CITY COUNCIL
AGENDA
CITY OF BOISE

Regular Evening Meeting

AMENDED

Tuesday, May 19, 2020
6:00 PM

Virtual Meeting
www.cityofboise.org/virtual-meetings
Boise, ID  83702

MAYOR
Lauren McLean

CITY COUNCIL MEMBERS

Council President
Elaine Clegg

Council Member
Patrick Bageant

Council Member
Lisa Sánchez

Council President Pro Tem
Holli Woodings

Council Member
Jimmy Hallyburton

Council Member
TJ Thomson

Our Vision: To Make Boise the Most Livable City in the Country
I. **ROLL CALL**

Pursuant to Idaho Code Section 74-204(4), all agenda Items are action items, and a vote may be taken on these items.

II. **REQUEST FOR APPROVAL**

1. City Council Minutes - Work Session - May 12, 2020 4:00 PM
2. City Council Minutes - Regular Evening Meeting - May 12, 2020 6:00 PM

III. **SPECIAL BUSINESS**

1. **Weekly Update - Emergency Preparedness Approach for COVID-19**
   Presenter: Mallory Wilson, Fire Department
   *
   **ACTION REQUESTED:** Information Only

IV. **CONSENT AGENDA**

*****Items scheduled on Consent Agenda.

*All items with an asterisk(*) are considered to be routine by the Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council Member or citizen so requests in which case the item will be removed from the general order of business and considered in its normal sequence.

*A. Expenses

*1. Request for approval of the Boise City checks 507008 thru 507179 and ach 62892 thru 62942 in the total amount of $1,862,681.68 as of May 11, 2020.

*B. Public Hearing Requests

*1. The City Clerk requests CAR19-00028 / Kelly Kitchens / 9000 W State St / Rezone of 4.3 acres from R-1A (Single Family Residential – 2.1 units/acre) to R-3D (Multi-Family Residential with Design Review – 43.5 units/acre) be scheduled on June 9, 2020.
The City Clerk requests PUD19-00042 / Mare Humeston & Neighbors / 4831 N Five Mile Rd / Appeal of the Planning & Zoning Commission’s approval of a conditional use permit for a planned residential development comprised of 15 multi-family units and 1 single family dwelling on 1.4 acres located in a L-OD (Limited Office with Design Review) zone be scheduled on June 9, 2020.

The City Clerk requests CUP19-00064 / Richard Lomas & Neighbors / 3047 S Bown Way / Appeal of the Planning & Zoning Commission’s approval of a conditional use permit for a parking reduction associated with the construction of a 6,700 square foot multi-tenant retail building on 0.53 acres in a proposed PCD/DA (Pedestrian Commercial with Design Review and Development Agreement) zone be scheduled on June 16, 2020.

The City Clerk requests CAR19-00022 / SU Architecture / Rezone of 0.53 acres from a C-1D (Neighborhood Commercial with Design Review) zone to a PCD/DA (Pedestrian Commercial with Design Review and Development Agreement) zone be scheduled on June 16, 2020.

*C. Resolutions*

*1. RES-193-20 A RESOLUTION APPROVING FUNDING FOR VALLEY REGIONAL TRANSIT IN THE AMOUNT OF $8,278,000 FOR FISCAL YEAR 2021; AND PROVIDING AN EFFECTIVE DATE.

*2. RES-194-20 A RESOLUTION APPROVING THE TRANSFER OF FY 2020 APPROPRIATIONS FROM THE CONTINGENT APPROPRIATION FUND TO IDENTIFIED OTHER FUNDS TO PROVIDE BUDGET AUTHORITY FOR CONTINGENT UNAPPROPRIATED GRANT AWARDS, ADDITIONAL SERVICES, AND OTHER APPROVED EXPENSES AND REVENUES; AND PROVIDING AN EFFECTIVE DATE.

*3. RES-195-20 A RESOLUTION APPROVING THE RENEWAL OF RFP 19-271(A), GEOTHERMAL SYSTEM UPGRADES, BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS) AND GUHO CORP.; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
*4.  RES-196-20  A RESOLUTION APPROVING THE RENEWAL OF RFP 17-199, TECHNICAL INFRASTRUCTURE SERVICES, BETWEEN THE CITY OF BOISE CITY (INFORMATION TECHNOLOGY) AND PRECISION COMMUNICATIONS HOLDINGS LLC F/K/A PRECISION COMMUNICATIONS INC DBA PRECOM; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*5.  RES-197-20  A RESOLUTION APPROVING AND ADOPTING A FIRST AMENDMENT TO THE CITY OF BOISE PROGRAM YEAR 2019 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN; AND PROVIDING AN EFFECTIVE DATE.

*6.  RES-198-20  A RESOLUTION APPROVING, AS TO BOTH FORM AND CONTENT, A PARKING LICENSE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF PARKS AND RECREATION) AND ADA COUNTY HIGHWAY DISTRICT (ACHD) BY WHICH THE CITY GRANTS ACHD A LIMITED, NON-EXCLUSIVE PARKING LICENSE AGREEMENT AT MOLENAAR PARK; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

*7.  RES-199-20  A RESOLUTION APPROVING, AS TO BOTH FORM AND CONTENT, A THIRD AMENDMENT TO THE COMMERCIAL LEASE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF PARKS AND RECREATION) AND BLIMPIE ON ICE, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THE AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE.

*8.  RES-200-20  A RESOLUTION APPROVING A PARTIAL RELEASE OF GRANT DEEDS AND REGULATORY AGREEMENT, BETWEEN THE CITY OF BOISE CITY, IDAHO HOUSING & FINANCE ASSOCIATION, AND BOISE HOUSING CORPORATION; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
9. RES-201-20  A RESOLUTION RATIFYING PUBLIC HEALTH EMERGENCY ORDER 20-06 (REOPENING BOISE CITY: STAGE TWO) ENACTED MAY 14, 2020; AND PROVIDING AN EFFECTIVE DATE.

10. RES-202-20  A RESOLUTION SUPPORTING LOCAL BUSINESSES THROUGH THE ENCOURAGEMENT, SUPPORT AND USE OF PUBLIC SPACES TO TEMPORARILY INCREASE THE OUTDOOR FOOTPRINT OF BUSINESSES IN ORDER TO ACCOMMODATE CUSTOMERS WHILE MAINTAINING APPROPRIATE PHYSICAL AND SOCIAL DISTANCE BETWEEN AND AMONG CUSTOMERS AND STAFF.

*D. Subdivisions - Final Plats/Time Extensions*

1. Go to My Garage Condominiums, SUB20-00010, Boise City Final Plat, (SUB20-00010 / Go to My Garage Condominiums / SAJJ Architecture LLC / 6323 S Federal Way / Final condominium plat comprised of 20 storage units on 1.73 acres located in a M-1D (Light Industrial District with Design Review) zone.)

2. Susan Rehman, ROS17-00062, Boise City Time Extension, (ROS17-00062 / Susan Rehman / 300 N Coston St / Request for a one-year time extension for a bond to construct curb, gutter, sidewalk and relocation of an existing accessory structure located on 0.48 acres in an R-1C (Single Family Residential) zone. This is associated with a minor land division application.)

3. D&A Companies, SOS20-00007, Boise City Vacation of Easement, (SOS20-00007 / D&A Companies / 5858 Willow Cliff / Request to vacate a public utilities and drainage easement located on Lots 5 & 6, Block 1 of Whispering Cliffs Subdivision No. 2 on 0.61 acres in an R-1A (Single-family Residential) zone.)

V.  ORDINANCES

A.  First Reading

NO ORDINANCES SCHEDULED FOR THE FIRST READING CALENDAR.

B.  Second Reading

NO ORDINANCES SCHEDULED FOR THE SECOND READING CALENDAR.

C.  Third Reading

NO ORDINANCES SCHEDULED FOR THE THIRD READING CALENDAR.
VI. **UNFINISHED BUSINESS**

NO UNFINISHED BUSINESS SCHEDULED.

VII. **NEW BUSINESS**

   A. **Subdivisions**

      1. Fiona's Little Subdivision, SUB20-00007, Boise City Preliminary/Final Plat, (SUB20-00007 / Fiona's Little Subdivision / Brad Parsons / 7200 N Gary Ln / Preliminary and final plat for a residential subdivision comprised of 4 buildable lots on 1.18 acres in a R-1C (Single Family Residential) zone.)

   B. **Public Hearings**

      1. CUP20-00005 / Locus LLC / 4222 W Emerald St / Conditional use permit for a special exception to operate a restaurant on 0.21 acres in a R-3D (Multi-Family Residential with Design Review) zone.

VIII. **ADJOURNMENT**
Arrangements for auxiliary aids and services necessary for effective communication for qualified persons with disabilities or language assistance requests need to be made as soon as possible, but no later than three working days before the scheduled meeting. Please contact the City Clerk if an auxiliary aid is needed.

**RECONSIDERATION OF VOTE**

(A council member who voted on the prevailing side of an agenda item at the last regularly scheduled meeting may move for reconsideration under the rules of procedure adopted by the council, Boise City Code 1-02-16). This may occur at anytime during the Council meeting.

### LEGEND:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>BCC</td>
<td>Boise City Code</td>
</tr>
<tr>
<td>CAA</td>
<td>Daycare, Grandfather Rights, Fence, Home Occupation, Variance, Staff Level Expansions</td>
</tr>
<tr>
<td>CAR</td>
<td>Annexations/Rezones</td>
</tr>
<tr>
<td>CFP</td>
<td>Floodplain/Hillside</td>
</tr>
<tr>
<td>CLP</td>
<td>City Lighting Project</td>
</tr>
<tr>
<td>CP</td>
<td>Comprehensive Plan</td>
</tr>
<tr>
<td>CSN</td>
<td>Sign Applications</td>
</tr>
<tr>
<td>CSP</td>
<td>City Sewer Project</td>
</tr>
<tr>
<td>CUP</td>
<td>Conditional Use/Modifications</td>
</tr>
<tr>
<td>CZC</td>
<td>Zoning Certificates, Zoning Letters Conversion of Duplex to Townhouse</td>
</tr>
<tr>
<td>DRH</td>
<td>Design Review/Modifications</td>
</tr>
<tr>
<td>DRI</td>
<td>Design Review Inspection (Sewers)</td>
</tr>
<tr>
<td>F/B</td>
<td>Formal Bid</td>
</tr>
<tr>
<td>GEO</td>
<td>Geothermal</td>
</tr>
<tr>
<td>LID</td>
<td>Local Improvement District</td>
</tr>
<tr>
<td>RFP</td>
<td>Request for Proposal</td>
</tr>
<tr>
<td>RSP</td>
<td>Rehabilitation Sewer Project</td>
</tr>
<tr>
<td>V</td>
<td>VARIANCE</td>
</tr>
<tr>
<td>ZO</td>
<td>Zoning Ordinance Amendment</td>
</tr>
</tbody>
</table>

### ZONING DESIGNATION:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>OPEN LAND</td>
</tr>
<tr>
<td>CD</td>
<td>Conservation District Overlay</td>
</tr>
<tr>
<td>D</td>
<td>Design Review</td>
</tr>
<tr>
<td>DD</td>
<td>Downtown Design Review Overlay</td>
</tr>
<tr>
<td>HD</td>
<td>Historic Design Review Overlay</td>
</tr>
<tr>
<td>C-1</td>
<td>Neighborhood Commercial</td>
</tr>
<tr>
<td>C-2</td>
<td>General Commercial</td>
</tr>
<tr>
<td>C-3</td>
<td>Service Commercial</td>
</tr>
<tr>
<td>C-4</td>
<td>Planned Commercial</td>
</tr>
<tr>
<td>C-5</td>
<td>Central Business District</td>
</tr>
<tr>
<td>H</td>
<td>Historic Overlay</td>
</tr>
<tr>
<td>H-S</td>
<td>Health Service</td>
</tr>
<tr>
<td>L-O</td>
<td>Limited Office</td>
</tr>
<tr>
<td>M-1</td>
<td>Light Industrial</td>
</tr>
<tr>
<td>M-2</td>
<td>Heavy Industrial</td>
</tr>
<tr>
<td>M-4</td>
<td>Planned Industrial</td>
</tr>
<tr>
<td>N-O</td>
<td>Neighborhood Office</td>
</tr>
<tr>
<td>PC</td>
<td>Pedestrian Commercial</td>
</tr>
<tr>
<td>R-1</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>R-2</td>
<td>Combined Residential</td>
</tr>
<tr>
<td>R-3</td>
<td>Multi-Family Residential</td>
</tr>
<tr>
<td>R-O</td>
<td>Residential Office</td>
</tr>
<tr>
<td>T-1</td>
<td>Technological-Industrial Park</td>
</tr>
<tr>
<td>T-2</td>
<td>Technological-Manufacturing Park</td>
</tr>
<tr>
<td>U</td>
<td>University</td>
</tr>
</tbody>
</table>

---

> Applications for auxiliary aids and services necessary for effective communication for qualified persons with disabilities or language assistance requests need to be made as soon as possible, but no later than three working days before the scheduled meeting. Please contact the City Clerk if an auxiliary aid is needed.

> **RECONSIDERATION OF VOTE**

(A council member who voted on the prevailing side of an agenda item at the last regularly scheduled meeting may move for reconsideration under the rules of procedure adopted by the council, Boise City Code 1-02-16). This may occur at anytime during the Council meeting.
I. Call to Order

PRESENT: McLean (Remote), Clegg (Remote), Woodings (Remote), Bageant (Remote), Hallyburton (Remote), Sánchez (Remote), Thomson (Remote)
ABSENT:

II. Work Session Items

1. FY21 Budget Development Update (1.5 hr)
   Presenter: Eric Bilimoria, Finance & Administration

   RESULT: DISCUSSED

2. Executive Session: Labor Contract, I.C. 74-206(1)(j)
   Moved into Executive Session at 5:07 pm for labor contract discussion which occurred until 5:28 pm.

   RESULT: MOVED INTO [UNANIMOUS]
   MOVER: Elaine Clegg, Council President
   SECONDER: Holli Woodings, Council President Pro Tem
   AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

III. Adjournment

Moved into the regular Work Session meeting.

There being no further business, the meeting adjourned.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson
I. ROLL CALL

PRESENT: McLean (Remote), Clegg (Remote), Woodings (Remote), Bageant (Remote), Hallyburton (Remote), Sánchez (Remote), Thomson (Remote)

ABSENT:

Motion to remove RES-178-20 from tonight's agenda and hold it for after further budget discussions.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: TJ Thomson, Council Member
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

Pursuant to Idaho Code Section 74-204(4), all agenda Items are action items, and a vote may be taken on these items.

II. REQUEST FOR APPROVAL

1. City Council - Work Session - Apr 28, 2020 4:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

2. City Council - Regular Evening Meeting - Apr 28, 2020 6:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

3. City Council - Regular Evening Meeting - May 5, 2020 6:00 PM
III. SPECIAL BUSINESS

1. Appointment of Bix Firer to the Open Space and Clean Water Advisory Committee ending May 2024.

RESULT: APPROVED BY UNANIMOUS CONSENT

   Presenter: Mallory Wilson, Fire Department

RESULT: DISCUSSED

RES-184-20 A RESOLUTION RATIFYING PUBLIC HEALTH EMERGENCY ORDER 20-05 (REOPENING BOISE CITY: STAGE ONE) ENACTED MAY 1, 2020; AND PROVIDING AN EFFECTIVE DATE.

RESULT: APPROVED [UNANIMOUS]

RES-185-20 A RESOLUTION RATIFYING THE AMENDED AND REISSUED PUBLIC HEALTH EMERGENCY ORDER 20-01 (SUSPENSION OF PUBLIC MEETINGS) DATED APRIL 30, 2020; AND PROVIDING AN EFFECTIVE DATE.

RESULT: APPROVED [UNANIMOUS]

IV. CONSENT AGENDA

*******Items scheduled on Consent Agenda.

*All items with an asterisk(*) are considered to be routine by the Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council Member or citizen so requests in which case the item will be removed from the general order of business and considered in its normal sequence.
RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

* ***** Items scheduled on Consent Agenda.

* All items with an asterisk(*) are considered to be routine by the Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council Member or citizen so requests in which case the item will be removed from the general order of business and considered in its normal sequence.

A. EXPENSES

*1. Request for approval of the Boise City checks 506346-506596 and ACH 62674-62753 in the total amount of $5,301,898.18 as of April 16, 2020.


*3. Request for approval of the Boise City checks 506808-506994 and ACH 62828-62882 in the total amount of $1,207,174.94 as of April 30, 2020.

B. PUBLIC HEARING REQUESTS

*1. CAR19-00032 / Townhomes on the Ave, LLC / 612 N Avenue H Ave / Rezone of 1.04 acres located from a R-2 (Medium Density Residential – 14.5 units/acre) zone to a R-3D (Multi-Family Residential with Design Review – 43.5 units/acre) zone

*2. CUP20-00008 / Jacque Gingerich / 10201 & 10257 W Shields Ave / Modification to a previously approved conditional use permit for a special exception to operate a landscaping business on approximately 2.08 acres in a R-1C (Single Family Residential) zone

*3. CAR20-00006 / CDG Acquisitions, LLC / 270 E Myrtle St / Minor modification to a previously approved development agreement to extend the deadline for recordation to June 18, 2021. The 1.8 acre site is located in a pending C-5DD/DA (Central Business District with Downtown Design Review and Development Agreement) zone

C. MINUTES AND REPORTS

*1. Treasury Report March 2020
D. RESOLUTIONS

*1. RES-134-20 A RESOLUTION APPROVING AN OFFICE LEASE BY AND BETWEEN CAPITAL CITY DEVELOPMENT CORPORATION AND RIM VIEW, LLC; APPROVING AN ENTREPRENEURSHIP CONSULTING AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY, THE CAPITAL CITY DEVELOPMENT CORPORATION, AND ACTUATE BOISE, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THE ENTREPRENEURSHIP CONSULTING AGREEMENT FOR AND ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE.

*2. RES-169-20 A RESOLUTION APPROVING, AS TO BOTH FORM AND CONTENT, A RENEWAL TO THE LICENSE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF PARKS AND RECREATION) AND GEM STATE DISC GOLFERS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

*3. RES-170-20 A RESOLUTION APPROVING, AS TO BOTH FORM AND CONTENT, A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF PARKS AND RECREATION) AND ZELLER RECREATION, INC. (BOISE RIVER RAFT & TUBE) BY WHICH THE CITY GRANTS BOISE RIVER RAFT & TUBE A LIMITED, NON-EXCLUSIVE LICENSE TO OPERATE BUSINESS IN ANN MORRISON PARK; RATIFYING AND AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION DIRECTOR'S EXECUTION OF SAID AGREEMENT ON BEHALF OF BOISE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

*4. RES-171-20 A RESOLUTION APPROVING, AS TO BOTH FORM AND CONTENT, A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF PARKS AND RECREATION) AND AMANDA CLARK (OWNER OF "ICED") BY WHICH THE CITY GRANTS ICED A LIMITED, NON-EXCLUSIVE LICENSE TO OPERATE CONCESSIONAIRE BUSINESS IN JULIA DAVIS PARK; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND ESTABLISHING AN EFFECTIVE DATE.
5. RES-172-20 A RESOLUTION APPROVING A PROPERTY USE AGREEMENT BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF AVIATION) AND THE IDAHO TRANSPORTATION DEPARTMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

6. RES-173-20 A RESOLUTION APPROVING THE RENEWAL OF RFP 17-234(A), MISCELLANEOUS ARCHITECTURAL SERVICES, BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS) AND CSHQA; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

7. RES-174-20 A RESOLUTION APPROVING THE RENEWAL OF RFP 17-234(H), MISCELLANEOUS ARCHITECTURAL SERVICES, BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS) AND TROUT ARCHITECTS/CHARTERED; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

8. RES-175-20 A RESOLUTION APPROVING THE RENEWAL OF RFP 16-147, MISCELLANEOUS GIS SERVICES, BETWEEN THE CITY OF BOISE CITY (INFORMATION TECHNOLOGY) AND POWER ENGINEERS, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

9. RES-176-20 A RESOLUTION APPROVING THE RENEWAL OF RFP 19-271(B), GEOTHERMAL SYSTEM UPGRADES, BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS) AND TITAN TECHNOLOGIES INC; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

10. RES-177-20 A RESOLUTION APPROVING THE RENEWAL OF RFP 19-271(C), GEOTHERMAL SYSTEM UPGRADES, BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS) AND AMERICAN GENERAL CONTRACTORS, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
*11. RES-178-20 A RESOLUTION APPROVING AUTHORIZATION TO PROCURE CP 20-299 HAZARDOUS MATERIALS TRAILER CITY OF BOISE CITY (FIRE DEPARTMENT) AND VT HACKNEY, INC. OFF OF SOURCEWELL, CONTRACT NUMBER #002818-VTH; AND PROVIDING AN EFFECTIVE DATE.

At the beginning of the meeting, RES-178-20 was removed from the agenda and to be heard after further budget discussions.

*12. RES-179-20 A RESOLUTION APPROVING AN AGREEMENT AND AWARD FOR RFP 20-171; BOI EAST PUBLIC GARAGE DESIGN SERVICES BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF AVIATION) AND CSHQA, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT AND AWARD; AND PROVIDING AN EFFECTIVE DATE.

*13. RES-180-20 A RESOLUTION APPROVING AN AGREEMENT AND AWARD FOR RFP 20-205(A) CITY WIDE FUEL, BETWEEN THE CITY OF BOISE CITY (FLEET SERVICES) AND JACKSONS FOOD STORES, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT AND AWARD; AND PROVIDING AN EFFECTIVE DATE.

*14. RES-181-20 A RESOLUTION APPROVING AN AGREEMENT AND AWARD FOR RFP 20-205(B) CITY WIDE FUEL, BETWEEN THE CITY OF BOISE CITY (FLEET SERVICES) AND STINKER STORES; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT AND AWARD; AND PROVIDING AN EFFECTIVE DATE.

*15. RES-182-20 A RESOLUTION APPROVING AUTHORIZATION TO PROCURE CP 20-303 CCTV VAN BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND CUES, INC THROUGH HOUSTON-GALVESTON AREA COUNCIL (H-GAC), CONTRACT NUMBER SC01-18; AND PROVIDING AN EFFECTIVE DATE.

*16. RES-183-20 A RESOLUTION APPROVING THE RENEWAL OF RFP 17-087, HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) LEAD AGENCY, BETWEEN THE CITY OF BOISE CITY (HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF PLANNING AND DEVELOPMENT SERVICES) AND INSTITUTE FOR COMMUNITY ALLIANCES;
AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*17. RES-186-20 A RESOLUTION APPROVING AN AGREEMENT FOR EX 20-301 SECURITY SERVICES BETWEEN THE CITY OF BOISE CITY (POLICE DEPARTMENT ON BEHALF OF HOUSING AND COMMUNITY DEVELOPMENT) AND UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL SECURITY SERVICES; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT AND AWARD; AND PROVIDING AN EFFECTIVE DATE.

*18. RES-187-20 A RESOLUTION APPROVING, AS TO BOTH FORM AND CONTENT, A DONATION, TEMPORARY LICENSE, AND PRIORITY SCHEDULING AND USE AGREEMENT (THE "AGREEMENT") BY AND BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF PARKS AND RECREATION) AND THE SOUTHERN IDAHO SOCCER LEAGUE ("SISL"); AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THE AGREEMENT ON BEHALF OF BOISE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

*19. RES-188-20 A RESOLUTION APPROVING AND RATIFYING AN AGREEMENT FOR EX 20-289 COVID-19 CLEANING/DISINFECTING SERVICES BETWEEN THE CITY OF BOISE CITY (LIBRARY AND PUBLIC WORKS) AND CLEARVIEW CLEANING SERVICE, INC; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY RATIFY SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*20. RES-189-20 A RESOLUTION APPROVING AMENDMENT #1 TO EX 20-155, RESIDENT SERVICES, BETWEEN THE CITY OF BOISE CITY (PLANNING AND DEVELOPMENT SERVICES, HOUSING AND COMMUNITY DEVELOPMENT DIVISION) AND TERRY REILLY HEALTH SERVICES; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AMENDMENT; RATIFYING PRIOR EXECUTION OF SAID AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

*21. RES-190-20 A RESOLUTION APPROVING THE MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND THE TREASURE VALLEY CLEAN CITIES COALITION (TVCCC)
OUTLINING ROLES AND RESPONSIBILITIES; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

*22. RES-191-20 A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF BOISE CITY (LEGAL DEPARTMENT), THE CITY OF MERIDIAN, AND ADA COUNTY FOR THE PROSECUTION OF MISDEMEANORS WITH COMPANION FELONIES; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE.

*23. RES-192-20 A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE FACILITIES LEASE AGREEMENT, BETWEEN THE CITY OF BOISE CITY AND ELDA ID BO, LLC (DBA COTTONWOOD SUITES); AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

E. SUBDIVISIONS - FINAL PLATS/TIME EXTENSIONS

*1. Moxie Ridge No. 2, SUB20-00013, Boise City Final Plat, (SUB20-00013 / Moxie Ridge No. 2 / DevCo / 5075 S Holcomb Rd / Final Plat for a residential subdivision comprised of 45 buildable and 3 common lots on 4.45 acres located in an R-1C (Single Family Residential) zone.)

*2. Voyager Subdivision, SUB20-00014, Boise City Final Plat, (SUB20-00014 / Voyager Subdivision / ACME LLC / 871 S Five Mile Rd / Final Plat for a residential subdivision comprised of 47 buildable and 4 common lots on 5.96 acres located in an R-1C (Single Family Residential) zone.)

V. ORDINANCES

A. THIRD READING

Moved that further reading of (ORD-10-20) be dispensed with and the record show that it has been read the third time in full.
RESULT: APPROVED [UNANIMOUS]  
MOVER: Elaine Clegg, Council President  
SECONDER: Holli Woodings, Council President Pro Tem  
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

1. ORD-10-20 AN ORDINANCE AMENDING BOISE CITY CODE TITLE 3, LICENSES AND PERMITS, TO ENACT A NEW CHAPTER 18, ENTITLED "NEWS RACKS"; SETTING FORTH THE AUTHORITY, PURPOSE, AND INTENT TO CREATE SUCH LICENSE AND FEES; INCORPORATING EXISTING GENERAL LICENSING PROVISIONS; SETTING FORTH GENERAL PROVISIONS INCLUDING THE DEFINITION OF KEY TERMS; REQUIRING A LICENSE; ESTABLISHING FIXED PEDESTAL ZONES; PROVIDING IMPLEMENTATION PROCEDURES; DETAILING NUISANCE AND NON-USE PROCEDURES; PROVIDING OBLIGATIONS OF LICENSEES; INCORPORATING EXISTING DENIAL, REVOCATION, SUSPENSION, REVIEW, AND PENALTY PROCEDURES; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

RESULT: APPROVED [UNANIMOUS]  
MOVER: Elaine Clegg, Council President  
SECONDER: Holli Woodings, Council President Pro Tem  
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

VI. NEW BUSINESS

A. RESOLUTIONS

1. RES-123-20 A RESOLUTION DECLARING THE INTENT OF THE CITY OF BOISE, BY AND THROUGH ITS FINANCE AND ADMINISTRATION DEPARTMENT (CITY CLERK’S OFFICE), AND PROPOSING THE FEES AND CHARGES FOR NEWS RACKS; APPROVING THE PLACEMENT OF THESE FEES ON THE CITY’S MASTER FEE SCHEDULE; AND PROVIDING AN EFFECTIVE DATE.

RESULT: APPROVED [UNANIMOUS]  
MOVER: Elaine Clegg, Council President  
SECONDER: Holli Woodings, Council President Pro Tem  
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

B. SUBDIVISIONS

1. All in One Construction and Remodel Services, LLC, SOS20-00002, Boise City Vacation of Plat Note, (SOS20-00002 / All in One Construction and Remodel
Services, LLC / 5750 N Cloverdale Rd / Request to vacate the required front and side yard building setback and north side yard utility and drainage easement for the property located on Lot 20, Block 1, of the Jones-Striburek Subdivision on 0.85 acres in a R-1C (Single-Family Residential) zone.)

Cody Riddle, Planning and Development Services presented the item to Council.

Applicant was not present.

No one in the audience testified on the item.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

2. Benjamin and Kathryn Andrus, SOS20-00009, Boise City Vacation of Plat Note, (SOS20-00009 / Benjamin and Kathryn Andrus / 11318 W Pattie Court / Vacation of plat note regarding side and rear building setbacks for Lot 91 of Block 2 in the Hewett Park Subdivision Phase III on 0.13 acres in a R-1C (Single-Family Residential) zone.)

Cody Riddle, Planning and Development Services presented the item to Council.

Alec Andrus, Applicant's Representative, 2991 Leisure Drive, Boise, ID, was present and agreed with the terms and conditions of the Staff Report.

No one in the audience testified on the item.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

3. Stohler Place Subdivision, SUB20-00006, Boise City Preliminary/Final Plat, (SUB20-00006 / Stohler Place Subdivision / Brad Parsons / 3015 W Alpine St / Preliminary and final plat for a residential subdivision comprised of 2 buildable lots on 0.3 acres in a R-2 (Medium Density Residential) zone.)

Cody Riddle, Planning and Development Services presented the item to Council.

Brad Parsons, Applicant, 7200 Gary Lane, Boise, ID, 83714, was present and agreed with the terms and conditions of the Staff Report.

No one in the audience testified on the item.
RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

4. Coleman Real Estate Development LLC, SOS20-00005 & SOS20-00006, Boise City Vacation of Plat Note & Public Utilities Easement, (SOS20-00005 & SOS20-00006 / Coleman Real Estate Development LLC / 2994 N Lancaster Place / Request to vacate a portion of the drainage, utility, roof drain and access easement, and vacate a plat note for building setback lines for Lots 9 and 10 of Block 1 of the Magal Subdivision located within the NE ¼ of Section 33, T.4N., R.2E., and B.M.)

Cody Riddle, Planning and Development Services presented the item to Council.

Gordon Statler, Applicant, 1795 Ocean Oaks Road, Carpinteria, CA, 93013, was present and agreed with the terms and conditions of the Staff Report.

No one in the audience testified on the item.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

C. PUBLIC HEARINGS

1. ZOA19-00006 / Boise City Planning and Development Services / Amendment to Chapter 11-08 (Flood Hazard Regulations) of the development code to add definitions, reference an updated Flood Insurance Study, update and clarify existing regulations. A requirement for increased freeboard above the base flood elevation is included.

Cody Riddle, Planning and Development Services presented the item to Council.

No one in the audience testified on the item.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

Moved that all rules of the Council interfering with the immediate consideration of (ORD-15-20) be suspended: that portions of Idaho Code 50-902 requiring an ordinance to be read on three different days, twice by title and once in full be dispensed with and the record show it has been read the third time in full.
RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

ORD-15-20 AN ORDINANCE AMENDING TITLE 11, CHAPTER 8 (FLOOD HAZARD REGULATIONS) OF BOISE CITY CODE, REFERENCING A NEW FLOOD INSURANCE STUDY AND RATE MAPS, UPDATING DEFINITIONS AND REGULATIONS, AND INCREASING THE FREEBOARD REQUIREMENT IN THE FLOODPLAIN; PROVIDING FOR A WAIVER OF THE READING RULES; APPROVING A SUMMARY OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

VII. ADJOURNMENT

Motion to adjourn the City Council meeting.

RESULT: APPROVED [UNANIMOUS]
MOVER: Elaine Clegg, Council President
SECONDER: Holli Woodings, Council President Pro Tem
AYES: Clegg, Woodings, Bageant, Hallyburton, Sánchez, Thomson

APPROVE:

Lauren McLean, Mayor

ATTEST:

Lynda Lowry, Ex-Officio City Clerk
<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Check/ACH</th>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>BANK OF AMERICA</td>
<td>1537</td>
<td>05/06/20</td>
<td>122,022.16</td>
</tr>
<tr>
<td>ADA COUNTY HIGHWAY DISTRICT</td>
<td>62892</td>
<td>05/11/20</td>
<td>124,390.51</td>
</tr>
<tr>
<td>ALARMCO</td>
<td>62893</td>
<td>05/11/20</td>
<td>150.00</td>
</tr>
<tr>
<td>ALLOWAY ELECTRIC</td>
<td>62894</td>
<td>05/11/20</td>
<td>452.95</td>
</tr>
<tr>
<td>AMERIGAS PROPANE</td>
<td>62895</td>
<td>05/11/20</td>
<td>214.64</td>
</tr>
<tr>
<td>APEX INTEGRATED SECURITY S</td>
<td>62896</td>
<td>05/11/20</td>
<td>236.37</td>
</tr>
<tr>
<td>BENS AUTO GLASS</td>
<td>62897</td>
<td>05/11/20</td>
<td>370.76</td>
</tr>
<tr>
<td>BOISE CITY INTERMOUNTAIN C</td>
<td>62898</td>
<td>05/11/20</td>
<td>27,144.41</td>
</tr>
<tr>
<td>BOISE RIVER DOOR &amp; GLASS</td>
<td>62899</td>
<td>05/11/20</td>
<td>255.00</td>
</tr>
<tr>
<td>BOISE VALLEY TOWING</td>
<td>62900</td>
<td>05/11/20</td>
<td>95.00</td>
</tr>
<tr>
<td>BPA HEALTH</td>
<td>62901</td>
<td>05/11/20</td>
<td>6,296.94</td>
</tr>
<tr>
<td>BRADY INDUSTRIES</td>
<td>62902</td>
<td>05/11/20</td>
<td>18.49</td>
</tr>
<tr>
<td>BUSINESS INTERIORS OF IDAH</td>
<td>62903</td>
<td>05/11/20</td>
<td>3,205.68</td>
</tr>
<tr>
<td>CAPITAL PAVING</td>
<td>62904</td>
<td>05/11/20</td>
<td>1,600.00</td>
</tr>
<tr>
<td>CARAHSOFT TECHNOLOGY</td>
<td>62905</td>
<td>05/11/20</td>
<td>2,543.97</td>
</tr>
<tr>
<td>CATAPULT3</td>
<td>62906</td>
<td>05/11/20</td>
<td>352.00</td>
</tr>
<tr>
<td>CHARLIE CHARLTON</td>
<td>62907</td>
<td>05/11/20</td>
<td>234.00</td>
</tr>
<tr>
<td>CLEARVIEW CLEANING SERVICE</td>
<td>62908</td>
<td>05/11/20</td>
<td>10,485.02</td>
</tr>
<tr>
<td>CO ENERGY</td>
<td>62909</td>
<td>05/11/20</td>
<td>470.84</td>
</tr>
<tr>
<td>COMMERCIAL ELECTRIC</td>
<td>62910</td>
<td>05/11/20</td>
<td>1,293.08</td>
</tr>
<tr>
<td>COMPUNET</td>
<td>62911</td>
<td>05/11/20</td>
<td>271,346.19</td>
</tr>
<tr>
<td>CUTTING EDGE SERVICES</td>
<td>62912</td>
<td>05/11/20</td>
<td>74.87</td>
</tr>
<tr>
<td>DUBOIS CHEMICALS</td>
<td>62913</td>
<td>05/11/20</td>
<td>16,749.28</td>
</tr>
<tr>
<td>ELAINE CLEGG</td>
<td>62914</td>
<td>05/11/20</td>
<td>143.32</td>
</tr>
<tr>
<td>EMERGENCY RESPONDERS HEALT</td>
<td>62915</td>
<td>05/11/20</td>
<td>414.32</td>
</tr>
<tr>
<td>GEM STATE PAPER &amp; SUPPLY</td>
<td>62916</td>
<td>05/11/20</td>
<td>2,049.95</td>
</tr>
<tr>
<td>IDAHO POWER</td>
<td>62917</td>
<td>05/11/20</td>
<td>281,838.82</td>
</tr>
<tr>
<td>INTERMOUNTAIN GAS</td>
<td>62918</td>
<td>05/11/20</td>
<td>5,084.71</td>
</tr>
<tr>
<td>JUB ENGINEERS</td>
<td>62919</td>
<td>05/11/20</td>
<td>5,016.10</td>
</tr>
<tr>
<td>JUNK BROS</td>
<td>62920</td>
<td>05/11/20</td>
<td>275.00</td>
</tr>
<tr>
<td>KEMIRA WATER SOLUTIONS</td>
<td>62921</td>
<td>05/11/20</td>
<td>6,624.22</td>
</tr>
<tr>
<td>KPFF</td>
<td>62922</td>
<td>05/11/20</td>
<td>1,620.00</td>
</tr>
<tr>
<td>LANDSCAPE STRUCTURES</td>
<td>62923</td>
<td>05/11/20</td>
<td>335,648.10</td>
</tr>
<tr>
<td>LAUREN MCLEAN</td>
<td>62924</td>
<td>05/11/20</td>
<td>239.38</td>
</tr>
<tr>
<td>M&amp;T PATROL SERVICES</td>
<td>62925</td>
<td>05/11/20</td>
<td>150.00</td>
</tr>
<tr>
<td>MARK PERISON</td>
<td>62926</td>
<td>05/11/20</td>
<td>1,647.50</td>
</tr>
<tr>
<td>MASTER ROOTER</td>
<td>62927</td>
<td>05/11/20</td>
<td>212.00</td>
</tr>
<tr>
<td>NURSE STAFFING 247 IDAHO H</td>
<td>62928</td>
<td>05/11/20</td>
<td>197.00</td>
</tr>
<tr>
<td>ORKIN</td>
<td>62929</td>
<td>05/11/20</td>
<td>2,320.00</td>
</tr>
<tr>
<td>OXARC</td>
<td>62930</td>
<td>05/11/20</td>
<td>834.68</td>
</tr>
<tr>
<td>Vendor Name</td>
<td>Check/ACH</td>
<td>Date</td>
<td>Amount</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------</td>
<td>---------</td>
<td>----------</td>
</tr>
<tr>
<td>PACIFIC MOBILE STRUCTURES</td>
<td>62931</td>
<td>05/11/20</td>
<td>772.97</td>
</tr>
<tr>
<td>RIVERSIDE</td>
<td>62932</td>
<td>05/11/20</td>
<td>225.00</td>
</tr>
<tr>
<td>STAPLEY ENGINEERING</td>
<td>62933</td>
<td>05/11/20</td>
<td>5,135.00</td>
</tr>
<tr>
<td>STEPHANIE INMAN TSOURMAS</td>
<td>62934</td>
<td>05/11/20</td>
<td>5,800.00</td>
</tr>
<tr>
<td>STEVES SERVICE PLUMBING</td>
<td>62935</td>
<td>05/11/20</td>
<td>2,500.00</td>
</tr>
<tr>
<td>SUEZ WATER IDAHO</td>
<td>62936</td>
<td>05/11/20</td>
<td>3,113.58</td>
</tr>
<tr>
<td>TREASURE VALLEY COFFEE</td>
<td>62937</td>
<td>05/11/20</td>
<td>171.00</td>
</tr>
<tr>
<td>TURF EQUIPMENT &amp; IRRIGATION</td>
<td>62938</td>
<td>05/11/20</td>
<td>45.00</td>
</tr>
<tr>
<td>UNIFORMS 2 GEAR</td>
<td>62939</td>
<td>05/11/20</td>
<td>15,867.67</td>
</tr>
<tr>
<td>UNITED SITE SERVICES</td>
<td>62940</td>
<td>05/11/20</td>
<td>624.38</td>
</tr>
<tr>
<td>VOSS TECHNOLOGIES</td>
<td>62941</td>
<td>05/11/20</td>
<td>2,254.00</td>
</tr>
<tr>
<td>WOMEN &amp; CHILDRENS ALLIANCE</td>
<td>62942</td>
<td>05/11/20</td>
<td>8,589.95</td>
</tr>
<tr>
<td>IVO GEORGIEV</td>
<td>507008</td>
<td>05/11/20</td>
<td>242.09</td>
</tr>
<tr>
<td>ROBERT BIVENS</td>
<td>507009</td>
<td>05/11/20</td>
<td>100.00</td>
</tr>
<tr>
<td>ROBERT DARI</td>
<td>507010</td>
<td>05/11/20</td>
<td>100.00</td>
</tr>
<tr>
<td>RYAN BAINE</td>
<td>507011</td>
<td>05/11/20</td>
<td>207.00</td>
</tr>
<tr>
<td>ALEASHA POWERS</td>
<td>507012</td>
<td>05/11/20</td>
<td>1,098.00</td>
</tr>
<tr>
<td>ALLRED FAMILY TRUST</td>
<td>507013</td>
<td>05/11/20</td>
<td>30.27</td>
</tr>
<tr>
<td>ANGEL MOSCRIP</td>
<td>507014</td>
<td>05/11/20</td>
<td>97.80</td>
</tr>
<tr>
<td>AUDREY GORGONZOLA</td>
<td>507015</td>
<td>05/11/20</td>
<td>15.78</td>
</tr>
<tr>
<td>BILLIE W BARNACK</td>
<td>507016</td>
<td>05/11/20</td>
<td>41.93</td>
</tr>
<tr>
<td>BIO ONE BOISE</td>
<td>507017</td>
<td>05/11/20</td>
<td>1,370.10</td>
</tr>
<tr>
<td>BISHOP MICHAEL TAYLOR</td>
<td>507018</td>
<td>05/11/20</td>
<td>554.52</td>
</tr>
<tr>
<td>BVGC PARCEL C LLC</td>
<td>507019</td>
<td>05/11/20</td>
<td>12,993.43</td>
</tr>
<tr>
<td>CHRISTIAN M HAYFIELD</td>
<td>507020</td>
<td>05/11/20</td>
<td>3.88</td>
</tr>
<tr>
<td>CHRISTINA M MENDEZ</td>
<td>507021</td>
<td>05/11/20</td>
<td>90.41</td>
</tr>
<tr>
<td>CHRISTINA MIRANDA</td>
<td>507022</td>
<td>05/11/20</td>
<td>145.19</td>
</tr>
<tr>
<td>CHRISTOPHER MICHAEL MORENO</td>
<td>507023</td>
<td>05/11/20</td>
<td>109.96</td>
</tr>
<tr>
<td>CINDY LONGNECKER ALLEN</td>
<td>507024</td>
<td>05/11/20</td>
<td>93.35</td>
</tr>
<tr>
<td>CLAYTON ARMSTRONG</td>
<td>507025</td>
<td>05/11/20</td>
<td>99.33</td>
</tr>
<tr>
<td>CORTNEY EDGERTON</td>
<td>507026</td>
<td>05/11/20</td>
<td>179.00</td>
</tr>
<tr>
<td>CRISPY CLEAN</td>
<td>507027</td>
<td>05/11/20</td>
<td>100.00</td>
</tr>
<tr>
<td>DANIEL LLEWELLY</td>
<td>507028</td>
<td>05/11/20</td>
<td>117.69</td>
</tr>
<tr>
<td>DAVID J CAIN</td>
<td>507029</td>
<td>05/11/20</td>
<td>28.48</td>
</tr>
<tr>
<td>DEEANNA COLEMAN</td>
<td>507030</td>
<td>05/11/20</td>
<td>57.44</td>
</tr>
<tr>
<td>DENNIS DILLON RV</td>
<td>507031</td>
<td>05/11/20</td>
<td>368.60</td>
</tr>
<tr>
<td>DIANE BERG</td>
<td>507032</td>
<td>05/11/20</td>
<td>110.80</td>
</tr>
<tr>
<td>DONNA DE TULLIO</td>
<td>507033</td>
<td>05/11/20</td>
<td>61.16</td>
</tr>
<tr>
<td>EDWARD C RIE MENSCHNEIDER</td>
<td>507034</td>
<td>05/11/20</td>
<td>15.56</td>
</tr>
<tr>
<td>EST MILDRED WILMA SCHOLIE</td>
<td>507035</td>
<td>05/11/20</td>
<td>79.10</td>
</tr>
<tr>
<td>ESTATE OF EVELYN ROCK</td>
<td>507036</td>
<td>05/11/20</td>
<td>68.26</td>
</tr>
<tr>
<td>FRANKLIN COMMERCE CENTER L</td>
<td>507037</td>
<td>05/11/20</td>
<td>21,317.26</td>
</tr>
<tr>
<td>GERTRUDE D CHASE</td>
<td>507038</td>
<td>05/11/20</td>
<td>98.13</td>
</tr>
<tr>
<td>Vendor Name</td>
<td>Check/ACH</td>
<td>Date</td>
<td>Amount</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-----------</td>
<td>---------</td>
<td>--------</td>
</tr>
<tr>
<td>JAMIE HUBBELL</td>
<td>507039</td>
<td>05/11/20</td>
<td>75.13</td>
</tr>
<tr>
<td>JAMIE SISSON</td>
<td>507040</td>
<td>05/11/20</td>
<td>376.00</td>
</tr>
<tr>
<td>JASON CUTLER</td>
<td>507041</td>
<td>05/11/20</td>
<td>56.10</td>
</tr>
<tr>
<td>JEANNE ANDERSON</td>
<td>507042</td>
<td>05/11/20</td>
<td>2.59</td>
</tr>
<tr>
<td>JERRY MORTON</td>
<td>507043</td>
<td>05/11/20</td>
<td>45.68</td>
</tr>
<tr>
<td>JOSEPH MEREDITH</td>
<td>507044</td>
<td>05/11/20</td>
<td>68.90</td>
</tr>
<tr>
<td>JOSH TOLSON</td>
<td>507045</td>
<td>05/11/20</td>
<td>85.48</td>
</tr>
<tr>
<td>KAPPA SIGMA HOUSE CORP</td>
<td>507046</td>
<td>05/11/20</td>
<td>37.87</td>
</tr>
<tr>
<td>KATHERINE LAW</td>
<td>507047</td>
<td>05/11/20</td>
<td>6.21</td>
</tr>
<tr>
<td>KELLEY GRANGE</td>
<td>507048</td>
<td>05/11/20</td>
<td>161.78</td>
</tr>
<tr>
<td>KELLI C CLEM</td>
<td>507049</td>
<td>05/11/20</td>
<td>16.71</td>
</tr>
<tr>
<td>KEN ASCHENBRENNER</td>
<td>507050</td>
<td>05/11/20</td>
<td>110.84</td>
</tr>
<tr>
<td>KITTY ROBERTS</td>
<td>507051</td>
<td>05/11/20</td>
<td>71.39</td>
</tr>
<tr>
<td>KOK FAMILY TRUST</td>
<td>507052</td>
<td>05/11/20</td>
<td>35.77</td>
</tr>
<tr>
<td>LAURA DAY</td>
<td>507053</td>
<td>05/11/20</td>
<td>76.60</td>
</tr>
<tr>
<td>LAURIE A MC GEORGE</td>
<td>507054</td>
<td>05/11/20</td>
<td>54.29</td>
</tr>
<tr>
<td>LDS KINGSBRIDGE WARD</td>
<td>507055</td>
<td>05/11/20</td>
<td>369.68</td>
</tr>
<tr>
<td>LLOYD BARNEY</td>
<td>507056</td>
<td>05/11/20</td>
<td>1.30</td>
</tr>
<tr>
<td>MANGINI KEVIN D</td>
<td>507057</td>
<td>05/11/20</td>
<td>6,500.00</td>
</tr>
<tr>
<td>MELISSA E CHILDS</td>
<td>507058</td>
<td>05/11/20</td>
<td>92.81</td>
</tr>
<tr>
<td>MICHAEL J HUARD</td>
<td>507059</td>
<td>05/11/20</td>
<td>31.22</td>
</tr>
<tr>
<td>MICHEAL J HART</td>
<td>507060</td>
<td>05/11/20</td>
<td>11.82</td>
</tr>
<tr>
<td>MISTY SHALZ</td>
<td>507061</td>
<td>05/11/20</td>
<td>556.50</td>
</tr>
<tr>
<td>MITSURU HASHIMOTO</td>
<td>507062</td>
<td>05/11/20</td>
<td>155.00</td>
</tr>
<tr>
<td>MONTERRA TOWNHOMES</td>
<td>507063</td>
<td>05/11/20</td>
<td>76.61</td>
</tr>
<tr>
<td>MONTERRA TOWNHOMES</td>
<td>507064</td>
<td>05/11/20</td>
<td>14.81</td>
</tr>
<tr>
<td>NINFA GELSONINO</td>
<td>507065</td>
<td>05/11/20</td>
<td>103.22</td>
</tr>
<tr>
<td>PAT MCDONOUGH</td>
<td>507066</td>
<td>05/11/20</td>
<td>101.15</td>
</tr>
<tr>
<td>PORTER CHANDLER LLC</td>
<td>507067</td>
<td>05/11/20</td>
<td>1,870.00</td>
</tr>
<tr>
<td>QUALITY HEATING &amp; COOLING</td>
<td>507068</td>
<td>05/11/20</td>
<td>55.00</td>
</tr>
<tr>
<td>RIGHT NOW INC HTG &amp; COOLIN</td>
<td>507069</td>
<td>05/11/20</td>
<td>56.00</td>
</tr>
<tr>
<td>RYAN CUTLER</td>
<td>507070</td>
<td>05/11/20</td>
<td>357.75</td>
</tr>
<tr>
<td>SARAH KILFOY</td>
<td>507071</td>
<td>05/11/20</td>
<td>95.02</td>
</tr>
<tr>
<td>SAWYER A ECKHARDT</td>
<td>507072</td>
<td>05/11/20</td>
<td>141.54</td>
</tr>
<tr>
<td>SEAN CAFFERTY ENTERPRISES</td>
<td>507073</td>
<td>05/11/20</td>
<td>1,870.00</td>
</tr>
<tr>
<td>SONDRA KREIZENBECK MOORE</td>
<td>507074</td>
<td>05/11/20</td>
<td>354.67</td>
</tr>
<tr>
<td>STEVE VAUGHT</td>
<td>507075</td>
<td>05/11/20</td>
<td>1,000.00</td>
</tr>
<tr>
<td>STEVEN C CARR</td>
<td>507076</td>
<td>05/11/20</td>
<td>16.76</td>
</tr>
<tr>
<td>STEVEN VISOKY</td>
<td>507077</td>
<td>05/11/20</td>
<td>715.80</td>
</tr>
<tr>
<td>SUNSHINE LANDSCAPE INC</td>
<td>507078</td>
<td>05/11/20</td>
<td>4,799.00</td>
</tr>
<tr>
<td>SUSAN JEFFREYS</td>
<td>507079</td>
<td>05/11/20</td>
<td>60.66</td>
</tr>
<tr>
<td>TAYLOR EDGINTON</td>
<td>507080</td>
<td>05/11/20</td>
<td>275.60</td>
</tr>
<tr>
<td>THERESE Y BRADY</td>
<td>507081</td>
<td>05/11/20</td>
<td>138.22</td>
</tr>
<tr>
<td>Vendor Name</td>
<td>Check/ACH</td>
<td>Date</td>
<td>Amount</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>THE WEST ST ANDREWS TRUST</td>
<td>507082</td>
<td>05/11/20</td>
<td>347.09</td>
</tr>
<tr>
<td>THOMAS HOLCOMB</td>
<td>507083</td>
<td>05/11/20</td>
<td>550.00</td>
</tr>
<tr>
<td>TIM BEAUDOIN</td>
<td>507084</td>
<td>05/11/20</td>
<td>1,000.00</td>
</tr>
<tr>
<td>TRENT PETTY</td>
<td>507085</td>
<td>05/11/20</td>
<td>90.01</td>
</tr>
<tr>
<td>TVR INC</td>
<td>507086</td>
<td>05/11/20</td>
<td>874.37</td>
</tr>
<tr>
<td>USTA INTERMOUNTAIN</td>
<td>507087</td>
<td>05/11/20</td>
<td>199.47</td>
</tr>
<tr>
<td>VICTORY VIEW LDS WARD</td>
<td>507088</td>
<td>05/11/20</td>
<td>357.75</td>
</tr>
<tr>
<td>WILLIAM KATHLEEN J SCHAIFE</td>
<td>507089</td>
<td>05/11/20</td>
<td>102.21</td>
</tr>
<tr>
<td>WILLIAM Q. EHASZ</td>
<td>507090</td>
<td>05/11/20</td>
<td>86.16</td>
</tr>
<tr>
<td>AAA ACTION PAINTING</td>
<td>507091</td>
<td>05/11/20</td>
<td>3,485.00</td>
</tr>
<tr>
<td>ABSOLUTE FIRE PROTECTION</td>
<td>507092</td>
<td>05/11/20</td>
<td>2,229.00</td>
</tr>
<tr>
<td>ACROSS THE STREET PRODUCT</td>
<td>507093</td>
<td>05/11/20</td>
<td>346.50</td>
</tr>
<tr>
<td>ADA COUNTY OPERATIONS</td>
<td>507094</td>
<td>05/11/20</td>
<td>360.00</td>
</tr>
<tr>
<td>ADA COUNTY SOLID WASTE MGM</td>
<td>507095</td>
<td>05/11/20</td>
<td>108,816.54</td>
</tr>
<tr>
<td>ADA COUNTY WEED PEST &amp; MOS</td>
<td>507096</td>
<td>05/11/20</td>
<td>164.00</td>
</tr>
<tr>
<td>ADAME CONSTRUCTION</td>
<td>507097</td>
<td>05/11/20</td>
<td>32,500.00</td>
</tr>
<tr>
<td>ADVANCED SIGN</td>
<td>507098</td>
<td>05/11/20</td>
<td>135.00</td>
</tr>
<tr>
<td>AGRI SERVICE</td>
<td>507099</td>
<td>05/11/20</td>
<td>124.87</td>
</tr>
<tr>
<td>AIRPORT CHEVRON</td>
<td>507100</td>
<td>05/11/20</td>
<td>10.00</td>
</tr>
<tr>
<td>AUTOSORT</td>
<td>507101</td>
<td>05/11/20</td>
<td>702.63</td>
</tr>
<tr>
<td>B&amp;W WRECKER SERVICE</td>
<td>507102</td>
<td>05/11/20</td>
<td>385.00</td>
</tr>
<tr>
<td>BANK OF AMERICA</td>
<td>507103</td>
<td>05/11/20</td>
<td>6,185.73</td>
</tr>
<tr>
<td>BIO ONE BOISE</td>
<td>507104</td>
<td>05/11/20</td>
<td>969.00</td>
</tr>
<tr>
<td>BOISE OFFICE EQUIPMENT</td>
<td>507105</td>
<td>05/11/20</td>
<td>22,783.94</td>
</tr>
<tr>
<td>BOISE RIVER FENCE</td>
<td>507106</td>
<td>05/11/20</td>
<td>6,768.00</td>
</tr>
<tr>
<td>BOISE YOUNG PROFESSIONALS</td>
<td>507107</td>
<td>05/11/20</td>
<td>1,650.00</td>
</tr>
<tr>
<td>CAMPBELL TRACTOR</td>
<td>507108</td>
<td>05/11/20</td>
<td>83.09</td>
</tr>
<tr>
<td>CAPITAL ONE AUTO FINANCE</td>
<td>507109</td>
<td>05/11/20</td>
<td>7,500.00</td>
</tr>
<tr>
<td>CAPITOL WATER</td>
<td>507110</td>
<td>05/11/20</td>
<td>92.23</td>
</tr>
<tr>
<td>CENTURYLINK</td>
<td>507111</td>
<td>05/11/20</td>
<td>122.19</td>
</tr>
<tr>
<td>CENTURYLINK BUSINESS SERVI</td>
<td>507112</td>
<td>05/11/20</td>
<td>558.52</td>
</tr>
<tr>
<td>CHEMSCAN</td>
<td>507113</td>
<td>05/11/20</td>
<td>20,650.00</td>
</tr>
<tr>
<td>CHRISTIAN WINN</td>
<td>507114</td>
<td>05/11/20</td>
<td>1,000.00</td>
</tr>
<tr>
<td>CINTAS</td>
<td>507115</td>
<td>05/11/20</td>
<td>280.43</td>
</tr>
<tr>
<td>COLLINS ENGINEERS</td>
<td>507116</td>
<td>05/11/20</td>
<td>1,800.00</td>
</tr>
<tr>
<td>COMMUNICATIONS ET AL</td>
<td>507117</td>
<td>05/11/20</td>
<td>12,042.00</td>
</tr>
<tr>
<td>CONSOLIDATED ELECTRICAL DI</td>
<td>507118</td>
<td>05/11/20</td>
<td>16,953.60</td>
</tr>
<tr>
<td>DAY POE SAY MIN</td>
<td>507119</td>
<td>05/11/20</td>
<td>25.00</td>
</tr>
<tr>
<td>DC FROST ASSOCIATES</td>
<td>507120</td>
<td>05/11/20</td>
<td>90,243.89</td>
</tr>
<tr>
<td>DENNIS DILLON AUTO PARK TR</td>
<td>507121</td>
<td>05/11/20</td>
<td>722.07</td>
</tr>
<tr>
<td>DOOR SERVICE OF IDAHO</td>
<td>507122</td>
<td>05/11/20</td>
<td>1,685.00</td>
</tr>
<tr>
<td>DUSTBUSTERS</td>
<td>507123</td>
<td>05/11/20</td>
<td>4,369.52</td>
</tr>
<tr>
<td>ERSTAD ARCHITECTS</td>
<td>507124</td>
<td>05/11/20</td>
<td>90.00</td>
</tr>
</tbody>
</table>

