



## Planning & Development Services

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# Design Review Committee Hearing Minutes of May 9, 2007

**Committee Members Present** Franklin Lee, Chairman; Robyn Salathe, Steve Christiansen, Michael Simmonds, and Elissa Flandro

**Staff Members Present** Sarah Schafer, Mary Elizabeth Watson, Andrea Tuning, Josh Wilson and Paula Schmidt

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## Consent Agenda

### **DRH07-00162 / DAVE EVANS CONSTRUCTION**

Location: 1998 W. Judith Lane

REQUESTS DESIGN REVIEW APPROVAL TO CONSTRUCT A SINGLE-STORY, OFFICE BUILDING IN AN L-OD (LIMITED OFFICE WITH DESIGN REVIEW) ZONE.

### **DRH07-00163 / RCI REALTY, LLC**

Location: 2810 W. Elder Street

REQUESTS DESIGN REVIEW APPROVAL TO CONSTRUCT A SINGLE-STORY, RESTAURANT WITH ASSOCIATED SITE IMPROVEMENTS IN AN L-OD (LIMITED OFFICE WITH DESIGN REVIEW) AND C-2D (GENERAL COMMERCIAL WITH DESIGN REVIEW) ZONE.

### **DRH07-00170 / THERRIN ROBERTSON**

Location: 5103 W. Bethel Street

REQUESTS DESIGN REVIEW APPROVAL TO CONSTRUCT THREE, SINGLE-STORY WAREHOUSE/OFFICE BUILDINGS ON PROPERTY LOCATED IN AN M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW) ZONE.

### **DRH07-00172 / SYSTEM TECH INC.**

Location: 2854 S. Featherly Way

REQUESTS DESIGN REVIEW APPROVAL TO CONSTRUCT A SINGLE-STORY, CONTRACTOR'S SHOP, YARD AND OFFICE ON PROPERTY LOCATED IN AN M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW) ZONE.

COMMITTEE MEMBER SALATHE MOVED TO APPROVED DRH07-00162, DRH07-00163, DRH07-00170 AND DRH07-00172 BASED ON FINDINGS OF FACT, CONCLUSIONS OF LAW AND STAFF'S RECOMMENDED CONDITIONS OF APPROVAL.

COMMITTEE MEMBER SIMMONDS SECONDS THE MOTION.

CHAIRMAN LEE RECUSED HIS VOTE ON THE CONSENT AGENDA FOR DRH07-00162 OR DRH07-00170.

MOTION CARRIES UNANIMOUSLY.

## Deferrals

### **DRH07-00149 / THE SUMMIT GROUP / SUMMIT HOTEL PROPERTIES, LLC**

Location: 2970 W. Elder Street

REQUESTS DESIGN REVIEW APPROVAL TO MODIFY THE LANDSCAPE AND BUILDING DESIGN FOR THE FOUR-STORY, 120 ROOM HOTEL IN AN L-OD (LIMITED OFFICE WITH DESIGN REVIEW) ZONE.

COMMITTEE MEMBER SALATHE MOVES TO DEFER ITEM NUMBER DRH07-00149 TO THE JUNE 13, 2007 REGULARLY SCHEDULED DESIGN REVIEW HEARING.

COMMITTEE MEMBER SIMMONDS SECONDS THE MOTION.

MOTION CARRIES UNANIMOUSLY.

## Regular Agenda

### **DRH07-00117/ MODUS ARCHITECTURE**

Location: 815 Park Boulevard

REQUEST APPROVAL TO MODIFY THE ORIGINAL DESIGN REVIEW APPROVAL (DRH06-00334) TO INSTALL A COPPER SHEET METAL CORNICE AND A NEON LIGHT ON THE EXTERIOR OF THE EXISTING BUILDING IN A C-3D (SERVICE COMMERCIAL WITH DESIGN REVIEW) ZONE.

CHAIRMAN LEE DISCLOSES A BUSINESS RELATIONSHIP WITH THIS APPLICANT AND TURNS THE CHAIR OVER TO VICE CHAIRMAN SALATHE TO HANDLE THIS ITEM ON THE AGENDA.

ANDREA TUNING PRESENTS STAFF REPORT.

Bruce Poe / Modus Architecture / 519 W. Front Street / Boise: I read through the report and our client would like to see this happen obviously and that is why it is being presented. I understand the sensitivity to the greenbelt and introducing light to the greenbelt. I was wondering if there could potentially be a compromise to allow the lighting on the north side of the building. The entrance side particularly behind the entry fascia on the canopy and potentially up along the parapet on the north side, if that could potentially be a compromise position?

Chairman Salathe: Would you like to continue or should I take a vote from the Committee?

Mary Elizabeth Watson (legal): If it is a suggestion by the applicant to go that route, a vote on that wouldn't be appropriate here. The applicant should do their presentation at this time if they are suggesting that as a solution or if they would be willing to now change their application in that respect then when it come time for a vote you could certainly address it at that time.

Chairman Salathe: Would you continue on with your presentation?

Mr. Poe: Again, it appears to me from the report and from what I know of the Committee that the report is probably something that you will take into consideration and take it as probably the basis for your vote. So assuming that you would vote and support the report of the planner, I was going to propose that we reach this compromise position. I guess if the attorney suggests that what I need to do is to just present a solution at this point then that is what I am doing. The solution would be on the north side of the building.

Committee Member Simmonds: Where would the neon light at the parapet terminate on the sides of the

building?

Mr. Poe: It would just be on the north façade.

Committee Member Simmonds: It would just terminate at the corners?

Mr. Poe: So it wouldn't introduce any light back to the greenbelt, it would just be facing the street side.

Committee Member Simmonds: I am assuming this is a conventional neon tube. It is not any kind of a cold cathode, something like that.

Mr. Poe: It is just conventional.

Chairman Salathe: The first thing I thought of when I read this report was a hotel and I don't know which one. It is on I-84 when you are heading east or west at night it has a white neon perimeter around the top cornice and it really bothers me. It is too much in the dark and this is a pretty large building. I feel that the neon is not necessary for this type of building in its location.

Committee Member Simmonds: In this particular case, given the neighborhood, I would tend to agree.

COMMITTEE MEMBER SIMMONDS MOVES TO DENY DRH07-00117 BASED ON STAFF'S FINDINGS CONCLUSIONS OF LAW AND RECOMMENDATIONS.

COMMITTEE MEMBER FLANDRO SECONDS THE MOTION.

Ms. Weston: My understanding of the first application is that it includes not only the neon so I want to insure that the motion and the voting is with regard to the neon and the copper. There was a copper element to this and I think that maybe, I don't want to be presumptive here, but....

COMMITTEE MEMBER SIMMONDS: I WOULD LIKE TO AMEND THE MOTION THAT WE APPROVE THE COPPER ON THE PARAPET AND THE ENTRY FORMS AS PROPOSED.

CHAIRMAN SALATHE: CAN YOU GO THE STANDARD CONDITIONS OF APPROVAL AND STATE WHICH CONDITION YOU ARE DENYING?

MS. TUNING: THE ACTUAL REPORT THAT YOU WOULD BE REVIEWING WAS THE ORIGINAL REPORT THAT WAS WRITTEN IN 2006 REGARDING THIS SITE. THIS IS SPECIFICALLY A MODIFICATION, SO THERE ISN'T A SITE SPECIFIC REQUIREMENT OR SITE SPECIFIC CONDITIONS OF APPROVAL THAT ARE ATTACHED WITH THIS REPORT. SO WE WOULD BE ADDING ONE CONDITION OF APPROVAL SAYING THAT WE ARE ALLOWING THE COPPER SHEET METAL CORNICE TO EXIST WITHOUT THE NEON LIGHT BEING APPLIED AND THEN THAT WILL GO AS A MEMO INTO OUR FILE.

COMMITTEE MEMBER SIMMONDS: AGAIN, I WOULD LIKE TO AMEND THE MOTION SO IT REFLECTS THAT THE COPPER CORNICE TRIP AS PROPOSED IN THE ORIGINAL SUBMITTAL AND THE MODIFICATION REMAIN BUT THAT THE PROPOSED MODIFICATION FOR THE NEON LIGHT BE DENIED.

COMMITTEE MEMBER FLANDRO: THE SECOND CONCURS.

MOTION CARRIES UNANIMOUSLY.

**DRH07-00164 / ST. LUKE'S REGIONAL MEDICAL CENTER / GREG OSTROW**

Location: 139 E. Warm Springs Avenue

REQUESTS DESIGN REVIEW APPROVAL TO CONSTRUCT A FOUR-STORY WITH ONE BASEMENT, MEDICAL OFFICE BUILDING ON THE ST. LUKE'S MEDICAL CENTER CAMPUS IN AN H-SD (HEALTH SERVICES WITH DESIGN REVIEW) ZONE.

Committee Member Mike Simmonds asks to be recused from participating on this particular item on the agenda as his firm is currently providing the architectural services for the applicant.

Acting Chairman Salathe asks Committee members if they are in agreement of Committee Member Simmonds recusal. Committee concurred.

Mary Elizabeth Watson (legal): There is also one other Committee Member that may need to put some information on the record, Mr. Lee with regard to whether he is going to be a part of this or not.

Committee Member Lee: Let the record reflect that I wish to be recused from this matter. I represent the applicant's architect who will be presenting the design this evening and my wife is also legal counsel for St. Luke's.

