I. CALL TO ORDER

PRESENT: Zabala
REMOTE: Marsh, Aguilar, Rudeen, Talboy
ABSENT: Semple, Zuckerman

II. MINUTES

1. Design Review Committee Minutes / July 8, 2020

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>APPROVED [UNANIMOUS]</th>
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<tr>
<td>MOVER:</td>
<td>David Rudeen, Co-Chair</td>
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<td>SECONDER:</td>
<td>Jessica Aguilar, Committee Member</td>
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<td>AYES:</td>
<td>Marsh, Aguilar, Zabala, Rudeen, Talboy</td>
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<td>ABSENT:</td>
<td>Ben Semple, Dana Zuckerman</td>
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III. CONSENT AGENDA

1. DRH20-00052 / Leigh Alderton
Location: 2919 W. Jordan Street
Construct a multi-family residential project consisting of two four-story buildings containing eight units with associated site improvements on property in a R-3D (High Density Residential) zone.

3. DRH20-00262 / Eric Anderson, ALC Architecture
Location: 10390 W. State Street
Construct an approximately 5,100 square foot laundromat building and associated site improvements on property in a PC-D (Pedestrian Commercial with Design Review) zone.
4. **DRH20-00268 / Eric Anderson, ALC Architecture**  
   Location: 2602 W. Canal Street  
   Construct an approximately 3,500 square foot laundromat building and associated site improvements on property in a C-2D (General Commercial with Design Review) zone.

5. **DRH20-00296 / Ben Semple, Rodney Evans + Partners, PLLC**  
   Location: 1426 S. Euclid Avenue  
   Construct four single-family detached dwellings with alley loaded garages and one accessory dwelling unit, on four contiguous substandard lots on property in an R-3D (Multi-family Residential) zone.

7. **DRH20-00300 / Marcellus Clark, BRS Architects**  
   Location: 858 W. McGregor Court  
   Construct an approximately 91,000 square foot manufacturing, office, and warehouse building with associated site improvements on property in a M-1D (Light Industrial with Design Review) zone.

8. **DRH20-00301 / Kady Givens, Hatch Design Architecture**  
   Location: 6099 S. Federal Way  
   Construct a self-service storage facility consisting of sixteen buildings totaling approximately 348,000 square feet and associated site improvements in a M-1D (Light Industrial with Design Review) zone.

**RESULT:**  
**MOVER:** David Rudeen, Co-Chair  
**SECONDER:** Jessica Aguilar, Committee Member  
**AYES:** Marsh, Aguilar, Zabala, Rudeen, Talboy  
**ABSENT:** Ben Semple, Dana Zuckerman

**IV. NEW BUSINESS**

2. **DRH20-00069 / Scott McCormack**  
   Location: 8306 W. State Street  
   Construct a multi-family residential project with 85 units in four buildings and associated site improvements with a waiver for swales within the front landscape buffer on property in a pending R-3D (High Density Residential) zone.

KayCee Babb (City of Boise): This project is addressed off State Street because it was recently connected to the property to the South. There was a minor land division in 2019. It is currently its own parcel and will receive a new address most likely off of Limelight or potentially off Roe Street as well.
This project is for the development of 85 multi-family units within four buildings and was approved through a Planned Unit Development (PUD). That PUD was appealed to City Council with concerns about safety and infrastructure. City Council has heard the appeal and they have generally approved the project forward and they will receive findings shortly. The project also had a Rezone from R-1A to R-3D.

These are the proposed elevations. They are using a gabled roof. They are kind of modulated, so it creates a shed roof design. They are proposing fiber cement lap siding and stucco panels as well as stone veneer.

This is the proposed site plan. You can see that the main entry is proposed along Limelight Street with a secondary entry along Roe Street.

Through the PUD process there were some site conditions. The first is that there needs to be a cross access to the South and West for future redevelopments. I’ll go back to the aerial. You can see that the property is surrounded by relatively undeveloped parcels though in the future they may develop the cross access to reduce current cuts in the area.

Additionally, all setbacks shall be measured from the final property lines. Ada County Highway District (ACHD) is going to take some right-of-way with this project and the proposed property lines should be the final property lines. We shouldn’t see any changes of what this site plan shows.

