I. CALL TO ORDER

PRESENT: Squyres, Blanchard, Mohr, Stevens, Bratnober, Stead, Schafer
ABSENT: Gillespie, Finfrock

II. CREATION OF CONSENT AGENDA

2. CVA20-00018 / Frank Coulson
   615 N Pierce St
   Variance to encroach into the street-side and rear setback for a proposed single-family dwelling on 0.08 acres in a R-1C (Single Family Residential) zone. Ethan Mansfield

   RESULT: APPROVED [UNANIMOUS]
   MOVER: Bob Schafer, Co-Chair
   SECONDER: Jim Bratnober, Commissioner
   AYES: Squyres, Blanchard, Mohr, Stevens, Bratnober, Stead, Schafer
   ABSENT: Milt Gillespie, Janelle Finfrock

   UNANIMOUS APPROVAL TO PLACE ON CONSENT
   ALL IN FAVOR, MOTION CARRIED
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: 
CVA20-00018 / FRANK COULSON 
615 North Pierce Street

TRANSCRIPT OF RECORDED PUBLIC HEARING
MONDAY, JUNE 1, 2020

COMMISSIONERS PRESENT:
MEREDITH STEAD, CHAIR
BOB SCHAFTER, CO-CHAIR
ASHLEY FORD-SQUYRES
CHRISTOPHER BLANCHARD
JENNIFER MOHR
JENNIFER STEVENS
JIM BRATNOBER

TRANSCRIBED BY:
VICTORIA HILLES
INTRODUCTION

CHAIRMAN STEAD: Without objection, I will place Item 2 on the consent agenda.

If the Applicant is present, please -- sorry.

Item 2 is CVA20-18, Frank Coulson at 615 North Pierce Street. This is a variance to encroach into the side -- the street-side and rear setback.

If the Applicant is present, please virtually raise your hand. Great. I do see a hand raised.

And are you in agreement with the terms and the conditions of the staff report?

FRANK COULSON: Yes, we are.

CHAIRMAN STEAD: I think that was a yes. Can you confirm, please.

FRANK COULSON: Yes. Yes. [Unintelligible]. We are in agreement. Yes.

CHAIRMAN STEAD: Okay. I heard a "Yes," for that one.

NEIGHBORHOOD ASSOCIATION

N/A

PUBLIC TESTIMONY
CHAIRMAN STEAD: Is there anybody present tonight to testify in opposition of this item? Please virtually raise your hand.

THE CLERK: Madam Chair, we do have a hand raised, but I believe that's the Applicant.

CHAIRMAN STEAD: I was just going to say. So I saw Frank Coulson's hand raised, but I -- Frank, are you here to testify in opposition of this item tonight?

THE CLERK: Frank, I unmuted you if you'd like to speak real quick.

FRANK COULSON: I was just trying to -- we've [unintelligible]. We don't have any opposition.

CHAIRMAN STEAD: Okay. Great. So seeing no opposition.

REBUTTAL

N/A

MOTIONS

CHAIRMAN STEAD: We will add Item No. 2 to the consent agenda, and the Chair will entertain a motion.

COMMISSIONER SCHAFER: Madam Chair.

CHAIRMAN STEAD: Commissioner Schafer.

COMMISSIONER SCHAFER: I move to approve Item 2, CVA20-18, on the consent agenda.

COMMISSIONER BRATNOBER: Second.
CHAIRMAN STEAD: We have a second from Commissioner Bratnober.

Will the clerk please call the vote.

Oh, sorry. Is there any discussion? No.

ROLL CALL

CHAIRMAN STEAD: Okay. Will the clerk please call the vote.

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.

THE CLERK: Schafer.

COMMISSIONER SCHAFER: Aye.

THE CLERK: Squyres.

COMMISSIONER SQUYRES: Aye.

THE CLERK: Blanchard.

COMMISSIONER BLANCHARD: Aye.

THE CLERK: Mohr.

COMMISSIONER MOHR: Aye.

THE CLERK: Stevens.

COMMISSIONER STEVENS: Aye.

THE CLERK: Bratnober.

COMMISSIONER BRATNOBER: Aye.

THE CLERK: All in favor. Motion carries.

(End transcription at 0:10:17 of audio file.)
III. NEW BUSINESS

1. **CAR20-00002 / American Pacific Advisors, LLC**
   8306 W State St
   Rezone of 2.33 acres from R-1A (Single Family Residential – 2.1 units/acre) to R-3D (Multi-Family Residential with Design Review – 43.5 units/acre). Nicolette Womack

**PUD20-00004 / American Pacific Advisors, LLC**
8306 W State St
Conditional use permit for a planned residential development comprised of 85 multi-family units on 2.33 acres in a proposed R-3D (Multi-Family Residential with Design Review) zone. Nicolette Womack

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>APPROVED [UNANIMOUS]</th>
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<tbody>
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ALL IN FAVOR, MOTION CARRIED
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE:

CAR20-00002 / AMERICAN PACIFIC ADVISORS, LLC

and

PUD20-00004 / AMERICAN PACIFIC ADVISORS, LLC

8306 West State Street

______________________________

TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, JUNE 1, 2020

COMMISSIONERS PRESENT:

MEREDITH STEAD, CHAIR

BOB SCHAFER, CO-CHAIR

ASHLEY FORD-SQUYRES

CHRISTOPHER BLANCHARD

JENNIFER MOHR

JENNIFER STEVENS

JIM BRATNOBER

TRANSCRIBED BY:

VICTORIA HILLES
INTRODUCTION

CHAIRMAN STEAD: Okay. Thank you.

So the first item tonight is Item No. 1, CAR20-2, American Pacific Advisors, LLC, at 8306 West State Street. This is a rezone of 2.3 acres. And, also, PUD20-4, American Pacific Advisors at the same address, a conditional-use permit for a planned residential development.

We will first hear from staff. And the floor is yours, Ms. Womack.

NICOLETTE WOMACK: Thank you. I will share my screen.

Madam Chair, Commissioners, the first item on tonight's agenda is a rezone of 2.33 acres at 8306 West State Street from R-1A to R-3D. A planned residential development for 85 multi-family units is also included. The parcel was recently divided from the parcel to the south. The remaining parcels adjacent to State Street are vacant or undeveloped parcels transitioning to commercial uses along the corridor. Development of these future, commercial uses will also require rezone applications with the opportunity for detailed reviews at this time.
State Street is a community gateway with plans as a transit corridor. To the north is a three-story, 180-unit, multi-family residential project. To the west is a 56-unit, two-story attached town-home-style development. Across Roe Street to the east is 154 two-story attached townhomes within a residential subdivision.

In regards to the R-3D zone, it is compatible with the Comprehensive Plan that designates the site as mixed use on the Land Use Map, within which the R-3 zone is allowed. Although a variety of other zones could be allowed here, the R-3 zone best supports many of the principles in the Comprehensive Plan. This is because the R-3 zone supports the compact, walkable development pattern envisioned along State Street, a planned transit corridor. In addition, because the land is designated as suitable for significant new development, a project of this size will seamlessly fit within the surrounding area.

The proposal includes a construction of 85 multi-family units at 36.5 units per acre, which is below the allowed density of 43.5 units per acre. Site access will be provided by internal service drives off both Limelight and Roe. Curb, gutter, and
detached sidewalks with street trees are proposed along both Limelight and Roe. All setbacks shall be measured from the final lines once the right-of-way dedication is completed. On-street parking is available along both sides of Limelight and Roe. Future cross-access to the west and south are shown in the arrows here. A condition of approval requires cross-access be granted in the event the adjacent parcels develop with compatible uses. The Applicant is proposing this condition be modified to only require pedestrian and bicycle cross-access.

The proposal includes studio, one-bedroom, and two-bedroom units with an on-site manager. The project includes a central clubhouse, barbecue pavilion, fitness room, and pet area for future residents. The project complies with the Multi-Family Living Use Standards of the Development Code and several principles of the Comprehensive Plan.

Consistency with the City-Wide Design Review Guidelines will be ensured through the associated Design Review permit.

Some neighborhood comments were received. A few are here tonight and can elaborate further. Concerns focused on the anticipated traffic volume's impact on the road network, cut-through traffic within
the neighborhood, and inadequate parking. Favorable reviews of architecture, size, and type of units were also included.

Regarding traffic volume concerns, ITD commented on the application this morning, stating additional analysis was necessary, but there may be impacts to Highway 44 and the Roe Street intersection. Discussions will continue as the project goes before City Council. ACHD verified the adjacent roadways have capacity for the anticipated traffic generated from the project.

Regarding concerns that cut-through traffic in the adjacent neighborhoods will increase as residents make their way to State Street intersections with street lights, neighbors are able to contact ACHD's Traffic Department and request a traffic calming study be completed. However, the Comprehensive Plan encourages a street network that interconnects and distributes vehicle, bicycle, and pedestrian traffic to multiple streets. The Applicant has included bulb-outs at the entrance to Limelight in an attempt to calm potential traffic along the street.

Regarding inadequate parking being provided, it is true the Development Code typically
requires 96 parking spaces. However, the Code also allows parking reductions for multi-family development. Based on these standards, the true minimum requirement is 68 vehicle spaces. It could be said this project exceeds the minimum multi-family parking standards of the Development Code, as a total of 93 vehicle parking spaces are provided with 85 bicycle parking spaces.

In conclusion, with the recommended conditions of approval, the proposed development complies with the standards of approval. As such, the planning team recommends approval of the rezone and conditional-use permit. The Planning and Zoning Commission makes a recommendation to City Council on the rezone and a final decision on the PUD.

Thank you.

CHAIRMAN STEAD: We'll next hear from the Applicant, and we'll start with ten minutes, please.

SCOTT MCCORMACK: Hi there. Scott McCormack. Can you hear me?

CHAIRMAN STEAD: Yes.

SCOTT MCCORMACK: Okay. Great.

Hi. Now, good evening, Madam Chair and Commissioners. I'm Scott McCormack. I live at 5321 West Hidden Springs Drive in Boise. I am the managing
director, managing development partner for the proposed Limelight Village, and it's nice to meet all of you. I've been developing real estate for over 35 years and have a passion and interest in developing work-force housing in Boise and the Treasure Valley.

Thank you for the opportunity to fill in any key information that Planning and Development staff has not covered and highlight any key points about the project. I wanted to point out our appreciation for the Planning and Development staff who have been very thorough, professional, and prompt in assisting us through the application process.

And as I go through some points I want to make, I also want to introduce some team members that we have available tonight, if there's any technical questions. We have Corrinne Graham from Civil Site Works, who's our civil engineer, and we also have Walter Hughes from Humphreys & Partners, who is our architect.

I have a presentation that I want to put up, and I'm trying to see how I can do that.

Nicolette, can you help me?

NICOLETTE WOMACK: Yep. So click the green "Share Screen" button.

SCOTT MCCORMACK: Okay. The green share -- up
in the left-hand top corner? No.

THE CLERK: Scott, we need to change your role to panelist.

SCOTT MCCORMACK: Okay.

THE CLERK: So one moment.

SCOTT MCCORMACK: Great. Thank you.

THE CLERK: Okay, Scott, you should have a green "Share Screen" button at the bottom of your screen.

SCOTT MCCORMACK: I'm going to start the video, and it says, "More." I do not see the green "Share Screen" on this -- on the menu.

THE CLERK: It should be just at the bottom, along the bottom in the middle.


Thank you for your patience, everybody.

Okay. Can everybody see that?

CHAIRMAN STEAD: We -- oh. There it is.

SCOTT MCCORMACK: Yeah. Can you hear me and can you see it? Yes. Great. Thank you for the nod.

So just real briefly, I want to just touch on a few slides here. This is our rendering of our Building Type No. 1 off of Roe Street, and we really
wanted to try to create an attractive -- oh. Sorry.

Come back.

We were really trying to achieve an attractive, Mountain West design, and we were going for high-efficiency units that you can really get a good depiction of here in that. Also, we focused on a transit-oriented development that is really very close to State Street, targeted singles and couples. And in our design, what we did is we really focused on studios and one-bedrooms, almost 77 percent of them.

Already mentioned surrounding properties are high-density. We really want to support Boise's Grow Our Housing efforts. And we also support the State Street Urban Renewal Vision, and we're very happy to hear the Mayor's commitment to moving that forward with our high-density housing close by and our commitment, as owners and managers, to encourage and educate our residents on how to use multi-modal transportation options.

This is an aerial that just shows the location of the site, and there are really two very safe routes to get to the current bus stop at Saxton, which you can see -- I'll get a little pointer here, hold on a second. Okay. Here -- right over here. And the first route is pretty quick. It's about 9
minutes and 0.4 miles, and then the other one's almost
double the distance in about 13 minutes but very
useful for people that want to use that option in
terms of mass transit.

Oh. I did, also, want to point out real
quickly that Valley Rapid Transit -- Valley Regional
Transit is working on a new proposed bus stop here in
the bottom right corner at Bogart and State and,
hopefully, that the new Urban Renewal District will
help to move that along faster than they are currently
planned.

The other thing I want to point out was
just the proximity to all the infill here. It's
just -- it's a really good project for stepping up
density and urban housing here.

Talking about VRT's commitment to serving
the area, they've recently increased the service for
the peak periods to every 15 minutes, and on Saturdays
30 minutes until 9:00 p.m. And they also have this
great program for people that are a little further
away from the bus transit for these $2.00 rides with
Lyft. They're enhancing a bunch of other things. And
the other thing if you're not -- I'm pretty sure you
guys are familiar, but support -- we support Share the
Ride Idaho, which has great resources for people to
look into being what we call "single-car households."

This is just a rendering of our other building type, which shows the amenity area that shows where we have some outdoor barbecue pavilions, some outdoor seating, and kind of gives a flavor for the kind of the intimate courtyard feel that we're trying to get by the way that we place the buildings on the site.

This is a summary of the unit mix, just emphasizing our two studio apartment floor plans, three one-bedrooms and two-bedrooms, and we have no three-bedroom units.

This slide is -- shows you how the units are laid out in each of the buildings. Building Type 1 has 22 units per building, there are three studio units in here, and a total of 13 one-bedrooms and 6 two-bedrooms. The design that Humphreys & Partners has done for us here is what they call their A-Stacks [phonetic] units. It's very efficient. There are three covered garages in each building. And the yellow shows you that each of the units has some outside, private spaces or balcony space for their own privacy and for their own quiet enjoyment.

What's interesting about these floor plans is that there are a number of split-level units you
can see here with the "L," show lower level and then
they go to the upper level. There's an internal
staircase, and so you either come in where you have
your living and kitchen and then you go to the bedroom
or vice versa. Some of the units on the ground floor
are, all the way through, one-bedrooms also.

This is Building Type 2, which we looked
at a little earlier -- recently, and this one has the
amenity area here on the south portion of the
building. This building has 19 units in it and
similar points about the private space. All of them
have some private space.

