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Planning & Development Services

February 9, 2012

The Michaels Organization
Nick Zaferes, Vice President
3 East Stow Road, Ste. 100
Marlton, NJ 08053

RE: ***DRH12-00013 / 1004 W. Royal Boulevard***

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Design Review Committee on your request for approval to construct a five-story apartment complex with related site improvements on property located in an R-OD (Residential Office with Design Review) zone.

The Committee, at their hearing of February 8, 2012, voted to approve your request. Based on the findings that were included in the Staff Report, the Committee concluded that your project complies with Sections 11-7-3.1, 11-7-3.2 and 11-7-3.3 of the Zoning Ordinance and the goals and policies of the *Boise City Comprehensive Plan*.

Enclosed is a copy of the Conditions of Approval, as well as the Findings of Fact, included in the Staff Report. Please be advised that the detailed Findings can be reviewed in the Planning and Development Services Department on the 2nd floor of City Hall.

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

- a. This approval will not take effect until after the appeal period has lapsed.
- b. A Building Permit will be required from the Building Division prior to construction.
- c. If this Design Review Permit is not acted upon by the commencement of construction or extended, pursuant to the Boise City Code, within eighteen months, it will become null and void without further notification from this department.
- d. A decision or condition of a Committee Level Design Review may be appealed to the Planning & Zoning Commission within ten (10) calendar days from the date of the Committee's action. 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 on the 2nd floor of City Hall.

A decision of the Planning and Zoning Commission may then be appealed to the Boise City Council. Once the Council makes a final decision, the landowner may request a regulatory taking analysis for that decision and/or conditions within 28 days following such final decision in accordance with Section 67-8003 of the Idaho Code.

If you have any questions, please feel free to contact this department at 384-3830.

Sincerely,



Sarah M. Schafer
Manager, Design Review and Historic Preservation
BOISE CITY PLANNING & DEVELOPMENT SERVICES

SMS:nh

cc: Becky McKay / Engineering Solutions / 1029 N. Rosario St., Ste. 100 / Meridian, Idaho 83642

Attachments:

- Conditions of Approval
- Findings of Fact

Conclusion and Recommended Conditions

Staff finds the project complies with Sections 11-7-3.1, 11-7-3.2 and 11-7-3.3 of the Zoning Ordinance and the goals and policies of the Boise City Comprehensive Plan and would recommend **approval** subject to the following conditions:

Site Specific Conditions

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received **January 10, 2012 for the site plan and landscape plan and January 23, 2012 for elevations, perspectives, materials and colors**, except as expressly modified by the following conditions:
 - a. Comply with all requirements of CUP11-00090, CFH11-00035 and CFH11-00036.
 - b. The applicant shall enter into and provide planning staff a copy of license agreement with ACHD for the portion of the public sidewalk along Royal Boulevard on the applicant's property.
 - c. The transformers at the southwest corner of the site shall be set at the 10' setback line.
 - d. Provide a 10' setback from Royal Street for the open-air parking.
 - e. One accessible parking stall shall be located in the open-air parking area.
 - f. Along Royal Boulevard the sidewalk shall be eight feet wide and shall be detached from the curb eight feet.
 - g. At the entry to the garage on the east side of the structure, the pedestrian path shall be striped.
 - h. A sidewalk from the exit of the northeast stair tower shall be constructed to connect with the sidewalk leading to the Greenbelt to the east.
 - i. A sidewalk from the exit of the stair tower located to the west of the main entry shall be constructed to the public sidewalk.
 - j. The site plan shall show the location of the entry pad location for accessing the structured parking area.
 - k. On the east elevation, after the open-air parking stalls where the drive aisle becomes one-way, a small amount of additional paving shall be added to allow for vehicles to turn around who can't get through the garage gate.
 - l. A sign shall be located on the west exit from the parking garage indicating it is not an entry point.
 - m. Clear markings shall be made within the parking garage indicating the traffic circulation pattern.
 - n. Provide one additional Sentinel Crabapple tree at the southwest corner of the building in the planter adjacent to the building.
 - o. Provide a Shademaster Honeylocust tree in the parking lot planter at the mid-point of the building on the east side.
 - p. Provide two to three Flame Maples, or similar tree, on either side of the grouping of three Red Sunset Maple trees, along the north elevation of the building.
 - q. The door on the stair tower to the west of the main entry shall be glass with canopy to match the door on the east end of the south façade.
 - r. Step the south wall plan, similar to the upper levels in order to provide shadow relief and design interest along the most visible portion of the building at street level.

Revised plans indicating compliance with the above conditions shall be submitted to Planning 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 384-3998 regarding questions pertaining to this condition.
3. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers and street lights per department comments dated **January 17, 2012**, and per memorandum from the Solid Waste/Ground Water Manager dated **January 17, 2012**. Please contact BCPW at 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 Storm Water Plan must be resubmitted to BCPW for approval.
4. A Building Permit is contingent upon approval from Boise City Community Forestry for tree planting within right-of-ways, per Title 9, Chapter 16, Section 09-16-05.2. Contact Boise City Community Forestry at 384-4083 with questions regarding this condition.
5. Compliance with requirements as requested by the Ada County Highway District (ACHD).
6. The applicant shall comply with the Boise City Fire Code as required by the Boise Fire Department as outlined in the memo dated **January 12, 2012**.

General Conditions

7. 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.
8. 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 384-4083 for information regarding tree care operations.
9. 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.
10. 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 384-4083. Species shall be selected from the Boise City Tree Selection Guide.
11. 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.

12. All signs will require approval from the Planning and Development Services Department prior to installation.
13. Utility services shall be installed underground.
14. 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.
15. 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.
16. 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 OF FACT

Objective - Site Design (Section 11-7-3.1)

- A. That the site plan minimizes impact on adjacent streets and that the pedestrian and bicyclist has been provided for by requiring sidewalks, paths, landscaping and safe parking lot design as appropriate.**
- B. That the proposed site's landscaping screens are adequate to protect adjacent uses, provide sound and sight buffers and can be adequately maintained; slope and soil stabilization have been provided for; and, that unsightly areas are reasonably concealed or screened.**
- C. That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control.**
- D. That signing for any proposed project provides for business identification and minimizes clutter and confusion on and off the site, and is in compliance with Boise City Code sign provision.**
- E. That utility service systems do not detract from building design and that size and location of all service systems are appropriate and maintainable.**

Objective - Structure Design (Section 11-7-3.2)

- A. Building Mass - The mass of the building should be reviewed for its relationship and consistency with existing development in the immediate surrounding area and with the allowed use proposed by the applicant.**
- B. Proportion of Building Facades - The height to width relationship of new structures shall be compatible and consistent with the architectural character of the area and the proposed use.**
- C. Relationship of Openings in the Facades - Openings in the facade shall be consistent with the architectural character of the area (for example, balconies, bays and porches are encouraged with a minimum of monotonous flat planes), to provide shadow relief.**
- D. Relationship of Exterior Materials - To determine the appropriateness of materials as it relates to building mass, shadow relief and existing area development; use of color to provide blending of materials with the surrounding area, shadow relief and building use; the functional appropriateness of the proposed building design as it relates to the proposed use.**

Objective – Adopted Plans and Design Guidelines (Section 11-7-3.3)

- A. Boise City Comprehensive Plan (including neighborhood plans)**
- B. Design Review Guidebook**