BOISE CITY PLANNING & ZONING COMMISSION
HEARING MINUTES
FEBRUARY 10, 2020

I. CALL TO ORDER

PRESENT: Stead, Stevens, Gillespie, Finfrock, Zuckerman,
ABSENT: Bratnober, Schafer

II. MINUTES ACCEPTANCE

1. Planning and Zoning Commission Minutes – January 6, 2020
2. Planning and Zoning Commission Minutes – January 13, 2020

III. DEFERRALS

2. CAR19-00031 / Fig Village at Parkside LLC
511 N Maple Grove Rd
Rezone of 5.16 acres from M-1D (Light Industrial with Design Review)
zone to C-1D/DA (Neighborhood Commercial with Design Review
and Development Agreement) zone. Nicolette Womack

RESULT: APPROVED [UNANIMOUS] Next: 3/2/2020 6:00 PM
MOVER: Milt Gillespie, Commissioner
SECONDER: Jennifer Stevens, Commissioner
AYES: Jennifer Stevens, Milt Gillespie, Janelle Finfrock, Meredith Stead
ABSTAIN: Ben Zuckerman
ABSENT: Jim Bratnober, Bob Schafer

UNANIMOUS APPROVAL TO TABLE ITEMS
ALL IN FAVOR, MOTION CARRIED
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE:

CAR19-00031 / FIG VILLAGE AT PARKSIDE LLC

and

PUD19-00041 / FIG VILLAGE AT PARKSIDE LLC

511 North Maple Grove Road

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TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, FEBRUARY 10, 2020

COMMISSIONERS PRESENT:

MEREDITH STEAD, CHAIR

JENNIFER STEVENS

MILT GILLESPIE

JANELLE FINFROCK

BEN ZUCKERMAN, STUDENT COMMISSIONER

TRANScribed BY:

VICTORIA HILLES
(Begin transcription at 0:04:55 of audio file.)


So first, we have a request to defer Item No. 2, which is CAR19-31, Fig Village at Parkside LLC, requesting deferral to March 2nd. This is 511 North Maple Grove Road. It's a rezone from M-1D to C-1D/DA.

May I have -- is there anybody present tonight wanting to testify who cannot return on March 2nd?

No. Seeing --

Commissioner Gillespie.

COMMISSIONER GILLESPIE: Madam Chairwoman, I move that we defer Item 2 CAR19-31, PUD19-41 to our March 2nd, 2020 meeting.

COMMISSIONER STEVENS: Second.

CHAIRMAN STEAD: Second from Commissioner Stevens.

Clerk, please call roll.

THE CLERK: Gillespie.

CHAIRMAN STEAD: Clerk.

COMMISSIONER GILLESPIE: Aye.

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.
THE CLERK: Stevens.

COMMISSIONER STEVENS: Aye.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: Aye.

THE CLERK: All in favor. Motion carries.

(End transcription at 0:06:00 of audio file.)

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5. **PUD19-00040 / J B Earl Company**
7201 W Fairview Ave
Conditional use permit for a mixed use planned residential development comprised of 235 multi-family units and approximately 11,000 square feet of commercial space on 5.4 acres located in C-2D (General Commercial with Design Review) zone. Leon Letson

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**UNANIMOUS APPROVAL TO TABLE ITEMS**
**ALL IN FAVOR, MOTION CARRIED**
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: 

PUD19-00040 / JB EARL COMPANY
7201 W Fairview Ave

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TRANSCRIPT OF RECORDED PUBLIC HEARING
MONDAY, FEBRUARY 10, 2020

COMMISSIONERS PRESENT:
MEREDITH STEAD, CHAIR
JENNIFER STEVENS
MILT GILLESPIE
JANELLE FINFROCK
BEN ZUCKERMAN, STUDENT COMMISSIONER

TRANSCRIBED BY:
VICTORIA HILLES
COMMISSIONER STEVENS: ... that the former motion took care of both of those items for Item 2.

CHAIRMAN STEAD: Thank you. Okay.

Next, we have PUD19-40, JB Earl Company requesting deferral for March 2nd. It's 7201 West Fairview Avenue, conditional use permit for a mixed-use planned residential development.

Is there anybody in the audience tonight who cannot return to testify on March 2nd?

Seeing none.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: I move that we defer Item 5, PUD19-40, to our March 2nd meeting.

COMMISSIONER STEVENS: Second.

COMMISSIONER FINFROCK: Second.

COMMISSIONER STEVENS: Oh. Sorry.

CHAIRMAN STEAD: Second from Commissioner Finfrock.

Will the clerk please call roll.

THE CLERK: Gillespie.

COMMISSIONER GILLESPIE: Aye.

THE CLERK: Stead.
CHAIRMAN STEAD: Aye.

THE CLERK: Stevens.


THE CLERK: Finfrock.

COMMISSIONER FINFROCK: Aye.

THE CLERK: All in favor. Motion carries.

(End transcription at 0:07:13 of audio file.)
TRANSCRIPTIONIST'S CERTIFICATE

I, VICTORIA HILLES, transcriptionist, certify:

That the audio recording of the proceedings were transcribed by me or under my direction.

That the foregoing is a true and correct transcription of all testimony given, to the best of my ability.

I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the matter.

IN WITNESS WHEREOF, I set my hand and seal this 18th day of February, 2020.

_____________________________
VICTORIA HILLES

POST OFFICE BOX 2636
Boise, Idaho 83701-2636
III. **NEW BUSINESS**

1. **PUD19-00042 / Kent Brown Planning**  
4831 N Five Mile Rd  
Conditional use permit for a planned residential development comprised of 15 multi-family units and 1 single family dwelling on 1.4 acres located in a L-OD (Limited Office with Design Review) zone.  
Kevin Holmes

| RESULT: | APPROVED [UNANIMOUS] |
| MOVER:  | Janelle Finfrock, Commissioner |
| SECONDER: | Milt Gillespie, Commissioner |
| AYES: | Jennifer Stevens, Milt Gillespie, Janelle Finfrock, Meredith Stead |
| ABSTAIN: | Ben Zuckerman |
| ABSENT: | Jim Bratnober, Bob Schafer |

**ALL IN FAVOR, MOTION CARRIED**
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE:

PUD19-00042 / KENT BROWN PLANNING
4831 North Five Mile Road

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TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, FEBRUARY 10, 2020

COMMISSIONERS PRESENT:
MEREDITH STEAD, CHAIR
JANELLE FINFROCK
MILT GILLESPIE
JENNIFER STEVENS
BEN ZUCKERMAN, STUDENT COMMISSIONER

TRANSCRIBED BY:
BEVERLY A. BENJAMIN, CSR No. 710
Notary Public
INTRODUCTION

CHAIRMAN STEAD: So the first item on the agenda is item No. 1.

May we please hear from staff.

KEVIN HOLMES: Thank you.

Madam Chair, members of the Commission, before you is a Conditional Use Permit for a planned residential development comprised of 15 multi-family dwellings and 1 single-family home on 1.4 acres located at 4831 North Five Mile Road in an L-OD zone.

The property shown here in red is located on the northwest corner of the intersection of Five Mile and McMillan Roads, which is a designated neighborhood activity center in blueprint Boise.

So nearby neighborhood amenities shown in green include McMillan Elementary School and Hewett Park just to the southwest, DeMeyer Park less than three-quarters of a mile to the northwest, and Hyatt Hidden Lakes Reserve approximately three-quarters of a mile to the east.

The property backs up to single-family homes zoned R-1C to the north and west, and across the roads are a religious institution, offices, and a residential care facility. Bus stops are directly adjacent to the
The property currently has a 3,437 square foot single-family home, which is proposed to remain. The proposed 15 multi-family units are arranged as two 4-plexes facing McMillan along the south, and a 7-plex facing the interior of the site. The property is bisected by the Zinger Lateral, which is proposed to be tiled with the multi-family parking built above.

As a result of discussions with the City, the Applicant has agreed to install 5-foot detached sidewalks with an 8-foot landscape buffer planted with street trees along both McMillan and Five Mile Roads.

ACHD will be widening McMillan along the property within 1 to 4 years and Five Mile within 10 to 15 years, which will require the dedication of additional right-of-way. Building setbacks have been measured from the estimated right-of-way locations per comments provided by ACHD.

Other improvements include the installation of loading zones for the existing bus stops built to the specifications of VRT. Access to the development is taken from a single full access drive off of Five Mile Road on the north end of the property, and a service drive provides vehicular access to the parking spaces internal to the site.
ACHD has stated that they may want to limit this access to Five Mile to a right-in/right-out only should conditions warrant.

A total of 32 new parking spaces and 15 bike parking spaces are provided, which meets the requirements of code. The multi-family units themselves are designed in a townhome style with two stories, front porches and back patios, and with each unit containing two bedrooms.

A variety of materials and building modulation is provided and design review approval is required, which will further ensure the project complies with the city-wide design standards and guidelines.

Amenities proposed for the development include the use of drought-tolerant plantings and Energy Star construction of the buildings, and private open spaces of at least 100 square feet are provided for each unit.

The design is compatible with the surrounding area. The height is similar to the two-story single-family residential homes directly adjacent to the property, and the 15-foot building setbacks match the rear setbacks of the adjacent R-1C zone.

Buffering to the surrounding homes is provided via solid fencing and landscaping. The density of the proposed development is 11.4 dwelling units per acre,
which is well under the 43.5 allowed in the L-O zone.

The design and density of the project is supported by multiple blueprint Boise goals and principles. Infill projects with higher densities are encouraged, in neighborhood activity centers such as this and the design features of detached sidewalks, improved transit stops, and having buildings rather than parking along the roadways are all design principles supported by the Comprehensive Plan.

Multiple comments were received past the cutoff date to include it in your packets as late correspondence. The most common concern raised among these was about site access and impacts that this development would have to traffic at this intersection. Other items brought up were also the appropriateness of residential on this property and a desire to see owner-occupied dwellings rather than rentals.

Those individuals that submitted these comments all indicated that they would also be in attendance tonight so I imagine you should hear from them shortly.

In conclusion, the Applicant's proposal does comply with the required Planned Unit Development findings. It is compatible with the general neighborhood and will provide an increase diversity of
housing options in the area.

The development is supported by the
Comprehensive Plan as it constitutes infill in a
neighborhood activity center and is in close proximity
to parks and transit corridors.

As such, the Planning Team recommends approval
of the application with conditions. For PUDs the
Commission is the decision-making body and may deny,
approve, or approve in part with additional conditions
if desired.

Thanks, and I'll stand for any questions.

CHAIRMAN STEAD: Thank you.

We will now hear from the Applicant.

KENT BROWN: For the record, Kent Brown, 3161
East Springwood, Meridian, Idaho. Thank you.

We have reviewed the conditions and
recommendations from staff and are in agreement with
those. I would stand for any questions that you might
have and wait to hear what the neighbors have to say.

CHAIRMAN STEAD: Thank you. We will get to
questions in just a moment.

Before we get to questions, I would like to
invite up -- is there a registered member here to
represent the West Valley Neighborhood Association?
CHAIRMAN STEAD: Okay. Seeing none, are there questions from the Commission?
COMMISSIONER GILLESPIE: Madam Chairman.
CHAIRMAN STEAD: Commissioner Gillespie.
COMMISSIONER GILLESPIE: I have a question for the staff.

So I did notice the rental versus owner-occupied discussion. As far as I'm aware, neither the code nor the Comprehensive Plan really makes a distinction between rentals and owner-occupied. Is that the City's perspective on that particular issue?

KEVIN HOLMES: Madam Chair, Commissioner Gillespie, that is correct.

COMMISSIONER GILLESPIE: Thank you.
COMMISSIONER FINFROCK: Madam Chair.
CHAIRMAN STEAD: Commissioner Finfrock.
COMMISSIONER FINFROCK: Question for staff:

Is there a minimum requirement of square footage for open space on developments over an acre? I saw one for under an acre, but I didn't see over an acre.

KEVIN HOLMES: Madam Chair, Commissioner Finfrock, so in our code it breaks out, as you saw, the amenities for PUDs. For those under an acre, the
amenity that is required is a minimum 100-square foot open space. For those over an acre, it provides a list and then leaves it open for other alternatives.

So in this case the Applicant has proposed that a minimum square open space of 100 square feet is also included as one of their amenities.

COMMISSIONER FINFROCK: Thank you.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: I had a related question, and that was whether or not -- I noticed that in the application materials there was a subtraction for the Zinger Lateral in terms of acreage. And I just want to make sure that there -- I want to make sure for the record that I am clear on which acreage we used and staff used for making the recommendations that you made, whether it was the 1. whatever or the .95.

KEVIN HOLMES: Madam Chair, Commissioner Stevens, we used the total amount. The subtraction that you see in the staff report is merely provided as an example to show some of the site constraints that do exist on the property that, in essence, creates a smaller buildable area.

COMMISSIONER STEVENS: Thank you.

CHAIRMAN STEAD: Any other questions?
COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Just to carry that point through to what I thought the logical conclusion was, it was that the City is comfortable with narrow internal setbacks and the lot sizes. I thought that was kind of where you were going with that subtraction argument.

KEVIN HOLMES: Madam Chairman, Commissioner Gillespie, the reasoning that staff was using didn't really have to do with setbacks but rather just the amenities, the amenity count that is provided and the type.

COMMISSIONER GILLESPIE: Thank you.

CHAIRMAN STEAD: Actually I have a question, Mr. Holmes. Is there -- was there consideration with the -- I know that there was, parking was above the requirement. Did you consider reducing some of the parking to make way for further amenities?

KEVIN HOLMES: Madam Chair, that discussion was had with the Applicant, and they were pretty adamant that -- and I'm sure they can answer that as well -- that two spaces per unit was appropriate and they didn't want to go any lower than that.

CHAIRMAN STEAD: Thank you.
Public Testimony

Chairman Stead: Okay. I will go to the sign-up sheet now.

First up we have Kelsey Robbins followed by Mr. Emmel and then Mr. Robbins.

And please start with your name and address.

And you can move the microphone down a little bit.

Thank you.

Kelsey Robbins: Very nervous.

Chairman Stead: Me too. It's my first public hearing doing the chair position.

Kelsey Robbins: My name is Kelsey Robbins and my address is 10755 West Treeline Court in Boise.

I have lived in my neighborhood, this neighborhood, for the past 30 years. I went to elementary, middle, and high school here. And this is where I now raise my two daughters, who have also gone to elementary school, middle school, and high school here.

I pass this property at Five Mile and McMillan up to a dozen times per day, mostly in my car but often when walking with my kids or my dog. I feel I am well qualified to anticipate the problems with the proposed development and offer a reasonable solution.
My biggest concern is the traffic and parking congestion that this development creates right on the corner of this very busy intersection. The planned 15 family units, plus a single-family home include only the minimum 31 parking spots required for 16 families. Two of those are marked handicapped, only leaving just 29 spaces accessible to everyone, technically just 1.8 vehicles per family. Is there anyone here that owns just 1.8 vehicles?

Where will visitors park and where will the cars of teen drivers go? I can tell you. Excess cars and trucks will line Five Mile and McMillan limiting visibility for drivers and pedestrians and forcing residents of the new development to enter and exit their vehicles on busy streets and in bike lanes.

Across the street from the development near a small assisted living facility is McMillan Elementary. This school serves only our neighborhoods. Students are not bussed in. They walk and ride their bikes. The intersection at Five Mile and McMillan is already dangerous for these kids, but congested roads, parked vehicles along the sidewalk blocking visibility and additional traffic will make this intersection more dangerous to pedestrians and these school children. It is irresponsible to ignore this.
The current plan allows entry and exit to the property from any direction. Therefore, a man traveling north along Five Mile wishing to turn left into the property will have to stop just a few car lengths past the intersection and stop on a single-lane road blocking traffic behind him while also waiting for the traffic in the opposite direction to ease and allow him to turn in.

Five Mile is historically clogged for three-quarters of a mile between 4:30 and 5:30 p.m. daily during the week. Adding a minimum of 30 cars continually entering and exiting this property on the corner of this intersection will have a negative effect on everyone commuting within the area. In fact, ACHD has already reserved the right to create a right-turn-in/right-turn-out only pattern anticipating this problem.

So I have the following suggestions: Require that the developer work with ACHD to create no parking zones along Five Mile and McMillan bordering the property and just beyond in order to discourage on-street parking near the busy intersection and keep our pedestrians and cyclists safe.

Do what ACHD has already reserved the right to do, create a right-turn-in/right-turn-out system only on this corner. If that is impossible, work with ACHD to
create a do-not-block intersection space in the road to allow for the movement of traffic in and out of the property swiftly.

I understand that this proposal meets the minimum requirements --

THE CLERK: Time.

CHAIRMAN STEAD: Thank you.

Next up is Edward Emmel followed by Donovan Robbins.

EDWARD EMMEL: Thank you. For the record, Edward Emmel, 4714 North Buckboard Avenue.

Our neighborhood is immediately south of McMillan and west of Five Mile Road. So we are right next to, across the street from this proposed development.

My neighbors and I are opposed to this development because of the negative impacts, as we earlier mentioned, increased traffic and congestion. This kind of development seems inconsistent with the other three corners that we have now, in that it's going to create so much traffic with that increased neighborhood activity.

It just seems important to understand the rationale for such a modification to the zoning rules that have applied to the neighborhood that neighbors...
have come to expect, or have in the past, similar to what already has been developed on the other street corners. Thank you.

CHAIRMAN STEAD: Thank you.

Donovan Robbins.

DONOVAN ROBBINS: Thank you. My name is Donovan Robbins. I live at 10755 West Treeline Court.

So I just want to take a moment to talk about the process so far. I live about a half mile away from the property and I pass it daily. Even though this is part of what I would consider my neighborhood, I was not included in the area of impact so, therefore, I didn't receive a notice for the first hearing and didn't have a chance to speak to that. Afterwards -- because I guess notices are only sent per about 300 yards around a development.

In addition, the affidavit and pictures provided to Planning and Zoning proving the public hearing sign was posted as required are so distant that it's impossible to see the information on the sign. And, in fact, the sign was incorrect with both, I believe, the case number and the contact number at the Department of Zoning and Planning. So, therefore, we couldn't contact who we needed to talk about this information.
The original date of the hearing was scheduled for February 4th. I know we had some neighbors that were planning on attending, but then a deferment was requested and granted, which then allowed this meeting today. So we decided to come to this one.

No new notices posted when they have a deferment, I guess? So, therefore, by moving it, it felt a little suspect there.

Again, just having all these little issues, it almost feels like it was, in a way, to take away the chance for us to have public comment on this project.

So with the lack of updating the dates, having the incorrect information on the sign, and just not having to correct it after getting a deferment, it just seems -- it seems like if we don't have the right information on the sign, they should have to restart and give us time to get everybody involved. So thank you.

CHAIRMAN STEAD: Thank you, Mr. Robbins.

Next we have Mare Humeston, followed by Gertrude Hudson and Jim Hudson.

MARE HUMESTON: I have a USB. I have an app problem here. (Pause.) Okay. I have a hard copy. Do you have an objection?

Okay. The file is not openable, I'm sorry.

He said it has to be Microsoft, which I wasn't informed
Thank you for the time to address this hearing. My name is Mare Humeston, and I live at 10732 Cranberry Street in Boise.

I am here to offer our comments on the request for a Conditional Use Permit for the planned apartment complex. Leather and Suede is a single-family home subdivision. We respectfully request that zoning not be changed to accommodate multi-family units on the northwest corner for apartments.

We chose our homes here because we prefer to live in a single-family home neighborhood. We want to live in a less dense area. Those here purchased our homes understanding and preferring the constraints of the existing zoning ordinances. The new owner of this property also purchased knowing the existing zoning. Changing the zoning onto this property after we have invested in our homes affected is not reasonable to us.

As a general rule, those who rent regard their housing as temporary, disregard for the quality of our life is the result. By its very nature rental housing is meant to free the renter of obligations; someone else must take care of all the problems. Homeowners must take care of these issues themselves, and having neighbors invested in their permanent homes helps the
neighborhood thrive. Infuse half again the number of existing homes with rental units and you have negatively impacted our neighborhood.

The traffic issue is one that is not livable. If you look at the proposed site and plan, there is one exit/entrance option for the project. The project plan requires that the McMillan exits be closed. The results will be for residents to exit onto Five Mile heading south either go through the intersection and turn right onto Patty and right onto Buckboard and then right onto McMillan to proceed eastward; or they will exit onto Five Mile, immediately turn right on McMillan, another right on Leather Way, right on Cranberry, and then to make a left on Five Mile to proceed north.

This additional traffic goes through our neighborhoods where children ride bikes and play outside. We have seen too much increased traffic flow from people who don't want to wait at a traffic light already. ACHD is currently in the process of installing a protected crossing at McMillan and Leather Way to help mitigate pedestrian danger.

Finally the project states that the driveway plan on Five Mile is temporary. Why in heaven's name would this be a temporary driveway? The only reason I can think of is that this is only the first phase of the
project, and the nearly 100-year old house existing there will be razed and more apartments built since the hurdling of zoning will be already accomplished.

As it is, the driveway is only 287 feet north of the intersection that sees up to 10-minute backups. To recommend a modification of the policy to accommodate the developer just because there isn't another option is outrageous. The project is not suited for this site.

Please, I beseech you, do not allow this change in zoning that will impact our neighborhood negatively. Those of us who invested in making Boise a great place to live deserve more consideration than to rubber stamp more uncontrolled growth in a valley that has very limited resources as it is.

THE CLERK: Time.

MARE HUMESTON: And I do have this if you would like.

CHAIRMAN STEAD: We can't accept that up here now. I'm sorry for that.

MARE HUMESTON: Okay. Do you want the file, the diagram or --

CHAIRMAN STEAD: We can't accept -- we can't receive new information, new handouts after the cut-out date.

MARE HUMESTON: Okay. I would suggest then
that you please let people know the file formats that you need.

CHAIRMAN STEAD: Thank you. Thank you, Ms. Humeston.

So next we have Gertrude Hudson followed by Jim Hudson.

GERTRUDE HUDSON: I would like to introduce myself. I am Gertrude Hudson. My husband and I, my husband Jim and I have been living in the Hickory Subdivision just north of this proposed development for the last 32 years. We built our own home and I designed three homes in that area. I'm an architect and residential designer.

I am concerned about a few things. One, of course, is the traffic that would be generated; vehicular, pedestrian, bicycles, baby strollers, you name it, a great deal more traffic of all kinds added to the already heavy traffic on Five Mile in that busy intersection.

Number 2, I'm concerned about the children. They have no safe place to play in this development, that I can see, and I think there is an accident waiting to happen on the roadway or in the development with all of the cars that are going to be parked there and moving within the development.
Number 3, I think there is a quality of life issue. Families will have no private outdoor spaces. No one will be able to sit under the shade of their own tree. And I want to know where the trees are in this City of Trees.

Number 4, I'm concerned about the impact on the existing neighbors; increased traffic, noise pollution, invasion of privacy, for the people on the west side especially, and a drop in their property values.

Number 5, I believe that any new development within our city should be an asset to the neighborhood and should enhance the lives of its residents, should be compatible with the surrounding area. This development does not fill these requirements, in my mind. And with my experience, I think this project is a bad idea. Thank you.

CHAIRMAN STEAD: Thank you, Ms. Hudson.

Jim Hudson, you are up next. Please start with your name and address.

JIM HUDSON: I'm the other half of the lady that just talked to you. Jim Hudson, 5038 North Leather Place.

I'm not -- I have two concerns looking at the map, and one of them is that ditch that runs through. I
haven't seen anything that says it's going to be buried or -- because it's now an open ditch, and that would be disastrous for that many families. But I'm assuming that it would be covered, would have to be covered in order to carry out any kind of residences built there. The other is, when you have got that many people and they are all rentals, then you have housing problems all the time with rentals, because the person who owns the house and is responsible for its upkeep isn't there.

I have a proposal. My wife has a degree in residential design with solar application, and she is aware of the housing crisis that we have in Boise, and especially with the mayor saying that one of the things she wants to accomplish is affordable housing.

And so Gertrude has taken up this as a personal little project to see if she could do something to help this. And so she has designed several small houses. She did one for a man that is developing houses up in McCall, and it was a 400-square foot house, which is adequate for a family.

But she has designed seven or maybe eight houses that would go in the place of those 15 houses, and each person then -- each family would have a house and have property to care for. And she would be happy
to help the developer design houses of about 700 square foot with a loft on it if they decide to build on the property and not have that type of housing.

THE CLERK: Time.

CHAIRMAN STEAD: Thank you, Mr. Hudson.

Next is Ann West followed by Rick Visser.

ANN WEST: Hi, my name is Ann West. I live at 4815 North Farrow Street. We built our home on the corner of the Hickories.

I want to thank you for allowing us who will be impacted by the proposed rezoning and development plan on Five Mile and McMillan Roads an opportunity to present our concerns and be heard.

Though this meeting was scheduled for last week and I had prior commitments, I was unable to attend, I am thankful that a neighbor informed me of the reschedule. However, I am disappointed that this reschedule seemed to be swept under the rug and was not posted as before on the building site. I saw numerous people stopping along the road and checking out the proposed meeting and the plans.

I do have three major concerns. First off, I live two blocks away on McMillan Road and am very concerned with traffic congestion currently and very alarmed that we could have another 15 to 45 additional
vehicles added to this intersection three times a day
during peak commuting hours, and it could be even more
like 60 cars a day.

Currently traffic exiting east and west off of
Chinden, or Highway 26/Highway 20 Boulevard, it backs up
from Chinden all the way to McMillan during these heavy
traffic times.

At Chinden there are four lanes where traffic
funnels down into Five Mile. There is no additional
room, and this will add more traffic delays even to the
south of McMillan Road onto Ustick as well, as traffic
coming up that way is very heavy.

Earlier it sounded like there was going to be
a road change maybe 1 to 4 years down the road, but are
we not putting the cart before the horse here? If there
is two bus stops, I don't see very many people using the
buses currently at Five Mile and Farrow area.

Secondly, if the developer wants to add
apartments to the single-family homes in the area, I
would be more in favor of townhomes or condos that would
bring long-term ownership rather than apartments that
often have temporary high turnovers and maybe even more
crimes, rather than home ownership.

Third of all, most importantly, is the current
road layout with two lanes, traffic going north and
south and east to west of this intersection does not allow for this increase in traffic. There is no turn lane for residents in the proposed area going, pulling into or out of that new proposed area.

Homeowners currently in the subdivision areas have to enter onto Five Mile, have to go through the subdivisions or go to McMillan just to get to the intersection to be able to turn, because exiting the Hickory Subdivision onto Five Mile there is heavy delays with no stoplights there.

So again, we have bike lanes that we have to address --

THE CLERK: Time.

ANN WEST: Thank you.

CHAIRMAN STEAD: Thank you, Ms. West.

Next is Rick Visser.

RICK VISSER: Good evening, Madam Chair, and members of the Planning and Zoning Commission. My name is Rick Visser. I reside at 12080 West Hickory Drive, 83713, and I have lived in this home with my family for over 30 years.

I have heard several good testimonies tonight, and I agree with those. These neighbors of mine have presented factual information on what would happen if this Conditional Permit Use was approved.
However, I'm going to add to that and supplement it by providing some Idaho law that I believe is so pertinent to this matter.

As a practicing attorney for over 30 years, I have had several times to focus on developments and other matters. What I would like to share with you is the Idaho Land Use Planning Act, specifically the purpose, which is found in Idaho Code 67-6502. It says in part: "The purpose of this Act shall be -- that is mandatory -- "to promote the health, safety, and general welfare of the people of the state of Idaho as follows:"

Going down to subpart g, it says that "it is to avoid the undue concentration of population and overcrowding of the land." I believe this would be a prime example of overcrowding being detrimental to the safety of our people.

It is also to ensure that the development of the land is commensurate with the physical characteristics of the land. Which is what is available today is just a triangle that is not commensurate with the surrounding properties or the homeowners out there. It is a departure from the established area.

I also fail to hear anything regarding schools. The local Land Use Planning Act directs us, directs you, and directs the City Council to allow the
school districts to participate in the community planning and the development process so as to address public school needs and impacts on an ongoing basis.

We know that the schools are crowded, we know they are at capacity, and that is pertinent to any development that is beyond R-1.

I also want to focus on a long-established Idaho Supreme Court case. It's called "Bone versus The City of Lewiston," and it directs the people of Idaho, City Planners, that a comprehensive plan is merely a general guide. It is not something that has to be adhered to. The zoning ordinances need to be adhered to and so does this law from the local Land Use Planning Act.

I urge this committee to deny this Conditional Use Permit, as it does not promote the health, safety, and general welfare of our neighborhood who are all people of the state of Idaho. Thank you.

CHAIRMAN STEAD: Thank you, Mr. Visser.

So that's it for the sign-up sheet. Is there anybody else here that would like to testify on item No. 1 who did not sign up?

Please come on forward. Please remember to fill out one of the white sheets up there and start with your name and address. You have 3 minutes.
PATRICK SPOUTZ: My name is Patrick Spoutz. I live at 912 West Brumback in Boise. I think this is a fine project and, as the City staff said, consistent with our Comprehensive Plan. It's the kind of smart infill that allows for more housing options for people that may not be able to afford a traditional single-detached family home.

I also want to go on the record and say I disagree with the notion that renters are worse neighbors or in any way unworthy compared to owner-occupied housing, and I would be really disappointed if the City codified that in their decisions and policies.

Renters are wonderful parts of our community today, and I think we should welcome them.

With the rising price of housing in the City, we have a duty to provide more housing options for people who want to join our city, and as a result I support this project. Thank you.

CHAIRMAN STEAD: Thank you.

Is there anybody else who would like to testify on item No. 1?

Please come forward.

BRENDA OSTERHOUT: Hi, my name is Brenda Osterhout. I live in the Greyloch Subdivision, which is
just very close -- we access McMillan Street.

CHAIRMAN STEAD: Can you share your address, please.

BRENDA OSTERHOUT: Oh, yes. 10361 West Burntwood Court.

CHAIRMAN STEAD: Thank you.

BRENDA OSTERHOUT: I am the president of our homeowners association. There are 49 houses in there. Everyone that I have talked to is very opposed to this. To introduce rentals this close, I think all the speakers have really hit the nail on the head with what they have pointed out. I very, very much oppose the subdivision.

CHAIRMAN STEAD: Thank you. Please complete one of those white slips that are up there, and you can bring that up to us up here or staff.

BRENDA OSTERHOUT: Okay.

CHAIRMAN STEAD: Thank you.

Anybody else that is looking to testify on item No. 1? Okay, seeing none, we will invite the Applicant up for a 5-minute rebuttal.

REBUTTAL

KENT BROWN: Again, for the record, Kent Brown, 3161 East Springwood.

I believe a majority of the comments had to do
with traffic and apparently our use, too.

It's very interesting, we have an existing L-OD zone that staff spoke to, allows up to 43 units per acre. We are not trying to exceed that. There was a discussion of overcrowding. We are not seeking that 43 units per acre of that existing zone. We are trying to put something that is reasonable in there.

It's kind of difficult to do with that existing Zinger Lateral that we are tiling through the site. I believe that that is probably the reason why this L-OD site that has been here for quite a period of time hasn't had any other uses that would be similar to that are allowed in the L-OD zone. An office, or so forth, any of those types of uses, even what would be considered a small retail, would not be allowed because of trying to deal with the location of the Zinger Lateral.

We have tried to preserve and want to keep that 100-year home that is there. We believe that it's an asset. My clients don't want it to disappear, want it to be on that site, see value in that existing home. But it also does something to provide privacy for that seven-plex that is behind them.

They all have backyards. They have private patios that are against what would be the Zinger
Lateral. The units that face, the four-plexes that face McMillan, that's kind of one of the things that the City likes is a street presence that's out there. But they also have the front of the unit where there is some privacy there.

Traffic, we only have one location, because this property is so close to the intersection, that the driveway can go. And yes, the ACHD report says that in the future that that might end up being a right-in/right-out.

I have that same experience. I live next to St. Luke's Meridian, and ITD came through and eliminated my full access, and I have to loop around and do different things to get into my neighborhood. And that's what these people that will be here, whether they were renters or landowners, they would have to do the same thing. And we believe that this is a quality development and have tried to do something that will be really nice.

The discussion about renters, but you still have a landlord that owns the property and wants to maintain his asset and keep value there.

That is all I have in rebuttal.

CHAIRMAN STEAD: Thank you.

So we will close the public part of the
hearing now, and the item is before the Commission.

MOTIONS

COMMISSIONER FINFROCK: Madam Chair.

CHAIRMAN STEAD: Commissioner Finfrock.

COMMISSIONER FINFROCK: I move to approve PUD 19-42 along with the recommended and standard conditions of approval.

COMMISSIONER GILLESPIE: Second.

CHAIRMAN STEAD: Second by Commissioner Gillespie.

Is there a discussion?

Commissioner Finfrock?

COMMISSIONER FINFROCK: Madam Chair, my initial concern was that the site is large enough to accommodate the proposed use. But with the two amenities being provided, including the private open spaces referenced in the staff report, I feel like the development code standard for amenities has been met, as well as the condition of complying with the ACHD requirements so that it doesn't place a burden on transportation.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Just a couple of things I'm thinking about, and based on the really good
public testimony that we did hear. So several members
talked about a rezone or that we are somehow issuing a
permit that these folks, the owner, didn't sort of
already have some entitlement to, and that's really not
the case. This is not a rezone; it's L-0D. The zoning
requirements say that they could put up to 45 units on
this property. So at 15 we are well within the zone.
So I don't really have any concerns about that.

Second, it is in the neighborhood activity
center, and that means a lot in the City. It's clearly
and specifically called out in the Comp Plan as an area
where we are trying to encourage denser development.
They are built to be along transit corridors. The basic
idea is we need to add rooftops along the transit
corridors so we can drive ridership and improve those
systems.

So basically the City Council has made a
policy determination that they want density in places
like this because they feel otherwise it's going to be
10 miles to the west and all those cars are going to
come by anyway. So that's the City Council's view and
that's what we are here to implement.

Specifically with respect to traffic, so we
have an ACHD report, it's very technical, nobody
contested that report. It specifically says that there
will be 9 additional trips during the p.m. peak hour,
and that is 2 percent, a little less than 2 percent of
the current 463 trips during the p.m. peak hour
currently on Five Mile. So I agree with the staff that
traffic impact is minimal.

    And then finally, as I said in my question,
this Commissioner, I don't consider the renter versus
owner issue because it's not in the City Code, it's not
in the Comp Plan, and I think it raises substantial
equity issues when we do that. So I'll decline to do
that, and I'll strongly support the motion.

    COMMISSIONER STEVENS: Madam Chair.
CHAIRMAN STEAD: Commissioner Stevens.

    COMMISSIONER STEVENS: I'll add in a few
comments, too. I'll be supporting the motion.

    A couple of things regarding the ACHD report
and also our City Code and our Comp Plan as well. I
think it's important to understand that we have a job up
here not to be arbitrary and capricious, and this
application meets the letter of our law, of our zoning
ordinance.

    So, for instance, just taking the parking, for
instance, there is a requirement for 19 spots. This is
a proposal that is giving this development 32 spots.
For us as a Commission to then go in and say that's not
enough would be an arbitrary and capricious decision. So that's not something I'm comfortable doing, and I feel it's very clear that this Applicant, with regard to that particular item, meets the letter of the code.

With regard to ACHD and the idea from a few members of the public, who, by the way, I think did give us some great testimony, but some of them had ideas about requiring no parking zones, requiring right-in/right-out now. I am not usually one to be up here in support or give kudos to ACHD, but I will say that when those requirements — when situations and circumstances demand those kind of requirements, ACHD is there doing them.

We have several applications tonight that are good examples of that. And so I am confident that with the reservation to do those things, we'll have a -- they will be staying on top of it, and if it becomes untenable, they will make those demands on this application.

I also just want to weigh in on the renter versus owner. And I'll second what Commissioner Gillespie said with regard to equity. We hear this a lot, especially lately. In the last 5 years, obviously, we see more multi-family proposals in front of us than we ever have in the many years I've been up here doing
this. And, you know, I would implore our citizenry to be a little more open minded to the people.

I was going to play a little trick tonight and ask for hands, a show of hands, of anybody in this room who has never rented. I'm not going to do that. Okay, maybe there are a couple. I guarantee that there aren't going to be very many.

And so I think it's really important that we support people in this community who don't have the same vision of what maybe some of you in this room do, that having a yard and a single-family home to take care of is the dream. Some people don't want that, and also some people can't have it. And so I really have a problem when citizens come up and use that as a reason why a development can't go in. I strongly oppose that viewpoint, and I will never vote on behalf of anything along those lines.

And then I'm glad Commissioner Gillespie said what he said about the rezone because I think that's an important point to put on the record.

So I'll be supporting the motion.

JAMES B. SMITH: A legal point of order, Madam Chair.

CHAIRMAN STEAD: Yes, James.

JAMES B. SMITH: I would just like to clarify
the record for purposes of the Commission's further deliberations, that the Commission certainly may consider parking impacts and parking effects beyond any compliance with the minimums, for parking minimums that would be required out of the code for this project.

CHAIRMAN STEAD: Thank you.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: I'll go ahead and clarify my comments.

Thank you, legal, James, you are exactly right of course. And I guess my point is that we didn't just meet the minimum on this particular one, but we have well exceeded it, from 18 to 32. So I feel comfortable that the parking impacts have been met, have been mitigated.

CHAIRMAN STEAD: Any further discussion?

Okay. Will the clerk please call.

ROLL CALL

THE CLERK: Gillespie.

COMMISSIONER GILLESPIE: Aye.

THE CLERK: Stead.

COMMISSIONER STEAD: Aye.

THE CLERK: Stevens.

COMMISSIONER STEVENS: Aye.
THE CLERK: Finfrock.

COMMISSIONER FINFROCK: Aye.

THE CLERK: All in favor. Motion carries.

(End transcription at 55:54 at audio file.)

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3. **PUD19-00045 / Fussy Hussy**
   4916 W State St
   Conditional use permit for a mixed used planned development comprised of a single family dwelling and an approximately 1,580 square foot retail building on 0.98 acres located in a PC (Pedestrian Commercial) zone. Nicolette Womack

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<td>MOVER:</td>
<td>Milt Gillespie, Commissioner</td>
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<td>SECONDER:</td>
<td>Jennifer Stevens, Commissioner</td>
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<td>AYES:</td>
<td>Jennifer Stevens, Milt Gillespie, Janelle Finfrock, Meredith Stead</td>
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<td>ABSTAIN:</td>
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**ALL IN FAVOR, MOTION CARRIED**
PUD00045 / Fussy Hussy

CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: 

PUD19-00045/ FUSSY HUSSY 

4916 W. State Street 

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TRANSCRIPT OF RECORDED PUBLIC HEARING 

MONDAY, FEBRUARY 10, 2020 

COMMISSIONERS PRESENT: 

MEREDITH STEAD, CHAIR 

JANELLE FINFROCK 

MILT GILLESPIE 

JENNIFER STEVENS 

BEN ZUCKERMAN, STUDENT COMMISSIONER 

TRANSCRIBED BY: 

BEVERLY A. BENJAMIN, CSR No. 710 

Notary Public
(Begin transcription at 56:39 of audio file.)

