



City of Ketchum
Planning & Building

IN RE:)
)
 Bohica Multi Use) **KETCHUM PLANNING AND ZONING COMMISSION**
 Design Review) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**
 Date: April 26, 2022) **DECISION**
)
 File Number: P22-001)

PROJECT: Bohica Multi-Use

APPLICATION TYPE: Design Review

FILE NUMBER: P22-001

ASSOCIATED APPLICATIONS: Condominium Subdivision Preliminary Plat (P22-012)

REPRESENTATIVE: Mike Brunelle, Brunelle Architects (Architect)

OWNER: Bohica Idaho, LLC

LOCATION: 131 N Washington Ave – Lot 3 Block 39, Ketchum Townsite

ZONING: Community Core – Subdistrict 2 – Mixed Use (CC-2)

OVERLAY: None

RECORD OF PROCEEDINGS

The City of Ketchum received an application for Pre-Application Design Review on January 3, 2022. During evaluation of the pre-application for completeness, the city passed Ordinance 1231 amending the types of projects that require pre-application design review. The proposed project did not fall under the amended project list and therefore staff gave the applicant the option to move forward with pre-application or resubmit for Final Design Review. The applicant resubmitted a Final Design Review and condominium preliminary plat application on February 14, 2022. The Design Review and Preliminary Plat applications have been reviewed concurrently and were deemed complete on March 30, 2022.

Department comments were provided to the applicant on March 11, 2022. All department comments have been addressed satisfactorily through applicant revision of project plans or conditions of approval.

A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on March 23, 2022. The public hearing notice was published in the Idaho Mountain Express the on March 23, 2022. A notice was posted on the project site and the city's website on March 23, 2022.

The Planning and Zoning Commission (the "Commission") considered the Bohica Multi-Use Design Review (Application No. P22-001) and the Condominium Subdivision Preliminary Plat (Application No. P22-012) applications during a regular meeting on April 12, 2022. The development applications were considered concurrently, and the associated public hearings were combined in accordance with Idaho Code §67-6522. After considering staff's analysis, the applicant's presentation, and public comment, the Commission approved the Design Review application with a vote of three to one and recommended approval of the Condominium Subdivision Preliminary Plat application to the City Council.

BACKGROUND

The Applicant is proposing a 9,764 square foot three-story mixed-use development known as Bohica Multi-Use (the "project"), located at 131 N Washington Avenue (the "subject property"). The subject property contains a vacant 6,245 square foot two story building originally approved as a restaurant with second floor outdoor patio/dining space initially constructed in 2008. Prior to vacancy of the structure, the building was the location of the Rustic Moose, Bora Restaurant, Globus, and Boho Lounge. The space has been vacant for at least a year but used for special events intermittently.

The subject property is zoned Community Core -Subdistrict 2 - Mixed Use (CC-2) which allows for various commercial uses and multi-family residential. As proposed, the project includes significantly reduced commercial space of approximately 1,400 square feet, a ground floor patio fronting Washington Ave, and three residential dwelling units:

- One 739 square foot community housing dwelling unit on the ground floor off the alley
- One 1,823 square foot dwelling unit on the second floor
- One 3,505 square foot dwelling unit with square footage on the second and third floors

To achieve this development program, the applicant proposes to:

- Ground Level – Convert the ground floor restaurant to retail space, parking, one community housing unit with patio, storage for all residential units, and

common/mechanical areas. Retain the ground level façade of the building and ground floor patio fronting Washington Ave.

- Second Level – Convert the restaurant space to residential and expand the existing square footage to accommodate one full dwelling unit, a portion of a second dwelling unit and outdoor private patios for each. Retain a portion of the front outdoor patio for residential use and retain the southernmost portion of the façade. Removal of a semi-circle architectural element that encroaches into the public right-of-way.
- Third Level – Addition of a third floor to accommodate the second level of a dwelling unit and outdoor private patios.

