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Via electronic mail (cacord@cityofboise.org)

February 3, 2022

Céline Acord
Current Planning Manager
150 N. Capitol Blvd
Boise, ID 83702

**Re: Appeal of Denial of Interfaith Sanctuary Shelter CUP21-00026
CW File No. 23913.1**

Dear Ms. Acord,

I. INTRODUCTION TO APPEAL

Interfaith Sanctuary's application for approval of Conditional Use Permit CUP21-00026 to operate a shelter home and provide supportive services at 4306 W. State Street for those experiencing homelessness ("**Application**") raised issues that make many uncomfortable. We recognize that this Application was challenging for decision-makers. We acknowledge that this Application generated a high degree of interest and, unfortunately, hostility. Notwithstanding that discomfort and those challenges, this Application proposed a facility that is necessary for the most vulnerable in our community: those without housing, without resources, and who are rejected by other providers of supportive services.

The appeal process set forth in Boise City Code enables the City Council to take up the Planning and Zoning Commission ("**Commission**")'s denial of the Application and correct the clear errors made below.¹ The City Council can do that by (a) reversing the Commission's denial, (b) approving the Application, and (c) adopting the conditions of approval recommended by City staff ("**Staff**"). The draft conditions of approval recommended by Staff were based on the written comments Staff received from the experts: Boise City's emergency service providers, the Boise Police Department ("**BPD**"), and the Boise Fire Department ("**BFD**"), which reviewed the

¹ Boise City Code § 11-03-03.9C(2)(b)

Application and provided clear direction as to what conditions of approval would be necessary to adequately mitigate the potential impacts of the proposed use.

The Commission erred in denying Interfaith Sanctuary's Application. The reasons given by the Commission for its denial relate to the **perceived** impact the proposed facility **could** have on the safety and security of the "neighborhood." However, the Commission misapplied the relevant standards² and failed to base its denial ("**Decision**") on substantial competent evidence. As such, the Commission's Decision was: **(a)** arbitrary, capricious and an abuse of discretion; **(b)** not supported by substantial evidence, and **(c)** made in violation of various principles of constitutional, state, and city law.

We will address each of the Commission's errors in detail and outline for the City Council ("**Council**") how it alone can correct those errors and allow Interfaith Sanctuary's proposed new facility to proceed, with appropriate and meaningful conditions of approval.

II. SUMMARY OF APPEAL ARGUMENTS AND EXHIBIT INDEX

In denying Interfaith Sanctuary's Application, the Commission committed the following reversible legal errors.

- **First**, the Commission's denial of Interfaith Sanctuary's Application was arbitrary, capricious, and an abuse of discretion, in that it elevated the Comprehensive Plan's idealized general concepts of appropriate commercial uses above the zoning ordinance, which expressly allows shelter homes in the C-2 zoning district with a conditional use permit ("**CUP**").
- **Second**, the Commission was arbitrary for ignoring the expert written and spoken testimony of BPD and BFD, instead relying on the Application's opponents' misunderstanding of an unrelated and misconstrued environmental design study of the Shoreline Urban Renewal District to deny the Application, misrepresentations of the data set forth therein.
- **Third**, the Commission failed to base its Decision on substantial, competent evidence in the record. The Commission received thousands of pages of comments and hours of live testimony on the Application, but very little of it qualifies as "substantial and competent evidence," and instead was swayed by lay complaints, thus elevating inapplicable, non-expert information above the expertise of BPD and BFD.
- **Fourth**, the Commission violated city ordinances, state statutes, federal law, and both the Idaho Constitution and the U.S. Constitution, by denying the Application due to their demand that Interfaith Sanctuary submit security "plans in draft form prior to submittal

² Boise City Code §§ 11-03-04.6.C(7)(a)(1)-(vii) and 11-03-03(7).

of application, for the Commission to consider and modify as needed”³ without any basis in Boise City Code or other applicable laws. Pursuant to the City’s zoning ordinance, it was within the City Planning Director (“**Director**”)’s discretion to require the addition of a “security plan” to the application packet, but the Application was not found to be incomplete without it. Although the Commission had authority to require a “security plan” as a condition of approval, the Commission lacked legal authority, under Boise City Code, to deny the Application for omitting information that **(i)** was not required by Boise City Code; **(ii)** the Director did not require to be submitted with the Application materials; **(iii)** lacks any standards or criteria in Boise City Code, making the Commission’s review of it per se arbitrary; **(iv)** had not been required of previous applications for the same (or similar) uses; and **(v)** could easily have been a condition of approval imposed by the Commission.

- **Fifth**, the Commission violated Interfaith Sanctuary’s due process rights by relying on information outside the record to reach its Decision.

These errors by the Commission are addressed below. We believe that the Council has an obligation, under Boise City Code, the City’s Comprehensive Plan, Idaho’s Local Land Use Planning Act (“**LLUPA**”) and other state statutes, federal law, and both the Idaho Constitution and the United States Constitution, to correct the Commission’s errors and reverse its denial of Interfaith Sanctuary’s Application.

The following exhibits are attached to this appeal memorandum as a courtesy to the Council. Each of these documents is in the record developed by the Commission:

- Exhibit A – Reasoned Statement**
- Exhibit B – Submitted Application Form**
- Exhibit C – Application Submittal Requirements**
- Exhibit D – Boise City Police Memorandum**
- Exhibit E – Boise City Fire Memorandum**
- Exhibit F – Shoreline CPTED Report**

III. ARGUMENT ON APPEAL

A. The Commission’s Decision Was Arbitrary, Capricious, and an Abuse of Discretion.

1. The Commission Elevated the Comprehensive Plan Above the City’s Zoning Ordinance.

The Commission impermissibly elevated Blueprint Boise, the City’s comprehensive plan (“**Comprehensive Plan**”), above the requirements of the Boise City Code. The Commission relied upon the Comprehensive Plan to find that a shelter home is not permitted within the Commercial

³ Exhibit A, Reasoned Statement, pg. 4 (2022).

Land Use designation on the Land Use Map of the Comprehensive Plan, despite the plain language in Boise City Code making a shelter home an approved use, within the C-2 zone, with a CUP. Moreover, the Commission made no evaluation of the detailed evaluation of the elements of the Comprehensive Plan proffered by Interfaith Sanctuary that supported the Application,⁴ or the analysis of the Comprehensive Plan set forth in the Staff Report provided for this Application.⁵ While the Commission is permitted to undertake its own evaluation, it does have an obligation to articulate how it reconciles conflicting interpretations of the information before it.⁶

One of the five criteria under Boise city code for the approval of a conditional use permit is that the use “is in compliance with the Comprehensive Plan.”⁷ Consistency with a comprehensive plan is a key component of zoning decisions. However, though the Comprehensive Plan is “a guide to local government agencies charged with making zoning decisions,” it is “not a legally controlling zoning law.”⁸ A comprehensive plan is an aspirational document, allowing a city to plan for anticipated future uses of land and set goals for future development.⁹ Zoning ordinances, on the other hand, “represent the present uses allowable for the various pieces of property in the City.”¹⁰ In Bone v. Lewiston, the Idaho Supreme Court prohibited the city of Lewiston from “elevat[ing] the comprehensive plan...to the status of a zoning ordinance.”¹¹ In other words, if a jurisdiction’s zoning ordinance and its comprehensive plan dictate different outcomes, then the use under the zoning ordinance cannot be barred by application of the comprehensive plan. In Urrutia v. Blaine County, the Court held that elevating the comprehensive plan to the level of zoning ordinance “affords [a] Board unbounded discretion in examining a[n] ...application and allows the Board to effectively re-zone land based on the general language in the comprehensive plan,”¹² and constitutes an error.

In its Decision, the Commission stated that:

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,

⁴ Interfaith Sanctuary Submittal Letter, April 27, 2021, pp. 22-31.

⁵ Planning Division Project Report, November 15, 2021, pp. 3, 9.

⁶ *Cooper v. Bd. of Professional Discipline of Idaho State Bd. of Medicine*, 134 Idaho 449, 456 (2000).

⁷ Boise City Code § 11-03-04(6)(C)(7)(a)(v).

⁸ *Evans v. Teton Cty.*, 139 Idaho 71, 76.

⁹ *Bone v. City of Lewiston*, 107 Idaho 844, 850 (1984).

¹⁰ *Id.*

¹¹ *Id.* at 849.

¹² *Urrutia v. Blaine Cty.*, 134 Idaho 353 (2000).

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.¹³

By contrast, the Use Table in the City’s zoning code specifically identifies a “Shelter Home” as a conditionally allowed use in the C-2 zoning district.¹⁴ In fact, although the Commission interpreted the Comprehensive Plan to limit Commercial Land Use designations to **only** those purposes specifically listed in the Comprehensive Plan, the City’s zoning code must control, and the Commission’s “inference” does not make Interfaith Sanctuary’s proposed use incompatible with the C-2 zoning district. In reality, the Boise City Code specifically identifies the C-2 zoning district as one of four commercial zones in which a shelter home is appropriate, subject to obtaining a conditional use permit.

The Commission’s reliance on the Comprehensive Plan eviscerated Boise City Code’s explicit allowance of a shelter home within the C-2 Zone. More damning is the fact that if the Commission was correct and the Comprehensive Plan bars shelter homes within the areas subject to the Commercial Land Use designation on the Land Use Map, then a shelter home would be barred anywhere in Boise, as the Commercial Land Use is the only land use which is consistent with the C-2, C-3, C-4 and C-5 zones under the Boise City Code, the only zones where a shelter home is authorized. Under the *Bones* decision cited above, this is not allowed. It is the **zoning code** that governs the permitted use of the property, not the aspirational and imprecise language of a **comprehensive plan**.

Further, the Commission’s evaluation that Interfaith Sanctuary’s requested use to be that of a “limited outpatient medical use” but too intensive has no basis whatsoever in either the Comprehensive Plan or the Boise City Code. An emergency shelter that provides emergency temporary housing for the unhoused, together with certain ancillary supportive services, including 22 beds designated for hospice care for medically fragile guests is **not** an “outpatient medical facility” like a Primary Health or Saltzer Urgent Care.

As discussed above, the Comprehensive Plan is a guidance document that includes general language to guide land use decisions to ensure predictable and desirable development patterns. The zoning ordinance, however, is binding law. The Commission, finding that Interfaith Sanctuary’s use of the State Street property would “endanger the character of the neighborhood” and “harm the retention, growth, and profitability of existing businesses” makes a finding that would presumably apply to any commercial zone in Boise.¹⁵ If this were the

¹³ Exhibit A, Reasoned Statement, pg. 3 (2022).

¹⁴ Boise City Code § 11-06-01(5), a “shelter home” is also permitted with a conditional use permit in the C-3, C-4, and C-5 zones in the City of Boise.

¹⁵ Exhibit A, Reasoned Statement, p. 3.

rationale for prohibiting this use in a commercial zone that is in fact designated on the Land Use Map as Commercial Land Use, then there would be no place in the City of Boise for Interfaith Sanctuary to go.

Boise City Code only permits shelter homes in four zones; all of them are commercial, and all require a conditional use permit. These four zones are C-2 General Commercial, C-3 Service Commercial, C-4 Planned Commercial, and C-5 Central Business District.¹⁶ All of these zones border residential areas, and explicitly permit residential uses and development within them.¹⁷ To rely upon the Comprehensive Plan's goals of "protecting existing businesses from encroachment of incompatible or non-complimentary uses," or protecting the "economic climate" for all businesses, in order to justify denying this conditional use, will preclude the siting of shelter homes anywhere in Boise, even in zones where they are authorized under the Boise City Code. And again, this would elevate the language of the Comprehensive Plan above the explicit allowance of this use within the zoning ordinance.

Further, under Boise City Code, the conditional use permit process is to "review conditionally allowed uses for compliance with the comprehensive plan, availability of services and possible adverse impacts (emphasis added)."¹⁸ In other words, the uses are allowed with conditions—not forbidden with exceptions. In Davisco Foods Intern., Inc. v. Gooding Cty., the Gooding County Zoning Ordinance included language specifying that special use permits in that county were "discretionary" and may be granted "only in the best interest of the general public."¹⁹ By contrast, Boise City Code does not give that much discretion to the Commission; there is no "best interest of the general public" test in the Boise City Code.²⁰ Rather Boise has determined that conditional uses are permitted based upon standards that constrain the discretion of the decision-making body. But in this instance, the Commission refused to evaluate the conditions staff developed and recommended, and refused to develop any of its own. Instead, it issued a perfunctory denial without applying an analysis of the relevant standards, selectively citing the Comprehensive Plan for support. This conflicts with the zoning ordinance, and was an abuse of the discretion afforded the Commission.

2. The Commission Disregarded the Analysis of BPD and BFD.

The Commission's second error occurred when it disregarded the written and verbal testimony of BPD and BFD in response to the Commission's questions, relying instead on a design document expressly intended for purposes entirely unrelated to Interfaith Sanctuary's Application and the public's interpretation of such. The Commission concluded that Interfaith

¹⁶ Boise City Code § 11-06-01(5).

¹⁷ Boise zoning map at <https://gismaps.cityofboise.org/Html5Viewer/?viewer=publicpropertymap>.

¹⁸ Boise City Code § 11-03-06(6)(A).

¹⁹ *Davisco Foods Intern., Inc. v. Gooding Cty.*, 141 Idaho 784, 788 (2005).

²⁰ Boise City Code §§ 11-03-04.6.C(7)(a)(1)-(vii)

Sanctuary's intended use of the State Street property "would place an undue burden on public facilities, specifically Fire Station #5 and the Willow Lane Substation for the Boise Police Department."²¹ As the basis for this conclusion, the Commission cited only the Shoreline Urban Renewal District CPTED Assessment conducted by a BPD employee in October 15, 2020 ("**Shoreline CPTED Report**"), thereby marginalizing the written comments and recommendations submitted by BPD and BFD and disregarding the answers that BPD and BFD provided to the Commission's questions regarding their agency comments, their interpretation of the Shoreline CPTED Report, and the conflicting arguments of the neighborhood association.

It is important, at the outset, to understand what Crime Prevention Through Environmental Design ("**CPTED**") is, and its purpose. CPTED's purpose is solely related to designing the built environment to minimize crime:

CPTED is defined as the proper design and effective use of the built environment that is intended to lead to a reduction in the fear and incidence of crime and an improvement in quality of life. The goal of CPTED is to reduce opportunities for crime that may be inherent in the design of structures or in the design of neighborhoods.²²

The Shoreline CPTED Report focused on environmental design concepts like:

natural surveillance, access control, territorial reinforcement, and maintenance. Natural surveillance involves the placement of people, features, and activities to maximize visibility. Natural access control involves guiding people into and through a space by design. Territorial reinforcement involves using physical attributes to express ownership of a space. Proper maintenance allows for the continued use of a space for its intended purpose. Maintenance can also serve as another expression of ownership and can enhance visibility.²³

In other words, **nothing** in the Shoreline CPTED Report addressed whether Interfaith Sanctuary's existing location or its new location created an "undue burden on . . . public facilities in the vicinity"²⁴ of the State Street site or whether Interfaith Sanctuary's new location "if it complies with all conditions imposed, will not adversely affect other property of the vicinity" of the State

²¹ Exhibit A, Reasoned Statement, p. 3.

²² Exhibit F, Shoreline CPTED Report, p. 2.

²³ Exhibit F, Shoreline Urban Renewal District CPTED Assessment: A Crime Prevention Through Environmental Design (CPTED) Assessment conducted by the Boise Police Department, performed on October 15, 2020 ("**Shoreline CPTED Report**"), p. 2.

²⁴ BCC 11-03-04.6.C(7)(a)(ii).

Street site.²⁵ The Shoreline CPTED Report was merely an assessment of current conditions near Interfaith Sanctuary's current facility within the larger urban renewal district, and offered recommendations on changes in the **built environment** that might change the public's perception of the area included in the Shoreline Urban Renewal District.

The Shoreline CPTED Report did not contain information or evidence that contradicts (or even competes with) the written and in-person testimony of BPD Chief Ryan Lee of and BFD Chief Mark Niemeyer that the State Street site can be fully served by the City's public safety departments. The specific CPTED analysis contained in the Shoreline CPTED Report was developed to make recommendations for redevelopment within the Shoreline Urban Renewal District, specifically saying, "this assessment is intended to provide a baseline of the current activity and may assist in providing direction during redevelopment."²⁶

The Shoreline CPTED Report was critical of overall development in the Shoreline Urban Renewal District; the report was focused on making recommendations regarding the redevelopment of existing uses to reduce crime. The analysis contained in the Shoreline CPTED Report did not relate to crime caused by or related to Interfaith Sanctuary or its guests. In fact, the "crime data" contained in the Shoreline CPTED Report was not even crime data at all; rather, the report analyzed "calls for police services,"²⁷ many of which were wholly unrelated to crime, criminal activity, or any actual injury or action.

Many of the descriptions for calls for service that the Shoreline CPTED Report identified as being most common in the subject area were for non-criminal activities of people experiencing homelessness, including several non-criminal activities that some people seek to criminalize.²⁸ Although **police responses** to specific locations were aggregated in the Shoreline CPTED Report by address, the actual **crime statistics** in the report were allocated to the entire 110-acre subject area,²⁹ without designation or identification as to address. The "assessed area" covered by the Shoreline CPTED Report included several other non-profit organizations that serve the homeless population: CATCH, Corpus Christi House, Cooper Court, River of Life, etc.

There are a few reasons why the Shoreline CPTED Report was incorrectly utilized and erroneously relied upon by the Commission:

- **First**, the Shoreline CPTED Report, by definition, identified **design** changes that would improve safety and prevent crime within the Shoreline Urban Renewal District. None of the conditional use permit criteria includes such design considerations, other than

²⁵ BCC 11-03-04.6.C(7)(a)(iv).

²⁶ Exhibit F, Shoreline CPTED Report, p. 3.

²⁷ Exhibit F, Shoreline CPTED Report, p. 5.

²⁸ *Id* at 5.

²⁹ Exhibit F, Shoreline CPTED Report, p. 5.

the criteria that the site be large enough to accommodate the proposed use. Design review would have been the next step in the process for this Application, had the CUP been approved, allowing the applicant to address any concerns about the facility's security design.

