



Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

7

CUP13-00076 and CVA13-00051 – McKibben Cooper Architects

Summary

Conditional use permit to add two units to a property occupied by an existing duplex. A variance to reduce the interior side yard and rear yard setbacks and a parking reduction are included. The 0.21 acre site is located at 515 W. Hays Street in an L-OHD/CD (Limited Office with Historic Design Review and Conservation District) zone.

Prepared By

Joshua Johnson, Associate Planner

Recommendation

Staff recommends **conditional approval** of CUP13-00076 and CVA13-00051.

Reason for the Decision

Conditional Use Permit

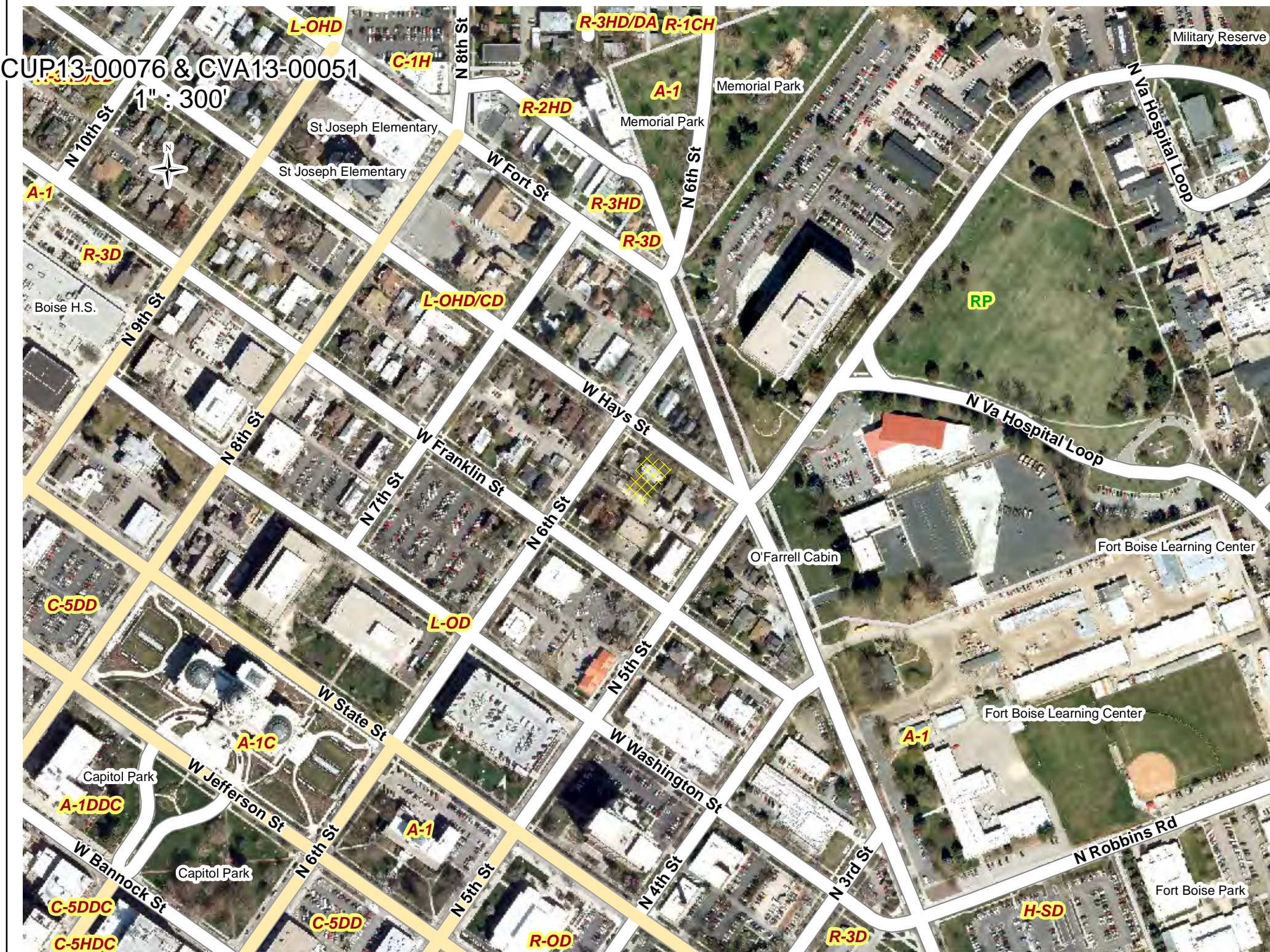
The addition of a second duplex is compatible with the surrounding neighborhood as it is made of offices and high density residential. The parking reduction is also compatible due to the subject property's proximity to Downtown and the composition of the new duplex. The duplex will not create an undue burden on public facilities as ACHD has stated Hays Street will continue to operate at an acceptable level of service. The project meets all setbacks, parking and open space requirements with the associated variance approval. The new duplex will not adversely affect surrounding properties as it is located within a mixed-use neighborhood comprised of other multi-family developments and offices. The project complies with the Comprehensive Plan. It constitutes infill and will provide additional housing near Downtown Boise while being compatible with the height, scale, and massing of adjacent uses. (*Infill Design Principle Neighborhood 1a*).

Variance

There are unusual circumstances associated with the intended use of the property that justify the side and rear yard variances. The variances provide more room for open space and parking. In addition, the side setback variance abuts more apartments. The reduced rear setback still provides separation from properties to the south by way of the alley. The variances comply with the Comprehensive Plan as they provide more open-space area for residents of the development. The plan calls for the integration of open space features through *General Design Principle Neighborhood 8*. The variances do not create any public safety issues or impacts on the neighborhood. The new duplex must comply with fire and building code. Within the context of a dense urban neighborhood the variances are appropriate and adequate separation from adjacent uses is still available due to siting of existing uses and the alley along the south property line.