The remaining Design Review condition for this site plan is that all internal pathways shall be a minimum of 5 feet in width. When we were working through this process, we were kind of spot checking the sidewalks and then doing a full review. We noticed that there are just a couple of pathways that don’t quite meet the 5 feet in width particularly along the southern building.

Based off the site plan the landscape that is available to be reduced, we don’t anticipate any significant changes in order to meet that condition.
Again, the PUD did receive approval from Planning & Zoning. That hearing was on June 1, 2020. The North West Neighborhood Association appealed the project with concerns about infrastructure and safety. The appeal was heard by City Council on July 28, 2020. At that Council hearing there were some discussions, again, primarily on infrastructure and safety.

The main discussion that impacts Design Review are the storm water swales. This project is proposing swales between the street and the detached sidewalk. Swales within the street buffer that aren't in an industrial zone require alternative compliance review for Design Review. City Council directed Design Review to work on a drainage solution that has minimal slope or mitigation for such slope, as well as greater connectivity. This is the swale design that was presented before City Council that has the direction to try and reduce slope and create connectivity. As you can see, the swales are located between the street as well as the sidewalk. They are proposing lawn and vegetation, primarily native vegetation as well as street trees. The primary concern was the slopes were proposed at approximately 12 inches deep each.

There’s also not a lot of connectivity. The site is using street parking to meet its parking requirements. Individual parking along the streets don’t have direct pathways to the sidewalk or into the site. Instead they would have to walk through the swales or go around walking on the street.

Those are the primary concerns. As I noted, we are still getting the street trees. They are proposing putting the trees within the backslope of the swale right next to the sidewalk. We will still get some shade and softening of the pedestrian environment. During initial discussions we did bring in Community Forestry. They review the final placement of street trees within the right-of-way in addition to ACHD. Community Forestry said that this location is appropriate for the trees and that the proposed root barrier will allow them to grow healthy. We are still going to get street trees and there are no concerns that there will be issues with their growth.
To address the safety and design concerns with connectivity of City Council the Committee did receive a memo suggesting an added condition which is to redesign the street swales to accommodate pedestrian connectivity from the sidewalk and parking spaces along both Limelight and Roe and provide an improved pedestrian environment that may include but is not limited to reducing slopes, utilizing permeable pavers to reduce swale demands and an increased landscape buffer. The final design should be coordinated with Design Review staff and ACHD. This condition is worded to allow us to still review the project and look at some details. They do have a Geotech report that should have been attached to the report to see what would be the best option.

The applicant has worked on a redesign of the swales based off of City Council’s direction. By the time they completed redesigning the proposal it wasn’t quite enough time for us to submit it into the record, but I believe they will present the options in their presentation today. We will have a proposed change that we can discuss and see what is appropriate.

Overall, staff is recommending approval for the construction of the multi-family units proposed under DRH20-00069 with the attached conditions of approval. With that we can see the new swale designs proposed by the applicant and hear from the public. I would like to leave us with the photos of the surrounding area for context.

**Applicant Testimony**

**Scott McCormack (Managing Development Partner / Limelight Village):** I do have a PowerPoint presentation. I’ll share my screen. Thank you for the opportunity to present the project and to discuss the issues that are outstanding. I want to say I think the staff has done a great job in working with us and going back and forth and trying to be cooperative.

I also want to let you know that we have two other team members that are on the meeting tonight. Our lead designer, Walter Hughes from Humphries & Partners Architects and we also have Dan Erlandson from HPLA Studio, our landscape architect. So, if there are any questions that may come up for them.
The first thing I want to say is that you can see the first rendering along Roe Street, Building Type 1. This is our Building Type 2 and it seems like staff is satisfied with that. We feel really proud and we think they are very attractive and present kind of a nice mountainous look.

With respect to the landscape plan, KayCee did a nice job showing us the details along the swales. I’m going to focus on the swale discussion at this point because we previously worked with them on dealing with internal pathways, landscaping and refining exterior design. We’ve worked through all of that with them. In this case we heard the goals of the Council and we saw the revised staff recommendations. Based on that we’ve worked with our team and we’ve come up with some new design plans that we think address this and exceed what has been requested. This is a quick summary of what we planned since the Council meeting on July 28th.