Attachment: Current Expense Cash Payment Register 05/11/20 $1,862,681.68 (Check report May 11 2020)
<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Check/ACH</th>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXPRESS SERVICES</td>
<td>507125</td>
<td>05/11/20</td>
<td>1,752.00</td>
</tr>
<tr>
<td>FEDEX</td>
<td>507126</td>
<td>05/11/20</td>
<td>187.42</td>
</tr>
<tr>
<td>FERGUSON ENTERPRISES</td>
<td>507127</td>
<td>05/11/20</td>
<td>112.78</td>
</tr>
<tr>
<td>FISHER SCIENTIFIC</td>
<td>507128</td>
<td>05/11/20</td>
<td>578.14</td>
</tr>
<tr>
<td>FOWL FIX</td>
<td>507129</td>
<td>05/11/20</td>
<td>450.00</td>
</tr>
<tr>
<td>GRAINGER</td>
<td>507130</td>
<td>05/11/20</td>
<td>72.39</td>
</tr>
<tr>
<td>GRASMICK PRODUCE</td>
<td>507131</td>
<td>05/11/20</td>
<td>215.80</td>
</tr>
<tr>
<td>GRAYBAR</td>
<td>507132</td>
<td>05/11/20</td>
<td>11,980.16</td>
</tr>
<tr>
<td>GULLEY EXCAVATION</td>
<td>507133</td>
<td>05/11/20</td>
<td>2,000.00</td>
</tr>
<tr>
<td>HD SUPPLY FACILITIES MAINT</td>
<td>507134</td>
<td>05/11/20</td>
<td>643.32</td>
</tr>
<tr>
<td>ID PLUS</td>
<td>507135</td>
<td>05/11/20</td>
<td>50.40</td>
</tr>
<tr>
<td>IDAHO MATERIALS &amp; CONSTRUC</td>
<td>507136</td>
<td>05/11/20</td>
<td>16,670.00</td>
</tr>
<tr>
<td>IDAHO POWER</td>
<td>507137</td>
<td>05/11/20</td>
<td>7.02</td>
</tr>
<tr>
<td>IDAHO STATE POLICE</td>
<td>507138</td>
<td>05/11/20</td>
<td>958.25</td>
</tr>
<tr>
<td>IDAHO TRACTOR</td>
<td>507139</td>
<td>05/11/20</td>
<td>10,914.00</td>
</tr>
<tr>
<td>IMAGE 360 BOISE MERIDIAN</td>
<td>507140</td>
<td>05/11/20</td>
<td>173.52</td>
</tr>
<tr>
<td>INDEPENDENT SCHL DIST OF B</td>
<td>507141</td>
<td>05/11/20</td>
<td>75.00</td>
</tr>
<tr>
<td>INGRAM LIBRARY SERVICES</td>
<td>507142</td>
<td>05/11/20</td>
<td>789.73</td>
</tr>
<tr>
<td>INTERMOUNTAIN GAS</td>
<td>507143</td>
<td>05/11/20</td>
<td>560.00</td>
</tr>
<tr>
<td>KAREN NELSON</td>
<td>507144</td>
<td>05/11/20</td>
<td>90.00</td>
</tr>
<tr>
<td>KCDA PURCHASING COOPERATIV</td>
<td>507145</td>
<td>05/11/20</td>
<td>1,502.04</td>
</tr>
<tr>
<td>KRISTIN REED</td>
<td>507146</td>
<td>05/11/20</td>
<td>500.00</td>
</tr>
<tr>
<td>KUSTERS ZIMA</td>
<td>507147</td>
<td>05/11/20</td>
<td>368.75</td>
</tr>
<tr>
<td>LCA ARCHITECTS</td>
<td>507148</td>
<td>05/11/20</td>
<td>4,049.39</td>
</tr>
<tr>
<td>LINDAS CLEANING SERVICE</td>
<td>507149</td>
<td>05/11/20</td>
<td>825.00</td>
</tr>
<tr>
<td>MAGA SOLUTIONS</td>
<td>507150</td>
<td>05/11/20</td>
<td>15,000.00</td>
</tr>
<tr>
<td>MCGUIRE BEARING</td>
<td>507151</td>
<td>05/11/20</td>
<td>9.60</td>
</tr>
<tr>
<td>MCU SPORTS</td>
<td>507152</td>
<td>05/11/20</td>
<td>152.65</td>
</tr>
<tr>
<td>MODERN CONCRETE</td>
<td>507153</td>
<td>05/11/20</td>
<td>2,499.48</td>
</tr>
<tr>
<td>NETWORK INTERPRETING SERVI</td>
<td>507154</td>
<td>05/11/20</td>
<td>134.50</td>
</tr>
<tr>
<td>OAK PARK VILLAGE</td>
<td>507155</td>
<td>05/11/20</td>
<td>2,480.00</td>
</tr>
<tr>
<td>OPAL THEATRE</td>
<td>507156</td>
<td>05/11/20</td>
<td>600.00</td>
</tr>
<tr>
<td>OVERDRIVE</td>
<td>507157</td>
<td>05/11/20</td>
<td>6,466.41</td>
</tr>
<tr>
<td>PLEASANT VALLEY GRAVEL</td>
<td>507158</td>
<td>05/11/20</td>
<td>58.19</td>
</tr>
<tr>
<td>PRECISION ENGINEERING</td>
<td>507159</td>
<td>05/11/20</td>
<td>23,000.00</td>
</tr>
<tr>
<td>QUALITY ELECTRIC</td>
<td>507160</td>
<td>05/11/20</td>
<td>4,671.54</td>
</tr>
<tr>
<td>RAINBOW BOOK</td>
<td>507161</td>
<td>05/11/20</td>
<td>5,907.87</td>
</tr>
<tr>
<td>RECORDED BOOKS</td>
<td>507162</td>
<td>05/11/20</td>
<td>2,111.07</td>
</tr>
<tr>
<td>RMT EQUIPMENT</td>
<td>507163</td>
<td>05/11/20</td>
<td>25,423.00</td>
</tr>
<tr>
<td>SAFEGUARD BUSINESS SYSTEMS</td>
<td>507164</td>
<td>05/11/20</td>
<td>182.44</td>
</tr>
<tr>
<td>SALOME MWANGI</td>
<td>507165</td>
<td>05/11/20</td>
<td>62.50</td>
</tr>
<tr>
<td>SATELLITE SYSTEMS</td>
<td>507166</td>
<td>05/11/20</td>
<td>360.00</td>
</tr>
<tr>
<td>STATE OF IDAHO</td>
<td>507167</td>
<td>05/11/20</td>
<td>225.00</td>
</tr>
<tr>
<td>Vendor Name</td>
<td>Check/ACH</td>
<td>Date</td>
<td>Amount</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------</td>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td>SUNDANCE COMPANY</td>
<td>507168</td>
<td>05/11/20</td>
<td>2,384.64</td>
</tr>
<tr>
<td>SUSAN MANIKA</td>
<td>507169</td>
<td>05/11/20</td>
<td>100.00</td>
</tr>
<tr>
<td>SYSTEM KLEEN</td>
<td>507170</td>
<td>05/11/20</td>
<td>375.00</td>
</tr>
<tr>
<td>T-O ENGINEERS</td>
<td>507171</td>
<td>05/11/20</td>
<td>15,827.20</td>
</tr>
<tr>
<td>TIRE DISPOSAL &amp; RECYCLING</td>
<td>507172</td>
<td>05/11/20</td>
<td>61.05</td>
</tr>
<tr>
<td>UNITED AUTO UPHOLSTERY</td>
<td>507173</td>
<td>05/11/20</td>
<td>470.00</td>
</tr>
<tr>
<td>UNITED LABORATORIES</td>
<td>507174</td>
<td>05/11/20</td>
<td>749.02</td>
</tr>
<tr>
<td>UTILITY TRUCK EQUIPMENT</td>
<td>507175</td>
<td>05/11/20</td>
<td>5,220.00</td>
</tr>
<tr>
<td>WEIDNER &amp; ASSOCIATES</td>
<td>507176</td>
<td>05/11/20</td>
<td>333.47</td>
</tr>
<tr>
<td>WEST BOISE SEWER DISTRICT</td>
<td>507177</td>
<td>05/11/20</td>
<td>415.32</td>
</tr>
<tr>
<td>WIENHOFF DRUG TESTING</td>
<td>507178</td>
<td>05/11/20</td>
<td>1,900.00</td>
</tr>
<tr>
<td>YVES NDAYISHIMIYE</td>
<td>507179</td>
<td>05/11/20</td>
<td>25.00</td>
</tr>
</tbody>
</table>

1,862,681.68
TO: Mayor and Council
FROM: Karen Gallagher, Planning and Development Services
NUMBER: RES-193-20
DATE: March 19, 2020
SUBJECT: FY2021 VRT Funding

BACKGROUND:

The 2019 Memorandum of Understanding between the City and VRT states that the City's annual assessment and service contribution to VRT will be approved via a Resolution by the end of March. Due to COVID-19, said Resolution has been delayed until this time. Generally, these funds continue the existing fixed bus routes, the additional hours of service originally planned for launch in March 2020 and now delayed until June/July 2020 (see list below), as well as additional funds for improvements to be specified over the next months based on City priorities.

FY2020 Planned Service Additions:

- Extending the span of 15-minute service on State Street
- Increasing Saturday service on the 3 Vista, 7A & 7B Fairview, and 9 State St to run until approximately 9:00 p.m.
- Increasing Saturday service on the 3 Vista to run every 30 minutes, all day
- Maintaining 30-minute, peak-service on Harris Ranch
- Increasing evening service on the 2 Broadway to run every 30 minutes, until approximately 9:00 p.m.
- Extend six daily trips on the 9 State Street to Ballantyne Park and Ride in Eagle (paid for through a combination of contributions from Eagle and Ada County)

FINANCIAL IMPACT:
With this resolution, the City of Boise commits to supporting Valley Regional Transit with $8,278,000 for FY2021. This amount is 5% of the City's estimated ad valorem property tax received assuming a 2% levy rate increase.
BY THE COUNCIL

A RESOLUTION APPROVING FUNDING FOR VALLEY REGIONAL TRANSIT IN THE AMOUNT OF $8,278,000 FOR FISCAL YEAR 2021; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho State Code Title 40, Chapter 21, allows for the creation of a Regional Transit Authority such as Valley Regional Transit (“VRT”), but provides no associated funding mechanism for operations, capital, or equipment other than contributions from cities, counties, highway districts, and other governmental entities; and

WHEREAS, VRT transportation services cannot be provided without financial support from the City; and

WHEREAS, on June 26, 2019, VRT and the city of Boise City (“City”) entered into a Memorandum of Understanding establishing procedures and methodology for establishing the annual funding amount contributed by the City to VRT; and

WHEREAS, on February 11, 2020, the Boise City Council held a public hearing in order to receive public input and discussing a variety of funding strategies; and

WHEREAS, the City conducted additional public outreach and continued discussions with VRT as part of the process to determine the funding amount to be contributed by the City.

NOW THEN BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. The city of Boise City authorizes and approves $8,278,000 in funding for VRT for the 2021 fiscal year.

Section 2. That this Resolution shall be in full force and effect immediately upon its adoption and approval.
TO: Mayor and Council
FROM: Eric Bilimoria, Budget
NUMBER: RES-194-20
DATE: April 21, 2020
SUBJECT: QR2 Appropriation Resolution

BACKGROUND:
The Contingent Appropriation Fund has budgeted appropriation that can be transferred upon approval and resolution by City Council to other funds for such things as rebudgeted items from the prior fiscal year, awarded grants and donations, new programs, and unanticipated events.

FINANCIAL IMPACT:
Transfer from the Contingent Appropriation Fund in expenditure and revenue appropriations of $5,388,118 and $4,131,210, respectively.

ATTACHMENTS:

- FY2020 QR2 Exhibit A (PDF)
CITY OF BOISE

Resolution NO. RES-194-20

BY THE COUNCIL BAGEANT, CLEGG, HALLYBURTON, SANCHEZ, THOMSON AND WOODINGS

A RESOLUTION APPROVING THE TRANSFER OF FY 2020 APPROPRIATIONS FROM THE CONTINGENT APPROPRIATION FUND TO IDENTIFIED OTHER FUNDS TO PROVIDE BUDGET AUTHORITY FOR CONTINGENT UNAPPROPRIATED GRANT AWARDS, ADDITIONAL SERVICES, AND OTHER APPROVED EXPENSES AND REVENUES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the FY 2020 City budget was adopted with project fiscal year expenditures and revenues for each City fund; and

WHEREAS, contingent accounts within the FY 2020 City Budget that are established to provide for encumbrances, rebudgets and contingent unappropriated costs and revenues were consolidated within the Contingent Appropriation Fund; and

WHEREAS, to enhance visibility and tracking of the use of contingent accounts, transfers of contingent appropriations will be authorized by City Council resolution, with supporting documentation attached; and

WHEREAS, appropriation for unanticipated grant awards, additional services, and other approved expenses and revenues have been requested by departments and agencies; and

WHEREAS, the Contingent Appropriation Fund has a total of $125,591,941 in contingent appropriations for unanticipated costs and $224,534,117 in contingent appropriations for unanticipated revenues.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE, IDAHO:

Section 1. The Department of Finance and Administration is authorized to transfer $5,388,188 in expenditure appropriations and $4,131,210 in revenue appropriations to or from the Contingent Appropriation Fund to or from the funds identified in the amounts listed on the attached Exhibit “A,” FY 2020 Contingent Unappropriated Expenses and Revenues, March 31, 2020.

Section 2. This Resolution shall be in full force and effect immediately upon its adoption and approval.
City of Boise
FY 2020 Contingent Unappropriated Expenses and Revenues
Exhibit "A"
March 31, 2020

<table>
<thead>
<tr>
<th>Fund</th>
<th>Description</th>
<th>Approved by</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund (101)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FA</td>
<td>1.0 FTE Position Transfer from Water Renewal Fund</td>
<td>5/21/2019</td>
<td>92,322</td>
<td>92,322</td>
<td></td>
</tr>
<tr>
<td>FR</td>
<td>Ada County Emergency Management Grant</td>
<td>2/11/2020</td>
<td>60,000</td>
<td>60,000</td>
<td></td>
</tr>
<tr>
<td>PL</td>
<td>FY19 EOY Our Path Home</td>
<td>12/17/2019</td>
<td>2,000,000</td>
<td>2,000,000</td>
<td>0</td>
</tr>
<tr>
<td><strong>Subtotal General Fund</strong></td>
<td></td>
<td></td>
<td><strong>2,152,322</strong></td>
<td><strong>2,152,322</strong></td>
<td><strong>-</strong></td>
</tr>
<tr>
<td>Capital Fund (402)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AH</td>
<td>CDBG funding for Depot Bench Art</td>
<td>na</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>0</td>
</tr>
<tr>
<td>PD</td>
<td>Micro District</td>
<td>1/14/2020</td>
<td>490,000</td>
<td>490,000</td>
<td>0</td>
</tr>
<tr>
<td>PK</td>
<td>Bernadine Quinn Park</td>
<td>3/10/2020</td>
<td>75,000</td>
<td>75,000</td>
<td>0</td>
</tr>
<tr>
<td>PK</td>
<td>Golda Harris Reserve</td>
<td>3/10/2020</td>
<td>150,000</td>
<td>150,000</td>
<td>0</td>
</tr>
<tr>
<td>PK</td>
<td>Hillside to Hollow Restroom &amp; Trailhead</td>
<td>2/11/2020</td>
<td>500,000</td>
<td>500,000</td>
<td>0</td>
</tr>
<tr>
<td>PK</td>
<td>Hobble Creek Pickleball Complex</td>
<td>3/10/2020</td>
<td>335,100</td>
<td>335,100</td>
<td>0</td>
</tr>
<tr>
<td>PK</td>
<td>Major Repairs &amp; Maintenance</td>
<td>2/11/2020</td>
<td>70,000</td>
<td>70,000</td>
<td>0</td>
</tr>
<tr>
<td>PK</td>
<td>Willow Lane Athletic Complex Softball Fields</td>
<td>2/11/2020</td>
<td>30,000</td>
<td>30,000</td>
<td>0</td>
</tr>
<tr>
<td>PW</td>
<td>Street Light Repair &amp; Maintenance</td>
<td>12/17/2019</td>
<td>378,788</td>
<td>378,788</td>
<td>0</td>
</tr>
<tr>
<td><strong>Subtotal Capital Fund</strong></td>
<td></td>
<td></td>
<td><strong>1,978,888</strong></td>
<td><strong>1,978,888</strong></td>
<td><strong>-</strong></td>
</tr>
<tr>
<td>Impact Fees Fund (405)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PD</td>
<td>Micro District</td>
<td>1/14/2020</td>
<td>490,000</td>
<td>0</td>
<td>490,000</td>
</tr>
<tr>
<td>PK</td>
<td>Bernadine Quinn Park</td>
<td>3/10/2020</td>
<td>75,000</td>
<td>0</td>
<td>75,000</td>
</tr>
<tr>
<td>PK</td>
<td>Golda Harris Reserve</td>
<td>3/10/2020</td>
<td>150,000</td>
<td>0</td>
<td>150,000</td>
</tr>
<tr>
<td>PK</td>
<td>Hillside to Hollow Restroom &amp; Trailhead</td>
<td>2/11/2020</td>
<td>500,000</td>
<td>0</td>
<td>500,000</td>
</tr>
<tr>
<td><strong>Subtotal Impact Fees Fund</strong></td>
<td></td>
<td></td>
<td><strong>1,215,000</strong></td>
<td><strong>-</strong></td>
<td><strong>1,215,000</strong></td>
</tr>
<tr>
<td>Water Renewal Fund (526)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FTE Increase (split with General and Solid Waste funds)</td>
<td>2/11/2020</td>
<td>20,954</td>
<td>0</td>
<td>20,954</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal Water Renewal Fund</strong></td>
<td></td>
<td></td>
<td><strong>20,954</strong></td>
<td><strong>-</strong></td>
<td><strong>20,954</strong></td>
</tr>
<tr>
<td>Solid Waste Fund (531)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FTE Increase (split with General and Water Renewal funds)</td>
<td>2/11/2020</td>
<td>20,954</td>
<td>0</td>
<td>20,954</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal Solid Waste Fund</strong></td>
<td></td>
<td></td>
<td><strong>20,954</strong></td>
<td><strong>-</strong></td>
<td><strong>20,954</strong></td>
</tr>
<tr>
<td><strong>TOTAL ALL FUNDS</strong></td>
<td></td>
<td></td>
<td><strong>5,388,118</strong></td>
<td><strong>4,131,210</strong></td>
<td><strong>1,256,908</strong></td>
</tr>
</tbody>
</table>
TO: Mayor and Council
FROM: Colin Millar, Purchasing
NUMBER: RES-195-20
DATE: May 8, 2020

BACKGROUND:
The Public Works Department solicited proposals to provide construction services related to geothermal system repairs and upgrades. Projects include pipeline repairs, pipeline replacements, valve replacements, vault repairs, and other miscellaneous projects identified to upgrade the existing geothermal system. The City anticipates the total amount of all the projects to be $700,000, although additional work may be added throughout the year. Projects will be contracted on a time and materials basis, contractors will be required to document projects individually. Pay estimates shall be project specific.

There are approximately 45 separate projects anticipated to be completed during the term of the contract. It is estimated the average project will be in the range of $5,000 to $20,000.

RECOMMENDATION:
Finance and Administration and Public Works Department staff recommend that RFP 19-271(A) be renewed for one (1) year, beginning May 21, 2020, and ending May 20, 2021, not to exceed Budget on Task Order Basis. This is the first (1st) of two (2) annual renewals allowed by the Agreement.

FINANCIAL IMPACT:
Department has confirmed sufficient funding is available for this obligation.

ATTACHMENTS:
- RFP 19-271(A) Contract Renewal (PDF)
A RESOLUTION APPROVING THE RENEWAL OF RFP 19-271(A), GEOTHERMAL SYSTEM UPGRADES, BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS) AND GUHO CORP.; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Finance and Administration and Public Works staff recommended award of RFP 19-271(A), Geothermal System Upgrades, to the best qualified proposers, one of which is GUHO Corp.; and

WHEREAS, during their meeting of May 21, 2019, the City Council followed staff recommendation and awarded Resolution No. 217-19 to GUHO Corp.; and

WHEREAS, the original Agreement contained a clause for renewal; and

WHEREAS, staff recommends the Agreement be renewed for a one-year period; and

WHEREAS, GUHO Corp., has agreed to renew the contract under the terms and conditions as specified in the attached renewal letter; and

WHEREAS, this is the first (1st) of two (2) renewals allowed by the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Renewal by and between the city of Boise City and GUHO Corp., for RFP 19-271(A), Geothermal System Upgrades, attached hereto and incorporated herein by reference, be, and the same is hereby, approved as to both form and content.

Section 2. That the Mayor and City Clerk be, and they hereby are, authorized to respectively execute and attest said Agreement for and on behalf of the city of Boise City.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.
April 22, 2020

Guho Corp.    anthony@guhocorp.com
391 W. State Ste. G
Eagle ID 83616

RE: Request for Renewal of 2019 Geothermal System Upgrades Agreement. RFP 19-271(A)

In conformance with the terms and conditions of the agreement between your company and Boise City, as stated in RFP 19-271(A), Boise City is interested in renewing the agreement for one year, beginning May 21, 2020, and ending May 20, 2021, in annual amount not to exceed budget on a task order basis. This is the first (1st) of two (2) possible renewals as allowed by the Agreement.

If you are interested in renewing your agreement, please indicate your acceptance by completing the appropriate area below, signing, and returning the document. Also, please include an updated copy of your current general liability insurance listing Boise City as additional insured, auto insurance and workers’ compensation certificates, if applicable, include other certificates as well. Please also supply any rate increases as allowed by the agreement.

The renewal term will be effective upon your receipt of a purchase order from the City. Thank you for your interest in meeting the needs of the City of Boise. Please return signed letter to me by email, tleatham@cityofboise.org.

Sincerely,

Tammi Leatham
Public Works Purchasing Advisor

Please renew the agreement  x   yes  no

ACCEPTED BY:

signature

Date

5/8/2020

City Purchasing Agent

Date

Anthony Guho

Vice President

Print Name

APPROVED BY:

Mayor Lauren McLean

Date

ATTEST:

City Clerk

Date
TO: Mayor and Council
FROM: Colin Millar, Purchasing
NUMBER: RES-196-20
DATE: May 7, 2020
SUBJECT: Renewal RFP 17-199: Technical Infrastructure Services: IT: PRECOM: NTE $2,000,000.00 TO Basis

BACKGROUND:
The Information Technology Department solicited proposals for installation, termination, testing, and documentation of complete and fully functional technical infrastructure and various related systems throughout locations in the City to be managed on a Task Order basis. This includes the acquisition, installation, testing, and support of various electronic components/hardware such as (but not limited to) security cameras and products, projectors, projector screens, televisions, speakers, media converters, power injectors, etc., and the ability to subcontract boring, sheet metal/fabrication, and/or electrical work on an as-needed basis to complete the work requested.

RECOMMENDATION:
Finance and Administration and Information Technology Department staff recommend that RFP 17-199 be renewed for one (1) year, beginning June 11, 2020, and ending June 10, 2021, not to exceed $2,000,000.00 on a Task Order Basis. This is the third (3rd) of four (4) annual renewals allowed by the Agreement.

FINANCIAL IMPACT:
Department has confirmed sufficient funding is available for this obligation.

ATTACHMENTS:
- RFP 17-199 FY 20-21 Contract Renewal (PDF)
A RESOLUTION APPROVING THE RENEWAL OF RFP 17-199, TECHNICAL INFRASTRUCTURE SERVICES, BETWEEN THE CITY OF BOISE CITY (INFORMATION TECHNOLOGY) AND PRECISION COMMUNICATIONS HOLDINGS LLC F/K/A PRECISION COMMUNICATIONS INC DBA PRECOM; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Finance and Administration and Information Technology staff recommended award of RFP 17-199, Technical Infrastructure Services, to the best qualified proposer, Precision Communications Holdings LLC f/k/a Precision Communications Inc., dba PRECOM; and

WHEREAS, during their meeting of April 16, 2019, the City Council followed staff recommendation and awarded Resolution No. 159-19 to Precision Communications Holdings LLC f/k/a Precision Communications Inc., dba PRECOM; and

WHEREAS, the original Agreement contained a clause for renewal; and

WHEREAS, staff recommends the Agreement be renewed for a one-year period; and

WHEREAS, Precision Communications Holdings LLC f/k/a Precision Communications Inc., dba PRECOM has agreed to renew the contract under the terms and conditions as specified in the attached renewal letter; and

WHEREAS, this is the third (3rd) of four (4) renewals allowed by the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Renewal by and between the city of Boise City and Precision Communications Holdings LLC f/k/a Precision Communications Inc., dba PRECOM for RFP 17-199, Technical Infrastructure Services, attached hereto and incorporated herein by reference, be, and the same is hereby, approved as to both form and content.

Section 2. That the Mayor and City Clerk be, and they hereby are, authorized to respectively execute and attest said Agreement for and on behalf of the city of Boise City.
Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.
DEPARTMENT OF FINANCE AND ADMINISTRATION

MAYOR: Lauren McLean | DIRECTOR: Lynda Lowry

May 6, 2020

Randal Schlemmer
Precision Communications Holdings LLC f/k/a Precision Communications Inc., dba PRECOM
1400 East Watertower Street, Suite 100
Meridian, ID 83642
rschlemmer@precom-inc.com

RE: Renewal of Boise City RFP 17-199; Technical Infrastructure Services, Precision
Communications Holdings LLC, Information Technology, Boise City

Dear Randal:

In conformance with the terms and conditions of the agreement between your company and
Boise City, as stated in RFP 17-199, Boise City is interested in renewing the contract for one year,
beginning June 11, 2020 and ending June 10, 2021, in an annual amount not to exceed
$2,000,000.00 on a Task Order Basis. This is the third (3rd) of four (4) renewals allowed by the
Agreement.

If you are interested in renewing your agreement, please indicate your acceptance by
completing the appropriate area below, signing, and returning the document. Also, please
include an updated copy of your current general liability insurance listing Boise City as additional
insured, auto insurance and workers' compensation certificates. If applicable, include other
certificates requested as well.

The renewal term will be effective upon your receipt of a purchase order from the City. Thank
you for your interest in meeting the needs of the City of Boise. Please return signed letter to
Purchasing Office, 150 N. Capitol Blvd., PO Box 500, Boise, Idaho 83701-0500.

Sincerely,

Colin Millar
Purchasing Manager
City of Boise

5/6/2020

ACCEPTED BY:

Randal Schlemmer

Print Name

6/11/2020

Mayor

ATTEST:

City Clerk

Packet Pg. 39
TO: Mayor and Council
FROM: Rhiannon Avery, Planning and Development Services
NUMBER: RES-197-20
DATE: May 13, 2020
SUBJECT: First Amendment Annual Action Plan 2019 - CARES Act

BACKGROUND:

The City submitted an Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) to secure Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds on August 16, 2019. It was approved by Mayor and Council on July 17, 2019 RES-318-19.

An amendment to the approved Action Plan is necessary when the City plans to:
* Cancel a project or activity described in the Action Plan;
* Identifies a project or activity not previously described; or
* Plans to substantially change the purpose, scope, location or beneficiaries of a project or activity.

With the passage of the CARES Act (March 27, 2020), CDBG entitlement communities were provided additional resources to prevent the spread of COVID-19 or provide direct support to assist households impacted by COVID-19. To receive the funding and ensure compliance with this funding, Housing and Community Development Staff have completed the following steps:

- Created application for non-profits to apply for the CDBG-CARES funding;
- Requested and been approved for regulatory waivers from HUD for CDBG and HOME;
- Updated CDBG policies and procedures to accept and distribute the money;
· Updated our Citizen Participation Plan to reduce the public comment period from 30 days to 5 days and allow HCD staff to make funding recommendations for public services in lieu of our Citizens Advisory Committee;

· Prepared for public comment, the 2019 Annual Action Plan Amendment with financial and project changes (English and Spanish) - no public comments received; and

· Sent the legal notices to IT for posting on the website and Statesman for publishing May 7-12.

After the above are done, these are the following steps (some may be occurring concurrently):

· Upon completion of the public comment period, place on council agenda the amendment, CDBG policies, and Citizen Participation Plan for Mayor/Council approval (May 19) - current step;

· Contracts to be executed by non-profits;

· Contracts to be approved by Mayor and Council;

· Final analysis by HCD staff to ensure that there is no Duplication of Benefits;

· Execute SF-424 (have not received yet); and

· Amend in IDIS (federal system for our Annual Action Plans, Consolidated Annual Performance and Evaluation Reports, and draws of funding from HUD) the 2019 Annual Action Plan.

The additional changes to the 2019 Action Plan are to delete the CDBG funding for Valor Pointe and utilize the funds for two additional Energize Our Neighborhoods eligible projects.

FINANCIAL IMPACT:

No general fund impact. This amendment is to allow for the City's acceptance of the CARES Act money from the U.S. Department of Housing and Community Development (HUD)

ATTACHMENTS:

· Exhibit A- Amendment (PDF)

· COMMUNITY DEVELOPMENT BLOCK GRANT PROCEDURES MANUAL AMENDED (PDF)
CITY OF BOISE

- Citizen Participation Plan Amended (PDF)
- Non-State Certifications - signed (PDF)
- Application for Federal Assistance SF-424 - signed (PDF)
- SF 424D - signed (PDF)
A RESOLUTION APPROVING AND ADOPTING A FIRST AMENDMENT TO THE CITY OF BOISE PROGRAM YEAR 2019 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it was necessary that the 2019 application for Federal Financial Assistance, and the 2019 Consolidated Housing and Community Development Annual Action Plan, be submitted to the U.S. Department of Housing and Urban Development for the City of Boise City to receive Community Development Block Grant and Home Investment Partnerships Program funding; and

WHEREAS, said funds were appropriated by the United States Congress and were made available for the City of Boise to carry out a local housing and community development strategy; and

WHEREAS, the City of Boise has determined it necessary to formally amend its 2019 Consolidated Housing and Community Development Annual Action Plan in accordance with the Community Development Block Grant Program, Community Development Block Grant CARES, Consolidated Plan Regulations and the Citizens Participation Plan at 24 CFR Part 91; and

WHEREAS, upon recognizing the need for the amendment, the City advertised for five (5) days to solicit input in accordance with federal regulations and no comments were received.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the First Amendment to the City of Boise Program Year 2019 Consolidated Housing and Community Development Annual Action Plan, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, be, and is hereby, approved as to both form and content.

Section 2. That this Resolution shall be in full force and effect immediately upon its adoption and approval.
Exhibit A
First Amendment to the City of Boise Program Year 2019
Consolidated Housing and Community Development Action Plan

The City of Boise receives annual funding under the Community Development Block Grant (CDBG) Entitlement Cities Program and HOME Investment Partnerships Program (HOME) from the U.S. Department of Housing and Urban Development (HUD). Funding is administered by the Division of Housing and Community Development (HCD). The City of Boise has determined it necessary to formally amend the 2019 Consolidated Housing and Community Development Action Plan (October 1, 2019– September 30, 2020). This Amendment is necessary due to the following substantial changes:

1) Public Services – As a result of receiving CDBG-CARES funding in the amount of $839,740; the City will provide the following non-profits with funding for these projects: *(All meet the requirements to provide response to households as a result of COVID-19)*
   a. Boys and Girls Club of Ada County - $15,000 for scholarships for childcare programs;
   b. CATCH, Inc. - $199,400 for six case managers (3 new) to assist in the rapid rehousing of households who are homeless;
   c. Terry Reilly - $49,098 for one additional case manager to assist patients who are seeking treatment at Allumbaugh House;
   d. NeighborWorks Boise - $500,000 to provide mortgage assistance and administration to assist in preventing homelessness;
   e. Women’s and Children’s Alliance - $42,910 for staff to operate the crisis line; and
   f. Other needs - $33,332 – Staff will continue to monitor these agencies to see if additional funds are needed; the next priority is non-profits providing food needs

2) Redirect $250,000 of CDBG from Valor Pointe to Neighborhood Livability. Valor Pointe was able to secure additional HOME funds and other local funding. These funds will be used to construct the following low-mod area benefit eligible activities:
   a. Whitney Elementary – $75,000 for Playground Equipment.
   b. South Boise Village - $100,000 Crosswalk (Boise Avenue at Manitou)
   c. TBD - $75,000 for other eligible projects that are identified by Energize Our Neighborhoods

3) Citizen Participation Plan – Policies updated to include reduced public comment period (from 30 days to 5 days) as the result of an emergency declared pursuant to the Disaster Relief Act and if, the Citizen’s Advisory Committee is unable to meet, HCD staff will make recommendations for projects to be approved and funded to Mayor and Council.

4) Community Development Block Grant Policies and Procedures – Added two new sections on how the City of Boise will determine funding priorities as the result of receiving emergency funding pursuant to the Disaster Relief Act and Duplication of Benefits.

The City of Boise’s Housing and Community Development Division will accept public comments on the proposed changes beginning May 7, 2020 – May 12, 2020. Comments can be submitted in writing to the City of Boise’s Housing and Community Development Division located at 150 North Capitol Boulevard, Boise, Idaho 83702.

Comments may also be submitted by email to boiseconsolidatedplanning@cityofboise.org or faxed to (208) 384-4195. Individuals in need of language interpretation or special assistance to accommodate physical, sight, or hearing impairments, may contact the Housing and Community Development Division at (208) 570-6830, (800) 377-3529 TTY or by facsimile at (208) 384-4195.
The City of Boise prohibits discrimination on the basis of race, color, national origin, religion, gender, gender identity/expression, family status, disability or age.
Anexo A
Primera Enmienda al Programa de la Ciudad de Boise Año 2019
Plan de Acción Consolidado de Vivienda y Desarrollo Comunitario

La Ciudad de Boise recibe fondos anuales bajo el Programa de Ciudades de Derechos de la Subvención de Bloque de Desarrollo Comunitario (CDBG) y el Programa de Asociaciones de Inversión HOME (HOME) del Departamento de Vivienda y Desarrollo Urbano (HUD) de EE. UU. Los fondos son administrados por la División de Vivienda y Desarrollo Comunitario (HCD). La Ciudad de Boise ha determinado que es necesario enmendar formalmente el Plan de Acción Consolidado de Vivienda y Desarrollo Comunitario de 2019 (1 de Octubre de 2019 – 30 de Septiembre de 2020). Esta enmienda es necesaria debido a los siguientes cambios sustanciales:

1) Servicios públicos: como resultado de recibir fondos de CDBG - CARES por un monto de $839,740; la Ciudad proporcionará fondos a estos proyectos sin fines de lucro para estos proyectos: (Todos cumplen con los requisitos para dar respuesta a los hogares como resultado de COVID-19)
   a. Boys and Girls Club of Ada County - $15,000 para becas para programas de cuidado infantil;
   b. CATCH, Inc. - $199,400 para seis administradores de casos (3 nuevos) para ayudar en la reubicación rápida de hogares sin hogar;
   c. Terry Reilly: $ 49,098 por un administrador de casos adicional para ayudar a los pacientes que buscan tratamiento en Allumbaugh House;
   d. NeighborWorks Boise - $500,000 para proporcionar asistencia y administración de hipotecas para ayudar a prevenir la falta de vivienda;
   e. Women’s and Children’s Alliance - $42,910 para el personal para operar la línea de crisis; y
   f. Otras necesidades - $ 33,332 - El personal continuará monitoreando estas agencias para ver si se necesitan fondos adicionales; la siguiente prioridad son las organizaciones sin fines de lucro que satisfacen las necesidades alimentarias

2) Redirigir $250,000 de CDBG de Valor Pointe a la habitabilidad del vecindario. Valor Pointe pudo asegurar fondos HOME adicionales y otros fondos locales. Estos fondos se utilizarán para construir las siguientes actividades elegibles para beneficios de área de baja modificación:
   a. Whitney Elementary - $75,000 para equipo de juegos.
   b. South Boise Village - $100,000 paso de peatones (Boise Avenue at Manitou)
   c. TBD: $75,000 para otros proyectos elegibles identificados por Energize Our Neighborhoods

3) Plan de Participación Ciudadana: políticas actualizadas para incluir un período reducido de comentarios públicos (de 30 días a 5 días) como resultado de una emergencia declarada de conformidad con la Ley de Ayuda en Caso de Desastre y si el Comité Asesor de Ciudadanos no puede reunirse, el personal de HCD hará recomendaciones para proyectos a ser aprobados y financiados al Alcalde y al Consejo.

4) Políticas y Procedimientos de Subvención Global para el Desarrollo de la Comunidad: se agregaron dos nuevas secciones sobre cómo la Ciudad de Boise determinará las prioridades de financiación como resultado de recibir fondos de emergencia de conformidad con la Ley de Ayuda para Desastres y la Duplicación de Beneficios. La División de Vivienda y Desarrollo Comunitario de la Ciudad de Boise aceptará comentarios públicos sobre los cambios propuestos a partir del 7 de Mayo de 2020 - 12 de Mayo de 2020. Los comentarios se pueden enviar por escrito a la División de Vivienda y Desarrollo Comunitario de la Ciudad de Boise ubicada en 150 North Capitol Boulevard, Boise, Idaho 83702. Los comentarios también pueden enviarse por correo electrónico a boiseconsolidatedplanning@cityofboise.org o enviarse por fax al (208) 384-4195. Las personas que necesiten interpretación de idiomas o asistencia especial para adaptarse a discapacidades físicas, visuales o auditivas, pueden comunicarse con la División de Vivienda y Desarrollo Comunitario al (208) 570-6830, (800) 377-3529 TTY o por fax al (208) 384 -4195.
La ciudad de Boise prohíbe la discriminación por motivos de raza, color, origen nacional, religión, género, identidad/expresión de género, estado familiar, discapacidad o edad.
COMMUNITY DEVELOPMENT BLOCK GRANT PROCEDURES MANUAL

HOUSING & COMMUNITY DEVELOPMENT DIVISION
150 N. CAPITOL BLVD.
BOISE, IDAHO 83701
(208) 608-7100

IDAHO RELAY SERVICE
DIAL 7-1-1
OR
SPECIAL TOLL FREE NUMBERS
1-800-377-3529 TTY/ASCII
1-800-1363 VOICE
1-866-252-0684 SPANISH
1-888-791-3004 SPEECH TO SPEECH (STS)
1-800-368-6185 TTY/VOICE CUSTOMER SERVICE

This document can be provided in a format accessible to persons with disabilities and/or persons with limited English proficiency upon request.

The City of Boise prohibits discrimination on the basis of race, color, gender, gender identity/expression, sexual orientation, national origin, religion, familial status, disability or age.

WE ARE AN EQUAL OPPORTUNITY LENDER
Table of Contents

ORGANIZATION AND PROGRAM FUNCTIONS ............................................................... 3
PROCEDURES MANUAL ......................................................................................... 3
CITIZEN PARTICIPATION ....................................................................................... 3
COMMUNITY DEVELOPMENT PROGRAM .............................................................. 3
ADDITIONAL INFORMATION .............................................................................. 4
ENVIRONMENTAL REVIEW .................................................................................. 5
SYNOPSIS .............................................................................................................. 5
GENERAL RESPONSIBILITIES .......................................................................... 5
SUBRECIPIENT REQUIREMENTS ....................................................................... 5
CDBG REQUIREMENTS ....................................................................................... 5
SUBRECIPIENT DOCUMENTATION ................................................................... 5
PROCUREMENT ....................................................................................................... 6
SYNOPSIS .............................................................................................................. 6
GENERAL RESPONSIBILITY .............................................................................. 6
SUBRECIPIENT REQUIREMENTS ....................................................................... 6
CONTRACT LANGUAGE ....................................................................................... 6
REAL PROPERTY ACQUISITION/DISPLACEMENT/RELOCATION ................................. 7
SYNOPSIS .............................................................................................................. 7
GENERAL RESPONSIBILITIES .......................................................................... 8
RESPONSIBILITIES AND PROCEDURES ............................................................. 8
SUBRECIPIENT DOCUMENTATION ................................................................... 9
FINANCE/ACCOUNTING ..................................................................................... 11
SYNOPSIS .............................................................................................................. 11
GENERAL RESPONSIBILITIES .......................................................................... 11
FINANCIAL PROCEDURES ................................................................................ 11
PROGRAM INCOME ............................................................................................ 12
AUDITS .................................................................................................................. 13
SUBRECIPIENT DOCUMENTATION .................................................................. 13
OTHER FEDERAL REQUIREMENTS FAIR HOUSING, SECTION 504/ADA, LEAD-BASED PAINT, EQUAL EMPLOYMENT OPPORTUNITY, LIMITED ENGLISH PROFICIENCY, AFFIRMATIVE MARKETING ......................................................... 13
SYNOPSIS .............................................................................................................. 13
GENERAL RESPONSIBILITIES .......................................................................... 13
DOCUMENTATION, RECORDS AND MONITORING .................................................. 18
SYNOPSIS .............................................................................................................. 18
FILING SYSTEM ................................................................................................... 18
RECORDS/DOCUMENTATION .......................................................................... 19
CONSOLIDATE PLANS AND AMENDMENTS .......................................................... 20
APPENDIX A: COMMONLY USED ABBREVIATIONS ............................................... 21
APPENDIX B: REGULATORY REFERENCES ............................................................. 22
APPENDIX C: CITY OF BOISE POLICIES AND PROCEDURES FOR CONDUCTING REAL PROPERTY ACQUISITION, REHABILITATION AND DEMOLITION ................................................................. 24
ORGANIZATION AND PROGRAM FUNCTIONS

PROCEDURES MANUAL

The primary purpose of this manual is to serve as the City of Boise’s administrative policy and procedures (P&P) manual for its Community Development Block Grant (CDBG) program specifically, where “safe-harbor” and cross-cutting requirements apply for other programs. It serves as a source of information and guidance when conducting CDBG, HOME Investment Partnerships Program (HOME) General Administration and other U.S. Department of Housing and Urban Development (HUD) assisted activities.

This manual is not meant to be a substitute for CDBG regulations, but as a supplement to them. It is not exhaustive regarding all considerations affecting the use of CDBG funds. The City of Boise’s HCD reserves the right to add, remove or change policies, procedures or forms in this manual. Each page carries a footer which identifies the date that the information contained on a given page was added to the manual. Notwithstanding any information contained herein, where a conflict of language or omission of requirements occurs, the requirements of Federal Notices and U.S. Department of Housing and Urban Development (HUD) Regulations on CDBG, may be amended from time to time, and therefore, shall prevail.

If a city department or subrecipient is unsure how to proceed after reading the manual, they are encouraged to call the Boise City Housing and Community Development Division at (208) 570-6830 for assistance. There are several on-line resources available both at the City of Boise and HUD website.

CITIZEN PARTICIPATION

The City has completed a Citizen Participation Plan, which provides for and encourages citizen participation in the CDBG and HOME programs. The plan can be located at: http://hcd.cityofboise.org/. The plan is an essential element of the City’s community development process and has been developed to comply with the regulations of the CDBG and HOME programs as administered by HUD.

Subrecipients should provide for adequate citizen information and involvement including, if appropriate, the establishment of advisory committees composed of affected citizens to oversee the planning and implementation of activities.

COMMUNITY DEVELOPMENT PROGRAM

Authorized by Title I of the Housing and Community Development Act of 1974 (HCD Act) as amended, the Community Development Block Grant program provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low and moderate income persons. Grants are awarded to entitlement communities to carry out a wide range of community development activities directed toward neighborhood revitalization, economic development, and the provision of improved community facilities and services.
The Housing and Community Development Division (HCD) resides in the Planning and Development Services Department and is responsible for the administration, management and monitoring of CDBG-assisted activities. The City's CDBG funding is provided in the form of annual allocations, which are appropriated by Congress in addition to program income generated by CDBG-assisted activities.

As a CDBG entitlement recipient, the Mayor and Boise City Council are ultimately responsible for ensuring that the activities of the CDBG Program are conducted in compliance with the HCD Act and federal implementing regulations. All policies relevant to program implementation, as well as final approval of the application for funds, must be approved by the Mayor and City Council.

ADDITIONAL INFORMATION

Additional sources of information about the city's CDBG program include:

- Housing and Community Development’s website: http://hcd.cityofboise.org;
- U.S. Department of Housing and Urban Development’s CDBG website at: https://www.hud.gov/program_offices/comm_planning/communitydevelopment/programs.
- Various federal circulars and regulations that are available at the Housing and Community Development Division; and
- A list of commonly used abbreviations and federal regulations applicable to the CDBG Program is provided in Appendix A, Appendix B and Appendix C.
ENVIRONMENTAL REVIEW

SYNOPSIS

Community Development Block Grant (CDBG) regulations require the preparation of a project Environmental Review Record (ERR) and environmental clearance before funds are expended or costs incurred. The ERR contains all the environmental review documents, public notices and written determinations or environment findings required by 24 CFR Part 58. The environmental review process covers all phases of a project, whether the project is funded in whole or in part with CDBG funds. For projects that are not administrative or under a Tier review, the ER will be completed in HEROs.

GENERAL RESPONSIBILITIES

Federal regulations require that HCD determine if project activities will cause adverse impacts to the human environment. The human environment is defined as the natural and physical environment and the relationship of people with that environment. The overall governing legislation is the National Environmental Policy Act (NEPA).

HCD must also determine whether the project meets other applicable statutory and regulatory requirements such as those of the Advisory Council on Historic Preservation and the Environmental Protection Agency.

SUBRECIPIENT REQUIREMENTS

No project or activity will be initiated until HCD completes an environmental review and all necessary approvals have been secured. Subrecipients who are receiving funds for development, must complete and return to HCD an Environmental Assessment Checklist for applicable projects. HCD will provide copies of the checklist to project sponsors, if applicable.

CDBG REQUIREMENTS

HCD will review the checklist (if applicable) and use it as the basis for developing an ERR. The time required for completion of the ERR can vary from three weeks to three months. If the initial Environmental Assessment determines that an Environmental Impact Statement (EIS) is necessary, the subrecipient will be required to make appropriate budget modifications to assure the costs of the EIS is paid from project funds.

After completing the ERR, HCD will publish a notice (if required) of a Combined/Concurrent Notice of Finding of No Significant Environmental Impact (FONSI) and Notice of Intent to Release of Funds (NOI/RROF). After the release of the funds by HUD, HCD will provide the Subrecipient a written notice to proceed with the project. Subrecipients shall NOT implement any project activities or incur any project costs until receipt of the notice to proceed with the project.

SUBRECIPIENT DOCUMENTATION

Subrecipients shall retain a copy of the Environmental Assessment Checklist (if applicable) and HCD’s written notice to proceed.
PROCUREMENT

SYNOPSIS
The procurement of goods and services by government entities and CDBG subrecipients must follow the standards and procedures outlined in the following: 2 CFR 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (effective for grant funds awarded after December 26, 2014).

These standards are to ensure that purchases of materials and services are obtained efficiently, economically, and in compliance with the provisions of applicable federal law. In addition, all local procurement procedures must be followed. The City’s Procurement policy and process can be found in Appendix F.

GENERAL RESPONSIBILITY
Regulations governing the purchase and procurement of goods and services with CDBG funds must be followed to assure that:
A. Procurement transactions are conducted in a manner that provides maximum free and open competition.
B. National goals (equal employment opportunity, participation of Minority Business Enterprises (MBE’s), Section 3 and Fair Labor Standards) are attained throughout the procurement process.
C. Small, minority-owned businesses, women’s business enterprises, Section 3 qualified and project area firms have an opportunity to bid on CDBG-assisted projects.
D. Unnecessary or duplicate purchases are not made.

SUBRECIPIENT REQUIREMENTS
As non-federal entities, subrecipients must comply with the provision of §200.318. In short, the subrecipient must comply with its own established policies and procedures. All monitoring and reporting performance for the non-federal entity (subrecipient) can be found at §200.328.

CONTRACT LANGUAGE
Grantees and subrecipients shall comply with 2 CFR 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” except that:

(1)Section 200.305 “Payment” is modified for lump sum drawdown for financing of property rehabilitation activities, in accordance with §570.513.
(2)Section 200.306 “Cost sharing or matching” does not apply.
(3)Section 200.307 “Program income” does not apply. Program income is governed by §570.504.
(4)Section 200.308 “Revisions of budget and program plans” does not apply.
(5)Section 200.311 “Real property” does not apply, except as provided in §570.200[j]. Real property is governed by §570.505.
(6) Section 200.313 “Equipment” applies, except that when the equipment is sold, the proceeds shall be program income. Equipment not needed by the subrecipient for CDBG activities shall be transferred to the recipient for the CDBG program or shall be retained after compensating the recipient.

(7) Section 200.333 “Retention requirements for records” applies except that:

(ii) For subrecipients:

(A) The retention period for individual CDBG activities shall be the longer of 3 years after the expiration or termination of the subrecipient agreement under § 570.503, or 3 years after the submission of the annual performance and evaluation report, as prescribed in § 91.520 of this title, in which the specific activity is reported on for the final time;

(B) Records for individual activities subject to the reversion of assets provisions at § 570.503(b)(7) or change of use provisions at § 570.505 must be maintained for as long as those provisions continue to apply to the activity; and

(C) Records for individual activities for which there are outstanding loan balances, other receivables, or contingent liabilities must be retained until such receivables or liabilities have been satisfied.

(8) Section 200.343 “Closeout” applies to closeout of subrecipients.

REAL PROPERTY ACQUISITION/DISPLACEMENT/RELOCATION

SYNOPSIS

The property acquisition requirements contained in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and its amendments, apply to CDBG funded activities when a unit of local government purchases property which is not voluntarily offered for sale by an owner. The use of CDBG funds in a project involving the demolition or conversion of lower income dwellings may also further federal oversight under Section 104(d) of the Housing and Community Development Act of 1974. The relocation of any person (owner or renter) which results from a voluntary, as well as an involuntary, sale of property is also subject to relocation requirements.

Boise City has adopted a local displacement policy which provides certain relocation benefits to those displaced by nongovernmental, as well as governmental agencies. Specifically, according to the Boise City policy, any residential tenant who must relocate as a direct result of a CDBG funded activity that includes property acquisition or substantial rehabilitation, is entitled to the following: (a) timely information; (b) advisory services; (c) replacement housing assistance; (d) moving expenses; and (e) advance notice in order to secure a suitable replacement dwelling.

Because of the complexity and length of the applicable CDBG regulations regarding relocation and displacement, all subrecipients are required to coordinate the purchase of any real property with HCD. The City’s Anti-displacement policies and procedures can be found in Appendix G.

Community Development Block Grant Procedures
GENERAL RESPONSIBILITIES

Property to be acquired as a result of a voluntary offer, must be appraised to ascertain fair market value as of a specific date. The purpose of the appraisal is to ensure that the subrecipient does not pay an amount in excess of the fair market value of the property. The cost of the appraisal can be paid with CDBG/HOME funds.

Whenever the relocation and acquisition regulations apply, the subrecipient must keep all affected persons fully informed of anticipated actions. Tenants must be advised of the need to relocate and informed of their rights under the Relocation Act and under local policy. Subrecipients must also notify tenants of their rights to relocation assistance under the local displacement policy.

All subrecipients are required to enter into a Right of Entry agreement with the city for any facility constructed, acquired or rehabilitated with CDBG/HOME funds. The Right of Entry Agreement guarantees that the subrecipient will operate the facility for the original purpose for which it received funds (see No. 4., Right of Entry Agreements, this Section).

RESPONSIBILITIES AND PROCEDURES

A. Real Property Acquisition. Property may be acquired by either voluntary or involuntary means. When acquisition of real property is the result of a voluntary proposal, which has been submitted by an owner in response to a public invitation or solicitation for offers, it is referred to as voluntary acquisition. In contrast, acquisition of property by the state or local government entity, which is not voluntarily offered for sale is referred to as involuntary acquisition. In both cases specific procedures, identified below, must be followed by the subrecipient.

1. Voluntary Acquisition:
   a. Arrange for an independent appraisal of the property by a qualified appraiser.
   b. Obtain a statement from the property owner indicating a willingness to voluntarily offer the property in question for sale.

2. Involuntary Acquisition:
   a. Issue a preliminary acquisition notice to the owner, and provide a copy of the HUD brochure, "When a Public Agency Acquires Your Property."
   b. Arrange for at least one independent appraisal of the property by a qualified appraiser.
   c. Give the owner a written invitation to accompany each appraiser.
   d. Arrange for a review appraisal to assure appraisal meets applicable standards.
   e. Establish just compensation for the property by official resolution.
   f. Promptly make a written purchase offer to the owner. The offer shall include a summary of the basis for the offer of just compensation.
   g. After negotiations, make a final offer indicating that if the offer is not acceptable, the subgrantee will institute condemnation proceedings. THIS APPLIES TO PUBLIC ENTITIES ONLY.
   h. Provide written notice to vacate the property to all owners and tenants at least 90 days in advance.
The "initiation of negotiations" for the purchase of real property has several different definitions; the subrecipient is urged to coordinate all aspects of the acquisition with HCD prior to providing an offer to purchase any property, in order to determine the necessary actions affecting tenant displacement.

B. Relocation Assistance. Relocation is defined as the permanent movement of occupants/tenants, required as a result of CDBG assisted acquisition by a government agency. Limited technical assistance for relocation will be provided by HCD.

Federal regulations require that if any individuals, families, businesses or farms are displaced as a result of property acquisition, the subrecipient must:

1. Provide a general written description of the HCD relocation program to those affected.
2. Inform those affected that displacement may occur and describe the relocation payments for which those affected may be eligible, the basic conditions of eligibility, and procedures for obtaining payment.
3. Inform those affected that they will be given reasonable relocation advisory services, including referrals to replacement properties, and help in filing payment claims.
4. Provide those affected with a description of the person's right to appeal any determinations for assistance under the Uniform Relocation and Real Property Acquisition Act (49 CFR, Part 24).
5. Provide notice that those affected will not be required to move without ninety days advance written notice, and that those affected cannot be required to move permanently unless at least one comparable replacement dwelling has been made available.
6. Assure that persons relocated receive their full replacement housing payments and moving and related expenses.
7. Provide copy of appropriate HUD Brochure (available at HCD):
   a. "Relocation Assistance to Displaced Homeowners" (HUD Brochure).
   b. "Relocation Assistance to Tenants Displaced From Their Homes" (HUD Brochure).
   c. "Relocation Assistance to Displaced Businesses, and Farms" (HUD Brochure).

C. Displacement Assistance. Boise City displacement policies provide assistance to tenants who are involuntarily displaced as a result of property acquisition by governmental agencies or as a result of substantial property rehabilitation. The CDBG Program Policies should be consulted for a description of services and assistance to be provided.

SUBRECIPIENT DOCUMENTATION

All correspondence should be sent by certified mail and/or hand delivery with signature so that receipts are available for documentation purposes. The following records should be maintained:

A. Real Property Acquisition Records
   1. Proof of official decision to pursue acquisition.
2. Proof prior to the initiation of negotiations that the subrecipient established the amount of just compensation for the property. The amount shall not be less than the approved appraisal of the fair market value of the property.
3. Date of initiation of negotiation, preliminary acquisition notice, date of transmittal to owner, and evidence that owner has received notification.
4. Written invitation to owner to accompany appraiser.
5. Copy of each appraisal report.
6. Copy of resolution or other document showing the determination of just compensation.
7. Written purchase offer of just compensation, including all basic terms and conditions, and date of delivery to owner.
8. Statement showing the basis for just compensation and an indication that it was delivered to the owner with the written purchase offer.
9. Purchase agreement, deed, declaration of taking and other documents used in conveying the property.
10. Copy of the settlement cost reporting statement.
11. Evidence that owner received the purchase payment.
12. Copy of the notice giving ninety days to surrender possession of the premises.

B. Displacement/Relocation Records
1. Name, address, ethnicity, date of initial occupancy, and relocation needs of each person or business to be displaced.
2. Description of the services and assistance provided, including referrals to alternate housing or business locations, a description of that property, and its price or rent.
3. Copy of the payment voucher or statement of relocation payments.
4. Address, inspection sheet and date for each housing referral, including amount of rent and utilities.
5. Claim forms and supporting documentation signed by person displaced.
6. Documents used to determine eligibility for relocation payments and amount of payments.
7. Copy of any grievance or appeal filed and description of actions taken to resolve it.
8. A description and location identification of the real property and the interest in the real property to be acquired.
9. An identification of the buildings, structures, and other improvements (including removable building equipment and trade fixtures) which are considered to be part of the real property. Any separately held ownership interest in the property shall be identified, e.g., a tenant owned improvement, and indicate that such improvement or interest is not covered by the offer.

HUD brochures which should be provided to the owner and/or displace during the acquisition and relocation process (available at HCD):
- When a Public Agency Acquires Your Property;
- Relocation Assistance to Tenants Displaced from Their Homes;
- Relocation Assistance to Displaced Homeowners; and
- Relocation Assistance to Displaced Businesses, Nonprofit Organizations and Farms.
FINANCE/ACCOUNTING

SYNOPSIS

This section addresses the financial and accounting aspects of the CDBG Program. The following procedures are guidelines that should be adhered to in financial transactions in order to meet federal requirements.

GENERAL RESPONSIBILITIES

All subrecipients must meet the audit requirements as specified in 2 CFR §200.501. Additionally, all financial transactions with CDBG monies are subject to federal audit. Subrecipients must be prepared to explain how transactions were made, why, and be able to account for any funds expended.

During an audit, the auditor will examine records to ascertain if:
A. Funds are properly budgeted and approved.
B. Budget revisions have been documented and approved.
C. Personnel charges are properly allocated to the block grant and based on payroll documents such as time and attendance records.
D. All expenditures can be traced to source documents (i.e., purchase orders, invoices, canceled checks).
E. Drawdowns have been timely.
F. Only allowable activities have been claimed as costs toward the project.
G. The subrecipient’s accounting system reflects all assets, liabilities, etc.
H. Property has been managed and inventoried properly.
I. In kind costs and costs billed to other funds are clearly documented.
J. If there are billings for indirect costs, an indirect cost allocation plan has been approved by the U.S. Department of Health and Human Services.

In addition, the auditor will ascertain if the subrecipient’s program has been accomplished in the manner set out in the application and/or the contract with the City.

FINANCIAL PROCEDURES

To assist subrecipients in meeting the financial guidelines, HCD has developed standard procedures under the following:

A. Authorization. The Authorization Signature Card authorizes specific individuals to submit budget revisions and reimbursement requests. The Authorization Signature Card is signed by the subrecipient’s highest executive officer (i.e. Board President or Executive Director).

The Authorization Signature Card is provided to subrecipients as part of contract documents in ZoomGrants. If authorized signers change for any reason, completion of a new Authorization Signature Card is required.

B. CDBG Budget Summary. The CDBG Budget Summary form, which is part of a subrecipients’ CDBG agreement, is used in conjunction with a subrecipient’s request for reimbursement. It
is designed to enable subrecipients, HCD, City finance and federal auditors to identify and track expenditure of CDBG funds.

The CDBG Budget Summary must be completed by the subrecipient prior to executing a standard contract with the City. Upon receipt of the Budget Summary, HCD will prepare the standard project contract that incorporates the project description, scope of activities and budget into the contract.

The CDBG Budget Summary form is provided to subrecipients as part of contract documents in ZoomGrants. In addition, a revised budget summary must be submitted to HCD before a subrecipient:

1. Exceeds the budgeted amount in a cost category and proposes to use excess funds from another category to cover a shortfall.
2. Authorizes costs for any budgeted category or the unobligated balance of CDBG project funds to be reduced to a level that is inadequate to meet obligations.

C. Accounting and Reimbursement for CDBG Projects. When subrecipients receive billings or incur costs for projects, the amount due is to be paid in full and then the subrecipient may request reimbursement from the City.

In incurred costs must be included in the approved CDBG Budget Summary and must be allowable under 2 CFR 200 subpart E.

To request payment for projects the Request for Reimbursement Payment and Cost Control Statement must be completed and accompanied with appropriate backup documentation.

The Request for Reimbursement Payment and Cost Control Statement form is available through ZoomGrants. The reimbursement request must include amounts requested by cost category according to the approved CDBG Budget Summary for projects. The Monthly Reporting module in ZoomGrants provides for the monthly reporting on CDBG performance measures and beneficiary data collected by subrecipients, which must be completed and submitted with the reimbursement request for projects.

Limited technical assistance in establishing proper internal controls and record keeping is available through HCD. However, subrecipients are ultimately responsible for management of their project and budget.

PROGRAM INCOME

Program income is defined as any funds accruing to a subrecipient as a result of using CDBG resources. Examples include rental fees from the use of a community facility, sale proceeds from purchased equipment or property, and fees charged for services funded by program resources.

Subrecipients are required to keep records of the sources of program income in addition to reporting unanticipated program income as soon as possible. The use of all program income must be documented. Program income may be used to support the operation of a CDBG-assisted activity, however, this must be preapproved through HCD. Program income not used to continue or benefit the original CDBG activity shall be returned to the program.
AUDITS
Subrecipients must provide HCD with a copy of their most recent independent financial audit including responses to findings or have one prepared that meets general accepted auditing standards (American Institute of Certified Public Accountant) and 2 CFR 200.501.

SUBRECIPIENT DOCUMENTATION
Subrecipients managing more than one CDBG project shall maintain separate files for each project.

OTHER FEDERAL REQUIREMENTS FAIR HOUSING, SECTION 504/ADA, LEAD-BASED PAINT, EQUAL EMPLOYMENT OPPORTUNITY, LIMITED ENGLISH PROFICIENCY, AFFIRMATIVE MARKETING

SYNOPSIS
The CDBG Program triggers several additional cross-cutting federal requirements that affect CDBG projects. To assure compliance with these requirements, CDBG subrecipient agreements identify several duties and obligations of the project owner with respect to federal regulations.

GENERAL RESPONSIBILITIES
A. Fair Housing Activities. Subrecipients of CDBG-assisted projects are responsible for taking necessary and appropriate actions to prevent discrimination in federally assisted housing and lending practices related to loans insured or guaranteed by the Federal Government. Further, subrecipients should strive to promote a strategy for increasing the choice of housing opportunities for low- and moderate-income persons including minorities and female-heads of households. See http://pds.cityofboise.org/planning/pz/fairhousing/.

B. Section 504/Accessibility
   1. American with Disabilities Act: The Americans with Disabilities Act provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, state and local government services and telecommunications. The Act, referred to as the ADA, states that discrimination includes the failure to design and construct (built for first occupancy after January 26, 1993) that are accessible to and usable by persons with disabilities. The ADA requires the removal of architectural and communications barriers that are structural in nature in existing facilities. Removal must be readily achievable, easily accomplished and able to be carried out without much difficulty or expense. http://hcd.cityofboise.org/grants/cdbg/cdbg-grantee-toolbox/
   2. Section 504 Accessibility Policy: Section 504 was enacted as part of the Rehabilitation Act of 1973. It prohibits discrimination based on disability in all programs and activities receiving federal assistance and, in 1978, it was amended to apply to all programs conducted by the Federal Government. This regulation provides that no qualified individual with a disability shall, because a recipient’s facilities are inaccessible to or unusable by individuals with disabilities, be denied...
the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives federal financial assistance.

Structures built or rehabilitated must be made accessible to persons with a disability. Structures designed, built, or altered (rehabilitated) with CDBG funds shall conform to the Uniform Federal Accessibility Standards (UFAS), which was published in the Federal Register on August 7, 1984 (49 CFR 13518). The UFAS technical requirements meet or exceed comparable provisions of ANSI 117.1-1980 Specifications for Making Buildings and Facilities Accessible to and Useable by Physically Disabled People.

All recipients of the City’s CDBG funds are required to conduct a Section 504 Assessment and develop a Transition Plan as applicable. Technical assistance is available through staff of the City’s Housing and Community Development Division. Additionally, agencies with 15 or more employees are required to designate a Section 504 Coordinator.

C. Equal Employment Opportunity. Nondiscrimination is a requirement of employment and employment practices. Employment opportunities may not be denied on the basis of race, color, national origin, gender, gender orientation/sexual identity, age, religion, familial status, or disability. Affirmative action and equal employment opportunity policies are fundamental aspects of CDBG funded activities.

The Americans with Disabilities Act modifies and expands the Section 504 Rehabilitation Act of 1973 to prohibit discrimination against “a qualified individual with a disability” in employment and public accommodations. The ADA requires that an individual with a physical or mental impairment who is otherwise qualified to perform the essential functions of a job, with or without reasonable accommodation, be afforded equal employment opportunity in all phases of employment.

D. Lead-based Paint (applies to residential housing projects/programs). CDBG recipients must certify that no lead-based paint will be used in residential units assisted with CDBG funds and must document that all occupants of structures built before 1978 have been notified of the hazard of lead-based paint.

The federal requirements pertaining to lead-based paint are contained in 24 CFR Part 35. A fact sheet containing information about current efforts to protect children from lead-based paint poisoning prepared by the Environmental Protection Agency can be obtained from HCD.

1. Notification Requirements: Landlords renting units in structures built before 1978 must utilize the pamphlet entitled Protect Your Family from Lead in Your HOME to notify their tenants of the potential hazards of lead-based paint (copies of the pamphlet are available from HCD). The pamphlet must also be used to notify buyers of homes built prior to 1978 of the hazards of lead-based paint. The landlord/seller must document that the tenant/buyer was provided the pamphlet.

2. Identification of Defective Paint Surfaces: Subrecipients must complete visual inspections for defective surfaces in all properties constructed prior to 1978. All interior and exterior surfaces, including those in common areas must be examined.
Surfaces identified as being defective shall require further analysis and shall require interim controls (a set of measures designed to temporarily reduce human exposure to lead-based paint hazards). The presence of lead-based paint may ultimately require lead-based paint abatement.

3. Lead Hazard Evaluations: Federal regulations required that Lead Hazard Evaluation be performed by EPA-certified inspectors on all pre-1978 homes receiving over $5,000 in federal funds. The chewable surfaces of any home occupied by a child under seven years old who has an identified blood lead level must be tested for lead content using an approved lead detection method. Lead-based paint remediation efforts must be taken if chewable surfaces test positive for lead.

E. Limited English Proficiency. CDBG recipients through the City of Boise must develop a Language Assistance Plan (LAP) in accordance with guidelines provided by the City of Boise, the U.S. Department of Justice and the U.S. Department of Housing and Urban Development. Please see http://fairhousingforum.org/lep-limited-english-proficiency-resources/ for additional information and guides to assist in developing and maintaining a LAP.

F. Affirmative Marketing Plan. All agencies receiving funds through the City of Boise’s CDBG and/or HOME Programs are required to develop and maintain an Affirmative Marketing Plan specific to the project or activity being funded. Below is a guide for developing an affirmative marketing plan. Projects with 5 or more HOME-assisted rental housing units require a more extensive plan. Please consult with City staff regarding this requirement.

Each recipient of CDBG funding and recipients of CDBG and/or HOME funding is required to carry out an affirmative program to attract all segments of the eligible population (especially those groups designated as least likely to apply) and all minority and non-minority groups regardless of their race, color, religion, sex, national origin, disability, or familial status. Racial groups include White, Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander. Other groups who may be subject to discrimination include, but are not limited to, Hispanic or Latino persons, persons with disabilities, and families with children. HOME and CDBG recipients shall describe in the Affirmative Marketing Plan the proposed activities to be carried out during the advance marketing and application period. The affirmative marketing program must ensure that any group(s) of persons ordinarily not likely to apply without special outreach know about the housing, program or service, and feel welcome to apply. This may include members of any of the groups listed above and those with limited English proficiency.

Below is a suggested format and guidance for preparing a narrative Affirmative Marketing Plan:

1. Identify your organization’s name, its address and phone number.
2. Indicate the name of the housing, program, or service and include a brief description. If the activity is housing, indicate if it is transitional housing, residential care, tenant-based rental assistance, rental housing, or for-sale housing, whether it is elderly or non-elderly housing, and the number of units and bedrooms, etc.
3. List the address(es) of the housing or where the housing, program or service will be implemented.
4. Identify whether the housing, program or services is CDBG or HOME-funded (or both) in addition to other sources of funding.
5. Indicate the service area or the market area (neighborhood, census tract[s], etc.) served by the housing, program or service.

6. Indicate which group(s) in the market area are least likely to apply for the housing, program, or service because of its location and other factors without special outreach (i.e. Hispanic or Latino, White, Black or African American, American Indian or Alaska Native, Asian, Hawaiian or Other Pacific Islander, Persons with Disabilities, Families with Children, and those with Limited English Proficiency).

7. Indicate how your housing, program, or service will be marketed using commercial media (i.e. newspapers/publications or a general or targeted circulation, radio, TV, billboards, etc.), which group (see #6) is targeted through each media, and when or during what time period you will use this media.

8. Indicate how you will market the housing, program, or service using brochures, signs, etc. Describe which group (see #6) is targeted through each media, and when or during what time period you will use this media. Brochures describing services may be displayed in the City of Boise’s Division of Housing and Community Development, the office of the Boise City-Ada County Housing Authority, and at other agencies serving low- and moderate income persons.

9. Indicate other ways you will appropriately market the housing, program, or service. This may include, but not be limited to: websites, links from and to other websites, e-mails, 2-1-1 Care Line, newsletters, school newsletters, mailings to a targeted mailing list (attach it), publications and messages in languages other than English, information booths, presentations or information displayed in business, civic, government agencies, service organizations, immigrant assistance organizations, shelters, affordable housing providers, neighborhood associations, employers, labor organizations, employment centers, schools, minority and women’s organizations, disability advocates, faith-based and other groups serving or advocating for populations that may be least likely to apply. Describe which group (see #6) is targeted through each media, and when or during what time period you will use this media. (Be specific, e.g., which newspaper? How often?...quarterly/monthly?), etc.

10. Indicate the date of the last Section 504 Self-Assessment or when it will be prepared or scheduled for an update. Indicate if a Section 504 “transition plan” has been adopted and the date it was adopted. If you have 15 or more employees, indicate the name of the Section 504 Coordinator and attach a job description. Indicate Section 504 training requirements for staff and the physical and program accessibility aspects of the housing, program, or service. Indicate Section 504 information sources available to staff. Indicate if Section/504 poster/notice is in an accessible location.

11. Indicate if you list your TTY number or the number for the Idaho Relay Service (7-1-1 or 800-377-3529) on printed materials, letterhead, etc. (or when you will) for people with hearing impairments. There is also an internet relay at: www.hamiltonrelay.com.

12. If you are a housing provider and five (5) or more units of housing are involved, indicate if you use the equal housing logo and caption on printed materials, letterhead, website, etc. (or when you will begin using the logo).

13. If this is a housing program and five (5) or more units are involved, indicate if you have posted the HUD Fair Housing Poster in English and Spanish in an accessible location (or when you will).
14. Indicate the date of the four-part language needs self-assessment or when it will be prepared or is scheduled for an update. Indicate if a Language Assistance Plan has been adopted and this date. Indicate Language Assistance Plan training requirements and information sources available to staff.

15. If this a housing activity (regardless of the number of units), indicate the instruction and training provided or to be provided to staff on the federal and state fair housing laws, accessibility requirements, reasonable accommodation requests, etc.

16. Indicate how the success of your affirmative marketing plan will be evaluated including the schedule or for what reasons it will be updated and modified. [Compare racial/ethnic/disability data on applicants with Boise demographics, review the percentage of applicants that converted to beneficiaries in each racial, ethnic or disability category, look at patterns of complaints and review actions taken on requests for reasonable accommodation to participate in marketing activities, take surveys and review other feedback information from applicants and clients, etc. What is this information revealing? What changes or improvements in affirmative marketing are planned?]

17. The Affirmative Marketing Plan should be signed and dated by your executive director. Background documentation should include an approval action by the Board of Directors.

The City of Boise will monitor affirmative marketing activities and may request modifications in the format, content, or implementation of the affirmative marketing plan (see Affirmative Marketing Monitoring Guide) based on that monitoring. HUD representatives may also perform monitoring and reviews at a time and place of its choosing.
DOCUMENTATION, RECORDS AND MONITORING

SYNOPSIS

HCD is responsible for collecting pertinent qualifying and performance data from subrecipients for the Consolidated Annual Performance and Evaluation Report and for project monitoring. Subrecipients must keep accurate records, which conform to the reporting requirements as outlined below.

This section will explain record keeping and reporting requirements for program benefit information, fair housing actions, project activity summary, displacement, and minority business enterprise participation. Documentation and record keeping of other program components are covered in other sections of this manual on financial documentation, labor standards compliance, citizen participation, and property acquisition/relocation.

FILING SYSTEM

Files will be maintained electronically unless noted by HUD for original ink signature.

A. Project Files. Subrecipients must be able to fully document their CDBG projects, so that compliance with all applicable regulations can be demonstrated. The filing system established must provide a historic account of each project. The files will be maintained electronically on the City’s common drive for HCD.

The following is a suggested outline for file categories and contents of files for each project.

1. General Project File:
   a. Agency Documents (Application, Cross Cutting Federal Regulations, Budget, etc.)
   b. Annual Report
   c. Communication
   d. Contract
   e. Eligibility Analysis
   f. Environmental Review
   g. Miscellaneous
   h. Monitoring
   i. Monthly Report (Beneficiary Data)
   j. Reimbursement Requests

2. Financial Records:
   a. Notice of Grant Award
   b. Authorizations, Motions, or Resolutions
   c. Project Agreement with HCD
   d. Contracts (Note: All third-party contracts must be approved by HCD)
   e. Budget Revisions
   f. Bills for payment
   g. Copies of Reimbursement Requests
   h. Copies of approved vouchers and warrants
   i. Payroll Time Sheets
   j. Records of technical assistance monitoring visits
   k. Latest subrecipient audit and audit records
l. Approved indirect cost allocation plan, if applicable  
m. Project income records  
n. Records documenting source and amount of supplemental (matching) resources  

3. Procurement:  
a. Bid Advertisements  
b. Affidavit of Publications  
c. RFP’s  
d. Bids/Proposals  
e. Price or Cost Analysis  
f. All Contracts  
g. Change Orders  
h. Pay Estimates  
i. Site Inspection Reports  
j. Section 3 Documentation  
k. Preconstruction Conference Notes  
l. Correspondence  

B. Records Retention. All records pertaining to CDBG awards must be retained for no less than four years after expiration of the contract and any amendments, completion and resolution of the audit and/or any litigation, whichever is later. If there is any litigation, claim or audit findings that extend beyond this four-year period, subrecipients must retain the records until all litigation, claims or audit findings involving the records are resolved. Records for property acquired with CDBG funds must be retained for four years after final disposition. Records for any displaced persons must be retained for four years after persons have received final relocation benefits.  

RECORDS/DOCUMENTATION  

Section 200.333 identifies that the record retention for recipients (the City of Boise) shall be a period of four (4) years from the date of execution of the closeout agreement for a grant. Records for individual activities subject to the reversion of assets provisions as 570.503(b)(7) or the change of use provisions at 570.505 must be maintained for three (3) years after those provisions no longer apply to the activity; and records for individual activities for which there are outstanding loan balances, other receivables, or contingent liabilities must be retained for three (3) years after the receivables or liabilities have been satisfied.  

Documentation of Program Benefits  

1. Limited Clientele and Direct Benefit Projects: The benefits of CDBG funded projects must be available to anyone regardless of ethnicity, sex, age, national origin or physical or mental handicap. Minorities and low- and moderate-income persons in particular are expected to benefit from CDBG Programs. Project subrecipients must document the number of minorities and low- and moderate-income persons served within the City’s municipal boundaries. In addition, outreach efforts must be documented for projects that provide direct services to clients. Action must also be taken to correct conditions that have had limited minority participation in the past.
2. Area-wide and Direct Benefit Projects: Data sources such as surveys and census data, which qualified a project on an area-wide basis must be retained in subrecipient files.

B. Project Activity Summary – Project subrecipients must retain information regarding the status of the project and accomplishments through the project as well as at completion of the project.
   1. Record Keeping Responsibilities: The following examples of measures of project progress and accomplishment must be documented and made available for review:
      a. Total number of square feet, linear feet, wheelchair ramps, etc., constructed or installed
      b. Number of houses rehabilitated
      c. Number of youth jobs filled, training classes held, clients treated
      d. Description of equipment or training supplies purchased
      e. Job advertisements

CONSOLIDATE PLANS AND AMENDMENTS
For Annual Action Plans, Five-Year Consolidated Plans, and Consolidated Annual Performance Evaluation Reports (CAPER), the City will submit Amendments at the end of the program year but prior to the start of the CAPER.

EMERGENCY FUNDING PURSUANT TO THE DISASTER RELIEF ACT
Due to an emergency declared pursuant to the Disaster Relief Act, the City will prioritize activities according to these three tiers:

Tier I - Agencies with high regulatory compliance
Tier II - New Services (if funding is available)
Tier III - Agencies with increased risk for non-compliance

If the regulatory caps are lifted for activities (such as Public Services), the City will make available the maximum amount allowed for non-profit providers of direct services for households earning less than 80% of Area Median Income.

Duplication of Benefits
For non-profits who receive emergency funds, as the result of an emergency declared pursuant to the Disaster Relief Act; the City will request information to ensure that agencies are not over-supplemented with federal resources. A duplication of benefit occurs when there are multiple sources and total assistance that is greater than the need for that type of assistance. This information will include, but is not limited to:

Activity funding sources available for the activity
The order the funds will be received (based on application for the resources)
Any declined loans by the applicant
Non-duplicative benefits
Identify the maximum amount allowed for with CDBG funds
Reassess unmet need, as applicable.

The information will be documented in the contract management file.
### APPENDIX A: COMMONLY USED ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANSI</td>
<td>American National Standards Institute</td>
</tr>
<tr>
<td>A/E</td>
<td>Architect and/or Engineer</td>
</tr>
<tr>
<td>CAPER</td>
<td>Consolidated Annual Performance and Evaluation Report</td>
</tr>
<tr>
<td>CDBG</td>
<td>Community Development Block Grant</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>DOL</td>
<td>Department of Labor</td>
</tr>
<tr>
<td>EO</td>
<td>Executive Order</td>
</tr>
<tr>
<td>EIS</td>
<td>Environmental Impact Statement</td>
</tr>
<tr>
<td>FMR</td>
<td>Fair Market Rent</td>
</tr>
<tr>
<td>FONSI</td>
<td>Finding of No Significant Environmental Impact</td>
</tr>
<tr>
<td>HCD</td>
<td>Housing and Community Development</td>
</tr>
<tr>
<td>HUD</td>
<td>Department of Housing and Urban Development</td>
</tr>
<tr>
<td>LAP</td>
<td>Limited English Plan</td>
</tr>
<tr>
<td>LEP</td>
<td>Limited English Proficiency</td>
</tr>
<tr>
<td>MBE</td>
<td>Minority Business Enterprises</td>
</tr>
<tr>
<td>NEPA</td>
<td>National Environmental Policy Act</td>
</tr>
<tr>
<td>OMB</td>
<td>Office of Management and Budget</td>
</tr>
<tr>
<td>RFB</td>
<td>Request for Bids</td>
</tr>
<tr>
<td>RFP</td>
<td>Request for Proposal</td>
</tr>
<tr>
<td>RLI</td>
<td>Request for Letter of Interest</td>
</tr>
<tr>
<td>USC</td>
<td>United States Code</td>
</tr>
<tr>
<td>WBE</td>
<td>Women Business Enterprises</td>
</tr>
</tbody>
</table>
APPENDIX B: REGULATORY REFERENCES

Community Development Block Grant Program Regulations
- 24 CFR Part 570

Citizen Participation
- CDBG Regulations (24 CFR 570.303)
- Consolidated Plan (24 CFR Part 92)

Environmental Review
- CDBG Regulations (24 CFR 570.604)
- National Environmental Policy Act of 1969, regulations at 40 CFR Parts 1500 1508
- HUD Environmental Review Regulations (24 CFR Part 58)
- National Historic Preservation Act (36 CFR Part 800, 1294)
- E.O. 11988, Floodplain Management (24 CFR Part 55)
- E.O. 11990, Protection of Wetlands (24 FR Part 55)
- E.O. 12372, Intergovernmental Review of Federal Programs (24 CFT 570.612)
- Noise Control Act (24 CFR Part 51 (B))
- Clean Air Act 42 U.S.C. 7400 et seq., Section 117 and 176
- HUD Notice 79-33, 24 CFR Part 51 (C, D)
- Clean Water Act (33 CFR Part 230, 320 325)
- Safe Drinking Water Act, 42 U.S.C. 300
- Resources Conservation and Recovery Act, 42 U.S.C. 6901 6987
- Coastal Zone Management Act (15 CFR Part 930)
- Coastal Barrier Resource Act 1982
- Endangered Species Act (50 CFR Part 402)
- Environmental Justice in Minority Populations and Low-Income Populations (24 CFR Part 58.5)
- Wild and Scenic Rivers Act (CBQ Memorandum 8 10 80)

Procurement
- CDBG Regulations (24 CFR Part 135, 570, Ch. X, (B))
- Davis Bacon Act (40 U.S.C. 276A), and supplemented by 29 CFR, Part 5 and 41 CFR, Part 60
- Copeland Anti Kickback Act (18 USC 874)
- Contract Work Hours and Safety Standards Act (40 U.S.C. 327 330)
- Civil Rights Act of 1964, Title VI
- Civil Rights Act of 1968, Title VIII
- E.O. 11246, as amended
- DOL Regulations (41 CFR Part 60 1, 60 4, 60 250, 60 741)
- Flood Disaster Protection Act of 1973 (Pg. 93 234)

Acquisition/Displacement/Relocation
- CDBG Regulations (24 CFR 570.606)
• Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (40 U.S.C. 4601)
• Uniform Relocation Act Amendment of 1987 (P.L. 100 17)

Finance
• CDBG Regulations (24 CFR Part 570)
• OMB Circular A 87, Cost Principals and Standards for Determining Costs Applicable to Grants, Contracts, and other agreements with state and local governments. [Enables grant recipients to determine which costs items are "allowable".]
• OMB Circular A 122, Cost Principals for Non Profit Organizations. [Enables nonprofit organizations to determine "allowable" costs.]
• OMB Circular A 110, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations
• 24 CFR, Part 85, Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments.
• OMB Circular A 128, Audits of State and Local Governments.
• OMB Circular A 133 Audits of Institutions of Higher Education & Other Nonprofit Institutions

Records and Documentation
• CDBG Regulations (24 CFR Part 570.506)
• Civil Rights Act of 1964, Title VI
• Civil Rights Act of 1968, Title VIII
• E.O. 11063
• 24 CFR, Part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities
• Section 504 of the Rehabilitation Act (1973), as amended
• 24 CFR 570.605 National Flood Insurance Program

Helpful links, frequently asked questions, documents, technical assistance, regulatory references, etc. can be accessed from the Housing and Community Development website: http://hcd.cityofboise.org.
APPENDIX C: CITY OF BOISE POLICIES AND PROCEDURES FOR CONDUCTING REAL PROPERTY ACQUISITION, REHABILITATION AND DEMOLITION

GENERAL INFORMATION

The use of Federal funds administered by the City of Boise’s Housing and Community Development Division (Community Development Block Grant (CDBG) funds, Rental Rehabilitation Program (RRP) funds, HOME Investment Partnerships (HOME) Program funds, etc.) to assist in whole or in part, real property acquisition, rehabilitation or demolition activities, subjects these activities to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970, as amended.

