



## Planning & Development Services

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# Planning Division Staff Report

<b>File Number</b>	DRH08-00228
<b>Applicant</b>	Mary Claire Huber and Helge Gabert
<b>Property Address</b>	1103 North 11 <sup>th</sup> Street
<b>Public Hearing Date</b>	28 July 2008
<b>Heard by</b>	Historic Preservation Commission
<b>Analyst</b>	Matt Halitsky
<b>Checked By</b>	Sarah Schafer

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## Public Notification

Radius notices mailed to adjacent properties:	<b>11 July 2008</b>
Staff posted notice on site on:	<b>14 July 2008</b>

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## 1. Project Data and Facts

<b>Applicant/Status</b>	Mary Claire Huber and Helge Gabert
<b>Architect/Representative</b>	Cabal Architects
<b>Location of Property</b>	1103 North 11 <sup>th</sup> Street
<b>Size of Property</b>	5,663 square feet
<b>Present Zoning and Land Use</b>	R-2HD <i>Combined Residential with Historic Design Review Overlay</i>
<b>Historic District</b>	North End
<b>Date of Construction</b>	1903-1912
<b>Style</b>	Vernacular with Colonial Revival Elements
<b>Status</b>	Contributing
<b>Square Footage of Existing House</b>	1,705 square feet

<b>Description of Applicant's Request</b>
The applicant is proposing to construct a 182 square foot second story addition and a wood deck at the rear of the home, as well as an accessible ramp along the northern elevation.

## 2. Land Use

<b>Description and Character of Surrounding Area</b>
The surrounding neighborhood is a mixture of single and one and one-half story homes, with single-story garages accessed off of a rear alley.

<b>Site Characteristics</b>
The home sits at the northwest corner of Pueblo and 11 <sup>th</sup> Streets. A detached accessory structure, once a garage, was converted to a cottage in 1947. The property is landscaped with mature trees, with a wood picket fence running along the exterior.
<b>Special Considerations</b>
The property is considered an original substandard lot of record.
<b>History of Previous Actions</b>
DRH06-00295 Construct an accessible ramp on the north side of the home <i>Approved</i>
DRH05-00433 Replace windows <i>Approved</i>
1956 Excavate 8' x 10' room in basement, outside retaining walls.
1953 Re-roof with composition shingles and reside the house with asbestos siding
1952 Change out doors
1947 Construct an addition to the rear of the home
1947 Convert detached garage to a dwelling

### 3. Project Proposal

#### Site Design

Land Use	Existing	Proposed
Percentage of the site devoted to building coverage:	26%	No Change
Percentage of the site devoted to paving:	2%	3% (ramp)
Percentage of the site devoted to landscaping:	72%	71%
TOTAL	100%	100%

#### Setbacks

Yard	Required	Proposed for Building	Proposed for Garage
Front (east)	15' (bldg.) 20' (garage)	No Change	No Change
Side Street (south)	15' (bldg.) 15' (garage)	No Change	No Change
Side (north)	5' (bldg.) 5' (garage)	3'*	No Change
Rear (west)	15' (bldg.) 0' (garage)	No Change	No Change

\*Two-foot encroachment allowed for ramp.

#### Fencing

A six-foot solid wood fence and a three-foot picket fence currently enclose the property.

#### Structure(s) Design

Number and Proposed Use of Buildings	Two: Existing single-family dwelling Existing Cottage
Maximum Building Height	27-feet to the ridgeline of the home (no change)
Number of Stories	Two

## 4. Ordinance / Standards

Section	
11-04-04.01	General Standards
11-04-14	Standards for Development of Substandard Original Lots of Record
2-18-09	Historic Preservation Ordinance
4.1	Guidelines for Residential Historic Districts
	Secretary of the Interior's Standards for the Treatment of Historic Structures

## 5. Analysis/Findings

### Contributing Analysis

**B.C.C Section 2-18-09 (A) (1) (c) states:** *As part of the application process for a Certificate of Appropriateness, the Planning Staff shall confirm the contributing or non-contributing classification of the property based on the criteria set forth in the definitions of Section 2-18-02.*

The subject home is estimated to have been constructed sometime between 1903 and 1912, during the period of significance for the North End. The home appears on the 1912 Sanborn Fire Insurance maps but not the charts listed from 1903. The property was deemed contributing in a survey conducted by the Arrowrock Group in 1999. Although some alterations have occurred since construction, the structure remains intact and has retained its historic integrity. The massing of the house is the same, and it retains its character defining features, mainly the modified gambrel roof form. The property is still contributing.

