



Planning & Development Services

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Planning Division Transmittal

File Number: CAR17-00028 **Hearing Date:** FEB 2018
X-Ref: **Hearing Body:** Planning and Zoning Commission
Address: 749 E PARK BLVD **Transmittal Date:** 1/3/18
Applicant: GARDNER PARK HOLDINGS II, LLC

- Submit comments at least **10 Calendar Days** prior to the hearing date listed above so your comments can be included in the project report. For Administrative Levels & Final Subdivision Plats, please comment within **7 Calendar Days** of the transmittal date.
- If responding by e-mail, please send comments to PDSTransmittals@cityofboise.org and put the file number in the subject line.
- Paper copies are available on request. Please call (208) 608-7100 and have the file number available. If you encounter problems with the electronic transmittals or want to provide feedback, please call (208) 608-7084.

Ada County

- 911 (Sheriff Dispatch)
- ACHD
- Commissioners
- COMPASS
- COMPASS-Micropaths
- Development Services
- Parks & Waterways

Boise City

- Airport
- Building
- Building (ROS & Subdivisions)
- City Clerk
- DFA
- Fire
- Forestry
- Legal
- Library
- Parking Control
- Parks
- Police
- Public Works
- Public Works-Annexations
- Public Works-Floodplain
- Public Works-Hillside
- Public Works-Solid Waste
- Public Works-Subdivisions
- PDS-Noticing Copy

Federal

- Army Corp of Engineers
- BLM
- EPA
- Fish & Wildlife Service

Idaho State

- Dept of Lands
- Dept of Parks & Recreation
- Dept of Water Resources
- DEQ
- Division of Public Works
- Fish & Game (Region III)
- Historical Society
- Transportation District

Irrigation Districts

- Board of Control*
- Boise City Canal
- Boise Valley
- Boise-Kuna
- Bureau of Reclamation*
- Drainage District # _____
- Farmers Union
- Nampa & Meridian
- New York Irrigation*
- Settlers
- South Boise Mutual
- South Boise Water
- Thurman Mill Ditch Co

Miscellaneous

- Boise Postmaster*
- CCDC
- CDHD
- City of Eagle
- City of Garden City
- City of Meridian
- Preservation Idaho
- Union Pacific Railroad
- Valley Regional Transit
- Other _____

Neighborhood Associations

- Barber Valley
- Boise Heights
- Borah
- Central Bench
- Central Foothills
- Central Rim
- Collister
- Depot Bench
- Downtown
- East End
- Glenwood Rim
- Highlands
- Hillcrest
- Liberty Park
- Lusk District
- Morris Hill
- North End
- North West
- Pierce Park
- Quail Ridge
- Somerset
- South Boise Village
- South Cole
- South East
- Sunset
- SW Ada County Alliance
- Veterans Park
- Vista
- Warm Springs Mesa
- West Bench
- West Downtown
- West Valley

Schools

- Boise School District
- West Ada School District

Utilities

- Cable One
- Capitol Water Corporation
- Century Link
- Chevron Pipeline
- Intermountain Gas
- United Water Idaho
- West Boise Sewer District

#105 - Annexation and Rezone

Case #: CAR17-00028

Property Information

Address

Street Number: 749	Prefix: E	Street Name: PARK BLVD	Unit #: 			
Subdivision name: BROADWAY PARK	Block: 0	Lot: 0	Section: 14	Township: 3	Range: 2	Zoning: C-3D
Parcel Number: R1088500217	Additional Parcel Numbers: 					

Primary Contact

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

Agent/Representative Applicant Owner

Applicant Information

First Name: David	Last Name: Wali		
Company: Gardner Park Holdings II, LLC			
Address: 101 S. Capitol Boulevard, Suite 1700	City: Boise	State: ID	Zip: 83702
E-mail: david@gardnercompany.net	Phone Number: (208) 246-8909	Cell: 	Fax:

