



Project/File: **BOI15-0097 / DRH15-0098**
 The applicant is requesting design review approval of a 7 story boutique hotel located at 500 S. Capitol Boulevard.

Lead Agency: City of Boise

Site address: 500 S. Capitol Blvd.

Commission Hearing: April 22, 2015

Commission Approval: April 22, 2015

Applicant: James Marsh
 CSHQA
 200 W. Broad St.
 Boise, ID 83702

Staff Contact: Austin Miller
 Phone: 387-6335
 E-mail: amiller@achdidaho.org



A. Findings of Fact

1. **Description of Application:** The applicant is requesting design review approval of a 7 story boutique hotel located at 500 S. Capitol Boulevard. The proposal is on approximately 0.75 acres currently zoned C-5DDC, the property is currently being used for parking. The proposal is consistent with the City of Boise’s comprehensive plan.

2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Commercial District (Dunkley’s)	C-5DDC
South	Commercial District (The Flicks / Coldwell Banker)	C-5DDC
East	Residential Office District	R-ODD
West	Commercial District (Jackson’s)	C-5DDC

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:
- The VRT / US Bank / City Center Plaza project located at 101 S. Capitol Boulevard was approved by ACHD in April 2014 and is currently under construction.
5. **Transit:** Transit services are available to serve this site.

6. **New Center Lane Miles:** The application is not estimated to generate any additional center-lane miles of new public road.
7. **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.
8. **Capital Improvements Plan/ Integrated Five Year Work Plan:**
 - Royal Boulevard is scheduled in the IFYWP to be extended across 9th Street to Capitol Boulevard in 2016.

B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 850 additional vehicle trips per day; 64 additional vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.
2. **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
Capitol Blvd. (One-Way Northbound)	127-feet	Principal Arterial	1,748	Better than "E"	Better than "E"
**Myrtle St.	335-feet	Principal Arterial	2,556	N/A	N/A

*Acceptable level of service for a four-lane one-way street is "E" (3,400 VPH).

** ACHD does not set level of service thresholds for State Highways.

3. **Average Daily Traffic Count (VDT)**
Average daily traffic counts are based on ACHD's most current traffic counts.
 - The average daily traffic count for Capitol Boulevard south of Front Street was 21,841 on November 10, 2011.
 - The average daily traffic count for Myrtle Street east of Capitol Boulevard was 27,842 on June 18, 2014.

C. Findings for Consideration

1. **State Highway 20-26 / Myrtle Street**
SH20-26 / Myrtle Street is under the jurisdiction of the Idaho Transportation Department (ITD). The applicant, the City of Boise, and ITD should work together to determine if additional right-of-way or improvements are necessary on SH20-26 / Myrtle Street.
2. **Capitol Boulevard**
 - a. **Existing Conditions:** Capitol Boulevard is improved with 4-travel lanes, vertical curb, gutter, and 5-foot wide sidewalk. There is 80-feet of right-of-way for Capitol Boulevard (40-feet from centerline).
 - b. **Policy:**

Arterial Roadway Policy: District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Master Street Map and Typology Policy: District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master

Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.

Sidewalk Policy: District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all arterial 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. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated 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.

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Capitol Boulevard is designated in the MSM as a Mobility Arterial with 4-lanes and on-street bike lanes.

- c. **Applicant Proposal:** The applicant is proposing to utilize the existing curb and gutter; and is proposing to enhance the sidewalk and landscaping on Capitol Boulevard and Myrtle Street.
- d. **Staff Comments/Recommendations:** The applicant should consult the City of Boise and CCDC for landscaping and streetscaping specifications. The applicant is required to submit plans to ACHD for review of any improvements within the right-of-way.

3. Alleys

- a. **Existing Conditions:** There is currently 16-feet of right-of-way for the alley abutting the site. The alley is paved.