Per the project plans, the commercial space is intended to be retail because it does not generate a parking demand per Chapter 17.125 of the Ketchum Municipal Code (KMC). The project proposes one surface parking space and two garage spaces accessed from the alley which meet the parking requirements for the residential uses proposed. The project is proposing to take advantage of the Floor Area Ratio (FAR) bonus for Community Housing, mitigating the additional floor area by dedicating one for-sale deed restricted unit on-site with no additional cash-in-lieu fee required. The proposed FAR for the project is 1.8, which is less than the maximum 2.25 FAR for density bonuses in the Community Core. See below for the FAR calculations for the project.

The project proposes to construct improvements to the right-of-way per the City of Ketchum improvement standards including, asphalt, curb and gutter, and sidewalks. All improvements to the right-of-way will be reviewed and approved by the City Engineer and Streets Department prior to issuance of a building permit. The project proposes to snowmelt the sidewalks adjacent to the project and all ground level patios adjacent to the alley and Washington Ave. An encroachment permit approved by the City Council will be required for the snow melt system.

Development of the subject property began in 2007 with a pre-application design review request (P07-019) for a two-story restaurant with a significant glass solarium on the front building façade, surface parking in the rear, and minimal outdoor space. Comments from the Planning and Zoning Commission at the pre-application meeting resulted in a redesign of the building in 2008 when the final design review application was submitted for what exists today (P08-001). Prior to construction of the existing building, the property was vacant.

Design Review criteria in 2008 varies from today. The Design Review criteria was much more detailed by architectural element or component of the project, and included individual criteria for building facade, roofs, awnings, mechanical equipment and service areas, public open space, lighting, bicycle parking and streetscape. See Attachment A for the findings of fact for the existing building. As outlined above, the proposed project retains the full ground floor façade and public plaza. and much of the second-floor façade. As such, the project is retaining much of the character defining architectural elements reviewed and approved in the initial design review approval.

The design review application was approved with 14 conditions of approval as outlined in Attachment A. All conditions were related to items required prior to building permit application for the approved project or other elements of public improvements that have since been completed. No conditions of approval relate to elements of the project that would influence redevelopment or expansion of the building in the future.

FINDINGS OF FACT

The Commission, having reviewed the entire project record, provided notice, and conducted the required public hearing, does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

FINDINGS REGARDING COMPLIANCE WITH ZONING REGULATIONS

17.96.060.A.1 - Streets	Conformance
<i>The applicant shall be responsible for all costs associated with providing a connection from an existing City street to their development.</i>	YES
<p>Finding: The project will install curb and gutter and sidewalks within the right-of-way of N Washington Ave adjacent to the subject property. The project includes direct access into the building from the sidewalk on the southern end and an outdoor patio adjacent to the sidewalk to the north end of the building along Washington Ave. All improvements to the right-of-way and walkways to the right-of-way improvements are at the expense of the applicant.</p>	

17.96.060.A.2 - Streets	Conformance
<i>All street designs shall be approved by the City Engineer.</i>	YES Condition #5
<p>Finding: No new streets are proposed for the project, however, all improvements to the right-of-way as shown on the project plans have been reviewed by the City Engineer. Final review of all improvements to the right-of-way and alley will be completed prior to issuance of a building permit for the project per condition of approval #5</p>	

17.96.060.B.1 - Sidewalks	Conformance
<i>All projects under subsection 17.96.010.A of this chapter that qualify as a "substantial improvement" shall install sidewalks as required by the Public Works Department.</i>	YES
<p>Finding: KMC 17.124.140 outlines the zone districts where sidewalks are required when substantial improvements are made, which include the CC, all tourist zone districts, and all light industrial districts. As the project is within the CC-2 zone district, sidewalks are required and included in the project plans.</p>	

17.96.060.B.2 - Sidewalks	Conformance
<i>Sidewalk width shall conform to the City's right-of-way standards, however the City Engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.</i>	YES Condition #5
<p>Finding: The project plans provided the details of the sidewalks for review by the City Engineer. Preliminary review of the project plans indicates that all city right-of-way standards for width and construction are met. Final review of all improvements to the right-of-way will be completed prior to issuance of a building permit for the project per condition of approval #5.</p>	