Along Roe Street. In order to address the key issues that were brought up which were improve pedestrian safety and connectivity and reduce the slopes. Here’s what we’ve done. I’ll summarize these quickly and I’ll show you on the plan how it works.

We’ve added two-foot level landings at the sidewalk and the curb. That helps anybody who is walking on the sidewalk and the curb to get out of their car safely.

On Roe Street we’ve reduced the depth of the swale from 12-inches to 6-inches. We’ve reduced the slope from 3.1 to 4.1 and we’re going to add two strategically placed 5-foot concrete connectivity paths from the curb to the sidewalk on Roe. We’ll show you where we have the tentative locations for those. We can work with staff on the ultimate locations.

We’ve also added shrubs and native seed mix to give the planters a more natural and attractive look and feel.

On Limelight Street we added a 3-foot level landing at the sidewalk and a 2-foot level landing at the curb to reduce the depth of that swale from 12-inches to 9-inches and we’ve reduced the slope from 3.1 to 4.1. We’ll add two logically placed 5-foot concrete connectivity paths from the curb to the sidewalk on Limelight.
The other thing I would add is that KayCee mentioned that we worked with staff and the City Arborist. Through that process we actually did agree to an additional 5-foot buffer on Limelight Street to give a little bit more room for the trees. That was a good process that we worked through.

This is a section of Roe Street which shows you the 2-foot landings. We've reduced the slope and we've also changed the bottom of the swale from a sand drainage swale to...we're going to use a bio-retention swale where we use some amended soil that helps the drainage and gives it a better look.

Above is the plant selection from our landscape architect that we're going use in here. Including the trees that we plant and put along there as required by the Code.

This is Limelight Street. It shows you the sidewalk here. We have the 3-foot landing area next to the sidewalk and then we have the 2-foot level entryway off the curb. Same thing, similar kind of landscape selection and then these are the trees that will go along Limelight Street.

This is a site plan showing you where we intended to put the connectivity pathways. We looked at the distance between the entrance on Roe Street at the corner and then we decided these would be really strategic places to put these. So, if somebody was getting out of a vehicle, they would walk along the new level pathway and get here and cross over and it would be easy for them to do so safely. We did the same thing along Limelight Street. We picked what we thought were logical and reasonable locations along these areas along the street buffers.

Also, to the right here, this is the ACHD best matching practices detail. We used this as an inspiration for trying to accomplish the goals that were set for us and the concerns by Council. We think that we done that to a great extent and that we've exceeded it.
In summary of what we’re presenting here and a couple of key points I wanted to reiterate to the Committee. Number one is that swales are allowed with alternative compliance requests which we have made through the design review process appropriately. The Boise City Code sets forth specific design and engineering requirements for swales to be approved through this alternative compliance process. These drainage swales are necessary in this case and it is due to the high-water table on the property. As KayCee said, we have provided the Geotech report for the record which I think you have available. It shows that the average water table here is about 4 to 6 feet. The surrounding high-density properties in this area also have used swales in poor solutions in their cases.

We also would like to state for the record that our design meets and exceeds each of the Code’s requirements. In addition to the standard City code requirements the City approved this project with the condition that we revise the design, minimize the slope and increase safety connection and we think we’ve done a good job of that.

I would also like to mention that this swale has been approved by ACHD. The original design and of course this second design as KayCee stated, will be submitted to them for their approval.

In summary we’ve addressed all the goals and design requirements. We feel we’ve met and exceeded the goals and concerns that were mentioned by Council and the Planning staff. We are requesting that you approve this item as staff has recommended and we agree to the staff conditions. Thank you.

Committee Member Zabala: I have two questions of Mr. McCormack. One, will the cross access from the curb to the sidewalk…I assume that would be handicap accessible for somebody in a wheelchair?

Scott McCormack: We haven’t discussed that specifically, but I am confident that the 5-foot width of those concrete paths would be connected into the sidewalk and would meet that requirement.

Committee Member Zabala: Second question, under a storm event do your calculations indicate that there will be an absorption rate such that at some point during that event you will probably have standing water in there until the retention basin assimilate the water?
Scott McCormack: Yes, that is correct. The civil engineer...in a rain event there would be a time where there would be standing water there until drains through.

