

**Public Hearing for Centrepoint Apartments (H-2024-0019) by
Nicolette Womack, Kimley-Horn, located at 3030 N. Cajun Lane and
3100 N. Centrepoint Way, near the southwest corner of N. Eagle Rd.
and E. Ustick Rd.**

- A. Request Modified Development Agreement to amend the existing Development Agreement (DA) (Inst. # 2022-079000) for the purpose of updating the concept plan, building elevations and certain DA provisions to increase the number of dwelling units from 215 to 295.
- B. Request: Conditional Use to construct a 295-unit multi-family affordable apartment project consisting of five (5) four-story structures.
- C. Request: Alternative Compliance(s) to deviate for the parking lot landscaping and multi-family common open space design standards set forth in UDC 11-3B-8C and 11-4-3-27C.

Lorcher: All right. Thank you for your patience. I appreciate it. All right. The final item on the agenda is H-2024-0019 -- is a request for a modification to the development agreement, conditional use permit, for multi-family housing and alternative compliance for Centrepoint Apartments. We will start with the staff report.

Ritter: Well, good evening again. So, tonight we are here for, again, an alternative compliance conditional use permit and modification to the development agreement for Centrepoint Apartments. The site consists of 9.99 acres of land. It's zoned C-G and it's located at 3100 Centrepoint Way. So, the modifications to the existing development agreement and conditional use permit to facilitate the construction of a 279 unit multi-family affordable apartment complex. This proposal strictly pertains to the residential component of the approved development plan. The applicant is also requesting alternative compliance to the open space and parking lot landscaping. So, for the alternative compliance the applicant -- applicant is requesting a reduction in the qualified open space as the applicant is deficient by 8,940 square feet. They are also requesting alternative compliance for the removal of parking lot islands under the covered parking internal to the parking lots. The applicant is requesting the following modifications to the development agreement and CUP. They want to modify the CUP to increase the building height to 45 feet, instead of limiting it to three stories. They want to increase the number of units from 215 to 279, which is an increase of 64 additional units. So, this site encompasses one parcel located south of East Ustick Road. The parcel was part of a development agreement modification and conditional use permit application in 2019 that removed the subject parcel from an existing development agreement for the purpose of entering into a new development agreement with a new conceptual plan and building elevations. So, the first request was for a new athletic club and spa and indoor recreation facility, Villa Sports. The CUP approval for the indoor recreation facility has since expired and the property was sold. The current CUP and development agreement was approved

to construct the mixed-use development consistent of commercial space and a 215 unit multi-family development in lieu of an athletics club slash spa and commercial building. The proposed CUP and DA modification proposes a deed restricted affordable multi-family development with the 279 units. So, the submitted conceptual plan depicts five multi-family buildings with internal access. The multi-family is split into three four story buildings on the larger area of the site east of Centrepont Way, one four story building west of Centrepont Way and one four story building on the east side of Cajun Lane. The submitted landscape plan shows a 25 foot landscape buffer along the west and southern perimeters of the property according to the specific use standards for multi-family development. Common open space may not be counted toward the required minimum when it is adjacent to it -- excuse me. The applicant has proposed a common open space here, but according to our UDC common open space may not be counted towards the required minimum when it is adjacent to arterials, unless approved through the CUP process. Therefore, the proposed open space shown may not be allowed as qualified open space if the Planning Commission and City Council do not approve it in its current location. This is concerning, because at the Commission -- for the applicant it may be concerning, because if the Commission does not approve the proposed site plan and open space will further diminish when combined with the minimum open space standards and revisions would likely be needed. So, the previously approved CUP and development agreement modification -- again, it had a maximum of 215 units. It limited the building height to three stories. It met the intent of the open space requirements. It provided the following qualifying amenities. It had a clubhouse with a business lounge, plaza areas, a swimming pool, a fitness facility, an outdoor kitchen, a dog run, a micropath system, sports courts and a bicycle repair room. All of the proposed amenities, except for the dog run, were located within the central open space area or part of the -- of the three central buildings. So, this was a previous approved plan. So, all of your amenities were located in this area, except for the dog run. The proposed amendment to the CUP and development agreement, they are asking for 279 units. They are requesting four stories and increasing the building height to 45 feet -- does not meet the open space requirement, because it's deficient by 8,940 square feet. The applicant is asking for alternative compliance for the qualified open space requirement stating that the site is irregular, has a unique targeted demographic of an affordable housing community, has significant indoor and outdoor passive and active amenities, and excellent connectivity to public parks within walking distance. Although the project is located less than one mile from Charles F. McDevitt Youth Sports Complex, Julius Kleiner Memorial Park, Champion Park, the residents would have to cross either Ustick Road, a residential arterial, or Eagle Road, a state highway, to access them -- to access them. So, the proposed following qualifying amenities that are being proposed is the clubhouse with the fitness facility, a children's play structure, a dog park with a waste station, a shaded picnic area with barbecue grills, tables, benches and landscaping shaded plaza courtyard with activity lawn, a micropath system, sports court and a bicycle repair area. The sports court and the dog park are located near Cajun Lane, so this is the sports court and the dog park area here. Based on the analysis staff feels the applicant is proposing too many units for the development to be compliant with the comprehensive planning UDC requirements. Staff feels that the proposal to lose the parallel parking along the north property line and relocate the open space away from Ustick Road, an arterial, it would be a nice addition

to the community. So, the applicant is proposing a reduction of the 35 foot wide landscape buffer along Ustick Road, up to a 50 percent reduction down to 17 and a half feet as allowed with the implementation of water conserving designs. Staff has no objection to the applicant's request to provide water conserving designs for the -- for the street buffer along Ustick Road. The applicant is proposing alternative compliance to remove parking lot islands beneath the covered parking areas within development. Instead the applicant plans to install solar carports, which will serve as the green infrastructure amenity by providing an alternative power source for development and its residence. The solar carports would also fulfill the requirement for covered parking and help reduce the heat impact of the surface parking lot. So, according to the applicant the removal of the parking islands under the solar carports will enhance solar panel efficiency by improving daylight captured and reducing maintenance tasks, such as cleaning leaves and debris and replacing plants or trees. Additionally, the solar carports are expected to offset utility costs for the residents. The applicant also knows that despite the removal of these islands the overall landscape buffer percentage does not decrease, as the buffers along the east side of Centrepont Way exceeds the city code requirements. All -- all uncovered parking will continue to comply with the requirements of the parking lot islands. As far as landscape buffers adjacent to the uses, as stated before there is a 25 foot landscape buffer along here and along here for the residential portion of the -- that's adjacent to the neighborhood to the south and to the west and the applicant is also providing an eight foot masonry wall that -- along the west side of the property. So, staff finds the proposed landscape buffer adjacent to the resident neighborhood meets the requirement of the UDC and requires a detail of the masonry wall to be submitted for review with their certificate of zoning compliance application. So, we will go back to the open space. So, the proposed project will include 104,345 square feet of qualified open space, which is 8,940 square feet less than required. Again, the applicant is asking for alternative compliance for the qualified open space requirements, state -- again stating that the site is irregular, has a unique targeted demographic of affordable housing, has significant indoor and outdoor path, active amenities and excellent housing community. Connectivity to public parks within walking distance. So, the project also again includes an extensive network of pedestrian oriented pathways, including the outer loop around the entire project with internal connections to various amenities for the project allowing for free movement of pedestrians throughout the site. So, there are pathways being proposed around the site. The Comprehensive Plan goal is for developments to plan for safe, attractive and well maintained neighborhoods that have ample open space and generous amenities that provide varied lifestyle choices. The Comprehensive Plan's goal emphasizes the importance of safe, attractive and well maintained neighborhoods, again, with ample open space amenities. Reducing these elements regardless of the parcel shape or targeted demographic contradicts the plan standards. Furthermore, the applicant is increasing the density of the site beyond what was previously approved, understanding they are also reducing the open space. Adequate open space and amenities are fundamental to maintaining the vibrancy and functionality of a neighborhood. Adhering to the comprehensive plan ensures development contributes positively to the community and upholds the quality of life for its residents. It's important to recognize that proximity to parks and sports complexes does not fully address the need for accessible and usable open space within neighborhoods. Even though the project is

less than a mile from the parks that were mentioned earlier, residents would still face challenges of crossing major arterial roads to reach these amenities. Pedestrians and bicycle crossings of these major roadways adversely affect signal performance and signal timing and is one of the stated reasons for mixed-use areas analysis to not include areas bisected by major roadways. This can be a significant barrier particularly for families with young children, elderly residents, or those without convenient transportation options. And this is the area that we talked about earlier that would require approval through this conditional use permit. They would need to -- if they were allowed to keep this here they would need to berm it, provide at least a four foot berm along here, but as presented it's not approved by our UDC. As for parking, all street parking for the multi-family development is required to be provided per the table in our UDC based on the number of bedroom units. The applicant is proposing 279 units, consisting of 139 one bedroom units, 105 two bedroom units and 35 three bedroom units. In addition, one guest space for every ten units is required. Based on the total number of units and their bedroom count distribution, a minimum of 552 parking spaces, with a minimum of 279 of these spaces to be covered in a garage or by a carport. In addition to meeting the minimum off-street parking the current development agreement Council was not comfortable with the parking areas west of Centrepont Way and expressed a desire for all the buildings to be self parked within their respective areas of the site. The previous application provided documents taking show -- documentation showing the buildings to be self-parked within their respective areas of the site. Although the buildings within the proposed development are not self-parked within their prospective areas of the -- as shown in the table, the proposal meets the parking requirement in the UDC. The applicant -- based on the parking provided by the applicant this area to the east -- part of the parking is on the parcel to the east that is the commercial parking. The applicant will either need to enter into a shared agreement -- shared parking agreement with the property to the east of Building C or do a property boundary adjustment to have all the parking stalls on their property, just so that there is no issue if this parcel sells -- right now it's under common ownership and we know that the applicant for the affordable housing is looking at purchasing this and so at this point it will be under different ownership, so we will need some type of shared parking agreement or a property boundary line adjustment for this proposal. Conceptual building elevations were submitted for this proposed multi-family building. The applicant is requesting a design exception of the reduced articulation of the building facade and the omission of the masonry along the base of the building. This is an administrative decision to be determined by the director. Final design will be required to comply with the design standards of the architectural manual and recorded agreement unless otherwise waived by the community director through a design exception request. The applicant is requesting a modification to the DA to increase the building height from three stories to 45 feet. Staff feels in order to obtain cohesiveness with the surrounding areas the building height should remain as shown on the proposed concept plan. So, basically, what we are saying is that the building should not be higher than 41 feet as being proposed. Again, the applicant is requesting a modification to the existing development agreement again to include the following changes. They are updating language and proposed concept plans. Increasing the building height to 45 feet and removing the limitation of three stories. They are increasing the number of units from 215 to 279, which -- again which is an increase of 279 units. So, the city did receive written

testimony. We had seven written testimony in opposition to the development. So, these are just pictures of the site. This is the site. This is looking west. I can't see my own screen. This is from Eagle Road looking south. This is from Centrepont looking east. This is from Ustick Road looking south. And this is from the drive aisle that connects to Cajun Lane looking east. So, with the conditions that we have outlined in the staff report staff recommends approval of this project and at this time I will stand for any questions that City Council -- that the Commission may have.

Lorcher: Would the applicant like to come forward? Hi. Please state your name and address for the record.

Huber: I am Chase Huber. 37532 Southeast Fury Street, Snoqualmie, Washington.

Womack: Nicolette Womack. 1100 West Idaho Street, Boise, Idaho. 83702.

Lorcher: Thank you.

Huber: Powerpoint pulled up? First of all, thank you to the Commissioners and everyone in attendance tonight for allowing us to present this project to you. Centrepont Apartments is a proposed 279 unit affordable housing community located at the corner of Eagle and Ustick Road. Over the course of tonight's presentation we will cover details regarding the development proposal. Next slide. First introduction to Devco. Devco Residential Group is a vertically integrated affordable housing developer based in Bellevue, Washington. Devco has been developing affordable housing in the state of Washington for the better part of the last 30 years and is the largest affordable housing owner in the state of Washington, with a portfolio of over 10,000 units. Three years ago Devco began its expansion outside of Washington and our first new construction project was recently delivered in Boise. The Arbor is 112 unit affordable housing community off of Franklin Road. That opened in August. Here is some photos. This slide describes our project at a high level. The project will be deed restricted, offering income restricted units at varying AMI levels, with an average income of 60 percent of the area median income. It will offer units dedicated to families with one, two and three bedrooms and will contain green components for energy and water conservation, including solar carports, energy efficient compliances and water wise landscaping and fixtures. As we detailed on the prior slide, this project will be deed restricted, meaning that the affordable housing restrictions will be recorded with the land and will be in place for a period of 40 years. The project is income restricted, meaning that our rents are based on the -- on the area median income for Ada county and tenants will need to income qualify to live within the community. Below is a chart that details the difference between our proposed maximum rents and the comparable rents of two projects that are close neighbors, The Village Apartments and the Regency at River Valley. As you can see -- go back. As you can see our project grants are significantly lower than the competing market rents in the area, giving our future residents the opportunity to live in this great area without the significant rent burden that similar projects would require. Finally, the income restricted nature of our project will require residents to income qualify for the project. We expect our project to offer units -- the income band for families making between 35,000 and 60,000 per year. When we identify a project we typically hire a third-party consultant to provide a market

study to help us better understand the affordable housing need in any given market. The information provided on this slide has been pulled by a market study conducted by Novogradac in March of 2024 and is focused on the primary market area displayed in the photograph. The primary market area looks at data within a four mile radius of our proposed site. The market study identified that there are approximately 3300 income eligible households in that primary market area. This statistic describes a number of residents in this community who could qualify for the income restricted requirements of the project. Despite such a large number of income qualified individuals in the area, there are only 96 existing affordable housing units available to them, with only 76 being planned. This leaves only 172 units available for the 3,300 individuals who would qualify to live in these units. This leaves a significant amount of demand for income restricted units in this area, which is further supported by a 1.1 vacancy rate for these projects. Finally, as we detailed in the previous slide, the market study identified a gap between the affordable housing rents and the market rents for comparable properties to be between 38 and 40 percent. This means that individuals must pay on average 38 to 40 percent higher rent due to the lack of affordable housing options available or live further outside of town to find housing that is affordable. Along with our application we have provided, we have been reaching out to our stakeholders within the community to better understand the demands for the project. Attached with our application are various letters of support -- I will not read them here today -- from housing stakeholders in the community. Nicolette will take you through the rest of the presentation.

Womack: Chair, Commissioners, thank you for your time tonight. So, shown here you can see a vicinity map of the site. We are adjacent Ustick and Eagle Roadways. We are nearby the popular Trader Joe's, Kohl's and Hobby Lobby. We also have great proximity to jobs, parks, schools and shopping and that creates economic mobility in people's lifestyles. It's important we cover the process to get here today. So, on this site in 2019 Villa Sport had a development agreement and CUP that was for an athletic club and retail. In 2022 there was a DA MOD and CUP for multi-family and drive through. Now, we understand that there is a lot of fears of several permit modifications on any one project. We do need to clarify, though, that the developer on this site is changing hands in this case and so this would be moving from a market rate apartment community into an affordable housing apartment community. So, Devco, which is under contract for the site, began their work back in April with a pre-app and neighborhood meeting. They submitted in May. We are here tonight. We are hoping to go to Council in October and the impact to the long-term construction timeline is in February of 2025, we would have civil and building plan approvals and in spring-summer 2025 we are hoping to start construction. There are specific nuances for affordable housing projects. These projects are tightly tied to federal loans and the timelines of those loans and so it's very important for affordable housing projects to remain moving in a timely manner. We want to make sure we address all the comments or concerns tonight, but we would just emphasize that we be allowed to continue to coordinate with staff to work out any outstanding issues, so that we can remain on the upcoming hearing dates. It became obvious as we worked through the site that there were a lot of competing opportunities and constraints that we were needing to resolve in the site plan. First we are adjacent in-fill. We are an in-fill parcel adjacent, established, varied residential and commercial subdivisions. We also have an

established roadway network and the Milk Lateral, which is undergrounded with an easement, bisects the site into three sections with irregular shapes, where adjacent two high capacity roadways that do lack pedestrian networks and we are excited to fix some of that. Also since the prior approvals the code has changed and there is an increase -- increased requirement in open space and parking, so we are attempting to meet the new standards. Shown here is an overview of our site. Again we are at ten -- about ten acres. We are currently proposing 279 units. We have a similar equal split between one bedroom apartments and the other half being two and three bedroom apartments. We are at 27.9 dwelling units per acre, proposing 552 spaces, which is close to about two -- two parking spaces per unit and, then, again, covered parking 291 spaces. So, again, compared to the private -- prior approval the parking requirements have increased and we are providing more parking spaces per unit. There is lots of benefits of the proposed site plan you have today. We are providing affordable three bedroom family units within an area greatly needing it and giving them the closest access to those amenity areas. We are proposing traffic calming to ensure safe pedestrian crossings. We are positioning largest buildings and units away from the neighboring residential in the south and west property line. We are also providing, again, more parking spaces per unit than the previous project and we are meeting -- meeting all those parking requirements without any off-shared -- off-site shared parking agreements with commercial, which is common in a project like this. So, again, we need that DA modification and CUP modification. That's to modify the conceptual plan for residential uses. It's to change from the approved 215 mixed-use development that had studio one and two-bedroom apartments to 279 unit multi-family affordable apartment development with one, two and three bedroom apartments. If you are trying to keep track of all the numbers we are showing, we are requesting an addition of 64 units and we are providing an addition of 110 parking stalls. We do need to change how height is defined on the project. So, previously, two and three story buildings were specified. We need to change that to a max height of 45 feet, which is the typical range of the three story building and we can walk you through that. There is no change to the existing commercial uses and we are requesting the DA be updated to reflect these changes. There is two alternative compliance requests and I will walk you through those. Alternative compliance number one is removal of those landscape islands under covered parking and that's so we can put solar on top of the carports as shown outlined in red here. By not having those landscaping islands just in these covered carport areas we are preserving solar panel efficiency and ensuring that we can capture more daylight, because we have less interference from the tree canopies. We reduce maintenance requirements and the need to remove leaf debris regularly. This proposal provides equal or superior benefits to the community by, again, relieving the visual and heat island effect of asphalt in the parking lots and our studies show that decreases the heat in that area by about 18 degrees underneath the solar carports. We would also be providing more traffic calming in the parking lots and improving pedestrian safety and, again, this does reduce utility costs for our future residents. Alternative compliance number two in the request is the reduction of qualified open space. We believe we are providing equal or superior benefit, because, again, we are providing that unique targeted demographic of an affordable housing community. We are providing 3.3 acres of qualified open space with amenities and the -- there is another 43,000 of non-qualified open space with pedestrian pathways that I will walk you through. The proposal doubles the required

amenities, while providing private open space. So, shown here, just to lay it all out for you guys, you can see in the dark green is the qualified open space and, then, the lighter green there is nonqualified open space. The nonqualified open space is only not qualified because it's less than 20 feet in width. So, shown here on this chart we are required 2.6 acres of -- of qualified open space. We are providing 2.4 acres of qualified open space, including almost an acre of nonqualified open space, which brings our total to 3.3 acres of open space. We are proposing extra amenities. Those are shown here. The code requires four amenities. We are providing nine amenities. That's double the requirements. And what's unique to that is in many affordable housing projects the first thing to go to make sure we can provide the rents that we are showing is usually the amenities. Here we are showing fabulous amenities for this area, including this -- these great walking trails that surround the site. Here are some example amenity from other Devco projects. It includes a clubhouse with community space and leasing office, fitness facilities, dog park with waste station, two common grassy areas, shaded plaza and courtyard, picnic area, barbecue grills, benches, walking trails, play structure, sports court and bicycle parking. Shown here is a side-by-side comparison of the previously approved elevations on the left and the proposed elevations on the right. So, you can see that, yes, we go from three to four stories, but because we are using a flat roof, instead of a pitched roof, and also our floor plates are slightly different dimensions, we remain at the same height as previously approved. So, we need that to specify remaining underneath 45 feet and this is similar to Regents at River Valley and Village Apartments in the surrounding area and it's below the height exception that was granted for the storage off of Eagle recently, which was 50 feet. Here are those building elevations. We will go through the design review process. Just to keep on time here is a graphic we can pull up later if you are looking for any dimensions from the neighbors. Here are some cross-sections. Very quickly it shows our building structures. It shows the surface parking lots and walls and landscaping and the expansive space between us and the neighbors. There are several revisions along the way. Staff has been great to work through lots of different ideas and versions of this. Obviously, on an affordable housing project unit count is critical to making sure we can actually provide units at the rates we are showing tonight. The initial proposal was for 300 units. Now, we have reduced that by 21 units. We have added 118 parking stalls on site. We removed an original alternative compliance request for reducing the balcony square footages. We have increased the number of amenities. We have expanded the open space. We have reduced the deficit of open space requirements. We originally were short 27,000. We are now only short about 8,000. We have improved our multi-use pathway landscaping. We have reduced our building heights along the way. We have reduced our number of driveways on Centrepont Way and we are adding safe pedestrian connections. We are grateful for working with staff on this. The DA conditions -- several of the conditions in the staff report we are able to agree to outright. The ones we need to bring specific attention to is the development agreement condition D and staff condition 1.1.D. We proposed language in the updated development agreement to just clarify the separation of the Ustick Road improvements from the commercial road improvements along Eagle Road. So, that needs to be separated. The latest landscaping plan needs to be put into the record and, then, we worked with staff to talk about a condition to address this open space concern along Ustick Road. We are happy to work through it and come up with yet another site plan. We are only on number 30 or

something. But we just need that condition modified, so that the wording in red will allow us to continue to work through that issue. Again we will stand for your recommendation of approval. Again, timing is critical on this, so, please, allow us to work with staff where we can or condition where we can to keep moving and we will stand for any questions. Several people are here tonight and can help with those questions as well.

Lorcher: Thank you very much. Commissioners, are there any questions for staff at this time or should we take public testimony?

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: So, for the applicant you are talking about alternative compliance for solar, specifically the islands -- you are talking about affordable housing. Have you done any studies on what it's going to cost to maintain and replace all those panels in the long term? Is it worth it?

Womack: Chair, Commissioners, I will bring Devco up. They have done a solar on several of their sites and had a lot of success.

Huber: This is Chase Huber. 37532 Southeast Fury Street, Snoqualmie, Washington. Yes, you are correct, there is ongoing maintenance surrounding the solar panels. That's been built into our analysis. For the most part they are pretty resilient. I think they lose like less than a percent of efficiency every year for -- after like the fifth year they are in operation, so they don't wear down overtime as -- as much as you might believe. They are pretty resilient.

Lorcher: Thank you. All right. Thank you very much. Madam Clerk, do we -- who is first to testify?

Lomeli: Thank you, Madam Chair. We have a Vince Skinner online.

Lorcher: All right. Mr. Skinner, if you can state your name and address for the record.

Skinner: Can you hear me okay?

Lorcher: Yes, I can.

Skinner: Excellent. Yeah. Vince Skinner. 3023 North Centrepont Way. Okay.

Lorcher: All right.

Skinner: So, I'm a native Idahoan. I have been living in the area since 2003. I have seen this community grow and prosper and the homeowners of the Jackson Square neighborhood parts of the entire group that is here, we have moved here to -- due to the

quality of the neighborhood, the location, family, community. My children play at the grass locations that the applicant mentioned earlier. I -- I do want to get a -- a specific example and definition of what affordable housing means. This has come across substantial amount of times in the previous testimony that was given and this is a quite nebulous and relative term and I would like to have some specifics around proposed costs, actual costs, because we can all speculate many things, but reality is a different thing. Tonight I'm going to give some emotional arguments and there are also some technical data that I will present as well. So, again, on the perception of whether it's low income housing, affordable housing, what's the difference between that and housing in the surrounding neighborhood? So, that's one question. I have numerous questions that I -- I would like answered. The negative impacts that I see to this -- one is you have a significant concentration of people in an existing nonconcentrated area. This leads to concentrated poverty and many times low income housing concentrates into crime as well. One other aspect there is strains on local resources. This poses a monolith residential enclave, which would be an overburden to our already overburdened schools, overburdening the local healthcare, emergency services and additional public infrastructure and I would like to have specifics on how that will be addressed. Also with more residents and rents, et cetera, there is going to be an increased tax burden due to those strains that I mentioned before and thus that would reduce the income of not only the existing residents, but others that could be otherwise invested. I mentioned crime earlier. Studies have shown that concentrated low income housing can sometimes correlate with higher crime rates, particularly if those housing areas are not managed accurately, well, and they also lack any type of social support services. I mentioned earlier with the decreased property values, whether they be perceived or potential and that is market and in the end with many of these low income housing developments they do decrease the values of not only the businesses around them, but also the residents and this makes it also --

Lorcher: Mr. Skinner, I need you to wrap up, please.

Skinner: Okay. This makes it much more difficult to sell houses. From a technical perspective you are going from 118 dwellings to 413. That's an increase of 252 percent increase in that single location, not even referring to Leslie Way, which is next door. also Jackson Square is currently 22 acres, which comes down to five dwellings per acre. This new expansion would be 29 units per acre, which is a 490 percent increase in the concentration of the dwellings.

Lorcher: Okay.

Skinner: So --

Lorcher: Your time is up, so any final thoughts?

Skinner: Yeah. I have significant concerns about this and my children, the safety of traffic and there is a lot of additional questions that I have and I would like specific data on how those are going to be -- those concerns are going to be addressed.

Lorcher: Okay. We will ask the applicant to address some of those. Thank you very much. Madam Clerk.

Skinner: Thank you.

Lomeli: Thank you, Madam Chair. I have a Nick Stoppello that signed up online. I don't see that name. I don't know if he is here in the audience.

Lorcher: We do have quite a few people in Chambers tonight. The -- the rule for Planning and Zoning is three minutes per person, unless you are addressing a larger group, like a home owners association, then, they are allowed ten. For the ability of time, please, be respectful of the time and I appreciate that. So, if you can state your name and address for the record that would be great.

Stoppello: Nick Stoppello. 2305 Northwest 15th in Meridian.

Lorcher: Thank you.

Stoppello: I will keep this brief, because I feel like I'm probably persona non grata in this group, but I am for the project.

Lorcher: Okay.

Stoppello: The -- I just want to start by giving some specific data on income and housing specific to our market here. So, the U.S. Census Bureau says that Meridian median household income is 90,000 dollars. A reasonable estimate on an approved mortgage loan at that income, assuming that they have good credit and little to no other consumer debt, amounts to about 350,000 dollars from a mortgage standpoint and as of this evening there are four listings on the MLS that are 350,000 or less in our market, two of which are manufactured homes and those require special financing. So, of the two remaining one is 981 square feet and the other is 616 square feet. I don't think anybody here wants to live in that small of a dwelling to begin with and certainly not for 350,000 dollars. So, from my perspective we have got two options. We can either increase the median wage for those working in our community, which would ultimately increase the cost of goods and services rendered in our community and impact the end user and consumer or we can try to decrease the cost of housing to give those individuals the opportunity and a place to live in our community and contribute to our local economy. The affordable housing project, such as the one being discussed, is -- it's not a bullet to the problem, but it is a step in the right direction, whether it be small or large, in giving housing to people that don't otherwise qualify for anything that is available to them in the market. I -- I have been here for 33 years. I was born in St. Luke's in Meridian. I lived at Mallard Landing on Linder. I live off Linder currently. And I'm moving just south of this project at the northwest corner of Fairview and Eagle here shortly. So, I understand that Meridian is like the town of Mayberry. It's an awesome place to be and live and grow up and have a family, of which I'm growing now and establishing businesses, but we really need to make a

conscious decision to be proactive in addressing the challenges that growth present to our community, rather than burying our heads in the sand and wishing that this place was what it was 20 years ago. I -- we are not ostriches. I don't see any birds in the room. So, let's understand that things are going to change, challenges come along with that and work with the developer and the people that want to give opportunities to those that otherwise couldn't have them.

Lorcher: Thank you very much. Appreciate it. What's next?

Lomeli: Madam Chair, Steve Grant.

Grant: My name is Steve Grant. I live at 1534 North Leslie Way in Meridian.

Lorcher: Thank you.

Grant: Madam Chair, Commissioners, when Mike Mafia of MTM Meridian proposed his project in November of '22 the City Council advised him to reduce the project from four floors to three in the main complex and improve the construction of two-story units on the west side of Centrepont. Going from three to four stories increases the density of 30 percent, which I believe is an unacceptable level for this parcel due to traffic and parking issues. I'm sure that the density is driven by economics. The developer's ability to be profitable shouldn't be the catalyst for approving this project at the density requested. If I recall correctly, the main reason the Council required the project to be limited to three stories was a traffic congestion high density housing would create. As you know, Centrepont at Ustick has only two lanes, one in each direction. Even with three stories traffic loads will require widening the intersection to add a dedicated left turn lane to access Ustick going west. During peak hours traffic will stack from the light at Ustick all the way back into the complex parking lot. Residents living on the west side of Centrepont who attempt to exit their parking area with a left turn during peak hours will face congestion from parked cars exiting the main campus. Frustrated drivers will avoid the congestion by traveling through Jackson Square Subdivision, which will increase safety concerns for Jackson Square residents. I understand that the ACHD has approved widening Centrepont, but I'm not sure if a left turn lane has been contemplated there. If this project is approved as proposed the adjacent neighborhoods to the south and west will experience peak hour traffic congestion and overflow parking problems. Motorists seek the path of least resistance. If it is quicker to travel through the adjacent neighborhood drivers will, as I live on Leslie Way and motorists continue to cut through our street to avoid congestion at Centrepont and Eagle Road. With the high cost of renting it is not unusual for leaseholders to sublease apartments to friends and relatives. If an apartment has an allotted two parking spaces and another person with a car moves in, the third car would not have a dedicated space and would be forced to park on neighborhood streets. This overcrowding will create conflict and safety concerns with neighboring homeowners. I would ask the Commission to do the following: Require the applicant to widen Centrepont at Ustick to allow for a dedicated left turn westbound on Ustick and I guess it has to be the same thing on the north side. Require the applicant to limit the construction of the main campus to three stories and two stories for units west of

Centrepoint and ensure that the masonry wall along the western boundary, which is part of the existing development agreement, be extended along the same sight line at the same height with the same materials. Traffic congestion has been a concern for this parcel ever since hearings were conducted when the nightclub was being proposed. I understand the city's interest in the construction of affordable housing. I don't believe this parcel is well suited for the proposed density. Anyway, thank you for your time.

Lorcher: Anyone next?

Lomeli: Madam Chair, Brenda Jones.

Lorcher: Hi.

Jones: Hi. Good evening. Brenda Jones. 659 West Blue Downs Street in Meridian, Idaho. 83642.

Lorcher: Thank you.

Jones: You bet. I'm actually here this evening on behalf of St. Luke's and I would like to voice our support for the Centrepoint Apartment project. This housing development offers high quality, affordable, workforce housing units, which greatly are needed in our community. Our 23 -- our 2023 community health needs assessment identified safe, stable housing as a significant need and because stable housing impacts one's health, housing has become an identified impact area for our health system and we are trying to address that. St. Luke's has a history of supporting housing solutions and currently partners with many organizations across our footprint addressing the significant needs of affordable housing and workforce housing. We recognize the importance of having safe, affordable and well-located housing options for all of our community members. As Idaho's largest private employer housing has become an integral part of our stable employment. In order for our workforce and the community to maintain healthy and robust, we must have adequate housing. The Centrepoint Apartment project would meet several of these needs of our community members and providing the one, two and three bedroom units, all designed to accommodate residents and workforce incomes ranging anywhere from 30 percent up to 70 percent, which is the area median income, which the other gentleman was speaking to. In addition the location of the development really is great, because it accesses retail, grocery stores, jobs and excellent schools here in the West Ada School District. A project such as this we feel like would really provide a great opportunity for all of our Meridian residents. Thank you for your time.

Lorcher: Thank you very much. Madam Clerk?

Lomeli: Somebody has raised their hand online. Would you like for me to allow them to talk? I'm not sure what their name is.

Lorcher: Has everybody who signed up to speak has -- has spoken?

Lomeli: No.

Lorcher: So, let's go in order.

Lomeli: So, we have Kristy Hein.

Hein: Good evening again.

Lorcher: Yes. Please -- please repeat it. Your name and address.

Hein: Madam Chair, my name is Kristy Hein. I live at 3933 North Amberwood Avenue in Meridian.

Lorcher: Thank you.

Hein: So, I am speaking in opposition of this project. Once again I think we can all agree that housing is an issue. I think we are all in agreement that affordable housing is a good thing. Again, I'm just not in favor of this particular location for a lot of reasons. With this particular project, with the proposed amount of units, we are looking at potentially two vehicles at least per unit. That's a total of 560 additional vehicles on this stretch of road. Where I currently live it's directly on the north side of Centrepont off of the -- Eagle Road currently handles around 60,000 vehicles per day. It sees approximately 400 crashes per year as you know per the Mayor's report in August. We currently own the home that's at North Amberwood Avenue. Again, off of Centrepont Drive. The section of Ustick Road between Eagle and Locust Grove is only two lanes in each direction and Centrepont Drive already experiences significant congestion. Every morning we find ourselves struck -- or excuse me -- stuck for two to three light cycles just to turn onto West Ustick and start our commute each morning. My parents, along with their neighbors, live in the Village Bungalows, which is an active 55 and over community just west of the proposed development along West Ustick Road. The average age of the residents there is around 75 to 80 years old. Many of them still drive enjoying their independence. The convenient access to Trader Joe's, Albertson's, local banks and doctor's offices is a significant part of what drew them to the Village Bungalows. However, they are now deeply concerned about the impact that this large proposed development would have on an already congested stretch of Ustick Road. The increased traffic would not only hinder their daily routines, but could also jeopardize their ability to safely and easily access the essential services they rely upon. This project risks compromising the very qualities that made the area desirable for these older residents in the first place. As far as emergency services, the nearest fire station is located at 3545 North Locust Grove Road, which is near the intersection of Locust Grove and Ustick. I recently spoke with the representative of the local fire department here in Meridian who expressed serious concerns about the increase -- the increasing approval of these low rise developments, such as the one we are discussing tonight. He highlighted the strain that these places -- or that these developments place on emergency response capabilities. For instance, he noted that if a fire were to break out on a development such as this with the proposed 45 feet in height that the developer is proposing, he would need at least 43 firefighters to respond effectively. Currently he would only have 27 personnel available. His concern is that he

would not be able to efficiently respond to a fire and emergency. Those are my concerns and I really wish that you and the Commissioners would consider this as a -- it's a safety concern and I really appreciate your time.

Lorcher: Thank you very much.

Hein: Thank you.

Lomeli: Madam Chair, the next is Landon Johnson.

Lorcher: Mr. Johnson.

Johnson: Good evening, Chair, Members of the Commission. My name is Landon Johnson. I live at 2940 North Centrepont Way, Meridian, Idaho. 83646. So, I am in the Jackson Square Subdivision on Centrepont just south of this proposed development. Get straight to the point. Well, I urge you guys to deny this, the permit and the development agreement modification, 295, now 279 -- I mean even 215 the existing apparently agreed upon is too much for this neighborhood. Where Jackson Square is a little enclave that is -- has limited ingress-egress on Ustick and Eagle. Now, there is three spots you can make a right. You can go out on Eagle in two spots -- or excuse me -- Ustick and Eagle one directly, but the left turn, which was brought up by somebody earlier, coming out Centrepont, you had, you know, 200 units, 300 units, it is going to be a significant negative impact. This is congestion. Safety hazard. If they are three bedrooms, they are targeting families, which is great to provide. Everybody loves affordable housing and we need it. Not here. I have -- I'm a planner by training and profession. I know a little about this stuff and it's great, I love smart growth. TOD. There is no bus line here, so everybody is going to have one car at least, two cars, probably more and they will spill in -- into our development, which is quiet right now, except for those people trying to bypass Eagle and Ustick intersection and it's just going to get worse. There -- of course, I mean I think there was under representation in the staff report, as well as in the developer stuff as consideration to the surrounding community existing environment and I don't think enough consideration was given to that. I don't like the idea of being stuck in my development because there are 200, 300 people living in there or more -- you know, that's a lot more, yeah, one, two and three bedroom. I don't like it. To me that's not freedom at all. You know, restricting physically my access. I go left a lot. Right now the intersection is great, because there is no development. Everybody expects this vacant land to be developed, but, you know, not for these barracks style big -- in my opinion not very appealing -- visually appealing, you know, affordable rental apartments. I would rather something lower. Definitely not four stories. Three stories, if they are allowed that, that's fine. I understand they have entitlements and we will be done. Should it move forward, you know, I would like to see things in the city providing bus transit, so we can make in-fill projects for affordable housing like this move forward. Again, I don't much care for the reduction in -- or excuse me -- the open space issue. That's not a huge amount, but I appreciate that providing open space, especially a dog park, I wish that would be open to our community, too. I know that they won't do it, but, you know, when I spoke with them in the neighborhood meeting they had is off the open space, but they were under the

impression, as far as I -- there was a bus line going on Ustick. No. I have tried doing a walkable thing. It is not a walkable neighborhood and not designed -- that was not the intent. It was single family. It was zoned commercial, mixed-use. All right? There is strong stores, you know, roadside and, then, housing in the back.

Lorcher: I need to -- I need to have you wrap up. Thank you.

Johnson: I appreciate it. There are mitigation things you can do, but I think a redesign, rather than these big rectangles that are four stories as proposed. It's just not right for the area and it's a stark contrast to existing community that's around there. Thank you.

Lorcher: Thank you. Madam Clerk?

Lomeli: Madam Chair, Janet Bailey.

Bailey: Hello. Janet Bailey. 2925 North Centrepont Way.

Lorcher: Thank you.

Bailey: Thank you. I just have a few comments on this. I -- I have lived in my house 12 years, so I have watched the neighborhood evolve. This housing apartment complex in the front -- I think it's going to be disastrous. Absolutely. I -- I ask you, please, deny the whole thing. There is too many apartments, too high, too tall, we -- I started our neighborhood watch 12 years ago, so I have seen things come through. The traffic is crazy through there. It's a raceway down Centrepont. With all those added cars and all the parking, it will spill in the Centrepont and it's to our expense to maintain our neighborhood. The HOA -- we had graffiti on this walking path behind our homes. Okay. Well, that was taken care of, because it was our neighborhood and our expense. So, anything to spill it over from these apartments it's going to be at our cost. We have to maintain the pathway. We maintain all of that in there. I have seen the increase in traffic. Centrepont to Ustick, it's two lights to get out. There have been numerous accidents there. I don't know if that's in your report as well, but there is always accidents out there and the traffic is at least 50 cars deep to try to get out there in the peak driving, so I have one concern and it's a question for you guys, why -- or why is it allowed for a Seattle developer to come into our Meridian and tell us what we need? Because at the neighborhood meeting I asked questions and the developer had kept telling me this is what Meridian needs. I disagree. I disagree. He's bringing his Seattle ideas into our home, our Meridian. This is our home. I don't believe his ideas fit our neighborhood to put it in our front yard. I think it's going to be disastrous. I think it's going to cause a chain reaction of events that -- and there is a lot of people talking that I have spoken to that are talking this could possibly force us to sell our homes. I don't want to do that. That was our investment. This is our retirement place, you know. This is where we decided to retire and, you know, until the next step. But it's not turning out to be that way and anytime these developers come in with big promises, it doesn't happen. When Mayor De Weerd had expressed her distaste for the apartments on occasion, she even said somebody dropped the ball on those, because when I moved in they had told us they would be 26

to 28, like-minded housing like ours along there and, then, they put those -- whatever they are called over there, so -- and just to correct the developer, the parks are not within walking distance. Settlers Park is two miles down to the west. The McDevitt Sports Place is on McMillan and Eagle and Champion Park Subdivision -- you have to go into their subdivision to get to their park. There is nothing around.