17.96.060.B.3 - Sidewalks	Conformance
<p><i>Sidewalks may be waived if one of the following criteria is met:</i></p> <ul style="list-style-type: none"> <i>a) The project comprises an addition of less than 250 square feet of conditioned space.</i> <i>b) The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.</i> 	N/A
<p>Finding: The applicant has not requested, nor has the City Engineer granted a waiver to the sidewalk requirement for the project.</p>	

17.96.060.B.4 - Sidewalks	Conformance
<i>The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.</i>	YES
<p>Finding: As shown on Sheet C1.0 of the project plans, the project proposes sidewalks to be placed the full length of the subject property along N Washington Ave.</p>	

17.96.060.B.5 – Sidewalks	Conformance
<i>New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.</i>	YES
<p>Finding: Sidewalks exist to the north and south of the subject property. The sidewalk shown on Sheet C1.0 of the project plans connects directly to both sidewalks for full pedestrian connectivity. Additionally, the project provides direct entrance to the building from the sidewalk or through the outdoor patio on N Washington Ave.</p>	

17.96.060.B.6 - Sidewalks	Conformance
<p><i>The City may approve and accept voluntary cash contributions in lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be 110 percent of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in lieu contribution shall be paid before the City issues a certificate of occupancy.</i></p>	N/A
<p>Finding: The applicant has not requested relief from the requirement to construct sidewalks nor has the City granted any such request.</p>	

17.96.060.C.1 - Drainage	Conformance
<p><i>All stormwater shall be retained on site.</i></p>	YES
<p>Finding: The project proposes a series of roof drains, drywells, and catch basins to manage onsite stormwater. Per Sheet C1.0 of the project plans, all stormwater is being retained on site.</p>	

17.96.060.C.2 - Drainage	Conformance
<p><i>Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.</i></p>	YES Condition #5
<p>Finding: As shown on Sheet C1.0, all stormwater is retained on-site. The project proposes to construct right-of-way improvements to the length of the subject property, including curb and gutter, along N Washington Ave. The project also proposes drainage infrastructure in the alley behind the subject property for the full length of the subject property. Final design of drainage infrastructure will be reviewed and approved by the City Engineer prior to building permit issuance per condition #5.</p>	

17.96.060.C.3 - Drainage	Conformance
<p><i>The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.</i></p>	N/A
<p>Finding: The City Engineer did not identify any additional drainage improvements during department review.</p>	

17.96.060.C.4 - Drainage	Conformance
<i>Drainage facilities shall be constructed per City standards.</i>	YES Condition #5
Finding: Based on review of the project plans by the City Engineer during department review, all drainage facilities meet city standards. Final design of drainage facilities will be reviewed and approved by the city engineer prior to issuance of a building permit per condition #5.	

17.96.060.D.1 - Utilities	Conformance
<i>All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.</i>	YES
Finding: All project costs associated with the development, including installation of utilities, are the responsibility of the applicant. The applicant has not made requests for funding to the City, and no funds have been provided by the city for the project.	

17.96.060.D.2 - Utilities	Conformance
<i>Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.</i>	YES
Finding: As shown on Sheet C1.0, all necessary utilities for the project are located on-site and underground. A large transformer on the southwest corner of the property along the alley currently exists. Per correspondence from Idaho Power in a letter dated December 27, 2021, the existing transformer is adequate for the proposed project and no upgrades are required. Phone, cable, and gas infrastructure is also located underground with all pedestals for phone and cable located on the alley side of the property within the property boundaries. No utilities can be viewed from pedestrian vantage points on Washington Ave.	

17.96.060.D.3 - Utilities	Conformance
<i>When extension of utilities is necessary all developers will be required to pay for and install two-inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with City of Ketchum standards and at the discretion of the City Engineer.</i>	N/A
Finding: The location of the subject property is already served by fiber optic cable and therefore no conduit is required in this location.	