SARAH SCHAFFER PRESENTS AN ABBREVIATED STAFF REPORT AND MAKES MENTION OF ONE OF STAFF'S ONLY CONCERNS BEING WITH THE ELEVATED WALKWAY THE APPLICANT IS PROPOSING. MS. SCHAFFER ALSO PRESENTED THE COMMITTEE WITH COMMENTS FROM CAPITOL CITY DEVELOPMENT CORPORATION THAT WERE INADVERTENTLY LEFT OUT OF THEIR PACKETS.

Gregg Ostrow / St. Luke's / 190 E. Bannock / Boise, ID 83702: The elevated walkway concept that you are seeing that spans Warm Springs and Idaho is not a part of the application today. I don't know how far we want to discuss that part. We certainly do want to discuss the concept of the elevated walkway between the parking garage and the M.O.B. as a design concept and maybe touch base on the concept of what the elevated walkway does from an urban design standpoint in that area. I don't know if we really want to spend a lot of time on that but that is up to you.

Chairman Salathe: I would be interested in your thoughts on that.

Mr. Ostrow: You may get them. I have some handouts too.

Chairman Salathe: Sarah I will mark this as Exhibit A.

Mr. Ostrow: Do you have my slide show presentation over there?

Ms. Schaffer: I do.

Mr. Ostrow: The Warm Springs office building that you see in front of you today has been on our planning radar for three or four years. At the time that we submitted the parking garage we did submit the concept of the parking garage. We also submitted the concept of the elevated walkway continuing over the streets at that time. Certainly we understand people's concerns so that is why we are trying to preliminarily bring it to the discussions at this point. Could I get slide number one please? What you see there is an overall view of our campus facing what would be northeast. The circulation that you see; the vehicle circulation, the driveways, the right in the right out on Warm Springs, the right in, the right out on Broadway. You will also see, you can't see that well on this one, but we have continued that north/south pedestrian walkway from the Courthouse project which was a part of a condition for our parking garage. As far as the building siting, obviously it is nice we put the parking in the back but we have also created entrances to the building from the north and the south so there is more of a street entrance. The main entrance will be from the south

the majority of patients and staff will be coming from the parking garage. The physicians primarily will be coming out of the north end of the project and accessing the hospital. We are proposing a bus stop along Warm Springs which was a request from Boise Urban Stages when we submitted the parking garage. Slide two please. This is a slide from behind looking up so we are looking northwest. You will see the covered elevator walkway in there. I wanted to save that discussion toward the end. This seems to be the sort of topic of the evening. Next slide please. Talk a little bit about the architecture. St. Luke's is proud of the architecture that we have achieved over the years. Our design elements of using brick, simulated sandstone, anodized bronze, curtain walls, bronze glazing with lots of recesses has become our trademark. The challenge in a building like this is simple. How do you take a St. Luke's building, function as an office building and make it a little unique, and I thought my architects have done a good job of this. What we have done is that we stepped back along street side, the first floor we are proposing alternate brick material on our campus for the first time on the base. I don't know if you are familiar with Wood River it is not new to St. Luke's it is new to the St. Luke's campus. Didn't want to make it too big of a change but we thought we would implement a little bit of creativity in there. Once again our use of vertical recessed windows for shadow and contrast with horizontal banding and articulation of the mass that you can see at the front of the façade along with our trademark, which I think creates a lot of little detail for our building, our articulated corners. Next slide please. What you are seeing there in a little more detail showing the light standards at the front along with a covered entry to the building with the glass. A little bit better detailed look at what the brick, lighter brick, the step-backs. Next slide please. The "dreaded elevator walkway." Once again I would like to save that to the end. Next slide please. Those of you looking from the parking garage, if you can see there we are using retaining walls in as much area as possible we will use those stones, simulated stones to get natural light down into the basement. And by angling the building with the parking lot we feel that we have created a nice little exterior landscape space in the front and in the back of the building. Next slide please. I want to go over real quick the conditions that we have received, conditions from Staff, which by the way we are very, very excited about the positive Staff and CCDC response for this project. Thank you. Item A, the bike rack at the south of the building we think is a good addition. We are proposing bike racks in the parking garage which will primarily be for staff and the public probably wouldn't know they were back there so the bike racks in the front are a good suggestion. The Capitol Pear trees in Item B that we are being asked to provide are in a sewer easement so at this point in time we are asking that these be removed as a condition. Item C, provide two additional crab apple trees, we are in agreement with that also. Item D, we will get to. Let's hit CCDC real quick. Recommendations, Item A, once again we are talking about the design for the elevated walkway which I am still going to make you wait on. Item B, applicant shall add a line of trees along the east property line adjacent to the Eoff House residence. There are quite a few trees along that property line right now. I don't think we could add anymore trees in there so I think that Item B should be subject to discussion. Item C, adding cross walks to the parking garage exit, we have no problem with that either. The last Item (D), considering installation of child facilities in the medical office building. I don't think that is a part of this application, being an interior improvement. Can I speak to the elevated walkway at this time? You will see in front of you multiple studies of the design of the elevated walkway. I think there are two issues at stake here. One, the concept of an elevated walkway and item two is what the aesthetic design of what that walkway looks like. Currently St. Luke's .....the parking garage holds 1, 064 parking spaces. The Medical Office Building (M.O.B.) we are figuring, five per thousand gross, so we are looking at about 500 spaces out of the parking garage for the M.O.B. You have 600 parking spaces that are probably 80% full. At shift change, twice, at 6:45 to 7:00 and then in the afternoon we probably have over 100 pedestrians crossing Idaho Street and Warm Springs. I think you have to...before you can make a decision as to the concept of the walkway and I don't think you are here tonight to finalize that, I think you need to grab a cup of coffee and sit out there at 7:00 in the morning to understand why we are asking for this. The urban concept of keeping people on the street, we all understand that that has been around forever and that side of the downtown is not as people would like to believe, it is not an urban street concept with shops, cafes, it is not a downtown pedestrian link at this point in time. The only link that you will see there typically is the St. Luke's, north south between the hospital and the parking garage. We have had staff hit. We recently did install the light, I don't know if you are familiar with that down there recently. We have installed the yellow blinking lights. I think you need to look at it to see the condition that it creates. As for the design of the walkway,

after I read through the staff report and looked at our project, it seems to be two different design elements. The design element between the parking garage and the M.O.B. is a separate animal from the design of an elevated walkway that spans two public streets. As you can see we didn't, I don't think even ourselves know what the right solution is for the design over the streets, which is why we haven't presented it. Our initial feelings are a gateway design where you would have solid brick columns on each side of the street in (*inaudible*) because they would have stairwells, some would have elevators spanned with a steel class and a steel truss. Now to us sitting on the block at Warm Springs and Broadway, if you just stood there and look into that area, this time of the year you can't even see it because of all of the trees, but you need to sit there in the winter time and kind of visualize it. I don't think we have even completed that visualization yet. So I think that short of a full scale mockup we will have at the time that we present it, photographs from different vantage points. I am not adverse to the brick, the precast. As a matter of fact I am willing to work with Staff and DR for what the design of that elevated walkway should be between the parking garage and the M.O.B. Our only request is that we be allowed to have 50% solid sides and a roof to protect our staff and users of the bridge. Any questions?

Chairman Salathe: The length of the elevated walkway that you are proposing right now has three supports and how long is that elevated walkway?

Mr. Ostrow: You had to ask me a technical question didn't you?

Ms. Schafer: Madam Chair you can find that on Sheet A4.0 of the documents that the applicant submitted. It appears that that is 61 feet 89 inches.

Chairman Salathe: How would this affect the foliage of the trees? The rhythm of the trees, could you talk about that?

Mr. Ostrow: You were speaking with respect to the elevated walkway just between the parking garage and the M.O.B.?

Chairman Salathe: Because that is all we are considering tonight.

Mr. Ostrow: Can we put a site plan up? I may have our landscape architect speak toward that. I am not familiar right this second with what the actual landscape design is. As I look at it I see towards what would be to the east or to the right of the walkway I am seeing what looks to be three larger trees that run linear with the walkway that look to be at least 20 feet, 15 to 20 feet away. I think once again you are looking at an attempt for us to provide a screen on the eastern side of our property. If you look toward the west of the walkway, I don't see any larger proposed trees at all between the walkway and the M.O.B with exception of the one tree that is right at the angle there between the M.O.B. and the...right there and to be honest with you I can't tell you what that tree is and I would have to have Tom South come up here and speak toward it.

Chairman Salathe: Have you done any kind of questionnaires or anything of the employees to find out how many people, or have you figured out how many people are going to use the elevated walkway vs. the street?

Mr. Ostrow: A survey, no. Once again we are not proposing the entire...at this point in time the elevated walkway would not be used by any of the staff for connecting to St. Luke's. I don't think you would go up cross the walkway only to go down to drop at the street level right there. In all fairness, it is essentially our need to place it there from a construction standpoint and a design standpoint so that we can continue it in the future.

Chairman Salathe: So who is using that elevated walkway now?

Mr. Ostrow: Users of the medical office building.

Chairman Salathe: So would you say that the majority of the people would use the elevated walkway are those who work in the office building?

Mr. Ostrow: I couldn't speak to that. I would say....I don't know the answer to that. You know once again, it is a very serious item for us from a campus standpoint and requires...and that is why we are bringing it up right now for the continuation. We feel it is a necessity for our campus to have a north south connection for that 500 staff that are moving north to south to go back and forth from work.

Chairman Salathe: Would you say there are other issues besides their safety?