INTRODUCTION

CHAIRMAN STEAD: Okay. Next is item No. 3, PUD 19-45. Applicant is Fussy Hussy at 4916 West State Street. It's a conditional use permit for a mixed-used planned development.

COMMISSIONER GILLESPIE: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Madam Chairman, why don't we just pause for just a minute or two, let everyone resettle.

(Pause.)

CHAIRMAN STEAD: First up we will hear from staff and Ms. Womack.

NICOLETTE WOMACK: Madam Chair, Commissioners, the next item on tonight's agenda is a conditional use permit for a mixed-used PUD comprised of a single-family dwelling and a 1500 square foot retail building on 0.98 acres at 4916 West State Street in a PC zone.

For context, the property is located near the intersection of State Street and Collister Drive. Existing on the site is a single-family home which has begun conversion to a retail store as well as a garage which has been converted to a single-family home.

A condition of approval will require the Applicant obtain all necessary construction permits for
the conversion of both structures to be reviewed concurrently. This will ensure no adverse impacts to other properties and protect the public health, safety, and welfare of future occupants of these structures.

Additional site improvements will include paving the required parking spaces, and the condition will require providing street trees in the fronts and back area. The Commission also requires cross-access be granted upon further redevelopment of the adjacent properties.

These conditions of approval will bring the project into compliance with the standards of the PC zone and PUD standards. Overall the project is supported by the Comprehensive Plan, as it provides pedestrian-oriented mixed-use development along State Street where sufficient infrastructure exists and small scale retail that will complement existing services.

Some neighbor concerns we received and included in the late correspondence packet, they are here tonight and can elaborate on their concerns.

Specifically the neighbor to the east was concerned about the lack of fencing in between their property and the subject property. The Applicant has confirmed a wrought iron fence lines the majority of this property line shown in yellow. Only about 70 feet
remains unfenced.

   It's important to note that the front 40 feet of the site should remain open for landscaping and a future cross-access drive aisle, as required within the PC zone standards. It is at the Commission's discretion to add fencing improvements as a condition of approval.

   As such, the Planning Team recommends approval of the application with conditions. Thank you.

   CHAIRMAN STEAD: Thank you, Ms. Womack.

   Next we'll hear from the Applicant. Will 10 minutes be sufficient?

   KRISTIN COULTER: Madam Chair, Commissioners, my name is Kristin Coulter, North Ridge Architecture. I reside at 6426 North Hillsboro Place, Boise, Idaho 83703.

   As Ms. Womack outlined, we are seeking to switch uses at the front structure from residential to retail. And the structure located towards, more towards the back of the site off of State Street will come in compliance with City Code for a residential building.

   I think there has been a little bit of misconception about my client's intentions with the back structure. When she purchased the property, the structure was already being lived in; in fact, it was being lived in by 11 people. And there was already a
kitchen and bathroom in existence. And so I think there was some confusion about the fact that it was not actually a permitted residence.

And so now we are trying to take the steps to make that right, go through the building permit process and make sure that it's up to code and life safety measures are being met.

The Pedestrian Commercial Zoning looks for a combination of retail and residential uses, as Ms. Womack noted, which this application supports.

Optimally the three businesses that are located in that section of the street would support each other and help bring new customers to each other's businesses. Thank you.

CHAIRMAN STEAD: Thank you.

Is there anybody here representing the Collister Neighborhood Association?

If the Applicant can come, we'll have questions, we may have questions.

NEIGHBORHOOD ASSOCIATION

N/A.

CHAIRMAN STEAD: Seeing nobody from the Collister Neighborhood Association, does the Commission have any questions?

Sorry to make you come back up.
COMMISSIONER FINFROCK: Madam Chair.

CHAIRMAN STEAD: Commissioner Finfrock.

COMMISSIONER FINFROCK: I have a question for the Applicant.

CHAIRMAN STEAD: Okay. Go ahead, Commissioner Finfrock.

COMMISSIONER FINFROCK: Thank you. Will there be a landscape buffer to address the public comment concerns?

KRISTIN COULTER: On which side of the property?

COMMISSIONER FINFROCK: I believe, based on comments, it was the side bordering the other properties.

KRISTIN COULTER: On the east side there will be a 2-foot landscape buffer in between the driveway and the existing fence.

COMMISSIONER FINFROCK: What about the other side of the property?

KRISTIN COULTER: On the other side of the property there is a 10-foot setback, which has already been landscaped, and we don't plan on encroaching upon that space.

COMMISSIONER FINFROCK: Thank you.

CHAIRMAN STEAD: Any other questions for the
Commission?

Thank you.

I'll now go to the sign-up sheet. And we have Leslie Fieselman followed by Jack Fieselman and then Doris Irish. So if you can all please come forward, maybe, so we can keep it moving through.

PUBLIC TESTIMONY

CHAIRMAN STEAD: Please start with your name and address.

LESLIE FIESELMAN: I am Leslie Fieselman. My residence is at 267 Mango Drive in Eagle, Idaho. I am one of the owner-partners of Enchanting Objects. We are in the east side of the Applicant's property.

We are in our 14th year of business as tenants on that property. And the property owners, who are out of the country, asked us to please come and represent them here this evening. I know they've submitted a written statement to you, and I'll quickly address some of their concerns that are also ours.

The Applicant has a history of continuous and persistent encroachment across our property line. Both we and the property owners have asked multiple times to please cease and desist. The landlords had to finally involve Boise PD and the City of Boise to come onto her property to ask her to please remove her possessions,
plant materials, and equipment and please cease encroachment.

Unfortunately, it continues to date and will no doubt continue unless a visible and physical barrier is installed.

In addition, as the Applicant further develops the property and with the planned addition of tenants in the back, we feel a privacy fence is an absolute necessity.

We support the property owners' request that the Applicant be required to install a privacy fence on or inside her property line from pin to pin taking into account easement and vision restrictions at the front of the property. We respectfully request that this be considered a requirement for approval of the Conditional Use Permit.

In addition, in terms of the existing fence the Applicant has stated is in existence, my husband will be addressing that in his presentation. But to note, it is 4-1/2 feet inside our property line at this point.

Thank you for your time.

CHAIRMAN STEAD: Thank you, Ms. Fieselman.

Mr. Fieselman.

JACK FIESELMAN: Hi, my name is Jack
Fieselman. I live at 267 Mango Drive in Eagle, Idaho. I'm the married labor to the partner that just talked.

I just wanted to bring up the point on the -- regarding the fence. Sorry, I'll speak loud. Regarding the comment that there is an existing fence on the property. Currently there is no permanent fencing on the side of the property. There is a property line and there is a temporary garden fence.

We have more pictures of what that fence looks like from the front. So this is the temporary fence that sits -- it's a little further back than -- it's almost 12 feet back from the existing property line. The existing property line is where the grass ends and the dirt is. And it is just wrought iron panels that are held up with PVC pipe and conduit. It was a temporary fence to keep the neighbors' dogs from the property.

As I can attest to, Saturday we had one in the yard. He's a great dog, but the fence isn't that great, and it does not travel the whole distance. So I'll show you further. The one line showed -- this is from the front of the property standing at State Street looking back.

Some of the encroachment issues that have occurred over time are the filling in of a drainage
ditch that drained the parking lot in front of the
Enchanting Objects place. It now causes pooling and
stuff in the parking lot. And also there has been trees
cut down and trees planted on the property by the
Applicant.

When you get towards to the rear of the
property, past the wrought iron fences, there is some
hog wire. That hog wire is just -- again, it was a
temporary fence. It curls way inside on the property.
It's not on the property line. You can see where the
property line is on that, as well as some of the
equipment that the landlords told you was still on the
property and in the space.

And this fencing is also literally just a roll
of wire that was stretched out by some gentleman to try
to keep dogs out of the space. So this is from the back
of the property looking towards State Street.

And we would just like to attest that a
private fence be installed, the same as it is on the
west side of the property currently, as you can see
there, and as it is further down on State Street on
other properties that have been installed towards State
Street.

Any questions?

CHAIRMAN STEAD: Not at this time.
JACK FIESELMAN: Thank you very much.

CHAIRMAN STEAD: Thank you, Mr. Fieselman.

Ms. Irish.

DORIS IRISH: Hello, I'm Doris Irish. I live at 4955 West South Slope Road in Emmett, Idaho. However, my property is located west of the Applicant's property at 4920 West State Street.

As of now I do approve, I agree that this is something that can happen. My concern is that the Applicant to date has continued to run her business, as of right now, without meeting any of the required code for Boise City, which I also had to meet, which took me about 12 months and a lot of money to get done when I converted my residential property into Pedestrian Commercial. I would like to see that she has to follow the same rules so that we all have a consistent base for Boise City Code.

I'm concerned about the pedestrian safety for my business. When you, Boise City, approved my project, I had to have a drop of a 2-foot fence in the front of my property for pedestrian crossing so you could see when you are pulling out of the drive to get onto State Street.

And right now the fence does drop down 2 feet, but since she's taken over the property, the landscaping
has been planted, and now it exceeds the 2 feet mark so we can't see when people are coming down the sidewalk to get out. So it's very dangerous.

We have asked her several times to keep her things on her property. The good thing for me is I have a fenced area so I haven't had as much problem with it, just mostly the landscaping issue.

We have had some issues with well and septic and sewer concerns because there is a camper in the back of her property and there are people living in it. Someone is living in the barn. Someone is living in the house, and until recently I don't even think it was hooked to city sewer.

So my concern was we have three people using one septic system, which I think since has been vacated, but there is still someone living in the camper and in the barn. So I don't know where the sewer is going and the wastewater from the person in the camper.

So I just feel that it's a concern that she is required to meet the same requirements as everyone else according to Boise City Code.

Do you guys have any questions?

CHAIRMAN STEAD: Not at this time. Thank you, Ms. Irish.

That's it for the sign-up sheet. Are there
any who did not sign up but would like to testify on
this item?

    Okay. Seeing none, I'll invite the Applicant
back up for a 5-minute rebuttal.

REBUTTAL

    KRISTIN COULTER: I just wanted to address the
issue of the fence and the statement that it was
temporary. All along their side of the property, and
I'm sorry, this is to the east, there are different
methods of fencing. But as you can tell from some of
these photos, it's extremely overgrown. It's been there
for quite a long time, most likely prior to my client
even being on the property.

    When we held our neighborhood meeting, the
idea of a fence did come up, but it was more in
conjunction to construction timing, if we were going to
put in our driveway first. And then at the time the
owner to the east was talking about themselves
installing a fence.

    And so when this issue of the fencing was
raised on Friday afternoon, at least that's when I was
made aware of it, it kind of came across as something
that the neighboring property has wanted but did not
want to pay for. And this is now kind of coming up as a
chance for a free fence for them. So I just wanted to
make the Commission aware of that.

    Any questions?

CHAIRMAN STEAD: Thank you. Not at this time.

Thank you.

So we will close this portion of the hearing now and the item is before the Commission.

MOTIONS

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Move that we approve PUD 19-45 with all the conditions in the staff report.

COMMISSIONER STEVENS: Second.

CHAIRMAN STEAD: Second by Commissioner Stevens.

Is there a discussion?

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So I think we are all in agreement here that the PUD is a step in the right direction on this property.

    I think the only thing on my mind is do we add a condition, can we add a condition that requires a fence. And normally we would do that if there were concerns about privacy or some issue related to the site itself or the buildings that were proposed.
But here I just didn't hear that. And so at this time -- although I would be interested in your views, I just didn't hear a reason to require a fence. I heard a lot of essentially disputes about dogs and where landscaping is and encroachments, but I'm not sure that those rise to the level of this Commission having to require a fence on a PUD. So that's where I'm at right now.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: I'll just add that that was my same impression of the testimony tonight, is that these are private property issues that don't rise to the level of the Commission being involved and making a fence a requirement of what is essentially a land use question. So I'll be supporting the motion.

CHAIRMAN STEAD: Any further discussion?

No?

Okay. Can we please vote.

ROLL CALL

THE CLERK: Gillespie.

COMMISSIONER GILLESPIE: Aye.

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.

THE CLERK: Stevens.
COMMISSIONER STEVENS: Aye.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: Aye.

THE CLERK: All in favor. Motion carries.

(End transcription at 1:15:00 at audio file.)

-oOo-
4. **PUD19-00043 / Southpoint LLC**  
10983 W Overland Rd  
Modification to a previous approved conditional use permit for the site design and circulation on 13.7 acres, and include a planned residential development comprised of 36 detached single-family homes on 4.03 acres located in a L-OD (Limited Office with Design Review) zone. David Moser  

**SUB19-00076 / Southpoint Cottages**  
10983 W Overland Rd  
Preliminary plat for a residential subdivision comprised of 36 buildable and 7 common lots on 4.03 acres located in a L-OD (Limited Office with Design Review) zone. David Moser  

| RESULT:   | APPROVED [3 TO 1]          |
| First Motion: | Commissioner Finfrock moved to deny. Commissioner Zuckerman second. Motion failed. |
| Second Motion: | Commissioner Stevens moved to approve. Commissioner Gillespie second. Motion passed. |
| MOVER:     | Milt Gillespie, Commissioner |
| SECONDER:  | Jennifer Stevens, Commissioner |
| AYES:      | Jennifer Stevens, Milt Gillespie, Meredith Stead |
| NAYES:     | Janelle Finfrock, |
| ABSTAIN:   | Ben Zuckerman |
| ABSENT:    | Jim Bratnober, Bob Schafer |

**MAJORITY APPROVAL, MOTION CARRIED.**
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE:                                  )
PUD19-00043 / SOUTHPOINT LLC            )
and                                   )
SUB19-00076 / SOUTHPOINT COTTAGES      )
10983 West Overland Road              )
_____________________________________ )

TRANSCRIPT OF RECORDED PUBLIC HEARING
MONDAY, FEBRUARY 10, 2020

COMMISSIONERS PRESENT:
MEREDITH STEAD, CHAIR
JENNIFER STEVENS
MILT GILLESPIE
JANELLE FINFROCK
BEN ZUCKERMAN, STUDENT COMMISSIONER

TRANSCRIBED BY:
VICTORIA HILLES
INTRODUCTION

CHAIRMAN STEAD: Thank you.

Okay. Moving on to Item No. 4.

Can everybody please sit down, and stop talking.

COMMISSIONER GILLESPIE: Okay, you guys in the back.

CHAIRMAN STEAD: Thank you.

COMMISSIONER GILLESPIE: We see you.

CHAIRMAN STEAD: We're starting again.

COMMISSIONER GILLESPIE: Starting.

CHAIRMAN STEAD: Okay. We're on to Item No. 4, which is the PUD19-43, Southpoint LLC. It's at 10983 West Overland Road. This is a modification to a previous approved conditional-use permit. Also, SUB19-76, Southpoint Cottages, at the same address, a preliminary plat for residential subdivision.

We can now hear from staff, please.

DAVID MOSER: Thank you, Madam Chair, members of the Commission.

Before you is a modification of a previously approved conditional-use permit for a commercial planned development on 13.7 acres.
The overall site is, basically, this triangle-shaped parcel, outlined in the black-dotted line.

The modification includes an adjustment of the site design with respect to the vehicle circulation of the overall project and the addition of a 36-unit planned residential development on the four acres of the site located at the southeast corner of the subject property. The subject property is primarily zoned L-0 with a small portion of commercial up in the northeast corner along Overland Road.

As you can see from the vicinity map, the property is located along Overland Road, and adjacent to the south is a Community Activity Center, centered on or at the intersection of Overland and Five Mile Road. Also, Fivemile Creek extends along the south property boundary, and it separates the project from the residential neighborhood to the south.

As stated before, there are two modifications being requested by the Applicant. The first modification includes relocating the service drive on Parcel 65, 66, and 67, and removing the traffic circle.

Back in 2015, the main service drive was
approved at this location; and in 2015, a variance from the Floodway Standards was granted. The Applicant is relocating the service drive to the north and out of the floodway. By doing so, there's no longer a four-way intersection here, so the traffic circle's no longer required. The Planning Team is in support of this since it relocates this service drive out of the floodway, and it brings it more into compliance with our code.

Finally, I would note that the improvements associated with the planned residential development are located outside of the floodway, and the project will comply with all the Floodplain Standards since the majority of the site is located within the 100-Year floodplain.

In addition to the drive aisle relocation, the Applicant is proposing a 36-unit plan or planned residential development comprised of detached, single-family homes. This development will replace two large office buildings and parking lots.

With the PUD, the Applicant is requesting reduced lot sizes and dimensions. The lot sizes will average about 2,000 or 2,100 square feet,
and the lot widths will be 22 feet. The proposed homes are two story and about 900 square feet in size. The houses will front onto the open space areas, marked in green on the map, on the site plan, which have walking paths going through the middle of them. Reduced interior side and rear setbacks of 3 feet are also requested. However, all the perimeter setbacks will be met.

Each house will provide two parking spaces within a one-car garage and a parking pad adjacent to the garage. They will take access off the service drive here and here, and the service drives will essentially function as alleys. Guest parking will be located along the south service drive adjacent to Fivemile Creek here.

The project design will provide pedestrian connectivity that ties into the overall commercial development and the surrounding neighborhood. To enhance this connectivity, the Planning Team recommends sidewalks be installed along the west and north property, adjacent to the open space and homes and crosswalks shall be provided to the north and to the south. Essentially, the Planning Team recommends sidewalks be installed where these areas are marked on the map.
These show the sidewalk connections to the north, which would connect ultimately into the commercial development, as it occurs in the future, and then to the south so the walking paths can connect into this existing walking path along Fivemile Creek.

In addition, there is a condition of approval that would require the Applicant to provide cross-access with the property to the east at such time that property redevelops.

The Applicant has expressed some concern with the sidewalks being proposed and would like to remove the section of sidewalk right here, the reason being since they already have a walking path that provides this connectivity through the development and the sidewalk isn't required, according to them, and by doing so, they can also preserve some of the landscaping that they're proposing. The Planning Team has some concerns with this in the sense that having the sidewalk along the service drive creates more of a public feel to the sidewalk, whereas forcing the traffic or the pedestrian walking through the development doesn't have that public feel and it goes right directly against the front yards and front doors of these homes.
The Planning Team did receive several letters of opposition to this from the neighbors and the HOA to the south and the Southwest Ada County Alliance in regards to the planned residential development. Their concerns were generally focused on compatibility, density, project design, and traffic.

I will quickly try to address these concerns, and I would note that the residential project is compatible with the surrounding neighborhood. Higher residential density development is encouraged along transit corridors, such as Overland Road, which has a bus route, and adjacent to or within Community Activity Centers, which is directly adjacent to the east. The project also is comprised of detached, single-family homes, which is similar to the adjacent, detached, single-family neighborhood to the south. It is also separated from this neighborhood by a large, open area which contains Fivemile Creek.

The project design does comply with all the perimeter setbacks, the parking requirements, and provides the open space amenities as per code, which
include a playground area, walking paths, and direct
connection to the existing walking path along Fivemile
Creek.

According to ACHD, there is capacity along
Overland Road to support the project. And I would
note that, according to the Institute of
Transportation data, the two office
buildings that are being originally proposed would actually
generate more traffic than the 36 single-family homes
being proposed.

In conclusion, the Planning Team
recommends approval of the project since it complies
with all the required findings as per code. The
Commission makes final decision on the planned
development and the modification and makes
recommendation to City Council and the subdivision.

Thank you.

CHAIRMAN STEAD: Thank you, Mr. Moser.

We'll now hear from the Applicant.

JIM CONGER: Madam Chair, members of the
Commission, Jim Conger. 4824 West Fairview Avenue in Boise.

Thanks for letting me present tonight and
show you our Southpoint neighborhood.

Mr. Moser, as you can see tonight doing a
very well-detailed explanation, has been actually that helpful through the entire process of this land planning, utilizing this zone.

As you heard and as you can see in the staff report, we are a great, transitional project that will provide, really, the much-needed, high-density -- it's medium high-density; it's not high-density -- residential housing product in this Neighborhood Activity Center. These homes are a great use. There is not a lot of land left on this Overland transit corridor roadway. It is one good left -- area left that'll help feed this mixed-use of area. Our homes are going to be extremely walkable to the retail uses that exist in the pretty much built-out Five Mile and Overland transit area.

You know, kind of showing where we were with the Activity Center, of course, and as you saw earlier, the future office buildings that will actually front Overland Road, you know, our seller on these back two parcels, is working on getting the traction for the office components. These rear two parcels that we are coming in with the residential use, which is allowable in the L-O zone as you've seen earlier tonight, it is going to be the catalyst that helps him get his office buildings and,
you know -- off -- really, what's been for sale for
quite some time and hopefully get some synergy for the
balance of his office locations on Overland.

Again, we're not asking for a rezone with
this application; it's the L-O zone. As you said
earlier, it's property that allows for residential
uses up to 43.5 units per acre. This neighborhood
will be a great addition of what we like to call
as-affordable-as-possible housing in, you know -- for
the Boise city, specifically along this transit
corridor.

Southpoint -- quickly, talking
amenities -- we'll have a core, gathering, play area
in the neighborhood. It is important with housing of
this size to have good, outdoor, functional uses from
climbing rock boulder areas for smaller kids,
should they be there, or grandkids visiting, to
seating benches and things of that nature.

Now, our neighborhood has over 25 percent
open space, as well as -- we actually finished the
landscaping -- the City's Regional Pathways. You can
see, in the bottom part of my slide, the meandering
path is actually existing City Regional Pathway that
ties numerous other residential developments into the
mix of uses at Overland and Five Mile. We will help
make that a little more aesthetically pleasing, as
I'll probably show you those photos later.

I was going to talk about connectivity.

Mr. Moser hit that very well. We've miscommunicated
with Mr. Moser; we actually don't have an issue with
the additional sidewalk required in the staff report.
The more we looked at that, the more that made sense.
So we are not asking for any changes to the staff
report, specifically don't want to lessen the
sidewalk. So we actually show that, and that
will -- is already a condition of approval that we
will not be having an issue with.

You know, I think it's truly a perfect
in-fill location for additional homes
in the Boise area at this specific Neighborhood
Activity Center. We respectfully request that you
move to approve this project in accordance with the
staff report -- no modifications to the staff report.

And with that, I will stand for any
questions. Thank you.

CHAIRMAN STEAD: Thank you, Mr. Conger.

NEIGHBORHOOD ASSOCIATION

CHAIRMAN STEAD: Do we have a representative
from the Southwest Ada County Alliance Neighborhood
Association?
Please come up.

Please start with your name and address.

MARISE KEITH: My name is Marise Keith. I'm at 3279 South Cloverdale Road in Boise, 83709, and I'm the president of the Southwest Ada County Alliance Neighborhood Association.

To start with, I'd like to say what our association likes about this development. SWACA covers Boise city limits as far -- and then goes into the county as far as Columbia Road, and so we do appreciate that this is within city limits and will not be requiring new infrastructure as far as roads or sewer goes. It is next to a Neighborhood Activity Center. We're not taking up existing farmland, we're not tearing down existing houses or existing affordable houses to build this project, and we're not evicting or displacing any neighbors, so we do support that in this way.

Neighborhood concerns mostly deal with the traffic on Overland; the density of the project; the setbacks, particularly for site -- fire safety between houses; the character of the neighborhood, which will be a lot more modern than what is currently surrounding it; and then not having enough parking for the development and using the Fred Meyer's parking lot.
as overflow. As it is now, there are times when the
Fred Meyer's parking lot is fairly full. And I think
neighbors are concerned that the visitors, if they're
not able to park in the visitor parking, will use that
as kind of their overflow lot.

So with that -- let's see.

There were also concerns about the green
space requirement. I know that there is quite of bit
of this lot that is undevelopable because of the flood
zone, but neighbors are concerned that there are no
public parks, really, within walking distance. I
mean, you could walk to Peppermint Park, but you would
either have to go out along Overland or meander
through a very complex path of the neighbors to the
south.

We would like -- well, I know we'll be
keeping an eye on parking in this development once it
is developed, and if it is a concern as these other
parcels come before you to be developed -- if there is
a parking concern, we would ask that the developer
would find some sort of mitigation for that.

So the connection to Fred Meyer's parking
lot -- it sounds like when Fred Meyer's (sic) was
actually built, there was no cross-access agreement
required for that, but we would ask that that
condition be kept for this parcel so that, in some day, if Fred Meyer's (sic) does get torn down or is redeveloped into something else, that that cross-access can be connected at that time.

There are some -- the benefit -- well, I had talked to the developer's representative on Saturday afternoon when he called me, and he had said that he had tried -- he had been trying to get ahold of Fred Meyer's to see if they would be able to do -- come to some sort of agreement on cross-access. And I don't know if he has any updates for that, but I would be interested in hearing about that.

They did put sidewalk in, which was one of our requests, and we appreciate that.

And then the other concern that many of the neighbors had was the walking path right next to the canal. Right now, that's not a residential area. I mean, we do have people walking there constantly, but with a residential area right next to an open canal, the developer stated that there could not be any sort of fence within a flood zone. I don't know if that is true or not, but having children right next to an open canal is never a good idea. And so if a fence is able to be put in, we would ask that it be see-through, chain-link, or wrought iron to preserve
the look of the open space in that area.

And then the other neighbor concerns were that this zoning, when it came from the County and was annexed into the City that this use was not consistent with what they were promised at that time. So you probably will be hearing about that.

And I think that is all. I'll stand for questions.

CHAIRMAN STEAD: Thank you so much. If you can stay nearby, we'll take questions from the Commission if they have any.

COMMISSIONER FINFROCK: Madam Chair.

CHAIRMAN STEAD: Commissioner Finfrock.

COMMISSIONER FINFROCK: I had a question for staff.

The standard residential lot size requirement for L-O zone is 5,000 square feet; is that correct?

DAVID MOSER: Madam Chair, members of the Commission, that is correct.

COMMISSIONER FINFROCK: But this application or this applicant is requesting a waiver to almost half that size. Is that...

DAVID MOSER: Madam Chair, members of the
Commission, through the PUD, they can request reduced lot sizes, so they have requested a reduced lot size of 2,100 square feet per lot on average.

COMMISSIONER FINFROCK: Okay. Thank you.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So just to follow up on Commissioner Finfrock's point or question is -- so what is the City's rationale for why we should deviate from the zone requirements in this particular location with respect to both lot size and interior setback?

DAVID MOSER: Madam Chair, members of the Commission, the rationale for the reduced lot size and width through this PUD is to basically facilitate the design as seen, which is detached, single-family homes and to get the density that we want on these types of detached home projects.

The homes, as proposed, are compatible with the surrounding area. It provides all the required buffering between it and the adjacent properties so it meets all the perimeter setbacks, and it's consistent with the design that we'd like to see in this area, so we were supportive of their request. And it's been approved in -- or it's been used in -- on other
similar types of projects throughout the city, and it's worked well.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: I wanted to ask a couple questions about the Fivemile Creek.

So can you just tell me -- I can't tell from our packet whether or not there is any fencing on the south side between the existing single-family homes and the creek at this time.

DAVID MOSER: Madam Chair, members of the Commission, I believe there is fencing on the south side of the creek along the back of the homes and the existing subdivision, but there is nothing on subject property, and fencing within the floodway would be prohibited. The only thing allowed in floodway is public infrastructure.

COMMISSIONER STEVENS: And so I'll follow up, if I could, Madam Chair.

With -- so then the fencing that is in the subdivision to the south must be outside the floodplain; is that correct?

DAVID MOSER: Madam Chair, members of the Commission, I would assume so.

COMMISSIONER STEVENS: Okay. And then I guess
I'll -- if I can continue this line of questioning. So with regard to the fence on the north side on the property, the subject property that we're talking about tonight, obviously, there's no recommendation for a fence at this time.

Is it primarily because most of this or a lot of this is in the floodplain, or are there other reasons that staff would recommend against putting a fence there?

DAVID MOSER: Madam Chair, members of the Commission, we recommend against putting a fence along Fivemile Creek primarily because the floodway runs right up almost to the service drive. The service drive is out of it, so any fence along there would be in the floodway.

We're trying to prevent -- or trying to promote connectivity, pedestrian connectivity and bicycle connectivity, with the site and the existing walking path that's in the -- that runs along the Fivemile Creek that's in the floodway. Putting in that fence would interfere with that pedestrian connectivity. So for those two reasons, we recommend not to do that.

COMMISSIONER STEVENS: Great.

COMMISSIONER ZUCKERMAN: Madam Chair.
CHAIRMAN STEAD: Commissioner Zuckerman.

COMMISSIONER ZUCKERMAN: This is for staff.

Is there pedestrian and bicycle cross-access to the property to the east?

DAVID MOSER: Madam Chair, members of the Commission, the actual, existing walking path that runs along the creek does actually terminate in the parking lot of the Fred Meyer. You can see the path right here and that it actually terminates right there, and that is a bicycle, pedestrian walking path, I believe.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: So I guess I want to ask -- just a clarification point for the record. I think it's important that we get a little more information on this on the record.

With regard to the lot size and the request to reduce those -- and so, specifically, you mentioned the perimeter setbacks that are all being met for the zone. So can you just explain why that matters as we look at the application as a whole so that, you know, the Commission can be clear about what the significance of that is and so can the audience, the citizens.
DAVID MOSER: Madam Chair, members of the Commission, as we're talking about the perimeter setbacks, we're talking about the setbacks that basically run along the perimeter of the property, really, the only main one would be between this development and the east property line and then the neighbors to the south, but there's a large open space between them and the project. The main thing about keeping the perimeter setback is because it reduces the adverse impact of this development on the adjacent property, protects the privacy, reduces light and noise impacts, things of that nature, by preserving those setbacks.

The interior setbacks are enclosed within the overall development. Given the lot sizes, given the design, these interior setbacks will not impact these adjoining properties due to the separation and the buffering.

COMMISSIONER STEVENS: Madam --

DAVID MOSER: Does that answer your question?

COMMISSIONER STEVENS: It certainly does.

Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: So I guess I'll just wrap up by asking then -- or just clarifying again so we've
got a good record on this that, really, these -- the interior setbacks really only impact the people who choose to live in this development, correct, and choose to buy houses here?

DAVID MOSER: Madam Chair, members of the Commission, that is correct.

COMMISSIONER STEVENS: Thank you.

CHAIRMAN STEAD: Any further questions from the Commission?

No. Okay.

PUBLIC TESTIMONY

CHAIRMAN STEAD: We'll move on to the sign-up sheet, and I've been told that there's a gentleman with young children trying to get them to sleep and wanted him -- I don't know his name, but wanted to invite him up first to testify if he's still here.

No. Maybe.

UNIDENTIFIED SPEAKER: Too late.

CHAIRMAN STEAD: Yeah. Sounds like maybe he left.

Okay. First up then is Marise Keith, followed by Glenda Talbutt.

COMMISSIONER STEVENS: Marise went already.

MARISE KEITH: That was me.

CHAIRMAN STEAD: Oh. Thank you. Okay.
Marise Keith has already spoken as a representative of the neighborhood, so then we have Glenda Talbutt followed by Donald Grimes and then David Peterson.

So if everybody can --

GLENDA TALBUTT: Glenda Talbutt.

I did not realize it was a sign-up sheet to speak.

CHAIRMAN STEAD: Oh. Okay.

Glenda Talbutt is waiving --

COMMISSIONER GILLESPIE: We're glad you're here.

CHAIRMAN STEAD: -- is waiving her right to speak.

Moving along. Then we have Donald Grimes followed by David Peterson.

Is Donald Grimes here?

Yes. Great.

Please start with your name and address, and you'll have three minutes.

DONALD GRIMES: Okay. I'm Donald Grimes, and I live --

CHAIRMAN STEAD: You can go ahead and pull the microphone up a little bit.

DONALD GRIMES: -- and I live fairly close, 1797 South Rustic Mill Place. And I'm a professional
engineer since 1974, and I mentioned this only because
the oath of a professional engineer is to keep public
safety and quality of life in mind when we're going
through these things.

So I was just curious. Do any of you on
the Commission live anywhere in the area of Five Mile
and Overland? Can I have a show of hands?

CHAIRMAN STEAD: Sorry. We won't be taking
questions at this time.

DONALD GRIMES: Okay. Because knowing that
area, I think, is important here. A number of my
concerns I have learned as I listened already. I
would like the Zoning Committee -- Commission here to
keep the wonderful quality of life that we currently
have in Boise and into the future. I keep quality of
life in mind as becoming more important than tax
revenue.

First thing I wanted to mention, and it's
already been talked about, was the families that are
just south of this development on Inglin Drive. When
they moved in, they were promised that the area that
we're discussing here would never have homes on it,
and somehow the zoning has gotten changed in order to
allow things to move forward, so now that rubs me a
little bit the wrong way.
Anyhow, 36 homes in four acres, in my mind, is quite a few homes. How many cars per day are we going to have in and out, going out onto Overland Road, which is -- in the last four years, has increased traffic tremendously?

Where are the parks? They've got one small park in there for kids. Since these are homes and we'll have kids in that area, I was wondering if maybe we could reduce the number of homes by a few and give the kids a decent-sized park to actually work in.

Where are the families with dogs going to walk their dogs in order for the dogs to do their business, you know? Who's thought about that?

And then we take a look at the safety of that Fivemile Creek. I was going to propose a fence, and I guess that is not allowed. That kind of boggles my mind. We take a chance of drowning a kid in that creek through the summertime. It'd be an ideal place for them to want to go play.

And then the short amount of distance between homes, like 6 feet between homes, that concerns me from the fire standpoint. If one home starts to burn in that small -- you're going to burn down the whole neighborhood.

So let's talk about parks for just a
moment since I've got another minute here. Looking at
a map, which I wished I had a way to project -- around
Five Mile and Overland Road, there's five new
housing --

THE CLERK: Time.

DONALD GRIMES: -- areas and no new parks.

CHAIRMAN STEAD: Thank you, Mr. Grimes.

DONALD GRIMES: We're done?

CHAIRMAN STEAD: That's time.

DONALD GRIMES: Okay. Is there any way I can
leave any of this with you?

CHAIRMAN STEAD: We can't accept any
documents --

DONALD GRIMES: Okay.

CHAIRMAN STEAD: -- after the cut-off date.

DONALD GRIMES: Thank you.

CHAIRMAN STEAD: Thank you.

Next is David Peterson followed by Chuck
Yates.

DAVID PETERSON: My name is David Peterson, and
I live at 11046 West Inglin, and our property backs up
to Fivemile Creek and overlooks the proposed area for
the development.

When we bought our place about seven years
ago, we were told that it was going to be all office
and not residential. That concerns me.

The density of the whole project bothers me -- 6 feet between homes. These are going to be 30-something feet tall. I can't imagine having to do any maintenance when you've got 3 feet to put a ladder up to do any painting or any of that kind of thing, to do it safely. And, you know, homes do require maintenance.

They are 900 square foot homes with a single-car garage, and I think most of you in smaller homes realize that garages, for the most part, take up storage that you can't get into your home, and that leaves the car sitting out in the driveway or wherever. 36 homes, maybe two cars per home -- I don't know -- 72 cars. And that area's -- is all going to be paved.

The water run-off onto asphalt or from off of that -- it seems to me that it's going to be enhancing flooding, which doesn't exist now because it's bare ground.

Those are my comments. I had not intended to speak. I was -- but apparently, I signed up unbeknownst to me, but those are my concerns.

COMMISSIONER GILLESPIE: You should meet that nice lady in the back.
DAVID PETERSON: Yeah.

CHAIRMAN STEAD: Thank you, Mr. Peterson.

DAVID PETERSON: So thank you.

CHAIRMAN STEAD: Next is Chuck Yates.

COMMISSIONER GILLESPIE: Good job.

CHUCK YATES: Let's see if this works. It does.

Good evening. My name is Chuck Yates. I live at 11215 West Inglin Court in Boise, 83709. I do live within the 300-foot circle of this project.

Tonight, my concern is about the safety of this project. I have a degree in fire-prevention technology, 30 years as a structural fire-fighter, and over 15 years as a fire marshal with state and federal credentials. I have fought fires in Paradise and watched house after house burn to the ground without defensible space.

When it comes to fire safety, please know that your code has been developed over 150 years. It reflects fire history where people have died, structures have been lost. When people die due to the exits being blocked or insufficient, the code adds panic hardware or more exits, as examples. When conflagrations have occurred, then building construction modifications have been made. The code for different occupancies varies with the type of
occupancy. Hotels are different than offices; restaurants are different from retail. The code zeros in on structures with cooking and sleeping activities because that's where most of the destruction and fatalities occur.

In this project, the developer is starting with an office-retail requirement, L-OD, changing it to a dwelling with cooking and sleeping. And tonight, they're asking it to be reduced even greater with the -- from the code requirements.

In my past, when a project either couldn't meet the code requirements or the developer wished a variance that increased the project's hazard, like increasing the density or exposure to their neighbors, I increased their built-in safety. These homes will be so close that when one catches fire, and it's only a matter of time, it will easily spread to their neighbors. I would advise that if they can have this density, that they be required to have sprinklers in each of the homes in accordance with NFPA 13-R and that the exterior walls be one-hour construction. Please remember that at this density, it's not if a fire happens and spreads, but when. And you are building safety into the structure to protect people and property.
Another thought: Please remember that the code is the minimum requirement. Tonight, you are considering dropping the minimums over 50 percent. Please don't let them choose profit over safety.

Any questions?

CHAIRMAN STEAD: Thank you, Mr. Yates. Not at this time.

If everybody can please hold your applause; this is not the time for that. Thank you.

Moving on. We have Richard Beeler and then Kurt Thaement (sic).

RICHARD BEELER: Try and hurry, since we're taking a long time.

My name is Richard Beeler. I live at 2041 South Wilde Creek Way. I live in the houses just to the south of here.

I didn't come with prepared talks, but as I've listened, I've had more concerns raised than I've had concerns put to bed.

I'm not against developing this land. Right now, it's an open field. I'm not even against residential development on this land, but I share concerns with pretty much everybody that's talked so far.

