BOISE CITY PLANNING & ZONING COMMISSION
HEARING MINUTES
SEPTEMBER 21, 2020

I. CALL TO ORDER

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

II. CONSENTAGENDA

III. MINUTES ACCEPTANCE

1. Planning and Zoning Commission Minutes – August 3, 2020
2. Planning and Zoning Commission Minutes – August 10, 2020

IV. DEFERRALS

*3. CAR20-00007 / Ball Ventures Ahlquist
   200 N 4th St
   Rezone of 1.26 acres from R-OD (Residential Office with Design Review) to C-5DD/DA (Central Business District with Downtown Design Review and a Development Agreement). Céline Acord

CUP20-00023 / Ball Ventures Ahlquist
   200 N 4th St
   Conditional use permit for a drive-up establishment associated with a proposed mixed use building on 1.26 acres in a proposed C-5DD/DA (Central Business District with Downtown Design Review and a Development Agreement) zone. Céline Acord

RESULT: DEFERRED [UNANIMOUS] Next: 11/2/2020 6:00 PM
MOVER: Jennifer Mohr, Commissioner
SECONDER: Meredith Stead, Chairperson
AYES: Mohr, Stevens, Finfrock, Bratnober, Stead, Schafer
ABSENT: Ashley Squyres, Christopher S Blanchard, Milt Gillespie
UNANIMOUS APPROVAL TO TABLE ITEMS
ALL IN FAVOR, MOTION CARRIED
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: )
CAR20-00007 / BALL VENTURES AHLQUIST )
and )
CUP20-00023 / BALL VENTURES AHLQUIST )
200 North 4th Street )
________________________________________________________

TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, SEPTEMBER 21, 2020

COMMISSIONERS PRESENT:
MEREDITH STEAD, CHAIR
BOB SCHAFTER, CO-CHAIR
JENNIFER MOHR
JENNIFER STEVENS
JANELLE FINFROCK
JIM BRATNOBER

TRANSCRIBED BY:
VICTORIA HILLES
INTRODUCTION

CO-CHAIRMAN SCHAFER: First up is Item No. 3. That's CAR20-7 and CUP20-23, Ball Ventures Ahlquist. This is at 200 North 4th Street. It's a rezone and a CUP application. They are requesting deferral to the November 2nd meeting.

NEIGHBORHOOD ASSOCIATION

N/A

PUBLIC TESTIMONY

CO-CHAIRMAN SCHAFER: Is there anyone here this evening in attendance that would like to testify regarding this item and you cannot be here on November 2nd?

Okay. Seeing no hands up.

REBUTTAL

N/A

MOTIONS

CO-CHAIRMAN SCHAFER: Do I have a motion?

COMMISSIONER MOHR: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Mohr.

COMMISSIONER MOHR: I'd like to move that we defer Item No. 3, CAR20-7 and CUP20-23, to November 2nd.
CHAIRMAN STEAD: Second.

CO-CHAIRMAN SCHAFER: I've got a motion from Commissioner Mohr and a second from Commissioner Stead.

Any discussion?

Very good.

ROLL CALL

CO-CHAIRMAN SCHAFER: Will the clerk please call the vote.

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.

THE CLERK: Schafer.

CO-CHAIRMAN SCHAFER: Aye.

THE CLERK: Mohr.

COMMISSIONER MOHR: Aye.

THE CLERK: Stevens.

COMMISSIONER STEVENS: Aye.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: Aye.

THE CLERK: Bratnober.

COMMISSIONER BRATNOBER: Aye.

THE CLERK: All in favor. Motion carries.

(End transcription at 0:36:11 of audio file.)
Conditional use permit for a special exception to operate a tavern and social event center in conjunction with an existing bed and breakfast on 0.14 acres in a R-3HD/CD (Multi-Family Residential with Historic District and Conservation Overlay) zone. A parking reduction is included in the request. Karla Nelson

RESULT: DEFERRED [UNANIMOUS]  Next: 10/12/2020 6:00 PM
MOVER: Janelle Finfrock, Commissioner
SECONDER: Meredith Stead, Chairperson
AYES: Mohr, Stevens, Finfrock, Bratnober, Stead, Schafer
ABSENT: Ashley Squyres, Christopher S Blanchard, Milt Gillespie
UNANIMOUS APPROVAL TO TABLE ITEMS
ALL IN FAVOR, MOTION CARRIED
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: CUP20-00028 / FRANKLIN HOSPITALITY GROUP and 1502 West Franklin Street

TRANSCRIPT OF RECORDED PUBLIC HEARING
MONDAY, SEPTEMBER 21, 2020

COMMISSIONERS PRESENT:
MEREDITH STEAD, CHAIR
BOB SCHAFER, CO-CHAIR
JENNIFER MOHR
JENNIFER STEVENS
JANELLE FINFROCK
JIM BRATNOBER

TRANSCRIBED BY:
VICTORIA HILLES
(Begin transcription at 0:36:14 of audio file.)

INTRODUCTION

CO-CHAIRMAN SCHAFER: And then Item No. 4 is CUP20-28, Franklin Hospitality Group, at 1502 West Franklin Street. This is a conditional-use permit application. They are also -- the applicant is also requesting deferral to the October 12th meeting.

NEIGHBORHOOD ASSOCIATION

N/A

PUBLIC TESTIMONY

CO-CHAIRMAN SCHAFER: Is there anyone in attendance this evening that is not able to testify on October 12th?

Okay. Very good. No hands up. And we only have one individual in the audience here this evening.

REBUTTAL

N/A

MOTIONS

CO-CHAIRMAN SCHAFER: So with that, do I have a motion for deferral?

COMMISSIONER FINFROCK: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Finfrock.

COMMISSIONER FINFROCK: I move to defer CUP20-28
to October 12th, 2020.

CHAIRMAN STEAD:  Second.

CO-CHAIRMAN SCHAFER:  I've got a motion from Commissioner Finfrock and a second from Commissioner Stead.

Any discussion?

Very good.

ROLL CALL

CO-CHAIRMAN SCHAFER:  Will the clerk please call the vote.

THE CLERK:  Stead.

CHAIRMAN STEAD:  Aye.

THE CLERK:  Schafer.

CO-CHAIRMAN SCHAFER:  Aye.

THE CLERK:  Mohr.

COMMISSIONER MOHR:  Aye.

THE CLERK:  Stevens.

COMMISSIONER STEVENS:  Aye.

THE CLERK:  Finfrock.

COMMISSIONER FINFROCK:  Aye.

THE CLERK:  Bratnober.

COMMISSIONER BRATNOBER:  Aye.

THE CLERK:  All in favor.  Motion carries.

(End transcription at 0:37:35 of audio file.)
V. NEW BUSINESS

*1. **SOS20-00024 / Jeanine Brinkerhoff**
   3607 N Collister Dr
   Waiver to the Subdivision Ordinance requirement to construct curb, gutter, and sidewalk as part of a Minor Land Division on 0.57 acres in a R-1C (Single Family Residential) zone. Kevin Holmes

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>DENIED [UNANIMOUS]</th>
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<tr>
<td>MOVER:</td>
<td>Jennifer Stevens, Commissioner</td>
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<td>SECONDER:</td>
<td>Meredith Stead, Chairperson</td>
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**ALL IN FAVOR, MOTION CARRIED**
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: )
SOS20-00024 / JEANINE BRINKERHOFF )
and )
3607 North Collister Drive )

__________________________________ )

TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, SEPTEMBER 21, 2020

COMMISSIONERS PRESENT:
MEREDITH STEAD, CHAIR
BOB SCHAFER, CO-CHAIR
JENNIFER MOHR
JENNIFER STEVENS
JANELLE FINFROCK
JIM BRATNOBER

TRANSCRIBED BY:
VICTORIA HILLES
INTRODUCTION

CO-CHAIRMAN SCHAFER: We'll go back to new business Item No. 1. That's SOS20-24, Jeanine Brinkerhoff, at 3607 North Collister Drive.