17.96.060.E.1 – Compatibility of Design	Conformance
<i>The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.</i>	YES

Finding: The project is located mid-block on the west side of Washington Ave between 1st and 2nd Streets. To the south is the future three-story Mountain Land Design building under construction. To the north is a 1-1.5 story furniture store named My House. To the northwest is a two-story stucco and glass building. Sheets A-001 and A-200 include photographs of the existing building including adjacent structures and renderings of the proposed building with the new Mountain Land project. The proposed project uses a variety of stone, metal, and glass materials consistent with what exists today. Proposed materials are consistent with materials proposed for Mountain Land and they complement the materials of the two-story office building. The color palette of the wood siding proposed for the upper floors of the project compliments the dark color of the furniture store. Generally, the material palette of wood siding, metal accenting, glass, and stone is consistent with materials used broadly throughout the Community Core.

17.96.060.E.2 – Compatibility of Design	Conformance
<i>Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.</i>	N/A
<p>Finding: The existing building was constructed in 2008 and is not listed as a historical or cultural landmark on the City of Ketchum’s Historical Building/Site List, therefore this standard does not apply.</p>	

17.96.060.E.3 – Compatibility of Design	Conformance
<i>Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.</i>	N/A
<p>Finding: The existing building was built in 2008, therefore this standard does not apply.</p>	

17.96.060.F.1 – Architectural	Conformance
<i>Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.</i>	YES
<p>Finding: The project includes a primary entrance to the building on Washington Avenue, directly accessible from the sidewalk and clearly defined. The entry portion of the building is the only portion that is not setback from the front property line. Proposed signage, materials, and architectural elements indicate this as the primary entrance to the building. The façade at the main entrance is two stories and is emphasized by the use of stone integrated vertically from the ground to the top of the second story.</p>	

17.96.060.F.2 – Architectural	Conformance
<i>The building character shall be clearly defined by use of architectural features.</i>	YES
<p>Finding: The building character is that of a mountain modern approach defined by architectural features such as horizontal blocking of decks and roof forms, and vertical integration of all stories using accent materials. The character is also reinforced through the use of vertical wood siding which softens the appearance of the building.</p>	

17.96.060.F.3 – Architectural	Conformance
<i>There shall be continuity of materials, colors and signing within the project.</i>	YES
<p>Finding: The project uses a consistent set of materials including wood siding and accent beams, metal panels, stone, and stucco. The most materials are utilized on each façade in different ways, connecting all facades with a continuous pattern and rhythm. The minimalist nature of the design will be carried through to the signage, which includes one building identification sign and two address markers.</p>	

17.96.060.F.4 – Architectural	Conformance
<i>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</i>	YES
<p>Finding: No accessory structures are proposed; however, the project contains landscape planters along Washington Avenue and the alley and screening walls in the rear of the property. The landscape planters and seat walls in the public plaza on Washington Ave will be constructed of finished concrete, wood, and metal as shown in the renderings on Sheet A-200a. The alley planters will be constructed of finished concrete and metal while the screening walls will be slatted wood. All these materials complement the principal building.</p>	

17.96.060.F.5 – Architectural	Conformance
<i>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</i>	YES
<p>Finding: The project provides significant undulation on the front and rear facades with vertical and horizontal setbacks of the structure at all levels of the building. Half of the ground floor façade is stepped back from the front property line 11 feet. This setback carries to all levels above. Additionally portions of the second floor are setback even further. The project includes a varied roof plan that mirrors the undulation of the façade and is not continuous across the entire façade.</p>	

17.96.060.F.6 – Architectural	Conformance
<i>Building(s) shall orient toward their primary street frontage.</i>	YES
<p>Finding: The subject property’s primary street frontage is N Washington Ave, which is where the primary entrance to the building is located. In addition to the main entrance of the building, a public plaza fronts Washington Ave, inviting pedestrians to interact with the building and proposed uses.</p>	