Primarily, I'm concerned with safety. My
primary concern with safety is that I'm a father of
two children that use the community parks around here,
and that's their favorite place to go. If you look at
this development, it has one play structure for 36
homes. I guarantee you that since these houses are
smaller and less expensive, the people that live there
will be starting families, young families, and they
will need to use that structure. In order to get to
the closest playground, they either have to cross the
creek, which we've said we can't put a fence over, or
they have to walk up and down Overland or Five Mile,
which are very, very busy. I would propose that if
they are going to approve this that there be some type
of requirement for additional play space for children,
because that's my primary concern.

Regarding that, we had talked about not
being able to put a fence in because it was in the
floodplain. But then we said that was to keep
connectivity, right, to keep access to this walking
path. In the next sentence, we said that the walking
path terminates at Fred Meyer. So this walking path
lets them walk from their house to a fence; right?
What is the connectivity that is accomplished by
keeping this walking path in place? I would propose
that if you're going to build residential houses next
to a creek that you remove or relocate the walking
path and replace it with a fence to protect the
children.

And that's all I have to say. Thank you.

CHAIRMAN STEAD: Thank you.

Next, we have Kurt Thaement (sic) and then
Roger Wood.

KURT THAEMERT: My name is Kurt Thaemert, and I
live at 11062 West Inglin Drive. And I'm also one of
the neighbors that backs up against, like Dave --
lives next door to me.

And one of our concerns -- again, I don't
think we're opposed to development back there. But
we've had the property for 18 years, and it was stated
when we purchased our property that that was going to
be more of that office space. I know that it -- the
developers said that by putting housing in there, it
will increase the opportunity for them to market that
for further office-space-type things. Or will that --
they be back here trying to change that, the zoning
for that, to allow more housing for the rest of this
development? So that's one of my concerns.

Having Fivemile Creek right there, we have
a fence. Our subdivision does have a fence, a border
fence on our -- like our backyards. And I know that
that's a big safety concern, just as that gentleman who spoke before me with kids going in there. I'm a little confused that it's not allowed to build a fence there, but if you'll look at the parking there, parallel parking there, their guest parking, that is in the flood zone. So I'm a little confused on how you can have paved parking but not a fence there for safety's sake.

And I know that the Commission is for, the mayor's for, the City's for high-density housing, and that's okay. But just because there's lots of growth in Boise, just putting housing in any empty, little lot does not make us good stewards of our land and our community.

Thanks.

CHAIRMAN STEAD: Thank you.

Next we have Roger Wood.

ROGER WOOD: Roger Wood. 11027 West Inglin. I live across the street from this project.

While we're on fencing, I have a pool. I got all my doors double-locked, my fence is double-locked. It's a hazard when you've got the water, and you pick up the paper and kids are killed every year in Boise, and we read about it.

I've been here before on this property,
and one thing that strikes me as consistent is I've yet to see a developer come to you with a project that's to code. Every developer wants variances and conditional-use permits, and I appreciate what Mr. Gillespie brought up earlier about, "Why have the city codes if you're going to deviate from them all the time?"

And I'd also like to address a comment by Commissioner Stevens, when she said that everybody doesn't want a yard. I agree. If they don't want a yard, they shouldn't have a yard. But why put it next to my subdivision where we do have yards?

I'd also like to address a comment by Mr. Moser, where he said that this is compatible with the neighborhood and the traffic with this project will be less than two office buildings. Two office buildings are four or five thousand square feet and they're 9:00 to 5:00. This project is traffic 24/7.

I understand the idea of -- about affordable housing that the City wants. I just don't think that should be an excuse, if you will, to start granting variances and conditional-use permits and ruining existing neighborhoods.

My neighborhood, right next to this, has large lots, open space, two private parks, and that's
a good plan. And they were probably required when the
developer put this subdivision in. I think the
subdivisions that come after should live by the same
rules. I'd like you to consider the impact to my
neighborhood, and this particular development seems to
be designed to cause the most maximum damage to my
neighborhood.

And people have talked about the quality
of life in Boise, and I agree. We should keep it that
way.

I urge you to deny this project.

Thank you.

CHAIRMAN STEAD: Thank you, Mr. Wood.

Next up is Earnice Callender and then
Tannya Cluff.

EARNICE CALLENDER: Madam Chair, Commissioners,
I live at 11246 West Blueberry Court in Boise. I'm
the president of the Southpoint HOA, Boulder Creek
Southpoint HOA, and I represent the 255 families to
the south of this development right across Fivemile
Creek.

Fivemile Creek is nothing but a bunch of
bushes and stuff there. We sent a letter from our
board of directors to the Commission. I will not
attempt to reiterate those points in three minutes.
As note of credibility, I've been responsible for the day-to-day operation of three communities. I had direct supervision and physical oversight of the police department, the fire department, the parks and recreation, the public works, the water, the sewer, the solid waste, roads, and housing.

When looking for the welfare of humanity, you look at three main points: That is, the safety of the citizens, the quality of life and density, and the functional and compatibility. This development is not an in-fill. It is surrounded -- it's not surrounded by like housing that would make it compatible. It's not a dilapidated farm or excess ACHD land. Due to a loophole in zoning of limited offices, they can put housing on it. It doesn't make it compatible. This is directly surrounded by commercial enterprises to the east and limited zoning to the north and west and a dangerous creek to the south. These all negate the above conditions. And with 72 potential cars trying to enter Overland Road on one private drive, it's going to cause nothing but havoc.

Something that the Commissioners and the zoning people and the developer may not have taken into consideration is the traffic pattern of the
delivery trucks of Fred Meyer. All of this, every
delivery truck, must transverse the parking lot
immediately adjacent to this. 55-foot 18-wheelers,
regardless of which loading dock you're going to, goes
through that parking lot. It not only -- this affects
safety, impacts density, and the quality of life.

You've heard Mr. Yates testify upon the
fire zoning; I won't go into that. While the Public
Works and the Fire Department says this'll work,
meaning the trash truck can get around there -- but
does it make for quality of life and does it make
sense?

The thing says --

THE CLERK: Time.

CHAIRMAN STEAD: Thank you.

Next we have Tannya Cluff. Tannya. I'm
sorry.

TANNYA CLUFF: Yeah. Tannya, Tannya Cluff.

10800 West Smoke Ranch Drive, Boise, Idaho 83709. I
live close to this proposed development.

I have several issues I want to address, but
the main one is safety. I really believe there needs
to be a ditch there if they're going to build a
development there. When the planner states that
there's a wide-open space between the two
subdivisions, we're talking maybe 20 feet, the size of a ditch. I mean, it's -- the walking path is right next to the ditch, and I can guarantee you, because I have kids, they will want to play in the ditch, and there will be a tragedy.

I do have a question, also, on the flood zone. I'm actually an insurance broker and I sell flood insurance. I ran a flood determination today, and that parcel classifies as a flood zone AE, which is a high-risk flood zone, and what that means is that there's a 26 percent chance that that will flood over a 30-year time of a mortgage.

I also wanted to address the numerous variances. Another speaker referred or referenced that there was -- everyone's asking for variances. And I believe that. If the code's there for a reason, then why is everyone asking for exceptions? Asking for a reduction of lot size from 5,000 to nearly half of that is a pretty hefty request. And for the setbacks, asking from a 10 feet down to a 3 feet setback -- side yard setback -- that's a pretty considerable request also. And I noticed on their parking plan, when they added the parking pad next to the garage, that parking pad encroaches on that 3-foot side yard setback, so now we have zero setback.
Mr. Moser also referenced that they were accepting the variance because it's facilitated the developer's needs and his design. I'm not sure that's what that's intended for. That's not in the public or the residents' best interest, and I don't appreciate it being in the developer's best interest. I mean, you know, we live there; we're residents. Shouldn't it be in our best interest -- interests of what they make the variances for?

Thank you for your time, and that's all I have to say.

CHAIRMAN STEAD: Thank you.

That's it for the sign-up sheet. Are there any who did not sign up but would like to testify tonight?

Okay. Please come forward. We can keep it moving.

And go ahead and make sure that when you -- after you testify, fill out one of those white sheets.

And please start with your name and address.

KRISTINA GRIMES: Kristina Grimes. 101 West Countryman.

And I'm not going to argue about the
development and housing, I think you're going to put it in, but I really want to talk about all of the places that you guys have approved within a one-mile radius of there. You've actually approved six housing units and one apartment complex; and of those, none of them have walking paths.

They talk about this walking path here. It's two blocks long. Have you ever taken your dog for a two-block walk and said, "Oh, that's all the farther it goes. We gotta go home now," you know?

Have you ever tried to bike with your child along Overland there? I tried. I took a child biking there. It's not safe. You're, like, next to a small freeway, okay?

And so then -- what I'm saying is there's no good place here. So you did put a park in it -- Molenaar; right? Tried to take my dogs there the other day to get from -- I was on Five Mile, trying to go south Overland to Molenaar. 13 minutes it took me to get down there, so it's not a good place I can easily go on a weekday to take my dog.

And I just want to say those are my concerns, not about the housing itself, but you're having no infrastructure here for people who want that kind of lifestyle. I lived in the North End. You
could go up to the foothills. You could go into lots of parks. There's nothing here except for them to go south into a private neighborhood. And let me tell you, they are, because I ask people, "Where are you from?"

"Oh, we're from the apartment complex just across the street on Goldking." And they're going to Mill Creek's park in -- or they're going to the nursing home and walking their dogs around the nursing home because that's the biggest green space they can find to play ball. That just doesn't seem like livable housing for people.

That's what I wanted to say.

Thank you.

CHAIRMAN STEAD: Thank you.

Don't forget to fill out one of the white sheets.

KRISTINA GRIMES: Thanks.

CHAIRMAN STEAD: Thanks.

MEL NORTON: Mel Norton. 11248 West Inglin Court, Boise, Idaho 83709.

Couple of things that I want to say, as some of the comments that you guys have made -- the City Council is looking for high-density houses.

Okay. Why? Why do we need more homes?
We're getting to a point where we're not protecting what we have, to putting up 36 homes in four acres. This is ridiculous. There's no purpose for this kind of density.

The location for this kind of density is also -- doesn't make sense. It's like everybody else has said; it's surrounded by commercial except for to the south, which is a canal. This isn't a home area; this is a commercial area. Why are we trying to stuff homes in a commercial area?

We've had other prospects in the past. Somebody wanted to do a self-service storage unit there. Great idea. I loved it. We were all on board. Unfortunately, apparently, the developer couldn't close the deal. That's not our fault, you know? He's tried multiple times to bring things in. Why he can't close the deal -- not our issue. This isn't the deal that should be closed here.

You've heard nine million times whether safety issues here -- you've heard nine million times why this isn't the same as even the one that we talked about before, earlier in the meeting. This is not the same location. It is not a community location; it is a commercial location.

Staff said something about connectivity
and buses. One bus route a day goes on Overland in front of that house. How is that connected to anything? Trying to say that there's a bus route there is ridiculous if there's one bus a day that goes down Overland. That's not connecting these people to anything.

So you -- you're talking two homes per kid. If you look at the census per capita of 2.1, that's 70-something kids in four acres. Again, we've talked about green space all day long. It's ridiculous.

It just doesn't make any sense to me, and that's all I have to say.

CHAIRMAN STEAD: Thank you.

PATRICK SPOUTZ: Patrick Spoutz. 912 West Brumback, Boise, Idaho.

I want to speak in support of this project. In particular, I like the lower lot sizes and the setbacks being smaller. Having smaller minimum lot sizes allows for more affordable units and more affordable units for people to have the opportunity to own their own home.

I think there'll be a particular type of family that this hits the sweet spot for them. There were some discussions of the lack of certain amenities
that people may find desirable, but I presume the families that choose to live there will live here because it's -- after considering all the options available to them: Price, amenities, location -- that they decide that this is the best thing for them.

So I would like housing options for people in our city, and I think this is a fine project for the area.

Thank you.

CHAIRMAN STEAD: Thank you.

Before we continue, I just want to remind the audience that our main goal tonight is to have a fair hearing where we hear all voices with courtesy and respect, so please hold your comments off of the microphone. Thank you.

Please come up.

JEANINE DRUBE: Sorry.

Madam Chairman, Committee meeter -- members, my name's Jeanine Drube. 2160 South Tollgate Place. I am back a ways but in the same HOA and subdivision.

A lot of the comments that have been made make a lot of sense. That your minimum requirements are being asked to be reduced by half for housing just doesn't even make sense. I realize we need more
affordable housing, as we have a son who's looking for affordable housing. I understand that, but this plan makes no sense.

When we also bought a house in this subdivision, we were told this was going to be business area, that we weren't going to have any more houses there. The idea of going from the L-OD to, suddenly, high-density housing just does not make sense. As a member of this community, I know we need homes. This was business zoned. Let's keep it commercial zoned or why doesn't he -- or get his office buildings and put in bigger lots?

These lots are dangerous. Have you -- we just had our windows redone, our roof redone, and painted. We couldn't have done that with 3-foot variances between our homes. There's -- I don't know how my contractors could have gotten up to the roof or painted or anything. It just -- this makes no sense.

Could we go back to -- I'm not against having reasonable-density houses back here, but could we go back to the original -- what are they called -- permits and zoning, not half it just to cram as many houses as possible. I just would really appreciate if this could be a factor in preparing homes for new families, as I understand we do need them in Boise.
Thank you very much to listening to all of us. We really do appreciate that.

CHAIRMAN STEAD: Thank you.

ANNABEL MARTINEZ: Ladies and gentlemen, my name is Annabel Martinez, and I reside at 1728 South Whisper Cove Avenue. I actually back up to this property; I'm just to the south, on the corner of Inglin and Whisper Cove. I'm here today because I want to serve as an advocate for not only myself and my neighbors, but also future neighbors.

First of all, I want to put it out there that I do have reservations about this proposed development, 36 single-family dwellings on four acres of land as the plan currently stands. When I purchased my home back in 2015, I feel like I was misled into thinking that these would be used for offices and commercial space. I know that compatibility is a subjective thing, but I think that the nature of this proposed development is incompatible with its surroundings.

The associated planner addressed this concern, saying that the project is compatible with the surrounding neighborhood since it is a residential development comprised of single-family homes. That's like saying a strip club and a daycare are compatible...
just because they are both businesses that cater to unruly characters. Let me explain why this proposed development is not compatible with the surrounding area.

For one, it's surrounded by commercial on the east side, L-OD and commercial on the north side, L-OD on the west side, and Fivemile Creek to the south. The residential neighborhoods to the south are zoned R-1A and R-1B, and the neighborhoods to the north are also zoned R-1A and R-1B. This means that the max density allowed in these areas is 2.1 dwelling units per acre and 4.8 dwelling units per acre, respectively. The developer's proposing roughly nine dwelling units per acre, which is nearly twice the number allowed by R-1B zoning code.

If you look at the surrounding residences, you'll notice that most lot sizes range from a third acre to up to five acres or more. This proposed development would subdivide the two lots in question into lots that are, at most, 2,126 square feet in size, or 0.05 acres. That's six times smaller than the smallest lot in the surrounding area.

Before I continue, I do want to make it known that I'm not against residential development,
including in the lots in question. I understand that
there's a need for affordable housing in Boise, but I
feel like what they're proposing is an overreach. Not
only are the lot sizes very small, the setbacks they
are requesting are unreasonable. They're asking for
70 percent reduction in side yard minimum, 70 percent
reduction rear yard minimum, and a 59 percent
reduction to lot size minimum with respect to the L-0
zoning requirements. These don't even comply with the
R-1M zoning requirements for high-density, detached
housing. With no access to parks and having such
small yards, I highly suggest that there should be an
increase to the usable green space.

Then if nothing else that I say sticks,
one thing that I strongly urge you to require or
consider is that a barrier put -- be put in place to
prevent child-drowning casualties.

Sorry. My cousin died drowning, and by
the time they put a fence, it was too late, so that's
really important to me. And I also have a young
child, and we're lucky on our side because we actually
do have a fence.

THE CLERK: Time.

ANNABEL MARTINEZ: Thank you.

CHAIRMAN STEAD: Thank you.
Please don't forget to fill out one of the white slips and hand it up to us here.

MIKE GRIFFITH: Yes. I'm Mike Griffith. I live at 11154 West Inglin Drive in Boise, 83709.

And I was prepared to talk about parking, zoning, and all that, and it sounds like it's been pretty covered at length. But I did want to mention, just to give you folks a visual, our current subdivision -- we do have a fence that runs the full length of the subdivision, and our subdivision is elevated about 10 to 15 feet up above Fivemile Creek, so we're pretty safe as far as any kind of flooding.

But I wanted to mention that the proposed development is going to be right at the same level as Fivemile Creek, and the Fivemile Creek during the spring has a tremendous amount of water flow. And even after any kind of a severe thunderstorm, you can see the level of that creek is right up close to the very top of the capacity. And along that creek, there's a lot of trees that have fallen into the creek. There's shrubs that have overgrown into the creek.

So again, I just wanted to mention the safety part of it that if there are any children in this subdivision that I can see them being attracted to
playing over -- because I was a kid that enjoyed playing in that kind of thing. But if there's any of them that fall in during any of that high-level water, it is going to be extremely dangerous for them to be able to get out of that creek without getting trapped in some of that vegetation. So I'd like to see a fence put in. And they say you can't put it in a flood zone, but maybe they can change some of their design to where they could put a fence in and reduce the amount of parking or roadway.

Thank you.

CHAIRMAN STEAD: Thank you.

Is there anybody else who would like to testify tonight?

Please. . .

JERRY RICKER: Hi.

Sorry about that. Can you hear me now?

Jerry Ricker. I live in 11334 West Inglin Court, and I want to reiterate a couple of things.

One, safety fence needs to be put around the backside of that if it's going to go in there to keep the kids from going and playing in that creek. It isn't just a creek; it's a canal. And when they open the floodgates for the canal every spring, it overflows, guaranteed. And if there's a kid playing
anywhere near it, they're going to go down it.

The other thing I want to reiterate is that -- privacy. A privacy fence along the backside of those apartments -- I don't care where you put it. It's probably necessary. Otherwise, everybody that's over and looking over a fence from our side can see into those apartments very easily.

The other thing is this variance for the space, putting that many units in one place, 4.1-acre -- three acres -- 0.03, excuse me. The fire danger is extreme. Every year, small fires are put out, mainly around the holidays where there's fireworks. And I'm surprised that in the 17 years that we've lived there, there hasn't been a fire in that field. It's amazing.

The other thing is that one of those places -- units does catch on fire with -- everybody keeps saying 3 feet, but it's actually 6 feet between them because it's 3 feet on each building. That's the wingspan of my arms stretched out. And I would not want on my conscience an approval for this project with that kind of density that costs lives and very, very, probably will in the future.

Thank you.

CHAIRMAN STEAD: Thank you.
Is there anybody else tonight that would like to testify?

Oh, sir, please don't forget to fill out the white slip and hand it up to us. Thank you.

If there's anybody else tonight, please, everybody, come forward so that we're moving things along. Thank you.

BETTY BERMENSOLO: Good evening. My name is Betty Bermensolo. I live at 1970 Canonero Way. And actually, Quail Run is the subdivision that I live in that is just to the west of this parcel when it's fully developed.

I'd like to say initially, I'm -- I'd be very disappointed with a medium-density residential development that did not require a safety fence inside the property line and outside the floodway and it -- even if it means moving this whole project, or whatever Mr. Conger decides to put there, to the north. There is room for that, but we have to put safety first. So I think that that is first and foremost on everybody's concern tonight.

I, personally, have been around this project for a long time. And way back when Fred Meyer, actually, was placed in that location, it was in the county. And one of the Commissioners at that
time -- I knew pretty well, and she said, "How did you
let that happen, where there's no cross-access?"
especially looking at what we see down the road in
terms of insufficiencies on Overland Road that are not
going to be fixed for many years to come.

I'm a firm believer that that's one of the
things that, you know, as a resident, I learn from the
City is when you have a blank piece of paper here that
you have an opportunity to have a cross-access that
would minimize the congestion that's going to occur
with any kind of development, certainly residential,
is going to want to access Overland Road. And there's
going to be a considerable concern in that center lane
with even what we have in existence and will be using
for some time to come.

So I'm really concerned that if we have
the opportunity -- this friend of mine that went on,
she's still in the area, said, "The next time you're
going to have an opportunity is when something
develops to the west of Fred Meyer," and, you know,
it -- I don't know whether or not staff has found out
or Mr. Conger's found out if there was any
cross-access easement that was even talked about back
then. But if we have the opportunity, I think it
should be at very least a condition of approval
because we're going to have widening in maybe 10 --

THE CLERK:  Time.

BETTY BERMENSOLO:  Right.

CHAIRMAN STEAD:  Thank you so much.

Is there anybody else that would like to testify on this Item No. 4 tonight?

Okay. Seeing none.

REBUTTAL

CHAIRMAN STEAD: We'll move to the rebuttal by the Applicant.

You have five minutes.

JIM CONGER: Madam Chair, and -- David, if you don't mind switching the slide back to my screen, if you don't mind.

Madam Chair, members of the Commission, Jim Conger again.

Going to run down through some rebuttal items to address some questions that I heard.

You know, first, uses and bus routes.

Obviously, we all take those seriously, and I know the City does. You -- gentleman was correct. Mini storage actually was our direct competitor of buying this property. The mini storage user is probably the only other feasible user of this property. Meetings with your staff and, more importantly, meetings with
particular City Council members had the Mini Storage folks not move forward as they are not in -- probably mini storage uses on your transit corridors are not going to be approvable. I know there was another one that was attempted to be on Fairview that didn't go forward as well. So that's not the proper planning for this transit corridor.

And buses, of course, you know, we can always hope there's more routes in the future; and I think that's what, you know, houses do. Houses produce, businesses produce more ridership, and that's obviously a good thing at the end of the day.

Again, I wanted to note that we aren't changing the zone. You heard that numerous times today, that we're changing the zone; we are not changing the zone. The L-O zone, as you are well aware, has a residential component to it that is extremely important to these areas of retail and commercial uses.

Moving to, I think, the important part of the -- you know, we're not doing a variance for lot sizes. We're not doing a variance for setbacks. That is the PUD process. You know -- the hard thing with L-O to wrap your arm around, and even the R-O, the other zones, is they put a -- I'm going to call it
a placeholder of 5,000 square foot lots, but they put a density of 43.5 units per acre. Obviously, it doesn't -- you know, with no lack of respect, it doesn't take a brain surgeon to understand that the lot sizing isn't really gauged and based for that. What it does is it forces every application that comes through in the PUD process, which has more side boards on it, more city codes and requirements than if you were to just come in with a straight subdivision. So the intent is to do one of two things: force you into PUD, which we applaud and did; or you just do a conditional-use permit and they're 100 percent rentals and you don't do the lot lines. So the same project would be in front of you with no lot lines if we did not do the PUD. So I mean, we'd prefer to produce a product that is for sale and hit another sector of the city of Boise besides another set of rentals, which we applaud the rentals as well and would do that, but we'd prefer to have the lot lines and have a for-sale product.

So we -- we're -- again, it's not a variance. That is a different program. It is the way the code is written, and it doesn't matter if you're in Boise or if you're in Meridian, the lot sizes get to a size where it forces you into PUD route. And we
believe that's by design, and it's always been that way.

I think running down through lack of compatibility -- you know, the transition in -- your staff did a very good job. Section 7, page 5 of 8, kind of running through the benefits of additional medium high-density in this Community Activity Center -- and again, what we believe we're providing is that transition from the larger homes to the south that is well-buffered, and we'll go into that with the regional pathway, to our residential then to the office uses on Overland Road.

Density too high -- actually, this L-O is designed for -- you know, envisions these denser neighborhoods that provide, really, the mix of uses within the office, commercial services. So it is a 100 percent in the intent of the code and the Comp Plan for these pockets, as you can read by the City staff report as well.

Not everybody wants, not everybody can afford these larger houses, and quite honestly, not everybody wants these larger houses as you radiate towards these major arterials like Overland Road.

We did -- you know, the other use in the L-O is multi-family. We did do, actually, a two-story
apartment project. It has 64 units in it. We stated "two-level" because we believe that would be the intent of the adjacent neighborhoods. We actually did take that to our neighborhood meeting and say, "Hey, you know, we would prefer single-family homes." L-O also allows a multi-family apartment complex. We didn't, you know -- not saying anybody loves our 36 units, as you can hear tonight on the adjacent neighbors -- but it was clear nobody wanted multi-family. We still would produce either. We --

THE CLERK: Time.

JIM CONGER: -- believe.

Say that again.

CHAIRMAN STEAD: Thank you, Mr. Conger. That's the end of the five minutes.

JIM KONGER: That is rebuttal time.

Interesting.

CHAIRMAN STEAD: Thank you.

JIM KONGER: I'll take it.

Shut her down. Here we go. Busy agenda.

CHAIRMAN STEAD: Okay.

MOTIONS

CHAIRMAN STEAD: So that will close this portion of the hearing, and the item is now before the Commission.
COMMISSIONER FINFROCK: Madam Chair.

CHAIRMAN STEAD: Commissioner Finfrock.

COMMISSIONER FINFROCK: I move to deny PUD19-43 and recommend denial of SUB19-76.

COMMISSIONER ZUCKERMAN: Second.

CHAIRMAN STEAD: We have a second by Commissioner Zuckerman.

Is there discussion?

COMMISSIONER FINFROCK: Yeah.

I think the site --

CHAIRMAN STEAD: Commissioner Finfrock.

COMMISSIONER FINFROCK: -- is not large enough to accommodate the proposed use if you have to reduce sizes by half of what the development code requires for the L-O zone.

CHAIRMAN STEAD: Any further discussion?

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So I'll be opposing the motion in hoping we can get to a different place.

I agree, in principle, with most of the staff report. I'd like, as a Commission, to discuss the 3-foot versus 5-foot side setbacks, which is -- someone quite correctly pointed out, means there's 6 feet between buildings instead of the code-required
10. This is an old discussion we've had before with
respect to this, but I would -- I'm -- would like to
try and find a way to get to "yes" with this proposal
that we have before us. So I'll be voting against the
motion to deny.

CHAIRMAN STEAD: Any further discussion?

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: I'll also be opposing the
motion. I want to address a couple of things that the
public brought up and then give my reasons for
supporting the project, although I'm open to
discussing the interior setbacks if that's something
that my fellow Commissioners decide we need to do.

So I want to start with -- I guess I'm
going to call it the easy, the easy one here, but I
think you'll probably disagree with me out in the
audience. I approach the Fivemile Creek in a very
different way than maybe some of you do. The valley
is rife with these -- most people call them creeks,
but most of them are not creeks. This happens to be
one that was originally a creek in this valley, one of
very, very few. And I think it's very clear in our
Comp Plan, and in the code as well, that keeping these
as amenities and keeping these as part of our
agricultural heritage and reference to those is a really important thing for maintaining the culture and the history and the place that we have -- we know as Boise.

So I actually am very much in favor of keeping and putting housing near these creeks. If we, as a City, tried to stop every single tragedy from happening -- I wish we could do that, but it's unrealistic to think that we can. And certainly there's lots of housing near similar ditches and waterways throughout our city. And so I don't think that not putting housing near one of these waterways is a good policy generally. I think it's something we should actually really enhance and really make part of the developments that we consider as we go forward as a City and we see our continued growth.

So I want to put that on the record as -- you know, it's not that I'm not concerned about kids and that I don't care about kids or other people drowning. Instead, I really see the amenity very differently, and I really think it's important to look at these things in a different way.

I also, as you may have guessed from the questioning that I did regarding the setbacks, I really -- you know, I think we do have an affordable
housing issue. And I think it's very clear, and this
is very clear in the staff report, that our Comp Plan
encourages high-density toward our arterial locations,
and we do have a bus route on this. Yes, it's one bus
route. It's Bus Route 42, but it exactly is
intended to support this kind of density so that we
can get more people riding the buses. We can have a
fight or discussion or disagreement about the chicken
and egg, but we need to have people living near these
routes so that the ridership can go up. And this is
one piece of a bigger puzzle; there's lots of other
pieces to it, but this is one of them.

I guess, you know, with regard to the
traffic, it's hard for me to, when we have an ACHD
report and -- I'll get to the fire in a second -- it's
hard for me to understand exactly what the neighbors
nearby are concerned with because I don't really see
the traffic affecting them directly in this, so I'll
just leave it at that.

And then I just wanted to point out with
regard to the fire, you know, we have letters from the
Fire Department here that support this application and
it's -- again, it's difficult for me to look at a
letter, two letters actually, that we have in our
packet from the Fire Department that say that they
support this. And then, I personally am not a fire
expert, but it seems to me that we need to rely on our
Fire Department and the experts that we have in the
City, and if they say that they approve this, that's
what I'm going to go with.

And I just wanted to correct one thing.

And somebody -- I'm glad Mr. Conger brought up the
zoning issue. This is not a rezone, and one of the
members of the public mentioned -- said that there was
a loophole in the zoning that allows for housing in an
L-O. And if you go to page 154 of our City Code,
there's a lengthy table that starts on that page that
talks about the allowed uses in all of the zones that
we have throughout the city, and housing is very
clearly allowed in this zone and always has been, as
far as my recollection is, and I've been up here for
probably too long.

So I'll just say that I don't believe this
is a loophole. I believe that this -- the proposal we
have in front of us gets very close to what the intent
was behind this zone, and I'll be supporting the
application and opposing the motion.

CHAIRMAN STEAD: Is there further discussion?

COMMISSIONER ZUCKERMAN: Madam Chair.

CHAIRMAN STEAD: Commissioner Zuckerman.
COMMISSIONER ZUCKERMAN: I want to touch on two things. First, talk about quality of life.

I think to some degree, and right now we see in the city -- is this assumption that quality of life is the same to everybody and looks like park and open space. And I think if anybody was looking to buy in something like this, they wouldn't necessarily be looking for that, so I don't think that -- that's not my main issue with it.

That being said, I think the issue of the setbacks -- the setbacks are much too small, in my opinion. And I think when we're looking at the letter that the Fire Department said that they approved of this project, they never really touched on the setbacks in that letter, so I just want to see the Fire Department comment on that before I support the project.

COMMISSIONER FINFROCK: Madam Chair.

CHAIRMAN STEAD: Commissioner Finfrock.

COMMISSIONER FINFROCK: You know, and as to lot sizes, why do we even have a development code if we're willing to forego it for higher-density housing?

CHAIRMAN STEAD: Okay.

Is there any further discussion among the Commission?
ROLL CALL

CHAIRMAN STEAD: Can we please have a vote?

THE CLERK: Gillespie.

CHAIRMAN STEAD: This is -- sorry.

This is a -- sorry. I'll just clarify.

This is a motion to deny the project.

THE CLERK: Gillespie.

COMMISSIONER GILLESPIE: No.

THE CLERK: Stead.

CHAIRMAN STEAD: No.

THE CLERK: Stevens.

COMMISSIONER STEVENS: No.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: Aye.

THE CLERK: Motion fails. Three opposed, one in favor.

CHAIRMAN STEAD: Do we have further discussion or a new motion on the table?

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: I move that we approve PUD19-43 and recommend approval for SUB19-75.

COMMISSIONER GILLESPIE: Second.
CHAIRMAN STEAD: Second from Commissioner Gillespie.

Is there discussion?

No.

Commissioner Gillespie.

COMMISSIONER GILLESPIE: Thank you.

So I'm generally supportive. I continue that -- you know, this is not the first time this -- we've had this issue with these really tight setbacks. And I, like you, did read the Fire Department letter, and I think that's very important that we have the technical and expert testimony. You know, they reviewed the project, they saw the same things that we all said, and that's what they wrote. So I guess, having been up this tree, also, before with the City Council, I'll be supporting the motion.

But I would specifically like to request that in the future that the City try to provide in the staff report a stronger rationale and set of facts supporting these reduced setbacks, which I do think in some respects are problematic.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: I'll just add one thing in response to Commissioner -- my fellow Commissioner
Finfrock.

Just that I don't -- I think it's important to recognize, at least in my mind, that this isn't a request for a variance. This is the utilization of a process that has been clearly thought out by the code and the Comp Plan that we have in front of us, and that's the planned unit development, and so I don't see -- I guess I don't see it as a variance request or a request to, you know, sort of cut corners. This is exactly what was put in place as a process so that we can get the density that we want. And so I guess I just see it differently, and that's the reason I support the application.

CHAIRMAN STEAD: Any further discussion?

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So I agree with that. And we've been aware for some time that this issue -- it's not only with L-OD, with the lot size, and the density requirement. And I think the Applicant's analysis was essentially correct that if you have a piece of land that's zoned at 43 units an acre and someone comes in and proposes effectively nine, you know, they're generally complying with the code at the biggest, you know, at the most important
level, which is units per acre.

And I think the Applicant's analysis was also correct that the only other way around this was to propose a very large building with no lot lines, and that, to me, changes the character fundamentally. And I concur with his comments that what he proposes -- probably more development than that second option.

CHAIRMAN STEAD: Any further discussion?

Okay. Can we please have a vote?

THE CLERK: Gillespie.

COMMISSIONER GILLESPIE: Aye.

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.

THE CLERK: Stevens.

COMMISSIONER STEVENS: Aye.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: No.

THE CLERK: Motion carries. Three in favor, one opposed.

CHAIRMAN STEAD: Okay. Thank you. We're --

UNIDENTIFIED SPEAKER: Take a break.

CHAIRMAN STEAD: Okay.

We're going --

COMMISSIONER GILLESPIE: Okay.
CHAIRMAN STEAD: Okay. We're not going to take a break quite yet. We're going to move on to Item No. 6,

(End transcription at 2:43:32 of audio file.)

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6. **CAR19-00028 / Kelly Kitchens**
   9000 W State St
   Rezone of 4.3 acres from R-1A (Single Family Residential – 2.1 units/acre) to R-3D (Multi-Family Residential with Design Review – 43.5 units/acre). Leon Letson

   **PUD19-00039 / Kelly Kitchens**
   9000 W State St
   Conditional use permit for a planned residential development comprised of 60 multi-family units on 4.3 acres located in a proposed R-3D (Multi-Family Residential with Design Review) zone. Leon Letson

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**MAJORITY APPROVAL, MOTION CARRIED.**
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: CAR19-00028 / KELLY KITCHENS
and
PUD19-00039 / KELLY KITCHENS
9000 West State Street

TRANSCRIPT OF RECORDED PUBLIC HEARING
MONDAY, FEBRUARY 10, 2020

COMMISSIONERS PRESENT:
MEREDITH STEAD, CHAIR
JENNIFER STEVENS
MILT GILLESPIE
JANELLE FINFROCK
BEN ZUCKERMAN, STUDENT COMMISSIONER

TRANSCRIBED BY:
VICTORIA HILLES
INTRODUCTION

CHAIRMAN STEAD: This is CAR19-28 at 9000 West State Street and PUD19-39, a rezone and a conditional use permit for a residential development.

LEON LETSON: Good evening, Madam Chair and members of the Commission.

The items before you include a rezone from R-1A to R-3D, of 4.3 acres, located at 9000 West State Street. Also included is a planned residential development, consisting of 60 multi-family units.

The subject property is located on the north side of State Street between Bogart Lane and Duncan Lane. The surrounding area is comprised of single-family homes on various-sized lots to the north, east, and west. To the south is a mix of commercial and residential uses as well as the State Street corridor.

The requested rezone to R-3D is supported by surrounding zoning in the area, which includes varying intensities of residential to the north, east, and west, as well as commercial zoning to the south.

The subject property is also designated mixed-use and within one mile of the community.
activity center, located at the intersection of Glenwood Avenue and Gary Lane to the east. Furthermore, this property is anticipated to undergo significant new development, based on the comprehensive plan.

Regarding the proposed density of the project, it calculates to 13.9 units per acre, which is well below the 43.5 allowed by the R-3D zone. However, rezoning to R-3D preserves the opportunity for additional infill on site in the future if so desired, which is something the Planning Team considered thoroughly as it related -- as it relates to the long-term goal of transforming State Street into a transit-oriented corridor.

The PUD consists of 60 multi-family units designed in a two-story townhome style, which is compatible in design with more newly constructed housing in the area. Amenities include a 1,750 square foot clubhouse with fitness center, community gathering space, and an outdoor barbecue area, as well as a large, open space surrounding that community center. Also included is a ten-foot-wide, publicly accessible pathway, running north-south along the western portion of the site. This will be discussed in detail on a subsequent slide.
Although there is no public right of way proposed for the development, a connectivity index review was performed due to the scale of the project and the potential redevelopment of adjacent parcels. The connectivity index is 2 for this project, based on eight links and four nodes. The City considers a score of 1.5 or greater to be acceptable. This calculation includes three private service drives the Planning Team has requested be stubbed to the north and east, and those are highlighted in yellow. Hopefully you can see them. They're also included in the staff report.

As previously mentioned, the project includes a ten-foot-wide, publicly accessible pathway, running north-south along the western portion of the site that will eventually connect to other pathways in the area to establish a greenbelt-like connection between State Street and the Boise Foothills.

So pictured here on the right side of the screen is that pathway or proposed pathway. Portions of that were recently approved through the Prominence development that straddles Hill Road Parkway. And, obviously, there's some connections that would need to occur in between as redevelopment continues in the area.
All reviewing agencies and departments approved the project with standard conditions.

Comments from the public focused on concerns regarding the rezone, density of the project, design, and impacts to public services and infrastructure.

As detailed in the staff report and highlighted in this presentation, the Planning Team finds the Applicant's proposal to be consistent with the standards of approval, including our development code, Blueprint Boise, and comments from all reviewing agencies and departments.

In conclusion, the Planning Team recommends that you recommend approval of the rezone to City Council and approve the PUD with the attached conditions.

Thank you.

CHAIRMAN STEAD: Thank you, Leon.

So next we'll hear from the Applicant, and we'll start with ten minutes.

Please go ahead.

JAY GIBBONS: Madam Chairman, Commissioners, my name is Jay Gibbons. I'm with [unintelligible] here in Boise, Idaho. My address is 2000 or -- 2002 South Vista, Boise, 83705. I represent the development and
the owners of State Street 60 Apartments.

It's a unique situation. It is on State Street. It's about 1,325 feet from Bogart. West of Bogart, it backs up just to the east side of the cul-de-sac on Duncan Lane. Duncan Lane itself is about 2,700 feet from Bogart itself. Bogart is a signalized intersection.

Where?

There we go.

So highlighted is the property itself.

You can see that there are a number of businesses and commercial on the south side of State Street, also to the east and to the west of us. We're surrounded by large-lot residences as well as Duncan Lane, or Duncan's Landing itself, to the west of us.

Our property consists of an old farmhouse, some ag buildings, old barn, and a silo. That's kind of the -- the historic element everybody knows with this property is because of the silo itself. It's 4.3 acres, and we are proposing 60 townhouse apartments on it.