- b. **Policy:**

Existing Alley Policy: District Policy 7210.2 states that if a proposed development abuts an existing alley, the dedication of additional right-of-way to obtain a minimum width from the centerline of the alley of 8-feet for residential uses and 10-feet for non-residential or commercial uses may be required. Each development will be reviewed by the District on a case-by-case basis. If the proposed development takes access from an alley, the developer will be required to pave the entire width of the right-of-way from the nearest public street to and abutting the development.

Alley Length Policy: District Policy 7210.3.2 states that alleys shall be no longer than 700-feet in length. If the lead land use agency having jurisdiction requires a shorter block length, the alley shall be no longer than the agency’s required block length.

Alley Parking & Setbacks Policy: District Policy 7210.3.3 states that parking within the alley right-of-way is prohibited. “No Parking” signs are required to be installed by the developer. The signs should be located at the alley/street intersections. Parking which is entered from the

alley shall be designed so the minimum clear distance from the back of the parking stall to the opposite side of the alley is 20-feet for all perpendicular parking.

Setbacks for structures taking access from the alley should be closely coordinated with the lead land use agency. The setbacks shall either discourage parking within the alley (where it may partially block or occur within the right-of-way) or allow adequate area for one perpendicular parking pad. In order to discourage parking, building setbacks shall be minimal from the alley right-of-way line, while still achieving the required 20-feet of back-up space from a garage or other parking structure to the opposite side of the alley (i.e. 4-foot setback + 16-foot alley= 20-feet for back-up space).

Alley/Arterial Street Intersection Policy: District policy 7210.3.7.4 states that alleys may intersect classified arterial roadways in a downtown gridded street system setting. Alleys shall generally intersect the arterial in the middle of the block equally offsetting the intersecting streets. Alleys intersecting arterials shall generally be designed with a curb return type approach with a minimum back of curb radius of 28-feet. The radius may need to be greater depending on the planned design vehicle (i.e. garbage trucks, delivery vehicles, etc.) utilizing the alley.

Vacations of Alleys Policy: District Policy 7210.3.6 states that vacations of alley right-of-way are discouraged and shall not result in dead-end alleys.

- c. **Applicant Proposal:** The applicant is proposing to modify the existing alley entrance onto Myrtle Street. The applicant is not proposing to dedicate any additional right-of-way for the alley abutting the site.
- d. **Staff Comments/Recommendations:** The applicant should be required to improve the intersection of the alley and Myrtle Street as a curb return type entrance. Staff recommends a modification of policy to require a minimum curb radius of 15-feet, due to existing site constraints. Submit plans to ACHD and ITD for review and approval.

Staff does not recommend that additional right-of-way be dedicated due to the fact that the building on the abutting parcel to the south (The Flicks) is located adjacent to the alley right-of-way. Widening the remainder of the alley is not possible under current conditions.

4. Alley Structure/Encroachment

Applicant Proposal: The applicant is proposing to construct the hotel over the alley between the two separate parcels included in this project (see below).



Staff Comment/Recommendation: District staff is supportive of the applicant's proposal to construct a structure over the alley right-of-way. ACHD Legal staff has been working with the

applicant's representatives to prepare a license agreement for use of the alley. ACHD will not approve the application until the license agreement has been signed and recorded. General terms for use of the air space within a right-of-way include:

- Enter into an agreement with the District outlining the requirements set forth as a condition of approval of the bridge. The property owners must be party to the agreement, and the agreement must be recorded and be binding upon parties and their successors and assigns. The agreement must be executed and recorded prior to plans approval and issuance of a building permit. The agreement must at a minimum contain provisions addressing the following items:
 - Indemnification of the District of any liability regarding the structure.
 - Inspection of the structure by a certified bridge/structural inspector under the supervision of a licensed structural engineer at least every 2 years. Provide the District with a copy of all documentation related to the inspection within 30 days of the inspection.
 - All maintenance required by the above inspections must be completed by a contractor approved by the District within 90 days, or as directed by the inspection report, whichever is sooner. Provide the District with a copy of all documentation related to the maintenance within 30 days of the completion of said maintenance.
 - In the event that the property owners fail to satisfy the ongoing inspection and maintenance requirements set forth in the agreement, the District is authorized to complete inspections and maintenance as deemed appropriate by the District or its agents, and either seek payment from the property owners or place a lien on the property for the costs of the inspections and/or maintenance performed.
- Submit construction plans to be approved by ACHD prior to issuance of a building permit and a permit to work in the right-of-way.