- **Second**, the Shoreline CPTED Report was not an analysis of Interfaith Sanctuary's Application. The report simply and specifically discussed general considerations of public safety throughout the Shoreline Urban Renewal District, without any detailed analysis of Interfaith Sanctuary's proposed location, or even any analysis of the impacts in the Shoreline Urban Renewal District that could be specifically attributed to Interfaith Sanctuary's **current** location. The Shoreline CPTED Report was neither intended nor designed to be used to evaluate land use applications, and it certainly was not created with this Application in mind. Instead, to reiterate, it was a general policy document "intended to provide a baseline of the current activity and may assist in providing direction during **redevelopment** (emphasis added)."³⁰
- **Third**, and most importantly, and for reasons that are discussed in detail below, the Commission had ample opportunity to directly question BPD about the Shoreline CPTED Report, CPTED, or any other safety or security considerations about the Interfaith Sanctuary's application. Ultimately, though, Commissioners improperly superimposed their mistaken attribution of neighborhood comments to the Shoreline CPTED Report on Interfaith Sanctuary's proposed State Street location and fundamentally erred by giving the Shoreline CPTED Report more weight than the clear and unambiguous testimony of BPD Chief Lee and BFD Chief Niemeyer that the proposed facility would **not** have an undue burden on emergency services resources, services, or facilities. Prior to the Commission's numerous public hearing sessions on the Application, City Staff sought comment from agencies and departments that potentially could be impacted by the Application, and both agencies responded with written comments. Then, during public hearings on the Application, when the Commission asked both BPD and BFD about their respective abilities to provide services after the use proposed in Application commenced, neither agency expressed concern that Interfaith Sanctuary's proposed facility would place an "undue burden on... public facilities in the vicinity."³¹ BPD Chief Ryan Lee testified:

In my experience, as well as in talking to police professional colleagues from throughout the nation, shelters that have good protocol in place, stick to strong plans, set expectations for their clients and guests, interact with the community on a regular basis, interact

³⁰ Exhibit F, Shoreline CPTED Report, p. 2.

³¹ Staff Report; Cody Riddle testimony, November 15, 2021 Transcript, p. 10.

with the police department and other public services, that's generally a recipe to mitigate any impacts.³²

He later testified:

I think the aggregate volume will stay consistent with any growth that we would see with just overall growth to the city. I do not expect a rise in the aggregate amount of calls for service in a city-wide perspective."³³

And when directly asked by Commissioner Gillespie whether Interfaith Sanctuary's Application met the definition of a "well-run" shelter that could mitigate impacts to the neighborhood, Chief Lee succinctly responded: "I believe it would."³⁴ Chief Lee was even asked about the Shoreline CPTED report, which he said was developed "absent these conditions being spelled out." Ultimately, Chief Lee concluded, "I believe these conditions are met. If we continue to evaluate, we can mitigate any potential challenges from a police response."³⁵ BFD Chief Mark Niemeyer testified that "...we feel very comfortable that the fire station can handle this [potential] added call volume to their location."³⁶

The Shoreline CPTED Report, which was produced by someone within BPD several months before Interfaith even submitted its Application, was intended "to provide a baseline of the current activity" and "assist in providing direction during redevelopment"³⁷ within a 110-acre area designated as "Sub Area 3" by the 2017 Shoreline Urban Renewal Area Preliminary Eligibility Study. Specifically, the purpose of the Shoreline CPTED Report as well as its limitations in application to anything other than its purpose of guiding the future redevelopment of the Shoreline Urban Renewal District was captured in its own disclaimer:³⁸

³² Cody Riddle testimony, November 15, 2021 Transcript, p. 10.; Chief Lee testimony at p. 12, ll 20-25 to p. 13, ll 1-2.

³³ *Id.* at 111, ll. 22-25 to 112, l 1.

³⁴ *Id.* at 113, ll 11-18.

³⁵ *Id.* at 120, ll. 8-15.

³⁶ *Id.* at 15, ll. 16-22.

³⁷ Exhibit F, Shoreline CPTED Report, p. 2.

³⁸ *Id.* at 36.

DISCLAIMER

This assessment has been conducted as a service of the Boise Police Department's Crime Prevention Unit. The information contained herein is based on guidelines set by the National Institute of Crime Prevention, the American Crime Prevention Institute, and observations of the individual conducting the survey. This assessment is intended to assist in improving the overall level of security only and is not intended to imply the existing security measures, or proposed security measures are absolute or perfect.

The opponents' use of the Shoreline CPTED Report, and the Commission's reliance upon its mistaken belief that the opponents' analysis of the Shoreline CPTED Report was in fact the report, to deny Interfaith Sanctuary's Application, went far beyond the report's intended purpose and was improper.

The Shoreline CPTED Report noted the existence of "**several** non-profits that provide services to citizens experiencing homelessness,"³⁹ and yet the opponents (and, ultimately, the Commission) unfairly attributed the calls for service, crimes, and other concerns raised in the Shoreline CPTED Report to Interfaith Sanctuary and its guests. In particular, activities occurring at Cooper Court, which is not on Interfaith Sanctuary property and, therefore, is neither within Interfaith Sanctuary's jurisdiction nor subject to its rules, were unfairly attributed to guests of Interfaith Sanctuary. The "assessed area" covered by the Shoreline CPTED Report did not break out Cooper Court, except at Americana—the segment of Cooper Court between the Interstate and Interfaith Sanctuary's existing location was not separated out, so it is unclear how many of the calls for service allocated to Interfaith should have been allocated to those who were not Interfaith guests.

Although the purposes of the Shoreline CPTED Report were unrelated to Interfaith Sanctuary's Application, opponents of Interfaith Sanctuary's Application relied heavily on the Shoreline CPTED Report to:

- a. Attempt to contradict the testimony of Chief Ryan Lee of BPD and Chief Mark Niemeyer of BFD, both of whom unequivocally testified (in writing and in person) that the City's emergency services departments could serve Interfaith Sanctuary's proposed facility at the State Street location, and the area around it;
- b. Persuade the Commission to ignore the recommended conditions of approval suggested by BPD and BFD; and
- c. Convince the Commission that the conjectural impacts of Interfaith Sanctuary relocating to the State Street site are unmitigable (despite presenting no competent evidence of the claimed impacts).

³⁹ Exhibit F, Shoreline CPTED Report, p. 3, emphasis added.

Interfaith Sanctuary's opponents were successful, to a large degree, in using the Shoreline CPTED Report to complicate the issues, confuse the Commissioners, and obscure the substantial, competent evidence offered by Chief Lee and Chief Niemeyer. In fact, it was clear from the Commission's deliberations on January 3, 2022, as well as from the Commission's Reason for the Decision, which was approved on January 10, 2022, that the Commission afforded great weight to the Shoreline CPTED Report in denying Interfaith Sanctuary's Application.

No reasonable person can review the Shoreline CPTED Report and draw the conclusions that the Commission drew from the actual document. In fact, it is clear that the Commission conflated, confused, and erroneously represented analysis from opponents as the actual content of the Shoreline CPTED Report. It is unclear why that occurred, and we apologize for not aggressively disabusing the Commission of that error. That is why appeals exist.

The Commission's deliberations regarding the Application and the applicability of the Shoreline CPTED Report make clear that it was the lynchpin of their decision in this matter. The record clearly demonstrates the Commission's error and the fact that the evidence that the Commission relied upon to challenge and ultimately disregard the testimony and recommendations of BPD and BFD were rather the lay opinions of a vocal and prolific opponent of the Application in his various submittals to Staff in May 2021.⁴⁰

During the November 15, 2021 Hearing, Commissioner Danley questioned both Chief Lee and Chief Niemeyer why their agencies had changed their position from October 2020 in the Shoreline CPTED Report. In reality, neither had changed their respective positions. Commissioner Danley made the following inquiry to Chief Lee:

COMMISSIONER DANLEY: Okay. So in that report -- and I'm looking at -- in whatever -- our 330-page document here -- but it's part of the CPTED report.

It says -- and I'm quoting here -- "What is also worth noting is that Boise PD recently shut down their Willow Lane substation and opened a new substation at 17th and Fairview" -- "very close to the current IFS location" -- "in order to better respond to calls and serve the community in the current Interfaith Sanctuary area. It would be unlikely that Boise PD would close up its new substation and move all those PD resources back to Willow Lane.

"With the anticipated increase in PD calls to the surrounding area of the proposed IFS shelter, the public safety impact would be significant. Community members who are concerned about public

⁴⁰ CUP21-00026 Public Correspondence Through 9-28-2021, pp. 39-113, specifically May 1, 2021 email and submittal materials, May 13, 2021 email and submittal materials, Second May 13, 2021 email and submittal materials

safety should consider opposing the move of Interfaith Sanctuary based on these anticipated significant public safety impacts."

That's verbatim in the CPTED report, but that was also a year ago. And so here we are, fast forwarding a year, and we have a series of conditions that would be potentially made upon the applicant. So, Chief, I would like to know. Where do we stand in 2021 November versus what this states, October of 2020?⁴¹

Commissioner Danley then made a similar inquiry to Chief Niemeyer:

But, Chief Niemeyer, we have the letter written to the staff as part of our application that also sort of says, "Hey. This is what needs to happen," including sprinkler systems and so forth.

But again, the same CPTED report -- "The proposed move of Interfaith" -- blah, blah, blah, blah, blah -- "will have a significant impact on our community's public" service -- "safety services. This portion of the report will look specifically at 911" data. It goes on to talk about a degradation of services. It talks about -- we don't necessarily have the types of facilities. I think there was a reference to a 320-second type of a delay or something like that. There's a lot of detail in here of course.

So where are we wrong? What's missing?⁴²

This would be a legitimate concern and a damning claim, if BPD and BFD disregarded their prior opinions and if in fact Commissioner Danley had quoted verbatim from the Shoreline CPTED Report. Commissioner Danley made the apparent mistake of taking the language of a prolific Application opponent and projecting it upon BPD and BFD.

Instead, this is not a legitimate concern and is not a damning claim, because neither BPD nor BFD disregarded and failed to reconcile their prior opinions, and the "verbatim" quote is actually the opinion and commentary of a vocal opponent of the Application. Although Commissioner Danley indicated that he was reading from the Shoreline CPTED Report, **the quotes he read exist nowhere in the Shoreline CPTED Report.**⁴³ It appears that his mistaken impression gave rise to his demand that BPD and BFD reconcile the quotes he read with their agency comments and their testimony at the November 15, 2021 meeting.

⁴¹ Commissioner Danley, November 15, 2021 Transcript, pp. 118-119.

⁴² Commissioner Danley, November 15, 2021 Transcript, p. 121.

⁴³ Commissioner Danley, November 15, 2021 Transcript, p. 118 ("So in that report -- and I'm looking at -- in whatever -- our 330-page document here -- but it's part of the CPTED report.")

Although the entirety of the Shoreline CPTED Report is provided with the submittal of the Application opponent,⁴⁴ the quote cited by Commissioner Danley actually resides on page 102 of the 335-page PDS compilation of public comment on Interfaith Sanctuary's application through September 28, 2021.⁴⁵ That document is in the midst of a series of emails and documents provided by an opponent of the Application to the Staff well before the Staff Report had been prepared and agency comments were in fact elicited and before the extended review of the Application was underway. In reviewing those submittal documents, it is impossible to reasonably confuse the statements attributed to the Shoreline CPTED Report to the actual report. It is clear that the statements are in fact lay commentary provided by a party who is not speaking on behalf of either BPD or BFD.

It is impossible for reasonable minds to review the record and not identify the mistake made by Commissioner Danley and that the other Commissioners then relied upon. Even though the documents are in the packet electronically together, the commentary relied upon by Commissioner Danley is clearly not part of the CPTED Report.

- The Shoreline CPTED Report has a distinct footer, that identifies all the pages in identical font and style,⁴⁶ while the commentary does not.⁴⁷
- The Shoreline CPTED Report was prepared by BPD staff trained in doing so,⁴⁸ while the commentary was not.⁴⁹
- The Shoreline CPTED Report had no analysis of the potential relocation of Interfaith Sanctuary and the location of BPD's new downtown substation,⁵⁰ while the commentary, hyperbolically and without basis, claims that the downtown substation was necessary for the "Interfaith Sanctuary area".⁵¹

⁴⁴ It appears that a pagination error occurred in the production of the Shoreline CPTED Report occurred in its production as neither the public submitted version or the version we possess has an actual p. 61 and that in producing the document the program generating it mistook the cover for a numbered page. See, Exhibit F. See CUP21-00026 Public Correspondence Through 9-28-2021, p. 100.

⁴⁵ CUP21-00026 Public Correspondence Through 9-28-2021, pp. 39-113

⁴⁶ CUP21-00026 Public Correspondence Through 9-28-2021, pp. 40-100.

⁴⁷ CUP21-00026 Public Correspondence Through 9-28-2021, pp. 101-5.

⁴⁸ CUP21-00026 Public Correspondence Through 9-28-2021, pp. 40-100.

⁴⁹ The opponent whose commentary Commissioner Danley relied upon, clearly emailed BPD on May 13, 2021, with the documents Commissioner Danley cited, "attached the CPTED you created as a reminder of the significant [sic] public safety impact" and ask BPD to "please review the 2 attached documents to understand the public safety impacts better. I created the one that specifically focuses on Fire/EMS impacts." CUP21-00026 Public Correspondence Through 9-28-2021, pp. 109.

⁵⁰ CUP21-00026 Public Correspondence Through 9-28-2021, pp. 40-100.

⁵¹ CUP21-00026 Public Correspondence Through 9-28-2021, pp. 101.

- The Shoreline CPTED Report focused on the Shoreline Urban Renewal District and the calls for service of BPD and BFD within that district,⁵² while the commentary did not, and in fact incorporated data from outside that area.⁵³

No wonder Chief Lee, Chief Niemeyer, the Applicant and its consultants were confused. Nothing had changed between the time of the Shoreline CPTED Report and the agency comments of BPD and BFD indicating their recommended conditions of approval for the Application.

Unfortunately, that inquiry by Commissioner Danley clearly influenced the remainder of hearing and permeated their deliberations. This fundamental mistake and misattribution of evidence and testimony to BPD and BFD emerged again as a core element of the Commission's deliberations on January 3, 2022. Commissioner Danley perpetuated the error during the Commission's deliberations as follows:

And I keep going back to the CPTED report. The CPTED report -- I -- I've -- in -- in 15 years of private -- of private practice in the planning profession, in the four years of being on this Commission, I've never seen language as stark as this, and the language that says right here -- "with the anticipated increase in PD calls to the surrounding area of the proposed" -- "shelter, the public safety impact would be significant. Community members who are concerned about public safety should consider opposing the move" to Interfaith's -- "of Interfaith Sanctuary based on these anticipated significant public safety impacts." I don't know how much more direct an organization can be than that.⁵⁴

It also appears that Commissioner erroneously believed that the Shoreline CPTED Report's statistics, which were pulled from a **110-acre** area designated as "Sub Area 3" in the 2017 Shoreline Urban Renewal Preliminary Eligibility Study, were directly equivalent to statistics of potential future crimes at Interfaith Sanctuary's **two-acre** proposed State Street site: "I can't say that the CPTED report is going to be 100 percent accurate, but you know what? If 50 percent of it is accurate, then we're going to have some issues, which is going back to the previous issue."⁵⁵ Another Commissioner misunderstood the statistics recited in the Shoreline CPTED Report:

But I just want -- you know, as we deliberate, I concluded that the analogy between the current site and the proposed site was strong

⁵² CUP21-00026 Public Correspondence Through 9-28-2021, pp. 40-100.

⁵³ CUP21-00026 Public Correspondence Through 9-28-2021, pp. 101-5.

⁵⁴ January 3, 2022 Verbatim Transcript ("January 3, 2022 Transcript"), p. 8.

⁵⁵ Commissioner Danley, January 3, 2022 Transcript, p. 41.

enough that I would be able to use that police and EMS data in formulating my decision with respect to Criteria 4.⁵⁶

The Shoreline CPTED Report’s “police and EMS data,” which was heavily referred to by the Commission during its deliberations, was not compiled for the purpose of projecting its findings onto Interfaith Sanctuary’s proposed State Street location. Moreover, much of the data cited was not from the Shoreline CPTED Report, but rather the commentary provided by an opponent of the Application in May 2021.⁵⁷ The Shoreline CPTED Report only counted “calls for service,” which failed to distinguish between:

a call for service to assist a <u>victim</u> of violent crime	-and-	a call for service to apprehend a <u>suspect</u> in a violent crime
a call for service to investigate an alleged “narcotics violation” that ended up being just a <u>simple police-community contact</u>	-and-	a call for service to investigate an alleged narcotics violation that actually resulted in an <u>arrest for a real narcotics violation</u>
a call for service to assist with a “problem subject” who actually was found to be <u>suffering from mental health issues</u>	-and-	a call for service to assist with a “problem subject” who was <u>posing a legitimate danger to themselves or to others</u>

The situations described above on the left differ greatly from those on the right, but they were grouped together in the Shoreline CPTED Report’s statistics. In fact, a closer look at the Shoreline CPTED Report would have revealed that it actually showed that most calls for service to Interfaith Sanctuary (and the area around it) have been: **(a)** minimal in frequency (less than one interaction per day with BPD for a very at-risk population), and **(b)** not related to actual criminal acts.

The Shoreline CPTED Report also failed to note how reporting practices may have changed from year-to-year. For example, “Narcotics Violation” wasn’t among the top-10 types of calls for service noted for 2018, but it’s the fifth highest rate of incidence in 2019; “Problem Subject” is the second highest rate of incidence in 2018, but it dropped by nearly half in 2019. Perhaps this can be explained by BPD categorizing “problem subjects” who were suspected of drug possession/use as “problem subjects” in 2018, but changed the classification for the same type of calls for service to “narcotics violations” in 2019. Regardless of the changes in reporting

⁵⁶ Commissioner Gillespie, January 3, 2022 Transcript, p. 42.

⁵⁷ CUP21-00026 Public Correspondence Through 9-28-2021, pp. 101-5.

methodology and classification of calls for service between 2018 and 2019, it is clear that the Shoreline CPTED Report should have been further scrutinized, and, at a minimum, fully understood, before it was relied upon by the Commission in making its Decision on Interfaith Sanctuary's Application.

B. The Commission Did Not Base Its Decision Upon Substantial, Competent Evidence.

The Commission's denial of Interfaith Sanctuary's Application was "not supported by substantial evidence on the record as a whole"⁵⁸, which is the fourth of five statutory bases upon which reversal of the Decision is warranted. Under Idaho's Local Land Use Planning Act ("LLUPA"), land use decisions must be based upon "substantial competent evidence."

1. What Qualifies as "Substantial, Competent Evidence"?

We acknowledge that "[s]ubstantial and competent evidence need not be uncontradicted, nor does it need to necessarily lead to a certain conclusion;" but it must "be of such sufficient quantity and probative value that reasonable minds could reach the same conclusion as the fact finder."⁵⁹

In the land use context, evidence is not required to be the same type as typically would be heard in court,⁶⁰ but the decision-making body must be **reasonable** in its evaluation of the evidence presented. Lay testimony "based on personal opinion and emotion" is not substantial, competent evidence in the face of expert comment and the input of agency experts that possess relevant experience and knowledge.⁶¹ In the 2009 case of Taylor v. Canyon County, which involved neighbors' opposition to a rezone application, the Idaho Supreme Court held that although the neighbors had argued that the application frustrated LLUPA's purposes, they failed to provide evidentiary support for their arguments.⁶² Essentially, the court's holding was that concerns are not evidence. As a result, the Idaho Supreme Court declined to consider the neighbors' unsupported arguments opposing that rezone application.

