id=apps>**

3. All appeals of this permit must be filed by **5:00 P.M.**, on February 16, 2012.
4. If this conditional use and variance 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 and variance permit. If you have any questions, please contact this department at (208) 395-7857.

Sincerely,

A handwritten signature in black ink, appearing to be 'JJ' with a long horizontal stroke extending to the right.

Josh Johnson
Planning Analyst
Boise City Planning and Development Services Department

JJ/bjc

Attachment

cc: EENA / Bob Bennett / 2093 E. Trolley / Boise, ID 83702

Reason for the Decision

Conditional Use Permit

The mixed use building with ground floor retail is compatible with surrounding uses. The retail component will provide services for nearby office workers and residents within walking distance. The height exception provides a transition from the larger offices, to the west, down to the established townhouses to the east. The parking reduction is compatible with the neighborhood due to the fact that the retail uses are within smaller tenant spaces and should mostly be used during the day when residents are working. The proposed use will not place an undue burden on transportation or other public facilities. Traffic counts from surrounding streets indicate this project will not cause unacceptable levels of service. The project, with the accompanying variance and parking reduction, meets all setback and parking requirements. The height exception will not adversely impact surrounding properties as the office uses to the west and south are of similar or larger scale while the townhomes to the east are behind and 18 foot wall that provides a visual buffer. The parking reduction will not negatively impact the neighborhood as the configuration of the building dictates that it will require less parking than traditional multi-family uses. The proposed use is supported by the general goals, objectives and policies of the Comprehensive Plan. The height exception will allow a true mixed use project on a narrow set of parcels. The applicant has provided a vertical mix of uses that includes ground floor retail with residential above. (*GDP-MU.1a*) The project is located within ½ mile of a bus stop. This will reduce the need for onsite parking and reduce vehicle trips. (*CC4.3*)

Variance

The granting of the variance will not be in conflict with the spirit and intent of the Comprehensive Plan and will not affect a change in zoning. The variances from the front and street side setback are essential to create a mixed-use project that addresses the street. (*GDP-MU.1b*) There is a hardship present with the property in that it is on a corner and is a long narrow set of parcels. The variance will not be detrimental to public health or be injurious to surrounding property owners. The building is not within the clear vision triangle and the variance does not allow the building to encroach close enough to residential uses to cause a privacy concern.

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 28, 2011** except as expressly modified by Staff or the following conditions:
2. Sidewalk design along Park Blvd. shall be determined by the Design Review Committee.
3. The applicant shall comply with the ACHD letter dated **January 30, 2012**.
4. The applicant shall comply with any conditions of the Boise Fire Department from the memo dated **January 6, 2012**. Any deviation from this plan is subject to fire department approval. For additional information, contact Romeo Gervais at 208-384-3967.
5. All bike parking shall be covered.

6. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, street lights and subdivisions per Department comments dated **January 3, 2012**. Please contact BCPW at 208-384-3900. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

Standard Conditions of Approval

7. 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 208-384-3998 regarding questions pertaining to this condition.
8. Vision Triangles as defined under Section 11-1-3 and Section 11-10-4.4G of the Boise City Code shall remain clear of sight obstructions.
9. 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.
10. All signs will require approval from the Planning and Development Services Department prior to installation.
11. Utility services shall be installed underground.
12. 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.
13. 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.
14. Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
15. This Permit shall be valid for a period not to exceed two (2) years from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must commence the use permitted by the permits in accordance with the conditions of approval.
16. 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.