I wanted to just go over the clubhouse
amenities and amenities for each of the units here.
This is kind of a cool space. We have the mailroom,
package room, and we're planning to put in a large,
flat-screen TV in here that would provide updates for
transportation options for our residents, as well as
communications just about, you know, daily activities,
things that are available. We have a couple of unisex
bathrooms. We have a cool, little fitness area that
has roll-up doors for indoor-outdoor use when weather
permits. And then we have the clubroom space with a
kitchen, a nice clubroom area, a little reception, and
then we have a management leasing office here in the
corner. There's a covered deck with seating, and then right beyond that is the two barbecue pavilions.

Nicolette showed this earlier. This is our site plan. The pet area's over here on the eastern side, and we plan to have a little pet care station, and there's another barbecue pavilion over here.

One of the things that was mentioned by Nicolette in her presentation was there is a proposed cross-access right here to the west and one to the south. And we're in agreement with that, but because of the circulation and the safety of our residents in this little courtyard kind of area, we propose or are asking the Commission -- and I'll show you the language that we're proposing -- that it be limited and restricted to pedestrian and bike access on both of those, and I'll show you a little bit more why we believe this would be okay for the future.

Let's see. This is just sort of a reiteration that shows you what the current condition is in the report, but this diagram here shows you real briefly: Here's the subject site here outlined in red. These are the proposed cross-accesses. And the three properties to the west are owned by the entity that owns the Retreat At Silvercloud. We understand
they're planning to do more multi-family there and, maybe, some mixed-use development, but you can see by these red indicators they have legal access on Bogart, they have the potential to connect their existing project here, they've got access on Limelight in the corner, and also here, and they have the internal access opportunities, and we understand they're talking to IDT, currently, about doing a traffic impact study to see if they can get an access on State Street. So we believe they have ample opportunities for access, and they don't really need to bring vehicles through our property. With respect to the south piece of property to the south that will be redeveloped in time, they also have a legal access per our conversation with ACHD across from Kerry. We think that's adequate for their vehicle access, and we would like to propose that we just do the restriction there. And this is the language that we currently propose, "Cross-access restricted to pedestrian and bicycles to the south and west shall be granted upon future redevelopment of the adjacent properties."

So in summary, we would like to request the Commission's consideration in approving the rezone with staff conditions, approve the PUD, approve our
parking using the qualified reductions in credits, and
approve the cross-access condition as proposed.

CHAIRMAN STEAD: Thank you.

SCOTT MCCORMACK: ... [unintelligible] for your
time, and that's the end of my presentation. I'll be
available for questions.

CHAIRMAN STEAD: Great. Thank you.

NEIGHBORHOOD ASSOCIATION

CHAIRMAN STEAD: First, we'll see if there's
anybody present representing the Northwest
Neighborhood Association. If so, please virtually
raise your hand.

Okay. I did see two hands raised.

Are either -- it looks like Erika or
Launee. Are you representing the neighborhood
association? And will both of you be speaking or just
one?

ERIKA SCHOFIELD: This is Erika. Can you hear
me?

CHAIRMAN STEAD: Yes.

ERIKA SCHOFIELD: I will be representing the
neighborhood association. I'm not sure who else you
just said.

LAUNEE WOLVERTON: Actually, my name is Launee,
and I'm not representing the neighborhood. I'm
actually representing the seller.

CHAIRMAN STEAD: Okay. Great. Launee, there will be another opportunity for you to speak in a little while here, but let's -- we'll give Erika ten minutes to start, please.

LAUNEE WOLVERTON: Okay. Five minutes.

[Unintelligible].

CHAIRMAN STEAD: And Erika, please start with your name and address.

ERIKA SCHOFIELD: Erika Schofield, 7363 West Limelight Court.

I do have a slide show presentation that I practiced earlier today with Céline and Nicolette, so I probably need some help walking through getting that up onto the screen.

THE CLERK: Yep, Erika, let me change your role. Hold on one moment.

ERIKA SCHOFIELD: [Unintelligible]. Sorry about that, but it was at the end of the slides for some reason.

Okay. Is everything set?

THE CLERK: Erika, we can only see --

CHAIRMAN STEAD: [Unintelligible].

THE CLERK: -- like a file explorer. We can't see any PDF, slides, or anything.
ERIKA SCHOFIELD: Okay. So I -- this is just in
Powerpoint, not PDFs like earlier. So should I have
put it into PDFs since that was working earlier?

THE CLERK: No. You might want to try to stop
sharing your screen. And now share your screen
again --

ERIKA SCHOFIELD: Okay.

THE CLERK: -- because you have the document
open.

There we go. That looks better.

ERIKA SCHOFIELD: Is that better? Okay. Okay.

I'm on the Northwest Neighborhood
Association board and --

THE CLERK: Erika, sorry.

ERIKA SCHOFIELD: Yes.

THE CLERK: Can you just zoom in those slides
just a little bit more.

ERIKA SCHOFIELD: Okay.

THE CLERK: Because it looks like there's
a -- in the bottom right-hand side, where it says
100 percent, you can move that bar just a little bit.

ERIKA SCHOFIELD: Is that better?

THE CLERK: Yep.

ERIKA SCHOFIELD: Okay.

THE CLERK: Go ahead. Sorry.
ERIKA SCHOFIELD: Okay. All right. This is all new for lots of us. All right.

I am on the Northwest Neighborhood Association board and, primarily, my focus over the last several years has been on safety for our neighborhood, and that's what I'll be speaking about tonight, in terms of safety and infrastructure.

Safe infrastructure is fundamental for the success of transit oriented development. All the documents say that. The lack of infrastructure doesn't support transit choices when it works against it, because you're not likely to walk, bike, or use transit when it's not safe, comfortable, or enjoyable. And I'm going to show you photos that actually document that.

In addition, our Northwest Neighborhood Plan, which is completed but waiting in the queue to be adopted and go through the process, addresses the infrastructure to safely support the increased density, especially along the corridor.

So when Roe Street meets the intersection of State Street, this is what you travel. You travel a loose surface that has erosions and cut-through tracks. If you're heading eastbound on State and traffic backs up, people just drive right through that mud puddle that's rather deep and kick the water and
gravel everywhere.

If you're going to try to come out onto Roe and make a right onto State and you don't want to wait for the person who's trying to make a left, which is nearly impossible, they'll just cut through right here. It's not eligible for a signal with ACHD due to spacing, so that will never be fixed. It can't safely accommodate increased traffic right now until at least the widening project for State Road [sic] is completed.

It's unsafe for non-motorized users if you're going down Roe Street towards State. Right now we're looking at parking on both sides, which is going to leave no space for bike lanes. If you see there, you've got townhouses from Roe Street and then these other cars from Silvercloud, which will just continue here.

In addition, the parcel to the south, as a minor modification, received the waiver for curb, gutter, and sidewalk to be waived, so from the property line in the picture on the right looking to State Street, you're not going to have any safe sidewalks to even reach State Street.

Once you get to State Street, although the developer did show that you can walk a fairly short
route to the bus, you're going to be walking with traffic at 45 to 50 miles per hour with no sidewalks, no designated bike lanes or safety barriers on uneven surface and dirt, gravel, and grass, and it's not ADA accessible, and the future widening of this project is going to increase the risk during the time that that construction takes place. In addition, if the new bus station on Bogart is developed, the picture on the far right, which is westbound, you're going to be facing the same thing, walking to that bus stop.

The Corridor Transit Oriented Development Plan, the latest version that is also currently being used on the City's website, for the bus routes that are nearby, Bus 9 and 12, the plan says, "Drive aisles and setbacks create unpleasant and unsafe walking conditions." You have to "navigate large parking lots" with "fast moving traffic." It "creates an intimidating environment" and it outright says it's "dangerous for non-motorized users." The Transportation Action Plan emphasizes the ability to "ensure that there is continuous sidewalk access" to get to bus stop locations.

So if you want to walk a continuous bus -- or a continuous sidewalk to a bus location, take a moment to look at this bird's eye view map that
I made: The red is no sidewalk at all. Solid green is sidewalk on one side. Dashed green is sidewalk on both sides. The hot pink line -- can you see my cursor, by the way, or -- okay.

The hot pink line is the only way you can safely walk sidewalks to reach the two buses at about a 1.25-mile distance. Yet, increasing ridership, generally, is based on a quarter mile to a half mile is what people are willing to walk. If you come down Limelight, no sidewalks. You have a massive storage unit and that grassy gravel area I showed you. The other side of the street you can't even access with a crosswalk, so no sidewalks. And you get to a sidewalk when you reach Kensington. Challenging and the infrastructure's not there.

And then, finally, the Corridor Development Plan says it's for State Street and "adjacent to State Street," and it says in Land Use & Design Principles streets "should provide spaces where people feel safe and welcome," with a list of elements here on the side, which I'm not going to read out loud. The pictures alone show you this is not the case for this situation.

We also lack safe routes to school.

Again, looking at the map, I just circled in pink the
places where there are gaps in sidewalks. And if you were walking those routes, you're jumping criss-cross across the road constantly to keep yourself on a safe sidewalk. And if you're a child going to the elementary school up here, you've got neither way to get there.

This street right here is Bogart, and this is what you're looking at. You barely have anything right now with the bushes, and if you decide to just cross it in the morning to walk on the other side, which is slightly wider, you could, but you still don't have sidewalk. So we have major missing gaps for safe routes to school. Yet, at the same time, that particular stretch was the Top Safe Routes to School request for the Boise School District in 2015. At current, it shows that it's scheduled to possibly take place in 2022. So, meanwhile, children will be driven to schools and parks, which increases traffic, fuel consumption, and air pollution, because our neighborhood simply doesn't have the infrastructure to support the increasing density at this time.

And the Planning Division -- and now I'm going to move on to a totally different topic, and I'm going to go a little fast because I don't want to run out of time because this is important. The Standards
of Conditions For Approval say that swales, retention, and detention areas shall not be located along streets "unless it can be shown that landscaped berms and shrubs will screen the swales." This is to comply with the Boise Development Code, which says, basically, the same thing and offers an alternative compliance.

Why is that the case? This is what you get when you have infiltration swales. This is Roe Street. On the right, you have Silvercloud. I took these measurements this weekend. You end up with a curb and a slope and a 20-foot depth of stormwater to traipse through.

In front of the Roe Street Townhouses [sic], which is just across from Limelight Village, you still have curb and slope and a 15.5-inch depth to traipse through. This is the kind of outcome that happens when swales are next to the street.

What happens to the passenger? They park away from the curb, because it's not safe to exit out of our car onto an unsloped -- or a sloped surface. You'll want to exit out of your car onto a flat surface. You can see that each of these cars here is parking a distance from the curb, even parking the wrong way. Like I said, you trudge through the
stormwater or you can choose to walk in the road down
to the corner to reach the sidewalk.

So for the Development Code, in terms of
addressing landscaping and things like this, it has
requirements that are to be "ecologically and
aesthetically" appealing, "healthy, attractive, and
safe." And the landscaping is required, which I know
you know that. When "compliance is not feasible" or
an "alternative means" that is superior exists, then
you might be eligible for "alternative compliance,"
but there has to be required findings, and the
findings need to show that there are at least one
condition of "topography, soil, vegetation, or other
site conditions" such that are "impossible or
impractical" to resolve, it needs to be "equal or
superior" in terms of the alternative, and it cannot
be "detrimental to the public welfare."

ACHD had several e-mails in this packet
regarding this swale issue. ACHD says it's "an
option," which means that it's not the only method to
deal with stormwater. It's "unusual" that they allow
them, and it says, "if a different way of treating the
stormwater is designed to meet our policies, that is
acceptable as well."

So you can do an attractive landscape
internal swale. The Roe Street Townhouses across the street did this in their internal, green, open barbecue, pet space right here, but I'm going to also point out that it should not be anything like Kensington has, which are basically rock pits along the street. Those are not internal swales. They are not attractive. They don't meet standards. I point those out, because that's already been allowed in our neighborhood.

I ask that you do not approve the recommendation in the conditions of approval for this drainage swale system. It doesn't meet Code. It's not aesthetically pleasing or attractive. I'm going to say this as an Advanced Master Gardener from the University of Idaho Extension, it's simply ugly. As a Master Gardener, you would never recommend this to anyone's landscape. It doesn't achieve a safe environment either: It does not meet the purpose and standards for alternative compliance, the site condition is not impossible or impractical to address --

THE CLERK: Ten minutes.

ERIKA SCHOFIELD: -- it's not equal or superior, and it's detrimental to public safety and welfare.

In addition, the high water use in this
area or high water issue is known in this area.

Silvercloud was approved by Ada County approval prior
to annexation, so they probably had different
standards. It's difficult to mow for landscape
workers. It requires frequent herbicides seeping into
the groundwater to keep the grass from continually
growing into the bottom of the drainage area, and,
essentially, this sacrifices citizen safety for an
increased ROI.

So this weekend, I have a few more slides,
I drove around to see if any
other [unintelligible] --

THE CLERK: Those are your ten minutes.

ERIKA SCHOFIELD: -- have this.

Please, can I show the last few slides to
show examples of how other areas do not have
infiltration swales.

So this is Parkcenter and Front Street --

CHAIRMAN STEAD: Yes. Sorry. Let's put five
more minutes on the clock, please.

ERIKA SCHOFIELD: Okay. Thank you.

I found one place on Parkcenter. It does
have a swale with no parking, so no one has to get out
and encounter that. On Front Street, no stormwater
retention on the street. In east Boise, no stormwater
retention along the streets. In the Arboretum, no
stormwater on the streets, but they have an internal
stormwater retention area. And on Barber Valley
Drive, no stormwater on the streets. They have inset
parking with designated bike lanes and a wide sidewalk
with real planters. This is pedestrian and bike
friendly.

I have more slides, but my time is up, so
I will comply.

CHAIRMAN STEAD: Okay. Thank you,
Ms. Schofield.

We'll now move on to questions from the
Commission, please.

Commissioner Stevens.

COMMISSIONER STEVENS: Hi, everyone.

Nicolette, I have some questions for you.
Can you turn your video on. Is that okay to ask? It
seems strange to just stare at your name. At least we
can pretend like we're talking to each other.

NICOLETTE WOMACK: Madam Chair, Commissioners, I
apologize. My video doesn't work.

COMMISSIONER STEVENS: Okay. Gotcha. Well, at
least now I can hear you there.

So I wanted to know -- there is a chart
related to -- I have a series of questions about
parking, and there's a chart on page 3 of the staff report, and there's some asterisks at the bottom of that chart that say that there are some conditions that the Applicant would have to meet for the Code to allow for a reduction in parking. So I was just wondering if you could walk us through what those requirements are and whether or not the Transit Oriented Development requirements are -- were part of that sort of calculation.

NICOLETTE WOMACK: Madam Chair, Commissioners, definitely.

So Development Code allows parking reductions for multi-family development as long as you meet detailed criteria, and the analysis for that criteria is found on page 7 of your project report. It says that -- let me pull this up just real quick. It says that the available on-street parking applies to allow the parking reduction, so the minimum parking requirement can be reduced by one space for each on-street space located immediately adjacent to the site. It also allows a parking reduction for developments within 1320 feet of existing or planned transit. It allows a 10 percent reduction. In terms of the available transit, again, the Code says that existing or planned transit...
qualifies. There is -- was -- there's planned transit in Valley Connect 2.0 along this section of State, and then there's existing transit further down State Street, as was already covered.