What's unique in the -- and -- about this property itself is three-and-a-half sides are bounded by a canal that provides water to the west. That's adjacent to State Street itself. We have a Boise
Valley Irrigation Company irrigation lateral on the west property line. And then on the north and part of the east, half of the east, is -- Drainage District No. 2 has a drain, a drainage ditch. We've consulted with both of those irrigation infrastructure companies.

We are going to -- we do plan to tile the drainage ditch on the north and the east simply because it's about six-foot deep. It's relatively flat; it doesn't flow a lot of water. It's going to take a really big pipe because it's pretty flat. That particular drain remains open to the north of our property, and it's open currently across and to the east of us. And at some point it will be tiled as well when that property redevelops.

The irrigation ditch to the west in consultation with Boise Valley Irrigation Company -- they preferred we have 359 feet of open ditch. It's tiled from our northeast or northwest property line to the north -- provides water up, I believe, as far as Optimist Park. A lot of properties to the north of us and in consultation with the irrigation company -- they prefer that it would be piped. It will reduce their maintenance at that point.

Access is tenuous at the moment. That's
technically the cul-de-sac and the little road that comes out from the end of the cul-de-sac. That is not on our property; that's a fire access road to Duncan's Landing. It is fenced, gated, and locked. They do access their maintenance road currently along the drainage road and can come down that way, but they prefer that it would be tiled.

Regardless, we do have just two-story product on the west side. The west property that backs up to Duncan's Landing -- we've purposely oriented our building at an angel, the narrow end of the building towards Duncan's Landing. We have -- their setback from our property line, 25 feet at a minimum, provides us adequate access to create that pathway and be a landscape, a fence that remains to be seen.

We have purposely avoided submitting a Design Review application at this point. We know it's required, but we wanted to wait until we heard from all the neighbors and what the Planning Zoning Commission would require of us or would like to see to finalize that application, and we'll go forward from there.

And we do have covered parking. We do have above-the-code, required bicycle parking, as
Mr. Letson stated. We're in a mixed-use area. We're going for transit and so we have geared towards pedestrians' recreation, bicycles, and a different product.

But as far as the drainage, all the -- the two buildings on the north property line are set back a minimum of 25 feet because that's the width of -- if we tile the drainage ditch, we have 25-foot easement on each property. It's 50. There's an existing one on the north property at present so that fits.

When it comes down to the east side of our property, you can see it's a much bigger green space and the access road itself -- because at that point the existing drainage ditch comes down and it's all on our property, and we don't want to go to the neighbor and say, "Magically, now you have a 25-foot easement that's never been there before." We're willing to absorb that easement onto our property. It provides an adequate setback, further buffers from our buildings to the north and to the east for that matter, setback-wise.

So -- one of the -- in our conversations, our meetings with ITD, traffic on State Street is always a problem. I'm sure you'll hear from the neighbors on that as well.
Currently we have three bridges that provide access to this property. ITD will allow us access to State Street, utilizing their permit process. We still have traffic work to go through with them.

This location lines up with Arney Lane across the street, but we need to take out the three current bridges, which aren't necessarily permitted. They're just -- they've been there for a long time.

The property directly to the east -- their historic bridge has been taken out. And in the past two years, they started taking access onto our third -- our east bridge. In order to have a full access point onto State Street, we have to remove that -- the easternmost bridge, which is a little less than 300 feet.

ITD's going to require 500 feet, so we will be working with that neighbor to provide a cross-access agreement and get him agreement to his property across into ours and out to State Street that way. We're working on that, and that'll be required going forward, otherwise we'll have requirements of a decel lane and other things, and so we're trying to avoid that.

Idaho Power has the big power line that
runs right on the edge of the road, on the roadside of the canal, and it's -- they're not really interested in relocating it at this point, no matter what goes in here. It's not -- you know, those poles are not that old, so...

With that, we've -- of course we were annexed previously in 2014. We're asking to rezone to 3D. It allows four and three-and-a-half acres. Our 60 townhouse apartments ends up with a -- just under 14 -- 13.9 dwelling units per acre. We do propose our open space -- 32 percent of that does not count -- the pathways, that those are taken out of that 32 percent, and we're providing pedestrian connections pretty much all around our site, State Street as well as the irrigation ditches.

We have worked with the neighbors and we pledge to continue to work with the neighbors as of today, even trying to set up a meeting in the next couple weeks prior to submittal of our DR application to iron out the issues, the final issues, aesthetic-type issues with the neighbors. We're trying to be good about that, and they're not -- it's a pleasure to work with them all. I told them up front I would take their input and we would work with them. So that continues on.
You can see we have modulated. We have a variety of different materials on our buildings and that will be [unintelligible] out and finalized, formalized through the DR process.

We have a clubhouse. It has an exercise room. It has a community room as well as covered bike storage in the area and the barbecue amenity. So our plan complies with the Comp Plan; it complies with Boise City Code; it's compatible with the existing uses and the neighborhood, residential; we have access to State Street without significant upgrades to ITD with a few conditions; we provide ample recreation opportunities; and our building location and layouts are -- provide adequate buffer to the neighboring homes.

And with that, I will stand for questions.

CHAIRMAN STEAD: Thank you.

NEIGHBORHOOD ASSOCIATION

CHAIRMAN STEAD: First I just wanted to see if there is a representative here tonight from the Northwest Neighborhood Association.

Okay. Great.

And then we'll go to questions.

Thank you.

ERIKA SHCOFIELD: Oh. I don't want that. Go
back to the bottom [unintelligible].

Okay.

Good evening, Commissioners.

Erika Scofield. 7363 Limelight Court, Boise, Idaho 83714.

I'm on the board of the Northwest Neighborhood Association, and I'd like to speak tonight particularly about -- hold on here. I got issues -- particularly about the processing and reviewing of applications in relation to the impact on the political subdivisions who provide services to a given area when development occurs.

The Idaho Code addressing this -- addresses this for zoning and says that the Planning and Zoning should give particular consideration to the effect of a rezone on the delivery of services by others in the area, including school districts, and so does -- okay. I'm having problems.

You do it. Okay. Let's go.

We got technical difficulties.

Next.

-- and so does the Idaho Code in relation to special use permits, which are conditional-use permits and PUDs. It says that those permits may be granted, depending on -- subject to the ability of the
political services.

So when we're looking at this, how does that go ahead and play into this?

Well, the Planning and Development Services has part of the Boise Code that they are supposed to contact each and every political subdivision that provides services to ask them to have a chance to comment on a project.

And that is the Planning Division Transmittal Sheet. That sheet is not in your packet tonight. I've seen it in packets before. Sometimes it's not in there. The main point I want to make about that is how are you supposed to know who was supposed to be contacted if you don't have that sheet? You have some responses in your packet, but that doesn't tell you if everyone who was supposed to be contacted actually responded. So that goes out to the different agencies and departments to seek contacts -- comments -- I'm sorry. I'm tired -- and it gives the chance for Planning and Development Services to evaluate the ability of the political subdivisions, depending on their response.

So in this project report, it says that there are all infrastructure and utilities available to be provided to this site, that there's no undue
burden. I disagree with that, based on some of the comments that are in this packet that are in the record.

From COMPASS, if you look at that circle in red right there, it says that the nearest fire station is 1.9 miles away. In the Comprehensive Plan, we have a level of service standard in Table 3. That level of service standard for fire response is 1.5 miles, 4 minutes, not 1.9 miles. It's also required concurrent with issuance of a permit.

That standard is not just a policy; it's a policy in the Comprehensive Plan, but it's derived from ordinance, in particular, Ordinance 5517 that was adopted in 1994. That's the Master Siting Plan for the Boise Fire Department. It's to declare its system of emergency response for this city. It's a 1.5-mile response distance. It's adopted into the Comprehensive Plan. That's why that guideline, as a policy, is in there. It's derived from ordinance.

So the Master Siting Plan, which is what that ordinance is, is in other places in the Comprehensive Plan in terms of policies. It talks about utilizing existing fire stations and bringing on new fire stations in areas as future growth happens, such as the northwest area. You're supposed to
address and adopt -- and amend the Master Siting Plan as growth occurs and fire stations are selected.

In 2010, No. 13 there is on Pierce Park Lane. That station was approved with a conditional use permit. That station is the one that was used to approve annexation of the northwest area, along with a service contract with the Eagle Fire District and a provision for an additional fire station as growth occurs.

So at this point in time, recently, the City signed a document for service with Eagle Fire District since that didn't happen at annexation. It is an agreement with Eagle Fire District; it's not a contract for services. I can say that with confidence because in the past when the City did annexations, they had a contract for service with the previous provider that involved money, just like this contract for service that the City just did with the Sunset Fire District. You can see there at the bottom it says, "... subject to the payment of contract services, a fee paid to the City." It's based on their taxes; it's not free. Right now we're expecting Eagle Fire District to provide service to our area for free.

And with that service agreement that's
supposed to be provided, which would reach this area, it's based on a fire response list. That's something that most people have never heard of. It's a 9-1-1 dispatch protocol for Ada County. It's a triage-based system, based on critical emergencies. It's not equivalent to what other areas of the city receive when they have a primary station based on the ordinance of 1.5 mile response distance. It's not a response dispatched automatically on first alarm from the closest station regardless of the nature of the call.

This agreement document, whatever the City is going to call it, I say it's not a contract for certain because a contract is to be, according to Idaho Code -- ordinances, resolutions, and contracts are to be taken by vote at City Council with a yes or no. It was signed on a random Friday, September 27th, by our former mayor. It's never been on the Council agenda. Therefore, it's not a contract; right?

Next.

The response times are also part of the Comprehensive Plan. We have a policy that says, "maintain adequate staffing levels to continue to improve our response times." What's happening with our response times right now is growth placing an
undue burden on services and adversely affecting other properties.

Well, the data doesn't lie. In the Comprehensive Annual Financial Report each year, the Fire Department reports its data. If you look in the left-hand corner there, up until 2009, we were staying in the four-minute range while we were creeping up; but by 2018, we're at seven minutes and 11 seconds. That's almost twice the four-minute standard. Growth is increasing the response time. We are not expanding capacity to keep up with demand. Infrastructure is not there to support more people right now in the northwest area.

Why does that matter?

Time's your enemy when you have an emergency. It's a matter -- can be a matter of life or death, damage or destruction to your property. Our own fire chief patently acknowledges that. He knows. We've re -- we've moved Station 8 to close a gap in service to shave off 33 seconds because that matters if you're having a heart attack and you can't breathe.

I know because I watched my husband have a stroke and watched his skin fall off his face and you panic and you lose time before you make that phone call. And if they're losing time because they're too
far away, you can be dead by the time they get there.

So Eagle Fire District -- were they contacted to provide comments?

No. You wouldn't know that because you don't have that sheet in your packet.

Why were they not solicited for comments?

They provide service to our area, the city, on a daily basis. To me, that's a procedural error right there.

We know that they have an undue burden because their most recent November meeting minutes for their Commissioners show, from November 2018 to November 2019, how often we are trading services back and forth. For Eagle to come into Boise, and then they see [unintelligible] territory because they do work together: 339 times. For us to go help Eagle: 47 times. That's reaching undue burden for one provider to provide services that they're not getting paid for. Basically, Eagle Fire District's taxpayers are subsidizing Boise's growth.

So today you have a decision in front of you that's based on the Boise Code and the Boise City Comprehensive Plan. Decisions are to be based on standards and criteria in the Comprehensive Plan or other appropriate ordinances.

Consistency with the policies of the
adopted Boise Comprehensive Plan.

We just went through a policy of a 1.5-mile response, but we see a 1.9-mile response for the nearest fire station. We also have processing of a rezone and conditional use permit -- goes back to Section 11-03-03.4 of the Boise Code. That is the section that deals with what did the political subdivisions submit as their comments. It's also in the decision process for specific criteria for a rezone -- goes back to that same deal. You're supposed to factor that in.

Again, compliance with the Comprehensive Plan, and is this in the best interest of the public convenience and general welfare?

I'm just going to jump ahead here as we're running out of time.

So it's not up to the political subdivisions to determine legal compliance with the Development Code and Comprehensive Plan. It's not up to the Fire Department; they have a duty and responsibility to their National Fire Code. It's up to Planning and Development Services, and it's up to you guys to look at those comments, factor them in, decide if they fit the Code or not --

THE CLERK: Time.
ERIKA SCOFIELD: -- and without one political subdivision, that's going to be hard to do.

CHAIRMAN STEAD: Thank you, Ms. Scofield.

Please hold your applause; this is not the place for that. Again, we're here to respect all opinions and all the comments need to be on the record, on the microphone.

Okay.

So next we will take questions from the Commission for staff, the Applicant, or the Neighborhood.

Any questions?

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: I wanted to ask the Applicant a question.

There he is.

So I just want to make sure, and it may be better for staff -- I'm not sure, but I think you touched on it in your presentation so I just want to clarify. So the cross-access to the east is required, is that correct, in order for you to not have to put in decel lanes? Is that correct?

JAY GIBBONS: Madam Chairman, Commissioner Stevens, so ITD says that we have to take out all
three of the accesses into our property. The neighbor
to the east that fronts State Street is currently
using one of those that we need to take out.

So yes. In order to have --

COMMISSIONER STEVENS: Thank you.

JAY GIBBONS: -- a full access, ride-in/ride-out,
and a full service, not just ride-in/ride-out. Yes.
Then we need to provide cross-access to the fella to
the east so that we can take out that bridge.

COMMISSIONER STEVENS: Okay. Thank you.

Madam Chair, may I ask another question of
staff?

CHAIRMAN STEAD: Yes, Commissioner Stevens.

COMMISSIONER STEVENS: So, Leon, can you address
the setbacks with regard to potential widening down --
this far out on State Street. And just -- can you
clarify for the record whether or not (a) it's planned
for widening this far out, when, and then whether or
not those issues have been taken into account for the
setbacks for this.

LEON LETSON: Yes, Madam Chair.

The development of the site in relation to the
setbacks -- ACHD and ITD have identified no additional
right-of-way here that would be taken at this time.

There is a vision far down the road for
potentially seven lanes, potentially bus rapid transit. There's a lot of things moving out there in terms of how wide the roadway would be here.

I can defer to the Applicant to tell us how far from the current property line the units will be set back, and that is in your staff report as a part of one of the site plans. But just with the canal alone, to the edge of the roadway and then to that site, I'm anticipating that's at least 30 to 40 feet from the property line, which could accommodate roadway widening here.

There's a lot of design work that has to go in -- I mean, we're still figuring out State Street from the downtown out to 27th Street. So not that this area isn't going to get planning as well, but there is -- ACHD does not have an identified time for when they will actually be designing this section of State Street and widening it.

And there's a lot of discussion about if widening it is appropriate here. And we're still hoping that there might be alternatives for other ways to move people without continuing to widen roadways around here, but that's a much different discussion so -- or a bigger discussion.

COMMISSIONER STEVENS: Thank you.
I'll let others go, and then I'll come back on in a minute.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So I have a question for Leon.

So, Leon, we have in our packet a letter from the Boise City Fire Department, dated January 31st, 2020, from Assistant Fire Marshall Johnson, in which he approves the project.

Is it the City's position that that constitutes adequate documentation that the fire safety issues and the impact on political subdivisions with respect to the Fire Department, that that burden has been met by the Applicant?

LEON LETSON: Yes, Madam Chair, Commissioner Gillespie, yes.

Staff would direct the Commission to that letter as a response to whether or not fire services are being adequately provided to the development.

COMMISSIONER GILLESPIE: Thank you.

CHAIRMAN STEAD: Any further questions?

Okay.

COMMISSIONER STEVENS: Oh.
Hang on.

CHAIRMAN STEAD: Yeah, Commissioner Stevens.

COMMISSIONER STEVENS: I'm just waiting for others to be able to jump in.

Leon, I want -- if I could, Madam Chair.

CHAIRMAN STEAD: Please.

COMMISSIONER STEVENS: I apologize.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: The -- I'm curious about the future transit-oriented corridor and just sort of the state of the bus system out in this area at this time. So if you could just put some comment about that on the record so that I can have a better understanding of exactly where we are with that and how that status played into staff's consideration of this application.

LEON LETSON: Yeah, Madam Chair.

Currently service on State Street ends near the Saxton Drive area at Kensington, which is that activity center about a mile to the east.

There is conversation with Eagle to bring transit into their downtown and continue transit out here, but -- you know, it's -- we don't have a robust transit system that it really extends this far out at this point.
That is, I would say, probably the top priority of our recent State Street Plan as well as the Transportation Action Plan, which is another document by the City. We are in discussions with VRT and Eagle and other jurisdictions in the area to continue transit out here.

But I believe -- well, I apologize. There may be one regional commuter in the morning and one in the evening.

It is not a robust transit system out here right now, and I think some of the discussions about concurrency about when we put the transit system in place and allow development -- I think that's a complicated discussion.

If you don't have the demand on the system out here, you can never pay for the system to be out here. So I think that's why we are looking at TOD nodes like Horseshoe Bend, Gary Lane, and then kind of just higher-density residential along this corridor to make that a much more convincing argument in the future to have more robust transit on this section of State Street.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: If I could just follow
up.

So I guess my question is do we, as a city and a staff when you're considering applications, look at a street that has a bus route on it, like an Overland, for instance, where there's actually a bus route, versus a property like we have in front of us right now with this application identically -- because we call them both transit-oriented corridors -- or is there some sort of distinction that staff makes in the course of making a recommendation that helps us as Commissioners make a decision between a place that doesn't actually have any public transit versus a place that actually has public transit, even if it's not robust?

LEON LETSON: Yes, Madam Chair.

Certainly having an existing route adjacent to a site, I would say, is a more valuable situation than one where it's planned. Again, Valley Connect 2.0, every planning document we have is identifying transit on State Street in this area.

So it's definitely not the same as having a bus actually passing by, like in an Overland situation, but this is as close as -- I mean, if you're going to put density on any corridor in our valley, State Street has been identified as the place
to put that because we're focusing investment and
cooperation to build a transit system out in this
area. So planning, basically.

UNIDENTIFIED SPEAKER: Yeah.
COMMISSIONER STEVENS: Madam Chair.
CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: Is anybody else going to
weigh in here?

I have a question for the Applicant.

So in your letter to the City, you made a
point that -- and I don't have it up in front of me so
I'm just going to have to go from memory -- but you
made a point that the way you're doing this project
doesn't actually require you to tile this drain or to
tile this; but then a couple paragraphs later, you
state you're going to and then of course you testified
tonight that you're going to.

So you can -- can you explain to me, other
than the fact that the Irrigation District -- or maybe
it was the Drainage District -- one of them wants you
to do it and it's easier for maintenance for them --
was that the main reason? Because I'm just curious if
you're not required to do it, why you are doing it.

JAY GIBBONS: Madam Chairman, Commissioner
Stevens, it's twofold. By tiling the drain and/or the
ditch, the easements that the irrigation and the Drainage District both exert become narrower. For instance, the Drainage District said they got a 100-foot easement; but if you tile it, it'll knock it to 50, 25 on a side.

Similarly, with Boise Valley Irrigation and the width I had told -- I had stated previously that it was 50-foot and that in my notes, that in talking with their attorney, he said 50. I've since been told maybe it's only 30 -- but regardless, 50 or 30, if that -- if the irrigation lateral is tiled for that 359 feet, then their easement goes down to 10-foot a side so it's a 20-foot easement.

And that's the reason we are willing to tile them in the first place is that it gives us more developable space in order to, you know, create more open space or fit our buildings on it.

COMMISSIONER STEVENS: Thank you.

CHAIRMAN STEAD: Any other questions from the Commission?

Okay.

PUBLIC TESTIMONY

CHAIRMAN STEAD: We'll move onto the sign-up sheet then.

Actually, Ms. Scofield, you're first up on
the sign-up sheet. Would you like to speak again?

Are you --

ERIKA SCOFIELD: I don't know -- I'll pass.

CHAIRMAN STEAD: Okay.

ERIKA SCOFIELD: I got most of my -- and I'm
tired.

CHAIRMAN STEAD: Okay.

Ms. Scofield is going to pass.

It looks like next up is Jennifer Szwek.

JENNIFER SZWEK: I'd like to trade with Bill
Smithey, please.

CHAIRMAN STEAD: Bill Smithey's next up on the
list.

So Jennifer's waiving her time and Bill
Smithey will be --

UNIDENTIFIED SPEAKER: I don't think she wants
to --

CHAIRMAN STEAD: Oh.

JENNIFER SZWEK: Not substituting.

CHAIRMAN STEAD: Got it.

JENNIFER SZWEK: If we could trade our places.

CHAIRMAN STEAD: Okay.

JENNIFER SZWEK: Okay.

CHAIRMAN STEAD: Next up is Bill Smithey.

BILL SMITHEY: Thank you.
Bill Smithey. 8152 Duncan Lane.

I'm going to start -- I just want to talk about the -- some TOD and safety issues.

The developer in their November 26 letter to the City -- he tells the City that ITD has said that a multi-family development with a maximum of 60 units will allow the developer to avoid drastic improvements to the State Street frontage.

Yet, the IDT (sic) says something completely different. Specifically, the ITD has access and traffic concerns, provided that the appropriate ITD permit is obtained in future connections and are required to submit [unintelligible] generation numbers. The ITD does not object to the proposed application.

And in their letter to the City, the ITD states that in order to consider a full-access approach for the development, the residential approach approximately 250 feet east of the proposed approach must be relocated. And also, if the residential approach to the east is not relocated, then the Applicant will be required to submit a right-turn lane warrant. Also, that the proposed approach has not been properly documented with an ITD permit, the Applicant will need to submit an ITD right-of-way
encroachment application and permit.

Also the necessary infrastructure for both the traffic and pedestrian safety and high quality TOD -- they really are not in place, and they're not likely to be in place in the near future.

The exit and enters onto Highway 44 will create additional confusion in a high-speed corridor already well known for its dangers. In general, the traffic accelerates beyond the posted limit of 50 miles per hour when traveling west from the Glenwood intersection area.

We've heard concerns from residents south of Highway 44 who already feel unsafe using Arney Lane due to the involvement in traffic accidents. Arney Lane is this -- is aligned with the proposed entrance to the project and, as such, may directly compete with the middle turn lane if the project entrance does not entirely enforce ride-in and ride-out turns.

If these are enforced, the most -- most morning commuters will be forced to turn westward onto Highway 44 and drive towards the non-signal Duncan Lane intersection 240 meters to the east. Morning commuters at Duncan will be making a left turn across the path, likely into the middle turn lane. The commuters leaving the project, now heading opposite
their desired direction, will make -- either make (a)
a right turn onto Duncan to find the turn-around
location within the neighborhood and proceed back out
Duncan to make a left turn onto Highway 44, or (b)
make a left turn using the middle turn lane into one
of the businesses on the south side of Highway 44 and
then make a right turn onto State Street, or (c) --

THE CLERK:  Time.

CHAIRMAN STEAD:  Thank you.

BILL SMITHEY:  Thank you.

[Unintelligible]

CHAIRMAN STEAD:  So Jennifer Szwek next.

JENNIFER SZWEK:  All right.  Thank you.

Jennifer Szwek.  8955 Duncan Lane.  I live
in the northwest neighborhood, and I'm here to talk
about this very large rezone of -- for our area here,
and particularly the safety of the school children
here in this area if this goes through, so...

The school children will need to be bussed
or driven to school due to lack of safe walking
infrastructure, the detached sidewalks, street
lighting on Bogart and along Highway 44, incurring the
dangers of entering or exiting the development by
vehicle.  Capacity will require bussing in the near
future, and the lack of infrastructure shifts the cost
of accommodating this proposed project onto the backs
of the taxpayers and the cost of bussing.

Although Boise School District may respond
that a PUD has been -- met all of their requirements,
they have no specific requirements for PUDs, and thus
is the responsibility of the planning staff to ensure
the needs of the school children are met.

UNIDENTIFIED SPEAKER: Is there something wrong?

UNIDENTIFIED SPEAKER: Oh. Yeah.

UNIDENTIFIED SPEAKER: Oh. Okay.

JENNIFER SZWEK: As you can see over here in
this diagram, they did respond, but it's a form letter
that the school system sent when we did our records
request with no specific information.

So along with the safety of the children and
increased bussing concerns that we see from no
infrastructure from Shadow Hills Elementary on Bogart,
these are children, age five to 12, that we're
conscemed about here.

Something to consider here, as we heard
earlier -- gosh -- from Rick Visser, is the Idaho Code
here with LLUPA, which is the law that needs to be
followed to avoid undue concentration and population
overcrowding of the land and to allow local school
districts to participate in the community planning and
development process so as to address public school
needs and impacts on an ongoing basis.

So the comprehensive guide, as Rick said, is just that. The Comprehensive Plan is just a guide.

So in the safety of this new development, how would it be if children could walk to school, possibly negotiating with the adjacent landowners to create a pathway along the irrigation lateral to allow the people and kids to walk to the park? Children need to have fresh air to play and away from the harmful effects of living near a busy highway.

THE CLERK: Time.

CHAIRMAN STEAD: Thank you.

JENNIFER SZWEK: Mm-hmm.

CHAIRMAN STEAD: Next up is Richard Llewellyn.

UNIDENTIFIED SPEAKER: [Unintelligible] the Applicant.

RICHARD LLEWELLYN: Richard Llewellyn. 9170 Hill Road.

Thank you, all. I will try to make my comments as -- well, I guess I have three minutes.

So our compatibility to West B subdivision is a real issue here. West B subdivision are the eight parcels to the north. They have been covenant restricted since I was a kid, and they cannot
subdivide unless they have unanimous consent among all of them.

So that really puts a burden on trying to figure out how to do TOD. TOD is something that our neighborhood is kind of resigned -- or accepted or -- maybe it's a good idea. We certainly think transit along State Street is a good idea in the long run, but how do we do it well?

One thing we do -- it well -- is we fought and struggled, and I personally worked to maintain this lateral on the north side. We would like it staying open all the way along and that would help maintain compatibility in an otherwise challenging situation.

Yeah. We're keeping our waterways in the sun. It's a State Street corridor policy to daylight -- keep daylight -- the canals daylighted, and I appreciate your comments earlier, Commissioner Stevens, about that.

Zoning update. So this policy is quoted by planning staff that we should remove barriers to desirable development patterns, particularly in those areas identified as areas of change in Chapter 4 Planning Area Policies.

This brings up a lot of issues for us.
Almost our entire neighborhood is considered an area of change. It's -- of course, was done so before we were part of the city. And, clearly, whoever wrote that map didn't know about the West B subdivision covenants.

But even larger -- we do not have a desirable development pattern in northwest Boise.

When I was a kid, my little sister -- I was in sixth grade. She had a temporary school classroom -- it was supposed to be temporary -- at Pierce Park and guess what? Just this year, now, very -- quite a long time later, we're finally catching up to our growth; right?

So we just do not believe that it will happen on its own. This area is getting impacted heavily, multiple developments that, you know -- it would be a good idea to get a connectivity over to Bogart, but that's not going to solve everything.

So, I just emphasize, we have to do the best job we can here. And I think that until infrastructure can catch up to the safety requirements and the livability goals of transit-oriented development, I think if we just continue to approve developments here -- I just don't think those things are going to happen. I think that if you require them
at least concurrently, there will be enough pressure
put on the City and various agencies to make them
happen.

So that's what I hope will happen, so I
think you should reject it. I do appreciate working
with the developer, and I do hope he -- we can
continue --

THE CLERK: Time.

RICHARD LLEWELLYN: -- the conversation.

CHAIRMAN STEAD: Thank you, Mr. Llewellyn.

That's all we have for the sign-up sheet.

Is there anybody else in the audience
hoping to testify on this item tonight?

UNIDENTIFIED SPEAKER: No.

CHAIRMAN STEAD: I see one.

Don't forget, please, to sign the white
sheet and start with your name and address.

BRENT COLES: My name is Brent Coles. I'm at
6780 Casa Real in Boise, Idaho in the Northwest
Neighborhood Association area.

Our neighborhood has been working diligently
to write a neighborhood plan; we're working on it
diligently.

The challenge for us is to drive out onto
State Street. We look at -- Arney Lane connects to
Riverside Village, which is in Garden City, very large development, has two access points. One is Arney Lane, and one is on Gary Lane. All that traffic coming out to State Street comes -- will come -- it comes directly across the street from this project. So now we're going to put 60 units up there on a street, State Street, that is over capacity now -- 50 miles-an-hour traffic, no stop light there.

There's one at Bogart Lane. Bogart Lane intersection is not a fully developed intersection by any means, and I drive through there -- I go through Arney Lane, and it is a suicide trying to get out into the middle lane and then get over into traffic. It's a disaster waiting to happen. Very, very challenging.

Madam Chair, members of the Commission, I first wanted to say I respect and thank you for your volunteer work here. I understand it.

I -- it's time to say, "Stop." It's time to say, "No." It's time to say, "Let the Northwest Neighborhood and other associations develop their neighborhood plans."

Is nine minutes okay for you to have fire response? To have medical response? Is that okay?

I mean, you're given information, but you're the ones that make the final decision.
We were promised a fire station out there years ago when we were annexed. It's never been built.

So yes. We depend on Eagle, and that's just if they're not busy, but they're busy. We're way down the list. This is a legal issue waiting to happen.

Use common sense, use your integrity, your ability.

We're over 50 police officers short. They don't patrol State Street. It's divided between the city of Garden City and the city of Boise. We live out there. We don't see enforcement. We just, not too long ago, had a fatality at Eagle Road and State Street, just cars driving too fast, ignoring stop signs, running out into those intersections.

You have the opportunity to say, "Stop."

Say, "No. Let's wait till we have some infrastructure."

There's no sidewalks on State Street. There's no bicycle lanes. It's the most dangerous place at 50 miles an hour. We're going to put 60 units, 120 people, saying, "Oh, jump out there onto State Street."

And I did not see, and maybe there is --
is there a secondary access for fire to get into this subdivision? I didn't see it, maybe it's there. But I know it. I know this is historical, but it used to be every subdivision had to have two access points for fire and police.

THE CLERK: Time.

BRENT COLES: Thank you for your time.

CHAIRMAN STEAD: Thank you, Mr. Coles.

Is there anybody else looking to testify on this item tonight?

Okay. Seeing none.

REBUTTAL

CHAIRMAN STEAD: We will invite the Applicant back up for a five-minute rebuttal.

JAY GIBBONS: Thank you, Madam Chairman, Commissioners.

What we heard for the most part from the comments is traffic and fire.

And what I said previously in my presentation about ITD and their permit process -- that is the permit process that we have yet to go through. We wanted to proceed to this level of the City to see if we gain approval before we actually went down the road, wasted their time or ours in preparing that permit. There's a lot involved in it,
so we still have to do that with ITD. That's outstanding. It'll get done here pretty quickly.

As fires is concerned, you know, it is what it is, and it's been a problem for a long time. I've heard all kinds of comments in my planning experience with the County and all the big, proposed subdivisions or developments in every form over the last 15 or 20 years -- is the services, services, services. In some regard, we have to build things in order to have the base to provide those services, specifically in transit and busses.

At present, we have -- we got a letter from the Fire Department, said that they were willing to serve us and they could, adequately, from the access that they had and the transportation that the street layout within our development.

So with that, I will close my rebuttal and stand for questions or leave it in your capable hands.

CHAIRMAN STEAD: Thank you.

MOTIONS

CHAIRMAN STEAD: At this point we'll close this portion of the hearing, and the item is before the Commission.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.
COMMISSIONER GILLESPIE: I move that we recommend approval of CAR19-28 and approve PUD19-39.

COMMISSIONER FINFROCK: Second.

CHAIRMAN STEAD: We have a second by Commissioner Finfrock.

Is there any discussion?

COMMISSIONER GILLESPIE: Madam Chairman, just a couple of issues. I'm sure more will come out.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Thank you.

Seems like a lot of people have concerns with the other approving agencies, the Fire Department, ITD, the school district, the drainage companies, the laterals, et cetera.

You know, the issue is we have to rely on facts as we see them before us. We have the expert testimony of all of those agencies either approving of this or, in the case of ITD, saying what needs to be done. Sounds logical to me, what they're proposing. The Applicant and the City will make sure it's done, and the Applicant has said they'll do it.

So all of these concerns about these approving agencies -- I just think those concerns are best taken to those agencies. So if folks don't like that the Boise School District approved this
development, go talk to the Boise School District, because I've got these folks who are paid to do this, right, who say it's approved. So if I turned around and tell a private property owner, "We can't do this because the schools aren't adequate," he's going to, you know, walk to City Council or walk to the Ada County Courthouse and say, "Look, I got this note from the Boise School District. So who are these guys saying that it wasn't adequate?"

That's a problem, folks. I get the problem, but I don't think the solution is here or at least as far as I'm concerned in this matter. We heard no facts with respect to school overcrowding; we heard no facts with respect to poor fire performance; we heard no facts, really, with respect to this development itself and how it's situated and it fits facts of opposition.

So, from my point of view, the rezone is doing something that the City really wants to do, which is get development on State Street. I support that. I think it's the right thing to do. Frankly, it wouldn't matter if I didn't support it. It's what it says in the Comp Plan and the Code. And, you know, it meets all the dimensional standards and all of the nitty-gritty that we go through, so I'm going to
support the motion.

CHAIRMAN STEAD: Further discussion?

COMMISSIONER FINFROCK: Madam Chair.

CHAIRMAN STEAD: Commissioner Finfrock.

COMMISSIONER FINFROCK: As Leon explained, if we're going to add density, then it should be along State Street, you know, a future transit corridor, which is supportive of our Comprehensive Plan. And that, coupled with the amenities, setbacks, and the parking requirements that adhere to the development code -- I'm going to support the motion.

And, as Commissioner Gillespie pointed out, Boise Fire Department received and approved this application as well.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: I'm going to oppose the motion, which may seem a little bit contrary to the other things I've said tonight, but here's where I'm going with this.

I, generally speaking, support this kind of density at this spot at some point in the future, but I am concerned that this neighborhood is dying by a thousand cuts and that it's taking one after another. In fact, the slide that's on our screen
right now is a great example, and there are more that aren't on the screen.

I'd like this neighborhood to be given the opportunity, frankly, to finish their comprehensive plan or their neighborhood plan, I mean, and have it adopted into our code and into our Comp Plan.

This is not a transit corridor yet; there is zero public transit at this point. And I think, you know, there is little remaining land in this neighborhood that we can actually try to create some place-making in, and this is one of those places.

I'd like to see some part of that canal remain open, probably the west side makes the most sense; but, you know, I leave that to the neighborhood and the developer to figure out. But something has to remain of this neighborhood with the density that's going to go in.

You know, we talk a lot about what makes Boise so great, and the things we want to keep, and the things we want to maintain, and we have to do it somewhere. We have to do it somewhere.

And if we're going to put density somewhere, I'd say this is the spot, but let's get a bus out there first and let's let the neighborhood have a plan so that we can have some connection to
what used to make the northwest neighborhood great.

I'm opposed, generally speaking, to closing canals. I don't know if anybody's aware, but we're in the middle of daylighting Cottonwood Creek right now because of all of the creeks that we've laid underground in this valley, all of the ditches, all of the waterways. We have very little connection left to our ag history in this city, and our city was built on ag history. For those of you who don't know, it's mining, it's timber, and it's ag, and so to get rid of every last vestige of that connection to place is really bothersome to me.

I support density here. I'll repeat that so that the people who are opposed to this project can hear me. I support it here and I will support it in the future, but I would prefer to see an application come back to us that recognizes the history of this, that recognizes the connection to the parcels to the north, and that provides some visual representation of that connection.

So I will not be supporting the motion, but I probably will in the future if we see something different come back.

CHAIRMAN STEAD: Further discussion?

Okay.
We have a motion to approve CAR19-28 and recommend approval -- oh. Sorry. I had that backwards -- recommend approval for CAR19-28 and approve PUD19-39.

ROLL CALL

CHAIRMAN STEAD: Can the clerk please call roll -- vote.

THE CLERK: Gillespie.

COMMISSIONER GILLESPIE: Aye.

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.

THE CLERK: Stevens.

COMMISSIONER STEVENS: No.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: Aye.

THE CLERK: Motion carries, three to one.

CHAIRMAN STEAD: Thank you.

We're going to take a quick break before we come back to hear Item 7. We'll break for about five or six minutes.

(End transcription at 3:43:15 of audio file.)
7. **CAR19-00032 / Townhomes on the Ave, LLC**  
612 N Avenue H Ave  
Rezone of 1.04 acres located from a R-2 (Medium Density Residential – 14.5 units/acre) zone to a R-3D (Multi-Family Residential with Design Review – 43.5 units/acre) zone. Karla Nelson

**PUD19-00044 & CVA19-00073 / Townhomes on the Ave, LLC**  
612 N Avenue H Ave  
Conditional use permit for a planned residential development comprised of 18 attached townhomes on 1.04 acres located in a proposed R-3D (Multi-Family Residential with Design Review) zone. A variance is also included for the front and rear yard setbacks. Karla Nelson

**SUB19-00077 / Armory Avenue Subdivision**  
612 N Avenue H Ave  
Preliminary plat for a residential subdivision comprised of 18 buildable and 2 common lots on 1.04 acres located in a proposed R-3D (Multi-Family Residential with Design Review) zone. Karla Nelson

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<td>Jennifer Stevens, Commissioner</td>
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<td>AYES:</td>
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**ALL IN FAVOR, MOTION CARRIED**
IN RE: } )
CAR19-00032 / TOWNHOMES ON THE AVE, LLC ) )
and ) )
PUD19-00044 & CVA19-00073 / TOWNHOMES ON ) )
THE AVE, LLC ) )
and ) )
SUB19-00077 / ARMORY AVENUE SUBDIVISION ) )
612 North Avenue H ) )

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TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, FEBRUARY 10, 2020

COMMISSIONERS PRESENT:
MEREDITH STEAD, CHAIR
JENNIFER STEVENS
MILT GILLESPIE
JANELLE FINFROCK
BEN ZUCKERMAN, STUDENT COMMISSIONER

TRANSCRIBED BY:
VICTORIA HILLES
INTRODUCTION

CHAIRMAN STEAD: Could you change the -- thank you.

KARLA NELSON: Madam Chair and Commissioners, before you is a request to rezone one acre from a medium-density, residential zone to multi-family, residential zone with design review, located at 612 North Avenue H. A planned, residential development comprised of 18 attached townhomes and a variance for the front and rear setbacks is also included, along with a preliminary plat for a residential subdivision comprised of 18 buildable and two common lots.

The site is located in the East End in the Reserve Street Armory Neighborhood Activity Center. The military reserve, bike skills park, and dog park are only 330 feet to the north, Fort Boise Park is 800 feet to the west, and Saint Luke's Hospital is within a half mile of the site.

