



PLANNING AND DEVELOPMENT SERVICES

MAYOR: Lauren McLean | DIRECTOR: Tim Keane

February 8, 2024

Deirdra Parker
Lombard Conrad Architects
472 W Washington St
Boise, ID 83702
dparker@lcarch.com
(sent via email)

Re: CAR23-00020 & CUP23-00057 / 902 N 8th St

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a conditional use permit for a parking reduction and height exception on 0.65 acres located at 902 N 8th Street in an R-OHD/DA (Residential Office with Historic Design Review and Development Agreement) zone. A modification to the development agreement to change the allowed uses and site plan is also included.

The Boise City Planning and Zoning Commission, at their hearing of **February 5, 2024**, **approved** your conditional use request, based on compliance with the attached Reason for the Decision and Conditions of Approval.

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

1. This conditional use approval will not take effect until after the appeal period has lapsed.
2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the hearing date. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at: cityofboise.org/pds-appeal.
3. All appeals of this conditional use permit must be filed by **5:00 P.M., on February 15, 2024**.
4. If this Conditional Use Permit is not acted upon within two (2) years, it will become null and void without further notification from this Department.

This letter constitutes your Conditional Use Permit.

The Boise City Planning and Zoning Commission, at their meeting on **February 5, 2024**, **recommended approval** of the DA Modification request to the Mayor and Boise City Council based on the attached Reason for the Decision.

This application will be considered by the Boise City Council to establish a public hearing date. You will be notified of the established hearing date.

Questions can be directed to me, David Moser, at (208) 608-7087 or DMoser@cityofboise.org.

Sincerely,



David Moser
Senior Planner, Planning and Zoning
Boise City Planning and Development Services

DM/nn

cc: Chuck Lawrence / Roman Catholic Diocese of Boise / clawrence@rcdb.org
Deborah Nelson / Givens Pursley, LLC / den@givenspursley.com
Erik Hagen / North End Neighborhood Association / NENA.PandZ@gmail.com

The City of Boise Planning and Development Services Department acknowledges the ancestral, cultural, traditional, and unceded territory of the Shoshone, Bannock, and Northern Paiute people on which our land use and development decisions are made.



REASON FOR THE DECISION

Development Agreement Modification

The Development Agreement Modification meets the approval criteria of BCC 11-03-04.2C(7) (Development Agreement). It is consistent with *Blueprint Boise* since the office is an allowed use in the zone and is specifically allowed in the existing DA. It supports development of compact and walkable projects adjacent to public transit (*Policies ES 1.4* and *CC 9.1(a)*). Providing employment opportunities (i.e. office use) close to the residential neighborhood is beneficial to the general population and community and in the best interest of the public. The DA modification is compatible with surrounding zoning and development and the building design is similar and compatible with the surrounding neighborhood.

Conditional Use

The height exception and parking reduction is consistent with the approval criteria of BCC 11-03-04.6.C(7)(a) (Conditional Use Permit). It is compatible with the surrounding neighborhood and those uses reasonably expected to develop. This area and subject property have historically contained commercial uses comprised of taller buildings. The surrounding residential neighborhood contains multistory buildings which includes a seven-story building adjacent to the northeast. It will not adversely impact adjacent properties. The project design locates the taller portion of the building along the street frontage, which stepped the tall portion of the building away from the adjacent residential neighborhood. With the requested height exception and parking reduction, the site is large enough to accommodate the proposed use. In addition, the development is near the downtown area and adjacent to public transit which supports the parking reduction. Additional onsite parking will be provided during Diocese related events that on site. Comments from public agencies also confirm the project will not place an undue burden on the transportation system or other infrastructure in the neighborhood. ACHD stated within their project report that there is traffic capacity on the adjacent roads to support the project. It is in compliance with the goals and policies of the Comprehensive Plan. The project will improve the streetscape on Fort Street and 8th Street (*Principle GDP-N.5*). The proposed building setbacks are complementary to the adjacent commercial uses (*Principle IDP-N.2*). Goal NE-CCN 2 supports additional employment opportunities that serve the North End. The project is an office that provides a commercial use on the edge of the North End Neighborhood.

