



**Derick O'Neill**

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## Planning & Development Services

January 11, 2017

Tom Ahlquist  
Gardner Company  
101 S Capitol Blvd Suite 1700  
Boise, ID 83702  
[tom@gardnercompany.net](mailto:tom@gardnercompany.net)  
(sent via email)

**Re: CUP16-00088 / 101 S Capitol Blvd**

Dear Mr. Ahlquist:

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 childcare facility for up to 75 children within an existing building located in a C-5DDC (Central Business District with Capitol Boulevard Special Design) zone.

The Boise City Planning and Zoning Commission, at their hearing of **January 9, 2017, approved** your request, based on compliance with the attached Reasons for the Decision and Conditions of Approval.

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 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 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:  
<http://pds.cityofboise.org/> or <http://pds.cityofboise.org/home/documents/apps/100/>
3. All appeals of this permit must be filed by **5:00 P.M., on January 19, 2017.**
4. If this Conditional Use Permit is not acted upon within two (2) years, 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 me at (208) 608-7086.

Sincerely,

*Brent Moore*

Brent Moore

Associate Planner

Boise City Planning and Development Services

BM/tt

cc:

Brad Smith / Babcock Design Group / [brad@babcockdesign.com](mailto:brad@babcockdesign.com) (sent via email)

Downtown Boise Neighborhood Association / Tami Chafin / [tamichafin@gmail.com](mailto:tamichafin@gmail.com) (sent via email)

## **Reason for the Decision**

The proposed child care will be compatible with adjacent uses as it will be located within an existing office building downtown that is surrounded by office and commercial uses. The site is large enough to accommodate the use as the 4,202 square foot space will provide 56 square feet of gross floor area per child, while City Code requires only 35 square feet per child. Sufficient outdoor play area will be available as The Grove Plaza and Capitol Park are within walking distance, and a new 1,500 square foot fenced outdoor play area will be constructed on site.

Traffic impacts will be minimal as the majority of customers will likely live or work downtown within walking distance of the site. Many parking garages are located in the vicinity, and the ValleyRide Main Street Transit Station is adjacent to the west. As the property is located within the P-1 parking overlay district, no parking is required. However, for customers who do drive, free one-hour parking will be available in the parking garage to allow for the pick-up and drop-off of children. The use is supported by the Comprehensive Plan as *Goals DT-NC 3.1 & 3.4* encourage child care facilities to locate downtown in order to serve employment centers and adjoining neighborhoods.

## **Conditions of Approval**

### **Site Specific**

1. Construction, use and property development shall be in compliance with plans and specifications on file with the Boise City Planning and Development Services Department submitted on **November 17, 2016**, except as expressly modified by the following conditions.
2. The use shall not exceed 75 children at any one time.
3. The outdoor play area shall be limited to not more than 15 children at any one time.
4. Compliance with Fire Department comments per the memo dated **December 28, 2016**.

### **Standard Conditions of Approval**

5. All lighting shall be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets. The illumination of all light fixtures shall not exceed two footcandles as measured one foot above the ground at property lines shared with residentially zoned or used parcels.
6. 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 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.

7. 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 its successors in interest advises the City of its 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.
8. 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 will be required in the amount of 110% of the value of the condition(s) that is incomplete.
9. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.
10. This permit shall be valid for a period not to exceed two years from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must commence the use permitted by the permits in accordance with the conditions of approval.
11. Prior to the expiration of this approval, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two extensions may be granted.
12. 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. on Saturday. Low noise activities such as surveying, layout and weather protection may be performed at any time.