Over the course of several days of public hearings on Interfaith Sanctuary's Application, opponents presented hours and hours of lay testimony and numerous charts, slides, and pictures objecting to this Application. However, even hours of emotional lay testimony that, on its face, appeared to contradict professional and expert testimony does not qualify, as a matter of law, as "substantial competent evidence" that supports the Commission's denial of Interfaith

⁵⁸ I.C. § 67-5279(3)(d).

⁵⁹ *Cowan v. Bd. of Commr's of Fremont Cty.*, 143 Idaho 501, 518 (2006).

⁶⁰ *Evans v. Bd. of Com'rs of Cassia Cty.*, 137 Idaho 428, 432, (2002).

⁶¹ *Evans v. Teton Cty.*, 139 Idaho 71, 77 (2003).

⁶² *Taylor v. Canyon Cty. Bd. of Commr's*, 210 P.3d 532, 548, 147 Idaho 424, 440 (2009).

Sanctuary's Application. The Commission did not support its Decision with actual evidence "of such sufficient quantity and probative value that reasonable minds could reach the same conclusion."⁶³ The Commission's decision must be reasonable to establish that it is supported by substantial, competent evidence.⁶⁴

2. The Shoreline CPTED Report Relied Upon by the Commission IS NOT "Substantial, Competent Evidence."

As discussed in more detail above in Section A(2), the Shoreline CPTED Report as utilized by the Commission is not substantial competent evidence upon which it can base its Decision. Reliance upon the Shoreline CPTED Report cannot be substantial evidence supporting the Commission's denial of Interfaith Sanctuary's application, where the Commission failed to articulate in its Decision why the Shoreline CPTED Report caused it to disregard the analysis and testimony of Boise Police Department and Boise Fire Department. In reviewing the Shoreline CPTED Report, it should have been obvious to the opponents (and, ultimately, to the Commission) that an area in which "several non-profits that provide services to citizens experiencing homelessness" are located will experience understandably higher volumes of certain types of calls for service.

Without (a) understanding the purpose of the Shoreline CPTED Report, and (b) evaluating the reporting methodology that generated the statistics in the Shoreline CPTED Report, and (c) being able to differentiate the Shoreline CPTED Report from Application opponent commentary months before BPD and BFD actually reviewed the Application, it was reckless of the Commission to give such great weight to the Shoreline CPTED Report in light of the actual testimony from BPD and BFD and their written analyses.

The Shoreline CPTED Report was not substantial, competent evidence upon which the Commission could base its Decision to deny the Application. Uncontroverted testimony from BPD and BFD was that adequate facilities exist in the vicinity of the State Street site, and serving the area after Interfaith Sanctuary's relocation will merely require a reallocation of services. CPTED is a tool that Interfaith Sanctuary's own consultants use. The Shoreline CPTED Report does provide guidance for the types of design elements that Interfaith Sanctuary could incorporate into its Design Review Application in the future, based upon the site specific design development.

3. The Memoranda of both BPD and BFD as well as the Testimony of their Chiefs are "Substantial, Competent Evidence."

As set forth above in Section III(A)(1) significant testimony was elicited from both Chief Lee of BPD and Chief Niemeyer of BFD. Interfaith was disappointed that the Commission failed even to attempt to develop conditions of approval to mitigate any alleged impacts of Interfaith

⁶³ *Id.*

⁶⁴ *Cooper*, 134 Idaho at 456.

Sanctuary's proposed relocation to the State Street site in light of the testimony of these professionals and their agencies.

Perhaps even more disappointing, though, the Commission failed to trust the experts in crime prevention, the Boise Police Department.

A BPD Memo to Planning Staff dated November 6, 2021, contained the following quotes:

- "Currently, BPD engages with the Interfaith Sanctuary leadership and staff to minimize the impact on police resources and surrounding community, **while maintaining a safe environment for those who work, visit, or live within proximity to the shelter.**"⁶⁵
- "...a **potential** exists for an increase in calls for service **anytime** high-density housing is established."⁶⁶
- "To effectively address a higher call for service load in the proposed area, BPD's limited resources will be impacted. BPD would be required to **reallocate resources** from their dedicated duty areas to provide services at a new location."⁶⁷

⁶⁵ Exhibit D, November 6, 2021 Memo, entitled "CUP21-00026 4306 W. State St.," from Boise Police Department to Cody Riddle ("BPD Memo"), p. 1, emphasis added. The only reasonable inference to be drawn from this quote is that Boise Police and Interfaith Sanctuary leadership and staff will continue to minimize the impact on police resources and surrounding community after Interfaith relocates to the proposed State Street site.

⁶⁶ Exhibit D, BPD Memo, p. 1, emphasis added. A "Hotel/Motel" use is allowed as a matter of right in the C-2D Zoning District - certainly "...a potential exists for an increase in CFS" due to a new "Hotel/Motel" use at the State Street site. Likewise, a "Shopping Center, Neighborhood Commercial, greater than 70,000 s.f." use is allowed as a matter of right in Boise City's C-2D Zoning District - certainly "...a potential exists for an increase in CFS" due to a new "Shopping Center, Neighborhood Commercial, greater than 70,000 s.f." use at the State Street site. A "Retail Store >60,000 s.f. GFA" use is allowed as a matter of right in the C-2D Zoning District - certainly "...a potential exists for an increase in CFS" due to a new "Retail Store >60,000 s.f. GFA" use at the State Street site. A "Concert Hall/Dance Hall" use is allowed as a matter of right in the C-2D Zoning District - certainly "...a potential exists for an increase in CFS" due to a new "Concert Hall/Dance Hall" use at the State Street site.

⁶⁷ Exhibit D, BPD Memo, p. 1, emphasis added. Some Commissioners incorrectly interpreted this to infer that BPD would be unable to provide adequate response to calls for service at Interfaith Sanctuary's proposed State Street site. Correctly interpreted, it *actually* means:

BPD's *current* staffing levels in the area of Interfaith's proposed State Street site would be insufficient, if Interfaith relocates. To ensure BPD resources *are* available in the area of the proposed State Street site after Interfaith relocates, BPD will reallocate resources from other areas (*e.g.*, where Interfaith currently is located). In fact, BPD already plans to name a liaison officer who will serve both Interfaith and its neighbors.

- **“BPD also is in the process of establishing a liaison officer** who will be responsible for communicating directly with stakeholders and recommend solutions based on effective problem-solving measures.”⁶⁸

The BPD Memo also include 13 conditions of approval recommended by BPD to ensure that potential negative impacts of Interfaith Sanctuary’s relocation to the proposed State Street site will be satisfactorily mitigated. The Commission simply could have relied on BPD’s 13 recommended conditions of approval, instead of assuming that the Commission, which, by its own admission, is comprised of citizen volunteers who lack expertise in security and safety planning, would need to develop its own “safety and security” conditions of approval for Interfaith Sanctuary’s Application.

Chief Lee was asked directly during the November 15, 2021 session of the Commission’s public hearings about Interfaith Sanctuary’s “security” plan, why one was not submitted, and how police would work with Interfaith to address security concerns. Chief Lee deferred to Cody Riddle, at the time the Director, about the timing of providing such a security plan, to which Mr. Riddle responded:

Condition Number 20 in your packet... that the applicant ‘submit a security plan to Planning and Development Services for review and approval by the Director after consulting with the Boise Police Department’ [that] ‘shall reflect the recommendations of Boise Police...’⁶⁹

The Commission continued questioning Chief Lee with quotations erroneously attributed to the aforementioned Shoreline CPTED Report, and he ultimately concluded: “If we continue to evaluate, we can mitigate any potential challenges from a police response.”⁷⁰ This is consistent with the BPD Memo, and constitutes further substantial evidence from an expert relied upon by the City to provide analysis of each application’s impact on public services. Unfortunately, it was dismissed by the Commission in their Decision.⁷¹

⁶⁸ Exhibit D, BPD Memo, p. 1, emphasis added.

⁶⁹ November 15, 2021 Transcript, p. 116, l. 17 – p. 117, l. 2.

⁷⁰ *Id.* at 120, ll. 13-15.

⁷¹ While discussing the issue of the security plan, or lack thereof, it seems worthwhile to note that the Commission confuses two different concepts: security, and safety. Boise Police and Fire are experts in both. However, a *security* plan truly refers to the operational plans of a site—especially how to keep people and property safe inside the facility. A *safety* plan, however, is about external security, or the safety of the general public. Here, a *security* plan was discussed as a condition of approval, which would be drafted together by facility operators and BPD/BFD. It seems the Commission sought instead a *safety* plan, which gets to BPD’s memo on allocation of resources. The Commission’s confusion of the two ended up elevating the perceived need for an internal operations plan, and discounting the input from relevant agencies on public safety assurances.

Similarly, the Commission disregarded BFD's analysis that that the Fire Station 9, which is just a quarter mile from the State Street site "performs as one of the most reliable first due engine companies with 88% reliability" meaning the existing station has the capacity and ability to provide service and that BPD's capacity to respond "should not diminish drastically".⁷²

The Commission's Decision was neither reasonable, nor based upon substantial evidence, where it: (a) elevated and relied upon lay testimony, disregarding the testimony of experts and relevant agencies,⁷³ and (b) failed to articulate how it reconciled the conflicts between such lay testimony and the testimony of relevant agencies and experts.⁷⁴ Ultimately, the Commission accepted lay testimony and the perceptions of the members of the Commission without expressly reconciling or articulating why the expert testimony from BPD and BFD should be disregarded. Under Idaho law, that failure in and of itself, is fatal to the Commission's Decision.⁷⁵

C. The Commission Violated Boise City Code, Idaho Code, and the Constitutional Rights of Interfaith Sanctuary in Reaching its Decision.

1. The Commission's Denial of the Application Based Upon Its "Lack" of Safety and Security Plans Violates Boise City Code and Idaho Code.

In evaluating a conditional use permit application, and the standards applicable to it, the appropriate place to begin is with the enabling statutes. A conditional use permit is authorized by LLUPA;⁷⁶ provided, however, the jurisdiction must authorize conditional use permits by ordinance adopted following the processes for the zoning ordinance generally.⁷⁷ In evaluating a conditional use permit application, the relevant ordinance must state the procedures and application requirements.⁷⁸

In exercising this power to create conditional uses and to evaluate them, the jurisdiction's power is restricted by its zoning ordinance. Such a permit may be granted "if the proposed use is conditionally permitted by . . . the ordinance."⁷⁹ All conditions of the permit must be "pursuant

⁷² Exhibit E, BFD Memorandum, p. 1.

⁷³ *Evans v. Teton Cty.*, 139 Idaho at 77.

⁷⁴ *Cooper*, 134 Idaho at 457.

⁷⁵ *Id.*

⁷⁶ Idaho Code 65-6512(a)

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

to specific provisions of the ordinance.”⁸⁰ Thus having decided a use is conditionally permitted under the ordinance, the jurisdiction is then bound by its specific ordinance.

The Idaho legislature identified various nonexclusive permissive conditions which “may be attached to a special use permit.”⁸¹ Additionally, the Idaho legislature noted that a jurisdiction could permissively require certain studies “[p]rior to granting a special use permit.”⁸² However, those permissive conditions must have a basis in the previously adopted ordinance; the reviewing body cannot impose them on an ad hoc basis. The provisions must be set forth in the adopting ordinance setting forth the processes and standards for evaluating applications: “special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance.”⁸³

Boise has adopted an ordinance codifying the process for reviewing “conditionally allowed uses.”⁸⁴ That process includes the requirement for an application to be submitted to initiate the process of review. The scope of the required contents of an application is clear from the Boise City Code: “Application requirements shall be indicated on forms available in the Planning Division. Additional submittal requirements necessary to evaluate the application may be required, as determined by the Director.”⁸⁵ The application form for a conditional use permit that was submitted by Interfaith Sanctuary is attached as **Exhibit B**. Boise City’s application form unambiguously incorporates the City’s Required Application Submittal Checklist,⁸⁶ which is attached as **Exhibit C**. One Commissioner expressed exasperation about why the application provided more detail on the location of the garbage dumpster, than the security and operational policies of Interfaith Sanctuary.⁸⁷ The answer is clear: the City of Boise has required conditional use permit applications to provide detailed information regarding garbage. It has **not** required the same for an applicant’s operational plan.

In evaluating any application, the Director has discretion to extend the review period for certain applications for a period of up to 66 days from the date of the application submittal.⁸⁸ The express basis for extended review “is to allow for adequate staff research and analysis,

⁸⁰ *Id.*

⁸¹ Idaho Code § 65-6512(d)

⁸² Idaho Code § 65-6512(e)

⁸³ Idaho Code § 67-6512(a)

⁸⁴ Boise City Code § 11-03-04.6(A)

⁸⁵ Boise City Code § 11-03-03.3(A)

⁸⁶ Exhibit C, p. 8 “Each planning application includes a Required Submittal Checklist. If you do not already have a current checklist, please use the links below to download the correct form for your application.”

⁸⁷ Commissioner Danley, December 6, 2021 Transcript, p. 26.

⁸⁸ Boise City Code § 11-03-03.7(A)(3)

agency review and comment, coordination with other city departments, and coordination with the applicant.”⁸⁹ The Director in this instance designated this Application for extended review. Interfaith Sanctuary did not object, as it recognized the benefit that would come from Staff taking such time.⁹⁰

It is important to note, however, that at no time during the extended review process or the consultations resulting in the development of the staff report and proposed conditions of approval, did the Director ever impose “[a]dditional submittal requirements necessary to evaluate the application.”⁹¹ During the extended review process, consultations did occur between Staff, the various City departments, and Interfaith Sanctuary’s representatives. BFD and BPD provided comments on October 27 and November 6 respectively, which formed the basis for the recommended conditions.

Had the Boise City Code required a safety and security plan, with objective standards setting forth the requirements for an applicant to meet, Interfaith Sanctuary would have submitted that information. Had the Director required Interfaith Sanctuary to engage in additional consultation with public safety officials at the outset of the extended review of its Application, Interfaith Sanctuary certainly would have met with them. Had the Director requested additional submittals related to public safety concerns at the outset of the extended review of its Application, Interfaith would have provided them. Neither of those things occurred. Instead, the Commission undertook the type of **ad hoc** decision-making and the **ad hoc** imposition standards that the Idaho Supreme Court has long decried in quasi-judicial land use proceedings.

As to the purported public safety considerations cited with respect to this Application, the Boise City Code has no “standards and criteria . . . set forth in express terms in land use ordinances that permit applicants, interested residents and decision-makers alike [to] know the express standards that must be met in order to obtain a requested permit”.⁹² Moreover, no similar prior application has ever been required to submit the type of security plan that was demanded here.⁹³

⁸⁹ *Id.*

⁹⁰ Interfaith Sanctuary did not object to extended review, even though under Boise City Code 11-03-03, extended review is authorized only for “large planned development applications”. That phrase does not appear to be defined in Boise City Code and Interfaith Sanctuary reserves the right in the future to object to extended review on the basis that there is no provision for its application to conditional use permit applications.

⁹¹ Boise City Code § 11-03-03.3(A)

⁹² Idaho Code § 67-6535(1).

⁹³ Various applications discussed in this proceeding clearly establish the disparate treatment of Interfaith Sanctuary’s Application:

- CAR18-00023/CUP18-00073/CVA18-00058 regarding a transitional housing development for homeless veterans approved very near to this Application’s location, with standard site-specific conditions of approval; Boise PD did not submit a memo, nor was security discussed.

And even during the pendency of the consideration of this Application, Boise City administratively approved a similar project without the degree of scrutiny applied here.⁹⁴

Opponents of the Application clearly convinced the Commission to transmogrify and inflate the due process interest in a complete application into a right of the public to review and approve the operational policies and procedures of an applicant. In reality, there is a fundamental difference between an application's failure to comply with specified submittal requirements and the imposition of conditions of approval.

It is clear that under Idaho law, due process requires that all land use applications be complete with all required materials be submitted prior to the hearing of that application.⁹⁵ In this instance, there is no requirement under the Boise City Code for the submittal of the type of study, report, evaluation, or document that members of the Commission and opponents demanded.⁹⁶

After the hearing had commenced, and without any authority under Boise City Code or notice to Interfaith Sanctuary, several commissioners attempted to derail consideration of the Application by insisting upon compliance with their ad hoc demand for submittal of a "security

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- CZC04-00149 regarding the expansion of an emergency shelter at 575 S. 13th Street within an R-OD zone was found to be compatible with this type of mixed commercial/residential neighborhood.
 - CUP98-00038 regarding the operation of a shelter home at 1417 W. Jefferson Street within a C-2 zone was found to be compatible with this type of mixed commercial/residential neighborhood.
 - CUP98-0044 regarding the operation of a shelter home at 1404 W. Jefferson Street within a C-2 zone was found to be compatible with this type of mixed commercial/residential neighborhood.
 - CUP98-00115 was an amendment associated with that same property made a similar finding and determination.

⁹⁴ During this proceeding, the City approved CZC21-00412, which sought to convert an age-restricted residential assisted living facility into a residential facility run by Boise Rescue Mission as a transitional housing facility for up to 200 people of all ages and family types within a residential zone. It was approved by staff with no conditions.

⁹⁵ *Daley v. Blaine County*, 108 Idaho 614, 616-17 (1985)(noting that where the ordinance required an application include building specifications and specifications for the sanitary system that "A review of the record indicates that the application for the conditional use permit did not contain all necessary building specifications or the specifications for sewer and water facilities"); *Johnson v. City of Homedale*, 118 Idaho 285, 286-87 (1990)(finding that where the underlying zoning ordinance set forth as the "Contents of Application for Special Use Permit" a concept plan and a narrative statement among others, that "an application . . . must include a concept plan and a narrative statement to put the public on notice"); *Fischer v. City of Ketchum*, 141 Idaho 349, 353 (2005)(determining that where the applicant is required "prior to granting of a conditional use permit the applicant shall submit to the City plans signed by an engineer . . . certifying that the proposed construction will with stand the avalanche forces . . . and that the proposed construction will not deflect avalanches toward the property of others", such is a prerequisite to considering the conditional use permit and cannot be satisfied through imposition of a condition of approval).

⁹⁶ Exhibit B and Exhibit C

plan”⁹⁷ for review by neighbors and the Commission.⁹⁸ The Commission and some project opponents clearly attempted to convert the recognized due process requirement that applications incorporate all required submittals into an **ad hoc** attempt to create a public right to evaluate an applicant’s operational considerations, including confidential security considerations.