Agent/Representative Information

Role Type: Architect Land Developer Engineer Contractor Other

First Name: Geoffrey	Last Name: Wardle		
Company: Spink Butler, LLP			
Address: 251 E Front Street/ PO BOX 639	City: Boise	State: ID	Zip: 83701
E-mail: gwardle@spinkbutler.com	Phone Number: (208) 388-3321	Cell: 	Fax: (208) 388-1001

Owner Information

Same as Applicant? No Yes (If yes, leave this section blank)

First Name: Justin	Last Name: Wilkerson		
Company: Harry W Morrison Foundation Inc.			
Address: 827 E Park Boulevard	City: Boise	State: ID	Zip: 83712
E-mail: juwilker@gmail.com	Phone Number: (208) 000-0000	Cell: 	Fax:

1. Neighborhood Meeting Held (Date):

12-18-2017

2. Neighborhood Association:

East End

3. Comprehensive Planning Area:

North/East Ends

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

This application request is for rezone of the property to R-O, with development agreement.

5. Type of Request:

Rezone Annexation & Rezone

6. Current Zone:

C-3D/C-1D

7. Requested Zone::

R-O

8. Size of Property:

3.33

Acres Square Feet

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

Surface parking lot.

10. Are there any existing land uses in the general area similar to the proposed use?

If so, describe them and give their locations:

Yes; 2 multifamily developments presently exist at the intersection of E Park Boulevard, and Parkcenter Boulevard.

11. On what street(s) does the property have frontage?

E. Park Boulevard

12. Adjacent property information:

Uses:

Zone:

North: Commercial/Office North: (C-3D) Service Commercial w/Design

South: Boise River South: (C-2D) General Commercial w/Design

East: Commercial Office East: (C-3D) Service Commercial w/Design

West: Retail/Restaurant West: (C-3D) Service Commercial w/Design

13. Why are you requesting annexation into the City of Boise?

N/A. This is a request for rezone.

14. What use, building or structure is intended for the property?

Multifamily, mixed use service/commercial and potentially retail.

15. What changes have occurred in the area that justify the requested rezone?

This is to develop an existing surface parking lot in a developed Commercial Neighborhood.

16. What Comprehensive Plan policies support your request?

See Narrative.

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:

SPINK BUTLER LLP

ATTORNEYS AT LAW

GEOFFREY M. WARDLE
208.388.3321
GWARDLE@SPINKBUTLER.COM

Via Contemporaneous Application Submittal (criddle@cityofboise.org)

December 27, 2017

Cody Riddle, Current Planning Manager
City of Boise
150 N. Capitol Boulevard
PO Box 500
Boise, ID 83701

**RE: Rezone Application for 749 E. Park Boulevard
SB Matter No. 23297.39**

Dear Cody,

We make this application on behalf of our client, Gardner Park Holdings II, LLC (“Applicant”) to rezone the property located at 749 E. Park Boulevard (“Site”) from C-1D and C-3D to R-OD. Applicant is leasing the Site from **Harry W. Morrison Foundation, Inc.**, an Idaho non-profit corporation (“Owner”), pursuant to a long term ground lease. Owner and Applicant desire that the Site be developed as a mixed use project with residential, parking, and various other potential service commercial or appropriate retail uses. Pursuant to the terms of the agreement between Owner and Applicant, Applicant will first seek the rezoning of the property to permit the intensity of residential development on the Site that the parties’ desire, and later return with the necessary applications for design review, and if retail is incorporated into the project, a conditional use permit application. To facilitate this, the Applicant is presenting a possible development agreement if the Commission and City Council determine such to be necessary. The purpose of a development agreement is solely to reflect the unique circumstances associated with this application, not because the Applicant believes there are any concerns with the proposed zoning request.

A. Background

The Site is presently occupied by a surface parking lot that has approximately 266 stalls. To the northwest of the Site are the Ram, Stonehouse, and Ram Plaza. To the northeast across Park Boulevard is the Morrison Knudsen/WGI campus that is being acquired by St. Luke’s. To the southeast of the Site across Ferguson Street are two existing office buildings. Immediately to the southwest of the Site is the Boise River and Greenbelt. The Site is 3.33 acres in area.

