

## **Planning & Development Services**

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## **MEMORANDUM**

MEMO TO:	Boise City Planning and Zoning Commission
FROM:	Joshua Johnson Boise City Planning and Development Services
RE: DATE:	CUP11-00090 and CFH11-00036 March 5, 2012

### **Project Description and Background:**

Height exception to construct a five story multi-family residential building on 3.42 acres located at 1004 W. Royal Boulevard in an R-OD (Residential-Office with Design Review) zone.

The following is a list of events that have led the project to where it is now.

- 1. The Parks Department's original recommendation was to limit the buildings height to 55 feet along the greenbelt.
- 2. During the original review process Design Review staff asked the applicant to provide more parapet modulation. This increased the height from what Parks originally approved.
- 3. Parks staff verbally indicated that since the building was outside the seventy foot greenbelt setback there were no concerns with the additional height.
- 4. The project was approved on the Planning and Zoning Commission consent agenda at the February 6, 2012 hearing with a memo from staff clarifying the height. Two members of the public were outside the hearing chamber and wanted to testify in opposition to the application.
- 5. On February 13, 2012 Parks Department staff contacted staff and indicated that the limit of 55' should be obeyed.
- 6. At the February 13, 2012 hearing the Commission voted to reconsider the request to allow those in opposition to testify. After hearing a brief staff presentation followed by applicant and public testimony, the Commission deferred the application to March 5, 2012 to get clarification on the additional height and the impact of comments from the City Parks Commission.
- 7. At a Parks Commission meeting on February 16, 2012 staff presented the latest elevations.

The Commission felt the additional height would have a negligible effect on the greenbelt. The minutes from this meeting and Parks Commission comments are attached to the memo. The proposed building with modulation is 59 feet in height along portions of the greenbelt and 63 feet along Royal Boulevard.

Another issue that has affected this application is the recent decision in *Burns Holdings, LLC v. Teton County Board of Commissioners*. In its January 25, 2012 decision, the Idaho Supreme Court ruled that a Conditional Use Permit cannot be used to obtain a waiver of a zoning ordinance provision limiting the height of buildings. Under the Local Land Use Planning Act (LLUPA), Title 67, Chapter 65, Idaho State Code, the Court stated that "a variance is required to waive the bulk and placement requirements of a zoning ordinance, including those [requirements] limiting the height of buildings." While the basic facts of the case remain unchanged from the time of initial application, staff has now provided the reasons for decision and findings for a variance.

Finally, the landowner who testified in opposition to the height also brought up a perceived shortage of parking as a further point of opposition. The project meets City parking standards for multi-family units and this issue is not before the Commission. The only two items that should be considered are the Variance for a height exception and the Boise River System Permit.

#### Attachments:

Elevations and Perspectives Comments from February 16, 2012 Parks Commission Hearing Minutes from the February 16, 2012 Parks Commission Hearing Original Staff Report with Agency Comments Minutes from February 13, 2012 Planning and Zoning Commission Meeting Letter of Opposition

#### **Reason for the Decision**

#### Variance

The variance is not in conflict with the Comprehensive Plan and does not effect a change in zoning. The additional height as requested by the applicant maintains compatibility with surrounding buildings. Objective 7.2.1 encourages development to maintain and develop the character and form of its neighborhood. The R-O zone's height limit of 35 feet presents an unusual circumstance. The desire of this zone is for multi-story high density residential projects. Limiting buildings to 35 feet creates a situation where the type of desired projects for the R-O zone is difficult to develop without larger parcels. There is also a hardship present in that the project is located within the floodplain and the site must artificially be raised above base flood elevation. This was accomplished by constructing the building on top of required surface parking, significantly increasing the height of the building. The variance will not be materially detrimental to public health, safety or welfare and will not be injurious to surrounding property owners. The additional height does not increase the density of the project to the point where parking standards cannot be met. Views to the greenbelt from nearby public streets will be blocked, but a building that obeyed the height limit of 35 feet would also block views to the greenbelt. Pedestrian access to the greenbelt is provided to mitigate this impact.

The proposed height is generally similar to other buildings in the vicinity including the Keynetics building which is 46 feet in height, the Morrison Center which is 63 feet in height, and the student dormitories on Capitol are 74 feet in height. Also adjacent uses consist of offices and parks land, indicating that the additional height will not cause any privacy concerns. Structured parking creates the need for additional height and will provide a dramatic improvement in terms of aesthetics when compared to numerous other projects in the vicinity.

#### River System

The subject property is classified as Class C lands and waters which states that all allowed and conditional uses of the base zone are permissible. No riparian habitat will be disturbed with this application as the project is located outside the 70 foot greenbelt setback. The project complies with the Boise Comprehensive Plan. *Objective 3.4.2* state that bald eagle habitat should be protected as a unique feature of the City. There are no bald eagle perch trees or heron rookeries in the general vicinity of the project. A condition of approval requires that the applicant obey all local, state and federal laws and regulations.

#### Section 11-06-11.04 Criteria and Findings

The Commission, following the procedures outlined below, may approve a variance when the evidence presented at the hearing is such as to establish:

## A. That the granting of the variance will not be in conflict with the spirit and intent of the Comprehensive General Plan for the City, and will not effect a change in zoning;

The granting of the variance will not be in conflict with the spirit and intent of the Comprehensive Plan and will not effect a change in zoning. Although the building exceeds the height limit of the R-O zone, it is still compatible with the height, bulk and massing of other structures along the greenbelt. Other buildings in the immediate adjacent area were constructed to a height of 45 feet. The applicant's proposal of 59 feet along the greenbelt is not such a difference in height as to block excessive amounts of light or create privacy issues. Similar building heights exist in the BSU campus 1,500 feet from the subject building. Objective 7.2.1 encourages the development of form and character of districts. This part of the City is directly linked to downtown where high-density, multi-story development is appropriate. The Plan also seeks development that integrates amenities that encourage walking and cycling through Goal 7.2. The additional height will allow residents to seek housing near downtown and the BSU campus. (Objective 7.1.2) This will allow for residents of the development to utilize alternative forms of transportation such as walking and bicycling. This should reduce vehicle trips for the surrounding traffic system in conformance with Goal 6.3. Locating the building on top of the parking are allows efficient use of the site in a pedestrian friendly manner.

B. That there is either a hardship associated with the property itself or an exceptional circumstance relating to the intended use of the property which is not generally applicable to property or permitted uses in the district.

There is an unusual circumstance associated with the thirty five foot height limit of the R-O zone. The project is located within a mixed use area and the R-O zone is intended for multi-story development. Opposition to this project has noted that many buildings along the river in this area are constructed to a height of 45', a height above what is allowed in the R-O zone. The R-O zone is normally supposed to be used as a transition from less intense uses to more urban uses. In this case, the site is located near commercial and office buildings that are zoned commercial. The building is ushaped and the aspects of the building that are 59 feet in height do not run the entire length of the façade. This is in contrast to other buildings along the greenbelt that present solid building masses to the river. There is also a hardship present as the project is located within the floodplain. This requires that the entire building be raised above the base flood elevation. Also due to the slope of the site, the measured height of the building from adjacent grade at Royal is higher than at the greenbelt at 63 feet. Also, the project utilizes structured parking that creates a taller building. Surface parking is generally discouraged in urban environments. The use of structured parking will provide a dramatic improvement in terms of aesthetics when compared to numerous other projects in the vicinity.

## C. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property or improvement.

The variance will not be materially detrimental to public health, safety or welfare and will not be injurious to surrounding property owners. Views of the riparian habitat will be blocked from Royal Blvd. and other surrounding streets. However, a building of 35 feet, the allowed height, would also block a pedestrian's view of the river. The applicant is mitigating this by providing pedestrian access to the greenbelt through their development. The operating characteristics of the multi-family development do not conflict with surrounding uses. The area is comprised of other multi-family developments, office, and industrial uses that are of similar or greater intensity to the applicant's proposal.

## 8. Recommended 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 **November 29, 2011**, except as expressly modified by the Design Review Committee or staff and the following conditions:
- 2. Comply with the requirements of the Boise City Public Works Solid Waste Division as specified in the attached memo dated **December 1, 2011**.

- 3. Comply with Boise City Parks comments dated November 21, 2011 and additional comments dated February 17, 2012.
- 4. Comply with the requirements of the Boise City Fire Department as specified in the attached memo dated **December 14, 2011**.
- 5. All utilities along Royal Blvd. shall be relocated underground.
- 6. A painted striped crosswalk shall be installed across the main service drive on the eastern portion of the site to provide greenbelt access.
- 7. Comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, Solid Waste/Ground Water Manager, and street lights as specified in the attached comments dated **December 8, 2011**. 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.
- 8. Comply with the requirements of the Ada County Highway District as specified in the attached letter dated December 22, 2011.
- 9. The applicant shall comply with all local, state and federal laws and regulations.
- 10. The applicant shall combine the three parcels that make up the project area prior to issuance of a building permit.
- 11. The height of the building shall comply with elevations received January 23, 2012.
- 12. The site plan submitted to Design Review staff shall include the following:
  - a. Detached sidewalks along Royal Blvd.
  - b. Trash pickup shall be moved to the south and slightly expanded. This will eliminate one parking space on the exterior of the building that will be replaced with a compact space on the building's interior. Public Works Solid Waste division will review these changes.
  - c. Additional trees shall be added along the north façade to provide additional buffering to the fence wall associated with the open air parking.
  - d. A stepped parapet should be added to break up the roof line.

### **Standard Conditions of Approval**

13. 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.

- 14. 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.
- 15. 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.
- 16. Trash receptacles and on-grade and rooftop mechanical fixtures and equipment shall be concealed from public view by use of an approved sight-obscuring method. All screening materials shall be compatible with the building materials/design.
- 17. 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.
- 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 approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.
- 21. 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.
- 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.





# River Edge Apartments Boise, Idaho



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## **CONCEPTUAL PERSPECTIVE** *FROM GREENBELT*

# River Edge Apartments Boise, Idaho



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## **CONCEPTUAL PERSPECTIVE** *FROM GREENBELT*



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## **Boise Parks & Recreation**

February 17, 2012

Josh Johnson, Planner City of Boise Planning & Zoning Department 150 N. Capitol Blvd. Boise, Idaho 83702

Re: Action: River Edge Apartments (formerly Royal Boulevard Apartments)

Dear Mr. Johnson:

Boise Parks & Recreation Commission at a regularly scheduled meeting held Thursday, February 16, 2011 approved a recommendation to support City Design Review staff's recommendation for building height and modulation. The Park & Recreation Commission stated for the record that the extra height was negligible and the modulation made for a better design.

Respectfully Cheyne Weston, BPR Park Planner

Cc.

James R. Hall, Director, Boise Parks & Recreation Harvey Neff, President, Boise Parks & Recreation Commission Thomas Governale, Superintendent of Parks Pat Recici, Assistant City Attorney Hal Simmons, City Planning Director

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### Boise Parks & Recreation Commissioners Meeting Department of Parks & Recreation Boise City Library Auditorium

February 16, 2012

**Members Present:** AJ Browning, Tom Chandler, Maggie Frole Spurling, Mike Cunningham, Mary McGown, Harvey Neef, and Louie Uranga.

**Others**: Fred Hahn, Michelle Crawforth, Mr. & Mrs. Kirk Braun, 3109 Crescent Rim Drive; Paul Bandas, 1714 W. Howe Street; Steve W. Needles, 2373 Annett; Mike & Caroline Curry, 2759 Crescent Rim Drive; Dave Rittenhouse, 3978 E. Aspen Hill Court; Kathy Royster, 5394 S. Pegasus Way; Tamarra Hallan, 2011 Ranchero Way; Matt Lindsay, 3029 Shadweyh Court; David Turnbull, 12601 W. Explorer Drive; Jack Cortabitarte, 3115 Crescent Rim Drive; Josh Johnson and Sara Schafer, Planning & Zoning; Pat Riceci, Boise City Legal; Karen Bubb, Boise City Arts & History; Mark Baltes, Landmark Impressions; Jim Hall, Brian Jorgenson, Earl Kilian, Chuck Darby, Jerry Pugh, Toby Norton, Doug Holloway, Dee Oldham and Cheyne Weston, staff Boise Parks & Recreation Department.

I.	CALL TO ORDER
	The meeting was called to order at 4:05 P.M.
II.	MINUTES
	Commissioner Spurling requested that the motion on page three (3) of the December 15, 2011 minutes be amended as follows:
	THAT THE BOISE PARKS & RECREATION COMMISSION APPROVE THE MASTER PLAN FOR ESTHER SIMPLOT PARK WITH THE RECOMMENDATION TO PROVIDE BICYCLE ACCESS FROM STEWART ST. TO THE GREENBELT, AND WITH A <u>POSSIBLE</u> DOLA <del>REQUEST</del> FOR COMMUNITY DONATIONS.
MOTION	A motion was made by Commissioner Cunningham <b>THAT THE</b> <b>BOISE PARKS &amp; RECREATION COMMISSION APPROVE THE</b> <b>DECEMBER 15, 2011 MINUTES AS AMENDED,</b> seconded by Commissioner Madigan.
	Motion was approved by all Commissioners present.
III.	CONSENT AGENDA
	It was brought to staff's attention that there is a typo in the Murgoitio Lease Agreement.

MOTION	A motion was made by Commissioner Cunningham THAT THE PARKS & RECREATION COMMISSION APPROVE THE CONSENT AGENDA CONSISTING OF: FIVE (5) YEAR LEASE WITH LOU AND VICKI MURGOITIO RIVERROOTS LICENSING AGREEMENT ONE YEAR AGREEMENT WITH UNITED STATES SPECIALTY SPORTS OFFICIALS ASSOCIATION, INC (USSSOA) AGREEMENT
	seconded by Commissioner Browning.
	Motion was approved by all Commissioners present.
IV.	ACTIONS/PRESENTATIONS
VISUAL ARTS ADVISORY COMMITTEE	Karen Bubb, Boise City Arts & History, came before the Commission seeking a replacement for Maggie Frole Spurling who will be going off the Visual Arts Advisory Committee (VACC) this coming May. The VACC provides design review for all art projects. If interested, by talk with Maggie or contact Karen Bubb.
HYATT HIDDEN LAKES RESERVE WETLANDS – HYATT BAT SCULPTURE	Funds have been identified for projects, particularly parks that are being developed. \$10,000 has been committed for Hyatt Hidden Lakes. The VACC helps to provide input into these projects. Mark Baltes, the chosen artist for this project, has a background in doing porcelain on enamel. Mark has created a project based on origami.
	Mark Baltes' intention was to take \$10,000, which is a very modest budget to do anything significant in a wetland habitat. What he came up with is a bat sculpture based on origami. The pole itself will be powder coated. It is virtually a maintenance free project. The height will be 10' at the wing tip and 17' at the shoulder. Bats like nice little tight areas.
	Mark met with Idaho Fish & Game education people. Foothills Learning Center has an Eagle Scout troop tied into his project. Part of the scout's project will be to monitor bat presence.
	Once Mark looked at the budget, he determined that \$10,000 was not enough to do the project and offered to donate the rest. The budget is now at \$16,500.

	Maggie, please address some of the things that bats do. I know bats like mosquitoes.
	Mark had to go to Amy Stahl, Public Information Officer and ask her how she felt about cultivating a bat presence in the location. The mosquitoes around there are horrendous. A bat will eat their weight in mosquitoes daily. If our project is successful, the mosquito numbers will be kept down.
	The inside of the bat part will be wood, it will be totally contained. That part will be totally removable and replaced.
	Question was asked what if it doesn't attract bats. It can be used as a way to educate about bats. It is an experiment. You can build it and they may not come and if they do, they may not stay as bats are migratory.
	Commissioner Cunningham asked if there is any potential for vandalism. Mark Baltes noted it will be made of 12 gauge steel thus as far as sustaining damage, no.
MOTION	A motion was made by Commissioner Cunningham THAT THE BOISE PARKS & RECREATION COMMISSION RECOMMEND PRELIMINARY APPROVAL OF THE CONCEPT DESIGN OF MARK BALTES' FOR A BAT HABITAT AND PUBLIC ARTWORK IN ORDER THAT HE MAY GO FORWARD WITH DESIGN REFINEMENTS. VAAC REQUESTED THAT MARK BALTES COME BACK WHEN THE PROJECT HAS BEEN STRUCTURALLY ENGINEERED AND A FINAL SITE WITHIN THE PARK HAS BEEN IDENTIFIED FOR FINAL APPROVAL, seconded by Commissioner Spurling.
	Motion was approved by all Commissioners present.
ANN MORRISON BALL FIELD LIGHTING	Toby Norton, Landscape Architect, presented the project to Commissioners and public in attendance.
PROJECT	Ann Morrison has two softball fields. The ball fields were built by Morrison Knudsen in 1959 and the existing lights were installed in the late '60's or early '70's. Conduits, boxes, etc. are currently located in the dugouts of the fields.
	A public meeting was held in December and the residents of the condos and any homes overlooking the park were invited.

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For typical softball play, the Amateur Softball Association (ASA) looks for 60'-70' lights with 50-foot candles average infield and 30-foot candles average outfield. The lights that are out there now are insufficient. What we have now is a safety issue. As a result of the meeting with residents a light study was requested. Staff contracted with Musco for a study. The higher foot candle you go the better your uniformity is. With the newer technology in lighting you get more uniform lighting. Lower poles mean you have to angle the light out further. The taller poles can be angled down.

Toby showed pictures of the existing park now and proposed configurations.

After the public meeting, a meeting was held with the softball advisory board and they came back and said that they preferred staying with the ASA standards. They would be willing to go with a 55' uniform pole height.

Doug Holloway stated when staff met with condominium and home owners in December staff felt like they had done a pretty good jog of educating the public. The concern they had was primarily from the folks on the rim and some of the condominium owners regarding the height of the poles. We want to be good neighbors. The new floodlights won't be an issue. The e-mails and conversations Doug has had is they would support the 55' height. The preference for staff and the board would be to get the highest height that we possibly can. Our pole heights at Fort Boise are at 60'. They work very, very well. There is some loss of fly balls. The same report went to the neighbors that the Commissioners received.

Questions and comments from Commissioner then the public will be asked to participate.

Commissioner Cunningham asked staff at what height would the balls break out of the ray. Staff responded at 60-65' the ball would break out of the ray. Commissioner Cunningham noted the lights don't give any light above that. Staff stated no.

Question was asked how many games are played at Ann Morrison at night, how late, how much are the lights used during the summer and how often are these lights going to be on that would affect the neighbors. Staff noted three games a night five nights a week with tournaments on weekends sometimes. Earl Kilian responded that our current season Boise Parks & Recreation Commission Minutes Page 5 February 16, 2012

> begins April 9<sup>th</sup> and goes through the end of August and into September. The sun stays up later and later and we turn the lights on sooner because of the berm. Two to three games a night are played. Currently there are 325 slow pitch teams.

Chuck Darby, staff, was asked how much the lights are basically used. 850 hours. It is not used just by softball but by the football program as well. Quite often the balls get lost in the lights.

Earl noted there is an ordinance and lights are off at 11:00 PM. Mr. Cunningham questioned if the lights are on a timer. Response yes. And they are off at 11:00? Occasionally a game goes a little late and the lights may be on a little later. Mr. Cunningham asked if staff is suggesting that you would schedule more games that would go in there. Earl responded with most likely. Doug Holloway noted the lights would not be on past 11:00 PM.

Commissioner Spurling questioned if the canopy of the trees would hide some of the lighting. Toby noted the trees would continue to grow over the years. Taller poles would be covered as the trees grow.

Commissioner Chandler question Mr. Brian Jorgenson as to whether the trees are Class 2 or Class 3. Mr. Jorgenson responded with Class 2 which grows to 60' or more.

Commissioner Uranga questioned the cost of the project. Toby noted it will cost \$300,000 to do both fields and upgrade the system that uses the lights.

Commissioner Neef questioned if the fees are paid and by whom. The players through some of the fees that they pay and some from our budget. We anticipate reducing our cost per usage about 50% by putting the light use where it needs to be.

Commissioner Chandler wanted to know the life span of these lights. The manufacturer is saying 25 years. In the contract they would come out and replace bulbs as needed. Earl Kilian noted that after 25 years Musco would come in and change all of the bulbs for free.

Toby Norton noted the pole life would be 25 years and they will be made of aluminum. Chuck noted the poles are metal Boise Parks & Recreation Commission Minutes Page 6 February 16, 2012

Open for public comment.

Jack Cortabitarte, 3115 Crescent Rim Drive – he is a member of the Depot Neighborhood Association. He thanked the officials of Boise Parks & Recreation for inviting everyone to the meeting. He would like to review the feeling of the neighborhood and go over a couple of issues then make a couple of requests. The majority of the neighborhood is soundly for anything that improves our parks. Currently it is their understanding that lights were on from 9-9:30 or 9:30-10. The neighborhood didn't feel that was an issue. What was an issue, as you can see by the photos, originally Boise Parks & Recreation is so involved with recreation, quality of lights and they glare, they didn't take into consideration the views. The unsightly views of the neighbors. We currently live with two 55' poles and the rest are 45'. The opinion is that it would affect property values. The most affected is ParkView Apartments. We didn't know about the extended playing time possibility. That would be more hours. The neighborhood would have to discuss that. Fort Boise doesn't have the residential property owner presence that Ann Morrison does. There are homes all around Ann Morrison. That is some of the concerns of the neighbors. He thinks this is an important issue. If Boise Parks & Recreation feels they want to go above the 55' level, the neighborhood is feeling that the max would be 55'. He requests whatever the decisions or recommendations you make as a Commission to hold a meeting in the evening and present what Boise Parks & Recreation wants and let the neighborhood respond.

Carolyn Curry, 2759 Crescent Rim Drive - She thought it was further along in the approval process and is just like the last. She does want to second what he said. No way can they live with higher poles. Property values will go down. She would like to have seen what it would look like with the poles all the same height. When 15' is added to the top of 40' poles that kind of difference is huge. Looking at the poles all winter long, the 70' ones are out of the question. It would be nice to have some reassurance through another meeting at what we would be looking at with all 55' poles. We do look at it 365 days a year.

Toby Norton showed a view with all poles uniform at 60'.

Matt Lindsay is in the softball association and lived on the rim for 10 years. Having had that opportunity, what is important is what we are looking at now. They are old wooden poles; some Boise Parks & Recreation Commission Minutes Page 7 February 16, 2012

> were donated by the penitentiary years ago. The latest games begin at 9:00 and are through by 10 or 10:10. That will not change. He hopes to be good neighbors and give them something nice to look at. 70' poles would be ideal. We can compromise at the 60'-65' range. When the lights are lower, they need to shine out more and we lose the safety factor.

Fred Hahn, ASA Board President noted that technology has changed dramatically. There are 300+ teams in our organization. It is a safety issue. The poles are not what they are looking for. We are not trying to ruin property values. We are concerned with safety. We talk about it constantly on the board. We don't use those lights right now as they are shut down after 9:00. We get the new lights and we'll have to look at it. The field is growing.

Michelle Crawforth questioned staff if the style of lights at Fort Boise is what is being planned for in Ann Morrison. Staff noted that the current technology is used at Fort Boise.

Director Jim Hall stated the staff recommendation, after consulting with Doug Holloway, Supt. of Recreation, because the neighborhood was concerned about the height and the softball players are concerned for safety, we compromised at 55'. He feels this is a good compromise and definitely recommends to the Commission.

Commissioner Chandler asked if there had been a study on property values and the 11:00 cut off on the lights, is it a park thing or code. Pat Riceci, Boise City Legal noted our park hours are sunset unless otherwise posted.

Commissioner Madigan is concerned about the property value and concerned about the safety issue. Are we compromising at the cost of the safety issue?

Director Hall asked the same question of staff. He doesn't know of any accidents where there has been a foul ball or a pop up come down and injuring someone. The lighting is so poor on the field that when a ball is hit, a person has a short response time to get that ball. With the poor lighting conditions in the infield is it an unsafe condition.

Commissioner McGown noted two things; this is an expensive project and the life span of the lights is very long. Go a little higher and build in a little insurance. She struggles with Boise Parks & Recreation Commission Minutes Page 8 February 16, 2012

meeting the neighborhood concerns. She feels they should be higher to increase safety.

Commissioner Chandler stated that ASA should be our guiding standard as we don't have recreational immunity for this. If we do this, we need to do it right the first time. He doesn't want to run the risk of reducing those standards and subjecting the department to results of those decisions.

MOTIONA motion was made by Commissioner Chandler THAT THE<br/>BOISE PARKS & RECREATION COMMISSION APPROVE THE<br/>RELIGHTING OF THE SOFTBALL FIELDS IN ANN MORRISON<br/>PARK FOLLOWING THE ASA STANDARDS OF UTILIZING 60'<br/>AND 70' POLES TO ACHIEVE THE BEST LIGHTING FOR BALL<br/>PLAYER'S SAFETY AND PLAYABILITY AND<br/>ACCOMMODATING THE RESIDENTS WITH ANOTHER<br/>MEETING, seconded by Commissioner Uranga.