In a quasi-judicial process, like in this instance, the requirements of Boise City Code are binding upon the Commission.⁹⁹ The review of an application includes evaluation of the compliance of the submittal documents for their satisfaction of the requirements set forth in the adopted standards of the local zoning ordinance, including the evaluation of the jurisdiction’s staff and commenting agencies.¹⁰⁰

The standards to be applied to an application are those that exist as of the date that the application was submitted. It is absolute in Idaho that the rights of an applicant are determined by the ordinances and standards that exist at the time of filing of the application.¹⁰¹ Idaho has long rejected the attempt to impose retroactive standards because doing such would “defeat an application, which would result in giving immediate effect to a future or proposed zoning ordinance before that ordinance was properly enacted.”¹⁰² Boise City certainly can adopt an ordinance requiring all conditional use permit applicants to submit certain operational, safety, security, and other plans as a condition of submittal. The statutory authorization for such clearly exists, if an ordinance imposing such a requirement were adopted by Boise City.

Moreover, if the Director had determined that additional submittals were required with the Application, then the Director possessed authority to require such additional submittals, prior to determining that the Application was complete.¹⁰³ The Director has broad discretion under the Boise City Code. However, the Director did not, and the Commission is not authorized by the Boise City Code to do so on an **ad hoc** basis.

⁹⁷ Commissioner Danley Motion to Defer discussion, December 6, 2021 Transcript, pp. 17-42.

⁹⁸ Brian Ertz testimony, December 6, 2021 Transcript, pp. 135-36; Katy Decker testimony, December 6, 2021 Transcript, p. 287.

⁹⁹ *Krempasky v. Nez Perce County Planning and Zoning*, 150 Idaho 231, 237 (2010) (noting that “requirements of applicable ordinances are binding on a body rendering a zoning or permit decision”)

¹⁰⁰ *Neighbors for a Healthy Gold Fork v. Valley County*, 145 Idaho 121, 131 (2007) (noting that the application is to be reviewed “for compliance with the requirements of” the applicable zoning ordinance, and that where it does, additional conditions of approval can be imposed requiring further modification or adjustment in accordance with the direction of the reviewing authorities after the permit is granted).

¹⁰¹ *Ready-to-Pour, Inc. v. McCoy*, 95 Idaho 510, 513 (1973) (finding that an “applicant’s rights are measured under the law in effect at the time of the application”).

¹⁰² *Payette River Property Owners Ass’n v. Board of Comm’rs of Valley Co.*, 132 Idaho 551, 555 (1999).

¹⁰³ Boise City Code § 11-03-03.3(A)

To be clear, Interfaith Sanctuary takes the security of its facilities and the safety and security of its guests and its neighborhood seriously. Even before submitting its Application for the State Street site, Interfaith Sanctuary had developed and implemented comprehensive safety and security policies for its current River Street location. Interfaith Sanctuary's existing safety and security policies were developed in consultation with globally-recognized experts, and included a complete review of the design and use of Interfaith Sanctuary's current River Street location. Those same security industry leaders have been, and will continue to be, engaged in the development of detailed safety and security policies for this new location. Interfaith Sanctuary has had ongoing consultations with BPD during the pendency of this matter, and BPD has provided clear guidance to Interfaith Sanctuary as to when and how it will review and comment upon its policies. However, the Commission's demand is inconsistent with what BPD has communicated and the role that BPD performs in this instance.¹⁰⁴

As noted several times during the public hearing sessions by Interfaith Sanctuary, City Staff, and the Commission, safety and security considerations¹⁰⁵ both **(a)** are responsive to facility design, and **(b)** implement design-based safety and security elements. As also mentioned during the Commission's public hearing sessions, safety and security planning for Interfaith Sanctuary's proposed State Street facility and the area around it already has begun, and it will become more detailed after the City's Design Review Committee approves the project's design.

The demand of the opponents,¹⁰⁶ however, is not made in good faith. They have no legitimate interest in Interfaith Sanctuary's operational policies. The Commission denied this Application not because of any "express approval standard" but rather due to an unarticulated and nonexistent demand that Interfaith Sanctuary produce something for which there are no express standards or criteria.¹⁰⁷

Boise City Code does not require a "security plan" to be submitted at the time of application, and certainly does not authorize the Commission to base its denial of a CUP application on an applicant's "failure" to provide a security plan with its application. Tellingly, Boise City Code also provides no standard by which the Commission may evaluate a security plan; thus, even if one had been submitted, there is no way the Commission could have evaluated it based on an unbiased standard, without relying on the very BPD experts whose testimony the

¹⁰⁴ Geoffrey Wardle testimony, December 6, 2021 Transcript, pp. 32-35.

¹⁰⁵ The term "security" refers to the internal protection of an entity's facilities and, more importantly, its guests. The term "safety" is short for "public safety," which, as it is typically used in the security industry, refers to the protection of the public. As these terms pertain to Interfaith Sanctuary's Application, "security" is provided internally by Interfaith Sanctuary, and "safety" is provided externally by BPD and other emergency services providers.

¹⁰⁶ Brian Ertz testimony, December 6, 2021 Transcript, pp. 135-36; Katy Decker testimony, December 6, 2021 Transcript, p. 287

¹⁰⁷ Idaho Code § 67-6535.

Commission disregarded. Consequently, the lack of a security plan simply provided the Commission a pretextual basis for denying the Application.

2. Members of the Commission Failed to Limit their Analysis to the Record Before Them, Violating the Due Process Rights of Interfaith Sanctuary.

Review bodies provided for under LLUPA are generally comprised of individuals who possess a variety of skills and knowledge relevant to the land use process, which provide them with the basis for evaluating and understanding land use applications. The Commission is certainly comprised of such individuals and their individual knowledge and ability is an asset to the evaluation of applications. However, when acting in a quasi-judicial capacity, Commissioners must confine their decision to the record developed at the public hearing.¹⁰⁸ Commissioners cannot interject and rely upon their “existing knowledge of the facts outside of the proper hearing process” in evaluating an application.¹⁰⁹ From interjecting their observations on the health care services to be provided by Interfaith Sanctuary and how their colleagues did such differently,¹¹⁰ to attempts to rely upon information presented in an unrelated work session regarding the potential impact of this Application,¹¹¹ to citation of standards that are inapposite and nonapplicable,¹¹² this reliance upon matters outside of the record before it permeate the Reasoned Statement.¹¹³

During the course of the Commission’s deliberations, Commissioner Blanchard, supported by Commissioner Danley’s interpretation of Idaho Code § 67-6512, relied upon information outside of the record—specifically questionable, independent research he conducted after public testimony was closed—to form his ultimate conclusion. This is a violation of law.

In reaching a decision on a conditional use permit, the Commission is to rely upon the record of proceedings, including public comment, agency reports, and written testimony filed:

The approval or denial of an application shall be in writing and accompanied by a statement that explains the applicable criteria and standards, states the relevant facts relied upon, and explains the rationale for the decision based on the applicable provisions of the Boise City Comprehensive Plan, relevant and statutory

¹⁰⁸ *Idaho Historic Preservation Council v. City Council of City of Boise*, 134 Idaho 651 (2000).

¹⁰⁹ *Eacret v. Bonner County*, 139 Idaho 780, 787 (2004)

¹¹⁰ Commissioner Blanchard, January 3, 2022 Transcript, pp. 28-31.

¹¹¹ Commissioner Blanchard, January 3, 2022 Transcript, pp. 38-40.

¹¹² Commissioner Danley, January 3 2022 Transcript, pp. 60-61.

¹¹³ Exhibit A, Reasoned Statement, p. 3.

provisions, pertinent constitutional principles, **and factual information contained in the record.**

Boise City Code § 11-03-03(7)(B)(emphasis added).

In this instance, the record for this Application is massive and has been developed over the course of multiple months. This should have given the Commission ample basis for a reasoned decision. However, despite the voluminous record, Commissioner Blanchard decided to go outside the record, and introduce evidence of their own making in order to find fault with the Interfaith Application. In fact, Commissioner Blanchard did so twice, first with a Google search:

And so I—I went and looked up—this is a little bit of a stretch, but what they’re talking about here is actually a much more expanded sense of services that would turn this shelter much more into like a **healthcare facility**. So—and there—there are American Institute of Architects Guidelines for Design and Construction of Hospital and Health Care Facilities. You can go look them up...¹¹⁴

Next, he cited a business acquaintance:

...one of my colleagues just finished building a 15,000-square-foot temporary housing facility in Merced County, and that’s to house 75 residents...so this site is not big enough for what they are envisioning.¹¹⁵

Deputy Boise City Attorney James Smith immediately warned the Commission not to introduce their own factual record into the proceedings, admonishing Commissioner Blanchard:

I'm not sure where the architectural standards that Commissioner Blanchard refers to came from and whether or not they are in the record, but I would just -- I would just caution the Commission, as a whole, if -- if -- if any of that's going to be considered or relied upon, that that would need to be in the record somewhere.¹¹⁶

Mr. Smith was correct in his comments: reliance on facts outside of the record renders the Commission’s Decision a violation of Boise City Code. Commissioner Danley, however, disagreed with the Deputy City Attorney’s interpretation of the law, and offered his own in order to justify the Commission’s potential imposition of conditions from California or the quite inapplicable American Institute of Architects Guidelines for Healthcare Facilities, previously cited by

¹¹⁴ Commissioner Blanchard comments, January 3, 2022 Transcript, p. 28.

¹¹⁵ Commissioner Blanchard comments, January 3, 2022 Transcript, p. 31.

¹¹⁶ James Smith comments, January 3, 2022 Transcript, p. 32.

Commissioner Blanchard, and expressly disregarded the advice of counsel and the plain language of both the Boise City Code and LLUPA:

Something I just wanted to address that came about from Commissioner Blanchard earlier about square footage—and that is the right out of LLUPA, 30-67-6512, which talks about a “special use permit,” which is synonymous with a conditional use permit. When you get down into the language of it, Section 7 says requiring potentially—the possibility of ‘requiring more restrictive standards than those required in an ordinance.’...LLUPA does give us that authority to—to make changes, whether they’re from another body that was not part of the public record or not...¹¹⁷

By failing to limit its evaluation to the matters properly before it (even after being counseled by the Deputy City Attorney to do so), and by instead relying upon inapplicable standards, incorrect amateur legal analysis, and irrelevant facts from outside the record, the Commissioners essentially became advocates for or against an application. The Idaho Supreme Court has long held that “when a governing body deviates from the public record, it essentially conducts a second fact-gathering session without proper notice, a clear violation of due process.”¹¹⁸ Interfaith Sanctuary was not afforded a meaningful opportunity to rebut the material that was outside the record, which material permeated the Commission’s deliberations, after the public hearing had closed, and no notice of the extra-record material relied upon by members of the Commission was afforded prior to that time.¹¹⁹

In this instance, the Council can cure the defect by limiting its review to the actual record, and not the impermissible advocacy of individual commissioners. This is discussed in more detail in Section D below.

3. The Commission Failed to Treat Interfaith Sanctuary in a Manner Consistent with Other Similar Applicants.

The Equal Protection Clause of the Fourteenth Amendment “commands that no State shall ‘deny to any person within its jurisdiction the equal protection of the laws,’ which is essentially a direction that all persons similarly situation should be treated alike.”¹²⁰ Under the principles of equal protection, governments may not single out protected classes of persons for

¹¹⁷ Commissioner Danley comments, January 3, 2022 Transcript, pp. 60-61.

¹¹⁸ *Idaho Historic Preservation Council*, 134 Idaho at 654.

¹¹⁹ Commissioner Blanchard comments and exchange with Commissioner Stead, January 3, 2022 Transcript, pp. 30-33.

¹²⁰ *City of Cleburne, Tex. v. Cleburne Living Center*, 473 U.S. 432 (1985).

different treatment, and doing so will warrant strict scrutiny.¹²¹ Absent discrimination against a protected class like gender or race, courts apply rational basis review to laws or decisions treating similarly situated people differently.¹²² This does not, however, give governments license to arbitrarily deny equal access to the use of one’s property to unprotected classes of people—particularly for irrational reasons.

In **City of Cleburne**, the City of Cleburne, Texas denied a special use permit for a group home for the mentally disabled. The Court applied only rational basis review, but still found that the City’s denial was based only on fears of neighborhood residents and negative attitudes towards potential residents, and was thus by definition “irrational.”¹²³ To quote the Court:

...mere negative attitudes, or fear, unsubstantiated by factors which are properly cognizable in a zoning proceeding, are not permissible bases for treating a home for the mentally [disabled] differently from apartment houses, multiple dwellings, and the like. **It is plain that the electorate as a whole, whether by referendum or otherwise, could not order city action violative of the Equal Protection Clause**, and the City may not avoid the strictures of that Clause by deferring to the wishes or objections of some fraction of the body politic.¹²⁴

The use at issue in this Application is no different from a group home, and no more intensive than that of a hotel or motel, which are both permitted of right within the C-2 zoning district or a multi-family apartment building which is conditionally allowed in the C-2 zoning district.

Though the neighbors couched their opposition to Interfaith Sanctuary in “security concerns,” the true reason that a permit was denied to this Application without any attempt to condition it appropriately was because of the vocal and irrational fears and negative attitudes by neighbors to the presence of those struggling with homelessness in their neighborhood. This becomes plain when one examines the bases of their claims of increased crime, and in light of the testimony of the police chief.

As members of the neighborhood association stated in the **Shelter Better Task Force** process, there was never any way the neighbors would approve of this use in this area, even with conditions and additional security considerations, regardless of its explicit allowance under Boise zoning code.¹²⁵ Using their irrational fear of the chronically homeless—essentially calling them

¹²¹ *Id.*

¹²² *Gamble v. City of Escondido*, 104 F.3d 300 (9th Cir. 1997).

¹²³ *City of Cleburne*, 473 U.S. 432 at 448 (emphasis added).

¹²⁴ *Id.*

¹²⁵ Interfaith Sanctuary Supplemental Submittal Letter, September 28, 2021, p. 10, citing the proceedings of the Shelter Better Task Force and neighborhood association presentation: “...the overarching issue is concentration of

dangerous drug addicts—as a basis for denial is a violation of equal protection. Furthermore, specifically requiring Interfaith Sanctuary to provide application materials, like a fully formed security plan, not otherwise required for similar conditional uses is treating a like application differently for irrational reasons. Such a security plan would have been required as part of the next phase of this Application. This denial is constitutionally suspect.

D. The Council Has Authority to Reverse the Commission’s Denial, Approve the Application, and Grant the CUP with Appropriate Conditions of Approval.

In this instance, the Reasoned Statement offered by the Commission for the denial of this Application is clearly deficient. In all applications, the body hearing the application has the statutory and constitutional obligation to evaluate the application before it, to evaluate the existing standards applicable to it, and then render a decision which includes a reasoned statement for that decision.¹²⁶

Staff is to be commended for developing the Reasoned Statement that the Commission directed them to. Staff did not embellish. Staff did not correct. Staff did exactly what it was directed to do by the decision-making body. However, a reasoned statement cannot be a summary of the deliberations of the Commission as is the case here. A reasoned statement that is statutorily valid “explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision.” This requires work by the Commission. It cannot throw up its hands and decline to draft conditions of approval, let alone revise, refine, or augment draft conditions that Staff and Boise City’s departments prepared through the extended review process.

In fact, the Commission determined that no conditions could be established, evidencing a significant bias against the Application if a remand occurred.¹²⁷ Moreover, this view is particularly problematic since a conditional use permit is required in all zones where a shelter home is permitted. Additionally, as set forth in the record, the Commission has previously approved other similar applications for shelter homes, in similar proximity to residences, with significantly fewer conditions, and with no requirement for the development of operational plans before the submittal of an application.¹²⁸ This is particularly concerning as the comments from the public safety agencies were finally provided to Interfaith Sanctuary more than six months

poverty... Any facility in there inherently is going to affect those populations *regardless of compromises* made to [address crime or safety]. Hard to get past that... *anything here will unduly burden* the [people in our neighborhood] regardless.” *Shelter Better Task Force, Week 6, August 25, 2021, at 59:00* (emphasis added).

¹²⁶ Idaho Code 67-6535.

¹²⁷ January 3, 2022 Transcript, Gillespie, p. 73: “I just can’t figure out how to get conditions in that mitigate the adverse impact to that neighborhood;” Blanchard, p. 76: “It’s not going to be easy for us to condition to make this thing work;” Mooney, pp. 80-81: “I believe the condition should be more stringent to mitigate adverse impacts, but to impose those from here is to imply that we know how to do this.”

¹²⁸ Exhibit A, Reasoned Statement p. 4: “The applicant should have submitted these plans in a draft form prior to submittal of an application for the Commission to consider and modify as needed.”

after its Application was submitted to the City and just days before the first hearing, comments that the Commission points to as requirements that Interfaith should have complied with “prior to submittal.”¹²⁹

If the issue is one of developing an adequate safety and security plan in consultation with BPD and BFD, then those conditions have been proposed, and can be implemented in consultation with them as the design of the project proceeds. It is appropriate to defer to the agencies with the expertise, agencies who have indicated that the use will not adversely affect public facilities in the vicinity, and have provided guidance as to the conditions they desire to ensure that their reallocation of services can address the impact of the use.

This was the appropriate course of action from the beginning. Ongoing discussions were held with these providers who have made it clear that they do not prepare or advise on the development of these applications but will review and comment on implementation once the final version is developed. It is impossible to prepare and provide such policies where the ultimate conditions of approval for the project are unknown.

We are more than willing to engage directly with BPD and BFD at any time. We have been respectful of their direction. Their direction is set forth in their memoranda dated October 27, 2021 and November 6, 2021, which set forth their recommendations, and were implemented via recommended conditions of approval. These types of preliminary comments, implemented via conditions of approval, and subject to modification in refinement of project design and planning has long been recognized as valid by the Idaho Supreme Court in the land use context for conditional use permits.¹³⁰

This issue can be addressed through conditions of approval, including an interim condition of approval, requiring submittal of the existing operational policies of Interfaith Sanctuary to Boise Police and Boise Fire for their initial review, together with a condition of approval including the language that Staff had initially proposed.

This is wholly consistent with the provisions of the Boise City Code. When the City Council finds error on appeal even though it shows deference to its review bodies, “If error is found, the review body decision may be reversed or modified.”¹³¹ In this instance, the Council possesses the clear power to reverse the Commission’s Decision and modify the action of the Commission. It is not just inherent power; it is power expressly reserved for the Council by code.

It is important to note that opponents will likely demand that if error is found, that the matter be remanded for further action by the Commission. However, as noted above, the Council has the power to reverse the Commission’s Decision and to modify it. Moreover, Title 11 of the

¹²⁹ *Id.*

¹³⁰ *Neighbors for a Healthy Gold Fork*, 145 Idaho at 121, 134.

¹³¹ Boise City Code § 11-03-03.9C(2)(b)

Boise City Code only acknowledges the propriety of remand in two instances. First, remand to correct a procedural error is recognized as a permissive example of the Council’s authority on an appeal.¹³² Second, remand is mandatory in a single instance under the procedural provisions of the Boise City Code relating to development agreements, which are not applicable to this Application or this Appeal.¹³³

It must be asked, with regard to Interfaith Sanctuary’s Application, what would remand cure?