The Applicant requests to rezone the property from R-2, which allows up to 14.5 units per acre, to an R-3D, which allows up to 43.5 units per acre. The Planning Team finds the R-3 zone to be appropriate, as higher-density developments are
desired in the Neighborhood Activity Center and the R-3 zone will provide a transition from the higher, intense, active uses that are anticipated to redevelop in a C-2D/DA zone armory site and to the R-2 zone properties further to the east.

The proposed density will also be similar to other properties in the vicinity, as shown on this map.

Oops.

For parcels 1.5 acres in size or less, as is the case for the subject property, Blueprint Boise does not require adherence to the associated land-use designation, provided the proposed use is supported by other Comprehensive Plan policies. There are numerous policies within the Comprehensive Plan and the East End Neighborhood Plan listed on this slide which support the proposal.

As an infill project in close proximity to downtown, future residents will be able to meet many of their daily needs within walking distance. The proposal also further diversifies the housing products available in the neighborhood and offers a pedestrian-oriented design.

Here is the site plan. The plan complies with required parking, height, and density
requirements of the R-3 zone. To address neighborhood concerns regarding cut-through traffic, the Applicant has agreed to modify the site plan to install a sidewalk bulb-out on the corner of Avenue H and Logan Avenue.

The southwest corner of the site will offer a public amenity space for the neighborhood in the form of raised planters with trees and seating. An additional amenity will be provided internal to the site and will offer an outdoor patio, built-in barbecues, and seating for the townhome residents. A gate will allow access between the proposed development and the adjacent development to the east.

Here are the building elevations and perspectives facing Logan Street. Each building will have a similar design with modulated facades and a variety of materials to break up massing, and all of the units will include porches and balconies.

As the rezone will place the property within a Design Review overlay district, the site and building design will be reviewed in more detail through a separate Design Review application.

The Applicant has proposed variances to the front and rear setbacks on several lots for both balconies and the main building footprints. A
variance is also requested for a portion of the
service drive. The Planning Team finds that
exceptional circumstances exist to justify the
variance requests.

Logan Street is 80 feet wide in this area,
which is unusually wide for a local street, and the
width has allowed for the Applicant -- additional
width has allowed for the Applicant to provide street
improvements. And, as a result, the balconies facing
Logan Street will be approximately 27 feet from the
dege of pavement, providing ample front yards as well
as an inviting streetscape.

The main structure of the building is set
back even further at 33 feet from the edge of
pavement. As a result, the requested front-yard
encroachment will not be noticeable to the
neighborhood.

The proposed rear-yard variances for Lot
15 and 16 will be separated from the nearest
condominium -- condo building by more than 75 feet.

The Planning Team finds that the requested
variances will not harm nearby properties but will
allow for a high-quality townhome development with
public and private gathering spaces.

In conclusion, the Planning Team
recommends approval of the application.

As a reminder, the Commission will make a final decision on the PUD and variance and a recommendation to City Council on the rezone and subdivision.

Thank you.

CHAIRMAN STEAD: Thank you.

We'll now hear from the Applicant, please.

BEN SEMPLE: Good evening.

Ben Semple. 1014 South La Pointe Street, Suite 3.

Madam Chair and Commissioners, I guess we're just really excited for this project. We feel really great about what it will add to the East End Neighborhood here, and we are in agreement with all the conditions of approval contained within the staff report.

With that, I'll stand for questions.

CHAIRMAN STEAD: Thank you.

NEIGHBORHOOD ASSOCIATION

CHAIRMAN STEAD: Next up we have -- we'll ask for a representative from the neighborhood association.

Do we have somebody from the East End Neighborhood Association here tonight?

Does the Commission have any questions for the Applicant or for staff?

Hearing none --

COMMISSIONER GILLESPIE: Give me just a second, please. Sorry. Just trying to wrap my head around it.

Can -- Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: Can we put up the variance chart again, Karla?

So could you just walk through that piece one more time for this tired Commissioner on why the City is okay with these two variances.

KARLA NELSON: Madam Chair, Commissioner Gillespie, Logan Street, right here in front of -- this is a variance to the front balconies and the buildings. And Logan Street in this section is 80 feet wide, which we find to be -- sorry -- exceptionally wide for a local street in this area. Most are 50 to 60 feet wide.

And so the buildings will effectively be set back quite a bit further at 27 feet for the balconies and 33 feet for the building from the edge of pavement. So there's still a lot of front-yard space
and public space that will be in place, even with this variance.

And it does meet a lot of our Comprehensive Plan policies in terms of having a pedestrian-oriented structure and the detached sidewalks, street trees.

This variance in the rear yards is set back from this nearest structure by 75 feet, and it's separated by a parking lot, mature landscaping, and a carport structure. So we found that it really wouldn't impact the neighbors.

COMMISSIONER GILLESPIE: Okay. Thank you very much.

COMMISSIONER FINFROCK: Madam Chair.

CHAIRMAN STEAD: Commissioner Finfrock.

COMMISSIONER FINFROCK: A question for staff.

Can you explain the exception to Blueprint Boise's land-use designation for properties under 1.5 acres in size?

KARLA NELSON: Madam Chair, Commissioner Finfrock, Blueprint Boise includes a policy saying that if properties are less than 1.5 acres in size they don't need to meet the land-use designation. So this one -- the designation is compact and, normally, the requested zone would not be allowed. But because it is smaller than that -- it's only a little over one
acre in size -- we just have to look at the policies
in the plan and find that those -- that it's meeting
several of the policies and that's where we can make
our determination.

COMMISSIONER FINFROCK: Thank you.

COMMISSIONER GILLESPIE: Okay. Good.

Thank you.

Question.

CHAIRMAN STEAD: Thank you.

Are there any other questions from the
Commission?

Okay.

PUBLIC TESTIMONY

CHAIRMAN STEAD: Moving on to the sign-up sheet.
The only person we have on the list is Brian Donnley
(sic).

BRIAN DONCILEY: Chairman, Commissioners, my
name is Brian Donciley. I live at 550 Avenue H, which
is directly across the street to the south.

I own another property at the end of the block
on East Krall, 1012 East Krall. These are two
duplexes. I've lived in the one on the corner of
Logan and Avenue H to the south of this development
property now for about, I don't know, 15–20 years. I
don't know exactly.
In 1861, John Krall came over from who-knows-where, Germany. But, basically, he was a banker. They developed this property. It became a horse ranch eventually, and they leased horses and what-have-you out of this property, and Krall Subdivision is the result of his divide -- subdividing. He was in cahoots with Davis, who -- Julia Davis Park, and they were orchardists. And there's a lot of history around this particular neck of the woods, which, I think, I want to bring to this Commission's attention before this development essentially destroys any sense of that history.

Those buildings that are there are shacks now; it's an eyesore. I've watched it degrade with the current owners, frankly. I've talked to them, and it was obvious that this property is being held for future development. It's pretty junky. This is going to be an improvement certainly, aesthetically. It'll be an improvement for me; I'm sure it'll enhance my property values.

But what it will do to me, as in -- I'm the only one here. I guess I'm the only one who really, directly, probably -- it's in my face. When I go out the door, I'm going to be looking at a three-story townhouse subdivision across the street
instead of those little houses, one built in 1935 by
the prior owner's grandparents, and he's since passed
away. You know, it's a little neighborhood thing.

   It's changing. Boise's changing. East
End is changing. The city is essentially encroaching
into this little corner because it's not in the
historical district.

And the Armory's across the street and,
frankly, the Armory -- some of those guys, you know --
a couple of them -- one of the owners of the Armory
property's my client. He tells me what they're doing
over there. Someday that's going to be developed into
something real, a single -- nobody knows. I mean,
apparently, we ask, "What's going on over there?"

   There's a -- they're waiting for a single
lessor, and they don't want to do the build-out. It's
going to cost a ton of money. Someday that's all
going to happen over there across the street from me.

   I loved walking in the hills with my dog
before the bike park. I don't so much now.

   The little -- it's just changing, changing
fast. The history of this is -- I guess what I'm
saying is be careful.

   This is a good development.

THE CLERK:  Time.
BRIAN DONCILEY: It looks nice. It's good. It's close in. It's going to deliver --

CHAIRMAN STEAD: Thank you, sir. That's your time.

BRIAN DONCILEY: -- good value to the city, and my perspective is mine.

CHAIRMAN STEAD: Thank you.

BRIAN DONCILEY: Thank you.

CHAIRMAN STEAD: Is there anybody who did not make it onto the sign-up sheet that would like to -- please come up.

If there's anybody else, too, please come up to the front.

Thank you.

Start with your name and address. You'll have three minutes. And then also, please, complete one of those white slips --

DAVID KLINGER: Yes.

Good evening.

CHAIRMAN STEAD: -- when you're finished.

DAVID KLINGER: David Klinger. 1404 North 24th Street.

And the previous speaker alluded to the question that I wanted to put on the record. You know, I believe that context in judging any project
application is important, and so I'd like to ask the elephant-in-the-room question, the one that the gentleman just before me alluded to.

What is the status of the significant block of land on which the historic Boise Armory exists? What is the status of that project?

It's been -- remained vacant for years. It's contiguous -- a contiguous property to this project. So I just think that a lot of people in Boise are confused about the future of a historic property that has remained vacant for so many years, and no one really seems to have a clear picture in terms of the direction that property is going.

It may have little bearing on the project before you tonight, but I think context is important. We need to know.

Thank you.

CHAIRMAN STEAD: Thank you.

Is there anybody else that would like to testify tonight on this item?

Okay. Seeing none.

We'll close this portion of the hearing, and the item is now before the Commission.

REBUTTAL

COMMISSIONER GILLESPIE: Oh. Rebuttal.
CHAIRMAN STEAD: Oh. Thank you.

Okay.

The Applicant is waiving his rebuttal.

MOTIONS

CHAIRMAN STEAD: So now the item is before the Commission.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: I hope I get this one, the numbers, right.

I move to recommend approval of CAR19-32, to approve PUD19-44 and CVA19-73.

CHAIRMAN STEAD: Mm. It's --

COMMISSIONER STEVENS: Madam Chair.

COMMISSIONER GILLESPIE: Oh. Did I forget one?

Oh. And -- sorry -- one more.

And included in the motion is to recommend approval for SUB19-77.

COMMISSIONER STEVENS: Second.

CHAIRMAN STEAD: Okay.

We have a motion and a second by Commissioner Stevens.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So I live very, very
close to this thing. So it kind of is it's special, little corner.

The whole Armory issue is -- in this whole neighborhood, is it's really cool, it's really interesting. And I appreciate Mr. Klinger's comment. He may need to know, but nobody knows. So I don't think there -- I don't know of any. I can't answer his question, and I don't think anybody can. We don't know. I mean, some guys own it. They don't know what they want to do. It's an incredibly expensive building to deal with. If you've ever been inside it, it's incredibly cool, and I could go on forever. So, unfortunately, I can't answer your question, and I don't think it's right to tie that to this.

I love this development. I think the way it activates the streetscape down there in that area -- it's ripe for that. It's right next to St. Luke's, so if you were just starting to work in your professional career at St. Luke's and you needed a place to live, this would be perfect. You could walk every morning. It's just straight shot to Luke's, which is the biggest employer, I think, in the city.

Decent trends of access for Boise, Idaho -- we all know those issues. It has wonderful access to
the foothills and parks, and it is a great neighborhood already. And as -- you know, as someone pointed out, as long as we don't blow it on the Armory -- and I don't think we will -- I think it'll be a really great neighborhood. So I'm really excited to see this development. I'll be supporting the motion.

CHAIRMAN STEAD: Further discussion?

ROLL CALL

CHAIRMAN STEAD: Will the clerk please call the vote.

THE CLERK: Gillespie.

COMMISSIONER GILLESPIE: Aye.

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.

THE CLERK: Stevens.

COMMISSIONER STEVENS: Aye.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: Aye.

THE CLERK: All in favor. Motion carries.

CHAIRMAN STEAD: Okay. Okay.

(End transcription at 4:06:20 of audio file.)

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8. **CAR19-00025 / CDG Acquisitions, LLC**  
1909 & 2001 W Boise Ave  
Rezone of 3.3 acres located from C-1D (General Commercial with Design Review) and R-2 (Medium Density Residential) zones to a R-OD/DA (Residential Office with Design Review and Development Agreement) zone. Céline Acord

| RESULT: | DENIED [2 to 1] |
| MOVER:  | Milt Gillespie, Commissioner |
| SECONDER: | Meredith Stead, Chairperson |
| AYES: | Milt Gillespie, Meredith Stead |
| NAYES: | Janelle Finfrock |
| ABSTAIN: | Ben Zuckerman |
| ABSENT: | Jim Bratnober, Bob Schafer |
| RECUSED: | Jennifer Stevens |

**MAJORITY IN FAVOR, MOTION CARRIED**

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**CUP19-00079 / CDG Acquisitions, LLC**  
1909 & 2001 W Boise Ave  
Conditional use permit to exceed the maximum height allowed adjacent to residential on 3.3 acres located in a proposed R-OD/DA (Residential Office with Design Review and Development Agreement) zone. Céline Acord

| RESULT: | WITHDRAWN |
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: )
CAR19-00025 / CDG ACQUISITIONS, LLC )
and )
CUP19-00079 / CDG ACQUISITIONS, LLC )
1909 & 2001 West Boise Avenue )

___________________________________________)

TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY FEBRUARY 10, 2020

COMMISSIONERS PRESENT:

MEREDITH STEAD, CHAIR

JANELLE FINFROCK

MATT GILLESPIE

JENNIFER STEVENS

BEN ZUCKERMAN, STUDENT COMMISSIONER

TRANSCRIBED BY:

JEFF LaMAR, C.S.R. No. 640

Notary Public
(Begin transcription at 4:05:43 of audio file.)

INTRODUCTION

CHAIRMAN STEAD: Okay. Okay. Moving on to item No. 8, which is it CAR19-25 at 1909 and 2001 West Boise Avenue. This is a rezone of 3.3 acres.

And now we'll hear from staff. Céline.

CÉLINE ACORD: Chairman, Commissioners, everyone in the public, thank you for hanging out with us late tonight.

For those of you who don't know me, I'm Céline Acord with Planning and Development Services. Commissioners, the last item tonight is a request for rezone at 1909 and 2001 West Boise Avenue. The Applicant formally withdrew the height exception request, which is attached in your late correspondence packet. So before you tonight is only a rezone. There is an attached Development Agreement, which would tie conceptual design to the redevelopment of this property.

The site is on the edge of the downtown and the southeast planning areas, and adjacent to the Boise State campus, at the intersection of Boise Avenue, Protest Road, and Beacon Street. Adjacent properties include a restaurant along Protest Road, single-family
homes on the bench in the Mesa Vista Subdivision, and the Woodbridge Townhomes to the northwest. Across Boise Avenue is Boise State student housing, and across Protest are the Identity and Eagle Pointe Apartment complexes.

The property is designated mixed use in the Comprehensive Plan and is located in the heart of an activity center. This designation allows for almost every zoning district so as to encourage more active uses. The site is also on the edge of the downtown planning area, which encourages the most intense uses in the core of our city.

The site is currently split zoned with R-2 and C-1D zones. The Applicant is requesting a change to the zoning to R-OD with a Development Agreement. The RO zone is present in the neighborhood just across the road.

The project report analyzed the current zones, the proposed zones and -- excuse me, zone and the other potential zones and their different allowances with regards to uses, setbacks, height, and floor-area ratio requirements. I won't go through all of that again. I know we're all a little tired right now.

But in summary, the height setbacks,
density, and floor-area ratio proposed with this
project are very closely aligned with other potential
zoning districts, such as the R-3, C-1, or C-2 zones
that could be potentially zoned here. In short, the
Planning Team does believe that the RO zone is
consistent with the long-term vision for the area.

So the Development Agreement which was
included in the rezone, included a concept plan for a
three to four-story structure with underground parking
that included 194 units and 537 beds. Overall the
Planning Team believed that the project was suitable
for the area, but included recommended conditions.

In your late correspondence packet, the
Applicant agreed to limit that height to three stories.
And again, withdrawing that height exception request,
but asked for flexibility on other points. It's
important to know that while we are talking about the
details of a conceptual design, that's what it is, it
is conceptual. The DA is essentially providing
sideboards of what could be built on this site in its
most intense form as this use would be allowed within
the RO.

Commenting agency requirements and further
review by the Design Review Committee or even City
Council may still very well change this project. So to
go over what is being recommended for you all tonight
are the following conditions for the Development
Agreement:

Limiting the height of the structure to
three stories. The Applicant has already agreed to do
this, but the condition spells out that the building
would be at 35 feet in height and the parapet walls,
mechanical units, elevator towers, et cetera, would be
no more than 40 feet in height. Capping the density to
195 units and 545 bedrooms. The floor-area ratio would
be no more than 1.55 for aboveground improvements.

For parking, requiring a minimum of 267
spaces be provided. The number of indoor and secured
bicycle parking spaces would be half the final bedroom
count, while external guests bicycle parking spaces
would be one space per ten bedrooms, and at least two
alternative transportation options should be provided
for the residents within the development. And would
not include the existing transit lines that are in
front of the site.

Three access points are proposed right now.
The DA would only allow one access point. And then
detached sidewalks shall be provided along the street
frontages of the site. And finally, the mitigation for
loss of vegetation shall be conditioned as the Design
Review Committee sees fit.

Do you all have questions before I go on?

Okay. No? Okay.

So you've seen in your packet there's quite a bit of opposition to this project, which are centered around six topics: height, density, parking and traffic, the loss of existing vegetation, the relocation of the drainage facility, and the loss of affordable housing.

With the Applicant withdrawing the height exception request and agreeing to remove the fourth floor, the Planning Team believes height should no longer be a concern. Density and how it correlates with parking and traffic are a concern for the immediate neighborhood. Some believe there should be one parking space per bedroom. As detailed in the report, the concept supplies with the parking standards, and the site location itself will encourage residents to walk and bike. The project is also including alternative modes of transportation.

Many trees on site are in poor health, while others are in excellent condition and certainly add to the urban tree canopy. Typically mitigation is required, but since the design is still conceptual at this point and could very well change with these
conditions, the condition has been included to allow
the Design Review Committee to require that mitigation
with the final design.

As for the drainage facility, there was a
comprehensive letter from the Drainage District No. 3
that went into detail about Drain A, which is shown in
red here. As a standard for most facilities, the
relocation will be reviewed by the Public Works
Department, as well as the Drainage District, to ensure
t heir improvements meet their standards.

Finally, many have commented and many are
in attendance tonight on the loss of affordable
housing. We certainly aren't promoting demolition or
the removal of affordable housing, but the structure is
not an historic building, nor is it landmarked. We are
simply reviewing the merits of the change in zone
tonight. As you know, there are no current regulations
on providing affordable housing within new
developments.

The Applicant is here, of course, and can
fill in wherever I might have left out information. As
a reminder, the Planning Team is recommending approval
of the rezone. You can modify, remove, or add any
conditions to the Development Agreement as you see fit, since this is a recommendation to City Council. And
again, there's no action needed on the conditional-use permit, since it's been formally withdrawn.

And I'll stand for questions.

CHAIRMAN STEAD: Thank you, Ms. Accord.

I think first we'll hear -- we'll see if there's a representative here from the Southeast Neighborhood Association.

COMMISSIONER GILLESPIE: I think we should hear from the Applicant.

COMMISSIONER STEVENS: Applicant.

CHAIRMAN STEAD: Thank you. The Applicant first.

COMMISSIONER GILLESPIE: We'll give you a shot.

CHAIRMAN STEAD: We'll start with ten minutes.

MITCH KORTE: And I hate to do this, I'm going to try and rush through it, but can we request 20 minutes to work with?

CHAIRMAN STEAD: Sure. Yeah.

MITCH KORTE: So I'm Mitch Korte. I'm with Collegiate Development Group, 7711 Bonhomme Avenue.

I just want to say real quick thank you to Céline and her team. They've been great to work with throughout this process, and really appreciate all the work that went into the staff report.

I do, just before I get into it, talk real
quick about the conditions. There are several conditions, like Céline highlighted, that we are willing to accept, including reducing the building height down to three stories, which eliminated the conditional-use permit requirement. And then there were just a few others where we have just very minor changes, but we don't think that that substantially alters the condition. So I'll circle back at the end just to follow up on the conditions.

Okay. On this next slide it shows a little bit about CDG. And I just want to talk about CDG as a whole, just a little bit about our experience. So we're a development company. We're a small group. We only have 17 employees. We do -- you know, we develop mixed-use student housing projects across the country. And we typically do three to four projects a year. And right now we actually have two projects in Boise. So two of our three to four projects a year right now are actually located in Boise.

And I think that speaks to, one, you know, how much we really firmly believe in the fundamentals of the Boise market. And two, really just how much we love this market. Everyone in our office wants to work on the Boise projects. Everyone comes here. They do not want to come home.
Brandt, our principal, just took his family on vacation. Could have gone anywhere. He brought them to Boise. So I just think it shows, you know, we love this market, we love the fundamentals of the market. And, you know, we have two projects now, and we want to be here long term. We're actively looking for more projects. We're actually thinking about potentially adding a satellite office, because we do want to be here and we're committed to being here long term.

What -- just real quick. Sorry about this. Just circling back a little bit more about Collegiate Development Group. We really focus on --

CHAIRMAN STEAD: I'm sorry. Can I just ask you to pause for one second.

MITCH KORTE: Sure.

CHAIRMAN STEAD: Can we pause the time?

The comments from the audience are very disrespectful. We're going to allow each of you your three minutes to share your opinion with us, and we're going to ask that you allow others to share their opinion, too, without interference. So let's please keep those comments to yourselves until you're at the microphone, and you're welcome to address them to us.

Thank you.
I apologize for that. Please continue.

MITCH KORTE:  Sorry. Could we pause the time for one second while I try and figure this out?

CHAIRMAN STEAD:  Yeah, take your time to regroup.

Okay. We'll give another 60 seconds to -- yeah, for the technical difficulties.

COMMISSIONER GILLESPIE:  We might ask, if the Commission's in agreement, that we need to keep going. I don't know. You might ask Jen and Janelle what they think.

MITCH KORTE:  Okay. We're good to go.

CHAIRMAN STEAD:  Okay. Excellent. Thank you.

Cool.

Let's please continue the time.

MITCH KORTE:  Okay. You can go to the next slide.

Okay. So sorry. Sorry about that.

I'll just pick up. I was explaining just what -- as a small development company, two things that CDG really focuses on. One is high-quality design. High-quality design, high-quality materials, making sure the project is contextual to the market.

If you look at this slide, it highlights some of our projects. And you can see every project
looks different because every project is in a different market. And we make sure Brian and his team really goes through the market, scouts it out. They tour properties. They tour other student housing projects.

Get on site, get boots on the ground, and really make sure that what they're designing is really going to fit in and really look and feel like it belongs there.

The other thing we really pride ourselves on is being good community developers. And that is all about outreach. You know, we take -- we take the stance that we want to go into a market and really engage the stakeholders. So whether that's the City, the neighbors, the neighborhood association, we're really making an effort to sit down and meet with them early on in the process. And not only just meet with them, but to sit down and actually listen to their concerns, and then incorporate that into the project.

And this slide just shows -- I think Céline covered it. Everybody knows where the site is.

Okay. So this is a zoomed-in version of the site. And one thing I just want to talk real quick about compatibility. And you can see that the site right now is currently surrounded by multifamily and student housing properties. And then additionally, I think Céline highlighted some of the height in the
area. And all of these multifamily and student housing properties range from two to five stories. So we feel like our project is, you know, definitely compatible with this area.

And, you know, we also back up to the Mesa Vista neighborhood. One thing you can't tell from this slide is that their properties sit up on a bench that's about 50 feet above our property. And then in addition to that, our building is set about 50 feet off the property line. So between that height and setback, we feel like there's a pretty substantial buffer between our property and the neighborhood.

Okay. On this site -- or on this slide, I just want to talk real quick. This is Boise State's proposed master plan. And I understand this is still in the works. It hasn't been approved yet, but I thought it was important. The last slide kind of showed how we're compatible with what's there now. And I think this shows how we're compatible with what is being proposed, as Boise State's proposing two new student housing projects down in that area.

Okay. So on this slide I just want to talk real quick about the supply and demand imbalance as it relates to student housing Boise. So everyone knows there's been significant enrollment growth at Boise
State. Over 26,000 students right now. Almost 3 percent increase from last year. In the past five years you've seen almost 19 percent enrollment growth.

To go along with that, I also wanted to show a little bit of data just on the existing student housing properties. So on the right we have -- those are the purpose-built student housing properties in this market. And as you can see, across the board almost 100 percent occupied.

And one thing that's not shown on here is rent growth. And, you know, in addition to being 100 percent occupied, these properties are charging -- you know, they have significant year-over-year rent growth every year, and they're still able to lease up. And that is directly related to a lack of supply in the market.

So talking about that, I thought it would be easy just to walk through a quick table. So you can see what I have here is just the number of full-time students, over 17,000. You also have about 3500 beds that are on campus. So that leaves like 14,000 students that need to find off-campus housing. And right now there are about 2200 purpose-built student housing beds in Boise. So that leaves almost 12,000 students that are not living in purpose-built student
housing or on campus that need to find somewhere to go. And I understand that this doesn't take into account commuters. But I mean a few -- if you cut this number in half, you're still looking at 6,000 students that are not living in student housing properties, which means they're living in neighborhoods and they're living in market-rate apartment complexes.

Okay. So this slide is -- so how do we fix the problem? Because clearly there are students living in neighborhoods. As I just said, over 6,000 students not in student housing properties, so they're in neighborhoods, market-rate apartments. And the neighborhoods that are most affected are obviously those that are directly adjacent to the university.

So if you look at the area on Beacon and on Boise Ave, those are definitely the neighborhoods most affected. Excuse me. And the other thing I want to point out, I mean those areas are clearly -- we've seen it in the news, they are overrun with student housing at this point.

One other thing I want to point out, if you look at CoStar or other commercial real estate reports, you'll also see that these areas are some of the most affordable and attainable housing right now in Boise Ave -- or in Boise. Sorry.
So how do we fix the issue? And I think the answer is we need additional supply. Right now we're looking at bringing over 500 new beds to this market. We're not bringing 500 new residents, which means that we are potentially pulling 500 students out of those neighborhoods, out of those market-rate apartments, which in turn will potentially free those areas up for more affordable and attainable housing options.

Okay. So I want to talk just quickly about what is on the existing site right now. So you have the Maverick and the parking lot on the corner. The Maverick's been vacant for a couple years now. And then you have the Ridenbaugh Apartments.

So the Ridenbaugh Apartments have significant deferred maintenance. They are over 50 years, and they are -- I mean you can see in the pictures, they are starting to fall apart.

And then the other issue on here, looking at these pictures, there's actually a drainage ditch that runs directly through the middle of this site. It's an open drainage ditch, and it actually runs under the properties. So you can kind of see how the buildings are actually like spanning over this ditch. So in addition to, you know, maintenance issues with
the property, you also have maintenance issues and
security -- and safety issues, really, with the open
ditch as well.

Now, with that being said -- excuse me --
we do understand that there are tenants in these
apartments. And we understand that this is their home,
and it is never easy to move your home from one
location to another. But they are not in this alone.
And, you know, we're here to help them through it. And
as part of this help, we are offering, you know, some
relocation assistance package. And I've highlighted
what that package looks like here.

So one, constantly maintaining
communication. So throughout this process, as soon as
we have information on, you know, when we're going to
be moving into the property or when we're starting
construction or when we're closing, they will know as
soon as we know.

Security deposit: We're guaranteeing that
everyone gets their security deposit back. First
month's rent, we are paying for the first month's rent
for all the tenants at their next apartment or home.
And we are actually also looking for a local housing
group to work with. So we think -- you know, we've
been searching for a group that is local to Boise that
can really engage the tenants and help them work through this and help them find additional options for housing.

And then lastly, we'll be paying for all of the tenants' moving expenses as well.

And real quick, I just want to talk about transportation. And, you know, another thing Collegiate Development really focuses on is smart growth principles. And, you know, our main focus is based on the location of the site. All of our projects are very close to campus, walking distance, biking distance to campus, which eliminates the need for a car to get to and from school.

And then, you know, in addition to those, in addition to just location alone, we also provide, you know, other smart alternative options. So you can see here e-scooters, bike share, car share. There's a Valley Transit stop right in front of our site. We're going to be putting a new shelter there. And then the BSU shuttle is also about two blocks to the north.

BRIAN O'CONNOR: Good evening. Brian O'Connor from Cube 3, 160 State Street, Boston, Mass.

I'm just going to spend a few minutes. I know time is precious here. So I'm going to go very quickly. I just wanted to walk you through a little
bit of the -- what is going on here with this thing?

    Okay. Just quickly a couple things on the site, and then I'll turn it back to Mitch. The site itself, as you can see here, we really focused very clearly on addressing West Boise Ave, South Protest, and thinking about how this community would dovetail with the neighborhood, particularly on the hill.

    So we do have a drainage easement -- or a drainage creek that runs across the site that Mitch showed you. We're proposing to relocate that around the back. We're proposing to have a 50-foot setback against the hill. And really by lowering the building, which we've discussed a little bit, we're going to allow those view corridors to be maintained across the top of the site.

    So just jump to the next one.

    So as we -- as we started planning this building, the top view here is a section through the building that we first approached the neighborhood with and we first started conversation. So this project started its life with an above-grade parking garage, and the entire site was pretty much developed at four stories.

    It became quickly clear to us that we were having too much encroachment and too much impingement
on the neighborhood up the hill. So the section below that shows the evolution of this project where we made the pretty substantial move to put all of that parking below grade. So the above-grade parking deck that used to be on the left-hand side of the site came out. We pushed it below grade. And we brought, I would say, 75 to 80 percent of the entire project down to three stories, along West Boise, along South Protest, and we'd originally kept a taller section up against the hill thinking that that may be actually beneficial as a buffer.

We since have had ongoing continued discussions both with planning staff and with the neighborhood, and we're now going to lose the leg on the right-hand side, another floor of that. So the entire project would fall within that three-story guideline that was discussed earlier.

From an overall site planning standpoint, I'm not going to spend a ton of time on this right now. We've covered a lot of the basic metrics. The core goal here was to really create an active pedestrian corridor along West Boise. So in this particular plan, you're seeing there are still two access points located on the site along West Boise. The first is for a ramp to that parking garage below grade. The second is
really a multiuse access point for visitors, drop off, move in, move out things like that. And we're going to continue to work with staff, and we're going to continue to work on the plan. But I do think that is going to be a challenge for us to continue to work through.

In addition to that, creating a very pedestrian-friendly environment along West Boise requires adjustments to the facade, pushing in and out, thinking about what those materials are, thinking about what that experience is like. And so we really have worked hard to create an undulating facade along West Boise that is engaging and that is active. We've located the primary building amenities to the northeast corner, in the upper right-hand corner here, where we've allocated somewhere between 11 and 13,000 square feet for amenities, including fitness, games room, lounges, lobbies, student activity areas.

In the center of the plan, you'll see there are two large, green courtyards. Those are private, resident courtyards that are completely enclosed within the building that live on top of that below-grade parking that we talked about before. And those will be highly developed student activity areas that will include hardscape, softscape, one will probably have a
pool, completely enclosed within those courtyards.

The project itself has a mix of studios, twos, threes, fours, and five-bed units, as you can see on there. And I won't go back through the same data you've heard on the parking.

So just a couple of the quick views. I know we only have a few minutes left. This is a shot looking down West Boise. You could see the building is three stories, large, active, glass facades at the ground plane kind of running down the edge of the street highlighting transparency and views into and out of the building along the edge. Different color and tone and texture of material at the base to really bring that pedestrian experience down. You can start to see the ins and outs in the building and really creating an architecture that's both warm, inviting, and engaging here.

This is another view looking back in the other direction here. You can see the longer extent of the building. In this one you can see those two parking access points in the building. We're going to continue to refine those. Integrated landscaping, hardscape, pedestrian corridor sort of feeling along the edge of this project.

We won't go into this in detail, but here
you can just see in the lower left, this is the parking plan that lives below grade. So we've gone to great lengths to try to maximize the efficiency of the parking and get all of it below grade. So we have maybe ten spaces up on the front along West Boise, which are really dedicated to quick move in, move out.

Just one more quick shot that sort of shows the overall extent of the project from further away.

You can see we're really trying to use a variety of materials along the facade, breaking the sort of building pieces down into more digestible elements that are scaled more appropriately to the sort of pedestrian condition we're trying to create.

MITCH KORTE: Okay. And then just to close out, like I said, I want to circle back on the conditions. So before Céline had set out the conditions for the Development Agreement, and we are accepting most of those conditions, with the exception of just a few. And I just want to walk through.

So the height, we are agreeing to pull that down to three stories. Céline's condition had 35 feet, and the building being 35 feet, and then the mechanical units and the parapet being 40 feet. So we're actually requesting an additional 2 feet. So 37 feet for the building and 42 feet for the parapet and the mechanical
units.

And the reasons are twofold. So one, when we moved the parking below grade -- so like Brian said, initially all the parking was above grade. We moved it below grade. Based on the way -- you basically have to set the building at a certain height, which is causing it to be set where it is right now because of the water table.

And then the other issue is the way height is measured in Boise. So typically you see height measured as the average grade across the entire site. In Boise it's measured from each individual spot. So you measure basically from the top of the roof directly down to that part of the grade. And the way the topo works on this site, it actually dips down a few feet at the very left part of the building.

So we are talking about a very small portion of the building that would be 37 feet. So if you measured by the average grade, it would be 35. But it just happens that the site dips. And the way the grade -- or the way the height's measured, it's 37 and 42, just in that very small portion.

The density and FAR is the same as Céline had mentioned. We're accepting the other changes as well.
The last one is the access. So Céline and City staff had requested one access point. And this is something that we've really been working a lot with City staff, Public Works, Republic Services, ACHD trying to figure out the best way to configure the front of this site. And we have -- we do have a one-access point option right now, but we were not there yet and we're not convinced that it's the safest, most efficient way to have the front of the building function.

So we would request that we allow two access points, and give us some room to continue to work with ACHD, keep that conversation going, keep talking to Public Works, and figure out what the safest and most efficient option is for the front of the building.

Thank you.

CHAIRMAN STEAD: Thank you.

Now we'll hear from the Southeast Neighborhood Association.

NEIGHBORHOOD ASSOCIATION

FRED FRITCHMAN: Good evening, Commissioners.

My name is Fred Fritchman, 1321 Denver Avenue, representing the Southeast Neighborhood Association.

Our board has voted to oppose the rezone of
these properties -- is that carrying all right? Can you hear that? I can't quite tell -- from neighborhood commercial and duplex to residential office. The proposed rezone cannot meet the required finding that it maintains and preserves compatibility of surrounding zoning and development.

The adjacent uses are detached, single-family homes and townhomes. The proposed use is a very high density, high occupancy private dormitory. These are not compatible uses. The RO zone at 87 allowed dwelling units per acre is worlds apart in scale and density from the R-1C and R-2 zoning the subject parcels adjoin. Aside from Identity, the nearest RO parcels to this site are east and north of Ann Morrison Park and downtown. These are highly urbanized areas, far from single-family homes.

Existing RO-zoned parcels generally abut downtown commercial or R-3 property. I looked at the zoning map of the city today and found only two locations where RO-zoned property adjoined R-2 property at State and Fargo and at 8th and Fort. I could not find a single location in the city where RO-zoned property adjoined R-1 property.

Neighbors purchased their homes in this area with the expectation that the Maverick site and
the Ridenbaugh Place Apartments might some day
redevelop. The current zoning was a reassurance that
new buildings and uses would be compatible. Retail and
apartments or offices on the Maverick site, and
perhaps -- excuse me -- more density on the Ridenbaugh
Apartment site.

The proposed rezone breaks faith with those
neighbors. This property is not in the Downtown
Planning Area or in the BSU Expansion Area. It is at
dead center of a designated mixed-use neighborhood
activity center.

The commercially zoned Maverick site on the
corner is a perfect location for commercial services
that would benefit neighbors. An ideal gathering spot
could be created here to enhance the livability and
pedestrian orientation of the area. Identity was not
required to have any uses serving the neighborhood, and
the northwest Boise State corner if it redevelops won't
either. That leaves the smoke and beer shop across
Protest and this site as the only spots to create true
mixed use on this intersection.

Construction of this project, as proposed,
would represent another lost opportunity to realize a
vision of a vibrant neighborhood focal point that could
serve people of all ages and incomes from throughout
the area.

The ACHD staff memo expresses concerns about parking for this project. It notes, quote, "Identity Boise and Eagle Pointe Apartments are located near the proposed development. Both apartment complexes have known parking challenges, and existing residents at Identity Boise often must rely on street parking in the neighborhood nearby. Staff is concerned that the number of proposed parking spaces will exacerbate parking issues in this area," unquote.

This project still does not have a traffic study approved by ACHD. This rezone only serves to create the maximum number of rentable bedrooms for the developer, while providing no services for the neighborhood and deputizing the public streets to fulfill its parking needs. It is also concerning that the fire department has noted that no fire truck access is provided for the south side of the building currently on the site plan.

SENA respectfully asks that you recommend denial of this rezone. Projects like this belong in certain locations on the Boise State campus or in urban settings like downtown where neighbors have an expectation -- excuse me -- of the lively 24-hour-a-day use that accompanies student housing and in areas
already zoned for it.

With that, and with your permission, I would like to turn the rest of SENA's time over to Sean Garretson with Pegasus Planning of Austin, Texas.

SEAN GARRETSON: Give me just one second to load this up, please. Can I take this other presentation out or --

UNIDENTIFIED SPEAKER: [Unintelligible.]

SEAN GARRETSON: I'll just...

Good evening. My name is Sean Garretson. I am representing Allen --

Is this okay?

UNIDENTIFIED SPEAKER: Yeah.

CHAIRMAN STEAD: Sorry. Please continue.

SEAN GARRETSON: I'm representing Allen and Dixie Dykman. My address is 1301 Chicon Street in Austin, Texas.

So I had a lot of other notes prepared this evening.

Is something wrong?

CHAIRMAN STEAD: Okay. I just need to clarify that you are representing the neighborhood association.

SEAN GARRETSON: I am.

CHAIRMAN STEAD: Okay. Okay. Please continue.

SEAN GARRETSON: All right. So I had a lot of
other notes prepared, but after listening to the developer, I feel like there's a lot of other things --

UNIDENTIFIED SPEAKER: Madam Chair, I'm sorry, but I just feel like I need to put on the record that I object. It's very clear he's representing two private property owners. And I don't think he's actually representing the neighborhood here. So I just want to make it clear for the record that I object to that.