17.96.060.F.7 – Architectural	Conformance
<i>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</i>	YES
<p>Finding: As shown on Sheet A-102 of the project plans, the garbage area is in the rear of the building, within a full screened from view. Garbage handling for the project is proposed as a small dumpster on a retractable slide that can easily move in and out of the screened area on service days. As noted in a letter from Clear Creek Disposal dated February 7, 2022, this design is not only workable for Clear Creek to manage disposal for the project but also minimizes alley maintenance and plowing conflicts from individual garbage carts being left in the alley ways for long periods of time.</p>	

17.96.060.F.8 – Architectural	Conformance
<i>Building design shall include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.</i>	YES
<p>Finding: As shown on Sheet A-105, the roof plan for the project includes flat roofs at an angle that causes water to drain toward a series of roof drains along the interior of the roof. Based on the design of the project and drainage facilities shown on Sheet C1.0, no water or snow will enter onto adjacent properties.</p>	

17.96.060.G.1 – Circulation Design	Conformance
<i>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</i>	YES
<p>Finding: The project is fully connected into the existing sidewalk system providing pedestrian connections throughout the downtown and the regional bike system. No additional easements or pathways have been identified necessitating connection from the project.</p>	

17.96.060.G.2 – Circulation Design	Conformance
<i>Awnings extending over public sidewalks shall extend five feet or more across the public sidewalk but shall not extend within two feet of parking or travel lanes within the right-of-way.</i>	YES
Finding: The project does not propose any awnings encroaching into the right-of-way. The existing building includes a semi-circle architectural feature above the main entry to the building, however, this feature is proposed to be removed as part of this project.	

17.96.060.G.3 – Circulation Design	Conformance
<i>Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to adequate sight distances and proper signage.</i>	YES
Finding: Vehicle traffic accesses the site from the alley between N Washington Ave and N 1 st Ave, from 1 st or 2 nd Street. Access to the parking area from the alley will be adequate to enter or exit the project safely. Bicycle and pedestrian circulation will primarily be in and out of the front of the project along N Washington. The primary entrance to the community housing unit is from the alley and includes dedicated bicycle parking in front of the unit for safe mount and dismount. Pedestrian access to and from the project is provided through sidewalk connections to the north and south.	

17.96.060.G.4 – Circulation Design	Conformance
<i>Curb cuts and driveway entrances shall be no closer than 20 feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right-of-way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.</i>	N/A
Finding: The subject property is an interior lot, however, access points for parking spaces from the alley in the Community Core are not considered curb cuts or driveways, therefore this standard does not apply.	

17.96.060.G.5 – Circulation Design	Conformance
<i>Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.</i>	YES
Finding: The project location provides direct access to the project from N Washington Ave and the alley. As shown on Sheet L1, all structures and parking areas are within the boundaries of the property and do not encroach into the alley or Washington Ave.	

17.96.060.H.1 – Snow Storage	Conformance
<i>Snow storage areas shall not be less than 30 percent of the improved parking and pedestrian circulation areas.</i>	N/A
Finding: The project proposes heated pavers for all patio areas of the project per Sheet L1 of the project plans, therefore, no on-site snow storage is required.	

17.96.060.H.2 – Snow Storage	Conformance
<i>Snow storage areas shall be provided on site.</i>	N/A
Finding: As discussed above, no on-site snow storage is required as snowmelt is proposed.	

17.96.060.H.3 – Snow Storage	Conformance
<i>A designated snow storage area shall not have any dimension less than five feet and shall be a minimum of 25 square feet.</i>	N/A
Finding: As discussed above, no on-site snow storage is required as snowmelt is proposed.	

17.96.060.H.4 – Snow Storage	Conformance
<i>In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.</i>	YES
Finding: The project proposes heated pavers for the patio areas of the project per Sheet L1 of the project plans, therefore, no on-site snow storage is required. Surface parking area in the rear is covered and therefore no snow storage for these areas is necessary.	