Lorcher: Okay. Thank you.

Bailey: Thank you.

Lorcher: All right. Madam Clerk.

Lomeli: Madam Chair, Jeffrey Miller.

Lorcher: Hi.

Miller: Hi. Good evening. Jeffrey Miller. 2487 East Foster Lane.

Lorcher: Thank you.

Miller: I happen to be a resident of Village Bungalows, so I --

Lorcher: Okay.

Miller: -- I know what they are talking about and there -- there is a need for low income housing. That's not an issue here. The issue is actually the density that's going into this development. The traffic on Ustick in the morning is backed up from Eagle Road all the way back to Verado, the second development behind me, half mile away and it's -- it's horrendous. I mean you can't walk -- you can't cross the lights. You have -- there is no crossing -- mention was made of access to parks. There is no Ustick. You have to walk a half a mile up to the nearest crosswalk just to cross to get to Champion Park. So, it's -- it's -- it's more of an issue than this. It's the density that bothers us and it's the traffic that's going to be the death of everybody. It's 60,000 cars a day on Eagle Road. It's backed up. You can't make the turn, you can't get out. When they are stuck at the left-hand turn on Eagle, if you want to go north on Eagle, you come out of Centrepont, no room. Where are you going to go? So, you are waiting cycle after cycle. It's just going to be a mess. I just adamantly hope that you -- you guys use your infinite wisdom and deny this program. Thank you.

Lorcher: Thank you. Madam Clerk.

Lomeli: Madam Chair, Barry Holsinger.

Lorcher: All right. We can come back to him.

Lomeli: Okay. Doug Stern.

Stern: Hello again.

Lorcher: Hello.

Stern: Doug Stern. 2793 North Centrepont. I cannot think of a worse use of land to an existing neighborhood in this entire city than what's being proposed to that corner. The homes that were built there -- I have lived there for 12 years. These are custom built homes in this neighborhood and the traffic and the parking right now is a mess, because if you go up Bourbon Street east of my street, the existing tenants are parking on both sides of the street now. You can get one car through at a time. I can't imagine what it would be like with adding 600 more drivers in every direction from this monstrosity that they are trying to put in. I drove up -- I drove up and down once I saw the signs that they were going to do this, I drove up and down Records and Ustick and Eagle trying to figure out why here, why would they do this? Have they done this to another existing established neighborhood and I can't find a single example. If you go up Records and see all the new apartments, they are fine. They are on the right -- or they are on the west side of the street. The existing neighborhoods are on the east side of the street. They don't -- the existing -- the apartment dwellers don't have to go into the existing neighborhoods like they do in this instant. I -- I agree with affordable housing and I know everybody says the same thing, not in my neighborhood, not in my neighborhood, but in this situation it doesn't fit. I never even knew that they approved the 211 and I have been there for 11 -- like I said, 11, 12 years. I don't know how that even got approved, yet some of the other things I think we can -- we can come together and come up with a much better use for that land than adding this -- whatever this is that they are doing. It's going to exactly ruin our neighborhood.

Lorcher: Thank you. Let's see if Barry got back.

Lomeli: Madam Chair, Barry Holsinger.

Lorcher: Hi. If you can state your name and address for the record, please.

Holsinger: My name is Barry Holsinger. I live at 2836 North Centrepont Way, Meridian. I just want to add one simple other concern. The -- we are part of the Nampa Irrigation District and we have been fighting with them and -- and keeping our lawns green this year we have just barely had enough water out of the canal and now they are going to propose to put green space all over that -- all over that apartment complex. There isn't enough water for it. Thank you.

Lorcher: Thank you.

Lomeli: Madam Chair, Jared Schofield.

Lorcher: Good evening.

Schofield: Jared Schofield. 1566 North Leslie Way, Meridian. 84664 or -- one of the primary concerns of high density affordable housing is the impact on property values.

Studies have indicated that property situated near high density developments may experience a decline in value due to various factors, including increased traffic congestion, noise levels and perceived decrease in the neighborhood appeal. These three elements will directly correlate to both the value and desirability of the immediate voting properties with secondary effects to the neighboring property in a cascading effect. The traffic will continue to be extreme and with a massive increase of vehicles that will go into this structure -- or into this development, as there is no other point of entry to access westbound Ustick, Centrepont will be overly burdened at the intersection to Ustick. This, in turn, will add more hostile drivers to mix with current normal excessive traffic. Traffic studies are typically based on the number of vehicles per day, but not necessarily account for peak traffic hours. Several accidents have been personally witnessed by myself with two incidents nearly involving myself and family. One of the incidents involved an irate individual who could not wait until my family was in -- across the crosswalk -- walk and proceeded to maneuver around a car in front of them at a high rate of speed. This vehicle I was close enough that I could actually reach back and have touched it. This vehicle was traveling from the area of the apartments located on Centrepont behind Kohl's, which is currently being expanded. An additional accident occurred while I was waiting to exit off of Leslie Way. An inattentive driver rear-ended the vehicle traveling eastbound on Ustick directly in front of my vehicle. Vehicular accidents within the immediate vicinity of this complex have now become an almost daily event. The immediate vicinity around already has a significant volume of high density housing. So, all the apartments located further to the east, further to the north on -- on Centrepont and one thing that should be noted is that those of us that live directly in relationship to this will have the highest impact on. It does not affect those that live elsewhere in -- within the city. It does not affect those that are going to be moving elsewhere in the city. This is very much in our backyard. This is something that impacts us directly. It impacts our families, it impacts our lives, it impacts my children who play in my backyard. It impacts every detail of everything we do every day. The previous CUP should have never been approved as it is. I wish we could go back and take several steps back and start over from ground zero. One of the other things I want to bring up is when you also have the -- oh, a couple things. The -- the proposal they presented on drawing A-05 it indicates the comparison to a two story home from their building, which the two-story home should be -- indicate my home. My home is a single story ranch home last I checked. So, it makes me wonder how many other items have received an artistic interpretation of -- with no basis in reality? Community safety is a big issue. Recently we had an individual on their vacant property that was videoing my daughter in my backyard the police had to be called about. You put apartments -- four story apartments, two story apartments, whatever, in my backyard where they have the privacy of windows staring into my backyard and my daughters, that -- that is a complete disregard for my daughters and their safety. I appreciate what you guys do and I appreciate you allowing me the time to speak. Thank you.

Lorcher: Thank you very much.

Lomeli: Madam Chair, no one else has indicated to testify.

Lorcher: There was one gentleman online. Are they still there? If you are still online and you wanted to speak, please, raise your hand.

Uretta: Yes, I'm online.

Lorcher: Okay. Go ahead. State your name and address for the record and, then, we will take the Chamber's next.

Uretta: Abisay Uretta. 3022 North Centrepont Way. My house would be one of the nearest to this development on one side of the street and I just want to say that I fully support the rest of my neighbors that are in a position to this and one thing that I would like the Council to keep in mind is the only people in support of -- of this current proposal are the people that will not be living with the results. Us here in our neighborhood are the ones that will be deeply impacted are the ones opposing. I have not heard one person in support of this development that will have to live with the -- with the results of this development. So, I would like you to keep that in mind as you look to perform your duties for -- for the best of our city today. Thank you.

Lorcher: Thank you. All right. Is there anybody in Chambers? You had your hand up first.

Dickinson: Ruth Dickinson. I live at 2771 North Centrepont.

Lorcher: Okay.

Dickinson: So, I think it's kind of been covered as far as Centrepont and the difficulty getting off of Centrepont and Ustick, but one of the things I noticed in reviewing all the maps is that the other street that goes out, which is just escaped my mind, sorry, but on the east side of the apartment complex they are showing that street going out and currently serves the commercial that's on the corner of Eagle and Ustick.

Lorcher: Cajun.

Dickinson: Cajun Lane. Thank you.

Lorcher: Okay.

Dickinson: So, what I'm seeing there, at least in the maps I was looking at today, is there is actually parking planned head in off of Cajun Lane, which means those people would have to back out into Cajun Lane to try to exit. So, to me that's really bad planning, because, one, it's going to be really, really crowded. Half -- I assume half of the exits are destined to go out that direction one way or another into an -- into a turn lane, which, by the way, you can't pull out into if there is any traffic at all, so those people have no -- no other option, but to go back into the other neighborhood, around the traffic circle and try to get out on Eagle Road that way or to follow down all the way to Centrepont and try to go out on a street that really isn't wide enough for a left turn lane. So, I haven't heard that or seen that exactly addressed, how they are going to deal with that, but it's just a bad traffic plan and somebody mentioned emergency vehicles. I think they would have a

tough time getting in and out of the neighborhood, not just to service us, the people that have already lived there for years, but if anybody should need help or assistance in those apartments. So, just a bad plan. The other thing I noticed is in our -- one of the previous presentations is you have a certain color designated that shows where you are going to put the chicken place and all up in the corner and that same color designation covers that space that goes around the corner on Ustick. It was originally designed to be commercial. If you had commercial there will be traffic no matter what, but at least it would be a minimal amount of traffic that probably that area couldn't handle -- would have to handle and so I would just say, please, deny this and let's do something better for our community than this project. Thank you.

Lorcher: Thank you, ma'am.

Gammon: I'm Carrie Gammon 3055 North Centrepont Way, Meridian, Idaho. 83646.