CHAIRMAN STEAD: Thank you, Commissioner Stevens.

Please continue.

SEAN GARRETSON: Okay. So I'm an urban planner. I've been writing comprehensive plans for the last 25 years all over the country. And I've worked a lot in your area over the last five years. I've worked with Meridian. I've worked with Boise. I've worked with the College of Western Idaho. Boise has become one of my favorite cities. I've made probably 20 trips here over the last five years.

You know, societies grow great when leaders plant trees knowing they may never sit under the shade of these trees. This is a Greek proverb I use in a lot of presentations, but I don't think it's ever been as apt as using this in the City of Trees, Boise. But in 1863 when your forefathers platted this community,
there were no trees in sight. They stuck to a plan.

And we're asking you to stick to the same plan:

Blueprint Boise.

So as I mention, I've written a lot of comprehensive plans. Your plan is probably the most detailed plan that I've ever written -- or that I've ever read. It's not just a conceptual plan with general policies. It's very specific. Your neighborhood activity center, for example, right at this location, it -- if you approve this, it will quickly become just a student housing corner.

Now, there's clearly a need for student housing. And I'll get to that in a little bit. But you have to represent -- you have to recognize that this activity center, if you move forward with this rezoning, that's going to go away, similar to -- similar to the mixed use aspects of this area.

That was one of the things that Céline didn't mention in terms of the opposition that the neighborhood has. And you heard from the neighborhood association representative. Without any mixed use, that is going to be gone.

And I'm sorry to the developer, but having an amenity center and a leasing center does not constitute mixed use. The idea that it's going to be
very pedestrian oriented or it's going to be lots of
windows that people can kind of see things through,
that doesn't create a pedestrian-oriented area. You
have to have mixed use in that area. Not just for the
students to be able to walk to, but also for all the
other residents. And not just the residents up on the
ledge, but all the other residents in that whole area.

So my bigger question is, where's the
community benefit in all of this? You know, clearly
workforce housing is an issue for you all. Clearly BSU
has an issue with student housing. They have somewhere
around 1400 housing units. I do not agree with the
math that the developer represented on the demand for
student housing. I also don't agree with -- you know,
he used two words, "affordability" and "rent increases"
in the same paragraph. Those contradict each other.

I have been working in the field of
affordable housing in Austin for the last 20 years.
Next week I go to Miami and accept an award from the
Urban Land Institute for the most -- the best
affordable housing project in the United States.

Now, you all -- I've listened to all the
conversation this evening. And I think there's really
a misunderstanding about what affordability is. You
know, there was a study that was looking at ten
different communities across the country a couple of years ago. Boise was one of those. And 50 percent of your renters are cost burdened, meaning they pay more than 30 percent of their funds on housing. There is definitely a need for affordable housing.

And I totally understand your all's perspective and perhaps City Council's perspective of density equals affordability. That is not accurate at all. I can tell you it is very difficult to build affordable housing. It is even more difficult to sustain affordability.

Now, one of the things you could do is you could actually put a restrictive covenant on this property and state that the rents can't go up above a certain amount. That's what we do in Austin. I'm not -- I'm not saying that Austin is doing everything right. But we've been -- we have a goal, just like you all have a goal, of having a thousand units, I think a year. But that needs to be clearly defined.

There's -- you know, in Austin we have a goal of 60,000 units for people making less than 80 percent of median family income. We have a goal of 80,000 units for people making between 80 and 100 percent median family income. And there's a goal for that. And there's a plan for that. But just
allowing density to occur for the sake of density and
calling that affordable is not accurate. It is not
accurate.

Now, Boise really doesn't have a clear plan
for how many affordable units they're going to be
creating. Just 1,000 residential units. So our -- our
biggest concerns are, again, where is the mixed use?
It is not -- it is not an amenity center and a coffee
shop.

And in terms of the affordability, you
know, I pulled a clip out of the very detailed planning
staff's report that says that they recommend this
because it is in the best interest of the public,
convenience, and general welfare. I crossed out
"public," and I put "developer." And if that were
accurate, that would be spot zoning. Now, clearly
getting rid of 13 affordable units and then allowing
student housing, which is not affordable, that is not
in the general interest of the community's welfare.

So we are recommending rezoning. We don't
believe that the rezoning complies with any of these	hree aspects. It's not in compliance with the
Comprehensive Plan related to the activity center and
no mixed use. It's not in the best interest of the
public convenience and general welfare, and it doesn't
maintain and preserve compatibility of the surrounding zoning and development.

So we do recommend denying the rezoning, happy that the conditional-use permit was pulled. And we also recommend a moratorium on all rezoning for potential new student housing projects and ask that BSU and the City of Boise collaborate together, just as you have similarly done just north of this property in another neighborhood, and figure out what the plan is for where student housing is.

BSU absolutely has enough land to accommodate enough student housing on their property, on their campus. There's an example of a public-private partnership where they created student housing on campus. These guys I'm sure have opportunities to do that as well. The City should put a moratorium on approving any rezoning for student housing until they figure this plan out.

Thank you very much.

CHAIRMAN STEAD: Thank you.

Does the Commission have questions?

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: I have a question for the City.
Normally when we do a rezone, especially one where it's sort of an up zone, if you know what I mean, you know, moving up the density, we usually have a specific building or structures in mind, and we're pretty clear on that. And in this case, because the CUP is gone, we really don't have anything in -- you know, concrete, except the restrictions of the Development Agreement.

So I guess my question is to the City, why are we doing -- why rush the rezone now? Why not wait until we get the revised CUP, and then do them together as we had originally planned to do tonight?

CÉLINE ACORD: Commissioners, I just want to clarify a few things.

COMMISSIONER GILLESPIE: Thank you.

CÉLINE ACORD: Unwrap that a little bit. So the rezone is for RO. This project proposed in the RO is an allowed use. The conditional-use permit that was attached to the project originally was only for the height. It was not for the use of the project or a multifamily project. That is just allowed in the RO zone.

As far as waiting for designs to attach to the DA, they -- the Applicant has agreed to take that fourth story off. And other than figuring out the
access along -- whether it's -- you know, wherever it is, along Boise Avenue or Protest. Right now it's on Protest -- or excuse me, Boise Avenue. That's such a minor design change that we feel like it's okay to move forward with that. Obviously, you all will have comments and potentially add or modify the conditions tonight, and City Council will potentially do the same thing when it gets to them.

Again, the Development Agreement is just to say, you know, how big, at what scale. In this point we're talking about density as well as bedrooms. As long as they're meeting those things, and obviously there will be a Design Review Committee application that will review the, you know, final drawings and the materials and whatnot, this is pretty standard for a Development Agreement.

CHAIRMAN STEAD: Additional questions?

COMMISSIONER STEVENS: I have a question for the Applicant.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: Hi.

MITCH KORTE: Hi.

COMMISSIONER STEVENS: So I was intrigued by your -- the slide you had with the yellow arrows going out of the neighborhoods and into the -- what you're
proposing to build.

MITCH KORTE: Into our project, yes.

COMMISSIONER STEVENS: And so I guess I'm curious if your firm has done any data collection on that and whether or not that's actually played out in the other cities that you've built in. The way I see this is that this neighborhood does need that pressure relief.

And I'm just curious if that's actually played out, or if that's just sort of speculative?

MITCH KORTE: Sure. So our firm specifically has not done any research related to that, but I can speak to other projects we've worked on. One specific example, we have a project in Bloomington, Indiana. There was actually a council member that lived in a neighborhood -- in an urban neighborhood, and he came up -- because I mean it's a very similar project to this, and they were having very similar issues with students in neighborhoods. And he came up to us, and he explained that this is really working. He's had multiple houses as larger projects have been developed. Multiple houses have turned over from student housing.

And whether someone comes in and renovates those and sells it to an owner-occupant or other people move in to actually live in the property, he explained
three or four occurrences on his street alone where it did happen. So I don't have any specific hard data, but I can tell you we have feedback from other projects that it is happening.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: May can I ask a question of Mr. Fritchman?

FRED FRITCHMAN: I guess I shouldn't have run away.

COMMISSIONER STEVENS: So I guess I'll throw the same question to you. I mean we hear from your neighborhood a lot --

FRED FRITCHMAN: Sure.

COMMISSIONER STEVENS: -- about the pressures that are existing in your neighborhood and the -- you know, most recently the hearings that we've had have really focused on student behavior in housing that's next to full-time residents who have lived there a long time.

And so I'm struggling with the neighborhood's opposition in that sense specifically. And if you could sort of -- I mean I've read all the materials. I've read all the different concerns. I understand what's happening on the site. But in my
estimation, this is actually a fairly good argument
that we're going to relieve some pressure from the
neighborhood by doing this.

So maybe you can respond to that and tell
me what you think your neighbors might think about
that.

FRED FRITCHMAN: Well, it's interesting you
should ask that, because when Identity was proposed a
number of years ago -- and you know the project I'm
talking about, kitty-corner from this subject
parcels -- that is exactly how it was sold to
neighbors, is that the -- the project would be on the
corner of a neighborhood, it would relieve pressure for
student housing throughout the neighborhood.

And I guess anecdotally, I would just say I
haven't noticed a huge number of turnover to
owner-occupants in the area or a decline in the number
of students in the area that's significant. I mean I'm
not going door to door polling, you know, to find that
out, but I wouldn't describe what the Applicant is
describing as far as a transformation in the year since
Identity has been built.

One of our long-time residents said
probably in regarding the parking and the traffic
issues surrounding Identity, "Identity has not done one
good thing for this neighborhood, and we don't need another one." So I mean that would be -- and that's someone who lives two blocks from Identity. So...

COMMISSIONER STEVENS: Okay. Thank you.

COMMISSIONER FINFROCK: Madam Chair.

CHAIRMAN STEAD: Commissioner Finfrock.

COMMISSIONER FINFROCK: And this question is for staff.

How many units are in the BSU student housing adjacent to this project? Do you know that number?

CÉLINE ACORD: Commissioners, I do not know that number. Sorry.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: I was going to follow up on that. I'm just -- can you just clarify whether the -- maybe there's a slide that would help me, show me where the Master Plan, the Boise State Master Plan extends to. It doesn't extend onto this; right? It's just basically exactly what we're seeing on the screen with blue?

CÉLINE ACORD: Commissioners, yes, the overlay in blue is the BSU campus boundary right now.

COMMISSIONER STEVENS: And that's all that the
Master Plan is going to address is basically everything within that boundary?

CÉLINE ACORD: Correct.

COMMISSIONER STEVENS: Okay. Thank you.

COMMISSIONER GILLESPIE: Madam Chairman.

CÉLINE ACORD: I guess -- sorry. I should clarify.

COMMISSIONER GILLESPIE: Okay. Please go.

CÉLINE ACORD: There might be a few parcels that they're potentially adding to be zoned U. But it would -- it's only, I believe, six or seven parcels.

COMMISSIONER STEVENS: And not including this one specifically?

CÉLINE ACORD: Oh, correct, definitely.

COMMISSIONER STEVENS: Thank you.

CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So this is a question for staff also.

So I'm looking at the ACHD letter in the packet. It's dated January 21st. And I'm really struggling to know what to make of it. It's not the standard ACHD approval letter. It raises a bunch of issues and questions. And then it doesn't say what they're going to do about it. It just says, "We got all these questions. Please let me know if you have
any questions."

So I guess my question to the City, and indirectly ACHD, is are these requirements that they're placing on the Applicant? I mean where are they at in their process? And how do I interpret this letter?

CÉLINE ACORD: Commissioners, we just want to provide you what we have, which is not much. ACHD was -- did not require the Applicant to do a traffic-impact study until a month after the application was submitted. During that time they've been in a -- quite long of a queue to review that. And they provided those comments on January 20th just to clarify a few things that needed updating in that traffic-impact study.

This morning when they confirmed that the conditional-use permit was withdrawn, they have said that they will not be providing specific conditions of approval for this site until the Design Review application is submitted. So at this time they are only reviewing the traffic-impact study to see what -- to see if it confirms what their traffic engineers are reviewing. And they are not providing any specific conditions, although they have stated in their letter they are concerned with a few things.

COMMISSIONER GILLESPIE: Madam Chairman.
CHAIRMAN STEAD: Commissioner Gillespie.

COMMISSIONER GILLESPIE: So this is a question for both the Applicant and the staff.

I'm confused. Looking at approval criteria for a rezone, for example, there's no part of that criteria that deals with transportation infrastructure, et cetera, et cetera. Yet I've just been told by you that this CAR will basically mean that they can do this, and it will never come before this Commission.

And yet so how can I approve something that has, you know, 527 bedrooms dropped smack in the middle of Boise, with no ACHD report at all or, you know, I -- the other commenting agencies? So this is like the inverse of the last one. So I'm just really struggling with dealing with this just as a straight rezone without having the CUP before me, especially now that I know that this is an allowed use in an RO. I'm like, What?

UNIDENTIFIED SPEAKER: Can I address the Council -- or the Commission?

CHAIRMAN STEAD: No. Sorry. No.

UNIDENTIFIED SPEAKER: Can I just -- let me just make a statement.

CHAIRMAN STEAD: We can't have statements at this time point. We have a process.
UNIDENTIFIED SPEAKER: I have a -- I have an
e-mail from ACHD --

CHAIRMAN STEAD: I'm sure you're on the sign-up
list.

UNIDENTIFIED SPEAKER: -- getting clarification.

COMMISSIONER STEVENS: I'm sorry. I must not be
clear. I've got to cut you off there. We've got --
I'm sure you're on the sign-up sheet, and we'd love to
have you as the code permits. Thank you.

CÉLINE ACORD: Commissioners, ACHD does not
typically comment on rezones, although they have done
with a few projects. It is confusing that they
required the traffic-impact study for a height
exception and not for a conditional-use permit for a
multifamily building. But that's how they interpreted
it.

And because the height exception was
withdrawn, they no longer required that traffic-impact
study. They will require it when the Design Review
application comes before the Design Review Committee.
So no, no comments will be -- they will still provide
comments on the traffic-impact study, but no
site-specific conditions with regards to the rezone.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Commissioner Gillespie.
COMMISSIONER GILLESPIE: I'm wondering if the learned Applicant and staff have some guidance on how we, the Commissioners, ought to think about this.

MITCH KORTE: Well, I'll just start out with I have been equally confused with ACHD's process through this. Like Céline said, you know, originally we didn't have to have a traffic study for this project, and then it was requested later on. And, you know, we've been trying to work with them and stay vigilant and continue, you know, working through any questions that they've had to hear their responses.

But at this point, I think as Céline mentioned, you know, the traffic study was tied to the conditional-use height exception, which we've now taken out and removed. So at this point ACHD does not have any conditions or is not providing any comments on the study.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: So, Céline, I'm just trying to think about how to frame this.

So if the Commission were to require an application that we actually were looking at before we considered the rezone, then it would trigger an ACHD -- and the reason -- because as I'm understanding you,
there's no application coming before any of us because it's an allowed use. So is that right, then? If we as a body put that kind of a condition on the rezone and said we're going to defer until we see plans, would that then trigger it?

CÉLINE ACORD: Commissioners, you can -- that's certainly in your discretion to require that, whether it's deferral or if you want to place that as a condition of approval prior to going to City Council or prior to Council approving it or anything like that, that's -- that's at your discretion.

But again, because it's an RO zone, this would be an allowed use, and no other permits would become -- come before Planning and Zoning. Only Design Review Committee for the external facade.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: So that's actually a great segue to, I guess, another way of asking the question. So you did a really nice job somewhere in the 12,000 pages that we read this week going through the comparison of the different zones and what that would mean.

So maybe a different way to ask this question -- and maybe we're getting too into the weeds
because it's 11:00 and I can't help myself. I don't know. But I mean there must be -- you mentioned lots of different zones that would sort of accomplish the same thing. I mean is there a different zone that we could be talking about here that would then trigger the kind of review that we really need at this intersection?

CÉLINE ACORD: Commissioners, I --

COMMISSIONER STEVENS: Because we're not talking about a parcel that's actually zoned. You know, we keep saying, "It's RO. It's RO." But it's not RO. And so, you know, I guess my question is, what do we do here to trigger the kind of accountability from our fellow agency that would allow, you know, a proper review? This is not a proper review.

CÉLINE ACORD: Commissioners, I -- I suppose if you proposed a different zone, then it would be a conditional use in another zone, which would require -- would -- which would require ACHD to provide you site-specific conditions.

And while I can see why you would want those, I would just mention that ACHD did provide transportation data, which was in your project report. And the level of service and the traffic capacity along these roadways are adequate. Typically, site-specific
conditions, you know, require right in, right out
access or where the access is at and paving within
30 feet of the property site. I don't -- I don't mean
to be bold, but I don't know what ACHD would condition
that would change your mind or condition something
else.

COMMISSIONER STEVENS: That's a fair response.
Thank you. Yep.

CÉLINE ACORD: Okay. And maybe the Applicant
has more to add to that, but...

CHAIRMAN STEAD: Céline, I have a question. Can
you talk a little bit about the access points a little
more and why staff is recommending one. And the
Applicant maybe can speak to why -- it sounded like it
was just maybe for the possibility of flexibility. But
I'm curious from staff, I guess, why you're trying hold
it to one.

CÉLINE ACORD: Commissioners, the image on the
slide -- or on the screen right now is the original
proposal. Just to make sure we're all on the same
page, there was an access point for the parking garage
entrance and exit, there was an access point for solid
waste pickup, and then an access point for the
short-term pick up/drop off kind of parking.

With the requirement of detached sidewalks,
as well as knowing where the property line is, where
the bus shelter will be, essentially this is, I
believe, 140 feet or so of three access points where
pedestrians and bicyclists, as well as vehicles,
conflict. Ideally we would only have one. I could see
why two potentially would be great. But ideally it
would be one, where the building would be redesigned in
order to allow for all of these -- all of these things.

They -- there could be a redesign where
trash pickup is somewhere else or short-term parking is
somewhere else. But that, again, is up to the
Applicant to design and see how -- see how they can do
that.

CHAIRMAN STEAD: Thank you.

Any other questions from the Commission?

PUBLIC TESTIMONY

CHAIRMAN STEAD: Okay. Okay. So we'll start to
move on to the sign-up sheet. I'm going to name
several people in a row here. If we can kind of queue
up and keep things moving as quickly as we can.

The first on the sign-up sheet is Ryan
Armbruster. And than we have Dianna Murphy, Pam
Roemer, and Renae Jordan after that.

RYAN ARMBRUSTER: Madam Chairman, Members of the
Commission, my name is Ryan Armbruster. I'm a partner
at the law firm of Elam & Burke, P.O. Box 1539, Boise 83701. I'm testifying tonight on behalf of Ada County Drainage District No. 3, a drainage district organized under Chapter 29, Title 42 of the Idaho code. Drainage District No. 3 was established in 1923 under the statutory provisions in a formal petition filed with the Ada County District Court.

In brief, after the court proceedings, the Court decreed the establishment of the district, set the boundaries, and judicially granted DD3 several rights of way where drainage facilities would be constructed for the purpose of returning irrigation water from certain lands back to the Boise River. The Court also provided an assessment methodology which assessed those properties.

Elam & Burke has represented the District for many years. I've been involved with the District since 1979. We provided a letter, which is part of the record, explaining the roll of the District and the status of its discussions with the Applicant. And I will not repeat the details here.

At various parts of the record you know that we have a facility which traverses through the project site and is referred to in some places as the Bubb Canal, an historical moniker which even I cannot
tell you how it arrived at that moniker. Our nomenclature is Drain District Drain A.

As explained earlier, and after five hours I've already asked myself why am I here today on a rezone, because we rarely do come in on rezones. Typically, we only come in on design review when the plans and the details are much more defined. However, the project has generated concerns over the right and authority of the District to respond to a request by the Applicant to relocate, realign pipe, and tile the drain as it traverses through the project site.

We maintain we do have that right to reply to that request, and essentially treat this Applicant as no different than applicants that we've treated before, developers which we have allowed to relocate a drain. In fact, just immediately downstream from here we've done that. We already did it for the Big Jud's, which is right adjacent to this project site.

We will take into account a lot of criteria as we go through that. As you can see in the record as well, we know that the existing drainage facility has some problems, to say the least. Though the Drainage District board has not acted on this yet, it is certainly the opinion of its counsel and our staff that the proposed change would be a benefit to District 3
and would really clarify that particular area. We will impose conditions as we go along.

        As far as the criteria, the drainage, the quality of the drainage, and the drainage flow, we do not object to the proposed changes to the existing drain on the condition that DD3 and CDG enter into a mutually-acceptable drainage agreement.

        Thank you.

        CHAIRMAN STEAD: Thank you, Mr. Armbruster.

        Next is Dianna Murphy, followed by Pam Roemer.

        DIANNA MURPHY: You guys are saints. My name is Dianna Murphy. I live at 2001 Boise Avenue. I was born here in Boise. This is my home.

        I am a single, independent, professional woman trying to survive in this city. I have a good job. I make $20 an hour, and I cannot afford to live here. I mean all of these people tonight have all these great places for everybody to go live, but not for me. You know, I don't -- I don't understand it.

        We are eliminating existing affordable housing. There are no options available for single people. There just -- there just aren't. I -- I have pulled myself up by my bootstraps. I have worked really, really hard to get where I'm at today. I am
currently an addictions counselor. And all of my
patients lack hope. That's why they use drugs and
alcohol. They lack hope. And I try to give them hope.
I used to be where they are. And you can do it. You
can pull yourself up. You can get a piece of the
American dream. You can get a place to hang your hat.

And the American dream has become a
nightmare. There's -- I can't tell you -- you can get
off drugs. You can get off City -- you can -- you
can -- you don't have to do this. You can -- you can
do this; right? I am worse off now than I was before.
And there is no place for me to go.

Since the rumor started going, I've been
looking for a place to live, you know. In order to
apply for an apartment, you have to make three times
the rent. My rent -- my little apartment is $800, and
nobody is offering me a place to live for $800. That
is three -- my income is three times that, and I make
$20 an hour. There is nothing out there that is
available for people like me.

I am part of a demographic that is being
eliminated completely from society. I -- I have worked
hard. I work with people who are working hard to
become members of this community. And the community is
turning its back on me.
Thank you.

CHAIRMAN STEAD: Thank you, Ms. Murphy.

PAM ROEMER: Good evening. My name is Pam Roemer, and I live at 2001 West Boise Avenue, No. 8. I am opposed to the rezone. This project will destroy open space and a mature tree canopy at 2001 West Boise Avenue community.

This tree was planted over 50 years ago by Vern, Jr., and his father, Vern, Sr. This is our home, our affordable home. The tree survey from Trevor Kesner, Parks Planner, states, "Removal of all trees would be a loss to the greater urban forest canopy. On the sheet concerning trees maintained is a total value of 205,000 -- $205,900 and 176 inches of the best trees." This will be a loss that will not be replaced by the CDG landscape plan.

It is not reasonable to expect students to leave their cars behind. By allowing parking for 257 resident vehicles, since ten temporary parking spaces have been provided for guests, deliveries, and chores. And the red arrow shows where the entrance/exit for the resident parking. This is right next to Woodbridge's entry to their homes.

CDG is also requesting an addition of eight bedrooms as an insignificant amount. This is not just
an increase of eight bedrooms. This is an increase of 54 bedrooms, since the fourth floor supposedly is eliminated, and there are 46 bedrooms up in that floor. So 46 plus eight equals 54. This is a significant amount to try to fit in there.

Boise and Protest neighborhood activity center will become a student housing density center. There is no mixed use. There are four businesses at or near the intersection: Big Jud's, Cricket's Bar & Grill, Lolita's Food Truck, Tobacco Connections. Population will increase by 545, over a 40 percent increase.

The CDG project would be most for BSU students' use, and is not affordable for in-state students. From CDG's letter of explanation, "We feel the development provides an appropriate transition of land use, scale, density and design between university uses and adjacent uses." This is from the policy CEA 9.3.

According to Blueprint Boise, page 267, while BSU contributes to the identity of Boise, expansion should not compromise surrounding uses. This project would become an extension of the BSU campus. Bown Crossing is a wonderful example of a neighborhood activity center. Mixed use: It has a school, medical
clinic, library branch, restaurants, residents, et cetera.

Parking is at a premium all along West Boise Avenue and surrounding neighborhoods. This is the bike lane. This was taken on January 20th in the morning. It is posted with signs that say "No parking. Bike lane." West Boise Avenue is a curvy street, six curves from Capitol Boulevard to the intersection of West Boise Avenue, South Protest Road and West Beacon Street, eight if you add the two curves to access West Boise Avenue from Capitol Boulevard.

The second photo --

THE CLERK: Time.

CHAIRMAN STEAD: Thank you. Next we have. Pardon.

UNIDENTIFIED SPEAKER: [Unintelligible.]

CHAIRMAN STEAD: Oh, you can keep the --

UNIDENTIFIED SPEAKER: No, I'm fine. I'll keep it up for her.

COMMISSIONER STEVENS: Next we have Renae Jordan and then John Gannon and then Lori Dicaire.

RENAE JORDAN: Oh, man. I'm tired. And I'm nervous, but I'm going to do this. My name is Renae Jordan. I live at 2001 Boise Avenue, Apartment No. 11.

I want to talk a little bit about our
family there. I've been there just shy of seven years. When I moved in, I unfortunately had a marriage that dissolved after 24 years, and I was looking for a safe place. It was the first time I had been alone. And so I found this complex.

And I wanted to show you some pictures of the inside of my home. It's important to me because we saw a lot of pictures of the proposed, what was coming. But this is my home. This is our home. We are a family there. This is where we have patio barbecues. We have -- we exchange keys. We shop for each other. I was sick last week, and my neighbor called me and said, "I went and bought you some Mucinex. Come get it." I didn't even know what Mucinex was, but I thought it was nice.

Anyway, we care for each other. We -- we range from 1 to 93 years old there. We have our pink hat lady that walks every day in the surrounding area. I think to myself, What's going to happen to her when she is uprooted from her -- what she's familiar with? That concerns me.

As I mentioned, living, moving to that area has brought me safety. There was graffiti that was put on the Maverick this last summer. And I told my neighbor Mike. I called him and I said, "It makes me
nervous that that's coming into my neighborhood. I
don't like it. I don't like that it happened in the
middle of the night." He went and got 2 gallons -- I
don't know how many gallons. I think it was 2 gallons
of paint and painted over it so that I wouldn't have to
see that. And he said, "You don't have anything to
worry about. You're safe here." We look out for each
other there.

We have wildlife year-round because of the
ditch that runs through our property. We have deer
that feeds -- eats out of our feeders, we have foxes,
we have raccoons, we have herons, we have chukars,
we -- you think of it, we've got it. And I have to be
their voice as well.

The last thing I want to say is that we
have had two people that have buried their spouses
there. This is Mike and Karen. Mike took Karen home
to take care of her through her last days, and he
intended to pass there too. Sharon up the hill, just a
couple doors down, lost her husband Charles. And I
won't -- I will never forget the times of walking up
and him saying -- can we cuss here? -- "Oh, what the
heck" -- I'll say it like that -- "are you doing?"

And I said, "I'm bringing you chili."

And he said, "Well, okay. Drop off the
chili and go home." Those are the memories I share there. And that's what I cherish. And I ask that you take that into consideration when you're voting for this rezone.

Thank you.

CHAIRMAN STEAD: Thank you, Ms. Jordan.

Next is John Gannon, Lori Dicaire, and then Tammy McMillen. Yeah, come on down. We're happy to have you queue up up front. Save these transitions a little.

Thank you, Mr. Gannon.

JOHN GANNON: Thank you, Madam Chairman. John Gannon, 1104 Johnson Street in Boise. And, you know, it's always hard to follow somebody like that.

But -- so I will be a little more -- a little dry, but I want to talk a little bit about the law that's involved here. And first preface that by saying we have a very, very serious affordable housing crisis in this city. I see it on the bench all the time with my constituents. I see people who have to move out into RVs. I see people who have to move out of homes they've lived in a long time because they're being flipped. The absentee owner is flipping them.

I think that this -- that this body can do something about the affordable housing issue in this
case. And you've got 23 units of affordable housing that are going to be lost, and they're not being replaced. I'll call your attention to LLUPA. I would -- 67-6502 of the Idaho code. This is the main section of LLUPA.

And if I may read it very quickly,

Madam Chairman.

CHAIRMAN STEAD: Your time is yours.

JOHN GANNON: Thank you.

"The purpose of this Act shall be to promote the health, safety, and general welfare of the people of the state of Idaho as follows." And this is subparagraph (a), first one of about a dozen paragraphs. "To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks."

In your own -- in your -- in one of your own criteria, you've used the term "general welfare." You said this -- "the best interest of the public convenience and general welfare." That's one of the tests. "General welfare" is the exact same term that is used in the introduction to -- really, this is the introductory statute, 65-02.

In this particular case we have a situation where -- where reasonable rents are becoming more and
more rare in this city. And it is not in the interest of the general welfare, and it is not in the interest of low-cost housing to have people become homeless or have to leave our community.

We have also wage stagnation for a large segment of our community. And that's a huge problem. And it is not in the interest of the general welfare of this community, nor is it in the interest of the people who live here, because we need workers, it is not in their interests to -- to force them to leave Boise and --

THE CLERK: Time.

JOHN GANNON: Oop. Okay.

CHAIRMAN STEAD: Thank you, Mr. Gannon.

Lori Dicaire, Tammy McMillen --

JOHN GANNON: Thank you.

CHAIRMAN STEAD: -- and then Mike Wallace.

LORI DICAIRE: My name is Lori Dicaire. I reside at 7154 West State Street, Boise, Idaho.

We're in the midst of a nationwide housing affordability crisis. Idaho holds the record for the highest rent increase in the country in 2019. And Boise ranks even higher with a double-digit rental rate increase over one year, variously reported from 11 to 20 percent. Boise's housing costs have outpaced wages
by a factor of four, creating a housing -- growing 
housing gap, when you add in our historically low 
vacancy rates, 2 percent for market rate and under 
.5 percent for units considered affordable to people 
earning less than $20 an hour.

This means fierce competition for scarce 
rentals, and landlords favoring high-income applicants 
with the strongest references. All of this means more 
cost-burdened renters and greater housing insecurity, 
fueling an unprecedented eviction epidemic and 
homelessness crisis. We can't build our way out of a 
housing crisis.

Many experts agree the better option is to 
preserve existing affordable housing. Our naturally 
occurring or legacy affordable housing typically has 
limited or no debt, reflects lower construction cost, 
and contains significant embodied energy. Preservation 
is typically one-half to two-thirds the cost of new 
construction and enables people to stay in their homes 
and neighborhoods. This preserves neighborhoods, 
relationships, and our community integrity, in addition 
to the housing, all stated priorities of Boise's 
Comprehensive Plan.

Beyond the difficulty in securing housing,
once tenants are displaced and separated, loss of
community and social networks causes additional harm to tenants and society. For that, the supportive relationships that keep individuals and neighborhoods healthy, displacement creates significant externalized social costs to already overburdened social service agencies and shelters and puts struggling renters further behind the eight-ball.

When speculators destabilize our housing markets, we all pay a high price in lost productivity, stress-related illness, hospital visits, and public -- and publicly -- and taxpayer-funded public services to compensate for the loss of community when a neighborhood is erased. As if that weren't bad enough, when outside private equity, like CDG, operates Boise's rental market by remote control, that rent stream is siphoned out of Boise's community and sent to St. Louis or wherever the corporation and its shareholders are based. In this case approximately $4 million a year that would otherwise circulate through our local businesses and generate tax receipts will be lost to the Boise economy.

Where will Boise draw the line? When will we declare that the health, safety, and welfare of our current residents and community integrity matter more than future residents to fill luxury apartments?
Now that I have 31 minutes left -- or 31 seconds left, I'm going to read the letter that I received, the e-mail I received today from ACHD, Austin Miller, the rep for this development. It says, "Hi Lori: To follow up on our conversation, at this time ACHD does not have an accepted traffic-impact study for the multifamily project at Boise and Protest. ACHD has received and reviewed a traffic-impact study for this project. However, comments were provided on January 21st regarding items that must be corrected prior to acceptance by ACHD."

THE CLERK: Time.

LORI DICAIRE: "A revised traffic-impact study" --

CHAIRMAN STEAD: Thank you, Ms. Dicaire. Thank you.

LORI DICAIRE: -- "was submitted last week and is currently under review for compliance with ACHD policy."

CHAIRMAN STEAD: Thank you.

Okay. Next is Tammy McMillen, Mike Wallace, and then Ed McLuskie.

Is Tammy McMillen here? No.

COMMISSIONER GILLESPIE: Come on up, you guys. Line up or we're going to be here until 2:00 in the
morning.

CHAIRMAN STEAD: Is he coming? No.

COMMISSIONER GILLESPIE: How about if you hear your name, move as far forward as you can.

CHAIRMAN STEAD: Okay. Mike Wallace is up next.

COMMISSIONER GILLESPIE: Where is Mike?

MIKE WALLACE: My name is Mike Wallace. I live at 2001 West Boise Avenue, Apartment No. 18.

My wife, Karen, and I moved into our home at 2001 West Boise Avenue on January 12th, 2002. I've been there 18 years. This is where we lived the best years of our lives together, until she was diagnosed with breast cancer. It's where I kept Karen comfortable, safe, and loved until cancer took her from me. In our living room is where she took her final breath four years ago. It's also where I desire to take my final breath.

2001 West Boise Avenue was our home. It is my home. It is not a place where we all just sleep and party on weekends for nine months and then leave and go off to be with mommy and daddy for the summer, leaving nothing of value behind.

2001 West Boise Avenue is all of our homes. It's our community. I've worked hard all of my adult life, 59 years now, in fact. And I've tried to be
positive for us locally. I've paid my bills. I've paid my taxes. I've attempted to help others when and where I can. I am and have been a Boisean for nearly every day of my 69 years. I've contributed. Now they want to throw me out into the street.

When you begin your adult life you know, although when you're in your twenties it seems of no concern, that one day you'll need to start planning to find some situation where when you get close to time to retire you'll be able to live where you feel safe, comfortable, useful, and where you won't become a burden on your family or on the tax-paying public, somewhere you can afford. Somewhere you can afford. Somewhere where you have good neighbors who look out for you and who you can help if they need you. I and we have found that. These are our homes. This is our community. And they want to take it away from us.

If you vote to approve this hideous blunder, if you allow people from St. Louis to come here and lie, misfeed, and misrepresent themselves and their project so they can sit in St. Louis, fill their bank accounts at the expense of the lives of good, hardworking Idahoans, Boiseans, and create more homeless people, then I hope that if this monstrosity is approved that everybody who voted to approve it
every step of the way, I hope that when you're going through the supermarket parking lot and you see that dingy, unkempt guy with the cardboard sign, you understand that some of those guys are out there because of -- they fell victim to --

THE CLERK: Time.

MIKE WALLACE: -- stupid decisions like this one.

CHAIRMAN STEAD: Thank you, Mr. Wallace.

Next is Ed McLuskie, followed by John Deatrick and Sean Garretson.

ED McLUSKIE: Madam Chair and very patient Commissioners, the proposed rezone aims at a boutique student complex that most of my students of nearly four decades at BSU simply could not and cannot afford. While university presidents have pledged to freeze tuition increases next academic year, housing rentals nevertheless contribute to ballooning student debt, except for those lucky enough to have parents paying the freight thanks to their membership in a shrinking middle class.

In the area south of BSU, even the most responsible developers have plans that displace people with the decreasing student population. These -- this, Commissioners, you will hear about March 2nd when BSU
asks to approve a U-zone that would also destroy
existing affordable and sustainable housing.

    Then and now the promise of Blueprint Boise
recedes, as the Southeast Neighborhood Association has
tested. This private developer says it's solving a
student housing problem that frankly soon will no
longer exist. By 2025, that 500 students they cited
giving relief to the neighborhoods will have
disappeared through demographics alone.

    This project also does not take care of
those matters listed by the purpose statement and the
code plans. It does none of these things. The general
welfare, for example, is violated by destroying a
livable neighborhood while restricting the neighborhood
to a monoculture of short-term, relatively privileged
students. Economic opportunity accrues, not to the
community, but to the developer, investors, whose
marketing, by the way, promotes a culture of
entertainment over learning.

    The big lie to citizens is that all of this
improves, modernizes, and is inevitable. Improvement,
though, can take many forms. But those are lost to the
proliferating warehousing of people, housing lipsticked
with paint in a swimming pool folding into student
loans.
The -- I sit on the City's committee that aims to address this problem of studentification of neighborhoods south of Boise State. I ask you to deny this request to rezone, if not outright, then until the City's new overlay committee concludes its work with the City Council. Meanwhile, conflating the lives of this developers -- to this developer's terms actually eclipses City code and Blueprint Boise. We can do much better than this for students and for neighbors.

Thank you.

CHAIRMAN STEAD: Thank you, Mr. McLuskie.

We've got John Deatrick and Sean Garretson and Erik Kingston.

Do we have John Deatrick here? No.

Okay. How about Sean Garretson?

UNIDENTIFIED SPEAKER: [Unintelligible.]

CHAIRMAN STEAD: Okay. So both John Deatrick and Sean Garretson are passing on their turns.

Erik Kingston?

UNIDENTIFIED SPEAKER: He's not here, but I can read --

CHAIRMAN STEAD: Are you on the sign-up list?

UNIDENTIFIED SPEAKER: I am.

CHAIRMAN STEAD: Okay. So you just will have the one chance to --
UNIDENTIFIED SPEAKER: I'll just wait.

CHAIRMAN STEAD: Okay. Okay. Then we have

Ginny Lyke, followed by Sara Heggland and Bart Chaffee.

GINNY LYKE: My name is Ginny Lyke, and I reside
at 26 Mesa Vista Drive that sits directly above the
proposed development site. I've lived on Mesa Vista
for 19 years.

I'm in opposition to the rezone for several
reasons, but the reason I'm extremely concerned about
is the parking crisis I believe a development of this
size in this area will create. There's actually
already a parking crisis happening in that area. It's
happening at the Identity building, which sits at the
corner of Beacon Avenue and Boise Avenue.

The Identity sits kitty-corner to the
proposed development site. Identity houses 295
residents. Collegiate Development's proposed
development will house 545 residents, which is 250 more
people than the Identity building. This proposed
development is almost double the size of Identity. It
is a massive development.

I personally know about the current parking
crisis in that area because my son's girlfriend, who's
a BSU student, lived in the Identity building. There
was such a limited amount of parking available for the
residents that she would park at my home and walk down Protest Hill to the Identity building. While Identity has paid parking available for the residents, similar to what Collegiate Development is proposing, a majority of those residents choose to not pay the monthly parking fees and choose to park on the streets surrounding Identity instead where it is next to impossible to find suitable parking.