CDBG-assisted activities involving real property acquisition, rehabilitation, conversion from lower income housing and/or demolition, are subject to the URA and the additional requirements of section 104(d) of the Housing and Community Development Act (Section 104(d), as amended. These requirements (URA and/or Section 104(d)) apply regardless of whether these activities are conducted by the city of Boise or another public or private agency.

This document is not intended to set forth the full requirements of the URA or section 104(d), but instead is intended to create an awareness by the agency or city department conducting the acquisition, rehabilitation, conversion from lower income housing and/or demolition activity(s) of 1) the existence of these requirements and; 2) the city’s policies relative to these requirements and; 3) the importance of following the procedures in Part II in order to ensure compliance.

Those agencies or city departments conducting activities subject to the requirements of URA and/or Section 104(d) must familiarize themselves with the requirements at 49 CFR Part 24 as well as U.S. Department of Housing and Urban Development (HUD) Handbook 1378 “Tenant Assistance, Relocation and Real Property Acquisition”.

The involuntary displacement of any tenant-occupant as a result of acquisition, rehabilitation, conversion from lower income housing and/or demolition activity(s), subjects the activity(s) to the relocation requirements of the URA. If CDBG assistance is/will be provided for the activity, the additional requirements of Section 104(d) will apply.

The city of Boise has adopted a Residential Anti-displacement and Relocation Assistance (RARA) Plan which provides certain relocation benefits to those displaced by activities utilizing Federal financial assistance. In the event that these activities cause the involuntary placement of any individual, assistance is required to be provided at the levels and manner described within Boise’s RARA Plan.

Tenant-occupant(s) who relocate as a direct result of a Federally funded activity that involves real property acquisition, rehabilitation, conversion from lower income housing or demolition, are entitled to 1) timely information; 2) advisory services; 3) replacement housing assistance; 4) moving expenses; and 5) advance notice in order to secure suitable replacement dwelling.

PART I: ACQUISITION POLICIES UNDER THE URA
When acquisition of real property is the result of a voluntary proposal submitted by an owner in response to a public invitation or solicitation for offers, or property is voluntarily offered for sale, it is referred to as voluntary acquisition.

Acquisition of real property, by an agency having the power of eminent domain, which is not voluntarily offered for sale is referred to as involuntarily acquisition. This document does not address the use of Federal financial assistance to assist with involuntary acquisition of real property. In those instances where the agency conducting the acquisition can appropriately justify the involuntary acquisition and approval is granted is granted by the mayor and city council, the agency or city department conducting the acquisition will be required to directly coordinate the acquisition through the Boise City attorney’s office.

BUYERS RESPONSIBILITIES TO SELLER

In order to avoid triggering the acquisition requirements set forth at 49 CFR 24, Subpart B, the acquisition must be a voluntary transaction. Any agency with the power of eminent domain (city agency, redevelopment agency, state agency etc.) must meet each of the following requirements when attempting to acquire real property:

A. Determine and inform the owner in writing that it will not use its power of eminent domain to acquire the property if negotiations fail to result in an amicable agreement (The agency must not have designated a specific site to be acquired. The property to be acquired cannot be part of an intended, planned or designated project area where all or substantially all of property within the area is to be acquired within specific time limits); and

B. Determine and inform the owner in writing of the agency’s estimate of the fair market value of the property before entering into a contract for sale with the owner.

An agency that does not have authority to acquire property by eminent domain must inform the seller, before the seller enters into a contract for sale:

A. That the agency does not have the power of eminent domain and therefore will not acquire the property if negotiations fail to result in an amicable agreement; and

B. Of the estimate fair market value of the property. An appraisal is not required; however, the agency must document and make available for the city’s review prior to entering into the contract for sale, the basis of the estimate.

Whenever feasible, this information is to be provided before making the purchase offer. In those instances where this is not feasible, the seller must be provided an opportunity to withdraw from the agreement, without penalty or further obligation, upon receipt of the results of the real property appraisal.

The failure or inability of any agency or city department to fully comply with the provisions outlined above, will trigger applicability of the full scope of real property acquisition requirements set forth at 49 CFR Part 24, Subpart B and further described in Chapter 5, Sections 5-2 through Section 5-9 of HUD Handbook 1378.

BUYERS RESPONSIBILITIES TO TENANT-OCCUPANT(S)

All tenant-occupants of any property to be acquired with Federal financial assistance must be provided with timely notice of the planned activity. The format of the notice will vary depending upon whether or not the tenant occupant will be displaced as a result of the acquisition.
Specific examples of the notices to be provided are included within the Appendices of HUD Handbook 1378.

Those agencies conducting acquisitions involving tenant-occupants must fully comply with the requirements at 49 CFR 24.203 and Chapter 2 of HUD Handbook 1378. The displacement and/or relocation must also comply with the city of Boise’s residential Anti-displacement and Relocation Assistance (RARA) Plan.

Relocation is defined as a permanent movement of tenant-occupants as a result of an activity assisted with Federal financial assistance. Federal regulations require that if any individual, family, business or farm is displaced as a result of property acquisition, the acquiring agency must:
A. Provide assistance (at least two referrals) in finding alternate housing which is decent, safe and sanitary and affordable.
B. Assure that persons relocated receive their full replacement housing payments and moving and related expenses.
C. Provide copy of appropriate HUD Brochure (available at Boise City):
   1. “Relocation Assistance to Displace Homeowners” (HUD Brochure HUD-1044-CPD).
   2. “Relocation Assistance to Tenants Displaced from Their Homes” (HUD Brochure HUD-1041-CPD).

REHABILITATION/ACQUISITION WITH REHABILITATION

Any agency applying for Federal financial assistance for rehabilitation of real property must provide the Housing and Community Development division with information on all individuals living on the property. General information notices will be provided by the Housing and Community Development division to all tenant occupants of the property informing them of the application, the assistance available and their rights under the URA.

Site occupant records will be completed by Housing and Community Development staff on each tenant/occupant residing at the property at the time of application. Through assessment of this record and a personal interview with the tenant/owner, the Housing and Community Development division will determine the type of assistance needed and the relocation preferences should displacement or relocation become necessary.

At the time the commitment for assistance is made to the agency, a notice will be mailed to all tenant-occupants detailing the city of Boise’s nondisplacement policy, an explanation of any assistance provided and an explanation of temporary relocation policies. During the course of rehabilitation, inspections will be made to insure that residences remain decent, safe and sanitary and that the rehabilitation has not resulted in an increase in out of pocket expenses for the tenant-occupant.

IF displacement is necessary, notice will be given explaining the relocation assistance available including cost and location of comparable replacement dwellings and an explanation of relocation payments, services, eligibility conditions, filing procedures and the basis for determining maximum replacement housing payments.
A minimum of ninety (90) days' notice will be given in the event of displacement. Referrals will be given to the tenant-occupant for inspection of replacement units. All referrals will have been inspected to insure decent, safe and sanitary conditions.

In all instances, assistance will be given in preparation of claims and all payments will be issued promptly.

In those instances where relocation assistance will be required, estimates will be made of the probable costs and the agency may be required to place that amount in an escrow account for payment to the tenant-occupant before proceeding with the activity.

**BUYERS RESPONSIBILITY TO OBTAIN AN APPRAISAL**

Real property may only be acquired after an independent fee appraisal has been performed and an original copy of the appraisal is submitted and reviewed by the Housing and Community Development Division.

The purpose of the appraisal is to establish the fair market value of the property. The appraisal must be conducted by and appraiser appropriately licensed by the State of Idaho, Board of Occupational Licenses.

If the cost of the independent fee appraisal is determined to be an allowed use of Federal financial assistance and is intended to be paid in whole or in part with Federal funds, the procurement of these professional services by a governmental agency (city, redevelopment agency, state agency) must comply with the requirements at 24CFR Part 85 “Administrative Requirements For Grants and Cooperative Agreements to State Local and Federally recognized Indian Tribal Governments”. The procurement of professional services by a non-governmental agency must comply with office of Management and Budget Circular A-110 “Uniform Administrative requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations”. In addition, the procurement of any professional service must also comply with city’s procurement policy (if conducted by the city) or the agency’s procurement policy for an independent agency.

**BUYERS RESPONSIBILITY TO REQUEST AN ENVIRONMENTAL REVIEW**

An environmental review is required for any property that is intended to be acquired or rehabilitated with Federal financial assistance. The review is to be completed by staff of the Housing and Community Development Division. No real property will be acquired or rehabilitated until the environmental review is completed.

Those agencies contemplating activities involving acquisition or rehabilitation must coordinate these activities with the Housing and Community Development division prior to entering into an earnest money or option agreement with the seller. This is necessary in order to avoid the selection of site(s) that will not meet the environmental review requirements.

**DEMOLITION OR CONVERSION OF LOW/MODERATE INCOME DWELLINGS**

All low/moderate income dwelling units demolished or converted to a use other than low/moderate income housing must be replaced with comparable unit(s) on a one-to-one basis.
basis within three years unless the housing is determined to be in substandard condition not suitable for rehabilitation. Substandard housing is defined as not meeting Boise City Housing Code and/or meeting HUD’S Section 8 Housing Quality Standards (HQS). Not suitable for rehabilitation is defined as a housing unit that does not meet applicable local or state building code and/or HUD’S Section 8 Housing Quality Standards (HQS) and could not be brought up to code and/or HQS for more than 75% of the unit’s replacement cost. Low/moderate income dwelling units are those housing units with rents that do not exceed the current Fair Market Rents including utilities for the particular area.

To determine if a vacant or owner occupied housing unit meets the criteria for a low/moderate income dwelling unit, calculate the principal and interest payment based on the market value established by the appraisal (apply the current Federal Housing Administration (FHA) 30 year mortgage rate). Then, add property taxes, homeowners insurance, and the appropriate Section 8 utility allowance.

In addition to complying with the acquisition and relocation assistance requirements of the URA, demolition and/or conversion activities require the provision of public notice of the intent to assist the demolition/conversion activity and specific authorization form HUD.

Prior to obligating or expending Federal financial assistance for any activity that will directly result in the demolition of any low/moderate income dwelling unit(s) or the conversion of low/moderate income dwelling units to another use, the agency or city department conducting the activity must submit the following information to the Housing and Community Development division:

A. a description of the proposed activity;
B. the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for low/moderate income dwelling units as a direct result of the assisted activity;
C. a time schedule for the commencement and completion of the demolition or conversion;
D. the general location on a map and approximate number of dwelling units by size, number of bedrooms that will be provided as replacement dwelling units;
E. the source of funding and a time schedule for the provision of replacement dwelling units;
F. the basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least ten (10) years from the date of initial occupancy.

Upon receipt of this information, the Housing and Community Development division will make the proposed activity public and submit this information to appropriate staff of the HUD Field office for review and authorization to proceed.

LEASEHOLD AGREEMENTS

All agencies are required to enter into a standard leasehold agreement with the City of Boise for any facility constructed, acquired or rehabilitated in whole or in part with Federal financial assistance which is to be operated by that agency. The leasehold establishes a landlord/tenant relationship between the agency and the City. It guarantees that the agency will operate the facility for the original purpose for which it received federal financial assistance during the useful life of the facility. Leasehold agreements will impose conditions which the city determines are necessary to protect the investment of Federal financial assistance.
When a leasehold agreement is necessary, the following requirements apply:

- Leasehold agreements shall be executed within thirty (30) days of acquisition or substantial completion of any construction activity;
- The term of the agreement for new construction shall be twenty (20) years; and
- The term of the agreement for renovating existing structures or facilities shall be ten (10) years.

**REQUIRED DOCUMENTATION**

Agencies or city departments conducting activities subject to the requirements of the URA or Section 104 (d) must keep records in sufficient detail to demonstrate compliance with these requirements. These records must be retained until at least three (3) years after the latest of:

A. The date by which all persons displaced from the property and all persons whose property is acquired for the project have received the final payment for which they are entitled;
B. The date the project has been completed; or
C. The date required by the application program regulations.

Records will be submitted to the Housing and Community Development division for retention. The records maintained by the city and/or the agency to demonstrate compliance with the requirements of the URA and/or Section 104 (d) are confidential and will not be made available as public information without written authorization from the Boise City attorney’s office.

All required correspondence should be sent by certified mail or hand delivered in order to obtain evidence of receipt. At a minimum, the following records must be maintained:

**A. Real Property Acquisition records**

1. Evidence of official decision to pursue acquisition;
2. Preliminary acquisition notice, date of transmittal to owner, and evidence that owner has received it;
3. Written invitation to owner to accompany appraiser;
4. Original copy of each appraisal report;
5. Copy of resolution or other document showing the determination of just compensation;
6. Written purchase offer of just compensation, including all basis terms and conditions, and date of delivery to owner;
7. Statement showing the basis for just compensation and an indication that it was delivered to the owner with the written purchase offer;
8. Purchase agreement, deed and other documents used in conveying the property;
9. Copy of the settlement cost reporting statement;
10. Evidence that owner received the purchase payment; and,
11. Copy of the notice giving 90 days to surrender possession of the premises.

**B. Displacement/Relocation Records**

1. Name, address and relocation needs of each person or business to be displaced;
2. Description of the services and assistance provided, including referrals to alternate housing or business locations, a description of that property and its price or rent;
3. Copy of the payment voucher or statement of relocation payments;
4. Address, inspection sheet and date for each housing referral, including amount of rent and utilities;
5. Claim forms and supporting documentation signed by person displaced;  
6. Documents used to determine eligibility for relocation payments and amount of payments; and,  
7. Copy of any grievance filed and description of actions taken to resolve it.

HUD brochures which should be provided to the owner and/or displace during the acquisition and relocation process (available through the Housing and Community Development division):

- “When a Public Agency Acquires Your Property” (HUD Brochure HUD-1041-CPD);
- “Relocation Assistance to Tenants Displaced from Their Homes” (HUD Brochure HUD-1042-CPD);
- “Relocation Assistance to Displaced Homeowners” (HUD brochure HUD-1044-CPD); and,
- “Relocation Assistance to Displaced Businesses; Nonprofit Organization and Farms (HUD Brochure HUD-1043-CPD).

MONITORING FOR COMPLIANCE WITH THE REQUIREMENTS OF THE URA

The Housing and Community Development division is responsible for monitoring federally assisted activities that are subject to the requirements of the URA to assure compliance. Because of the substantial monetary liabilities which can be imposed in the event of non-compliance with these requirements, those agencies or city departments conducting acquisition, rehabilitation and/or demolition activities are encouraged to closely coordinate these activities with the staff of the city’s Housing and Community Development Division.

Original copies of the required documentation must be submitted to and retained by the Housing and Community Development division. If subsequent audits or monitoring results in the disallowance of certain costs and/or the determination that additional payment(s) are required, the agency or city department conducting the activity will be held responsible for the payment and/or reimbursement.

All sub recipient agreements and departmental work orders authorizing activities subject to the URA and/or Section 104 (d) requirements include language establishing these responsibilities in addition to language which authorizes the Housing and Community Development division of the City of Boise, HUD or the General Accounting Office (GAO) to review the records of the agency and to contact all parties to the transaction including the seller(s) and current and former tenant-occupants.

PART II: PROCEDURES FOR THE ACQUISITION OF REAL PROPERTY

STEP 1: PLAN THE PROJECT
A. Is acquisition an allowable use of funds under the intended funding source?  
B. Is the acquisition necessary for the activity or are there other alternatives such as rental or leasing?  
C. What is the total estimated cost of the acquisition?  
D. Is there adequate funding available?  
E. Are the staff knowledgeable of the requirements of the URA and Section 104 (d)? If not, can training be obtained within a reasonable period of time?
F. Are the record keeping systems in place that meet the requirements of the URA and Section 104 (d)?

G. Submit request for preliminary approval from city’s Housing and Community Development division.

STEP 2: SELECT GENERAL AREA OR NEIGHBORHOOD AND POTENTIAL SITES SUITABLE FOR PROJECT

A. Is the planned use of the property permitted by local zoning ordinances? Will a conditional use permit or a variance be required?
B. Does the site lend itself to the intended use?
C. Is the property subject to any obvious environmental problems (flooding, wetland, historic property contamination from storage of hazardous chemicals, etc.)?
D. What are the current or prior uses of the intended site?
E. Submit request to Housing and Community Development division for environmental review.
F. Will CDBG funding to be used in this project? If so, will Section 104 (d) be triggered by demolition, rehabilitation or conversion? How will the one-for-one replacement requirements be met?

STEP 3: DETERMINE IF THE TENANT-OCCUPANTS ARE LOCATED ON THE PROPERTY

If so, consider the following:

A. Have the required steps been taken to plan for relocation?
B. How much will the relocation cost?
C. Does the cost of the relocation make the project prohibitive?
D. How will the relocation costs be paid?

STEP 4: INFORM OWNER OF AGENCY’S INTEREST IN ACQUIRING THE PROPERTY

A. Provide owner with written notification that agency is only interested in acquiring property as a voluntary transaction and will not use (or does not have) the power of eminent domain.
B. Provide owner with agency’s estimate of the fair market value of property prior to executing a contract for purchase. If this is not feasible, the owner must be provided with an opportunity to withdraw from the contract after the results of appraisal have been obtained.

STEP 5: SUBMIT REQUEST FOR WRITTEN AUTHORIZATION TO PROCEED FROM HOUSING AND COMMUNITY DEVELOPMENT DIVISION

A. Provide Housing and Community Development staff with current tenant list.
B. Housing and Community Development staff will conduct tenant interviews, provide general information notices and notices of nondisplacement (if applicable) to all tenant-occupants at the initiation of negotiations.

STEP 6: DETERMINE LEGAL INSTRUMENT TO BE USED FOR PURCHASE OFFER

A. Earnest Money Agreement
B. Option to Purchase Agreement
C. Lease with Option to Purchase
D. Other

STEP 7: SECURE AN INDEPENDENT FEE APPRAISAL

A. Invite owner to be present during appraiser’s inspection of property.
STEP 8: SECURE EVIDENCE OF MARKETABLE AND INSURABLE TITLE TO PROPERTY
A. Request that owner(s) provide agency with preliminary commitment for title insurance.
B. Submit preliminary commitment for title insurance to Housing and Community Development staff for review.

STEP 9: PREPARE TO TAKE POSSESSION OF PROPERTY
A. Schedule closing date.
B. Obtain insurance binder.
C. Request funds for closing. If funds are being requested from the city, submit the preliminary estimate of closing costs prepared by the closing agent.

STEP 10: SUBMIT ORIGINAL COPIES OF REQUIRED DOCUMENTATION TO CITY FOR RETENTION
A. Real property acquisition records.
B. Displacement/Relocation records
C. Other necessary information as requested by Housing and Development Staff.
CITY OF BOISE, IDAHO

CITIZEN PARTICIPATION PLAN

HOUSING & COMMUNITY DEVELOPMENT DIVISION
150 NORTH CAPITOL BOULEVARD
BOISE, ID 83702-5920
(208) 570-6830

IDAHO RELAY SERVICE
DIAL 7-1-1
OR
SPECIAL TOLL FREE NUMBERS
1-800-377-3529 ASCII
1-866-252-0684 SPANISH
1-888-791-3004 SPEECH TO SPEECH
1-800-377-3529 TTY

This document can be provided in a format accessible to persons with disabilities and/or persons with limited English proficiency upon request.

The City of Boise prohibits discrimination on the basis of race, color, national origin, religion, gender, sexual orientation, gender identity/expression, familial status, disability or age.
# TABLE OF CONTENTS

Introduction .......................................................................................................................... 1
Objectives .......................................................................................................................... 1
Covered Programs ............................................................................................................... 2
  Community Development Block Grant Program .............................................................. 2
  Home Investment Partnerships Program ...................................................................... 3
Citizen Participation Requirements .................................................................................... 3
  Five-Year Consolidate Plan .......................................................................................... 3
  Annual Action Plan ....................................................................................................... 3
  Consolidated Annual Performance and Evaluation Report ........................................... 4
Participants in the Housing and Community Development Citizen Participation Plan .... 4
  Individual Citizens ...................................................................................................... 4
  Community Outreach for Minority Residents ............................................................... 4
  Public Housing Authority, Organizations and Agencies ............................................... 4
  Boise City Housing and Community Development Citizens Advisory Committee ... 4
  Mayor and City Council ............................................................................................... 5
Communications, Cooperation and Collaboration .......................................................... 5
  Minority Outreach ...................................................................................................... 5
  Language Interpreter ................................................................................................... 5
  Accessible Locations .................................................................................................... 5
  Reasonable Accommodations ..................................................................................... 5
  Translation .................................................................................................................. 6
  Alternate Formats ....................................................................................................... 6
  Training and Technical Assistance ............................................................................. 6
  Committee Vacancies .................................................................................................. 6
  Mailing Lists ............................................................................................................... 6
  Publicity ....................................................................................................................... 6
  Citywide Media-based Communication .................................................................... 6
  Availability and Review of the Consolidated Plan and Action Plan Drafts ............... 6
Staff Support and Technical Assistance ........................................................................ 6
Access to Records ........................................................................................................... 6
Assessment of Performance ............................................................................................ 7
Availability of Public Information ................................................................. 7
Public Hearings .................................................................................................. 7
Applications for Community Development Block Grant and/or Home Programs Funding .. 8
  Public Service Application Process ............................................................... 8
  Non-public Service Applications .................................................................. 9
Response to Complaints and Grievances .......................................................... 9
Criteria for Amendments to the Action Plan/Consolidated Plan ......................... 10
Summary ............................................................................................................. 11
INTRODUCTION

The City of Boise (City), as an entitlement community, is eligible to receive Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds from the U.S. Department of Housing and Urban Development (HUD). This Citizen Participation Plan (Plan) provides for and encourages citizen participation in the CDBG and HOME programs. This Plan is an essential element of the City’s community development process and has been developed to comply with the regulations of the CDBG and HOME programs as administered by HUD.

This Citizen Participation Plan for the City is designed to provide all citizens adequate opportunity to participate in the planning, implementation, and assessment of the CDBG and HOME programs. The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the process, with special emphasis on encouraging participation by persons of low and moderate income and residents of areas where community development funds are utilized.

OBJECTIVES

Subject to federal requirements, CDBG is used for a variety of housing and community development programs and activities with the objective of providing decent housing, a suitable living environment, and expanded economic opportunities that benefit low and moderate income persons in the City. HOME program funds are provided by HUD to carry out activities that increase the supply of decent affordable housing to low and moderate income households, expand the capacity of non-profit housing providers, strengthen the ability of state and local governments to provide housing, and leverage private sector participation in the provision of decent affordable housing.

The primary objectives of the City’s Five-Year Consolidated and Citizen Participation Plans are to:

- Encourage citizen participation in the development of the Five-Year Consolidated Plan, the Annual Action Plan, the Consolidated Annual Performance Evaluation Report, and substantial amendments with emphasis on participation from individuals and households identified as low to moderate income, residents of slum and blighted areas, minorities, those with limited English proficiency, the disabled, and those residing in areas where funding will be utilized.
- Provide citizens with reasonable and timely access to meetings, information, and records relating to the City’s plan for utilizing funding in addition to allowing reasonable opportunity to comment on the Five-Year Consolidated Plan, the Action Plan, the Citizen Participation Plan, the Consolidated Annual Performance and Evaluation Report, and substantial amendments.
- Provide technical assistance to groups representative of persons of low to moderate income and of minority populations that request such assistance in developing proposals for funding. As a condition of providing technical assistance, the City requires that the activities to be addressed in a proposal be consistent with identified community needs.
development housing needs and funding program guidelines, and that funds be available for such activities as may be involved.

- Provide public hearings to obtain citizen views and to provide the City’s responses to proposals and questions at all stages of the community development program process. Public hearings provide for citizen input on community needs, review of proposed uses of funds, and to assess how funds were spent during the previous program year.
- Provide substantive written response to every written citizen complaint within fifteen (15) working days of receiving statement (where practical).
- Endeavor to meet the needs of non-English speaking and Limited Language Proficiency (LEP) residents in the case of public hearings where a significant number of non-English speaking and/or LEP residents can be reasonably expected to participate. When requested no later than five (5) business days prior to a public hearing, appropriate provisions will be determined and made that may include translation of public hearing comments and documents into the language of the majority of the non-English speaking or LEP residents affected.
- Provide public hearings at locations accessible to persons with disabilities, and make provisions for persons with disabilities when requests are made at least five (5) business days prior to the hearing.

**COVERED PROGRAMS**

This Citizen Participation Plan is to establish policies and framework in which citizens are provided the opportunity to review and respond to proposals for the use of federal block grant funds, evaluate program performance, and receive technical assistance in application development. Appropriately planned and implemented, this plan will promote citizen participation in the preservation and revitalization of neighborhoods throughout the City employing the following programs:

- Community Development Block Grant Program: The Community Development Block Grant (CDBG) Program is authorized under Title I of the Housing and Community Development Act of 1974, as amended. The CDBG program was enacted in 1974 under the Housing and Community Development Act or HCDA. Prior to this point in time, there were numerous federal programs which addressed community development issues.

  The primary objective of Title I of the Housing and Community Development Act of 1974, as amended, is the development of viable urban communities. These viable
communities are achieved by providing the following, principally for persons of low and moderate income:

➢ Decent Housing;
➢ A suitable living environment; and
➢ Expanded economic opportunities.

To achieve these goals, the CDBG regulations set forth eligible activities and the national objectives that each activity must meet. As a recipient of CDBG funds, the City is charged with ensuring that these requirements are met.

- Home Investment Partnerships Program: The Home Investment Partnerships (HOME) Program was created by the National Affordable Housing Act of 1990 (NAHA), and has been amended several times by subsequent legislation. The intent of the HOME program is to:

➢ Provide decent affordable housing to lower income households;
➢ Expand the capacity of nonprofit housing providers;
➢ Strengthen the ability of state and local governments to provide housing; and
➢ Leverage private sector participation.

HOME funds are allocated by formula to participating jurisdictions (PJs). PJs are state and local governments that receive funds to operate the HOME program. The City, as a PJ, utilizes HOME funds to provide housing assistance to low and moderate income households for homebuyer acquisition, housing rehabilitation, tenant-based rental assistance (TBRA), and financing of rental housing construction.

ADOPTION OF THE CITIZEN PARTICIPATION PLAN

Prior to the adoption of the Citizen Participation Plan, implementation of the following public comment, review, and adoption procedures will ensure that all citizens have a chance to participate in development of the Plan.

i. The City will provide a notice of the 30-day public review period and public hearing on the Citizen Participation Plan in the Idaho Statesman. The notice will be printed in the Idaho Statesman a minimum of ten (10) days prior to the public hearing date.

   (a) During an emergency declared pursuant to the Disaster Relief Act that affect the ability of citizens to meet, HCD will provide public comment for no more than five (5) days or the lessor of 30 days, as directed by HUD.

ii. The proposed Citizen Participation Plan will be available for public review at the following locations:
   • Housing and Community Development Division office from 8:00 a.m. to 5:00 p.m., except for legal holidays, at 150 N. Capitol Blvd.
Boise City website at [http://hcd.cityofboise.org/planning/](http://hcd.cityofboise.org/planning/)

Upon request, the Plan will be made accessible to any person with disabilities. The City will provide a reasonable number of free copies of the Citizen Participation Plan to citizens and groups that request copies.

iii. Comments or views of citizens received in writing during the public review period or orally at the public hearing will be solicited by the Housing and Community Development Division.

iv. The Draft Plan will be adopted upon a majority vote of the Boise City Council at a designated and publicly noticed City Council meeting. After adoption of the Plan, a Final Plan will be prepared. The Final Plan will include a summary of public comments and a summary of any comments not accepted, including the reasons therefore, all of which will be attached to the final Citizen Participation Plan.

**AMENDMENT OF THE CITIZEN PARTICIPATION PLAN**

The City will amend its approved Citizen Participation Plan whenever a change in the public participation process, as outlined in this plan, is proposed. Notice of any amendment to the Citizen Participation Plan will be published in the Idaho Statesman no less than ten (10) days prior to the review and adoption by the Committee to allow the public the opportunity to review and comment on the amendment. Appeals concerning the amendment should follow the Appeal procedures outlined in this document.

(a) During an emergency declared pursuant to the Disaster Relief Act that affect the ability of citizens to meet, HCD will make public comment available for no more than five (5) days or the lessor of 30 days, as directed by HUD. Notification will run concurrently with the five (5) days of public comment to allow for expedited deployment of funds.

**CITIZEN PARTICIPATION REQUIREMENTS**

The planning and reporting activities associated with the CDBG and HOME programs that require public participation are as follows:

- **Five-Year Consolidated Plan**: The City, every five years, develops a new Housing and Community Development Consolidated Plan (Consolidated Plan) in accordance with the citizen participation requirements in 24 CFR 91.105 of the Consolidated Submission Community Planning and Development Programs; Final Rule.

The City will provide a thirty (30) day period to receive comments from citizens on the proposed Consolidated Plan. The City will consider and respond within fifteen (15) business days to any comments received, whether submitted electronically, in writing, or orally at public hearings, in developing the final Consolidated Plan. A summary of these
comments, whether used in the final plan or not, and the City’s response to these comments, will be included in the final Consolidated Plan.

(a) During an emergency declared pursuant to the Disaster Relief Act that affect the ability of citizens to meet, HCD will make public comment available for no more than five (5) days or the lessor of 30 days, as directed by HUD.

The Consolidated Plan, which is in place from October 1, 2016 through September 30, 2021, is available online at http://hcd.cityofboise.org/planning/ or a copy can be requested from the City of Boise’s Housing and Community Development Division.

- **Annual Action Plan:** The City of Boise is required to submit an Annual Action Plan (Action Plan) describing the programs and services funded in each year of the Consolidated Plan. The 2016 Action Plan and each subsequent Action Plan is due to HUD by August 16 of each year and represents the application for continued CDBG and HOME funding initially requested by the Consolidated Plan. This annual planning and reporting activity is essential to ensure that funds are allocated efficiently and to allow flexibility for shifting priorities over the period covered by the Consolidated Plan.

While the Mayor and City Council retain the final authority and responsibility for the manner in which CDBG and HOME funds are used in the community, the comments and suggestions of citizens as well as those of the Housing and Community Development Citizens Advisory Committee are carefully considered when determining which activities the City will assist.

- **Consolidated Annual Performance and Evaluation Report:** The Consolidated Annual Performance and Evaluation Report (CAPER) is a self-assessment of the implementation of the Consolidated Plan and the Action Plan. Activity accomplishments are reported showing the effectiveness of the CDBG and HOME funds through the numbers and demographics served in the community.

The City will provide for a fifteen-day public review and comment period for citizen input on the CAPER. A summary of all comments received will be included in the final CAPER, which is due to HUD ninety (90) days from the end of the program year.

**PARTICIPANTS IN THE HOUSING AND COMMUNITY DEVELOPMENT CITIZEN PARTICIPATION PLAN**

The development of the Consolidated Plan and its annual Action Plan components is a collaborative effort of numerous individuals, organizations, and agencies. The City’s Housing and Community Development Division provides staff support to develop the Consolidated Plan and each Action Plan.

- **Individual Citizens:** The participation of individual citizens is the foundation of the housing and community development programs within the City. Reasonable efforts are made to ensure all citizens are aware of public hearings, planning meetings and citywide
events that involve the development of the Consolidated Plan and each Action Plan. If required, by an emergency declared pursuant to the Disaster Relief Act, the City may hold public meetings virtually.

- **Community Outreach for Minority Residents:** Organizations involved in the development of the Consolidated Plan and each Action Plan will include advertisement in minority media, contact with leaders of minority community organizations, and distribution of outreach materials at events sponsored by minority community organizations.

- **Public Housing Authority, Organizations, and Agencies:** The Boise City/Ada County Housing Authority, as well as other organizations and agencies involved in the development and implementation of activities to assist low income citizens, will be contacted to advise them of the Consolidated Plan and Action Plan process. These organizations and their clients will be encouraged to participate in the development of the Consolidated Plan and each Action Plan.

- **Boise City Housing and Community Development Citizens Advisory Committee:** The Boise City Housing and Community Development Citizens Advisory Committee (Advisory Committee) is the citizen body that reviews, prioritizes and makes recommendations to the Mayor and City Council on the contents of the Consolidated Plan and each Action Plan including activities within. The Advisory Committee consists of no fewer than five (5) members appointed by the Mayor with the confirmation of the City Council. Two (2) members shall be active in the business of development, banking, or real estate and at least two (2) members shall be active in private not-for-profit organizations or public agencies serving the communities economically disadvantaged citizens.

The Advisory Committee assists the City in reviewing applications for CDBG and/or HOME program funding and provides recommendations for programs and/or projects to receive CDBG and/or HOME program funding. The Mayor and City Council will approve or modify the recommendations and direct the Housing and Community Development Division to prepare a draft Action Plan. After a public comment period of thirty (30) days, the proposed Action Plan is presented to Mayor and City Council for final review and adoption.

(a) During an emergency declared pursuant to the Disaster Relief Act that affects the ability of citizens to meet, HCD will make recommendations to Mayor and Council for activities to be funded and public comment will be limited to five (5) days or the lesser of 30 days as provided by HUD.

- **Mayor and City Council:** The Mayor and City Council is the final policy body that reviews and takes action on the Consolidated Plan and/or Action Plan. After receiving, the Consolidated Plan and/or Action Plan, the Mayor and City Council considers and then votes on the proposed Consolidated Plan and/or Action Plan before the plan and/or plans are presented to the citizens for comment. After receipt and consideration of citizen
COMMENTS, the Mayor and City Council approves the final Consolidated Plan and/or Action Plan. Once approved by Mayor and City Council, the Consolidated Plan and/or Action Plan are presented to HUD.

COMMUNICATIONS, COOPERATION, AND COLLABORATION

The development of the Consolidated Plan and each Action Plan takes place over several months, with citizen participation encouraged in all phases by an all-inclusive communication effort. The City’s Housing and Community Development Division coordinates the communication efforts that include but are not limited to the following components:

- **Minority Outreach**: Conduct outreach announcing all public hearings to organizations that represent minorities, as well as organizations that represent persons with disabilities at least five (5) business days prior to the date of each hearing.
- **Language Interpreter**: Include a statement in all notices of public hearings indicating that participants in the hearing may request a language interpreter to assist in their participation in the hearing by contacting the Housing and Community Development Division during scheduled office hours, Monday through Friday between 8:00 a.m. and 5:00 p.m., at least five (5) business days prior to a hearing date.
- **Accessible Locations**: Include a statement in all notices of public hearings indicating that locations are accessible to persons with physical disabilities.
- **Reasonable Accommodations**: Include a statement in all notices of public hearings indicating that participants may request reasonable accommodations from the City to facilitate their participation in the hearing by contacting the Housing and Community Development Division during scheduled office hours, Monday through Friday between 8:00 a.m. and 5:00 p.m., at least five (5) business days prior to a hearing date.
- **Translation**: Notify organizations representing minorities that every reasonable effort will be made to translate the Citizens Participation Plan, Consolidated Plan, Action Plan, and CAPER into other languages upon request.
- **Alternate Formats**: Notify organizations representing persons with disabilities that every reasonable effort will be made to provide the Citizens Participation Plan, Consolidated Plan, Action Plan, and CAPER in a format accessible to persons with disabilities upon request.
- **Training and Technical Assistance**: Provide educational sessions on the CDBG and HOME programs and processes to organizations representing minorities and/or persons with disabilities.
- **Committee Vacancies**: Notify organizations representing minorities and/or persons with disabilities of vacancies on the Advisory Committee.
- **Mailing Lists**: Maintain a community partners’ mailing list and/or e-mail list for use in distribution of flyers, public hearing announcements, and so forth.
- **Publicity**: Contribute articles and notices about the Housing and Community Development Division’s process to community newspapers.
- **Citywide Media-based Communication**: The use of media and other publicity efforts are planned to include newspaper notices of public hearing dates, times, and locations. A newspaper notice will give the amount of funds the City expects to receive and the range of activities that will be undertaken with these funds. This notice will give the estimated
percentage of proposed CDBG and HOME funds that will be used for activities that benefit low and moderate income citizens.

- **Availability and Review of the Consolidated Plan and Action Plan Drafts:** The Citizen Participation Plan provides for a thirty (30) day public review of the Consolidated and Action Plan drafts prior to submission to the Mayor and City Council for final approval and adoption. The beginning and ending dates for the thirty (30) day public comment period will be published in a notice with The Idaho Statesman, a newspaper of general circulation.

  (a) During an emergency declared pursuant to the Disaster Relief Act that affects the ability of citizens to meet, HCD will make public comment available for no more than five (5) days or the less or 30 days, as directed by HUD.

**STAFF SUPPORT AND TECHNICAL ASSISTANCE**

Housing and Community Development Division staff support is an important element of the Citizen Participation Plan. To guarantee citizen participation in the development of Action Plans, the Housing and Community Development Division will make every reasonable effort to respond to requests from agencies requiring technical assistance to develop project proposals. In addition, staff works directly with the Advisory Committee to convey community development information, setup meetings, make telephone calls, facilitates communication concerning project implementation, and so forth.

**ACCESS TO RECORDS**

The Housing and Community Development Division will provide citizens, public agencies, and other interested parties reasonable and timely access to information and records relating to the City’s Consolidated Plan, Action Plans, and CAPERs in accordance with federal regulations, Idaho State statutes, and City policy. The City may from time to time enter into public/private partnerships utilizing federal programs, i.e. loans and grants, that require the submission of proprietary business information to document the financial conditions of the proposed loan or
grant. Such proprietary business information may be exempted from disclosure under certain conditions.

The City may charge a fee for copies to recover the cost of materials and operations. In addition, the City will require an appointment to view records and may assign a Housing and Community Development Division staff member to be present during the inspection of records.

**ASSESSMENT OF PERFORMANCE**

Citizens and citizen organizations have the following opportunities to submit comments on all aspects of the City’s housing and community development performance:

- Public hearings and public comment periods;
- Correspondence to the Advisory Committee;
- Correspondence or verbal comment to the Housing and Community Development Division during the allocation process, implementation phase, and/or after completion of the projects; and
- Neighborhood meetings - a minimum of three (3) conducted during the planning period for the Five-Year Consolidated Plan.

**AVAILABILITY OF PUBLIC INFORMATION**

The Housing and Community Development Division office will be open Monday through Friday from 8:00 a.m. to 5:00 p.m., except during legal holidays, in order to allow citizens the opportunity to inspect public file and records related to the activities receiving CDBG and HOME program funding.

Housing and Community Development Division staff will be available to provide interested citizens with information concerning the following:

- Total amount of CDBG and HOME funds expected to be available for use;
- List of proposed activities to benefit low and moderate income persons using CDBG and HOME programs funding;
- List of proposed activities likely to result in displacement and the City’s plans for minimization of such displacement; and
- Types and levels of assistance the City will provide to persons displaced by CDBG and/or HOME programs funded activities.

**PUBLIC HEARINGS**

The City will conduct at least two (2) public hearings annually and will conduct onsite information gatherings and community awareness meetings at local area homeless shelters and other social service agencies serving the needs of low and moderate income individuals. In
addition, three (3) additional neighborhood meetings will be conducted during the preparation of the Five-Year Consolidated Plan.

Public hearings will be advertised community-wide at least two (2) weeks in advance, in order to allow interested parties to express their views or respond to proposals or questions related to the CDBG and HOME programs.

(a) During an emergency declared pursuant to the Disaster Relief Act that affect the ability of citizens to meet, HCD will make public comment available for no more than five (5) days or the lessor of 30 days, as directed by HUD. Notification will run concurrently with the five (5) days of public comment to allow for expedited deployment of funds.

Public hearings will be held at the City’s Housing and Community Development Division office site, located at 150 N. Capitol Boulevard or another public facility which provides for the adequate access of individuals with mobility impairments, at a time which is convenient to potential and actual beneficiaries of the programs. Participants requesting reasonable accommodations from the City to facilitate participation in a public hearing or requiring further information may call or write the Assistance Program Administrator at (208) 570-6830, 150 N. Capitol Boulevard, Boise, ID, 83702. Individuals who are deaf, hard of hearing, or have speech disabilities with others may contact the Assistant Program Administrator at (208) 570-6830 through the Idaho Relay Service at 7-1-1. Please contact the Housing and Community Development Division during scheduled office hours, Monday through Friday between 8:00 a.m. and 5:00 p.m., at least five (5) business days prior to a hearing date.

(a) During an emergency declared pursuant to the Disaster Relief Act, these meeting may be held virtually.

One (1) of the two (2) public hearings will be conducted prior to the City’s submission to HUD of the required CAPER. This public hearing will provide an opportunity for citizens to comment on the performance of the City during the previous year in carrying out the activities specified in the Consolidated Plan. At least fifteen (15) days prior to this public hearing, the City will make available copies of the CAPER for citizen review and comment.

The City will consider all comments or views of citizens received in writing or orally at the public hearing, and a summary of the comments or views will be attached to and submitted with the performance report.

The second of the two (2) annual public hearings will be conducted no less than sixty (60) days before the proposed Consolidated Plan is initially published for comment. This public hearing
will provide an opportunity to obtain the views of citizens on housing and community development needs and to develop proposed activities for inclusion in the yearly Action Plan.

APPLICATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND/OR HOME PROGRAMS FUNDING

The application process for CDBG and/or HOME programs funding will officially open during the public hearing conducted to obtain the views of citizens on housing and community development needs within the community.

- **Public Service Application Process:** Activities in this funding category are limited to no more than fifteen percent (15%) of the annual CDBG entitlement allocation. Public service applications will be accepted, reviewed, ranked, and funded on an annual basis by the Advisory Committee.

  Historically, the majority of public service applications come from community groups and non-profit agencies that provide services to low and moderate income clients (e.g. homeless services, domestic violence counseling, or emergency rental assistance).

  The Advisory Committee will meet to review and rank the public service applications. The meeting dates will be published in The Idaho Statesman and are considered open public meetings. Public service applicants may be invited by the Advisory Committee to present their project during the scheduled meeting dates. After the presentation, the Advisory Committee may comment and ask questions of the applicant to ensure they have the necessary information to judge the merits of the project.

  The final scheduled Advisory Committee meeting determines which public service applicants will receive CDBG funding and how much will be allocated based on the review and total score of each application.

  (a) During an emergency declared pursuant to the Disaster Relief Act that affects the ability of citizens to meet, HCD will make recommendations to Mayor and Council for activities to be funded and public comment will be limited to five (5) days or the lessor of 30 days as provided by HUD. The City may make up to the maximum amount available for public services, as defined by HUD. Priority will be provided to non-profit providers who have demonstrated high compliance with regulations as evidenced by the most recent monitoring.

- **Non-Public Service Applications:** Activities funded in this category account for the majority of the total of CDBG and HOME programs entitlement funding. The types of project generally funded include tenant-based rental assistance, homeownership, housing rehabilitation, community facilities, public infrastructure, and economic development.
Due to the nature of the work, non-public service activities are most often administered or facilitated by the City.

➢ Non-public service funding is available to outside organizations.

Allocation of non-public service funds involves an internal City process to determine viable project priorities with assistance from the Advisory Committee upon request. The funding commitment for non-public service projects will be determined by the type, size, and scope of the project. For example, large construction activities may have a multi-year funding commitment to focus CDBG and/or HOME funds in a high priority area.

➢ The City’s Housing and Community Development Manager will make the final recommendations for Mayor and City Council approval and adoption.
➢ For projects with multi-year funding, if HUD should reduce or increase the total federal funding of the CDBG and/or HOME programs, the Housing and Community Development Manager will determine if the change will be distributed to one or all of the funded projects.

RESPONSE TO COMPLAINTS AND GRIEVANCES

The City, through the Housing and Community Development Division, will answer in a timely and responsive manner to written complaints and grievances related to the CDBG or HOME programs. Staff will make every reasonable effort to provide written responses within fifteen (15) days.

When writing a complaint, citizens should provide enough information to permit an investigation. The complaint should be clear, concise, and include the following information:

- Identification of the project and project location;
- The reason for the complaint (hearsay and innuendo will not be considered valid);
- Sufficient date to substantiate any claims or charges. If possible, supporting documentation should be included; and
- If desired, citizens may propose a solution or remedy to the problem.

Complaints and grievances shall be first filed with the project sponsor if the complaint or grievance is related to an activity or project initiated with a subrecipient. A copy of the complaint or grievance should also be filed with the City’s Housing and Community Development Division. Subrecipients must make every reasonable effort to provide written responses within fifteen (15) days (where practical), and forward a copy of the response to the City’s Housing and Community Development Division.

If the complainant feels the response from the subrecipient or project sponsor is unsatisfactory, he or she may appeal to the City’s Housing and Community Development Manager to review the complaint for resolution. Additional information may be requested at that time. Every
reasonable effort will be made to provide written responses within thirty (30) days (where practical).

If valid and sufficient data has been provided to substantiate the complaint, an investigation will be conducted. The extent of an investigation depends on the scope and depth of the issues involved. Some investigations may include examining a set of circumstances; others may involve examining local policies and practices.

**CRITERIA FOR AMENDMENTS TO THE ACTION PLAN/CONSOLIDATED PLAN**

24 CFR 91.105 (c) of the Consolidated Submission Community Planning and Development Programs; Final Rule requires that grantees of CDBG and HOME programs make public the criteria the City will use for determining what changes in the planned or actual activities constitute a substantial amendment to the Consolidated Plan. An amendment to the approved Action Plan will occur when the City plans do not carryout a project or activity described in the Action Plan, plans to carryout a project or activity not previously described, or plans to substantially change the purpose, scope, location, or beneficiaries of a project or activity.

In accordance with these requirements, the City will consider a change of the purpose, scope, location, or beneficiaries of a project or activity to be substantial under the following conditions:

- A requested increase or decrease in the budgeted amount for a project or activity exceeds 85% of the original budgeted amount;
- When a project or activity previously described in the Action Plan will not be carried out; or
- When a new project or activity is proposed that is not currently identified in the Action Plan.
- When there are substantial changes to a project or activities purpose, scope of services, location, or type of beneficiary.

Upon the determination that an amendment to the Consolidated Plan and/or Action Plan is necessary and consistent with the amendment criteria established herein, the City shall publish a summary of the proposed amendment in The Idaho Statesman to provide an opportunity for affected citizens to comment on the proposal for a period of thirty (30) days.

(a) During an emergency declared pursuant to the Disaster Relief Act that affect the ability of citizens to meet, HCD will make public comment available for no more than five (5) days or the lessor of 30 days, as directed by HUD. Notification will run concurrently with the five (5) days of public comment to allow for expedited deployment of funds.

**SUMMARY**

The City has developed its Citizen Participation Plan in order to provide for and encourage citizen participation with particular emphasis on participation by persons of low and moderate income, residents of slum and blighted areas, and of areas in which CDBG and HOME funds are
proposed. This Plan will be amended as required by the regulations governing the CDBG and HOME programs, or as deemed necessary by the City’s Housing and Community Development Division.
CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL. "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

[Signature]

Date: 5/19/2020

Mayor

Title
Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation — It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan — Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan — It is following a current consolidated plan that has been approved by HUD.

Use of Funds — It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2017, 2018, and 2019 [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force — It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.
Compliance with Anti-discrimination laws — The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint — Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws — It will comply with applicable laws.

[Signature]

Signature of Authorized Official

5/19/2020

Date

Mayor

Title
OPTIONAL Community Development Block Grant Certification

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

[Signature]
Signature of Authorized Official

5/19/2020
Date

Mayor
Title
Specific HOME Certifications

The HOME participating jurisdiction certifies that:

**Tenant Based Rental Assistance** -- If it plans to provide tenant-based rental assistance, the tenant-based rental assistance is an essential element of its consolidated plan.

**Eligible Activities and Costs** -- It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR §§92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

**Subsidy layering** -- Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

[Signature]

Date

Mayor

Title
Emergency Solutions Grants Certifications

The Emergency Solutions Grants Program recipient certifies that:

Major rehabilitation/conversion/renovation – If an emergency shelter’s rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation.

If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion.

In all other cases where ESG funds are used for renovation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the recipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the recipient serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The recipient will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for these individuals.

Matching Funds – The recipient will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The recipient has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement – To the maximum extent practicable, the recipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan – All activities the recipient undertakes with assistance under ESG are consistent with its consolidated plan.
**Discharge Policy** – The recipient will establish and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Signature of Authorized Official __________________________

Date __________________________

Title __________________________

NOT APPLICABLE
Housing Opportunities for Persons With AIDS Certifications

The HOPWA grantee certifies that:

Activities — Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building — Any building or structure assisted under that program shall be operated for the purpose specified in the consolidated plan:

1. For a period of not less than 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,

2. For a period of not less than 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Signature of Authorized Official                                    Date

Title

NOT APPLICABLE
APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.
**Application for Federal Assistance SF-424**

9. Type of Applicant 1: Select Applicant Type:
   
   C. City or Township

   Type of Applicant 2: Select Applicant Type:

   Type of Applicant 3: Select Applicant Type:

   * Other (specify):

10. Name of Federal Agency:
   
   U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:
   
   14.218

   CFDA Title:
   
   Community Development Block Grants 14.218

12. Funding Opportunity Number:
   
   B-20-MC-16-0001

   * Title:
   
   Community Development Block Grants CARES Funding

13. Competition Identification Number:

14. Areas Affected by Project (Cities, Counties, States, etc.):

15. Descriptive Title of Applicant's Project:

   Annual Action Plan Amendment 2019 for CDBG-CV funding

Attach supporting documents as specified in agency instructions:

Add Attachments  Delete Attachments  View Attachments
ASSURANCES - CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property aquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.

4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.

5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.

6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM’s Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681, 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.


14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).


18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

APPLICANT ORGANIZATION
City of Boise City

DATE SUBMITTED
May 14, 2020
TO: Mayor and Council

FROM: Jerry Pugh, Parks & Recreation

NUMBER: RES-198-20

DATE: May 13, 2020

SUBJECT: ACHD Parking License Agreement - Molenaar Park

BACKGROUND:

Boise Parks and Recreation owns Molenaar Park (2815 S Maple Grove Rd, Boise, ID 83709) and enters into a parking license agreement with Ada County Highway District (ACHD) to permit its parking of commuter vans at the park.

The licensed premises consist of approximately twelve (12) parking spaces to be used Monday through Friday from 7 a.m. to 5 p.m. Additionally, two (2) vans may park in the licensed premises overnight on Saturday and Sunday.

The agreement will continue on a monthly basis until its expiration on December 31, 2020.

FINANCIAL IMPACT:

None

ATTACHMENTS:

- ACHD Parking License Agreement - Molenaar Park(PDF)
CITY OF BOISE

Resolution NO. RES-198-20

BY THE COUNCIL

BAGEANT, CLEGG, HALLYBURTON, SANCHEZ, THOMSON AND WOODINGS

A RESOLUTION APPROVING, AS TO BOTH FORM AND CONTENT, A PARKING LICENSE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF PARKS AND RECREATION) AND ADA COUNTY HIGHWAY DISTRICT (ACHD) BY WHICH THE CITY GRANTS ACHD A LIMITED, NON-EXCLUSIVE PARKING LICENSE AGREEMENT AT MOLENAAR PARK; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Parking License Agreement by and between the city of Boise City and Ada County Highway District, a copy of which is attached hereto and incorporated herein by reference, be, and is, approved as to both form and content.

Section 2. That the Mayor and City Clerk, respectively, be, and are, authorized to execute and attest the Parking License Agreement for and on behalf of the city of Boise City.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.
PARKING LICENSE AGREEMENT
BY AND BETWEEN
BOISE CITY AND
ADA COUNTY HIGHWAY DISTRICT

THIS PARKING LICENSE AGREEMENT (the “Agreement”) is made and entered into by and between the city of Boise City, by and through its Department of Parks and Recreation (“Boise City”), and Ada County Highway District, by and through its Commuteride division (“ACHD”). Individually, either Boise City or ACHD may be referred to as a “Party,” and together as the “Parties.”

RECITALS

WHEREAS, Boise City owns that certain real property located in Boise, Idaho, commonly known as “Molenaar Park,” 2815 S. Maple Grove Road, Boise, Idaho 83709, and depicted on the attached Exhibit A;

WHEREAS, the Parties desire to enter into a Parking License Agreement that will grant ACHD parking for its employees, contractors, visitors, and commuter vans;

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

LICENSES

A. Recitals Incorporated. The Recitals, above, are not mere recitals, but are incorporated herein by this reference, and are made a part hereof.

B. ACHD’s License to Park at Molenaar Park. Boise City hereby grants to ACHD, and ACHD accepts from Boise City, a limited, temporary license (“License”) to use approximately twelve (12) vehicle parking spaces located within the City’s “Molenaar Park Parking Lot” (Licensed Premises), which is depicted on Exhibit B, for vehicle parking by employees, contractors, riders, and commuter vans, expressly subject to the following terms and conditions:

C. Parking - Days and Times Authorized. Parking by ACHD employees, contractors, and visitors within the Licensed Premises pursuant to the
License and to this Agreement shall be limited to the following days and times:

- Mondays..........................from 7:00 a.m. to 5:00 p.m.
- Tuesdays...........................from 7:00 a.m. to 5:00 p.m.
- Wednesdays.........................from 7:00 a.m. to 5:00 p.m.
- Thursdays...........................from 7:00 a.m. to 5:00 p.m.
- Fridays...............................from 7:00 a.m. to 5:00 p.m.

Approximately two (2) vehicles registered to ACHD will use the lot for overnight parking and parking on Saturday and Sunday. ACHD's employees, volunteers, contractors, and visitors shall not park vehicles within the Licensed Premises on any Saturday or Sunday, or after 5:00 pm on any weekday, due to high demand for public parking by those participating in recreational activities and organized sporting events.

D. Permits Required. Every vehicle parked in one of the vehicle parking spaces licensed to ACHD shall display a valid ACHD parking permit, to be provided by ACHD. Examples of valid ACHD parking permits are shown on Exhibit C, attached hereto and incorporated herein by reference. Vehicles using the Molenaar Park Parking Lot for Park-and-Ride are not required to display a Bogus Basin Parking permit.

E. Molenaar Park Parking Lot - Condition and Maintenance. Boise City makes no representations as to the condition of the Licensed Premises and ACHD accepts the Licensed Premises in its "AS-IS" and "WHERE-IS" condition.

- ACHD shall immediately notify Boise City of any repair or maintenance required to correct or remedy any unsafe area or condition, and ACHD shall immediately post, place, or display such notification of the unsafe area or condition as it deems necessary to warn users of the Licensed Premises of its existence. Within two (2) business days of receiving notification from ACHD of the existence of any unsafe area or condition, Boise City either shall:
  
  i. Repair, correct, or remedy such unsafe area or condition, or
  ii. Ensure (i) that a barrier is placed around such unsafe area or condition, and (ii) that it is clearly posted, marked, or displayed in such a way as Boise City deems necessary to warn users of the Licensed Premises of the existence of the
unsafe area or condition.

- From time to time, Boise City will sweep the Molenaar Park Parking Lot, including the Licensed Premises. In addition to those sweepings performed by Boise City, ACHD shall sweep the Licensed Premises a minimum of one (1) time each calendar year. ACHD may, at its own discretion and cost, sweep the Molenaar Park Licensed Premises at other times.

F. **No Bailment.** No bailment is intended, and no bailment is created hereby.

G. **Term.** This Agreement shall be effective upon full execution by the Parties (the "Effective Date") and, except as otherwise expressly provide herein, shall continue in full force, month to month, until it expires at 11:59 p.m. on December 31, 2020 (the "Initial Term").

H. **Renewal.** The Parties may, by written Addendum, signed by both Parties, renew this Agreement. Neither Party shall be under any obligation to renew this Agreement. An Addendum may include new or modified terms and conditions upon which the Parties agree. Unless extended by the Parties in writing by Addendum, at the end of the Initial Term, December 31, 2020, this Agreement, and the license granted hereby, shall expire without further action of either Party.

I. **Termination.**

- Either Party may terminate this Agreement and the License granted hereby at any time, without cause, by providing the other Party thirty (30) days' prior written notice of termination.

- The authority to terminate this Agreement without cause expressly includes Boise City's ability to terminate this Agreement for the non-appropriation of funds by the Boise City Council. In addition to termination without cause with thirty (30) days' prior written notice, the following termination provisions shall apply in specified circumstances:

  i. No prior written notice of termination is required for Boise City to terminate this Agreement, unilaterally and immediately, for cause, based upon ACHD's failure to comply with, or default
under, this Agreement. In such an instance, termination is effective immediately upon delivery to ACHD of written notice, as provided herein.

ii. The complete destruction by fire, flood or other casualty of the Licensed Premises, as defined herein, shall result in the immediate termination of this Agreement, without notice from either Party.

J. Default; Remedies.

- If ACHD is in default on any of the terms and conditions of this Agreement, or if ACHD violates any laws of the state of Idaho or any ordinances of the city of Boise City and thereafter fails or refuses to perform or correct the conditions constituting a breach or default, Boise City may immediately terminate this Agreement upon written notice, as provided herein and all rights of ACHD in accordance with this Agreement shall be deemed terminated and forfeited.

- If ACHD or its employees, contractors, servants, agents, guests, or business invitees use the License in breach of the terms of this Agreement, then Boise City may do one or all of the following:
  
i. At the expense of the offending vehicle’s owner or operator, tow and store, immobilize (with a tire “boot”), or tow and relocate any vehicle violating any term of this Agreement;

  ii. Issue a citation and charge reasonable fines and fees to the owner or operator of the offending vehicle for any violation of this Agreement, pursuant to Boise City Code, Title 10, Chapter 11; and

  iii. Pursue any other available remedies under the law.

- If ACHD, its employees, contractors, servants, agents, guests, or business invitees violate the terms of this Agreement on a habitual and regular basis, and such pattern of regular breaches continues substantially un-remedied for more than thirty (30) calendar days after written notification to ACHD, by Certified Mail, of such
violations, Boise City may terminate this Agreement, and the license granted hereby, immediately for cause by providing ACHD with written notice of such termination.

K. Indemnification. Each Party shall indemnify, save, hold harmless, and defend the other Party from, for, and against any and all losses, claims, actions or judgments for damages, or injury to persons or property, and losses and expenses (collectively "Claims") caused, in whole or in part, or incurred by the indemnifying party, its officers, employees, contractors, servants, agents, guests, or business invitees, and not caused by or arising from the negligent, willful acts or omissions of the other party or its officers, employees, contractors, tenants, servants, agents, guests, or business invitees. This indemnification is subject to the limitations of Idaho law, including Article VII Section 4, Idaho Constitution and Idaho Code Title 6 Chapter 9 (the Idaho Tort Claims Act), and to any other limitations set forth in this Agreement. This indemnification by ACHD shall extend to the entire Licensed Premises. This indemnification by Boise City shall extend to any maintenance or repair issue that ACHD notifies Boise City about, in accordance with this Agreement, upon the occurrence of the earlier of:

- Two (2) business days of receiving notification from ACHD of the existence of any unsafe area or condition; or

- Boise City taking any action to repair, correct, or remedy such unsafe area or condition, or to post, mark, or display the unsafe area or condition.

The indemnification, savings, hold harmless, and duty-to-defend obligations of each Party expressly shall survive any expiration or termination of this Agreement and the License granted hereby.

OBLIGATIONS OF ACHD

ACHD agrees and covenants as follows:

A. Insurance.

- Prior to use of the Licensed Premises for the purposes stated herein, ACHD shall obtain, at its own cost and expense, and shall thereafter maintain at all times throughout the term of this Agreement and any extensions thereof, commercial general liability insurance, under which Boise City shall be a named insured, in an amount not
less than One Million Dollars ($1,000,000.00) per occurrence. The limits of insurance shall not be deemed a limitation of the covenants to indemnify, save, hold harmless and defend Boise City as provided herein. If, as a result of any action or inaction by ACHD or any of its officers, employees, contractors, tenants, servants, agents, guests, or business invitees, Boise City becomes liable for an amount in excess of these mandatory insurance minimums, ACHD expressly covenants and agrees to indemnify, save, hold harmless, and defend Boise City and its officers, employees, and volunteers from and for all such amounts of losses, claims, actions, judgments for damages, and liability to persons or property that arise as a result of the activities contemplated pursuant to this Agreement. Upon request from Boise City, ACHD shall provide Boise City with a certificate of insurance or other proof evidencing ACHD compliance with the requirements of this paragraph, which may include evidence or proof that ACHD is insured for the minimum amounts required by this section.

- The insurance obligations of ACHD expressly shall survive any expiration or termination of this Agreement and the License granted hereby.

- The insurance obligations of ACHD may be satisfied by providing City with a certificate of self-insurance.

B. Maintenance.

- Throughout the term of this Agreement and any extensions thereof, ACHD, at its sole cost and expense, shall maintain the Licensed Premises and in a neat and orderly manner and free of debris.

- Prior to commencing its use of the Licensed Premises, ACHD shall examine the Licensed Premises for damage, and shall notify Boise City of the existence of any damage that may cause, contribute to, or result in injury to any person or damage to property.

C. Environmental Compliance. ACHD shall, in exercising its rights and responsibilities herein, including any and all environmental response or remedial activities, comply with all environmental laws. If ACHD fails to comply with any applicable environmental laws, Boise City may enter the
premises and take all reasonable and necessary measures, at ACHD expense, to ensure compliance with environmental laws. ACHD shall undertake such steps to remediate and remove any hazardous materials, hazardous wastes, and any other environmental contamination caused by ACHD on or under the Licensed Premises as are necessary to protect the public health and safety and the environment from actual or potential harm and to bring the Licensed Premises into compliance with all environmental laws. ACHD shall not be responsible for remediation or increased remediation costs for any condition existing on the Licensed Premises at the time this Agreement is entered into.

D. Repair and Restoration.

- Upon termination, cancelation, or expiration of this Agreement, ACHD shall do all things reasonably necessary to restore the Licensed Premises to the condition in which it existed on the Effective Date of this Agreement.

- ACHD shall pay all costs of restoration.

- Within thirty (30) days of termination, cancelation, or expiration of this Agreement, ACHD shall have returned the Licensed Premises to Boise City to the condition in which it existed on the Effective Date of this Agreement.

- Upon termination, cancelation, or expiration of this Agreement, the Parties may agree in writing that some or all of such improvements are to remain on the Licensed Premises following termination. By entering into such an agreement, ACHD would thereby disclaim all right, title, and interest in and to the improvements, and hereby grants and conveys such improvements to Boise City, at no cost.

E. Rules and Regulations. From time to time, Boise City may adopt, in writing, reasonable rules and regulations governing the use of the Licensed Premises. These rules and regulations shall apply uniformly to all users of the Licensed Premises, including ACHD and its officers, employees, contractors, tenants, servants, agents, guests, or business invitees, as well as members of the general public.
F. Alteration, Reconfiguration, or Relocation of Parking Improvements. Notwithstanding anything to the contrary contained in this Agreement, if deemed necessary in its sole discretion Boise City may, from time to time, alter, reconfigure, or relocate (in the same general area) the Licensed Premises. In the event any alteration, reconfiguration, or relocation of the Licensed Premises is necessary, Boise City shall provide ACHD not fewer than sixty (60) days written notice prior to the commencement of such work. Boise City provides no guarantee to ACHD that the Licensed Premises subject to this License will be adequate for ACHD needs, or at all times be available to ACHD, its employees, contractors, servants, agents, guests, or business invitees during such activities as reconstruction, resurfacing, restriping or other periodic maintenance activities Boise City may carry out.

RIGHTS RETAINED BY BOISE CITY

In granting this License, and at all times during the term thereof, Boise City expressly retains all rights over the Licensed Premises that are not expressly granted to or conferred upon ACHD in this Agreement, including, without limitation:

A. The right to use the Licensed Premises for all purposes not inconsistent with ACHD rights hereunder; and

B. Upon reasonable written notice to ACHD, the right to close the Licensed Premises from time-to-time to perform repairs and maintenance on the Licensed Premises, or to prevent any unauthorized use thereof.

GENERAL TERMS

A. Contact Person.

- Each Party shall designate a contact person to deal with all issues related to this Agreement.

- As of the Effective Date, and unless and until changed as provided herein, each Party hereby designates the following contact person:

  i. For ACHD: Michelle Tang, Rideshare Coordinator
     Phone: 208-387-6167
     E-mail: mtang@achd.idaho.org
ii. For Boise City: Jerry Pugh, Community Volunteer Coordinator  
Phone: 208-608-7617  
E-mail: jburgh@cityofboise.org

- A Party’s designated contact person may be changed from time-to-time by notifying the other Party as provided herein.

- It is intended that all communications between the Parties with regard to the subject matter of this Agreement shall be made through the designated contact persons.

B. Notices. All notices and demands required or desired to be given under any provision of this Agreement shall be in writing and delivered to the receiving party at the respective addresses set forth below, or to such other addresses as either party may designate by written notice. Each such notice and demand shall be deemed given or made as follows: (a) if sent by hand delivery or electronic mail, upon delivery; (b) if sent by mail, upon the earlier of the date of receipt or three (3) days after deposit in the U.S. Mail, first class and postage prepaid; (c) if sent by overnight mail, upon the earlier of receipt or the day after deposit with the overnight carrier, or as otherwise required herein.

ACHD  
ACHD Commuterride  
3775 N. Adams Street  
Garden City, ID 83714  

Boise City  
Department of Parks & Recreation  
1104 Royal Blvd.  
Boise, ID 83706

C. Entire Agreement; Amendment. This Agreement embodies the entire agreement between the Parties with respect to the subject matter hereof, and it contains all of the agreements and conditions made between the Parties hereto with respect to the subject matter hereof. Any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding except to the extent incorporated into this Agreement.
D. **Modification of Agreement.** To be valid and effective, any modification or amendment of this Agreement shall be in writing and signed by Boise City and ACHD, or their respective heirs, successors, or authorized assigns.

E. **Authority.** By the signature of its authorized representative on this Agreement, Boise City represents and warrants that it has authority to enter into this Agreement, and to license the Licensed Premises to ACHD for the purposes provided herein.

F. **Section Titles and Headers.** The captions of the various paragraphs, articles, and sections of this License are for convenience and ease of reference only and are expressly not a part of this License.

G. **Attorneys’ Fees.** In the event of any controversy, claim, or action being filed or instituted to enforce the terms and conditions of this Agreement or arising from the breach of any provision hereof, the prevailing Party shall be entitled to receive from the other party all costs, damages, and expenses, including reasonable attorneys’ fees, incurred by the prevailing party, whether or not such controversy or claim is litigated or prosecuted to judgment. The prevailing Party will be that Party who was awarded judgment as a result of trial or arbitration, or who receives a payment of money from the other Party in settlement of claims asserted by that Party.

H. **Governing Law.** This Agreement shall be governed by, construed, and enforced in accordance with the laws of the state of Idaho and the ordinances of the city of Boise City.

I. **Waiver.** No failure of Boise City to exercise any power or authority given it hereunder, or to insist upon strict compliance by ACHD of any obligation, duty, term, condition, or provision of this Agreement, and no custom or practice of the Parties at variance with any term, condition, or provision of this Agreement, shall constitute a waiver of Boise City’s right to demand strict compliance with all terms, conditions, and provisions of this Agreement. To be effective, all waivers shall be in writing, specific to the circumstances surrounding the waiver, and executed by an authorized representative of the Party granting the waiver.

J. **Exhibits.** All exhibits referenced in this Agreement are attached hereto and incorporated herein as though set forth in full.
K. **No Recordation.** This Agreement shall not be recorded in the Official Real Property Records of Ada County, Idaho.

L. **Severability.** Any term, condition, or provision of this Agreement that is held to be invalid, void, illegal, or unenforceable by a court of competent jurisdiction shall be stricken and shall in no way affect, impair, or invalidate any other term, condition, or provision. All remaining terms, conditions, and provisions of this Agreement shall be deemed separate and severable, and shall remain in full force and effect, unaffected by striking the offending term, condition, or provision. To that end, each and every term, condition, and provision of this Agreement is hereby declared to be severable.

M. **No Assignment.** Neither Party shall assign, transfer, hypothecate, or sell any of its rights or duties under this Agreement, and no Party shall make an assignment of the License granted hereby, without prior written consent of the other Party.

N. **Authority.** By executing this Agreement on behalf of a Party, the person so executing represents and affirms to the other Party that he or she possesses actual authority to do so.

**IN WITNESS WHEREOF,** the authorized representative(s) of each Party now subscribe their respective names, the date first written above.

**END OF AGREEMENT**

**[SIGNATURES FOLLOW ON NEXT PAGE]**
IN WITNESS WHEREOF the parties hereto have subscribed their names the date first written above.

CITY OF BOISE
Licensor

By: __________________________
Lauren McLean
Mayor

Attest: __________________________
Lynda Lowry
Ex-Officio City Clerk

ACHD
Licensee

By:
Mary May
President

Attest:
Bruce S. Wong
Director

On this ___ day of ____________, 2020, before me, a notary public, personally appeared Lauren McLean and Lynda Lowry, known or identified to me to be the Mayor and Ex-Officio City Clerk, who executed the within instrument and acknowledged to me that Boise City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.

Notary Public for Idaho
Commission Expires ________________

STATE OF IDAHO 
) ss.
County of Ada 

On this ___ day of ____________, 2020, before me, a notary public, personally appeared Mary May and Bruce S. Wong, known or identified to me to be the President and Director of ACHD, who executed the within instrument and acknowledged to me that ACHD executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.

Notary Public for Idaho
Commission Expires August 13, 2025
EXHIBIT A

MOLENAAR PARK
2815 S. Maple Grove Road, Boise, Idaho 83709
EXHIBIT B

LICENSED PREMISES
Northeast corner of Molenaar Park Parking Lot (Area Shaded in Yellow)
TO: Mayor and Council
FROM: Doug Holloway, Parks & Recreation
NUMBER: RES-199-20
DATE: May 13, 2020
SUBJECT: Blimpie Third Amendment to Commercial Lease Agreement

BACKGROUND:
The city of Boise City entered into a Commercial Lease Agreement with Blimpie On Ice, Inc. on July 10, 2007, whereby Blimpie leased approximately 580 square feet of commercial retail space at Idaho Ice World with two renewal options up to five years each. On April 12, 2016, by RES-176-16, Council approved the Renewal of, and Amendment to, the Commercial Lease Agreement, whereby both Tenant and Landlord extended the term of the Commercial Lease Agreement to 2021. As Idaho Ice World has been unable to operate due to the emergent spread of COVID-19, the Tenant and Landlord now mutually desire to terminate the Commercial Lease Agreements and all amendments effective June 1, 2020.

FINANCIAL IMPACT:
None.

ATTACHMENTS:
- Third Amendment to Commercial Lease Agreement (PDF)
A RESOLUTION APPROVING, AS TO BOTH FORM AND CONTENT, A THIRD AMENDMENT TO THE COMMERCIAL LEASE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (DEPARTMENT OF PARKS AND RECREATION) AND BLIMPIE ON ICE, INC.; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THE AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Third Amendment to the Commercial Lease Agreement by and between the city of Boise City and Blimpie On Ice, Inc., a copy of which is attached hereto and incorporated herein by reference, be, and is, approved as to both form and content.

Section 2. That the Mayor and City Clerk, respectively, be, and are, authorized to execute and attest the Third Amendment to the Commercial Lease Agreement for and on behalf of the city of Boise City.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.
THIRD AMENDMENT TO THE COMMERCIAL LEASE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY, THROUGH ITS DEPARTMENT OF PARKS AND RECREATION AND BLIMPIE ON ICE, INC.

This THIRD AMENDMENT to the Commercial Lease Agreement ("Amendment") is made and entered into this ____ day of May, 2020 by and between the city of Boise City ("City") by and through its Department of Parks and Recreation ("Parks") and the Blimpie on Ice, Inc. ("Blimpie") (collectively "the Parties").

WHEREAS, on July 10, 2007, the Parties entered into a Commercial Lease Agreement, with two five-year renewal options, whereby Blimpie leased commercial space at Idaho IceWorld compensating the City with a percentage of its sales;

WHEREAS, on April 12, 2016, the Parties executed the second five-year option whereby the Commercial Lease would expire in 2021;

WHEREAS, Idaho IceWorld has been unable to operate due to the emergent spread of Covid-19;

WHEREAS, the Parties now mutually desire to terminate the Commercial Lease Agreement and all amendments thereto, effective June 1, 2020.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth below, the Parties hereby mutually agree that that:

A. The Commercial Lease Agreement is amended to terminate effective June 1, 2020.

IN WITNESS WHEREOF, the parties have hereunto caused this Third Amendment to the Commercial Lease Agreement to be executed, on the day and year first above written.

CITY OF BOISE CITY

__________________________________________
REPRESENTATIVE

BLIMPIE ON ICE, INC.

__________________________________________
REPRESENTATIVE
TO: Mayor and Council
FROM: Elizabeth Koeckeritz, Legal
NUMBER: RES-200-20
DATE: May 13, 2020
SUBJECT: IHFA, Boise Housing Corporation Partial Release of Grant Deeds and Regulatory Agreement

BACKGROUND:

On December 2, 1994, Boise City executed a Grant Deed and Regulatory Agreement that required that at least 70% of the land referenced in the deed be used for low income housing. This development became known as the Oak Park Village Apartments. Adjacent to the Village Apartments and also covered by the Regulatory Agreement is the Brampton Square Condominiums. This partial release releases the Brampton Square Condominiums from the regulatory agreement. The affordable housing covenant will remain on the Oak Park Village Apartments.

FINANCIAL IMPACT:

none

ATTACHMENTS:

- Partial Release of Grant Deeds and Regulatory Agreement (PDF)
CITY OF BOISE

Resolution NO. RES-200-20

BY THE COUNCIL

BAGEANT, CLEGG, HALLLYBURTON, SANCHEZ, THOMSON AND WOODINGS

A RESOLUTION APPROVING A PARTIAL RELEASE OF GRANT DEEDS AND REGULATORY AGREEMENT, BETWEEN THE CITY OF BOISE CITY, IDAHO HOUSING & FINANCE ASSOCIATION, AND BOISE HOUSING CORPORATION; AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1994, Boise City executed a Grant Deed and Regulatory Agreement that required at least 70% of the land referenced in the deed to be used for low income housing; and

WHEREAS, this development became known as the Oak Park Village Apartments; adjacent to the Oak Park Village Apartments is the Brampton Square Condominiums, which is also covered by the affordable housing covenant of the Regulatory Agreement; and

WHEREAS, this partial release releases the Brampton Square Condominiums from the terms and conditions of the affordable housing regulatory agreement; and

WHEREAS, the affordable housing regulatory agreement will remain on the Oak Park Village Apartments.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Partial Release of Grant Deeds and Regulatory Agreement, between the city of Boise City, Idaho Housing & Finance Association, and Boise Housing Corporation, attached hereto and incorporated herein by reference, be, and the same is hereby, approved as to both form and content.

Section 2. That the Mayor and City Clerk be, and they hereby are, authorized to respectively execute and attest said Partial Release of Grant Deeds and Regulatory Agreement for and on behalf of the city of Boise City.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.
PARTIAL RELEASE OF GRANT DEEDS AND REGULATORY AGREEMENT

THIS PARTIAL RELEASE is executed and consented to as of this 20th day of May, 2020, by the Idaho Housing & Finance Association, formerly known as the Idaho Housing Agency, an independent body corporate and politic of the State of Idaho (“IHFA”); Boise Housing Corporation, an Idaho non-profit corporation; and the City of Boise, a municipal corporation of the state of Idaho.

RECITALS

WHEREAS, the City of Boise has executed a Grant Deed recorded as Instrument No. 94105513 to the Idaho Housing Agency as Grantee on December 2, 1994; and

WHEREAS, IHFA has executed a Grant Deed recorded as Instrument No. 94105514, naming Boise Housing Corporation as Grantee on December 2, 1994; and

WHEREAS, Boise Housing Corporation has executed a Grant Deed recorded as Instrument No. 94108382, naming Oak Park Limited Partnership as Grantee on December 14, 1994; and

WHEREAS, the City of Boise’s Grant Deed and the IHFA’s Grant Deed, each referenced and attached as Exhibit B, a Regulatory Agreement relating to land donation dated December 1, 1994, observing that at least 70% of the land described in Exhibit A be used for reasonably priced housing and also observing that a portion of the property would be used to construct a low-income housing project within the meaning of Section 42(g) of the Internal Revenue Code of 1986; and

WHEREAS, the Regulatory Agreement relating to land donation and attached to the City of Boise Grant Deed and the Idaho Housing Agency Grant Deed in fact did not have a property map attached as Exhibit B as contemplated in said Regulatory Agreement; and

PARTIAL RELEASE OF REGULATORY AGREEMENT
(Brampton Square Condominiums) - Page 1
WHEREAS, the reference in the Boise Housing Corporation Grant Deed to use the property for the construction and maintenance of a low-income housing project in accordance with the provision of the Regulatory Agreement is in reference to the Regulatory Agreement attached to both the City of Boise Grant Deed and the Idaho Housing Agency Grant Deed;

NOW, THEREFORE, the City of Boise, Boise Housing Corporation and the IHFA do each hereby grant, convey and release their respective rights and interest in the aforementioned respective Grant Deeds naming them as Grantor as to the real property described in Exhibit A hereto from the obligation to provide reasonably priced housing, to include a low-income housing project within the meaning of Section 42(g) of the Internal Revenue Code of 1986, as amended (the “Code”).

Boise Housing Corporation does further declare and acknowledge that the 156-unit low-income housing project commonly known as Oak Park Village Apartments, constructed on the site located within the property described in the Grant Deeds, and on the parcel legally described as Exhibit B hereto, does satisfy the requirements of said Grant Deeds to construct and maintain a low-income housing project in accordance with the provisions of the referenced Regulatory Agreement and Section 42(g) of the Code.

The parties further acknowledge that this Partial Release may be executed in any number of counterparts with the same effect as if all of the parties had signed the same document and all counterparts shall constitute one Partial Release.
IDAHO HOUSING & FINANCE ASSOCIATION,
an independent body corporate and politic of the State of Idaho

By: ________________________________  
Name: Cory Phelps 
Title: Vice President, Project Finance  

STATE OF IDAHO  )  
)ss.  
COUNTY OF ADA  )  

On this______day of May, 2020, before me, the undersigned, a Notary Public in and for said state, personally appeared Cory Phelps, known or identified to me to be the Vice President, Project Finance of Idaho Housing and Finance Association, an independent body corporate and politic of the State of Idaho, that executed the foregoing instrument, and acknowledged to me that such independent body corporate and politic of the State of Idaho executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

______________________________  
Notary Public for Idaho 
Residing at: ________________________________  
My Commission Expires: ________________________________  
My Commission No.: ________________________________
BOISE HOUSING CORPORATION,
an Idaho non-profit corporation

By: 
Name: James R. Tomlinson
Title: President

STATE OF IDAHO )
)ss.
COUNTY OF ADA )

On this____ day of May, 2020, before me, the undersigned, a Notary Public in and for said state, personally appeared James R. Tomlinson, known or identified to me to be the President of Boise Housing Corporation, the Idaho nonprofit corporation that executed the foregoing instrument, and acknowledged to me that such nonprofit corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

________________________________________
Notary Public for Idaho
Residing at: _____________________________
My Commission Expires: _________________
My Commission No.: _________________

PARTIAL RELEASE OF REGULATORY AGREEMENT
(Brampton Square Condominiums) - Page 4
CITY OF BOISE,
a municipal corporation of the State of Idaho

By: __________________________________________
Name: Lauren McLean
Title: Mayor

ATTEST: _________________________________
Lynda Lowry, City Clerk

STATE OF IDAHO )
)ss.
COUNTY OF ADA )

On this day of May, 2020, before me, the undersigned, a Notary Public in and for said state, personally appeared Lauren McLean and Lynda Lowry, known or identified to me to be the respective Mayor and the City Clerk of City of Boise, a municipal corporation of the State of Idaho that executed the foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at: ____________________________
My Commission Expires: __________________ ______
My Commission No.: ________________________
EXHIBIT A

All Units, Buildings and Common Areas as shown on the Plat for Brampton Square Condominiums, filed in Book 72 of Plats at Pages 7454 through 7459, records of Ada County, Idaho, as Instrument No. 96091690, and as defined and described in that Condominium declaration for Brampton Square Condominiums, recorded in the records of Ada County, Idaho, as Instrument No. 96092408.

(Formerly known as Lots 2, 3 and 4 in Block 1 of Brampton Square Subdivision, according to the plat thereof, filed in Book 72 of Plats at Pages 7440 and 7441, records of Ada County, Idaho.)
EXHIBIT B

PARCEL I

Lot 1 in Block 1 of Brampton Square Subdivision, according to the official plat thereof, filed in Book 72 of Plats at Pages 7440 and 7441, records of Ada County, Idaho.

PARCEL II (EASEMENT A):

A non-exclusive easement for pedestrian and vehicular access as granted in a mutual access and utility easement recorded July 3, 1996, as Instrument No. 96055755, AND AMENDED AND RESTATED by Instrument No. 97095565, recorded November 17, 1997, more particularly described as follows:

A parcel of land located in the Northeast quarter of the Southeast quarter of Section 21, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at the quarter corner common to Sections 21 and 22, from which the South 1/16 corner bears
South 00°04'00" West, 1324.09 feet; thence
South 89°44'39" West, 40.00 feet to a point on the Westerly right-of-way line of Vista Avenue; thence continuing
South 89°44'39" West along the South boundary of the Herbert T. Shaw Subdivision 1133.68 feet to the REAL POINT OF BEGINNING; thence leaving said boundary
South 00°00'00" West, 324.28 feet; thence
North 89°41'22" West, 115.14 feet to a point on the East right-of-way line of Shoshone Street; thence
North 00°04'03" West, 14.00 feet along said right-of-way line; thence
South 89°41'22" East, 103.16 feet to a point; thence
North 00°00'00" East, 310.16 feet to a point on the South boundary of said Herbert T. Shaw Subdivision; thence
North 89°44'39" East along said South boundary, 12.00 feet to the POINT OF BEGINNING.

PARCEL III (EASEMENT B):

A non-exclusive easement for pedestrian and vehicular access as granted in a mutual access and utility easement recorded July 3, 1996, as Instrument No. 96055755, AND AMENDED AND RESTATED by Instrument No. 97095565, recorded November 17, 1997, more particularly described as follows:

A parcel of land located in the Northeast quarter of the Southeast quarter of Section 21, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

PARTIAL RELEASE OF REGULATORY AGREEMENT
(Brampton Square Condominiums) - Page 7
Commencing at the quarter corner common to Sections 21 and 22, from which the South 1/16 corner bears
South 00°04’00” West, 1324.09 feet; thence
South 89°44’39” West, 40.00 feet to a point on the Westerly right-of-way line of Vista Avenue; thence continuing
South 89°44’39” West along the South boundary of the Herbert T. Shaw Subdivision 1133.68 feet; thence leaving said boundary
South 00°00’00” West, 324.28 feet to the REAL POINT OF BEGINNING; thence
South 00°00’00” West, 186.63 feet to a point; thence
North 90°00’00” East, 321.43 feet to a point; thence
South 00°13’41” East, 12.00 feet to a point; thence
South 90°00’00” West, 333.48 feet to a point; thence
North 00°00’00” West, 184.70 feet to a point; thence
North 89°41’22” West, 103.12 feet to the East right-of-way line of Shoshone Street; thence
North 00°04’03” West along said right-of-way line 14.00 feet to a point; thence
South 89°41’22” East, 115.14 feet to the POINT OF BEGINNING.

PARCEL IV (EASEMENT E):

A non-exclusive easement for pedestrian and vehicular access as granted in a mutual access and utility easement recorded July 3, 1996, as Instrument No. 96055755, AND AMENDED AND RESTATED by Instrument No. 97095565, recorded November 17, 1997, more particularly described as follows:

A parcel of land located in the Northeast quarter of the Southeast quarter of Section 21, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at the quarter corner common to Sections 21 and 22, from which the South 1/16 corner bears
South 00°04’00” West, 1324.09 feet; thence
South 89°44’39” West, 40.00 feet to a point on the Westerly right-of-way line of Vista Avenue; thence continuing
South 89°44’39” West along the South boundary of the Herbert T. Shaw Subdivision 1133.68 feet to a point; thence leaving said boundary
South 00°00’00” West, 510.91 feet; thence
North 90°00’00” East, 384.43 feet to the REAL POINT OF BEGINNING; thence
North 90°00’00” East, 466.58 feet to a point; thence
South 00°04’00” West, 12.00 feet to a point; thence
South 90°00’00” West, 466.52 feet to a point; thence
North 00°13’41” West, 12.00 feet to the POINT OF BEGINNING.

PARTIAL RELEASE OF REGULATORY AGREEMENT
(Brampton Square Condominiums) - Page 8
TO: Mayor and Council

FROM: Elizabeth Koeckeritz, Legal

NUMBER: RES-201-20

DATE: May 12, 2020

SUBJECT: Approval of Public Health Emergency Order 20-06 (Reopening Boise City: Stage Two)

BACKGROUND:

Boise City Code Title 1, Chapter 15 provides the Mayor certain powers during a Public Health Emergency, as that term is defined in the Ordinance. The code provides that Boise City Council may be consulted in the enactment of any Public Health Emergency Order and may veto or ratify any Public Health Emergency Order. This Resolution ratifies the Mayor’s actions concerning Public Health Emergency Order 20-06, (Reopening Boise City: Stage Two) enacted May 14, 2020.

FINANCIAL IMPACT:

None.

ATTACHMENTS:

• Public Health Order 20-06  (PDF)
A RESOLUTION RATIFYING PUBLIC HEALTH EMERGENCY ORDER 20-06 (REOPENING BOISE CITY: STAGE TWO) ENACTED MAY 14, 2020; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (coronavirus) a pandemic, and on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S.; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little signed a declaration of emergency for the State of Idaho in response to concerns that cases of COVID-19 are imminent in Idaho; and

WHEREAS, on March 16, 2020, the Mayor of the city of Boise City (“Boise City”), Lauren McLean, declared a local disaster emergency, as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in Boise City due to the threat that COVID-19 poses to the health and welfare of the residents of Boise City, and on March 17, 2020, the Boise City Council ratified and extended the Declaration of Emergency; and

WHEREAS, on March 17, 2020, and then repealed, replaced, and amended in full on April 7, 2020, the Council for the city of Boise City adopted an ordinance enacting a new Chapter 15 to Title 1, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and

WHEREAS, on March 25, 2020, Idaho Governor, Brad Little, by way of the Idaho Department of Health and Welfare, Order of the Director, issued the Order to Self-Isolate for the State of Idaho, requiring all individuals living in the State of Idaho to self-isolate at their place of residence; and

WHEREAS, on April 30, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Order of the Director, an order titled, State of Idaho, Idaho Department of Health and Welfare Stay Healthy Order, dated May 1, 2020, providing requirements for reopening certain businesses and permitting certain activities in Stage 1 of the State’s reopening plan (“Stay Healthy Order - Stage One”); and

WHEREAS, on May 14, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Order of the Director, an order titled, State of Idaho, Idaho
Department of Health and Welfare Stay Healthy Order, with an effective date of May 16, 2020 at 12:00 a.m., providing requirements for reopening certain businesses and permitting certain activities in Stage 2 of the State’s reopening plan (“Stay Healthy Order- Stage Two”); and

WHEREAS, Section 11 of the Stay Healthy Order - Stage Two allows cities to enact more stringent public health orders than those set out in the Stay Healthy Order - Stage Two; and

WHEREAS, pursuant to Boise City Code Title 1, Chapter 15 and the Stay Healthy Order - Stage Two, the Mayor issued Public Health Emergency Order 20-06, Reopening Boise City: Stage 2, on May 14, 2020; and

WHEREAS, Title 1, Chapter 15 provides that the Boise City Council should be consulted on such Public Health Emergency Orders and may ratify or veto such Public Health Emergency Orders by a majority of the Boise City Council; and

WHEREAS, the members of the Boise City Council (hereinafter “we”) feel that it is important to express support for actions taken by the Mayor to protect the public health in Boise City; and

WHEREAS, we encourage our citizens and all of those who work in or visit our city to abide by these orders to protect everyone from continued spread of COVID-19.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOISE, IDAHO:

Section 1. That Public Health Emergency Order 20-06, Reopening Boise City: Stage Two, be ratified in its entirety.

Section 2. That Public Health Emergency Order 20-06, Reopening Boise City: Stage Two, remains in full force and effect through its termination date.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.
PUBLIC HEALTH EMERGENCY ORDER No. 20-06

REOPENING BOISE CITY: STAGE TWO

May 14, 2020

WHEREAS, on March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (coronavirus) a pandemic, and on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S.; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little signed a declaration of emergency for the State of Idaho in response to concerns that cases of COVID-19 are imminent in Idaho; and

WHEREAS, on March 16, 2020, the Mayor of the city of Boise City ("Boise City"), Lauren McLean, declared a local disaster emergency, as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in Boise City due to the threat that COVID-19 poses to the health and welfare of the residents of Boise City, and on March 17, 2020, the Boise City Council ratified and extended the Declaration of Emergency; and

WHEREAS, on March 17, 2020, and repealed and replaced in full on April 7, 2020, the Council for Boise City adopted an ordinance enacting a new Chapter 15 to Title 1, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and

WHEREAS, on March 25, 2020, and amended on April 15, 2020, Governor Little, by way of the Idaho Department of Health and Welfare Order of the Director, issued an Order to Self-Isolate ("Order to Self-Isolate"), requiring all individuals living in the State of Idaho to self-isolate at their place of residence; and

WHEREAS, on April 30, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Order of the Director, an order titled, State of Idaho, Idaho Department of Health and Welfare Stay Healthy Order, dated May 1, 2020, providing requirements for reopening certain businesses and permitting certain activities in Stage 1 of the State’s reopening plan ("Stay Healthy Order – Stage One"); and

WHEREAS, on May 14, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Order of the Director, an order titled, State of Idaho, Idaho Department of Health and Welfare Stay Healthy Order, with an effective date of May 16, 2020 at 12:00 a.m., providing requirements for reopening certain businesses and permitting certain activities in Stage 2 of the State’s reopening plan ("Stay Healthy Order - Stage Two"); and

WHEREAS, Section 11 of the Stay Healthy Order – Stage Two allows cities to enact more stringent public health orders than those set out in the Stay Healthy Order – Stage Two; and

WHEREAS, the Mayor of Boise City, Lauren McLean, finds it necessary to implement certain requirements to build on and strengthen the strategy set forth in the Stay Healthy Order)
Stage Two to protect the health, safety and welfare of the citizens of Boise City by mitigating any negative repercussions of reopening the community due to Boise City's large population, size and scope of City services offered, and status as the State of Idaho's business and transportation hub.

NOW, THEREFORE, I, Lauren McLean, Mayor of Boise City, Idaho, by virtue of the authority vested in me by Boise City Code 1-15-05, Idaho Code Title 50, Chapters 3 and 6, and Article XII, Section 2 of the Idaho Constitution, to protect the public hereby issue this Public Health Emergency Order 10-06 – Reopening Boise City: Stage Two ("Emergency Order 20-06"): 

Section 1. Stay Healthy Order - Stage Two – Incorporated Herein. The Stay Healthy Order – Stage Two is hereby incorporated in its entirety in this Emergency Order 20-06 except as otherwise specifically set forth herein.

Section 2. Businesses - Required Compliance. All businesses that are eligible to reopen pursuant to the Stay Healthy Order – Stage Two must comply to the extent feasible with all social distancing and sanitation recommendations and requirements as provided in Section 7 of the Stay Healthy Order – Stage Two and Section 3 of this Emergency Order 20-06. Additionally, all businesses that are eligible to reopen pursuant to the Stay Healthy Order – Stage Two must comply with all relevant business protocol recommendations and requirements for Stage 2 business reopening as provided for by Central District Health (“CDH”) and as found at https://rebound.idaho.gov/.

Section 3. Individuals - Social Distancing and Sanitation Requirements- Required Compliance. To the extent individuals are outside of their residence, individuals must comply with Section 7 of Stay Healthy Order – Stage Two including, but not limited to:

A. Individuals shall maintain at least six (6) feet minimum physical distancing from other individuals, whenever possible.

B. Individuals shall:

i. Wash hands with soap and water for at least 20 seconds as frequently as possible or use hand sanitizer;

ii. Cover coughs or sneezes (into the sleeve or elbow, not hands);

iii. Regularly clean high- touch surfaces; not shake hands;

iv. Stay home if sick; and

v. Strongly consider the use of face coverings while in public.

Section 4. Group Gatherings. Public and private gatherings of individuals in groups of more than 10 (ten) are prohibited, with the exception of household members or as provided by the Stay Healthy Order – Stage Two. All group gatherings must be held in accordance with the provisions of the Stay Healthy Order- Stage Two.

Section 5. Airport Public Area Access. Access to the public areas of the Boise Airport
terminal is restricted to individuals who can demonstrate they fall within one of the following categories:

A. Ticketed airline passengers;

B. An individual accompanying a ticketed airline passenger, provided the passenger needs assistance with arrival or departure;

C. Individuals whose employment requires access to public areas;

D. Individuals who have been authorized by airport officials or have a business need to access the public areas;

E. Individuals in vehicles who are at the passenger pick up and drop-off locations waiting for or dropping off ticketed passengers; and

F. Individuals in rental vehicles at the airport pick up and/or drop off rental car locations.

Section 6. Penalty and Enforcement. Individuals and businesses within Boise City are urged to voluntarily comply with the Stay Healthy Order - Stage Two and this Emergency Order No. 20-06. Boise City will make efforts to educate individuals and businesses to achieve compliance. However, pursuant to Section 8 of the Stay Healthy Order – Stage Two and Idaho Code § 56-1003(7)(c), Boise City shall enforce compliance with the requirements of the Stay Healthy Order – Stage Two. Failure to comply with the Stay Healthy Order – Stage Two shall be a misdemeanor punishable by fine, imprisonment, or both. In accordance with Boise City Code Section 1-15-10, any person who knowingly violates the provisions of this Emergency Order No. 20-06 shall be guilty of a misdemeanor, punishable by fine, imprisonment, or both.

Section 7. Governing Language. To the extent this Emergency Order No. 20-06 is more stringent than the Stay Healthy Order – Stage Two, the language of this Emergency Order No. 20-06 shall govern.

Section 8. Costs. No person shall be entitled to recover from Boise City any costs incurred, or profits lost as may be attributed to the enactment of this Order.

Section 9. Severability. To the extent any provision of this Emergency Order No. 20-06 or its application to any person or business is held to be invalid, the remainder of this Emergency Order No. 20-06, including any application thereof, shall remain in full force and effect. To this end, provisions of this Emergency Order No. 20-06 are severable.


Section 11. Effective Date. This Emergency Order shall take effect at 12:00 a.m. on May 16, 2020, and remain in full force and effect pursuant to the provisions of Boise City Code

PUBLIC HEALTH EMERGENCY ORDER No. 20-05 - Page 3 of 4
Section 1-15-6 (E) unless it is terminated, modified or extended at an earlier date. In anticipation of the Governor issuing future Stay Healthy Orders, the Mayor, in consultation with CDH and local healthcare providers, will monitor the state of Boise City pursuant to the gating criteria outlined at https://rebound.idaho.gov/, specifically the syndromic, epidemiologic, and healthcare indicators to determine whether this Emergency Order No. 20-06 should be amended, modified or terminated.

[Signature]

Lauren McLean, Mayor
TO: Mayor and Council

FROM: Elizabeth Koeckeritz, Legal

NUMBER: RES-202-20

DATE: May 19, 2020

SUBJECT: Supporting Local Businesses through Temporary Footprint Increase

BACKGROUND:

This is a resolution supporting local businesses through the encouragement, support and use of public spaces to temporarily increase the outdoor footprint of businesses in order to accommodate customers while maintaining appropriate physical and social distance between and among customers and staff.

FINANCIAL IMPACT:

None.
A RESOLUTION SUPPORTING LOCAL BUSINESSES THROUGH THE ENCOURAGEMENT, SUPPORT AND USE OF PUBLIC SPACES TO TEMPORARILY INCREASE THE OUTDOOR FOOTPRINT OF BUSINESSES IN ORDER TO ACCOMMODATE CUSTOMERS WHILE MAINTAINING APPROPRIATE PHYSICAL AND SOCIAL DISTANCE BETWEEN AND AMONG CUSTOMERS AND STAFF.

WHEREAS, the Mayor and City Council of the City of Boise know and understand that local businesses, including restaurants, have suffered due to the effects of the COVID-19 pandemic, which required many of them to cease all in-person operations, including in-person dining service; and

WHEREAS, the Mayor and City Council recognize that these small businesses are of vital importance to our economy and our recovery efforts, and we need their help to safely and successfully re-open our City; and

WHEREAS, we want to support these local businesses through recovery and empower them to re-open responsibly and profitably; and

WHEREAS, social and physical distancing are critical aspects of the prevention and spread of COVID-19 and are requirements under Governor Little’s State of Idaho, Idaho Department of Health and Welfare Stay Healthy Order dated May 14, 2020 (“State Stay Healthy Order: Stage Two) and the City of Boise Public Health Emergency Order No. 20-06, Reopening Boise: Stage Two dated May 15, 2020 (“Reopening Boise: Stage Two”); and

WHEREAS, both the State Stay Healthy Order: Stage Two and Reopening Boise: Stage Two allow restaurants to reopen so long as social and physical distancing can be maintained; and

WHEREAS, Boise and other cities throughout the country are exploring avenues to temporarily permit businesses to increase their outdoor footprint to safely accommodate customers and to adequately protect their workforce while maintaining physical and social distance, and while remaining in compliance with federal, state and local laws; and

WHEREAS, due to the COVID-19 pandemic, many individuals have stayed at home and numerous businesses have encouraged telework, which has resulted in a decrease in motorized traffic on our public streets; and
WHEREAS, certain public rights-of-way, including some public streets, and private parcels within the City could be temporarily utilized by businesses to increase their outdoor footprints to allow them to safely serve more patrons, provided that such temporary use complies with all Central District Health (CDH), Alcohol Beverage Control (ABC) and Ada County Highway District (ACHD) requirements, and all other governmental requirements and laws to ensure the health of the customers, compliance with licensing requirements, and the safety of the public; and

WHEREAS, the Mayor and City Council request that staff work with the ACHD, the Idaho Transportation Department (ITD), ABC, the Boise Fire Department, Boise Police Department, City Clerk’s Office, and other necessary stakeholders to temporary allocate portions of the public rights-of-way for use by private businesses to conduct operations while observing safe physical and social distancing guidelines, and while maintaining adequate and accessible public rights-of-way and mobility on our public streets and rights-of-way; and

WHEREAS, the Mayor and City Council further request that staff review the City’s applicable licensing and permitting standards to determine which requirements may be temporarily waived to assist in the temporary expansion of outdoor spaces.

NOW, THEREFORE, be it resolved by Mayor and City Council as follows: 1) Staff identify areas in which it may be possible to utilize public rights-of-way for businesses to temporarily use to physically and social distance; 2) Staff request stakeholders (including ACHD, ITD, and ABC, as the case may be) to accommodate increased outdoor footprints while ensuring compliance with relevant federal, state and local laws and maintaining connectivity and mobility of our public streets for the general public; 3) Staff review City licensing and permitting standards to determine which requirements may be temporarily waived; and 4) Staff provide a future update to Mayor and Council on steps taken to implement this temporary re-utilization of public space.
The applicant is requesting approval of a final condominium plat for 20 storage units on 1.73 acres located in a M-1D (Light Industrial District with Design Review) zone at 6323 S. Federal Way.

Table of Contents

Summary and Recommendation
Condominium Final Plat
Recommended Conditions of Approval

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDSOnline.
**Summary**
The Minor Land Division (ROS17-00072) establishing this buildable parcel was approved by the Planning Director on January 28, 2019 and recorded with the Ada County Recorder on January 31, 2019. The development was reviewed and approved by the Design Review Committee on February 15, 2018 (DRH17-00576).

This application (SUB20-00010) is a Condominium Final Plat for 20 individual storage units. With conditions of approval, the Final Plat of the Go To My Garage Condominiums meets the design and layout of the recorded Record of Survey and Design Review approval. It is in conformance with the Boise City Comprehensive Plan and Development Code.

**Recommendation**
Approval of the Final Plat for the Go To My Garage Condominiums, subject to Conditions of Approval.
PLAT OF
GO TO MY GARAGE CONDOMINIUMS
A PORTION OF GOVERNMENT LOT 1,
LYING IN THE NE 1/4, SECTION 1, T.2N, R.2E, B.M.
BOISE, Ada COUNTY, IDAHO

SCALE 1" = 1'-0"

2020
ELEVATION

LEGEND

COMON AREA

SECTION A

<table>
<thead>
<tr>
<th>ART NO.</th>
<th>FINISHED FLOOR ELEVATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2990.50</td>
</tr>
<tr>
<td>2</td>
<td>2990.50</td>
</tr>
<tr>
<td>3</td>
<td>2990.50</td>
</tr>
<tr>
<td>4</td>
<td>2990.50</td>
</tr>
<tr>
<td>5</td>
<td>2990.50</td>
</tr>
<tr>
<td>6</td>
<td>2990.50</td>
</tr>
<tr>
<td>7</td>
<td>2990.50</td>
</tr>
<tr>
<td>8</td>
<td>2990.50</td>
</tr>
<tr>
<td>9</td>
<td>2990.50</td>
</tr>
<tr>
<td>10</td>
<td>2990.50</td>
</tr>
<tr>
<td>11</td>
<td>2990.50</td>
</tr>
<tr>
<td>12</td>
<td>2990.50</td>
</tr>
<tr>
<td>13</td>
<td>2990.50</td>
</tr>
<tr>
<td>14</td>
<td>2990.50</td>
</tr>
<tr>
<td>15</td>
<td>2990.50</td>
</tr>
<tr>
<td>16</td>
<td>2990.50</td>
</tr>
<tr>
<td>17</td>
<td>2990.50</td>
</tr>
<tr>
<td>18</td>
<td>2990.50</td>
</tr>
<tr>
<td>19</td>
<td>2990.50</td>
</tr>
<tr>
<td>20</td>
<td>2990.50</td>
</tr>
</tbody>
</table>

Tealey's Land Surveying

Packet Pg. 1 of 5
GO TO MY GARAGE CONDOMINIUMS

CERTIFICATE OF OWNERS

This certificate is issued by the owner of the real property listed herein and it is in their interest to create a property that is protected and secure. The owner agrees to keep this certificate in a safe and secure location. The certificate is issued in accordance with the requirements of the Real Estate Code.

A parcel of land is hereby granted to the owner as described in the deed. The parcel consists of the following:

- North boundary:
- West boundary:
- South boundary:
- East boundary:

The parcel is subject to the conditions and restrictions set forth in the deed. The owner is responsible for ensuring that the parcel is used in accordance with the provisions of the deed and the Real Estate Code.

SIGNED:

[signatures]

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA
COUNTY OF Aiken

ON THIS DAY OF 2023, BEFORE ME, the undersigned, a Notary Public in and for this State, personally appeared [owner], who is described in the deed as the owner of the property herein described. The undersigned, on being duly sworn, acknowledged the writing to be a genuine and true copy of the deed executed by the owner. The notary public has been duly commissioned by the State of South Carolina and is authorized to administer oaths and take acknowledgments of deeds.

Dated: [date]

[signature]

MARTIN J. GIBBS, NOTARY PUBLIC
GO TO MY GARAGE CONDOMINIUMS

CERTIFICATE OF SURVEYOR

I, PATRICK A. TEALEY, P.S. (PETE) (certify that I am a certified professional land surveyor licensed in the State of Idaho, and that this plat is described in the certificate of survey and the attached plat, was drawn from an actual survey made in the manner under the direct supervision and accuracy of the State of Idaho. The plat is in conformity with the State of Idaho's rules and regulations for plat approval. The plat is based on the Condominium and the County regulations and fees Act, Title 66, Chapter 15, Idaho Code.

PATRICK A. TEALEY, P.S. (PETE)

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE ___ DAY OF ___, 20__.

__________________________
PRESIDENT
ADA COUNTY HIGHWAY DISTRICT

HEALTH CERTIFICATE

SANITARY RESTRICTIONS AS REQUIRED BY IDs CODE, TITLE 44, CHAPTER 5 OF THE STATE OF IDAHO ARE ENFORCED BY THE COUNTY TREASURER AS REQUIRED BY IDAHO CODE, TITLE 44, CHAPTER 5 OF THE STATE OF IDAHO. TO OBTAIN INFORMATION REGARDING SANITARY RESTRICTIONS, PLEASE CONTACT THE COUNTY TREASURER AT 208-385-2101.

CENTRAL IDAHO HEALTH DISTRICT

APPROVAL OF CITY ENGINEER

I, THE UNDERSIGNED, BOB CHICHESTER, CERTIFY THAT THE RECOMMENDED CONDITIONS OF BOB CHICHESTER HAVE BEEN SATISFIED FOR THIS PLAT.

BOB CHICHESTER

APPROVAL OF CITY COUNCIL

I, THE UNDERSIGNED, CITY COUNCIL OF THE CITY OF IDAHO, IDAHO COUNTY, IDAHO DO HERETLY CERTIFY THAT THIS PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF IDAHO CODE, TITLE 44, CHAPTER 5 OF THE STATE OF IDAHO. THIS PLAT HAS BEEN DRAFTED AND REVIEWED BY THE CITY ENGINEER.

CITY COUNCIL

CERTIFICATE OF COUNTY SURVEYOR

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR FOR ADA COUNTY, IDAHO, DO HERETLY CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE BOARD OF COUNTY SURVEYORS AND IS IN CONFORMITY WITH THE REQUIREMENTS OF IDAHO CODE, TITLE 66, CHAPTER 15.

_________________________________________
COUNTY SURVEYOR

CERTIFICATE OF COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER OF ADA COUNTY, IDAHO, DO HERETLY CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE BOARD OF COUNTY SURVEYORS AND IS IN CONFORMITY WITH THE REQUIREMENTS OF IDAHO CODE, TITLE 66, CHAPTER 15.

_________________________________________
COUNTY TREASURER

COUNTY RECORDER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY RECORDER OF ADA COUNTY, IDAHO, DO HERETLY CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE BOARD OF COUNTY SURVEYORS AND IS IN CONFORMITY WITH THE REQUIREMENTS OF IDAHO CODE, TITLE 66, CHAPTER 15.

_________________________________________
DEPUTY COUNTY RECORDER

TEALEY'S LAND SURVEYING

Project No. 4236

Sheet 5 of 5

Attachment: CC_Project_Report_May_19, 2020_SUB20-00010 (Go to My Garage Condominiums)
Recommended Conditions of Approval

1. Covenants, homeowners' association by-laws or other similar deed restrictions which provide for the use, control and maintenance of all common areas, private streets, shared access and shared parking, and which shall be consistent with the Fair Housing Act of 1968, as amended from time to time, shall be reviewed and approved by the Boise City Attorney. After recordation of the final plat and CC&R's, no building permit shall be accepted until a copy of the recorded CC&R's has been submitted to the Boise City Attorney.

2. Prior to submitting the Mylar of the Final Plat for the City Engineer's signature, all conditions of approval shall be satisfied. Documentation of commenting agency approval must be provided on agency letterhead.

3. A note on the face of the Final Plat shall state "The development of this property shall be in compliance with DRH17-00576."

4. Note 1 shall be revised to remove "or as specifically approved by (CU No.) or as modified by (?)."

5. Note 2 shall be revised to remove "(or as specifically approved by (CU No.) or as modified by (?)."

6. Note 4 shall include the dimension of the wall widths.

7. The name, Go To My Garage Condominiums, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Surveyor for review and reservation. Should a change in name occur, applicant shall submit, in writing, from the Ada County Surveyor; the new name to the Planning and Development Services Department and re-approval by the Council of the "revised" Final Plat shall be required. Developer and/or owner shall submit all items including fees as required by the Planning and Development Services Department, prior to scheduling the "revised" Final Plat for hearing.

8. Compliance with the requirements of the Boise City Public Works Department (BCPW) provided in the following individual comments from each division:

a. Solid Waste (March 11, 2020); and
b. Street Lights (March 9, 2020).

9. The developer shall comply with the Boise City Fire Department Letter of Satisfaction, dated March 17, 2020.
10. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos and correspondence:

   a. Ada County Highway District (March 12, 2020);
   b. Boise Project Board of Control (March 11, 2020); and
   c. Central District Health Department (March 11, 2020).

11. The developer shall provide utility easements as required by the public utility providing service (Boise City Code (BCC) 11-09-03.6.).

12. The Mylar shall include the following endorsements or certifications (I.C. Title 50, Chapter 13). These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

13. The developer shall comply with B.C.C. 11-03-04.4, which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.

   a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least twenty working days prior to the expiration of the first two-year period, or expiration date established thereafter.

   b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.

   c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.
TO:       Mayor and Boise City Council
FROM:    Cody Riddle, Deputy Planning Director
PREPARED BY: Nicolette Womack, Associate Planner
HEARING DATE:   May 19, 2020
RE: ROS17-00062 / 300 N. Coston St.

The applicant is requesting a one-year time extension for a bond to construct curb, gutter, sidewalk and relocation of an existing accessory structure associated with a minor land division application.

Table of Contents

Page 2  Background & Summary & Recommendation
Page 3   Applicant’s Request
Page 5   Bond Agreements (October 29, 2018 & October 21, 2019)
Page 10  Recorded Record of Survey

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online.
Background & Summary
On September 29, 2017, the Planning Director approved a Minor Land Division located at 300 N. Coston St. Per Boise City Code Section 11-09-02.1(A)7h, all new parcels which abut public right-of-way shall be improved with sidewalks, curb and gutter. As such, curb, gutter and sidewalk were required along Coston St. and Jefferson St. abutting the site.

Per Boise City Code Section 11-09-02.1(A)7b, all existing buildings to remain shall meet applicable zoning requirements regarding allowed uses or shall be either demolished or moved prior to approval of the Minor Land Division. As the Minor Land Division would result in an accessory structure on a separate parcel without a primary structure, in non-compliance with the Development Code, it was proposed the structure would be relocated off site.

The applicant bonded for the curb, gutter, sidewalk and relocation of an existing accessory structure. This was completed prior to the Planning Director’s approval of the Record of Survey on October 29, 2018, under BND18-00131. The agreement included a one-year deadline to install the improvements by October 24, 2019.

On October 21, 2019, the applicant requested a 6-month extension with a new deadline of April 21, 2020. This adjusted deadline has passed, and any additional time must be reviewed by City Council. The applicant is requesting a one-year time extension to complete the required improvements. As detailed by the applicant, the extension was necessary due to the phasing of construction for the new home. Extension of the bond will allow the site improvements to occur. The new extension bond agreement deadline would be May 19, 2021.

Recommendation
The Planning Team recommends approval of the one-year time extension for BND18-00131 for the required construction of curb, gutter, sidewalk and relocation of an existing accessory structure associated with a minor land division application.
Thank you Nicolette,

I am requesting an extension for putting in sidewalks at 300 N Coston St, Boise, ID 83712. We sold the lot to Forrest LeBaron, a builder from Twin Falls. He just started construction last week. He insists I don't put in the sidewalks until they are done building so the sidewalks don't get damaged by the heavy equipment.

Thank you so much for considering my application for an extension.

Susan Rehman

On Wed, Apr 8, 2020 at 2:40 PM Nicolette Womack <nwomack@cityofboise.org> wrote:

Susan,

The date for completion on the agreement is April 21st. This will need to go before City Council for an extension. Please email me a letter outlining why you need the extension.

Then pay the $175 application fee by calling the front desk permit technicians with the case number in the subject line.

I’ll work on getting the request before City Council. All land use hearings are indefinitely post posted at this time, but as long as you made the request, you are in good standing.

Thank you,

Nicolette Womack
Assoc. Planner, Current Planning & Subdivisions
Planning and Development Services
Office: 208-608-7090  |  Fax: 208-384-3753

Attachment: CC_Project Report_May 19, 2020_ROS17-00062 (Susan Rehman)
*City Hall is closed to the public until further notice. Email is my preferred form of communication, but I will still be taking phone calls or setting up Teams meetings on a scheduled basis.

From: Susan Rehman <ms.susanrehman@gmail.com>
Sent: Tuesday, April 7, 2020 12:51 PM
To: Nicolette Womack <nwomack@cityofboise.org>
Subject: [External] Sidewalks

The builder Forrest LeBaron who bought my lot and has started building, has requested we delay putting in sidewalks. So we need to file for the extension. What is the procedure since the city is closed down?

Also, what is the date the sidewalks were supposed to be completed?

Thank you,

Susan Rehman
THIS AGREEMENT made this 24th day of October, 2018, by and between the CITY OF BOISE, a municipal corporation of the State of Idaho, hereinafter called CITY and Susan Rehman, the PROPERTY OWNER/CONTRACTOR of that certain are in Ada County, ID, known as 300 N. Coston St. (ROS17-00062).

IT IS AGREED:

1. The PROPERTY OWNER/CONTRACTOR, for and in consideration of the zoning approval (CUP, CAA, CZC, DRH, CFH, BLD), located at 300 N. Coston St., hereto agrees to complete, or cause to be completed, the improvements consisting of sidewalk, curb and gutter, and relocation of existing accessory structure on site (separate building permit is required for relocation of structure) on or before the 24th day of October, 2019 (or in accordance with the completion schedule identified in Section 7) or before such later time as may hereinafter be approved in writing by the CITY.

2. The PROPERTY OWNER/CONTRACTOR shall guarantee such improvements for a period of one (1) year following CITY approval, against any defective work or labor done, or defective materials furnished in the performance of this agreement.

3. The PROPERTY OWNER/CONTRACTOR shall pay all costs for all materials, labor, equipment and related expenses necessary to complete the improvements described in Paragraph 1 of this Agreement. The PROPERTY OWNER/CONTRACTOR covenants to pay for and be solely responsible for all liens, encumbrances, assessments and unpaid obligations resulting from and relating to said improvements.

4. The PROPERTY OWNER/CONTRACTOR covenants that all improvements described in Paragraph 1 of this Agreement shall be completed:

A) in compliance with State and City codes;

B) in accordance with the drawings and specifications on file with the CITY; and

C) in a manner acceptable to the CITY

5. The PROPERTY OWNER/CONTRACTOR hereby grants to the CITY, the Surety upon any Bond, and to the agents, employees, and contractor of either of them, the irrevocable permission to enter upon the lands of the subject subdivision for the purpose of completing the improvements(s). That said permission to enter shall transfer to all heirs and assigns. This permission shall terminate in the event that the PROPERTY OWNER/CONTRACTOR or Surety has completed the work within the time specified or any extension thereof granted by the CITY.

6. Prior to the construction or installation of any on-site improvements, the PROPERTY OWNER/CONTRACTOR shall deposit with the CITY a surety bond equaling one hundred and ten percent (110%) of the estimated construction and engineering costs to ensure prompt and faithful performance of this Agreement. For purposes of this Agreement, one hundred and ten percent (110%) of the estimated construction and engineering costs amount to Twenty Three Thousand Seven Hundred Twenty Seven Dollars and Zero Cents ($23,727.00)
Whenever the PROPERTY OWNER/CONTRACTOR shall be, and is declared by the CITY to be in default of this Agreement, the Surety may remedy the default or shall complete this Agreement in accordance with its terms and conditions or obtain a bid or bids for submission to the CITY for completing this Agreement in accordance with its terms and conditions and, upon determination by the CITY and Surety of the lowest responsible bidder, arrange for a contract with such bidder and the CITY and make available as work progresses, sufficient funds to pay the cost of completion of the improvements described in Paragraph 1 of this Agreement. If the PROPERTY OWNER/CONTRACTOR deposits a guarantee approved by the CITY other than a surety bond, and in the event of the PROPERTY OWNER/CONTRACTOR’s failure to complete the improvements described in Paragraph 1 of this Agreement or has otherwise been declared by the CITY to be in default of the terms and conditions of this Agreement, the CITY may proceed to complete the improvements and the cost of such improvements shall be paid from the guarantee deposited by the PROPERTY OWNER/CONTRACTOR. Any balance remaining of any guarantee so deposited shall be refunded to the PROPERTY OWNER/CONTRACTOR. If any deficiency between the amount expended by the CITY to complete the improvements in accordance with the terms and conditions of this Agreement and the guarantee deposited by the PROPERTY OWNER/CONTRACTOR or the surety bond posted by the PROPERTY OWNER/CONTRACTOR, the PROPERTY OWNER/CONTRACTOR shall be liable for any deficient amount and in the event of enforcement to collect, shall be liable for attorneys’ fees and costs.

For purposes of this Agreement, the word "costs" shall include expenses for material, labor and equipment necessary for the performance of this Agreement; expenses for CITY personnel, labor time incurred for collection, bidding processes and other related expenses.

7. Improvements shall be completed and accepted by the City prior to the dates and/or prior to the occurrence of the following events identified in the completion schedule below:

A. Completion Schedule:

1. Common Driveway: Within 90 days of the date of issuance of the first building permit within this development.

2. Landscape: Within 90 days of the date of issuance of the first building permit within this development.

Failure to complete improvements by the times identified in the completion schedule shall constitute non-performance and the PROPERTY OWNER/CONTRACTOR shall be in default of this agreement and the CITY or Surety may remedy the default pursuant to Section 6 of this Agreement.

8. The CITY shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or happening or occurring to the work specified in this agreement prior to the completion and approval of same, nor shall the CITY nor any officer or employee thereof, be liable for any persons or property imposed by reason of the nature of said work or by reason of the acts or commissions of the PROPERTY OWNER/CONTRACTOR, his agents or employees, in performance of said work, but all of said liability shall be assumed by the PROPERTY OWNER/CONTRACTOR. The PROPERTY OWNER/CONTRACTOR further agrees to protect and hold harmless the CITY, its officers and employees, from any and all claims, demands, causes of action, liability, or loss of any sort because of, or arising out of, the acts or commission of the PROPERTY OWNER/CONTRACTOR, his agents and employees, in the performance of this agreement, or use of any patent or patented article, in the performance of said agreement.
By [Signature]
Representative of Boise City
Department of Planning & Development Services

STATE OF IDAHO
COUNTY OF ADA

On this 24th day of October, 2018, before me, a notary public in and for said state, personally appeared [Name], known to me to be the representative of the Boise City Planning and Development Services Department, Boise City, Idaho, who executed the within instrument, and acknowledged to me that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public for Idaho
Residing at [Location], Idaho
My commission expires: [Expiration Date]

By [Signature]
PROPERTY OWNER/CONTRACTOR OR AGENT FOR PROPERTY OWNER/CONTRACTOR

STATE OF IDAHO
COUNTY OF ADA

On this 24th day of October, 2018, before me, the undersigned, personally appeared [Name], known to me to be the PROPERTY OWNER/CONTRACTOR OR AGENT FOR SAME who executed the within instrument, and acknowledged to me that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public for Idaho
Residing at [Location], Idaho
My commission expires: [Expiration Date]
CASH OR SURETY SIX-MONTH ADDENDUM

This SIX-MONTH ADDENDUM to the Cash or Surety Agreement entered into between the City of Boise City, an Idaho municipal corporation, by and through its Department of Planning and Development Services, and Susan Rehman, the Developer of the subject project and party to the original Cash or Surety Agreement, is made effective this 31st day of October, 2019.

WHEREAS, because of changed circumstances, the parties to the original Cash or Surety Agreement have found it necessary to agree to a time extension of no more than six (6) months, in accordance with Title 9, Chapter 20, Boise City Code, for the completion of the improvements set forth in the original Cash or Surety Agreement.

NOW THEREFORE, in consideration of the mutual promises contained in their original Agreement, the parties hereby agree as follows:

1. The Developer, or his assigns, heirs, or successors in interest, agrees to complete, or cause to be completed, the improvements consisting of: Sidewalk/curb and gutter and relocation of existing accessory structures on site (separate building permit is required for relocating of structure) on or before the 31st day of April, 2019. Any improvements of the original Agreement which are not listed in this Addendum (above) have been installed to the satisfaction of the City.

2. In signing this Addendum, the City acknowledges that the Developer has paid the appropriate extension fees to the City and has provided an adjustment to the bonding surety amount that reflects increased construction costs, if any. This addendum shall be recorded and returned to the City prior to the expiration of the original bond.

3. All other provisions of the original Cash or Surety Agreement, dated ____________, 20__, shall remain in full force and effect.

Dated this 31st day of October, 2019.

CITY OF BOISE

By: ___________ 
Printed Name: Nicole Womack
On behalf of the Department of Planning and Development Services

DEVELOPER

By: ___________ 
Printed Name: Susan Rehman

Cash or Surety Agreement  Page 5 of 6
On this 21 day of October, 2019, before me, a notary public in and for said State, personally appeared [NAME REDACTED] known or identified to me to be the DEVELOPER OR AGENT FOR SAME, who executed the within ADDENDUM and acknowledged to me that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.

Notary Public for Idaho
Commission expires: 8/20/2025

On this 21 day of October, 2019, before me, a notary public in and for said State, personally appeared [NAME REDACTED] known or identified to me to be an employee and authorized agent of the City of Boise City who executed the within ADDENDUM for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.

Notary Public for Idaho
Commission expires: 8/20/2025
RECORD OF SURVEY NO. __11648__  
MINOR LAND DIVISION  
FOR  
SUSAN & MOIN REHMAN  
PARCELS OF LAND LYING IN THE  
SE1/4 SE1/4 OF SECTION 11, T.3N., R.2E.,  
BOISE MERIDIAN, CITY OF BOISE, ADA COUNTY, IDAHO  
2019

CERTIFICATE OF OWNERS

THIS IS TO CERTIFY THAT THE UNDERSIGNED, SUSAN REHMAN, IS THE OWNER OF THE PROPERTY AS SHOWN ON THIS RECORD OF SURVEY AND THAT SHE AGREES TO THIS MINOR LAND DIVISION.

SUSAN REHMAN

ACKNOWLEDGMENT

STATE OF IDAHO,  
COUNTY OF ADA

ON THIS 11TH DAY OF DECEMBER, IN THE YEAR OF 2018, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED SUSAN REHMAN AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE ABOVE INSTRUMENT.

COLLEEN MARKS  
NOTARY PUBLIC  
RESIDING AT  
MY COMMISSION EXPIRES ON

CERTIFICATE OF OWNERS

THIS IS TO CERTIFY THAT THE UNDERSIGNED, MOIN REHMAN, IS THE OWNER OF THE PROPERTY AS SHOWN ON THIS RECORD OF SURVEY AND THAT HE AGREES TO THIS MINOR LAND DIVISION.

MOIN REHMAN

ACKNOWLEDGMENT

STATE OF IDAHO,  
COUNTY OF ADA

ON THIS 11TH DAY OF DECEMBER, IN THE YEAR OF 2018, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED MOIN REHMAN AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE ABOVE INSTRUMENT.

COLLEEN MARKS  
NOTARY PUBLIC  
RESIDING AT  
MY COMMISSION EXPIRES ON

SIGNATURE OF CITY PLANNING DIRECTOR

I HEREBY CERTIFY THAT I AM THE BOISE CITY PLANNING DIRECTOR THAT THE NEW BUILDABLE PARCEL IDENTIFIED HEREON HAVE BEEN ESTABLISHED IN ACCORDANCE WITH BOISE CITY CODE SECTION 11-69-60.

BOISE CITY PLANNING DIRECTOR  
DATE

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, COLLEEN MARKS, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF IDAHO, HEREBY ATTEST THAT THIS IS AN ACCURATE REPRESENTATION OF SURVEY AS MADE BY ME AND IS IN CONFORMITY WITH THE CORNER PERPETRATION AND FILING ACT - IDAHO CODE 55-1601 THROUGH 55-1613.

COLLEEN MARKS  
COLLEEN MARKS, L.S. 7045

CERTIFICATE OF COUNTY RECORDER

INSTRUMENT NO. 2019-009951  
STATE OF IDAHO,  
COUNTY OF ADA

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF SUSAN REHMAN AT 3:56 MINUTES PAST 1  
CLOCK, P.M., THIS 11TH DAY OF DECEMBER, 2019.

COUNTY RECORDER  
EX OFFICIO RECORDER
TO: Mayor and Boise City Council  
FROM: Cody Riddle, Deputy Planning Director  
PREPARED BY: Ethan Mansfield, Associate Planner  
DATE: May 19, 2020  
RE: SOS20-00007 / Easement Vacation / 5858 N Willow Cliff Way

D & A Companies is requesting to vacate a public utilities and drainage easement located on Lots 5 & 6, Block 1 of Whispering Cliffs Subdivision No. 2 on 0.61 acres in an R-1A (Single-family Residential) zone.

TABLE OF CONTENTS
Page 2 Applicable Law, Analysis & Recommendation  
Page 4 Applicant’s Letter of Intent Submitted February 19, 2020  
Page 5 ROS17-00063 Approval Letter  
Page 7 Record of Survey 11075 with Easements  
Page 9 Willow Cliffs Subdivision No. 2 with Easements  
Page 10 Approved Site Plan (BLD19-02700)  
Page 11 Relinquishments of Utility Easements

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online.
Applicable Law:
Idaho Code, Section 50-1306A

VACATION OF PLATS – PROCEDURE.
(1) Any person, persons, firm, association, corporation or other legally recognized form of business desiring to vacate a plat or any part thereof must petition the city council if it is located within the boundaries of a city, or the county commissioners if it is located within the unincorporated area of the county. Such petition shall set forth particular circumstances of the requests to vacate; contain a legal description of the platted area or property to be vacated; the names of the persons affected thereby, and said petition shall be filed with the city clerk.

(3) When the procedures set forth herein have been fulfilled, the city council may grant the request to vacate with such restrictions as they deem necessary in the public interest.

(5) In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notice of intent to vacate in not required. Vacation of these easements shall occur upon the recording of the new or amended plat, provided that all affected easement holders have been notified by certified mail, return receipt requested, of the proposed vacation and have agreed to the same in writing.

Analysis:
The subject property was created in 2017 through a minor land division (ROS17-00063) with the intent to construct a single-family dwelling. A 20’ wide utilities and drainage easement—platted on the property line between Lots 5 & 6, Block 1 of Whispering Cliffs Subdivision No. 2 in 1969—bisects the property (see Figure 1). A condition of approval of the minor land division required the vacation of this easement prior to the issuance of a building permit. A building permit was issued (BLD19-02700) in 2019 and a single-family dwelling was constructed without the easement’s vacation. The applicant is now requesting to vacate the easement to obtain a Certificate of Occupancy.
The subject easement at 5858 N Willow Cliff Way is no longer contiguous to active easements within adjacent lots, as additions to single-family dwellings have been constructed over connective easements to both the north and south. Letters of non-use or relinquishment of this easement have been provided by all drainage and utility companies servicing the vicinity.

**Recommendation:**
Because all relevant utility and drainage companies relinquished their right to use the easement, there is no utility or drainage infrastructure located in the easement now, and the subject easement is not contiguous to active utility and drainage easements, the Planning Team recommends that the Boise City Council approve the vacation.
February 19, 2020

To Whom It May Concern:

In addition to my application to Vacate Easements regarding the property located at 5858 Willow Cliff Way, Boise, Idaho – I have provided the attached information that I have verified and established regarding the valid application for Vacation of the easement.

It took some time to verify who actually held an easement on this property. In the end, only Idaho Power, Intermountain Gas, and Sparklight had any claim to the easement. All three of these entities have given permission to vacate – based on the fact that the easement is 50 years old, and was never used for this lot or the surrounding lots.

I have included some photos showing that there are homes to the North, East and South of this property – which the easement is probably under the homes as well. The easement was there when the subdivision was platted in 1970 or so, and was never needec or used.

The subject property was split off and sold to my Clients, Lester and Denise Alter, as a building lot. The City of Boise issued a building permit and the house is close to being completed. We need this Vacation to be able to get the Certificate of Occupancy. I believe the assembled materials I have attached will confirm that this easement should be vacated and the Occupancy Permit issue.

For further questions, you may contact me at:  
barbmalmstrom@msn.com  
208-859-8770

Thank you.

Sincerely,

Barb Malmstrom  
Realtor  
Woodhouse Group
September 1, 2017

Jay Walker
All Terra Consulting
849 E. State Street Ste 104
Eagle ID 83616
jwalker@allterraconsulting.com
(sent via email)

RE:    ROS17-00063 / Minor Land Division / 5800 N. Willow Cliff Way

Dear Mr. Walker:

The Boise City Development Services Department has reviewed your application for a Minor Land Division for a portion of Lots 4, 5, and 6, Block 1 of Whispering Cliffs Subdivision No. 2. This request has been reviewed under Boise City Code (B.C.C.) 11-09-02.1A., 11-07-02.1.C and 11-07-03.1.A. The Planning Team has determined the subject property meets the dimensional requirements for a Minor Land Division into two parcels utilizing private driveways for each parcel. Based on the information provided on the application and Record of Survey you are hereby granted approval of the Minor Land Division and Common Driveway subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL

1. Prior to approval by the Boise City Planning Director please comply with the following conditions:

   a. Notify the owner of the apartment complex to the east (5850 N. Five Mile Drive) of the Minor Land Division. According the County Assessor, the owner is:

      CHP Boise ID

      7555 E. Hampden Ave STE 501

      Denver, CO 80231-4835

   b. Submit a letter of explanation stating purpose of the survey.

   c. Currently, easement lines extend through the building(s). Prior to the issuance of a building permit, these easements must be removed or relocated.

   d. A note is required on the Record of Survey which states “These parcels may not be divided unless approved by the City of Boise.” The original parcels are no longer buildable parcels pursuant to this Record of Survey.


BOISE CITY COUNCIL: Elaine Clegg (President), Lauren McLean (President Pro Tem), Maryanne Jordan, Scot Ludwig, Ben Quintana, TJ Thomson
CITYOFBOISE.ORG/PDS
Packet Pg. 174
e. A three-foot wide landscape strip will be required adjacent to the driveway where it
abuts the side property line of Parcel B.

f. Add new property addresses to the Record of Survey.
   - Parcel A: 5800 Willow Cliff Way
   - Parcel B: 5858 Willow Cliff Way

g. Prior to issuance of a building permit:
   - The Record of Survey must be signed by the Boise City Planning Director and
     recorded.
   - The Notice of Buildable Parcels must be signed by the Boise City Planning Director
     and be recorded.
   - The Parcels must be recorded by deeds as separate parcels.
   - The Parcels must have new tax parcel numbers assigned by the Ada County
     Assessor.

May we also take this opportunity to advise you that this approval will not take effect
until after the ten (10) day appeal period has lapsed without an appeal being filed. The
decision or any of the conditions attached may be appealed to the Boise City Planning
and Zoning Commission within ten (10) days from the date of issuance of this decision.
All appeals of this permit must be filed by 5:00 P.M., on September 11, 2017. The appeal
must be written, accompanied by the appropriate fee, and submitted to the Boise City
Planning and Development Services Department prior to the deadline set forth above.
Appeal application forms are available at the Boise City Planning and Development
Services Department, 2nd Floor, Boise City Hall, 150 North Capitol Boulevard or online at
www.cityofboise.org/pds.

If you have any questions regarding this approval or any of the Conditions of Approval,
please contact me at (208) 608-7088.

Sincerely,

Susan Riggs
Associate Planner

cc: Richard Gray, compass Land Surveying PLLC. rgray.cls@gmail.com (sent via email)
CERTIFICATE OF OWNERS

We, the undersigned, do hereby certify that Curtis W. Young and Paula Young are the owners of the
property shown hereon, and that this Minor Land Division is acceptable.

Curtis W. Young  9-18-2017

Paula Young  9/18/2017

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF ADA

On the 17 day of September 2017, before me, Curtis W. Young and Paula Young, personally
appeared, known or identified to me to be the persons whose names are subscribed to the within instrument and
acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and notarial seal the day last above written.

Christopher D. Rich, Recorder

By ________________

Instrument Number 2017-08-29-25

My Commission Expires
July 15, 2023

SIGNATURE OF BOISE CITY PLANNING DIRECTOR

The undersigned, hereby certifies that this Minor Land Division Record of Survey is in
accordance with the provisions of Sections 11-09-02, 1-B

Boise City Planning Director  9:13:17

CERTIFICATE OF SURVEYOR

Richard A. Gray do hereby certify that I am a Professional Land Surveyor licensed by
Idaho, and that this Record of Survey correctly represents a survey made by me or under
supervision in conformance with Idaho Code, 31-2709, 1947 and accepted procedures of
surveying. I further certify that I have complied with Title 55, Chapter 16, Idaho Code.

Richard A. Gray
P.L.S. License No. 7732
Relinquishment of Easement for “Whispering Cliffs Subdivision NO. 2”

CABLE ONE INC. Relinquishes any and all of their rights to the following described easement. The recorded central running utility easement within Portion of lots 4, 5 and 6, Block 1, Parcel “B” of Whispering Cliffs Subdivision No. 2 – See attached exhibits A & B

CABLE ONE INC.

By: ______________
(type name and title) Michelle Cameron
VP West Division

State of Arizona
) ss.
County of Maricopa

On this 23 day of January, in the year of 2020, before me, a Notary Public in the State of Arizona, personally appeared Michelle Cameron, known or identified to me to be the person whose name is subscribed to the within instrument, who, being by me first duly sworn, did depose and say that he/she is VP West Division of Cable One and that he/she executed the foregoing instrument on behalf of said firm for the use and purposes stated therein.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Kathy Wade
Notary Public for State of Arizona
Residing at Maricopa Co., AZ
My Commission expires Aug 19, 2023

James Sheets
OSP Construction Supervisor
james.sheets@sparklight.biz
T 208-472-8320
8400 Westpark St., Boise, ID 83704

 Packet Pg. 180
RELINQUISHMENT OF EASEMENT

To Whom It May Concern:

The public entity signatory hereto, relinquishes any and all of its rights to the following described easement:

A public utilities easement along the lot line between lots 5 and 6 of Whispering Cliffs Subdivision No. 2, as recorded in Book 22, at page 1430 and located in the SW 1/4 NW 1/4 of Section 26, Township 4 North, Range 1 East, Boise Meridian, City of Eagle, records of Ada County, Idaho.

and as shown on attached Exhibit "A"

SUEZ WATER IDAHO INC,

By: Marshall Thompson, Vice President

STATE OF IDAHO
COUNTY OF ADA

I, Katie Birkenstein, a notary public, do hereby certify that on this 12th day of March, 2020, personally appeared before me, Marshall Thompson, who, being by me first duly sworn, declared that he/she is the Vice President, of SUEZ Water Idaho Inc, that he/she signed the foregoing document as Vice President, of the corporation, and that the statements therein contained are true.

Notary Public

My Commission Expires 07/24/24
PARTIAL EASEMENT VACATION

Intermountain Gas Company relinquishes any and all of their rights to the following described easement.

The interior lot lines of Lots 4, 5 and 6 Block 1 of Whispering Cliffs Subdivision #2. Located in T4N, R1E, Sec 26 Boise, Ada County, Idaho as recorded in Book 22 Page 1430.

INTERMOUNTAIN GAS COMPANY

By: [Signature]

Name: Roger Phillips

Title: Dist. Operations Manager

STATE OF IDAHO )

COUNTY OF ADA )

On this 7th day of February, in the year of 2020, before me, the undersigned, personally appeared Roger Phillips, known to me to be the person whose name is subscribed to the within instrument, who, being by me first duly sworn, did depose and say that he is Boise District Manager of Intermountain Gas Company and that he executed the foregoing instrument on behalf of said firm for the use and purposes stated therein.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal the day and year in this certificate first above written.

[Seal]

BRYCE OSTERL
COMMISSION #56154
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for Idaho

Residing at: Boise, Ada County

Commission Expires: May 10, 2022
February 5, 2020

Barb Malmstrom
9876 Thoroughbred Dr
Middleton, ID 83644

Re: Partial relinquishment of a Public Utility Easement (PUE) located in Whispering Cliffs Subdivision in Ada County, Idaho.

Dear Barb:

This is in response to the relinquishment request submitted to Idaho Power Company on January 15, 2020, regarding the possible partial relinquishment of the above noted PUE. The attached Exhibit A more specifically identifies the “easement area” located in Lots 5 and 6 Block 1 of Whispering Cliffs Subdivision highlighted in yellow.

Idaho Power's review of the relinquishment request indicated that there are no facilities within the above noted easement area. As such, Idaho Power agrees to relinquish the public utility easements within area described in the attached document.

Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

Sincerely,

Chris Jacky
Real Estate Specialist
Land Management and Permitting Department
Corporate Real Estate
Idaho Power Company

208-388-2699
cjacky@idahopower.com
FW: WBSD - Vacation of Easement

Mary Buersmeyer <Mary@westboisesewer.com>
Thu 1/16/2020 9:05 AM
To: BarbMalmstrom@msn.com <BarbMalmstrom@msn.com>
Hi Barb,

As a follow-up to our conversation this morning, 5858 Willow Cliff Way is not in the West Boise Sewer District.

Thanks,

Mary Buersmeyer
Office Manager
West Boise Sewer District
P: 208.375.8521
F: 208.327.0894

From: Mary Buersmeyer
Sent: Wednesday, January 15, 2020 9:40 AM
To: BarbMalmstrom@msn.com
Subject: WBSD - Vacation of Easement

Hi,

You sent a request for a Vacation of Easement to the District. I believe you meant to send this to the City of Boise. We are not a part of the City of Boise. Did you want to come by and pick it up?

Thanks,

Mary Buersmeyer
Office Manager
West Boise Sewer District
P: 208.375.8521
F: 208.327.0894
To Whom it May Concern:

My name is Steven Meade. I am the Vice President and Ditch Rider for the Helm Lateral Water User’s Association. I have reviewed my maps and walked the property located at 5858 Willow Cliff Way, Boise Idaho. None of the lateral's ditches or buried pipes run across this property or along this property borders. In fact, the nearest ditch in proximity to this property is 25-30 feet way from its northern boundary.

Please let me know if I can be of further assistance.

Steven J. Meade
5858 Willow Cliff Way: Vacation of Easement

Mack Myers <mack@settlersirrigation.org>
To: Jacqui Merrill <jacquiandbarb@gmail.com>

Settlers Irrigation District does not have any facilities or easements on this property.

Thanks,

Mack Myers
District Manager
Settlers Irrigation District
P.O. Box 7571
Boise, ID 83707
Office 208-343 5271 Fax 208 343-1642

[Quoted text hidden]
Easement

Cherrada Haskins <Chaskins@achdidaho.org>
Tue 1/21/2020 10:00 AM
To: barbmalmstrom@msn.com <barbmalmstrom@msn.com>

Good morning Barb,

Per our conversation – we have reviewed your letter regarding an easement at 5858 Willow Cliff Way in Boise and do not see that ACHD has any sort of easement there.

Please feel free to let me know if you have any additional questions.

Thank you,

Cherrada Haskins
Right of Way Technician
Ada County Highway District
208.387.6389 Office
chaskins@achdidaho.org

https://outlook.live.com/mail/0/search/id/AQMKADAwAT1wMTAwaC0wMnY2LTkxNz... 1/28/2020
January 10, 2020

Capitol Water
Dept. of Public Utility Easements
2626 N Eldorado St
Boise, ID 83704

To Whom It May Concern:

Re.: 5858 Willow Cliff Way, Boise, Idaho 83713

I am the Representative for my clients, Lester and Denise Alter who have purchased the afore mentioned property.

We are seeking a Vacation of Easement for the easements located on the plat map for 5858 Willow Cliff Way, Boise Idaho.

This lot was purchased after it was split from the property located next door – 5800 N. Willow Cliff Way. It was sold to my clients, Lester and Denise Alter as a buildable lot. We now find that old easements on this property must be vacated in order for a new home to get a Certificate of Occupancy.

The City of Boise issued a building permit for the home we are currently constructing on the 5858 Willow Cliff Way lot. The plat shows an easement running North, South, East and towards the West (which is Five Mile Rd.) through this lot. This new home is approximately 50% complete, and we will be needing the Certificate of Occupancy by the end of March, 2020.

The easements on this property must be at least 50 years old as the home to the South (which split off this lot) was built in 1970. The properties are located in Whispering Cliffs Sub No. 02. All of the homes on each side of this lot are approximately the same age. The easement lines are running under the home to the South, and it must be under the homes to the North, East and West.

We have had Dig Lines all over the property and have found no utility lines there. The lot size is .62/Acre.

We believe this is an old easement for which there will be no further activity on behalf of the subdivision and surrounding areas.
Included is a Plat map of the subject lot, and pictures of the adjacent and contiguous homes surrounding the lot. I have also attached a copy of the building permit issued by Boise City.

Please send a letter of Vacation of Easement to me at the following address:

Barb Malmstrom
Realtor, Woodhouse Group

9876 Thoroughbred Way
Middleton, Idaho 83644
208-859-8770

Cc: Denise Alter
Attachments

To Whom it may concern:

This property is not within the franchise area of Capital Water Corp. Therefore none of this area is served by our utility.

Donnie Rice
3/18/2020

Barb Malmstrom
Realtor, Woodhouse Group
9876 Thoroughbred Way
Middleton, Idaho 83644
208-859-8770
barbmalmstrom@msn.com

No Reservations/No Objection

SUBJECT: PUE Vacate – 5858 Willow Cliff Way, Boise ID
APN: R9350010027

To Whom It May Concern:

Qwest Corporation, d/b/a CenturyLink QC (“CenturyLink”) has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as outlined, shown and/or described on Exhibit “A”, said Exhibit “A” attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

Sincerely yours,

Tommy Sassone
Network Infrastructure Services
CenturyLink
P825856
TO: Mayor and Boise City Council
FROM: Cody Riddle, Deputy Planning Director
PREPARED BY: Karla Nelson, Associate Planner
HEARING DATE: May 19, 2020
RE: SUB20-00007 / Preliminary & Final Plat / 7200 N Gary Ln.

On March 9, 2020 the Planning and Zoning Commission recommended approval of a preliminary and final plat for a residential subdivision comprised of 4 buildable lots, on 1.18 acres located at 7200 N Gary Ln, in an R-1C (Single-Family Residential) zone.

TABLE OF CONTENTS
Page 2 Background & Summary of Planning and Zoning Commission Action
Page 3 Recommended Conditions of Approval
Page 10 Preliminary Plat
Page 11 Final Plat
Page 12 Action Letter from March 9, 2020 P&Z Hearing
Page 18 Minutes from March 9, 2020 P&Z Hearing
Page 20 Project Report from March 9, 2020 P&Z Hearing

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online.
BACKGROUND & SUMMARY OF PLANNING & ZONING COMMISSION ACTION

The project involves a preliminary and final plat for a residential subdivision comprised of 4 buildable lots on 1.18 acres located at 7200 N Gary Ln. in an R-1C (Single Family Residential) zone. On March 9, 2020 the Planning & Zoning Commission recommended approval of the preliminary and final plat request on the consent agenda.

The subdivision will be compatible with the surrounding area as the proposed lots will be similar in size to lots in the general neighborhood. Further, the site is large enough to accommodate the 4 detached single-family homes, as the R-1C zone could allow 8 dwelling units on this property. The applicant proposes to retain the existing home and garage on Lot 3. A condition of approval will require the removal of the shed on Lot 4. The four buildable lots will be required to comply with the standard height, setback, and parking requirements of the R-1C zone.

This site is well-suited for this style of residential infill as the Stability and Change Map in Blueprint Boise designates the area for “Some Anticipated Infill and Redevelopment”. The proposal is further supported by Comprehensive Plan Goal CC1.1 which encourages infill development in order to avoid costly extensions of transportation infrastructure and to minimize travel distances. Future residents of this infill development will be able to easily access Riverglen Junior High School which is directly across the street and will be within a ¼ mile of the Number 12 - Maple Grove Bus Route. The State Street Corridor is also less than 1 mile to the south.

No streets are proposed as part of the subdivision. The Planning Team explored a public street connection but communication with ACHD found that a public street connection would not meet offset requirements for a minor arterial roadway as Devonwood drive is only 300’ to the north and Elm Brook Dr is 280’ to the south, when 660’ of offset is required by ACHD policy.
Furthermore, maintenance was identified as an issue as a temporary cul-de-sac would be required which would eliminate much of the available land. A condition of approval will require cross access for the parcel directly to the east. If the parcel to the east remains landlocked it could only subdivide provided an extension of the common driveway were to obtain fire department approval.

A future public street connection out to Hill Road will be possible from existing street stubs off Devonwood Drive when the area to the east redevelops. These future public streets could be designed to provide frontage for the landlocked parcel at 7130 Gary Lane. A condition of approval will require that the entire common driveway be paved and that a 5' wide strip of landscaping be provided between the driveway and the southern property boundary. Curb, gutter, 5' attached sidewalk and a bicycle lane abut the site along Gary Lane. The subdivision code requires a 30' landscape buffer for residential subdivisions along arterial roadways, the applicant proposes to include this buffer within Lot 1 of the subdivision. A condition of approval will require the existing fence be relocated out of the landscape buffer and that the mature trees within this buffer be maintained. Since additional mature, healthy trees may need to be removed, a tree mitigation plan will be required. The lots will be served by Boise City Sewer and Suez Water and pressurized irrigation shall be provided.

Both the Planning Team and Planning and Zoning Commission recommend approval of the preliminary and final plats. As outlined in the March 9, 2020 report, the proposed subdivision complies with the standards of the Boise City Development Code and Blueprint Boise.

CONCLUSION & RECOMMENDATION
With no opposition, the Commission unanimously recommended approval of the preliminary plat on the consent agenda of their March 9, 2020 hearing.

RECOMMENDED CONDITIONS OF APPROVAL

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received January 28, 2020, except as expressly modified by the following conditions:

2. Preserve the row of mature trees along the Gary Lane frontage.

3. Provide a tree mitigation plan that complies with Boise City Code.

4. Include a 30' landscape buffer easement on Lot 1 adjacent to Gary Lane.

5. Relocate the existing fence so that it is not in the landscape buffer easement.

6. Pave the full length of the common driveway with an approved surface material.
7. Record a cross-access agreement allowing perpetual access for 7130 Gary Lane through the common driveway easement out to Gary Lane.

8. The accessory structure on Lot 4 shall be removed prior to recordation of the final plat.

9. Place a 5’ wide landscape separation between the common driveway and the southern property line.

Agencies Requirements

10. Compliance with the comments from the following agencies:
   a. Ada County Highway District (November 6, 2020);  
   b. Farmers Union Ditch Co LTD;  
   c. CenturyLink; and  
   d. Central District Health Department (February 4, 2020).

11. Compliance with the comments from the following Boise Departments:
   a. Building Department (January 30, 2020);  
   b. Fire Department (February 27, 2020).

12. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:
   a. Sewer and Pressurized Irrigation (dated January 29, 2020);  
   b. Street Lights (dated January 30, 2020);  
   c. Solid Waste Collection (dated February 3, 2020); and  

Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

Subdivision:

13. The following notes shall be placed on the face of the Final Plat stating:
   a. The development of this property shall be in compliance with the Boise Development Code.

   b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, at the time of issuance of individual building permits.
c. This development is subject to the Covenants, Conditions, and Restrictions (CC&R’s) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.

14. The name **Fionas Little Subdivision**, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit the new name to the Ada County Surveyor for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Surveyor, the new name to the Planning and Development Services Department and re-approval by the Council of the “Revised” Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the “Revised” Final Plat for public hearing.

15. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat.

16. The Mylar shall include the following endorsements or certifications. These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

17. A letter of acceptance for water service from the utility providing same is required.

18. Utility easements as required by the public utilities providing service shall be provided.

19. A letter of acceptance from the appropriate school district is required.

20. Developer shall provide a letter from the United States Postal Service approving the location of mailboxes.

   Contact: Postmaster
   770 S. 13th Street
   Boise, ID 83708-0100
   Phone: (208) 433-4301

21. The developer shall comply with all requirements of the Boise City Fire Department and verify in one of the following ways:
a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied,

OR

b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

NOTE: “No Parking” signs and curb painting shall be installed in accordance with the requirements of the International Fire Code 503.8 (B.C.C. 5-12-32). Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

22. Prior to the City Engineer's Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan shall be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

23. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.

   a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.

   b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.

   c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within one-year time it shall be deemed null and void.

24. All common driveway shall comply with the following requirements:

   i. Common driveway access easements shall be delineated on the Final Plat.

   ii. A note on the Final Plat shall state: “Vehicular access to (list all lots utilizing a common driveway) shall be provided from a common driveway and not from the street.”

   iii. A note on the Final Plat shall set forth the legal description of the driveway and convey to those lots taking access from the driveway the perpetual
right of ingress and egress over the driveway, and provide that such perpetual easement shall run with the land.

iv. A restrictive covenant or other similar deed restriction acceptable to the Boise City Attorney shall be recorded which provides for the perpetual maintenance of the common driveway and shall run with the land.

v. Street address numbers for homes utilizing a common driveway shall be visible from the street.

25. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded.

26. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City.

27. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

28. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications must be executed:

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,

**Standard Conditions of Approval**

29. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

30. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

31. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

32. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.
33. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

34. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

35. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

36. Utility services shall be installed underground.

37. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

38. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.

39. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

40. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.

41. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
42. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.

43. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

44. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

45. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
March 10, 2020

Brad Parsons
7200 Gary Ln
Boise, ID 83714
Bradparsons30@yahoo.com

Re: SUB20-00007 / Fiona’s Little Subdivision / Preliminary & Final Plat

Dear Applicant:

On March 9, 2020, the Boise City Planning & Zoning Commission recommended approval of the Preliminary and Final Plat of Fiona’s Little Subdivision to the Boise City Council, subject to compliance with the Conditions of Approval listed below.

This application will be considered by the Boise City Council to establish a public hearing date. You will be notified of the established hearing date.

Unless otherwise specified, all conditions shall be completed prior to signing of the Final Plat by the Boise City Engineer.

Questions can be directed to me at 208-608-7089 or knelson@cityofboise.org.

Sincerely,

Karla Nelson
Associate Planner, Current Planning and Subdivisions
Boise City Planning and Development Services

KN/mh

cc: Pat Tealey / Tealey’s Land Surveying / ptealey@tealeys.com
    Richard Llewellyn / North West Neighborhood Association / llewel@gmail.com
    Chrissy Kojima / Pierce Park Neighborhood Association / pierceparkneighborhood@gmail.com
Reason for the Decision

The preliminary and final plat conforms to the minimum dimensional standards of the R-1C zone. With the recommended conditions of approval, the preliminary and final plat is in conformance with the subdivision standards of the Boise City Development Code and the Boise City Comprehensive Plan.

Conditions of Approval

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received January 28, 2020, except as expressly modified by the following conditions:

2. Preserve the row of mature trees along the Gary Lane frontage.

3. Provide a tree mitigation plan that complies with Boise City Code.

4. Include a 30’ landscape buffer easement on Lot 1 adjacent to Gary Lane.

5. Relocate the existing fence so that it is not in the landscape buffer easement.

6. Pave the full length of the common driveway with an approved surface material.

7. Record a cross-access agreement allowing perpetual access for 7130 Gary Lane through the common driveway easement out to Gary Lane.

8. The accessory structure on Lot 4 shall be removed prior to recordation of the final plat.

9. Place a 5’ wide landscape separation between the common driveway and the southern property line.

Agency Requirements

10. Compliance with the comments from the following agencies:
    a. Ada County Highway District (November 6, 2020);
    b. Farmers Union Ditch Co LTD;
    c. CenturyLink; and
    d. Central District Health Department (February 4, 2020).

11. Compliance with the comments from the following Boise Departments:
    a. Building Department (January 30, 2020);
    b. Fire Department (February 27, 2020).
12. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:

   a. Sewer and Pressurized Irrigation (dated January 29, 2020);
   b. Street Lights (dated January 30, 2020);
   c. Solid Waste Collection (dated February 3, 2020); and

Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

Subdivision:

13. The following notes shall be placed on the face of the Final Plat stating:

   a. The development of this property shall be in compliance with the Boise Development Code.

   b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, at the time of issuance of individual building permits.

   c. This development is subject to the Covenants, Conditions, and Restrictions (CC&R’s) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.

14. The name Fiona’s Little Subdivision, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit the new name to the Ada County Surveyor for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Surveyor, the new name to the Planning and Development Services Department and re-approval by the Council of the "Revised" Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "Revised" Final Plat for public hearing.

15. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat.

16. The Mylar shall include the following endorsements or certifications. These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
c. Certificate of the Central District Health Department,
d. Acceptance of the Commissioners of the Ada County Highway District,
e. Certificate of the Boise City Engineer,
f. Certificate of the Boise City Clerk,
g. Certificate of the Ada County Surveyor, and
h. Signature of the Ada County Treasurer.

17. A letter of acceptance for water service from the utility providing same is required.

18. Utility easements as required by the public utilities providing service shall be provided.

19. A letter of acceptance from the appropriate school district is required.

20. Developer shall provide a letter from the United States Postal Service approving the location of mailboxes.

    Contact: Postmaster
    770 S. 13th Street
    Boise, ID 83708-0100
    Phone: (208) 433-4301

21. The developer shall comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

    a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied,
       OR
    b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

    NOTE: “No Parking” signs and curb painting shall be installed in accordance with the requirements of the International Fire Code 503.8 (B.C.C. 5-12-32). Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

22. Prior to the City Engineer's Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan shall be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

23. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.
a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.

b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.

c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within one-year time it shall be deemed null and void.

24. All common driveway shall comply with the following requirements:

i. Common driveway access easements shall be delineated on the Final Plat.

ii. A note on the Final Plat shall state: “Vehicular access to (list all lots utilizing a common driveway) shall be provided from a common driveway and not from the street.”

iii. A note on the Final Plat shall set forth the legal description of the driveway and convey to those lots taking access from the driveway the perpetual right of ingress and egress over the driveway, and provide that such perpetual easement shall run with the land.

iv. A restrictive covenant or other similar deed restriction acceptable to the Boise City Attorney shall be recorded which provides for the perpetual maintenance of the common driveway and shall run with the land.

v. Street address numbers for homes utilizing a common driveway shall be visible from the street.

25. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded.

26. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City.

27. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.
28. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:

   a. Signatures of owners or dedicators,

**Standard Conditions of Approval**

29. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

30. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

31. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

32. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

33. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

34. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

35. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

36. Utility services shall be installed underground.

37. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residually zoned or used parcels.
38. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.

39. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

40. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.

41. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

42. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.

43. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

44. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE:

SUB20-00007 / FIONA'S LITTLE SUBDIVISION

7200 North Gary Lane

TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, MARCH 9, 2020

COMMISSIONERS PRESENT:

MEREDITH STEAD, CHAIR

BOB SCHAFER, CO-CHAIR

JENNIFER STEVENS

MILT GILLESPIE

JANELLE FINFROCK

JIM BRATNOBER

BEN ZUCKERMAN, STUDENT COMMISSIONER

TRANSCRIBED BY:

VICTORIA HILLES
CHAIRMAN STEAD: The next item for the consent agenda is Item A, SUB20-7, Fiona's Little Subdivision at 7200 North Gary Lane, preliminary and final plat for a residential subdivision.
SUB20-00007 / Fionas Little Subdivision

Summary
The applicant requests approval of a preliminary and final plat for a residential subdivision comprised of 4 buildable lots on 1.18 acres located at 7200 N Gary Ln in a R-1C (Single-Family Residential) zone.

Prepared By
Karla Nelson, Associate Planner

Recommendation
Approval with conditions

Reason for the Decision
The preliminary and final plat conforms to the minimum dimensional standards of the R-1C zone. With the recommended conditions of approval, the preliminary and final plat is in conformance with the subdivision standards of the Boise City Development Code and the Boise City Comprehensive Plan.

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online.
PLAT OF
FIONAS LITTLE SUBDIVISION
A PORTION OF THE NE 1/4 SE 1/4, SECTION 13,
T49N, R14E, B.M.
BOISE, ADA COUNTY, IDAHO
2020

NOTES
1. All buildings set back lines shall be in accordance with the Boise City Zoning Ordinance or as approved by the City.
2. Any dedication of the plat shown within the applicable zoning regulations that have been
3. All streets are hereby designated as a permanent public utility property
4. The boundaries shown on this plat are surveyed with respect to the City of Boise City
5. The plat shown on this plat is surveyed and approved by the City of Boise City
6. The plat shown on this plat is approved by the City of Boise City
7. The plat shown on this plat is approved by the City of Boise City
8. The plat shown on this plat is approved by the City of Boise City

LEGEND
- Boundary Line
- Easement Line
- Center Line
- Found Brass Cap
- Found Aluminum Cap
- Found 5/8" Iron Pin
- Set 5/8" x 30° Iron Pin w/Cap
- Found 1/2" Iron Pin
- Set 1/2" x 24° Iron Pin w/Cap
- Lot Line
- Cross Access Easement

Attachment: CC_Project Report_May 19, 2020_SUB20-00007  (Fiona's Little Subdivision)
Jan. 28, 2020
TLS Job No. 4538

Boise City Planning and Development
150 N. Capitol Blvd.
Boise, Idaho 83702

RE: Fionas Little Sub. – Proposed

The owner of the property at 7200 Gary Lane wishes to subdivide the parcel into 4 lots. It has an existing home, that will remain, and 3 additional lots will be developed. The property is currently zone R-1C and central sewer and water are available. The property will access Gary Lane from the existing curb cut and will provide access to a landlocked parcel to the East. The new lots will range from 7500 S.F. to 21,000 S.F.

Patrick A. Tealey
PLS #4347
## Property Information

<table>
<thead>
<tr>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Number:</td>
</tr>
<tr>
<td>Street Name:</td>
</tr>
<tr>
<td>Subdivision name:</td>
</tr>
<tr>
<td>Block:</td>
</tr>
<tr>
<td>Lot:</td>
</tr>
<tr>
<td>Section:</td>
</tr>
<tr>
<td>Township:</td>
</tr>
<tr>
<td>Range:</td>
</tr>
<tr>
<td>Zoning:</td>
</tr>
<tr>
<td>Parcel Number:</td>
</tr>
</tbody>
</table>

## Primary Contact

Who is responsible for receiving e-mail, uploading files and communicating with Boise City?
- [ ] Agent/Representative
- [ ] Applicant
- [x] Owner

## Applicant Information

| First Name: | Parao |
| Last Name: | PARSONS |
| Company: | |
| Address: | 1200 GARY LANE, BOISE |
| City: | BOISE |
| State: | ID |
| Zip: | 83714 |
| E-mail: | Parao Parsonz30@yahoo.com |
| Phone Number: | 208-713-1203 |
| Cell: | SAME |

## Agent/Representative Information

| First Name: | DAT |
| Last Name: | TEALEY |
| Company: | TEALAY'S LAND SURVEYING |
| Address: | 12694 Exploresite Plz, BOISE |
| City: | BOISE |
| State: | ID |
| Zip: | 83715 |
| E-mail: | Dtealey@tealeys.com |
| Phone Number: | 208-385-0634 |
| Cell: | |
| Fax: | |

## Owner Information

Same as Applicant?  
- [ ] No
- [ ] Yes (If yes, leave this section blank)
| First Name: | |
| Last Name: | |
| Company: | |
| Address: | |
| City: | |
| State: | |
| Zip: | |
| E-mail: | |
| Phone Number: | |
| Cell: | |
| Fax: | |
1. Type of Application:
   - [ ] Preliminary
   - [ ] Final
   - [x] Preliminary/Final

2. Proposed Subdivision/Condominium Name:
   [ ] Fiona's Little Subdivision
   Note: Must be approved by the Ada County Surveyor.

3. Cross Reference Files:
   Please list all previously approved or currently associated file(s):
   
4. Subdivision/Condominium Features:
   Number of buildable lots/units: [4] Buildable lots/units per acre: [3.4]
   Number of common lots/units: [0] Zoning Classification: [I-1C]
   Total acres in subdivision: [1.178]

5. Building Program:
   Number of Existing Buildings: [1] Number of Existing Buildings to Remain: [1]
   Type of Existing Buildings:
     - [x] Residential
     - [ ] Commercial
     - [ ] Industrial
     - [ ] Mixed Use
     If Residential What Type? [x] Single Family
     - [ ] Townhouse
     - [ ] Duplex
     - [ ] Multi-Family
   Type of Proposed Buildings:
     - [x] Residential
     - [ ] Commercial
     - [ ] Industrial
     - [ ] Mixed Use
     If Residential What Type? [x] Single Family
     - [ ] Townhouse
     - [ ] Duplex
     - [ ] Multi-Family

6. Waivers or Modifications:
   Are any waivers/modifications being requested from the Subdivision Ordinance? [ ] Yes [x] No
   If yes, please induce a detailed explanation in your letter.
   An additional waiver/modification review fee must be paid at the time of submittal.

7. Private Streets:
   Are private streets proposed? [x] Yes [ ] No
   If yes, please provide justification in the letter of explanation.
   An additional private street review fee must be paid at the time of submittal.
8. Public Streets:
   Number of new public streets proposed:

9. Floodways & Hillsides:
   Is any portion of this property located in a Floodway or a 100-year Floodplain?  
   ○ Yes   ○ No
   Does any portion of this parcel have slopes in excess of 15%?  
   ○ Yes   ○ No
   Note: If the answer to either of the above is yes, you will be required to submit an additional #112 Floodplain and/or #114 Hillside application and additional fee.

11. Airport Influence Area:
   Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)  
   ○ No  ○ Area A  ○ Area B  ○ Area B1  ○ Area C

The undersigned declares that the above provided information is true and accurate.
The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible revocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature: [Signature]
Date: [Date]
Planning Division Project Report

File Number: SUB20-00007
Applicant: Brad Parsons
Property Address: 7200 Gary Lane
Public Hearing Date: March 9, 2020
Heard by: Planning and Zoning Commission
Analyst: Karla Nelson, Associate Planner
Reviewed By: Céline Acord, Current Planning Manager

Table of Contents
1. Project Data and Facts................................................................. 2
2. Land Use.................................................................................... 2
3. Project Proposal......................................................................... 3
4. Development Code.................................................................... 3
5. Comprehensive Plan................................................................. 3
6. Transportation Data................................................................. 3
7. Analysis..................................................................................... 4
8. Recommended Conditions of Approval...................................... 5

Exhibits
Agency Comments
1. Project Data and Facts

<table>
<thead>
<tr>
<th>Project Data</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property Owner</strong></td>
</tr>
<tr>
<td><strong>Representative</strong></td>
</tr>
<tr>
<td><strong>Location of Property</strong></td>
</tr>
<tr>
<td><strong>Size of Property</strong></td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
</tr>
<tr>
<td><strong>Land Use Designation</strong></td>
</tr>
<tr>
<td><strong>Planning Area</strong></td>
</tr>
<tr>
<td><strong>Neighborhood Assoc./Contact</strong></td>
</tr>
</tbody>
</table>

**Procedure**
The Planning and Zoning Commission makes a recommendation to the City Council.

**Current Land Use**
Single-Family Home

**Description of Applicant’s Request**
A preliminary and final plat for a residential subdivision comprised of 4 buildable lots on 1.18 acres.

2. Land Use

**Description and Character of Surrounding Area**
The area is mostly medium density residential with detached single-family homes. On the west side of Gary Lane is Riverglen Junior High School which includes a large parking lot and open space. Large lots that are likely to redevelop are found to the east.

**Adjacent Land Uses and Zoning**

<table>
<thead>
<tr>
<th>North</th>
<th>Single-Family Dwellings / R-1C and R-1A (Single-Family Residential, Large Lot)</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Single-Family Dwellings / R-1C</td>
</tr>
<tr>
<td>East</td>
<td>Single-Family Dwelling / R-1A</td>
</tr>
<tr>
<td>West</td>
<td>Gary Lane, Single-Family Dwellings and a Junior High / R-1C and A-1 (Open Lands)</td>
</tr>
</tbody>
</table>

**History of Previous Actions**
CAR06-00073 | Annexation and rezone from RUT to R-1C – Approved
3. Project Proposal
The subject property includes a single-family home and garage which would remain. Three additional homes are proposed which would be required to comply with the standard height, setback, and parking requirements of the R-1C zone. Site access is proposed through a common driveway.

4. Development Code (Boise City Code Title 11)

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-03-04.04</td>
<td>Subdivision Plat</td>
</tr>
<tr>
<td>11-04-03</td>
<td>Residential Districts</td>
</tr>
<tr>
<td>11-07-02.1(C)</td>
<td>Common Driveways</td>
</tr>
<tr>
<td>11-07-03</td>
<td>Off-Street Parking &amp; Loading Standards</td>
</tr>
<tr>
<td>11-09</td>
<td>Subdivision Standards</td>
</tr>
</tbody>
</table>

5. Comprehensive Plan (Blueprint Boise)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Goals, Objectives &amp; Policies</th>
</tr>
</thead>
</table>
| Chapter 2: Citywide Vision & Policies | PDP1.1: Infill Priority Areas  
|                                  | Goal NAC3.1: Infill Scale & Character                     |
|                                  | Principle NAC3.2: Areas of Change and Stability                |
|                                  | Goal CC1.1: Reduce Vehicle Miles Traveled                     |
| Chapter 3: Community Structure and Design | Suburban Land Use Category                                      |
|                                  | Principle GDP-N.8: Preservation of Natural Features             |
| Chapter 4: Northwest Planning Area Policies | Principle NW-C 1.3: Pedestrian/Vehicular                 |
|                                  | Connections                                                     |

6. Transportation Data
This development is estimated to generate 27 additional vehicle trips per day (9 existing); and 3 additional vehicle trips per hour in the PM peak hour (1 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 10th edition.

<table>
<thead>
<tr>
<th>Street Segment</th>
<th>Average Daily Traffic Count</th>
<th>Date of Traffic Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gary Lane</td>
<td>7,336</td>
<td>May 1, 2018</td>
</tr>
<tr>
<td>South of Hill Rd</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Ada County Highway District (ACHD) approved the application with the condition that the applicant pave the common driveway for its full width at least 30’ past the edge of pavement. When evaluating the potential for a public roadway, email communication with ACHD confirmed that the site does not meet offset requirements but that a common driveway would be acceptable.
7. Analysis

The applicant requests approval of a preliminary plat and final plat for a residential subdivision comprised of 4 buildable lots on 1.18 acres located at 7200 Gary Ln in a R-1C (Single-Family Residential) zone. The applicant proposes to retain the existing home and garage on Lot 3. A condition of approval will require the removal of the shed on Lot 4. The four buildable lots are required to comply with the standard height, setback, and parking requirements of the R-1C zone.

No streets are proposed as part of the subdivision. The Planning Team explored a public street connection but communication with ACHD found that a public street connection would not meet offset requirements for a minor arterial roadway as Devonwood drive is only 300' to the north and Elm Brook Dr is 280' to the south, when 660' of offset is required by ACHD policy. Furthermore, maintenance was identified as an issue as a temporary cul-de-sac would be required which would eliminate much of the available land. A condition of approval will require cross access for the parcel directly to the east. If the parcel to the east remains landlocked it could only subdivide provided an extension of the common driveway could obtain fire department approval. As this area to the east develops, a public street connection out to Hill Road will be possible from existing street stubs off Devonwood Drive. These future public streets could be designed to provide frontage for 7130 Gary Lane. A condition of approval will require that the entire common driveway be paved and that a 5' wide strip of landscaping be provided between the driveway and the southern property boundary. Curb, gutter, 5' attached sidewalk and a bicycle lane abut the site along Gary Lane. The subdivision code requires a 30' landscape buffer for residential subdivisions along arterial roadways, the applicant proposes to include this buffer within Lot 1 of the subdivision. A condition of approval will require the existing fence be
relocated out of the landscape buffer. Since additional mature, healthy trees may need to be removed, a tree mitigation plan will be required. The lots will be served by Boise City Sewer and Suez Water and pressurized irrigation shall be provided.

The subdivision will be compatible with the surrounding area as the proposed lots will be similar in size to the lots in the general neighborhood. While site access is a concern and a public street connection might have been preferable the proposed common driveway mirrors a development directly to the north and connectivity through the area will be ensured through future developments with access to street stubs and through the required cross-access agreement. The site is large enough to accommodate the 4 detached single-family homes as up to 8 units are allowed within the R-1C zone and all new buildings will be required to comply with the setback requirements of the zone. The subdivision will also comply with the Comprehensive Plan as Goal CC1.1 encourages infill development in order to avoid costly extensions of transportation infrastructure and to minimize travel distances. The infill development proposed here will be within a ¼ mile of the Number 12 - Maple Grove Bus Route. This site is well-suited for residential infill as it is designated for “Some Anticipated Infill and Redevelopment” within the Areas of Stability and Change Map and further supported by Goal NAC3.2. A condition of approval will require the retention of mature trees along the 20’ landscape buffer on Gary Lane as desired by Principle GDP-N.8.

8. Recommended Conditions of Approval

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received January 28, 2020, except as expressly modified by the following conditions:

2. Preserve the row of mature trees along the Gary Lane frontage.

3. Provide a tree mitigation plan that complies with Boise City Code.

4. Include a 30’ landscape buffer easement on Lot 1 adjacent to Gary Lane.

5. Relocate the existing fence so that it is not in the landscape buffer easement.

6. Pave the full length of the common driveway with an approved surface material.

7. Record a cross-access agreement allowing perpetual access for 7130 Gary Lane through the common driveway easement out to Gary Lane.

8. The accessory structure on Lot 4 shall be removed prior to recordation of the final plat.
9. Place a 5’ wide landscape separation between the common driveway and the southern property line.

**Agency Requirements**

10. Compliance with the comments from the following agencies:
    a. Ada County Highway District (*November 6, 2020*);
    b. Farmers Union Ditch Co LTD;
    c. CenturyLink; and
    d. Central District Health Department (*February 4, 2020*).

11. Compliance with the comments from the following Boise Departments:
    a. Building Department (*January 30, 2020*);
    b. Fire Department (*February 27, 2020*).

12. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW). The following is a list of department comments by division:

   a. Sewer and Pressurized Irrigation (dated *January 29, 2020*);
   b. Street Lights (dated *January 30, 2020*);
   c. Solid Waste Collection (dated *February 3, 2020*); and
   d. Drainage (*January 31, 2020*).

Please contact BCPW at 208-608-7150. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

**Subdivision:**

13. The following notes shall be placed on the face of the Final Plat stating:

   a. The development of this property shall be in compliance with the Boise Development Code.

   b. Minimum building setbacks shall be in accordance with the City of Boise applicable zoning and subdivision regulations, at the time of issuance of individual building permits.

   c. This development is subject to the Covenants, Conditions, and Restrictions (CC&R’s) that pertain to this development, to be filed and recorded in the Ada County Recorder’s Office.

14. The name **Fionas Little Subdivision**, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit the new
name to the Ada County Surveyor for review and reservation. Should a change in name occur the applicant shall submit, in writing from the Ada County Surveyor, the new name to the Planning and Development Services Department and re-approval by the Council of the "Revised" Final Plat shall be required. The developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "Revised" Final Plat for public hearing.

15. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat.

16. The Mylar shall include the following endorsements or certifications. These must be executed prior to submitting the Final Plat for recording with the Ada County Recorder’s Office.

   a. Signatures of owners or dedicators,
   b. Certificate of the Surveyor,
   c. Certificate of the Central District Health Department,
   d. Acceptance of the Commissioners of the Ada County Highway District,
   e. Certificate of the Boise City Engineer,
   f. Certificate of the Boise City Clerk,
   g. Certificate of the Ada County Surveyor, and
   h. Signature of the Ada County Treasurer.

17. A letter of acceptance for water service from the utility providing same is required.

18. Utility easements as required by the public utilities providing service shall be provided.

19. A letter of acceptance from the appropriate school district is required.

20. Developer shall provide a letter from the United States Postal Service approving the location of mailboxes.

   Contact: Postmaster
   770 S. 13th Street
   Boise, ID 83708-0100
   Phone: (208) 433-4301

21. The developer shall comply with all requirements of the Boise City Fire Department and verify in one of the following ways:

   a. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied, OR
b. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.

NOTE: "No Parking" signs and curb painting shall be installed in accordance with the requirements of the International Fire Code 503.8 (B.C.C. 5-12-32). Contact the Boise City Fire Department for sign placement and spacing. Developer may either construct prior to final platting or post bond in the amount of 110% of the estimated costs with the Boise City Planning and Development Services Department.

22. Prior to the City Engineer's Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan shall be submitted to the Erosion Control Program Manager for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

23. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.

a. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least 20 working days prior to the expiration of the first two-year period, or expiration date established thereafter.

b. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original Preliminary or Final Plat to conform with adopted policies and/or ordinance changes.

c. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer’s signature. If the Final Plat is not recorded within one-year time it shall be deemed null and void.

24. All common driveway shall comply with the following requirements:

i. Common driveway access easements shall be delineated on the Final Plat.

ii. A note on the Final Plat shall state: “Vehicular access to (list all lots utilizing a common driveway) shall be provided from a common driveway and not from the street.”

iii. A note on the Final Plat shall set forth the legal description of the driveway and convey to those lots taking access from the driveway the perpetual right of ingress and egress over the driveway, and provide that such perpetual easement shall run with the land.
iv. A restrictive covenant or other similar deed restriction acceptable to the Boise City Attorney shall be recorded which provides for the perpetual maintenance of the common driveway and shall run with the land.

v. Street address numbers for homes utilizing a common driveway shall be visible from the street.

25. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded.

26. An individual who has attended the Boise City Responsible Person (RP) Certification class, or has obtained Interim Certification for RP shall be identified for this project. A permit will not be issued until such time as the name and certification number of the RP has been provided to Boise City.

27. Prior to submitting the Mylar of the Final Plat to Boise City, all the conditions of approval must be satisfied. Approvals must be provided on agency letterhead.

28. Prior to submitting the Mylar of the Final Plat to Boise City, the following endorsements or certifications and must be executed:
   a. Signatures of owners or dedicators,

**Standard Conditions of Approval**

29. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

30. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Planning Department at 208-608-7100 regarding questions pertaining to this condition.

31. Vision Triangles, as defined under B.C.C. 11-012-03, shall remain clear of sight obstructions.

32. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch, such as bark or soil aid.

33. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
34. In compliance with the Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

35. Deciduous trees shall be not less than 2’ to 2 1/2’ inch caliper size at the time of planting, evergreen trees 5’ to 6’ in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

36. Utility services shall be installed underground.

37. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

38. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.

39. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

40. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid. For additional information, please call (208) 608-7100.

41. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
42. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.

43. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

44. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

45. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
February 6, 2020
(Via email)

To: Brad Parsons
7200 N Gary Lane
Boise, ID  83714

Representative: Tealey’s Land Surveying
Pat Tealey
12594 Explorer Drive, Ste. 150
Boise, ID  83713

Subject: Fiona’s Little Subdivision/ BPP20-0004/ SUB20-00007
Preliminary Plat creating 4 residential lots

This is a staff level approval of a preliminary plat for Fiona’s Little Subdivision. On February 6, 2020 the Ada County Highway District reviewed and approved BPP20-0004/ SUB20-00007. The District has site specific requirements related to the application and the common driveway that this Subdivision will be using as the primary access.

In accordance with District policy, 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

The applicant will be required to pay all applicable platting and review fees prior to final approval.

If you have any questions, please contact me at (208) 387-6171.

Sincerely,

Stacey Yarrington
Planner III
Development Services

cc: Project File
City of Boise (via email)
Tealey’s Land Surveying (via email)
Request for Appeal of Staff Decision

Appeal of Staff Decision: The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

a) Filing Fee: The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

b) Initiation: An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

c) Time to Reply: The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

d) Notice of Hearing: Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager’s reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

e) Action by Commission: Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.
1. We have No Objections to this Proposal.
2. We recommend Denial of this Proposal.
3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
4. We will require more data concerning soil conditions on this Proposal before we can comment.
5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
   - [ ] high seasonal ground water
   - [ ] waste flow characteristics
   - [ ] bedrock from original grade
   - [ ] other

6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
   - [x] central sewage
   - [ ] community sewage system
   - [ ] community water well
   - [ ] interim sewage
   - [x] central water
   - [ ] individual sewage
   - [ ] individual water

9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
   - [x] central sewage
   - [x] sewage dry lines
   - [x] community sewage system
   - [x] community water

10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
12. We will require plans be submitted for a plan review for any:
   - [ ] food establishment
   - [ ] swimming pools or spas
   - [ ] child care center
   - [ ] beverage establishment
   - [ ] grocery store

13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

---

Reviewed By: [Signature]
Date: 1/31/2020
February 27, 2020

Karla Nelson
PDS – Current Planning

Re: SUB20-00007

Dear Karla,

This is a request for a Preliminary/Final Plat for a Subdivision with 4 buildable lots on 3.4 acres.

The Boise Fire Department has reviewed and can approve the application subject to compliance with all the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by Boise City Code.

Comments:
1. Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 600-feet from the hydrant. (IFC 507.3, IFC B105.2, IFC C105). Additional fire hydrants are required. (IFC 507.3, IFC B105.2, IFC C105).
2. For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (BCC5-12-32, IFC 503.8)
3. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. It is unclear if the proposed design meets this standard. Please provide documentation the road surface meets this standard. (IFC D102.1)
4. Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. A turn-around is proposed with this project. No Parking is allowed within the turn-around. Additional paving and removal of “well” will be required. (IFC 503.2.5)
5. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
6. Monument signage for addressing will be required at Gary Lane. (IFC 505.1)

General Requirement:
Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

Specific building construction requirements of the International Building Code, International Fire Code and Boise City Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

Regards,

Romeo P Gervais
Deputy Chief – Fire Marshal
Boise Fire Department
CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: January 29, 2020

To: Planning and Development Services

From: Mike Sheppard, P.E., Civil Engineer II
Public Works Department

Subject: SUB20-00007; 7200 N Gary Lane; Sewer Irrigation Sub Comments

1. STANDARD IRRIGATION CONDITIONS

   a. Comply with B.C.C. 11-09-04.11 concerning pressure irrigation requirements prior to
      signing of the final plat by the Boise City Engineer.
      1. The owner, person, firm or corporation filing the subdivision plat shall provide a
         pressurized irrigation system. The system must conform to the minimum design
         standards and specifications of Boise City, or of the entity that will operate and
         maintain the system, if that entity has published standards; or
      2. The owner, person, firm or corporation filing the subdivision plat shall provide
         written documentation that a valid waiver of the requirement to provide a pressure
         irrigation system and that Idaho Code 31-3805(1)(a) regarding transfer of water
         rights, has been complied with.
   b. Prior to either commencing construction or signing of the final plat by the Boise City
      Engineer, developer shall:
      1. Submit for approval by the Department of Public Works, construction plans and
         specifications for the pressurized system, stamped by a registered engineer.
      2. Provide written assurance that provisions have been made for ownership, operation,
         and maintenance of the system.
      3. Delineate all necessary irrigation easements on the final plat (B.C.C. 11-09-03.6).
   c. Developer shall provide for an independent inspection of the installation of irrigation
      facilities and written certification by the design or project engineer that the system was
      installed according to the approved plans. In addition, the Department of Public Works must
      be present for the system pressure test and participate in a final inspection.
   d. Developer may construct prior to final platting or bond in the amount of 110% of the
      estimated construction costs based on the approved plans.
e. Fees: Developer and/or owner shall pay the current inspection and plan review fees applicable to the proposed subdivision prior to signing of the final plat by the Boise City Engineer (B.C.C. 11-03-03.3.B.).

2. STANDARD SEWER CONDITIONS

City Subdivision Conditions

a. Wetline sewers are required (B.C.C. 11-09-04.4., Required Improvements; Sanitary Sewer).
   1. Plans shall be submitted to and approved by the Boise City Department of Public Works prior to commencing with construction. Developer and/or owner may either construct improvements prior to final platting or execute a performance agreement and provide surety in the amount of 110% of the estimated costs. The developer and/or owner shall coordinate with the Department of Public Works for construction inspection prior to and during construction. Unless otherwise approved by the Public Works Department, all sewer construction shall be completed and accepted within 90 days of plat recordation, or within 30 days of issuance of the first building permit within the subdivision, whichever comes first.

   NOTE: All bonding shall conform to Boise City Code 1-19, Surety Bonds.

2. Developer and/or owner shall pay the current sewer inspection fees for the proposed subdivision prior to signing of the final plat by the Boise City Engineer.

3. Developer and/or owner shall be responsible for repairs of any failures that occur within one (1) year of the project acceptance by the appropriate sewer entity (Boise City Code 11-09-04.2F, Subdivision Standards; Required Improvements).

b. Developer and/or owner shall delineate all necessary Boise City sanitary sewer easements on the final plat prior to signing of the final plat by the Boise City Engineer (Boise City Code 11-09-03.6A, Subdivision Design Standards; Easements).

c. Developer and/or owner shall make payment, 8” equivalent cost reimbursement, and comply with Boise City Code 8-11, Sewer Ordinance, on that portion of existing sewer line within the proposed subdivision prior to signing of the final plat by the Boise City Engineer. Contact the Department of Public Works for specific costs.

d. Unless previously paid, developer and/or owner shall pay a sewer assessment along__N. Gary Lane and/or as may be approved by the Boise City Public Works Commission prior to signing of the final plat by the Boise City Engineer. Contact the Department of Public Works for specific costs.

e. Unless previously paid, developer and/or owner shall pay a connection fee and physically connect to sewer the existing building on Lot(s) __3__, Block __1__ prior to signing of the final plat by the Boise City Engineer or post bond/agreement for 110% of the cost to connect.

   NOTE: All bonding shall conform to B.C.C. 11-09-04.2., Required Improvements; Filing of Plans and Bonding Surety, which specifies that the improvements to be made shall be done in a time period not to exceed one year from the date of approval of the final plat.
f. Developer and/or owner shall comply with all provisions of the Boise City “Sewer Tap” Ordinances.

1. Developer and/or owner may either construct prior to final platting or post bond/agreement in the amount of 110% of the estimated costs. Please contact the Public Works Department for specifications and inspections during construction.

**NOTE:** All bonding shall conform to B.C.C. 11-09-04.2., *Required Improvements; Filing of Plans and Bonding Surety*, which specifies that the improvements to be made shall be done in a time period not to exceed one year from the date of approval of the final plat.
To: Planning and Development Services

From: Melissa Jannusch, EIT
Associate Engineer
Public Works Engineering

Subject: SUB 20-00007 | Fiona’s Little Subdivision
7200 N Gary Ln
Grading & Drainage, Hillside, & Misc. Engineering Comments

1. STANDARD GRADING AND DRAINAGE CONDITIONS

1) Subdivision drainage shall be in accordance to B.C.C. 11-09-04-05. The developer shall submit a letter from the appropriate drainage entity approving the drainage system or accepting the drainage there from. A copy of the construction drawing(s) depicting all site drainage improvements shall be submitted with the letter.

a. Developer may either construct improvement prior to final platting or post bond in the amount of 110% of the estimated construction costs. Estimated construction costs shall be provided by the developer’s engineer.

b. For drainage facilities located outside of the public right-of-way, the developer shall dedicate a storm drainage easement. Said easement shall be labeled as either an Ada County Highway District storm drainage easement or a homeowners’ association storm drainage easement, depending on what entity will assume responsibility for the operation and maintenance of the storm drainage system.

c. If the homeowners’ association is to be responsible for the operation and maintenance of the storm drainage facilities, the covenants,
homeowners’ association by-laws or other similar deed restrictions shall be reviewed and approved by the Boise City Attorney.

2) If fills greater than one foot in depth are to be placed in subdivision lots inside of building envelopes, as defined by the applicable subdivision building setbacks, the Developer shall obtain a grading permit from the Boise City Building Department (Rough Grading Permit). Grading permit must be acquired prior to the start of construction or final plat signature by the Boise City Engineer, whichever comes first.

Special Conditions:

2. EROSION CONTROL CONDITIONS

1) Subdivision work shall be in accordance to B.C.C. 08-17 Construction site Erosion Control Ordinance. The developer shall obtain an Erosion Control Permit from the Boise City Building Department. The Erosion Control Permit must be acquired prior to the start of construction.

Special Conditions:

3. STANDARD HILLSIDE CONDITIONS

NA

4. MISC. ENGINEERING CONDITIONS

NA

5. PRIVATE STREET CONDITIONS

NA

Special Conditions:

If you have any further questions, please contact Melissa Jannusch

Melissa Jannusch, E.I.T.
Associate Engineer
Hillside Coordinator
Public Works Engineering
208-608-7168
mjannusch@cityofboise.org

Making Boise the most livable city in the country.
City of Boise Solid Waste staff has reviewed the application for this project and has the following comment:

Owners of the lots must take their solid waste carts to Gary Ln for collection or pay for carry-out service. The current design of the service drive does not permit the solid waste collection vehicle to exit without backing onto a public street.

The owners of these lots must be informed of this requirement.

Please contact me with any questions at 208-608-7161 or ecarpenter@cityofboise.org.
To: Planning and Development Services
From: Tom Marshall, Street Light Program Technician
Public Works Engineering
Subject: Street Light Subdivision Comments
SUB20-00007: 7200 N Gary Ln:

No comments.

If you have further questions, please contact Tom Marshall at 208-608-7526

Tom Marshall
Street Light Program Technician
Public Works Engineering
Office: (208)608-7526
tmarshall@cityofboise.org

Making Boise the most livable city in the country.
January 30, 2020

PDS Building Department Plan Review:

The subdivision **Preliminary/Final** plat SUB20-00007 has been reviewed and there are **no comments** at this time.

Jenny Nelson
Plans Examiner
Planning and Development Services
Office: (208)608-7109
jjnelson@cityofboise.org

Making Boise the most livable city in the country.
Conditional use permit for a special exception to operate a restaurant on 0.21 acres in a R-3D (Multi-Family Residential with Design Review) zone located at 4222 W Emerald St.

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online.
BACKGROUND & SUMMARY OF PLANNING & ZONING COMMISSION ACTION

On March 2, 2020, the Planning and Zoning Commission recommended approval of a conditional use permit for a special exception to operate a restaurant on 0.21 acres in a R-3D (Multi-Family Residential with Design Review) zone located at 4222 W Emerald St. As there was no opposition, the request was unanimously recommended for approval on the consent agenda.

As detailed in the Planning and Zoning Commission project report, the applicant proposes to open a small-scale restaurant serving coffee, beer, wine, cider and a limited food selection. The 637 square foot building had previously been converted from a residential home into an office. Exterior renovations will add a front deck for more customer seating, a bike rack and enhanced landscaping. Design Review approval will be required for all exterior modification to ensure compliance with the Citywide Design Guidelines. No modifications are proposed for the existing parking lot which includes 10 parking stalls, one of which is ADA accessible. The number of seats within the restaurant will be limited to 30 to ensure that adequate parking is provided for the use.

While Boise City Code does not anticipate restaurants as an appropriate use within the R-3 zoning district there are special circumstances that will ensure compatibility with surrounding land uses. The property is located on Emerald Street, an arterial roadway with high frequency bus service and a bike lane which connects the property to the greenbelt and Downtown. The applicant intends to draw a large portion of their customers from nearby neighborhoods and as a result many are anticipated to walk or bike to the site, thereby reducing traffic impacts. To mitigate noise impacts on nearby residential properties, hours of operation will be limited to 7 a.m. - 9 p.m., Monday through Thursday; 7 a.m. to 10 p.m. on Friday and Saturday; and 7 a.m. to 5 p.m. on Sunday. Furthermore, the intensity of use proposed is common along this section of Emerald Street. There are many service, office and commercial uses near the subject property which successfully transition to single-family residential beyond the Emerald corridor.

The proposal aligns with several policies within Blueprint Boise. The restaurant would adaptively reuse an existing building as desired by Principle ES9.5. Principle CB-CCN3.3 encourages housing adjacent to mixed-use activity centers and this special exception request will offer a small-scale neighborhood gathering place within a high-density residential district near the Emerald and Orchard Neighborhood Activity Center. Finally, the Central Rim Neighborhood Plan (2004) includes a vision for viable, community-based local businesses within the neighborhood, particularly on Emerald and Orchard Streets and the proposed restaurant aims to serve the neighborhood as a local meeting place.
CONCLUSION & RECOMMENDATION
On March 2, 2020, the Planning and Zoning Commission unanimously recommended approval of the special exception on the consent agenda, based on the following reason statement:

Reason for Decision
The restaurant complies with the approval criteria of B.C.C. Section 11-03-04.13.C(7)(c)(Special Exceptions). The Code does not anticipate the use in the zone, but special circumstances exist which supports the use in this location as the site is on a busy, multi-modal, arterial roadway near similar uses. The restaurant will not place an undue burden on the adjacent roadway or the existing residential neighborhood to the north. The use will produce an equal or reduced impact as an allowed use as the property could support a 9-unit residential development that could be 45’ in height with traffic coming into the site potentially at all hours. The restaurant will be limited in hours and will be one-story in height. The location is compatible to other land uses in the neighborhood as a variety of office and commercial uses exist along Emerald Street within a ½ mile of the site. Comments received from public agencies confirm that the use will not place an undue burden on transportation or other services in the vicinity. The site is large enough to accommodate the use. There are no proposed changes to the building footprint of the existing structure. While proper zoning for the use is within 370’, rezoning the property would result in a permanent change in zoning for the area while the special exception is specific to this use. The use is supported by policies within the Comprehensive Plan. Principle ES9.5 calls for the adaptive reuse of buildings to promote conservation of embedded energy and reuse of building materials. The restaurant will be located within a residential home that was previously converted into an office, thereby continuing the adaptive reuse of this building. Principle CB-CCN3.3 looks to accommodate housing adjacent to mixed-use activity centers and this proposal will offer a small-scale neighborhood gathering place within a high-density residential district near the Emerald and Orchard Neighborhood Activity Center.
March 3, 2020

Guy Deklotz
Missy Cory
Locus LLC
1431 E Pineridge Dr
Boise, ID 83716
locusboise@gmail.com

Re: CUP20-00005 / 4222 W Emerald St

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a conditional use permit for a special exception to operate a restaurant on 0.21 acres in a R-3D (Multi-Family Residential with Design Review) zone.

The Boise City Planning and Zoning Commission, at their hearing of March 2, 2020, recommended to the Mayor and Boise City Council approval of the request based on the attached Reason for the Decision and Conditions of Approval.

This application will be considered by the Boise City Council to establish a public hearing date. You will be notified of the established hearing date.

Questions can be directed to me at (208) 608-7089 or knelson@cityofboise.org.

Sincerely,

Karla Nelson
Associate Planner, Current Planning and Subdivisions
Boise City Planning and Development Services

KN/mh

CC: Deborah Mullner / Central Rim Neighborhood Association /deborahmullner@u.boisestate.edu
Lynn Lockhart / Morris Hill Neighborhood Association /MontiHillNA@yahoo.com
**Reason for the Decision**

The restaurant complies with the approval criteria of B.C.C. Section 11-03-04.13.C(7)(c) (Special Exceptions). The Code does not anticipate the use in the zone, but special circumstances exist which supports the use in this location as the site is on a busy, multi-modal, arterial roadway near similar uses. The restaurant will not place an undue burden on the adjacent roadway or the existing residential neighborhood to the north. The use will produce an equal or reduced impact as an allowed use as the property could support a 9-unit residential development that could be 45' in height with traffic coming into the site potentially at all hours. The restaurant will be limited in hours and will be one-story in height. The location is compatible to other land uses in the neighborhood as a variety of office and commercial uses exist along Emerald Street within a ½ mile of the site. Comments received from public agencies confirm that the use will not place an undue burden on transportation or other services in the vicinity. The site is large enough to accommodate the use. There are no proposed changes to the building footprint of the existing structure. While proper zoning for the use is within 370', rezoning the property would result in a permanent change in zoning for the area while the special exception is specific to this use. The use is supported by policies within the Comprehensive Plan. Principle ES9.5 calls for the adaptive reuse of buildings to promote conservation of embedded energy and reuse of building materials. The restaurant will be located within a residential home that was previously converted into an office, thereby continuing the adaptive reuse of this building. Principle CB-CCN3.3 looks to accommodate housing adjacent to mixed-use activity centers and this proposal will offer a small-scale neighborhood gathering place within a high-density residential district near the Emerald and Orchard Neighborhood Activity Center.

**Conditions of Approval**

**Site Specific**

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received January 28, 2020, except as expressly modified the following conditions:

2. Design Review approval for all exterior improvements is required prior to submitting a building permit.

3. Restaurant shall be limited to 30 seats.

4. Hours of operation shall be limited to Monday-Thursday, 7 a.m. to 9 p.m., Friday and Saturday 7 a.m. to 10 p.m. and Sunday 7 a.m. to 5 p.m.

5. The proposed deck shall be no higher than 1’ or shall comply with setbacks of the zone or shall receive a variance approval.

6. A trash enclosure shall be provided to shield the trash carts from public view.
7. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) in the memos from:

   i. Sewer dated January 30, 2020; and
   ii. Sewer Capacity dated February 3, 2020;
   iii. Pre-treatment dated January 30, 2020; and

Contact BCPW at 208-384-3900 for specific comments or questions.

8. Compliance with the memo from the Nampa Meridian Irrigation District dated February 4, 2020.


Standard Conditions of Approval

10. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

11. Vision Triangles, as defined under Section 11-012-03 of the Boise City Code, shall remain clear of sight obstructions.

12. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch such as bark or soil aid.

13. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

14. In compliance with Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

15. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.
16. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.

17. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

18. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

19. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.

20. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

21. Prior to the expiration of this conditional use permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

22. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: CUP20-00005 / LOCUS LLC

4222 West Emerald Street

TRANSCRIPT OF RECORDED PUBLIC HEARING
MONDAY, MARCH 2, 2020

COMMISSIONERS PRESENT:
MEREDITH STEAD, CHAIR
BOB SCHAFER, CO-CHAIR
MILT GILLESPIE
JANELLE FINFROCK
JIM BRATNOBER
BEN ZUCKERMAN, STUDENT COMMISSIONER

TRANSCRIBED BY:
VICTORIA HILLES
INTRODUCTION

CHAIRMAN STEAD: So without objection, we'll move to the consent agenda. The first item for the consent agenda is Item No. 5 CUP20-5, Locus LLC, 4222 West Emerald Street. It's a conditional-use permit for a special exemption to operate a restaurant.

Is the Applicant present? Yes. They are.

And are you in agreement with the terms and conditions of the staff report? Seeing that they are in agreement.

NEIGHBORHOOD ASSOCIATION

N/A

PUBLIC TESTIMONY

CHAIRMAN STEAD: Is anybody here to testify in opposition of this item? Seeing none. We will add Item 5 to the consent agenda.

REBUTTAL

N/A

MOTIONS

N/A

VOTE/ROLL CALL

N/A

(End transcription at 0:05:44 of audio)
file.)

-000-
CUP20-00005 / Locus LLC

Summary
Conditional use permit for a special exception to operate a restaurant on 0.21 acres in an R-3D (Multi-Family Residential with Design Review) zone located at 4222 W Emerald St.

Prepared By
Karla Nelson, Associate Planner

Recommendation
Approval with conditions

Reason for the Decision
The restaurant complies with the approval criteria of B.C.C. Section 11-03-04.13.C(7)(c) (Special Exceptions). The Code does not anticipate the use in the zone, but special circumstances exist which supports the use in this location as the site is on a busy, multi-modal, arterial roadway near similar uses. The restaurant will not place an undue burden on the adjacent roadway or the existing residential neighborhood to the north. The use will produce an equal or reduced impact as an allowed use as the property could support a 9-unit residential development that could be 45' in height with traffic coming into the site potentially at all hours. The restaurant will be limited in hours and will be one-story in height. The location is compatible to other land uses in the neighborhood as a variety of office and commercial uses exist along Emerald Street within a ½ mile of the site. Comments received from public agencies confirm that the use will not place an undue burden on transportation or other services in the vicinity. The site is large enough to accommodate the use. There are no proposed changes to the building footprint of the existing structure. While proper zoning for the use is within 370', rezoning the property would result in a permanent change in zoning for the area while the special exception is specific to this use. The use is supported by policies within the Comprehensive Plan. Principle E9.5 calls for the adaptive reuse of buildings to promote conservation of embedded energy and reuse of building materials. The restaurant will be located within a residential home that was previously converted into an office, thereby continuing the adaptive reuse of this building. Principle CB-CCN3.3 looks to accommodate housing adjacent to mixed-use activity centers and this proposal will offer a small-scale neighborhood gathering place within a high-density residential district near the Emerald and Orchard Neighborhood Activity Center.

This report includes information available on the Boise City Website. The entire public record, including additional documents, can be viewed through PDS Online.
EXISTING SIGN  
(REPLACE FACING)

LARGER WINDOW

REPLACE DOOR

WEST ELEVATION

NORTH ELEVATION

RECEIVED
JAN 28 2020
PLANNING & DEVELOPMENT SERVICES

CUP 20-00005
Planning Division Transmittal

File Number: CUP20-00005  
X-Ref:  
Address: 4222 W EMERALD ST  
Applicant: LOCUS, LLC  

Hearing Date: 3/2/20  
Hearing Body: Planning and Zoning Commission  
Transmittal Date: 1/29/20

- Submit comments at least 15 Calendar Days prior to the hearing date listed above so your comments can be included in the project report. For Administrative Levels & Final Subdivision Plats, please comment within 7 Calendar Days of the transmittal date.
- If responding by e-mail, please send comments to PDSTransmittals@cityofboise.org and put the file number in the subject line.
- Paper copies are available on request. Please call (208) 608-7100 and have the file number available. If you encounter problems with the electronic transmittals or want to provide feedback, please call (208) 608-7084.

Ada County
- 911 (Sheriff Dispatch)  
- ACHD  
- Commissioners  
- COMPASS  
- Community & Regional Planning  
- Development Services  
- Parks & Waterways

Boise City
- Airport  
- Building  
- Building-ESC  
- Building-ROS & Subdivisions  
- City Clerk  
- Comp Planning  
- DFA  
- Fire  
- Legal  
- Library  
- Parking Control  
- Parks  
- PDS-Project Management  
- Police  
- Public Works-Addressing  
- Public Works-Annexations  
- Public Works-Drainage  
- Public Works-Environmental  
- Public Works-Environmental-ERS  
- Public Works-Floodplain  
- Public Works-Hillside/Grading  
- Public Works-Irrigation  
- Public Works-Sewer  
- Public Works-Solid Waste  
- Public Works-Street Lights  
- Public Works-Subdivisions  
- PDS-Noticing Copy

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

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

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

Neighborhood Associations
- Barber Valley  
- Boise Heights  
- Borah  
- Centennial  
- Central Bench  
- Central Foothills  
- Central Rim  
- College  
- Depot Bench  
- Downtown  
- East End  
- Glenwood Rim  
- Highlands  
- Hillcrest  
- Liberty Park  
- Lusk District  
- Morris Hill  
- North End  
- North West  
- Pierce Park  
- Quail-Ridge  
- Semet  
- South Boise Village (Energize)  
- South Cole  
- South East  
- South Eisenhower  
- Sunset  
- SW Ada County Alliance  
- Veterans Park  
- Vista (Energize)  
- Warm Springs Mesa  
- West Bench (Energize)  
- West Downtown  
- West End (Energize)  
- West Valley (Energize)  
- Winstead

Schools
- Boise School District  
- West Ada School District

Utilities
- Andeavor Logistics  
- Capital Water Corporation  
- Century Link  
- Intermountain Gas  
- Sparklight  
- Suzy Water  
- West Boise Sewer District
1/28/2020

Locus LLC
4222 West Emerald Street
Boise, ID 83706

Attention:
City of Boise Planning & Development Services
Boise City Hall, 2nd Floor
PO Box 500
Boise, ID 83701

We intend to create a neighborhood specialty coffee/public house at 4222 West Emerald Street. Our proposed business would complement the recent improvements to Emerald and enhance the neighborhood by providing a welcoming, unique, and local meeting place that is pedestrian and bike friendly. We believe this presence will draw additional attention to our business neighbors, increasing use and access to the range of community-based services on this block.

Specific options offered would include a range of beverages such as in-house roasted coffee, tea, beer, cider, and wine. Food options would start with pastries and possibly expand to include light fare such as soup, salads, and sandwiches. We will also feature local art and handcrafted items. Consideration for our neighbors is important, so business hours would generally range from morning (7AM) to early evening (7PM). Some seasonal, extended hours during the summer months or weekends (i.e. 9 or 10PM) may be considered.

Preserving the character of the bench neighborhood is vital. We plan to do so by utilizing the existing building with minimal yet key improvements, such as a food preparation and roasting area, larger windows, a bike rack, and a deck/patio with an accessible path facing Emerald. The restroom and ramp access from the parking lot is already ADA compliant. Due to our proximity and focus as a neighborhood-based business, we envision many neighbors walking or biking over. That said, the parking lot includes 10 spaces with additional parking in front of the building on Wilson Street. Given the required 1 space to 3 seats ratio and the size of the building, this should be more than adequate. In the future, we may entertain bringing an occasional food truck for the day to the neighborhood. In this case, we would still have an adequate parking to accommodate this in our parking lot.

We are excited to deepen our commitment to the Central Rim and Morris Hill neighborhoods. This section of Emerald Street has been my professional home for 16 years (currently at 4304 – Massage Central). I am the 5th generation of my family to be proud of and invested in the neighborhood, beginning with my great-great grandfather’s farm off Orchard and Morris Hill in 1919.

Our neighbors, businesses, and neighborhood association have indicated this would be a valuable addition and improve the quality of life in the neighborhood (see attached letters). We believe our plan would support the larger vision of PDS and serve as an effective, small scale example of how intentional, mixed use neighborhoods can benefit residents, local businesses, and strengthen Boise’s bench community.

Thank you for considering our proposal!

Sincerely,

Missy Cory and Guy DeKlotz

CUP 20-00005
Property Information

Street Name: W EMERALD

Primary Contact

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

Agent/Representative ○ Applicant ○ Owner

Applicant Information

First Name: MASSEY
Last Name: ODEY

Company: LOCUS LLC

Address: 1431 E, PINE TREE DR
City: MERTZ
State: ID
Zip: 83716

Phone Number: 208-340-0542
Cell: 208-761-5835

Agent/Representative Information

Role Type: ○ Architect ○ Land Developer ○ Engineer ○ Contractor ○ Other

First Name: SAME AS APPLICANT
Last Name: 

Company: 

Address: 
City: 
State: ID
Zip: 

Phone Number: 
Cell: 
Fax: 

Owner Information

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

First Name: 
Last Name: 

Company: 

Address: 
City: 
State: ID
Zip: 

Phone Number: 
Cell: 
Fax: 

Packet Pg. 269
7.B.1.a

Project Information

I. Is this a Modification application? O Yes O No

File number being modified: ____________________________

J. Neighborhood Association:

Central Rim Neighborhood Association [ ]

Comprehensive Planning Area:

Central Bench [ ]

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

Special exception to open a coffee shop/public house

L. Size of Property:

2.5 Acres 0 Square Feet

M. Water Issues:

A. What are your fire flow requirements? (See International Fire Code):

WILL COMPLY ______________ gpm

B. Number of hydrants (show location on site plan):

Note: Any new hydrants/hydrant piping require Suez Water approval.

Number of Existing: ____________________________ Number of Proposed: ____________________________

C. Is the building "sprinklered"? O Yes O No

D. What volume of water is available? (Contact SUEZ (208) 362-7354):

__________________________ gpm

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

637 sf office building w/10 space parking lot

F. Is the project intended to be phased? Please explain:

G. Adjacent property information:

Building types and/or uses

North: ____________________________ North: [ ]

South: ____________________________ South: [ ]

East: ____________________________ East: [ ]

West: ____________________________ West: [ ]

CUP 20-00005
7.B.1.a

Packet Pg. 271
3. Site Design:

<table>
<thead>
<tr>
<th>Building Coverage</th>
<th>Site Percentage Devoted to</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Landscaping</th>
<th>Percentage Devoted to</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Paving</th>
<th>Percentage Devoted to</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>Percentage Devoted to</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Describe Other Uses: ____________________________________________

4. Parking:

<table>
<thead>
<tr>
<th>Accessible Spaces</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Parking Spaces: 10

<table>
<thead>
<tr>
<th>Bicycle Spaces</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Proposed compact spaces: 10

Are you proposing off-site parking? ○ Yes  ○ No

If yes, how many spaces? ______

Are you requesting shared parking or a parking reduction? ○ Yes  ○ No

If yes, how many spaces? ______

Restricted parking? ○ Yes  ○ No

5. Landscaping:

A. Are there any prominent trees or areas of vegetation on the property? ○ Yes  ○ No

B. Type: LARGE ASH TREES

C. Size: 18'-20" TRUNKS

D. General Location: NORTH CORNER OF PARKING LOT, 20' WEST SIDE

6. Mechanical Units:

Number of Units: ____________________________________________

Unit Location: ____________________________________________

Type: ____________________________________________

Height: ____________________________________________

Proposed Screening Method: ____________________________________________
A. Type of trash receptacles:

- Individual Can/Residential
- 3 Yd. Dumpster
- 6 Yd. Dumpster
- 8 Yd. Dumpster
- Compactor

B. Number of trash receptacles:

1. Trash, 2 Recycle

C. Proposed screening method:

D. Is the proposed location accessible for collection? (Contact Boise Public Works at 384-3901.)

E. Is recycling proposed?

8. Irrigation Ditches/Canals:

A. Are there any irrigation ditches or canals on or adjacent to the property?

B. Location:

C. Size:

9. Fencing:

- Proposed
- Existing to Remain

Type: Wood Fence
Height:
Location: Lots

10. Loading Facilities (if proposed, for commercial uses only):

- Number:
- Location:
- Size:
- Screening:

1. Drainage:

Proposed method of on-site retention:

2. Floodways & Hillsides:

A. Is any portion of this property located in a Floodway or a 100-year Floodplain?

B. Does any portion of this parcel have slopes in excess of 15%?

Note: If the answer to either of the above is yes, you will be required to submit an additional #112 Floodplain and/or #114 Hillside application and additional fee.

3. Airport Influence Area:

Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)

- No
- Area A
- Area B
- Area B1
- Area C

CUP 20-00005
Verification of Legal Lot or Parcel Status

Acceptance of this application does not validate the legal status of any lot or parcel. Prior to submitting for a Building Permit you must have a Verification of Legal Parcel Status form signed by the Boise City Subdivision Department. It is the applicant’s responsibility to provide deeds and/or other documentation to the Subdivision Department. See Verification of Legal Lot or Parcel Worksheet for submittal requirements.

The undersigned declares that the above provided information is true and accurate.
The undersigned acknowledges that failure to provide true and accurate information may result in rejection of this application, possible evocation of the permit where wrongfully issued and subject the undersigned any applicable civil and/or criminal penalties.

Agent/Representative Signature: [Signature]
Date: 1-28-2020
Planning Division Project Report

File Number CUP20-00005
Applicant Missy Cory & Guy DeKlotz / Locus LLC
Property Address 4222 W Emerald St

Public Hearing Date March 2, 2020
Heard by Planning and Zoning Commission

Analyst Karla Nelson, Associate Planner
Reviewed By Céline Acord, Current Planning Manager

Public Notification
Neighborhood meeting conducted on: January 7, 2020
Radius notices mailed to properties within 500 feet on: February 14, 2020
Newspaper notification published on: February 14, 2020
Applicant posted notice on site on: February 15, 2020

Table of Contents
1. Project Data and Facts ................................................................. 2
2. Land Use ................................................................................. 2
3. Project Proposal ................................................................. 3
4. Development Code ............................................................ 3
5. Comprehensive Plan .......................................................... 3
6. Transportation Data ......................................................... 4
7. Analysis .................................................................................. 4
8. Approval Criteria ............................................................... 6
9. Recommended Conditions of Approval .................................... 8

Exhibits
Agency Comments
Public Comments
1. Project Data and Facts

<table>
<thead>
<tr>
<th>Project Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner</td>
</tr>
<tr>
<td>Location of Property</td>
</tr>
<tr>
<td>Size of Property</td>
</tr>
<tr>
<td>Zoning</td>
</tr>
<tr>
<td>Land Use Designation</td>
</tr>
<tr>
<td>Planning Area</td>
</tr>
<tr>
<td>Neighborhood Assoc./Contact</td>
</tr>
<tr>
<td>Procedure</td>
</tr>
</tbody>
</table>

Current Land Use
Office

Description of Applicant’s Request
A conditional use permit for a special exception to operate a restaurant in the R-3D zone

2. Land Use

Description and Character of Surrounding Area
The property is west of the Morris Hill Cemetery on a section of Emerald Street lined with single-family homes, office and service uses. Beyond Emerald Street to the north and south are single-family residential neighborhoods. Commercial uses are predominant closer to Orchard Street.

Adjacent Land Uses and Zoning

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single-Family Dwelling / R-1C (Single-Family Residential, Urban)</td>
</tr>
<tr>
<td>South</td>
<td>Emerald Street then Natural Health Clinic and Single-Family Dwellings / R-3D</td>
</tr>
<tr>
<td>East</td>
<td>Low-Rise Office / R-3D</td>
</tr>
<tr>
<td>West</td>
<td>Wilson Street then Personal Service / R-3D</td>
</tr>
</tbody>
</table>

History of Previous Actions

| CAR04-00035 | Comprehensive Plan Amendment to include the Central Rim Neighborhood Plan – Approved |
| CU-59-90    | Convert residential home to an office - Approved |
3. Project Proposal

Structure(s) Design

| Number of Buildings | One existing structure |
| Proposed Use of Buildings | Restaurant which serves coffee, beer, wine, cider and a limited food selection. |

Setbacks

<table>
<thead>
<tr>
<th>Yard</th>
<th>Required</th>
<th>Existing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Building</td>
<td>Parking</td>
</tr>
<tr>
<td>Front (Emerald St.)</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Street Side (Wilson St.)</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Rear (north)</td>
<td>15'</td>
<td>15'</td>
</tr>
<tr>
<td>Side (east)</td>
<td>5'</td>
<td>5'</td>
</tr>
</tbody>
</table>

*Measurements are approximate, variances are not required as no building footprint or parking modifications are proposed.

Parking

<table>
<thead>
<tr>
<th>Required</th>
<th>Existing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total parking spaces:</td>
<td>10</td>
</tr>
<tr>
<td>Accessible spaces:</td>
<td>1</td>
</tr>
<tr>
<td>Number of compact spaces allowed:</td>
<td>4</td>
</tr>
<tr>
<td>Bicycle parking spaces:</td>
<td>1</td>
</tr>
<tr>
<td>Parking Reduction requested?</td>
<td>No</td>
</tr>
</tbody>
</table>

4. Development Code *(Boise City Code Title 11)*

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-03-04.6</td>
<td>Conditional Use Permit Specific Procedures</td>
</tr>
<tr>
<td>11-03-04.13</td>
<td>Specific Procedures (Exception)</td>
</tr>
<tr>
<td>11-04-03</td>
<td>General Purpose of Residential Districts</td>
</tr>
<tr>
<td>11-07-03</td>
<td>Off-Street Parking and Loading Standards</td>
</tr>
</tbody>
</table>

5. Comprehensive Plan *(Blueprint Boise)*

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Goals, Objectives &amp; Policies</th>
</tr>
</thead>
</table>
| Chapter 2: Citywide Vision and Policies | Principle ES9.5: Reuse of Buildings  
Goal EC3: Opportunities for Business Expansion |
| Chapter 4: | Goal CB-CCN 3.3: High Density Neighborhoods |
6. Transportation Data

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>PM Peak Traffic Count</th>
<th>Level of Service*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emerald Street</td>
<td>60’</td>
<td>Minor Arterial</td>
<td>563</td>
<td>Better than “D”</td>
</tr>
<tr>
<td>Wilson Street**</td>
<td>134’</td>
<td>Local</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Acceptable level of service for a three-lane minor arterial is “D” (720 VPH)
**ACHD does not have traffic counts for Wilson Street.

Since the project will utilize an existing building and is not anticipated to generate additional traffic the Ada County Highway District (ACHD) had no site-specific conditions of approval. The Number 5 Emerald Bus Route has a stop just to the west of the property and bike lanes connect the property to the greenbelt and Downtown.

7. Analysis

The applicant is requesting a conditional use permit for a special exception to operate a restaurant in the R-3D zone. The proposal would utilize a 637 square foot residential home that has been converted into an office for a small-scale restaurant. The intention is to serve coffee, beer, wine, cider and a limited food selection. The applicant refers to their proposed business as a coffee shop/public house and hope that it will serve as a neighborhood gathering place that features local art and handcrafted items. Interior renovations will create a seating area for customers and a food preparation and coffee bean roasting area. Exterior renovations will add a front deck for more customer seating, a bike rack and enhanced landscaping. A condition of approval will require that the deck be no higher than 1’ or meet setbacks of the zone. Design Review approval will be required for all exterior modification to ensure compliance with the Citywide Design Guidelines. No modifications are proposed for the existing parking lot which includes 10 parking stalls, one of which is ADA accessible. The number of seats within the restaurant will be limited to 30 to ensure that adequate parking is provided for the use.
While Boise City Code does not anticipate restaurants as an appropriate use within the R-3 zoning district there are special circumstances with this site that will ensure compatibility with surrounding land uses. The property is located on Emerald Street, an arterial roadway with high frequency bus service and a bike lane which connects the property to the greenbelt and Downtown. The applicant intends to draw a large portion of their customers from nearby neighborhoods and as a result many are anticipated to walk or bike to the site, thereby reducing traffic impacts. To mitigate noise impacts on nearby residential properties, hours of operation will be limited to 7 a.m. - 9 p.m., Monday through Thursday; 7 a.m. to 10 p.m. on Friday and Saturday; and 7 a.m. to 5 p.m. on Sunday. Furthermore, the intensity of use proposed is common along this section of Emerald Street. There are many service, office and commercial uses near the subject property which successfully transition to single-family residential beyond the Emerald corridor.

The proposal aligns with several policies within Blueprint Boise. The restaurant would adaptively reuse an existing building as desired by Principle ES9.5. Principle CB-CCN3.3 encourages housing adjacent to mixed-use activity centers and this special exception request will offer a small-scale neighborhood gathering place within a high-density residential district near the Emerald and Orchard Neighborhood Activity Center. Finally, the Central Rim Neighborhood Plan (2004) includes a vision for viable, community-based local businesses within the neighborhood, particularly on Emerald and Orchard Streets and the proposed restaurant aims to serve the neighborhood as a local meeting place.

As indicated below, the Planning Team finds the application to be consistent with the standards for approval.
8. Approval Criteria

Special Exceptions (11-03-04.13.C(7)(c))

i. **The Code does not anticipate that the use could be in the zone under special circumstances (the “special circumstances” must be specified):**

The Code does not anticipate a restaurant as an appropriate use in the R-3D zone, which is intended to accommodate predominantly residential and office uses. Restaurants are only permitted within the commercial zones, C-1, C-2, C-3, C-5 and PC, and conditionally permitted, within the C-4 and H-S zones. The Planning Team finds that a special circumstance exists which supports the use in this location as the site is on a busy, multi-modal, arterial roadway, near similar uses. The proposed restaurant would be limited to 30 seats and limited in hours of operation and would not generate an excessive amount of traffic or noise. As such, it will not place an undue burden on the adjacent roadway or the existing residential neighborhood to the north. In addition, the restaurant would provide a walkable, destination venue, for current and future nearby residents.

ii. **That the use will produce an equal or reduced impact upon the site or neighborhood than would an allowed use:**

The predominant allowed use in the R-3 zone is residential. Other conditionally allowed uses include offices, both professional and medical, boarding kennels, veterinary clinics, commercial schools, childcare centers and nursing homes. The proposed small-scale restaurant/ coffee shop will produce a reduced impact in terms of height and noise upon the site than many of the allowed uses in the R-3 zone. The 0.21-acre property could be redeveloped with a 9-unit residential development that could be up to 45’ in height with traffic coming into the site at all hours. Instead, the proposed restaurant will operate out of a one-story residential home that was previously converted into an office. The structure is in character with the residential neighborhood to the north in terms of height and design. Furthermore, hours of operation will be limited to 7 a.m. - 9 p.m., Monday through Friday; 7 a.m. to 10 p.m. Saturday; and 7 a.m. to 5 p.m. on Sundays.

iii. **The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation and services facilities in the vicinity:**

The proposed use will be compatible with other land uses in the general neighborhood. The property is located along an arterial roadway that contains a variety of office, residential and commercial uses within a ½-mile of the site. Several homes have been converted to office or service uses within the immediate vicinity and have a similar street presence as the proposed restaurant. A new climbing gym and neighborhood brewery are slated to open soon, 1,500’ west of the site. The
section of Emerald Street between Orchard and Roosevelt Streets offers a variety of commercial venues in line with the proposed restaurant. Eight letters of support were submitted with the application from surrounding businesses and residents offering further support for the compatibility of the proposed restaurant to other land uses in the general neighborhood. Comments received from ACHD and other public agencies indicate that the use will not place an undue burden on transportation or other services in the vicinity.

iv. **The site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls, fences, parking, loading, landscaping, and such other features as are required by this code;**

The site is large enough to accommodate the proposed use. There are no proposed changes to the building footprint of the existing structure, though internal building alternations may be required to meet the standards of the International Building Code. There are 10 parking spaces provided and a condition of approval will require that no more than 30 seats be allowed as required by the parking code. A small patio will be added to the site along with 10 bicycle parking spaces and expanded landscaping. A condition of approval will require Design Review approval for all exterior modifications to ensure adherence to the Citywide Design Standards. Some of the parking is placed within the setback area, since the parking lot is existing, and modifications are not proposed, this encroachment will be allowed to remain. Parking is placed behind the structure and mature trees help to screen the parking area from Wilson Street.

v. **Proper zoning for the proposed use is not available in the general neighborhood;**

C-2D zoning does exist approximately 370' linear feet to the west, between Orchard Street and Manville Street. However, the applicant already owns the subject property within the R-3D zone and wants to start a small-scale restaurant/coffee shop within the existing building. The structure meets the applicant’s design needs in their neighborhood of choice. The applicant explored rezoning the property but ultimately decided to request a special exception as it would pertain solely to this venture and would not create a permanent change in zoning for the area. Furthermore, the scale of the proposal is compatible with the neighborhood and would be limited in hours of operation and by seats. The proposed restaurant/coffee shop would provide a destination venue to residents of the area near their homes rather than requiring them to drive outside the neighborhood.

vi. **The proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.**

The proposed restaurant aligns with several policies detailed in Blueprint Boise. **Principle ES9.5** within the citywide vision section of the Comprehensive Plan calls for the adaptive reuse of buildings to promote conservation of embedded energy and reuse of building materials. The proposed restaurant will be located within a
residential home that was previously converted into an office, thereby continuing the adaptive reuse of this building. Principle CB-CCN3.3 looks to accommodate housing adjacent to mixed-use activity centers and this proposal will offer a small-scale neighborhood gathering place within a high-density residential district near the Emerald and Orchard Neighborhood Activity Center. Finally, the Central Rim Neighborhood Plan (2004) which is adopted into Blueprint Boise by reference, includes a vision for viable, community-based local businesses within the neighborhood, particularly on Emerald and Orchard Street. The proposed restaurant aims to serve the neighborhood as a local meeting place that is pedestrian and bike friendly.

9. Recommended Conditions of Approval

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received January 28, 2020, except as expressly modified the following conditions:

2. Design Review approval for all exterior improvements is required prior to submitting a building permit.

3. Restaurant shall be limited to 30 seats.

4. Hours of operation shall be limited to Monday-Thursday, 7 a.m. to 9 p.m., Friday and Saturday 7 a.m. to 10 p.m. and Sunday 7 a.m. to 5 p.m.

5. The proposed deck shall be no higher than 1’ or shall comply with setbacks of the zone or shall receive a variance approval.

6. A trash enclosure shall be provided to shield the trash carts from public view.

7. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) in the memos from:
   a. Sewer dated January 30, 2020; and
   b. Sewer Capacity dated February 3, 2020;
   c. Pre-treatment dated January 30, 2020; and
   d. Solid Waste dated January 31, 2020;

Contact BCPW at 208-384-3900 for specific comments or questions.

8. Compliance with the memo from the Nampa Meridian Irrigation District dated February 4, 2020.

Standard Conditions of Approval

10. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.

11. Vision Triangles, as defined under Section 11-012-03 of the Boise City Code, shall remain clear of sight obstructions.

12. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch such as bark or soil aid.

13. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

14. In compliance with Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 208-608-7700. Species shall be selected from the Boise City Tree Selection Guide.

15. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

16. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.

17. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.

18. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules,
regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

19. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.

20. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.

21. Prior to the expiration of this conditional use permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

22. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
February 4, 2020

To: Missy Cory and Guy Deklotz
Locus, LLC
4222 West Emerald Street
Boise, ID 83706

Subject: BOI20-0043/CUP20-00005
4222 W. Emerald Stret
Develop a Coffee Shop in existing building

The Ada County Highway District (ACHD) has reviewed the submitted application for the application referenced above and has determined that there are no improvements required to the adjacent street(s).

The applicant shall be required to:

1. Pay a traffic impact fee. If applicable, a traffic impact fee may be assessed by ACHD and will be due prior to the issuance of a building permit by the lead agency. This is a separate review process and it is the applicant’s responsibility to submit plans directly to ACHD.

2. Comply with all ACHD Policies and ACHD Standard Conditions of Approval for any improvements or work in the right-of-way.

3. Obtain a permit for any work in the right-of-way prior to the construction, repair, or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.).
Traffic Information

The following table includes trip generation rates for anticipated land uses, based on the Institute of Transportation Engineers Trip Generation Manual, 10th edition.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measurement</th>
<th>Average Daily Trips</th>
<th>PM Peak Hour Trip Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee/Donut Shop w/o Drive-thru</td>
<td>Per 1,000 square feet</td>
<td>N/A</td>
<td>36.31</td>
</tr>
</tbody>
</table>

Condition of Area Roadways:

* Traffic Count is based on Vehicles per hour (VPH)

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>PM Peak Hour Traffic Count</th>
<th>PM Peak Hour Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emerald Street</td>
<td>60-feet</td>
<td>Minor Arterial</td>
<td>563</td>
<td>Better than “D”</td>
</tr>
<tr>
<td><strong>Wilson Street</strong></td>
<td>134-feet</td>
<td>Local</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a three-lane minor arterial is “D” (720 VPH)
** ACHD does not have traffic counts for Wilson Street.

Average Daily Traffic Count (VDT):

* Average daily traffic counts are based on ACHD’s most current traffic counts

  - The average daily traffic count for Emerald Street east of Harding Street was 9,813 on 11/07/2018.

If you have any questions, please feel free to contact me at (208) 387-6293.

Sincerely,

[Signature]

Paige Bankhead, E.I.
Planner II
Development Services

cc: City of Boise
Rep
Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).

2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.

3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant’s engineer should provide documentation of ADA compliance to District Development Review staff for review.

4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.

5. A license agreement and compliance with the District’s Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.

6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.

8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District’s Utility Coordinator at 387-6258 (with file numbers) for details.

9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.

11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant’s authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.
February 4, 2020

Planning & Development Services
City of Boise
P.O. Box 500
Boise, ID 83701

RE: CUP20-00005/ Coffee Shop; 4222 W. Emerald Street

Dear Planning & Development:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application as no facilities are impacted and plans show storm water is retained on site.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID will need to review drainage plans. The developer must comply with Idaho Code 31-3805.

Please feel free to contact me with any further questions.

Sincerely,

David T. Duvall
Asst. Water Superintendent
Nampa & Meridian Irrigation District
DTD/gnf

Cc:
Office/ file
City of Boise Solid Waste staff has reviewed the application for this project and has the following comment(s):

Projects that involve interior modifications that change the use of the building will require that solid waste designs meet current standards.

For three or four 95-gallon carts, an enclosure that is 8’x8’ or 4’x16’ must be constructed or completely shielded from public view by a 6’ high fence or wall. An enclosure can be three sided or have a gate at least 7’ wide.

Individual carts must be brought to the curb by building staff prior to scheduled collection. Carts must be returned to their storage location within 24-hours by building staff.

The link below provides information regarding trash enclosure design and location requirements:

https://www.cityofboise.org/media/7186/commercialenclosurerequirements.pdf

Please contact me with any questions at 208-608-7555 or rwalkins@cityofboise.org.
CITY OF BOISE

INTER-DEPARTMENT
CORRESPONDENCE

Date: January 30, 2020

To: Planning and Development Services

From: Mike Sheppard P.E., Civil Engineer II
Public Works Department

Subject: CUP20-00005; 4222 W. Emerald Street; Sewer Comments

Connection to central sewer is required. Sanitary sewers are available in W. Emerald Street.

Prior to granting of final sewer construction plan approval, all requirements by Boise City Planning and Development Services must be met.

If you have any further questions, please contact Mike Sheppard at 608-7504.
CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: 1/30/2020

To: Planning and Development Services

From: Zach Conde, Senior Environmental Specialist
Public Works

Subject: CUP20-00005; 422 W Emerald St.; Pretreatment Comments

All food service operations require “suitable and adequate” grease abatement equipment and must follow established Fat/Oil & Grease Best Management Practices.

For more information, or if you have any questions please contact Zach Conde, 208-608-7530 or email at zconde@cityofboise.org.

Conditional Use Design Review Application
SAR095 (Boise)
6.4
February 3, 2020

RE: CUP20-00005 4222 W Emerald St

Dear Applicant:

You have submitted a Planning request to add a coffee shop/public house at the above location. Please be aware that sewer capacity fees may be due at the time the building permits are issued.

If you have questions, or we may be of assistance, please contact us at 208-608-7150.

Thank you
Central Rim Neighborhood Association Letter of Support for proposed coffee house/roastery at 4222 W. Emerald Street

January 27, 2020

Central Rim Neighborhood Association
Deborah Mullner
4911 W. Gage Street
Boise, ID 83706

Dear madam or Sir,

On behalf of the Central Rim Neighborhood Association (CRNA) I support the proposed coffee house/roastery at 4222 W. Emerald Street. During the January board meeting, Missy Cory and Guy DeKlotz informed the CRNA about their plans for their new business. All board members agreed that this new coffee house in walking distance will enrich our neighborhood. CRNA board members present had no concerns about said business. We support a zoning exception at this location to allow a coffee house/roastery at 4222 W. Emerald Street.

Please feel free to contact me with any questions.
Sincerely,

Deborah Mullner
CRNA, president
(208) 331 8582
Regarding business at 4222 Emerald St.

Jeremy Rynearson <jeremyrynearson@gmail.com>
To: missycory@hotrail.com

Wed, Nov 20, 2019 at 12 55 AM

To Whom it May Concern:

I live in the residential house next door to this commercial property at 814 N. Wilson St. I was approached by Missy Cory, whom I know from Massage Central across the street, about her idea for the property next to me. She said her and her husband have dreamed of owning and running a boutique coffee shop together. She thought this would be a great location for it as the bench has seen a lot of new businesses pop up in the area. She told me besides selling coffee and pastries, she would also like to sell beer, wine, and maybe small appetizers as well since her husband does home brewing. She envisioned adding a deck on the back of the building towards the current parking lot for outside seating during the summer months.

I was asked what I thought of her proposal and I said I was on board with it. I have lived in my home 6-7 years now and there has always been a business next door and I have not always known what was going to come in next or who was going to be in charge. I find comfort in knowing who the owner of the business will be and what exactly it is. I even made a suggestion to her to add a TV inside for the occasional weekend sports watcher like myself.

I work from home and sometimes I need to find a place to go and work for awhile where my kids are not at. The best place for that is a coffee shop. I can see myself going next door with my laptop for awhile to have a coffee in the morning or a beer in the late afternoon. We have a really nice surrounding neighborhood and there is a sense of community when we do the annual Central Rim street fair on Wilson St. I think a lot of people in the neighborhood would love to have a place like this to walk to with their families. I know I could take my parents or in-laws to a place like that when they come to visit. It would be a great place to meet other people in the neighborhood too.

As you can see from my email signature below I am a real estate agent going on fourteen years. I would not be worried by what it would do to any property values in the area. If anything it should make them better. I would think I would actually feel safer having a place next door that stayed open into the early evening as opposed to one that closed at 4:00 or 5:00. I am really close to Emerald and the bus stop and sometimes I get sketchy looking people walking by my house or knocking on the door. I think a nice establishment would make the area seem more secure. I wouldn’t be worried about the noise or excessive parking. I already have people parking in front of my house for the businesses that are there now. I also have had patients with developmental disabilities from the next door therapy business run into my back yard and not want to leave. Luckily I used to work in that field and knew what the scenario was, but my point is that I don’t think a coffee shop can be much worse for a residential neighbor.

Those are my opinions regarding a boutique coffee shop next door. I would like to actually see more walkable businesses like this on the bench down Emerald towards Orchard. I think it would be a great thing to have a Hyde Park feel eventually somewhere on the bench. If you have any further questions for me I can be reached with the contact info below.

JEREMY RYNEARSON
REAL ESTATE PROFESSIONAL

2018 Boise Regional Realtors Circle of Excellence Production Award Recipient

7.B.1.a
To whom it may concern,

I am writing in regards to the proposed building usage for 4222 Emerald st. Let me start by telling you a bit about us. Boise Acupuncture Co-op (BAC) is a community driven non-profit. We strive to be involved and engaged in the community. In past years we have joined forces with other local businesses, one event was with Boise Natural Health and Massage Central to offer a collective block party where we informed folks of the health benefits of natural medicine. We’ve also participated in Central Rim Association events, and continue to reach out into the community. We are currently looking for a building in this neighborhood to purchase, and look forward to being a permanent fixture for the bench. This neighborhood has always been warm and welcoming to our business.

We are direct neighbors with the building at 4222 Emerald, and have worked with Missy Cory for years. Her passion for this neighborhood and community is inspiring and she and her husband Guy DeKlotz have our full support and appreciation for creating a wonderful community space in that building.

Thank you for your time,

Stacey Kelsey L.Ac.
Boise Acupuncture Cooperative, Inc.

[Handwritten signature]
To Whom it Concerns,

Please allow Missy Cory and her partner to open and run a nice little Coffee Shop/Bistro at the 4222 W. Emerald St. locale. I live at 817 N Wilson St. and feel that this will be a nice addition to our neighborhood.

Thank you for considering my input,

Mark Dauenhauer
817 N Wilson St.
Boise, ID 83706
208 365 3176

RECEIVED
JAN 28 2020
PLANNING & DEVELOPMENT SERVICES
Date: November 18, 2019

To: Boise Planning and Development Services

Re: 4222 Emerald Street, Boise, ID 83706

From: Joan Haynes, NMD

I own the business Boise Natural Health Clinic directly across the street from 4222 Emerald. Missy Cory and Guy DeKlotz, who own the building, have told me about their plans to open a small coffee/beer store establishment there.

I would very much welcome their business across the street. I think it would be good for the residential neighborhood as well as other businesses on Emerald street. I hope the city will consider this a good use of this building as the street becomes more commercial, and less residential.

Please do not hesitate to contact me if I can provide any more information.