17.96.060.I.1 – Landscaping	Conformance
<i>Landscaping is required for all projects.</i>	YES
Finding: Sheet L1 of the project plans is the landscape plan for the project.	

17.96.060.I.2 – Landscaping	Conformance
<i>Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.</i>	YES
Finding: The landscape plan includes trees and tall grasses to complement the public plaza and patio for the community housing unit. The landscape plan proposes a reconfiguration of existing planters to make the space more inviting to pedestrians with seat walls and shade. Proposed vegetation is found in many properties within the CC-2 district and will complement the neighborhood well.	

17.96.060.1.3 – Landscaping	Conformance
<i>All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.</i>	YES
Finding: The autumn blaze maple tree is often used as a street tree as it provides visual interest in the fall. Although not native to the region, the maple tree and tall grasses proposed are considered to have a high drought tolerance.	

17.96.060.1.4 – Landscaping	Conformance
<i>Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.</i>	YES
Finding: The project proposes a public plaza on the front of the building fronting Washington Ave, a unique feature that provides separation between pedestrians gathering in the plaza from those moving freely on the sidewalk. The public plaza includes a tree and tall grasses to soften the hardscape.	

17.96.060.J.1 – Public Amenities	Conformance
<i>Where sidewalks are required, pedestrian amenities shall be installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, restrooms, fountains, art, etc. All public amenities shall receive approval from the Public Works Department prior to design review approval from the Commission.</i>	YES
Finding: The project includes a public plaza with seat walls, landscaping, and a bicycle rack for pedestrian use. None of the amenities proposed for the seating area are within the public right-of-way, therefore no approval by the Public Works Department is required.	

17.96.060.K.1 – Underground Encroachments	Conformance
<i>Encroachments of below grade structures into required setbacks are subject to subsection 17.128.020.K of this title and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare.</i>	N/A
Finding: The project does not propose any below grade structures.	

17.96.060.K.2 – Underground Encroachments	Conformance
<i>No below grade structure shall be permitted to encroach into the riparian setback.</i>	N/A
<p>Finding: The subject property is not adjacent to any bodies of water; therefore, no riparian setback exists for the property. Additionally, the project does not propose any below grade structures.</p>	

FINDINGS REGARDING DESIGN REVIEW STANDARDS – COMMUNITY CORE

17.96.070.A.1 – Streets	Conformance
<i>Street trees, streetlights, street furnishings, and all other street improvements shall be installed or constructed as determined by the Public Works Department.</i>	YES
<p>Finding: Per direction from the Public Works Department, all trees and furnishings are required to be within the boundaries of the subject property. All pedestrian amenities proposed within the pedestrian plaza are contained within the property boundaries of the subject property.</p>	

17.96.070.A.2 – Streets	Conformance
<i>Street trees with a minimum caliper size of three inches, shall be placed in tree grates.</i>	N/A
<p>Finding: This standard only applies to street trees within the public right-of-way. No trees are proposed in the public right-of-way therefore this standard does not apply.</p>	

17.96.070.A.3 – Streets	Conformance
<i>Due to site constraints, the requirements of this subsection A may be modified by the Public Works Department.</i>	N/A
<p>Finding: No modifications to these requirements have been made. The Public Works Department has provided direction as to the location of improvements in the right-of-way.</p>	

17.96.070.B.1 - Architectural	Conformance
<i>Facades facing a street or alley or located more than five feet from an interior side property line shall be designed with both solid surfaces and window openings to avoid the creation of blank walls and employ similar architectural elements, materials, and colors as the front facade.</i>	YES
<p>Finding: The north and south façade, along the interior property lines, are not set back from the lot line. However, the north façade has some visibility due to the height of the adjacent structure as shown on Sheet A-001. As shown on Sheet A-203, the project proposes to wrap</p>	

the stone element on the corner to the north façade in addition to extending the horizontal material banding along the full length of the façade.