And I believe we're going to hear from Mr. Kevin Holmes, representing staff.

KEVIN HOLMES: Thank you, Mr. Chair, Members of the Commission. Wait for the slide deck to load up here for you.

Perfect. All right. Before you is a request for a waiver to the Subdivision Ordinance requirements to construct frontage improvements associated with a Minor Land Division. Subject property, zoned R-1C and shown here in red, is located on the west side of Collister Drive, just north of the intersection of Collister and State Streets, which is a designated Community Activity Center.

So in 2019, the property was approved for a Minor Land Division to create a total of three parcels, as you see here at the top. One condition of approval was to improve the frontage along Collister with curb, gutter, and sidewalk.

The applicant is requesting the waiver of
this condition based on four grounds. So these
include the removal of trees and shrubs, supposed
opposition from the neighborhood to these
improvements, and the expense of the work that would
be required, related to stormwater management and
irrigation facilities.

As detailed further in the project report,
both ACHD and the Collister Neighborhood Association
support building improvements here. As you can see in
this diagram, this section of Collister is lacking a
complete pedestrian connection to the Community
Activity Center to the south, and this property really
provides that crucial first link to getting those in.

There is potential that the neighboring
properties shown in green here will redevelop in a
similar fashion to the subject property, and,
therefore, really a decent likelihood that
improvements all along the west side of Collister
could be realized through redevelopment.

In conclusion, it's for these reasons that
the planning team recommends the Commission deny the
request to waive the Subdivision Ordinance
requirements.

Thanks.

CO-CHAIRMAN SCHAFER: Great. Thank you, Kevin.
Now, we'll go ahead and hear from the applicant.

PAT TEALEY: Do I go up here?


The applicant is here in City Hall.

PAT TEALEY: Do you still have to wear the mask?

CO-CHAIRMAN SCHAFER: You can take the mask down, please.

PAT TEALEY: Thank you.

CO-CHAIRMAN SCHAFER: Yeah.

PAT TEALEY: Fogs the glasses up.

CO-CHAIRMAN SCHAFER: Sure thing.

PAT TEALEY: Mr. Chairman, Members of the Commission, my name is Pat Tealey. Office address: 12594 Explorer. And I'm representing the client, Ms. Brinkerhoff.

We believe that -- well, the -- there's several things that cause hardship on this property. From Bloom Street to the north to State Street, there is over 2500 feet of frontage on all of the lots. There is -- there's 400 feet of improved frontage out of that 2500 feet. We have 87 feet of frontage. And being in the business for so long, we have seen time after time that ACHD builds improvements thinking that everything's the way it should be, and then they
adjust the target, and they end up taking out
improvements that they build.

      Right now, there's 200 feet of curb,
gutter, sidewalk to the north. ACHD is only -- let me
back up a little bit here, I guess. In the initial
review, the City did request curb, gutter, sidewalk,
as is normal. The staff comments from ACHD on
May 20th, Item C, Staff Comments and Recommendations,
AC -- and I'm quoting, "ACHD does not require frontage
improvements for this type of development
application." And that's out of their report of
May 20th.

      They go on to say, "If the
City" -- if -- "the City of Boise requires roadway
improvements as part of this application, the
applicant shall be required to," and then they go into
what they will require in the curb, gutter, sidewalk.
And then they go on to say after that if only sidewalk
is required by the City, then they have another
condition.

      We don't believe that -- in the interest
of just good common sense, that you don't take a
street like Collister and design it 87 feet at a time.
It's like going out to State Street and saying, "Okay.
You've got a 100 feet of frontage, put in curb,
gutter, and sidewalk." It just doesn't work. The drainage concepts have to be worked out and the street sections and driveway approaches worked out.

We think this is too much of a burden to put on this property. They have already mentioned that if curb, gutter, and sidewalk is required by the City and only by the City -- it's not required by them unless you require it -- that we'll have to maintain the drainage along that street.

Well, that drainage can come from a long ways away, and all of a sudden, our 87 feet of frontage is being required to contend with drainage that can come up to as far as -- I think 700 feet is their limit. And that -- that is quite an expense. I mean, we don't have anywhere to put it on the property. It'd take most of our property and -- to contend with this drainage anyway. If we were able to put it in a sub-surface drainage, it -- we've gone through estimates, including engineering, surveying, and construction along with having to move the irrigation ditch that's there, upwards of $50,000.

I mean, it is -- it's quite an effort. It's -- it is substantial in contradiction of what the City says in their reason for the decision, and they say it would not result in a substantial hardship. I
guess, we beg to differ in that also.

We understand that Collister is a busy street, and it does need some improvements, but it needs it on a full-scale, not just 87 feet at a time. We would prefer not to build any of it, the 87 feet. 40 feet of it is going to be a driveway approach, which we'll be required to do any way. So basically the only thing they're getting is another 40 feet.

Along with the drainage, there's a small ditch on the side that we would have to reroute, basically put in four boxes. You'd put in a diversion box, angle point, run it through the property, and bring it back into alignment. That's what causes the prices to get way out of whack for a project like this.

Given this -- and the client understands the problem out there on Collister. If the requirement for sidewalk were the only thing that the City would require, it would really mitigate our problems and expense, and it'd solve the problems of the neighborhood and the City. The comments in the staff report are basically centered around the sidewalk being the problem.

So the client would -- in the interest of safety and the neighborhood and -- would approve
building the sidewalk, but in alignment with what's out there. Right now, if we were to build the curb, gutter, sidewalk, we'd have to -- the sidewalk that comes down from the north would have to be rerouted over five feet. It doesn't match up with what -- the required improvements now, so it's really not the thing to do.

I'd stand for any questions.

CO-CHAIRMAN SCHAFER: Okay. Thank you, Mr. Tealey. We're going to hold for questions just one minute.

NEIGHBORHOOD ASSOCIATION

CO-CHAIRMAN SCHAFER: We'd like to hear from the neighborhood association first.

PAT TEALEY: Sure.

CO-CHAIRMAN SCHAFER: I believe we have a representative from the association online.

ESTER CEJA: Hello. Can you hear me?

CO-CHAIRMAN SCHAFER: We can. Hello there. Hi, Ester.

If you could start with your name and address, for the record, please.

ESTER CEJA: Yes. My name is Ester Ceja, and I reside at 3901 North Cambria Way, Boise 83703. And this evening, I am representing the Collister
Neighborhood Association. I am the Planning and Zoning board committee member.

And I would like to start out with thanking you, Chair and Committee Members, for the opportunity to provide comment on behalf of the Collister Neighborhood Association.

In reviewing the applicant information, there was some documentation indicating that the neighborhood association is opposed to curb, gutter, and sidewalks, and we wanted to provide official comment and set the record straight that the neighborhood association is not opposed to curb, gutter, and sidewalks.

Our Collister Neighborhood Association Plan speaks to sidewalks. There’s this one minor caveat, and that’s our Sycamore overlay area. And then in 2018, we did conduct a survey. It was a neighborhood, boundary-wide survey. And, you know, we have heard from residents there. There is interest in connectivity -- sidewalk connectivity throughout our neighborhood.