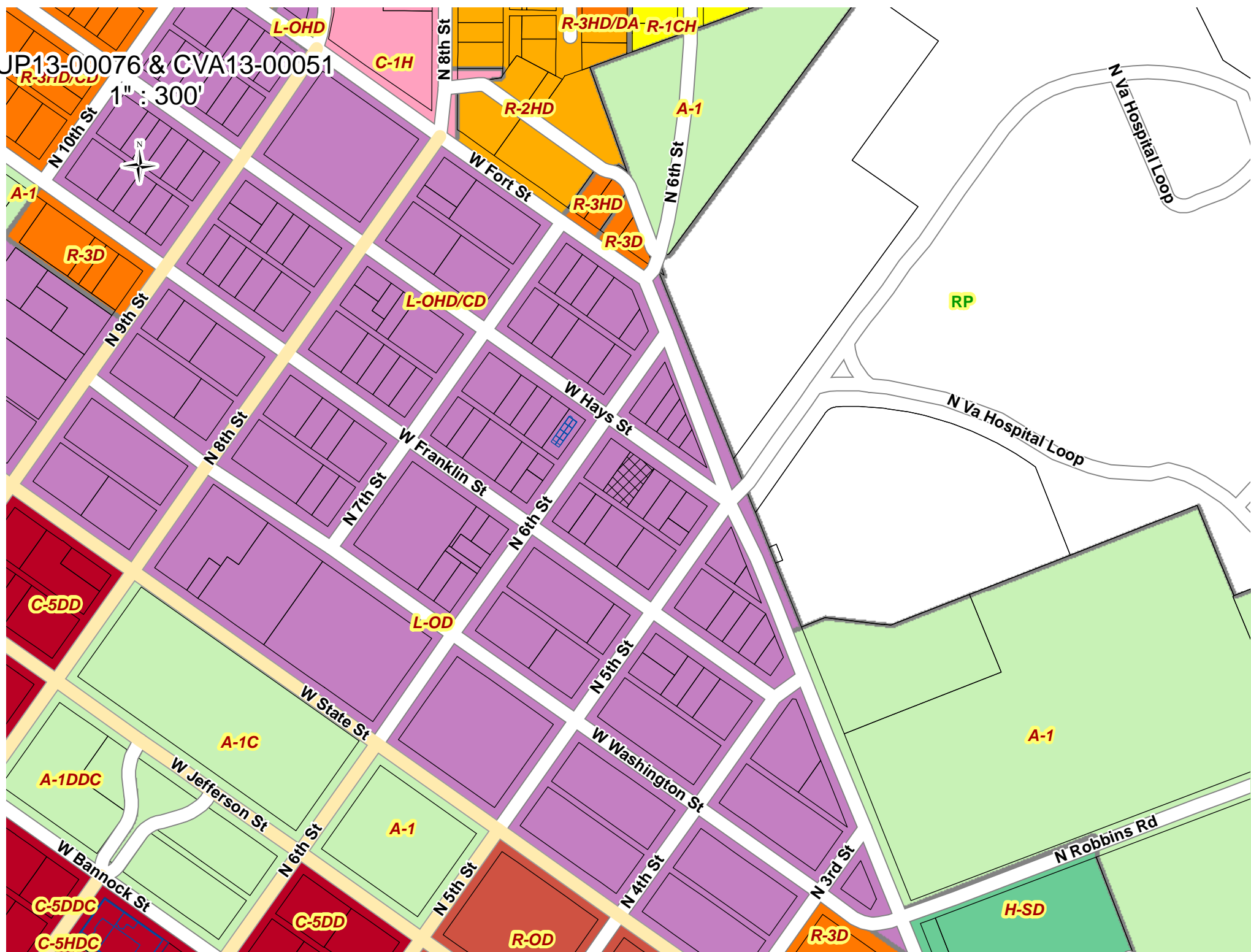
CUP13-00076 & CVA13-00051

1" : 300'

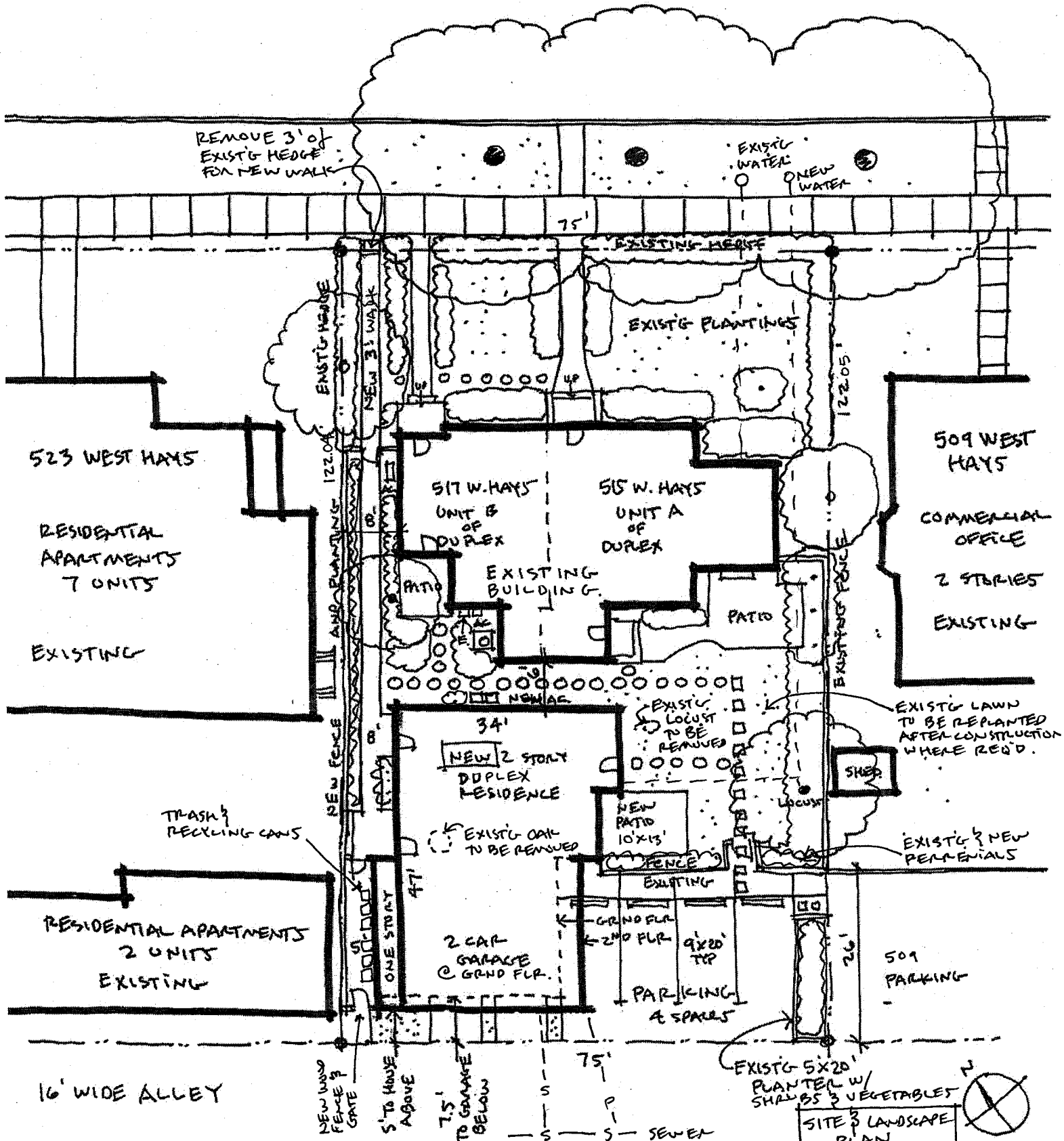


CUP13-00076 & CVA13-00051

1" : 300'