Commissioner Cunningham supports the motion. He played softball on those fields in 1970. We worked very hard with the people in the apartments and up on the rim. I am very aware that we need to work together in our community to make it the best. He's trying to balance that with what Commissioner Chandler is talking about. Players in the infield are at risk due to the existing light. The new lights would be ten fold better. Nothing is worse than a player losing a ball into the sun. \$100,000 is a large sum of money for the players to put out. This is a partnership we need to encourage. It is important to do what they want and balance with the community. He would be in favor of a little less, 60'-65'. There are two fields not being used to the efficiency they could be. He is concerned about where this goes from here; turned back to us or on to Mayor and Council to make a decision.

Commissioner Neef questioned what the schedule is to begin this project. Toby noted not until the end of August. A meeting with the neighborhood could be held within a month or so.

Joshua Johnson, Planning & Zoning noted that this project is a height exception and a public meeting is needed.

Commissioner Cunningham questioned what the requirement for heights is. Joshua noted anything above 55' would need a height exception.

Motion was approved seven (7) to one (1).

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> Director Hall noted we will be working with recreation staff as early as the March meeting or sooner to hold a public meeting at 7:00 PM.

**RIVER PARK** Tom Governale, Superintendent of Parks, noted that the River Recreation Park is getting close to being complete. There are **OPERATING** PROCEDURE kayakers in the river now and the bank work is being finished. The hope is to be open to the public at the end of March. There is only one other in the country near like ours. How are we going to operate it? Staff has been in contact with others who operate river parks looking at operating procedures, policies, etc. This is by no means a final list. Staff will probably be bringing this back several times over the next couple of years. The season will be a seven (7) day a week operation as long as we have water. Need to look at making recommendations for safety; i.e. wear vest, helmets, etc. However, people in tubes and rafts don't always do that.

> Vendors will be charged and fee and food vendors won't be allowed. Recommendations are as follows:

- 1. Park Hours operating hours should be dawn to dusk consistent with other City of Boise Parks.
- 2. Season The Park should be open year around 7 days per week, pending water levels.
- 3. Operational water flow tentatively 250 3,500 cfs pending concurrence from the project design engineer, McLaughlin, Inc.
- 4. Safety safety gear will be recommended, not required, for users. The reason for recommending versus requiring is lack of enforcement capability and liability. Recommending will be consistent with existing park policies such as "Swim at your Own Risk" and "Unsafe Ice", etc. Signs describing safety equipment, safety procedures and appropriate use are to be installed at strategic locations. In addition to safety signs, signs relating to park rules, regulations, phone and web site information and user protocol are recommended.
- 5. Allowable Uses The Team recommends that the park be open to non-motorized boaters, tubers, rafts, canoes, body boards; stand up paddle boards and surf boards.
- 6. Non Allowable Uses The Team recommends that boogie boards, bungee boards and any devices that are required to be tied off to another object not be

Boise Parks & Recreation Commission Minutes Page 10 February 16, 2012

> permitted in the park. Motorized craft (including jet skis and jet boats) and remote control devices are recommended to be prohibited. However, in order to prohibit motorized craft either a jurisdictional boundary adjustment needs to occur (the park is currently in Garden City jurisdiction) or Garden City needs to enact such a prohibition and the two Cities share a joint powers of agreement.

- 7. Wave Master All wave operators will be employees of the City of Boise. The waves will be adjusted as reasonable and feasible with consideration for user demand, City resources, and facility maintenance considerations.
- 8. Wave Shape Information for the Public After much Team discussion and legal counsel, it was determined that the City will not attempt to educate users on the type of wave or its' level of difficulty. This is in line with using other park facilities at your own risk. However, it is recommended that the site will be posted (as well as the various electronic mediums available) when water levels are dangerous.
- 9. Events events will not be scheduled/permitted until Esther Simplot Park and support facilities such as permanent parking, restrooms, changing rooms, access paths and other related amenities are developed.
- 10. Instructional contract vendors Instructional vendors be limited to one vendor at a time with a maximum of 2 instructors with not more than 10 students. The number of vendors permitted is to be determined. Vendors will be given a specific day and time to offer instruction. This is being recommended to mitigate user and vendor conflict and congestion. Vendors are anticipated to be charged a permit fee to offer lessons. The cost of the permit has not yet been determined, although, other cities have indicated a fee of \$200 \$500 per vendor per season.
- 11. Food Vendors Food vendors will only be permitted during special events. Food vendors will not be allowed on a regular basis in order to mitigate Greenbelt path and spectator area congestion as well as mitigate litter.
- 12. Alcohol Prohibit.

There are a couple of little nuances; the River Recreation Park is actually in Garden City. Both mayors are open to a boundary adjustment or do a joint use agreement. Staff is looking for your Boise Parks & Recreation Commission Minutes Page 11 February 16, 2012

endorsement.

	chuor sement.
	It was noted that we don't have recreation immunity for softball. Will we have it here? Tom Governale stated yes as we won't be charging.
	Director Hall noted that we will however; charge an event for all direct costs but not a user fee for the facility.
	Commissioner Chandler noted, as a result of the Parks, Trails, & Open Space Sub-Committee, that these rules will evolve as time goes by and to allow additional flexibility add a number 13; that the Director of Boise Parks & Recreation Department have the authority to impose new regulations as necessary.
	Commissioner Spurling questioned how are regulations considered with other parks? Staff noted that some of them are pretty loose. Some have food vendors. None require safety gear.
	Commissioner Spurling asked how you will determine who gets what spot for vendors. Staff stated probably put out a request and see how many apply. Look at the criteria first and if they are all close go to a lottery system.
MOTION	A motion was made by Commissioner McGown THAT THE BOISE PARKS & RECREATION COMMISSION APPROVE THE PROPOSED REGULATION AND POLICY RECOMMENDATIONS REGARDING THE OPERATION OF THE RIVER PARK, WITH THE ADDITION OF NUMBER 13 THE POWER OF THE DIRECTOR TO IMPOSE NEW REGULATIONS AS NECESSARY, seconded by Commissioner Cunningham.
	Motion was approved by all Commissioners present.
UPDATE ON DOG PARK EVALUATION PROCESS	Jerry Pugh, Volunteer Coordinator, noted we are coming up on a year with the pilot program in seven (7) of our parks. We sent out the follow-up survey February 1 <sup>st</sup> and the initial survey response rate is 17%. The survey deadline is March 1 <sup>st</sup> at which time we will try to get the results compiled as quickly as we can so you have time to review. What can be expected will be a summary of initial survey, summary of survey that was implemented after the beginning of the program, a summary of the daily log, as well as enforcement stats through the year? We would like to set up a Parks, Trails, & Open Space Sub- Committee meeting at the end of March to review all the
	seminated modeling at the end of march to review an the

Boise Parks & Recreation Commission Minutes Page 12 February 16, 2012

information.

	Commissioner Cunningham noted that when he looked at some of the reports, was the enforcement that relates to the Police Department. They don't write a ticket every time they stop someone. Are we doing some things that when you hear the comments from the public about the fact that a guy just had his dog jump out of the truck and hadn't got the leash on the dog and was ticketed, is that prevalent?
	Jerry doesn't think the daily log reflects the true issues. Certain people are just going to be upset.
	Director Hall informed Commissioners that the enforcement section works out of Finance Administration. They are not our employees. When we receive complaints, we forward those on to the enforcement section. They have had to work on some communication style. What you don't hear about, is what the dog owners do to the enforcement people. It is not the most sought after job in the City. There are always two sides to every story.
RIVER EDGE APARTMENTS AKA ROYAL BLVD. APARTMENTS	Sarah Schafer and Joshua Johnson, Planning & Zoning brought the Royal Blvd. Apartments, now called River Edge Apartments to the Commission as they are seeking a waiver on the height of the modulation. The height recommendation is 55' and the design review came in and asked for two areas of modulation that would go above the 55'. The apartments are kind of a U shape. Looking at the elevation, there is 55' at the height. We needed to add additional modulation up to 59' on two pieces adjacent to the Greenbelt. This is pretty minimal.
	Commissioner Chandler questioned if we waive this, what about the other buildings up and down the Greenbelt.
	Sarah noted that the Kinetics building had a height exception of 55' and it is actually 53'.
	Cheyne Weston, staff, noted we granted an exception to the Cottonwood Grille of 71' to hide the air conditioning unit. A person can't see it from any angle along the Greenbelt.
	Director Hall indicated that he would be willing to allow an exception so a motion can be made tonight as this is scheduled to go to the Planning Commission on March 5 <sup>th</sup> .

Boise Parks & Recreation Commission Minutes Page 13 February 16, 2012

> Pat Riceci, Boise City Legal, stated to clarify; we are allowed to amend an agenda on the spot if there is a motion made and a good faith reason why.

MOTIONA motion was made by Commissioner Chandler TO ADD A<br/>RECONSIDERATION OF THE HEIGHT RESTRICTION FOR<br/>RIVER EDGE APARTMENTS AKA ROYAL BLVD.<br/>APARTMENTS PREVIOUSLY RECOMMENDED BY THE<br/>COMMISSION. COMMISSIONER CHANDLER STATED<br/>THE NEED TO CONSIDER THE ITEM WAS BROUGHT TO THE<br/>STAFF'S ATTENTION BY PDS ONLY YESTERDAY, TOO LATE<br/>TO INCLUDE IT AS A REGULAR AGENDA ITEM. THE<br/>PLANNING AND ZONING COMMISSION HAS THIS ON ITS<br/>MARCH 5 AGENDA, PRIOR TO THE COMMISSION'S NEXT<br/>MEETING, seconded by Commissioner McGown

Motion to amend agenda approved by all Commissioners.

A motion was made by Commissioner Cunningham, **THAT THE PARKS & RECREATION COMMISSION ACCEPT THE HEIGHT VARIANCE OF THE ROYAL BLVD. APARTMENT NOW KNOWN AS RIVERSIDE APARTMENT, FROM 55' TO 59' AS OUTLINED BY PLANNING AND DEVELOPMENT,** seconded by Commissioner Uranga.

Staff reminded Commissioners that the Shilo Motel requested a height exception. The Shilo wanted to go to 70' and staff and Commissioners left it at 55'. The issue was appealed to Mayor and Council and approved. In the 30<sup>th</sup> Street Plan, buildings can go to 70'.

Sarah showed renderings of what the Commissioners approved versus what is being asked for. The extra height will be screening air conditioners. A bit of modulations is needed to break up the lines as well.

Commission Chandler asked if the City is requesting the change. Sarah stated yes.

Motion was approved by all Commissioners present.

Meeting adjourned at 6:20 P.M.

Respectfully submitted,

Boise Parks & Recreation Commission Minutes Page 14 February 16, 2012

## Margaret C. Lancaster CAP-OM

/mcl

## **Planning & Development Services**



Boise City Hall, 2nd Floor 150 N. Capitol Boulevard P. O. Box 500 Boise, Idaho 83701-0500 Phone: 208/384-3830 Fax: 208/384-3753 TDD/TTY: 800/377-3529 Website: www.cityafboise.org/pds

## CUP11-00090 & CFH11-00036/ The Michaels Organization

#### Summary

Conditional use permit for a height exception to construct a five story multi-family residential building on 3.42 acres located at 1004 W. Royal Boulevard in an R-OD (Residential-Office with Design Review) zone.

#### **Prepared By**

Joshua Johnson, Current Planning

#### Recommendation

Staff recommends **approval** of CUP11-00001 & CFH11-00036.

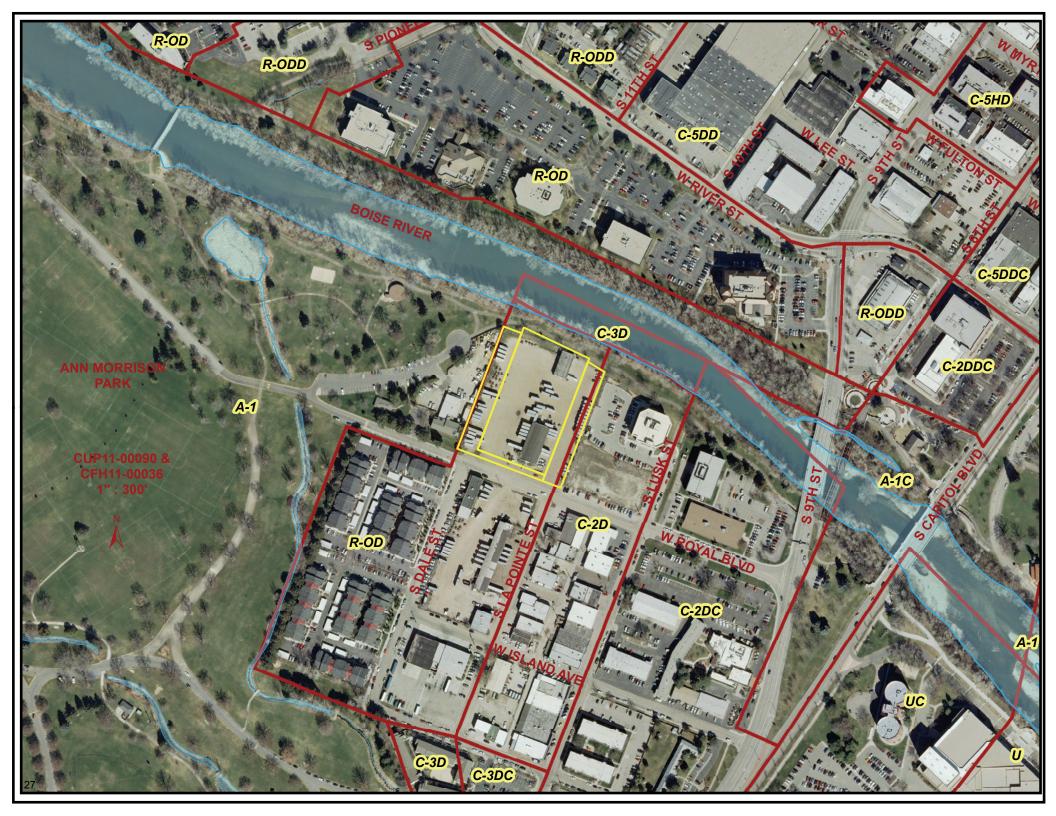
#### **Reason for the Decision**

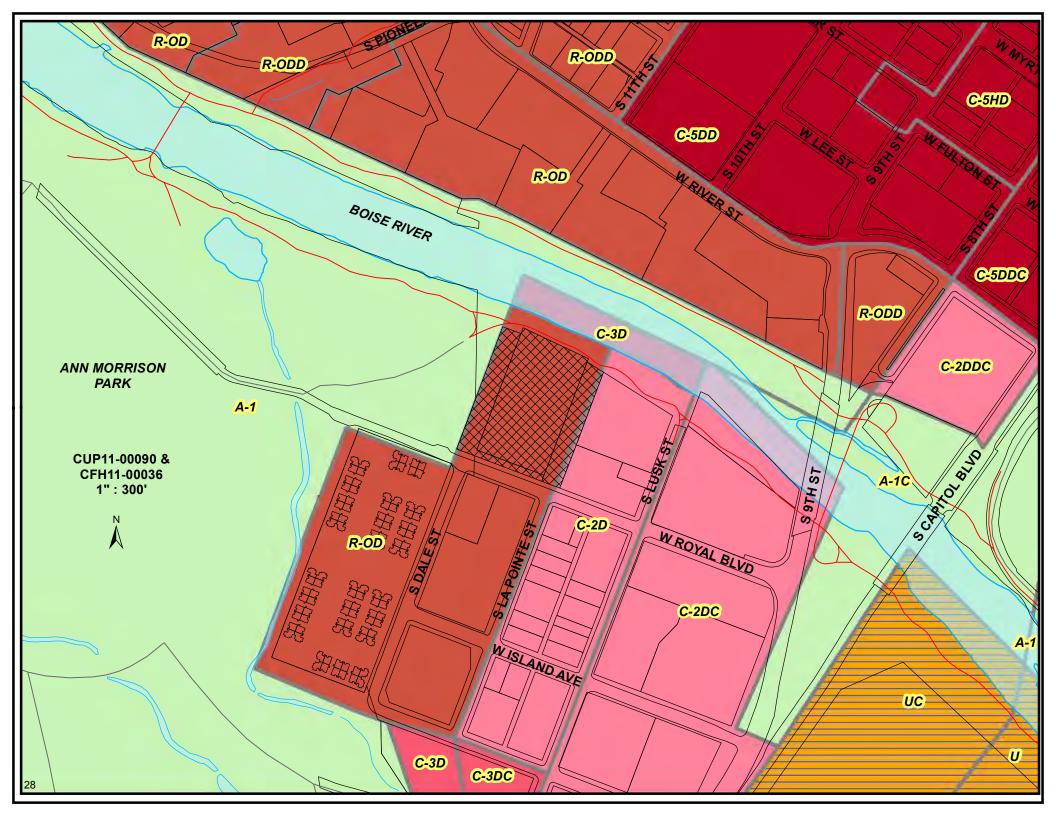
#### Conditional Use Permit

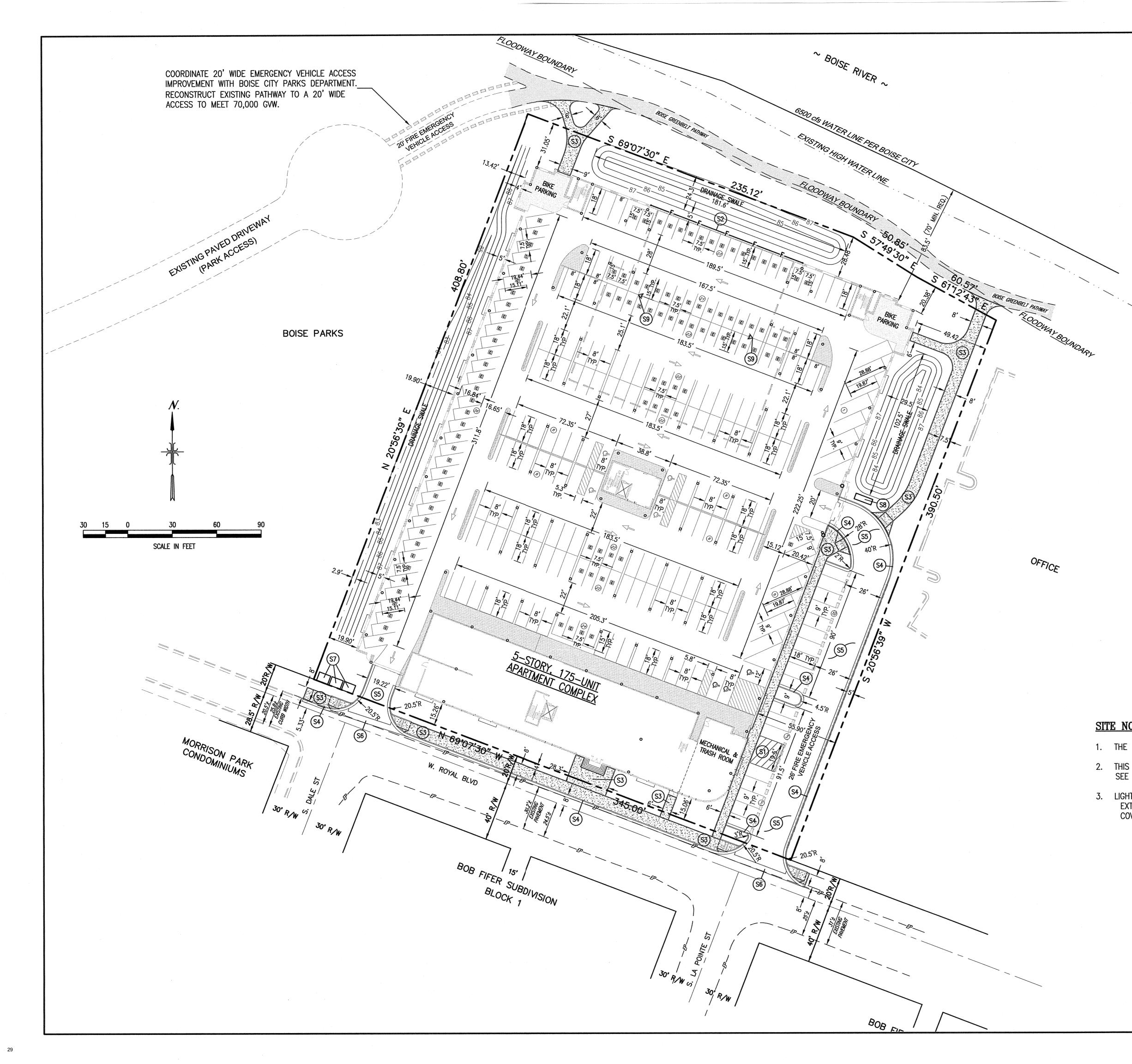
The height exception is compatible as there are buildings of similar height in the immediate vicinity and ample separation is provided to shorter structures. The height exception will not place an undue burden on transportation and other public facilities. Most roads within the general vicinity operate at acceptable levels of service. The traffic generated by this development is mitigated by its intended use as student housing. The project is next to the greenbelt that allows a direct walking/biking path that is <sup>1</sup>/<sub>4</sub> mile from BSU. The project meets all setback and open space requirements of the R-O zone. The height exception will not adversely affect surrounding property owners as the building's additional height does not allow for more units than the site's available parking. The proposed use is supported by the general goals, objectives and policies of the Comprehensive Plan. Currently, there is a lack of on campus housing for BSU. The height exception allows for the applicant to maximize the number of units, while providing adequate parking. *Objective 7.1.2* calls for opportunities for residents of Boise to find housing in the neighborhood of their choice. This project will allow for prospective students to find housing near the university

#### River System

The subject property is classified as Class C lands and waters which states that all allowed and conditional uses of the base zone are permissible. No riparian habitat will be disturbed with this application as the project is located outside the 70 foot greenbelt setback. The project complies with the Boise Comprehensive Plan. *Objective 3.4.2* state that bald eagle habitat should be protected as a unique feature of the City. There are no bald eagle perch trees or heron rookeries in the general vicinity of the project. A condition of approval requires that the applicant obey all local, state and federal laws and regulations.