Mr. Ostrow: Safety is obviously the primary issue, once again if you haven't sat down there at 6:45 am I don't know how you could even question us without watching what really goes on. I can't present that to you unless I brought a video tape of it. You are sitting there and people start crossing in groups of two, one, two, threes; before they are even half way through and the next group is pushing the light. Once again if we didn't have the vehicle and pedestrian intersection there I don't think we would have a need for it. I don't see any aesthetic advantages to it. I think that what we can do, from a design standpoint, is we can create a gateway design that I think can compliment that neighborhood and like we have done buildings in the past I think you realize that we don't just throw up bad looking stuff and we would be stepping on toes if we design some sort of bridge element that didn't look good.

John Cecil, Planning Mgr/CCDC/805 W. Idaho St, Ste 403/Boise, ID: I am here tonight to address some of our issues and concerns with this application. First of all I just want to reconfirm that we are re-submitting our comments, apparently there was a little glitch and those didn't get from Staff to your selves tonight, but I want to make sure that our comments are entered into the record. I will cut to the chase because I know you have a busy scheduled tonight. We want to go on record as saying that we do support the applicant's proposal and also in agreement of Staff's recommendation on this application. Our primary concern, we had several, one was the sidewalk that fronts on Warm Springs to the effect that does not meet the Design Standards for a neighborhood street for the Old Boise Eastside Master Plan for the Urban Renewal District. However that being said and the reason for that is because it is an attached sidewalk, but having been onsite and looking at the adjacent properties we didn't feel that it was necessary to recommend a change in the sidewalk particularly because there is going to be a bus addition. We also feel that with the tremendous landscaping that has been proposed at least, that sort of counterbalances those issues with the sidewalk landscaping streetscape. We feel that is okay as it currently exists. We also think that the applicant has done a fine job. The building themes, architecture, the building brick fascia, in support of that. The primary concern that we did have and which you have discussed here at some length is the elevated walkway and CCDC does not typically recommend the use of elevated walkways as they tend to substitute for sidewalks driving pedestrian activity from the street and blocking view corridors. Elevated walkways should not be used to substitute for pedestrian sidewalks and should only be sited in exceptional cases. However in this case we did feel that there were some practical considerations as you have discussed already. The public safety and the access from the parking garage to the new medical office building. So we feel that perhaps if there is some further discussion we would appreciate to have the opportunity to comment on the potential design of the elevated walkway because we agree with Staff says that what is currently proposed does not in our opinion, does not fit with the theme of the building. We would like to see the brick addition to that. But we are not necessarily opposed to the current walkway as it is envisioned in this first phase, but we think that there is certainly some room for additional discussion on that. I would just add that in terms of the trees on the east side on the east perimeter, adjacent to the Eoff House, my recollection is that there are several trees that do provide some screening between the new proposed building and the Eoff House, however we feel that there could be some additional screening along that part of the perimeter, but with everything else and we did have the shower facility but again that was a consideration, not a recommendation.

Chairman Salathe: Just so that I am clear on where you stand. You believe because of the safety and access issues that the elevated walkway is necessary.

Mr. Cecil: That is essentially what we said, yes.

Chairman Salathe: Is that because CCDC has seen the pedestrian activity in the morning?

Mr. Cecil: Have not seen the pedestrian activity in the morning. We did observe pedestrian activity in the early mid-afternoon, 3 to 4 pm time frame. We don't have any data or figures to support that contention. In this particular case we feel that consideration for that could be made.

Ms. Schafer: I have just a couple of other comments. In CCDC's comments they did mention that they wanted to discuss shower facilities for their users that is not something that is in the purview of the Design Review Committee to require because that is an interior function. We are looking at just the exterior of the structure and the site layouts. Staff is in agreement with their request for the pedestrian cross walks on the ground level of the building and just stripping those in some way. Also Staff wanted to let you know that on Condition of Approval D, that Staff would like to have them bring back that revised design of the pedestrian bridge to the Committee at a worksession and then not just at a staff level. Staff believes that the Committee should be looking at that design and that this is just an approval for a walkway from the parking facility to the M.O.B. (Medical Office Building) not for the rest of campus. The revised design would come back to you at a later date and would be advertised under a different advertisement when the design comes through.

Committee Member Evans: *inaudible/microphone not picking up* .....is ongoing around the parking garage to the proposed office building? And that we are in agreement that is okay with the conditions? In other words we both find that acceptable. The future elevated walkways are none of our concern right now?

Chairman Salathe: That is correct. We are only focusing on the 63 foot length between the parking structure and the Medical Office Building.

Chairman Salathe: Before anyone rushes to make a motion I am going to throw in my comments on elevated walkways in general. Long debate; there has been a lot of debate about elevated walkways. My concern is that this is not a largely populated urban area. Hong Kong has elevated walkways, their streets are crowded and it helps alleviate some of the crowd. We don't have that problem here. For the elements, we are not Minnesota, we don't have the bitter cold and snow and damp conditions. I am concerned about the design. I think we are going to have to really make sure that this elevated walkway sings with the building, that it works with the building. That it is harmonious with the building. Right now I think it is a long way from that. I do think that the safety is an issue and access is important. I think that the more people that you have on the street the better, for safety. I don't think that taking people off of the street helps the safety factor.

COMMITTEE MEMBER EVANS MOVED TO APPROVE DRH07-00164 BASED ON THE FINDINGS OF FACTS, CONCLUSIONS OF LAW AND STAFF'S RECOMMENDED CONDITIONS OF APPROVAL A THROUGH D WITH A MODIFICATION ON ITEM D TO READ: REVISE THE DESIGN OF THE PEDESTRIAN WALKWAY BRIDGE TO UTILIZE MATERIALS WHICH WORK MORE CLOSELY WITH THE ARCHITECTURE OF THE CAMPUS; BRICK, STONE AND PRECAST CONCRETE SHOULD BE USED. STRUCTURAL ELEMENTS SHALL BE HIDDEN WITHIN THE MULLION SYSTEM FOR THE WINDOWS AND THIS SHALL BE SEEN AT A WORKSESSION WITH THE DESIGN REVIEW COMMITTEE AT A FUTURE DATE.

COMMITTEE MEMBER FLANDRO SECONDS THE MOTION.

MOTION CARRIES.

CHAIRMAN LEE RESUMES CHAIR POSITION.

**DRH07-00168 / RICHARD ALLEN**

Location: 6555 Overland Road

REQUESTS DESIGN REVIEW APPROVAL TO CONSTRUCT A SINGLE-STORY, RETAIL BUILDING ON PROPERTY LOCATED IN A C-2D (GENERAL COMMERCIAL WITH DESIGN REVIEW) ZONE.

JOSH WILSON PRESENTS AN ABBREVIATED STAFF REPORT, POINTING OUT THE ONLY ISSUE THAT WAS IN CONTENTION WITH STAFF AND THE APPLICANT ARE THE STREET TREES REQUIRED ALONG OVERLAND ROAD.

Committee Member Evans: Do we have anything from urban forestry on this?

Mr. Wilson: I do not have comments from urban forestry on this.

Byron Folwell / Rudeen and Associates, Architects / 199 N. Capitol Blvd, Suite 602, Boise: The applicant is in full agreement with the recommended conditions of approval for this DR Review, however he feels that the three trees required on Overland Road will block his existing signage on Overland. If you can see from the site plan, the cursor is located in the approximate location of the existing signage, the applicant requested to have those existing trees removed, there were six or seven and he was granted permission by the City to have those removed last Fall. His feeling is that the condition listed in the DR review is just putting trees back where he originally had them taken out.

Committee Member Salathe: How tall, could you describe the sign that he has in that median?

Mr. Folwell: I do not know the exact height of the sign. Do you Josh?

Mr. Wilson: No I don't.

Mr. Folwell: He was unable to have it raised. It evidently is at the limit of the ordinance currently. He attempted to have a different sign put in, a taller sign put in last year and was denied.

Committee Member Salathe: I have a question for Staff. There are power lines that are between the sidewalk, you know right where the sidewalk and ground meet and because of that how far back do trees need to be to stay out of the power lines?

Mr. Wilson: Idaho Power approaches it a couple of different ways. They have some restricted tree species that they would like to see under power lines and additionally there is an offset that you can use. I don't know the number of the offset, but what they do is that they require that those tree species under those power lines be of a height that will not get into the power lines so generally Class I's I don't know if they allow any of the shorter Class II's or not. I know that they have had some problems recently with the flowering pears that you see so often as Class II trees getting into the power lines, so I don't know if they are allowing any Class II trees or not. Generally they would require the shorter trees underneath those power lines.

Committee Member Salathe: Okay, so we could keep those conditions that specify trees that work under the power lines.

Committee Member Evans: Typically urban forestry gets the applications, is that right?

Mr. Wilson: That is correct. We generally we don't receive comments back from them.

Committee Member Evans: I am assuming that urban forestry let them take those trees out. In that case if we are asking them to put Class II trees back in there, if urban forestry didn't know about that they probably wouldn't approve.

Mr. Wilson: I would be supportive of removing the Class II requirement, for sure.

Mr. Folwell: Mr. Allen has also offered to plant those three trees any where else on the site if that is any help. He understands it is probably a tree location issue on Overland, but he did offer that up.

Committee Member Salathe: So we have got three trees that are on Raymond. Where else on site would he have to put those three trees.

Mr. Folwell: There is a parking island in kind of the middle of the development, sort of an I shape. He proposes that he put them there or two of them there and then he did mention offering to put one further east on Overland on the side on the very east portion of the site.

Committee Member Salathe: So where it bulbs out a bit? But that is even closer to the sign.