17.96.070.B.2 - Architectural	Conformance
<i>For nonresidential portions of buildings, front building facades and facades fronting a pedestrian walkway shall be designed with ground floor storefront windows and doors with clear transparent glass. Landscaping planters shall be incorporated into facades fronting pedestrian walkways.</i>	N/A
Finding: The project retains the original ground floor façade of the existing building which includes extensive floor-to-ceiling glass on the ground floor for most of the façade. The pedestrian plaza includes two separate landscape planters and seat walls that complement the façade.	

17.96.070.B.3 - Architectural	Conformance
<i>For nonresidential portions of buildings, front facades shall be designed to not obscure views into windows.</i>	N/A
Finding: As described above, most of the ground floor is non-tinted glass, providing a full view into the ground floor entrance and commercial space.	

17.96.070.B.4 - Architectural	Conformance
<i>Roofing forms and materials shall be compatible with the overall style and character of the structure. Reflective materials are prohibited.</i>	YES
Finding: The roof form and material is like that of the rest of the building. The roof form is flat, compatible with the horizontal elements of the building and reinforcing of the mountain modern character of the building. The roof soffit will be the same material as portions of the façade banding as shown on Sheets A201-A203. No reflective materials are proposed.	

17.96.070.B.5 - Architectural	Conformance
<i>All pitched roofs shall be designed to sufficiently hold all snow with snow clips, gutters, and downspouts.</i>	N/A
Finding: The project does not include pitched roofs.	

17.96.070.B.6 - Architectural	Conformance
<i>Roof overhangs shall not extend more than three feet over a public sidewalk. Roof overhangs that extend over the public sidewalk shall be approved by the Public Works Department.</i>	N/A

Finding: The project does not include any roof overhangs that extend over a sidewalk or into the public right-of-way.

17.96.070.B.7 - Architectural	Conformance
<i>Front porches and stoops shall not be enclosed on the ground floor by permanent or temporary walls, windows, window screens, or plastic or fabric materials.</i>	YES
Finding: The project does not include front porches or stoops on the front façade of the building. A porch/stoop is proposed in the rear of the building at the entrance to the community housing unit, however, the space is not enclosed.	

17.96.070.C.1 – Service Areas and Mechanical/Electrical Equipment	Conformance
<i>Trash disposal areas and shipping and receiving areas shall be located within parking garages or to the rear of buildings. Trash disposal areas shall not be located within the public right-of-way and shall be screened from public views.</i>	YES
Finding: The trash disposal area for the project is located in the rear of the building, concealed within a screened area of the building, not within the public right-of-way or alley.	

17.96.070.C.2 – Service Areas and Mechanical/Electrical Equipment	Conformance
<i>Roof and ground mounted mechanical and electrical equipment shall be fully screened from public view. Screening shall be compatible with the overall building design.</i>	YES
Finding: As shown on Sheets A201-A203 of the project plans, there will be rooftop mechanical equipment screened by a 3-foot-high wood slatted screen like what is screening the outdoor decks and patio for the community housing unit.	

17.96.070.D.1 - Landscaping	Conformance
<i>When a healthy and mature tree is removed from a site, it shall be replaced with a new tree. Replacement trees may occur on or off site.</i>	YES
Finding: No trees exist on the property today. As shown on Sheet L1, one new tree is proposed for the outdoor patio at the front of the building facing Washington Ave.	

17.96.070.D.2 - Landscaping	Conformance
<i>Trees that are placed within a courtyard, plaza, or pedestrian walkway shall be placed within tree wells that are covered by tree grates.</i>	YES

Finding: Trees proposed in the landscape plan are not within pedestrian path areas, but on the outer bounds of the patio adjacent to N Washington Ave, in landscape planters, therefore tree grates are not required.

17.96.070.D.3 - Landscaping	Conformance
<i>The City arborist shall approve all parking lot and replacement trees.</i>	N/A
Finding: No parking lot or preplacement trees are required or proposed.	

17.96.070.E.1 – Surface Parking Lots	Conformance
<i>Surface parking lots shall be accessed from off the alley and shall be fully screened from the street.</i>	YES
Finding: One surface parking space is proposed for the project. The space is located in the alley and not visible from Washington Ave.	