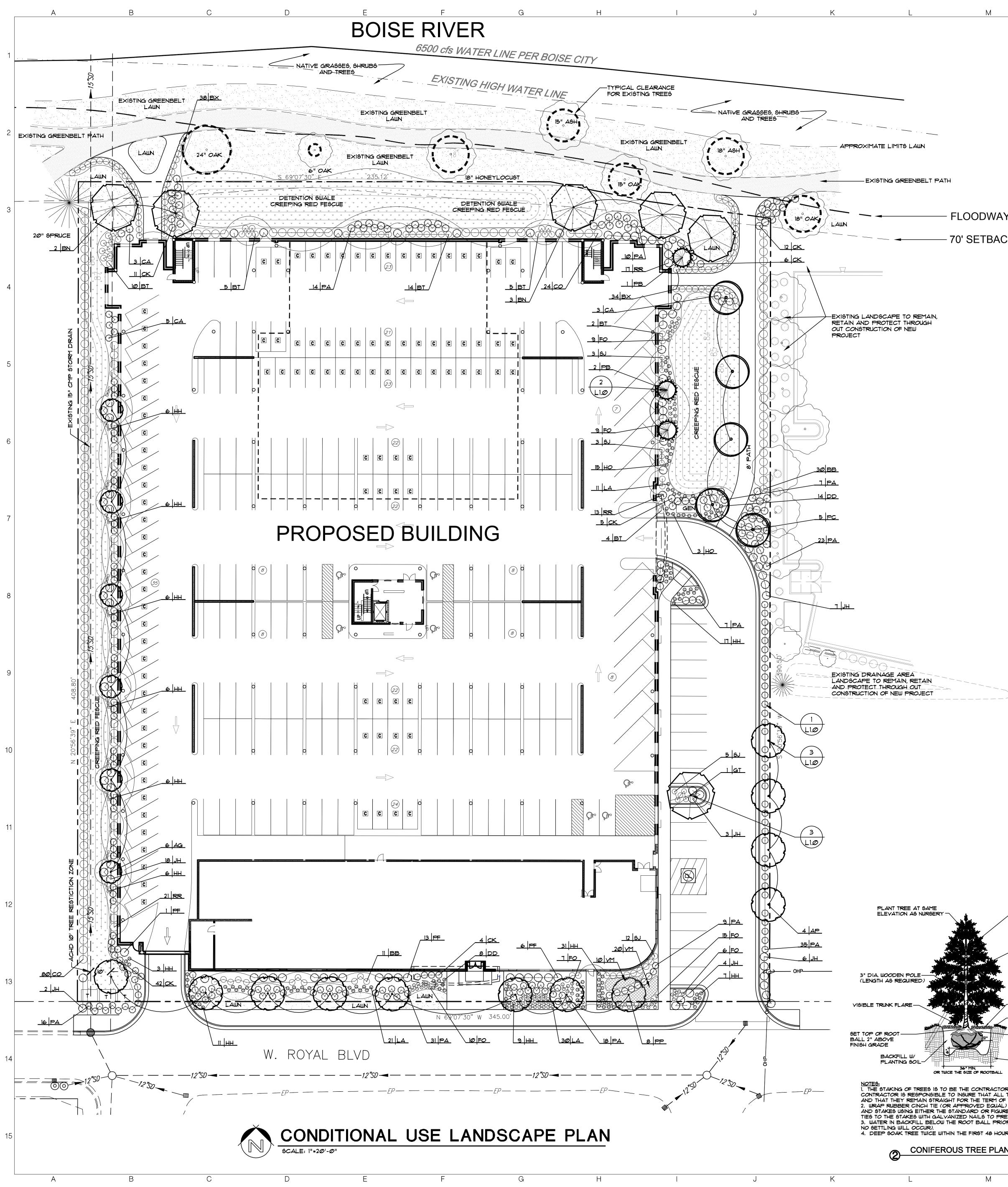






SITE PLAN KEY NOTES: (S1 NO PARKING AREA – TRASH PICK-UP AREA (S2 CONSTRUCT WROUGHT IRON FENCING WITH PILLARS. SEE LANDSCAPE AND ARCHITECT PLANS FOR DETAILS. (S3) CONCRETE SIDEWALK OR PATHWAY		ARCHITEC CHEN & ASSOCIA 8 PENN CENTER KENNEDY BLVD.,	PHILADELPHIA, PA. 19103 (215) 985–0111
<ul> <li>S4</li> <li>VERTICAL CURB AND GUTTER</li> <li>S5</li> <li>PERVIOUS CONCRETE PAVING</li> <li>S6</li> <li>VALLEY GUTTER</li> <li>S7</li> <li>TRANSFORMER</li> <li>S8</li> <li>GENERATOR</li> <li>S9</li> <li>PARKING LIGHTS</li> </ul>		DEVELOPER THE MICHAELS ORGANIZATION 3 EAST STOW ROAD, SUITE 100 MARLTON, NJ 08053	(856) 596-3008
<section-header><section-header><section-header><section-header></section-header></section-header></section-header></section-header>		NGINEERING Solutions	1029 N. ROSARIO STREET, SUITE 100 THIS DRAWING OR FILE CONTAINS INFORMATION OWNED BY CONTRACT OF CONTRACT ON THE ROWEND OWNED BY CONTRACT OF CONTRACT
NOTES: IE BOISE RIVER SYSTEM ORDINANCE APPLIES TO THIS PROPERTY – CLAS IIS ENTIRE PROPERTY LIES IN THE BOISE RIVER 100-YEAR FLOODPLAIN. EE FEMA MAP NUMBER 16001C0277 H FOR ADDITIONAL INFORMATION. GHTING: EXTERIOR: BUILDING-MOUNTED LIGHT FIXTURES COVERED PARKING AREA: CEILING-MOUNTED LIGHT FIXTURES	S C LANDS.	RIVER EDGE APARTMENTS 1004 W. ROYAL BOULEVARD, BOISE, IDAHO	SITE & DIMENSIONING PLAN
		and the second secon	

/SHEETS/110801-SITE.DWG



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<b>PLANT</b>	SCHEDU	F	(*NOTE:	ALL	TREES	TO B	e grad	E #	)

	PLAN	NT SC	CHEDULE (*NOTE: ALL TREES TO	BE GRADE #)		
	QTY.	KEY	BOTANICAL NAME COMMON NAME	PLANTING SIZE	TREE CLASS	MATURE SIZE
			TREES			
	6	AG	Acer ginnala 'Flame' Flame Maple	2" B <b>4</b> B	1	15' hgt. 13' wide
	4	AP	Acer platanoides 'Parkway' Parkway Norway Maple	2" ₿ቆ₿	II	35' hgt. 15' wide
	5	BN	Betula nigra 'Clump' Clump Ri∨er Birch	2" B4B	Π	35' hgt. 25' wide
	1	GT	Gleditsia triacanthos 'Shademaster' Clump Ri∨er Birch	2" B <b>4</b> B	II	35' hgt. 25' wide
	5	PC	Prunus cerasifera 'Kraurer Vesuvius' Krauter Vesuvius Plum	2" B\$B	I	20' hgt. 15' wide
АТН	8	PP	Pyrus calleryana 'Capital' Capital Flowering Pear	2" B <b></b> ₿	Ι	25' hgt. 15' wide
	3	PB	Picea pungens 'Bacheri'	5-6' hgt. B\$B	CONIF.	12' hgt. 6' wide
	32 TO	TAL TREE	Bacheri Spruce			

## - FLOODWAY BOUNDARY

## - 70' SETBACK LINE

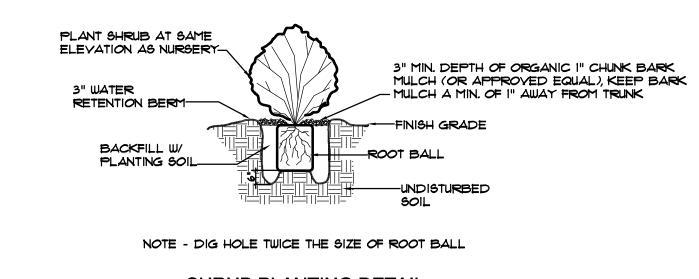
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PB TAL TREES	Picea pungens 'Bacheri' Bacheri Spruce	5-6' hgt. B&B	CONIF. 12' hgt
	<u>SHRUBS</u>		MATURE SIZE
BB	Euonymous alatus 'Compactus' Dwarf Burning Bush	2 Gal.	4' hgt. 4' width
BT	Berberis thunbergii 'Crimson Pygmy' Crimson Pygmy Japanese Barberry	2 Gal.	3' hgt. 3' width
BX	Buxus x 'Green ice' Green ice Boxwood	2 Gal.	3' hgt. 3' width
со	Cornus alba 'Ivory Halo' Ivory Halo Doguood	5 Gal.	4' hgt. 4' width
ЪН	Juniperus horizontalis 'Blue Chip' Blue Chip Juniper	2 Gal.	6" hgt. 4' width
RR	Rosa 'Merlot' Red Groundcover Rose	2 Gal.	4' hgt. 4' width
PF	Potentilla fruticosa 'Gold Star' Gold Star Potentilla	2 Gal.	4' hgt. 4' width
SJ	Spiraea japonica 'Neon Flash' Neon Flash Spiraea	2 Gal.	3' hgt. 3' width
	<u>GROUND COVERS/ PERRENIALS/GRASSES</u>		
CA	Calamagrostis x. acutiflora 'Overdam' Dwarf Feather Grass	l Gal.	4' hgt. 2' width
CK	Calmagrostis acutiflora 'Karl Foerster' Karl Foester Feather Grass	l Gal.	4' hgt. 2' width
DD	Dianthus x "Frosty Fire' Frosty Fire Dianthus	l Gal. * 36" O.C.	2' hgt. 2' width
FO	Festuca o∨ina glauca 'Elijah' Elijah Blue Fescue	l Gal. * 36" O.C.	2' hgt. 2' width
₩₩	Hemerocallis x 'Happy Returns' Happy Returns Daylilly	l Gal.	2' hgt. 2' width
HO	Hosta sieboldiana 'Frances Williams' Frances Williams Plantain Lily	l Gal.	2' hgt. 2' width
LA	Lavandula angustifolia 'Thumbelina Leigh' Thumbelina English Lavender	1 Gal. # 36" O.C.	2' hgt. 2' width
PA	Pennisetum alopecuroides 'Little Bunny' Little Bunny Dwarf Fountain Grass	l Gal.	2' hgt. 2' width
٧M	Vinca minor 'Jekyll's White' Common Periwinkle	4" Pot. @ 24" O.C.	6" hgt. 2' width

## LANDSCAPE NOTES

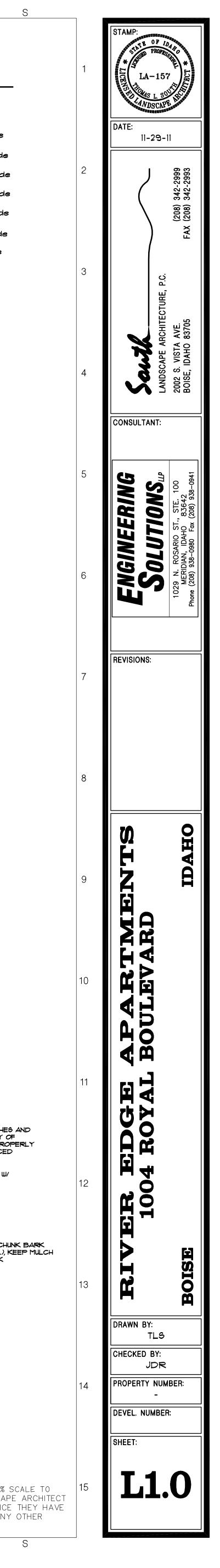
1. All plant material shall conform to the American Nurseryman Standards for type and size shown.

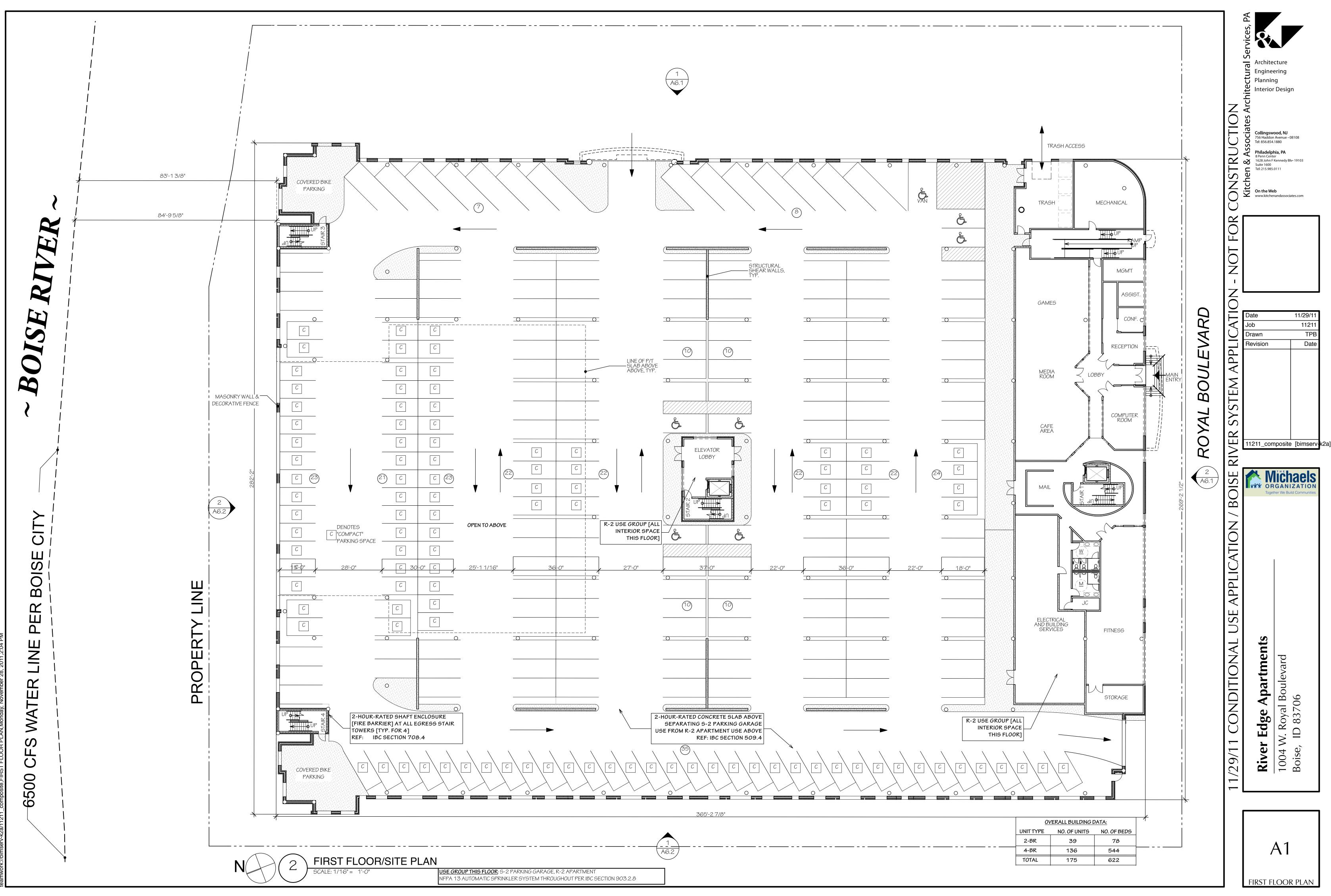
shown. 2. All planting beds and tree wells in lawn areas (wells to be 3' in diameter) shall be covered with a minimum of 3" of small (1") bark chips. 3. All lawn areas shall be sodded to match existing Greenbelt Turf. 4. All planting beds shall have 18" of topsoil. 5. All landscaped areas shall have an automatic underground sprinkler system which insures complete coverage and properly zoned for required water uses. 7. Retain and protect all existing trees to remain through out construction (see plans). Retain and protect existing trees to remain per Boise City Forester's Recommendations.

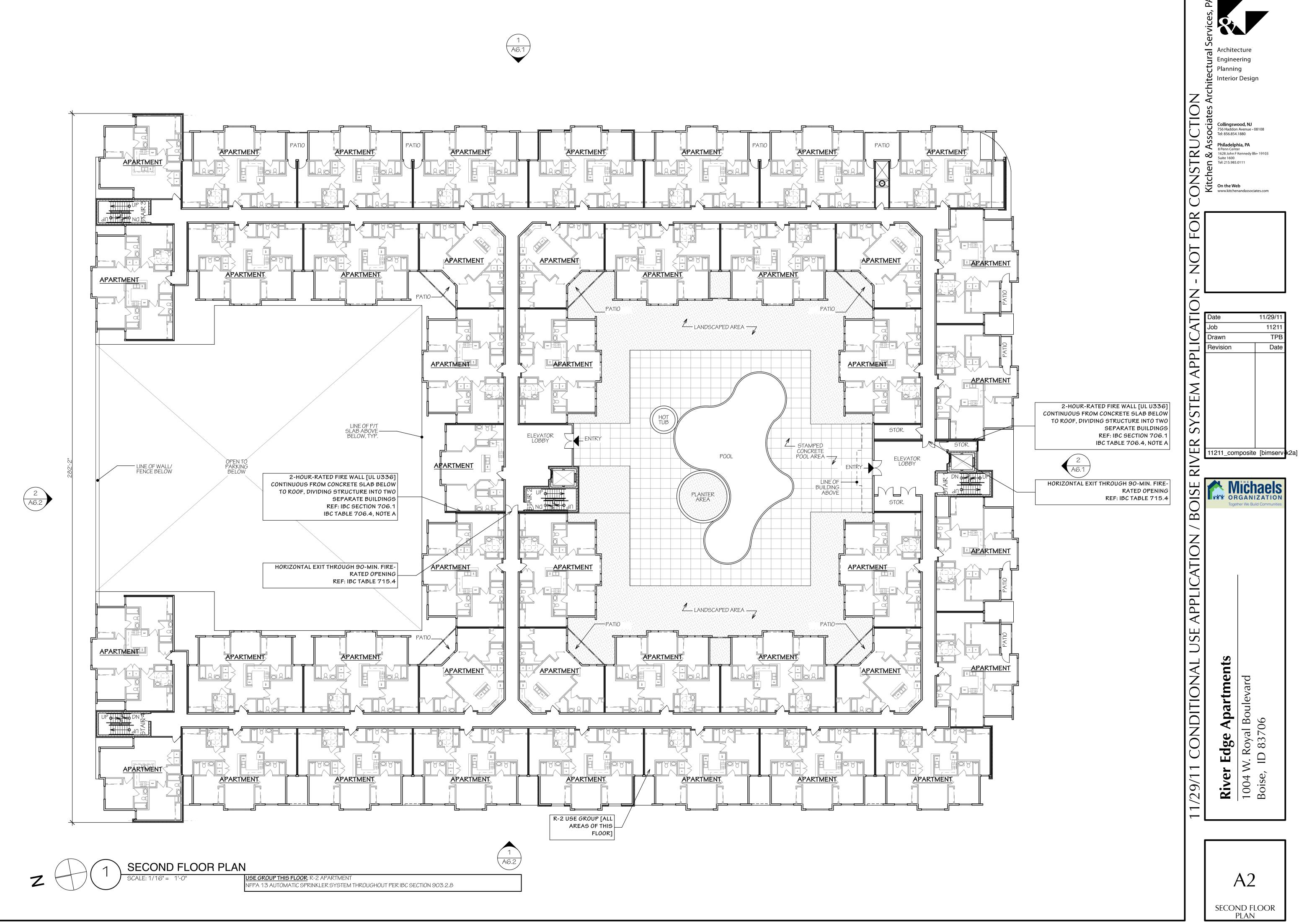


SHRUB PLANTING DETAIL **(1)**-NO SCALE

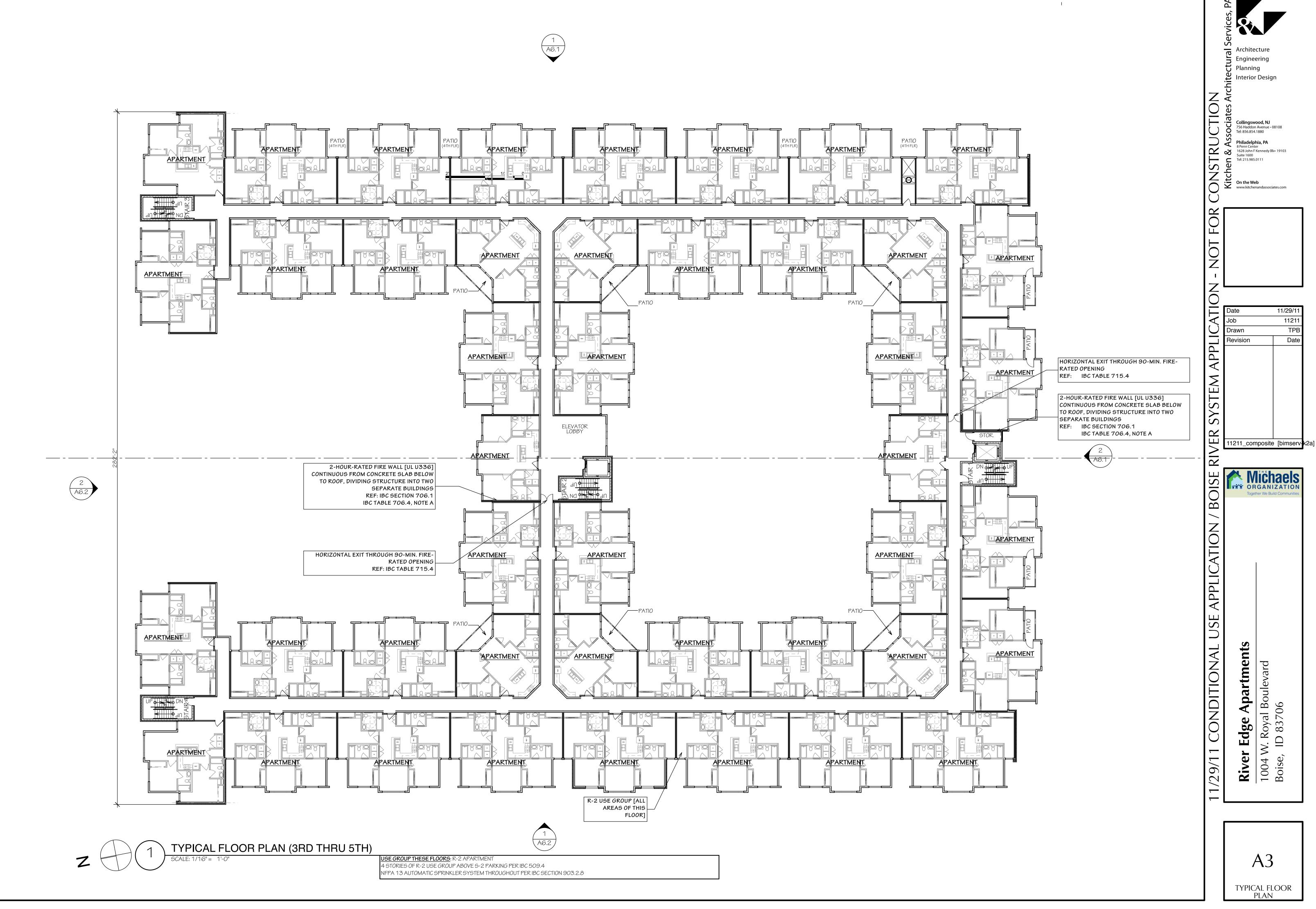
	PLANT TREE AT SAME ELEVATION AS NURSERY AS NURSERY PRUNE TO INTERNATIONAL SOCIETY OF ARBORICULTURE STANDARDS, IMPROP PRUNED TREES SHALL BE REPLACED
	2" DIA. WOODEN POLE (LENGTH - AS REQUIRED) SET STAKES PARALLEL TO PREVAILING WIND. SEE NOTES ATTACH TRUNK FIRMLY TO POLE W/ CINCH TIE. SEE NOTES
REMOVE DEAD/DAMAGED BRANCHES AND PRUNE TO INTERNATIONAL SOCIETY OF ARBORICULTURE STANDARDS, IMPROPERLY PRUNED TREES SHALL BE REPLACED	FOLD BACK BURLAP 1/4 WAY OR REMOVE WIRE BASKET FROM ROOT BALL AS SUPPLIED AND REQUIRED
ATTACH TRUNK FIRMLY TO POLE W/ CINCH TIE. SEE NOTES	3" WATER RETENTION BERM A MIN. OF 3" AWAY FROM TRUNK
	SET TOP OF ROOT BALL 2" ABOVE FINISH GRADE
3" MIN. DEPTH OF ORGANIC 1" CHUNK BARK MULCH (OR APPROVED EQUAL), KEEP MULCH - A MIN. OF 3" AWAY FROM TRUNK	BACKFILL W/
-3" WATER RETENTION BERM	<u>NOTES:</u> 1. THE STAKING OF TREES IS TO BE THE CONTRACTOR'S OPTION HOWEVER, THE CONTRACTOR IS RESPONSIBLE TO INSURE THAT ALL TREES ARE PLANTED STRAIGHT
FOLD BACK BURLAP 1/4 WAY OR REMOVE WIRE BASKET FROM ROOT BALL AS SUPPLIED AND REQUIRED	AND THAT THEY REMAIN STRAIGHT FOR THE TERM OF THE WARRANTY. 2. WRAP RUBBER CINCH TIE (OR APPROVED EQUAL) AROUND THE TREE TRUNKS AND STAKES USING EITHER THE STANDARD OR FIGURE EIGHT METHOD. SECURE THE TIES TO THE STAKES WITH GALVANIZED NAILS TO PREVENT MOVEMENT.
UNDISTURBED	3. WATER IN BACKFILL BELOW THE ROOT BALL PRIOR TO SETTING TREE (TO INSURE NO SETTLING WILL OCCUR). 4. DEEP SOAK TREE TWICE WITHIN THE FIRST 48 HOURS.
TO BE THE CONTRACTOR'S OPTION HOWEVER, THE E TO INSURE THAT ALL TREES ARE PLANTED STRAIGHT AIGHT FOR THE TERM OF THE WARRANTY. 'OR APPROVED EQUAL) AROUND THE TREE TRUNKS HE STANDARD OR FIGURE EIGHT METHOD. SECURE THE LVANIZED NAILS TO PREVENT MOVEMENT. II THE ROOT BALL PRIOR TO SETTING TREE (TO INSURE)	OECIDUOUS TREE PLANTING DETAIL
ITHIN THE FIRST 48 HOURS.	NOTE: ALL PRINTS OR COPIES SHALL BE PRINTED AT 100% S INSURE PROPER SCALING OF THE DRAWINGS. THE LANDSCAPE
ROUS TREE PLANTING DETAIL NO BCALE	DOES NOT GUARANTEE THE SCALE OF THE DRAWINGS ONCE BEEN REPRODUCED, COPIED, SCANNED OR PRINTED BY ANY ENTITY.