- **A procedural error? No**, if anything Staff and the Commission have been hyper focused on strict procedural adherence.
- **A lack of public hearing or testimony? No**, more than 14 hours of presentation, questions, testimony, and deliberation occurred.
- **Reevaluation of the relevant standards adopted by the Boise City Code? No**, it is clear that the Commission attempted to impose non-existent standards upon the Application.
- **Reconsideration of the input received from Boise City staff and departments, and from other agencies? No**, even in the face of a comprehensive Staff Report that incorporated significantly more in the way of conditions and agency comment than elicited in previous land use applications for similar uses, the Commission declined to engage in a meaningful discussion of the comments and guidance it had received from City staff and departments, and from other agencies.
- **Development of appropriate conditions of approval? No**, it is clear that the Commission declined the opportunity to revise, refine, or augment the proposed conditions of approval. It abdicated its responsibility. In fact, the Commission wholly misapplied the relevant test as to adverse impacts in declining to even evaluate the proposed conditions. In determining that the “proposed use has the high potential for future, extremely negative, adverse impact to the surrounding neighborhood,”¹³⁴ it misstated and misapplied the actual standard of the Boise City Code “that proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity.”¹³⁵ The Commission’s refusal to evaluate the proposed conditions of approval preclude it from making the finding on adverse impact, because, it started

¹³² Boise City Code § 11-03-03.9C(2)(a)(iv) “An example would be if notice of a required public hearing as inadequate . . . the matter may be remanded to correct the error.”

¹³³ Boise City Code § 11-03-03.2C(3)(a)(iii) “If the Council determines a development agreement is necessary the matter shall be remanded to PZC for a new application and hearing.”

¹³⁴ Exhibit A, Reasoned Statement p. 4.

¹³⁵ Boise City Code § 11-03-04.6.C(7)(a)(iv)

from the proposition that no conditions could be imposed upon the proposed use. That is not the test, that is not the standard, that is not the process.

The further delay that would result from remand is also problematic as a remand (and the additional appeal to Council that inevitably would occur by the Applicant or its opponents, depending on the nature of the Commission's decision on remand) would further delay a decision on the Application.

If the Council determines that remand is appropriate, however, then remand should only occur with the Council providing specific direction to the Commission as to **(a)** the scope of the remand and **(b)** the standards it should apply.

IV. CONCLUSION

We began this appeal brief by noting that the Interfaith Sanctuary Application was a historic one for the City of Boise, with unprecedented public interest and hostility. Though the Application drew the ire of a vocal minority of Boise's citizenry, it was not a difficult one to process for the Planning and Zoning Commission. As Commissioner Stead ultimately said in response to Commissioner Gillespie's Motion to Deny, the operation of a homeless shelter is a permitted use in the C-2 zone.¹³⁶ The Application met all of the required standards of Boise City Code. It checked all of the boxes of the Planning and Zoning Department's application checklist. The public agencies required to provide input did so, and provided substantial, competent evidence that the Application met the five approval criteria for a conditional use permit.

However, the Planning and Zoning Commission decided not to fulfill its obligation to reconcile the evidence with the emotional public testimony, or adopt conditions of approval that did so. Instead, using faulty evidence in the record, the Commission went out of its way to condemn this Application for lacking a "security" plan that is not required under Boise City Code, one the applicant would have, in fact, been required to create with BPD prior to occupancy under the staff's recommended conditions of approval. In so doing, the Commission committed reversible error that City Council can and should remedy by reversing the Commission's Decision, and approving this Application. This is not only a legal land use in this zone, but a desperately needed one. City Council must remedy the Commission's mistake, and do its part to support those most vulnerable in our community.

Sincerely,



Geoffrey M. Wardle

¹³⁶ Commissioner Stead comments, January 3, 2022 Transcript, p. 74.

EXHIBIT A
REASONED STATEMENT



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.



EXHIBIT B
SUBMITTED APPLICATION



PLANNING AND DEVELOPMENT SERVICES

BOISE CITY HALL: 150 N. CAPITOL BLVD | MAIL: PO BOX 500, BOISE, ID 83701-0500
CITYOFBOISE.ORG/PDS | P: 208-608-7100 | F: 208-384-3753 | TTY/TTD: 800-377-3529

Record No.:
CUP21-00026

Conditional Use Permit Conditional Use

Property Information

Street No:	Direction:	Street Name:	Street Type:	Unit Type:	Unit No:
4306	W	STATE	ST		

Subdivision Name:	Parcel Legal Description:	Zoning District:
WILSON SUB	PAR #0310 OF LOTS 7-10 &, LOTS 15-17 OF BLK 4, WILSON SUB #0307-C #0261-C, #0254-C #0266-C #0275-C, #REQ990008	C-2D

Parcel Number:	Additional Parcel Numbers:
R9441000310	

Applicant Information

First Name: (Primary Contact)	Last Name:	Type:
Jodi	Peterson-Stigers	Applicant

Company:
Interfaith Sanctuary Housing Services

Address:	City:	State:	Zip:
P.O. Box 9334	Boise	ID	83707

Email:	Main Phone:	Cell Phone:
Jodi@interfaithsanctuary.org	(208) 345-5815	

Licensed Professional

First Name: (Primary Contact)	Last Name:	Type:
ANDREW	ERSTAD	GENERAL CONTRACTOR

Company:	License #:
ERSTAD ARCHITECTS	AR-2122

Address:	City:	State:	Zip:
310 NO. 5TH STREET	BOISE	ID	83702

Email:	Main Phone:	Cell Phone:
	(208) 331-9031	

Owner Information

Name:

SALVATION ARMY

Address:

9492 W EMERALD ST

City:

BOISE

State:

ID

Zip:

83704

Email:

Phone:

Project Information

Project Name: (if applicable):

Interfaith Sanctuary Second Chance Community

Project Proposal: Please provide a brief narrative of your project in the Project Proposal field, and answer all other questions to the best of your ability.

Interfaith Sanctuary is proposing to purchase the former Salvation Army Thrift Store and Food Pantry property to relocate the current Interfaith Sanctuary facility located at 1620 W. River Street, near downtown Boise. The interior of the existing facilities will be renovated to provide housing for homeless families, single men, single women and medically fragile individuals. In addition to the housing component, operational facilities such as administrative offices, caseworker offices, recovery program classrooms, community rooms, a computer room, laundry facilities and client intake areas will be located in the larger building. A new commercial kitchen, teaching facility and dining room will be located in the smaller building previously used as The Salvation Army Food Pantry.

A new Day Center will be located in the northwest corner of the property and the current unused open areas north of the buildings will be developed for daily client use.

The current parking area south of the buildings and directly off the street will be improved and upgraded to meet current city design guidelines for parking areas.

Project Details

General

Plans Submitted:	Electronic
Is this a modification?:	No
Case Number Being Modified:	
Review Authority:	Planning & Zoning Commission
Existing Use:	Former Salvation Army Thrift Store and Food Pantry
Phased Project:	Yes
Explain Any Project Phases:	The new "Day Center" MAY be a second phase depending on fundraising progress.

Property Information

Zoning District:	C-2D
Property in Historic District:	NO
Property In Design Review Zone:	YES
Property In Hillside:	NO
Property In Floodplain:	NO
Flood Zone:	N/A
Wildland Urban Interface (WUI):	NO
WUI Name:	undefined
Airport Influence:	Not in Airport Influence Area

Size of Property:	2.04
Irrigation ditches or canals on or adjacent to property:	No
Overhead powerlines or utility lines on or adjacent to the property:	Yes
Please describe and give the location of any hazards on the property. Hazards include canals, hazardous material spills, and soil or water contamination.:	None

Child Care

Does this project include Child Care:	No
Number of children:	
Indoor Child Care Area:	
Outdoor Child Care Area:	

Total Existing Structures

Number of Existing Structures:	2
Explain Existing Structures to Remain:	<p>The Salvation Army (TSA) used the larger existing structure as Administrative Offices on the west end and the Thrift Store occupied the balance of the one-story, concrete masonry unit building. The two-story, metal building floor area on the east end was the warehouse and receiving areas for donated goods for the Thrift Store. A small, one-bay mezzanine is located on the southern end of the building. This portion of the building was served by the remaining loading dock on the north wall. This metal building was an addition to the original CMU one-story building described above and is fire sprinklered.</p> <p>The smaller, one-story structure located on the western end of the property is also constructed utilizing painted CMU block. This building housed the Food Pantry from which food stuffs were provided to TSA clients.</p>
Height to Midline:	
Height to Eave:	
Height to Peak:	
Height to Parapet:	
Notes:	

Existing Square Feet - Provide the square footage of any existing buildings by floor.

Number of Seats:	
Notes:	

Existing Bedrooms And Units

Total Number of Existing Units:	
Number of Bedrooms:	
Total Number of Existing Units to Remain:	0
Number of Units:	
Notes:	

Total Proposed Structures

Number of Proposed Structures:	3
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Height to Parapet:	
Notes:	

Proposed Square Feet - Provide the square footage of any existing buildings by floor.

Notes:	
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Proposed Materials

Colors:	
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Proposed Bedrooms And Units

Number of Bedrooms:	
Total Number of Proposed Units:	
Number of Units:	
Notes:	

Project Setbacks - Provide the required and proposed setbacks for Buildings and Parking on all sides of the property.

Required Parking Setback:	
Notes:	

Parking - If you are requesting shared parking or a parking reduction, you must submit a survey of persons using and working on the premises and any additional information demonstrating that use by the regular employees and visitors to the premises will require fewer off-street parking spaces than required by the Zoning Ordinance.

Does this project include shared parking?:	No
Number of shared spaces:	
Does this project include assigned or reserved parking?:	No
Number of assigned or reserved spaces:	
Does this project include parking reduction?:	No
Number of spaces reduced from required:	
Does this project include off-site parking?:	No
Number of off-site parking spaces:	

Fence - Indicate where any proposed or existing fences are on the property.

Notes:	
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Fire Prevention

Fire Flow:	70
Is the building sprinklered?:	Yes
Number of Existing Hydrants:	1
Number of Proposed Hydrants:	0

Public Works

On-Site Stormwater Retention Method:	
Number of Street Lights:	

Solid Waste And Recycling - To receive Trash/Recycling service, access requirements must be met. The Solid Waste Design Standards can be found here: [Service Location Design Standards Policy](#). Please provide the project details below. If assistance is needed, contact City of Boise Materials Management staff at (208) 608-7555 or (208) 608-7161.

Service Type:	
Receptacle Type:	
In Standard Enclosure:	
Enclosure ID:	
Max. Number of Trash Receptacles:	

Existing Structures

Row 1

Building ID:	Main Building
Gross Sq Ft:	27920
Number of Stories:	2

Row 2

Building ID:	Food Pantry/Kitchen
Gross Sq Ft:	3400
Number of Stories:	1

Existing Square Feet - Provide the square footage of any existing buildings by floor.

Row 1

Building ID:	Main Building
Floor:	1
Gross Square Feet:	25920
Use:	Thrift Store

Row 2

Building ID:	Main Building
Floor:	2
Gross Square Feet:	2000
Use:	Storage Mezzanine

Row 3

Building ID:	Food Pantry/Kitchen
Floor:	1
Gross Square Feet:	3400
Use:	Food Pantry/Coolers

Proposed Structures

Row 1

Building ID:	Day Center
Gross Sq Ft:	3600
Number of Stories:	1
Height to Midline:	15' 0"
Height to Eave:	10' 0"
Height to Peak:	20' 0"

Proposed Square Feet - Provide the square footage of any existing buildings by floor.

Row 1

Building ID:	Main Building
Floor:	29920
Gross Square Feet:	29920
Use:	Offices, Classrooms, housing

Row 2

Building ID:	Kitchen/Dining
Floor:	3400
Gross Square Feet:	3400
Use:	commercial Kitchen & Dining
Number of Seats:	144

Proposed Materials

Row 1

Type:	Canopy/Awnings
Materials:	Metal
Notes:	New canopies over rear north doors & entry walk on east side of Main Bldg.

Row 2

Type:	Walls
Materials:	Paint over existing CMU & metals

Project Setbacks - Provide the required and proposed setbacks for Buildings and Parking on all sides of the property.

Row 1

Location:	Front
Proposed Building Setback:	30' 0"
Proposed Parking Setback:	5' 0"

Row 2

Location:	Side
Proposed Building Setback:	20' 0"
Required Building Setback:	20' 0"
Proposed Parking Setback:	0' 0"

Row 3

Location:	Rear
Proposed Building Setback:	50' 0"
Required Building Setback:	20' 0"
Proposed Parking Setback:	0' 0"

Row 4

Location:	Other
Proposed Building Setback:	4' 2"
Required Building Setback:	3' 0"
Proposed Parking Setback:	0' 0"

Row 5

Location:	Other
Proposed Building Setback:	6' 4"
Required Building Setback:	3' 0"
Proposed Parking Setback:	0' 0"

Parking - Provide the number of required and proposed ADA Accessible, Bicycle, Compact and Standard Vehicle parking spaces.

Row 1

Type:	Accessible
Proposed Spaces:	2
Required Spaces:	2

Row 2

Type:	Vehicle
Proposed Spaces:	26
Notes:	24 standard spaces, 2 ADA spaces, 180 bike parking spaces

Fence - Indicate where any proposed or existing fences are on the property.

Row 1

Existing or Proposed:	Proposed
Location:	Side
Type:	wood/metal
Height:	10' 0"

Row 2

Existing or Proposed:	Proposed
Location:	Rear
Type:	Wood/metal
Height:	10' 0"

Mechanical Units - Use this table to list the type and location of any mechanical units included in the project.

Row 1

Unit Location:	Rooftop
Type:	Air Conditioner
Number of Units:	8
Height:	4' 6"
Proposed Screen Method:	Integrated into elevations
Notes:	From all sides/views

Enclosures - Please list each standard Trash enclosure and associated dimensions. Garages, indoor waste rooms, and non-enclosed alley access do not count as enclosures.

Row 1

Enclosure ID:	Kitchen/Dining
Interior Enclosure Width:	16' 0"
Interior Enclosure Depth:	12' 0"

Each planning application includes a Required Submittal Checklist. If you do not already have a current checklist, please use the links below to download the correct form for your application.

- [Conditional Use Submittal Checklist](#)

By checking this box:

1. The undersigned is the owner of the indicated property or acting as the owner's authorized representative.
2. The undersigned declares that the above provided information is true and accurate, and 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 to any applicable penalties.
3. The checked box represents a digital signature for all legal purposes as allowed by [Idaho Code \(Uniform Electronic Transactions Act\)](#).

This application was submitted electronically through the Permitting & Licensing Public Portal.

Signed electronically on 4/27/2021, by Thomas Lennon

EXHIBIT C
APPLICATION SUBMITTAL
REQUIREMENTS



Conditional Use Permit (CUP) Application

Submittal Requirements

- 1. **Completed Application**
- 2. **Detailed Letter of Explanation** summarizing the project and the philosophy of the project. If project includes shared or off-site parking or a parking reduction, supplemental materials shall be provided.
- 3. **Statement of Legal Interest** (download [form](#)). Form must be completed by the legal owner of record.
- 4. **Detailed Site Plan** which includes:
 - a. Scale (not smaller than 1" = 30' unless approved)
 - b. All structures labeled as to existing and/or proposed uses
 - c. North arrow
 - d. Property boundary/property lines and all required setbacks with dimensions
 - e. Name of applicant, plan preparer, project name and project address on title block
 - f. Special features such as pedestrian paths, berms, retaining walls, fencing and lighting
 - g. Parking and loading areas with stalls, drive aisles and door widths dimensioned
 - h. Locations and widths of right-of-way, easements, canals, ditches and subdivision lines
 - i. Proposed locations and types of lighting
 - j. Trash storage areas and exterior mechanical equipment, together with proposed screening
 - k. Drainage features with proposed on-site retention
 - l. Hillside developments: existing and proposed grades
 - m. Fire Department access roadway clearly delineated
 - n. Dimensions of usable outdoor and indoor play areas
 - o. Existing/proposed utility service
 - p. Sign locations



PLANNING AND DEVELOPMENT SERVICES

BOISE CITY HALL: 150 N. CAPITOL BLVD | MAIL: PO BOX 500, BOISE ID 83701-0500

CITYOFBOISE.ORG/PDS | P: 208-608-7100 | F: 208-384-3753 | TTY/TTD: 800-377-3529

- 5. **Detailed Landscape Plan** which includes:
 - a. Scale (the same scale as the site plan)
 - b. Type, size and location of all existing and proposed plant materials and other ground covers. The size of plants and at planting and maturity should be included.
 - c. Existing vegetation labeled to remain or to be removed with landscaping on adjacent properties by area(s) to be considered. If removing trees, a detailed tree mitigation plan is required.
 - d. Method of irrigation
 - e. Cross-sections through areas of special features, berms, retaining walls, etc.
 - f. Footprints of all structures
- 6. **Building Elevations** drawn to scale. Color photographs may be substituted for rendered elevation drawings when an existing structure is to undergo minor exterior alterations, and the photos depict the design materials/ colors of the new construction.
- 7. **Floor Plans** drawn to scale with sizes and types of interior spaces indicated. Show the use and dimensions of each room. If remodeling is proposed, show existing and proposed conditions.
- 8. **Fire Flow Information.** Contact SUEZ at 208-362-7354 regarding adjacent hydrants and volume of water available. Submit [Fire Flow Request Form](#) (allow for 5-7 business days).
- 9. **Site Photos**, colored and labeled, of the site and surrounding area showing building context.
- 10. **Neighborhood Meeting Information**, view [best practices](#).
 - a. Pre-Application Form
 - b. Neighborhood Radius Notice Letter
 - c. List of notified owners, residents and neighborhood association, if applicable
 - d. Sign-in Sheet from neighborhood meeting

Additional Documents Required if Applicable

- 11. **Public Street - Traffic Impact Study (TIS)**, include a copy of the study. This may be required by the Ada County Highway District (ACHD) or the Idaho Transportation Department (ITD), if the proposed development contains more than 100 dwelling units (includes hotels and motels as well as private dwelling units), more than 30,000 square feet of commercial use, or more



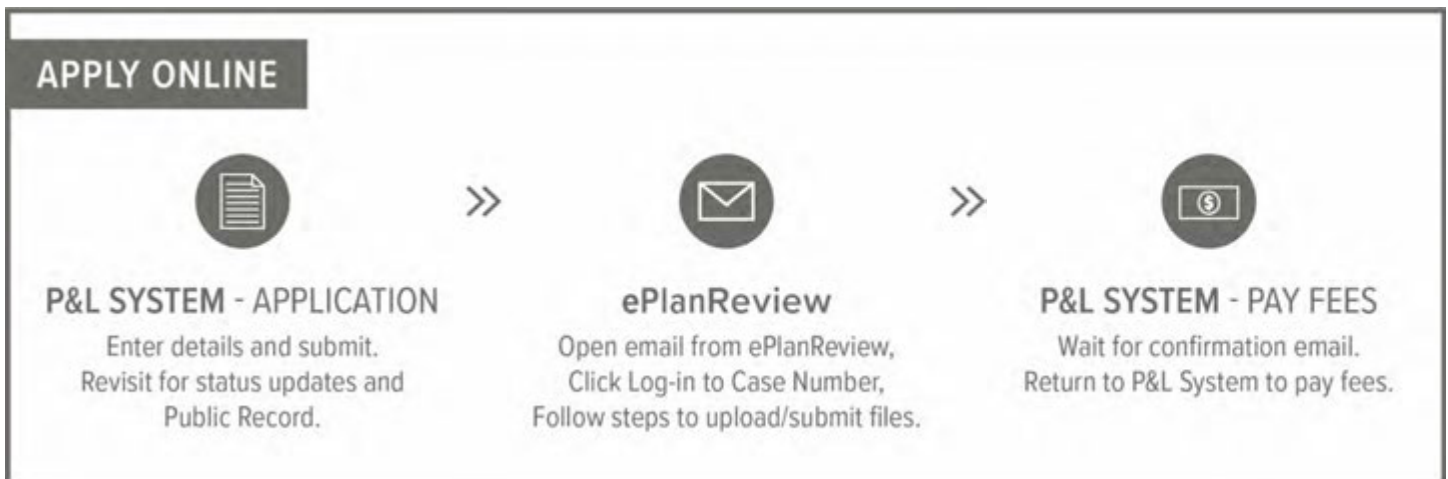
PLANNING AND DEVELOPMENT SERVICES

BOISE CITY HALL: 150 N. CAPITOL BLVD | MAIL: PO BOX 500, BOISE ID 83701-0500

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than 50,000 square feet of industrial or institutional use, or has associated it with special circumstances deemed by ACHD and/or ITD to warrant an impact study.