### Substandard Lot Analysis

#### **B.C.C. Section 11-04-14**

Pursuant to §11-04-14 of the Boise City Code, residential development on substandard lots within the R-1C zone shall be guided by the *Development Standards for Substandard Original Lots of Record* (§11-04-14.03), as well as the *Design Guidelines for Substandard Lots* (§11-04-14.04).

#### **Section 11-04-14.03 Standards for Substandard Original Lots of Record**

##### *A. Setbacks*

1. *Front Setbacks: The front yard setback for livable space and porches shall be within five (5) feet of the average of the front yard setbacks of adjoining properties. However, in no case shall the front setback be less than 10 feet or more than 20 feet. The front setback for parking is 20 feet. Maximum setbacks are required in order to provide a visual and physical relationship to the street and retain room for an open back yard area. If the applicant has multiple contiguous lots, the front setbacks should provide modulation in order to avoid a uniform line of dwellings with identical front setbacks.*
2. *Side Setbacks: Interior side setbacks shall be in accordance with the applicable zone; street side yard setbacks shall be 15 feet for livable space and porches and 20 feet for parking, unless one of the following is applied:*
3. *Rear Setbacks: Rear yard setbacks shall be as required by the zoning district in which the substandard lot is located.*
4. *Garage: A single story detached garage accessed off of an alley may have a three (3) foot interior side setback.*
5. *The first story of a two story attached building shall be setback a minimum of five (5) feet from the side property line. The second story of a two story attached building shall be setback a minimum of eight (8) feet from the side property line; provided, bay windows, pop-outs or other architectural appurtenances may be allowed at the five (5) foot setback line in the R-1C zone. All other zones must meet their side yard setback requirements. (See also Section 11-05-05 Boise Municipal Code)*

The project meets all required setbacks prescribed by Code save from the north property line, where the proposed accessible ramp will encroach two feet as indicated on the submitted site plan. This encroachment is allowed per §11-04-04.01. As the submitted elevations (Sheet a3.12) are not consistent with the site plan and indicate a 2 ½-foot setback to the proposed ramp, staff recommends as a condition of approval the applicant meet the three-foot side setback, or else apply for and receive a variance for the encroachment beyond the exception mentioned above.

- B. *Building height shall not exceed the width of the lot or the maximum height allowed by the zone, whichever is most restrictive.*

The width of the lot is 50-feet, while the maximum building height for this zone is 35-feet. As proposed the building height will not change and as measured to the ridgeline is approximately 27-feet as provided by the applicant.

This requirement has been met.

- C. *Building Size: Residential floor area shall not exceed 55% of the effective lot area on lots with less than 5,000 square feet. "Effective Lot Area" is the gross horizontal area of a lot minus any portion of the lot encumbered by a recorded driveway or road easement. "Residential Floor Area" is the amount of all livable space including basements and bonus rooms.*

The subject parcel is greater than 5,000 square feet.

This requirement is not applicable.

- D. *Private Open Space: All substandard lots must provide a minimum of 375 square feet of private open space in the rear yard. This open space must be configured as a 15 foot by 25 foot rectangle and must have a minimum rectangular dimension of 10 feet by 15 feet that is open to the sky. Covered rear porches are allowed to be calculated as part of the private open space area.*

The applicant's proposal would exceed the 375 square feet of open space required by Code. In addition, the existing wood fence is slated to remain, providing the privacy element as spelled out by the ordinance. The 3-foot picket fence, though not meeting the letter of the Ordinance meets the intent. Since it already exists it is recommended it remain.