Committee Member Zabala: Do you have a time on that? Is it one hour, two hours?

Scott McCormack: I do not have that. Unfortunately, our civil engineer is currently traveling and not available tonight, but in my discussions with her it meets all the code requirements. She has done the calculations in accordance with City and ACHD standards.

Neighborhood Association Testimony

Erika Schofield (North West Neighborhood Association Representative): I am a board member and will be representing the neighborhood’s concerns tonight just as I did when we appealed this development application after Planning & Zoning. My focus for the last two and a half years as a board member has been on public health and safety in relation to land use law and development for my neighborhood.

This is the sixteenth time I’ve provided testimony on behalf of infrastructure and safety hazards. Yes, you heard that right, that’s the sixteenth time in two and a half years. I have not provided testimony on traffic and all kinds of things that most people provide testimony. I focus on citizen safety. You recently heard me testify on school buses picking up children on Highway 44 at 50 to 55 miles per hour. That was about a month ago.

So just as with that development I want to say the same thing to start out with this application and make something clear. We’re not in opposition to the actual building and the design materials, and the lay of the land in terms of how the structures are sited and such. We simply are in opposition to the condition that we believe will make a hazardous situation versus actual work to promote and protect public safety.
This is what we’re looking at tonight when we have drainage swales allowed in our neighborhood. This is just to the east of this property. This is actually a swale that was allowed to be mitigated to have reduced slope. If you look at those photos all it does is flood into the street, so it doesn’t necessarily help the matter at all to have less slope than the 12-inches because it just makes it flood into the road which causes additional hazards. I put the statement at the top here of “Never underestimate the power of water”, because it is so true. This was just a storm in June. Nothing unusual about it and this is what happened in the drainage swales. They inundate the roadway and they also produce situations where a child or a toddler can drown. They can drown in 2-3 inches of water.

We’re faced with a situation where in this particular application there was no ACHD hearing for the public to address this issue because there wasn’t a traffic study required to be held in hearing. The record shows that ACHD did not have a modification or waiver for their own policy regarding the swale to be modified and waived. The Boise Storm Water Management Ordinance requires an actual more official drainage plan than they submitted to the Building Department. We’ve got Boise Ordinance 46-1-9 (?) that gives Design Review authority over on-site grading and drainage while ACHD’s policies give them authority over the public right-of-way which is Roe Street.

Furthermore, we had Planning & Zoning, Council and now Design Review placing conditions on stormwater management in the public right-of-way, yet we have a ground water study that was done on October 21, 2019, but not submitted until here recently. No soil permeability test was conducted in that study so in terms of being able to definitively say how fast that water would be absorbed isn’t necessarily possible without an actual test. The full requirements of analysis when I read the ACHD Policy and the Boise Storm Water Policy and they have not been fully conducted. I believe that this takes place once Public Works and the Building Code take this on. So, setting forth conditions or limitation is premature without this required data. I did actually submit a question to Josh which he did reply to me… I said I find it kind of contradictory to Idaho Code 67-65-35.2 that says, “A decision has to have a rationale that is based on factual information contained in the record”, yet we don’t have any final findings approved from City Council because they are on vacation and they’re not going to approve their findings until August 18th. We have a whole lot of issues just on the procedural side.
Furthermore, according to Boise Code words do matter when you’re dealing with the law. It says that alternative compliance is to be submitted as a request in conjunction with the application. The applications for the Conditional Use Permit (CUP) and Design Review were submitted in January and February whereas on July 21st the applicant submitted a letter that states that this is in connection with this application. I know this is probably a minor point to many, but words do matter when you’re dealing with the law. So, for ACHD this is from their stormwater management policies, they “Allow infiltration swales on arterials, collectors, medians, and subdivision common lots and rural streets with lot sizes of 1-acre or greater, but less than 5-acres per dwelling”. Not total size for the entire unit. ACHD does not allow swales on residential streets. You can see where I’ve marked the two red boxes on their BMP30 here. The top one addresses not residential streets and the rural issue. The second box addresses the step-out zones that Scott was talking about earlier and if you note there, it does say, “Has to meet current ADA requirements”. So, that will be part of that condition if this moves forward.
Furthermore, with ACHD in terms of addressing what they mean by rural...Roe Street is a local street and they define local as urban and rural. This is not a rural location. If you look at their Table 8 for rural, rural streets do not require sidewalks. Boise annexed this area which at one time was rural and that is why the Silver Cloud Apartments have a drainage swale because it was built during the time it was still in Ada County and not under Boise Code. It is no longer rural, and it is going to be rezoned to higher density multi-family residential. So, designing for public safety that prior side was set at a 24-inch step out zone...this is an example in ACHD’s Stormwater Design Section 8200 that shows what that would look like. It does not show swooping, low mitigated swales that are open where water still collects. It is actually more like, instead of a raised bed, it is more like a sunken edge bed with a cap waist to cross through at appropriate sections. So, in filtration swales the record for this application shows the ACHD staff member saying, “These are unusual and that they allow them” and why is that so? In their second e-mail here, they say, “We don’t allow them because they are frequently altered without proper approval”, which is exactly what has happened in our neighborhood. Here is the Silver Cloud Townhouses. So, the apartments were developed when it was Ada County and allowed to have this swale. The townhouses were developed once it moved into annexed Boise and the developer disregarded their permit and installed these otherwise which was not what was allowed. Boise, at this point, has done nothing about it which I plan to follow up on because it’s essentially a violation of what was approved for their land use development. They went ahead and not only installed swales, but they planted the trees right in the middle of them which is, if you know anything about landscaping and plants, not the best environment for a plant to survive.