COMMISSIONER STEVENS: Madam Chair, can I follow up?

CHAIRMAN STEAD: Yes, please, Commissioner Stevens.

COMMISSIONER STEVENS: Thank you, Nicolette.

So I had a couple of follow-ups related to that. So from reading the packet, I understand that ACHD does not have any concerns with the on-street parking; is that correct? Do I understand that correctly?

NICOLETTE WOMACK: Madam Chair, Commissioners, that's correct.

COMMISSIONER STEVENS: Okay.

And then my second question is related to the second requirement to get that reduction, and that is related to the transit. So, as I understand our Code right now, we don't have anything other than a number of feet to actually assess whether or not this should qualify for that. In other words, 1320 feet that has detached sidewalks on both sides of the street is equal to walking along State Street, where
it's, you know, incredibly fast and there's zero sidewalks; is that correct?

NICOLETTE WOMACK: Madam Chair, Commissioner Stevens, could you clarify the question.

COMMISSIONER STEVENS: Sure.

So there's no place in our Code or in our guidelines that help us make a distinction between a street, a 1320-foot, you know, distance between a development and a bus stop, say, that has detached sidewalks on two sides of that 1320 feet versus a 1320 feet distance that is along State Street with zero walk -- zero sidewalks; is that right? There's, like -- I mean, basically, those two things are the same in our Code; correct?

NICOLETTE WOMACK: Madam Chair, Commissioner Stevens, that is correct.

The Code says, and I quote, "the minimum parking required for developments within 1320 feet of existing or planned transit lines shall be reduced by 10 percent," and it does not distinguish connected by sidewalks, sidewalks on both sides, or not.

COMMISSIONER STEVENS: Okay. And Madam Chair, can I have one more follow up on this line of questioning?

CHAIRMAN STEAD: Yes, please, Commissioner
Stevens.

COMMISSIONER STEVENS: I guess my last question on this point is, other than the parking then, was there anything about this development, any sort of -- other than the -- you know, the few -- well, other than the parking, that the developer received a positive recommendation from staff for that's related to this bus stop or related to the Transit Oriented Development, or was it just the reduction in the parking?

NICOLETTE WOMACK: Madam Chair, Commissioner Stevens, I believe you're asking if any other sections of the review hinge on the bus stop being present.

COMMISSIONER STEVENS: Yes. Thank you.

NICOLETTE WOMACK: You're good. And the answer would be no. It is justification, I think, for the higher density zone, but there is not specification that the transit stop needs to be existing before we rezone. There's multiple principles in Blueprint Boise that discuss the classic cart-before-the-horse scenario of transit and multi-family. Do we -- it actually recommends rezoning before we have the transit so that we can get the transit there faster.

COMMISSIONER STEVENS: Okay. Great. I'll leave it at that for now, Meredith, and let somebody else
get a chance. I've got a whole bunch of other questions that somebody else may ask them. So thank you.

CHAIRMAN STEAD: Great. Is -- do we have other questions from the Commission?

COMMISSIONER BRATNOBER: Madam Chair.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Just a quick one. I want to make sure I have the right picture in my mind of the numbers of spaces.

So if there were no breaks given for proximity to bus stops nor on-street parking,

Nicolette, is it correct that there would be 96 vehicle spaces required?

NICOLETTE WOMACK: Madam Chair, Commissioner Bratnober, that is correct. 96 spaces.

COMMISSIONER BRATNOBER: Okay. And so, in reality, what we're looking at here in terms of a parking -- I mean -- it would -- this would be the equivalent of asking for a variance of three spaces --

NICOLETTE WOMACK: Madam Chair.

COMMISSIONER BRATNOBER: -- but you come in with 93; is that correct?

NICOLETTE WOMACK: Madam Chair, Commissioner Bratnober, that is correct.
COMMISSIONER BRATNOBER: Thank you.

CHAIRMAN STEAD: Questions from other Commissioners?

COMMISSIONER MOHR: Madam Chair.

CHAIRMAN STEAD: Was that Commissioner Mohr?

COMMISSIONER MOHR: Yes.

CHAIRMAN STEAD: Yes, please, go ahead.

COMMISSIONER MOHR: I have a question about -- Nicolette mentioned the ACHD saying that they might need more study needed or they might have more study needed in an e-mail this morning. Do -- are there any more specifics about that study and what they might want to study?

NICOLETTE WOMACK: Madam Chair, Commissioner Mohr, ITD was routed the application months ago and were unable to comment until this morning on the application. Their comments stated that they did not have the traffic generation analysis, which was done by ACHD on the project, and that they would need additional time to consider the impacts that this development would have on the intersection and on Highway 55.

COMMISSIONER MOHR: Thank you.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER SQUYRES: Madam Chair.
CHAIRMAN STEAD: Was -- I saw Commissioner Stevens' hand go up, but then I -- did somebody else say, "Madam Chair"? Was that Commissioner Squyres?

Okay. Commissioner Squyres first --

COMMISSIONER SQUYRES: Madam Chair.

CHAIRMAN STEAD: -- and then we'll go to Commissioner Stevens.

COMMISSIONER SQUYRES: Okay. Thank you.

There was a comment that was made that there was a condition for future cross-access to the project to the west and the Applicant wants to remove this condition. Can you further elaborate what the concern may be.

NICOLETTE WOMACK: Madam Chair, Commissioner Squyres, would you like to hear from the Applicant on the concern with the condition?

COMMISSIONER SQUYRES: Either/or, whoever can best answer that question.

NICOLETTE WOMACK: I think I should defer to the Applicant.

COMMISSIONER SQUYRES: Okay.

SCOTT MCCORMACK: Hi, Madam Chair, Commissioner Squyres. Yeah. We've worked closely with the Planning and Development staff on this, and we're in agreement that it would be helpful in the future for
pedestrian-bike access, but all we're asking for
is -- so we agree that having cross-access is good,
but we believe that the vehicular access into our
property would be detrimental to the safety of people
walking in and out and that it's really not necessary,
because both of the other parcels have legal access
for vehicles.

COMMISSIONER SQUYRES: Thank you.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: So I, actually, would like
to know what staff thinks about that, because
cross-access, in my mind, is inherently vehicular, so,
in my mind, that would be changing the condition
totally and removing it. So I'd like to hear staff's
thoughts on that.

NICOLETTE WOMACK: Madam Chair, Commissioner
Stevens, as you can see, adjacent to the neighbor to
this property, to the south is roughly 300 feet before
State Street -- an additional access to the south
would eliminate [unintelligible] additional access to
State. It is -- as the Applicant stated, it is
possible to achieve an access off of Roe or their own
development. However, if there's a commercial
development, it might need additional access points,
depending on the use, so we like to preserve this
option for the future.

    Regarding to the west, it further assists with preventing future access along State Street. It allows -- especially for pedestrian, it allows, you know, ease of access to access different spots around the neighborhood. So when -- as we get closer to State Street, we encourage it more strongly.

    COMMISSIONER STEVENS: So, Nicolette, if -- this is Commissioner Stevens -- if we were to limit the west access through the site, does that meet, then, the goal?

    And if not, if staff feels like we do need vehicular access to the west, are you concerned about pedestrian safety through the site, through the subject site?

    NICOLETTE WOMACK: Madam Chair, Commissioner Stevens, pedestrian safety through the site -- there is wrap-around sidewalks, turn-around for existing parking space, that can continue on westward.

    It's important, as we phase development, that each piece leaves the opportunity for connections through the next piece. So say we were not to require it today and we saw the development come into the west later, we would hate to be facing a situation where we didn't ask for cross-access today, and then we don't
have the option later.

COMMISSIONER STEVENS: So I guess what I'm asking, though, is if we limit it to pedestrian only, will it achieve the goals that the City has for that cross-access that you're recommending?

NICOLETTE WOMACK: Madam Chair, Commissioners, it would not achieve the most goals that we're trying to achieve with our condition.

COMMISSIONER STEVENS: Okay. Great.

COMMISSIONER SCHAFER: Madam Chair.

CHAIRMAN STEAD: Commissioner Schafer.

COMMISSIONER SCHAFER: I had a couple of follow-up questions for Nicolette on the same topic.

Nicolette, I did look through Fire's comments. I don't specifically remember anything relating to the cross-access and Fire and their approval. Is there -- if we were to eliminate that cross-access, does Fire -- does that create an issue with the Fire Department, in your mind?

NICOLETTE WOMACK: Madam Chair, Commissioner Schafer, it does not create an issue with Fire, as the service drive widths are wide enough to service the buildings in the rear.

COMMISSIONER SCHAFER: Terrific.

One more quick follow-up. And not that I
don't believe the Applicant here, but has staff or
ACHD or ITD, has anybody vetted the other
cross-accesses, particularly on the parcels to the
west?

NICOLETTE WOMACK: Madam Chair, Commissioner Schafer, ACHD does not typically make comment on
cross-access internal to developments, as their
jurisdiction focuses on the right-of-way.

COMMISSIONER SCHAFER: Okay.

So at this point, with regards to the
slide that the Applicant shared with us, showing
multiple cross-access or -- excuse me -- access points
for those parcels to the west, we're
just -- essentially, we have to take his word for
that, at this point?

NICOLETTE WOMACK: Madam Chair, Commissioner Schafer, you might want to hear from the Applicant and
find out where that came from, but no development has
been approved, so any comments are still preliminary.

COMMISSIONER SCHAFER: Terrific.

Madam Chair, if the Applicant would like
to sound off, is that okay?

CHAIRMAN STEAD: Yes. Yeah. Go ahead,

SCOTT MCCORMACK: Thank you, Commissioner Stead
and Commissioner Schafer.

I would just state that I did make phone calls to both IDT [sic] and to ACHD, and I talked to Stacey Yarrington there, and I did review with her what the legal accesses were available to the landowner adjacent to us to the west, which owns all those parcels together, and she confirmed the accesses that I did show, she verbally confirmed with me that these were legal accesses: the one on Bogart, the one that they could connect between their project and the property, the one on the corner at Limelight, and then the other one at Limelight. Now, the ones on State Street are definitely -- those are negotiable with IDT [sic], based on their traffic study.

COMMISSIONER SCHAFER: Okay. Great. Thank you.

CHAIRMAN STEAD: Thank you.

SCOTT MCCORMACK: Thank you.

COMMISSIONER SCHAFER: Thank you.

Madam Chair.

CHAIRMAN STEAD: Yeah, Commissioner Schafer.

COMMISSIONER SCHAFER: I actually had another follow-up question for the Applicant on a separate topic, if I may.

Mr. McCormack, the neighborhood association made some good points in regards to the
swale design along the streetscapes along Roe and Limelight. Could you just walk us through why you're proposing those? Did you, you know -- is there a reason why you want to use the swales in that particular instance, or do you have some other options there?

SCOTT MCCORMACK: Yeah. In this case, we meet the requirement of the fact that there's a high water table there, and, therefore, that was the point at which we needed to create the swales. In addition to -- it's an existing condition that's being used at the adjacent project, the Retreat at Silvercloud.

We worked closely with the Planning and Development staff, so as you look at that current, bracketed, red area there -- we worked with Nicolette and KayCee and the staff, and we actually increased a 5-foot wide landscape area there that they had requested that we do on Limelight Street in order to allow the trees to shade over the detached sidewalk, and that cost us a few parking stalls within the project to get us underneath. We were trying to deliver the full 96. And we worked closely with our civil engineer and ACHD, and this was all within their Code guidelines and approved and allowed under the Codes.
COMMISSIONER SCHAFER: Okay. Thank you.

SCOTT MCCORMACK: Thank you.

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Any other -- yeah, Commissioner Stevens. Please, go ahead.

COMMISSIONER STEVENS: So I have two sort of areas -- two last areas I'd like to just ask that I think are pretty quick questions.

The first is, there was some concern from the neighborhood, Nicolette, related to design features. Yes, there was, you know, praise for the architectural, but there was some concern about the natural materials and wanting greater use of natural materials, like stone and wood. Is there -- I don't think there's a Design Review overlay in this area; is that right? And so does the design ultimately rest with whatever decision we make tonight?

NICOLETTE WOMACK: Madam Chair, Commissioner Stevens, there will be a Design Review overlay put on this rezone, so it does have an associated Design Review application. We've worked closely with the planner, KayCee Babb, for the Design Review application. She's given preliminary comments to make sure the project is as close to acceptable as possible before the Design Review hearing, but there will also
be a Design Review hearing where they go into further
detail about the types of materials. If anything is a
faux version of any materials, they've vet those quite
often for making sure they're quality versions of
those materials, that they can withstand typical
weather elements and whatnot.

COMMISSIONER STEVENS: That's great. Thank you
so much.

And then, Meredith, just one last
question, if I could.

CHAIRMAN STEAD: Yes, Commissioner Stevens.

COMMISSIONER STEVENS: So I am concerned. I
mean, the Applicants's done a great job of including
detached sidewalks, so I think -- can't fault him for
this. But we are dealing with a neighborhood or an
area that, I mean -- and I think that the neighborhood
association did a great job with their slides of
showing just how much of a gap there is in this
neighborhood with regard to connectivity for
pedestrians. And I guess, you know, I'm -- I -- I
really -- I -- you know, this neighborhood is under so
much pressure, development pressure, right now. And I
do, really -- I'm very concerned with the safety of
the residents.

And so when we look at -- I know that ACHD
is responsible for sidewalks on their streets, but when we look at Highway 44, I'm just curious whose jurisdiction that is. And do we, as a City, as a municipality, have any ability to, you know, require or, you know -- require that some sort of sidewalk be in place so that this is a safe route to walk to the bus stop? Who does that? Whose jurisdiction is it? And how do we, as a Commission and as City-Council-elected people, make sure that that happens along that route?

NICOLETTE WOMACK: I believe that's a question for staff. Madam Chair, Commissioner Stevens, do you want to confirm?

COMMISSIONER STEVENS: Yes. That's for staff.

NICOLETTE WOMACK: Okay.

Madam Chair, Commissioner Stevens, this section of State Street, or Highway 55, is within ITD's jurisdiction. ITD clarified they do not have an adopted plan at this time for permits along this section of State Street. There are many things in the works that the Applicant talked about: the Urban Renewal District, Transit Oriented Development plans that discuss the importance of this section of State Street. In terms of a -- once a bus stop comes at Bogart, there are sidewalks available to get to that
bus stop.

Regarding actual State Street, there's an existing canal adjacent to State Street, which requires significant, coordinated work to improve that street frontage. It will be very important on the adjacent development, when they do develop, that we sort out a coordinated vision to making this a more pedestrian-friendly place.

COMMISSIONER STEVENS: Thank you.

CHAIRMAN STEAD: Any other questions from the Commission?

COMMISSIONER BRATNOBER: Madam Chair.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: I had one question for the Applicant.

So in some of the testimony that we've received in our packet, I came across one where it was talking about plans to rent the garages separate from the units. Can you tell me how that works, please, or if that is indeed the case.

I think you're muted still.

SCOTT MCCORMACK: ...take me off the -- there we go. Thanks.

Yes, Madam Chair, Commissioner Bratnober.