Thus, this requirement has been met.

- E. *Landscaping: A landscape plan shall be required. All areas that are not developed with structures, driveways, parking lots, streets, pathways, patios and similar useable areas shall be landscaped. The landscaping shall accomplish the following objectives:*
- *shading of parking areas and walkways;*
  - *ground cover consisting of predominantly live planted materials shall be used;*
  - *erosion control;*
  - *and attractive streetscapes and common areas.*

*Some useable hard scape features (such as pavers, planters, stonework, decks, etc) may be allowed up to 25% of the entire landscaped areas. Plastic or other artificial materials are not allowed. The landscape plan shall include an irrigation system. Xeriscape plans that are consistent with Public Works standards shall be considered acceptable.*

Existing landscaping has been indicated on the submitted site plan. There will be no removal of mature trees or shrubs proposed under this application.

This requirement has been met.

- F. *Parking*

1. *Each dwelling shall be provided with two (2) off street parking spaces.*
2. *Vehicular access and parking shall be provided according to the following standards:*
  - a. *Access to an alley:*
    1. *All access shall be taken from the alley. Two spaces shall be provided with 22 feet of backup space in accordance with Section 11-10-04.04, Table 12, Boise City Code.*
  - b. *No access to an alley:*
    1. *Interior lots with no alley access shall be required to provide a two (2) car attached garage. The applicant shall include design elements that will provide varied rooflines, dormers within the roofline or other architectural treatments that will avoid the appearance of garage domination. The setback of the garage face shall be 20 feet. Driveways for a two car attached garage may not exceed 20 feet in width.*
    2. *The use of a 10 foot wide shared driveway providing access to rear yard garages that are attached with a common wall on the property line is allowed.*

The conversion of the garage to a dwelling approved by the City in 1947 prevented on-site parking on this property. Since historically for the past sixty years parking has not been provided on site, and the proposal will not increase the footprint of the structure, staff recommends a waiver of this requirement.

This requirement is met.

G. *Right-of-Way Improvement*

1. *All developments shall provide curb, gutter and sidewalk on the adjacent roadway(s) and, if applicable, the applicant shall provide a paved driveway apron that extends to the edge of the pavement. Waivers or variations to some or this requirement may be granted by the Planning Director based upon local conditions such as the lack of adjacent improvements and/or documented drainage problems that may result from the improvement of the roadway. Any alternative granted through a waiver shall include a curb line or physical barrier to prevent parking adjacent to the right-of-way. If a waiver is granted, the value of the improvements, as estimated by the City of Boise, shall be placed in a Public Rights-of-Way Road Trust deposit for up to ten (10) years to be held by the City of Boise for later improvement of the curb, gutter and sidewalk abutting the site.*

2. *Dirt or gravel strips in the front yard or undeveloped street right-of-way shall not be permitted. Irrigated landscaping shall be provided in these areas through license agreements with the ACHD. Bonding for landscape improvements may be allowed based on weather related constraints. If ACHD denies the necessary license agreement, the requirement for landscaping shall be waived.*
3. *If full right-of-way improvement is not feasible and ACHD determines that there is insufficient pavement width for travel lanes with on-street parking, a non-landscaped ACHD-approved shoulder shall be installed that is the minimum width necessary to accommodate parallel parking. Landscaping shall still be required to the edge of the parking shoulder.*
4. *All right-of-way improvements, license agreements and bonding shall be completed prior to issuance of a Residential Certificate of Occupancy permit for the structure.*

Both 11th and Pueblo Streets are currently improved with vertical curb, gutter and sidewalk abutting the site. As such, no additional right-of-way improvements are required at this time.

This requirement has been met.