Mr. Folwell: He is actually the property owner for the existing establishment too.

Committee Member Salathe: That is what I was kind of curious about. So across to the east of the sign, he would put them along there?

Mr. Folwell: I guess his proposal was to perhaps move two of the trees to that center I shaped island and if three were actually required he could find a place for the other one on the eastern most portion of that site plan.

Committee Member Salathe: I would like to make a comment before I make a motion. I think that Overland could really use a little softening up on its hard edge between the street and the architecture and sidewalks. The sidewalks are not detached. They are right on the street. It is a very scary place for a pedestrian. The signage, I think is strong enough to be read going west and east with Class I trees I think that is not going to be such a hindrance to the signage and I think it is actually help the building to be more appealing with some natural elements.

COMMITTEE MEMBER SALATHE MOVES TO APPROVE DRH07-00168 WITH THE MODIFICATION TO SITE SPECIFIC CONDITION OF APPROVAL 1-A TO READ "ADD THREE STREET TREES ALONG OVERLAND ROAD SPACED THIRTY FEET APART. THESE TREES SHALL BE CLASS I SPECIES." THAT IS BASED ON FINDINGS OF FACT, CONCLUSIONS OF LAW, AND STAFF'S RECOMMENDED CONDITIONS OF APPROVAL.

COMMITTEE MEMBER EVANS SECONDS THE MOTION.

MOTION CARRIES UNANIMOUSLY.

**DRH07-00169 / SIZZLING PLATTER, LLC**

Location: 7751 W. Spectrum Street

REQUESTS DESIGN REVIEW APPROVAL TO CONSTRUCT A SINGLE-STORY, RESTAURANT ON PROPERTY LOCATED IN A C-1D (SERVICE COMMERCIAL WITH DESIGN REVIEW) ZONE.

JOSH WILSON PRESENTS AN ABBREVIATED STAFF REPORT INDICATING THAT A PARKING ANALYSIS OF THE ENTIRE DEVELOPMENT COMPLETED BY CITY STAFF IN FALL OF 2006, IS INCLUDED IN THE REPORT IN RESPONSE TO SOME PUBLIC CONCERNS ABOUT PARKING IN THE

GENERAL AREA.

Kay Barbre / 3905 South 6000 West, West Valley City, UT / ( Company address)348 East 6400 South, Murray, UT: I think that we spent a lot of energy and time on this in trying to bring to Boise a building that has real curb appeal. We think we have brought to it a color scheme that matches and blends well with the not only the community but also the buildings surrounding it. We anticipate that we will hire 150 people for the operation of this particular restaurant. This is not our only restaurant, we operate 34 others. We feel that we will bring the community a great service, a great opportunity to dine in a fine restaurant. We did review the comments by staff. I have engaged Tom South to get ready to produce a drawing for our landscape. So we are going to proceed with that. We think we have good traffic motion on the site. We have rearranged the drainage so the site will contain it all. There will be plenty of traffic movement around. We can move pedestrians also with the sidewalks around the building. So we feel like we are bringing something to Boise that not only we will be proud of but I think Boise can be proud of.

Jim Storey / 1607 S. Ashpark Lane / President of the Pioneer Neighborhood Assn: What I want to do is not object greatly to having the Sizzling Platter there. What I am addressing is the fact that what is occur is there. I want to present to you

Chairman Lee: Let the record reflect that the applicant has presented a two page letter which I will mark Exhibit A.

Mr. Storey: The bottom line is the neighborhood association submits the following objections to this request. Under the Boise Municipal Code 11.07.03, which Design Review Objectives considers and guides under 11.07.03-1 which is the design, which is what we are here about right now and its compatibility and impact on the adjacent sites in its relationship. For the findings in 03-01 is that the site plan minimizes the impact on traffic on adjacent streets and it goes into the bicyclists and so on and so forth, but for the safety of a parking lot design is appropriate. Considerations in relationship in finding, a) one and two, we find this project is in violation. This project is being requested on a contractually committed parking lot site. I take the following data from the City of Boise's own documents and codes. The original Spectrum parking lot spaces required 2,126. In 1997 there was problems with parking and parking in the neighborhood adjacent to this project. The contractor/developer at that time requested CUP97-0049 to change the original parking requirements from the basic complex to allow for 1,720 parking place spaces on site and 406 parking off site, across the street is where they were at. This parking lot was stated to be contractually a parking lot by CUP97-00049 and was used as such until the complex was sold in 2006. The City should have no right to change the CUP to create a safety hazard, which it is doing. Boise Municipal Code 11-10-06 Off-Street Parking; Requirements Tables 13 – Space requirement for Special Parking District Land Use: The following requirements for off-street parking and the requirements for Table 13 spaces. That is spaces that the Committee should be using for compatibility and impact on adjacent sites. This isn't the only one that this ought to be addressed with. You should be looking at Boise Towne Square. The following list are the numbers of parking spaces allowed based on the land use. You can see the ones all the way along there. In 1997 there were five completed facilities and at that time there was still traffic and parking on the neighborhood street and one fatality from people driving through there too fast. We have had several accidents with children since that time. It is only getting worse. You will notice the list as it continues on and as you get to the end of that list you will notice that the total parking spaces required are 3,143. That is based on the fact that if you walk into each one of these sites above the door, it tells you how many people are allowed in there. One half of that in accordance with that table is how many parking spaces you are allowed, for the most part. The vacancies in the Hawkins office building are all based on square footage. How they come up with this I do not know. I am going to stop for just a second , because using these facts there are 917 parking spots short. July 9, 1997, Mr. Brian Huffaker: Dear Mr. Huffaker, This letter is to inform you the action taken by the Boise City Code Zoning Commission on their request for parking reduction of 413 during the Spectrum development, C2-D, General Commercial with Design Review and the property location. The Commission at their hearing on July 7, 1997 approved your request with 1,720 parking spaces on site. 125 off site parking spaces and I hope you notice what they just addresses just a

moment ago by staff that there is 125 parking spaces off site. This is the off-site parking that they addresses that was contractual and I will read to you that part of it if you need it, under the original P & Z requirements. With additional off-site parking is available and will be made to adjacent lots to the south if necessary. This approval was based on the attached conclusion of law and finding and facts and is subject to compliance with the attached condition and approval. Gosh I have heard that here a couple of times already. I want to go down to Item ;, the rest of it is all by the book just like you are saying. It talks about the appeal dates and everything and it goes down to the last part and it says, "All appeals of this permit must filed by 5:00, Thursday, July 17, 1997. On April 17, 2006, the developer filed an appeal to change CUP97-0049. Now it is already stated how much is actually on the site and I don't know how the City of Boise could suddenly develop a lot of parking places that were not there when at the time there were only 4 actual working places on this site, but everyone, that includes myself, the developer and the City of Boise, all agreed to this. I will continue now because I want to address the issue as I have seen what occurred. Each time a new construction is requested at any one of these sites, any one of these projects, we turn around and we say, okay, P & Z, P & D, you name it, it seems to me that the taxes is more important than the safety and the hazard that is created. Let me explain what happens. The original point of the Spectrum Complex, it was designed, and was told by the P & Z Committee by Gary Hawkins, it is a complete evening out, a movie and a dining facility. The developer got P & Z to buy off on joint use parking that does not work when you have something where you are going to be parked there all evening. You have to go to worse case scenario on parking. You can't use it any other way. It has to be worse case. Because what happens is you have a restaurant and you build it the paper you have in front of you tells you that you are allowing this developer to put 246 parking, 123 are under the allowance under the table, agree completely, have no problems with that. Then each time that you came back, and this went through P & Z, instead of subtracting that off of the original amounts so that they could keep track those of that are originally there and are needed. We have gone through this with Johnny Carino's, Feb Rockers, Black Angus, the Sport's Bar, a half a dozen of these, we have gone through and explained, and explained, and explained, and unless P & Z starts keeping track of how many parking places they are allowing as you'll be allowing today if you allow this one, it is just going to get worse. Excuse me just a moment. I get a little excited about this whole thing because it has been bugging me for a long time. I would like to bring to your attention an article that was in yesterday's newspaper from Meridian. I think it is extremely applicable to the entire problem of parking. If we use the guides proposed by the City of Meridian as seeing parking as a problem and wants to head it off in the future by an endless circling of cars looking for a parking place as it is in the Spectrum Complex right now, we need to do something different. This proposal was a fee of \$5,000 per parking place be taxed onto new construction as well as parking fees to be paid for parking garages like CCDC does today. They also collect all of the fees on it, CCDC does. It seems that Boise City Planning and Development Services doesn't think that far ahead, but is giving special consideration in this case to the developer. The charge for this new facility if Meridian went on with it, consideration, for 107 parking spaces based on \$5,000 it would come to \$635,000 for parking. If we look at the case where prior to the developers selling of the complex, I say it was 917 parking places short and let me tell you, if you have been out there you know that around Christmas or when they have a brand new movie that is really exciting, you can't find a place to park anywhere. The sizzling platter is going to be just as bad as the rest of them because they are going to be parking in their parking spots and going to the movie and they are not going to receive what it is they are building this entire thing for which is to come in here and make money at it. That is what we have tried to do with the others that have come in and done the same thing. If we stick with what the City has that is 507 parking spaces short based on their own accounting on Table 16, if you did that it is \$2,537,000 that the developer should be using for building an above ground parking facility on site so that the entire project and you and I as citizens of Boise and the State of Idaho should have the opportunity to be safe and not into a hazardous condition, which is being created by taking away this parking spot, which was as they have told you, it was a parking spot. Pioneer Neighborhood Association dealt with this issue from traffic from the Spectrum Complex and parking with the adjacent neighborhood in 1996 and 1997. It is back again 10 years later only worse. We are getting more people parking over there and more cars driving down there faster and faster. ACHD won't do anything about it, can't do anything about it, but you can. We can stop any further construction on these sites until the parking problem has been resolved. I want you to know that Pioneer Neighborhood

Association is against the Sizzling Platter's request to construct this restaurant on this property but only until the parking problem has been resolved. If they built a nice parking spot on that we would welcome the Sizzling Platter. The entire concept has been a good concept, but the moment that it was sold by the Hawkins Corporation it has turned into a nightmare again. The Neighborhood Association also protests to the City of Boise Planning and Development Services of the CUP97-0049 to accommodate the developer in making the area a greater safety hazard. They did this by ignoring their own Planning and Zoning Municipal Code in making this decision. This protest has been sent forward to the State of Idaho, the Attorney General and the Governor's office as a protest in the local planning act. I suggest for sometime this isn't going to be resolved. Do you have some questions?