The Site has previously been made subject to various recorded agreements with the City of Boise addressing the location of the Greenbelt along its southwest boundary. The Site is presently subject to a Parking Easement and Maintenance Agreement which provides forty nine (49) parking stalls to St. Luke's adjoining facilities ("St. Luke's Parking Easement"). The St. Luke's Parking Easement provides for an exclusive parking right to St. Luke's, that is however, subject to relocation including inclusion within a parking garage.

The existing surface parking lot is generally consistent with the existing setback requirements within the proposed zone. With the rezoning of the property to R-OD, there will be some adjustment of the footprint of the buildings and improvements. There will be an increase in the setback to Park Boulevard on the northeast. The final placement of improvements along the southwest boundary adjacent to the Boise River will be confirmed upon a future survey establishing the boundary and the required setback from the 6500 CFS waterline edge. However, the existing improvements are approximately 60 feet from the southwest property line at the western boundary and 120 feet from the southwest property line at the eastern boundary. So, to conceptualize future development, the area that will be disturbed is presently occupied by the existing parking lot or detention facility.

It has been the desire of the Applicant and Owner to develop a mixed use project that preserves the existing parking rights created and granted in the St. Luke's Parking Easement while providing for a variety of multifamily residential units, with a significant portion focused on the senior housing market. The Applicant anticipates constructing two multifamily residential structures on top of a podium containing the parking garage for the site, the easement rights and other related uses. The multifamily residential structures will have a variety of balconies, walkways and courtyards above the garage.

The Applicant and Owner believe that the existing and future parking requirements relating to the Site can be satisfied through a variety of shared parking arrangements, development of complementary uses, and the existing transit service on Park Boulevard. The Applicant and Owner believe that the property can be more appropriately and intensively utilized with a mixed use project, coordinating and sharing parking.

Additional commercial, amenity, and possibly retail uses are contemplated to further enliven the ground floor at the corners of the building. Additional enhancements will be required along the Park Boulevard frontage. Access to the Site is intended to be retained at the current locations on Park Boulevard and Ferguson Street. However, the images and concepts provide herein are just preliminary studies that are intended to be concept plans. The final form and configuration of the development of the Site will be addressed through design review and other future applications.

B. Relevant Standards

Recognizing that this is a rezone request coupled with a development agreement, we will address the relevant standards associated with each of these.

1. Rezoning of Site.

The amendment of an ordinance establishing a zoning district is authorized pursuant to Idaho Code 67-6511(2). Districts created by a zoning ordinance “shall be in accordance with the policies set forth in the adopted comprehensive plan. Idaho Code 67-6511(2)(a). When considering an amendment, the governing board reviews the proposed amendment “to ensure that they are not in conflict with the policies of the adopted comprehensive plan.” Boise has adopted standards regarding consideration of a request to amend a zoning ordinance and rezone property in Boise City Code 11-03-04.3(7)(c) which provides that such a request is first heard by the Commission which makes a recommendation to the City Council that the “rezone meets the following criteria”:

- i. Is in compliance with the Comprehensive Plan;
- ii. Is in the best interests of the public convenience and general welfare; and
- iii. Maintains and preserves compatibility of surrounding zoning and development.

We will address each of these standards in the context of the requested change from C-1D and C-3D to R-OD/DA.

a. Rezoning the Site is in compliance with the Comprehensive Plan.

Idaho Code 67-6511 and Boise City Code 11-03-04.3(7)(c)(i) use slightly different language throughout, regarding how a rezone request is to be evaluated whether it is “in accordance with,” or it is “not in conflict with” or it is “in compliance with.” The Idaho Supreme Court has harmonized various terms utilized to address the relationship between a comprehensive plan and a zoning district adoption or amendment various cases including Bone v. City of Lewiston, 107 Idaho 844, 850, 693 P.2d 1046, 1053 (1984). The Court has held that Idaho Code 67-6511 requires a decision maker to “make a factual inquiry into whether the requested zoning ordinance or amendment reflects the goals of, and takes into account those factors in, the comprehensive plan in light of the present factual circumstances surrounding the request.”

