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## Planning & Development Services

March 10, 2016

Eran Fields  
FH Broncos, LLC  
3954 Hopevale Drive  
Sherman Oaks, CA 91403  
[efields@fieldsholdings.com](mailto:efields@fieldsholdings.com)

RE: **DRH16-00014 / 1808 W. Boise Avenue**

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Design Review Committee on the request for approval to remove residential structures and construct a 5-story, multi-family housing structure containing 98 units with podium parking and four levels of residential above in a C-1D (Neighborhood Commercial with Design Review) zone.

The Committee, at their hearing of March 9, 2016, 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 me at 384-3847.

Sincerely,



Andrea N. Tuning  
Associate Planner, Design Review  
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

ANT/nh

cc: David Ruby / The Architects Office, PLLC / 499 Main Street / Boise, ID 83702  
[david@taoidaho.com](mailto:david@taoidaho.com)  
Fred Fritchman / 1321 Denver / Boise, Idaho 83706  
[ffritchman@msn.com](mailto:ffritchman@msn.com)

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 and specifications submitted to and on file in the Planning and Development Services Department dated received January 13, 2016, except as expressly modified by the following conditions:
  - a. Comply with the requirements of the rezone (CAR15-00031) and Conditional Use Permit (CUP15-00088).
  - b. Complete a record of survey consolidating the parcels into one single parcel prior to issuance of any building permits.
  - c. Provide a 3-foot modulation within the wall plane at each location where the building encroaches into the street side setback on Oakland Avenue.
  - d. Eliminate the existing driveway on Boise Avenue and replace it with standard vertical curb and gutter to match the adjacent improvements.
  - e. Eliminate the existing driveways on Boise Avenue and replace them with standard vertical curb and gutter to match the adjacent improvements.
  - f. ~~Integrate an additional building material into the materials palette in order to limit the amount of stucco present on the street facing facades to 75 percent.~~ **The applicant shall work with staff to create a detailed departure request in regard to the percentage of stucco utilized on the exterior of the building. The departure language shall be based upon the discussion put forth at the hearing on March 9, 2016.**
  - g. ~~Recess the vinyl windows a minimum of two inches in depth from the facade.~~ **The applicant shall work with staff to create a detailed departure request in regard to the window depth of the vinyl windows that will be utilized on the building. The departure language shall be based upon the discussion put forth at the hearing on March 9, 2016.**
  - h. All pedestrian scale and exterior building lighting fixtures shall be reviewed and approved by the Design Review Division. The applicant shall submit details, specifications and cut sheets for review by the Boise City Design Review Division.
  - i. The mechanical units on the roof shall be full-height screened by the parapet wall or mechanical screens provided.

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 (January 13, 2016), sewers (January 13, 2016), street lights (January 13, 2016) and pretreatment (January 13, 2016) comments as well as the comments from the Solid Waste/Ground Water Manager dated January 21, 2016. 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, and 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 Ada County Highway District (ACHD).
7. Compliance with the requirements of the Boise City Fire Department submitted on January 27, 2016.
8. Compliance with the requirements of the Ada County Drainage District #3 comments dated January 20, 2016.

### **Standard Conditions of Approval**

9. 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.
10. 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.
11. An approved protective curbing shall enclose all landscape areas where they are adjacent to parking areas or driveways.
12. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
13. Vision Triangles as defined under Section 11-07-02 (B) of the Boise City Code shall remain clear of sight obstructions.

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. All Americans with Disabilities Act (ADA) requirements shall be met. Accessible space(s) shall be provided, which are to be located on the shortest accessible route of travel to the accessible building entry.
20. 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.
21. No obstructions (landscaping, signs, fences or other elements) shall encroach upon any required fire access or fire facility.
22. All signs will require approval from the Planning and Development Services Department prior to installation.
23. 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.
24. Utility services shall be installed underground.

25. 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.
26. 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.
27. 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.
28. 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.
29. 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.



The project is located on an approximately 1.15-acre triangular parcel that is bound by Boise Avenue, Beacon Avenue and Oakland Avenue. The development consists of a five-story multi-family apartment building with podium parking. In December of 2014, the applicant requested a rezone from C-1D to R-OD (CAR15-00031). The rezone was accompanied by a request for a conditional use permit (CUP15-00088) for a parking reduction and height exception associated with a 98-unit multi-family residential building. The rezone and Conditional Use Permit were approved by the Planning & Zoning Commission and will be heard by the City Council on February 9, 2016. As a part of these approvals the applicant was required to:

1. A minimum of ten bicycle parking spaces shall be provided in a covered location near the main entry to the building.
2. A minimum of five parking spaces in the garage shall be reserved for guests.
3. The parking structure shall include all required accessible parking spaces.
4. Residents of the project who do not receive a designated parking space in the project are prohibited from obtaining residential parking district permits. Language to this effect shall be included in all individual lease agreements, separately initialed by each resident, and shall include a financial penalty for a violation of such prohibition and possibly eviction. A draft copy of the standard lease agreement shall be provided to Planning and Development Services prior to issuance of any construction permits on the site.
5. A record of survey, consolidating the parcels shall be completed prior to issuance of any construction permits.

The R-O zone requires a 10-foot setback for all street side setbacks. One unique characteristic applicable in the R-O zone is the fact that encroachments are allowed within the setbacks to allow for building modulation, balconies, patios or other similar design features. The applicant meets the required setbacks for the R-O zone with one exception. The R-O zone allows modulation of a building façade to encroach into the required street side setback by 50% provided the façade encroaching into the setback is not greater than 20-feet and the minimum wall modulation is 3-feet. Unfortunately, the applicant has only provided a 2-foot modulation within the wall plane on Oakland Avenue. As such, the applicant will be required to provide a 3-foot modulation within the wall plane on Oakland Avenue at each location where the building encroaches into the street side setback.

Boise Avenue is a minor arterial roadway that is currently improved with 2-traffic lanes and striped bicycle lanes with vertical curb, gutter and an attached 5-foot concrete sidewalk abutting the site. There is one existing driveway that will not be utilized by this development. This driveway should be eliminated and replaced with vertical curb and gutter to match the adjacent improvements. The applicant is proposing to remove the existing 5-foot wide attached concrete sidewalk and install a 6-foot concrete sidewalk that is detached from the curb line by an 8-foot planter strip that contains 9 Silver Linden street trees that are equitably spaced.



Beacon Avenue is a minor arterial roadway that is currently improved with 5-traffic lanes and striped bicycle lanes with vertical curb, gutter and a 5-foot attached concrete sidewalk abutting the site. There are two existing driveways that will not be utilized by this development. These driveways should be eliminated and replaced with vertical curb and gutter to match the adjacent improvements. The proposed development will not be proposing any access to Beacon Avenue. The applicant is proposing to remove the existing 5-foot wide attached concrete sidewalk and install a 6-foot concrete sidewalk that is detached from the curb line by an 8-foot planter strip that contains 8 Green Ash street trees that are equitably spaced.

Oakland Avenue is a local roadway that is improved two traffic lanes with rolled curb and gutter abutting the site. The applicant is proposing to remove the existing 5-foot wide attached concrete sidewalk and install a 6-foot concrete sidewalk that is detached from the curb line by an 8-foot planter strip that contains 8 American Sweetgum street trees that are equitably spaced. There are a number of existing driveways on Oakland Avenue that are proposed to be removed with the development of the site. The applicant is proposing the vehicular access to the development be located on Oakland Avenue near Boise Avenue.

Table 11-07.1 establishes the parking requirements for multi-family developments. This project is comprised of 9-one bedroom units, 31-two bedroom units, 23-three bedroom units, 31-four bedroom units and 4-five bedroom units. Based on the dwelling units proposed and the parking reduction that was reviewed under CUP15-00088, the site will require 83 vehicular parking spaces for the residents. The 83 parking spaces proposed on the site meet parking required by the associated CUP.

Section 11-07-03.3.B(1) requires one bicycle space for each dwelling unit in multi-family developments. In addition, the code requires 25 percent of the required bicycle parking spaces be covered if more than 10 spaces are required. The associated CUP also required an additional 10-covered parking spaces be provided near the main entrance of the building. The applicant has submitted an application indicating 98 bicycle parking spaces located within an internal bicycle parking corral within the structure and 10 exterior bicycle parking spaces that are covered by a large roof overhang. The amount and location of proposed bicycle parking spaces are in compliance with the ordinance and the associated CUP.

The number, location and dimensions of the proposed bicycle and parking spaces on the site will be appropriate and will comply with ordinance standards (3.3 and 11-07-03).

### **Non-Motorized Circulation and Connections**

The site will provide a 6-foot wide detached concrete sidewalk on all three adjacent roadways. The on-site pedestrian network will build upon this pedestrian framework and will provide five (5) pedestrian connections that will extend from the building to the adjoining public sidewalks.



While the structure covers a majority of the property, landscaping has been provided along the adjacent roadways as well as at the base of the building. The proposed streetscape includes turf grass with three types of street trees including: Green Ash, American Sweetgum, Silver Linden. The planter beds at the base of the building are proposed within the building setbacks on Boise Avenue, Beacon Avenue and Oakland Avenue and contain a mixture of shrubs, grasses and perennials to help soften the appearance of the building from the public right-of-way, integrate the structure into the site and create a pedestrian friendly environment.

The landscape plan will provide a mixture of species that will provide year round color, will soften the overall appearance of the site, will provide adequately screening to the adjacent residential properties and will provide continuity with the landscaping within the general area.

### **Landscaping, Stabilization and Screening Summary**

Based on the preceding analysis, the landscape and screening methods for the utility locations and mechanical units will be screened to conceal them from public view and will comply with Boise City Code Section 11-03-04.12.C.7.d and 3.7 and 3.8 of the Boise Design Review Guidelines.

### **Grading and Drainage**

Boise City Code Section 11-03-04.12.C.7.d states:

- A. *That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control.*

The grading and drainage will be reviewed by Boise City Public Works at the time of building permit along with the Ada County Highway District to ensure all drainage is contained on site and street sections meet all agency requirements.

### **Signage**

Boise City Code Section 11-03-04.12.C.7.d states:

- A. *Signage: That signs provide for business identification minimizes clutter and comply with the sign regulations.*

No signs are proposed for this development at this time. At the time the applicant considers building identification, they will be required to submit a separate sign application. The project must comply with all ordinance regulations in effect at the time the sign application is submitted.

### Building Design and Materials

<b>Building Location</b>	<b>Type/Color</b>
Roof:	Single Ply Membrane / White
Exterior Walls:	Stucco / Cream, Beige, Yellow Metal Panel / Light Grey
Fascia and Trim:	Pre-Finished Metal / Grey
Railings:	Opaque Anodized Aluminum Panel
Soffit:	Wood / Cedar
Windows:	Vinyl / Cream Aluminum Storefront / Anodized Aluminum
Doors:	Aluminum Storefront / Anodized Aluminum Metal / To Match Structure
Mechanical Equipment:	Rooftop Units



The applicant is proposing to construct a five-story multi-family residential building with structured parking integrated into the building. The building is proposed to be 60-feet in height and has a modern architectural design with a flat roof and minimal ornamentation. The building contains a simple palette of materials and modulated building masses to define the overall form of the building. There is a covered entrance located at the northeast corner of the site on the corner of Beacon Avenue and Oakland Avenue. On-site amenities and open space includes: a lounge, recreation room, fitness center, study room and a 5<sup>th</sup> floor roof deck along with individual balconies.

## **Building Materials**

Boise City Code 11-03-04.12 C (7)(d) states:

*Exterior materials that complement surrounding development in terms of color and relief should be utilized.*

The building is proposed to be constructed predominantly of stucco walls. The applicant is proposing to utilize anodized silver metal panels as an accenting material on the building and for the railings on the individual balconies. The Design Review Guidelines require stucco to be limited to a maximum of 75-percent of the façade area facing the public right-of-way (4.4.2). As such, the applicant will be required to integrate another material into the building palette in order to limit the amount of stucco present on the building.

The building will utilize cream vinyl windows and sliding doors for the residential units and clear anodized windows located at main entrance and on the upper story corners of the building. The windows for the residential units shall be recessed a minimum of two inches in depth from the facade (4.3.2). The roof will consist of white single-ply build up membrane. The materials that have been selected are of appropriate for a multi-family development. The colors and textures provided on the building will complement the area and surrounding development by incorporating natural colors and textures found on other buildings within the area. The materials selected will also present an aesthetically appealing appearance at the time of construction while minimizing the maintenance costs associated with the building in the future.

## **Building Massing and Articulation**

Boise City Code 11-03-04.12 C (7)(d) states:

*The height to width relationship should be compatible and consistent with the architecture in the area.*

The applicant is proposing to construct a 5-story multi-family structure that is 60-feet in height. This height was approved through a height exception (CUP15-00088). This approval made specific findings that determined the building was in scale with other structures within the immediate area and would not negatively impact the adjacent properties.

While the proposed building is substantially taller than the one and two-story single-family residential dwellings located to the east of the site, there are a number of existing multi-family residential buildings surrounding the development that are 2, 2 and a half, 3 and 4-stories in height. In addition to some of the taller structures located within the vicinity, the site is also surrounded by public right-of-way which assists transitioning to the more robust building height. To break up the massing of the buildings and provide visual interest, the applicant utilizes wall plane modulation, varied roof heights, balconies, window openings as well as color and material changes. Each of these architectural treatments breaks up the massing and proportions of the building allowing it to integrate into the area in a manner that is appropriate and compatible with the surrounding heights and uses.

### **Shadow Relief and Architectural Details**

Boise City Code 11-03-04.12 C (7)(d) states:

*Openings in the facade shall be consistent with the architecture in the area. (For example, balconies, bays, and porches are encouraged with a minimum of monotonous flat planes to provide shadow relief).*

The building design uses vertical elements and building modulation to establish the overall design form. In an effort to provide shadow relief, the applicant has included a number of architectural elements. For instance, there is a prominent roofline located at the intersections of Oakland Avenue and Boise Avenue as well as Boise Avenue and Beacon Avenue. There are also a number of awnings provided at the ground level, varied rooflines, ¼” score lines, differing material applications (i.e. standard stucco vs. raked stucco) and appropriate color changes that will provide additional texture and shadow relief.

### **Building Design Summary**

Overall, the design contains appropriate colors and materials, fenestration, and modulation. Each of these elements assists to break up the massing of the structure, provides an additional depth of character through shading and relief and provides architectural design interest to the building. The applicant’s proposal will integrate well with the other developments around the Boise State University campus. The new multi-family building will complement the existing single-family and multi-family uses that are adjacent to the development. Based on the preceding analysis and the suggested conditions of approval, the building design will comply with Boise City Code Section 11-03-04.12.C.7.d.