



PLANNING AND DEVELOPMENT SERVICES

MAYOR: Lauren McLean | INTERIM DIRECTOR: Kelcey Stewart

January 12, 2022

Jodi Peterson-Stigers
Interfaith Sanctuary Housing Services
PO Box 9334
Boise, ID 83707
Jodi@interfaithsanctuary.org

Re: CUP21-00026 / 4306 W State 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 to operate a shelter home on an approximately 2-acre site in C-2D (General Commercial with Design Review) and R-1C (Single Family Residential) zones. A general exception to apply the commercial zoning standards to the entire project is included.

The Boise City Planning and Zoning Commission, at their meeting of **January 10, 2022**, **denied** your conditional use request based on the attached Reason for the Decision.

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

1. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the hearing date. 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: cityofboise.org/pds-appeal.
2. All appeals of this conditional use permit must be filed by **5:00 P.M., on January 20, 2022**.

Questions can be directed to me at (208) 608-7083 or cacord@cityofboise.org.

Sincerely,



Interim Deputy Director, Current Planning
Boise City Planning and Development Services

CA/caw

cc: Andrew Erstad / Erstad Architects / aeerstad@erstadarchitects.com
Geoff Wardle / Clark Wardle LLP / gwardle@clarwardle.com
Salvation Army / 9492 W Emerald St / Boise, ID 83704
President / Veterans Park Neighborhood Association / vpnaboise@gmail.com
President / Collister Neighborhood Association / president@collistercna.org
Tom Helmer / Sunset Neighborhood Association / tommy2x4@gmail.com
Chris Testa / West End Neighborhood Association / tested.chris@gmail.com



Reason for the Decision

After reviewing the record and holding a complete public hearing, the deliberation among the Planning & Zoning Commission found the proposed use does not meet the approval criteria for a conditional use permit (*Boise City Code 11-03-04.6.C(7)(a)*).

The use is not compatible to other uses in the general neighborhood. The primary uses for the Commercial Land Use designation as described within the Comprehensive Plan (*Chapter 3-30*) is listed for uses including “convenience, neighborhood, community and regional shopping centers, hotels and motels, car sales, restaurants, entertainment, and similar uses; limited outpatient medical uses.” While the shelter home could be considered as a “limited outpatient medical use” its intense adverse impact and undue burden to public facilities does not make it “limited” in any way, therefore inferring that it is not a compatible use to the area.

The shelter home would place an undue burden on public facilities, specifically Fire Station #5 and the Willow Lane Substation for the Boise Police Department (BPD). *Goal PDP9* is not met as the access to said services is not conveniently or well-located or staffed and in operation. This use demands not just adequate public facilities and infrastructure (*Goal PDP5*) but requires a higher level of service for emergency and police services that was not proven to be available or accommodated for, nor seemingly planned for, in the proposed location. Data provided from the current site supports the inference the proposed site would have similar impacts to the neighborhood and surrounding area. The current site has influenced the Crime Prevention through Environmental Design Assessment (*Shoreline Urban Renewal District CPTED Assessment, performed October 15, 2020 by the Boise Police Department*). It calls for considerations such as limiting and controlling access points and entrances, specific design for landscaping beds and lighting, controlling access to the Greenbelt and river area, and area-wide property maintenance for trash and parking lots. These are just a few of the items that were not addressed by the applicant with their proposal.

The use will adversely affect other property in the vicinity. The shelter home will endanger the character of the neighborhood (*Goal NAC3*). Infill should complement the scale and character of the surrounding neighborhood (*Goal NAC3.1*). *Goal EC3* is also in danger as the impact from the proposed use would not protect the economic climate for existing businesses, in fact it would decrease opportunities for expansion and growth. *Goal EC3.1* supports development which encourages the retention, growth, and profitability of existing business. Likewise, *Goal EC3.2* specifically calls out protecting existing businesses from encroachment of incompatible or non-complimentary uses that would threaten their viability or ability to continue to operate. The proposed use would greatly adversely impact and endanger the character of the neighborhood, as called out in the CPTED Assessment (detailing calls for Police and EMS service and noting “anticipated significant public safety impacts”), and harm the retention, growth, and profitability of existing businesses.

In addition, a conditional use permit cannot be granted due to the lack of information provided by the applicant regarding mitigating the adverse affect that the development and operation of the proposed use may have upon other properties, or upon the ability



of political subdivisions to provide services for the proposed use. There was no drafted security or operations plan to review and comment on, and it is not the Commission's burden to create them from the dais during deliberations. The applicant declined, as noted on the record multiple times, to provide additional details even in draft form. BPD recommended plans be crafted by the applicant and ultimately approved by BPD, including:

- A contingency plan for guests who are no longer welcome on the property
- A security plan to mitigate minor issues to help reduce BPD response
- Flexibility on admittance time for guests arriving later than the latest entry times
- How overflow will be managed if no more space is available

The applicant should have submitted these plans in draft form prior to submittal of an application, for the Commission to consider and modify if needed. The Commission routinely rely on experts and/or technical information in the record for guidance and recommendations. However, given the CPTED findings and the lack of draft plans from the applicant, testimony from Boise Police and Fire Departments did not provide enough assurances or clarity that adverse impacts could be mitigated and that public facilities could adequately service the proposed use, even with stringent conditions such as limiting occupancy or duration of the permit. In short, the application materials did not allow the Commission to identify adequate conditions to mitigate adverse impacts in light of the record and agency comments. The proposed use has the high potential for future, extremely negative, adverse impact to the surrounding neighborhood and should not be granted approval.