WEST HAYS STREET



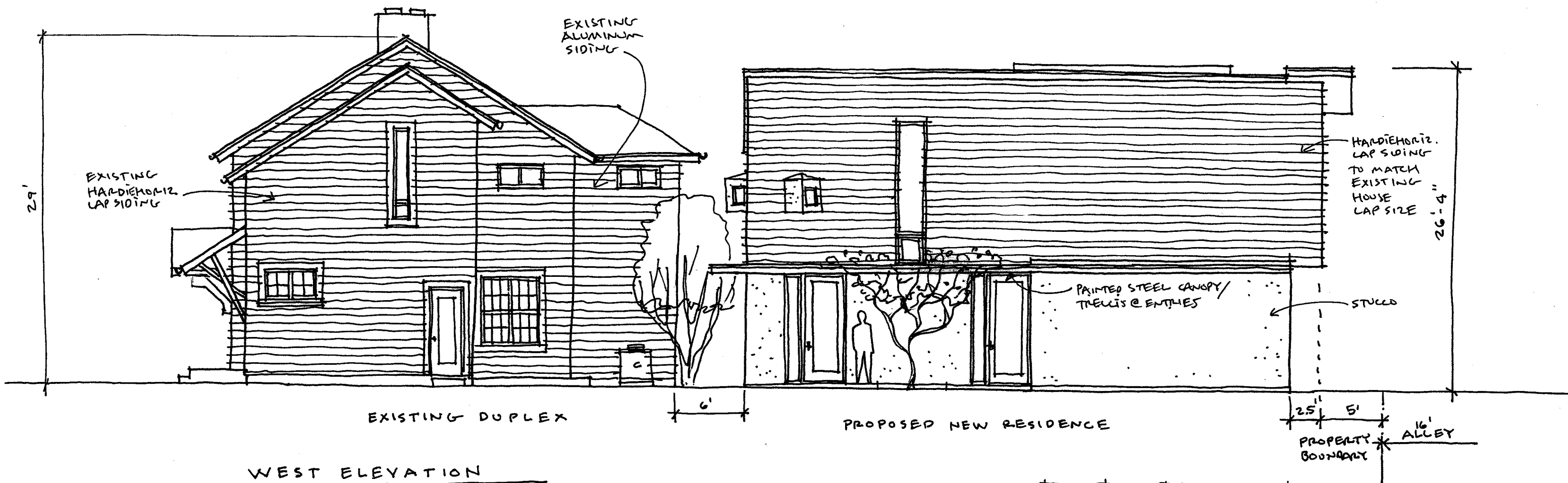
Sherry McMillan
Doug Cooper
OWNER/APPLICANT, ARCHITECTS
515 W. HAYS ST.
BOISE, ID 83702
208.343.7851

- LOT AREA 9184 SF
- EXIST'G GARAGE TO BE REPLACED BY NEW DUPLEX
- ALL PLANTINGS TO REMAIN - EXCEPT FORDONIA & LOCUST IN MEAN TO BE REMOVED.
- IRRIGATED WITH DOMESTIC WATER SPRAY & LAWN DRIPE BEDS

SITE & LANDSCAPE PLAN
PROPOSED NEW RESIDENCE - DUPLEX
1" = 20' 12.9.13



NEW DUPLEX
 @ 515 W. HAYS ST.
 BOISE IDAHO
 SHERAT DOUGL
 MCKIBBEN + COOPER
 ARCHITECTS
 OWNERS, ARCHITECTS
 APPLICANTS
 12.9.13

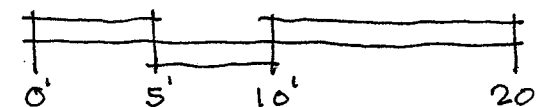


WEST ELEVATION

1/8" = 1'-0"

NEW DUPLEX
@ 515 W. HAYS ST

BOISE IDAHO
Sherry DOUG
McKibben + Cooper
ARCHITECTS
OWNERS, ARCHITECTS,
APPLICANTS
12.9.13





SOUTH ELEVATION

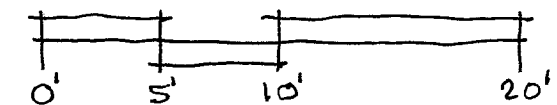
$\frac{1}{8}" = 1'-0"$

NEW DUPLEX @
515 W. HAYS ST
BOISE IDAHO
SHEELY DOUG
MCKIBBEN + COOPER
ARCHITECTS
OWNERS, ARCHITECTS,
APPLICANTS
12.9.13



NORTH ELEVATION

$\frac{1}{8}" = 1'-0"$



EXISTING HOUSE

- ALUMINUM SIDING + FASCIA
- COMPOSITION ASPHALT SHINGLE ROOF
- WOOD WINDOWS W/ ALUM STORM WINDOWS
- WOOD DOOR
- BRICK CHIMNEYS
- ALUMINUM LOUVER SHUTTERS