Thank you for that question. The current plan is to
have separate garages that are rented to whichever
units would like to rent those, and then we would just
have a device on the garage that you would use as a
code, and you would also have a clicker to open that
garage up, but they're not, like, tied back into the
units that are adjacent to it. It just gives us more
flexibility to figure out who is more interested in
those garages, and that's really the purpose of that.

COMMISSIONER BRATNOBER: Okay. So some of those
93 spaces -- someone may opt not to use some of the
available garage space, because it costs extra.

SCOTT MCCORMACK: Yes. I mean, that's kind of
A market condition kind of thing. I mean, we'll watch it
carefully as we lease out, but we would -- you know,
we would price it accordingly. And if people weren't
demanding, we would lower the price until people, you
know, [unintelligible].

COMMISSIONER BRATNOBER: Pardon my dog --

SCOTT MCCORMACK: Sure.

COMMISSIONER BRATNOBER: -- a second, please.

Sorry. Squirrel.

Anyway -- okay. So in effect, if people
don't want to rent those because of cost
considerations, we're kind of seeing the number of
available spaces go down, in effect, is what
might -- you know, would technically happen there.

SCOTT MCCORMACK: Well, yeah. I would say either that income's not sufficient enough that we would, you know, not allow those to not be used. I mean, clearly, we are looking at a transition development here that is, you know, going to be using the improvements that Nicolette was referring to along State when they get the new bus transit in and that. So our goal here is to create a vibrant project, so if people are saying, "I'm not going to rent it for 50 bucks a month and whatever," we'll find a way that they'll use the stalls and we won't have them unused.

COMMISSIONER BRATNOBER: Thank you.

CHAIRMAN STEAD: Any last questions from the Commission?

Okay. Seeing none.

PUBLIC TESTIMONY

CHAIRMAN STEAD: We don't have anybody signed up to testify on this item tonight. Is there anybody present that didn't sign up that would like to testify tonight? Please virtually raise your hand.

I do see one. A couple there. So we'll just start at the top and work our way down the list. We can start with Mr. Coles.

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

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

And I want to compliment the developer. It's a beautiful design. It -- someday in the future it would be very appropriate at that location.

Currently, without -- as you saw, Roe Street intersection onto State Street is very dangerous, and the Limelight project, our neighborhood, that is a major intersection for us to enter onto Highway 44.

When that is improved and you have sidewalks going down State Street to the bus stop, this project could be very supportive of the neighborhood and the City's Comprehensive Plan. But, currently, we recommend that this project be denied.

Also want to indicate that the overall idea and concept of allowing development first in the hopes that we'll have transit along State Street is just really reverse. The opportunity for the City of Boise to partner with private development occurs when you withhold the approval of a development project and development projects. The developers will come together with the City, with the State, and they will
be a third partner in helping you provide the
transit-oriented -- or the transit systems that we all
want in the city of Boise.

It -- when I heard the developer say there
were to two safe routes to the bus stop, I could
hardly believe my ears. State Street is 45 miles an
hour along that area. Boise city currently -- we do
not see any traffic enforcement along State Street.
It's divided with Garden City; they're on one side of
State Street, Boise city on the other side. But
there's absolutely no traffic enforcement along there.
Cars are going 50 to 55, even up to 60 miles an hour
along that area, and to think that someone could walk
safely from Roe Street down to that bus stop is just
absolutely ridiculous, and the credibility factor goes
away when someone says something like that.

So, again, I recommend that you deny the
planned-unit development and the rezone until you
actually have transit in that area. Thank you.

CHAIRMAN STEAD: Thank you, Mr. Coles.

We'll move on to Mr. Llewellyn.

And, again, please start with your name and
address, and you'll have three minutes.

RICHARD LLEWELLYN: Can you hear me? Yes, I
think.
CHAIRMAN STEAD: Yes.

RICHARD LLEWELLYN: Okay. Richard Llewellyn, 9170 Hill Road, Boise.

So, first of all, I submitted comments about air quality and a lot of scientific evidence showing that if we're going to have TOD, unfortunately, the planning committee seems to have completely overlooked the reality on the ground. And so either you're going to pay attention to that or we're not. I should say "we," because, you know, when I'm weighing some of this Transit Oriented Development stuff, I overlook that, but we shouldn't. And one way, beginning to mitigate that, would be to require safe routes to clean air. We need to do that moving forward. Infrastructure before development. I wholeheartedly second Mr. Coles' comments on that.

40 years ago, I was a sixth grader at Pierce Park Elementary. My little sister was in fourth grade, and she was lucky enough to be the first cohort to have the modular classrooms there. Now, I remember the PTA meeting, which was widely attended because nobody wanted to be putting their kids in the modular classrooms. Promised, you know, "Oh, it would happen, all we needed was more students. Five years max, and Pierce Park Elementary would be expanded.
You'll get the infrastructure." 40 years later, it is happening now. That's the history of our neighborhood.

32 years of promised fire stations, two fire stations in the northwest, in which multiple developments and annexations were permitted based on these promises. It just simply doesn't happen unless you require the develop -- that the developer either phase their project to the required and the necessary infrastructure or, as Coles said, you generate the momentum and the political will, because, clearly, we, as residents, have no political power to enforce this or this kind of pattern would not have happened.

So with that bus stop on Bogart, we need that. And this was going to come up again. It came up with the project on 9000 West State, and it will continue to come up. Let's require that these developers get together, call their State Senator or whoever they need to call and make sure that happens. Valley Transit 2.0 [sic] is, essentially, a pipe dream, as we all know. It's unfunded. It could be 10, 15 years from now before we actually get a bus stop there.

So, also, if I looked at the plat correctly, we're talking about three more parking
spaces being lost if the connection goes to the south. Correct me if I'm wrong. I like little parking, personally, I think it's great, but we need to have the transit. We can't just live in a make-believe world here. We've been doing that too long, and that's the way you break neighborhoods. It's not the way you create better neighborhoods. So let's just ensure that we actually have the phasing, at least, to an actual bus stop on Bogart.

That being said, you know, is it fair to the Applicant? Well, I don't know. I mean --

RICHARD LLEWELLYN: Okay. I can't quite hear that.

The other thing is -- did you read the letter from the Limelight -- or, sorry, Retreat at Silvercloud saying they didn't want access to the west? So I think that might be important.

Thank you. I wasn't sure -- were you saying my time was up?

THE CLERK: Yes. Three minutes. Thank you.

RICHARD LLEWELLYN: Okay. Thank you. Yes.

CHAIRMAN STEAD: Thank you, Mr. Llewellyn.

Next on the list is Ms. Schofield.

Again -- please, again, start with your
name and address.

ERIKA SCHOFIELD: Okay. So I will speak for myself this time. Erika Schofield, 7363 West Limelight Court.

I would like to take a peak at the other slides I had, although I'm not sure how to get there. So can we pause the timer for a minute?

I have Nicolette's screen up.

THE CLERK: Erika, I'll have to promote you again.

ERIKA SCHOFIELD: Okay.

THE CLERK: [Unintelligible] one moment.

The timing has been paused, just to let you know.

ERIKA SCHOFIELD: Okay. Share. Thank you. Getting the hang of this. Okay. So I'm going to move quickly again.

So we already have on-street parking hazards, because people like to park the wrong way in this neighborhood. And as the density increases, we're absolutely going to need to somehow mark the fire hydrant signs. I managed to get photos without cars in front of them, and I walk this route for -- quite often. But when it gets crowded, people don't care, and they park in front of those fire
In addition, this application shows two more fire hydrants are needed. And if you look here, so here's fire hydrants. Most likely there'll be one on Roe Street, which will take a parking spot, and, probably, something internally that may take one or two parking spots, because you can't park in front of these and still be safe.

I want to address the undue burden and adverse impact issues. We're not looking at actual response data for fire service when we do these analyses. It's not included. The entire city is being placed at risk, and I'll show you those numbers shortly. Eagle Fire District was not solicited for comments even though they regularly provide service to our area. And the Adopted Level of Service is a standard adopted by the ordinance in the Master Siting Plan and the Impact Fee Ordinance. These are all really critical issues.

If we rezone to higher density without adequate infrastructure, we overcrowd the land, we place undue burden on facilities and services, and we create adverse impacts on citizens and businesses.

So are the response times increasing even though the Boise Comprehensive Plan says that we are
to maintain or continue to improve them? Is growth placing an undue burden on services and adversely affecting other properties? The data proves it. It doesn't lie. In 2004, we met our response time, which was 4 minutes. We were at 4:08. By 2019, we're at 7 minutes and 12 seconds. We're not keeping up with growth. We're not expanding capacity to meet increased demand. We built one station, Harris Ranch, in 2011. That's it.

Does this adversely affect other properties? The Fire Department actually said so. At the comments hearing last night, they said, "As you add units, you're just going to slowly increase the chance of a concurrent call coming in." When a concurrent call comes in, the next nearest fire station responds, which extends the response time. If you're on the end of that response time, that's not a good place to be.

And we're placing an undue burden on Eagle Fire District. From a year's period of time, November '18 to November 2019, EFD provided 339 responses into the Boise territory.

THE CLERK: 30 seconds.

ERIKA SCHOFIELD: We gave them 44 responses. Those are some facts and some data that are not being
CHAIRMAN STEAD: Thank you, Ms. Schofield.

Next, we have Mr. Dunn, please.

Three minutes, and please start with your name and address.


We're all getting used to this new world and new way of doing business. I'm not there yet.

So I would actually echo a couple of comments earlier by Mr. Coles and by Ms. Schofield. I am -- when I look at this development and where it's proposed, the location, it's -- if we're going to put density anywhere, this is an area where density makes sense. And when the infrastructure is there to support this level of density, I would support this project. That is currently just not the case.

One specific about this development. I just have to make a comment about the assumption about cars per houses and per unit. The reality is it's hard for people to make a goal of it. And to think that we're not going to have folks doubling up and tripling up and having lots and lots of cars in these relatively small living spaces, I think, is just not
realistic.

And also, Commissioner Stevens, I just want to thank you for the recognition that our neighborhood -- you didn't use the words "under siege," but I will. The amount of pressure and the amount of development that's being proposed in our neighborhood is really staggering. It's really every week and every month that we are on deck to try to navigate what's going on, so I really appreciate that recognition.

And Ms. Schofield is not someone who speaks lightly. She does her homework, and when she tells you that the fire protection and service is actually inadequate -- it was the basis of denying Prominence. And if that ever gets approved -- and, my goodness, we hope not -- you're talking about another 4 or 500 units when you combine all the -- these two developments alone. And we're putting a strain and stress on our systems and really putting our people who serve us at risk.

So for the items that I -- first of all, thank you for your service and thank you for the opportunity, and I would respectfully recommend denial of both the rezone and the PUD. Thank you so much for the time.
CHAIRMAN STEAD: Thank you, Mr. Dunn.

That was the end of the virtual hands I saw. If anybody else is looking to testify on this item tonight, last chance to, please, virtually raise your hand.

Okay. Seeing none.

REBUTTAL

CHAIRMAN STEAD: We will move on to the rebuttal from the Applicant, please. And again, ten minutes.

THE CLERK: Madam Chair, rebuttal is five minutes.

CHAIRMAN STEAD: Oh. Thank you.

Five minutes, Mr. McCormack. Sorry about that.

SCOTT MCCORMACK: It's alright. Don't worry about it. That's fine. Thank you, Madam Chair and Commissioners.

You know, we've listened to these concerns and points made by the neighborhood association and neighborhood folks. And, I think, what we recognize here is that this is a transitioning neighborhood and that the Comprehensive Plan and the need for housing in the area is very important. And we're at a point now where we're proposing a project that fits within the Guidelines, fits within the Code, we're paying the
appropriate impact fees, we've worked with all of the
different agencies, we've worked very closely with the
Planning and Development staff, and we've really gone
through the checklist of these items.

We know that's not ideal in terms of the
access to bus transit, but we do know that there are
major commitments by different agencies, including the
City of Boise, to create more housing, to create
better transit. There are options, and with
technology and a lot of things that are available to
us today that they weren't available 20 years ago,
it's our sincere belief and opinion that those bus
stops and those other options will get better,
including as redevelopment occurs, which is being
proposed. We understand that the Silvercloud folks
will be submitting a plan for their properties.

There'll be additional sidewalks. We are
putting in the appropriate sidewalks, the appropriate
landscaping, the appropriate drainage, all of those
items. We have worked very closely to make sure that
we met all of the Codes.

And we're not responsible for Fire
response times. We know that the appropriate amount
of money will be going to that. And as it gets to be
closer to that, they will improve that.
But, for the most part, I would just like to reiterate that we are very proud of this project, we think it fits within what the City's looking for, and we would just respectfully ask your approval with the conditions as the staff has recommended.

CHAIRMAN STEAD: Thank you, Mr. McCormack.

MOTIONS

CHAIRMAN STEAD: So that ends the public portion of the hearing, and the item is now before the Commission. This is to recommend approval for CAR20-2, and we are the final decision for PUD20-4.

COMMISSIONER BLANCHARD: Madam Chair, if I might.

CHAIRMAN STEAD: Yes, please, Commissioner Blanchard.

COMMISSIONER BLANCHARD: Thank you, Madam Chair. I'm very sympathetic to the residents' concerns over the impacts on their neighborhood. However, you know, most of us have been around long enough that we know there have been plans to improve State Street for over 20 years now. And this is the unfortunate situation that we're in is that, really, the only thing that P and Z or the City of Boise controls here right now is the Land Use decision, and we simply don't have control over curb cuts and
improvements to State Street. The appropriate venue for those issues for the neighborhood association is, frankly, with ITD and ACHD, who own those properties.

So while, I think, we probably all sympathize with the neighborhood over the disconnect between Land Use and transportation planning, there's just simply nothing that we can do about that here, except lend a sympathetic ear. But I will be supporting the development, because, again, what we can do here is support the Land Use decision. And this is a valley that's in desperate need of housing, and I think the Applicant has taken the time to do his homework, and I concur with staff on approval.

CHAIRMAN STEAD: Thank you. Is there a motion that we can propose?

COMMISSIONER STEVENS: Madam Chair.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: I'll go ahead and move that we approve CAR20 -- I'm sorry, PUD20-4 and recommend approval of CAR20-2.

COMMISSIONER SCHAFER: I'll second.

CHAIRMAN STEAD: Second from Commissioner Schafer. Is there further discussion?

Commissioner Stevens.

COMMISSIONER STEVENS: Madam -- yeah.
So, I guess, none of this will surprise you guys, because it is in line with the questions I asked. And I think that staff put it really well, as simple as it is, but it's sort of a chicken-and-egg discussion we're having here. And I think Commissioner Blanchard is exactly right that we have a Land Use decision to make.

One thing I'll disagree with Commissioner Blanchard -- not disagree. That makes it sound like in -- oppositional, which it's not, but I do think that the City has been doing a really good job of State Street planning, and I think I've -- I was sitting here. You may have seen me kind of over here. I was scrolling through our plan. It's a 71-page plan. It's available on -- you know, on the internet, that you can -- anybody can find. And, of course, it's been adopted by the City. And, you know, I was reminded just how much planning has gone into a vision for State Street. And I'm quite heartened that, as much as it has pained me over the last few years to have to drive down State Street, past, through, and to Collister, you know, we've actually been making some progress. And I'm really pleased with the plans that are in place.

