

90 growing closer



City of Boise

The Crescent Rim development sparked controversy. In a neighborhood of single-family homes, protesters said the upscale condo project was “too dense.”

7 Does dense make

SENSE?

by Cindy Gould

Boise's leaders have long favored infill—new development on vacant or underutilized land within existing developed areas—as a means to revitalize neighborhoods and prevent sprawl. But one person's infill can spark another's outrage, as a recent residential condominium project on Boise's Bench amply illustrates. During 2004-05, Clark Development's project on Crescent Rim Drive became a frequent news item as it worked its way through a series of public meetings en route to its eventual approval. As many as 300 residents in the Depot Bench neighborhood expressed their opposition in letters to the editor and at Planning and Zoning Commission and City Council hearings. One of the neighbors, Megan Montage, summed up the heightened interest at the time in the *Boise Weekly*: "Developers are watching because they're seeing how much push-room they have; neighbors are watching this to see how much the city will protect their neighborhoods."

At the center of the infill debate was Crescent Rim developer Bill Clark. An advocate of mixed-use, transit-friendly development, Clark's downtown projects include the Veltex Building and Jefferson Place. As a project manager, his credits include Hidden Springs and the Eagle River commercial-residential park. Clark, who is on the board of Idaho Smart Growth, said he tends to have a niche in more hard-to-do projects and knew he would have opposition. "Infill projects are not like building on the fringe where there are no neighbors; when you have neighbors there is frequently opposition. You are going into an existing context, surrounded by existing development and patterns that have been there for a long time ... and you are changing that. There is general resistance to change in a neighborhood environment," Clark explained.

Clark's property on Crescent Rim sits west of the Boise Depot between Peasley Street and Kipling Road. It is part of the Depot Bench neighborhood, one of the most diverse in Boise. The neighborhood boasts the Ahavath Beth Israel Synagogue and its community garden for refugees and Vista Village, the oldest shopping center in Boise. In a 2004 report, city planners stated the Central Bench, which includes the Depot Bench neighborhood, was a first-tier suburb, meaning it was threatened by disinvestment. City officials were—and still are—concerned that the oldest areas surrounding the downtown core are likely to have private abandonment and disinvestment as growth moves outward. In other cities a downward spiral begins as these neighborhoods become increasingly unattractive and dangerous. Boise, for the most part, has not had this problem, but city officials believe it is important to react to early warning signs of disinvestment.

Infill, a concept that has been in Boise's Comprehensive Plan since 1997, is one way to revitalize those areas. "It has long been a policy to encourage redevelopment of existing places that have become disinvested or of land that has been skipped over as the city developed," explained council member Elaine Clegg. Much of the land slated for the Crescent Rim project was vacant after an old bakery on the site was torn down. In the Planning Division's 2004 report, city planners welcomed Crescent Rim, stating, "The proposed project will constitute a significant private investment on property that has been vacant and the subject of code enforcement efforts for a number of years. The quality of this project will promote additional interest and private investment in the area, thus combating the trend of disinvestment that the City has documented in the area."

Clark saw the location's potential for a high-quality development and he was determined to design the condominiums in a way that took advantage of the view and was compatible with the neighborhood. "The site is in

a very well-established and high-quality neighborhood. We spent quite a bit of time deciding on an appropriate design, one that would fit the neighborhood. Because it is a high-priced neighborhood, we thought that it could contain a luxury, larger-in-size condominium-type development ... one that is



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View of the partially completed development from Crescent Rim Drive. The development was reduced in height and limited to 79 residential units.

in close proximity to the downtown core, which is in agreement with the goals of reduced traffic and sprawl. I started talking to the neighborhood before I had an architect, but there was opposition from the very beginning," Clark said. Residents expressed several concerns about the development's impact on the neighborhood—too high, too dense and too much additional traffic. And they were hopping mad about the removal of 13 trees from the property early in the process.