- 12. **Private Street – Traffic Impact Study (TIS)**, include a copy of the study. A TIS prepared by a traffic engineer will be required by Public Works and Planning & Development Services for the interior roadway and parking system. This requirement may be waived when it can be shown by the applicant that no section of on-site roadway will exceed 240 vehicle trips per day.



Start the process at cityofboise.org/permits

EXHIBIT D
BOISE CITY POLICE MEMORANDUM



BOISE POLICE DEPARTMENT

MAYOR: Lauren McLean | CHIEF: Ryan Lee

MEMO

TO: Cody Riddle
DATE: 11/6/2021
RE: CUP21-00026 4306 W. State St.

This application has been reviewed by the Boise Police Department (BPD). Currently, BPD engages with the Interfaith Sanctuary leadership and staff to minimize the impact on police resources and surrounding community, while maintaining a safe environment for those who work, visit, or live within proximity to the shelter.

BPD is neutral on whether the Interfaith Sanctuary (IFS) is approved for its proposed move to the State Street location. It is reasonable to expect calls for service (CFS) currently seen at the Cooper Ct. IFS location will transition to any future location, and a potential exists for an increase in CFS anytime high-density housing is established. BPD patrols the current IFS area using Patrol, Bicycle, and Behavioral Health assets. To effectively address a higher call for service load in the proposed area, BPD's limited resources will be impacted. BPD would be required to reallocate resources from their dedicated duty areas to provide services at a new location. BPD is also in the process of establishing a liaison officer who will be responsible for communicating directly with stakeholders and recommend solutions based on effective problem-solving measures. Based on our current involvement with IFS, BPD has the following public safety recommendations for the Planning and Zoning Board.

Recommendations:

- IFS needs to develop a contingency plan for how management and staff address guests who are no longer welcomed on the property and asked to leave. The plan should include time for de-escalation, which will allow the guest to continue their stay at the facility or facilitate alternate arrangements. This will help reduce police response and causal effect of individuals loitering in nearby neighborhoods, parks, and businesses.
- IFS needs to develop a security plan to mitigate minor issues related to their property and guests, which should include private security to reduce police response. The security is also a good point of contact for BPD in those cases where officers respond. Security personnel should have the authority to trespass, which will assist BPD when called to the location. The ability to trespass unruly persons allows police to take enforcement when responding.

- IFS needs to install physical security measures to include wandng guests for weapons prior to entry. This measure will ensure guest and staff safety. By providing sufficient security measures, it will diminish the likelihood of BPD responding to an armed person in a concentrated living location.
- IFS needs security cameras on the exterior of the building. This measure will ensure a safe environment for guests and help deter criminal activity. It will also assist BPD investigations of reported criminal behavior.
- Sufficient lighting on the surrounding roadways, building, and parking lot to provide safety measures for the commuting public, pedestrians, and IFS guests/staff. Sufficient lighting, based on industry standards, will provide a safety measure since the facility is adjacent to a major thoroughfare and frontage road used by vehicles, pedestrians, and bicyclists. Additional lighting on the facility will provide a safety measure for staff and guests. These measures will also assist BPD personnel to effectively patrol the area.
- IFS needs to conduct regular meetings with the BPD Liaison officer to discuss concerns or issues related to the property and surrounding areas. These meetings allow for collaboration and problem-solving solutions.
- IFS needs to develop an education plan and guest contract recognizing acceptable behavior for nearby parks, greenbelt, businesses, neighborhoods, etc. This education and contract will help guests understand city/state statutes and facility expectations, while also recognizing the need to be respectful of public/private spaces. If adhered to, this process will develop an understanding of expectations, while also educating guests on behavior which will require a police response.
- IFS needs to be more flexible in their admittance time criteria to allow those guests who arrive later than the pre-determined check-in time entry. In recognizing if these individuals are not allowed entry, they will have an impact on nearby businesses and neighborhoods. This process will lessen the need for police responding to calls for service related to IFS.
- IFS needs to develop a comprehensive plan to address guests who are unable to park vehicles on-site, while being mindful of adjacent neighborhoods and businesses. The plan must be mindful of the parking codes. Additionally, BPD and Abandoned Vehicle Unit respond to parking issues, and an influx of calls will impact the ability to provide adequate service to other parts of the city.
- BPD will update and continue to utilize the existing substation located at 4419 Willow Lane. The use of this location enables area and specialty unit officers a location to conduct administrative business and provides a location to meet with stakeholders. BPD will also evaluate if there is a future need to permanently house specialty units at the location. These units include the Behavioral Health Team, Service Coordination Team, and the area Neighborhood Contact Officer.



Regardless of a shelter's location, BPD recognizes the need for a substation in proximity to provide optimal service needs.

- BPD will conduct quarterly crime analyses to determine the need for any reallocation of resources. This will allow the department to provide adequate service to the surrounding area and IFS.
- The BPD Bike Unit currently patrols the greenbelt and city parks. This unit will help address concerns or issues regarding the greenbelt and Willow Lane Park through proactive policing and community-policing methods.
- The area Neighborhood Contact Officer (NCO) will work with IFS, businesses, and residents to help facilitate conversations and problem-solve issues. The NCO's responsibilities are multi-faceted and include working with stakeholders to reduce crime and improve quality-of-life issues.



EXHIBIT E
BOISE CITY FIRE MEMORANDUM



BOISE FIRE DEPARTMENT

MAYOR: Lauren McLean | CHIEF: Mark Niemeyer

October 27, 2021

Cody Riddle
PDS – Current Planning

Re: CUP21-00026 4306 W State St

This application has been reviewed by the Boise Fire Department. Based on 2020 response reliability data for Boise Fire Apparatus, Engine 9 currently performs as one of the most reliable first due engine companies with 88% reliability. Should calls increase within their first due district or neighboring first due districts such as Engine 16 (76%) and Engine 5(81%), Boise Fire's capability to respond quickly and efficiently to calls for service as a system should not diminish drastically. The following conditions must be met for the Boise Fire Department to approve of this facility.

Conditions:

The shelter must provide for and have available onsite emergency medical services for at least 20 hours per business week.

- This will alleviate the need to call 911 for lower acuity calls.

General Requirement:

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.

Best Regards,

Mike Bisagno

Mike Bisagno
Division Chief - Fire Marshal
Boise Fire Department

EXHIBIT F
SHORELINE CPTED REPORT



A Crime Prevention Through Environmental Design (CPTED) Assessment
conducted by the Boise Police Department

CITY of BOISE, IDAHO

SHORELINE URBAN RENEWAL DISTRICT CPTED ASSESSMENT

Performed on October 15, 2020

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INTRODUCTION AND PURPOSE STATEMENT

The Boise Police Department proposed and conducted a Crime Prevention Through Environmental Design (CPTED) assessment in Boise's Shoreline Urban Renewal District.

The assessment was conducted over a period of weeks in August and early September 2020. Staff walked the assessment area to identify and document the current conditions and activity in the area. Most observations were conducted during the morning and afternoon hours, but staff also conducted a night tour to observe activity and lighting. Staff contacted multiple business owners and individuals working in the area to discuss and memorialize the conditions they observed at their businesses.

What is CPTED

CPTED is defined as the proper design and effective use of the built environment that is intended to lead to a reduction in the fear and incidence of crime and an improvement in quality of life. The goal of CPTED is to reduce opportunities for crime that may be inherent in the design of structures or in the design of neighborhoods.

CPTED is based on several overlapping concepts: natural surveillance, access control, territorial reinforcement, and maintenance. Natural surveillance involves the placement of people, features, and activities to maximize visibility. Natural access control involves guiding people into and through a space by design. Territorial reinforcement involves using physical attributes to express ownership of a space. Proper maintenance allows for the continued use of a space for its intended purpose. Maintenance can also serve as another expression of ownership and can enhance visibility.

A CPTED assessment starts with an analysis of the criminal activity in the area; this assessment also reviewed calls for fire and emergency medical services. The analysis initially looks at a five-year history of recorded calls for police services, but additional data was added in some categories. Since some crime goes unreported or undetected, crime and other disorder is also assessed through observations and interviews of users of the area.

Finally, a CPTED assessment looks at how an area is used and who uses it. Each space has a designated purpose, but an assessment will review how well the current use is supported, how well its design plays out, and how people are actually using the space. These uses can encompass criminal and other antisocial activities.

This assessment is intended to provide a baseline of the current activity and may assist in providing direction during redevelopment.

Assessment Area and Demographics

The area selected for the assessment runs from 13th street to I-184 to the east and west, and River St. to the Greenbelt to the north and south. The area also includes Cooper Court and the area surrounding Americana Terrace.



In the 2017 Shoreline Urban Renewal Area Preliminary Eligibility Study, completed by SB Friedman, the area was identified as Sub Area 3, where the predominant land use was institutional services, including St. Luke's and other non-profit organizations. It also includes parts of Sub Area 2, comprised of office buildings, mostly along Shoreline Drive.

The businesses established in the area range widely in purpose. They include medical, dental, vision, rehabilitation, and medical administration. Idaho Power owns several properties off 17th Street and there are several non-profits that provide services to citizens experiencing homelessness in the W. Cooper St. area. Traditional office settings include Agri Beef, Windermere, Tree City Advisors and similar businesses along Shoreline Dr and the Greenbelt. Small business is represented by Caliente and Sew Boise.

The area has some residential properties, including two large housing complexes at Shoreline Plaza and the River View Apartments. The area is also being considered for additional residential uses.

The area includes facilities for outdoor recreation and gathering, including the northern edge of Ann Morrison Park, Shoreline Park, the Firefighters Memorial and the Greenbelt on both sides of the Boise River.

The typical users of the area include commuters traveling north/south on Americana Blvd. or biking on the Greenbelt and employees and customers/patients of the area businesses. Other users are people recreating on the Greenbelt. Another large user group in the area is made up of citizens experiencing homelessness as there are multiple service providers in the area. This group also includes people living or sleeping in cars and RVs parked on the street.

CRIME ANALYSIS/HISTORY

Some addresses in the area are consistently near the top of the list of addresses with the most calls for police service (CFS) in the City. Since 2014, aside from traffic stops, most calls involved quality of life type issues. These calls include both calls from citizens and officer-initiated calls.

Calls for Service by Offense

CITY OF BOISE			
Year	Total CFS	CFS per Day	% +/-
2014	148,093	405.73	-
2015	148,347	406.43	0.17%
2016	153,780	420.16	3.66%
2017	146,564	401.55	-4.69%
2018	151,275	414.45	3.21%
2019	152,589	418.05	0.87%
2020*	109,198	413.63	-0.79%**
Total	1,009,846	411.34	

*2020 runs Jan 1 to Sept. 20

** Projected decrease over CFS YTD 2019

ASSESSMENT AREA			
Year	Total CFS	CFS per Day	% +/-
2014	1,849	5.07	-
2015	2,035	5.58	10.06%
2016	2,144	5.86	5.36%
2017	2,674	7.33	24.72%
2018	3,138	8.6	17.35%
2019	3,238	8.87	3.19%
2020*	3,004	11.38	28.27%**
Total	18,082	7.37	

*2020 runs Jan 1 to Sept. 20

**Projected increase over CFS YTD 2019

From January 1, 2014 to September 20, 2020 there were 1,009,846 CFS citywide. There were 18,082 CFS in the assessment area over that period. CFS in the city fluctuated from year to year, showing slight increases or decreases. The highest increase was 3.66% in 2016 while the largest decrease of 4.69% was in 2017. By contrast, the assessed area has had consistently increasing numbers of CFS since 2014. The increases ranged from 3.19% in 2019

to the projected 28.27% increase in 2020. CFS in the city are projected to decrease slightly for 2020.

ASSESSMENT AREA		
Top 10 CFS 2016-2020 YTD	Total CFS	% of CFS
WELFCK - Welfare Check	889	6.26%
PROBSUB - Problem with Subject	548	3.86%
TRESPAS - Trespassing	540	3.80%
ILLCAMP - Illegal Camping	532	3.75%
LIQUOR - Liquor Violation	465	3.28%
ILLPK - Illegal Parking	444	3.13%
FU - Follow Up	349	2.46%
SLEEPER - Check for A Sleeper	348	2.45%
NARC - Narcotics Violation	345	2.43%
SS - Suspicious Subject	333	2.35%
TOTAL (14,198 all CFS)	4,793	34%

TS- Traffic Stop was excluded, but accounts for 1,698 CFS, 11.96%

Looking at all CFS in the area since 2016, “welfare check” was the top call. A welfare check is a citizen request, or officer generated contact, to check on the condition of a person. A welfare check is a very common call in all areas of the City.

The other highest calls for service over this time period are:

- Problem with Subject - Officers are responding to a person causing a disturbance.
- Trespassing - Calls are either officer- initiated enforcement pursuant to the department’s trespassing agreement with a business or a public call for a person refusing to leave private property.
- Illegal Camping - Calls originate when a property owner discovers a person camping on their property or are initiated when an officer checks places where camps are commonly located.
- Liquor Violation – A typical call is an open container of alcohol in public.
- Illegal Parking – Calls include abandoned vehicles, someone living in a vehicle, or other parking issues. Calls may be citizen or officer initiated.
- Follow Up - An officer is following up on a prior crime or call.
- Check for A Sleeper – A public initiated call regarding a person found sleeping on private property.

CPTED Assessment - Shoreline Urban Renewal District

- Narcotics Violations - The use or possession of an illegal substance by an individual. This could be in conjunction with other calls for service.
- Suspicious Subject – A citizen request to check on an individual who is suspected of criminal activity.

ASSESSMENT AREA		
TOP CFS	2020*	% of CFS
CPOL - Community Policing	170	5.66%
TRESPAS - Trespassing	170	5.66%
ILLPK - Illegal Parking	148	4.93%
PROPCK - Property Check	146	4.86%
ILLCAMP - Illegal Camping	133	4.43%
WELFCK - Welfare Check	117	3.89%
PROBSUB - Problem with Subject	110	3.66%
XPAT - Extra Patrol	101	3.36%
SLEEPER - Check for A Sleeper	97	3.23%
CS - Citizen Stop	94	3.13%
TOTAL (TOP 10)	1,286	42.81%

*2020 runs Jan 1 to Sept. 20

Calls for service for 2020, January 1 through September 20, show illegal parking calls are very high, already surpassing the 120 CFS in 2018 and approaching the 2019 number of 166. Community policing and trespassing calls for 2020 are the top CFS. Property check calls are also very high. Much like a welfare check, a property check is an officer following up on the condition of a building or property. Community policing calls involve officers working with community partners or businesses to solve potential problems in the area.

ASSESSMENT AREA		
TOP CFS	2019	% of CFS
WELFCK - Welfare Check	226	6.98%
TRESPAS - Trespassing	201	6.21%
LIQUOR - Liquor Violation	176	5.44%
ILLPK - Illegal Parking	166	5.13%
NARC - Narcotics Violation	154	4.76%
ILLCAMP - Illegal Camping	143	4.42%
PROBSUB - Problem With Subject	115	3.55%
CS - Citizen Stop	90	2.78%
SLEEPER - Check For A Sleeper	77	2.38%
SS - Suspicious Subject	76	2.35%
TOTAL (TOP 10)	1,424	43.98%

ASSESSMENT AREA		
TOP CFS	2018	% of CFS
WELFCK - Welfare Check	227	7.23%
PROBSUB - Problem With Subject	174	5.54%
ILLPK - Illegal Parking	120	3.82%
LIQUOR - Liquor Violation	116	3.70%
ILLCAMP - Illegal Camping	110	3.51%
TRESPAS - Trespassing	89	2.84%
SLEEPER - Check For A Sleeper	87	2.77%
CAST - Assist Citizen	87	2.77%
LFP - Found Property	86	2.74%
SV - Suspicious Vehicle	82	2.61%
TOTAL (TOP 10)	1,178	37.54%

CITY OF BOISE		
TOP CFS	2019	% of CFS
WELFCK - Welfare Check	7,007	4.59%
FU - Follow Up	6,254	4.10%
CAST - Assist Citizen	5,421	3.55%
SV - Suspicious Vehicle	3,610	2.37%
911 - Welfare Check 911 Hang Up	3,561	2.33%
50PD - Crash Non-Injury	3,301	2.16%
XPAT - Extra Patrol	3,186	2.09%
THEFTR - Theft Report	2,818	1.85%
SS - Suspicious Subject	2,751	1.80%
PROBSUB - Problem with Subject	2,734	1.79%
Total (TOP 10)	40,643	26.64%

Comparing the CFS in the area to the rest of the City for 2019, welfare checks and problems with a subject are high, but both are slightly higher in frequency in the assessment area. The high calls unique to the assessment area are trespassing, illegal camping, liquor violation, illegal parking, and check for sleeper.