And I am concerned that we don't have a
date for when Bogart -- the Bogart bus stop is going
to go in, but I do agree with staff that it's really a
chicken-or-egg sort of question. And, you know, it's
not that it's -- the thing that's nice is that there
is actually a plan, and we've seen it starting to be
implemented in the city. So that makes me feel not
great about this, particularly with regard to the
safety, but it does make me, you know -- I feel like
the State Street problem is gradually being addressed.

I also want to say that, you know, if this
was an application that was asking for 60 parking
spots because they were taking advantage of the -- not
taking advantage in a negative way, but that they were
using the Code to sort of ask for a really huge
reduction in parking, I would be much more concerned
about those issues. But I don't really think that
that's the issue here. We are talking about a
three-spot, three-parking-spot difference between what
Code would just normally require.

So I'm comfortable with that, and I think
this is not a -- you know, this is not, necessarily, a
family-type development. This is really geared toward
young professionals, considering the number of units
that are -- or the number of bedrooms in the units.

So the last thing I want to say -- or,
actually, there's two more things I want to say:

First, I think that we need to keep the cross-access in the conditions the way it's written now. So I -- my motion does not include any changes to that.

And then I just want to say that I'm concerned that our Code doesn't differentiate, other than just in distance. I'm really concerned that, you know, we do have lots of different policies that tell us we need to be concerned about safety, and this is, clearly, an extremely unsafe situation. But we don't currently have anything in our Code to help us and make any sort of assessment between 1320 feet on State Street versus 1320 feet on, say, 20th Street. Those are two totally different situations, and our Code doesn't really permit us to make any sort of distinction between that.

So I think that's something we're going to need to take up in the near future at our -- you know, in our work sessions and with staff to see if we can address that, because I think it's going to become more and more important as we continue to develop out State Street on this transit corridor. So I'll be supporting, obviously, the project.

COMMISSIONER SCHAFER: Madam Chair.

CHAIRMAN STEAD: Commissioner Schafer.
COMMISSIONER SCHAFFER: Commissioner Stevens is a tough act to follow. I think she dotted all the "I's" and crossed all the "T's" for a lot of the notes that I had as well. Just a couple of quick follow-ups. Yeah, this is very much a chicken-and-egg situation, and in a lot of ways, I agree with everyone that spoke tonight. You know, we -- that -- I am heartened, like Commissioner Stevens, that there are -- there is motion to improve State Street. And while this project might be a little bit behind -- or a little bit ahead of those plans, I feel like we shouldn't punish the Applicant for putting forth a good project, right, just because State Street remains a little bit of a question mark right now.

And having said that as well, you know, this Applicant is improving the streetscapes that his property fronts on, and he's actually not responsible to make any improvements to State Street. So, obviously, I think he's done everything -- or the team has done everything that they can to make a positive impact on the site.

And, again, the State Street question is problematic, but I'm in favor of the motion because there is movement on improving State Street. And I think as we continue to see more developments come
along on this corridor, that's just going to continue
to put more pressure on making those improvements a
reality along State Street. So I am also in favor of
the motion.

COMMISSIONER BRATNOBER: Madam Chair.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Thank you. So I'll be
supporting the motion as well. I think the Applicant
has done a responsible job in terms of covering a lot
of issues, as Commissioner Stevens pointed out. The
parking, I mean, it looks like a -- basically, a
three-slot variance.

There are a couple of things, though, that
while we shouldn't saddle the Applicant with them, I
think they need to be in the record. And the first
and most important in my mind is emergency services,
which falls in that general bucket of infrastructure
that's not prepared. We've been down this road as a
Commission several times before when you look at
emergency response times in that part of town. And
I'd like to see more motion in terms of addressing
these kinds of shortfalls, because it will sure bite
us some day, and it'll be -- the results will be
tragic. So I want to make sure that we're looking at
that.
And the second is better coordination between our departments, so like, you know, like -- I don't hesitate to say this because I know we're all living with it -- but just in terms of understanding the sequences of when bus stops will be going in, when curb, gutter, sidewalks will be installed. We have plans, but it'd be nice to be able to coordinate development with how those plans are actually being executed and along what timeline. Thank you.

CHAIRMAN STEAD: Any further discussion from the Commission?

Okay. We have a motion to recommend approval for CAR20-2 and to approve PUD20-4.

ROLL CALL

CHAIRMAN STEAD: Will the clerk please call the vote.

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.

THE CLERK: Schafer.

COMMISSIONER SCHAFER: Aye.

THE CLERK: Squyres.

COMMISSIONER SQUYRES: Aye.

THE CLERK: Blanchard.

COMMISSIONER BLANCHARD: Aye.

THE CLERK: Mohr.
COMMISSIONER MOHR:  Aye.

THE CLERK:  Stevens.

COMMISSIONER STEVENS:  Aye.

THE CLERK:  Bratnober.

COMMISSIONER BRATNOBER:  Aye.

THE CLERK:  All in favor.  Motion carries.

(End transcription at 1:37:13 of audio file.)
3. **CAR20-00003 / Biltmore Company**  
3635 W Elder St  
Modification to a Development Agreement to increase building heights and include multi-family residential uses on 8.7 acres in a L-OD/DA (Limited Office with Design Review and a Development Agreement) zone. Kevin Holmes

**PUD20-00003 / Biltmore Company**  
3635 W Elder St  
Conditional use permit for a planned residential development comprised of 84 multi-family units on 3.98 acres in a L-OD/DA (Limited Office with Design Review and a Development Agreement) zone. Kevin Holmes

RESULT: DENIED [6 TO 1]  
MOVER: Jennifer Stevens, Commissioner  
SECONDER: Bob Schafer, Commissioner  
AYES: Squyres, Blanchard, Mohr, Stevens, Stead, Schafer  
NAYS: Jim Bratnober  
ABSENT: Milt Gillespie, Janelle Finfrock  
First Motion: Commissioner Bratnober moved to approve. No second. Motion Failed.  
Second Motion: Commissioner Stevens moved to deny. Commissioner Stead second. Motion Passed [6 to 1].  
MAJORITY APPROVAL, MOTION CARRIED.
CAR20-00003/PUD20-00003 - 3635 W. Elder Street

CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE:       )
CAR20-00003 / BILTMORE COMPANY )
and            )
PUD20-00003 / BILTMORE COMPANY )
3635 West Elder Street )
______________________________ )

TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, JUNE 1, 2020

COMMISSIONERS PRESENT:
MEREDITH STEAD, CHAIR
BOB SCHAFER, CO-CHAIR
ASHLEY FORD-SQUYRES
CHRISTOPHER BLANCHARD
JENNIFER MOHR
JENNIFER STEVENS
JIM BRATNOBER

TRANSCRIBED BY:
VICTORIA HILLES
INTRODUCTION

CHAIRMAN STEAD: Okay. So next up is Item No. 3. This is CAR20-3 at -- and PUD20-3 from Biltmore Company at 3635 West Elder Street. It's a modification to a Development Agreement and a conditional-use permit.

We'll first hear from staff. And the floor is yours, please, Mr. Holmes.

KEVIN HOLMES: Thank you. Can you all see my screen? Perfect.

CHAIRMAN STEAD: Yes, we can.

KEVIN HOLMES: Madam Chair, Members of the Commission, before you is a Development Agreement modification request to increase building heights and include multi-family residential uses on 8.7 acres of land located at 3635 West Elder Street.

Also included is a conditional-use permit for a planned residential development comprised of 84 multi-family dwelling units on the northern 3.9-acre portion of that same property. This is located in an L-OD with Development Agreement zone. The property, shown here in red, is located on the north side of I-84, just across from the airport and between the
Orchard and Vista interchange.

To the north and west of the property is an established, single-family residential neighborhood, zoned R-1C, and to the east is Owyhee Park and hotel and office uses. Airport-owned properties lie approximately 275 feet to the south on the other side of the interstate. The subject property does lie within Airport Influence Areas A and B-1, which I'll cover more in depth in later slides.

First, I'll cover just a little bit of history on the current entitlements that exist on this property. So in 2000, an entire 8.7-acre property was rezoned to Limited Office with Design Review and a Development Agreement from a previous residential zoning designation of R-1C. The associated DA and Conceptual Site Plan shown here provided for the development of three office buildings with limitations on building heights the closer to the residential properties they are. Other conditions included the installation of a 30-foot-wide landscape buffer and limiting the access between the neighborhood and the office development to emergency access only.

The proposal before you tonight requests to modify the DA to allow for a multi-family development comprised of 84 units. These are
distributed among four three-story buildings, as shown here, resulting in a density of approximately 21 dwelling units per acre. The 30-foot-wide landscape buffer and emergency-only connection to the residential neighborhood are proposed to remain the same, while Elder Street is proposed to terminate in a cul de sac. No conceptual plans have been provided for the southern portion of the property closest to the interstate.

As mentioned before, the property is quite close to the Boise Airport, as shown here. From the proposed location of the southernmost multi-family building, an active taxiway lies approximately 1000 feet away, while the closest active runway is approximately 2000 feet away.

Due to this close proximity, comments received from the Boise Airport recommend denial for the proposed residential use on this property. This recommendation of denial is supported by the planning team for reasons which can generally be categorized into two groups:

So first, the environmental noise impacts present at this location from the day-to-day operations of the airport are not compatible with long-term residential dwellings. Most recent airport
noise studies, the results of which can be seen here on the right, show that the entire property is impacted by levels of 65 decibels or louder. As detailed in the project report, there are multiple federal guidelines, as well as our own Comprehensive Plan policies, which do not support residential development in areas experiencing these levels of noise impacts.

Now, I'm sure you've noticed, but the boundaries of the Airport Influence Areas on the left don't quite line up that well with the actual levels of noise generated by the airport on the right. So, just a little bit of history here, the Airport Influence Areas, as we see them today, were originally mapped based on noise studies conducted back in the mid-1990s. So, since this time, the operations of the airport have changed and expanded and the footprint of these noise contours have expanded without the Airport Influence Areas being updated concurrently. So, just a side note here, these applications have jump-started some ongoing discussions, which should hopefully lead to these discrepancies being remedied in the near future.

So, all that being said, you can see here that if we were to base the Airport Influence Areas
off of today's noise contours, this entire property
would be located either in the B or B-1 areas, which
would either outright not allow residential
development or severely limit the density.

In addition to concerns over noise levels
for future residents, the planning team finds that the
development of residential uses on this property could
have severe impacts on the operational capacity of the
airport itself and the ability for the facilities to
continue to act as one of the main economic drivers
for the City as a whole. Most concerning is the
potential for this development to jeopardize federal
funding that the airport receives and depends upon.
Without getting into too much detail here, there are a
number of Assurances that the airport has to meet in
order to receive this funding.

One of these is FAA Grant Assurance 21,
which restricts the development of noncompatible uses
in the nearby vicinity to the airport. So by FAA
definition, shown here from the Part 150 Noise Study,
residential uses are not compatible in areas within
the 65 decibel and higher range, such as this
property.

Also note here that we do have Matt
joining us in this meeting tonight. He's the
engineering deputy director over at the airport and
will most likely be able to answer any questions about
the specific programs much better than I ever could.

So, in conclusion, it is for these reasons
that the planning team is recommending denial of both
the DA modification and the planned-unit development.
As a reminder, the DA agreement modifications, the
Commission is the recommending body to City Council,
and it is the decision-making body for the
planned-unit development, though these decisions may
be appealed to City Council.

Thank you, and I'd be happy to answer any
questions you have.

CHAIRMAN STEAD: Thank you, Mr. Holmes.

We'll next move to the Applicant.

Please start with your name and address,
and we'll start with ten minutes.

KEVIN AMAR: Good evening, Madam Chair,
Commissioners. My name is Kevin Amar. I am with
Biltmore Company, and we are located at 1580 West
Cayuse Creek Drive in Meridian, Idaho.

We appreciate the opportunity this evening
to present Elder Street Apartments, and we believe and
can show through some of our team that's with us
tonight that this is a good location. And, under
current City Code and airport guidelines, as well as the regulations, we meet and exceed any of the current, adopted City Code.

    Tonight with me we have, as far as the presenting team, Josh Leonard with Clark Wardle. We also have Tim Day [phonetic], the property owner. This property has been in his family for in excess of a half a century, so he's pretty familiar with the property as well.

    The project, as it sits -- I want to go over just the site itself and why we designed it the way we did, as well as just some general ideas and plans of the site and the uses.

    Okay. I'm new to this Zoom thing as well. How do I share this? I'm sorry.

    THE CLERK: Do you need to share your screen?

    JOSHUA LEONARD: [Unintelligible].

    THE CLERK: Hold on one moment.

    KEVIN AMAR: I've been told that you can't hear me.

    THE CLERK: So you should be able to see a "share screen" button at the bottom of your screen now.

    KEVIN AMAR: Yep. I see that button. How about now?
THE CLERK:  Nope.

KEVIN AMAR:  Okay. Thank you.

JOSHUA LEONARD:  [Unintelligible].

THE CLERK:  So we can see you, but we can't see your screen. You need to share your screen.

JOSHUA LEONARD:  [Unintelligible] bottom.

KEVIN AMAR:  I see that, too. Okay.

What do I do, Josh?

JOSHUA LEONARD:  [Unintelligible] your slides.

KEVIN AMAR:  So this is the northern portion -- this is the northern portion of the project. It is an 84-unit apartment project. And a lot of what we heard at the neighborhood meeting, as well as read in the Development Agreement, had to do with the buffering and site access to the existing neighborhood to the west.

The Development Agreement that is in place specifically states that it was approved. This site was rezoned, and the development restricts -- the Development Agreement restricts access, design, as well as buffering. And so, as we prepared our plan and approved and drew our plan, we kept buffering on the perimeters to exceed 30 feet, which was called for in the Development Agreement. In addition to that, in the Development Agreement, the previous plan, it had
some buildings that were right up to that 30-foot line, so we wanted to pull all of our buildings as far away as possible from this.

And it's also important to note that this property is truly a -- we talk about infrastructure needing to be ready before development happens with streets and with the sewer and the utilities there, this property is truly an infill project. The sewer has been running through this property for many years, it is developed on all sides, and this is the last piece of property in that area to be developed, so it certainly does not exceed the infrastructure.

The infrastructure is in place, and it also somewhat restricts the way we can develop this site, due to the fact that through here, through the center of the site, is where the sewer currently runs. So we have situated the buildings in a fashion that they can use that internal courtyard area to provide an additional open space.

The site itself also has a clubhouse, as well as some other amenities. That clubhouse will have a gym and a gathering area and a leasing office, so there will be on-site management and leasing. And that is important for us, as this is a project that, not only are we building, but we are managing and
maintaining over time. So we're trying to create a project that really will be beneficial to the area.

The site consists of 84 total units on the apartment project. We had submitted to Josh and I -- we'll pull it up. I'm sorry -- to Kevin, and we -- I will pull it up later, a future concept to the south, so I can show how that circulation will play out and will look in the future or could look in the future as we come back with additional uses.