The Planning and Zoning Commission held the first of three hearings on Clark's Crescent Rim development on December 13, 2004, and the spark of opposition became a firestorm. So many people wished to testify at the



Idaho Statesman

Developer Bill Clark standing over a model of the Crescent Rim development. The buildings were meant to revitalize the Bench neighborhood.

hearing that the commissioners extended it to their next meeting on January 10, 2005. At issue was a conditional-use permit, which allows the city to consider special uses that are not a matter of right by zoning codes but may be desirable for a particular area. It enables the city to control certain uses that could have a detrimental effect on the community. And it allows the commission to determine how compatible a design is with the neighborhood and the impacts the project may have. The decision to grant or deny a conditional-use permit is made after a public hearing process.

Although city planners identified the area south of the development as tier one and at risk of disinvestment, the area most affected by the project was not tier one. The homes along Crescent Rim east and west of the development are in a traditional, well-maintained neighborhood composed mostly of one- and two-story houses. The land that Clark Development purchased included three types of zoned uses: R-1C (single family) on the southwest

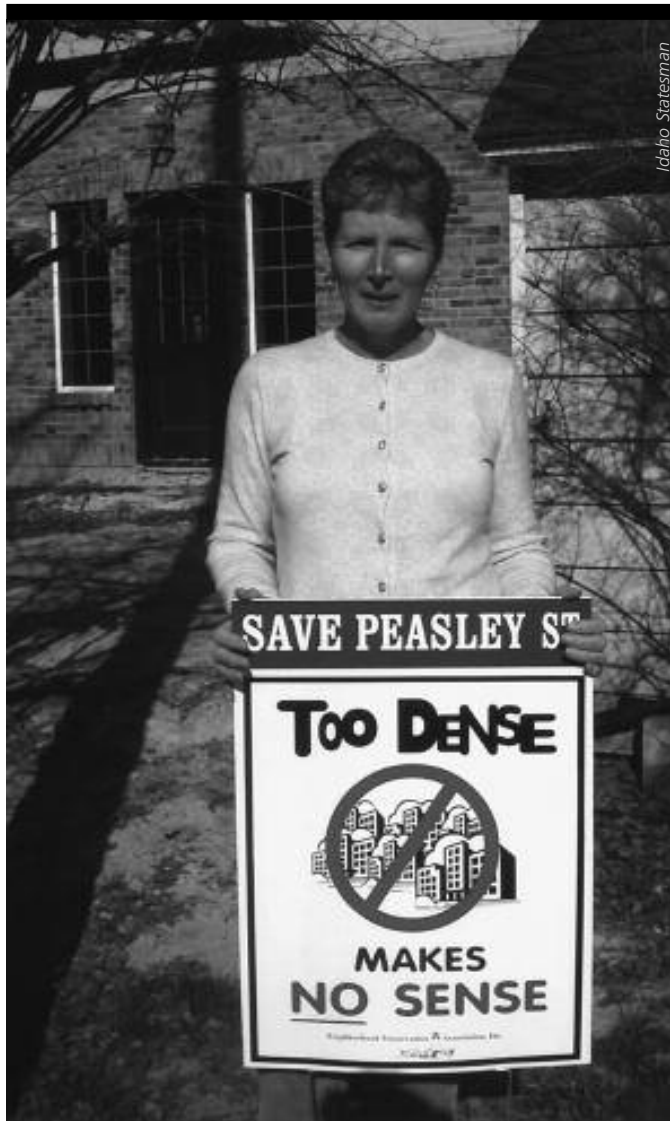
and east sides, R-3D (multi-family) in the center and a small area of A-1 (open space). The city's Planning Division staff report for Clark Development's original conditional-use permit stated that the project was consistent with the Depot Bench Neighborhood Plan completed in 2002. That plan, approved by the neighborhood association and city, zoned 62 percent of the property as multi-family and recognized the property as a potential site for infill of up to 157 dwelling units. In September 2004, Clark applied for a conditional-use permit that would allow him to distribute the density across the zoning lines on the property, which would allow more density in areas zoned for single-family housing. "We applied to have the dominant zone (multi-family) applied to all the property," said Clark, who also asked for a building height that exceeded the dimensional standard for the area. The proposal also entailed removal of an existing apartment building and three homes. During the December 13 hearing on the use permit, city planner Karen Gallagher explained that the proposed development was well within density limits, with the developer asking for almost 10 fewer dwelling units per acre than the zoning allowed.