And so we provided -- we submitted official comment, but we did want to provide verbal comment during this timeframe.

So thank you very much.
CO-CHAIRMAN SCHAFER: Okay. Thank you for that.

We'll go ahead and bring it back to the Commission for any questions of the applicant, staff, or the neighborhood association.

COMMISSIONER STEVENS: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Stevens.

COMMISSIONER STEVENS: I just want to clarify, for the record. This is for staff.

This Minor Land Division was done in 2019 and at the time was conditioned on putting the sidewalk, gutter, and curb in; is that correct?

KEVIN HOLMES: Mr. Chair. Commissioner Stevens, that is correct.

COMMISSIONER STEVENS: Okay. Thank you.

COMMISSIONER BRATNOBER: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Bratnober.

COMMISSIONER BRATNOBER: Thanks. This question is for either staff or the applicant or maybe both.

I'm trying to understand, as I look at the layout of things in this area, why there is -- why it is so complex. It looks fairly straightforward from the way I'm looking at it. Four different irrigation boxes sounds like a lot. When I look at the area to the north, I'm assuming that same irrigation setup runs that way. And so I'm struggling to understand
the burden here. If someone could clarify, that would be beneficial.

KEVIN HOLMES: Mr. Chair, Commissioner Bratnober, if I'm understanding your question correctly, I mean the -- why the irrigation facilities are set up the way they are is kind of a tough one to answer. I don't have that information off the top of my head.

COMMISSIONER BRATNOBER: Well, I just don't see where they are and how they relate to this. I see something that looks kind of like a swale, but that's about it.

KEVIN HOLMES: Yeah. So Commissioner Bratnober, okay. Yeah. So really -- and the applicant may be able to clarify this a little bit further, too, since they've done some detailed surveying of the site, but you know, it appears that there is an open irrigation facility right in front of the property here. It does just look like a swale, and then there is a small -- we can't quite see it in this picture, but -- concrete box down there as well, just right in that corner. Hopefully that helped clarify.

COMMISSIONER BRATNOBER: Sorry. Fumbling with my mute button.

So, Mr. Chair.
CO-CHAIRMAN SCHAFER: Yeah. Please, Jim.

COMMISSIONER BRATNOBER: So I'm assuming then -- what? -- some sort of subterranean -- tiling the ditch, et cetera, et cetera, that is not acceptable here? I mean, that's quite often done. There's a connection point with the street to the south.

Again, I'm sorry I'm so dense this afternoon, but I'm just trying to understand it.

KEVIN HOLMES: Mr. Chair, Commissioner Bratnober, it might be best to direct this towards the applicant, how they would plan to do that --

COMMISSIONER BRATNOBER: Okay.

KEVIN HOLMES: -- as it sounded like they have done some detailed engineering -- or at least preliminary engineering in that regard.

COMMISSIONER BRATNOBER: Thank you.

CO-CHAIRMAN SCHAFER: Mr. Tealey, would you like to provide a little input on how you would approach the irrigation facility?

PAT TEALEY: At the -- our -- it'd be the northeast corner. Directly adjacent to the existing sidewalk there is an open box. It doesn't have a top on it. There's four pipes that come together right there to irrigate four different properties.
If we were to extend the sidewalk to the south toward State Street, it would basically be in the same -- it's pretty close to the same place as that -- what you call a swale -- there, and that is just an open irrigation ditch.

UNIDENTIFIED SPEAKER: Mm-hmm.

PAT TEALEY: So that swale would have to be changed and rerouted at the northeast corner there. You have to rout it to the west, whether it be a foot or 2 or 5 feet, we'll have to figure that out. I think ACHD would want it out of their future right-of-way. So if that were the case, it'd have to go about 10 feet to the west, so that's two boxes, and then it'd have to head to the south -- to our south property line with another box, and then redirect back out to the east to connect with the existing, open ditch so the water could proceed to the south. Does that clarify anything?

COMMISSIONER BRATNOBER: Somewhat. I'm just struggling to understand why -- you have two areas where it goes under -- it goes under a driveway and it goes under what looks like an alley or another street there to the south -- and why those aren't connection points for just basically tiling that ditch?

PAT TEALEY: The problem is if you build the
sidewalk there, that ditch will be directly adjacent
to the sidewalk, so basically you could step right off
the side -- the west side of the sidewalk into that
ditch, so we have to pipe it. And the only way to
pipe it is to direct it again like I --

COMMISSIONER BRATNOBER: Okay.

PAT TEALEY: -- like I said. The other problem
is that the ditch is so darned close to the surface,
it's -- you know, the flow line is that swale, and
it's only about a foot deep. We'd have to put it in
the -- in the boxes, we would have to basically deepen
it in a section, basically make a siphon out of the
system. The water would have to go down into a box
and come back up on the south.

COMMISSIONER BRATNOBER: All right. Thank you.

CO-CHAIRMAN SCHAFER: Any other questions from
the Commission?

COMMISSIONER MOHR: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Mohr.

COMMISSIONER MOHR: So as we go north,
that -- there's a box on the north that diverts the
drainage somewhere. As it goes north, where is that
drainage line going? Is it below the sidewalk? Is
that where it exists currently?

PAT TEALEY: I didn't understand that.
COMMISSIONER MOHR: So for -- if you've got your drainage ditch on the northern properties --

PAT TEALEY: Drainage --

COMMISSIONER MOHR: Your drainage line for the northern properties, it's already piped? Considering this --

PAT TEALEY: You mean -- do you mean the irrigation?

COMMISSIONER MOHR: Yeah.

CO-CHAIRMAN SCHAFER: I think -- yeah, I think Commissioner Mohr means the irrigation --

COMMISSIONER MOHR: Yeah, yeah --

CO-CHAIRMAN SCHAFER: Yeah.

COMMISSIONER MOHR: -- the irrigation. Yeah.

CO-CHAIRMAN SCHAFER: Mm-hmm.

COMMISSIONER MOHR: So if -- those are for the northern properties that exist underneath this -- the current sidewalk as built?

PAT TEALEY: No, that -- it's really a mess of a system. From that box, it goes at about a 30 degrees northwest into a box up on Laura Street [sic] there, and so it stays away from the sidewalk, but it is in a pipe.

Yeah. The other thing I wanted to clarify that -- if my memory serves me right, that about 10 or
11 years ago, Collister Neighborhood and ACHD were going to put together a project to do Collister the way it should be done, design it. At that time, the Neighborhood -- there was enough opposition that -- in the Neighborhood level -- that ACHD dropped the project.

Now, I understand that things have changed, and I talked with the representative, also. And I understand their want for this connectivity, but it all seems to focus around the sidewalk. And like I say, the applicant would be willing to put that sidewalk in. It'd still cause a lot of problems, but we'd lose all of the trees and bushes along the -- along Collister that screened the neighborhood -- or that screen the existing house, but we would -- we see the need for that.

COMMISSIONER FINFROCK: Mr. Chair.

CO-CHAIRMAN SCHAFFER: Commissioner Finfrock.

COMMISSIONER FINFROCK: Yeah. Question for the City.

But these were all known conditions with the prior application; is that right? We -- they knew that this was going to be an issue, but they were still required to put in the curb and the sidewalks -- the curb, gutter, sidewalk?
KEVIN HOLMES: Mr. Chair -- or and Commissioner Finfrock, yeah. That's correct. This is a standard condition with all Minor Land Divisions, if there's not frontage improvements, that they'd need to go in, so it wasn't a surprise.