Currently, there are 60 two-bedroom, two-bath units and 24 one-bedroom, one-bath units. These units lease for just over $1,000 a month to just over $1,300 a month, so we feel like it's a good addition to the area.

We know from previous projects that we have developed in here in this area within a few hundred feet of this project, specifically, it is in high demand. We've never had vacancy in the other project, and we have such a great amount of influx of people coming into this area, just due to the massive amount of work and offices that are in this area and the limited amount of residential that's in this area.

So the traffic balance is drastically out of balance. There's much traffic that comes in in the morning and leaves in the afternoon, just simply due
to the fact that there is no -- there's not good
opportunity for living in this area.

I will get to the southern portion of this
site. So if we go -- again, this is the conditional
use or PUD site plan that we submitted. We've worked
with ACHD to provide Elder Street and a turnaround.
ACHD is -- we are in compliance with their staff
report, and we will meet their recommendations as they
require. Some of the things that they suggested and
is important to us, as we heard from the neighbors, is
making sure this access -- I believe the road is
called St. Andrews -- will be restricted to emergency
access only. The neighbors did not want additional
traffic to go through there and neither did we. We
want to try to keep this area separate from that
area.

But Elder Street will be continued here
with a cul de sac at the end, which allows for
additional site access and future development along
the freeway for additional buffering. The current
sound wall ends about at this location, so we feel
like we can certainly accommodate any future
development and plans with the cul de sac and with the
buffering that is allowed.

One thing that is important for us in this
project, and as we looked at it we feel like we meet
the standards and conditions, not only of the
Development Agreement -- again, as I stated, the
Development Agreement restricts buffering and design,
but it specifically states that any use that is
allowed with an L-OD can be submitted for within this
project. We are submitting for 84 apartment units,
which, on this site, is a 21 -- just over 21 units to
the acre. We can follow up with that and know that we
have the opportunity to develop the further portion to
the south and create this last infill space with all
that infrastructure in place and create a nice project
for the city.

With that, I will stand for any questions
and in a moment turn some time over to Josh to address
the staff report.

CHAIRMAN STEAD: We will take questions after we
hear from the neighborhood association, so please
continue with your testimony if you'd like.

KEVIN AMAR: Yes, ma'am.

JOSHUA LEONARD: Thank you. My name -- Madam
Chair and Members of the Commission, my name is Joshua
Leonard. My address is 251 East Front Street, here in
Boise, 83702.

The first thing I wanted to touch on is
what exactly was covered by the Development Agreement. I wanted to clarify that the -- that the application that was submitted isn't to permit additional uses. I want to -- it -- Céline, am I still sharing the screen in here?

CÉLINE ACORD: Yes, you are.

JOSHUA LEONARD: Okay. Great. Thank you.

I want to point to a couple of sections that are in the existing Development Agreement. It only had to do or it only dealt with buffering and design, as Kevin mentioned a moment ago. As far as uses that were permitted under that agreement, they were -- and it's quoting that Development Agreement from Section 1, those uses "principally permitted and conditionally permitted as listed for the L-OD Zone."

And multi-family residential is one of those "conditionally permitted" uses in the L-OD Zone.

So the amendment to the Development Agreement isn't necessary for the use. It's there because of a couple of changes in what's being proposed in terms of the form and -- I'm going to pull up a quick comparison to show you what I mean. The 2000 DA mentioned that the uses were those "principally permitted and conditionally permitted as listed for the L-OD Zone." As revised, it's
multi-family residential, which is, again, "conditionally permitted" in that L-OD Zone.

The circulation, building placement, and buffering under the 2000 DA were as shown on that preliminary site plan. There's no change to vehicular ingress and egress. The site plan or, excuse me, building placement, obviously, is modified. Instead of three buildings there are four, plus a clubhouse. And then, as far as buffering, as Kevin covered, there is no change.

This -- the height of the buildings is one of the reasons for -- we need to amend the Development Agreement. You can see here in the existing Development Agreement, one, two, and three stories for each of those three buildings. The reason I --

THE CLERK: Madam Chair.

JOSHUA LEONARD: Sorry.

THE CLERK: We're at ten minutes, just as a note to the Chair.

JOSHUA LEONARD: Okay.

CHAIRMAN STEAD: We can add -- will five more minutes do it for you guys, do you think?

JOSHUA LEONARD: I think, between the two of us, probably more like seven, if that's okay.

CHAIRMAN STEAD: Okay. We'll add ten more
JOSHUA LEONARD: Okay. Thank you very much.

You can see here that, under the existing Development Agreement, the two stories was proposed at 38 feet. The three stories that are proposed under the new revisions to the Development Agreement are at that 38-foot height.

Vehicular access unchanged, limited to emergency uses and pedestrians only. And then, as I mentioned above, the buffering, six-foot tall "with mix of fencing, landscaping, and berms." There is no change.

I -- jumping to the conditional-use permit, the planned-unit development, I'm going to show you a quick area overview. I believe that Kevin Holmes, City staff, showed this similar picture a moment ago. Zoom just a little bit. The X marks the spot where this -- of this location. As you can see, it's surrounded by what is office on the -- to the east and then single-family residential to the west and north. You can also see, up through here, there are a lot of multi-family development. Mostly, it looks like those are townhomes. But a lot of those around and also along the Hillcrest Golf Course, over -- further to the west.
As Kevin showed a few minutes ago, the proposed project is depicted -- the reason I show this again is because it's important with regard to the Airport Influence Areas that we're going to discuss in just a minute, and the zoning map shows the entire parcel as L-OD with a Development Agreement. Airport Influence Areas, though, are -- you can see just barely in here the outline of the parcel. It appears to split that northern half off, between the A Influence Area and the B-1 Influence Area.

I'm going to zoom in. This is one slide that we created to show where that lies, and that dotted line is the approximate location, and it's pretty accurate based on the City's GIS of where that Influence Area splits between Influence Area A and Influence Area B -- B-1, excuse me. You can see that all of the project is within that Airport Influence Area A, which -- in which multi-family residential is permitted, subject to noise mitigation standards. If you look down here, though, the dotted line -- only one-half of one of the buildings is in that stricter Airport Influence Area B-1. That's extremely important to the development, because by far the majority of the development is permitted within that Airport Influence Area A.
Staff report includes several references to Federal Aviation Administration Grant Assurances and, in fact, it lists the Federal Aviation Administration Grant Assurances as one of two reasons to deny -- it recommends denial of this application. However, if you read the Grant Assurance closely, that FAA Grant Assurance 21, it doesn't say with regard to specific applications. It deals with the zoning that's prescribed for particular areas. It says that the City is to comply with the noise studies by implementing zoning, not by denying specific applications.

The -- again, the first of those issues, the noise impacts that would occur in this area, are easily -- is mitigatable a word? If it isn't, I'm still going to use it, but it -- or easily mitigated by including additional noise mitigation standards in construction, and I can tell you that Biltmore construction include -- their standards are higher than what is required in the City's Zoning Ordinance.

And I'd like Kevin, if he has a -- if he doesn't mind, just to mention what those standards are for sound reduction.

KEVIN AMAR: Good evening. My -- this is Kevin Amar again. The mitigation standards for Airport
Influence Area A is a 25-decibel reduction, and in Airport Influence Area B is a 30-decibel reduction. Our decibel reduction at a minimum on any of our construction standards is a 40-decibel reduction, and so we exceed all that is required in Air Force influence [sic] -- in Airport Influence Area B by more than 25 percent, and we almost double what is required in Airport Influence Area A.

Our exterior walls, due to our OSB and our house wrap and our insulative qualities, as well as the foam ceiling that we do, achieves almost 50-decibel reduction in sound, so that would be double what is required between the units and the units that are side by side. I could get into the specifics if you like, but we're at a 60-decibel reduction. From the roof, we're at a 48-decibel reduction.

And so with all of this, we far exceed any requirements allowed. The Airport Influence Area A, again, has a 25-decibel reduction, even in the Airport Influence Area B, per the adopted airport guidelines, we have -- we can't ask for an increase in density, and we are not doing that. We are simply going to meet their guidelines and requirements that they are suggesting by exceeding their 30-decibel reduction.

I will turn the time back over to Josh.
JOSHUA LEONARD: Josh Leonard, again.

One of the things that's important to take into consideration -- and I know most of the Commissioners have -- well, and I shouldn't say "most." Several of the Commissioners have been on the Commission for some time. One of the truest standards of -- in considering these applications is that you can't hold an Applicant to a standard that hasn't been adopted. It's a violation of the Applicant's procedural due process.

And this Applicant is entitled to rely upon the standards that existed at the time they filed the application. The noise and airport-related restrictions that are mentioned in the staff report simply didn't exist and don't apply and don't exist now, because they were not adopted when the application was filed, and to my knowledge, again, have not been subsequently adopted.

The staff report mentions several, actually 12, different Land Use Guidelines. It only quotes one of them. It says, "City of Boise and Ada County to maintain Commercial and Industrial zoned areas within the AIA as such," the AIA being the Airport Influence Area. The primary intent of this measure is to preserve this land for compatible future
development and to avoid rezoning of these areas. Again, to maintain Commercial and Industrial zoned areas and to avoid rezoning of the areas. This isn't an Industrial, and it isn't a Commercial -- commercially zoned area. There's -- we're not asking for a rezone. It is L-O, and we're asking that it stay that way. We're just taking advantage of the density that's allowed under that. Also, we're not rezoning it out of Commercial or Industrial, so that one of the 12 guidelines that was quoted in the staff report just doesn't [unintelligible].

As acknowledged by staff -- by the staff report, the Airport Influence Area boundaries have not been updated since 1996, with the last noise update occurring in 2004. There also is no Airport Overlay Zone. That's one of the ways that the airport could, if it chose, influence the City to adopt an Airport Overlay Zone that prohibits the type of development that is being proposed here. That just isn't the case. There -- this type of development is allowed in that Airport Influence Area A and in Airport Area Influence B -1, although multi-family is not allowed, pursuant to that -- the adopted Comprehensive Plan. That's not in the Zoning Code, which is, as you know,
the controlling law. And only one-half of one of the four buildings is even within that Area B-1.

The staff report also admits that it applies standards that don't govern the subject property, although the subject parcel is only adjacent to the Airport Planning Area, which is different than the Airport Influence Area. Adjacent to this -- adjacent to the Airport Planning Area, the staff report quoted, "The planning team finds it appropriate to also review this proposed development under the goals and principles of the Airport Planning Area," in other words, applying a standard to it that isn't adopted with regard to that property.

And I'd ask you to think about what that means for the Applicant. They go through the cost and expense in both time and money to submit a quality application in good faith only to learn that it will be held to an unadopted airport standard regarding noise, and then it will also be held to standards that govern adjacent properties, not this property, but adjacent properties. I'd submit that that's the definition of arbitrary and capricious, holding the application to standards that are not contained in the City's Zoning Code with regard to this property.

THE CLERK: Madam Chair, time.
JOSHUA LEONARD: And I can wrap up. I'm less than a minute away. Staff report --

CHAIRMAN STEAD: Thank you.

JOSHUA LEONARD: The staff report says in multiple places that the noise measured in this area is what makes the subject property incompatible for one of those reasons. That's why noise mitigation standards exist in the Zoning Code, and it takes it below that 65 that say they met -- that they say was measured in that unadopted 2018 or 2016 study and knocks those down. I would submit that this application complies with all of the currently adopted standards for development on these -- on this property and is entitled to be approved. And with that, we would stand for questions.

CHAIRMAN STEAD: Thank you.

NEIGHBORHOOD ASSOCIATION

CHAIRMAN STEAD: First we'll see if there's anybody present representing the Hillcrest Neighborhood Association. If so, please virtually raise your hand.

Okay. Seeing none. We will move on to questions from the Commission for the staff and the Applicant.

COMMISSIONER SQUYRES: Madam Chair.
CHAIRMAN STEAD: Commissioner Squyres.

COMMISSIONER SQUYRES: I don't know if this is for staff or for, perhaps, Legal. I guess my question is -- the Applicant has stated that these standards weren't in place in 2000. But if they're asking to amend the Development Agreement, doesn't that open this back up to the current standards and require to be brought back up to all the, I guess, studies and conditions that would be applicable today? Does that make sense?

KEVIN HOLMES: Madam Chair, Members of the Commission, I may have to defer to Legal on the specifics of what exactly you're asking there about what can be entertained when you reopen up a Development Agreement there. I don't know if -- James, if you're available.

JAMES SMITH: And, Madam Commissioner, I'm a little bit unclear on the question, also. Perhaps you could clarify it. And maybe it might be cleaner to just ask a question and ask staff's and the Applicant's positions or their relative positions on whatever your question is. And then if you need further clarification, maybe we can go from there.

JOSHUA LEONARD: Commissioner Squyres, can you hear me?
COMMISSIONER SQUYRES: Yes.

JOSHUA LEONARD: Yeah. I wanted to clarify.

This is Josh Leonard with the Applicant. We're not saying that we only comply with the 2000 standards. We're saying we comply with the standards today. We comply with 2020 standards that are in place right now. We just don't comply with standards that haven't yet been adopted.

COMMISSIONER SQUYRES: Okay.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER SQUYRES: Madam Chair.

CHAIRMAN STEAD: Oh. I'm sorry. Was that Commissioner Squyres again?

COMMISSIONER SQUYRES: I was just going to say I think that answers my question, but I may come back to this. Thank you.

CHAIRMAN STEAD: Commissioner Stevens.

COMMISSIONER STEVENS: This is a question for staff.

Kevin, can you explain why we're viewing this and you analyzed it as a rezone?

KEVIN HOLMES: Madam Chair, Commissioner Stevens, I'll turn on my camera for you so you're not speaking to a --

COMMISSIONER STEVENS: Thanks.
KEVIN HOLMES: If you can forgive me for a beard and not getting a haircut in a while, but I can take a stab at your question there.

So the criteria with which it's reviewed under -- those rezone criteria are what is listed under the specific procedures in Code that we are supposed to take a look at, these DA modification applications.

COMMISSIONER STEVENS: So when you modify a DA, it's considered -- it's written in Code that we are to consider that a rezone, and that is the reason that we are using that criteria to determine the ability of this project to meet our Code. Okay. Thank you.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Thank you. I wanted to check in on one thing regarding the FAA Grants, et cetera.

So if I'm interpreting them right, which is the other part of my question, it sounds like there's a concern that putting this kind of housing in that area would restrict normal operations of the airport, and hence the funding would not be available in that grant. And I'm not sure who amongst staff, Legal, et cetera, I am addressing this to.

Let's start with you, Kevin.
KEVIN HOLMES: I think Matt there --

COMMISSIONER BRATNOBER: Okay.

KEVIN HOLMES: Madam Chair, Commissioner Bratnober, I think Matt may be best equipped to answer that question.

COMMISSIONER BRATNOBER: Oh, okay. Great. Oh, there he is. Sorry.

KEVIN HOLMES: I think you're on mute, Matt.