The Land Use Map element of Blueprint Boise is the initial point to commence the evaluation of this request. The Site and the parcels immediately to its north, west and east are designated as “Mixed Use” on the Land Use Map of Blueprint Boise. The property south of the Site across the Boise River is designated as “High Density.” Blueprint Boise. NE-6.

The General Mixed Use land use category is described in Blueprint Boise in some detail. Blueprint Boise p.3-12. This land use anticipates a more intensive floor area ratio of between .5 and 2.0, with the possibility of significantly higher floor area ratios “where transitions to adjacent neighborhoods can be incorporated. This land use also anticipates “a vertical or horizontal mix of uses, including residential.” This land use also anticipates that the mix of uses will include “a variety of retail, commercial, professional offices, restaurants, financial institutions, and high-density residential.” In considering transportation requirements for the General Mixed Use category, it anticipates, transit centers, wider sidewalks, and bike lane networks, all of which presently exist at the site or will upon redevelopment.

Ultimately, the R-O zone is a recognized and an appropriate zone for this land use type, which we believe is the most compelling justification for finding that it is in accordance with the comprehensive plan.

b. Rezoning the Site is in the best interest of the public convenience and general welfare.

Beyond the Land Use Map, there are other policies relating to the General Mixed Use land use that support rezoning the property and demonstrate that permitting the development of multifamily residential on the Site, integrated with structured parking, and other potential service and retail uses demonstrate that it is in the best interest of public convenience and the general welfare.

Although the Site is not technically within the Downtown district, being in the North End/East End planning area, with respect to the relationships of uses, this site and proposed development is consistent with the mixed use vision set forth in this land use category. Blueprint Boise contemplates, encouraging vertical mix of uses, concentrating active uses near existing transit, and ensuring the possibility of transitioning surface parking to more intensive uses over time. GDP-MU.1: Relationship of Uses, p. 3-14. Additionally, it is encouraged to incorporate higher density housing in those areas where there is transit access and significant opportunities for access to other uses via transit such as shopping, services, and employment. GDP-MU.2: Housing, p. 3-14. Also, placing higher density residential in existing transit corridors is encouraged by Blueprint Boise. GDP-MU.6: Transit Access, p. 3-14.

This is an appropriate neighborhood for this rezone due to the existing balance between multifamily residential, single family residential, commercial, retail and other uses. GDP-N.3: Mix of Housing Types, p.3-24. While it is not desirable to concentrate too much of one type of housing in a neighborhood, a mixture of housing types is desirable and necessary. GDP-N.3: Mix of Housing Types, p.3-24. In the immediate vicinity of this site, there are two other multifamily projects along Park Boulevard, but they are neither concentrated in a single location, nor are they the exact same type of multifamily product. Moreover, from a design perspective, multifamily residential as proposed at this Site can utilize and incorporate various building design elements contemplated and encouraged by Blueprint Boise.

We anticipate utilizing a variety of treatments to break up the mass of the building. The ultimate design will be compatible with the design policies applicable to the Site through Blueprint Boise and the relevant Design Guidelines adopted for this area. Blueprint Boise 3-14 - 3-16. We anticipate having two separate towers of residential development. This provides definition and allows for the provision of distinct types of housing to more than one type of tenant as it allows the integration of senior housing into a larger project. There are a variety of other design elements contemplated to address the desired treatments to soften and minimize the impact of the structures. GDP-C/E.1: Building Design and Character, p.3-33. This design also anticipates improving pedestrian facilities along Park Boulevard, incorporating various plazas and court yards that will encourage pedestrian activities, and to enhance existing connections with the Greenbelt. Some of these elements

may be private as they will be located above the parking garage, but these private spaces provide a similar benefit to the residents of the project anticipated by this concept. GDP-C/E.5: Pedestrian Connections and Amenities, p. 3-35.