17.96.070.E.2 – Surface Parking Lots	Conformance
<i>Surface parking lots shall incorporate at least one tree and one additional tree per ten on site parking spaces. Trees shall be planted in landscaped planters, tree wells and/or diamond shaped planter boxes located between parking rows. Planter boxes shall be designed so as not to impair vision or site distance of the traveling public.</i>	N/A
Finding: The surface parking area is located under the second-floor overhang of the structure and is not an open-air surface parking lot. These standards are applicable to parking lots that contain 10 or more parking spaces in an open-air manner, therefore these standards do not apply to this project.	

17.96.070.E.3 – Surface Parking Lots	Conformance
<i>Ground cover, low lying shrubs, and trees shall be planted within the planters and planter boxes. Tree grates or landscaping may be used in tree wells located within pedestrian walkways.</i>	N/A
Finding: As the parking for the project is not within an open-air surface parking area, these standards do not apply.	

17.96.070.F.1 – Bicycle Parking	Conformance
<i>One bicycle rack, able to accommodate at least two bicycles, shall be provided for every four parking spaces as required by the proposed use. At a minimum, one bicycle rack shall be required per development.</i>	YES

Finding: As shown on Sheet L1, the project proposes one bike rack as required for the project. An additional bike rack is proposed off the alley adjacent to the entrance to the community housing unit.

17.96.070.F.2 – Bicycle Parking	Conformance
<i>When the calculation of the required number of bicycle racks called for in this section results in a fractional number, a fraction equal to or greater than one-half shall be adjusted to the next highest whole number.</i>	YES
Finding: As shown on Sheet L1, the project proposes one bike rack as required for the project.	

17.96.070.F.3 – Bicycle Parking	Conformance
<i>Bicycle racks shall be clearly visible from the building entrance they serve and not mounted less than 50 feet from said entrance or as close as the nearest non-ADA parking space, whichever is closest. Bicycle racks shall be located to achieve unobstructed access from the public right-of-way and not in areas requiring access via stairways or other major obstacles.</i>	YES
Finding: The project proposes one bicycle rack within 20 feet of the entrance to the building on Washington Ave and within 20 feet of the entrance to the ground floor community housing unit in the alley.	

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s Design Review application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Design Review Application pursuant to Chapter 17.96 of Ketchum Municipal Code Title 17.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §17.96.080.
4. The Design Review application is governed under Ketchum Municipal Code Chapters 17.96, 17.124, 17.08, 17.12, 17.18, and 17.128.
5. The Bohica Multi-Use Design Review application meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Commission **approves** this Design Review Application File No. P22-001 this Tuesday, April 26, 2022, subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. This design review approval is based upon the project plan set dated March 15, 2022, as prepared by the project team outlined on the Cover Sheet (CS). Any change in use, square footage of uses, or exterior facades must be reviewed and approved through the design review process and criteria as stipulated in the Ketchum Municipal Code at the time of design review application.
2. In exchange for an increase in FAR, a voluntary community housing contribution of 679 square feet is required. A Floor Area Ratio Exceedance Agreement between the applicant and the City to memorialize the community housing contribution shall be signed prior to approval of the condominium preliminary plat for the project.
3. A photometric study to determine whether a streetlight is required must be completed and submitted with the building permit application for the project to be reviewed and approved by the City Engineer.
4. Prior to issuance of a building permit for the project, an Encroachment Agreement shall be approved by the City Council addressing the snowmelt within the public right-of-way.
5. Final civil drawings prepared by an engineer registered in the State of Idaho which include specifications for right-of-way, utilities, and drainage improvements shall be submitted for review and approval by the City Engineer, Streets, and Utilities departments prior to issuance of a building permit for the project.
6. The term of Design Review approval shall be twelve (12) months from the date that the Findings of Fact, Conclusions of Law, and Decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations.
7. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.

Findings of Fact **adopted** this 26th day of April 2022.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission