



PLANNING AND DEVELOPMENT SERVICES

MAYOR: Lauren McLean | DIRECTOR: Mark Lavin

January 14, 2020

John Day
SU Architecture
415 S 13th St
Boise, ID 83702
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Re: CAR19-00022 & CUP19-00064 / 3047 S Bown Way

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a rezone of 0.53 acres from C-1D (Neighborhood Commercial with Design Review) to PC-D/DA (Pedestrian Commercial with Design Review and Development Agreement) and a conditional use permit for a parking reduction associated with the construction of a 6,700 square foot multi-tenant building on 0.53 acres located at 3047 S Bown Way.

The Boise City Planning and Zoning Commission, at their hearing of **January 13, 2020**, recommended approval of the rezone to City Council **and approved** your conditional use request, based on compliance with the attached Reason for the Decision and Conditions of Approval.

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

1. This letter constitutes your conditional use permit. The approval will not take effect until after the appeal period has lapsed.
2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the issuance of this decision. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at: <http://pds.cityofboise.org/>.
3. All appeals of this conditional use permit must be filed by **5:00 P.M., on January 23, 2020**.
4. If this Conditional Use Permit is not acted upon within two (2) years, it will become null and void without further notification from this Department.

5. You will be notified of the required hearing associated with the rezone request.

Questions can be directed to me at (208) 608-7085 or lletson@cityofboise.org.

Sincerely,



Leon Letson
Senior Planner, Current Planning and Subdivisions
Boise City Planning and Development Services

LL/mh

cc: Boyd Yee / Yick Yee Family Trust / boydyee@gmail.com
Fred Fritchman / Southeast Boise Neighborhood Association / ffritchman@msn.com



REASON FOR THE DECISION

Rezone

As further detailed in the project report, the rezone and development agreement are consistent with the approval criteria of B.C.C. Sections 11-03-04.03 and 11-03-04.02, respectively. Establishing PC zoning for the subject property complies with *Blueprint Boise*, including a number of policies that encourage mixed use development within Neighborhood Activity Centers like Bown Crossing. *Principle PDP1.2* promotes zoning allowances to support mixed use development. *Principle NAC11.3* provides direction to remove barriers and update zoning districts to reflect the goals and policies of *Blueprint Boise*. *Principles ES1.4* and *CC1.1* promote compact, walkable development patterns that support transit and reduced vehicle emissions. *Principle PDP1.1* recognizes designated Activity Centers as priority infill areas.

The subject property is identified as “Mixed Use” on the Land Use Map and adjacent to arterial (Parkcenter Blvd) and collector (Bown Way) roadways, which also support the requested PC rezone. Rezoning the property will benefit the general public as providing neighborhood-serving uses in Activity Centers minimizes the impact of sprawl on outlying areas of the community and encourages development that allows individuals to walk, bike, or make use of public transportation. Finally, the proposed rezone will not create any issues of compatibility with surrounding zoning and development. The surrounding area consists of established residential and commercial uses with PC, C-1, and R-3 zoning. Furthermore, the associated development agreement will ensure compatibility as it includes specific use, design, and layout requirements for various aspects of the development. These included restricting uses that may require additional parking beyond the current proposal and limiting the amount of indoor and outdoor seating to be provided.

Conditional Use Permit

The conditional use permit for a parking reduction is consistent with the approval criteria of B.C.C. Section 11-03-04.06. The requested uses of a restaurant and retail space are compatible to other uses located within Bown Crossing, a mixed use development comprised of retail, office, restaurant, residential, and civic uses. In addition to being located within an area of the city where alternative transportation options exist (walking, biking, and public transit), the submitted parking study shows there are available parking stalls within the surrounding area. The proposal complies with *Blueprint Boise. Principle GDP-MU.1(c)* encourages active uses at key intersections, near existing or planned transit stops, or near major public spaces to increase visibility and promote pedestrian activity. The subject property is located at the intersection of two arterial roadways, Bown Way and Parkcenter Blvd. There is a transit route that travels along Parkcenter Blvd adjacent to the property and there is an existing bus stop directly adjacent to the subject property. A parking reduction based on the proximity to a transit line is further supported by *Principle CC4.4(a)* which calls for creating incentives, such as reduced parking requirements when specific Travel Demand Management parking techniques are implemented. The parking reduction will not adversely affect other property in the vicinity and no correspondence was received from commenting agencies indicating the proposed uses or the requested parking reduction would be a burden on transportation



or other public facilities in the vicinity. If the parking reduction is granted, the site will be large enough to accommodate the proposed use. The property meets the minimum dimensional standards of the proposed PC zone and the building and parking lot will comply with the required setbacks.

CONDITIONS OF APPROVAL

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received **September 24, 2019**, except as expressly modified by Design Review and the following conditions:
2. This approval allows for the reduction to 14 parking spaces to serve the development.
3. A minimum of 10 bicycle parking stalls shall be provided for the project.
4. Design Review approval is required prior to the issuance of any building permits.
5. The proposed conditional use permit and development agreement shall be updated to include the following:
 - I. Allowed uses shall be restricted to one, 2,054 square foot restaurant space and 3,844 square feet of office and/or retail space; an additional 590 square feet of storage and mechanical space for the office and/or retail space is also permitted.
 - II. Both indoor and outdoor seating for the restaurant shall not exceed 40 seats.
6. Within one year of the date City Council approves the rezone, the Development Agreement shall be recorded. The three required readings of the ordinance will not be scheduled until recordation has occurred. Failure to record the Development Agreement within the one-year time frame shall automatically render approval of this modification null and void.
7. Upon approval of the rezone, the applicant shall submit a final signed copy of the Development Agreement for review and ordinance passage.

Agency Requirements

8. The applicant shall comply with the requirements of the Boise Fire Department per the memo dated **October 15, 2019**.
9. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) in the memos from:
 - i. Solid Waste dated **September 30, 2019**;
 - ii. Sewer dated **September 30, 2019**;



Contact BCPW at 208-608-7150 for specific comments or questions.

10. Compliance with the requirements of the Ada County Highway District per the memo date **October 17, 2019**.

Standard Conditions of Approval

11. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.
12. Vision Triangles, as defined by Boise City Code, shall remain clear of sight obstructions.
13. 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 approved mulch such as bark or soil aid.
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. In compliance with the 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 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.
16. 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.
17. 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.
18. 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.



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. 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.
21. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.
22. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.
23. Prior to the expiration of this conditional use permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.
24. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.