#### *H. Alternative Building Arrangements*

1. *Attaching single family units in multiples of two (2) or three (3) on common lot lines is encouraged as a means of creating more substantial structures that will be imitative of standard width single-family homes. Such units remain subject to the general design criteria stated in this Chapter and do not require a planned unit development application.*
2. *Additional requirements for attached buildings:*
  - a. *Attached buildings shall be constructed to comply with townhouse construction standards in accordance with the Boise City Building Code.*
  - b. *The Office of the City Attorney shall review and approve all easement agreements an applicant or builder seeks to obtain for the use and maintenance of common facilities such as driveways, parking sites and common party walls. All such easements shall be recorded in the records of Ada County prior to an applicant or builder seeking a building permit under this ordinance.*
  - c. *Adjustments to lot lines and reduction in the number of lots within the same parcel are subject to review and approval pursuant to all applicable*



*Boise City subdivision and zoning regulations. The applicant shall obtain approval from Boise City and record any lot line adjustments or reduction in lots with the Ada County Recorder prior to submission for a building permit.*

The applicant is not proposing to build an attached building.

This requirement is not applicable.

Thus, with the recommended conditions of approval, the applicant's proposal meets the development standards for substandard lots of record pursuant to §11-04-14.03.

#### **Section 11-04-14.04 Design Guidelines for Substandard Lots**

A. *In addition to the development standards described in Section 11-04-14.03 of Boise City Code, the following general design guidelines shall apply to substandard lots. The Design Review Committee and Design Review staff shall take into account the location and design of adjacent buildings, landscaping and right-of-way improvements, and shall apply the following criteria as appropriate:*

1. *Full-length two story structures are not allowed;*
2. *One and a half story structures are the preferred form of development on substandard lots. One and a half story structures will be required when the existing structures adjacent to the proposed development are one story in height.*

*A one and a half story structure can be defined as:*

- a. *A structure that has a maximum building height of 18 feet (to the midline of the roof) and includes a daylight basement that is sunk into the ground a minimum of four (4) feet.*
- b. *A structure that has a maximum building height of 18 feet (to the midline of the roof) and contains the second story within the pitched roofline.*
3. *Partial two story structures may be allowed when the surrounding properties will not be adversely impacted by such height. The circumstances to be considered shall include: the size and height of the adjacent dwelling units; privacy impacts on adjacent properties; the height, mass, window placement and roofline pitch of the proposed structure; and the overall design of the upper story of the proposed structure. Upper story limitations or setbacks on the new building may be an acceptable means of ensuring compatibility with adjacent structures of smaller size.*

The existing home is considered a full two-story structure, however the unique roofline detracts from the mass of the second story. The proposal will not increase the height of the home, nor the footprint of the existing structure. As the proposal does not present itself as a full two-story, and the adjacent home is similar in height, the second-story addition is acceptable.

This requirement has been met.

4. *Front Façade Design Requirements.*

- a. *Homes shall have a front door that faces the street. When a unit is built on a corner lot, the door shall face the dominant street.*
- b. *In lieu of a street facing front door, the applicant may construct a prominent front porch that is a minimum of six (6) feet in depth and the dwelling shall have a minimum of 25% of the front facade comprised of windows and/or door openings. For homes with front-loaded garages, a garage door shall not count toward the window opening requirements. The garage door shall include design elements such as: panels, windows, trim features, cross members, or other architectural features as determined by the Design Review Committee or Design Review staff.*
- c. *Detached dwelling units shall provide a façade that substantially differs from the façade of adjacent structures. Variations in materials alone will not be considered sufficient. The unique façade may be obtained through the use of structural changes or through the use of substantial design elements. In addition to complying with the preceding design guidelines, the front façade shall include multiple design elements such as: multi-paned windows, varied roof lines, dormers, bay windows, wainscoting, a covered front door, a usable front porch or other elements as approved by the Design Review Committee or staff that create a unique façade. Articulated designs may repeat on non-contiguous lots.*
- d. *Attached units shall provide modulation and architectural design features to prevent flat façade wall planes.*
- e. *Building design shall incorporate quality materials such as brick, stone, stucco, tile, and wood for a significant (35% or more) portion of the façade and second story elements. The presence of such materials on nearby homes shall be reviewed as a guide for appropriate materials to be used on the new dwelling.*

5. *All buildings shall be oriented toward a public street. When buildings cannot be oriented toward a public street due to inadequate street frontage or similar circumstances, the buildings shall be oriented toward a private street or lane that conforms to City standards.*
6. *Where front yard driveways are permitted for access, the driveway may be designed with concrete wheel strips or grass pavers that are separated by vegetation.*

The front façade of the home will not change.

