

June 15, 2010

Ankrom Moisan Architects  
Gunnar Langhus  
6720 SW Macadam, Suite 100  
Portland, OR 97219

Re: **CUP10-00027 & CFH10-00009 / 3600 Americana Terrace**

Dear Mr. Langhus:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for Conditional Use and Boise River System permits to construct a transitional care and rehabilitation facility on ± 2.16 acres located at 3600 Americana Terrace in a C-3D (Service Commercial with Design Review) zone.

The Boise City Planning and Zoning Commission, at their hearing of June 14, 2010, **approved** your request, based on compliance with the attached Reasons for the Decision and Conditions of Approval. Findings may be reviewed at the PDS department. A regulatory takings analysis may be requested by the landowner.

May we also take this opportunity to inform you of the following:

1. This approval will not take effect until after the appeal period has lapsed.
2. The decision of the Boise City Planning and Zoning Commission may be appealed to the Boise City Council within ten (10) calendar days from the issuance of this decision. 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 herein. Appeal application forms are available in the Planning Department or online under Applications at:  
**[www.cityofboise.org/pds/](http://www.cityofboise.org/pds/)**  
or **<http://www.cityofboise.org/pds/index.aspx?id=apps>**
3. All appeals of this permit must be filed by **5:00 P.M., on June 24, 2010.**
4. If this Conditional Use Permit is not acted upon within eighteen (18) months, it will become null and void without further notification from this Department.

This letter constitutes your Conditional Use Permit. If you have any questions, please contact this department at 384-3830.

Sincerely,

David Moser  
Planning Analyst  
Boise City Planning and Development Services Department

DM/bjc

Attachment

cc: Landmark Engineering & Planning, Inc. / 332 N. Broadmore Way / Nampa, ID 83687

## Reasons for the Decision

### **CUP10-00027**

The proposed use is compatible with the surrounding neighborhood. The area east of the site is primarily comprised of offices. Adjacent to the west and south are vacant properties, with the Boise River to the north. The facility will not adversely impact the adjacent offices since all treatment activities are contained inside. Correspondence received from commenting agencies indicate the proposed use will not place an undue burden on public services in the vicinity. The site is large enough to accommodate the rehabilitation center. The proposed use is in compliance with and supports the goals and objectives of the *Comprehensive Plan*. Expanding the greenbelt adjacent to the site and constructing a public pathway connection to the greenbelt provides an important link in the pathway network. (*Policy 5.1.3.6* and *Policy 6.3.1.1*)

### **CFH10-00009**

The transitional care and rehabilitation facility is in compliance with the applicable standards for Class C Lands and Waters (Section 11-16-03). The development complies with all the policies and standards of the Boise Comprehensive Plan, the Floodplain Ordinance, the Boise River System Ordinance and all local, state and federal laws and regulations. Since the proposed project design locates the development outside the required Boise River System setbacks, the facility will preserve the natural resource functions and values of the adjacent Class A Lands.

## 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 **April 27, 2010**, except as expressly modified by the following conditions:
2. **Planning**
  - a. The applicant shall comply with all local, state and federal laws and regulations.
  - b. The applicant shall install and maintain appropriate construction fencing and material along north property line to insure the greenbelt setback area and river are adequately protected during construction.
  - c. The applicant shall provide an easement for both a paved public sidewalk as well as a connection for emergency access along the east side of the Lot 1. This sidewalk and emergency access shall be built to Boise Parks and Recreation specifications and inspected by the Boise Parks and Recreation Department prior to occupancy. This public pathway easement shall be setback 5 feet from the parking lot and property line.
  - d. The parking area shall be adequately screened from the public view of users of the greenbelt. The landscape screening shall comply with the requirement of the Boise River System Ordinance Section 11-16-04.02 (F). This required landscape screening shall obtain Design Review approval.

- e. Design Review shall ensure that the transitional care facility install non-reflective glass as per Boise Parks and Recreation Department requirements.
- f. The developers shall submit grading and drainage plans prepared by an Idaho Licensed Design Professional for issuance of a city grading permit.
- g. A cross access and shared parking agreement between Lot 1 and Lot 2 of the Serene Waters Subdivision shall be approved by the city and recorded prior to issuance of any construction permits.
- h. A detached sidewalk shall be built along the south side of the property, starting just west of the south site exit onto the main service drive. The detached sidewalk shall be a minimum of 5 feet in width with a 6 foot landscape area.
- i. Staff recommends the developer consider elevating parking area to or above the base flood level.
- j. Staff recommends the developer consider raising the finished floor elevation of the building a minimum of two feet above the base flood level.
- k. The construction shall use slab-on-grade foundations.

### **Standard Conditions of Approval**

- 3. 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, Subdivision Section at 384-3998 regarding questions pertaining to this condition.
- 4. The applicant shall comply with the Boise City Fire Department as per their comments dated **May 13, 2010**. Contact Mark Senteno at (208) 384-3950 with any questions regarding fire requirements.
- 5. The applicant shall comply with the Boise City Parks and Recreation Department as per their comments dated **May 20, 2010**.
- 6. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, street lights and subdivisions per Department comments dated **May 4, 2010**. Please contact BCPW at 384-3900. 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.
- 7. Applicant shall comply with all conditions stated in the letter dated **April 5, 2010** from the Boise Public Works Department, Solid Waste Program.
- 8. The applicant shall comply with the requirements of ACHD as per their staff report dated **May 18, 2010**.
- 9. The applicant shall comply with the requirements of the Boise City Public Works letter from Jim Wylie dated **May 3, 2010**.

10. 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 an approved mulch such as bark or soil aid.
11. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
12. In compliance with Title 9, Chapter 16, 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 384-4083. Species shall be selected from the Boise City Tree Selection Guide.
13. 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.
14. 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.
15. Trash receptacles and on-grade and rooftop mechanical fixtures and equipment shall be concealed from public view by use of an approved sight-obscuring method. All screening materials shall be compatible with the building materials/design.
16. Utility services shall be installed underground.
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. 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.
19. 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.

20. Failure to abide by any condition of this Conditional Use and Boise River System Permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
21. This Conditional Use and Boise River System Permit shall be valid for a period not to exceed eighteen (18) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must:
  - a. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations; or
  - b. For projects that require platting, the plat must be recorded within this period. The Commission may also fix the time or period within which the permit shall be completed, perfected or bonded. If the conditions of approval shall not be completed or bonded within such period, said permit shall lapse.
22. Prior to the expiration of this Conditional Use and Boise River System Permit, the Commission may, upon written request by the holder, grant a one-year time extension. A maximum of three (3) extensions may be granted.
23. All development authorized by this Conditional Use approval must be completed within 5 years (60 months) from the date of the Commission's approval or the applicant will be required to submit a new conditional use application.