Collegiate Development is proposing 267 parking spaces for their 545 residents. They suggest that the majority of the residents will walk, bike, ride rental scooters, or rent a rental car that will be available for them to use. They are suggesting that 278, almost 300, residents will not need a space to park a car. If this is what they think, they are out of touch with a college student's life.

I was a student myself at Boise State several years ago. I spent three years going to school there. And during that time I lived in a house on Verna Lane, as well as a duplex on Juanita Avenue. These homes sat two blocks from the BSU administration building on University Drive. Yes, I walked to school every day, but I needed a car daily to get to work. I was a server at a restaurant near the mall.

It was not possible for me to walk to work.
I definitely would not have ridden a rental scooter. And as a college student, if someone would have suggested I rent a car to get to work, I would have laughed at them.

The fact that Collegiate Development wants us and you to believe that 267 parking spaces that residents will have to pay for is adequate parking for a massive development that houses 545 people is not reasonable.

One last thought: Many of those 545 residents will also have guests visiting. And these people will also need a place to park their cars. I believe this is a parking disaster waiting to happen. And I implore you to deny Collegiate Development's request for a rezone.

Thank you for your time.

CHAIRMAN STEAD: Thank you, Ms. Lyke.

Sara Heggland and then Bart Chaffee and then Erik Heggland.

SARA HEGGLAND: Hello. My name is Sara Heggland, and I live at 8 South Mesa Vista Drive in a single-story home directly adjacent to the proposed project.

And I'm here tonight to strongly oppose the rezone for this luxury student-housing project for all
the reasons that have already been talked about. And I will focus my comments on incompatibility with the adjacent neighborhoods and the complete lack of mixed use.

When I first saw a picture of the proposed project, I was truly alarmed by just how massive it is in and the high density. It's like having the entire town of Idaho City moving to the corner of Boise Avenue and Protest. But wait, it's actually worse, because this project is larger than Idaho City.

And then tonight to hear that Ada County Highway District doesn't want to -- or isn't going to do a traffic study on that corner, I find that just really hard to believe. That will be one of the most dense corners in the city when you combine Identity and the other apartment complex and this massive complex. So it's in complete out of scale with height and density to the adjacent properties, which are mainly one and two stories.

I will point out that Woodbridge Townhouses adjacent are actually primarily two stories, not three stories as indicated in the staff report. So I would say why not hold Collegiate Development to the current zoning of 35 feet? Now they're talking 42 feet.

I also struggle with what's in this for the
citizens of Boise. And I've concluded nothing. We get more traffic. We get parking nightmares. We get light pollution, noise pollution, loss of an amazing tree canopy, loss of wildlife, permanent removal of affordable housing. One could argue we are moving in the opposite direction, since we also lost our Maverick station. If this rezone is approved, there will be nothing left to be a neighborhood activity center, except the Tobacco Connection on the last corner there.

I've taught in higher education for 25 years, and I am not anti college student, but this project is not mixed use. It is single use, for college students. This is what these developers do. And I find it hard to comprehend that we would destroy a community of our own citizens for a community of transient college students.

This land is in a premier location. This is the first project to be proposed for this site, but it's not the best. We need to look to the future. We do not want to become a Portland or a San Francisco where our inner core of our city is for the wealthy and the homeless. And this rezone, if approved, puts us down that trajectory.

THE CLERK: Time.

CHAIRMAN STEAD: Thank you, Ms. Heggland.
Next is Bart Chaffee, followed by Erik Hegland, and then Bruce Mohr.

BART CHAFFEE: I'm Bart Chaffee, and I live at 3 South Mesa Vista Drive.

I have things I was going to say, but basically, over the months since we've heard about this development, my attitude has gone from how is this going to affect me to how does it affect people who we've heard from before, as far as the fact of not being able to live in their apartments. We're pushing them out in the street. They're going to be homeless people. And it seems to me that we ought to be taking care of our own people before we take care of out-of-state students who can afford luxury apartments.

My father was the first president of Boise Junior College and then Boise College, Boise State College, then Boise State University. My father was the son of a Presbyterian pastor, and he grew up with cross eyes. He had like eight surgeries to try to get his eyes corrected. And one of the things he did as president is he reached out to people in need.

I think you as Commissioners need to do the same thing. Instead of worrying about people that can take care of themselves as far as finding places to live, to take care of the people that don't have that
luxury.

I had several different things I was going
to point out as far as the fact of this development.
One as far as the hillside. I don't know whether
anybody's done a study as far as the fact that there's
a sewer line that runs along the rim about 10 feet
below our property line where they need to have access
to it. I don't know that I've seen anything that says
that anybody's dealt with that as far as if they need
to service it.

The hillside is such that, as an example,
growing up I've weeded, I've built a chain-link fence,
I've dug a sewer line to connect a sewer, I've built
railroad ties, and most recently built a retaining wall
out of concrete blocks trying to prevent the soil from
sliding down the hill. And that needs to be addressed,
the safety.

Then the other thing as far as traffic
safety, if any of you -- I'm a cyclist. And if any of
you have pedaled down Boise Avenue, you'd realize what
the bike lane is. You can barely get your bike in that
lane because it's so narrow. And the car -- it's such
that --

THE CLERK: Time.

CHAIRMAN STEAD: Thank you, Mr. Chaffee.
Next is Erik Heggland and then Bruce Mohr and Dan Rollinger.

ERIK HEGGLAND: Hello. My name is Erik Heggland, and I live at 8 South Vista Drive, which is a single-story home right next to the proposed project.

I strongly urge the committee to reject the requested rezone and the project in its current form, for all the reasons others have mentioned, as well as some additional reasons. At some point the people in San Francisco, Seattle, Portland, and other major cities probably wondered how they had arrived at a point where mostly the well-healed and the homeless lived in their urban core. I submit that projects like this are part of how they arrived at that point.

In addition to displacing and potentially leaving homeless an entire neighborhood full of Boise citizens, this project will also displace another population. The Boise bench rims and the adjacent yards, canals, and open areas are a unique wildlife habitat. This habitat is an almost uninterrupted ribbon from the high country near the headwaters of the Boise River through to the confluence with the Snake.

In addition to multiple, smaller, year-round species such as valley quail, wild turkeys, foxes, hawks, raccoons, songbirds, and others, it's a
critical winter habitat, and it's a predator-free
habitat for mule deer. Some of these animals may
migrate from as far away as the Sawtooths. The Boise
Valley used to belong to deer and elk in the winter
before the city of Boise sprang up.

Habitat loss is a major killer of wildlife.
The harmful effects of even incremental destruction of
small areas of critical wintering should not be
underestimated. This herd of mule deer may be
exterminated by this destruction of their winter home.

I think the City needs to take time to
evaluate the Boise rims in the same light as the Boise
River, Green Belt, and foothills, and protect this
natural space for both animals and humans. A
potentially dangerous 30-foot vertical, concrete wall
built into the rim hillside is not habitat for
anything.

The Identity building was slipped by the
people who live in the area, and is now a permanent
eyesore for the citizens of Boise who have to be its
neighbors. It is not a precedent, but rather a mistake
that should not be repeated.

The North End is close to downtown, but
Boise doesn't seem to permit skyscrapers or observedly
large buildings in the North End. I highly doubt you
would allow a structure like this to be deposited in
the middle of the North End, or the foothills for that
matter. Our neighbor ready is close to the BSU campus,
but analogous to the North End, you shouldn't allow a
monstrously sized building to be deposited in our rim
neighborhood.

Thank you.

CHAIRMAN STEAD: Thank you, Mr. Hegglund.

Bruce Mohr then Dan and then Janet
Rollinger.

BRUCE MOHR: Good evening. I'm Bruce Mohr. I
live at 10 Mesa Vista Drive, which of course is
adjacent to the subject property.

I've been a Boise resident since 1977. As
a small, downtown Boise business owner, I recognize the
need to maintain a vibrant and diverse economy. I'm
pro growth, measured and planned growth that Blueprint
Boise and reviews such as this one are designed to
accomplish.

You've heard a variety of arguments already
this evening. You understand that the property is
currently designated mixed use. You also heard that
what's being proposed on this site is a massive
dormitory. I don't know where the Bodega's going to
go, the coffee shop, or even where the neighborhood
State Farm office is going to go. The only activity on
the corner is going to be the dorm leasing office. And
that's not mixed use.

It's interesting to note that most of the
agency and department reviews that we read about in the
packet all have concerns over this project and the
massive scale that's being proposed. Obviously ACHD
expresses concerns about the incomplete traffic and
parking studies. Noticeably absent from the developer
is any mention about impact to the Boise Avenue/Capitol
Boulevard/University Drive intersection, which we're
all very aware is a significant issue in our community.

In documents, the developer has proposed
cutting into the Boise bench hillside and building a
30-foot high retaining wall. This seems to be an
extremely dangerous precedent to allow cutting into the
first or second benches of our community. There would
be a public outcry if any development proposal involved
such a cutting into the Boise foothills. In fact,
Terra Nativa comes to mind.

It's no wonder that City Public Works
engineering issued a "no comment" on this project. The
scale and scope of this dormitory are completely
inappropriate for the site. The City has started the
process to review and update the current Blueprint
Boise plan and zoning guidelines within the U District overlay zone. In U District discussions, Council and staff have highlighted a need to control the growth of five-bedroom stealth dorms.

This project includes 90 four and five-bedroom stealth dorm units, totaling 374 beds, just in this one project. We have one chance to get this site right. And this proposal isn't the solution.

The real issue, though, is these people you've heard from. They have homes, affordable homes. They can access their jobs, their shopping, and their health care on the bus line, no doubt services they're not going to have when they're forced to relocate to Meridian or elsewhere. Why are we displacing these people for an off-campus dormitory?

Destroying this neighborhood to solve a State of Idaho and Boise State issue is not the answer. Boise State needs to identify acceptable campus spaces to fill their own need. And in fact, right now anecdotally, there are "For Rent" signs in the Identity building and in Eagle Pointe.

Thank you.

CHAIRMAN STEAD: Thank you, Mr. Mohr.

Dan Rollinger and then Janet Rollinger.

DAN ROLLINGER: You guys are a glutton for
punishment, aren't you?

Hello. I'm Dan Rollinger. Yeah, you're tough. I reside at 6 Mesa Vista Drive, Boise, Idaho 83705. I have the luxury of living right above this -- this project.

I'd like to kind of talk about really, if you could pull it up -- you have to go to the [unintelligible].

UNIDENTIFIED SPEAKER: [Unintelligible.]

CHAIRMAN STEAD: Yeah, you can go ahead and pause the time.

UNIDENTIFIED SPEAKER: [Unintelligible.]

DAN ROLLINGER: So I'd like to kind of talk more about where our actual neighborhood really is. And we talk about that intersection as being the focal point of where our neighborhood is. And we talk about Identity. We talk about the Boise housing. But if you look around the border of Mesa Vista, our complete neighborhood, it really is the bet [phonetic], Protest Ave, Federal Way, back around to Boise. That's our -- that's our neighborhood is -- you know, if we look at everybody here, that's where our foundation, that's where we've been, that's our community.

If you look at the proposed site, there's nothing, nothing anywhere near that island of land that
is that massive in size. So the scale is just
inappropriate for the location [unintelligible].

UNIDENTIFIED SPEAKER: [Unintelligible.]

DAN ROLLINGER: So the other piece that I'm also
concerned about is -- we talked about this. This whole
piece around a neighborhood activity center. Where you
look at that future site of BSU, that is going to be
redone in the next -- what is it? I think their Master
Plan is eight to ten years or sooner. There's also
another dorm that's being put in right across from
where Identity is. So that whole area is going to be
massive student housing.

And again, with -- if we take that Maverick
building out, there is no opportunity for any future,
you know, utilization of the site. It just is a
housing -- student-housing project.

Then we talk about safety. And this really
is about safety at some point. If you look at Boise
Ave there and you look at the traffic as it goes by,
it's not safe. I walk my dog around that loop. And
it's -- you -- if you hit the traffic light right, you
better run to get across to the safe side of the
street. You can't walk it on the south side.

Go ahead.

The other piece, this is about parking.
And we've had a lot of conversation around parking. This is an example of seven cars in one unit. And look at the other one. There's six cars in that other unit. So students would live off campus actually do have cars. And to say that 48 percent of the students in that property aren't going to drive is kind of, to me, absurd.

So I think we're really going to compound an issue, create more of a traffic issue and a safety issue on Boise Ave if we don't take care of that aspect of it.

So I'm out of time, so I would just like, you know, to ask you to -- to not pass this through. I mean you look at the light that's going to come from this neighborhood when it's 15 yards --

THE CLERK: Time.

DAN ROLLINGER: -- from the back of our property. It's going to [unintelligible].

CHAIRMAN STEAD: Thank you, Mr. Rollinger.

That's your time.

DAN ROLLINGER: Thank you.

UNIDENTIFIED SPEAKER: Next.

CHAIRMAN STEAD: We've got Janet Rollinger and then Leane Chaffee and then April Hoy.

JANET ROLLINGER: Yeah, we can leave that up.
My name's Janet Rollinger. I live at 6 Mesa Vista Drive. We are one of the properties that our entire north side of the property line will abut this development.

Just bottom line, we ask you to deny it. There is a lot of changes going on in Southeast Boise and Boise State. This project is a little before the cart -- or horse before the cart -- cart before the horse. There you go. It's late. It's -- and it's not mixed use. And we have a wonderful neighborhood.

One of the stories I even heard from the lady that cut my hair knew a gal who lived at the Ridenbaugh Apartments. She was there as a student. She stayed there for ten years afterwards she loved the community so much.

You're not going to get that with this new development. We just -- we are a community that supports Boise State, but we do not want to be overridden by Boise State. Our concern, of course, is the noise and the lights. Except for the fourth floor, all of these lights will be shining light up onto our property at night. We know college students do not have the same hours as residents do.

I can speak truthfully to that because we are just coming out of our ninth year of having --
being parents of college students. And the noise.
They start fairly late. At least our daughters did.

    Anyway, but to that extent we have also
seen a great increase in student debt. They went
through Boise schools. A lot of their friends went to
Boise State. After their first year, they moved back
home because they could not afford even the rental
houses.

    Luxury student housing, you're just setting
up another generation that will need affordable
housing. Our children that had friends that graduated,
half of them weren't even able to get a job after they
graduated from college. So again, they moved back home
because they could not afford housing, especially in
this area. And this was supposed to be one of the most
affordable areas in the city.

    And I think that's it. So we respectfully
request that you not rush into this, and we want --
would request that you deny it, especially until that
overlay and Boise State have figured out what they're
doing.

    Thank you.

    CHAIRMAN STEAD: Thank you, Ms. Rollinger.

    Leane Chaffee and then April Hoy and then
Allen Dykman.
LEANE CHAFFEE: I need a little help in setting up technically.

Is this flash drive?

CHAIRMAN STEAD: And if you're in the queue here, if I've called your name, we have some open seats up here in the front if you would like to continue to queue up. Thank you.

LEANE CHAFFEE: I am Leane Chaffee, and I live at 3 South Mesa Vista Drive. I'm sorry. I'm the one that has infected everyone for six hours.

I am -- I have a visual journey. I want to take you on a visual journey. So I'm going to move this over. And here we go.

I want to show you the fact that -- I just want you to see visually these -- the only thing that is not a duplicatry for we talked about -- they said that when you read through the application by Collegiate Development Group, it said that there would be a mitigation for calipers. Can you imagine -- I think it was already mentioned -- how many of these old trees, what would it take to replace what's there?

And also I want you to take a look and note that these are the places where a lot of wild animals live. Whoops. Okay.

This next section is all about the wild
animals we see. And these are pictures that we've been able to take. But we can't catch everything, but I see that some of the people that were here earlier were able to catch the blue heron and the foxes. We see those around all the time. So here we go. Take a quick look. There's deer; there's eight in that picture.

There's chickens.

And more deer right in the middle of our things.

There's another deer eating and going.

This is a deer that came and stayed with us in the wintertime. She just sat there and laid on her spot.

This is a hawk.

And there's a hawk with its dinner. Don't get grossed out.

And there's the deer.

And would you believe that a couple summers ago we had a turtle show up? She lived with us for two months. We don't know where she came from. We don't know where she went. Myrtle the turtle was there.

And this big, old buck was there, and he stayed -- he stuck around for a while. We had a coyote show up the other day. And we have turkeys. Now,
aren't those beautiful.

Now, that's a covey of quail. And there's some more -- and everything got mixed up when I downloaded. But there's your covey.

There's those eight deers.

There's more walking through the other neck of the woods.

And the last one with the yellowbird, something someone else knew, but I don't know what it was. Okay. Let's go.

I see that my time is going way too fast, so what I'm going to say to you right now is that you saw a lot of the pictures of how crowded the parking was. The parking in the daytime is one thing. Parking at nighttime is so very difficult. We lost a friend of ours who ran into the back end of something he didn't see on his bike. My husband goes on the bike, and so do I.

And I also would like you to be very careful and watch carefully, look at the words of the application. When Collegiate Development Group says I will give you --

THE CLERK: Time.

LEANE CHAFFEE: -- an extra way, and they give you one extra car. That's not an alternative.
CHAIRMAN STEAD: Thank you. That's the end of your time.

April Hoy and then Allen and then Dixie Dykman, if I'm pronouncing that right.

APRIL HOY: Madam Chair, Commission Members, my name is April Hoy. I live at 5212 West Kootenai Street, 83705. I'm a member of Boise Renters United.

I'm here to urge you to deny the rezone for this development. It's late, so I'll keep it brief. I just want to say that Boise is in the midst of a rent affordability crisis. The City should be doing everything in its power to preserve existing affordable housing. It should not be making special exceptions to help developers make more money by tearing down reasonably priced homes to replace them with luxury rooms to rent.

Thank you.

CHAIRMAN STEAD: Thank you, Ms. Hoy.

Allen Dykman and then Dixie Dykman and then Terry Copple.

ALLEN DYKMAN: Hi. I'm Allen Dykman. I live at 5 Mesa Vista.

We purchased our current home in 1984. We started out, it was a rental up there. We spent years remodeling it, fixing it up, and it's just perfect. We
love the house.

This proposed project is not to fulfill the needs for student housing. I met with the chief operating officer at Boise State, and she said this does not meet the student needs. What they want to do and what they prefer to do is have their own facilities that do meet student needs and they keep the price affordable.

A classic example of this is the Identity building that was built. None of us were aware it was being built or we would have been up here talking about it. But it's -- the Identity building on Beacon and Boise Avenue. I know this meeting is not about design review, but it's about rezoning a parcel that does not allow for a project such as Identity to be built. And that's what we're really trying to keep in this process.

From my perspective, Identity looks like a large, white hospital with a big, neon sign on it. It sticks out like a sore thumb in the neighborhood where it was approved, not for BSU standards, of course. As you've seen BSU student housing, it's a beautiful building, like if you go down Lincoln Street or if you're over on the river, it's all red brick and it fits in with the campus. And even that Identity
building, if they just would have built it out of brick it would have been, you know, reasonable for us to look at.

Please do not make the mistake again by rezoning this land to accommodate another mistake. The property in question is what the City Comprehensive Plan refers to as neighborhood active centers with neighbors, retail, offices, and residents, similar to Bown Crossing. The proposed site is not the right location for this massive project.

The adjacent Woodbridge and Ridenbaugh Place developments exemplify that nature can still exist in an urban setting, leaving a place for all sorts of wildlife. You've seen it and you've heard about it.

The request rezone will affect the quality of life known to us by increasing the capacity of the 1909 Boise Avenue property from 48 units up to 287 units with 545 beds, is what I heard last. We do not want this kind of a development in our neighborhood. We do not want more light, noise pollution from Boise Avenue and Protest Hill and the neighborhood. For instance, we'd like to keep the sounds and the sights of listening --

THE CLERK: Time.
ALLEN DYKMAN: -- to the animals as they come through.

CHAIRMAN STEAD: Thank you, Mr. Dykman.

Next is Dixie Dykman, followed by Terry Copple and John Bertram.

DIXIE DYKMAN: Hi. Good morning. My name is Dixie.

UNIDENTIFIED SPEAKER: Morning.

DIXIE DYKMAN: My husband said earlier that he thought I wasn't going to be able to testify on my birthday, but so happens that I am now testifying on my birthday, so...

CHAIRMAN STEAD: Happy birthday, Ms. Dykman.

DIXIE DYKMAN: My name is Dixie Dykman, and I live at 5 Mesa Vista Drive with the man that was just up here.

And I've lived in Idaho for 67 years as of today. I've been a taxpayer in Ada County for 47 years, and I've seen a lot of changes in our growing community in that time span, many good and some not so good.

This proposed dorm project is one of the not so good. The parcels involved in this proposed project and the request to rezone it to higher density housing should be looked at with a closer eye and a
thoughtfulness to the future of this particular corner
of our city and the historical Oregon Trail that passes
through it.

I would ask that you not approve this
particular project to rezone the parcels for the many
reasons that have been brought to you in the letters
that you possess and that have been written with the
testimonies given here tonight.

Point in hand, I read a news release
January 22nd, 2020, in the Idaho Press that there are
currently seven Planning and Zoning Commissioners. But
Mayor McLean had referenced that up to 12 could be
considered to serve. I personally would like to see as
many Commissioners as possible to review this project
request, even if that means delaying any decisions that
could be made tonight -- or this morning.

Please look at all the best use for this
land, and let's look at the environmental impact that
545 beds will have. Let's look at what is really being
requested to be built with regard to its need,
capacity, architecture, environmental impact, and
engineering. We only have one chance to get this
right. Let's not rush to approve this or any project
until some studies can be done, which obviously they
have not been done, and to see the best use for this
corner in our surrounding area.

At some point we need you to say no to this kind of development, whether it's from out-of-state developers or local investors who are hovering over our booming city with only one thing in mind: to make money. Please don't rubber-stamp this oversized, unneeded, unwanted, high-density dormitory project adjacent to our neighborhood.

It does not fit in as suggested. It is way too large, creating traffic and noise problems, light pollution that don't exist now. It's in poor use with the parklike setting that could become something really special --

THE CLERK: Time.

DIXIE DYKMAN: -- in our beautiful part of Boise.

CHAIRMAN STEAD: Thank you, Ms. Dykman.

Terry Copple, John Bertram, and then Cathy Sherman.

TERRY COPPLE: Thank you very much, Madam Chair, Members of the Commission. My name is Terry Copple. I'm the Dykman's attorney. My address is 199 North Capitol Boulevard, Suite 600.

What I wanted to do is to answer Commissioner Gillespie's question about the ACHD,
because I have as well been in contact with the ACHD on their issues with regard to this project.

    As you're aware, a traffic-impact study was prepared by CDG. It was submitted to the Ada County Highway District and was rejected. And that's why you have in your packet the January 21st letter where ACHD outlined the ten flaws and errors in that study.

    And just to give you a flavor of what they're like, I just want to list several of them to emphasize ACHD's problem with the traffic study and the project. Number one, they complain that there was no evaluation of the safety deficiencies with regard to the streets around this project and the exacerbation of those problems caused by the project.

    They said there was no evaluation of future off-site developments, which would make what was ever happening on Boise Avenue worse because of the project.

    They said there was no intersection analyses of the eight that they said that they had done, but there was only two in the report. So as you go through and you look at the letter, you see all the problems that ACHD had. They rejected it. And as a result, the Applicant has filed a new traffic-impact study just this last week. It was filed with ACHD. They are now analyzing that report as we speak. They
are going to write a review of it. They will not be doing a site study because of the dropping of the conditional-use permit.

ACHD was going to have a full Commission hearing on this application when it was both a rezone and a conditional-use permit application. They felt that this was such a significant event that they wanted public input.

Now that the CUP has been dropped, they're not going to have a public hearing in front of the ACHD Commission because it's not a site-specific type of matter. It's just a rezone. But they will still be giving their opinion with regard to the traffic study.

We think that what you should do is defer this application until ACHD is able to review the new traffic investigation that was done by the experts, and then you'll have a better picture of the negative effect, we believe, of this project.

Also now we learned today that it's really not 35 feet, maybe it's 37 feet. Does that trigger another conditional-use application, or not? If it does, then ACHD is going to want to have a public hearing themselves to give a recommendation to this body about what should happen with regard to this project.
Thank you.

CHAIRMAN STEAD: Thank you, Mr. Copple.

John Bertram and then Cathy Sherman and Sam George.

JOHN BERTRAM: John Bertram, 1 West Parkview Place.

Chairman, Commissioners, I encourage you to deny this rezone. The massive 537, now up to 545 bed, 267 car student-housing complex overwhelms the neighborhood and does not fit the site. It's bulky design crowds Boise Avenue, and it will significantly increase traffic and parking congestion, as well as vehicle and pedestrian conflicts.

Worse, the project -- the project requires the excavation of a portion of the bench hillside slope, installing a 35-foot concrete wall. Worse yet, it undergrounds and paves over the Bubb Canal, formerly the historic Mill Ditch, an open waterway that is a critical element for wildlife and natural beauty. Most threatening, it demolishes existing affordable housing, displaces people and families, and forever removes trees, canopy, and plant habitat.

I hope you had a chance to read my detailed letter, as well as what came before, the mills, a history of the area. As a planner and historian, I am
enamored by the 24-unit Ridenbaugh Place Apartments. It offers an especially wonderful affordable living environment, facing a lush courtyard. Its ingenious plan provides covered vehicle parking out the backdoors with its own access off Boise Avenue.

The natural aesthetic site features an oasis of heavy tree cover, pathways, two bridges over the Bubb Canal. This site has opened our eyes to what can exist along the bench and has -- and canal area. The site is potentially eligible, potentially eligible, for the National Register of Historic Places. It is a unique Boise place and must be protected.

Let's look at the big picture. I encourage the City of Boise to initiate a review of Boise's bench topography of rims and slopes. These rim corridors are a defining piece of Boise's landscape and provide natural vegetation, tree canopy, wildlife, and plant habitat. Hillside ridges and slopes create a corridor for wildlife, and greenery provides oxygen.

As proposed, this project decimates the entire site, eliminating mature and healthy trees and vegetation. This would be a major blow to the City's program of increasing tree density and cleansing and cooling our air.

A study of Boise's benches would allow time
to better understand their topography and identify
unique bench opportunities. We owe it to the citizens
of Boise to consider the appropriate care of the bench
hillsides. We have a Green Belt plan. Let's prepare a
bench corridor plan.

As identified by Blueprint Boise, this site
is part of a neighborhood activity center. With no
mixed use, this project spoils the opportunity to
create a desirable small neighborhood center, which
could excel with well designed mixed uses, retail,
office, and residential.

THE CLERK: Time.
JOHN BERTRAM: Thank you.
CHAIRMAN STEAD: Thank you, Mr. Bertram.

Cathy Sherman, Sam George, and then Katie
Fite.

CATHY SHERMAN: Hi. I'm Cathy Sherman. I am
the housing specialist for homeless veterans here in
Boise, Idaho, a job that two-and-a-half years ago when
I interviewed I thought would be kind of easy.

With a less than 2 percent vacancy rate in
affordable housing, my job has become either harder or
quixotic, depending on the day. Today in ZIP codes 12
02, 03, 05, and 06, there were six properties listed
that met HUD standards for affordable housing, the
HUD/Boise City/Ada County Housing Authority standards for affordable housing. Out of those six properties, only none of them would accept a Section 8 or a HUD-VASH voucher. We don't have a problem. We have a crisis.

The other reason I'm here is I live right next door to the Brassey family, who built these apartments and my own home. So I -- it used to be my ace in the hole. I've housed two families in these apartments in the last two years. Every year I house 120 veteran families. And affordable housing and these legacy affordable housing is a really important thing.

Do not displace a tight-knit community of 36 souls. But if you're going to displace, let's figure out a way to replace. I would suggest building a green roof on this -- on this with an apiary for bees and wildlife. I would also suggest adding a couple of ADUs to that roof for small footprint housing. At least 10 percent or ten units in the building could be for -- for people and accept vouchers.

My mom lives in Baltimore, Maryland, at 3900 Charles Street, called The Social, which has over 10 percent elderly people living in the building. It keeps down the students' noise. My mom loves it. She always has somebody who can fix her computer.
And I'd say let's partner with the City and the residents and the neighborhood to build another 12 ADUs in the neighborhood and give option -- and give some options and choices to the current residents.

I have a quick notice from Erik Kingston, who could not be here. Erik Kingston is home with his daughter writing an essay. In the APA's code of ethics, we shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs.

Boise has a choice. Do we consistently --

THE CLERK: Time.

CATHY SHERMAN: -- defer to the interests of the outside private equity?

CHAIRMAN STEAD: Thank you, Ms. Sherman. That's time.

CATHY SHERMAN: Or do we recognize housing as a human right?

CHAIRMAN STEAD: Thank you, Ms. Sherman.

Next up is Sam George and Katie Fite. And then Karen Glenna, maybe.
SAM GEORGE: Hello. I'm Sam George. And I live at 4541 South Curzatte Lane. But I have lived at the Ridenbaugh Apartments until a week ago. But this was also by design, because we moved here to Boise eight months ago to accept a position at Boise State and always intended to purchase a home as soon as possible.

Finding affordable housing, or even available housing, turned out to be extremely difficult here. And so it was somewhat out of desperation originally that when I found the Ridenbaugh Apartments and their adjacency to the university that I jumped on them. It was only after we have moved in and I looked more closely at the place did I start to notice the thoughtful details.

I have a master's degree in architecture, so I often look at things through that lens. The floor plans -- for instance, the floor plans of the apartments are laid out on a 5-foot grid. Most people wouldn't notice that. And the cabinetry work utilizes matched symmetrical panels, and the drawer faces and cabinetry borders are made from the same piece of wood, so the grain pattern also matches. This type of work is typically only used in more expensive construction and such as churches today.

But it was the stream in the central area
with the mature trees that I found so charming, like something out of a Hayao Miyazaki film. There are two bridges over the stream and many mature trees on the site. In the fall there were fish and ducks and many tiny, dancing insects. One of my girls loved climbing down the massive fallen trunk to touch the stream. It was a nearly sacred place.

We desperately need more student housing, but the university really needs it on campus. And the project will take a lot of money out of our City every month, which could go to supporting the university or at least making things more affordable for the students.

But if the project does go through, I ask that you guys do what you can to remember what came before in the project, as we talk about in architecture a lot. And that giant retaining wall, that's not a good idea. But I mean the real thing, though, I think, that's at stake here is that affordable housing also makes it affordable to purchase and then to tear down and rebuild on it. Right? And so sometimes we have to make a decision as the public that we're going to protect things like that, because the people who do live there and who do own it, usually can't.

Well, thank you. And thank you for
volunteering to be on the Commission, because this is a huge contribution of your time.

CHAIRMAN STEAD: Thank you, Mr. George.

Katie Fite is next, followed by Karen Glenna and Jason Crawforth.

KATIE FITE: Can someone help me with this?

It's not --

UNIDENTIFIED SPEAKER: I got it.

KATIE FITE: My name is Katie Fite. I live at 1006 North Fifth Street in Boise. I'm here to talk about the natural vegetation that's there, a little bit of the history, and the wildlife values.

As John Bertram was talking about the history on the site -- okay. Anyway, well, the first slide that was up there was of the old mill that some of the canal systems that the Bubb Ditch is related to was involved with.

Okay. This is just a little bit of a history. At the time of the construction of -- this is the Bubb Ditch area, the ditch headgate measured 7 feet and the ditch itself measured 2 feet deep and 6 feet wide on the bottom. By 1903 the canal measured 3 miles in length and had 3 miles of laterals. This was a canal coming off the Boise River.

The next slide.
Okay. This is an image, a photo, of the canal that exists on the site now. There was permanent flowing water there in the winter, deeply wooded, trees persisting without irrigation water on this subirrigation that's occurring there. And this is around 6 feet wide, just like the description that was in the old historical accounts.

Okay. The next one.

Another photo of the site.

Next.

Okay. This is a photo of the hill in the background on the side of the bench that's been dug into, I guess I was told by the developer. You can see that it's just left in this condition, and it looks fairly unstable. I'm wondering if there's going to be any hillside permits or anything like that associated with this development, because I understand there's going to be a 30-foot retaining wall put up and some digging back into the bench slope, marring that forever.

Next.

Okay. This is just an image of some of the mature trees that are growing right at the base of the bench slope.

Next one.
Okay. We heard from someone earlier that there's $200,000 worth of trees that are going to be destroyed here. That's a tremendous value for wildlife. Migratory birds like this yellow warbler. And right, you know, now we have this tremendous crisis for migratory birds across North America where -- so many species have declined 30 percent in the past -- since 1970.

This is a photo image from Google Earth. The yellow pin that's in the center of it, that shows the dense tree cover at this site.

THE CLERK: Time.

KATIE FITE: Okay.

CHAIRMAN STEAD: Thank you, Ms. Fite.

Next is Karen Glenna.

KAREN GLENNIA: I yield my time.

CHAIRMAN STEAD: Okay. Karen is skipping.

Jason Crawforth. Is he still here? Also not present.


David Klinger?

Okay. Then Marty Schimpf and Briana [sic] Kemp, maybe.

DAVID KLINGER: Well, this is certainly one P&Z meeting that's going to shut the bars down tonight.

UNIDENTIFIED SPEAKER: I don't know about that.
DAVID KLINGER: You're on.

David Klinger, 1404 North 24th Street.

Two years ago we appeared before you on a matter of affordable housing on a project that, among other impacts, proposed to evict 23 lower-income residents -- immigrants, seniors, the disabled -- from their homes at 16th and State Street in the midst of an accelerating affordable housing crisis in this city two years ago. That was the infamous CVS drugstore issue.

Do you remember that Milt?

COMMISSIONER GILLESPIE: I do.

DAVID KLINGER: Very analogous to what we're talking about here tonight. And do you remember the long colloquy that you, as a Board, had at that meeting on the matter of the very real human cost of redevelopment as part of your evaluation?

I don't see why you can't apply the same logic here tonight that you did in 2018. And I encourage you to review your thinking of two years ago and how you factored the by-product, the very real by-product of growth with this housing displacement into your decision-making process at that time.

I would like to be able to support this rezoning and this project, but it's a failure of imagination that I must address right now. The one
aspect that CDG has failed to acknowledge that sets this project apart from any other college market in which they are engaged is that they are proposing to develop in the fastest growing city, in the fastest growing state in the nation. That calls for far greater respect for the realities of what this city is facing.

CDG, you're not in Kansas or Missouri anymore. I submit to the CDG conceptual designers of this project that they are missing a real opportunity to make history here in Boise by creating a mixed development that scales and blends students and community residents into a single, unified, multigenerational development on a more human scale.

What better learning experience for 545 BSU students than to live with, alongside, and among the reality of the good people who have called this neighborhood their home and who now face displacement. Why does redevelopment, our choice need to be a student ghetto that rests on the foundation of easy eviction of real people.

CDG, respectfully return to Missouri, the Show Me State. Show Boise you can develop something smaller, more imaginative, more humane, more conforming --
THE CLERK: Time.

DAVID KLINGER: -- and more respectful of Boise values.

CHAIRMAN STEAD: Thank you, Mr. Klinger.

Next is Marty Schimpf and then Briana Kemp.

I'm sorry. The handwriting's tough.

MARTY SCHIMPF: Good morning. I'm happy to be here, and I appreciate your still being awake and attentive at this late hour. We appreciate you.

My contribution to this conversation is simple, and so I'll try to be direct.

CHAIRMAN STEAD: Can you start please with your name and address.

MARTY SCHIMPF: Marty Schimpf, and I'm on the Mesa Vista neighborhood, 4 Mesa Vista, just above the proposed development.

We recently had a pretty interesting election in Boise. And if you were listening to that conversation that ensued before that election and you noticed the outcome of that election, you can see that a clear message was sent from the citizens of Boise that they're really concerned about growth that seems to be or appears to be unbridled and the impact that it has on homelessness and the quality of life in Boise.

Of course, appearances and facts are not
the same, otherwise you wouldn't be here. It's not truly unbridled, but it has the appearance of that. Certainly you can agree with the tremendous growth we've seen in the past years. It's been palpable. And the CDG project, I believe, is emblematic of the type of growth that drove the outcome of that election.

545 residents packed into 3.3 acres at that specific site jammed up against that hillside with poor access, especially if you're driving west along Boise Avenue and trying to enter that, it's just -- it's just a poor place. It's going to increase traffic immensely for all of us in the neighborhood. It's also going to impact the surrounding streets because of the intensification of the parking issues that we have in the area.

I don't agree with this idea that you're going to improve the neighborhoods by just directing all these people to the apartments. No, you're adding 545 more people to a very congested area. And with all due respect, because I'm really sincere about this, allowing such a high-density rezone without fully understanding the impact on traffic tells me that we have a flaw. There's a flaw in the process.

The students are also going to be affected that live in this building, because we know from...
experience that when they're headed to class, they're not going to walk east to the corner in order to cross Boise Avenue. They're going to jaywalk. And God forbid when that first pedestrian accident occurs and we start putting in more traffic controls and more sidewalks, it's just going to further increase the congestion, and it's going to also intensify the noise that rises up into our neighborhood.

So while you are not the final decision-makers, I suppose, in this whole process, we pray that you will help our leaders in City Hall who are by making a recommendation that supports their need to heed the outcome of that election.

Quality of life associated with poorly placed growth is foremost on all of our minds in this City. And this project is exemplary of that issue.

THE CLERK: Time.

MARTY SCHIMPF: No one is benefiting around the neighborhood from this project, and that's why you have all the opposition.

CHAIRMAN STEAD: Thank you, Mr. Schimpf.

Next is --

BARBARA KEMP: It's Barbara.

CHAIRMAN STEAD: Barbara.

BARBARA KEMP: Sorry.
CHAIRMAN STEAD: I'm sorry.

BARBARA KEMP: Barbriana sounds pretty nice, but okay. My name's Barbara Kemp. I live at 3314 Camrose Lane in Boise.

I'm representing myself, but I'm also here representing the Boise/Ada County Homeless Coalition, which is a nonprofit organization that's been here in Boise/Ada County for 28 years, currently composed of 20 organizations and 30 individuals, all coming together with a mission to end homelessness in Boise and Ada County through education and advocacy. Certainly for projects, policies, activities that would contribute to ending homelessness in our community, and we advocate against policies, projects, activities that will contribute to more homelessness.

We strongly oppose this proposed rezone and development here, which would destroy 25 units, apparently beautiful units -- I want to come live there as soon as I can -- of desperately needed affordable housing, desperately needed. We're in crisis. We know this. We all know this.