COMMISSIONER FINFROCK: Thank you.

CO-CHAIRMAN SCHAFER: Okay. Last call for questions from the Commission.

All right. Very good.

PUBLIC TESTIMONY

CO-CHAIRMAN SCHAFER: We're going to go ahead and open up for public testimony.

If there's anyone online this evening here to testify on this item, please raise your hand.

Looks like no takers, and we had no one sign up in advance either.

REBUTTAL

CO-CHAIRMAN SCHAFER: So with that, we'll go ahead and return it back to the applicant.

Mr. Tealey, you do have a few minutes for rebuttal, if you have any other final comments.

PAT TEALEY: Just as a final comment, we did realize that curb, gutter, and sidewalk are requirements in Minor Land Divisions, but until you get into the design of it and what the ACHD's going to
require -- we didn't know how to react. And this is basically how we're -- you know, I guess we can offer a solution to the problem. That's building the sidewalk in the interest of the neighborhood.

CO-CHAIRMAN SCHAFER: Okay. Thank you, Mr. Tealey.

MOTIONS

CO-CHAIRMAN SCHAFER: All right. With that, I will throw this item back to the Commission.

What's the Commission's pleasure?

COMMISSIONER STEVENS: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Stevens.

COMMISSIONER STEVENS: I'd like to move that we deny SOS20-24.

CHAIRMAN STEAD: Second.

CO-CHAIRMAN SCHAFER: We've got a motion from -- a motion for denial from Commissioner Stevens and a second from Commissioner Stead.

Any discussion?

COMMISSIONER STEVENS: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Stevens.

COMMISSIONER STEVENS: You know, we get these a lot, and we are very clear, as a Commission, that this is how our Code is set up that as redevelopment occurs, this is an improvement that developers have to
make so that our City can resemble the vision that the Comprehensive Plan lays out for us.

So per the staff report, it's very clear in Section 110902-1 that these things shall be done. This is not an if, when, or, you know, where, and I don't feel that there has been a clear, compelling reason to provide -- or to grant a waiver.

With regard to the landscaping, those are not the kind -- that sort of shrub wall, if you will -- I'm sure there's a better word for it according to the landscape folks on the Commission -- but that's not the kind of mature tree that we need to be saving for sidewalk. Clearly a sidewalk is what we need to be having there to connect to the Activity Center. So I don't feel that there's been a compelling reason for a waiver, and I move to deny.

CHAIRMAN STEAD: Mr. Chair.

CO-CHAIRMAN SCHAFER: Thank you, Commissioner Stevens.

Yes, Commissioner Stead.

CHAIRMAN STEAD: I agree with Commissioner Stevens, and I wish that there were ways for us to do it that were more sweeping as the applicant suggested, but that's not always the option. And so sometimes we
do [unintelligible], but as we've seen with the city, change will come, and so we've got to start somewhere. So I agree with Commissioner Stevens and listen for the Commission.

CO-CHAIRMAN SCHAFER: Thank you, Commissioner Stead.

Any other discussion?

COMMISSIONER MOHR: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Mohr.

COMMISSIONER MOHR: I think particularly because there is sidewalk, curb, gutter on the north and then sidewalk, curb, gutters further south, having that connection just makes -- it makes sense. If it's in the Comprehensive Plan, then -- yeah, it's the right move.

CO-CHAIRMAN SCHAFER: Great. Thank you, Commissioner Mohr.

CO-CHAIRMAN SCHAFER: Any other discussion?

Just real quick. Yeah, I'm in favor of the motion as well, per the comments already mentioned from Commissioner Stevens and Stead and Mohr. It's how the City's improved, and I understand it is sometimes complicated and can be costly, but I think that's sort of the cost of doing business. And that's how the city improves.
And I think additionally, you know, this was a known condition going back to the minor land development [sic] back in 2019, so this is not a surprise by any means. So I think in fairness to other applicants and being consistent with how we apply the Code and our conditions, I see no reason to not support this motion.

ROLL CALL

CO-CHAIRMAN SCHAFER: So with that, I'm going to go ahead and have the clerk call the vote.

We have a motion to deny SOS20-24 from Commissioner Stevens and a second from Commissioner Stead.

THE CLERK: Stead.

CHAIRMAN STEAD: [Unintelligible].

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.

THE CLERK: Schafer.

CO-CHAIRMAN SCHAFER: Aye.

THE CLERK: Mohr.

COMMISSIONER MOHR: Aye.

THE CLERK: Stevens.

COMMISSIONER STEVENS: Aye.

THE CLERK: Finfrock.

COMMISSIONER FINFROCK: Aye.
THE CLERK: Bratnober.

COMMISSIONER BRATNOBER: Aye.

THE CLERK: All in favor. Motion carries.

(End transcription at 1:03:31 of audio file.)

-o0o-
CAR20-00011 / Energreen Development Company LLC
1511 S Robert St
Rezone of 0.23 acres from C-2D (General Commercial with Design Review) to R-OD/DA (Residential Office with Design Review and Development Agreement). David Moser

CVA20-00034 / Energreen Development Company LLC
1511 S Robert St
Variance to encroach the side setbacks associated with a four-story residential building containing 16 dwelling units. David Moser

RESULT: RECOMMENDED APPROVAL (CAR20-00011) and APPROVED (CVA20-00034) [UNANIMOUS]

MOVER: Janelle Finfrock, Commissioner
SECONDER: Jennifer Stevens, Commissioner
AYES: Mohr, Stevens, Finfrock, Bratnober, Stead, Schafer
ABSENT: Ashley Squyres, Christopher S Blanchard, Milt Gillespie

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

IN RE: )
CAR20-00011 / ENERGREEN DEVELOPMENT )
COMPANY LLC )
and )
CVA20-00034 / ENERGREEN DEVELOPMENT )
COMPANY LLC )
1511 South Robert Street )

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TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, SEPTEMBER 21, 2020

COMMISSIONERS PRESENT:
MEREDITH STEAD, CHAIR
BOB SCHAFER, CO-CHAIR
JENNIFER MOHR
JENNIFER STEVENS
JANELLE FINFROCK
JIM BRATNOBER

TRANSCRIBED BY:
VICTORIA HILLES
INTRODUCTION

CO-CHAIRMAN SCHAFER: And we'll move on to Item No. 2 this evening, CAR20-11 and CVA20-34, at 1511 South Robert Street. This is a rezone and a variance request.

And representing staff would be David Moser.

DAVID MOSER: Thank you, Mr. Chair, Members of the Commission.

The applicant is requesting a rezone of 0.23 acres from C-2D, General Commercial with Design Review, to R-OD, Residential Office with Design Review and a Development Agreement, located at 1115 South Robert Street. A variance to encroach into the side setback associated with a four-story residential building containing 16 dwelling units is also included. Please note that residential uses including multi-family are allowed in the proposed R-0 zone. As such, the only application being requested by the applicant tonight is for -- is the rezone to R-0 and the variance for the balconies to encroach into the side setback.

The subject property, as you can see here
on the slide, is currently vacant and located one block off of Vista Avenue along Robert Street. It is located within a Community Activity Center at the intersection of Vista Avenue and Overland -- Overland Road in the -- which includes a mix of commercial, office, and residential uses within that Activity Center. I would also note that there are residential houses along Robert Street to the south of the property. This aerial photograph's a little old, but those houses would be located right about here.