McKIBBEN + COOPER
ARCHITECTS



NORTH ELEVATION

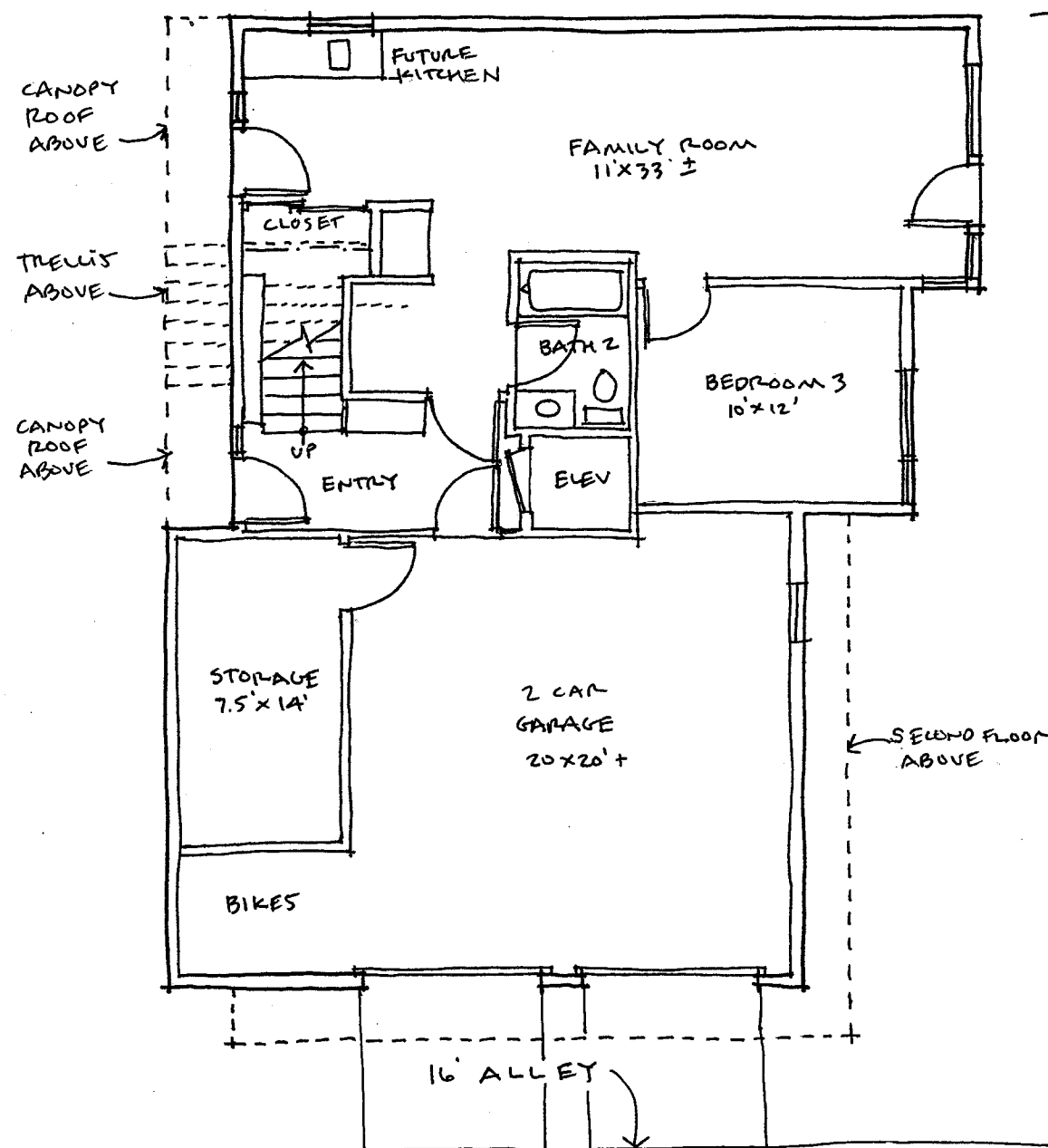
$\frac{1}{8}'' = 1'-0''$

6.29.11

ADDITION

- HARDIE SIDING + TRIM + FASCIA
- COMPOSITION ASPHALT SHINGLE ROOF
- INSULATED ALUM CLAD WOOD WINDOWS
- WOOD DOOR

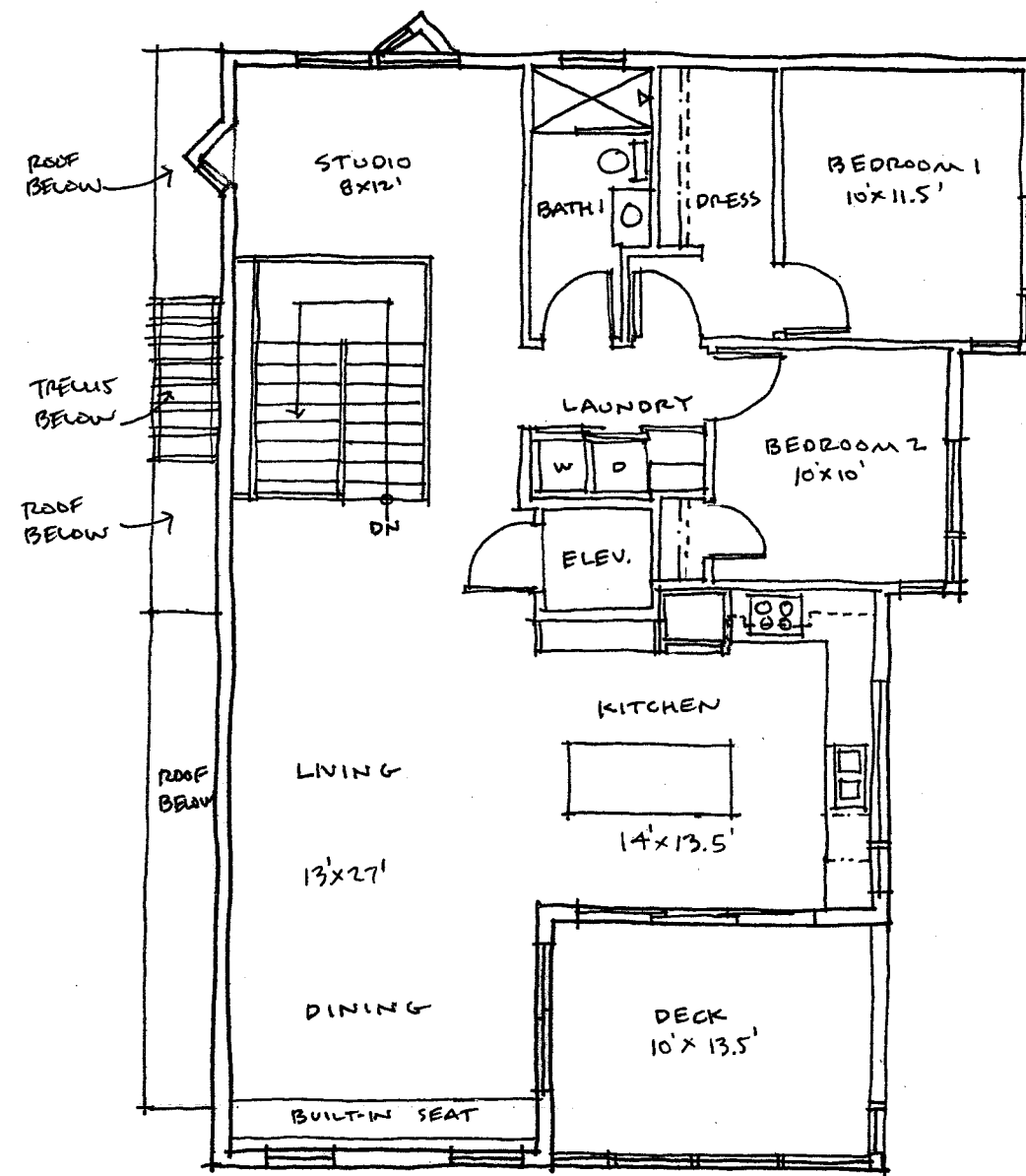
ADDITION



FIRST FLOOR 1380 SF INCL. GARAGE

1/8" = 1'-0"

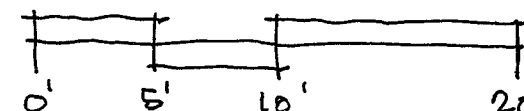
PHASE II
APARTMENT
CONVERSION.
SF.