The opposition made itself heard at the December 13 hearing. Neighborhood representative Jack Cortabitarte said, "The neighborhood preservation committee and the Depot Bench Neighborhood Association have never said 'no development' in the eight months we've been assessing this issue with the developer. Quite the contrary and he [Clark] knows that. In fact from day one the neighborhood told Mr. Clark that we want it to fit, we want it to transition properly with the existing neighborhood in height and bulk to complement the existing character and historical nature of our area. The neighborhood was ready to accept the project if it fit." In an effort to resolve some of the issues the city initiated a mediation session, which both the neighborhood association and the developer agreed to in late 2004, but the meeting failed to produce an agreement. Objections to the height and mass of the development dominated most of the testimony at the December hearing. The proposal was to build four buildings that stepped up in height from two to three stories along Kipling Road and Peasley Street, with four stories in the middle of the development. Cortabitarte testified: "The project overwhelmed the single-story homes that surrounded it and was incompatible with the surrounding architecture and character of the neighborhood." He added that issuing a height variance to allow four-story buildings to reach a total of 62-plus feet was not consistent with city code, which states, "Building and site design shall provide for a transition into the surrounding neighborhood to insure compatibility." The neighbors felt the proper transition was one, two and three stories only. Clark told the

commission that by taking away the height of the buildings he lost maybe 10-12 highly desirable units. "I don't yet know the full implications of it; that's why I say these conditions are not really workable because we started with a density reduction from the very beginning trying to keep this site open," he said. Clark added during the hearing that he thought by reducing the heights on Peasley and Kipling he could add another story in the middle of the project, a concept that was suggested by area neighbors.

Neighbors also expressed concern about the increased traffic on the narrow streets that surround the development. Prior to the hearing Clark Development initiated a traffic study investigating the proposed project's effect on traffic. The study was presented to the Ada County Highway District and approved. However, the highway district acknowledged the 98-unit project would push surrounding street volumes close to their maximum capacity of 2,000 trips by generating 459 additional vehicle trips per day. Several people disagreed with the traffic study. During the January 2005 hearing Megan Montage, who helped write the traffic study for the 2002 Depot Bench Neighborhood Plan, said the study underestimated the additional vehicles, which could range from 582 to 631, depending on what methods were used to count them. But Planning and Zoning accepted the highway district opinion that the development wouldn't push traffic volumes over accepted standards. Some also voiced concerns related to the stability of the subsurface conditions along the Bench and water saturation from the nearby canal. They were concerned that the slope would not support the additional weight and the runoff from the development. During the December 13 hearing both the developer and the neighborhood brought experts to testify about the geological issue. If water came from the canal and flowed beneath the proposed site, people claimed, the sheer weight of the Crescent Rim project was likely to impact stability along the bench. Diane Myklegard, representing the Parkview East condominiums set into the slope across Crescent Rim Drive, told the commissioners that the condominium association had worked to stabilize the hill over the past 20 years and they were very concerned. Clark Development later installed a drainage system that reduces the amount of groundwater that flows toward the Parkview East condominiums by collecting the water and releasing it at a slower rate.

On January 24, 2005, the commission issued a denial of the plans as submitted. The *"Idaho Statesman"* quoted Commissioner Gene Fadness: "We liked the condo project because it could help revitalize the neighborhood through infill, but there are concerns about heights and setbacks from the street. We think he [Clark] is very close." In the same *Statesman* article



Idaho Statesman

Moira Elcox in the Depot Bench Neighborhood placed a sign criticizing the Crescent Rim development.