These requirements have been met.

Thus, the applicant's proposal meets the design guidelines for substandard lots of record pursuant to §11-04-14.04.

#### **Design Guidelines for Residential Historic Districts, Secretary of the Interior's Standards for the Treatment of Historic Structures**

The applicant has proposed an accessible ramp on the north side of the home, as well as a second-story addition above an existing rear addition not original to the home. This addition will include a wood deck. As mentioned above the accessible ramp is allowed to encroach up to three feet from the side property line. This ramp will rise to meet the rear portion of the front porch, to provide an accessible entry to the home. Such a ramp was approved at the staff level in 2006, but the approval has since expired. As the ramp meets setbacks (with the aforementioned exception) and was previously approved, staff recommends approval with the condition that lattice or a similar treatment be used to enclose the bottom portion of the ramp. The ramp will not detract from the historic home, and could be removed in the future without damage to the structure.

The second portion of the applicant's proposal includes the addition at the rear of the home. As mentioned above, this addition will be constructed above an existing dining area and laundry, and not result in an increase to the footprint of the home. As proposed the second story addition will match the height of the existing building, and incorporate similar materials including wood windows, trim and doors, asphalt shingles and wood siding in lieu of the asbestos. Six wood windows on the first floor at the rear of the home are also proposed to be replaced with double-hung wood windows, consistent with the residential design guidelines. The unique roof form makes differentiation of the second story addition difficult. Thus, this guideline may be inappropriate in this circumstance. The elevations submitted do not accurately depict the proposed addition, indicating lap siding in areas that should actually be roofing material. Staff recommends that this be corrected on the revised elevations conditioned earlier.

Lot coverage will not increase as a result of the proposal as the footprint of the home will not change. Only the roof of the area in question is proposed to be demolished to accommodate the

new addition. Some demolition of the first floor walls may be necessary to accommodate the addition of an interior elevator. Per the applicant this demolition will be kept to a minimum and only if it becomes necessary. Similarly the height of the home will not change as the roofline of the addition will match that existing. Neither the addition nor the deck proposed at the rear of the home will detract from the historic structure or compromise its integrity. Though the addition will not be differentiated from the existing home except for perhaps the roofline, the addition is quite small and will provide greater access to both floors of the historic home without compromising its historic character. Staff recommends approval of the application with the conditions below.

## 6. Conclusion and Recommended Conditions

**Pursuant to Boise City Code 2-18-9 A and B of Boise Municipal Code, the proposed development is congruous with the historical, architectural, archeological, educational or cultural aspects of the historic district because:**

The Secretary of the Interior's Standards for the Treatment of Historic Properties (1995 Edition), the Boise City Design Guidelines for Residential Districts, the North End Plan and the Boise City Comprehensive Plan are references often utilized by the Historic Preservation Commission to determine whether a change is congruous with the historic and architectural qualities of the historic district.

1. *BCC Section 2-18-11.01 A* states that the request shall be consistent with the Design Guidelines for Boise City's Historic Districts. This application is not within one of the Commercial Districts therefore this finding does not apply to this application.
2. *BCC Section 2-18-11.01 B* states the request shall be consistent with the Boise City Design Guidelines for Residential Historic Districts. Per the above analysis and with the attached conditions of approval, the application will comply with the requirements of this finding.
3. *BCC Section 2-18-11.01 C* states the request shall be consistent with The Secretary of the Interior's Standards for Rehabilitation, or other standards as applicable (preservation, restoration or reconstruction). As conditioned, this application is consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties. The proposal neither creates a false sense of history, nor detracts from the historic neighborhood as a whole.
4. *BCC Section 2-18-11.01 D* states the request shall support the goals, objectives and policies of the Boise City Comprehensive Plan and the plans referenced therein. The application is in compliance with the goals, objectives and policies of the Boise City Comprehensive Plan. The proposal promotes redevelopment while retaining the historic integrity of the property and character of the neighborhood.