5. Driveways

5.1 Capitol Boulevard

a. **Existing Conditions:** There is one existing 27-foot wide curb-cut type driveway located approximately 153-feet south of Myrtle Street (measured centerline to centerline).

b. **Policy**

Access Points Policy: District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

Access Policy: District policy 7205.4.7 states that direct access to principal arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1b under District policy 7205.4.7, unless a waiver for the access point has been approved by the District Commission. Driveways, when approved on a principal arterial shall operate as a right-in/right-out only, and the District will require the construction of a raised median to restrict the left turning movements.

Driveway Location Policy: District policy 7205.4.7 requires driveways located on principal arterial roadways to be located a minimum of 355-feet from the nearest intersection for a right-in/right-out only driveway. Full-access driveways are not allowed on principal arterial roadways.

Driveway Width Policy: District policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a

maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, 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 and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

Cross Access Easements/Shared Access Policy: District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

- c. **Applicant's Proposal:** The applicant is requesting approval to construct one 30-foot wide driveway located just north of the southern property line, approximately 152-feet south of Myrtle Street (measured centerline to centerline). Due to site constraints, the applicant has requested a modification of policy to allow the driveway to be constructed with 15-foot radii.
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District Driveway Location policy. However, staff recommends a modification of policy to allow the driveway to be located as proposed. This is due to the fact that Capitol Boulevard is a one-way street, and the driveway can only operate as right-in/right-out. The driveway is existing, and is located at the furthest point from the intersection with Myrtle Street. The driveway is necessary to accommodate circulation on the site. ACHD does not have driveway spacing requirements for one-way streets.

The applicant should be required to construct a 30-foot wide curb return type driveway, with 15-foot radii, on Capitol Boulevard located approximately 152-feet south of Myrtle Street.

6. 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.

7. 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.

8. Other Access

Capitol Boulevard is classified as a principal arterial roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway.

D. Site Specific Conditions of Approval

1. Improve the intersection of the alley and Myrtle Street as a curb return type entrance, with a minimum curb radius of 15-feet.
2. Prior to plan approval, sign and record the license agreement for the structure over the alley.

3. Construct a 30-foot wide curb return type driveway, with 15-foot radii, on Capitol Boulevard located approximately 152-feet south of Myrtle Street.
4. Payment of impacts fees are due prior to issuance of a building permit.
5. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, 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. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
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.