SECOND FLOOR 1284 SF (EXCL. DECK)

1433 SF (INCL. DECK)

1/8" = 1'-0"



TOTAL SQUARE FEET
2664 SF EXCL. DECK
2813 SF INCL. DECK.

NEW DUPLEX
C 515 W. HAYS

BOISE IDAHO
Sherry Doug
McKibben + Cooper
Architects

OWNERS, ARCHITECTS,
APPLICANTS

12.9.13

December 30, 2013

Planning and Zoning Commission
Historic Preservation Commission
City of Boise Planning and Development Services
150 N. Capitol Blvd.
Boise, ID 83701-0500

Re: 515 W. Hays St. Duplex
Conditional Use application
Variance application
Certificate of Appropriateness application

Dear Sir/Ms:

Attached are documents for the above applications for our **515 W. Hays St. Duplex**, submitted for your approval. We submit this letter to discuss the intent and supporting discussion for our applications.



MCKIBBEN + COOPER
ARCHITECTS

Conditional Use Application

We reside and will continue to reside at this address. Despite the fact that this neighborhood, among the oldest in Boise, was originally developed as single family residences, over the last several decades it has evolved into a mix of single family, multifamily, and business uses with close proximity to the downtown core. The current Zone is Limited Office, for which residential uses require a Conditional Use application. We applied for and were granted Conditional Use and Variance (setbacks) approvals for the conversion of our primary residence to a duplex in 2011. We propose to add a second 2-story duplex behind the existing duplex, to be used initially as a single family residence, then converted to a second duplex. The total of (4) residences at a density of 19 units per acre is well within the range of adjacent multifamily properties, and far below the 43.5 units per acre permitted in this zone.

Variances

We are requesting a reduction to the side yard setback (2 story) from 10' to 8' on the west side. This will match the reduction granted for our 2011 duplex application and is appropriate in the neighborhood, which has many structures with less than 10' setbacks. The adjacent multifamily structure to the west has side yard setbacks of approximately 4' for the main building and 1' for the rear building.

We are requesting a reduction to the rear yard setback from 10' to 5' on the alley (total setback to the across-alley property is 21'). This reduced setback is also common in the neighborhood, with many buildings less than 5'. We have designed the rear façade of the duplex to provide privacy for the across-alley neighbor, with high window sills and screening on the second floor deck.

We are requesting a reduction to the parking standards of 2 spaces per single family unit (total 8). We are proposing 6 spaces. This reduced level of parking is common in the neighborhood, with some multifamily properties providing no on-site parking. The location is easily bikeable and walkable to services, recreation and the downtown Boise employment area. This amount of parking (1.5 per unit) is also similar to Boise multifamily standards.

Certificate of Appropriateness

We applied for and received a Certificate of Appropriateness for our initial duplex conversion in 2011. That project included a small addition to the west side of the main house that was sympathetic to the architecture and materials of the main house and neighborhood, but introduced some non-traditional window and roof shapes. With this new duplex we propose to continue the use of similar siding materials, but to again introduce some non-traditional forms, windows, and roof shapes. We have designed the new building to be fully behind the main house (including height) so it is not visible from the street.

With the additional duplex, our lot coverage will increase to 33%. This is slightly above the typical single family residential standard of 30%, but we have included documentation to show that 33% is still on the low side of typical lot coverages in our block and neighborhood. Some of the adjacent lot coverages are as high as 52%. As stated above, our proposed side setback will match the setback granted on the original duplex. This setback provides a "gap" between houses that is similar to others in the neighborhood.

Thank you for your consideration. Please let us know if you have any questions.
Sincerely,



MCKIBBEN + COOPER
ARCHITECTS

Sherry McKibben

Doug Cooper



500 W. Franklin St. from alley



501 W. Hays St.



507 W. Hays St.



509 W. Hays St.



515 W. Hays St. from Hays Street

517 W. Hays St. from Hays Street



516 W. Franklin St. from Alley



522 W. Franklin St. from alley



523 W. Hays St.



710 N. 6th St.from alley



515 W. Hays St. from Hays Street

517 W. Hays St. from Hays Street



515/517 W. Hays St. Backyard looking NW to
523 W Hays St Multi-family building



515 W. Hays St. Backyard looking West
to 523 W Hays Multi-family buildings



515 W. Hays St. from rear alley looking NW at existing garage and 523 W Hays Multifamily buildings beyond



515 W. Hays St. from rear alley



517 W. Hays St. from Hays Street looking SE with 523 W Hays at right



517 W. Hays St. from rear yard



517 W. Hays St. from Hays Street

#109: Conditional Use Application

Property Information

Address

Street Number:

515 AND 517

Prefix:

W.

Street Name:

HAYS

Subdivision name:

BCOT

Block:

99

Lot:

Section:

10

Township:

3N

Range:

2E

Parcel Number:

R1013006645

Additional Parcel Numbers:

E. 40' OF LOT 8
W. 33' OF LOT 9

Primary Contact

Who is responsible for receiving e-mails, uploading files and communicating with Boise City?



Agent/Representative



Applicant



Owner

Applicant Information

First Name:

Sherry

Last Name:

McKibben

Company:

McKibben + Cooper Architects

Address:

515 W. HAYS ST.

City:

Boise

State:

ID

Zip:

83702

E-mail:

Sherry@McKibbenCooper.com

Phone Number:

208-343-7851

Cell:

208-511-7851

Fax:

Agent/Representative Information

SAME AS ABOVE

First Name:

Last Name:

Company:

Address:

City:

State:

ID

Zip:

E-mail:

Phone Number:

Cell:

Fax:

Role Type:



Land Developer



Engineer



Contractor



Other

Owner Information



SAME AS ABOVE PLUS DOUGLASS COOPER

DOUG@McKibbenCooper.com

Same as Applicant?:



No



Yes

(If yes, leave this section blank)

First Name:

Last Name:

Company:

Address:

City:

State:

ID

Zip:

E-mail:

Phone Number:

Cell:

Fax:

Project Information

Is this a Modification application?

☐ Yes

☒ No

File number being modified:

1. Neighborhood Association:

NORTHEND

2. Comprehensive Planning Area:

DOWNTOWN

3. This application is a request to construct, add or change the use of the property as follows:

CONSTRUCT A NEW DUPLEX RESIDENTIAL BUILDING BEHIND EXIST'G DUPLEX INCLUDING NEW 2 CAR GARAGE AND 4 PARKING SPACES. CONSTRUCTION WILL NECESSITATE DEMOLITION OF EXIST'G 2 CAR GARAGE LOCATED OFF REAR ALLEY. NEW DUPLEX WILL BE PHASED - IT WILL BE USED AS A SINGLE FAMILY RESIDENCE THEN CONVERTED TO TWO UNITS IN THE FUTURE.