5. *BCC Section 2-18-11.01 E* states that based on the adopted design guidelines the request will not be incongruous with the historical, architectural, archaeological, educational or cultural aspects of the district. Based on the above analysis and in light of the attached conditions of approval, this application is congruous with the historical, architectural, archaeological, education and cultural aspects of the district.
6. *BCC Section 2-18-11.01 F* states that the request must comply with the dimensional standards and other applicable requirements of Title XI (Zoning Ordinance) including, but not limited to setbacks, height restricts and parking requirements unless the Commission finds that modifying the standards is necessary to protect the overall characteristics of the district and to comply with the adopted design guidelines. This application complies with all of the dimensional requirements of the underlying zone as laid out in Title XI without the need for a waiver or variance.
7. The proposed development is consistent with §11-04-14, *Standards for Development of Substandard Original Lots of Record*.

### **Site Specific Conditions of Approval**

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received 30 June 2008, except as expressly modified by the following conditions:
  - a. The applicant shall submit updated elevations prior to application for a building permit indicating the three-foot setback of the accessible ramp and the appropriate material for the second-story addition. If this three-foot setback cannot be obtained, a variance is required for the encroachment.
  - b. Lattice or similar material will be used to enclose the bottom portion of the ramp, to be reviewed by staff at time of building permit application.

### **Standard Conditions of Approval**

2. The applicant shall comply with the Boise City Fire Code.
3. Prior to a Building Permit and prior to any construction on the site, an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.
4. No change in the planned use of the property by the applicant shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of the City of Boise. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon the City of Boise.

5. Any change in the planned use of the property by the applicant 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 in interest advise the 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.
6. If the applicant does not act on the Certificate of Appropriateness through the commencement of construction, or extended pursuant to the Boise City Code, within eighteen months, it will become null and void without further notification from this department.
7. The applicant shall be required to obtain a Building Permit prior to the start of construction.

### **Construction Site Requirements**

8. The practices required below are intended to mitigate the impact and disturbance of residential property owners during the construction of adjacent buildings or structures. The following conditions apply to all construction-related activities ranging from grading and demolition activities to final occupancy on any land or parcel falling under the proprietary ownership of the permit applicant.
  - a) Prior to the issuance of a building permit and prior to the commencement of any construction on-site, an Erosion and Sediment Control (ESC) permit must be obtained from the Planning and Development Services Department. No grading, demolition or earth disturbing activities may start until an approved ESC permit and the associated site work or grading permits have been issued.
  - b) Measures shall be taken to manage construction debris and trash on the construction site and efforts shall also be made to provide reasonable controls to minimize fugitive dust on the construction site. Such measures shall include, but are not limited to:
    - Provide suitable containers for solid waste generated by construction activity;
    - Wet demolition of existing buildings;
    - Watering of driving surfaces and earth moving activities;
    - Installation of wind screening around property and each open floor above grade; and
    - Daily broom cleaning of above grade floors, adjacent streets and sidewalks.
  - c) 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.
- d) A minimum height of six foot (6') rigid security fencing, either wood or metal, shall be installed around the construction site within 30 days of the date when the first city permit is issued on projects where construction activity shall exceed 90 days.
  - e) Exterior lighting and other illuminating equipment or materials shall be positioned, shielded, directed and located to not reflect or impact adjacent residential property and streets.
  - f) Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.
  - g) Any conditions to be enforced during construction shall remain posted at each street abutting the construction site for the duration of the project. In addition to the posted conditions the permit holder shall also post an 11"x 17" laminated sign containing a project contact phone number, name of project contact and the Boise City contact number, 384-3845, to address issues as they arise. Failure to abide by any conditions set forth shall be grounds for revocation of Conditional Use Permit and/or Building Permits and may be subject the owner or owner's agents to fines and criminal citations.