MATT PETAJA: Madam Chair, and Members of the Commission, as part of our receiving federal aid, federal grants each year, the Grant Assurances are part of that. And it wouldn't affect our operations, but it would -- immediately, but it would affect -- they could withhold funding from us, future funding, because we did not abide by the Grant Assurances, and this is something the City adopts. And, basically, we're required to ensure that noncompatible development doesn't hamper the future airport operations or ability to expand, and the -- our recent noise study and an independent one done by the Air Force show that our future development is going to severely impact or will impact this area with noise.

And I would point out that people are not in their house 24/7. They're outside. There's play
areas. They won't be able to enjoy their patios.

We've had public meetings with master plans and such where we've had a lot of neighbors from these surrounding areas express concerns about the noise and the impact to children and development of children, and it's just in our best interest to address this issue.

COMMISSIONER BRATNOBER: Okay. Which sort of leads me to another piece, which is there's a fair number of residences close by, some that appear to be even closer than some of the things in this proposed development, closer to the airport. So I'm assuming that that's a grandfather thing, they've been there a long time, et cetera. So is there any history on that we could know about?

MATT PETAJA: Madam Chair and the Members of the Commission, the -- most of those housing went in the early '70s, before the -- when the airport was much smaller, smaller operation, quieter aircraft. Yes. It was before any of these standards were put into place, and we do have a lot of concerns about those neighborhoods, and the neighbors have expressed concerns with the airport impact on them. We're just trying to be a good neighbor and not create a situation in the future that we got to deal with in
the future, an adverse situation.

    COMMISSIONER BRATNOBER: Okay. Thank you.

    COMMISSIONER MOHR: Madam Chair.

    CHAIRMAN STEAD: Commissioner Mohr.

    COMMISSIONER MOHR: I have a question: When the property was rezoned in 1999, was -- I think this is probably a question for the staff -- was residential allowed in the Limited Office District at that time?

    KEVIN HOLMES: Madam Chair, Commissioner Mohr, I would have to look that up. I actually don't know off the top of my head what the Development Code had 20 years ago. I assume that there was some provisions for conditionally allowed residential back then in the L-OD, but I would have to confirm that with you.

    COMMISSIONER MOHR: Thank you.

    JOSHUA LEONARD: Madam Chair, if I may. The -- I did confirm that. It was a conditionally approved use in 2000, under a Limited Office, under the Code that existed at that time.

    CHAIRMAN STEAD: Was that Mr. Leonard?

    JOSHUA LEONARD: It was. I apologize. Yes. Thank you.

    CHAIRMAN STEAD: Thank you.

    COMMISSIONER MOHR: Thank you.

    JOSHUA LEONARD: Madam Chair, if I may.
I -- for -- this is Mr. --

CHAIRMAN STEAD: Sorry. We can only -- the Applicant can only respond at this time to the Commission's questions.

JOSHUA LEONARD: And it's actually --

CHAIRMAN STEAD: We'll just see --

JOSHUA LEONARD: It's actually a response to an earlier question by Commissioner Stevens.

I believe there is some misunderstanding about why this was considered under the Rezone-Specific Procedure, because the Rezone-Specific Procedure is listed on a page in the Code that includes development -- that still talks about Development Agreement, but there's nothing in the Code that says a Development Agreement modification needs to go through a zoning -- a rezone analysis.

If you look at page 35 of the Zoning Code where it has Figure 11-03.2, Development Agreement Procedure, and then two pages later is the Rezone Procedure, but there's no link between the two of those. I think that's a mistake and that it shouldn't -- that a Development Agreement modification doesn't get treated as a rezone, or it shouldn't under the City's Code. There's nothing in there that says that.
CHAIRMAN STEAD: Commissioner Stevens, you're muted.

COMMISSIONER STEVENS: Could we get some clarification from Legal on that?

JAMES SMITH: Hello, Commissioners. Can you hear me?

COMMISSIONER STEVENS: Yes.

JAMES SMITH: Hello.

So the -- I refer the Commissioners to the Development Agreement Procedure, that's Section 11-03-042 and "application processing requires review by Planning and Zoning and requires public hearing by Council. Modification requires public hearing by City Council and a recommendation from Planning and Zoning."

The rezone findings are essentially incorporated in the Development Agreement finding in that the Development Agreement is put in place so that the rezone findings, so that the rezone criteria, could be met. And so the Commission might -- to further develop the point, might inquire as to staff or the Applicant's positions on why the rezone criteria wouldn't be relevant or what kind of disconnect there is there. I'm not sure I understand that point, but I would just refer the Commission to
that section there as it has used before.

COMMISSIONER STEVENS: Thank you.

CHAIRMAN STEAD: Any further questions from the Commission? Okay.

COMMISSIONER BRATNOBER: Yes. I -- Madam Chair.

CHAIRMAN STEAD: Oh. Commissioner Bratnober.

COMMISSIONER BRATNOBER: I raised my hand. I should've just spoken up.

So I'm still trying to wrap my hands around this branch. I'm sorry, I'll direct this question back to Matt.

Do we have confidence that the funds will be pulled if this development was allowed to go forward? Or what are the swing factors in this thing?

MATT PETAJA: Madam Chair and Members of the Commission, it is not an automatic thing. It would be -- it puts it at risk is all it does. The -- it's up to the local community to police this stuff and protect their local resources, airports, such, and they are putting that on us to be responsible and protect our airport resource and infrastructure. And I just say that we agree to it as a City, as for the funding, and they take it seriously. I don't know how to respond to that other than it just puts us at risk.

COMMISSIONER BRATNOBER: Okay. Even
though -- excuse me, Madam Chair.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Continuing, sorry.

So it's not clear to me, based on where the noise standards are, what we would be violating with respect to the Grant Outline. And so that's what I'm trying to wrap my hands around.

REBECCA HUPP: So if I could chime in, Madam Chair and Members of the Commission. Rebecca Hupp, Airport Director.

To answer the Commissioner's question about the Grant Assurance, Grant 21 is really -- we have -- as Matt mentioned, we have a series of Assurances that we, as a City, that we agree to do, and one of them is to ensure that we secure and protect the future operation of the airport, including proper zoning. And zoning is a local issue and a local item, and, therefore, it's directed -- basically, the FAA's directing the City to ensure proper zoning. And the City, because it accepted the grant, says that it will do that.

And the previous noise studies show that this area is noise impacted, meaning it has 65 decibels or more, in which case residential housing is not a compatible land use, even with mitigation.
So hopefully that clarifies it.

COMMISSIONER BRATNOBER: Madam Chair.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: So maybe just one more question. So it seems like -- excuse me for a moment. It seems like, after all is said and done, the L-OD zoning which currently applies -- regardless of the outcome, it's still going to remain L-OD, and we're the zoning -- the rezoning analysis, but the zoning's not going to change; is that correct?

Oh. Sorry, Kevin.

CHAIRMAN STEAD: Kevin, you're muted. Yeah.

KEVIN HOLMES: Madam Chair, Commissioner Bratnober, that is correct. Yes. The zoning would remain the same.

COMMISSIONER BRATNOBER: So Madam Chair.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: So, if that's the case, then it seems that -- if this were approved, that nothing's been done that would change the zoning from what it is and thereby jeopardize the grant funding. Is my logic correct there?

KEVIN HOLMES: Madam Chair, Commissioner Bratnober, the multi-family use is a conditionally allowed use, so it's at your discretion. So by
approving that conditional use, in effect, the -- it
wouldn't be -- it would hit those -- it would be a
residential use and an area with which the FAA and the
City has the -- the airport operations have concluded
that it would not be appropriate in.

COMMISSIONER BRATNOBER: Okay. Madam Chair, one
more question. I think this might be my last.

CHAIRMAN STEAD: Go ahead, Commissioner
Bratnober.

COMMISSIONER BRATNOBER: Okay.

So, as you look at complaints, because I'm
assuming or interpreting from what I've read that
level of complaints are -- that's one of the metrics
that you have of how good or bad our decision was.
Are you seeing a high rate of complaints from the
other residences nearby? I mean, is there some sort
of baseline where you'd say, "Oh gosh, if we do this,
we don't want to go beyond this level of complaints,"
or something that would give us an idea of how
objectionable it is at this point with what you've
got?

MATT PETAJA: Madam Chair and Members of the
Commission, we really don't use that type of metric
because you can't look at the current condition.
We've got to look at the future condition as the
airport expands in the future, which it will
with -- it'll grow with the city.

As Air force or military missions change
to a more louder aircraft, it will have a bigger
impact. And this is what we're comparing it to is
those future conditions. Currently, we have the A-10,
which is a very quiet military aircraft that we know
that is going to be retired in -- at sometime in the
near future, and the next mission will be louder, and
it will have an impact.

And so -- I'm just -- when I say the noise
complaints is when we've had public outreach and
public meetings, both talking about the Master Plan,
growth of the airport and our noise study, we had a
tremendous outpouring from the public and that area
expressing concerns about airport noise and growth and
its impact to that area. And so these are the things
that we're -- we, specifically, the airport or the FAA
want us to prevent is to create those situations where
you got this adversary where we cant can't grow the
airport with the community.

COMMISSIONER BRATNOBER: Thank you very much.

CHAIRMAN STEAD: Thank you. For the record,
that was Matt again.

I see the Applicant has his hand raised.
Was that in reply to this question specifically?
Mr. Leonard, that's for you, that question.

KEVIN AMAR: We're trying to figure out the
unmute.

Yes. That was in specific -- an answer to
that specific question, Madam Chair. We've built and
manage a project within 100 yards of this location.
It's called the Owyhee Park Apartments. We have a
waiting list of people that want to live there, and we
specially asked them if the noise from the airport was
a deterrent of them living there. And it was, from
everyone that answered, no, not at all. So we know,
although there may be some arbitrary data that we may
have to live up to in the future, the empirical data
that we have from current residents that live in
apartments that we've recently built under these
standards, it is not a deterrent from them living
there at all.

CHAIRMAN STEAD: Thank you.

And, actually, I have a question, I think,
for staff. But would the rezone have still been
required if the new noise information had not come
out? Would they still require a rezone for this
project?

KEVIN HOLMES: Madam Chair, if I'm understanding
your question correctly, the noise studies that
were -- it's basically the ancillary information that
we're using to examine this application
through -- it's not part of the criteria, per se, of
rezone. It's, basically, like if ACHD would have said
that the roads were too busy. This is the airport
saying that the noise is too high. So it's a lens
through which we're analyzing. Hopefully that answers
your question.

CHAIRMAN STEAD: Yeah. Thank you.

Are there any other questions from
the -- oh. I see Ms. Hupp has her hand raised. Do
you have an answer to that question?

REBECCA HUPP: I do have just one answer to the
Commissioner's question about the number of
complaints. And, as Matt mentioned, we're not
necessarily tracking the number of complaints,
although I would mention that, in response to our
Master Plan and the noise study, we received hundreds
of comments about noise level from the airport,
primarily, from the areas adjacent to this area. But
the metric that FAA directs us to use is the
65-decibel level, which is the metric that we're using
here, because noise is very subjective, it's very
emotional, and some people are very sensitive to it
and then some people, quite frankly, don't care about noise. So it's more about how a person perceives noise than the actual noise itself. So that's why we use the 65-decibel standard and not the number of complaints that we receive. And it's very clear that the 65-decibel standard, FAA has said it's not compatible with residential use.

CHAIRMAN STEAD: Thank you.

Do we have any remaining questions from the Commission before we move on?

COMMISSIONER MOHR: Madam Chair.

CHAIRMAN STEAD: Commissioner Mohr.

COMMISSIONER MOHR: I was just wondering if that Airport Part 150 study that's noted in the staff report is available for viewing anywhere or if there's anywhere online or in the blueprint that that can be found.

KEVIN HOLMES: Madam Chair, Commissioner Mohr, yes. There's a couple links within the project report that should take you there, and it is available on our website, as well as the airport's website. It's a rather -- it's lengthy. I believe it's over 700 pages long, so some good nighttime reading.

COMMISSIONER MOHR: Thank you.

CHAIRMAN STEAD: Okay. Seeing no more questions
from the Commission, cautiously.

PUBLIC TESTIMONY

CHAIRMAN STEAD: We will move on -- the -- we have -- the only person we have on the sign-up sheet is Teresa Cirelli. So we'll start there, please.

Teresa, are you there? Teresa, I see the hand raised. You are able to speak. Can we hear from you.

Okay. Having not heard from Teresa, I will move on to the other attendees, and we'll try Teresa one more time before we move on from public comments.

So if you are here but have not signed up to speak and would like to speak, please virtually raise your hand. And we'll start first with -- my name is blocked, but the person who has their name -- their hand raised.

THE CLERK: We'll start with --

CHAIRMAN STEAD: [Unintelligible] too now, so let's start with --

THE CLERK: [Unintelligible].

CHAIRMAN STEAD: Yeah. Let's start with Kubik, please.

CHARMEL KUBIK: Hi. Yes. Can you hear me?

CHAIRMAN STEAD: Yes. Please start with your
name and address, and you'll have three minutes.

CHARMEL KUBIK: Okay. My name is Charmel Kubik. I live at 3914 West St. Andrews Drive.

And I, basically, have a question for him. I want to know if they've taken into consideration the impact on the traffic on Elder and Owyhee and what it's going to do to all of our side streets. Because when they started putting the offices in there, people would come up Roosevelt and hit all of our side streets, and they would speed. Our street, itself, is very narrow, so we're very concerned about the traffic. When I was going to and from work with the office buildings and the hotels there, Elder became almost impassable. So if they're going to put that many more units in there, that many more cars, what is the impact going to be on those streets?

CHAIRMAN STEAD: Thank you.

We'll move on next to Ms. Holly, please.

MARI HOLLY: Can you hear me?

CHAIRMAN STEAD: Yes. Please start with your name --

MARI HOLLY: My name is --

CHAIRMAN STEAD: -- and address, and you'll have three minutes.

MARI HOLLY: My name is Mari Holly, and I
represent the building owners at 3501 South Elder, which is just to the east. We are the large, multi-tenant building just after the hotel. And then I also represent the building owners at 3130 Owyhee Street, which is across from Owyhee Park and a little further down at 3301 Owyhee -- Elder Street, which is a little further down Elder Street.

I'm just interested to know if ACHD made any comment in relation to installing a stop sign on Elder, [unintelligible] to the east.

CHAIRMAN STEAD: Ms. Holly, sorry. This is not the time for questions, but the -- you can ask questions that the Applicant may choose to address in the rebuttal.

MARI HOLLY: Well, what I was meaning is if -- it's -- I haven't seen a report from ACHD, so I just didn't know if they have responded to the application, as we've only been discussing the airport requirements.

CHAIRMAN STEAD: Okay. We cannot answer questions at this time, but the Applicant may choose to answer that in the rebuttal.

Okay. So if that's all that -- we will move on then -- is there -- Ms. Holly, was it the end of your testimony, just to clarify?
MARI HOLLY: That's fine, yes. Thank you.

CHAIRMAN STEAD: Okay. Thank you.

I don't see any other virtual hands raised. Now's your last chance if you'd still like to testify on this item tonight.

THE CLERK: Madam Chair, I changed Teresa Cirelli to a panelist.

CHAIRMAN STEAD: Got it.

THE CLERK: We might try to have her --

CHAIRMAN STEAD: Okay.