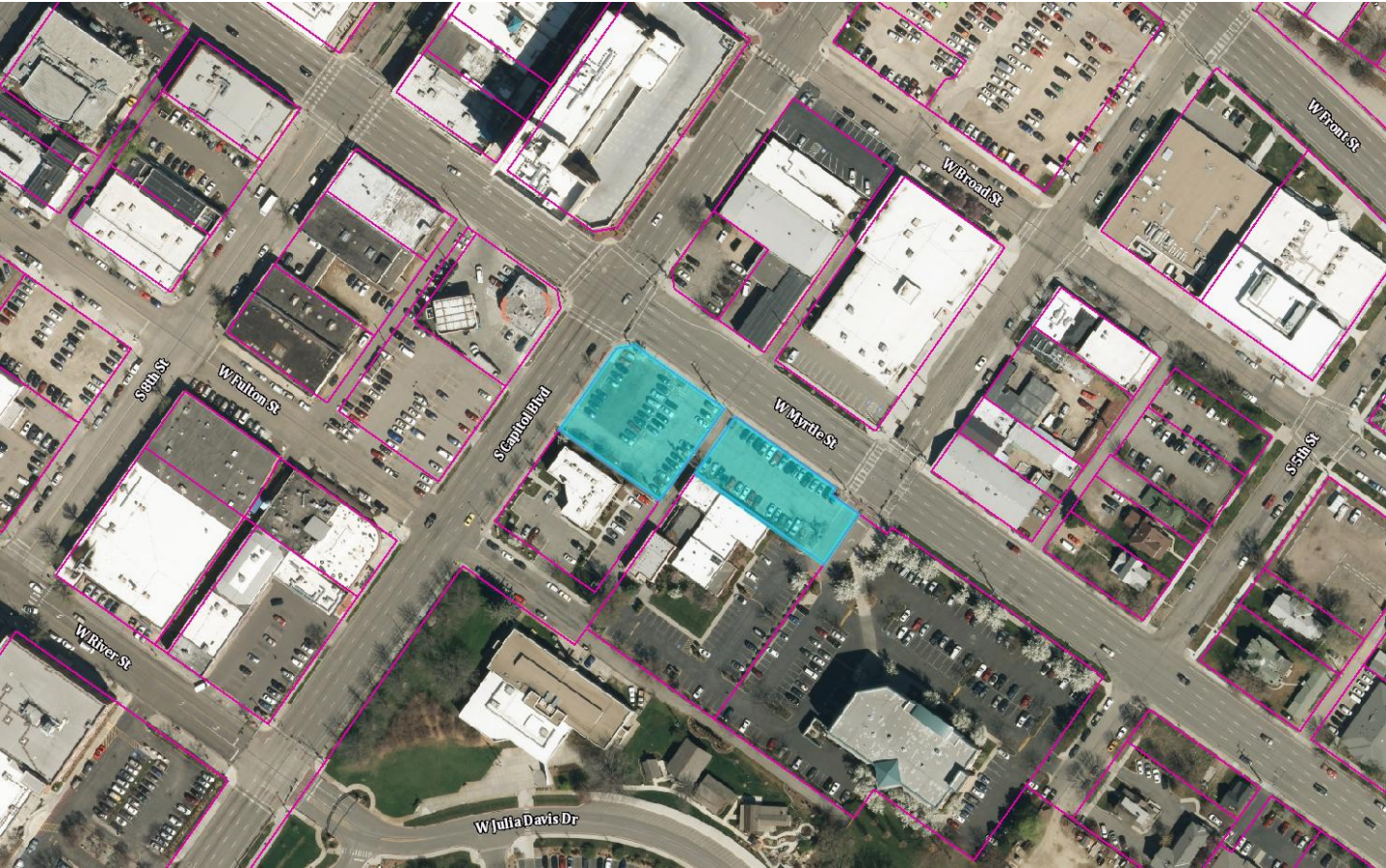
F. Conclusions of Law

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.