Depot Neighborhood Association president Russ Thompson said, "It still creates a large mass on that corner. He still has a ways to go." On May 4, 2005, Clark Development returned to Planning and Zoning with a modified plan that reduced the number of units from 98 to 86. The units were set back from the street and the height in the center was reduced from five stories to four. City planning director Hal Simmons determined that the revised application, with a transitional third story along Kipling and Peasley, mitigated the neighbors' concerns about height and mass, even though height exceptions were still needed in parts of the development. Planners

felt that because it was not one large building, but rather broken into four buildings with space between, the revised plan reduced the mass and would be more appealing to the neighborhood.

The *Idaho Statesman* reported that more than 150 people turned out for the May 4 hearing on Clark's revised plan. Some were wearing "Too dense makes no sense" badges and some carried signs outside City Hall to protest the development. Clark testified that the reduction of units was "very painful" in terms of the financial consequences for the project. He reiterated that under the zoning laws a much larger development was possible. Cortabitarte told the commission the neighborhood felt the change was a very good start, but the development was still too big and didn't fit. He presented a computerized model of the project with the neighboring houses. He put the perspective at eye level from Peasley, Kipling and Alpine and asked the commissioners if they felt the transition was reasonable. John Gannon of the neighborhood association testified that the Depot Bench Neighborhood Plan did not support high density along Peasley and Kipling, and that they were zoned R-1C to provide a buffer for more density in the middle of the property. "The neighbors are entitled to rely on that characteristic," he said. Chris Blanchard, who lives in the area south of the development, spoke in support of the development: "It will increase the property taxes for local schools, increase the property values in the immediate area, help the neighborhood get a bus route, increase shopping at Vista Village and bring revitalization to this area," he said. However, the "Crescent Rim Group," as Russ Thompson described them, were worried about the quality of the development and the resulting potential loss of value to their homes if it was done poorly.

At the May 4 meeting, after a 6 1/2-hour hearing, the Planning and Zoning Commission unanimously approved the development, while acknowledging the opposition. Commissioner Fadness stated in his comments, "The zoning allowed many more units, but would not be of the quality of this type." To him this was a compromise on the total allowable and what was best for the city. He felt that since it was close to the downtown area, people would walk, reducing the impact of cars. He also believed that because of its proximity to the Depot, eventually there would be proximity to urban transit. Commissioner Brandy Wilson expressed her remorse that a compromise between the developer and the neighborhood was not reached. But she too said, "We have to look at the big picture ... if they are to preserve farmland and the Foothills, reduce car miles and accommodate growth, people would have to expect infill development."

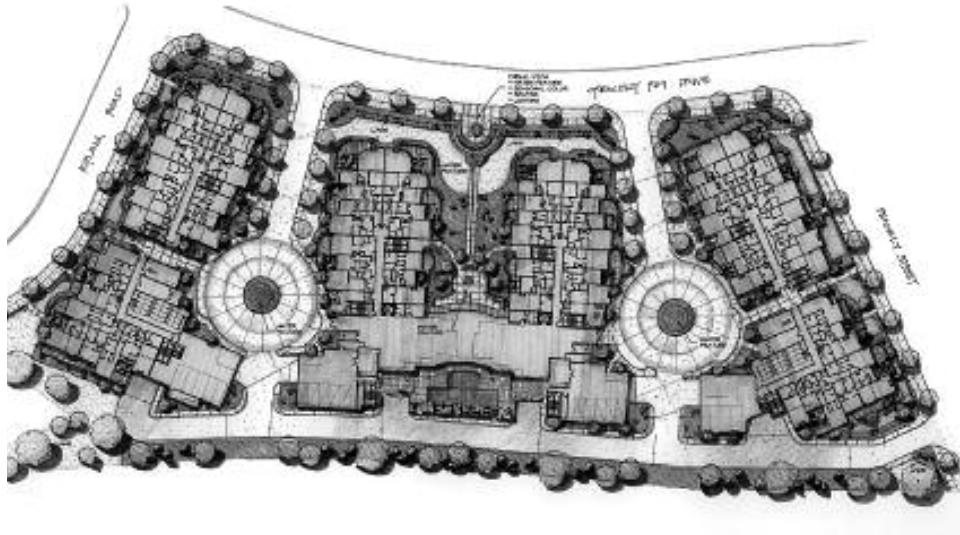


Larry Burke

Built in 1926, the Peasley House echoes the California Mission Revival of the 1925 Boise Depot. Critics fear that the nearby development would compromise the historic streetscape of single-family homes.

The neighborhood appealed the approval to the City Council. The hearing on August 31, 2005, drew a crowd of 170 people, lasted until after midnight and resumed the next evening, again running past midnight. At 2 a.m. on September 1, the City Council voted 3-1 to approve the project, but with some conditions of their own. The council reduced the number of units from 86 to 79 because they felt that there would be adverse impacts on traffic. To reduce the mass, the City Council required an open pedestrian passage to break the buildings along Kipling and Peasley. To make the project more compatible and transition better with existing houses they eliminated the fourth floors on the two buildings along Kipling and Peasley. Clark also agreed to provide \$100,000 toward neighborhood improvements, including signage, landscaping and some traffic controls. The bulk of that money will be paid once the tenth unit has sold.

Construction on phase I began in late 2006, but the project stalled in 2008 when the real estate market deteriorated. To date, the exteriors of the



Clark Development's plan for the Crescent Rim project shows four buildings. The housing crash of 2008 delayed condo construction. Exterior work on two of the four buildings is now complete.

two center buildings have been completed, along with underground parking garages for all four buildings, some landscaping and interior work on three of the units. Clark Development is ready to resume work on landscaping and on the interior of the remaining 38 unfinished units. "We have 6-7 months of work ... then we plan to begin marketing again," said Clark. Construction of the two buildings along Peasley and Kipling must wait until after the real estate market improves. "We'll see how quickly the market absorbs the units we have already built," said Clark. Turf covers the foundations of the two buildings to preserve them for future use and to lessen the impact of open construction on the neighborhood. Those buildings include 38 of the total 79 units, which average 2,000 square feet each. Clark estimates that the first phase has cost \$30 million.

The yearlong tussle over the Crescent Rim project left the neighborhood and city in agreement that they needed to improve the planning process for infill projects. In his 2005 State of the City address Mayor David Bieter said, "The controversy over the project highlighted the need for change; we need a better process in fairness to everyone." Both the city and

the neighborhood acknowledged that infill is desirable, and by working together they can plan on future growth that protects the unique character of the neighborhood and supports development that is compatible. Boise is currently updating its comprehensive plan, called *Blueprint Boise*. The Depot Bench Neighborhood updated its plan in 2007. One goal is to help increase the level of predictability for residents about the potential for future changes in their areas and to inform the development community about areas where future development is desirable. Idaho Smart Growth has published two recent studies on infill in Boise. The latest, released in January 2010, develops policy recommendations to promote quality infill. "Basically, the recommendations place the onus on government to make sure its regulations are in order to support quality infill and the onus on the developers to be good neighbors," said council member Clegg, who wrote the report.

A Specific Area Plan, a process that brings developers, neighborhoods and the city staff together early in the planning stages, is one tool that has been added since Crescent Rim. "If you can meet with neighbors and bring back their concerns, then that helps. All parties get together to decide on the ground rules. Once those regulations are understood, there is no need to micromanage the project or load up the process with lots of hearings ... we take more time on the front end, but at the back end it is better for the development and the neighborhood," said Clegg. The city will remain a strong advocate of infill, but the challenge remains how to add new developments in existing neighborhoods without agitating the residents. Cooperation is the key, said Clegg. "Developers shouldn't make assumptions about what the neighbors want; the neighborhood shouldn't assume it will be a bad project, but rather learn about the development and make constructive comments; and the city has to ensure that all conversations will be three-way conversations."

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Cindy Gould moved to Boise in 2003 to pursue her dream of getting a college education. She graduated in 2010 from Boise State University with a BBA cum laude in accountancy. She currently works in the City of Boise's Department of Finance and Administration.