4. Size of Property:

9153.4

☐ Acres

☒ Square Feet

5. Water Issues:

A. What are your fire flow requirements? (See International Fire Code):

gpm

B. Number of hydrants (show location on site plan):

Note: Any new hydrants/hydrant piping require United Water approval.

Number of Existing:

0

Number of Proposed:

0

C. Is the building "sprinklered"?

☐ Yes

☒ No

D. What volume of water is available? (Contact United Water of Idaho at 362-7330):

2,750

gpm

6. Existing uses and structures on the property are as follows:

DUPLEX RESIDENCE WITH detached garage (2 car) plus 3 parking spaces.

7. Is the project intended to be phased? Please explain:

YES, NEW DUPLEX WILL BE USED AS ONE SINGLE FAMILY RESIDENCE, THEN LOWER LEVEL WILL BE CONVERTED TO A SEPARATE UNIT IN THE FUTURE.

8. Adjacent property information:

Building types and/or uses

Zone

North: RESIDENTIAL - S.F.
RESIDENTIAL M.F.

North: LOWD/CD

South: OFFICE; SINGLE FAMILY
RESIDENTIAL

South: "

East: OFFICE

East: "

West: RESIDENTIAL
MULTI-FAMILY
11 UNITS

West: "

9. Proposed Structures:

A. Number of Structures:

ME

Use:

RESIDENTIAL DUPLEX

Square footage of proposed structures or additions (if 5+ floors, attach narrative with chart):

Gross Square Feet

| | | |
|-----------|------------------|--------------------|
| 1st Floor | 1380 | including garage |
| 2nd Floor | 1284 SF W/O DECK | 1433 SF INCL. DECK |
| 3rd Floor | 0 | |
| 4th Floor | 0 | |

B. Maximum proposed structure height(s):

26'-4"

C. Number of stories:

2

D. Number of seats (if restaurant, tavern or lounge):

0

E. Number of residential units (if applicable):

2

10. Existing Structures:

Square footage of existing structures or additions (if 5+ floors, attach narrative with chart):

Gross Square Feet

| | |
|-----------|---------|
| 1st Floor | 1630 SF |
| 2nd Floor | 1360 SF |
| 3rd Floor | 0 |
| 4th Floor | 0 |

(GARAGE TO BE REMOVED.)
450 SF.**11. Building Exterior:****Materials**

Roof: STANDING SEAM METAL

Walls: HAND SIDING; STUCCO

Windows/Doors: ALUM CLAD WOOD

Fascia, Trim, etc: WOOD

Other:

Colors

GREY (LIGHT)

GREY

BLACK

GREY

12. Setbacks:

Note: Plans that are not graphically dimensioned will not be accepted.

Building Required**Building Proposed****Parking Required****Parking Proposed**

Front:

/

6' TO EXISTING

/

/

Rear:

5'/1 STORY; 10'/2 STORY

7.5'/1 STORY; 5'/2 STORY

6'

6'

WEST Side 1:

5'/1 STORY; 10'/2 STORY

5'/1 STORY; 8'/2 STORY

/

/

EAST Side 2:

" "

32'

5'

5'

13. Site Design:

| | Site Percentage Devoted to | Square Feet |
|----------------------|----------------------------|-------------|
| Building Coverage: | 33% | 3010 |
| Landscaping: | 49% | 45044 |
| Paving: | 18% | 1639 |
| Other Uses: | | |
| Describe Other Uses: | | |

14. Parking:

| | Required | Proposed |
|--------------------------|----------|----------|
| Accessible Spaces: | 0 | 0 |
| Parking Spaces: | 8 | 6 |
| Bicycle Spaces: | 0 | 0 |
| Proposed compact spaces: | | 0 |

Are you proposing off-site parking? ☐ Yes ☒ No

If yes, how many spaces?

Are you requesting shared parking or a parking reduction? ☒ Yes ☐ No

If yes, how many spaces?

Restricted parking? ☐ Yes ☐ No

15. Landscaping:

A. Are there any prominent trees or areas of vegetation on the property? ☒ Yes ☐ No

B. Type:

C. Size:

D. General Location:

16. Mechanical Units:

Number of Units:

Unit Location:

Type:

Height:

Proposed Screening Method:

17. Solid Waste:

A. Type of trash receptacles:

- ☒ Individual Can/Residential
☐ 3 Yd. Dumpster
☐ 6 Yd. Dumpster
☐ 8 Yd. Dumpster
☐ Compactor

B. Number of trash receptacles:

C. Proposed screening method:

D. Is the proposed location accessible for collection?
(Contact Boise Public Works at 384-3901.)☒ Yes ☐ No

E. Is recycling proposed?

☒ Yes ☐ No**18. Irrigation Ditches/Canals:**A. Are there any irrigation ditches or canals on or adjacent to the property? ☐ Yes ☒ No

B. Location:

C. Size:

19. Fencing:**Proposed****Existing to Remain**

Type:

Height:

Location:

20. Loading Facilities (if proposed, for commercial uses only):

Number:

Location:

Size:

Screening:

21. Drainage:

Proposed method of on-site retention:

22. Floodways & Hillside:A. Is any portion of this property located in a Floodway or a 100-year Floodplain? ☐ Yes ☒ NoB. Does any portion of this parcel have slopes in excess of 15%? ☐ Yes ☒ No

Note: If the answer to either of the above is yes, you will be required to submit an additional Floodplain and/or Hillside application and additional fee. You must submit the additional required application(s) for review at the same time as this request.

23. Airport Influence Area:

Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)

☒ No ☐ Area A ☐ Area B ☐ Area B1 ☐ Area C

The undersigned declares that the above provided information is true and accurate.

