



# Planning & Development Services

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February 12, 2015

Red Tail Development  
Dave Wyrick  
4685 MacArthur Court, #400  
Newport Beach, CA 92660  
[dwyrick@redtaildev.com](mailto:dwyrick@redtaildev.com)

RE: *DRH15-00014 / 1520 S. Phillippi Street*

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 multi-family apartment complex on 3.81 acres, containing 108 residential units in nine, three-story buildings and a single-story clubhouse in a C-2D (General Commercial with Design Review) zone.

The Committee, at their hearing of February 11, 2015, voted to approve your request. Based on the findings included in the Project Report, the Committee concluded your project complies with Section 11-03-04.12 C (7)(d) of the Zoning Ordinance, the Design Review Guidelines 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 Project Report. Please be advised 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,



Andrea Tuning  
Design Review Planner  
BOISE CITY PLANNING & DEVELOPMENT SERVICES

AT:nh

cc: Cindy Huebert / BRS Architects / 1010 S. Allante Place, Ste. 100 / Boise, ID 83709

[cindy@brsarchitects.com](mailto:cindy@brsarchitects.com)

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Mark Reinhardt / 5326 Kootenai Street / Boise, Idaho 83705

Attachments:

- Conditions of Approval
- Findings of Fact

## Conclusion and Recommended Conditions

Staff finds the project complies with Sections 11-03-04.12 C (7)(d) of the Zoning Ordinance, the Design Review Guidelines 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 the plans submitted to and on file in the Planning and Development Services Department dated received January 13, 2015, with the following exceptions:
  - a. Provide a copy of an agreement addressing cross access between the subject property and adjacent parcels.
  - b. Submit a Record of Survey to combine the five separate parcels into one buildable parcel. In addition, the record of survey must show all existing easements.
  - c. Submit detailed elevations of the carports to be reviewed and approved by the Design Review Team.
  - d. Install one Class II tree within the planter adjacent to the northernmost trash enclosure.

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, street lights and pretreatment comments as well as the memorandum from the Solid Waste/Ground Water Manager dated January 21, 2015. 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. Prior to a Building Permit and prior to any construction on the site, an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.
5. 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.

6. Compliance with the requirements of the Independent School District of Boise City #1 dated January 19, 2015.
7. Compliance with the requirements of the Valley Regional Transit comments dated January 19, 2015.
8. Compliance with the Boise City Fire Department letter dated December 26, 2014.

### **Standard Conditions of Approval**

9. All loading activities and site maintenance (with the exception of snow removal) are limited to Mondays through Fridays between the hours of 7:00 a.m. and 10:00 p.m. and Saturdays and Sundays between the hours of 8:00 a.m. and 8:00 p.m.
10. Construction activity on site is restricted to the hours of 6:30 a.m. to 6:00 p.m. Mondays through Fridays and 8:30 a.m. to 6:00 p.m. on Saturdays and Sundays.
11. 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.
12. 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.
13. An approved protective curbing shall enclose all landscape areas where they are adjacent to parking areas or driveways.
14. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
15. Vision Triangles as defined under Section 11-07-02 (B) of the Boise City Code shall remain clear of sight obstructions.
16. In compliance with 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.