I’m going to add this additional fact here because I think decisions should always be considered with the long-term impacts in mind. The City of Boise took on and hired a consulting company to do a climate adaptation study in 2016 and of the eight significant impacts in the next 60-years the second one was heavy precipitation days. Specifically saying that flood related hazard to property, roadways and water contamination can and will occur and that it can exceed the capacity of the stormwater system.
Here’s what these swales around this area look like right now when it is dry outside. People tend to park away from the curb. Granted keep in mind that my slides were made before Scott just showed his slides with the adaptation that ACHD would require. But, right now people park away from the curb because they want to be able to get out of their car onto flat land not stepping right into an angled swale. They don’t want to trudge through stormwater so that forces people to walk through the street to reach the corner. I will have to say that the addition of shrubs and grass to the swale that Scott is proposing will be a nightmare for the landscape people to maintain. You’ve got angles and trying to cut grass with shrubs in the way and the shrubs that he has listed generally grow anywhere from 6-8 wide and up to 12 feet tall. They are far too large for this kind of an application and I am a master gardener with the University of Idaho, so I feel like I have some ability to say that in confidence.

This also creates quite a bit of issues for ADA access. The City of Boise just proclaimed ADA Awareness Day and without addressing this we end up creating additional mobility challenges for individuals in wheelchairs, walkers or even if you have crutches. You can’t use a side lift, or a car ramp and service animals are trained to not expose their person to a water hazard and again, it would force people to walk in the unprotected street without actual pathway access.
But my biggest concern here is this, a toddler can drown in 2-3 inches of water. There is an absolute sound reason why this is allowed in an industrial or rural area with low-density or a farm. It is not met for high-density where children are going to be. I put this in the packet that I sent to you and I put it in the City Council and Planning & Zoning packets. These are various different sites throughout the country that deal with child safety and when it says small bodies of standing water around your home such as drainage ditches are part of this risk, that needs to be taken extremely seriously. Children are attracted to water. It sparkles, it moves, and it associated with fun. This particular project doesn’t have any kid friendly amenities due to the target market they are seeking, and it is important to recognize that the court, it shows in the record, will examine if the situation was considered an attractive nuisance for children. There is a logical and sound reason why these should not be allowed. It leads to negligence in my opinion. It can be mitigated by simply following the law and saying we’re not going to make an exception to this because it enables a hazard to public health and safety. It can possibly lead to personal injury lawsuits and case law has shown that you can be liable in a wrongful death situation or a lawsuit when water is involved. If you look at other areas throughout the City that have been recently developed especially near the East End no open stormwater retention systems are located along the street. None. I drove all around looking and I couldn’t find a single one. So, for the Boise Development Code in terms of meeting the purpose and intent it does not achieve a safe environment, it does not meet the required findings for alternative compliance. The site conditions have not been proven to be impossible or impractical. It is not equal or superior to what is required. It is actually detrimental to public welfare due to being an attractive nuisance for children leading to a possible high-risk of drowning. Protecting the health and safety and general welfare is the number one priority in addition to protecting the waters of the State. I ask that you look at these criteria very carefully because minimizing the slope from 12-inches to 6-inches or 12-inches to 9-inches is not going to mitigate the risk of a toddler drowning in 2-3 inches of water.

