



## Planning & Development Services

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October 11, 2012

Glenn Levie  
The Levie Group  
17711 Karen Drive  
Encino, CA 91313

**Re: DRH12-00227 / 916 Park Boulevard**

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Design Review Committee on your request for approval to construct a four-story mixed use building including residential units, live/work units and retail in an R-OD (Residential Office with Design Review) zone.

The Committee, at their hearing of October 10, 2012, voted to approve your request. Based on the findings that were included in the Staff Report, the Committee concluded that your project complies with Sections 11-7-3.1, 11-7-3.2 and 11-7-3.3 of the Zoning Ordinance and the goals and policies of the *Boise City Comprehensive Plan*.

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

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

- a. This approval will not take effect until after the appeal period has lapsed.
- b. A Building Permit will be required from the Building Division prior to construction.
- c. If this Design Review Permit is not acted upon by the commencement of construction or extended, pursuant to the Boise City Code, within eighteen months, it will become null and void without further notification from this department.
- d. A decision or condition of a Committee Level Design Review may be appealed to the Planning & Zoning Commission within ten (10) calendar days from the date of the Committee's action. The Appeal must be written, accompanied by the appropriate fee, and submitted to the Boise City Planning and Development Services Department prior to the deadline set forth herein. Appeal Application Forms are available in the Planning Department on the 2<sup>nd</sup> floor of City Hall.

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

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

Sincerely,



Josh Wilson  
Design Review Planner  
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

JW:nh

cc: Don Belts / JensenBelts Associates / 495 W. Main Street / Boise, ID 83702

Attachments:

- Conditions of Approval
- Findings of Fact

## Conclusion and Recommended Conditions

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

### Site Specific Conditions

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received **March 6, 2012**, except as expressly modified by the following conditions:
  - a. Comply with all conditions of CUP11-00103 and CVA11-00056.
  - b. Wall sections which demonstrate a window depth of at least two inches shall be submitted.
  - c. The street trees proposed along Park Boulevard shall be Class III species.
  - d. Submit a detailed landscape plan identifying specific quantities and locations of trees, shrubs, and perennials.

Revised plans indicating compliance with the above conditions shall be submitted to Planning Staff for approval prior to application for any construction permits.

### Responsible Agencies and Other Boise City Departments

2. A Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Subdivision Section at 384-3998 regarding questions pertaining to this condition.
3. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers and street lights per department comments, and per memorandum from the Solid Waste/Ground Water Manager. Please contact BCPW at 384-3900. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved Storm Water Plan must be resubmitted to BCPW for approval.
4. A Building Permit is contingent upon approval from Boise City Community Forestry for tree planting within right-of-ways, per Title 9, Chapter 16, Section 09-16-05.2. Contact Boise City Community Forestry at 384-4083 with questions regarding this condition.
5. Compliance with requirements as requested by the Ada County Highway District (ACHD) in the letter dated August 24, 2012.
6. The applicant shall comply with the Boise City Fire Code as required by the Boise Fire Department in the letter dated August 22, 2012.

## General Conditions

7. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have an approved mulch such as bark or soil aid.
8. All landscape trees shall be pruned in accordance with the American National Standards Institute's Standard Practices for Tree Care Operations (ANSI A300 - latest edition). No trees on the site shall be topped, headed back, rounded over or otherwise disfigured. Contact Boise City Community Forestry at 384-4083 for information regarding tree care operations.
9. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
10. 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.
11. In compliance with Title 9, Chapter 16, Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 384-4083. Species shall be selected from the Boise City Tree Selection Guide.
12. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.
13. 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.
14. All signs will require approval from the Planning and Development Services Department prior to installation.
15. 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.
16. Utility services shall be installed underground.
17. Loading facilities shall be provided in conformance with Section 11-10-4.6B of the Boise City Code and located so as not to interfere with required parking or fire lanes. These areas shall provide adequate maneuvering area for trucks and be located to minimize the visibility of loading activities from public view.

18. All drainage and irrigation ditches, laterals or canals crossing, intersecting and lying adjacent or contiguous to lands used for multi-family dwellings, kindergartens, schools, nurseries or mobile home parks shall be covered or fenced as required by Section 11-6-4.14.J of the Boise City Code.
19. 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.
20. 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.
21. 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.

## **Construction Site Requirements**

The practices required below are intended to mitigate the impact and disturbance of residential property owners during the construction of adjacent buildings or structures. The following conditions apply to all construction-related activities ranging from grading and demolition activities to final occupancy on any land or parcel falling under the proprietary ownership of the permit applicant.

- a) Prior to the issuance of a building permit and prior to the commencement of any construction on-site, an Erosion and Sediment Control (ESC) permit must be obtained from the Planning and Development Services Department. No grading, demolition or earth disturbing activities may start until an approved ESC permit and the associated site work or grading permits have been issued.
- b) Measures shall be taken to manage construction debris and trash on the construction site and efforts shall also be made to provide reasonable controls to minimize fugitive dust on the construction site. Such measures shall include, but are not limited to:
  - Provide suitable containers for solid waste generated by construction activity;
  - Wet demolition of existing buildings;
  - Watering of driving surfaces and earth moving activities;
  - Installation of wind screening around property and each open floor above grade; and
  - Daily broom cleaning of above grade floors, adjacent streets and sidewalks.
- c) A minimum height of six foot (6') rigid security fencing, either wood or metal, shall be installed around the construction site within 30 days of the date when the first city permit is issued on projects where construction activity shall exceed 90 days.

- d) Exterior lighting and other illuminating equipment or materials shall be positioned, shielded, directed and located to not reflect or impact adjacent residential property and streets.
- e) Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.
- f) Any conditions to be enforced during construction shall remain posted at each street abutting the construction site for the duration of the project. In addition to the posted conditions the permit holder shall also post an 11"x 17" laminated sign containing a project contact phone number, name of project contact and the Boise City contact number, 384-3845, to address issues as they arise. Failure to abide by any conditions set forth shall be grounds for revocation of Conditional Use Permit and/or Building Permits and may be subject the owner or owner's agents to fines and criminal citations.

## **FINDINGS OF FACT**

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

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

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

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

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

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