Committee Member Simmonds: I wonder if staff could shed some light on what the current CUP related to this site states that the requirements are for parking and how that affects the development as a whole, I am not sure I understand completely how that whole thing came about.

Mr. Wilson: I can give it my best effort. It is an extremely complicated conditional use permit situation out there at the Spectrum. There are multiple conditional use permits that govern the property along with at least two parking reductions that have been approved. Our numbers don't agree with the numbers presented by Mr. Storey in terms of required parking. His required 3,043, our department has a determined required parking of 2,471. It is my understanding that his are possibly based on occupancy for the buildings, whereas ours are based on seats per the zoning ordinance. That is what I have to go off of is the parking analysis that our Planner I and our Planning Department compiled at the request of Hal Simmons the Planning Director back in October in regards to some parking concerns out there. It was determined at that point that there was this 242 parking spaces in excess of what is required out there. Past that you get to some older Conditional Use Permits, it is pretty complicated.

Committee Member Simmonds: The parking analysis that you show in the Staff Report says that there are currently 2,432 spaces at the Spectrum. Does that include the current site that we are looking at tonight?

Mr. Wilson: Yes.

Committee Member Simmonds: So is does that number include the requirement for the restaurant?

Mr. Wilson: It does. If you look at the analysis there in the Staff Report. Essentially if you look at this proposal in that parking lot today there are 121 parking spaces. After the applicant comes in and places a building in the middle of that parking lot and extends that parking lot to the south, that same parcel has 125 parking spaces. So we have a net gain of four essentially. Now that number or required parking spaces for the restaurant is included in the new total required spaces for the center there, the fourth line, the 2,313 that takes into account the 123 that this restaurant requires.

Committee Member Simmonds: So if I understand this correctly there is currently not a restaurant on that site. There are 121 spaces on that site, then when the restaurant is completed there will be 123 total, but the net total required is 2,313. Then the original Spectrum Development parking spaces required was 2,126 according to the information that was submitted to us from the Pioneer Neighborhood Association. Do we know? I guess there are a couple of questions here. I am just trying to understand what we really have. Also what our purview is and what Planning and Zoning should be looking at as opposed to Design Review. So I guess there are two things I am trying to understand a little bit better here. Do we know what the original CUP was and why it was changed? It looks to me like there is a real disparity here between the numbers that we have and the numbers that we have been given. Says here in the CUP97-0049; reduce the parking allowed to 1,720, with 406 off site. First of all if all of these uses were originally planned for that site, if it included all of these additional restaurants and if that parking was considered as part of that original development or exactly how that number came about.

Mr. Wilson: I do have a letter here from Hal Simmons, the Planning Director that does reference that does

reference that 1,720 required on site, but the required off site is 125 for a total of 1,845. His conclusion at that time was that there was 2,047 spaces on site in excess of 202. So I do have that letter issued by the Planning Director.

Committee Member Simmonds: When was that?

Mr. Wilson: That was October 2006.

Committee Member Simmonds: Now it says that there are 2,432?

Mr. Wilson: This does have the caveat that there are spaces developed in the vicinity that were not included in this count, so there are additional spaces above the number provided in this letter.

Committee Member Simmonds: Okay. Well I guess, maybe I am just having a hard time understanding this, but if there was an original number of 2,126 parking spaces required, was that number also based on the restaurants and the uses that are out there today, or was that number augmented when those uses came along?

Mr. Wilson: I am not familiar with the 2,126 number so I can't answer that.

Ms. Weston (legal): I was present at a meeting back in the Fall with Mr. Storey and Bruce Chatterton, Planning and Development Services, Hal Simmons, everybody. We were all talking about this item. We even had somebody from Planning that had a map showing the area and the different approvals on the different parcels and what dates those occurred. I can't tell you exact details, I don't try to pretend to know about everything about what parking was required and when it was required, but I can tell you that at that meeting that we determined that at the time in October, and I believe that the letter that you have came out right after that meeting. But at that time we determined there were, even after all of the developments, the different places that are out there, I can't name them right now, but the ones that are out there that there was adequate parking at that time, that they were all accounted for; that there were lines between A and B for each new development and the parking that they required. As I said, I believe that the letter from Hal Simmons was from that meeting, although I can't say for certain. So at that time the parking was adequate and this point now you have a presentation before you for a new development that is also proposing that the parking is also adequate and just shifting to a new area.

Committee Member Simmonds: In order for that to be the case we would have to assume that the parking that exists is in excess of what needs to be there before the restaurant is located there.

Ms. Weston: It is my understanding that the parking has always been in excess of what was required. It was never below what was needed and again I am referring back to the meeting we had in Fall of last year. That it was always in excess along the line, that they never fell into a lower amount or was never just scraping by that there was always parking and enough of that when each development came along.

Committee Member Simmonds: I guess and maybe I am the only one here, I am trying to find out exactly what our purview is and how we understand what the guidelines are we should be following in trying to make a determination on subjects or issues on traffic and what Planning and Zoning should be reviewing as a part of that. What our purview should be as the Design Review Committee and how we better understand exactly what the disparity is between the numbers or if we need to understand the accounting of what has happened here and what is in front of us.

Ms. Schafer: You will be the only ones that will be seeing this item so the Design Review Committee is responsible for the exterior improvements, the site layout, making sure the parking counts are appropriate for this development. It is my understanding that when we, prior to this building going on this site that we were in excess of parking for the overall theater and restaurant development, but by adding this structure to

the site we have added four additional parking spaces as well as replace the 121 where the structure is going to set. This restaurant requires 123 and that overall we would still be in excess for the number of spaces required for the overall development, based on the information that was obtained in October, 2006 along with the seating information this applicant has provided as well as the parking with this site.

Committee Member Simmonds: I guess the only comment I have and not that any one of the sources of information would assume to be incorrect, but personally I don't feel I got enough history and information in front of me to be able to make a determination in terms of the number of uses that are on the site. The uses that are new, the number of uses that were not originally planned for the development, that are now not there. In fact there may be all of the parking spaces that we need there, but in light of the history and the previous issues, I don't feel comfortable that we have a solid, at least in front of us tonight, that we have a solid piece of information that tells us exactly what we have and what was originally approved and how that relates to the development of the site.

Committee Member Evans: I would also like to add, that in my package at least and I believe in my other Committee Members, we don't have a site plan. So I don't really understand how this building is sited on the site. The landscape plan is a partial landscape plan, not including the parking stalls; any trash enclosures; any pedestrian circulation. So I will just second what Michael said. Not enough information to make an adequate decision.

Committee Member Salathe: This is a more esoteric kind of comment or question. The numbers are of what is required and what are provided are numbers, but there are other realities as far as what is really going on out there. I think that in all fairness that has to be taken into consideration. So what can we do with that or without that?

Ms. Schafer: We can only base our parking requirements off of what is there and what the ordinance allows. We can't look at the realities that you are speaking of. We have got to go by what is based off of ordinance. Off of the Conditional Use Permits that have been allowed as well as the parking reductions that have been allowed. That is what City Staff made their determination on. Stating that this would be an allowable use and the number of parking spaces that are provided are the ones that are allowable. We also made our determination based on the number of seats in each restaurant. The number that Mr. Storey based his parking off of was the occupancy load. Those are two totally different numbers that come out. Often times the occupancy load of a restaurant is much higher than the seats that are located within the restaurant and the number of parking spaces we would then require. The City Staff can't make their determinations off of anything other than those factors.

Committee Member Simmonds: Would you be able to share with us the details of those counts so that we can reconstruct here what we think we have and what should be there?

Mr. Wilson: That will take some pretty substantial staff time so.....

Committee Member Simmonds: I guess the only real concern I have, obviously its seems to be a great project and a great project for the development, there is not question about that at least in my mind. With all of the parking numbers that have been thrown around here when the development was first started there was a number of businesses that weren't there and yet the parking has been expanded and it has been used for other restaurants and other sites and I do remember a similar conversation that I think we had on one of the previous restaurants that was on that site and I think in order for us to understand maybe what staff understands we need to have some kind of accounting to be able to compare with what was originally approved and then if the parking count was reduced, why it was reduced and what that meant in terms of the parking requirements for the individual businesses and then how that ultimately affects what we are doing here.

Ms. Schafer: If that is what you would like to see we can bring that back to you at another hearing.

