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Planning & Development Services

April 25, 2012

Richard H. Andrus
Spink Butler, LLP
251 E. Front St., Suite 200
Boise, ID 83702

Re: **CUP11-00090 / Appeal / 1004 W. Royal Boulevard**

Dear Mr. Andrus:

This letter is to inform you of the action taken by the Boise City Council on your appeal of the Planning and Zoning Commission's approval of 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.

The Boise City Council, at their meeting of April 17, 2012, **denied** your appeal as per the recommendations and findings of the Planning and Zoning Commission and instructed staff to prepare new findings. Attached are the adopted findings and conditions of approval.

If you have any questions, please contact Josh Johnson in this department at 208/395-7857.

Sincerely,

Hal Simmons
Planning Director
Boise City Planning and Development Services

cc: Nick Zaferes / The Michaels Org. / 3 East Stow Rd, Suite 100 / Marlton, NJ 08053
Becky McKay / 1029 N. Rosario St., Ste. 100 / Meridian, ID 83642
DBNA / Brian Ballard / 1112 W. Main St., Ste. 402 / Boise, ID 83702
DBA / Karen Sander / 720 W. Idaho St. / Boise, ID 83702
Dave Kangas / 1715 Canal St. / Boise, ID 83705
Monika Anderson / 1415 Joyce / Boise, ID 83706
Eileen Barber / 120 Mobley Dr. / Boise, ID 83712
Kate Lenz / 917 S. Lusk St. / Boise, ID 83726
Makho Ngazimbi / 1117 S. Dale Street / Boise, ID 83706
Brad Wiskirchson / 3371 S. Long Leaf Ave. / Boise, ID 83716
Gary Allen / 601 W. Bannock / Boise, ID 83702
Andrew Propsi / 2034 S. Garibaldi / Meridian, ID 83642
John Starr / 755 W. Front St., Ste. 300 / Boise, ID

Reason for the Decision

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 ¼ 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.

New Language from City Council

In addition to the findings from the Planning and Zoning Commission, Council adopted the following: Compatibility was adequately addressed by the Commission when they considered the heights of surrounding buildings along the river. These included the Cottonwood Grill, Barnes Towers, and the Morrison Center. The additional height proposed by the applicant will not have a detrimental effect on the neighborhood due to the project's separation and the composition of surrounding uses. Impacts to the river are minimized as the project is setback 87 feet from the river where 70 feet is required. Also, the height exception is appropriate given the R-O zone's purpose for high density multi-family projects.

The Council also found that the public record from the Planning and Zoning Commission meeting revealed a robust discussion regarding parking. The Commission determined that the project was correctly designated as multi-family and that the level of provided automobile parking was sufficient. The Council required, after visual confirmation from the applicant that they were in agreement, that four bicycle spaces for every 10 parking spaces be provided for a total of 112 bicycle spaces.

Conditions of Approval

Site Specific

1. **The applicant shall provide four bicycle spaces for every 10 parking spaces.**
2. 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:
3. Comply with the requirements of the Boise City Public Works Solid Waste Division as specified in the attached memo dated **December 1, 2011**.

4. Comply with Boise City Parks comments dated **November 21, 2011** and additional comments dated **February 17, 2012**.
5. Comply with the requirements of the Boise City Fire Department as specified in the attached memo dated **December 14, 2011**.
6. All utilities along Royal Blvd. shall be relocated underground.
7. A painted striped crosswalk shall be installed across the main service drive on the eastern portion of the site to provide greenbelt access.
8. 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.
9. Comply with the requirements of the Ada County Highway District as specified in the attached letter dated December 22, 2011.
10. The applicant shall comply with all local, state and federal laws and regulations.
11. The applicant shall combine the three parcels that make up the project area prior to issuance of a building permit.
12. The height of the building shall comply with elevations received January 23, 2012.
13. 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

14. 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.
15. 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.

16. 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.*
17. 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.
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 Permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.