17. Existing healthy trees shall be saved where not in conflict with building locations or required driveways as determined by the Boise City Forester and approved by the Design Review staff. Existing grading shall be altered as little as possible, with a minimum compaction of topsoil within the tree drip line area. Soil sterilants shall not be applied near the drip line of these trees. Pervious paving shall be provided within the drip line area, unless otherwise approved by the Boise City Forester and the Design Review staff, to allow surface air and water penetration to the feeder root zone of trees near paved areas.
18. Deciduous trees shall be not less than 2" to 2½" caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by the Design Review staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.
19. All surface drainage shall be reviewed and approved by ACHD and BCPW. Perimeter grading shall be designed to match the existing grade of the adjoining properties.
20. All parking areas and driveways shall be paved and striped. All handicapped spaces and approved compact spaces shall be clearly marked and signed as required. Bicycle parking, as required by Section 11-07-03 (6) (a) of the Boise City Code, shall be provided.
21. All Americans with Disabilities Act (ADA) requirements shall be met. A total of six accessible space(s) shall be provided, which are to be located on the shortest accessible route of travel to the accessible building entry.
22. Any outside lighting shall be reflected away from adjacent property and streets. Exterior light fixture details shall be submitted to the Design Review staff for approval prior to issuance of a Building Permit. Impacts on residential areas shall not be permitted.
23. The illumination level of all light fixtures shall not exceed two (2) foot-candles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.
24. Boise City Fire Department requires water mains, fire hydrants and temporary Fire Department access to be installed, inspected and approved by the Fire Department prior to commencement of combustible construction. Note: Temporary water and temporary access during construction may be permitted upon request to, and approval by, the Fire Department.
25. No obstructions (landscaping, signs, fences or other elements) shall encroach upon any required fire access or fire facility.
26. All signs will require approval from the Planning and Development Services Department prior to installation.
27. 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.

28. Utility services shall be installed underground.
29. No trees within street right-of-ways shall be removed or pruned without approval from Boise City Community Forestry in compliance with Boise City Code. No trees within the property, as shown on the plans and approved by the Design Review Committee or the Design Review staff, shall be removed without the approval of the Design Review Committee or the Design Review staff and in compliance with Boise City Code.
30. In the event a tree is removed without prior approval, the tree shall be replaced with a tree with trunk caliper 1.5 times the one removed or with a sufficient number of trees, as approved by the Design Review Committee or the Design Review staff, with a trunk caliper not less than 4" and a total cumulative caliper area equal to 1.5 times the caliper area of the tree(s) removed. Caliper shall be as measured by the American Nurseryman's Association standards. For example, if a 12" caliper tree is removed, it must be replaced with either one 18" caliper tree or three 6" caliper trees or five 4" caliper trees. The replacement requirement may be modified upon a showing made to the Design Review Committee or the Design Review staff of disease or death of the tree which was not caused by neglect.
31. 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.
32. 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.
33. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

## **FINDINGS**

### **Sections 11-03-04.12 C(7)(d)**

With the Conditions of Approval attached, staff finds compliance with the following Findings and Considerations:

#### **Site Design - Section 11-03-04.12 C(7)(d) (i)**

- A. Traffic Impact** – That traffic impact is minimized and the pedestrians and cyclists have been provided for through the use of sidewalks, pathways, landscaping, and safe parking lot design.
- B. Landscaping, Stabilization, and Screening** – That landscaping screens buffer adjacent uses, and screen or conceal unsightly areas.
- C. Grading and Drainage** – That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control.

Drainage is required to be retained on site and all details are to be reviewed and approved by the Boise City Public Works Department and the Ada County Highway District.

- D. Signage** - That signs provide for business identification, minimizes clutter and complies with the sign regulations.

All signs are required to receive separate approvals.

- E. Utilities** - That utility systems do not detract from building design and that their size and location are appropriate and maintainable.

All utilities are required to be installed underground.

#### **Structure Design - Section 11-03-04.12 C(7)(d) (ii)**

- A. Building Mass** – The building mass should be consistent with development in the immediate area.
- B. Building Facades** – The height to width relationship should be compatible and consistent with the architecture in the area.
- C. Openings in the Facades** – Openings in the façade shall be consistent with the architecture in the area.
- D. Exterior Materials** – Exterior materials that complement surrounding development in terms of color and relief should be utilized.
- E. Commercial/Industrial Buildings Adjacent to Residential:** The design shall minimize impacts on adjoining (including across a street or alley) residential uses and districts.

#### **Adopted Plans and Design Guidelines - Section 11-03-04.12 C(7)(d) (iii)**

Adopted plans and design guidelines in the appendix are to be used in reviewing applications. The DRC may develop and recommend to the PZC design guidelines for Council adoption.