So destroying 25 units of existing affordable housing that is making for a lovely community for people that -- that we want to stay in our community is on its face completely
counterintuitive to the principle of a housing justice
to moving forward in preventing more homelessness. So
this crisis has been anticipated for decades. Now it's
reached a fever pitch. We've got to start acting on
the fact that we know we have this crisis, and this is
a good place to start.

The -- the developer said something about
"We're going to work with residents. We're going to
help them." Well, I don't think that they can
magically make more affordable housing appear right
after we have destroyed 25 of existing units. The
Idaho Housing and Finance Association reports that
there's a rental vacancy for affordable housing in Ada
County of .44 percent.

The vacancy rate to make supply and demand
balanced is thought to be 5 to 6 percent. Huge
discrepancy. I think we can understand that if we
do -- we would be doing mass eviction of these
residents, a mass eviction, we would not expect them to
be able to find -- given those numbers, and nobody
being able to magically create new affordable housing,
they're not going to be able to live in this area
anymore.

And people who need affordable housing,
whether Ridenbaugh Place or anyplace else, have as much
right --

THE CLERK: Time.

BARBARA KEMP: -- to live in an area of opportunity --

CHAIRMAN STEAD: Thank you. That's time.

BARBARA KEMP: -- as the rest of us.

CHAIRMAN STEAD: Thank you.

BARBARA KEMP: Please oppose this.

CHAIRMAN STEAD: Next is Fred Fritchman and then Eric Naylor.

UNIDENTIFIED SPEAKER: Fred spoke.

CHAIRMAN STEAD: Fred spoke. Okay.

ERIC NAYLOR: I think I have to be at work at 7:00 in the morning.

UNIDENTIFIED SPEAKER: You and me both.

UNIDENTIFIED SPEAKER: Motivation.

ERIC NAYLOR: My name is Eric Naylor. I live at 2001 Boise Avenue, Apartment 15. And I am coming before you tonight to ask you to please deny this proposal. And I want to start this by saying I'm not anti student. I was a student myself until relatively recently. I reject the stereotype of students doing nothing but partying, because I saw for myself when I was a student that that is simply not the case.

And I acknowledge that there is a need for
student housing. I -- but -- and I support more student housing. What I do not understand or support is putting student housing in places where people already live, especially when there are other places where we could put that student housing.

I mean if this goes through, what's going to -- you've already heard, what's going to happen to me and all of my neighbors in that apartment complex is we're going to end up being evicted. I'm going to have to go move back in with my parents for a few months until I can find another place to live. Do you know what that's going to be like for a 32-year-old man to go back and live with his parents again? And I'm going to be the lucky one.

Yeah, my neighbors, they're not going to have that option, most of them. They're not going to be able to -- they're not going to have that same safety net that I have. I wouldn't be surprised if some of them ended up homeless because of this. And yeah, it's not even necessarily that I live there. Although I won't deny that does kind of add a little bit of personal weight to it.

It's that we're proposing demolishing housing, affordable housing, where people are currently living, their homes, to make way for student housing
that, while I acknowledge is needed, could be built
somewhere else where people are not currently living.
I just don't understand why we are not doing that
instead of this proposed idea of building it in places
that people -- myself and my neighbors -- are using as
homes.

And so I just -- I'm urging you to please
deny this proposal. And if we are going to build more
student housing, do it somewhere that's actually
available on campus where there are not already people
living, where you can build temporary homes for the
students.

Thank you.

CHAIRMAN STEAD: Thank you, Mr. Naylor.

That concludes the sign-up sheet. If you
would like to speak, please come up, queue up. Let's
keep moving.

BRENT COLES: Brent Coles, 6780 Casa Real,
Boise, Idaho.

UNIDENTIFIED SPEAKER: Let him go, and then
we'll [unintelligible].

BRENT COLES: Okay. Okay. Just very quickly, I
want to add my voice to those who have testified.

It seems to me, as we've heard so much
testimony this evening, very good testimony, that
something needs to change. It's surprising to me that
you are faced with a decision without having a
completed traffic study on a rezone that increases
densities by such significant numbers.

It's -- we just came out of that campaign
that the number one issue was affordable housing, and
yet here we are looking to eliminate affordable housing
without a replacement opportunity. It seems to me that
you're -- you have the opportunity to work with the
mayor, the City Council, and the competent staff here
to look for change. Change in the way we're doing
business, what we require, and look for a way in which
if we're going to eliminate affordable housing that it
is replaced at the same time.

Thank you very much for your time.

CHAIRMAN STEAD: Thank you, Mr. Coles.

We're going to just take a really quick
five-minute break.

(Recess from 6:45:17 to 6:49:32 of audio
file.)

COMMISSIONER GILLESPIE: Okay. We're going to
go.

CHAIRMAN STEAD: Here we go.

COMMISSIONER GILLESPIE: Here we go. We have a
small public service announcement.
CHAIRMAN STEAD: Thank you,
Commissioner Gillespie.

Due to the lateness of the hour, if -- we
would love to hear any new commentary that could be
added to the record that we haven't heard yet. The
choice is yours. But we would love the consideration
of any new testimony.

Please go ahead. Name and address, and
don't forget to -- we need a complete -- if you weren't
on the sign-up sheet, we need one of those white slips
once you've finished. Pass it up to us here at staff.

DAVE KANGAS: Okay. My name is Dave Kangas. I
reside at 1715 Canal Street. I am also president of
the Vista Neighborhood Association, but I'm here
testifying on my own behalf.

I ask you to deny this rezone request as it
is not appropriate for the site in zoning, scale, or
consequences. First of all, BSU housing is not
necessarily a crisis. Affordable homes are. We all
know that. Eviction and destruction of current
residence for -- is a major issue yesterday, today, and
tomorrow. If Boise is going to take -- go to the
Supreme Court to deny homeless people a place to sleep,
it seems that they might be doing a little bit more to
stop the homeless in the beginning, in this case where
you're evicting residents for student housing. I find it very confusing and unbelievable that we are trying to solve a housing -- student housing problem, when nobody knows what the end game is for student housing. The 500 beds that they're going to build at this site would probably not even accommodate new year's -- new attendees at Boise State. It's not going to alleviate anything. It's just going to help absorb growth from Boise State. And if Boise State doesn't have a plan for how many students they're going to have, how do neighborhood associations, developers, or even the City of Boise have any idea how to proceed into the future?

Additionally, RO zoning for this site, by definition, does not work. From the Boise City code, transition from high-intensity commercial to high-density residential. Transition means process of change from one condition to another. To the west is townhomes at the best medium density. But the way they're laid out, I would say the zoning is -- actually density there is probably R-1C, to the west R-1C subdivision.

Across the street you have Boise State townhomes that is at, again, at best medium density, but considering how it is laid out, how the low impact
on the street, they're set back from the street, two-and-a-half stories, it's a very comfortable, pleasing place to walk. I don't see high-density commercial.

High-density residential's all the way to the east. Again, very pleasing landscape because it's buffered by a large parking lot and mature trees. High-intensity commercial might be kitty-corner to looking at Identity, which is a huge eyesore. And if you look at that zone and what is surrounding it, it doesn't fit by definition either.

It appears that somebody came up with a project at Planning and Zoning and they found a zone that would fit and just said, "Let's use that one."

Please deny this. RO zoning doesn't fit.

Thank you.

CHAIRMAN STEAD: Thank you.

PAT SHULZ: Madam Chair, Commissioners, thank you and appreciate the break. My name is Pat Shulz. I'm with Thornton, Oliver, Keller, 250 South Fifth Street, Boise, Idaho.

I've been working with the Brassey family on the marketing and selling of this property. The Brassey family is out of town and unable to make this hearing, so they requested that I read this letter:
"Brassey Properties is owned by the children and grandchildren of Vern and Isabel Brassey. Prior to Collegiate Development Group, hereafter CDG, approaching the Brassey family a proposed sell, three other dormitory apartment developers had approached me about possible purchases of the apartments. And the Brassey family had retained my service to actively market and sell the property. The Brassey family made the decision that they no longer wanted to be involved with rental properties. The apartments at 201 -- 2001 Boise Avenue, which are subject to this rezone, have never received any type of government subsidy for affordable housing. The apartments are 50-plus years old and suffer from years of deferred maintenance. It does not make economic sense to update the existing apartments. This is one of the several reasons the Brassey family decided to sell the property. One of the requirements we placed on the sale contract with CDG is if the sale does not go through, the Brassey family are free to use the land survey, geotechnical work performed by the property by CDG and its consultants. Our intent requiring this provision was the property would be more marketable to other buyers with the survey and geotechnical data. CDG is under contract to purchase both the Maverick site on the
corner of Boise Avenue and Protest and the apartments on Boise Avenue. If the sale does not go through, the Brassey family, through our company, will have two properties to sell. First the convenience store on the corner and the apartments on Boise Avenue. It would seem from the public -- it would seem from a public safety and aesthetic perspective combining the properties as CDG is proposing would be a benefit for the community."

Thank you.

CHAIRMAN STEAD: Thank you.

MARTHA HOPPER: Thank you for your [unintelligible] --

CHAIRMAN STEAD: Oh, sorry. Don't -- please don't forget to fill out the white slip if you didn't do that.

UNIDENTIFIED SPEAKER: I did.

CHAIRMAN STEAD: Okay. Thank you. I'm sorry. Please go ahead.

MARTHA HOPPER: Thank you for your forbearance and your service to the City.

My name is Martha Hopper. I live at 16 Mesa Vista Drive on the bench above the proposed development.

I have a letter from BSU, which is
interesting in its tone and its content. "Boise State University is compelled to make clear our position regarding housing developments proximate to campus. This is spurred, in large part, by reports of false representations made by developers of university support. Boise State's degree-seeking student body has grown by nearly 1,500 students in the last five years, and the demand for student-focused housing is high. Though the university is actively trying to meet this demand, most recently with the more than 600 beds created by the Honors College in Sawtooth Hall, we understand that the need for housing currently exceeds our available inventory. Private development has and may continue to try and address this gap. For private off-campus projects, the City of Boise has process and procedure to evaluate the impact on existing neighborhoods, including parking, traffic, noise, et cetera. At this time Boise State has not endorsed or partnered with any off-campus housing developments. Ultimately it is the university's goal to address student-housing demand with Boise State-operated options as much as possible. In addition, we will share our position with City officials, members of the media, and directly with developers. If you have questions or would like to discuss, please do not
hesitate to contact us." And it's signed by Randy McDermott, vice president of campus operations, Boise State University.

CHAIRMAN STEAD: Thank you. Yeah, don't forget to fill out a white slip if you haven't already. Thank you.

MARTHA HOPPER: Where do they go? Do they go in a box?

CHAIRMAN STEAD: You can bring them up to us here or bring them over to the staff table.

ANTHONY YENASON: Hi, everybody. My name is Anthony. I live on North Fifth Street in Boise.

I work with both Intermountain Fair Housing Council, as well as Boise Renters United, and have been working directly with many of the residents from these apartments.

I want to speak to a couple of things I heard tonight. One was from the developer folks saying that they've really made an effort to meet with the neighborhood and listen to the concerns and incorporate that into the project. I'm under the impression they've done that with some stakeholders, but not all. My understanding is that the residents have asked specifically to meet before this meeting to try and come to some agreements. And we were not given that
opportunity. They were said that they would meet after
the approvals were made. So I would suggest that
that's different than it was stated.

Further, I would say that it is my
impression that the Brassey family stands to gain a
significant amount more money if the approvals go
through. So it doesn't surprise me that they stand
with the developer as well.

I've heard some terms like lack of
affordable housing and affordable housing crisis, a
housing crisis, and a homelessness crisis. I want to
try and offer a reframing of that that I think is
relevant to what's happening in Boise when we talk
about this, which is a rental crisis, a landlord
crisis, a speculative real estate crisis, and possibly
a Planning and Zoning on the City's case crisis.

This decision has cited zoning codes,
policies, Blueprint Boise. And frankly, the decision
is to appear as a decision about numbers, population,
and money. But I want to push those bales aside and
offer beyond the code and the law that these are the
people who live at the Ridenbaugh Park Apartments --
Ridenbaugh Place Apartments. These are the people who
will be displaced. All of these people will be made
homeless for at least a small amount of time. Some
will never recover.

And I want to ask about the relocation plan. What is it worth to be relocated to a place that you cannot afford? We've had every resident who's testified speak to their concerns about affordability outside of where they live. And I don't think that all of them are going to be able to find sufficient housing. But here they are, and they're asking, and I want to just remind you that this is a rezone request. They're asking that you not give a special permission. The residents are asking that you not give a rezone here, not make a special permission for this development.

All of these folks have come out to say that this development doesn't match with their idea of their neighborhood. It doesn't match with the current zoning. It's in your hands to approve or deny this zoning, this rezone, and I'm going to just ask and request that you deny that.

Thank you.

CHAIRMAN STEAD: Thank you.

Is there anybody else?

RICHARD LLEWELLYN: Richard Llewellyn, 9170 Hill Road.

So I was a kid -- I don't know if any of
you remember Helen Hart [phonetic]. She used to give art lessons to kids off of Boise Avenue. And it really was a magical place. I can remember it from back then. Later on when I got older and read Narnia, I thought, That's like what Narnia was. So when all these people talk to you about how amazing their area is, it's true, at least from my experience. But most importantly, we should listen to the people who are living there now.

I believe we are in a completely irrational time when it comes to planning. And by that I mean we can ask questions like, well, what would happen if we create 500 bedrooms here for students, will that alleviate pressure elsewhere?

I don't think so. I think we're in a place where our demand is essentially a constant now. We're not in a rational situation where we can build more of one -- in one place and assume that we will save another place by doing that, or likewise make other places available. We're just not there.

We have so many people that will move here that when we think we're making those kinds of rational decisions, we're not. All we're doing is changing something or losing something that we have. And I think that, in these irrational times, should be our primary principle. Think what we're losing, think what
we will become, because we're not solving the problem
unless we actually address the problem.

And here the problem is, other than the
magical place, is the affordable housing. On every
rezone Boise could entirely legally exact affordable
units. This is not called inclusionary zoning. This
is called exaction. It's called driving a bargain for
the public welfare. That is what a rezone is supposed
to be for.

Now, unfortunately Boise doesn't do this,
or very rarely. Once in a long time it will do this.
But that's just a lack of political will. It's a lack
of creativity. And I think it's up to this board to
start sending the message back to the City saying we're
not just going to approve and rezone unless we truly
believe that Boise has pushed for it to be in the
public welfare.

And that means to quit acting like
adolescents. We cannot afford to be an adolescent city
anymore. We have to demand, we have to drive a hard
bargain for our people every time you have a major
rezone like this. And we're not doing it.

So thank you for your time. I'm impressed
with you guys for being up here and listening to us
all. Thank you.
CHAIRMAN STEAD: Thank you, Mr. Llewellyn.

MONICA FABBI: Good morning. My name is Monica Fabbi. I'm with Intermountain Fair Housing Council. My address is 630 South Curtis Road, Boise, Idaho.

I think it's important that anyone who decided not to speak tonight knows that they may be foregoing their opportunity to speak at an appeal later, which may change your mind about whether you speak tonight, even if it is just to say "Goodnight."

That said, I hear that CDG sees Boise as a market, but Boise is a city made up of people, humans, humanity. This proposal is not humane if it displaces people in the community with a product in a market. Boise is kind. This project is not.

Dr. Martin Luther King, Jr., said, "A beloved community is one in which people recognize that they are all interconnected and that our individual well-being is inextricably linked to the well-being of others."

Why take a big step back to possibly take another step maybe not forward? Instead of building in a location that requires displacing families with children and disabled veterans, perhaps CDG can work with the City and the school to add additional housing without displacing these families.
The City of Boise's 26 [sic] fair housing plan identified a lack of affordable housing and a failure to preserve existing affordable housing as significant barriers in fair housing for people with disabilities and families with children and people of color. That was the 2016 fair housing plan. So let's not have to list the exact same thing again in the next one. Let's preserve the affordable housing.

Changes and allowances should be allowed to reduce barriers, not to magnify them. Boise has a fairly long history of displacing people from the Boise Valley, including indigenous people -- I have a more specific list here. I don't want to misspeak -- from their homes, Mexican-Americans, Japanese-Americans during World War II, African-Americans, Basques, and Chinese families from the River Street area, families from Atlasta and Amity Mobile Home Parks, Community House, Cooper Court, and Travis Apartment Communities.

That was then. Let's be now. Let's be Boise kind.

CHAIRMAN STEAD: Thank you.

Do we have anybody else that wants to testify tonight?

JODY HULL: I wasn't planning. My name is Jody Hull, and I have live at 7916 Queen Court in Boise.
And I wasn't planning to speak tonight, so I'm nervous, and I don't exactly have my words formulated the best. But one thing I did want to bring up is the developers mentioned that they design buildings to fit the communities they move into. And from what I've seen from their plans, it looks like another box that we've seen over and over and over in many communities around the country. It's just a box.

And this is along Boise Avenue, which is the historic Oregon Trail. And the current -- all the developments along there, they're the small houses, the small apartments, and the houses that let the historic canal flow in front of them and preserve, you know, the wildlife are respecting the historic nature of this trail.

This apartment complex is just going to oblate all the, you know, land. It's going to put a wall along Boise Avenue. It's -- it's just not going to, like they say, add to the community. And, you know, we've had all this discussion about we're displacing the residents. And I just wanted to say that -- that -- sorry -- that I oppose this project for a lot of reasons. Part of it's the design. This doesn't offer anything new to our community. And like I said, it doesn't offer any mixed use, mixed housing,
and it displaces wildlife.

And another thing that the representative of the current owners brought up is that they're desperately trying to sell this affordable housing. And they're going to sell it to the highest bidder. But this might be an opportunity for the City of Boise to buy some affordable housing. I know the stock is very, very low, and this would preserve the historic nature of Boise Avenue, along with this housing that we so desperately need downtown.

And another thing I wanted to bring up is they mentioned that there's a possibility there's no fire access -- the fire department was concerned about fire access to the rear of the site. And it does face a hill of dry grass. And if there was ever a fire back there, attacking the back of the building, it doesn't sound like there would be any sort of access with this development filling up the entire lot.

So I think there's opportunity for the City of Boise to buy it, another developer to buy it who would respect the site, who would keep the Mill Stream through the middle, and might improve the buildings that are already there, might build some other housing that would serve the community with a mixture of housing, mixture, like they said, with some commercial
out front.

So I just wanted to kind of speak for the building, speak for the historic nature of Boise Avenue, the Mill Canal that is running through it right now.

And that's all I have to say. Thank you.

CHAIRMAN STEAD: Thank you.

If you're still looking to testify, please come up and queue up at the -- yeah, and don't forget to fill out a white slip. But queue up, please, in the front row here so we can keep things moving.

TED RITHMAN: I don't know about anyone else, but my rear is really killing me sitting here as long as we have. My name is Ted Rithman. I live at 2001 West Boise Avenue, Apartment No. 16.

And I've lived in Boise for about 34 years. Out of those 34 years, 28 of them have been living around BSU. Or 24 of those years have been living right at the Ridenbaugh Place Apartments. I'm the living -- the oldest living resident there. And so for me, that's where I live. That is my community. I can't see myself living anywhere else but that neighborhood.

So why do I live here? What's my draw for living in a place for that long? As an aside, it
actually makes me chuckle when people hear how long
I've lived there. I think it's funny as hell
personally.

Maybe it's because moving around a lot as a
military brat, although broadening me culturally,
burned me out from going from place to place. No, it
just only strengthened me and made me curious more
about the outside world, maybe. But that's not it.

What the real reason is is for the beauty
of my home, the nature that exists on the property, my
fellow residents at the Ridenbaugh, the tenants who
live -- the people who live up on the Mesa and then the
surrounding community.

So for those 24 years I've lived there.
This is my home. This is my castle. This is my place
of solitude, and certainly my place of peace. If
you've ever been on the property, it is quite nice. It
is very quiet; it is very silent.

As it happens to turn out, I'm a bicyclist.
I don't own a car like -- with the way wages are in the
city, I can't afford one. So everywhere I go is a 10
or 15-minute ride, whether it's going to work, whether
it's going to the grocery store, whether it's going to
the two martial arts schools I happen to join -- or
happen to go to. That's just where I happen to be.
The one thing I will mention as an aside for the traffic, there is one Woodbridge townhome that borders ours. Twice now I've been rolling through there, I've had one -- that one tenant or that one townhouse, you have BSU students who live there, who will park right in that bike lane. At one point there was eight cars parked in the bike lane. Eight. And it was a good thing it was like close to midnight, otherwise I would have had to drive right out in the street and potentially get hit.

If this project goes in, that's exactly what's going to happen. You're going to have more people parking in the street. And those of us who are actually pedestrians or bike riders are going to have to pretty much fend for themselves.

These -- these are where we live. Let's just be -- let's be honest about it. If you rip these down, we have no place to go. And me personally with what I make, I'm screwed. I really have no other place to go. I have no other options. And me being 46, I can guarantee you my parents do not want me living at home. And honestly, I don't want to live back --

THE CLERK: Time.

TED RITHMAN: -- home with my parents.

Thank you.
CHAIRMAN STEAD: Thank you.

Who's next?

DAWN MAKIN: Hi. My name is Dawn Makin, and I live at 11 South Mesa Vista.

I just want to attest to the wildlife with a story that I want to share with you guys. On Christmas morning out my back window running across the lawn, there were two coyotes being chased by two deer.

Has anybody ever seen that? Did anybody else catch that? Did you see that?

UNIDENTIFIED SPEAKER: I've seen it before.

DAWN MAKIN: I thought that was -- yeah.

UNIDENTIFIED SPEAKER: [Unintelligible.]

DAWN MAKIN: So I just want --

COMMISSIONER STEVENS: Please address your comments just to the Commission. Thank you.

DAWN MAKIN: All right. And I'm opposed to the project for all the reasons that you've heard tonight.

But I -- and the habitat.

Thank you.

CHAIRMAN STEAD: Thank you.

Is that it?

Okay. If you're still hoping to testify tonight, please queue up so we can keep things moving.

Thank you.
CARA CAIN: Sorry. My name is Cara Cain. And I'm at 8463 Blue Heaven Lane.

And I just kind of went through a similar thing with my community. And I can tell you it's a horrible feeling when you feel like you're going to lose your housing. Okay? The market is hard out there.

And I just want to point out that Boise launched its campaign to end family homelessness by 2025. And this is not doing it. This is not making our community livable for everybody. And this is community right here. And these people need protection. So I'm just asking you to please reconsider your rezone.

Thank you.

CHAIRMAN STEAD: Thank you.

CAMERON SCOTT: Hi. My name is Cameron Scott. I live at 7895 West Ustick Road. I'm a member of Boise Renters United and am here in solidarity with the tenants at the apartments.

I just wanted to speak to you tonight about that if this project is allowed to go forward, you've heard it from them, but the people living in these apartments will be forced out of their homes and forced to find new ones, which is highly unlikely that they
will, given the worsening housing crisis in Boise. So I think it's morally unconscionable for -- to remove existing affordable housing and replace it with luxury student housing.

    Additionally, the developer, CDG, has described this piece of land that the apartments sit on as underutilized and in disrepair. I don't know if you all have seen the pictures that were up there.

    CHAIRMAN STEAD: Please address your comments just to the Commission.

    CAMERON SCOTT: Yeah, that was for you guys too.

    CHAIRMAN STEAD: So it's only going to capture you if you speak into the mic.

    CAMERON SCOTT: Cool.

    I think the pictures that the tenants have shown show that these apartments are beautiful. I myself would love to live there. They're far from underutilized and in disrepair.

    I mean currently the tenants obviously represent a tight-knit, beautiful community. And having lived in apartments myself that -- the kind of apartments that CDG is proposing, the kind of community you get from that is really not at all.

    So I'm here in solidarity with the tenants. And I ask that the Commission stand with them as well,
based on the arguments that they've presented.

And then also just on a procedural standpoint, the -- you've expressed it yourselves in some of your own questions that you don't necessarily have the information you need, such as the traffic impact study to make a good decision on this. And really it seems like a giant loophole for the developer to get this rezone and then never have to be held accountable for it again when they present their actual project.

So on that as well, I would ask that the Commission vote to deny this project.

CHAIRMAN STEAD: Thank you.

CAMERON SCOTT: Thank you.

SUE CHEW: Thank you, Chair and Commissioners.

My name is Sue Chew. I live at 1304 south Lincoln Avenue. I live three blocks from where this is and two blocks from the building that everyone's been talking about tonight.

I'll have to mention that because I live so close, I definitely know that there is a problem with parking. And the reason why I say that is because oftentimes in my driveway are some of these cars from these students, and I have to go over there and ask them to move their car.
With this current project that we're looking at, not only does it have the paid parking requirement, but it offers half of the parking for the tenants that would be there.

Second thing that I'd like to talk about is this issue about affordable housing, because in this area I've door-knocked pretty consistently for the last 14 years, about 20,000 houses. And, you know, when we look at affordable housing, I just wanted to mention that these tenants have been talking to me about how difficult it is to try and find housing like this.

So for example, two of the residents that weren't able to come here today have told me that in their recent searches they haven't been able to find housing that is of this rent anywhere in this valley. They've gone even to Caldwell, and they can't find anything. So that's all.

Thank you.

CHAIRMAN STEAD: Thank you.

MAYA SCHIMPF: My name is Maya Schimpf. I live at 4 Mesa Vista Drive. And I appreciate you being here. I'm a morning person, so I guess this should be my time of day.

In listening to the comments, I just wrote down a brief summary, because I've been opposed to this
from the get-go, but probably for more emotional reasons. And I break it down into something very analytical. I see a lot of cons, and I see only one pro.

So basically what we're talking about is displacing humans from their homes, which also potentially displaces their jobs if they can no longer work and contribute here. We see a loss of affordable housing for any future potential persons. We see a loss of animal habitat. We actually had a golden eagle come into our yard to take out a squirrel. So there really is a diversity of habitat there.

We see a loss of the historic value of the whole neighborhood. We see the creation of traffic congestion. That's a known. We see a loss or a lack of the multiuse capacity that is supposed to be imposed on that area. And we see a loss of capital, capital that will go to CDG rather than to Boise.

And the only pro I see is that we're providing homes, luxury housing, for 400 or 500-and-some-odd students.

Thank you.

CHAIRMAN STEAD: Thank you.

Is there anybody else looking to testify on the item tonight? Okay. Come on up. Anybody else
that would like to testify, even if you've just joined us, please queue up front so we can keep things moving.

LARRY SMITH: Thanks. I guess the big thing --

CHAIRMAN STEAD: Please start with your name and address, and then don't forget to fill out a white slip when you finish.

LARRY SMITH: Oh, okay. I'm Larry Smith. I live on Boise Avenue.

CHAIRMAN STEAD: Can you state your address, please.

LARRY SMITH: 3400 East Boise Avenue.

And I guess the big thing is, you know, the City touts that it's really trying to find a way to keep affordable housing here. And this seems like it's doing the exact opposite, you know, providing housing for basically rich kids going to BSU because their parents want them to go to BSU.

The whole -- whole thing of getting rid of affordable housing because of -- sorry, I'm nervous -- and just for the sake of having something fancier looking or something not old looking in our town, just really seems kind of counterintuitive to providing, you know, affordable housing for people that have lived here their whole lives like I have.

And it just seems kind of sad that, you
know, having -- having people that are part of the
community displaced because the big money seems to get
more talk and more action than, you know, just regular
folk. That's all I got.

CHAIRMAN STEAD: Thank you.

If anybody else would like to speak, please
step right up to the podium.

GARY HAYNES: Good evening -- good morning. I'm
Gary Haynes [phonetic]. I live at 992 East Riverpark
Lane. I -- I'll be really quick.

It seemed in the -- in the planning staff's
report on this they mention things like a vegetation
mitigation plan and plans for other kinds of things
here, and kind of as an aside that there are going to
be people affected by the -- a loss of this housing.

And in fact, the developer was the only one
that came forward with some kind of idea of what to do
to help the people. I think it was an unclear plan,
very sketchy, and I would think that you would want
more detail if something goes ahead on that.

But it also seems to me that the City would
be far ahead, instead of leaving you as a Planning
Commission to try to figure this all out in a hearing
like this, is to develop some policies so that the
planners could bring some ideas and thoughts to you as
part of their report, and so you will have dealt largely with that kind of issue before you ever get to a hearing.

So thank you.

CHAIRMAN STEAD: Thank you.

Is there anybody else that would like to speak tonight?

Okay. Seeing none, we'll invite the --

COMMISSIONER STEVENS: Madam Chair. Madam Chair.

CHAIRMAN STEAD: Yes, Commissioner Stevens.

COMMISSIONER STEVENS: Unfortunately, during the course of this hearing, it came to my attention that I actually have a surprising financial interest in this, which I was not aware of. My husband is a partner in the real estate firm that is representing the seller of this property, which I was not aware of, which means that any money that is made off of that sale will eventually flow, in part, to my bank account.

So unfortunately, I'm going to have to recuse myself from this matter. And I'm very sorry about that, but that's just the way it's going to have to be, so...

UNIDENTIFIED SPEAKER: Could we have a legal ruling on the integrity of this entire hearing?
CHAIRMAN STEAD: Thank you,
Commissioner Stevens. Yes.

UNIDENTIFIED SPEAKER: [Unintelligible.]

REBUTtal

CHAIRMAN STEAD: Okay. I'm going to invite the
Applicant now back up for a rebuttal.

Again, I will reiterate, the audience can
please stay quiet when they're not up at the podium out
of respect. We've shown that respect to you, and we
expect that same respect to us here at the dais and to
the Applicant.

DEBORAH NELSON: Madam Chair, Members of the
Commission, thank you.

Deborah Nelson, 601 West Bannock Street, on
behalf of the Applicant, CDG.

I'll respond to a series of questions and
comments that we heard. Mr. Copple, contrary to his
testimony, our TIS was not rejected, and we did not
submit a new TIS last week. In the normal course of
ACHD's consideration of our traffic, they asked
questions. We responded to them and updated our TIS.
Their decision to proceed with comments on a rezone
without imposing conditions is their normal course.
There will not be a new CUP because the height limit is
45 in this zone for this type of use and this location.
We do have in the record, though, for you our letter that responded to ACHD's questions and comments, as well as the updated TIS, which found that there is an acceptable level of service on all impacted intersections and roadways and no mitigation is required.

On parking, there was some testimony comparing us to Identity. It's important to understand that Identity has parking for 25 percent of their residents, whereas we have parking for 50 percent. So we have doubled the ratio of parking that that facility does.

Also, in addition to all the comments that have already been made about the transit-oriented accommodations for -- you know, being close to campus, all of the scooters and rental bikes, et cetera, and -- excuse me, bikes, the cars that are available, the car sharing, most importantly we do meet the parking, and slightly exceed the parking requirements, in your code. This parking is mostly underground, which prevents light pollution, and also helps the mass and scaling of the buildings.

There was a lot of testimony about housing. And obviously there is housing need in the city. Everyone knows that. There's housing need for every
price point. But there was a lot of opponents who
tested about the existing residents on this property
in a way that suggested that this is a type of
affordable housing that's available there that's
subsidized, and that's not the case.

And all -- and CDG has offered a lovely
relocation package. It doesn't make it easy. I
understand, but that still creates a change. But it's
important to also understand what the landlord said and
the owner of the property testified tonight about that
prior to even being contacted by CDG they had been
marketing this property and have years of deferred
maintenance.

And so the area is redeveloping. And when
there is redevelopment on -- in an area, including the
adjacent Maverick site that is vacant, this body and
your planning staff when they made their recommendation
to you, they look to the Comprehensive Plan. And
that's how they determine what the next intensity of
use should be. What is the use that's appropriate?
It's not by looking backwards. It's by looking
forward.

And what does your Comprehensive Plan tell
us about this location? It calls for higher density
along arterials. This is a corner with three arterials
intersecting. It's a perfect location for density. The City plans also call for this zone. The RO zone is designated as a compatible zone in your matrix for this area.

The NAC zone in particular supports residential and calls for an overall density within that center of 8 to 16 units. Currently within this entire neighborhood activity center you only have 5.7. So this project would bring that up to 7.02. That's consistent with what's called for in that activity center.

It also -- the project promotes pedestrian scale and transportation-oriented development. And that's also called for in that center. The -- it's got an activated first floor dynamic streetscape. This maximum of three stories and the conditions that have been posed by staff was looking carefully at the surrounding zones and the surrounding uses, and also creates a distinction from the five-story Identity that people have concerns with.

There will be, of course, a hillside permit with a geotechnical report done by an expert that will have to be reviewed and approved by your Public Works staff.

The developer has worked with the fire
department and the fire chief and met with them several times. They will of course -- the fire department will actually review the final design and will have final say on the fire safety for the building. And we're confident that we can meet their design standards.

Anything else?

And we stand for any more questions. Thank you very much for your time and patience tonight.

CHAIRMAN STEAD: Thank you. Thank you. No questions at this time.

MOTIONS

CHAIRMAN STEAD: Okay. So --

COMMISSIONER GILLESPIE: With that --

CHAIRMAN STEAD: With that -- thank you.

COMMISSIONER GILLESPIE: Madam Chairman.

CHAIRMAN STEAD: Yes, we're closing this portion of the hearing, and the item is before the Commission.

Commissioner Gillespie.

COMMISSIONER GILLESPIE: Madam Chairman, I move to recommend denial of CAR19-25.

CHAIRMAN STEAD: Do we have a second?

Can I second?

COMMISSIONER GILLESPIE: Sure.

CHAIRMAN STEAD: Okay. I will second.

COMMISSIONER GILLESPIE: So, Madam Chairman, I'm
actually pretty clear about this. I've been clear
for -- since the discussion at the very beginning.

So if we look at the staff report and the
criteria that we're giving -- given for rezoning, the
first criteria is "in compliance with the Comprehensive
Plan."

So everybody knows this is quite a broad
category. But with respect to rezones, the City has
considerable discretion in thinking about this. So as
proposed in the CUP, which -- which I think is integral
to this and is allowed in the R-OD, we're basically
looking at somewhere around 50 to -- what? -- 60
dwelling units and many, many more beds.

So if we look at the neighborhood activity
center description on page 3-10 of the Comprehensive
Plan, it calls for a density range of typically between
18 and 16 -- 8 and 16 dwelling units per acre. I think
that applies to this application, given its extreme
weight in affecting that number throughout this NAC.

So this is not a downtown development
center or activity center, and it's not a community
activity center. So I think the R-OD use, as proposed,
is not compliant with the Comprehensive Plan.

Criterion No. 2 is that the proposed rezone
is in the best interest of the public convenience and
general welfare. So on this I will simply say that without a completed ACHD analysis and sort of kind of an agreed-upon way of thinking about the traffic, I can't answer that question, so I don't think it is in the best interest. I'm not -- I'm actually not sure, but I have my doubts. But I do think having something more from ACHD is necessary for this level of rezone.

And finally, it seems to me "best interest" is a general term, but it seems to me it is in the City's best interest to not do this until the BSU Master Plan is in, we've had a chance to talk about that, and until the work that's being done on student housing by this Committee is also done.

This is a big project. It's in a neighborhood activity center. There's a lot of important things at stake here. I think it's in our best interest to slow down a little bit and get it right. And I don't think we're there yet.

COMMISSIONER FINFROCK: Madam Chair.

JAMES B. SMITH: Madam Chair.

COMMISSIONER GILLESPIE: The final --

CHAIRMAN STEAD: Oh, Commissioner Gillespie.

COMMISSIONER GILLESPIE: Let me keep going. I'm almost done. I'm on No. 3.

The final criteria is "Maintains and
preserves compatibility of surrounding zoning and
development." Maybe it does. It depends on what the
development is. And that's the fundamental problem I'm
having procedurally.

And given it's a rezone and given the
discretion I think we have, I'm just not prepared to
move forward until I have a better understanding of
what's going in and how it fits in this neighborhood.

I do think that the neighbors -- you need
to understand there's a fundamental problem that we
have this very high-density use that's sort of pushing
through that Boise State property, and it's abutting
this, and it's creating -- you know, there's just a
built-in compatibility problem.

So I'm not sure that -- you know, it's not
going to resolve itself probably the way some of you
would want. I mean we're going to have some issues
here at this boundary lair.

So thank you.

COMMISSIONER ZUCKERMAN: Madam Chair.

CHAIRMAN STEAD: Commissioner --

JAMES B. SMITH: Madam Chair, a legal point of

order, if I may.

CHAIRMAN STEAD: Yes, James.

JAMES B. SMITH: And I apologize for the
momentary disruption in deliberations.

I just want to put on the record that Commissioner Stevens has recused herself, but is still present for purposes of quorum.

CHAIRMAN STEAD: Thank you. Thank you.

So we have --

COMMISSIONER GILLESPIE: These guys want to talk --

CHAIRMAN STEAD: Yes. Commissioner Zuckerman.

COMMISSIONER ZUCKERMAN: First off, one thing I just want to get off my mind and onto the record is that I believe earlier during the neighborhood time Mr. Garretson was not representing the neighborhood, because the slide show was left up there, and the speaker notes said he was representing somebody else. I just wanted to get that out there and set the precedent that we can't have private individuals hiring private firms to steal the time that is owed to the neighborhood association.

Now moving on to more the project itself, I agree with most of the sentiments Commissioner Gillespie just said, except I think that's not reason to deny, more so reason to defer. I think I believe our March 2nd hearing we're seeing the BSU Comp Plan, so it would make the most sense to defer this
project to March 9th, because then we'll know how is
BSU looking to deal with this problem. Are they
looking to build more housing? Are they looking to cap
the number of students? We don't know.

And I think before we can get that --
before we really look at this project, I want to see
that information and ACHD's report to see what
direction are we trying to go with the whole BSU area.

So I think we should defer this to
March 9th after we've seen the BSU Comp Plan.

COMMISSIONER FINFROCK: Madam Chair.

CHAIRMAN STEAD: Commissioner Finfrock.

COMMISSIONER FINFROCK: I was leaning towards
deferral as well. I -- I actually think the rezone is
compatible with the surrounding zoning, which is
comparable to the BSU housing directly across the
street, as well as the adjacent RO zoning to the east.

And the Development Agreement also ensures
that the height will be limited to that of the current
zoning at 35 feet.

But with Commissioner Gillespie, I agree
that we just need clarification from ACHD, and I don't
think we're there.

CHAIRMAN STEAD: Okay. So the -- the motion on
the table is to recommend denial for CAR19-25.
If there's no further discussion from the Commission -- I feel like I need a second.

Will the clerk please call the vote.

ROLL CALL

THE CLERK: Gillespie.

COMMISSIONER GILLESPIE: Aye.

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: No.

THE CLERK: Motion carries. Two in favor.

(End transcription at 7:37:42 of audio file.)

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IV. ADJOURNMENT