Lorcher: Thank you.

Gammon: I just want to point out that I have lived here for about 12 or 13 years and I have never seen a development idea that has scared me so much. I totally agree with affordable housing. I myself am back in school again. I know what it's like to struggle, but putting something like that in that small of a space is not going to work. I am actually the first house here that was actually in some of the videos and I will be that person that will be looking at a four story building and have all those eyes back on me and anything and anyone that I have in my house. I also don't like the idea of looking at a concrete jungle when I can see the mountains for now, but that's not even the most important thing. I think is it worth putting something like this when it's going to jeopardize other people's safety. The traffic I know has been brought up, but I cannot even back out of my driveway. I have to sit there and watch cars go by and race by. It is a speedway and I would ask anyone that is even considering putting this here, especially if you don't live there, please, just come there and stand there for five minutes and see what the traffic is like. The people -- they don't even use the right side of the road. Today they were speeding around the divider trying to get there first. When you try to turn out right onto Ustick or left onto Ustick you do sit there for multiple, multiple lights. I leave an hour early to get to school as it is and that is because the traffic is that bad. If you are talking about putting this many places in such a small area it's going to be insanely congested and dangerous for all the small kids, the elderly people and everyone in between that lives in my neighborhood and I really think that they need to consider doing something a lot different, because this just isn't going to work and it's going to be dangerous and I am scared to live there and I have never heard so many neighbors that, you know, maybe couldn't come out or were afraid to come out tonight that don't want to live there because of what's going in. I don't mind something going in, but not this.

Lorcher: Thank you.

Gammon: Thank you.

Lorcher: Anybody else in Chambers? Sir.

Vrba: Madam Chair and committee -- or Commissioners, my name is Jeff Vrba. I live at 3005 North LeBlanc Way in Meridian, Idaho. 83646.

Lorcher: Thank you.

Vrba: I am the vice-president of the Jackson Square Homeowners Association. I wanted to allow my homeowners to actually talk to you, so you can actually see their concerns. Some of the main concerns that we also have with the way the development is set up -- if you look at the entrances in the Centrepont Way from their individuals there that's in the middle of the block, they are going to be backed up there. The other one -- they got another entrance down on Cajun Way or Cajun Lane down there. Cajun Lane, half of Picard, which is just south of there -- down there and Bourbon Street are all private roads. These have to be maintained by the homeowners associations. If something happens and the road gets damaged I am having to pay for that. Our homeowners are having to pay for that. By having these extra cars like we talked about -- you heard a lot of homeowners trying to get onto Ustick, there will be cars going down through Cajun Way south around the roundabout and out on East Bourbon Street. That's taken up private roads there that we were told had to be private. The next concern we have is we have a fence that's running along the entire length of that road there, a wooden fence that's up. We have been maintaining that for over 14 years now that we were required to put up and we were required to put up the brick wall on the other side by the Planning and Zoning and the city when the original developer for that whole area went in. With this fence going -- with our wooden fence there and possibility of damage on it, our homeowners association is going to be responsible for it. If you guys would like to put this in and let it go up why don't we have a brick wall -- an eight foot wall along that whole entire Picard Way there, too, to prevent the individuals damaging the fence that belongs to our properties that our homeowners aren't going to be accounted for. The other thing I'm concerned with is the elevation. I know in the past we have -- the city's talked about elevation of the buildings in the area. I can travel up and down Ustick and look. I do not see any apartment complexes that have the flat rooftops on Ustick. They all have the elevation. They have the peak. They are three stories tall right around the other park that's a little bit further down. That's where my concern is at. We do not want four stories there. The original plat was the two buildings that were closest to the homes were going to be two stories. The other ones were going to be three stories to match -- or close to the existing areas there. The other thing we had problems with is when they are talking 500 plus cars through that area there, they will be coming through the subdivision. There is no problem with that. That's going to be tied up and we are going to be stuck with that. Centrepont Way is only two lanes, two and a half lanes if you really get up at the intersection there. You might be able to get a third car around. The other concern is -- I don't know if they have taken an effect where the Milk Lateral actually runs, because that's already buried under the ground and if I'm not mistaken it's going to run between -- underneath two of their buildings. So, either they are going to have to move that around, reposition it. Some of the maps I have seen had it routed wrong, but I know right where it runs. So, there are going to be issues with that. You take away people's water further

downstream you are going to have a lot more problems here in Idaho with that. So, overall, like you said, you heard from a lot of our homeowners here how much we are concerned with the way this is bad with the extra houses in here. I have actually gone through with the previous one plat -- I was in here protesting against that, too. We were against it at that time. I didn't have as many homeowners. Here the city said last time with one of the other developers in there, but we don't have homeowners here, so it must not be -- they must not really be concerned about it. So, we called into action our homeowners so you could actually hear from them and also get the e-mails and letters mailed in from them, too. So, it's just not me as the vice-president of the association talking about it. My main concern is the traffic. Traffic on Eagle Road -- they -- they keep saying that's the sixth or fifth busiest intersection in all of Idaho. Do we need to add another group of cars through there? Granted it's not going to be all day long, but between 6:00 a.m. to 9:00 a.m. peak traffic, people going to work, taking kids to school, evenings coming in. Eagle Road is backed up already trying to make that left turn going from -- if you are heading north on Eagle Road trying to take that left turn onto Ustick. Sometimes it's backed up and it's causing people trying to, like they said, cut through subdivisions, turn wrong down Ustick trying to cut across lanes and everything else like that. So, I plead with you guys to take that into consideration, our concerns. I know that you got a lot weighing on you right now and that and a lot of decisions to be made. I appreciate your time and everything you do for our great City of Meridian. I have lived in my home for over nine years now. I moved into there and when I first moved in they said it was going to be general retail out there. I didn't have problems with general retail going in, even with the noise that would be possibly caused by deliveries at night, forklift driving around, I would -- when I moved into my house I was expecting that. I wasn't expecting a three -- two, three, four story apartment complex going in. Thank you for your time.

Lorcher: Thank you. Anybody else in Chambers would like to speak? Ma'am.

E.Gammon: I'm Elizabeth Gammon. 3055 North Centrepont Way, Meridian.

Lorcher: Thank you.

E.Gammon: And that house right there and -- and I wish it was on here. It's right here by the -- where the one is coming up. It's right next to it -- completely next to it and it's actually two -- four if it's built up four. There is two of them higher than the house and everyone can look into the house, can look into the yard and even the yard next door might be a problem, too. And, then, on the other side that's not even in our area, but it's on the other side of the fence, there are two homes there at the end. The numbers are 1566 and 1598 and they can look into the yards. They have children. They are big yards and there will be a problem there and it might all -- with four of them being built there is going to be five houses around there that are going to have a problem. This one at 3055 is the very worst one and then -- so, you know that and people have talked about all the traffic and there is a tremendous amount of traffic and they are correct about it. There is a little bit more that they haven't really thought about, but over there at Kohl's people that go in there and have -- you know, go to the stores and that, when they come out they can't go to Eagle, so they come down and they come into Centrepont and come around

and turn around and that and, then, coming down that street that belongs to us, people come down there, there is a stop sign there, four out of five do not park, they just keep going. So, sometimes when I'm at the house and trying to get out I have to watch all the people coming down, the people coming there and sometimes I'm just sitting in the driveway and I will see at least five cars coming down there and, then, some coming the other way. So, people come from Dutch Brothers and all those places there, they come down that way, too, and also the people that are going to be living at the -- the places when they try to come out they are going to have tremendous cars coming each way. They are going to have a problem coming out and I think -- and, then, people come in way down from South Centrepoint, it turns a little bit and they can't see all the stuff coming, so it's dangerous to them. I actually think that because of all of this and all the traffic and all the people there, that there are going to be deaths and injuries and hits many times and so I think you should really think about everything that's going on here.

Lorcher: Okay. Thank you very much.

E.Gammon: We have a problem.

Lorcher: Thank you. Anybody else in Chambers would like to speak? All right. Can I get a motion to close the public hearing -- oh, wait. No, I can't do that. I would like the applicant to come back up. Sorry. Almost.

Womack: Chair, Commissioners, thank you for your time tonight and thank you for all the great feedback from the neighbors. We are excited to talk through some of these items. Regarding affordable housings, I will turn over the time to Chase in just a second. Going to address a few things. And, then, I'm also going to turn the time over to Brandon to talk through traffic. With the discussion on the differences between this project and the neighbors, just wanted to pull up a visual. So, you can see here from the previous plan to this plan, the building in the -- Building D in the -- I don't know if my mouse is showing up. Can you guys see that? Building D in the southwest corner, we actually have less units and they are further away from the western property line. We are still closest of all the adjacent units, 45 feet from the south. A lot of that has to do with the Milk Lateral being underground in this northwest corner, so we aren't able to move the building any further north. But, again, shown here you can see that our buildings are generally ranging between a hundred and -- sorry -- at the lowest end 45 feet and at the highest end almost two hundred feet from the neighbors and here you can see how that plays out. I do hear the comment about the two-story homes. I'm happy to check that and if we need to switch that to a one story home in this graphic totally fine. I think you all can imagine a one story versus a four story just fine. Again, this project is requested in order to modify the permit to allow for the affordable housing units and the rents that are associated with that. Regarding the western boundary wall that was required in the previous approval, we are going to complete that boundary wall on the western side and that will provide further transition. Regarding the building heights to the adjacent neighbors, there is several ways we can continue to mitigate this further. Some of that typically includes modifications to windows on the upper stories to make sure that they have less of an impact on the neighbors, changes to the balconies on those upper stories and, then, we already have

significant landscaping along the permanent property lines. With that I will turn the time over to Chase to talk about affordable housing and, then, Brandon to talk about traffic.