Also, the applicant submitted revised site and landscape plans, building elevations, floor plans, and a 3-D rendering, which were sent to the Commission as late correspondence. I apologize for that -- the Commission not being able to get it, but they are just revised plans showing minor corrections to the elevations, the renderings, and the site plan. The revised site plan shows the balconies encroaching 1.5 feet into the side setback -- side yard setback and thereby maintaining a 2-foot setback from the property line.

As you can see from the Land Use Designation Map and the Zoning Map here, the property is located in a Mixed-Use Land Use designation and currently zoned C-2. The property adjacent to the
north, south, and west are zoned C-2. Abutting the subject property is a parking lot and a single-story commercial building to the north and south respectively. And also to the west are commercial buildings along Vista Avenue.

The area to the east across Robert Street is zoned Office and comprised of three-story office buildings, churches, and some single-family residential along Robert Street to the south.

The subject property is designated Mixed-Use on the Land Use Map. And as stated in the Blueprint Boise, the intent of this Land Use designation is to provide a foundation for Community Activity Center development. This goal is consistent with the intent of the R-O zone, which is designed to facilitate mixed-use developments and provide higher-density, residential uses with an emphasis on high-quality urban design.

To support these goals, most of the zoning districts are permissible in this Land Use -- Mixed-Use Land Use designation. However, due to its location, most of the districts would allow development that would be considered underutilization of the site or just not appropriate given the context of the neighborhood.
However, the more acceptable zones, such as the R-3, C-2, PC would be allowed here, including the R-O zone, but I would note that the R-O zone, which allows for higher density and promotes more pedestrian-friendly uses and designs -- this would be considered the best zone for the rezone of the site.

Also, there are two Valley Regional Transit routes and bus stops in close proximity to the site. The associated bus stops for the Vista Route 3 and Overland Route 28 are located approximately 300 feet to the southwest, at the intersection of these two roadways. And development of high-density residential adjacent to transit routes is supported by the Comprehensive Plan.

A Development Agreement was included, and the Development Agreement limits the project density to a maximum of 16 units and the building height to 45 feet. These limitations to density and building height will ensure the project is compatible with the adjacent offices and residential neighborhood to the west.

A variance -- the applicant is requesting a variance for the balconies on the north and south side of the building to cantilever 5-and-a-half feet into the required setback. However, the main building
will comply with the required setbacks of the R-O zone -- well, the proposed R-O zone -- and include -- which includes a 7-and-a-half foot setback from each property line for a total combined of 15 feet.

There is an exceptional circumstance that justifies these variances, in that the C-2 zoning for the subject property and the surrounding neighborhood would allow for similar building size and mass with a zero side yard setback. As such, the proposed balcony encroachments are consistent with the adjacent properties and their future anticipated development.

Also, to accommodate the anticipated higher densities on this 0.23-acre parcel, the balcony encroachments would provide more usable open space and more usable living space within the dwelling units.

The planning team did receive two letters of opposition. The main concerns expressed within these letters are the impacts associated from increased traffic, density, and parking from the project. And I would note ACHD stated that there is capacity on the adjacent roadway to support the rezone, and most of the traffic would be using the alley. The site provided -- provides compliant parking as per the Development Code, which is 32
parking spaces, and it does include car lifts.

And finally, the proposed density associated with the R-O zone is encouraged and promoted in this location by the Comprehensive Plan since it is within a Community Activity Center and along public transit routes. So in summary, the rezone of the variance will comply with all the required findings as per Code.

The planning team recommends approval of the requested rezone to R-O and the variance for the balconies encroaching the side setback.

Thank you.

CO-CHAIRMAN SCHAFER: Thank you, David.

Okay. We'll go ahead and hear from the applicant. And I believe -- I think Ben is online; yeah?

DAVID MOSER: Yep.

CO-CHAIRMAN SCHAFER: Yep. Now there you are.

Hello, Ben.

BEN SEMPLE: Hi, Mr. Chairman, Members of the Commission. Ben Semple. 1014 South La Pointe Street, Suite 3, Boise, Idaho 83706.

I want to thank David for his presentation. I think he did a great job kind of outlining what the project entails.
First and foremost, we are in agreement with the staff report and all of the associated terms and conditions of approval.

As Mr. Moser stated, this is a rezone of the property from C-2D to R-OD. We still would retain the Design Review overlay. We are also going to enter into a Development Agreement with the City, which would cap the number of units on the property to 16. There would be a higher density allowed within R-O, but in discussions with City planning staff, they felt that 16 units was appropriate.

And just as a note, the C-2 zone would have allowed up to 10 residential units here, as well as a building that had 0-foot setbacks from both sides. Still would include the 10-foot setback from the front.

I am going to share my screen, just to walk through a little bit more.

Mr. Moser did present this site plan. This is the revised site plan showing the building mass. The stair tower, the lobby, and the elevator tower are set to the 10-foot setback. That's the required setback of not only the C-2 but the R-O zone off of the front. We exceed the rear setback.

All traffic would enter in off of an alley
into the parking area below the building. There are

two parking spaces exterior to the building, but

pretty heavily screened with landscaping.

The building, while it is four stories,

the upper story is set back an additional -- about

11 feet from the main building wall, which is here, to

provide some additional articulation, as well as pull

that height back. We're 45 feet to the peak of our

sloped roof. Typically, you'd measure that to the

center line of that -- of the pitched roof. And about

a block away from here is the Gem Center For the Arts.

I actually contacted the building maintenance

individual there. He had the original blueprints from

that building, and the -- that building's at 40 feet

to the parapet wall. And then there's another

commercial building directly across Bank Drive from

that. That is essentially the same building at

40 feet.

As Mr. Moser stated, this is in a

Neighborhood Activity Center. We are proposing one

bedroom, one-and-a-half bed or bathroom units. This

would be the first-floor parking stair tower on the

rear and front for ingress, egress per Fire Code, the

entry lobby and elevator, and the mechanical and fire

sprinkler room, because this will be fire sprinkled.
The first level of the building has a residential unit, so technically the second floor of the building. Six units, all of them have very substantial balconies that come off of them to provide some good, usable outdoor area. Those do encroach up to 2 feet from the property line. We’re still going through some designs where those may end up further from the property line, but that is, you know, again, well below any C-2 zoning, as well as it provides for that articulation along the sides.

The third floor is the same. And then the fourth floor -- as discussed, the main building wall’s pulled back further. That allows for some rooftop patios for those individuals. The stair towers and elevators open up onto an open walkway from that balcony into the interior hallway. We do have some elevations of those.

These are the revised elevations that were submitted to the City and made it into the late correspondence package. This would be the rear of the west elevation off of the alley, this is the entry into the parking garage, this is the front elevation off of Robert Street, and then south and north elevations. North fronts on a parking lot associated with the Wells Fargo bank on Bank Drive, and then the
south faces a commercial building that is currently constructed there.

In looking at the three-dimensional model, this would be the Robert Street frontage. This is the elevator tower, the mechanical room, and fire riser room. And then the stair tower's on this side. And as you can see, those balconies -- and we do have some awnings over the upper balcony, just to provide weather protection on those, but those provide a lot of visual interest and that shadowing that Design Review looks for. Again, we will be going through a Design Review of this project, as well.

This would be the north elevation. Again, looking from kind of the northeast. This is -- see, this would be the north elevation. This is the northwest -- excuse me -- northwest elevation, again the stair tower on the back, southwest elevation, and the south elevation. And this is just a rooftop showing the exterior rooftop balconies for the associated upper level units.

And to clarify, these are condominium units, so they will be for sale after the building is constructed of -- a condo plat will be processed through the City and the County to establish these as condos, so they will be for sale. This is not an
apartment building. The Development Agreement and Design Review will definitely ensure that we're meeting all the design standards of the City.

And we feel like this extensive landscaping that we're putting in here -- you know, the entry here will have some bike racks and the mailbox cluster out front. Kind of a small plaza, if you will, out front here keeps it very pedestrian-oriented. We exceed the landscape requirements for the frontage along here with multiple deciduous shade trees, as well as some evergreen trees, shrubs, and perennials -- flowering perennials.

Trash service will be provided in an enclosure off the alley. We are dedicating an additional 1-foot of right-of-way off the alley per ACHD staff report and their request.

As David stated, we have 16 surface parking spaces. We -- the owner will be installing car lifts, so that -- that gets that parking count to 32, which far exceeds the parking requirement for a structure with this many units in it, especially when considering the adjacent transit lines that are available; proximity to services, such as grocery, offices, retail, you know, employment opportunities.

And so for that reason, we definitely feel
like this is a great addition to the neighborhood. It
does introduce another residential housing type.
Obviously Boise's looking for different housing types.
There are some single-family residences on this
street, and then -- as well as further to the east,
there is a residential neighborhood. But obviously
that, you know, intersection of Overland and Vista's
very busy and really high intensity use. So we feel
like introducing this new housing type provides for,
you know, individuals that want condominium living
close to downtown and close to services that's in a
very high-quality building.

The developer of this building is also the
same developer that developed the River Street condo
project on 15th and River, as well as currently under
construction is a project in the River District of
Garden City, a river-front district down there off of
36th.

And with that, I would stand for
questions.

CO-CHAIRMAN SCHAFER: Okay. Thank you, Ben.

NEIGHBORHOOD ASSOCIATION

CO-CHAIRMAN SCHAFER: Before we go to questions,
we'll see if we have a representative from the Depot
Bench Neighborhood Association in attendance.
And it looks like maybe we do not have anybody representing the Depot Bench Neighborhood Association.

So with that, we will go ahead and open up for questions from the Commission.

COMMISSIONER FINFROCK: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Finfrock.

COMMISSIONER FINFROCK: There -- question for the City.

Are there any amenities that are required for these types of builds?

DAVID MOSER: Mr. Chair, Members of the Commission, since it's not a planned-unit development overlooking -- it's -- the multi-family's just allowed. Certain amenities -- there are no specific amenities required for this particular build, although they are providing the outdoor space within -- you know, within the balconies.

COMMISSIONER FINFROCK: Mr. Chair.

One more question for the City.


COMMISSIONER FINFROCK: Okay. Thank you.

As far as Blueprint Boise's definition of high-quality, urban design, how does the City define high-quality, urban design when looking at these
applications?

DAVID MOSER: Mr. Chair, Members of the Commission, the high-quality, urban design, I think, is things that are more -- I think we would look at basically the Design Review guideline standards that -- and the quality -- or the criteria for articulation, fenestration, things of that nature within those guidelines as a place to start on what would be good-quality, urban design.

A lot of that, though, I try to leave to the Design Review planners as much as possible, but we tried -- but when I'm looking at this, I try to work with the applicant to get, you know, the building in the right place and the footprint right -- you know, it -- right where it should be and where we want it to be and the landscaping where we want it to be and then leave the -- sort of the details on high-quality -- on materials, things of that nature, to be worked out at Design Review itself.

But we look at those Design Review guideline standards as a reference on what would define that.

COMMISSIONER FINFROCK: Thank you.

COMMISSIONER STEVENS: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Stevens.
COMMISSIONER STEVENS: I have a question for you, David, too.

So I noticed that the sidewalk that the City recommends that we require is on the alley, and I was curious why and then, also, if it's attached or detached. Or maybe I'm reading it wrong, but that's what I thought I read.

DAVID MOSER: Mr. Chair, Members of the Commission, the sidewalk is actually along Robert Street, and it is attached --

COMMISSIONER STEVENS: Okay.

DAVID MOSER: -- attached sidewalk, which would match the existing sidewalk along that local street. There is no sidewalk improvements along the alley itself --

COMMISSIONER STEVENS: Okay.

DAVID MOSER: -- not that I --

COMMISSIONER STEVENS: Thanks.

Under No. 6, it was sort of written in a way that made me think that the sidewalk was in the alley, and I thought that was strange. So thank you. And so it is attached; is that what you said?

DAVID MOSER: That is correct.

COMMISSIONER STEVENS: Okay. Thank you.
CO-CHAIRMAN SCHAFER: Any other questions from the Commission?

COMMISSIONER MOHR: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Mohr.

COMMISSIONER MOHR: And this is a question for staff.

So in granting this variance, you have -- if my understanding's correct, you'd have about 2 feet to the property line from the balconies. Would that -- where the property to the north, which is a parking lot now -- to develop in a similar way -- would it -- they be restricted in any way because of this variance -- because of the location of those balconies?

DAVID MOSER: Mr. Chair, Members of the Commission, the property line -- if you take the -- say, the properties to the north, which is currently a parking lot -- if they develop, they would have to provide a minimum 5-foot setback off of their -- off of their property line, because this is now a residential use, and the Code requires that for it.

I don't see the encroachment of a 2-foot setback -- or proposed 2-foot setback for the balconies hindering any future development to the
north, since they would also have to provide an
additional setback now because of the -- because of
the proposed residential.

COMMISSIONER MOHR: Thank you.

CO-CHAIRMAN SCHAFER: Okay. Last call for
questions.

All right. Very good. Thanks, everybody.

PUBLIC TESTIMONY

CO-CHAIRMAN SCHAFER: We'll go ahead and open
this up now for public testimony. We had a few folks
sign up ahead of time. I have Mike Divittorio, Matt
Wigglesworth, Amanda Corleone, and Tammy Martin signed
up.

We'll start -- I see a couple of those
names online, so we'll start with Mike Divittorio.

I see your hand is raised. Mike, if you
can --

MIKE DIVITTORIO: Hello. Can you hear me?

CO-CHAIRMAN SCHAFER: We can. If you could
start with your name and address, you'll have --

MIKE DIVITTORIO: My name's Mike Divittorio. I
live at 925 Parkhill Court in Boise. And I just
wanted to read a little statement that I provided a
little bit late to the City staff. I'd like to
express my support for the rezone.
I am a -- I own a property at -- across the street on Vista, but across Vista at 2 Juniper, so it's almost directly across Vista. I own that and a number of other properties in town that I operate as rentals. I also do small-scale development, but I've lost my appetite to do a lot more development now, and because of the lack of affordable building sites, neighborhood resistance, and all the other costs associated with infill.

So in support of this and other projects that are worthy that will provide more affordable and available housing stock, let me make the following points: We have a very severe housing shortage in Boise. It's leading to rising rents and rising home values with incomes rising very modestly. We've seen rents and home prices increase by 50–plus percent in the last five years.

Members of our community are being priced out of the market and forced to move away from Boise. Most are choosing to stay in the Treasure Valley, and they're becoming longer-range commuters. Based on the current trajectory, many of the children in our Boise school system will not be able to afford to live in Boise when they graduate from high school and college. So I ask you to contemplate that for the future.
And then the second point is I think our Comp Plan is outdated. I think our overly restrictive zoning regulations and outdated parking requirements make intense development very costly, risky, time-intensive, and difficult to justify as a developer. So if you deny applications like this one, there will be a continuing decline in developer interest in producing housing that the city so desperately needs.