Chairman Lee: Is this particular project subject to the CUP's that are applicable to the parking circumstances? Is this property's underlying entitlements dependent upon the parking CUP or the Spectrum project generally? Or is this project independent of that?

Ms. Schafer: This project does fall within the underlying CUP of the overall Spectrum Development and would have to comply with the parking requirements of that CUP.

Chairman Lee: So even though this particular use requires 123 parking stalls and this particular property or legal parcel has 125 therefore it self parks, the problem if it exists is with some other piece of property under the CUP Spectrum, but because this property is part of that the project is subject to that.

Ms. Schafer: That is correct.

Chairman Lee: You had mentioned that we are the only Committee to review this project and so there isn't an opportunity to correct this if this Committee makes a mistake.

Ms. Schafer: It will not be going to Planning and Zoning unless it is appealed.

Chairman Lee: Any further questions of staff?

Mr. Barbre (applicant): Certainly it seems like there are some overflow issues that follow on this particular site, but I would like to remind the Committee that this particular parcel is zoned for this particular use. It would seem to me that if this had been tied up or at least correlated with what other properties were involved that it would have been rezoned so that it couldn't have been presented for any other usage. I think that we have good parking. We never anticipate that we would have one car for every two people in the restaurant that is an unusual load. We would figure that we would have probably more people per car than that, usually an average of three. So we think that as far as the traffic increase in the area I am sure that it is going to impact some of that. It would appear to me from the Staff's report and from what I have seen out there you can certainly move the traffic around. Now if it is an issue of safety, it would appear to me that the traffic and transportation division ought to make a presentation on that on how they would handle that particular issue. Whether they would change it to one-way or whether they would put speed bumps in there to control the speed. I think this will be a good thing for Boise. I think this restaurant will bring some good things and there are certainly some peripheral issues that we are not a part of. We have tried to follow the scale and the requirements and I think we have met that and we appreciate your attention to them.

Committee Member Simmonds: I would like to hear from our legal counsel in terms of the legal issues, the issues of the individual property owner, individual parcel zoning vs. the CUP that encompasses different parcels in the development and what that means in terms of how we should probably formulate some kind of deliberation.

Ms. Weston: I don't have enough knowledge and history to know about the original CUP. I am not sure I was even here at the City at the time that was passed. Staff indicates that it does control all of this as one all encompassing development. I have no reason not to believe that. So obviously this parcel within that would have to then therefore comply with all of the parking requirement. I don't have any individualized knowledge otherwise about the CUP.

Committee Member Salathe: I have a question for Committee Member Simmonds. Would you be amenable to having a session with staff and with Hal Simmons to go over the history of the CUP's and see where it started and where we are at now?

Committee Member Simmonds: I would. I think we need to understand some of the more detailed aspects of the history and what we are deliberating on in terms of numbers and what that means to the development

and if that means that we simply need to defer to either a specific hearing or the next hearing date. I guess that would be something that I would probably make in a motion.

Chairman Lee: I will throw in a comment and treat my fellow Committee members to make any comments about non-parking related issues because there is a parking issue that has dominated the discussion up to this point, but we also have a project to review independent of that. It would be helpful if we are going to defer the project that we might give anyone some input as to those issues. The applicant being the owner of the property probably doesn't have much knowledge about this particular CUP parking issue. He has a responsibility of making sure that he establishes his right to be able to construct the project. But he will probably have to call upon others to explain how we got to where we are and why it does or doesn't comply. But I happen to think that this building meets our requirements as a Design Review Committee and I think we have let issue divert our attention from the other issues that we do need to review to feel comfortable with.

Committee Member Simmonds: I think you make a really good point. We kind of alluded to earlier, it is a good project. I think the building fits in with the entertainment, leisure aspect of the development. It has a variety of materials. The restaurant has been well thought out. The site plan has been well thought out. I don't think that probably any of us have an issue with the restaurant design at all. I think the applicant is to be complimented on what they have produced and provided to us tonight in terms of the building design.

Chairman Lee: Did you see a site plan?

Committee Member Simmonds: Yes.

COMMITTEE MEMBER SIMMONDS MOVES TO DEFER DRH07-00169 TO THE NEXT HEARING DATE. PRIOR TO THAT HEARING DATE THAT WE HOLD A MEETING WITH STAFF, THIS COMMITTEE, POSSIBLY THE DIRECTOR AND PERHAPS THE APPLICANT IF THAT IS APPROPRIATE TO REVIEW THE INFORMATION AT HAND AND SO WE CAN BETTER UNDERSTAND EXACTLY WHAT THE PARAMETERS ARE FOR THE DEVELOPMENT AS A WHOLE IN TERMS OF THE PARKING REQUIREMENTS.

COMMITTEE MEMBER SALATHE SECONDS THE MOTION.

Chairman Lee: Point of clarification. You mentioned the next hearing. Do we have a date specific for the next hearing Ms. Schafer?

Ms. Schafer: June 13, 2007.

CHAIRMAN LEE: SO THE MOTION WOULD BE JUNE 13, 2007. WE HAVE A MOTION ON THE FLOOR, ANY DISCUSSION?

Ms. Weston: Could you inquire of staff if that is technically possibly? If you have a meeting with staff and Hal Simmons and the applicant this is going to have to be a public meeting noticed in and of itself, so I don't know if there is enough time to do something like that or if maybe, my suggestion would be that this conversation just merely occur at a worksession, publicly noticed, prior to your next meeting in June.

Ms. Schafer: I completely agree with legal. If you would like to have that meeting with staff, Mr. Simmons and the applicant at a worksession prior to the June 13<sup>th</sup> meeting at that date specific, then we don't have advertising problems.

Chairman Lee: Ms. Schafer obviously staff had mentioned that they are looking for a substantial amount of effort in terms of putting together the documents to establish this CUP parking adequacy, shall we say. How much time would you need and what would be a convenient time from staff's perspective given all of

your other obligations.

Ms. Schafer: If we had that month to be able to get this put together between now and the next hearing I think we would be able to get that taken care of.

Chairman Lee: Are you suggesting that we don't need an interim meeting but that this could be handled at the next hearing?

Ms. Schafer: Instead of the interim meeting we handle it at the worksession prior to the hearing, the discussion of the parking and then take up the approval or denial of the application at the public hearing, I believe you would have enough information to be able to do all of that all in one evening.

COMMITTEE MEMBER SIMMONDS: I WOULD LIKE TO AMEND MY MOTION TO ECHO COUNSEL'S RECOMMENDATIONS AND THAT WE MEET WITH THE PARTIES MENTIONED PREVIOUSLY IN A WORKSESSION SCHEDULED PRIOR TO THE NEXT PUBLIC HEARING AND THE DATE SPECIFIC FOR THAT WORKSESSION WOULD BE JUNE 13, 2007.

COMMITTEE MEMBER SALATHE: SECOND CONCURS.

CHAIRMAN LEE: I KNOW THAT MR. SIMMONDS COMPLIMENTED THE SITE PLAN, BUT THE APPLICANT MENTIONED THAT THEY WERE GOING TO PREPARE A LANDSCAPE PLAN. I THINK THAT THAT IS GOING TO BE A KEY DOCUMENT THAT I PERSONALLY WANT TO SEE AT THE NEXT HEARING. THE SITE PLAN TO ME ISN'T AS REFINED AS WE NORMALLY SEE IT SO I AM LOOKING FORWARD TO SEEING WHAT THE APPLICANT IS CONTEMPLATING AND WILL BE DONE ON THE SITE PLAN. I AM ENTIRELY COMFORTABLE WITH THE BUILDING DESIGN. I JUST THINK I NEED TO SEE THE SITE A LITTLE BIT BETTER. THAT WAS A CONSIDERATION INDEPENDENT OF OUR PARKING ISSUES.

COMMITTEE MEMBER SALATHE: WE NEED TO ADD THAT AS A SITE SPECIFIC CONDITION C THAT WE HAVE A LANDSCAPE PLAN TO REVIEW AT THE NEXT WORKSESSION. IF WE DO NEED ONE THIS WOULD BE A REQUEST TO THE MAKER OF THE MOTION TO AMEND THE MOTION TO ADD SITE SPECIFIC CONDITION C.

SECOND CONCURS.

MOTION CARRIES UNANIMOUSLY.

**DRH07-00171 / CHAD ROBERTS**

Location: 4017 W. State Street

REQUESTS DESIGN REVIEW APPROVAL TO CONSTRUCT A SINGLE-STORY, AUTO BODY SHOP ON PROPERTY LOCATED IN A C-2D (GENERAL COMMERCIAL WITH DESIGN REVIEW) ZONE.

JOSH WILSON PRESENTED AN ABBREVIATED STAFF REPORT.

Pete Rockwell (representing Chad Roberts and Hoffman Auto Body) / 595 Americana Blvd. / Boise: We are in agreement with staff's report and recommendations. I would like to add in anticipation of future testimony that we took the residential neighborhoods and tried to be sensitive to those in the siting of the building. To the northwest there are some apartment buildings that are ten feet off of the property line and on the southwest are individual residences. So we placed the building as far away as we could from the apartments and also from the residences putting it close to State Street and also that any spray or paint equipment is on the side of the building that is closest to State Street.

Theresa Sanchez-Lopez: My concern is that my house is right behind that property line and I have a young daughter and I know that my neighbors have young children and I am an oncology nurse. I am concerned that all of this paint and stuff that is going to go into the air is going to be a risk factor to our children and the development of our children. Now this area is not developed yet for commercial, I understand that it is. It doesn't have to be a body shop it can be something different that is not as hazardous for our children. That is why I am here today just to tell you that I am concerned and I am concerned not only for my children but for the other children. This may be a little bit too early for them to try to develop in this way and there are other options. I am not objecting to any other commercial but not a body shop. I am willing to look at the filter system that they are going to use, but I don't agree with it and I don't know if you would want a body shop in your backyard. So that is something to think about. You know it was nice, my daughter is tired and she wants to go home, but it was good for me to be here and listen to what the other people before me spoke about. Yes you guys are here and yes you guys are to decide things for the community and what is best for the growth of Boise and for all of the businesses coming in, but we do need to take into consideration the citizens of this City and why we are here. We need to live and be safe. Our health counts. Our oncology is just getting bigger and bigger and we need you guys to be watching out for that when you approve for these things to come. I am just asking every one of you to think about this and consider it when you guys approve this. All of these new people coming and saying let's do it. Yes it is good for the City, but again we have to look at our health and the safety of our children and all of us.

David Hammerquist / owner of 4010 and 4012 Garnet Street / Boise: To the south of the project in a very quiet neighborhood as the dear lady testified about the neighborhood. It is very difficult to speak against Mr. Rockwell he is a man I have known for years and have a great deal of respect for. My comments are as follows, and I don't know how much you can apply to your consideration, but approximately a year ago an attorney by the name of Jay Gustavson approached me and said, "hey, we are about to file a title action regarding that south line with would intrude on my property, where I think my line is and I never heard from him." I am assuming that he didn't. He represented the owners of the property at the time. I don't know if the actual ownership has changed since that time. So I am quite concerned about that property line that has been resolved at least according to what this attorney told me. I did not know there was an issue there. Be that as it may I notice that in the proposal they are talking about the trees placing them on the south side of this property to the north of my property, how they were going to allow deciduous trees. It seems to me that big green evergreens absorb more noise than deciduous trees, particularly in the winter, so I think that is a consideration to be made as well. I appreciate the staff noting saying the fact that they want to put dumpsters and operating HVAC near the residential side of the property. I appreciate the fact and I am sure the architects have worked very hard to configure this design, but to put operating HVAC and your morning dumpsters and your morning trash bins on the residential side of the property to me seems to be not quite make sense. If you at the architect's letter, Mr. Rockwell, but his colleague obviously, letter of April 3<sup>rd</sup> where they talk about the shop is deliberately located to minimize noise to residential, but then when you allow the trash and the trash pick-up that is necessary and the operating HVAC equipment, you almost negate that promise. I would ask the Committee to look at that carefully for the architect to see if they can find a way to move that as far away from the residential as possible, but putting it on the south side doesn't seem to me to accomplish that purpose. Second to the last comment that I have is that it talks about that there will need to be sewer implementation on the southwest part of the property and of course what I would want to know myself, is if I am one of these residential neighbors I know we have sewer easements by necessity but the sewer easements sometimes are site specific and I recall when this property was acquired. I don't recall that's where the sewer easement that I have to allow occurs. So I am concerned about if they are going to do it on the border of my property are they going to need construction equipment and come onto my property for that purpose. I don't know that my easement requires me to allow that. Lastly of course is the paint fumes, hopefully it is indoor and they paint indoors, I assume that most of them do. As I understand, a body shop (to alleviate her concerns) they are required to be indoors a lot of heating equipment a lot of ventilation equipment. This is designed so that the paint fumes do not go outside or at least they do it in a way that is filtered and so forth. That is going to be a requirement that the owner is going to have to comply with. My concern is of course the noise. I am familiar at least with some of the criminal complaints that have been filed by Boise City for violations of noise ordinances by business

people and if the tenants and residents there complain about the noise I would hope that the City is consistent in what they file and how much noise they will allow by businesses.

Committee Member Salathe: Could you point out the sewer easement? Could we talk about that a little bit?

Mr. Wilson: Generally speaking, the applicant will be required to meet the requirements of Boise City Public Works in terms of the sewer placement and the sewer easement. They have or will issue comments in terms of the applicant's approval for the sewer. They will dictate where that connection needs to take place and outline those easements. That is all handled by Boise City Public Works.

Committee Member Simmonds: Are there any specific noise abatement ordinance issues relative to this specific zone that are unique?

Mr. Wilson: Not that I am aware of. Those would have been addressed in the Conditional Use approval for the property which did take place last week. They are outside the purview of Design Review and I am not familiar with those.

Applicant Rebuttal - Pete Rockwell: I don't know how specifically I can comment on everything that has been brought up but I will take a stab at it. As far as the safety of an auto body shop, I am not a safety expert I cannot speak to that. I do know that everything that we are using in the facility is new, state of the art paint booths are enclosed. Paint mixing rooms are enclosed and ventilated properly and they are located close to the State Street part of the building. Of course I am not in any position to give any kind of guarantee, but I think it is safe and according to accepted standards. Also just to point out it has been placed as far away from the residential uses on all sides. In answer some of David's questions, the ownership has changed, I am not sure if that has any bearing on these proceedings, but it has changed. The property lines are all goofy and it has been surveyed and the surveyors told me that it is all taken care of. The placement of the HVAC and the noise, I don't really see that as a huge issue. This is an 8,000 sf building and only a 1,000 sf of it will be air conditioned, the shop will not be air conditioned. The HVAC unit, the condenser will be no larger than a house or a large house and it is 60 or 70 feet away from the property line and behind some trees and behind some fences and in fact it was already behind a solid fence before staff requested that we add a gate onto that, what I consider an outside utility yard. I think that that noise will be minimal. I think that tree types, we are completely open to having evergreens, I think David is correct in suggesting that those might reduce the noise and the visual aspect of the body shop. Other noise issues, hours of operation, I can't speak to those, Chad the owner isn't here but from what I have seen from his existing facility is that it is an 8:00 pm to 5:00 p.m. kind of a deal. Like I say, I cannot say specifically that that would not change. The existing sewer service is on that south property line and I don't know if it is one side of the property line or the other side of the property line. There is a little bit of a no man's land down there. We had a call from one of the neighbors that wanted us to block it off. There is an unused irrigation ditch that is open through there and he gets a lot of traffic cutting through his yard to use that thing and he is requesting that we fence that off, which we talked to him and said we could if it is allowed. I don't know if it is allowed.

Committee Member Salathe: Would you be amenable to extending the south block wall to the west so that it encloses the trash area more so that when trash truck comes and empties the trash it will muffle the sound a bit and so that trash enclosure can actually go back to the east a bit. So when the trash truck backs up that all takes place partially behind a wall.

Mr. Rockwell: I am not sure I quite understand. There are two sides of that trash area or enclosure that is the wall of the building and the third side is a 6 foot concrete wall that is running.....

Committee Member Salathe: Oh, there is already one there? Well then it is done.

Committee Member Simmonds: I was just wondering if you could just talk conceptually about the air discharge system for the paint booth. Is that focused out towards State Street, I am assuming there is some kind of a filtering system on it and not that this is something in our purview, but it sounds like there was some public testimony and they were concerned about that.

Mr. Rockwell: I believe it is Global Industries. It has an enclosed booth. You take the car in you close it up. It has got light and heat in there. It exhausts the air down through a grill in the floor takes it back up through a filter system. It re-circulates some of it again and eventually pushes it straight up, so it exits the building vertically. Where those are located to the closest southern property line it is about 150 feet to that property line. So if you went perpendicular to State Street it would be about 150 feet away. I did talk with Ms. Sanchez before the meeting and offered to send all of that information to her so that she can do research and hopefully is comfortable with what we are doing or there is some add-on or product that would make things better. I will be sending that tomorrow.

Committee Member Salathe moves to approve DRH07-00171 with the addition and changes to the site specific conditions 1-b; which reads add two street trees along the south property line; which will read add two conifer trees plus two along the south property line, all trees south of the building will be conifers. That is based on findings of fact, conclusions of law and staff's recommended conditions of approval.

COMMITTEE MEMBER SIMMONDS SECONDS THE MOTION.

Committee Member Simmonds: Just a comment, I think that some of the testimony that we heard, there were some concerns about the spray paint booth and the kinds of activities that happen there and I think that's for good reason. Unfortunately we get into zoning and what is allowed in a particular zone, this Committee doesn't have purview over that. That would be a Planning and Zoning issue as I understand it, but I would encourage the applicant and the residents to at least have some dialogue about what that is in terms of code requirements for those systems and that sort of thing. There are a lot of regulations related to paint booths and those sorts of things now that didn't exist several years.

Chairman Lee: With that I will make a comment. Mr. Simmonds is right. This particular use has been approved by the Planning and Zoning Commission CUP approval that occurred one week before today and that explains the Sanchez-Lopez comment about being one week too late. What is within our purview is the placement of this on our site in a manner that is calculated to minimize the impacts of it being on our site and in this particular case a paint booth appears to be oriented toward State Street at a substantial distance from the property. That is not perfect, but it appears that it is about the best place that we could ask for given the circumstances. So I am comfortable with that.

MOTION CARRIES UNANIMOUSLY.

**DRH06-00517/ ASPEN DEVELOPMENT LLC**

Location: 1575 S. Clear Creek Drive

REQUESTS DESIGN REVIEW APPROVAL TO CONSTRUCT A ± 4,700 SQ. FT. OFFICE BUILDING AND A 4,700 SQ. FT. DAYCARE IN AN N-OD (NEIGHBORHOOD OFFICE WITH DESIGN REVIEW) ZONE.

JOSH WILSON PRESENTS AN ABBREVIATED STAFF REPORT POINTING OUT THAT THE APPLICANT REMOVES THE REQUEST FOR THE DAYCARE AS PART OF THE APPLICATION.

Will Maupin / Aspen Development / 1080 W. River Street, #280 / Boise: I just wanted to address some of the conditions as far as the six foot fence that would be to the north. We agree that that should be a six foot fence and agree that it could be a tan vinyl privacy fence. There was one other condition or concern about an irrigation ditch that runs through that or near the center of the property that supplies water to the northern property and we intend on tiling that ditch so water won't be impeded to that property owner. As

we stated, the Conditional Use Permit is no longer a part of our submittal for Design Review. We had some other highway district requirements that were briefed to me by my architect and we are in agreement with those requirements. We basically have no objections to the stipulations for the Design Review approvals, short of any comment from the neighbor to the west which I have not heard yet.

Ken Reimann / My property is directly west and I have some concerns, actually this piece of property has quite a history in that it goes back to it was first allowed an in-home business for a nail shop and they violated a lot of conditions there when they did that. The property was never taken care of properly at all, it was just weeds and it still is. Hopefully their change will have something to do with that. They applied for the office complex before and then they turned around and allowed the child care in that facility, the home that is there, but before that they wanted to be an office complex. When I look at this they used the child care to come in there to go back and do what they wanted to do in the first place, which I don't have a real problem with other than the fact that I think that they need to be more conscious of the neighborhood. It is a neighborhood it is not a commercial area. There is commercial around it but it is not a commercial area. On the fence line where I am there is a drain ditch and that is the irrigation drain ditch that that whole track of housing there, all of the water goes into that and then goes into the drain. It has always been very poorly maintained. I had my house flood twice because of the lack of maintenance. I don't see any fence showing in the area from the plan that I have here, I have no idea of what they are doing. I can't really comment on that. My belief is if they are going to go in there they are going to change this commercial the way they are I believe that along our line there it should be a masonry block wall. We are a residential area not a commercial area. I don't think a vinyl fence is something that is really acceptable to me. I don't like vinyl fences let's state it that way. That area needs to be addressed there. Other than that, I don't know how you can make a decision at this point because you have nothing here to go on.

Committee Member Simmonds: Have you seen the proposed elevations for the new buildings?

Mr. Reimann: I have got this. This is all I have got.

Committee Member Simmonds: Just a site plan?

Mr. Reimann: Yes. Whatever is in here, I don't see it. You just mentioned that now it is going to be, is it two commercial buildings?

Committee Member Simmonds: Yes, I think you should have in your packet you should have two....whatever is on the site now is going to be removed and replaced with two new buildings that are relatively residential in appearance. You may want to take, if you don't have that information. What is on the screen there is what the applicant is going to do.

Mr. Reimann: I saw that although it doesn't show the western view of the building that I saw in there.

Committee Member Simmonds: What I have here in my packet is the west elevation of the Aspen Building, but I don't think that is the elevation that flanks Mr. Reimann's property. I think that is probably your concern is.

Mr. Wilson: The bottom elevation on the screen is mislabeled as east, but that would actually be the west because the true east elevation of the former day care building does have an entrance on it and that elevation there does not so that would be the west elevation.

Committee Member Simmonds: Okay. It sounds like some of your concern is that you have had some history there and don't know what to expect in terms of what are they going to do with the existing residence and that sort of thing. It appears that the building that is there is going to be demolished and replaced with a structure that you see there.

I see nothing about a fence or anything of that nature on the west side. Definitely the irrigation drain area has to be looked at. There is also all of the utilities go down that fence line. I don't see anything in the information that I have, but I don't want to look out my house to that. I have planted a lot of trees in conjunction with people who have lived there in the past. We have lived there for 29 years. Can I hand this to you?

Chairman Lee: Mark this Exhibit A.

Mr. Reimann: The center one, that is my back yard. The other two pictures are their back yard. That fence that you see there is the fence between me and my neighbor.

Committee Member Salathe: Would you be amenable to having a wood fence vs. CMU block fence between your property and the new development?

Mr. Reimann: Whatever we have between the commercial and residential needs to be substantial in what it is. We talked about a berm over here. Well maybe that is what needs to be over on the other side. Wood fences fall apart. I have got one.

Committee Member Salathe: I am just thinking that a CMU block wall looks very commercial. I understand I am just trying to think of other things that would be more neighborly.

Mr. Wilson: In regards to the various irrigation ditches on the property there are several things that govern those; one is that Boise City Code requires that they be tiled; two is that State law prohibits disruption of delivery of any legal water rights; and three is that the Nampa/Meridian irrigation district also has purview over those and is responsible for governing those issues. So there are a lot of mechanisms in place there to insure that the delivery of the water through the property does happen.

Mr. Maupin: As far as the misuse of the property, I don't think that is a relevant issue in this case. I know it is a concern of the neighbor, but we have no control over that. We have submitted a set of drawings, renderings and a use that is consistent with the zoning at this time and that is what we intend on doing. I just want to reassure the owner that the use is going to change. There is not going to be misuse. We are going to do what we have drawn. That is going to make those pictures that he put up look a whole bunch better than what is there right now. Because what is there right now is a 1970's home that has been marginally maintained and used for commercial purposes, for a day care. There is stuff out in the yard, stored in the west end of the property, that will go away. We have landscaping. We want to make this thing look good. We put full hips on these buildings. We are going to add a rock wainscot that was requested. We have tried to keep the rooflines low. We don't want people to look at this and think it is an eyesore. That doesn't do us any good, it doesn't do anybody any good. As far as the fence goes down the west side, we do have fence that goes from the northwest corner to the south to the edge of that east building and encompasses that common area for the two buildings. We would put it on a berm just like the other one, so it would be an 8 foot tall fence. Now if the neighbor to the west wants a new fence clear to the South property line at Overland, I wouldn't be opposed to adding a berm and putting a fence on if he wants to share in the cost for the I think a is to sterile and too cost prohibitive and I don't think it goes with the architecture of the whole project. As far as lighting goes, we have been requested to use down cast lighting, lighting that is not going to cast out horizontally into other people's common areas. That is in the design of those buildings.

Committee Member Evans: I would like to make a suggestion to the Committee Member that possibly makes the motion that we add a condition to this and require a revised landscape plan to be approved a staff level. I see many complex in this landscape plan that I think that if corrected and revised that could correct the project. I think staff is fully capable of taking care of it.

Committee Member Salathe: Mr. Evans would you explain a bit further where you would like the landscape plan to go.

Committee Member Evans: We have one of the deciduous trees is an American Arborvite that is a three to four foot wide, 25 foot tall evergreen. We have those located adjacent to the parking area and the three parking islands to the north (there are five located around the parking area). Those provide no shade whatsoever. Those would be better off replaced with a Class II deciduous shade tree. There is no delineation I see on the landscape plan between lawn and mulch at least called out on the plan, it makes that rather confusing with plant material in the lawn areas, which becomes a maintenance problem and becomes very unsightly over time. That is pretty much the extent of my comments.

COMMITTEE MEMBER SALATHE VOTED TO APPROVE DRH06-00517 WITH THE FOLLOWING MODIFICATIONS TO THE SITE SPECIFIC CONDITIONS OF APPROVAL AND I WOULD LIKE TO ADD A 1-B; A SIX FOOT FENCE ON TOP OF A TWO FOOT BERM ON THE WEST EDGE OF THE PROPERTY, THE FENCE MATERIAL SHALL NOT BE VINYL OR CONCRETE BLOCK AND THE MATERIAL OF THE FENCE AND THE DESIGN OF THE FENCE WILL BE APPROVED AT STAFF LEVEL. ADD SITE SPECIFIC CONDITION 1-C; THE LANDSCAPE PLAN SHALL BE REVISED TO REPLACE THE ARBORVITE WITH CLASS II DECIDUOUS TREES AND A MORE REFINED DEFINITION OF GROUND MATERIAL SHALL BE INDICATED ON THE LANDSCAPE PLAN. THAT IS BASED ON FINDINGS OF FACT, CONCLUSIONS OF LAW AND STAFF'S RECOMMENDED CONDITIONS OF APPROVAL.

COMMITTEE MEMBER EVANS SECONDS THE MOTION.

Mr. Wilson: Mr. Chairman could I also get some clarification if you would like to include the two revised conditions along the north property line.

Committee Member Salathe: Could I get some clarification on the two revised...

Mr. Wilson: That would be changing from a four foot vinyl fence on the two foot berm to a six foot vinyl fence on the two foot berm and also stipulating that it be a natural color in a tan vinyl.

COMMITTEE MEMBER SALATHE: I WOULD LIKE TO INCLUDE THE NORTH PROPERTY LINE FENCE TO BE THE SAME AS THE WEST PROPERTY LINE FENCE. SO THAT THERE IS A TWO FOOT BERM AND ON TOP OF THAT TWO FOOT BERM IS A FENCE MATERIAL OTHER THAN VINYL AND OTHER THAN CMU BLOCK, PREFERABLY NOT BEIGE, BUT TO BE WORKED OUT AT STAFF LEVEL FOR MATERIAL DESIGN AND COLOR. THAT IS AN AMENDMENT TO MY MOTION.

COMMITTEE MEMBER EVANS SECOND CONCURS.

MOTION CARRIES UNANIMOUSLY.

Approved:

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Franklin G. Lee, Chairman  
Design Review Committee

Date: \_\_\_\_\_