We have anticipated integrating parking structures with the buildings that they serve, utilizing various elements to screen above-ground parking. GDP-C/E.6: Parking Location and Screening, p.3-34.

With respect to the specific neighborhood policies, within the North/East End Planning Area section of Blueprint Boise, we believe there are various policies that demonstrate this to be an appropriate rezone. With respect to the policies encouraging future development complements the established character of the neighborhood, it is important to note that the immediate area around the Site has a much higher intensity of commercial, retail, and multifamily uses than the larger neighborhood. With the Site being an existing surface parking lot surrounded by office buildings on two sides and retail on a third, a more intensive multifamily project is appropriate at this location as it is of a scale and type that is consistent with the immediately adjoining properties. This proposal is therefore consistent with the policy relating to "Centers, Corridors, and Neighborhoods (NE-CCN)" for this neighborhood under Blueprint Boise. NE-CCN, p. NE-7.

The proposed rezone will further the goal set forth regarding providing a variety of housing choices. As noted in Blueprint Boise:

Boise's average household size has been shrinking and is expected to continue to do so as the city's population ages. This trend has sparked a growing demand for a broader variety of housing types, particularly in Downtown and the city's older neighborhoods. The city will strive to balance its large inventory of detached single-family housing with a range of housing choices to meet the fiscal and functional needs of its residents. This range should include attached homes (duplexes, townhomes), multi-family dwellings (including condominiums), live/work opportunities, accessory dwellings, and housing included as part of mixed-use developments.

Blueprint Boise, p. 2-50. The desired R-OD zoning for this property is an appropriate tool to accomplish this goal of providing housing alternatives that are close to employment, education, transit and retail service.

Moreover, the benefit to the general welfare is evident by encouraging development that can avail itself to alternative modes of transportation and minimize the impact of surface parking lots. The Site is adjacent to the Greenbelt and an existing transit stop. The Site already uses a shared parking arrangement that will be enhanced with the proposed development which is anticipating how to better manage and optimize the amount of parking required, provided, and actually utilized. These factors are consistent with Blueprint Boise's policies and goals. CC4.2: Ridesharing, CC4.4: Parking p. 2-50.

c. Rezoning the Site will maintain and preserve compatibility of surrounding zoning and development.

As discussed above, the immediately adjoining existing uses are commercial, office, retail, and higher density residential uses. The Site is adjacent to the Boise River and will be subject to the existing setback requirements regarding the River and the Boise Greenbelt. Along the southwest boundary between the Site and the Boise River it is not anticipated that future improvements will expand beyond the existing footprint of the parking lot on the Site. An easement for the Greenbelt has previously established those rights across the Site and established the permanent location of the Greenbelt.

All development applications will be consistent with the river ordinances adopted by Boise City consistent with the existing Boise River Resource Management and Master Plan, which specifically provides that:

BPR has management responsibility for a 70-foot setback from the 6,500 cubic feet per second flow line of the Boise River. This area is defined as the Greenbelt setback. The river flow is measured at a gage near the Glenwood Bridge in Garden City. The paved path that runs through this area is commonly referred to as the Greenbelt. A Boise River System application is required for activities, even on private land, in the setback area.

Boise River Resource Management and Master Plan, p. 8. As noted above, it is anticipated that the Site already complies with this requirement and future applications will adhere to it as required.

Additionally, the East End Neighborhood Policy Guide provides guidance on how the Site interacts and integrates with the larger neighborhood. The East End Neighborhood Policy Guide recognizes that this immediate area is a major employment and commercial center in the neighborhood:

Although the southern portion of the neighborhood contains commercial zoning district designations, most of the uses located within this area are offices. Morrison-Knudsen Company's headquarters are located in this portion of the neighborhood, along with several other office structures. Over 400,000 gross square feet of office space exists today within this portion of the neighborhood, and Morrison-Knudsen Company's facility expansion will approximately double this amount.