The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature:

Date:



Planning & Development Services

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7

Planning Division Report

| | |
|----------------------------|--------------------------------|
| File Number | CUP13-00076 & CVA13-00051 |
| Applicant | McKibben Cooper Architects |
| Property Address | 515 W. Hays Street |
| Public Hearing Date | February 3, 2014 |
| Heard by | Planning and Zoning Commission |
| Analyst | Joshua Johnson |
| Checked By | Cody Riddle |

Public Notification

Neighborhood meeting conducted: December 17, 2013
Newspaper notification published on: January 18, 2014
Radius notices mailed to properties within 300 feet on: January 17, 2014
Staff posted notice on site on: January 17, 2014

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| 6. Analysis/Findings | 3 |
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Exhibits

Public Works Comments
ACHD Comments

1. Project Data and Facts

| Project Data | |
|---|---|
| Applicant/Status | McKibben Cooper Architects / Owner |
| Architect/Representative | Sherry McKibben |
| Location of Property | 515 W. Hays Street |
| Size of Property | ± 9,153 sq. ft. |
| Zoning | L-OHD/CD (Limited Office with Historic Design Review Overlay and Conservation District) |
| Units Allowed | 9 |
| Comprehensive Plan Designation | Mixed Use |
| Planning Area | Downtown |
| Neighborhood Association/Contact | North End / Don Plum (345-3246) |
| Procedure | Planning and Zoning Commission decision that can be appealed to City Council. |

| Current Land Use |
|--|
| The site is comprised of a duplex, a detached garage, and surface parking. |

| Description of Applicant's Request |
|--|
| The applicant requests approval to add an additional duplex. A variance from the interior side setback and rear setback is also requested. The applicant also requests a parking reduction where eight spaces are required, down to six. |

2. Land Use

| Description and Character of Surrounding Area |
|--|
| The area surrounding the subject property is a mixture of residential and office uses. Many office buildings have been converted historic homes. |

Adjacent Land Uses and Zoning

| | |
|---------------|---|
| North: | Hays Street then Residential / L-OHD/CD |
| South: | Office and Residential / L-OHD/CD |
| East: | Residential / L-OHD/CD |
| West: | Residential / L-OHD/CD |

| Special Considerations |
|------------------------|
| N/A |

| History of Previous Actions |
|---|
| CUP11-00060 & CVA11-00042 Approved Conditional Use Permit and Variance to convert a single-family home into a duplex. |

3. Project Proposal

Setbacks

| Yard | Required | Proposed |
|---------------------|----------|---------------------------|
| Hays Street (Front) | 15' | Existing, no change |
| Side (West) | 10' | 5' |
| Side (East) | 10' | 32' |
| Rear (South) | 10' | 5' building, 7.5' parking |

Parking

Two spaces per unit are required. The applicant's parking reduction is for a total of six spaces where eight are required.

4. Zoning Ordinance

| Section | Description |
|--------------|---|
| 11-04-04 (F) | Limited Office (L-O) District |
| 11-03-04.6 | CONDITIONAL USE PERMIT |
| 11-03-04.14 | VARIANCE |
| 11-10 | OFF STREET PARKING AND LOADING REQUIREMENTS |

5. Transportation Data

| Roadway | Frontage | Functional Classification | PM Peak Hour Traffic Count | PM Peak Hour Level of Service |
|-------------|----------|---------------------------|----------------------------|-------------------------------|
| Hays Street | 75 feet | Collector | 141 | Better than "D" |

* Acceptable level of service for a two-lane collector is "D" (425 VPH).

6. Analysis/Findings

McKibben Cooper Architects requests approval to construct a new duplex at 515 W. Hays Street. The new structure is planned in the rear of the property along the alley where an existing single-story garage is located. The existing home was converted to a duplex in 2011. The applicant also requests approval for a parking reduction to six spaces where eight are required. Two spaces will be located within the new duplex in a garage. The remaining four are surface spaces also accessed from the alley. The western edge of the building requires a variance as does the rear façade. Both are five feet from their respective property lines where ten is required. These variances are supportable as they enable more open space and parking for the project.

The new duplex will compliment surrounding uses. There are apartments located to the west and an office located to the east. The rear setback variance is supportable since at least 22' of backup is provided across the alley and the primary use affected is an office building where privacy should not be a concern. The one home to the south is surrounded by mature vegetation.

FINDINGS

Section 11-03-04-6 Criteria and Findings

The Commission, following the procedures outlined below, may approve a conditional use permit when the evidence presented at the hearing is such as to establish:

i. That the proposed use is compatible to other uses in the general neighborhood.

The neighborhood is a mixture of older homes converted into apartments, offices, and residential uses. This project being solely residential will operate in a similar manner to the apartments located to the west and the single-family homes to the north. Many properties of the vicinity are developed with older, large homes with similar levels of lot coverage to what the applicant is proposing. The subject property is within a mixed use neighborhood within walking and biking distance to Downtown. The parking reduction also matches the context of surrounding uses. The duplex units are one and two bedroom in size and the upper unit's bedrooms are no larger than 120 sq. ft. The small size of the units should drive down the demand for parking.

ii. That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity.

Correspondence received from commenting agencies indicates the proposed use will not place an undue burden on transportation or other public services in the vicinity. ACHD's letter from January 13, 2014 states the project will generate 12 additional vehicle trips per day. Traffic data provided by the District demonstrates the project will not overburden roads in the vicinity. Hays Street, a collector, will operate at Better than Level of Service "D". Hays Street is currently improved with all sidewalk and curbing so no improvements will be required from the District.

Public Works Solid Waste Division noted that each unit will utilize standard 95 gallon garbage cans in there January 2, 2014 letter.

No other public agencies have commented on this request.

iii. That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this title.

With the associated variance and parking reduction, the project meets all setback and open space requirements. Communal open space for the project is provided between the two structures and to the east of the new duplex. The floor plan for the duplex shows a first floor one bed/one bath unit and a second floor unit that is two bed/one bath. This configuration indicates less parking may be needed as most duplexes constructed in the City tend to be larger with more bedrooms and bathrooms per unit and as a result need more parking spaces.

- iv. ***That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity.***

The eclectic mix of uses in the neighborhood indicates that a multi-family project of the magnitude proposed by the applicant would not adversely affect surrounding uses. There is only one two-story window along the western side of the structure where residents could see into the neighboring multi-family development. This should reduce privacy concerns for nearby residents. In addition, the duplex is similar in size to a home that could be approved in a single-family residential zone with a five foot side setback. The setback reduction along the alley should not adversely affect uses to the south. The alley provides any needed separation for the single-family home and the office uses should not be negatively impacted by the presence of more residential dwelling units. The parking reduction should not adversely affect the neighborhood as the make-up of the units should not require the same amount of parking as duplexes with a higher bedroom count.

- v. ***That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.***

The project complies with the Comprehensive Plan. The project constitutes infill and will provide additional housing near Downtown Boise. The project is compatible with the height, scale, and massing of adjacent homes (*Infill Design Principle Neighborhood 1a*). This also applies for the requested variances as most impactful setbacks border existing apartments located to the west. The new duplex offers the more multi-family units in the area. *Infill Design Principle Mixed Use 1* speaks to providing a mix of uses when re-development occurs in existing neighborhoods. This duplex will provide variety to the neighborhood. They also offer some variety as the neighborhood is comprised of historic homes converted to offices and apartment buildings. *General Design Principle Neighborhood 3* calls for a mix of housing types. The project has a sizable open-space area for residents of the development. The plan calls for the integration of open space features through *General Design Principle Neighborhood 8*.