Furthermore, at this point and time this lacks clear and convincing evidence that the facts and circumstances warrant a finding of an exception. The additional geotechnical work needs to be done before conditions can be placed in the record that say, “This is allowed”, or “This isn’t allowed”. We’re jumping ahead of the game here.
In closing, here is what I want to say in terms of making exceptions. On August 25, 2003, the City of Boise made an exception to a critical safety standard for the annexation of the Oregon Trail Subdivision. Their record shows that the land was located partially outside of the required Fire Response Standard. A Planning & Zoning Commissioner specifically asked about that risk in the public hearing and exactly 5-years to the very day a horrific tragedy occurred. On August 25, 2008, 10 homes were destroyed, 11 damaged and 100 people evacuated, 18 first responders were injured and a BSU professor lost her life and her spouse lost his partner. Why, because we made an exception to safety. That’s not why we have laws in place. Laws are in place to protect citizen safety. They are not in place to make exceptions to them.

I ask that you please consider this very carefully. Thank you.

Public Testimony

Chairman Marsh: None seen.

Applicant Rebuttal

Scott McCormack: I think what I would like to reiterate to the Committee is one, this project has been approved by the Commission, it’s been approved by the Council with the conditions as they set forth and we’ve agreed to those. We believe we have met those and exceeded them. The current code allows for this alternative compliance.

I think the other part with respect to the ADA comments made by Erika, I would just say we have and meet the appropriate ADA standards for parking within the project so any of those folks would be able to park inside.

Our civil engineer has worked in the area and the Geotech report has also been completed by MTI who has extensive knowledge of the area. They have indicated what the soil type is there. Our civil engineer has done the calculations and said this meets those standards and understands generally what the percolation is in the area.

In addition, as I pointed out earlier, we are going to use the standards from ACHD which uses an uncompacted bio-retention soil which will help the drainage of these areas and we will meet all conditions required with this respect. Staff recommends approval as they have stated previously.
We’ve been delayed significantly through this process due to COVID-19 and a bunch of other things. It has been a very long process for us. I would request that you go with the staff’s recommendation and allow them to do their job and work with us to make sure we meet all the requirements as have been stated. We have tried to be very cooperative and expended additional resources in order to meet these requirements and we feel like we’ve met and exceed those. We appreciate your consideration.

Committee Member Aguilar: This is for the applicant and staff. I don’t see in their packet a grading and drainage plan and we’re being asked to make a decision about grading and drainage. Where is that plan? Was that included with the P&Z application?

KayCee Babb: Typically, we see the drainage and grading plan for the building permit because the building permit gets routed to Public Works and they are the entity who specifically reviews drainage. So, they’ll review that to make sure that the swale retention is appropriate and that it won’t go outside of the allowed area or the swale retention. Sometimes applicants will submit grading through the Design Review application, but it is not required, and it is not on our checklist. What we review is the requirement for swales within the code and then Public Works and ACHD if you want to go beyond. The City of Boise have their own specific requirements that get reviewed in addition to what we’re reviewing.

Scott McCormack: I would just add KayCee, isn’t it fairly rare that an applicant would turn in that drainage plan at this point in the process?

KayCee Babb: Typically, they get submitted with the building permit so that would occur after design review.

Scott McCormack: Right.