Huber: Yeah. I think the -- the basis for, you know, what we believe this project could be is, you know, equal opportunity. We -- we really like -- well, we feel like this is a very excellent location for our project, because of the proximity to everything this community loves. We envision that our residents have the same opportunity to be close to Trader Joe's, to Kohl's, to hospitals, to the good schools, to the parks, to everything that kind of has been discussed tonight and that all these people love so dearly. We want to give an opportunity for people a little bit less fortunate to have exposure to all of that. We understand this is a very busy area, it's a very commercial area and we will certainly be adding to that, but it gives our residents a lot of economic opportunity to be closer to jobs, closer to good schools and not push to the outskirts of town where there is more land that's generally cheaper. This is an in-fill site that gives a lot of economic opportunity to tenants that really need it. So, we feel very strongly about that and I'm happy to answer any questions you might have.

Womack: Quickly I wanted to add on the affordable housing component, when there is the nebulous term affordable thrown around in these types of hearings, they are not usually talking about a deed restricted product and Chase can talk through the nuances of that loan as well.

Huber: Sure. Yeah. This is, as I mentioned earlier -- we will go back to this slide. This is deed restricted, income restricted, which means there is a certain rent we can charge. It is based on the area median income. Tenants have to income qualify. This is not studio apartments. This is not micro apartments. This is rent restricted housing dedicated for individuals making between a certain income level. So, hopefully, that helps expand on the affordable housing component.

McDougald: Brandon McDougald with Kimley-Horn, 1100 West Idaho Street, Boise, Idaho. Wanted to just give a little bit of a general history about the traffic on this particular site. There was a traffic impact study that was completed as part of the Villa Sport proposal and ACHD reviewed, accepted and provided conditions of approval that needs to be made as part of the traffic that was generated for that particular project. Those mitigation measures have been completed on Eagle Road for the traffic that was going to be generated for Villa Sport. This -- this project will actually reduce the traffic quite significantly than what Villa Sport was proposing. So, there is going to be approximately 1,400 fewer daily trips as a result of the -- the multi-family use versus the Villa Sport use, 73 fewer weekday a.m. peak trips and 158 fewer weekday p.m. peak hour trips. So, a reduction -- pretty substantial reduction from what was originally approved by ACHD and mitigation measures required to be done on Ustick Road. A couple of other things that I would like to just note. Heard a lot of comments with regards to speeding along Centrepont Way and -- and concerns with pedestrian crossings. Obviously, ACHD controls Centrepont Way, but we have identified -- we want something there to help control the speed. We have identified speed tables. If ACHD won't accept speed tables, we would look at bulb outs with -- which kind of restricts the pavement width in that

particular area, which slows down traffic, in addition to providing protection for pedestrians and cyclists and, then, finally, we meet the requirements of the parking for what is being proposed here. So, a lot of talk about parking being spilled out onto the streets. We are complying with what's -- what's identified in city code for parking.

Womack: I just want to bring it home. It looks like we have three minutes. So, one of the comments was about Cajun Lane and the parking in that area. We are doing our best to make sure that we are self-parking between the different areas of the building, but we do, obviously, have some space where we could pivot that -- that parking around elsewhere if needs be. Lastly we just need to reiterate again with affordable housing there are really tight timelines to get those federal loans, so we do need to keep moving in the process. We want to make sure that we are taking all the comments into consideration and doing the best we can to find the site plan that would work best for everyone, so that Devco could reasonably develop an affordable housing product on this. So, please, let us know of any conditions or items of concern and we will make sure we do our best to address that before City Council. Otherwise, we will stand for any questions.

Lorcher: Okay. Thank you. Commissioners, do you have any questions for the -- any other questions for the applicant before we close the public hearing?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Can we go back to slide 21, please.

Womack: Can you tell me what's on that? I can't see slide numbers.

Smith: It is the distances to the abutting properties.

Lorcher: One more.

Womack: There you go.

Smith: So -- okay. So, it looks like this -- the shortest distance is 45 feet. Can we go to the next slide, please. What I saw inside of the staff report what we see here -- it looks like the distance in this visualization is 185 feet. Did you guys create any visualizations of what that -- that -- what this relationship between this four story building and this two-story -- or one story home would look like at 45 feet apart?

Womack: Chair, Commissioners, we don't have it directly in this view. In our backup slides, in case you need any extra info, we do show the elevation of that building on that corner. So, you can see the north-south elevation that is what that side of the building would look like at the moment. We need to go through the design review process and, then, on the landscape plans from an aerial view you can see what landscaping is included in that area.

Smith: Okay. Thank you. And, then, another question that I do have is regarding the qualified open space. If you -- I guess the question is what would it take -- not counting the nonqualified open space, what would you assume -- and I'm not that setting -- ask for anything to be set in stone, but what would the likely outcomes be or what would be necessary -- the next measures to be -- to meet the qualified open space, not counting any of the nonqualified?

Womack: Chair, Commissioners -- team, correct me if I'm wrong and feel free to hop on up if you wanted to add anything, but my understanding is meeting the qualified open space would be severely restrictive, because we need to also meet the parking requirements which are now also larger and so we would likely be looking at a loss of units and at the same time -- I'm sorry, I need to clarify -- that we are only -- only providing additional amenities in order to support the alternative compliance request. So, if we are not able to get the alternative compliance requests we need to verify, because we are losing -- losing units if we also have to remove amenities.

Smith: Okay. Thank you.

Womack: Thank you.

Grace: Madam Chair and -- Nicolette; right?

Womack: Uh-huh.

Grace: Can you just confirm what -- maybe what Brandon said? So, ACHD -- ACHD did a traffic study when it was -- when it was proposed to be Villa Sport and they did a traffic study with respect to what you are proposing and the traffic actually is reduced based on this proposal.

McDougald: Yeah. Just a clarification there. So, ACHD didn't prepare that -- the traffic study. Another consulting firm prepared a traffic impact study when Villa Sport went through the entitlement process with the city here. So, that initial TIS was reviewed by ACHD, intercepted by ACHD, there was mitigation measures identified within that, which have been completed thus far on -- on Eagle Road. A memo was drafted that identified what the reduction in -- in trips would be based on a multi-family use versus the commercial Villa Sport use and those numbers that I identified was the reduction based on our unit count proposed at this point in time.

Grace: And the traffic studies that these different organizations complete, are they -- is there some standard by which you can compare apples to apples? They are not doing -- there is not different types of studies; right?

McDougald: Absolutely. I mean ACHD has a pretty specific way that they want the TIS studies completed and, then, there is ITE manuals that identify the traffic that is generated based on particular uses. So, it's -- it's pretty specific black and white.

Grace: So, just an editorial on my part. We don't control the roads. We -- we can consider the impact that a project will have on the roads, but, you know, unfortunately, we often get a lot of testimony and comments about the roads and the effects on the roads and we don't control -- we -- we -- we are not ITD or, you know, the -- the highway district, but we can consider the effects on it, so -- thank you for that.

Lorcher: Can I get a motion to close the public hearing? Thank you.

Smith: Madam Chair, I -- I do have one additional question --

Lorcher: Okay.

Smith: -- before that. Sorry. Just as we go into deliberation, for the applicant I know that timelines are -- are an important factor here. It seems like there are some questions and so depending on the outcome of this deliberation, what does -- what are the next steps look like if this gets continued and/or denied?

Womack: Chair, Commissioners, I will pull the timeline up. Chase, could you elaborate further on that? Here is an overview of the future processes we are hoping to meet and he can talk more.

McDougald: Yeah. I think -- we don't own this land, we are under contract to purchase this land under fairly tight timelines. If there was a continuance we would have to figure out a way to figure that out. If it was denied this project would probably revert back to the original approved plan for a market rate project and we would go look elsewhere. Is -- does that answer your question?

Smith: Yes. Thank you.

Lorcher: Commissioners, anything else? Okay. Now I think we are good. Can I get a motion to close the public hearing.

Smith: So moved.

Grace: Second.

Lorcher: It has been moved and seconded to close the public hearing. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Quick question for Kurt. Are we the recommending body on all three items on -- are we the approving body for any of these? For the CUP maybe?

Starman: Thank you, Madam Chair Commissioner Sandoval. So, you are a recommending body to the City Council. Technically per the city's code you are not -- you don't make an official recommendation relative to a request to modify a DA. That really comes from the director of the department, the community development director, but the reality is it's difficult for the Commission or for anybody to separate those items, so it wouldn't -- it wouldn't be unusual for you to make comments relative to the proposal as a whole, including the proposed modified development agreement, but, technically, that's not within your purview. The other items before you are, with the exception of alternative compliance, but, yeah, really, the items before you are all -- you are able to act upon and make a recommendation to the City Council. I -- I would advise, because of the complexity of the project before you and how all the pieces fit together, I think the best course of action would to -- would be to consider the package -- or the application as a whole and make a recommendation based upon that.

Sandoval: Thank you.

Lorcher: Want to start?

Grace: Sure. You know, these are as hard as they get. They just are. And there is competing demands and I -- you know, it's easy for me to sit up here and -- and -- and, you know, try to be -- demonstrate wisdom and all -- and all the rest when I don't live there and it's -- it's -- it's hard. Everybody supports affordable housing, but solutions are tough to come by and I have heard that tonight, you know, lots of folks say they are not against it, they are just -- maybe not there. Where do we locate them, then, is -- is the question. I did hear a couple comments that I don't think were intended to be the way they came out, but I just want to say that, you know, characterizations about maybe poverty and crime are -- are tough as well, because I feel like these are our -- these are our kids, these are our neighbors that are trying to find places to live. People with degrees, people who work for government and they don't make a lot of money and so I -- I understand that -- that where you -- where most of you in the room live and why you bought there and those kinds of things, but I hope we all recognize that piece of it, too, that a lot of good people live in these -- in these -- in these places -- in these multi-family. We need affordable housing in the -- in the city. We -- we do. In the valley. There is no doubt about that. I'm not as concerned maybe about the -- the requested alternatives. I don't think that's what's driving the concern here tonight, whether there is trees that are going to block the solar, you know, those are -- those are secondary issues to me anyway. The open space is related a little bit to one concern I have and that is I don't like the density. I -- I just -- it's tough. If -- and I'm glad that Commissioner Sandoval asked the question of -- of Kurt, because if -- personally, if I can parse some of this stuff out that's the one piece that I don't think fits. If we are a group of citizens sitting up here looking at this through the lens of citizens and the effect that it has, it's a tough fit where it is. It is. And looking at it through that lens and -- and not the -- not the economic portion and the affordable portion, it's a tough -- it's a tough fit there. So, I would be interested to see what my fellow commissioners would say. I understand the timelines and the applicants not looking for any sort of delays on this, but I -- what else goes there? I -- I understand some people

have recommended certain things, but, you know, the housing problem is real and I'm not sure what we do about it when we can't find places to put these projects. So, those are my thoughts at the moment.