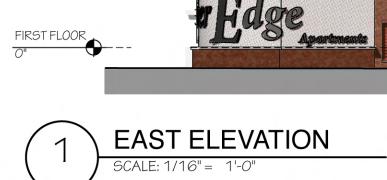








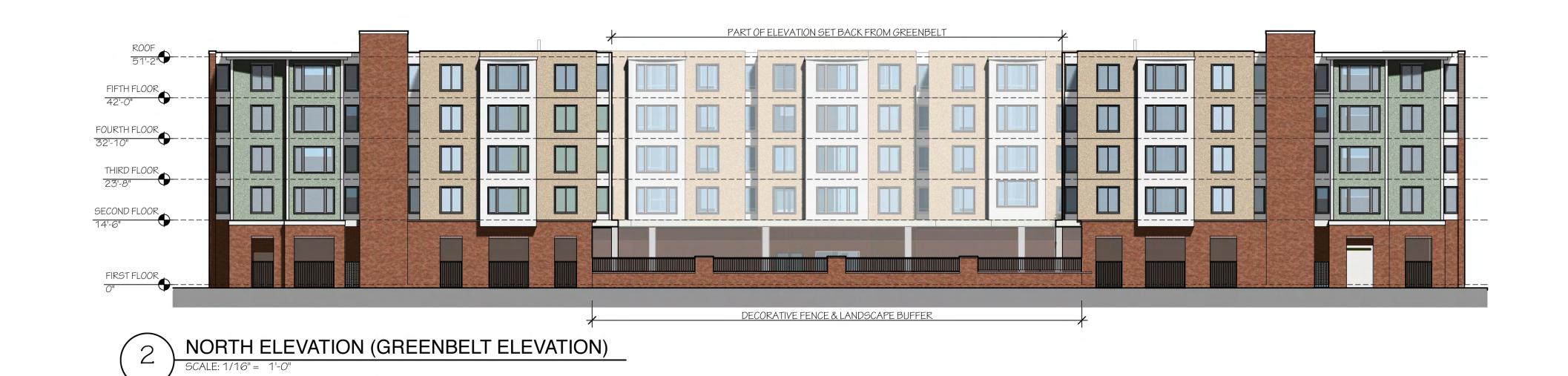






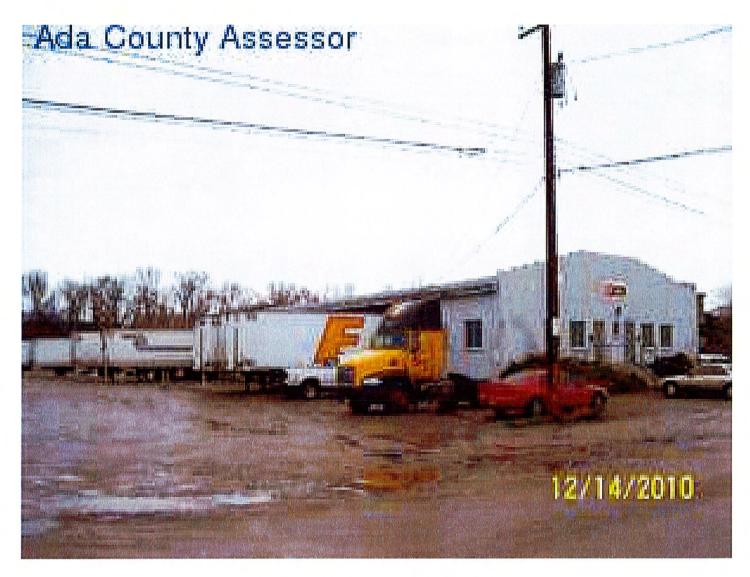


Collingswood, NJ T56 Haddon Avenue - 08108 Tel: 856.854.1880 Philadelphia, PA 8 Penn Center 1628 John F Kennedy Blv- 19103 Suite 1600 Tel: 215.985.0111 On the Web www.kitchenandassociates.com te 11/2 b 11 awn vision [ 211_composite [Birr			111		Kitchen & Associates /	Architectural Services, PA
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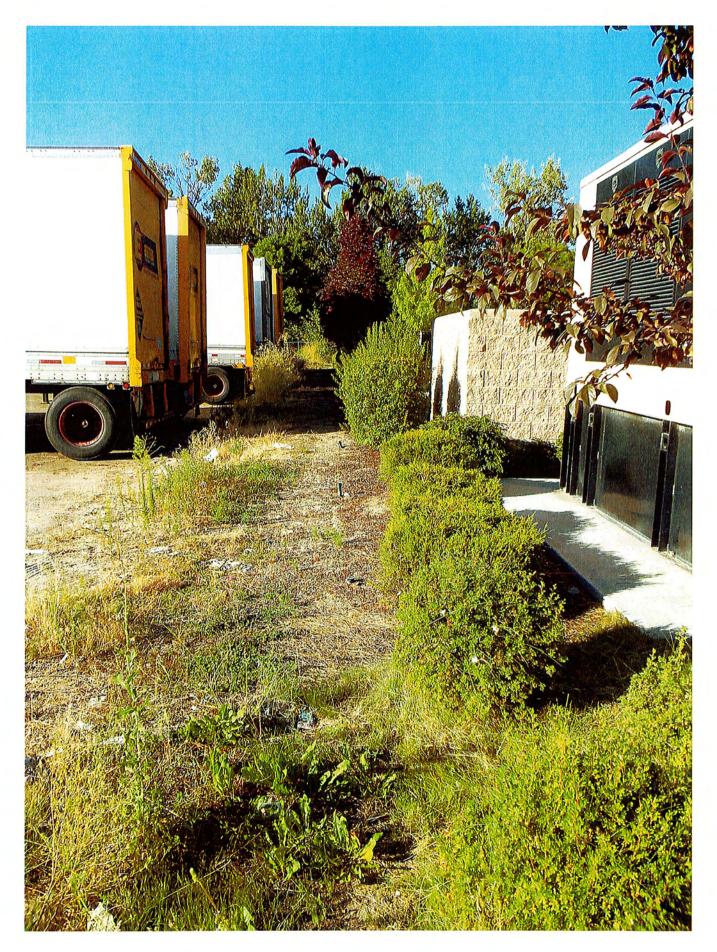




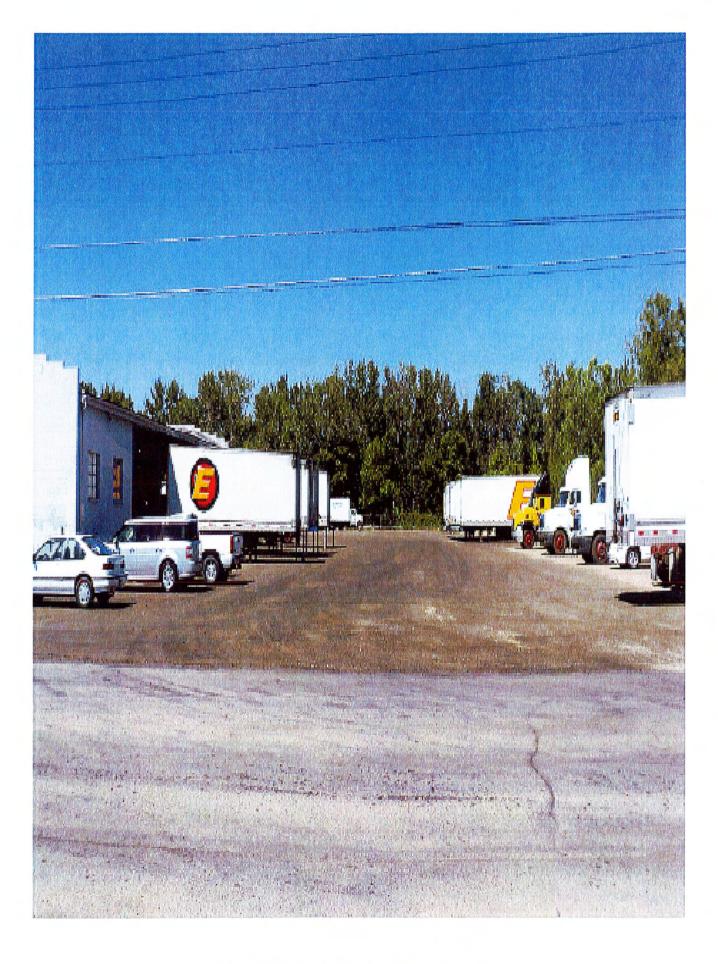
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LICATION / BOISE RIVER SYSTEM APPLICAT		11/29/1 1121 TP Dat	rv k2
11/29/11 CONDITIONAL USE APPLICATION / BO	River Edge Apartments	1004 W. Royal Boulevard Boise, ID 83706	
		6.2 ELEVATION	S



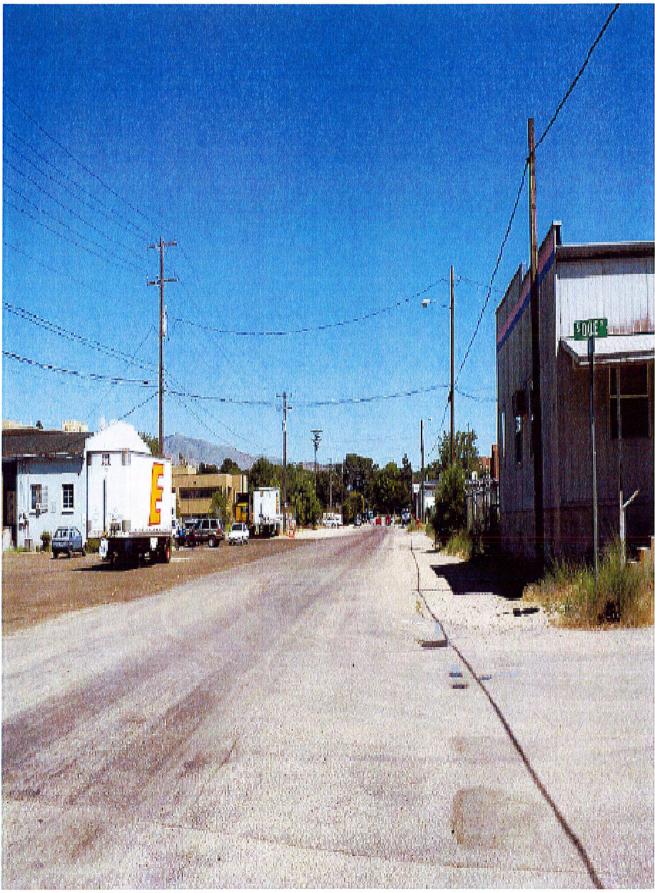
## LOOKING NORTHEAST AT SITE



LOOKING NORTH ALONG EASTERLY BOUNDARY



LOOKING NORTH AT SITE



LOOKING EAST ALONG ROYAL BOULEVARD



LOOKING WEST ALONG ROYAL BOULEVARD



#### **EXISTING STRUCTURE TO BE REMOVED**



**EXISTING STRUCTURE AT NORTHERLY BOUNDARY** 



#### **GREENBELT AT NORTHERN BOUNDARY OF PROPERTY**



WEST BOUNDARY OF SITE ADJACENT TO PARKS PROPERTY



1029 N. Rosario Street, Suite 100 Meridian, ID 83642 Phone: (208) 938-0980 Fax: (208) 938-0941

February 27, 2012

City of Boise Attn: Planning and Zoning Commission 150 N. Capitol Blvd. Boise, Idaho 83701

Re: River Edge Apartments (1004 W. Royal Boulevard) – Variance/Conditional Use, Boise River System and Floodplain Applications

Dear Commissioners:

Engineering Solutions, LLP, is pleased to submit the accompanying applications on behalf of The Michaels Organization for the River Edge Apartments. The Michaels Organization proposes a modern, state-of-the-art living environment oriented toward Boise State University students. The subject property is 3.21 acres in size and is located north of Royal Boulevard and west of Lusk Street. Lying adjacent to the Boise River Greenbelt and Ann Morrison Park, the property is currently utilized for industrial purposes by Estes Trucking and Express Freight. Two existing concrete block structures occupy the site with gravel loading/unloading areas and storage for truck trailers. The existing site has no landscape buffers or internal landscaping as required by the Boise City Zoning Ordinance. The parcel is currently zoned R-OD (Residential Office District with Design Review).

#### **Project Overview**

The proposed development consists of a five-story, multi-family structure approximately 347,094 square feet in size. The ground floor level includes a lobby, residential amenities (media, fitness, jacuzzi and computer rooms) and 280 parking spaces. The four upper floors will accommodate 175 apartments; 39 two-bedroom units and 136 four-bedroom units. The proposed building will be fully sprinklered. The design highlights will feature a modern motif, incorporating sustainable material materials and practices.

Two enclosed bicycle parking areas (48 spaces) have been provided in the north portion of the structure and adjacent to the greenbelt. Two pedestrian walkways interconnect with the Boise River Greenbelt. The northeast pathway connection includes a walkway from Royal Boulevard to the greenbelt. The Boise Open Space and Trails Sub-Committee discussed the proposed development on October 27, 2011. The Committee found the project adequately addressed the need to conserve the aesthetic views along the river as viewed from the greenbelt. Greenbelt

safety will be enhanced by the construction of an eight-foot-wide illuminated concrete pathway connection on the northeast side of the subject site to the greenbelt, with an auxillary path at the northwest corner of the property. The pedestrian connections will allow residents to conveniently walk or bike to Boise State University.

The building is oriented toward Royal Boulevard with two vehicular access points in alignment with LaPointe Street and Dale Street. A traffic study was submitted to Ada County Highway District and the City of Boise. The Ada County Highway District Commissioners accepted the traffic study and approved the development application on January 11, 2012. The project will generate approximately 1,055 vehicle trips per day, an increase of approximately 785 daily trips compared to the truck terminals' present traffic generation. The traffic study concluded that none of the study area roadways will require further expansion to accommodate the sitegenerated traffic volumes. Curb, gutter and an eight-foot-wide detached sidewalk will be installed along Royal Boulevard (designated a local street) in compliance with the Ada County Highway District Policy Manual. An eight-foot-wide landscaped parkway will be installed adjacent to the curb, creating an enhanced entryway into Ann Morrison Park.

Adequate public services are available to the site in Royal Boulevard. The facilities include a Boise City 42-inch sewer main, a United Water six-inch water main, an Idaho Power 12,500-volt distribution line along with Cable One, Intermountain Gas and Qwest lines. United Water has field-verified the available fire flow from the existing six-inch water main is 2,000 gpm. Another water main (12-inch) is within 800 feet of the subject property and could be extended and looped to increase fire flow if required by Boise Fire Department. The existing Idaho Power distribution line installed in the 1940's will be relocated underground.

The easterly driveway will be constructed to a 26-foot-wide travel lane to accommodate emergency aerial fire access. A second emergency access to the north portion of the building is available west of the subject site. Boise Parks and Recreation will allow the applicant to upgrade a portion of the greenbelt to a 20-foot-wide emergency vehicle access from the existing cul-de-sac within Ann Morison Park. The emergency access will be traffic-rated at 70,000 gvw. The applicant is required by Boise City Parks to submit a proposal and a design for review and approval by the Director and staff.

#### Variance (Waiver of Height Requirement)/Conditional Use Application (Height Exception)

The applicant has submitted a variance/conditional use application for a waiver of the maximum building height of 35 feet height in the R-O(D) zone under Section 11-04-05.05 (Table 2.2A) of the Boise City Zoning Ordinance. The proposed request is an allowance for a building height of 63 feet adjacent to Royal Boulevard and 59-feet adjoining the greenbelt. The additional height allows for modulation of the parapet as requested by the Design Review staff. There are three parapets which vary in height by 6-feet. The Design Review Committee approved the design review application (DRH12-00013) on February 8, 2012, with the modified building height.

The building will be constructed with a non-combustible, concrete slab "podium" forming the first floor ceiling supported by concrete columns at the first floor level. Above the concrete deck will be wood-framed construction for the apartments on the second through fifth floors.

We do not believe this additional height will have any negative impact on the surrounding area. An existing three-story office building (Keynetics) is located east of the subject site. The adjacent Keynetics building received a height exception for 56 feet under CUP-04-00063 and was constructed to a height of 53 feet. The Boise Parks and Recreation maintenance building/yard and administration building are adjacent to the west boundary, north of the proposed project are the Boise River and greenbelt, and south are multiple uses which include three-story apartments (Morrison Park Condominiums), industrial uses (proposed multi-family) and offices.

The Boise Planning and Parks staff has indicated the proposed height of 59 feet at the Boise Greenbelt and 63 feet at Royal Boulevard is consistent with other exceptions (Arid Club, Cottonwood Grille and Keynetics) approved along this section of the Boise River. The Boise Parks and Recreation staff have reviewed and recommended approval of this apartment project, including the request for Boise River System Permit and the height exception. The Boise Parks and Recreation Commission reviewed and approved the site plan, landscape plan and building elevations at their public meeting on November 17, 2011. A copy of the Parks and Recreation Department staff report was attached to the application. The Parks Department requested the applicant note in the application submittal that they recognize the current Parks maintenance building and equipment yard. The existing Parks use shall not be considered a nuisance due to noises associated with its operation.

On February 16, 2012, the Design Review Manager, Sarah Schafer, and Planning and Zoning staff member, Josh Johnson, presented to Boise Parks and Recreation Commission an updated building elevation reflecting an increase of the height at the greenbelt to 59 feet. Design Review staff informed the Commission they desired additional modulation on two sections of the building which adjoin the greenbelt. Sarah indicated the City staff is requesting this modification in height to the Boise River Permit. The Boise Parks and Recreation Commission recommended approval of the increase in height to 59 feet at greenbelt.

The height variance/exception is necessary for the River Edge Apartments for the following reasons:

• The granting of this variance of height is not in conflict with the Comprehensive Plan in effect at the time of submittal on November 29, 2011. The property is located in the Central Bench Planning Area which promotes higher-density housing between Capitol Boulevard and Ann Morrison Park. The Plan encourages New Urbanism principles and standards. Blueprint Boise, adopted on November 29, 2011, includes the parcel within the Downtown Planning Area and designates the subject property on the Land Use Map as Mixed-Use. Policies within Blueprint Boise support the project since it promotes urban housing and redevelopment in the Downtown area. The policies encourage bicycle commuting and pedestrian-friendly development.

- Downtown housing is viewed as a key to offering a sizeable workforce, thereby decreasing fuel consumption and the number of vehicular trips. The granting of the height variance will not effect a change in zoning since all other dimensional standards of the R-OD will apply.
- The conditions or special circumstances related to the intended use of the property that do not generally apply to other lands or uses in the district. The property is 3.21 acres in size and is bounded by the Boise River. To satisfy the parking requirements on the parcel and have a financially viable project, the podium structure is necessary. This mandates the residential units be located above the parking area on four floors. The exposure to the Boise River, greenbelt and Ann Morrison Park entryway corridor were the driving force on the overall design of the building. The building footprint was impacted by an eightfoot-wide detached walk with an eightfoot-wide landscaped parkway along Royal Boulevard, the 70-foot minimum setback from the Boise River 6500 C.F.S. (highwater) mark, an existing ACHD 15-inch drainage pipe along the property's west boundary, the request to add building modulation, and internalize a majority of the parking. All these factors decreased the building area and required an increase in height above the 35 feet for the R-OD zone.
- The granting of the variance will not be detrimental to the public health, safety or welfare of persons residing or working in the vicinity of the property. The variance or waiver of height will not adversely impact other properties in the vicinity. There are no health or safety issues associated with the proposed project. The additional height of the structure is consistent with other structures along the Boise River corridor. The Cottonwood Grille under building permit (BLD11-02361) indicates the height of the structure was 65 feet in the R-OD zone. The Keynetics building was constructed to 53 feet in a C-2D zone which limits height to 45 feet. The Arid Club on the north side of the Boise River was also approved for a height exception.
- The building is the optimum size necessary to provide the vibrant amenities and living spaces that a Boise State University student population demands in an economically feasible fashion.
- The Boise Zoning Ordinance parking standards of 1.5 spaces per dwelling unit and 1 guest space per 10 units requires a significant amount of parking (280 spaces). After evaluating several alternatives, it was determined that placing the apartments above ground-level parking was the only viable solution.
- The Boise River Ordinance requires the finished floor of the proposed structure be one foot above the Base Flood Elevation, which requires filling of the site.
- Given the height required by the ground floor spaces by the ordinance and the necessary height for the interior floors, and recommendation of Design Review Committee; the typical building parapet must be located 59 feet above grade for the north portion of the building adjoining the greenbelt and 63 feet adjacent to Royal Boulevard.

#### **Boise River System Permit and Floodplain Review Applications**

This is a formal request for Boise River System and Floodplain Permits. The subject site lies within the 100-year floodplain as delineated in the FIRM Map (Number 16001C0277 H).

The estimated Base Flood Elevation for the property is 2687. The finished floor elevation (excluding the parking area) of the structure will be required to meet a minimum elevation of 2688.

The subject site is designated Class C Lands and Water. No mitigation or enhancement plans are required for the Class C areas. Consulting with Boise Public Works and the U.S. Army Corps of Engineers, there are no heron rookeries or bald eagle perching areas adjacent to this site. The property has no emergent wetlands and no improvements are planned within the riparian areas. Consulting with Eric Gerke of the Army Corps of Engineers, no 404 Permit will be required for this project. The site is considered developed with the current industrial improvements.

The proposed apartment structure complies with the 70-foot Greenbelt Setback from the 6500 c.f.s. line as required by the Boise River Ordinance. The Boise Parks property along the north boundary is improved with the greenbelt, trees and turf. A landscape plan includes additional turf, trees and shrubs to complement the existing manicured area. The landscape plan submitted with this application reflects comments from Boise Parks and Recreation staff, Open Space and Trails Committee and the Commission. The parking area in between the two wings of the structure will be screened from the Boise River Greenbelt with wrought iron fencing, decorative pillars and vegetation. The attached site grading and utility plan delineates the floodway boundary, 6500 c.f.s. line and preliminary grades.

We look forward to your favorable action regarding the accompanying applications. Thank you for your time and consideration.

Sincerely,

Engineering Solutions, LLP

Becky McKay, Partner Principal Planner

BM:ss Attachments



1029 N. Rosario Street, Suite 100 Meridian, ID 83642 Phone: (208) 938-0980 Fax: (208) 938-0941

November 28, 2011

City of Boise Attn: Planning and Zoning Commission 150 N. Capitol Blvd. Boise, Idaho 83701

Re: River Edge Apartments (1004 W. Royal Boulevard) – Conditional Use, Boise River System and Floodplain Applications

Dear Commissioners:

Engineering Solutions, LLP, is pleased to submit the accompanying applications on behalf of The Michaels Organization for the River Edge Apartments. The Michaels Organization proposes a modern, state-of-the-art living environment oriented toward Boise State University students. The subject property is 3.21 acres in size and is located north of Royal Boulevard and west of Lusk Street. Lying adjacent to the Boise River Greenbelt and Ann Morrison Park, the property is currently utilized for industrial purposes by Estes Trucking and Express Freight. Two existing concrete block structures occupy the site with gravel loading/unloading areas and storage for truck trailers. The existing site has no landscape buffers or internal landscaping as required by the Boise City Zoning Ordinance.

#### **Project Overview**

The proposed development consists of a five-story, multi-family structure approximately 351,900 square feet in size. The ground floor level includes a lobby, residential amenities (media, fitness and computer rooms) and 280 parking spaces. The four upper floors will accommodate 175 apartments; 39 two-bedroom units and 136 four-bedroom units. The proposed building will be fully sprinklered. The design highlights will feature a modern motif, incorporating sustainable material materials and practices.

Two enclosed bicycle parking areas (48 spaces) have been provided in the north portion of the structure and adjacent to the greenbelt. Two pedestrian walkways interconnect with the Boise River Greenbelt. The northeast connection includes a walkway from Royal Boulevard to the greenbelt. The Boise Open Space and Trails Sub-Committee discussed the proposed development on October 27, 2011. The Committee found the project adequately addressed the need to conserve the aesthetic views along the river as viewed from the greenbelt. Greenbelt safety will be enhanced by the construction of an eight-foot high concrete pathway connection on

City of Boise November 28, 2011 Page 2

the northeast side of the subject site to the greenbelt, with an auxillary path at the northwest corner of the property.

The building is oriented toward Royal Boulevard with two vehicular access points in alignment with LaPointe Street and Dale Street. A traffic study has been submitted to Ada County Highway District, and a copy is included with this application. The project will generate approximately 1,055 vehicle trips per day, an increase of approximately 785 daily trips compared to the truck terminals' present traffic generation. The traffic study concluded that none of the study area roadways will require further expansion to accommodate the site-generated traffic volumes. Curb, gutter and an eight-foot-wide sidewalk will be installed along Royal Boulevard (designated a local street) in compliance with the Ada County Highway District Policy Manual.

Adequate public services are available to the site in Royal Boulevard. The facilities include a Boise City 42-inch sewer main, a United Water six-inch water main, an Idaho Power 12,500-volt distribution line along with Cable One, Intermountain Gas and Qwest lines. United Water has field-verified the available fire flow from the existing six-inch water main is 2,000 gpm. Another water main (12-inch) is within 800 feet of the subject property and could be extended and looped to increase fire flow if required.

The easterly driveway will be constructed to a 26-foot-wide travel lane to accommodate emergency aerial fire access. A second emergency access to the north portion of the building is available west of the subject site. Boise Parks and Recreation will allow the applicant to upgrade a portion of the greenbelt to a 20-foot-wide emergency vehicle access from the existing cul-de-sac within Ann Morison Park. The emergency access will be traffic-rated at 70,000 gvw. The applicant is required by Boise City Parks to submit a proposal and a design for review and approval by the Director and staff.

#### **Conditional Use Application (Height Exception)**

The applicant has submitted a conditional use application to allow a height exception in the R-O(D) zone. The Residential Office District allows for a maximum height of 35 feet. The proposed request is an allowance for a 55-foot height. The building will be constructed with a non-combustible, concrete slab "podium" forming the first floor ceiling supported by concrete columns at the first floor level. Above the concrete deck will be wood-framed construction for the apartments on the second through fifth floors. The overall building will not exceed five stories, or 55 feet in height above the finished ground floor elevation.

We do not believe this additional height will have any negative impact on the surrounding area. An existing three-story office building (Keynetics) is located east of the subject site. The adjacent Keynetics building is 56 feet in height and was approved for a height exception under CUP-04-00063. The Boise Parks and Recreation maintenance building/yard and administration building are adjacent to the west boundary, north of the proposed project are the Boise River and greenbelt, and south are multiple uses which include three-story apartments (Morrison Park Condominiums), industrial uses (proposed multi-family) and offices. City of Boise November 28, 2011 Page 3

Boise Planning and Parks staff have indicated the proposed height of 55 feet is consistent with other exceptions (Arid Club and Keynetics) allowed along this section of the Boise River. The Boise Parks and Recreation staff have reviewed and recommended approval of this apartment project, including the request for Boise River System Permit and the height exception of 55 feet. The Boise Parks and Recreation Commission reviewed and approved the site plan, landscape plan and building elevations at their public meeting on November 17, 2011. A copy of the Parks and Recreation Department staff report is attached to this application. The Parks Department requested the applicant note in this application submittal that they recognize the current Parks maintenance building and yard. The existing use shall not be considered a nuisance due to noises associated with its operation.

The height exception is necessary for the River Edge Apartments for the following reasons:

- The building is the optimum size necessary to provide the vibrant amenities and living spaces that a Boise State University student population demands in an economically feasible fashion.
- The Boise Zoning Ordinance parking standards of 1.5 spaces per dwelling unit and 1 guest space per 10 units requires a significant amount of parking (280 spaces). After evaluating several alternatives, it was determined that placing the apartments above ground-level parking was the only viable solution.
- The Boise River Ordinance requires the finished floor of the proposed structure be one foot above the Base Flood Elevation, which requires filling of the site.
- Given the height required by the ground floor spaces by the ordinance and the necessary height for the interior floors, the typical building parapet must be located 55 feet above grade.

#### Boise River System Permit and Floodplain Review Applications

This is a formal request for Boise River System and Floodplain Permits. The subject site lies within the 100-year floodplain as delineated in the FIRM Map (Number 16001C0277 H). The estimated Base Flood Elevation for the property is 2687. The finished floor elevation (excluding the parking area) of the structure will be required to meet a minimum elevation of 2688.

The subject site is designated Class C Lands and Water. No mitigation or enhancement plans are required for the Class C areas. Consulting with Boise Public Works and the U.S. Army Corps of Engineers, there are no heron rookeries or bald eagle perching areas adjacent to this site. The property has no emergent wetlands and no improvements are planned within the riparian areas. Consulting with Eric Gerke of the Army Corps of Engineers, no 404 Permit will be required for this project. The site is considered developed with the current industrial improvements.

The proposed apartment structure complies with the 70-foot Greenbelt Setback from the 6500 c.f.s. line as required by the Boise River Ordinance. The Boise Parks property along the north boundary is improved with the greenbelt, trees and turf. A landscape plan includes additional turf, trees and shrubs to complement the existing manicured area. The landscape plan submitted with this application reflects comments from Boise Parks and Recreation staff, Open Space and Trails Committee and the Commission. The parking area in between the two wings of the

City of Boise November 28, 2011 Page 4

structure will be screened from the Boise River Greenbelt with wrought iron fencing, decorative pillars and vegetation.

The attached site grading and utility plan delineates the floodway boundary, 6500 c.f.s. line and preliminary grades.

We look forward to your favorable action regarding the accompanying applications. Thank you for your time and consideration.

Sincerely,

Engineering Solutions, LLF Mchay een Becky McKay, Partner

Principal Planner

BM:ss Attachments

# Conditional Use Application Form



Case #:

#### New! Type data directly into our forms.

Note: Be sure to print this form before closing it or you will lose your data. This form cannot be saved to your computer.

#### **Property Information**

Address: Street Number: 1004	Prefix: West Street Na	me: Royal Boulevard
Subdivision:       Boise City Park Sub. (Vacated)         *Primary Parcel Number:       R       1       0       1       3       2       5       0       1		on: 9 <b>&amp; 10</b> Township: <u>3N</u> Range: <u>2E</u> 13250151, R1013250155
Applicant Information		
*First Name: Nick	*Last Name: Zaferes	
Company: The Michaels Organization		* <b>Phone:</b> (856) 596-3008
*Address: <u>3</u> East Stow Road, Suite 100	*City: Marlton	*State: NJ *Zip:08053
E-mail: NZaferes@themichaelsorg.com	<b>Cell</b> : (267) 886-4502	<b>Fax:</b> (856) 355-1547
Agent/Representative Information		
First Name: Becky	Last Name: McKay	
Company: Engineering Solutions, LLP		Phone: (208) 938-0980
Address: 1029 N. Rosario St., Suite 100	<b>City</b> : Meridian	State: ID Zip: 83642
E-mail:es-beckym@qwestoffice.net	<b>Cell</b> : (208) 484-3904	Fax: (208) 938-0941
Role Type: C Architect C Land Developer	Engineer     Contract	or C Other
Owner Information		
Same as Applicant? C Yes  No (If yes, leave	e this section blank)	
First Name: Douglas	Last Name: Tamura	
Company: Boise Terminal Company		Phone:
Address: 499 Main Street	City: Boise	State: ID Zip: 83702
E-mail:doughtamura@msn.com	<b>Cell</b> : (208) 721-2151	Fax :



#### www.cityofboise.org/pds City of Boise Planning & Development Services

Date Received:\_\_\_\_ Revised 10/2008 1. Neighborhood Meeting Held (Date): November 10, 2011

2. Neighborhood Association: `N/A

3. Comprehensive Planning Area: Central Bench

#### 4. This application is a request to construct, add or change the use of the property as follows:

Request for a height exception of 55 feet in an R-OD zone for a 175-unit apartment complex. The proposed structure will be five

stories with podium parking.	
A. Is this a modification	? CYes I No
B. File number being m	nodified:
5. Size of property:	<ul> <li>Acres</li> <li>Square Feet</li> </ul>
6. Water Issues	
A. What are your fire flo	w requirements? (See International Fire Code) 2,000 gpm
B. Number of hydrants	(show location on site plan): (Note: Any new hydrants/hydrant piping require United Water approval.)
Number of Existing :	1 Number of Proposed: 2
C. Is the building sprink	(lered? ) Yes (No
D. What volume of wat	er is available? (Contact United Water of Idaho at 362-7330.) 2,000 gpm
7. Existing uses and str	uctures on the property are as follows:
The existing use is industrial, a	freight terminal (Estes Trucking and Express Freight). Two existing structures occupy the parcel and
are utilized as a truck freight te	rminal.

#### 8. Are there any known hazards on or near the property?

(Such as canals, hazardous material spills, soil or water contamination.) If so, describe them and give their locations: No. A Phase One Site Assessment was conducted on the subject site in 2002 and revealed no evidence of recognized environmental hazards.

9. Adjace	nt Property Information	
	Building types and/or uses:	Zone:
North:	Boise River/Greenbet	C-3D
South:	Industrial	R-OD
East:	Office	C-2D
West:	Boise Parks	A-1
10. Propo	sed Non-Residential Structures	
A. Nur	nber of non-residential structures:	
Squa	are footage of proposed non-residential structures or addit	
		easable Square Feet
1st	Floor:	
2nd	Floor:	
3rd	Floor:	
4th	Floor:	
B. Max	imum Proposed Structure Height(s):	
	ber of Stories:	
11. Propo	sed Residential Structures	
A. Num	ber of Residential Units (if applicable): <b>175</b>	
B. Maxi	mum Proposed Structure Height(s): 55'	
C. Num	ber of Stories: 5	
12. Site D	esign	
A. Perce	entage of site devoted to building coverage: <b>59.2</b>	
B. Perce	entage of site devoted to landscaping: <b>19.6</b>	
C. Perce	entage of site devoted to paving: <b>18.4</b>	
D. Perce	entage of site devoted to other uses: <b>2.8</b>	
E. Descr	ibe other use: Pathways and walks	

Conditional	l Use App	olication (4)
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13.	Loading	<b>Facilities</b>	if pro	nosed	For	Commercial	lises	only).	
	Loaunig	racincies,	in pro	poseu		Commercial	uses	Unity).	

Number:	Location:
Size:	Screening:
4. Parking Required	Proposed
A. Handicapped Spaces: <b>7</b>	Handicapped Spaces: 7
B. Parking Spaces: 280	Parking Spaces: 280
C. Bicycle Spaces: 28	Bicycle Spaces: 48
D. Proposed Compact Spaces: <b>108</b>	
E. Restricted (assigned, garage, reserved spaces)	) parking spaces proposed:
E Are you proposing off site parking? (Ver	No If yes, how many spaces?

- **Note:** If you are requesting shared parking or a parking reduction, you must submit a survey of persons using and working on the premises and any additional information demonstrating that use by the regular employees and visitors to the premises will require fewer off-street parking spaces than required by the Zoning Ordinance.
- 15. Setbacks (Plans that are not graphically dimensioned will not be accepted.)

	<b>Building Required</b>	<b>Building Proposed</b>	<b>Parking Required</b>	Parking Proposed
Front:	10'	15.2	N/A	
Rear:	5'	20.3	N/A	
Side 1:	5'	55.9	N/A	
Side 2:	10'	19.9	N/A	

16. Drainage (proposed method of on-site retention): Infiltration Swales

#### 17. Floodways & Hillsides

- A. Is any portion of this property located in a Floodway or a 100-year Floodplain? C Yes C No
- B. Does any portion of this parcel have slopes in excess of 15%? (Yes No
- **Note:** If the answer to either of the above is yes, you will be required to submit an additional Floodplain and/or Hillside application and additional fee. You must submit the additional required application(s) for review at the same time as this request.

properties by area(s) to be considered.

- d. Method of irrigation
- e. Cross-sections through areas of special features, berms, retaining walls, etc.
- f. Footprints of all buildings to be constructed
- **Note:** If Site and Landscape plans are combined, one full-size copy and one reduced copies must be submitted.
- 9. (2+1) Building elevations (Two complete sets, one of which is colored, and one 8½" x 11" reduction), drawn to scale. Colored photographs may be substituted for colored elevation drawings when an existing structure is to undergo minor exterior alteration, and the photos depict the design material/colors of the new construction.
- □ **10.**(1+1) **One set of floor plans** and one 8½" x 11" reduction, to scale, with sizes and types of interior spaces indicated.
- **11.**(1) **Set of colored and labeled photos** of site.
- **12. CD with electronic copies of all submittal documents in Adobe Acrobat format (.pdf).** If you do not have the software to create the CDs, they can be created by local printing/copying establishments.

Documents should be labeled as follows:

- Applicant's letter = Doc\_Applicant\_Letter.pdf
- Supplemental Information = Doc\_Supplemental\_Information.pdf
- Site Plan = DWG\_Site\_Plan.pdf
- Landscape Plan = DWG\_Landscape\_Plan.pdf

#### □ 13. Pre-application Materials

- a. Pre-application form
- b. Neighborhood radius notice letter
- c. List of notified owners, residents and association president, if applicable
- d. Sign in sheet from neighborhood meeting

#### Note:

- A. All blueprints must be folded with the title block/panel face up so as to fit within a legal size file folder.
- B. The application submittal cut-off time is 4:00 pm.
- C. Application must be complete at time of submittal.

### **Planning & Development Services**



Boise City Hall, 2nd Floor 150 N. Capitol Boulevard P. O. Box 500 Boise, Idaho 83701-0500 Phone: 208/384-3830 Fax: 208/384-3753 TDD/TTY: 800/377-3529 Website: www.cityofboise.org/pds

## **Boise River System Application**

This box for office use only		
File #:		Fee:
Cross Referenced File(s):		Zone(s):
Are Pre-Application materials atta		☑ Yes □No
This application is a request to co	nstruct, add or chang	e the use of the property as follows:
Review Process	□ Staff	⊠Commission
Development Proposal	□ Simple	□ Complex
Abbreviated Procedures	□ Yes	□ No
Applicant Information	n	
Applicant:	ization – Nick Zaferes	, V.P. Phone: 856-596-3008
Applicant's Address: <u>3 East</u>	Stow Road, Suite 100	, Marlton, NJ Zip: 08053
Agent/Representative: <u>Engi</u>	neering Solutions, LL	P/Becky McKay Phone: 208-938-0980
Agent/Representative's Add	ress: <u>1029 N. Rosa</u>	rio St., Suite 100, Meridian, ID Zip: 83642
Contact Person (if different from	n above):	Phone:
Address of Subject Propert	y:1004 Royal Boul	evard
	Mapping Division	must initial here to signify address verification.

**Property description** (Lot, Block & Subdivision name or recorded deed with a metes and bounds description): Vacated Block 5, Boise City Park Subdivision (see attached deed and legal description).

#### I. Floodplain Related Issues and Questions

Is the development proposal located within the Boise River 100-year floodplain? ☑Yes □No

If so, then a separate floodplain review application shall also be completed and submitted with the application for a Boise River Systems Permit.

#### II. Setback Lands and Waters

- 1. **Greenbelt Setback Lands and Waters**: Is any portion of the development property located in the Greenbelt Setback Lands and Waters? ☑Yes □No
- 2. Heron Rookeries Setback Lands and Waters: Is any portion of the development property located in the Heron Rookeries Setback Lands and Waters? □Yes ☑No
- 3. Eagle Perching, Feeding & Loafing Setback Lands and Waters: Is any portion of the development property located in the Eagle Perching, Feeding & Loafing Setback Lands and Waters? □Yes ☑No
- 4. **Riparian Setback Lands and Waters**: Is any portion of the development property located in the Riparian Setback Lands and Waters? □Yes ☑No

#### III. Class A, Class B, Class C Issues and Questions

Indicate which categories of land your development falls within:

Class A Lands and Waters

Class B Lands and Waters

Χ\_\_\_\_\_

Class C Lands and Waters

(Lands and Waters not classified as either A or B are classified C)

#### Applicable Standards for Class A, B and C Lands and Waters

- 1. Emergency Access: Does the proposal provide emergency access to the Boise River for the purpose of repair and rescue equipment and personnel? □Yes ☑No
- Public Access: Does the proposal provide public access to the Boise River Greenbelt Setback?
   ☑ Yes □ No Does this access include public parking for bicycle and motor vehicles? □Yes ☑No
- 3. Parks: Are you proposing any public or private parks? 

  Yes 
  No
- 4. Water Amenity: Are you proposing to use or create a water amenity within your development? □Yes ☑No
- 5. Emergent Wetlands: Are there emergent wetlands on the development site? □Yes ☑No

#### 6. Side Channels:

Does a Boise River side channel exist on your property? □Yes ☑No

#### Applicable Standards for Class A Lands and Waters Only – N/A

- 1. **Preservation of Class A Lands and Waters**: As required by the ordinance, describe how you propose to preserve Class A Lands and Waters by:

  - b. Conservation easement \_\_\_\_\_\_and/or

c. Other method (describe): \_\_\_\_\_

Removal of Vegetation (living or dead) from the Floodway: Are you proposing to remove any vegetation (living or dead) from the floodway? □Yes ØNo
 If so, then please indicate the location of such removal on the site plan.

#### IV. Mitigation Plans – N/A

Mitigation plans must include the following:

- 1. Field Data, including:
  - a. Written assessment of existing conditions, constraints and their magnitude, and existing natural resource functions and values.
  - b. A comprehensive technical plan to mitigate impacts to natural resource functions and values listed:
    - 1) Water quality protection and improvement
    - 2) Habitat for fish & wildlife
    - 3) Nutrient retention and removal
    - 4) Channel stability
    - 5) Food chain support
    - 6) Flood storage & desynchronization
    - 7) Groundwater recharge & discharge
    - 8) Active and passive recreation
    - 9) Aesthetics
    - 10) Cultural resources

- 2. **Preliminary Site Plan** which includes a discussion and map identifying the location and quality of existing natural resources, impacts to those resources and the proposed enhancement measures.
- 3. The **mitigation sequence** or combination thereof, which is proposed to be used?
- 4. **Documented consultation with resource and regulatory agencies** having responsibility for threatened and endangered species, and species of special concern (US Fish & Wildlife), fish and wildlife habitat requirements and their sensitivity to disturbance; and measures needed to mitigate for project related impacts or enhance existing habitat (Idaho Department of Fish & Game).

#### V. Enhancement Plans – N/A

Does the development proposal include an enhancement plan? □Yes ØNo

The enhancement plan shall include the following:

- 1. A preliminary site plan which identifies the location and quality of existing natural resources, impacts to those resources and the proposed enhancement measures.
- 2. Are waters planned to be enhanced?  $\Box$ Yes  $\Box$ No

If so, are these waters held by Idaho Fish & Game, or are they Non Idaho Fish & Game waters? Idaho Fish & Game INon Idaho Fish & Game

- 3. Description of proposed design of Class A lands.
- 4. Description of proposed design of Class B and C lands.

#### VI. Waiver and Variance Requests

Does the development proposal include any request to vary from the requirement imposed by the zoning or subdivision ordinances?  $\Box$ Yes  $\blacksquare$ No

If so, then submit a list of and justification statement for variance/waiver requests.

#### **Planning & Development Services**



Boise City Hall, 2nd Floor 150 N. Copitol Boulevard P. O. Box 500 Boise, Idaho 83701-0500 Phone: 208/384-3830 Fax: 208/384-3753 TDD/TTY: 800/377-3529 Website: www.cityofboise.org/pds

# 9

## **Planning Division Staff Report**

File Number Applicant Property Address CUP11-00090 & CFH11-00036 The Michaels Organization 1004 West Royal Boulevard

Public Hearing Date Heard by February 6, 2012 Planning and Zoning Commission

Analyst Reviewed by Joshua Johnson Cody Riddle

#### **Public Notification**

Neighborhood meeting conducted: November 10, 2011 Newspaper notification published on: January 21, 2012 Radius notices mailed to properties within 300 feet on: January 20, 2012 Staff posted notice on site on: January 6, 2012

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#### **Exhibits**

Public Works Comments Parks Comments ACHD Comments Fire Comments

#### **1. Project Data and Facts**

Project Data	
Applicant	The Michaels Organization
Architect/Representative	Becky McKay / Engineering Solutions
Location of Property	1004 West Royal Boulevard
Size of Property	± 3.42 Acres
Zoning	R-OD (Residential Office with Design Review Overlay)
<b>Comprehensive Plan Designation</b>	Mixed Use
Planning Area	Central Bench
Neighborhood	N/A
Association/Contact	
Procedure	Planning and Zoning Commission decision that can be
	appealed to City Council.

#### **Current Land Use/ Site Characteristics**

The site is located directly to the south of the Boise River and to the east of Ann Morrison Park. It contains two trucking terminal buildings with gravel surfacing.

#### **Description of Applicant's Request**

The applicant proposes to construct a five-story multi-family apartment building that is 351,900 square feet in size and 58' in height. The height limit for the R-O zone is 35'.

#### 2. Land Use

#### **Description and Character of Surrounding Area**

The surrounding area is comprised of a wide variety of uses including an auto body shop, restaurants, and retail uses. The project site is just south of the Boise River.

#### **Adjacent Land Uses and Zoning**

North:	Boise River and Greenbelt / C-3D	
South:	Royal Boulevard then Industrial / R-OD	
East:	Office / C-2D	
West:	Park / A-1	

#### 3. Project Proposal

#### Parking

Proposed		Required	
Handicapped spaces proposed:	7	Handicapped spaces required:	7
Total parking spaces proposed:	280	Total parking spaces required:	280
Number of compact spaces proposed:	108	Number of compact spaces allowed:	112
Bicycle parking spaces proposed:	48	Bicycle parking spaces required:	28
Parking Reduction requested?	No	Shared Parking	No

#### Setbacks

Yard	Required	Proposed for Building	Proposed for Parking*
Front (Royal)	10' (bldg.)	15'	**7'
	20' (prkg.)		
Side (East)	0' (bldg.)	49'	5'
	5' (prkg.)		
Side (West)	15' (bldg.)	18'	5'
	5' (prkg.)		
Rear (South)	5' (bldg.)	20'	20'
	5' (prkg.)		

\*Parking is located under the building structure

\*\*Addressed through a condition of approval

#### 4. Zoning Ordinance

Section	Description
11-04-05.03	Regulations for the Residential Office District
11-06-04	Conditional Use Permits
11-10-01	Off-Street Parking Requirements
11-16	Boise River System Ordinance

#### 5. Comprehensive Plan

CHAPTER	GOALS, OBJECTIVES & POLICIES	
CHAPTER 6-TRANSPORTATION	Objective 6.1.2 Policy 6.1.2.1 Objective 6.1.4 Policy 6.1.4.4	
CHAPTER 7-COMMUNITY QUALITY	Goal 7.2 Objective 7.2.1 Objective 7.2.6 Policy 7.2.6.2	
CHAPTER 8-LAND USE	Policy 8.1.17.3 Policy 8.1.17.6	

#### 6. Transportation Data

Roadway	Frontage	Functional Classification	Traffic Count ADT	Level of Service	Acceptable Level of Service
Royal Boulevard	350-feet	Commercial	E/O Lusk Street was 2,200 in 8/2011	С	С
Capitol Boulevard	None	Principal Arterial	S/O University Avenue was 32,432 in 4/211	С	Е
University Drive	None	Collector	E/O Capitol Boulevard was 12,575 in 4/2011	F	D
9 <sup>th</sup> Street	None	Principal Arterial	At the Boise River was 20,667 in 12/2010	С	Е
Boise Avenue	None	Principal Arterial	East of Capitol Boulevard was 7,332 in 6/2009	C	E
Ann Morrison Park Drive	None	Commercial	E/O Lusk Street was 5,637 in 8/2011	С	С
LaPointe Drive	None	Commercial	N/O Island Avenue was 262 in 8/2011	С	С
Island Avenue	None	Commercial	E/O Lusk Street was 366 in 8/2011	С	С
Sherwood Drive	None	Commercial	N/O Lusk Street was 401 in 8/2011	С	С
Dale Street	None	Commercial	N/O Island Avenue was 1,115 in 8/2011	С	C

#### 7. Analysis/Findings

The applicant is proposing a five-story apartment building consisting of 175 units in the R-OD zone. The multi-family use is allowed in the base zone. The Conditional Use Permit is required because the height limit of the zone is 35 feet where the applicant is requesting 58 feet. The main façade along Royal is 54 feet in height, however, the fire escape stairs extend up to 58 feet. This 35 foot limit is unusual as the R-O zone is intended as a mixed use urban development zone. The project is designed to serve the student population of BSU but is being constructed as multi-family units not dormitories. Since a River System Permit is included in this application Boise City Parks has commented on the height exception. Their letter states that the building height should be limited to 55 feet along the greenbelt. The legal advertisement for this project states that the requested height exception is for a five-story building. The elements of this building that reach above 58 feet are fire escape stairs along the Royal Blvd facade. Along the greenbelt the limit of 55 feet is obeyed. Staff sent Parks planner Cheyne Weston an email confirming that Parks was in agreement with building elements along Royal Blvd exceeding 55 feet in height. This correspondence is attached to this report as agency comments. Parking has been an important issue for many business owners in this area. Other applications that have requested parking reductions were opposed by surrounding property owners. This application meets the City mandated parking requirements for a multi-family development. The R-O zone's intent is to emphasize buildings in order to create a pedestrian friendly environment. To this end, the applicant has located the parking underneath the building.

The River System Permit is necessary because parts of the site are within the floodplain associated with the Boise River. The subject property is considered a Class "C" land due to its industrial use as a trucking terminal. There is a required 70 foot setback from the 6500 Cubic Feet per Second (CFS) flow line of the river. The building obeys this standard and will not disturb any riparian habitat. There are no eagle perch trees or heron rookeries in the vicinity of the site. Some landscape improvements will occur at the edge of the 70 foot setback but the greenbelt in this area is already established and will not be disturbed with this project. Since the project is partially in the floodplain, a staff level Floodplain Permit will be required if the conditional use permit is approved. The applicant has designed a public access that will allow pedestrians to access the greenbelt from Royal Blvd. There is a point where crossing the primary service drive is necessary to get to the greenbelt. To improve safety staff, is recommending that a striped crosswalk be installed.

Royal Boulevard acts as a gateway to Ann Morrison Park. As such new developments in this area are required to provide detached sidewalks with an eight foot planter strip. The applicant's site plan shows an attached sidewalk with a planter strip adjacent to the building. Staff has discussed changing the current design with the applicant to accommodate the City's desired streetscape and they have agreed to make appropriate changes. A modified site plan reflecting the detached sidewalk will be provided at the Design Review phase of the project. There are also some overhead power lines that run along the front of the site. The applicant has stated that they do not wish to bury these utilities due to cost. Since this street is a gateway to the park, staff is recommending that these utilities be buried.