CONDITIONS OF APPROVAL

Site Specific

1. Compliance with the plans and specifications submitted to and on file in the Planning and Development Services Department date received **September 20, 2023**, revised basement floor plan dated **November 16, 2023**, and an additional letter of explanation dated **January 22, 2024**, except as expressly modified by the following conditions:



2. The applicant shall obtain approval of a Certificate of Appropriateness (DRH23-00329).
3. Provide a recorded copy of the shared parking agreement to the City of Boise prior to issuance of building permits.
4. The applicant shall install 16 bike parking spaces onsite.
5. Provide a copy of the recorded easement for the backspace along Cunningham Place prior to issuance of building permits or adjust the project design.
6. Install directional signage indicating the location of the shared parking lot onsite.

Development Agreement

7. The following Development Agreement requirements shall be met:
 - a. Within one year of the date City Council approves the Development Agreement modification it shall be recorded. Failure to record the Development Agreement within the one-year time frame shall automatically render approval of this modification null and void.

Agency Requirements

8. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:
 - a. Ada County Highway District **(December 6, 2023)**;
 - b. Boise City Fire Department **(October 31, 2023)**; and
 - c. Parks and Recreation Department **(November 6, 2023)**.
9. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:
 - a. Sewer **(October 31, 2023)**;
 - b. Solid Waste **(November 13, 2023)**; and
 - c. Street Lights **(October 31, 2023)**.

Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

10. Provide written confirmation from Idaho Power that the work to be performed has the required clearance from transmission lines and other equipment. Contact Idaho Power at (208) 388-2323.



Standard Conditions of Approval

11. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.
12. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Code. Contact Planning and Development Services at 384-3830 regarding questions pertaining to this condition.
13. Any future division of this parcel into individual lots or parcels, for the purpose of selling the separate lots to individual owners, will be required to comply with all provision of Boise City Code, Title 11, Chapter 9, including lot frontage on a public or approved private street, and all requirements for preliminary and final platting.
14. All parking areas and driveways shall be paved, marked, and provided with approved wheels restraints and shall be designed and laid out to conform to the minimum standards required by the Boise City Zoning Ordinance.
15. All signs will require approval from the Planning and Development Services Department prior to installation.
16. Trash receptacles and on-grade and rooftop mechanical fixtures and equipment shall be concealed from public view by use of an approved sight-obscuring method. All screening materials shall be compatible with the building materials/design.
17. Building permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact Planning and Development Services at (208) 608-7100 regarding questions pertaining to this condition.
18. Any exterior residential light or streetlight fixtures shall be of a design that will focus light downwards in order to prevent light to trespass outside the project.
19. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.
20. Vision Triangles, as defined under *Section 11-012-03 of the Boise City Code*, shall remain clear of sight obstructions.
21. Prior to a Building Permit and prior to any construction on the site, an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.



22. All surface drainage shall be reviewed and approved by ACHD and BCPW. Perimeter grading shall be designed to match the existing grade of the adjoining properties.
23. All Americans with Disabilities Act (ADA) requirements shall be met.
24. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.
25. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
26. In compliance with Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling (208) 608-7700. Species shall be selected from the [Boise City Tree Selection Guide](#).
27. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.
28. Utility services shall be installed underground.
29. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.
30. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or an authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.
31. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.
32. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at



the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

33. Failure to abide by any condition of this conditional use permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
34. This approval shall be valid for a period not to exceed twenty-four (24) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations.
35. This conditional use permit shall be valid for a period not to exceed 2 years from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must:
 - a. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations;
OR
 - b. For projects that require platting, the plat must be recorded within this period. The Commission may also fix the time or period within which the permit shall be completed, perfected or bonded. If the conditions of approval shall not be completed or bonded within such period, said permit shall lapse.
36. Prior to the expiration of this conditional use, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.
37. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday, unless otherwise approved by the Planning Director for temporary construction activity. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.