Lorcher: Thank you.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I think -- I think I'm pretty well on this, Commissioner Grace. I -- I just -- this is also -- this is something that's been kind of an area of study of mine, so at the risk of getting on a soapbox a little bit, studies show, generally speaking, that there is not really a correlation between the development of affordable housing and crime rates. A lot of -- a lot of us tend to get the toggle chain backwards and we think affordable housing means crime. The reality is that affordable housing is generally built as a solution in poorer, higher crime rate areas, and so I really want to drive home two things. One, that I -- I hope when we think about affordable housing we are charitable and we are neighborly as Meridian has been to -- to my family, as Meridian I hope to be to -- to my children and any other people who -- who move here. I also want to emphasize that because of -- of the -- the things that I have -- I have read and the -- and the -- the research that I have done in a -- in a past life, in a policy life, I support affordable housing very strongly and I generally -- I -- I'm not even opposed to it in this location, but the lack of transition -- transition spaces, a four story, you know, complex next to 45 feet from -- from an existing house I can't support that. I -- I -- I genuinely can't. I -- I -- I can't support the -- the lack of open space. I -- I think if your goal is to provide more affordable housing, but we talked about a flagship product in Raising's Cane's and their incentive to make it a good product. If I -- if my goal is to expand my footprint and develop more affordable housing I sure don't want my first project to be a poorly implemented mess and I -- I grow increasingly concerned that this is the -- this is the case here. You are not often going to find me opposing more density in certain areas and certain developments. I think smart density can be very valuable and this type of density can be valuable to our community, but this is too much with too little transition space, too little open space and there are too many red flags and too many alarms blaring for me to be able to support this and I -- I do believe that a decrease in density -- maybe not down to the -- maybe not even down to the original amount -- to that original 215, but lower than what it is now I think is -- is what would be needed for me to get to a point to support it in terms of, you know, increased open space, increased transition space and things like that.

Lorcher: Thank you. I will get my two cents in. I don't know why -- I mean I think for your federal loans that you are getting you are calling it affordable housing. I have a daughter who graduated Boise State in the middle of COVID and has had a hard time getting a job and her first job out of college she makes 45,000 dollars a year and in order for her to live in our community she has to live with four other people, because there is car payments and there is gas and there is commute and there is all those things and she's a good person and she's young and she's just starting and she really doesn't want to live with

four people. So, when we say affordable housing from 35,000 to 60K -- God, my first job out of college I would have loved to make 60K, but this isn't affordable housing. This is housing in our community. That part I love. I love that you are going green. I love that you are looking at alternatives to being able to save energy for the people who live in your community. I think that's fabulous. I love that you want to be in the center of things because, then, you don't have to worry about maybe having a car. Maybe you are an active senior and you -- you want to walk and Trader Joe's is right there and it's very -- it's very clear we do not have a good transportation corridor program here in Meridian. That is not what we are discussing tonight. It's just the way it is. So, what do these people do? But, on the other hand, to be able to put in 250, 270 in a very small space that's already overly congested, it would be -- it's not in the best interest of the City of Meridian, which is our purview. So, I plead with you to come up with a project -- if you have the ability to lower the density and continue to pursue your federal loans, please do. You can always appeal whatever decision we make to City Council, but I -- I think you have got a good project. It's just a little bit too big for the space and I agree with Commissioner Smith, the transition of a two story or even three story building behind a house that has a big backyard -- I know I wouldn't want to look at that behind my house as well. I think the transition needs to be a little bit more gradual and 45 feet is not enough. Commissioner Sandoval, do you have any other comments?

Sandoval: Yes, Madam Chair. So, modifications to the DA, CUP, all compliance; right? And you are mainly citing this unique demographic. So, as a child I grew up in a shelter and, then, eventually transitioned into a townhouse that had open space and that was huge, not only for myself, but for all of my friends that were growing up with me, it really established that community, allowed you to engage physically, stay active, stay healthy and the difference in communities and the open space, the correlation, is -- it's absolute; right. My big hang up with this is I look at this project and the shape and the open space and I imagine myself living there and, honestly, I -- I feel like it's very poorly planned. There are elements that I do like about it. It's very centrally located, but you have some units where you are crossing two parking lots and another complex just to get in that central hub. So, you know, as it is now I love affordable housing. I'm all for it. Clearly I think there is a need and I agree with everyone on that. I cannot be in favor of pushing this forward with a recommend of approval.

Lorcher: Okay. Commissioners, do I have a motion?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: At this point to me it's a question of a continuance or a denial; right? It would be -- is it -- do we think that this is something that can be sorted out if it's continued or do we deny and allow the applicant to appeal directly to -- to City Council? Those are kind of my two thoughts and I don't know if -- if we want to reopen and -- and pull the applicant back up and ask them what their preferred choice is, if that -- it -- it concerns timelines,

but it seems like that's the question that I have at the moment. So, I'm not -- I'm not sure what motion to make, but that's where I'm at.

Starman: So, Madam Chair and Commissioners, let me just add two thoughts. First, I know that -- I think at least two Commissioners talked about an appeal to City Council. Just as a reminder, you are a recommending body to Council, so you are not approving, nor are you denying an application. You are making a recommendation to the City Council. So, this is going to the City Council regardless at the appropriate time.

Lorcher: Right.

Starman: So, it's not an appeal, it's -- you are making a recommendation and the Council will make the decision -- is the first thought for you. The second is -- and I'm not -- I will defer to the chair and to the Commission if you want to reopen the hearing, but I thought I heard pretty clearly from the applicant on a couple of occasions tonight that timeline is important and they want to advance this to the Council for final decision, you know, whether the recommendation is in favor or not, what I heard was that they wanted to proceed with the process, because they had other time considerations.

Grace: Sorry. So, is this an all-or-nothing proposition then? Is it a -- is it a recommended approval or recommended -- or a recommended denial or is it a -- personally just -- I will give you an example from my perspective -- I'm not sure I disapprove of the -- the -- the alternate compliant -- alternative compliance or the -- necessarily the height unless it impacts the density. I -- going from 215 to 279 is -- is my big -- and so I -- I was sort of asking is it an all or nothing proposition.

Starman: So, Madam Chair and Commissioner Grace, I don't want to get too far into the weeds, so tell me if I'm getting too far into the weeds, but as I mentioned or alluded to at least earlier, really, technically, under our code, under the UDC, the Commission is not a recommending body for at least one of the items, which is a -- or that's -- that we discussed tonight and that is the modification to the development agreement. So, that that is really -- you are not charged with making recommendations relative to that, but, as I mentioned earlier, it's virtually impossible to address an application of this complexity and not deal with it all as one complete application. But, technically, you are not the recommending body on -- on the development agreement modification. The alternative compliance topic gets gray and I would invite Mr. Parsons to help me out here. We -- up until recently we changed the code a few months back -- or maybe a year back now, but previously that was -- that was solely a department director decision. So, similar answer, that's not really within your purview for recommendation either, it really was deferred to the director. We modified our decision making table to say when. -- when an alternative compliance is coupled with other actions, like a CUP, then, the City Council does participate. I'm going to ask Bill how -- how do you view the Commission's role relative to alternative compliance when there is a CUP involved?

Parsons: Thank you, Kurt, Madam Chair, Members of the Commission. I think that's -- I think Kurt has -- legal has summarized it very well for you. These things are really -- really

coupled. When we changed the code the intent of Council was if there is a DA involved they wanted the CUP -- or the alternative compliance to go concurrent, so they can look at the complete package. So, therefore, all of these applications really default to them to make the decision on all three of them. So, kind of alluding to what legal has advised you, had this not had the MDA you would be the decision maker on the old compliance, because it was coupled with the CUP. That's the difference here. It's that MDA that is carrying everything forward for Council to take under advisement. So, really, you are the recommending body. Just like staff. We gave you a recommendation on the project. Now, it's your turn to pass it on -- or make a decision -- make a recommendation onto City Council for their ultimate decision on the applications.

Starman: So, my -- I would agree with all that. So, my -- my -- this -- this is my practical and pragmatic advice to the Commission is that it's virtually impossible to break these issues apart. MDA's, alternative compliance, CUPs, they all go hand-in-glove as parts of a puzzle. My recommendation is -- and the Council, you know, values the Commission's overall opinion relative the project and elements of the project. So, my -- my advice, just from a practical perspective, is that you deal with the project in its totality, you make your best recommendation to the City Council, including some of those issues we said they are not really technically within your purview. I know that the Council would value your -- your input on those regardless. So, I think that's kind of the practical way to approach it and I think the more feedback and more detail on your recommendation is always valuable for Council Members, but, you know, the Commission needs to gauge how deep you want to get into that.

Grace: Well, Madam Chair, unless -- well, I should ask that if the Commission wants to talk about it, but given that guidance I -- I feel much more comfortable making a motion then.

Lorcher: Commissioners, do you have any other comments? I think you can go forward.

Grace: So, Madam Chair, after considering all staff, applicant and public testimony I move to recommend denial to the City Council of File No. H-2024-0019 as presented during the hearing of -- during the hearing of September 5th, 2024, for the following reasons: And, essentially, those are the increased density based on the -- based on the proposal and potentially the additional height that's being requested to the extent that it increases the amount of units and increases the density.

Lorcher: Do I have a second?

Smith: I will second that.

Lorcher: It's been moved and seconded to deny File No. H-2024-0019 with the aforementioned reasons. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.