East End Neighborhood Policy Guide, p. 3-10 to 3-11. A better mixture of uses in the neighborhood, by including residential with the office and commercial uses provides for better utilization of existing resources and provides more activity at all hours through the week, not just during peak working hours. The East End Neighborhood Policy Guide recognizes that the properties in the vicinity of the M-K site will continue to be a major employment center and that there will be future development in that area. East End Neighborhood Policy Guide, p.3-19.

Additionally, the East End Neighborhood Policy Guide encourages integration with the Greenbelt to promote its use, preservation and enjoyment. East End Neighborhood Policy Guide, p.3-12. Those concepts have been articulated and incorporated into the Boise City Code codifying the river setback requirements above as well as design elements that already exist at the Site and that will be improved in the future with redevelopment of the existing surface parking lot. East End Neighborhood Policy Guide, p.3-19.

With the integration of multifamily residential development within the larger office and commercial node, there is compatibility with the existing uses and there is integration with existing infrastructure. By rezoning the Site to R-OD, the property can be redeveloped to provide a true mix of uses without significantly impacting existing neighborhood uses and other existing residential uses that are less intensive.

d. Proposed Development Agreement

In the interest of adequately proceeding with this Application, we have also prepared a draft development agreement and propose it for consideration by the Commission and City Council pursuant to Boise City Code 11-03-04.3.

Although the uses within the R-OD zone are relatively limited and not necessitating significant modification from the existing permitted and conditional uses, the development agreement has been proposed to provide a mechanism to address the ownership and duration of the ground lease for the property and to provide a mechanism for the Applicant, Staff, the Commission and City Council to address issues related to the use and development of the Site.

The Applicant has had conversations with counsel for the City of Boise regarding the form of development agreement and issues noted above regarding the fact that this property is being developed pursuant to a long term ground lease.

C. Conclusion

We believe that rezoning this Site to R-OD is appropriate. The existing C-3 zone does not necessarily reflect the development pattern of the neighborhood today. While it may have reflected the historic uses in the area, the reality is that the larger M-K/WGI neighborhood has transformed. With the R-OD zone change permitting the development of the project at 951 E. Front, the multifamily adjacent to the West Parkcenter Bridge, and the existing office and retail uses developing along the Boise River, we believe that rezoning this Site to R-OD to permit a mixed use redevelopment of an existing surface parking lot is beneficial and necessary.

Although the existing C-3 zoning permits multifamily development, experience in the City of Boise has demonstrated that R-OD is a more appropriate zoning designation to encourage multifamily development in mixed use neighborhoods. The R-OD designation encourages density of the type encouraged in these mixed use neighborhoods as set forth in Blueprint Boise. As opposed to the C-3 zone, the R-OD provides greater flexibility for the configuration and design of multifamily projects due to its provisions regarding the size of

December 27, 2017
Cody Riddle, Current Planning Manager
City of Boise
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units and their overall density and their height when integrated into non-residential neighborhoods.

The flexibility afforded by the R-OD zoning designation encourages creativity and true vertical mixed use. We believe that the proposed rezoning of this Site is consistent with the requirements of the Boise City Code as well as Blueprint Boise, and other guiding policy documents like Boise River Resource Management and Master Plan and the East End Neighborhood Policy Guide. In support of this Application and in addition to this letter of explanation, we have provided the following:

- Color Photographs of the Site
- Affidavit of Legal Interest
- Draft Development Agreement
- Deed with metes and bounds legal description
- Site concept plans
- Neighborhood Meeting Information
- Pre application materials

We look forward to presenting this Application to the Commission.

Sincerely,



Geoffrey M. Wardle

GMW:SGG:g
Enclosures

749 E. Park

Boise City Zoning - C-3D & C-1D