Variance

11-03-04.14 (C) 7b

The Commission, following the procedures outlined below, may approve a variance when the evidence presented at the hearing is such as to establish:

- i. ***There is either a hardship associated with the property itself or an exceptional circumstance relating to the intended use of the property that is not generally applicable in the district;***

There are two variances requested, one for the interior side setback and the other for the rear setback along the alley. Both are supportable due to exceptional circumstances related to the intended use of the property. The side setback variance is for five feet where ten is required. This is supportable since the applicant is using the extra space to provide more parking and open space for their future residents and the next door structure is an apartment building that also has less than five feet of separation. The rear setback variance is supportable since the use directly to the south is an office building and an older home with mature vegetation. The alley also provides additional separation. A two-story accessory dwelling unit could have second-story windows six feet off of an alley in the City's residential zones.

- ii. ***Granting of the variance will not be in conflict with the Comprehensive Plan and will not affect a change in zoning;***

The project complies with the Comprehensive Plan. The project constitutes infill and will provide additional housing near Downtown Boise. The project is compatible with the height, scale, and massing of adjacent homes (*Infill Design Principle Neighborhood 1a*). This also applies for the requested variances as most impactful setbacks border existing apartments located to the west. The new duplex offers the more multi-family units in the area. *Infill Design Principle Mixed Use 1* speaks to providing a mix of uses when re-development occurs in existing neighborhoods. This duplex will provide variety to the neighborhood. They also offer some variety as the neighborhood is comprised of historic homes converted to offices and apartment buildings. *General Design Principle Neighborhood 3* calls for a mix of housing types. The project has a sizable open-space area for residents of the development. The plan calls for the integration of open space features through *General Design Principle Neighborhood 8*.

- iii. ***Granting of the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment thereof.***

The variances do not create any public safety issues or impacts on the neighborhood. The new duplex must comply with fire and building code. Within the context of a dense urban neighborhood the variances are appropriate.

The side and rear setback allows for an ample amount of open space for this development. The rear setback variance is mitigated by the separation provided by the alley. The side setback is supportable as the adjacent use is also a multi-family project with less than five feet of separation. The applicant is using the additional room from the side setback variance to provide parking and open space for the new duplex units.

7. Recommended Conditions of Approval

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received **December 30, 2013** except as expressly modified by the Historic Preservation Commission or Staff or the following conditions:
2. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, Solid Waste/Ground Water Manager, and street lights per the memo dated **August 1, 2013**. Please contact BCPW at 208-384-3900. 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 Storm Water Plan must be resubmitted to BCPW for approval.
3. Comply with ACHD comments received on **August 27, 2013**.
4. Comply with Fire Department comments dated **August 12, 2013**.

Standard Conditions of Approval

5. A Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Subdivision Section at 208-384-3998 regarding questions pertaining to this condition.
6. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
7. Vision Triangles as defined under Section 11-1-3 and Section 11-10-4.4G of the Boise City Code shall remain clear of sight obstructions.
8. In compliance with Title 9, Chapter 16, 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 384-4083. Species shall be selected from the Boise City Tree Selection Guide.

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9. 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.
 10. All signs will require approval from the Planning and Development Services Department prior to installation.
 11. 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.
 12. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his 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.
 13. 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.
 14. Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
 15. The holder of the permit must commence the use permitted by the permits in accordance with the conditions of approval within two (2) years and complete the project within six (6) years..
 16. 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.

BOISE CITY PUBLIC WORKS DEPARTMENT

DEPARTMENT CORRESPONDENCE

Date: January 3, 2014

To: Boise City Planning & Zoning

Re: CUP 13-00076 & CVA 13-00051; 515 W. Hays Street

CONDITIONS OF APPROVAL

SEWER CONDITIONS – MIKE SHEPPARD (384-3920)

Connection to central sewer is required. Sanitary sewers are available in the alley.

Prior to granting of final sewer construction plan approval, all requirements by Boise City Planning and Development Services must be met.

DRAINAGE / STORM WATER CONDITIONS – BRIAN MURPHY (384-3752)

All site drainage should be retained onsite or directed toward the street.

STREET LIGHT CONDITIONS – MIKE HEDGE (388-4719)

No comment.

PERSON MAKING OTHER COMMENTS –

OTHER COMMENTS –

RECEIVED
JAN 08 2014
DEVELOPMENT
SERVICES


PUBLIC WORKS REPRESENTATIVE


PUBLIC WORKS REPRESENTATIVE

cc: Applicant

Memo

To: Planning and Development Services
From: Peter McCullough, Public Works Department
Date: 1/2/2014
Re: Solid Waste Comments- CUP13-00076, 515 Hays St.

Solid Waste staff has reviewed the application for this project and has the following comments.

1. The project is located in an area which has alley access; all trash and recycling will be collected from the alleyway.
2. Only 3-yard containers or 95-gallon carts can be used for alley collection
3. Contact Peter McCullough with any questions at 384-3906.



John S. Franden, President
Mitchell A. Jaurena, Vice President
Rebecca W. Arnold, Commissioner
Sara M. Baker, Commissioner
Jim D. Hansen, Commissioner

Date: January 13, 2014

To: Sherry McKibben, via e-mail
McKibben and Cooper Architects
515 W. Hays St.
Boise, ID 83702

Subject: CUP13-00076 / CVA13-00051 / DRH13-00422
515 W. Hayes St.
Request to construct a duplex.

In response to your request for comment, the Ada County Highway District (ACHD) staff has reviewed the submitted application and site plan for the item referenced above. The applicant shall be required to meet the following conditions of approval:

- Comply with all ACHD Standard Conditions of Approval (attached) as well as all ACHD Policies.
- A traffic impact fee may be assessed by ACHD and will be due prior to the issuance of a building permit. This is a separate review process that requires direct plans submittal to the Development Review staff at the Highway District. For questions regarding the submittal for impact fee assessment please contact the Development Review staff at (208) 387-6170.
- Prior to the construction, repair, or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.), a permit must be obtained from ACHD.

If you have any questions, please feel free to contact me at (208) 387-6335.

Sincerely,

Austin Miller
Planning Review Intern
Development Services
CC: Project file,
City of Boise, via e-mail

Traffic Information

This development is estimated to generate 12 additional vehicle trips per day; and 1 additional vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.

Condition of Area Roadways:

Traffic Count is based on Vehicles per hour (VPH)

| Roadway | Frontage | Functional Classification | PM Peak Hour Traffic Count | PM Peak Hour Level of Service |
|----------|----------|---------------------------|----------------------------|-------------------------------|
| Hays St. | 75-feet | Collector | 141 | Better than "D" |

* Acceptable level of service for a two-lane collector is "D" (425 VPH).

Average Daily Traffic Count (VDT):

Average daily traffic counts are based on ACHD's most current traffic counts

- The average daily traffic count for Hays Street east of 6th Street was 3,658 on June 15, 2011.