THE CLERK: -- unmute now.

CHAIRMAN STEAD: Teresa Cirelli, are you available to testify on this item?


CHAIRMAN STEAD: Teresa -- so last call for Teresa Cirelli to testify on this item.

Okay. I will cautiously move forward, and it seems that Ms. Cirelli is not available to testify on this item.

Okay. So we will move to rebuttal from the Applicant for five minutes, please.

JOSHUA LEONARD: Commissioner Stead, this is Josh Leonard. We actually have one member of the public here in our -- they didn't want to do it at
home, so he came to our office here to testify. Can we let him? I apologize. I just didn't want to interrupt earlier, but he has public testimony.

CHAIRMAN STEAD: Okay. Please start with your name and address, and you'll have three minutes.

TIM DAY: Hi there. Good evening. My name is Tim Day, and I'm the owner of the property. I've been in ownership over 20 years, and I realize it's an important piece of property. And I always considered this a density infill, as far as meeting the needs of the Depot area and behind it, as far as densifying Boise living opportunities, and I think this is a quality development that will achieve this. There are successful townhouses within a stone's throw, successful apartments within a stone's throw, and a lot of people want to live here because of the proximity and advantages it has to Boise. And that's my main reason for liking this project to go forward, because of the quality and what it can do for the tax base of Boise and the infill needs of Boise in the Bench Area. So thank you.

CHAIRMAN STEAD: Thank you, Mr. Day. Okay.

THE CLERK: Madam Chair.

CHAIRMAN STEAD: Yes.

THE CLERK: Teresa is having audio issues. I've
suggested she --

CHAIRMAN STEAD: Okay.

THE CLERK: -- tries -- try calling in on the phone number --

CHAIRMAN STEAD: Okay.

THE CLERK: -- so she can give oral testimony. We might just give her a second to do that.

CHAIRMAN STEAD: Great.

THE CLERK: She is trying to find that e-mail for that phone number.

Oh. Teresa just said, "We didn't receive an e-mail." All right. Hold on one moment.

Teresa, I can't find that phone number for you. I -- the only phone number I have is for a host link, which is what I'm playing right now, so I can't give that one to you exactly.

Let's see. All right. Hold on. I found it. Okay. She has the number.

So, Teresa, the number I gave you is -- you have to dial that number, and then you have to put in a webinar ID and that's that six-digit number I gave to you next.

Okay. Teresa said the meeting ID didn't exist, so she said, "Thank you for the time, for the Commissioners, and just have them review the comments
Teresa, we'll make sure to reach out prior to the Council hearing, because this will go to City Council. So if you registered for tonight, we'll have your contact information, and we'll reach out to you tomorrow.

With that, Madam Chair, I believe we can do rebuttal from the Applicant.

CHAIRMAN STEAD: Yeah, and I would just also add that we definitely read every comment that is sent to us. We read the entire staff packet, which includes the public comments that are sent in advance, so we appreciate that written testimony just as much. And if that is what you are testifying on tonight, it has definitely been received and noted.

REBUTTAL

CHAIRMAN STEAD: Okay. Moving on to testimony from -- or rebuttal from the Applicant, please.

You'll have five minutes.

JOSHUA LEONARD: Thank you, Madam Chair, Members of the Commission. This is Josh Leonard again. I'm going to speak for a couple of minutes, and then I'm going to let Kevin Amar close it out.

One of the things I wanted to touch on was this -- people keep referring to a 65-decibel rating
for this property. That's actually incorrect. The last approved noise study for this parcel was 60 decibels, not 65.

And, also, I appreciate what Mr. Petaja said about -- that this is for future conditions that will exist at the airport, not existing conditions. And the -- to me, to hold an Applicant in a Land Use hearing where a property right is at stake to what may or may not happen in the future based on a future condition is improper.

Also, just really quickly, to Commissioner Bratnober's point a few minutes ago -- he made a really good point that I hadn't necessarily -- I hadn't caught -- to the extent that any violation of Grant Assurances occurred in this matter, it occurred when the property was left as L-OD zoning, not as a basis of this application. As I said earlier, it isn't one application that causes one of those -- causes a violation, it's zoning.

The airport agreed, and I caught a word that Ms. Hupp said, that was important there. She said that the airport or the City agrees to uphold standards, meaning that they're contractual, and that those standards that are in federal guidelines -- when the City accepts that money, they contract with the
federal government that they won't violate that. I would also argue that the airport's written objection to the application likely qualifies as the -- and I'm going to quote the federal regulation here, that Grant Assurance 21 -- likely qualifies as "taking appropriate actions to the extent reasonable," that would protect that Grant Assurance, and it's as required by those Grant Assurances.

I would put something out there with regard to noise. I would put to the Commission, consider adopting an additional, maybe a little bit creative, condition of approval. For example, requiring or imposing a requirement. If we're worried about complaints, if we're worried about people complaining, and, as you've heard from Kevin Amar, his development that's 100 feet away doesn't get noise complaints.

But, to the extent you want to add another level of protection against those complaints, require a -- as a condition of approval, that a restrictive covenant be entered against the property, requiring all rental agreements for these units to be -- that -- to notify them that the airport's nearby and it can get loud. And I know that sounds silly, because we know the airport's nearby and that it can
get loud. But to make sure that it's in there, I think that's a key way to get that done.

I'd also respectfully disagree with the interpretation-specific procedures to call this a -- you know, to look at the rezone. It just doesn't say that in the Code. And besides that, in this case, we're not asking for an amendment of the zoning. We're asking for a non-substantive -- I take that back. It is substantive. It's just non-substantive with regard to the zoning and the use. It's substantive with regard to the design, which is what that Development Agreement covers.

I'd also -- I'd turn it over to Kevin for a minute.

KEVIN AMAR: Commissioners, for the record, Kevin Amar. We appreciate your time this evening. We're happy and proud to present this project, and we know that we are working on an infill project and one that has long been underused for a piece of property that has all the current infrastructure completed. We are making this application under the guidelines of the current City Code and the current Development Agreement.

One of the limitations of the Development Agreement, and it's Item No. 10, specifically states
that "This agreement is related to design and buffering items and does not relate to the use of property as permitted in the L-OD Zone," and this is important, "The owner may submit applications for uses permitted and conditional uses as listed in the L-OD Zone."

So, as we made this application, we looked at the noise buffering, we looked at the surrounding areas, we looked at the site buffering, and we really tried to complete a project and provide a project that will meet all those criteria, and we feel like we've done that. We know it's a high-quality project. We know, through construction standards, we can meet any noise mitigation that is contemplated in the City and far exceed that noise mitigation, and we've done it recently.

So, at this time, we would simply ask for your recommendation for approval, and we really appreciate your time this evening. Thank you.

CHAIRMAN STEAD: Thank you.

MOTIONS

CHAIRMAN STEAD: We will now close this portion of the hearing, and the item is before the Commission. The Chair will entertain a motion.

COMMISSIONER BRATNOBER: Madam Chair.
CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: I move we recommend approval on CAR20-3 and that we approve PUD20-3.

Now, let me just leave the motion there. There's some more that should go with it, but we can talk about that during discussion.

CHAIRMAN STEAD: So, maybe, let's start -- what if we look at these separately, if we're not getting a second, and, maybe, talk about each individually.

Commissioner Stevens.

COMMISSIONER STEVENS: Just a point of order. Did the motion die for a lack of second? And if so, I'd like to make a motion.

CHAIRMAN STEAD: That's my understanding. Yes, the motion has died for lack of second. So Commissioner Stevens.

COMMISSIONER STEVENS: I'd like to move that we recommend denial of -- sorry. Hang on. I got to get the numbers. I have codes and plans up and -- recommend denial of PUD -- I'm sorry, deny PUD20-3 and recommend denial of CAR20-3.

COMMISSIONER SCHAFER: I'll second.

COMMISSIONER BLANCHARD: [Unintelligible] that motion.

CHAIRMAN STEAD: Okay. I heard -- sorry. I
heard Commissioner Schafer first, so second by Commissioner Schafer.

COMMISSIONER BLANCHARD: I defer to Commissioner Schafer.

CHAIRMAN STEAD: Let's -- okay. Let's start with discussion, Commissioner Stevens.

COMMISSIONER STEVENS: I find this to be a fairly straightforward denial. I'm very comfortable with why we use the rezone criteria for this particular application, having looked at the Code and the Code chapters that were pointed out by Legal and by staff. And I think staff did a very good job of explaining in the staff report that we have in front of us why this project does not meet the criteria of a rezone.

Now, I understand that we're not really rezoning this. We're maintaining a zone. But I think it's really important to recognize that they also have to -- this is not an allowed use in the zone. It is a conditional use in the zone. And, therefore, we also have to look at the criteria for planned-unit development, again, which I think that staff has done an excellent job showing why this does not -- this proposal does not meet the criteria that we need here.

I think for us, as Commissioners, to question airport staff about when we will or will not
put our City in jeopardy of FAA funding is probably sort of a fool's errand. We probably shouldn't do that. We have an airport staff here who does nothing but deal with the airport and airport policy and their City's relationship with the FAA all the time, and I'm certainly not comfortable questioning any of that myself.

With regard to the question about whether or not we, the City, can or cannot, quote/unquote, "take actions that are reasonable to protect the Grant," I think that that's exactly what we're doing here. Because of the -- and I'm not a lawyer, but because we are looking at this as a -- this is, basically, a zoning question that we're asking here. It's not just simply an application. It's a zoning question, because, again, we're dealing with conditional use. And, therefore, in my -- as I understand this whole application and the entire discussion that we've had, we are doing exactly what that Grant asks us to do, which is to use the City's power of zoning to make and to take reasonable actions to protect the use of the airport, which is a municipal use that is critical to our City's continued growth and development.

So I think we're complying with everything
that the various plans and codes are asking us to do, and I do not think that this is the place for a multi-family development. I don't think it has, really, anything to do, at least according to airport staff, with whether or not we're getting complaints or not. It's much more clearcut than that. It's much more objective. And, therefore, I really, strongly believe it's very clearcut, and we need to deny this application.

CHAIRMAN STEAD: Further discussion?
COMMISSIONER SCHAFER: Madam Chair.

CHAIRMAN STEAD: Sorry. Commissioner Schafer.

COMMISSIONER SCHAFER: Thank you. I'm in favor of the motion, obviously, and I'm going to second all of Commissioner Stevens' comments.

And just to piggyback on those comments a little bit, I think where I'm coming down with it, too, is that there's a lot of other things they can do under this zoning with this piece of land; right? It doesn't have to be a residential development. The L-0 zone permits many uses, you know, from office space to other services. So I feel like we're not, by any means, putting them in a position where they are not going to be able to have a successful project on this piece of property under this zone.
Because, at the end of the day, at a high level, I agree with Commissioner Stevens. And, you know, we shouldn't -- I don't think we should -- it's our place to question the airport management staff, and, at the end of the day, I don't really want to put another 85 families in a position where they're uncomfortable with the noise that the airport creates. So, again, I think -- with the other allowed uses in the L-O zone, I think they have the opportunity to create a successful project on this piece of property, so, therefore, I'm in favor of the motion.

COMMISSIONER BRATNOBER: Madam Chair.

CHAIRMAN STEAD: Commissioner Bratnober.

COMMISSIONER BRATNOBER: So my reasons for wanting to approve are based on a couple of things. We've talked a lot, at length, about the zoning piece, but, just to reiterate briefly, zoning's not going to change no matter what we do here. It will stay L-OD. And so, from that -- I'm trying to be quite literal about what's actually going to happen to the zone and what those outside of Boise, i.e., FAA, would see when they look at this. They would not see a zoning change.

One of the other thing -- notes that was made to the issue of, "Gee, we're going to send these
85 families in to be bombarded with noise, and they're
totally, you know -- they don't know what they're
getting into." I'm not sure I buy that. One of the
things that was actually proposed in the rebuttal I
did like, which is full disclosure. Well, let's make
sure that there are -- there is full disclosure so
people understand what they're getting into when we're
talking about 85 dwelling units that qualify at the
lower end of the housing cost spectrum, which we
sorely need in this city.

As regards questioning airport officials
-- frankly speaking, that's what we did here was we
asked them questions about these things. The -- we're
talking about discussions that talk -- that are
looking into the future when a lot of things can
change, including what's going to be going in and out
of the airport. And so, yes, I believe, as a Planning
and Zoning Commission, it is our job to ask these
questions.

So, again, I think while it may be that
some pieces are out of sync in terms of -- are we
looking at L-OD with some kind of conditional use?
Because it is not an allowed use; it's a conditional
use, et cetera, et cetera. I would be interested in
understanding if a different approach makes sense or
if we're saying, "You know, just can't put dwelling
units in that area even though substantial parts of it
do fall within the A Zone of less than 6 -- I believe
it was less than 65 dB." I'm trying to look at the
map here, and it's really sketchy in terms of trying
to zero in on that particular place, so I'll have to
take the Applicant's word for it on that one. That's
it.

COMMISSIONER MOHR: Madam Chair.

CHAIRMAN STEAD: Commissioner Mohr.

COMMISSIONER MOHR: I also want to say I will be
supporting the denial for this, but I would like to
challenge the Planning and Zoning staff. And then in
the staff report, it was mentioned that there's
inconsistencies between things shown on there
because -- that there's no Airport Overlay
District -- and to develop an Airport Overlay District
or to develop some things that will start to help
rectify some of those inconsistencies that they
mentioned in their staff report.

COMMISSIONER BLANCHARD: Madam Chair.

CHAIRMAN STEAD: Commissioner Blanchard.

COMMISSIONER BLANCHARD: I'd also like to, you
know, carry on with what Commissioner Mohr said in
that we've got a venerable planning and ownership
group here on this parcel, and I think they fully understand what's going on here, and they probably planned for it. Our role at P and Z is to interpret City Code and the Comprehensive Plan, and what has been shown here is that there are clearly gaps, as Commissioner Mohr noted, and we're being asked to interpret a gray zone here with City policy. And I think it's only right that this get kicked up to City Council and let them decide, you know, what they think -- what they intend with their policy. And I think it's just not clear for us to interpret Code and the Comp Plan at this time. And I think that -- I'm going to recommend denial as well so that it can get kicked up and let the elected policymakers weigh in on how they feel about policy.

CHAIRMAN STEAD: Okay. Seeing no more questions from the Commission, we -- will the -- so we have a motion in front of us to recommend denial of CAR20-3 and deny PUD20-3.

ROLL CALL

CHAIRMAN STEAD: Will the clerk please call the vote.

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.

THE CLERK: Schafer.
COMMISSIONER SCHAFER: Aye.

THE CLERK: Squyres.

COMMISSIONER SQUYRES: Aye.

THE CLERK: Blanchard.

COMMISSIONER BLANCHARD: Aye.

THE CLERK: Mohr.

COMMISSIONER MOHR: Aye.

THE CLERK: Stevens.

COMMISSIONER STEVENS: Aye.

THE CLERK: Bratnober.

COMMISSIONER BRATNOBER: Nay.

THE CLERK: Six ayes. One opposed. Motion carries.

(End transcription at 3:06:52 of audio file.)
IV. ADJOURNMENT