#### **FINDINGS**

#### Section 11-06-04.13 Criteria and Findings

The Commission, following the procedures outlined below, may approve a conditional use permit when the evidence presented at the hearing is such as to establish:

#### A. That the proposed use is compatible to other uses in the general neighborhood.

The height exception is compatible with other uses in the general neighborhood. Adjacent uses are mostly office and industrial in nature. There is an office building directly to the east that is 56 feet in height, where the applicant is proposing 55 for the façade and 58 feet for some elements such as the top of the fire escape stairs. There are also some three-story apartment buildings to the southwest. The impact to these structures will be reduced due to the distance created by Royal Boulevard and setbacks. It is also important to note that the view to the riparian zone from Royal Boulevard would be just as impeded with a 35 foot tall building, an allowed height.

# B. That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity.

According to the submitted traffic impact study, the site is currently occupied by a commercial trucking and storage facility that generates approximately 270 vehicle trips per day. The 175 multi-family residential dwellings that are proposed are anticipated to generate 1,055 vehicle trips per day, which is an increase of 785 vehicle trips per day. Of the 1,055 vehicle trips per day, 79 of those trips will be in the a.m. peak hour, while 94 of those trips will be in the p.m. peak hour.

The Capitol Boulevard and University Drive intersection is currently a signalized intersection that operates at a level of service C during the am peak hour and a level of service F during the pm peak hour. This development is anticipated to represent 1.8% of the total traffic utilizing this intersection. Based on the statistics that have been provided, this intersection currently needs improvements. The traffic engineer has recommended that the westbound through lane on University Drive be converted into a westbound right turn lane in order to improve the level of service E during the pm peak hour. Even with the conversion of this through lane, the anticipated regional growth in this area suggests that in the year 2016 this intersection would operate at a level of service D in the am peak hour and a level of service F during the pm peak hour without the extra vehicle trips per day that this site would generate. Unfortunately, the traffic engineer has stated that there is no apparent solution to improve this scenario other than widening Capitol Boulevard to provide additional through lanes.

The forecast build out volumes (2016) on Capitol Boulevard, 9<sup>th</sup> Street, University Drive, Boise Avenue, Ann Morrison Park Drive, Island Avenue, LaPointe Street, Royal Boulevard and Sherwood Street during the peak hour are lower than the planning development thresholds in the vicinity. As such, the roadways will not require any additional improvements to accommodate the vehicle trips per day that are generated by this development. Although there are substantial traffic impacts associated with this development, they may be mitigated by the fact that the site is served by many modes of transportation. BSU provides bus service only one block away. Also, there is access to the greenbelt that provides both pedestrian and bicycle access to the BSU campus located <sup>1</sup>/<sub>4</sub> mile to the east without having to cross 9<sup>th</sup> Street and Capitol Blvd.

In a letter, dated December 22, 2011, ACHD stated that they agreed with the findings of the traffic study. They are also requiring detached sidewalk with an eight foot planter strip and that the applicant dedicate a sidewalk easement to the district.

In a December 14, 2011 memo, the Fire Department stated that the project would need to upgrade the existing water line in order to meet fire flow requirements. United Water has indicated there is enough capacity to meet fire safety standards.

Public Works, in a memo dated December 6, 2011, provided standard comments regarding the conditional use permit aspect of the application. Their detailed comments for the associated floodplain permit will be reviewed when that application is processed. The Solid Waste Division made some general comments regarding the trash enclosures and required height clearances. The applicant met with City staff regarding this issue and determined that there are slight adjustments required for the site plan to accommodate the level of waste disposal associated with this project.

One parking space near the waste disposal area will be eliminated to create more room to maneuver a garbage truck. An additional space can be added to the building interior by maxing out the projects available compact spaces.

Boise City Parks has commented on the River System Permit, which will be discussed later in the report.

Other than those listed above, no public agency has voiced concerns with this request.

# C. That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this title.

The project meets the setback requirements of the R-O zone. Window pop-outs protrude two feet into the front setback. The R-O allows such encroachment in order to encourage visual interest on facades. The subject property is made up of three separate parcels.

These will have to be combined prior to issuance of a building permit. Parking requirements have been met through at-grade parking located under the building. There are some open air parking spaces at the rear of the site but no planter islands will be required as there is a perimeter fence that screens this parking area from the greenbelt. Design Review staff was consulted and additional trees near the fence will be required to provide buffering of the parking lot from the greenbelt. Landscaping will be reviewed in detail by the Design Review Committee. However, there are some other issues with the plan. During a recent land use hearing located across the street, City Council stated that they wanted to see a detached sidewalk on Royal Blvd. The landscaping depicted along the road should be moved into a planter strip along Royal. This change will be reflected in a revised site plan to be presented at a Design Review hearing. Boise City Parks, through their River System review, noted that the proposed landscaping would blend harmoniously with the greenbelt. They also stated that the landscape plan must be approved by Parks for final review. The project contains three amenities for residents, a pool, a fitness center and a computer/game room. These enhance the project's livability.

# D. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity.

The requested height exception will not adversely affect the surrounding neighborhood. The additional height is not allowing for enough dwelling units where a parking reduction is necessary. This should prevent overflow parking from spilling into the neighborhood. Views of the riparian habitat will be blocked from Royal Blvd and other surrounding streets. However, a building of 35 feet, the allowed height, would also block a pedestrian's view of the river. The applicant is mitigating this by providing pedestrian access to the greenbelt through their development. The operating characteristics of the multi-family development do not conflict with surrounding uses. The area is comprised of other multi-family developments, office, and industrial uses that are of similar or greater intensity to the applicant's proposal. There will be a substantial increase in traffic. This is offset by the potential for existing businesses to capitalize on the increase in customers to the surrounding neighborhood as well as access to bus stops and the greenbelt.

# E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

The proposed use is supported by the general goals, objectives and policies of the Comprehensive Plan. This project will provide possible student housing for BSU, which is situated nearby. Currently, there is a lack of on campus housing. The height exception allows for the applicant to maximize the number of units, while providing adequate parking. *Objective 7.1.2* calls for opportunities for residents of Boise to find housing in the neighborhood of their choice. This project will allow for prospective students to find housing near the university.

The lack of BSU dormitories has also created a situation where there are many singlefamily residential homes in historic neighborhoods being rented out to students. This has produced problems with compatibility in older sections of town. The applicant's project reduces the demand for conversion of existing housing stock into rentals in conformance with *Objective 7.2.1*. Although the project is single-use in nature, the height exception creates a large supply of housing in a mixed use part of town where there are many commercial businesses that can take advantage of the increase in customers within the area. (*Objective 8.1.3*)

F. Multiple family buildings (any building containing more than 2 residential units) must be designed to include features which add to the visual and aesthetic appearance of the structure and help prevent a sterile, box-like appearance. Such features may include the use of brick or stone, roof or facade modulation, planter boxes, bay windows, balconies, porches, etc.

The Commission or committee must make a finding that specific design features have been added to enhance the physical appearance of such multiple-family residential structures.

The building design contains the necessary features to prevent a sterile box-like appearance. The façade contains substantial material changes that add visual interest. Vertical elements within the building design are given different colors. This creates an appearance of additional depth. The façade is modulated through recessed balconies and window pop-outs. Staff does have some minor concerns that can be addressed through the Design Review process. While the number of differing materials is good, there has been little specificity about what is being used. The applicant and Design Review staff will have to insure that high quality materials are chosen. Another issue is the roof line. Currently the roof line is mostly flat, which can contribute to a box-like appearance. Staff is recommending that Design Review staff pursue a stepped parapet that doesn't exceed the requested height exception of 58 feet to break up the roof line.

#### **River System**

#### Section 11-16-05.06 Conclusions of Law

A. The findings of fact and conclusions of law to support decisions on Boise River System Development Permit applications must be based upon compliance with the Boise River System Ordinance. A Boise River System Development Permit may be approved when the evidence presented meets all of the following conclusions of law:

1. That the proposed development is in compliance with the applicable Standards for Uses in Class A, B or C lands and waters (Section 11-16-03).

The subject property is considered Class C lands and waters. The site is home to an industrial use, a trucking terminal.

One definition of Class C lands are former industrial sites. The project only requires a River System Permit because part of the site is within the floodplain of the Boise River. No riparian habitat will be impacted with this development as the project obeys the 70 foot setback from the 6500 cfs line for the greenbelt. Class C lands permit all conditional and allowed uses in the base zone. In this case the multi-family use and height exception are permitted within the River System Ordinance.

#### 2. That the proposed development complies with all the policies and standards of the Boise Comprehensive Plan, the Boise River Plan, the Floodplain Ordinance (Chapter 12), and the Boise River System Ordinance (Chapter 16).

The project complies with the Boise Comprehensive Plan. *Objective 3.4.2* states that bald eagle habitat should be protected as a unique feature of the City. There are no bald eagle perch trees or heron rookeries in the general vicinity of the project. The applicant is providing pedestrian access to the greenbelt from Royal Blvd. Also, the project will not interfere with citizen's enjoyment of the greenbelt. The plan encourages enhancement and maintenance of the City's greenbelt system through *Policy 5.1.5.6*. The project will comply with the City's Floodplain Ordinance. Public Works has commented that the building and parking lot need to be elevated one foot above base flood elevation. The applicant's site and grading plan reflect that they have already been designing with this in mind. This will reduce the chance of hazards during flood events.

# 3. That the proposed development includes measures designed to insure that natural resources functions and values are preserved or enhanced and maintained.

The Boise City Parks and Recreation Commission reviewed this project at a November 17, 2011 meeting. They determined that the project area consisted of Class C Lands and waters. And that the project is not expected to degrade riparian habitat or water quality. Parks has included several conditions to reduce construction impacts on the Boise River system. These include fencing to separate construction activities from the greenbelt and stipulating that trees within the existing 70 foot greenbelt setback be protected. The proposed use triggered a River System Permit because part of the site in the floodplain of the Boise River, not due to any habitat impacts or degradation due to construction.

# 4. That the proposed development complies with or shall comply with all local, State and Federal laws and regulations.

A recommended condition of approval shall require that the applicant comply with all local, state and federal laws and regulations. To date, no agencies have voiced opposition to this request.

#### 8. Recommended 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 **November 29, 2011**, except as expressly modified by the Design Review Committee or staff and the following conditions:
- 2. Comply with the requirements of the Boise City Public Works Solid Waste Division as specified in the attached memo dated **December 1, 2011**.
- 3. Comply with Boise City Parks comments dated November 21, 2011.
- 4. Comply with the requirements of the Boise City Fire Department as specified in the attached memo dated **December 14, 2011**.
- 5. All utilities along Royal Blvd. shall be relocated underground.
- 6. A crosswalk shall be installed across the main service drive on the eastern portion of the site to provide greenbelt access.
- 7. Comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, Solid Waste/Ground Water Manager, and street lights as specified in the attached comments dated **December 8**, 2011. 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.
- 8. Comply with the requirements of the Ada County Highway District as specified in the attached letter dated December 22, 2011.
- 9. The applicant shall comply with all local, state and federal laws and regulations.
- 10. The applicant shall combine the three parcels that make up the project area prior to issuance of a building permit.
- 11. The height of the building shall be limited to 55' along the greenbelt and 63' along Royal Blvd.
- 12. The site plan submitted to Design Review staff shall include the following:
  - a. Detached sidewalks along Royal Blvd.
  - b. Trash pickup shall be moved to the south and slightly expanded. This will eliminate one parking space on the exterior of the building that will be replaced with a compact

space on the building's interior. Public Works Solid Waste division will review these changes.

- c. Additional trees shall be added along the north façade to provide additional buffering to the fence wall associated with the open air parking.
- d. A stepped parapet should be added to break up the roof line.

#### **Standard Conditions of Approval**

- 13. 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.
- 14. 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.
- 15. 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.
- 16. Trash receptacles and on-grade and rooftop mechanical fixtures and equipment shall be concealed from public view by use of an approved sight-obscuring method. All screening materials shall be compatible with the building materials/design.
- 17. Utility services shall be installed underground.
- 18. 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.
- 19. 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.
- 20. 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.

- 21. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.
- 22. 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.
- 23. 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.

#### **BOISE CITY PUBLIC WORKS DEPARTMENT**

#### DEPARTMENT CORRESPONDENCE

Boise City Planning & Zoning To:

Re: CUP 11-00090; 1004 W. Royal Blvd.

#### **CONDITIONS OF APPROVAL**

#### **SEWER CONDITIONS – MIKE SHEPPARD (384-3920)**

DEC - 8 2011 DEVELOPMENT Upon development of the property, connection to central sanitary sewer is required. Sewers are available in W. Royal Blvd (384-3900).

Prior to granting of final sewer construction plan approval, all requirements by Boise City Planning and Development Services must be met.

#### DRAINAGE / STORM WATER CONDITIONS - BRIAN MURPHY (384-3752)

A drainage plan must be submitted and approved by Public Works prior to issuance of a building permit.

#### **STREET LIGHT CONDITIONS – MIKE HEDGE (388-4719)**

No comment.

#### PERSON MAKING OTHER COMMENTS – JIM WYLLIE (384-3925)

#### **OTHER COMMENTS –**

See attached memo.

ENTATIVE

WORKS REPRESENTATIVE

cc: Applicant

I:\PWA\Subjects\Review Comments\CUs\CU-2011\CUP-11-00090.doc

Date: Desember 6, 2011

#### **CITY OF BOISE**

#### INTRA-DEPARTMENT CORRESPONDENCE

Date: December 5, 2011

To: Rob Bousfield

From:

Sine

Jim Wyllie 🎉

Subject: River Edge Apartments Floodplain Review Comments CFH11-00035 FPR 999

I have reviewed the Floodplain Review Application for River Edge Apartments and have the following comments:

- 1. The subject project is located in the floodplain of the Boise River. Property development is subject to the regulations and requirements of Chapter 12, Boise City Zoning Ordinance.
- 2. If this project is approved:
  - a. Three Elevation Certificates will be required for building construction. One is required for issuance of a building permit, another is required prior to obtaining a framing inspection, and a third is required that is based upon finished construction.
  - b. Minimum finish floor elevation of all apartment units and other occupied areas shall be no less than 1.0 feet above the base flood elevation (BFE).
  - Recommend that finish floor of the garage area be elevated to the same level as for item
     (b) above. If this cannot be accomplished, recommend that the garage floor be elevated to or slightly above the BFE.
  - d. Building utilities shall be elevated above the base flood elevation or floodproofed to prevent entry of flood waters into building utility systems.
  - e. Recommend that the structure be constructed with a slab-on-grade foundation.

Call if you have questions.

cc:

sf FPR 999 2.4

FPR999CFH11-00035RiverEdgeApts

### **City of Boise**

# Memo

To:	Planning and Development Services
From:	Peter McCullough, Public Works Department
Date:	12/1/11
Re:	Solid Waste Comments- CUP11-0090, 1004 Royal Blvd

City of Boise Solid Waste staff has reviewed the application for this project and has the following comments:

1. Trash enclosures/containers will be required to comply with all Solid Waste Ordinance requirements detailed at:

http://curbit.cityofboise.org/Trash/Commercial/Commercial Trash Home/page51871.aspx

- 2. 6-yard containers can not be moved by hand (they are not on wheels) so they likely can not be stored inside the building unless 25' of overhead clearance, and all other clearances, are provided.
- 3. Show details of enclosures/solid waste area (including required access dimensions and containers) in all future plans.

The applicant may contact me with any questions at 384-3906.



James R. Hall Director

Parks & Recreation 1104 Royal Boulevard Boise, Idaho 83706-2840

Phone 208/608-7600

**Fax** 208/608-7648

TDD/TTY 800/377-3529

**Web** www.cityofboise.org/parks

Mayor David H. Bieter

City Council President Maryanne Jordan

Council Pro Tem Alan W. Shealy

Elaine Clegg David Eberle Lauren McLean TJ Thomson

## **Boise Parks & Recreation**

November 21, 2011

Cody Riddle, PDS Planner III 150 N. Capitol Blvd. Boise, Id 83702 **RE: Park Commission Action Letter – Royal Blvd. Apartments** 

Dear Cody:

The Boise Parks & Recreation Commission at a regularly scheduled meeting held Thursday November 17, 2011 voted to **approve** a request for a Boise River System Ordinance permit to construct an apartment complex for approximately 600 students on approximately 3.21 acres in an R-OD zone. Below are the findings and recommended conditions of approval.

#### **Boise Parks & Recreation Commission Findings:**

The Parks, Trails & Open Space Sub Committee met to discuss the proposed development on Thursday October 27, 2011.

- 1. The project adequately addresses the need to conserve aesthetic views along the river as viewed from the Greenbelt.
- 2. Water quality will not be adversely affected.
- 3. Greenbelt Safety will be enhanced by construction of a concrete pathway connection on the north side of the property from the apartments through the Greenbelt Setback Area to the Greenbelt and second, auxiliary path/sidewalk from La Pointe driveway access on the east side through to the Greenbelt.
- 4. There will be no discernable adverse noise impacts resulting from development of the project.
- 5. The project falls within the category of Class C Lands and Water and therefore has no adverse effect upon the protection of bald eagles or other threatened or endangered species.
- 6. No significant cultural or geologic landmarks as viewed from within the Greenbelt corridor will be adversely affected.
- 7. Unique and/or special conditions will be listed in the recommended conditions of approval including flood plain approval by City Public Works Dept.
- 8. PDS will regulate the height of the building with the understanding that the Boise Parks & Recreation Commission recognizes that the building should not exceed 55 feet in height to coincide with buildings currently in the same area.
- 9. The Fire Department reviewed the applicants plans and requested a

An Equal Opportunity Employer

150' concrete fire lane 20' wide on the west side of the proposed apartment building. After further review by the Boise Parks & Recreation Commission an option was provided to the Applicant to extend a 20 ft wide fire access (and pathway) north from the existing culdesac at BPR's maintenance yard to the edge of the applicant's property and at the confluence with the existing Greenbelt. The differencein cost between constructing the approved fire access road on-site and developing the fire access off-site on BPR owned property shall be paid to BPR for use as youth schloarships.

**RECOMMENDATION:** The Boise Parks & Recreation Commission recommends **approval** of the proposed apartments with the following conditions:

#### **Recommended Conditions of Approval**

- 1. Comply with all conditions listed under Sections 11-16-04.2 Setback Lands and Water Standards under the Boise River System Ordinance.
- 2. Provide two (2) paved pathway/sidewalk connections to the Boise River Greenbelt as shown on the Applicant's Site Plan.
- 3. Final Landscape Plan shall be designed to BPR specifications and requires final approval by BPR Design staff and City Forester.
- 4. Install or leave existing chain link fencing along the entire length of the project adjacent to the Greenbelt during construction.
- 5. Coordinate with BPR's G.R.O.W. unit when installing irrigation to prevent disruption of service.
- 6. The building structure shall install non-reflective glass to prevent glare as viewed from Greenbelt pathway system.
- 7. No equipment staging will be allowed on park/owned or maintained property.
- 8. Existing trees with the 70' Greenbelt setback shall be protected during construction.
- 9. Any areas disturbed within the 70' Greenbelt setback shall be returned to it's original condition prior to construction.
- 10. The proposed site plan and apartment building will be substantially designed to reflect the drawings and plan elevations submitted.
- 11. The parking area will be screened sufficiently from public view as seen from the Greenb
- 12. PDS will regulate the height of the building with the understanding that the Boise Parks & Recreation Commission recognizes that the building should not exceed 55 feet in height to coincide with buildings currently in the same area.
- 13. An approved fire lane will constructed to the satisfaction of Fire Department on both the east and west side of the apartment complex.

Sincerely, Jun Cheyne Weston, Park Planner

From:	Cheyne Weston
To:	Josh Johnson
Date:	12/6/2011 9:50 AM
Subject:	Re: Royal Blvd Apartments

Josh;

The Riparian Setback Area and the Greenbelt Setback Area are described in the Boise River System Ordinance. Boise Parks & Recreation Commission makes recommendation on Boise River System Ordinance permits when structure are either in or adjoin these described areas. In regards to Royal Blvd. Apts. the Commission made recommendation that the building structure not exceed 55' in height. This recommendation was made to insure the apartment building as viewed from the Greenbelt does not overwhelm the pathway user. BPR's authority to comment only concerns structures within these setback areas. Thank you for allowing BPR to comment.

Cheyne Weston BPR Park Planner (208) 6087637 phone (208) 489-2039 fax >>> Josh Johnson 12/6/2011 9:29 AM >>> Cheyne,

We have to advertise a height exception that is over the 55' mentioned in your river system letter for this project. This is due to the height of the building at Royal Blvd. Where the building interfaces with the river it is 55' as measured from adjacent grade. I don't think this should change your comments. Could you just send me back an email indicating that you are okay with this or not?

Joshua Johnson Planner II City of Boise Planning and Development Services Second Floor, City Hall 150 N. Capitol Blvd. Boise, ID 83702 Phone: (208) 384-3830 Fax: (208) 433-5688



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, 2012Hearing: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 E-mail: jwagoner@achdidaho.org

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:

1

• 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.

- 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 sitegenerated 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.

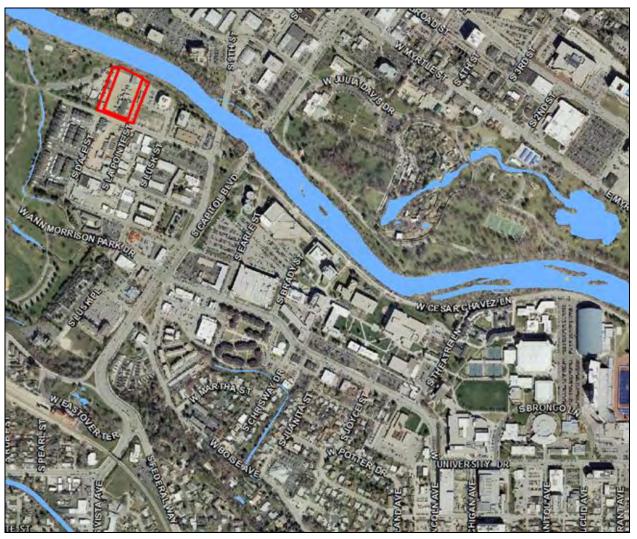
Following are the **transportation-related improvements needed to accommodate the traffic volumes** generate by the Royal Boulevard development:

• 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

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 Raito	.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

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

\*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 Raito	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-ofway.
- **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. <u>The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.</u>
- **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



Dennis Doan Chief

City Hall West 333 N. Mark Stall Place Boise, Idaho 83704-0644

Phone 208/570-6500

Fax 208/570-6586

TDD/TTY 800/377-3529

Web www.cityofboise.org/fire



Mayor David H. Bieter

City Council President Maryanne Jordan

Council Pro Tem Alan W. Shealy

Elaine Clegg David Eberle Lauren McLean TJ Thomson

## **Fire Department**

December 14, 2011

Joshua Johnson PDS – Current Planning

Re: Conditional Use Permit – River Edge Apartment; CUP11-00090 1004 W. Royal Blvd.

Dear Josh,

This is request for a conditional use permit for a five-story, multifamily structure of approximately 351,900 square feet.

The Boise Fire Department has reviewed and can approve the application subject to compliance with all of the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by Ordinance 6308.

#### Comments:

1. It is anticipated that the waterline from Capital Blvd. to Dale St. will need to upgraded to support this project. Required fire flows for the structure maybe up to 4,000 gallons per minute (gpm) based upon final building design. United Water has indicated that 2,000 gpm is currently available and with the waterline upgrades up to 4,000 gpm would be available.

#### General Requirement:

Specific building construction requirements of the International Building Code, International Fire Code, International Residential Code and Boise City Code will apply. However, these provisions are best addressed by a licensed Architect at building permit application.

Please feel free to have the applicant contact Romeo Gervais at 570-6567 if they have any questions.

Regards,

Romeo P. Gervais, P.E. Deputy Chief – Fire Marshal Boise Fire Department

An Equal Opportunity Employer

#### CUP11-00090 & CFH11-00036 / THE MICHAELS ORGANIZATION

Location: 1004 W. Royal Boulevard RECONSIDERATION OF A CONDITIONAL USE PERMIT FOR A HEIGHT EXCEPTION TO CONSTRUCT A FIVE STORY MULTI-FAMILY RESIDENTIAL BUILDING ON 3.42 ACRES IN AN R-OD ZONE. A BOISE RIVER SYSTEM PERMIT IS INCLUDED IN THE REQUEST.

Josh Johnson (Staff) – If I'm not mistaken, I believe we need to vote for reconsideration.

COMMISSIONER BRADBURY MOVED TO RECONSIDER CUP11-00090 & CFH11-00036 FOR THE PURPOSE OF TAKING TESTIMONY THAT WAS MISSED WHEN THIS WAS ORIGINALLY PLACED ON OUR AGENDA.

Commissioner Meyer – I wasn't here at the last meeting so I will be sitting out on this item.

COMMISSIONER STORY SECONDED THE MOTION.