Public Portion Closed

Committee Deliberation
Committee Member Talboy:  If I may, just a couple of points.  I do compliment the design.  It is very attractive and very well done.  I have to admit I’ve had some of the same concerns that Ms. Schofield raised about the berms and the swales and the standing water for a number of reasons.  Obviously, child safety is huge.  I also understand the drainage requirements and those types of things, but if I understand things correctly, and some insight into this would be very helpful for me, is whether we can change or make recommendations relative to the drainage that is already there.  It would be really nice to know if we had that Geotech report to know what that percolation rate was to see...I don’t know if we could compare to what we saw in the photographs, but obviously the quicker you can get it out of there the better.  I don’t know and anybody that can direct me I would appreciate it.  If we can make recommendations for that or if that is some other part of the process.

Chairman Marsh:  Do either KayCee or Josh want to chime in on that?  Typically, talking from my own personal experience on applications with ACHD and drainage in the right-of-way as well as on-site drainage as it correlates to ACHD it is a very carefully monitored piece where I know ACHD does not like to take any drainage from on-site onto their portions.  They are very particular about the drainage of their own.  One of the other options I guess would be when we’ve probably seen some of those other subdivisions or some underground seepage beds or some other kind of storm structures that are in those systems.  In this case the applicant will also be making additional applications to ACHD who will review the Geotechnical reports, the percolation rates, the size of the retention basins, safety, and everything in that regard inside of the right-of-way as part of their application.  I don’t believe we have a whole lot of jurisdiction.  If there was something that you wanted to recommend that gets passed along to ACHD that’s something that I’m sure we could ask staff to do.

Committee Member Talboy:  Thank you.  That actually clarifies that.  The point of my comments where I figured it was down the road and there were more cross checks, etcetera.  I do understand the concerns and I want to let Ms. Schofield know that rings a bell and that it is an issue that we need to make sure that it is done...however it is done, in the safest manner possible.  Like I said, I didn’t think we had a whole lot and I don’t even know what I would recommend quite honestly other than an underground seepage bed, but I don’t know that that’s within our purview to do that.
Chairman Marsh: Yes, exactly. ACHD will make those recommendations on all of that aside from the stormwater retention.

It is a little bit challenging even with the ADA portions of things. The other examples that they show have detached sidewalks as well, but they’re also in uneven ground with grass and such and it’s probably still not an ADA surface that you get out of your car and walk on in those circumstances. There is also a 6-inch curb at all those locations so it is not a wheelchair ADA accessible location on any of those as well which would be considered on the inside of the parking where they meet the minimum required accessible parking stalls. It is still a little bit hard to tell where you actually draw the line aesthetically. I prefer having some capped sidewalks. I think they look better.

Swales, I understand the safety concerns. They do work fairly well, and they are a good solution in high ground water areas, and it is a pretty common solution. However, in these locations it is…I don’t know that we have a whole lot of purview to make much other than potentially a recommendation to pass along to ACHD.

Committee Member Talboy: You froze up there, but what I did hear was a very good clarification. Thank you very much.

Chairman Marsh: I would probably reiterate what Mr. Talboy said. I think it is a very attractive design and well-thought-out. Short of the items that are in ACHD’s right-of-way I didn’t hear much of anything that is of concern from design or aesthetics. If there is no other discussion, I would be certainly open for a motion.

Committee Member Zabala: Obviously there has been a lot of work done by both the neighborhood as well as the applicant to try to make this a very attractive and safe project. I don’t know that given the high water table and the fact this is in the right-of-way that there’s much one can do other than to continue to work on the swale design with the various agencies, reviewing staff, and the design team to make it the best they can under the situation.

Committee Member Zabala moved to approve DRH20-00069 with waiver request as recommended in the findings of fact, conclusions of law and recommended conditions of approval as noted in the project report with the addition of Condition 1.i., “The redesign of the street swales shall be consistent with the concept in the revised documents provided by the applicant at the August 12, 2020 hearing to accommodate pedestrian connectivity between the
sidewalk and parking spaces along both Limelight and Roe Street and provide an improved pedestrian environment that may include, but is not limited to reducing the slopes and an increased landscape buffer. The final design shall be coordinated with and approved by the Design Review staff and Ada County Highway District.”

RESULT: APPROVED [UNANIMOUS]
MOVER: Thomas Zabala, Committee Member
SECONDER: David Rudeen, Co-Chair
AYES: Marsh, Aguilar, Zabala, Rudeen, Talboy
ABSENT: Ben Semple, Dana Zuckerman

6. **DRH20-00298 / Bret Bartron, neUdesign Architecture**
Location: 5452 W. State Street
Construct an approximately 16,800 square foot office and warehouse building with associated site improvements on property in a C-3D (Service Commercial with Design Review) zone.