So I'll end by saying, "Let's make room for more Boiseans to remain in Boise by doing the following: approve this application and increase housing supply, especially in locations where it makes sense like this one, which is by a neighborhood center and a transit corridor. We need to reduce the barriers for intense development and redevelopment activity where it makes sense like this.

We should consider providing incentives to developers. We should be asking developers to produce good products like this one. And lastly, our parking requirements, while they are Code, are very outdated, and they just beget more people in cars rather than incenting people to consider walking, riding, or taking public transit."

THE CLERK: Time.
MIKE DIVITTORIO: Thank you.

CO-CHAIRMAN SCHAFER: Thank you, Mike.

Okay. We also had Matt Wigglesworth signed up in advance.

Matt, are you online?

Okay. I see no hands up.

Moving down the list, we have Amanda Corleone. Is Amanda online?

I see no hands up.

Move on down to Tammy Martin.

Tammy, are you online?

CÉLINE ACORD: Mr. Chair, I believe these folks might have signed up for the wrong item.

CO-CHAIRMAN SCHAFER: Oh, okay. Very good.

CÉLINE ACORD: But they were on this item, so we left them on the list --

CO-CHAIRMAN SCHAFER: Got you.

CÉLINE ACORD: -- just in case.

CO-CHAIRMAN SCHAFER: Got you. Okay. Thank you, staff.

All right. Is there anybody else online that would like to speak this evening?

I see a hand up for Tracy -- excuse me -- Tracy Battistoni.

I apologize, Tracy. Go ahead and un-mute,
and you'll have -- your name and address first, please, and then three minutes for testimony.

STEVE BATTISTONI: Okay. I'm sorry. This is -- my name is actually Steve [phonetic] Battistoni. The Zoom account was my wife's, Tracy. So Steve Battistoni. 1526 South Robert.

Are you able to hear me?

CO-CHAIRMAN SCHAFER: Yeah, we are. Yeah, we can hear you. Thank you, Steve. Go ahead.

STEVE BATTISTONI: Real quick. Thanks a lot for your time.

I just have some quick things. I'm kind of in opposition to this. I went to the pre-meeting with -- that Ben -- something Ben had before. I think it's too tall for the area. I mean, if you -- I'd like to see the 3-D rendering with the actual building of the little massage parlor and stuff next to it, because I think those balconies are going to be -- you can just pretty much step over to the top of that other building. You're going to -- and that building's going to just look huge.

I don't know if there's any issues in regards -- I saw that there's 14 spots, it looks like, and the spots outside. And I don't know if there's handicap issues with that building or if some of those
spots are going to get eaten up without any handicapped spots.

I don't -- my overall opinion of it is I think it's just too big. I don't think it's a common-sized building for that area. There's a building on the backside that's a little bit bigger. There's a bank down the street at the end of the block. I think the density's maybe a little bit too heavy for right there.

That's ultimately my step, and I think I talked to somebody else maybe about, like, the alley entrance and stuff, you know. And somebody else may speak to that as far as like -- is the City going to be taking on the clearing that alley out, because I don't believe they clear the alleys out right now for snow or anything. [Unintelligible]. And who's going to take that on if that's the case? If the City's taking that on, are they going to clean my alley out all day, too, every day that it's snowing?

Ultimately, like I said, my biggest -- I don't have a problem with them putting in some item over there or putting some and some building over there. I just think this one's too big. And when you put in there and you actually had the buildings to scale next to that 3-D model, I think it'd be easy to
see this building is just going to dwarf these.

Like I said before at the other meeting, I think it's like putting a monster truck next to a regular pick-up truck, and you're going to see how out of place it might look. And 45 feet just seems to be high.

So that's all I have to say. Thank you very much for your time and listening to me.

CO-CHAIRMAN SCHAFER: Okay. Thank you, Steve.

Okay. I have a hand up for Paula Glen.

PAULA GLEN: Can you hear me?

CO-CHAIRMAN SCHAFER: We can. Hi, Paula.

PAULA GLEN: Oh.

CO-CHAIRMAN SCHAFER: If you can start with your name and address, please. Then you'll have three minutes.

PAULA GLEN: Sure. It's 1532 South Robert. And I did send a letter. I have some concerns.

Again, like Steve, I think that this is too large for the area. I understand that, you know, development is -- you know, it's needed and that we need some more housing. I question whether or not we need this dense of housing. 14 spaces are really a -- parking spaces. And I think the creative solution for the parking, putting in lifts, is an
interesting prospect. I don't think it's realistic. And therefore, I'm kind of concerned where all these cars are going to park.

Again, like Steve, I'm trying to figure out -- in the alleyway, who's going to be clearing that, because I have an alleyway into my driveway as well, and I have to clear that. Nobody else clears that. So the turning radius is going to be pretty tight coming in and out of the alley.

The other question I have is -- I know that they were talking about affordable housing. We haven't really seen what the prospect -- the proposed cost of these units is going to be, and I don't think it's realistic to assume that these are going to be purchased by people who live in Boise. I see that there's a housing shortage at the university and that these could potentially be investment properties used for that purpose. And I know some people who are supporting it are -- purchased for investment properties as well.

I mean, I'm a homeowner. I'm not into it for an investment. I'm trying -- not trying to make money off of my house and rent it out to -- and flip it, that type of stuff.

So there's -- those are some of my
concerns. I just think it's way too large. I think it's, you know -- and if the person next-door on the south side, where it's not a parking lot, chooses to build one of these as well -- kind of concerned as to, you know -- the look and feel of the neighborhood is going to become apartment complexes. Even though it's a condo, there's nothing stopping someone from buying them and renting them out.

So that's kind of where I'm -- you know, I'm opposed to something this large here. I think you could satisfy some requirement for additional housing without going quite this large.

CO-CHAIRMAN SCHAFER: Okay. Thank you, Paula.

Do we have anyone else online that would like to testify this evening on this item?

Okay. I see no more hands raised.

REBUTTAL

CO-CHAIRMAN SCHAFER: So with that, we'll go ahead and return this back to the applicant. The applicant has a few minutes for rebuttal.

So, Ben, maybe we'll start with five minutes. Will that do it for you?

BEN SEMPLE: Oh, yeah. That'll be great.

Mr. Chairman, Members of the Commission, just to address a couple concerns there. One, for
Design Review, there was a question about, you know, high-quality urban design. We did receive some initial feedback from the Design Review staff during the pre-application process, so we've worked to kind of accommodate some of those Code requirements for the, you know, articulation or modulation of the facade, as well as looking at different materials.

Again, the developer of this project does very high-quality projects. He doesn't -- he built -- it's an insulated concrete form construction. So not only is it very high-quality, but it is very long lasting. Essentially, there's no sound transmission from unit to unit, and the buildings last a very long time. He uses very highly efficient HVAC and, you know, other mechanical systems on this, as well. So in terms of high-quality, I don't know if you can get much higher quality for this.

The -- in terms of the setback -- so on the north, as was discussed, is a parking lot. This property actually used to be a residential use prior to becoming vacant, so the property to the south, that commercial building, is also set back 5 feet. So there will be essentially 12-and-a-half feet from building wall to building wall with, you know, maybe a 5-foot encroachment or 5-and-a-half foot encroachment.
of that balcony into our setback, which still provides
up to 7 feet, if not more, from the building -- the
existing commercial building to the south to the edge
of the balcony, coupled with extensive landscaping.
And there's limited windows on that north side of that
commercial building.