**Commissioner Stevens** – Does the maker and the seconder wish to include that we will hear that testimony tonight?

**Commissioner Bradbury** – That was the intent of my motion.

**Commissioner Story** – Yes.

ROLL CALL VOTE

COMMISSIONER BRADBURY	AYE
COMMISSIONER STORY	AYE
COMMISSIONER MORRISON	AYE
COMMISSIONER STEVENS	AYE

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

**Josh Johnson** (Staff) – This application is back before you. As at the last hearing a member of the public wished to testify in opposition to the project. Her name is Eileen Barber and she signed up with John Starr. Those two citizens and the applicant team are those only able to testify tonight because they were signed up at the last hearing. We recommend that after our staff report you let the applicant go as normal, then those members of the public, and then give the applicant the chance for a five minute rebuttal.

The issue before you tonight is the height of the structure. The structure is 59 feet along the Greenbelt and 63 feet along Royal Boulevard. The Parks Department's comments on the original application recommended a limit of 55 feet. Staff had talked to the Parks Department and thought we had worked out a compromise as we were recommending the parapet be raised to provide more modulation of the façade. Further discussions with Park's staff today revealed they wanted the building held to a 55-foot limit.

As you know they are the recommending body to this and if you wanted to exceed that, you would have that discretion.

**Commissioner Stevens** – Josh, can you remind me, when we approved this last week was it 55 feet, or was it higher?

**Josh Johnson** – No, we concluded a condition that referred to these revised elevations in a brief paragraph summary stating those additional heights that were part of the application. At that point we thought the Parks Department understood the additional height, but today they said, no, they did want that 55-foot limit adhered to.

**Mathew Bartner** (Applicant) – I'm the architect for the project working with Michael's Organization, the applicant. I know you've heard about the project as of last week so I won't belabor the points too significantly. As Josh mentioned, when we submitted for a conditional use permit back in December the project was intended to be a 55-foot height limit. One of the items mentioned in the staff report at that time was the consideration of some additional height to help animate the façade and provide relief to an otherwise flat roofline for the project. We worked within those parameters to bring some additional height, which started the discussion of 58-foot height limit. At that time we did believe the Parks Department, as well as Planning & Zoning, were in agreement of that height extension. Further, moving from that point I worked with the Design Review staff. Again, they were looking for a little more extenuation in the façade and some changes there, so we ended up at the 63-foot limit you see before you today. That is what we are requesting as the conditional use tonight.

Commissioner Bradbury – Just so I'm clear, is the building different heights on different sides?

#### PUBLIC TESTIMONY

**Mathew Bartner** – Yes, because of the way the ordinance is written it's written such that the height is measured from the adjacent grade at the curb-line. Our building, because of the flood plain issues and some other things on this site, is actually 4 feet higher than the Royal Boulevard side where the sidewalk is currently, or would be. So we include that 4 feet in the overall height of the building, but on the north side, the Greenbelt side, grade comes up basically to the floor level so that 4 feet is mitigated on that side.

**Eileen Barker** – I am one of the owners of Kinetics in the Kinetics building and I am representing Kinetics today. Just a heads-up, I did write a letter to the Commission and I would refer to some of the charts in there, so I'm assuming you'll have them there.

First, let me start by saying I love new development. We would love to see the truck terminal replaced with something that enhances the Greenbelt and that serves our city. There are two main concerns with different proposed housing. The proposed height of building above what Boise City Code allows and lack of adequate parking. The current design would harm not only the neighborhood, including Ann Morrison Park, and the Boise River Greenbelt may make the propose project not a desirable place to live. The first concern is that the proposed student housing project is not similar in height to the office buildings in the vicinity.

The table on page one speaks for itself. This stretch of the Greenbelt has 3-story office buildings, including our building. An average typical height of a 3-story office building along this stretch is 45 feet. I did provide elevation of these buildings to staff.

The chart on page two demonstrates a big difference between the Kinetics building, a three-story office, and the proposed project with five stories. The important thing to remember is our building and the proposed buildings are located in different zones. The Kinetics building is located in a C-2D zone with a maximum height limit of 45 feet. The typical height of the Kinetics building is 46 feet, or one-foot above the C-2D zone restriction. The tallest part of the Kinetics building is a single exterior stairwell at 53 feet on the Royal facing side of the property.

The proposed project is located in R-OD zone with a maximum height limit of 35 feet. The typical height of the proposed building is 55 feet, or 20 feet above the R-OD zone restriction. The tallest part of the proposed building in order to accommodate the multiple exterior stairwells is 63 feet along Royal Boulevard, to 9 feet along the Greenbelt. The proposed building exceeds the applicant's stated height exception at 55 feet, and additionally exceeds a limit set by Boise Parks and Recreation at 55 feet.

The last concern is closely tied to the second concern, a severe shortage of proposed parking spaces. The applicant describes the proposed apartments as student housing for Boise State students. However, the project has been placed into the City's multi-family apartment classification for the purpose of the present application. The first chart on page three shows parking spaces to bedroom ratios for the typical multi-family dwelling units. Most multi-family dwelling units are one and two bedroom units. The proposed student housing lists a fourth bedroom unit would create ratios far below acceptable occupant vehicle averages. The propose structure of 175 dwelling units, again, in which most are four bedroom units, will create 622 bedrooms, for 622 students. The planned 280 parking spaces will provide less than half the student tenants a place to park their cars. This is far below acceptable averages. We could expect at least 60 to 75 percent of students will bring a car to school. The second table on page three illustrates these ranges. The project will be almost 100 spaces short if 60 percent of the students have cars. At 75 percent, this doubles to almost 20 becomes almost 202 few parking spaces.

**Mary Watson** – Could you inquire if there is anybody else in the audience who would like to testify?

#### REBUTTAL

**Mathew Bartner** – I'll touch briefly on the parking issue. The building is a multi-family apartment building. It's not a sorority or fraternity house, it's intended to be a multi-family apartment for grown adults who happen to be college students. It's targeted at college students of Boise State. The site is chosen to be in close proximity of the Boise State campus which we feel will mitigate some of the need for cars. None the less, the project does meet the ordinance for a multi-family building for car parking and we believe it is an adequate amount of parking for the residents.

Regarding height, Eileen is correct. Our building is in a different zone than the Kinetics building. However, I'm going to reference from the staff report, which you have been noted, that the 35-foot height limit is unusual in the R-O zone because it is intended as a mixed use urban development zone. While our project is not mixed use per-say, it is residential use. We do believe it represents a good attempt to be an urban type building and urban type of housing. Not focused on cars beyond what the ordinance requires. It is more focused on pedestrian and bike use coming from the housing to the campus of Boise State.

#### PUBLIC HEARING CLOSED

**Commissioner Bradbury** – I've gotten confused about where we are in terms of the height that was approved last week, and that which the Parks Department is asking us to hold this building to this week. If I'm remembering correctly, the height exceeded the 55 feet that Parks had asked and is now asking the building height be maintained. Is that correct?

**Commissioner Stevens** – My recollection, and of course other commissioners feel free to jump in, is that we had a letter from Parks voicing their support for the revised drawings which included the height increase. That's my recollection and we unfortunately don't have the application in front of us this week so we can't look back, but my recollection is that they supported at the time and what's in front of us now is no different than what we had last week in front of us. If they've changed their mind, which will certainly be taken into account.

**Commissioner Story** – I think it is a little bit different. I think Parks did come back and say they would like it to stick to 55 feet, verses the 63 feet, which is different than it was last week. That's my recollection.

**Commissioner Stevens** – I wonder if it would behoove us to hold this over considering we don't have documentation in front of us and we seem to have some questions. Or we could reopen the hearing to staff and get some clarification, if we have additional questions that we want to have answered.

COMMISSION BRADBURY MOVED TO CONTINUE THIS HEARING TO UR NEXT REGULARLY SCHEDULED MEETING DATE TO MARCH 5, 2012 FOR THE PURPOSE OF FURTHER CONSIDERING THE APPLICATION.

**Commissioner Bradbury** – I guess I would leave open the potential for allowing additional public testimony if there are other members of the public who wanted to testify.

#### COMMISSIONER STORY SECONDED THE MOTION.

**Mary Watson** – For clarification, is this to get information from the Parks Department, what the current recommendation is, or maybe get some clarification on what we are looking for, for next time? Maybe staff at this point could answer the question.

**Commissioner Bradbury** – What I really want is the staff report in front of me so I can be sure I am making the right decision when the time comes to developing. I just feel a little naked at the moment. I don't have a good enough memory as you can see by the gray hair. Even a week is too long for me to remember the details that I would like to try and remember.

ROLL CALL VOTE

COMMISSIONER BRADBURY	AYE
COMMISIONER STORY	AYE
COMMISSIONER MORRISON	NAY
COMMISSIONER STEVENS	AYE

THREE IN FAVOR, ONE IN OPPOSED MOTION CARRIES.

**Commissioner Stevens** – We will be continuing that item to March 5, 2012 to get the documentation in front on us that we need.

February 13, 2012



City of Boise Attn: Planning and Zoning Commission 150 N. Capitol Boulevard Boise, Idaho 83701

## Re: Objection to the Requested Height Exception for the Proposed River Edge Apartments at 1004 W. Royal Boulevard in the R-O(D) Zone (CUP11-00090 & CFH11-00036).

Dear Commissioners:

I am a co-founder and board member of Keynetics Inc., which is a neighbor directly adjacent to the proposed River Edge student housing project (CUP 11-00090 & CFH11-00036). The Keynetics building located at 917 Lusk Street is a 3-story, Class A office building and is owned along with the adjacent 914 Royal and 915 Lusk lots by entities affiliated with Keynetics Inc. The Keynetics building was designed by BRS Architects to be consistent with other buildings on this section of the Boise River Greenbelt. Both the Keynetics building and the proposed student housing project are located not only along the Greenbelt connection to Julia Davis Park but also adjacent to Ann Morrison Park.

Although we welcome new development in the area, the current design causes serious concerns and would adversely affect not only the neighborhood, including Ann Morrison Park and the Boise River Greenbelt, but also the viability of the proposed River Edge Apartment project itself. In particular, the proposed height of the building (above what the Boise City Code allows) and the lack of adequate parking demonstrate the proposed student housing has not been properly designed for the location or the proposed tenants. Each of these issues is addressed below.

#### **Height Concerns**

The Applicant incorrectly states that the proposed apartments are "similar in height" to the office buildings in the immediate vicinity. The table below<sup>1</sup> demonstrates that the proposed student housing building would be two or three stories taller than nearly all of the nearby office buildings:

Building	Location	# of Levels	Building (GSF)	1st Floor (SF)	Total Site Area (Acres)	Building Footprint to Site
Mallard	1161 W River	3	47,175	15,725	3.13	11.5%
Arid Club	1137 W River	2	15,500	11,500	1.59	16.6%
Golden Eagle	1101 W River	3	42,673	14,095	1.06	30.5%
Blue Heron	1087 W River	3	34,902	10,684	1.62	15.1%
Cornerstone (Cottonwood Grill)	913 W River	4	55,895	13,973	3.42	9.4%
Keynetics	917 Lusk	3	27,958	9,172	1.25	16.9%
Proposed Project	1004 Royal	5	351,900	82,814	3.21	59.2%

<sup>&</sup>lt;sup>1</sup> The information in the table was obtained from the Ada County Assessor's website. Page 1 of 4

Additionally, even if the proposed building was a similar height to the nearby buildings (which it is not), the project is located in an R-OD zone with a maximum height limit of 35 feet. **The typical height of the proposed building is 55 feet, or 20 feet above the R-OD zone restriction.** Therefore, not only does the proposed building exceed the height of neighboring buildings, but it also far exceeds the height restriction of the zone where it would be located.

Although Keynetics obtained a CUP for the height of its building, the height variation of the Keynetics building is minimal compared to what is actually allowed in its zone (C-2D). The Keynetics Building is located in a C-2D zone with a maximum height limit of 45 feet. **The typical height of the Keynetics building is 46 feet, or one foot above the C-2D zone restriction.** The Keynetics CUP was necessary to accommodate an exterior stairwell. The tallest part of the Keynetics building is the single exterior stairwell at 53 feet (on the Royal facing side). Please note that the 53' exterior stairwell is only approximately 5% of the total roofline. The table below provides a comparison between the Keynetics building and the proposed student housing:

	Keynetics Building	Proposed Student Housing <sup>2</sup>
# of levels	3	5
Avg. Height per Floor	14'	10'
Height to Roof Deck	42'	53'
Height to Parapet	46'	55'
Height to Exterior Stairwell(s)	53'	63'

The tallest part of the proposed building (in order to accommodate the multiple exterior stairwells) is 63 feet along Royal Boulevard and 59 feet along the Greenbelt. The Applicant states that the "overall building will not exceed five stories, or 55 feet above the finished ground floor elevation," but the proposed building exceeds this stated height exception of 55 feet. Additionally, the proposed building exceeds the 55 foot height limit that Boise Parks and Recreation determined the building should not exceed. Boise Parks and Recreation included this recommendation in its November 21, 2011 letter to PDS staff, and Cheyne Weston, confirmed the 55 foot height limitation in an email dated December 6, 2011.

#### **Parking Concerns**

The height concern is closely tied to the second concern –a severe shortage of proposed parking spaces. The shortage of parking in this area is already a serious issue. Ann Morrison Park hosts a variety of high traffic events throughout the year. During the summer river floating season, the parking in Ann Morrison Park and along Royal Boulevard becomes heavily congested. Ultimately, if not addressed, inadequate parking will make the proposed project an undesirable place to live, adversely affect the businesses in the area, and harm the ability to enjoy Ann Morrison Park and the Boise River Greenbelt.

According to the application, the Applicant, the Michaels Organization, specializes in student housing and other quality affordable housing. The applicant describes the proposed River Edge

<sup>&</sup>lt;sup>2</sup> The parapet heights were provided by City Planner Joshua Johnson at a meeting I had with him on February 9, 2012.

Apartments as student housing for Boise State students. However, the project has been placed into the City's "multi-family" apartment classification for purposes of the present application. This conflation of multi-family housing and single student housing in the Boise City Code poses significant problems.

The general parking standards in the Boise City Code for multi-family dwelling require 1.5 spaces per dwelling unit and one guest space per 10 units. However, most downtown and downtown peripheral multi-family apartment complexes are one-bedroom units, two-bedroom units, or a combination of one and two bedroom units. The table below provides the ratio of parking spaces to bedrooms in the typical multi-family apartment under the Boise City Code:

Bedrooms Per Unit	Parking Spaces to Bedroom Ratio
Complex with all one-bedroom Units	1.6
Complex with all two-bedroom Units	0.8
Complex with combination of one and two bedroom Units	0.9 to 1.5
Fraternity/Sorority	1.0
Proposed Project	0.45

The proposed student housing would create ratios far outside those noted above for typical multi-family apartments. The proposed structure of 175 dwelling units (of which 139 are four-bedroom units) will create 622 bedrooms for 622 students. However, 280 parking spaces to 622 bedrooms allocates **only a 0.45 Parking to Bedroom Ratio, which is far below acceptable averages.** 

In a conversation with Guy Tomlinson (affiliated with the proposed development) on Wednesday, February 8, 2012, I expressed my concern with the Parking Spaces per Occupant Ratio. According to Mr. Tomlinson, 60-65% of college students have cars. I quickly calculated with him, his stated best case scenario of 60% of student with cars; if 60% of students living in this complex have a car, there would a shortage of almost 100 parking spaces. The table below illustrates how the shortage of parking spaces double as the percentage of students with cars increases to 75%, which is a realistic expectation:

% of Students with Cars	Parking Spaces Needed Based on 622 Occupants	Shortage of Parking Spaces
60%	373	93
65%	404	124
70%	435	155
75%	467	187

The shortage of parking spaces and the excess of cars will adversely affect the neighborhood and the City of Boise. Parking in this neighborhood has been a problem, remains a problem, and will become even more of a problem with such a serious shortage of parking for the building occupants. Although students will be able to walk/bike to their classes, many will still have cars to drive to grocery stores, malls, jobs, parents' homes, etc. **Many students opt for off-campus housing, so they** can have a car.

#### Page 3 of 4

No ideal residential category for student housing structures currently exists in Boise City Code Chapter 11-10: Off-Street Parking and Loading Requirements. Technically, since the proposed apartments include a kitchen, the project falls under the multi-family category. However, college students are not families with children that do not drive. **The Fraternity/Sorority category describes the proposed living arrangement better: groups of young adult students living together.** For the Fraternity/Sorority category, the general parking requirement is 1 parking space per occupant. **This standard would require 622 parking spaces for the proposed project.** 

If the City is uncomfortable describing all student housing as a "Fraternity/Sorority House," **the City should create a new residential category for private off-campus student housing and set minimum realistic parking requirements for this category.** A parking study or survey is needed for a project of this magnitude and for a structure (4-bedroom units) that does not fit the normal scope of apartment complexes in downtown Boise.

Finally, there is a concern about the administration and management of the parking for the proposed project. The Applicant proposes allowing "first come/first serve" parking and no assigned stalls. The Applicant should provide more detailed information on how this method of minimally managing parking will affect the neighborhood and the City.

## A Solution - Recognizing the Extra Height of the Proposed Building Directly Relates to the Parking Problem

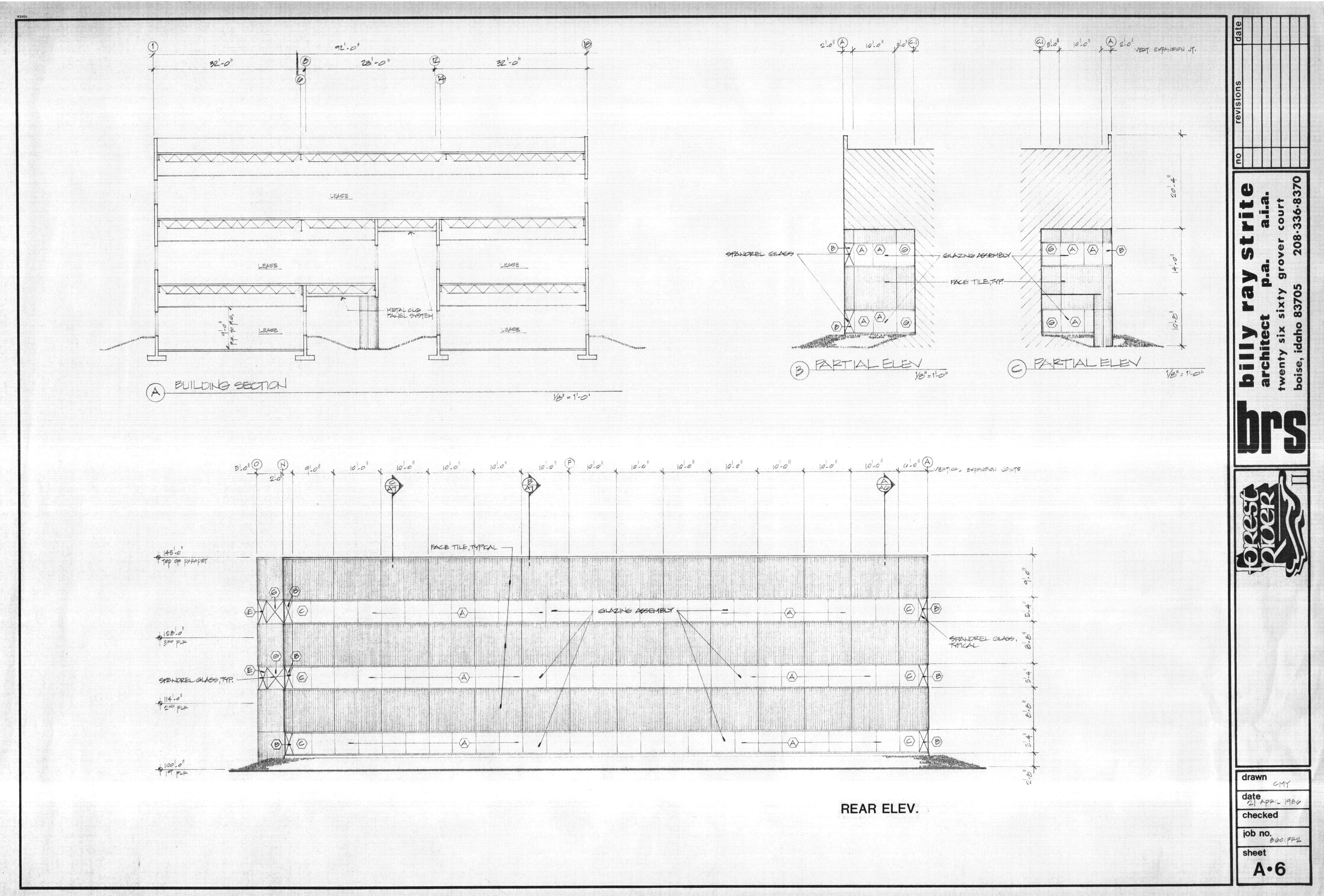
**A possible solution is to limit the project to four levels (one level of parking with three levels of apartments).** Three residential floors would accommodate 131 apartments creating 466 bedrooms for 466 students. If 60% of the 466 students have cars, the site would need 279 spaces. This falls nicely in the scope of the 280 proposed spaces and would have less of an impact on the neighborhood, the Boise River Greenbelt, Ann Morrison Park, and the City.

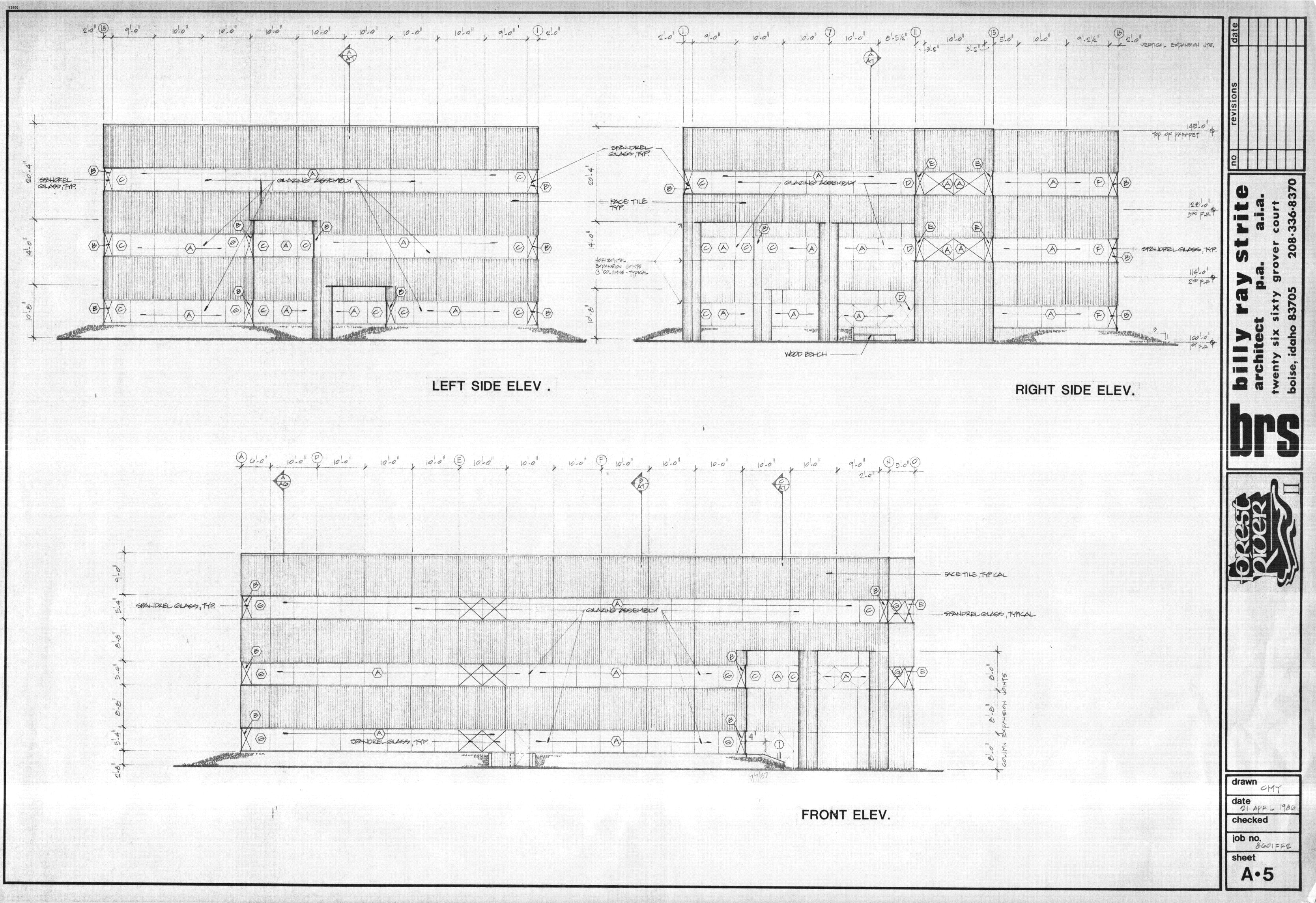
With one level of parking and three levels of apartments, the height of the building to the roof deck would be 42 feet. **The typical height with parapets would be approximately 46 feet, or 11 feet above the R-OD zone restriction.** With exterior stairwells, the building would be 54 feet along Royal Boulevard and 50 feet along the Greenbelt. This would keep the building within the requested 55 feet height exception and would be somewhat more consistent with the other buildings on this stretch of the Greenbelt.