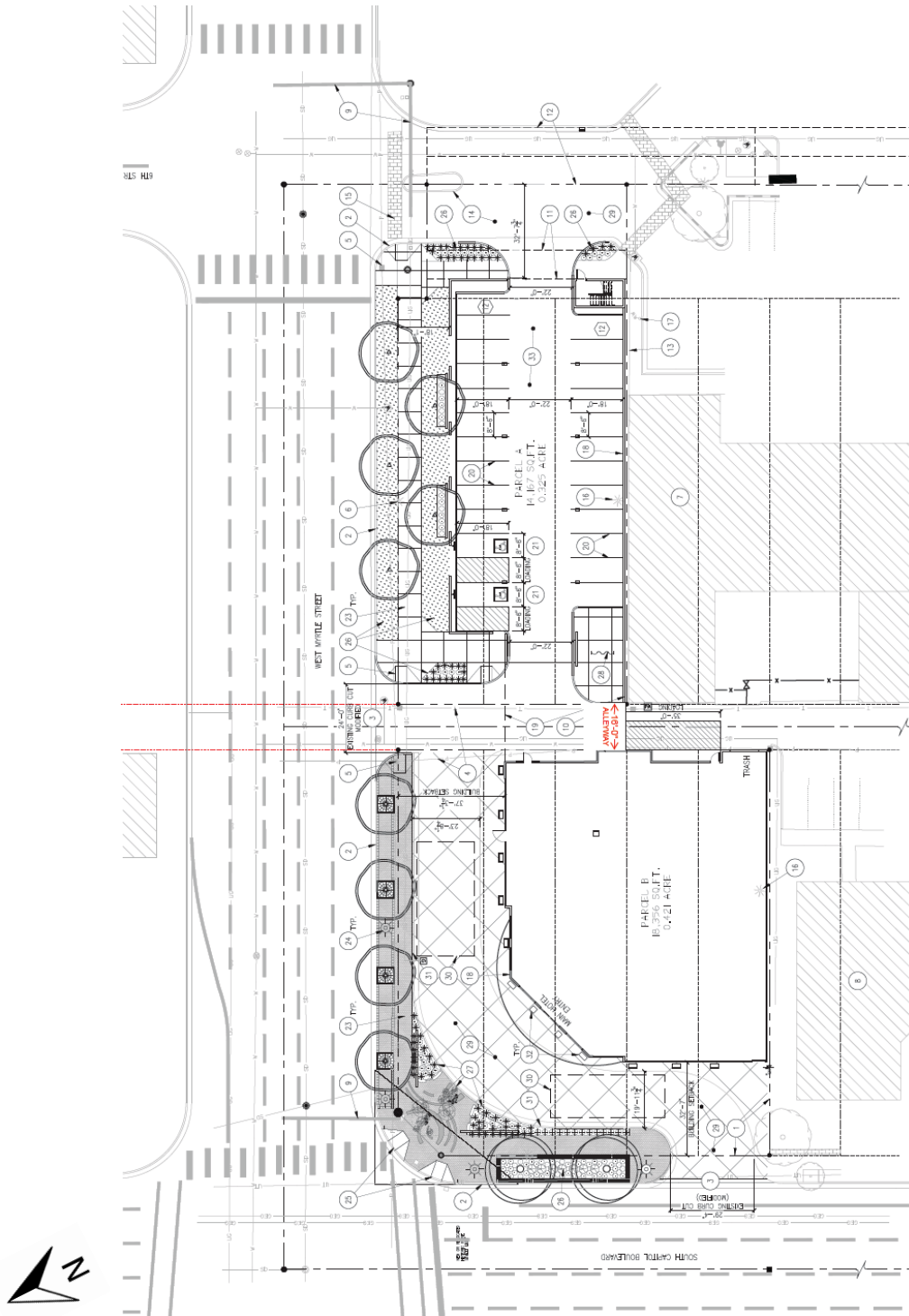
G. Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines

VICINITY MAP



SITE PLAN



Ada County Utility Coordinating Council

Developer/Local Improvement District Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.

Development Process Checklist

Items Completed to Date:

- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD **Planning Review Section** will receive the development application to review
- The **Planning Review Section** will do one of the following:
 - Send a **“No Review”** letter to the applicant stating that there are no site specific conditions of approval at this time.
 - Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
 - Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

- For **ALL** development applications, including those receiving a **“No Review”** letter:
 - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
 - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:

Construction (Non-Subdivisions)

Driveway or Property Approach(s)

- Submit a “Driveway Approach Request” form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

Working in the ACHD Right-of-Way

- Four business days prior to starting work have a bonded contractor submit a “Temporary Highway Use Permit Application” to ACHD Construction – Permits along with:
 - a) Traffic Control Plan
 - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50’ or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)

Sediment & Erosion Submittal

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

Idaho Power Company

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

- Final Approval from Development Services is required** prior to scheduling a Pre-Con.

Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
 - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
 - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary of Highway Systems, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
 - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
 - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
 - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.
 - a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.
 - b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
 - c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
 - d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
 - e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
 - f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.