Crime Reports

GROUP A – TOP 8							
CRIME CODE	CRIME CODE DESCRIPTION	2016	2017	2018	2019	2020	GRAND TOTAL
120	Robbery		1				1
200	Arson		4	1	1	1	7
220	Burglary Breaking and Entering	2	5	1	1	1	10
240	Motor Vehicle Theft	2	3	2		4	11
11A	Forcible Rape	1	5	1	1	1	9
13A	Aggravated Assault or Battery	4	5	11	11	2	33
23A	Larceny Pick Pocket				1		1
23C	Shoplifting			1			1
23D	Theft from Building	11	14	12	8	4	49
23F	Burglary from Vehicle	5	3	8	4	1	21
23G	Theft of Motor Vehicle Parts/Accessories		1	1			2
23H	All Other Larceny	21	20	19	12	12	84
GRAND TOTAL		46	61	57	39	26	229

In the assessed area, the top eight “group A” crimes (which include murder, rape, robbery, aggravated assault, burglary, theft, motor vehicle theft, and arson) are theft related with 158 incidences 2016 through Sept. 20, 2020. Of the 158, 84 were categorized as all other larceny, 49 as theft from a building, and 21 as burglary from vehicle. There were 33 reports of aggravated assault or battery over this period. Most categories have few reports from year to year. Aggravated assault is the only crime that appears to be increasing, excluding a drop year to date in 2020. Other crimes are holding steady or decreasing.

GROUP A – PART 2							
CRIME CODE	CRIME CODE DESCRIPTION	2016	2017	2018	2019	2020	GRAND TOTAL
100	Kidnapping/Abduction			2			2
250	Counterfeit Forgery	1	1		1	1	4
270	Embezzlement					1	1
280	Stolen Property Offenses	2	1	3		1	7
290	Vandalism Destruction or Damage of Property	14	20	22	23	21	100
370	Pornography Obscene Material				1		1
520	Weapon Law Violations	1	1	1	2	1	6
11B	Forcible Sodomy				1		1
11C	Sexual Assault with an Object		1				1
11D	Forcible Fondling		1			2	3
13B	Simple Assault Battery	20	29	34	34	32	149
13C	Intimidation	4	3	6	5	1	19
26A	False Pretenses Swindle Confidence Game	2	1	2	3		8
26B	Credit Card ATM Fraud	1	4	4	1	1	11
26C	Impersonation	3	4				7
26D	Welfare Fraud		1				1
26E	Wire Fraud			1			1
26F	Fraud Identity Theft				1		1
35A	Drug/Narcotic Violations	26	43	61	129	52	311
35B	Drug Equipment Violations	17	32	64	120	52	285
39A	Betting Wagering	1					1
GRAND TOTAL		92	142	200	321	165	920

The group A part two crimes include sexual assault, simple assault or battery, fraud, vandalism, drug violations, and other crimes. Drug offenses were the most frequent crime type with 311 drug/narcotics violations and 285 drug equipment (usually drug paraphernalia) violations from 2016 to 2020. From 2016 to 2019, the drug related crimes increased each year. Other highly reported crimes were simple assault or battery with 149

reports and vandalism with 100 reports. These crimes are also increasing in frequency. All other categories remained infrequently reported.

GROUP B							
CRIME CODE	CRIME CODE DESCRIPTION	2016	2017	2018	2019	2020	GRAND TOTAL
90A	Bad Checks	1					1
90C	Disorderly Conduct	17	36	43	31	54	181
90D	Driving Under the Influence	10	5	13	12	2	42
90E	Drunkenness		4	2	3	2	11
90F	Family Offenses Non-Violent		4	3	1		8
90G	Liquor Law Violation	6	12	11	35	6	70
90I	Runaway		1	1			2
90J	Trespass of Property	12	10	24	22	13	81
90Z	All Other Offenses	39	71	73	99	59	341
GRAND TOTAL		85	143	170	203	136	737

Group B crimes over the same time period saw frequent reports of disorderly conduct (181), trespass of property (81), and liquor law violations (70). These three categories, along with the category all other offenses have been increasing since 2016.

Calls for Service by Location

Since 2016, Interfaith Sanctuary at 1620 W. River St, Corpus Christi at 525 S. Americana Blvd, W. Cooper St/Americana Blvd, Americana Blvd/River St, and the River St. exit are consistently listed as locations with the highest number of CFS in the assessment area. Interfaith Sanctuary and Corpus Christi are consistently in the 10 ten addresses for CFS in Boise each year. Traffic stops could account for some of the calls at the intersections, excluding W Cooper St/Americana Blvd. CATCH at 503 S. Americana Blvd has been consistently in the top 5 in CFS since 2017.

CFS BY ADDRESS/LOCATION		
CFS Address/Location	2016	% of CFS
1620 W River St	189	8.82%
525 S Americana Blvd	168	7.84%
N Americana Blvd/W Shoreline Dr	114	5.32%
EB 184 at Fairview/Chinden	104	4.85%
EB 184 at River St Exit	97	4.52%
S Americana Blvd/W River St	90	4.20%
W Cooper St/S Americana Blvd	85	3.96%

CFS BY ADDRESS/LOCATION		
CFS Address/Location	2017	% of CFS
1620 W River St	426	15.93%
525 S Americana Blvd	321	12.00%
W Cooper St/S Americana Blvd	152	5.68%
503 S Americana Blvd	107	4.00%
S Americana Blvd/W River St	87	3.25%
EB 184 at River St Exit	67	2.51%
S 13th St/W Shoreline Dr	67	2.51%

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S 13th St/W Shoreline Dr	77	3.59%
617 S 13th St	57	2.66%
S 15th St/ W River St	55	2.57%
Total (Top 10)	1036	48.32%

675 S 13th St	56	2.09%
N Americana Blvd/W Shoreline Dr	56	2.09%
S 13th St/ W River St	55	2.06%
Total (Top 10)	1394	52.13%

CFS BY ADDRESS/LOCATION		
CFS Address/Location	2018	% of CFS
W Cooper St/S Americana Blvd	547	17.43%
525 S Americana Blvd	450	14.34%
1620 W River St	364	11.60%
S Americana Blvd/W River St	93	2.96%
503 S Americana Blvd	79	2.52%
EB 184 at River St Exit	75	2.39%
1923 Bridge	74	2.36%
S 13th St/W Shoreline Dr	74	2.36%
621 S 17th St	62	1.98%
1775 W Shoreline Dr	59	1.88%
Total (Top 10)	1877	59.82%

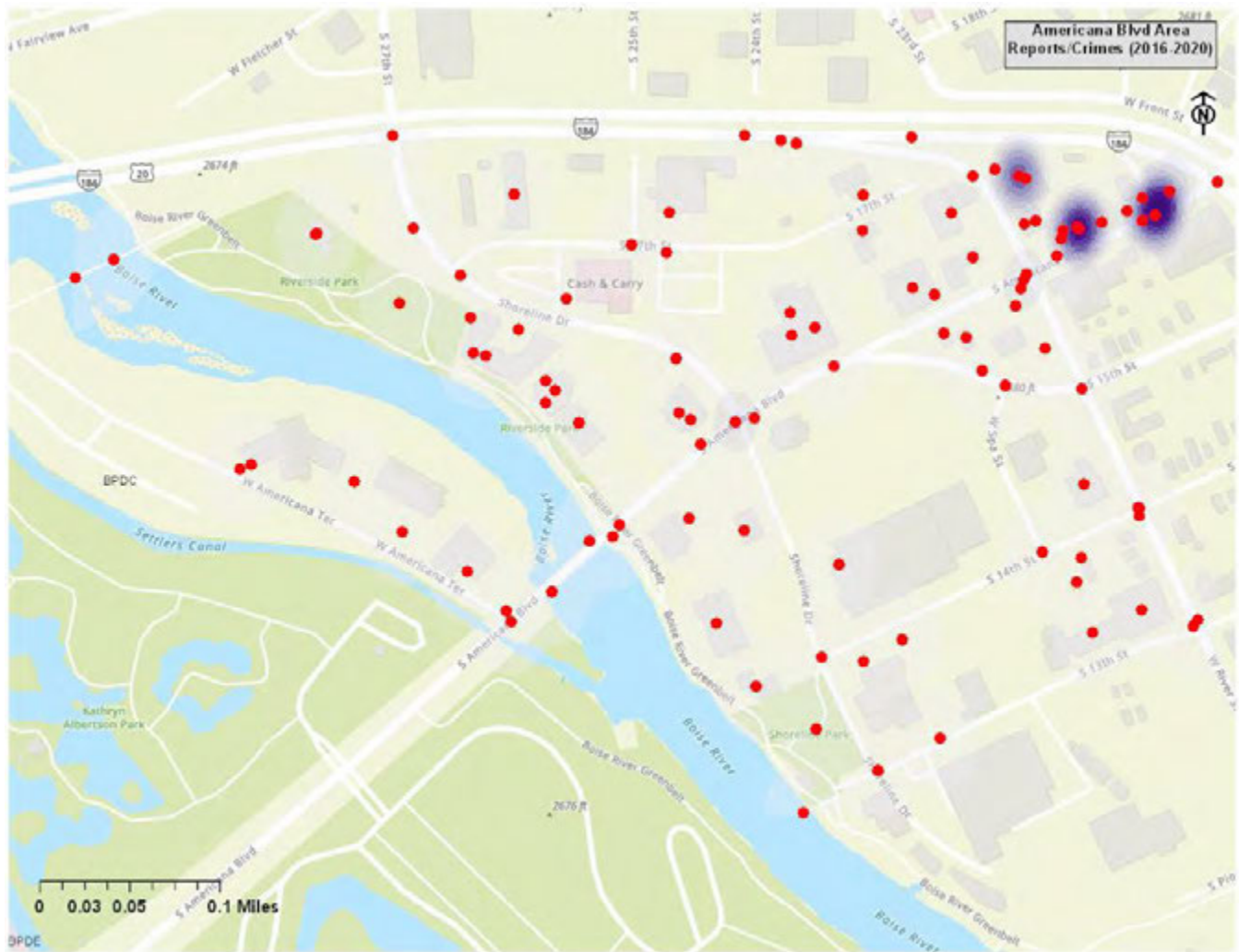
CFS BY ADDRESS/LOCATION		
CFS Address/Location	2019	% of CFS
W Cooper St/S Americana Blvd	537	16.58%
525 S Americana Blvd	462	14.27%
1620 W River St	363	11.21%
503 S Americana Blvd	137	4.23%
1923 Bridge	118	3.64%
S Americana Blvd/W River St	104	3.21%
1775 W Shoreline Dr	69	2.13%
EB 184 at River St Exit	69	2.13%
N Americana Blvd/W Shoreline Dr	61	1.88%
621 S 17th St	54	1.67%
Total (Top 10)	1974	60.96%

CFS BY ADDRESS/LOCATION		
CFS Address/Location	2020*	% of CFS
W Cooper St/S Americana Blvd	688	22.90%
1620 W River St	344	11.45%
525 S Americana Blvd	335	11.15%
503 S Americana Blvd	143	4.76%
EB 184 at River St Exit	100	3.33%
EB 184 at Fairview	92	3.06%
S Americana Blvd/W River St	79	2.63%
N Americana Blvd/Shoreline Dr	70	2.33%
S 14th St/W Shoreline Dr	68	2.26%
1923 Bridge	67	2.23%
Total (Top 10)	1986	66.11%

*2020 runs Jan 1 to Sept. 20

For 2020 YTD the same addresses top the list for CFS - W. Cooper St/S. Americana Blvd, Corpus Christi, Interfaith Sanctuary, and CATCH.

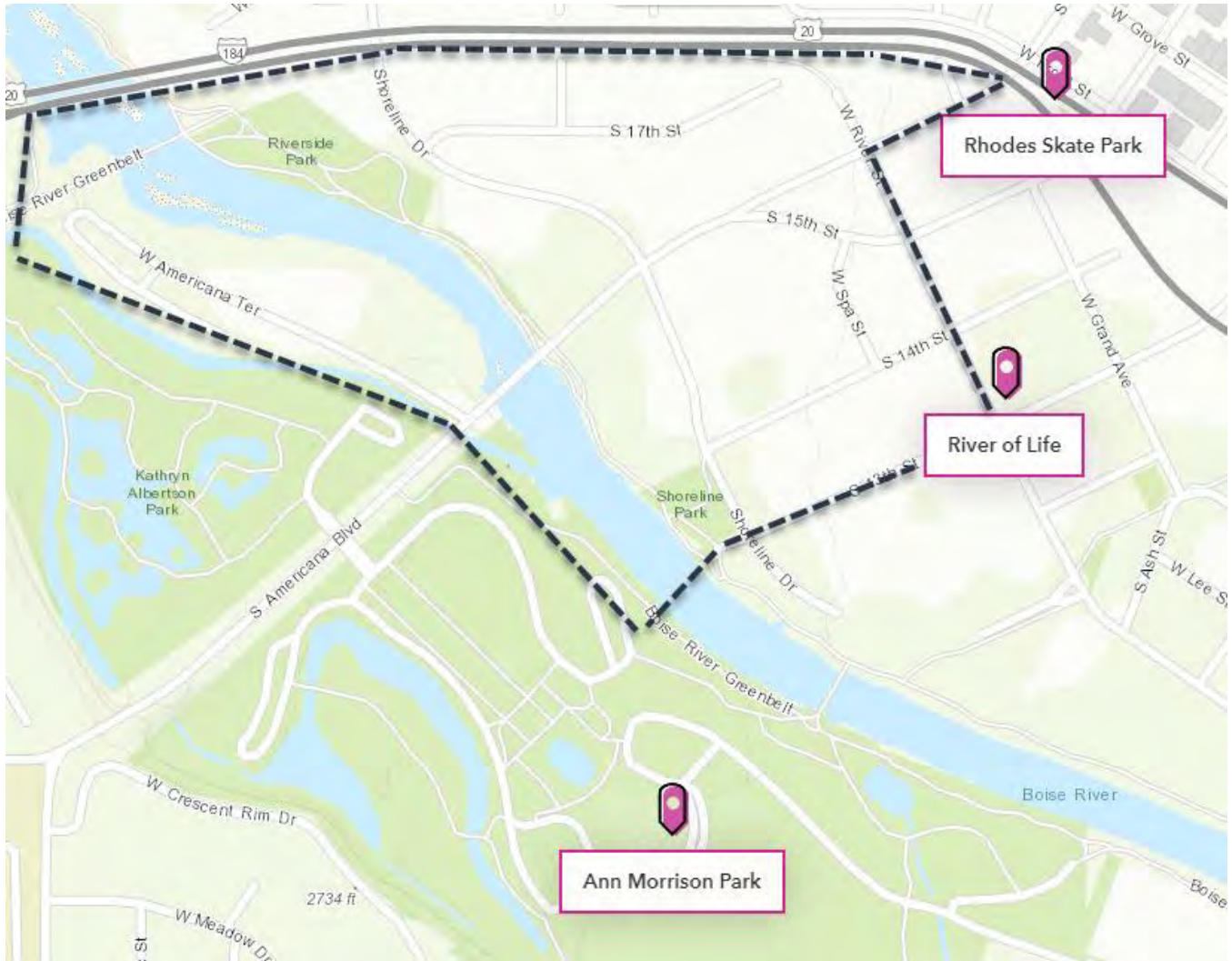
A heat map for all CFS in the area from 2016 to Sept 20, 2020 shows a concentration of activity around 1620 W. River St, 525 S. Americana Blvd, 503 S. Americana Blvd, and the immediate area.



Other Locations Calls for Service

Other facilities outside the assessment footprint which affect conditions in the area include Rhodes Skate Park, Ann Morrison Park, and the River of Life shelter.

- Rhodes Skate Park has generated 1,706 CFS over a three-year period from 9/1/17 to 9/2/20.
- Ann Morrison Park generated 1,295 CFS over that same time.
- River of Life, which also provides services to citizens experiencing homelessness, had 1,034 CFS.



The call types for these areas are similar to those in the assessment area, including high numbers of welfare checks, problems with a subject, liquor violations, and suspicious subjects.

CFS BY ADDRESS/LOCATION		
Rhodes Skate Park CFS	2017-2020	% of CFS
LIQUOR - Liquor Violation	262	15.36%
WELFCK - Welfare Check	120	7.03%
SLEEPER - Check For A Sleeper	115	6.74%
PROBSUB - Problem With Subject	102	5.98%
PARKS - Park Violation	90	5.28%
CPOL - Community Policing	73	4.28%
CS -Citizen Stop	61	3.58%
FITE - Fight	50	2.93%
SS - Suspicious Subject	49	2.87%
NARC - Narcotics Violations	49	2.87%
Total (Top 10)	971	56.92%

CFS BY ADDRESS/LOCATION		
River of Life CFS	2017-2020	% of CFS
WELFCK - Welfare Check	126	12.19%
CAST - Assist Citizen	80	7.74%
SUICSUBJ - Suicidal Subject	76	7.35%
PROBSUB - Problem Subject	62	6.00%
99CK - Check for Wanted Subject	60	5.80%
PROBDK - Problem With DK Subject	59	5.71%
THETR - Theft Report	51	4.93%
FU - Follow Up	45	4.35%
TRESPAS - Trespassing	40	3.87%
PO - Protection Order Service	55	5.32%
Total (Top 10)	654	63.25%

CFS BY ADDRESS/LOCATION		
Ann Morrison Park CFS	2017-2020	% of CFS
WELFCK - Welfare Check	100	7.72%
SV - Suspicious Vehicle	82	6.33%
LPF - Found Property	71	5.48%
ILLCAMP - Illegal Camping	69	5.33%
PROBSUB - Problem With Subject	54	4.17%
LIQUOR - Liquor Violation	53	4.09%
TS - Traffic Stop	52	4.02%
CAST - Assist Citizen	51	3.94%
CS - Citizen Stop	49	3.78%
SS - Suspicious Subject	36	2.78%
Total (Top 10)	617	47.64%

Fire/EMS Incidents

ASSESSMENT AREA			
Year	Total Incidents	Incidents Per Day	% +/-
2017	435	1.19	-
2018	455	1.25	4.60%
2019	379	1.04	-16.70%
2020*	337	1.20	15.38%**
TOTAL	1,606	1.17	-

*Jan 1 to October 7

** Projected increase over Incidents YTD

Fire Department incidents have remained consistent for the past three plus years, excluding a sharp decrease in 2019. However, the incidents for 2020 have increased to be in line with the 2017 and 2018 numbers. If this current trend continues for the remainder of 2020, the area will have an estimated 439 incidents.

CITY OF BOISE			
Year	Total Incidents	Incidents Per Day	% +/-
2017	19,489	53.39	-
2018	19,152	52.47	-1.73%
2019	19,486	53.39	1.44%
2020*	15,013	53.43	0.07%**
TOTAL	73,140	53.15	-

*Jan 1 to October 7

** Projected increase over Incidents YTD

The incidents in the assessment area follow the total incidents for the rest of the city, staying relative consistent since 2017.

