



**-Revised-**

## Planning & Development Services

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Director

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September 12, 2013

Panda Restaurant Group  
Crystal Lee  
1683 Walnut Grove Avenue  
Rosemead, CA 91770

**Re: DRH13-00284 Modification to DRH12-00319 / 601 W. Front Street / C-5DDC Zone**

Dear Ms. Lee:

Acting under Design Review Committee guidelines and in compliance with Ordinance requirements and objectives, the Boise City Planning and Development Services Department has reviewed your request to modify the above application in order to change the storefront on the south side of the building and add a 12 foot by 12 foot umbrella over the outdoor seating area.

With the attached Conditions of Approval, staff finds that the application complies with the Objectives, Findings and Considerations of Section 11-03-04.12.C.7.d of the Zoning Ordinance and the goals and policies of the *Boise City Comprehensive Plan*.

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.

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 Department 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 two years, it will become null and void without further notification from this department.
- d) Any condition(s) of a Staff Level Design Review may be appealed to the Design Review Committee within ten (10) days calendar from the date of issuance of this approval. 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 located on the 2<sup>nd</sup> floor of City Hall.

- e) Any work within rights-of-way requires a construction permit from Ada County Highway District.

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

Sincerely,

A handwritten signature in blue ink that reads "Sarah M. Schafer".

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

SMS/nh

## CONDITIONS OF APPROVAL

This approval is subject to all original conditions for the previous approval, which are listed below, and new conditions for this request, which are noted in **bold** and underlined text. Conditions are listed below.

### Site Specific Conditions of Approval

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received November 27, 2012 and revised site plan dated December 5, 2012 and **September 6, 2013.**
  - a. All site lighting shall be removed from required landscape planters and relocated into the parking field.
  - b. Clear pedestrian pathways shall be designated on the site between the buildings through the parking field. The pathways shall be designated through a change in paving material, color and/or pattern. Specifically a walkway shall be delineated along the west side of the access on Broad Street to the front of Retail 1 and on the north side of the access from 6th Street along the back of the row of parking to the front of Retail 1.
  - c. The curb line along Capitol Boulevard shall be relocated for a 52 foot wide street section from curb to curb.
  - d. Obtain Conditional Use approval for the drive through.
  - e. The landscape planters along Capitol Boulevard shall be modified to reflect the landscape vegetation required as part of the ordinance, specifically the shrub rose and Baltic Ivy.
  - f. Work with the Public Works Department to ensure the historic street lights match up with those across Capitol Boulevard and Front Streets.
  - g. All bicycle parking locations must comply with the dimensional requirement of six feet long and two and a half feet wide.
  - h. Installation of a VRT bus bench shall be placed on a five feet wide by eight feet deep pad located just south of the pedestrian cross bar.
  - i. On the building permit documents elevations shall indicate the height of the mechanical units to ensure proper screening.
  - j. No stucco (Dryvit) shall be used. In its place the use of the metal panels shall be installed.
  - k. An architectural element connecting Pad 1 and Pad 2 shall be designed and brought back to the Design Review Committee for approval at a public work session on **December 19, 2012 at 5:30 p.m.**
  - l. On Retail 1, along Capitol Boulevard, the middle bay of windows shall be brought down to the 2 foot sill height to match the adjacent bays.
  - m. The wall screening the trash enclosure shall extend to a minimum of 12 feet in height.
  - n. Provide additional design interest on the south elevation of Pad 1.
  - o. Provide additional design interest on the west elevation of Pad 2.
  - p. Consolidate the entry locations on Pad 3 to a single entry at the corner.
  - q. The trees within the parking lot planters shall be Shademaster Honey Locust (both the Norway Maple and Parkway Maple shall be switched except for where in conflict with the drive through roof canopy).
  - r. The applicant shall increase the overhang depth to a minimum of three feet over the store front windows along Capitol Boulevard.

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

## **Responsible Agencies and Other Boise City Departments**

2. A Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Subdivision Section at 384-3998 regarding questions pertaining to this condition.
3. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers and street lights per department comments dated **November 15, 2012**, and per memorandum from the Solid Waste/Ground Water Manager dated **November 16, 2012**. Please contact BCPW at 384-3900. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved Storm Water Plan must be resubmitted to BCPW for approval.
4. A Building Permit is contingent upon approval from Boise City Community Forestry for tree planting within right-of-ways, per Title 9, Chapter 16, Section 09-16-05.2. Contact Boise City Community Forestry at 384-4083 with questions regarding this condition.
5. Compliance with requirements as requested by the Ada County Highway District (ACHD).
6. The applicant shall comply with the Boise City Fire Code as required by the Boise Fire Department as outlined in the memo dated **November 28, 2012**.

## **Standard Conditions of Approval**

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. Vision Triangles as defined under Section 11-1-3 and Section 11-10-4.4G of the Boise City Code shall remain clear of sight obstructions.
10. Deciduous trees shall be not less than 2 to 2 ½ inch caliper size at the time of planting, evergreen trees 5 to 6 feet 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.
11. All signs will require approval from the Planning and Development Services Department prior to installation.

12. 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.
13. 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 percent of the value of the condition(s) that is incomplete.
14. 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.
15. 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.