**KayCee Babb (City of Boise):** This is the proposed site plan for the project. They are proposing a light industrial warehouse building with office space. As you can see, there is a future development parcel shown on the site plan. That property will require a separate review through Design Review and is not subject to the current review.

The current configuration of the lot with the warehouse Building A and the T3 Support Building above appears to have occurred in 2015. We could not find records with the City with this site configuration. Instead what we have is this record of survey which shows three lots instead of two configured the opposite way. Because of that the lot is technically not a buildable lot at this moment. However, because of that the first condition is to pursue a record of survey to do a lot line adjustment and consolidation. The applicant is in the process of doing this so that’s why reviewing the design review. They will need to comply with any requirements of the record of survey and if there are any significant changes to the proposed layout because of the record of survey we would go through a modification application through design review.

I’ve mostly laid out some of the conditions. I’m unsure of the concerns of the public and we can go back to them. Primarily with the site layout there are parking changes and cross access agreements needed as well as a pathway reconfiguration.
This is the landscape plan. The main requirements are that we need a few more street trees. Additionally, we need verification from Idaho Power that they would allow Class II trees. There are some overhead lines and we are anticipating needing to replace those with appropriate Class I trees. We do need some terminal planters and a finalized tree mitigation plan, and we need to relocate some light poles.

With the design conditions and primarily because this is an industrial building and it is designed and used for an industrial building, but it is in a commercial zone. Because of that it is not exempt from our Design Standards, so we do need to get some decorative building materials on the front façade and get some more design interest. We also need to avoid blank walls on the side elevations.

With the applicant agreeing with the recommended conditions of approval I would like to reiterate that staff does recommend approval of this project and I’m happy to answer questions that may arise.

**Applicant Testimony**

**Bret Bartron (Applicant/ neUdesign Architecture):** We did agree with all the conditions laid out by the staff and there were no other concerns brought by the public. I did speak with one property owner across the road so I guess at this point I would love to hear the concerns brought by the public.

**Public Testimony**

**Mark Salvi (President, Pick-A-Part Jalopy Jungle):** We are a network of automobile salvage yards. I wanted to be on this call to be on record. I am not against the proposed project. Being a grandfathered business model in the area with industrial and operations, I wanted to make sure and confirm that there was going to be no alterations to the traffic flow on State Street. We have semis and tow trucks that frequently come in and we need a full access on our most eastern property border. I want to be sure that none of that is going to be hindered with this current development and that future corner development coming up. I wanted to be on record that we do have a grandfathered business there that has been 60 plus years operating and I want to be sure we’re able to maintain that operation unhindered with this development. I would like to hear from the applicant. I don’t know if ACHD has commented on it or put any proposed right-in’s, right-
out’s or anything like that. Those types of things severely hinder our business so that’s what I’m here to try and figure out.

**Applicant Rebuttal**

**Bret Bartron:** There is actually a study done by ACHD and I spoke to Ed, he said he was the owner of Jalopy Jungle. I talked to him this afternoon. I told him there is actually a study done by ACHD and they are looking at changing the traffic flow along State Street. However, that has nothing to do with this development. That study was actually completed months ago I believe, if not at least a year. These revisions have been coming down the pipeline long before we even looked at this property. I would advise him to look into that. I don’t have that exact report number or reference. KayCee, do you have that information that maybe you could share with him?

**KayCee Babb:** ACHD did provide comments. They did not specifically change traffic flow with this project. They did take some future dedicated right-of-way which is in anticipation of developments on State Street which will include multiple lanes…bike lanes and a potential multi-use pathway. I do not have the specifics of when that project will occur. It is not being prompted by this project and it is not occurring now or because of the project.

**Public Portion Closed**

**Committee Deliberation**

**Committee Member Rudeen:** It feels to me like everybody’s on the right wavelength here. I haven’t heard any objections, so I’ll move to approve DRH20-00298 based on the associated findings of fact, conclusions of law and recommended conditions of approval contained in the project report.

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V. **ADJOURNMENT**