The uses are -- as was discussed, I think
there is a massage parlor there. There's also a
recording studio that operates typically later in the
evenings. I actually know one of the owners of that.

The alley is ACHD responsibility. We are
dedicating additional right-of-way. We have to pave
that additional right-of-way. There's also a parking
lot associated with the hockey building directly to
the west that you could essentially make a straight
shot from Vista, through their parking lot, and into
this parking area associated with this, which there is
16 parking spaces.

Let's see. There will be an HOA. So if
there is any issues with the alley maintenance or
clearing of the alley or access into the parking area,
that's going to be addressed by an HOA. There will be
a fee collected for maintenance and upkeep.

The building, while it is 45 feet to the
peak, that roof is set back, again, with that fourth
story being a little bit set back from the front and rear. That's to the peak of that roof, so we're probably 2-and-a-half to 3 feet below that -- to the midline of that sloped roof.

If this was to remain commercial zoning, there could be a 45-foot tall building built there right now with 0-foot setbacks. That's allowed in the C-2 zone. So because this is a residential structure, it's set further back, it has a lot more residential treatment to it. We feel it's very appropriate for this area, especially because of the higher intensive uses along Vista and Overland.

The existing single-family that does exist along Robert Street is in a Light Office district actually, not a residential zone. And while we can't guess at how the other lots in this -- along this street are going to develop, I would assume it will be a mix of residential and commercial buildings in the future.

In terms of rentals -- you know, this -- the developer is going to place these for sale. He may end up restricting what can be rented out or not with the CC&R's. There will be CC&R's, because there's an HOA. But typically you can't restrict if someone wants to rent out a property that
they buy. A lot of single-family residential that's built right now is purchased by investment, you know, people from out of state or in state. You know, whether or not that's student -- it's not a student housing project, and it's not an apartment project. I guess that's what it boils down to.

And again, we're just really excited about the project. Look forward to bringing it to Boise. And with that, I'd stand for more questions.

CO-CHAIRMAN SCHAFER: Okay. Thank you, Ben.

MOTIONS

CO-CHAIRMAN SCHAFER: And I think with that, we will go ahead and bring this item back before the Commission.

Two items in front of us right now, CAR20-11 and CVA20-34.

What is the Commission's pleasure?

COMMISSIONER FINFROCK: Mr. Chair.

COMMISSIONER STEVENS: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Finfrock.

COMMISSIONER STEVENS: Go ahead, Ms. -- Yeah, Finfrock. Go for it.

COMMISSIONER FINFROCK: I recommend approval of CAR20-11 and -- and like -- let me see. Sorry. I actually believe it's -- and move for CVA20-34 along
with the recommended and standard conditions of
approval.

COMMISSIONER STEVENS: Second.

CO-CHAIRMAN SCHAFER: Got a motion for approval
of CAR20-11 and CVA20-34.

Any discussion on the item?

COMMISSIONER FINFROCK: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Finfrock.

COMMISSIONER FINFROCK: So just kind of a
[unintelligible] of things. The variance to encroach
into the side setbacks shouldn't be an issue because
of the adjacent properties that are mostly commercial.
The site is Mixed-Use on the Land Map, which allows
for the R-O zone and rezone.

The applicant is not requesting a parking
reduction, so parking is sufficient, and I think the
density is appropriate because of its location near
the transit and the activity center. So I think that
this application is a good one for this area. And
like they said, there's been some high-quality urban
design that's gone into this site, and I think they've
done a good job at trying to meet Blueprint Boise's
goals.

COMMISSIONER STEVENS: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Stevens.
COMMISSIONER STEVENS: I thank Commissioner Finfrock. I agree with everything she said. I want to add a few other things, because I'm only going to have a couple more opportunities to get on my soapbox about this.

So I just want to restate how important it is to have rentals in our market, and I strongly urge the developer not to encourage their HOA to implement CC&Rs that would restrict that. It's critically important that we have vibrant neighborhoods that include both renters as well as owners. It's how we build our neighborhoods, it's how we make them vibrant, and it's how we build our City.

And we welcome every kind of person, every income person, every race, every -- everybody. We've all been renters. I can't imagine there's anybody on this call who wasn't a renter at some point in their life.

And if you were, well, then you are a very unique human being.

So I just want to get on my soapbox about that. I agree with everything Commissioner Finfrock said. I also think that this is a very creative solution with regard to parking in this area.

And I just want to make a point that there
was never a statement that this was going to be affordable housing, so I don't want anybody on the call and in the public and on the record to think that any of the Commissioners think that this is an affordable housing project. I think when that statement gets made or when the language gets used, oftentimes people mean that there are going to be a range of options in the city.

And these are one-bedroom units, which means they will sell for less, presumably, than, you know, a single-family home on a quarter acre. And so that is more affordable for some people than a family of four who wants to buy a single-family home on acreage inside the City.

So, you know, I think it's very important that we have a mix of stock and that we have a mix of people in our city to create vibrant neighborhoods. So I strongly support the project. I think it's very creative. I think it is totally appropriate, if not perfect, for this location, and I thank Mr. Semple and his client for bringing it forward.

CO-CHAIRMAN SCHAFER: Thank you, Commissioner Stevens.

COMMISSIONER MOHR: Mr. Chair.

CO-CHAIRMAN SCHAFER: Commissioner Mohr.
COMMISSIONER MOHR: I also wanted to add onto that and speak on the height requirements and the height restrictions on this. You know, in the L-O zone, the C-2 zone, the max height is 45 feet and then in the R-1C zone, which is most of that single-family housing, the max height is 35 feet. So it's proposed as 45 feet as the max height. That is actually setback, as well.

So it fits in the zone guidelines in terms of dimensions, especially because it has been limited to height, as well. I think it fits well for density in...

CO-CHAIRMAN SCHAFER: Thank you, Commissioner Mohr.

Any other comments from the Commission?

Okay. I'm going to chime in real quick. I'm going to fully -- I fully support the project, as well. I think all the comments from my fellow Commissioners hit the nail on the head. I think it's a great fit for this neighborhood, a great fit for the area, and -- to continue to see increased revitalization of that neighborhood.

So I think it's a win all the way around. It meets the DA, the applicant is in agreement with the conditions in the report, and then your colleagues
in DR will also get a chance to take a look at it and
see -- and further refine the project through the
Design Review process.

I understand the concerns that were
brought forward during the public testimony, but I
think that in this area, you know, more density is
going to be needed, as we move further down the road
and more people continue to move here. So I think,
again, with this being a Neighborhood Activity Center,
this is a great fit for the area.

So with that, we have a motion to
recommend approval to City Council of CAR20-11 and a
motion for approval of CVA20-34.

ROLL CALL

CO-CHAIRMAN SCHAFER: Will the clerk please call
the vote.

THE CLERK: Stead.

CHAIRMAN STEAD: Aye.

THE CLERK: Schafer.

CO-CHAIRMAN SCHAFER: Aye.

THE CLERK: Mohr.

COMMISSIONER MOHR: Aye.

THE CLERK: Stevens.

COMMISSIONER STEVENS: Aye.

THE CLERK: Finfrock.
COMMISSIONER FINFROCK: Aye.

THE CLERK: Bratnober.

COMMISSIONER BRATNOBER: Aye.

THE CLERK: All in favor. Motion carries.

(End transcription at 1:44:18 of audio file.)

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V. ADJOURNMENT