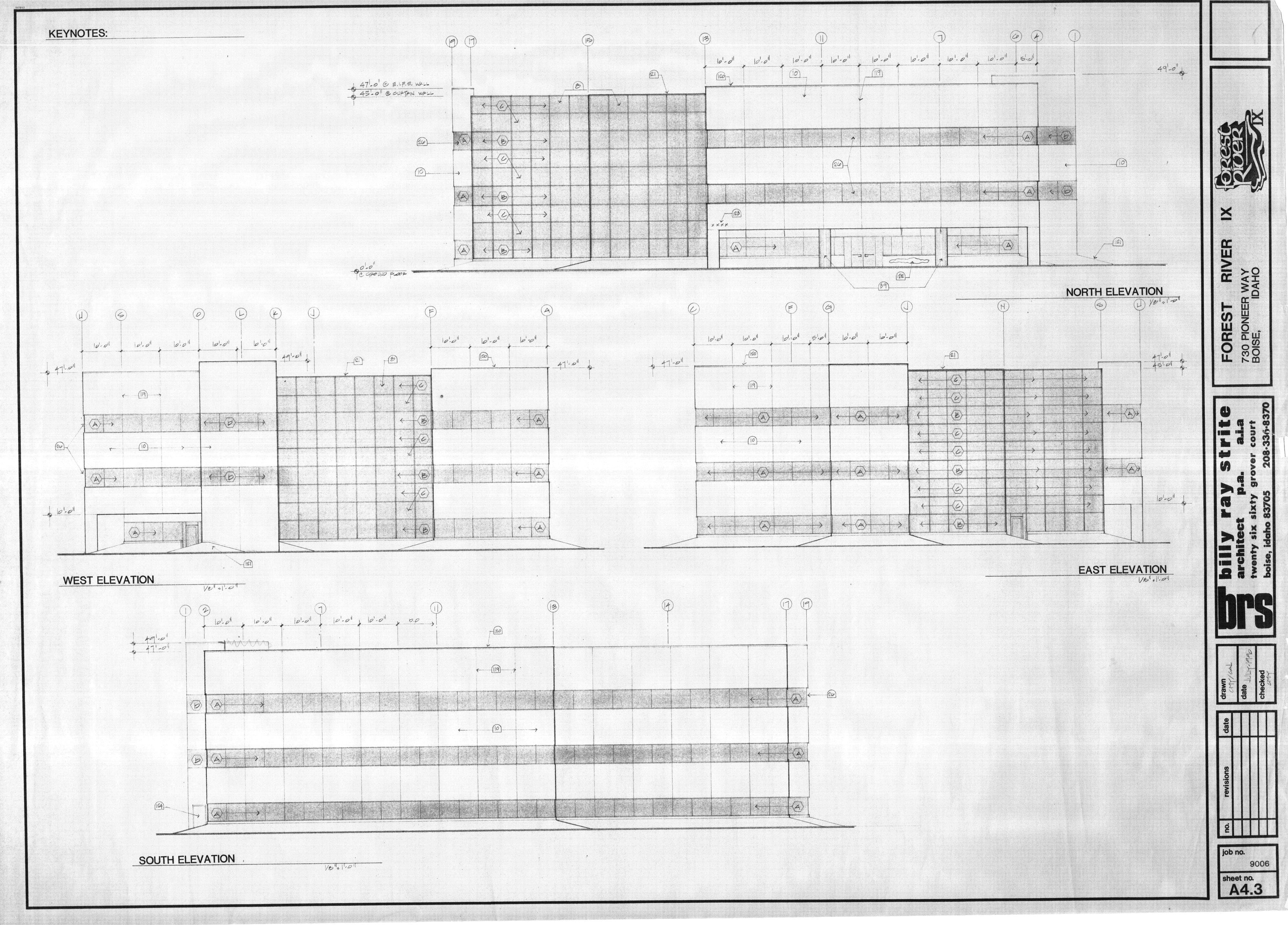
A four-story structure would better meet the parking needs of the occupants and will have less of a parking impact on the neighborhood and the City. A four-story structure is more consistent with other buildings on this section of the Greenbelt. The Greenbelt is a treasured resource and asset to the City of Boise; this section is especially unique because of its location between two of the City's most beautiful parks.

Sincerely,

Eileen Langan Barber Keynetics Inc. cc: Richard Andrus, Spink Butler, LLP

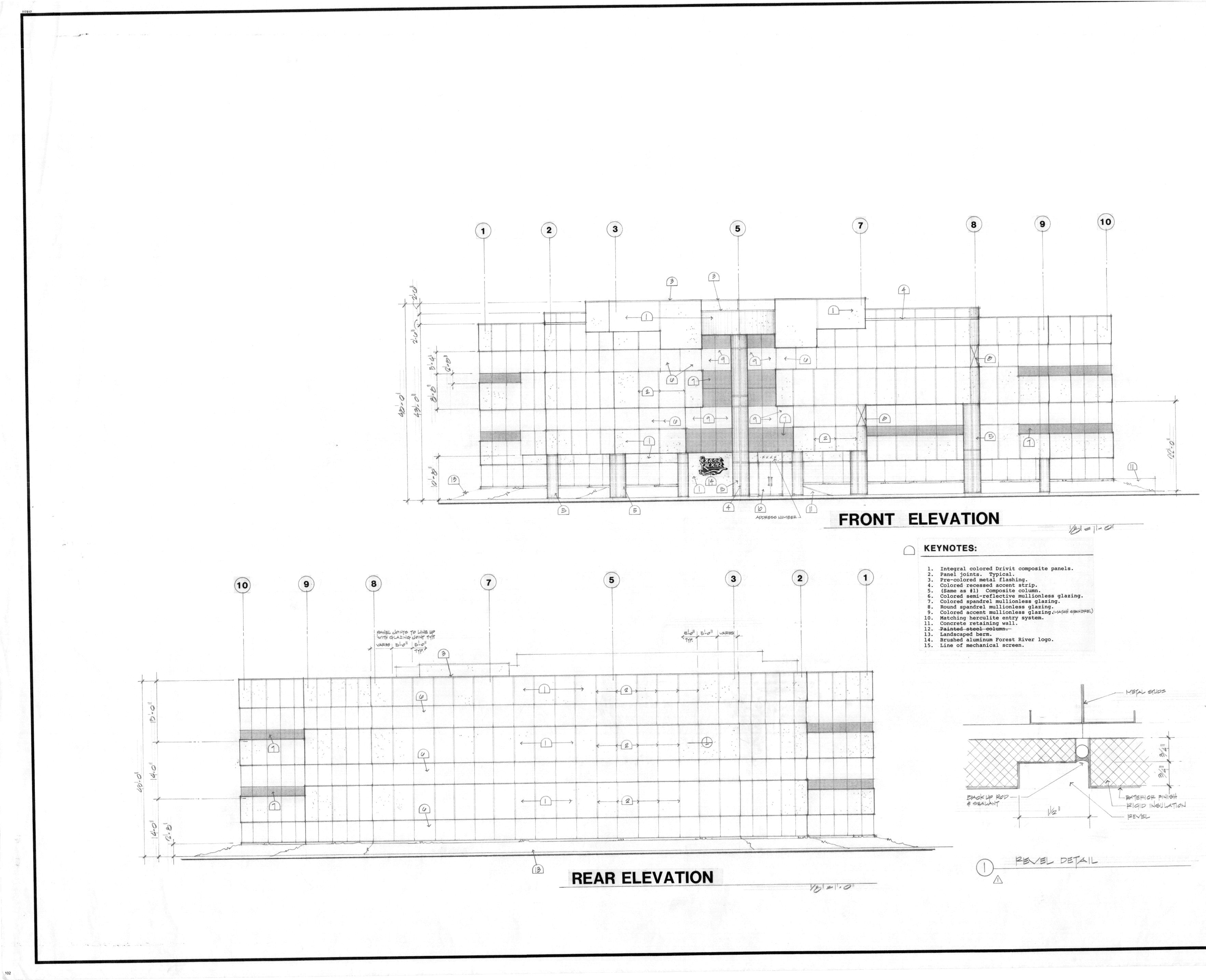




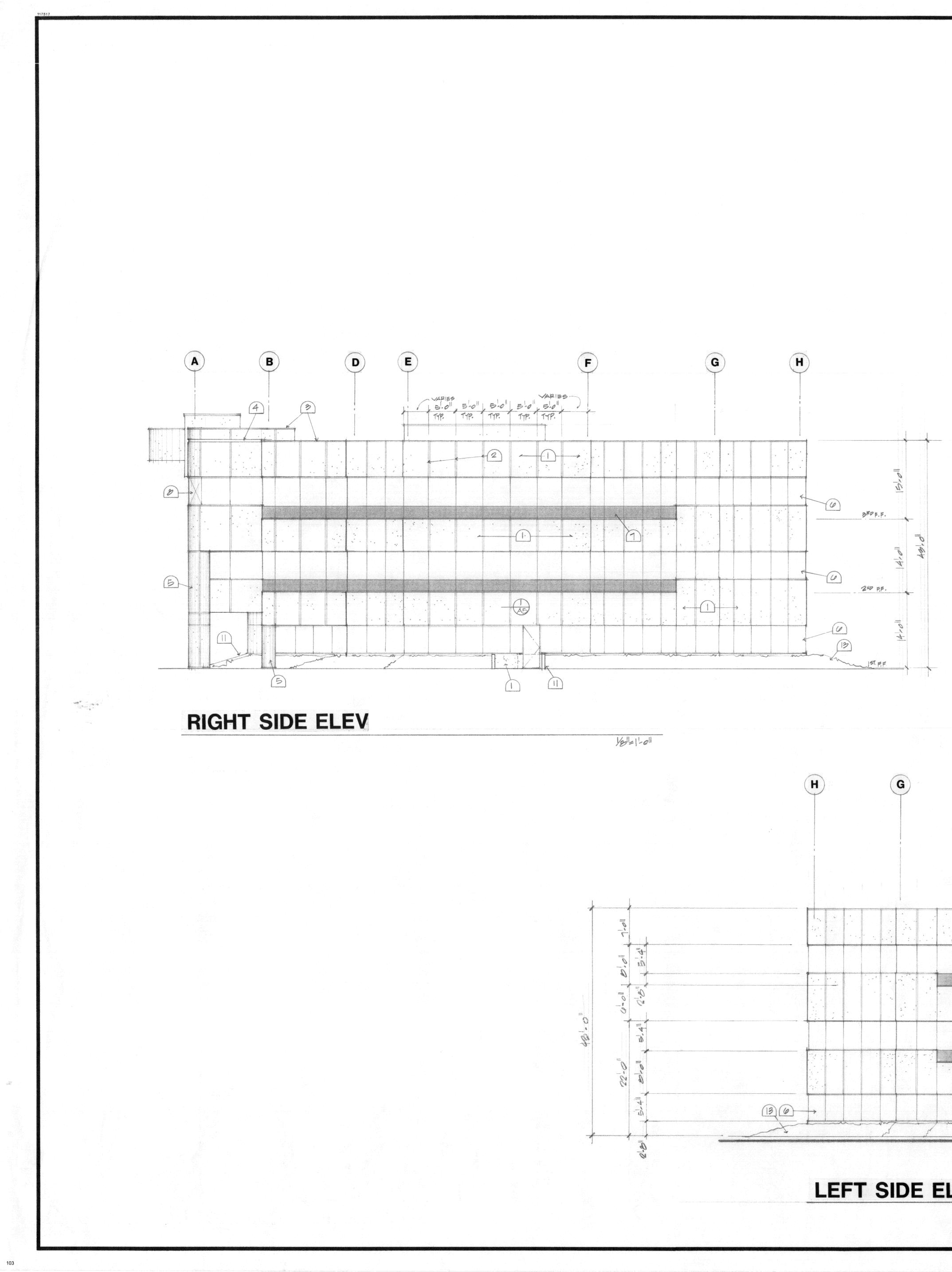


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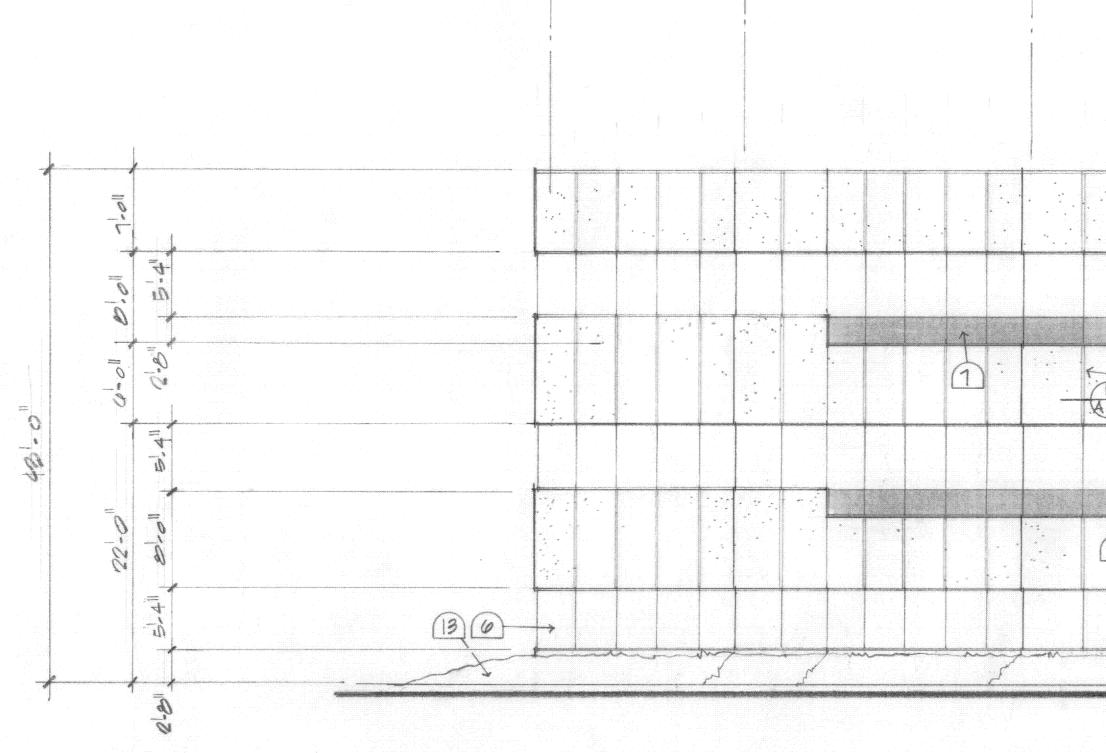


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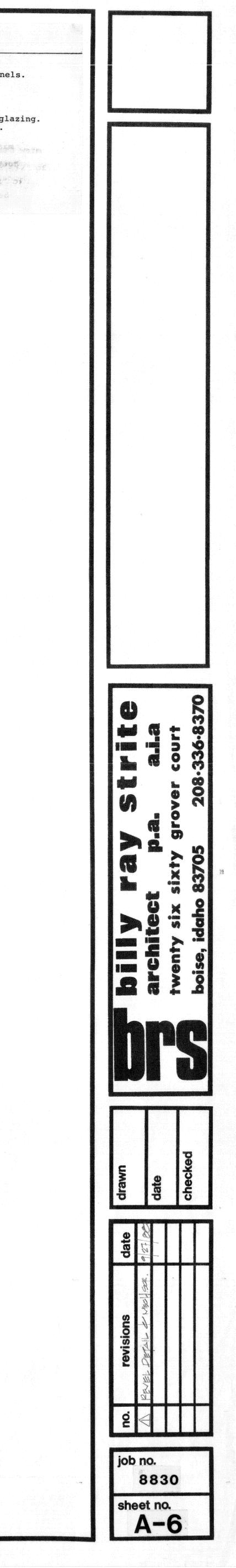




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LOCATION: Boise, Idaho OWNER: 917 Lusk LLC.

CONSTRUCTION DATE: 2005 SQUARE FOOTAGE: 28,000 PRIMARY USE: Office







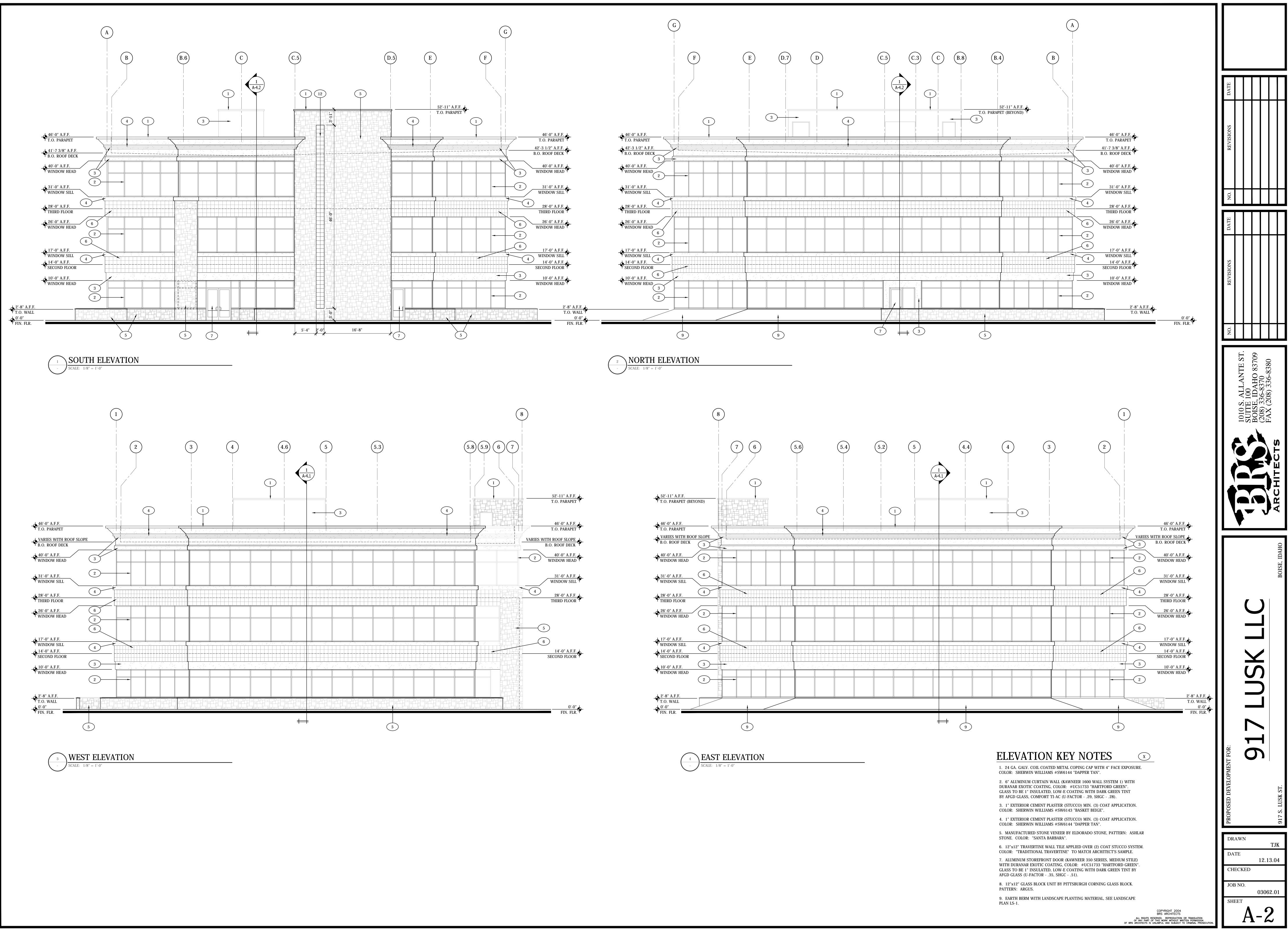
## **KEYNETICS BUILDING**

Office | boise, idaho

BRS Architects designed a three story Class A office building to house the Keynetics corporate offices and their subsidiary Clickbank on the banks of the Boise River. Careful attention was needed in positioning the building due to the river floodplain and greenbelt recreation access setbacks. Buildings along the river have additional requirements to protect water, wildlife and aesthetics; mandating all parking, landscaping and exterior finishes comply with the Boise River System Ordinance.

The exterior cladding materials were chosen for their natural coloring and textures in an effort to blend with the surroundings. Glazing was picked for its non-reflective anti-glare properties. Interior infrastructure was designed for a call center with large server capacity using innovative fiber optic service and cable routing, backup emergency and redundant power systems, and energy efficient heating and cooling systems.

IDEAS ADVICE Solutions



My name is Eileen Barber. My address is 917 Lusk, Boise 83716. I am one of the owners of Keynetics and the Keynetics building and am representing Keynetics today.

First off, let me start by saying that I welcome new development and would love to see the truck lot replaced with something that enhances the Greenbelt and that serves our City.

### I will be referring to some of the charts in my letter to the Commission – just a heads up.

There are two main concerns with the proposed student housing - the proposed height of the building (above what the Boise City Code allows) and the lack of adequate parking. The current design would harm not only the neighborhood, including Ann Morrison Park and the Boise River Greenbelt, but it **may make the proposed project an undesirable place to live**.

The first concern is that the proposed student housing project is NOT "similar in height" to the office buildings in the immediate vicinity. The table on page 1 speaks for itself.

This stretch of the Greenbelt has mostly 3 story office building, including our building. The average typical height of the 3 story office buildings along this stretch is 45 feet. [Please note that I provided elevations of these buildings to the staff].

The chart on page 2 demonstrates the big differences between the Keynetics building and the proposed project. An important thing to remember is that our building and the proposed building are located in different zones.

The Keynetics Building is located in a C-2D zone with a maximum height limit of 45 feet. The typical height of the Keynetics building is 46 feet, or one foot above the C-2D zone restriction. The tallest part of the Keynetics building is the single exterior stairwell at 53 feet (on the Royal facing side of the property). The proposed project is located in an R-OD zone with a maximum height limit of 35 feet. The typical height of the proposed building is 55 feet, or 20 feet above the R-OD zone restriction. The tallest part of the proposed building (in order to accommodate the multiple exterior stairwells) is 63 feet along Royal Boulevard and 59 feet along the Greenbelt.

The proposed building exceeds the Applicant's stated height exception of 55 feet. Additionally, it exceeds the limit set by Boise Parks and Recreation at 55 feet.

## The height concern is closely tied to the second concern – a severe shortage of proposed parking spaces.

The applicant describes the proposed apartments as student housing for Boise State students. However, the project has been placed into the City's "multifamily" apartment classification for purposes of the present application.

The first chart on page 3 shows parking spaces to bedroom ratios for the typical multi-family dwelling units. Most multi-family apartment complexes are one and two-bedroom units. The proposed student housing (with mostly four-bedroom units) would create ratios far below acceptable occupant - to - vehicle averages.

The proposed structure of 175 dwelling units (again... of which most are four-bedroom units) will create 622 bedrooms for 622 students. The planned 280 parking spaces will provide less than half of the student tenants a place to park their cars; this is far below acceptable averages.

We could expect at least 60-75% of students will bring a car to school. **The second table on p. 3 illustrates these more realistic ranges**... the project will be almost 100 spaces short if 60% of the students have cars, and at 75% **this doubles** to almost 200 too few parking spaces.

YES, students will be able to walk and bike to their classes. However, many will still have cars to drive to the grocery store, to the mall, to their job, home for the weekend, etc. Even if the students are walking or biking to campus, they WILL have cars for their other activities. This project should not be classified as multi-family housing. College students are not families... with young children that don't drive.

The Fraternity/Sorority category better describes the proposed living arrangement: groups of young adult students living together. For the Fraternity/Sorority residential category, the general parking requirement is 1 parking space per occupant.

If the City is uncomfortable describing all student housing as a "Fraternity/Sorority House," the City should create a new residential category for **private**. **off-campus. student. housing** and set minimum realistic parking requirements for this category.

There is no need to rush a decision tonight. If you as a commission feel like there needs to be more information, please do a study, have a survey done. Please get the staff involved.

## As I mentioned earlier, the Extra Height of the Proposed Building is directly related to the Parking Problem

One possible solution is to limit the project to four levels (one level of parking with three levels of student apartments). This would create 466 bedrooms for 466 students. This would still allow for the high density housing that the city is seeking... 146 students per acre (that's a lot!). The planned 280 parking spaces would then accommodate 60% of the student occupants. Still not ideal, but closer to realistic parking needs.

Furthermore, a four story structure would keep the building within the 55 feet height exception that was actually requested. It would still be higher than most of the buildings on this stretch of the Greenbelt, but at least it would be somewhat more consistent.

Thank you for your time and I appreciate that I was given the opportunity to speak tonight. Do you have any questions for me?