ASSESSMENT AREA						
Call Type	2017	2018	2019	2020*	TOTAL	% of Total
FALSE ALARM, FALSE CALL	4	12	6	2	24	1.50%
FIRE, EXPLOSION	2	6	8	1	17	1.06%
GOOD INTENT CALL	37	40	48	61	186	11.60%
HAZARDOUS CONDITION	3	1	1	4	9	0.56%
RESCUE, EMS	365	368	280	240	1253	78.17%
SERVICE CALL	23	28	34	29	114	7.11%
TOTAL	434	455	377	337	1603	

*Jan 1 to October 7

The majority of the Fire calls in the assessment area are rescue/EMS incidents. These incidents include emergency medical services, medical assists, and all types of rescue calls, such as extraction or water rescue. Good Intent calls are incidents that were cancelled in route or where no problem was found at the scene. Service calls include incidents such as lift assists, assisting the police, and helping a non-injured person in distress.

If the current trend continues, there will be an estimated 313 rescue/EMS calls for 2020, which is lower than 2017 and 2018, but an increase from the 280 calls in 2019. The good intent calls and service calls are increasing.

CITY OF BOISE						
Call Type	2017	2018	2019	2020 *	TOTAL	% of Total
FALSE ALARM, FALSE CALL	1,302	1,251	1,261	1,032	4,846	6.63%
FIRE, EXPLOSION	403	400	427	295	1,525	2.09%
GOOD INTENT CALL	2,070	2,452	2,588	2,118	9,228	12.62%
HAZARDOUS CONDITION	411	409	452	385	1,657	2.27%
NATURAL DISASTER	5	2	9	8	24	0.03%
OTHER	9	9	11	7	36	0.05%
OVERPRESSURE	39	44	31	20	134	0.18%
RESCUE, EMS	13,246	12,621	12,559	9,343	47,769	65.31%
SERVICE CALL	2,004	1,964	2,148	1,805	7,921	10.83%
Grand Total	19,489	19,152	19,486	15,013	73,140	

*Jan 1 to October 7

When compared to the rest of the city, the assessment area shows a much higher percentage of rescue/EMS calls. Service calls and good intent calls are just below the percentage for the city.

ASSESSMENT AREA		
Fire Repeat Incident Locations	2017	% of Incidents
1620 W RIVER ST	147	33.79%
525 S AMERICANA BLVD	113	25.98%
675 S 13TH ST	37	8.51%
617 S 13TH ST	21	4.83%
3550 W AMERICANA TER	19	4.37%
503 S AMERICANA BLVD	11	2.53%
W COOPER ST & S AMERICANA BLVD	11	2.53%
1500 W SHORELINE DR	9	2.07%

ASSESSMENT AREA		
Fire Repeat Incident Locations	2018	% of Incidents
1620 W RIVER ST	150	32.97%
525 S AMERICANA BLVD	97	21.32%
675 S 13TH ST	34	7.47%
W COOPER ST & S AMERICANA BLVD	33	7.25%
503 S AMERICANA BLVD	17	3.74%
617 S 13TH ST	16	3.52%
3550 W AMERICANA TER	12	2.64%
703 S AMERICANA BLVD	8	1.76%

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703 S AMERICANA BLVD	8	1.84%
S AMERICANA BLVD & W RIVER ST	6	1.38%
TOTAL (TOP 10)	382	87.82%

3550 W AMERICANA TER	7	1.54%
E INTERSTATE 184 AT RIVER ST EXIT	7	1.54%
TOTAL (TOP 10)	381	83.74%

ASSESSMENT AREA		
Fire Repeat Incident Locations	2019	% of Incidents
1620 W RIVER ST	143	37.73%
525 S AMERICANA BLVD	90	23.75%
W COOPER ST & S AMERICANA BLVD	26	6.86%
675 S 13TH ST	23	6.07%
617 S 13TH ST	15	3.96%
503 S AMERICANA BLVD	9	2.37%
703 S AMERICANA BLVD	9	2.37%
1775 W SHORELINE DR	8	2.11%
E INTERSTATE 184 AT RIVER ST EXIT	7	1.85%
3550 W AMERICANA TER	6	1.58%
TOTAL (TOP 10)	336	88.65%

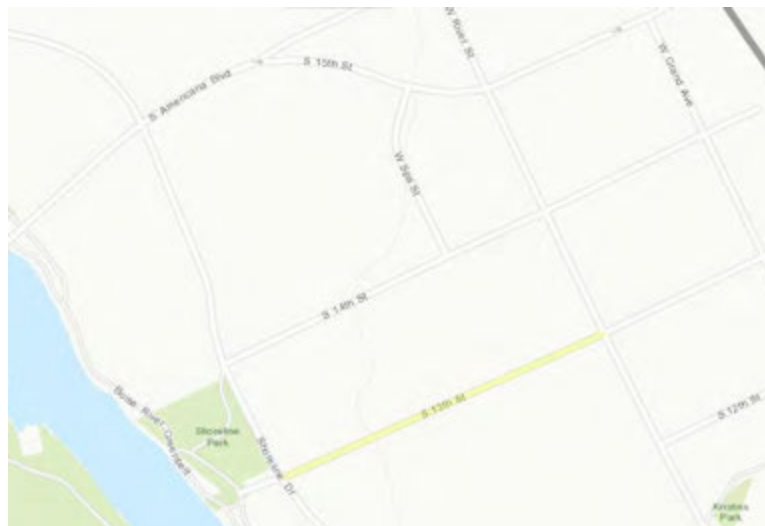
ASSESSMENT AREA		
Fire Repeat Incident Locations	2020*	% of Incidents
1620 W RIVER ST	176	52.23%
525 S AMERICANA BLVD	39	11.57%
W COOPER ST & S AMERICANA BLVD	35	10.39%
675 S 13TH ST	21	6.23%
503 S AMERICANA BLVD	8	2.37%
617 S 13TH ST	7	2.08%
703 S AMERICANA BLVD	6	1.78%
W SHORELINE DR & N AMERICANA BLVD	6	1.78%
S 13TH ST & W SHORELINE DR	3	0.89%
1791 W SHORELINE DR	3	0.89%
TOTAL (TOP 10)	304	90.21%

*Jan 1 to October 7

From 2017 to Oct 7, 2020, the addresses with the most Fire calls are similar to the police CFS with 1620 W. River St, 525 S. Americana Blvd, and W. Cooper St/S. Americana Blvd. at the top of the list.

ASSESSMENT FINDINGS AND NOTES

13th Street

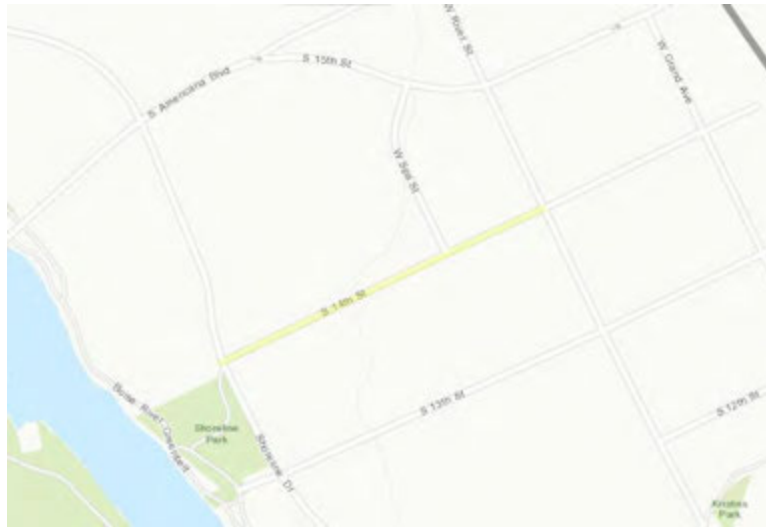


This area shows signs of neglect as you travel south towards the Boise river. The intersection of River St. and 13th St. has a traffic box with a decorative wrap, an example of territoriality. Historic light posts start at this intersection, but do not continue the entire length of 13th St. The Design House and Shoreline Plaza appear well maintained, examples of ownership. Proceeding south toward the river you see less maintenance. The landscaping by the Post Office and the Post Office employee parking lot across the street is in poor condition with dying grass, weeds, and unplanned trees sprouting. The bus stop on the west side of 13th near the Post Office employee lot is surrounded by cheat grass and unmaintained tree starts. The enclosed bus stop on the east side of the street is in good condition but had an anti-mayor sticker. Someone had also taped up a printout of the city code prohibiting smoking in outdoor spaces. The crosswalk signs have holders for flags to carry when crossing the street, but all flags are missing. On the sidewalk outside the Post Office are four newspaper boxes. All are empty and appear to have been for some time. Per City Code Compliance Officers, these should be marked and removed shortly. On all days observed, panhandlers frequented the exit driveway of the Post Office. None of the panhandlers were aggressively asking for money, but simply standing with a sign. The sidewalk on the east side ends at Shoreline Lane. Multiple cars were observed driving quickly onto Shoreline Ln. from Shoreline Dr. making conditions hazardous for people walking or biking to and from 13th St. and Shoreline Park. Heavy vehicle traffic was observed between Shoreline Dr. and 13th St.

The foot traffic in the area was busiest east and west on River Street. The Post Office property was active most hours with vehicle traffic in and out of the parking lot and people parking on 13th and walking to the building.

The sidewalk was in good condition, excluding a large rise outside the post office secured parking lot on the eastside of the street. The lighting on 13th is limited with most of the light coming from the various properties to cover the sidewalk and street.

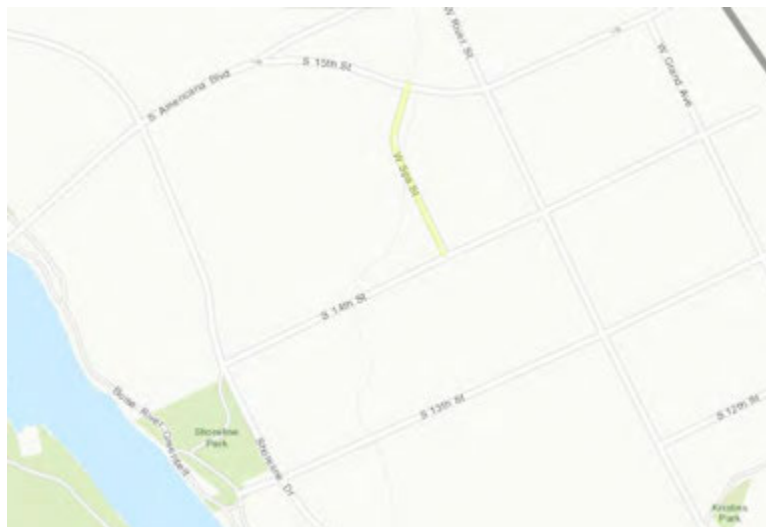
14th Street



Excluding the construction and contractors working at 1500 Shoreline Dr, 14th St. was relatively quiet. During multiple visits there was a truck, SUV, or camper loaded with items parked on the east side of 14th St. These vehicles rotated in and out of the area. Some of the vehicles were seen on 17th St. during other area visits. Most properties, except two, were well maintained, demonstrating territoriality and ownership. The parking lot next to St. Luke's had some weeds growing onto the sidewalk and minor litter issues. The Post Office employee parking lot had dead grass, overgrown shrubs, and litter. There were random items in the shrubs, including a bicycle, stroller, microwave, old tire, and other debris.

14th St. had more historic light posts starting from River St, but once again they did not extend all the way down to Shoreline Dr. Two historic fixtures behind St. Luke's were dim and in need of a bulb replacement. As with 13th St. the sidewalks and street are lit by fixtures on individual properties. Sidewalks appeared to be in fair condition.

Spa Street

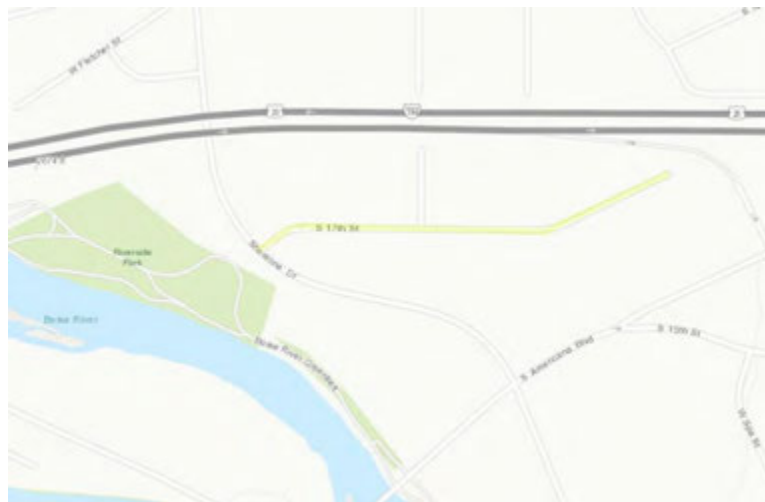


Spa St. had little activity during the day. During one observation of the area, a motorhome was present and the occupant's belongings were spread across the sidewalk. The parking lot for St. Luke's was full and contained some litter. The adjacent empty lot had minor weeds and some litter. The parking lot at Spa St. and 15th St, which is signed as Rhodes Skatepark parking, did not have any vehicles but did have some weeds growing out of the cracks in the pavement as well as some older litter, fireworks and empty cans. The most noticeable observation on Spa St, was the stained pavement from vehicle parking. The same types of stains were observed on other streets with parking issues.

At night, the only activity on Spa St. was two vans and a sedan parked along the sidewalk near the empty lot. A female was walking between the vehicles. There was very little lighting on Spa St.

The north side of Spa St. is currently marked for 2-hour parking and has ADA access spaces marked. The south side of Spa St. is currently marked no parking.

17th Street



17th St. and the businesses in the area were fairly well maintained at all observed times. All properties had some litter and other maintenance issues, but most were maintained, demonstrating ownership. Smart Foodservice Warehouse at the corner of Shoreline Dr. and S. 17th St. had consistent customer and vendor traffic, with delivery trucks parked near the parking lot entrance on 17th St. There was a sign on the front door stating restrooms are for customers only. The St. Luke's building also had restroom signage posted. During my conversation with a Smart Foodservice Warehouse employee, we discussed problems with people using their restrooms. Some of the shrubs around the property were overgrown, blocking views into the property from the street and surrounding area. At night, a SUV drove into parking lot, parking at the end of property hidden by the shrubs. A male on a cell phone was later observed in the shrubs.

Idaho Power has three properties in the assessment area, including an empty lot with some vehicle storage, a power substation, and a training building. The substation and empty lot have a chain link fence on the perimeter. A maintenance company was observed mowing, trimming, and picking up litter at all the properties. The training building and empty lot both have angle parking, are marked Idaho Power parking, and do not have a curb and sidewalk. During the observations conducted on 17th St, the angle parking areas did not have the same parking issues as the rest of the street.

The street in front of the substation and St. Luke's consistently had RVs, camp trailers, and other vehicles in poor condition parked at most times observed. People were frequently observed visiting these vehicles and sitting on the grass and sidewalk around the vehicles. The street in this area had visible fluid stains from vehicles. Office Environment Company trucks were observed parking on 17th St as well.

The Windermere Powerhouse building had some visible spray paint graffiti on the building and there was debris in the landscape bed adjacent to Idaho Power.

Office Environment Company had storage containers on the property which had been painted with murals, showing territoriality. Their dumpster next to the sidewalk on 17th St. had spray paint graffiti on it and consistently had a stack of wood pallets next to it.

The lighting at each property was adequate, however there are lighting issues on 17th St. There are two streetlights out next to Smart Foodservice Warehouse. While Idaho Power had two very bright lights covering their street parking on both sides of 17th St, it was very dark along the rest of 17th St. and the sidewalk on both sides of the street until the cul-de-sac. Two males were noticed sitting on the grass along the sidewalk in the dark.

The cul-de-sac at the end of 17th St. was recently marked no parking and the curb was painted red.

Shoreline Drive



The properties west of Americana Blvd. between Shoreline Dr. and the Greenbelt are all very well maintained and clean. The perimeter of each building has good lighting. Some lights in the parking lots were obstructed by trees, creating dark spots.

The Riverview Apartments, next to the Firefighter's Memorial, have controlled access parking underneath the building. Grates covered the open areas to prevent parking lot access but still allow light and maintain visibility. The entrance was controlled by a gate allowing only residents inside.

The properties to the east of Americana Blvd. were also very clean and well maintained. The office building bordering Shoreline Park did have some overgrown shrubs around the back patio, which also has a small border fence. There was a complaint of this patio being used as a restroom. There were some parking lot lights off as well, but that did not greatly reduce the overall light in the lot.

The building at 1500 Shoreline Dr. has good perimeter light at the front of the building and there was very bright lighting on inside. However, many pole lights in the parking lot were out.

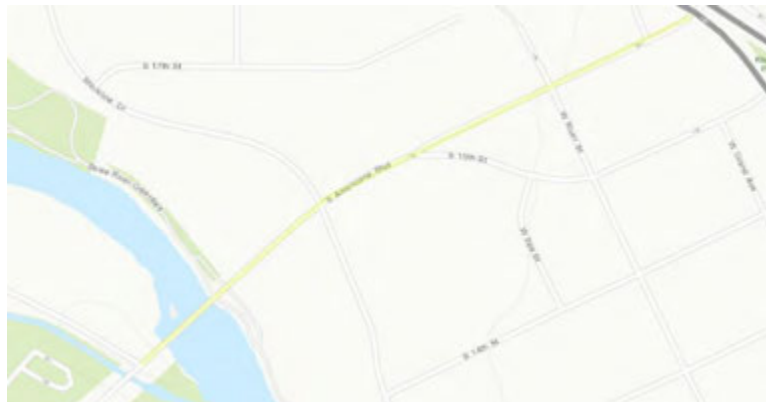
The sidewalk on Shoreline Dr. starting at Americana Blvd. running towards 13th St. was poorly lit. The sidewalk on the south side of Americana ends at Shoreline Park, turning into a path toward the Greenbelt.

Graybar Electric Supply has multiple wall pack fixtures mounted on the Shoreline side, which were very bright, but the tall shrubs blocked much of the light from the sidewalk and the street.

Shoreline Park had foot traffic between the shaded areas on the grass and the vehicles parked along Shoreline Dr. There were also people lying in the grass during most times observed. Most of the traffic in the park was from the Greenbelt. Normally the Greenbelt volunteer shack would have been staffed with volunteers, but volunteer Greenbelt Patrol shifts were cancelled due to COVID-19. The public restrooms located on the west of the volunteer shack have partially obstructed vision to the doors due to the design into a grassy hill.

Parking for Shoreline Park and for greenbelt access at this location is severely limited. The parking that is available on both sides of Shoreline Dr. is consistently used by multiple vehicles in poor condition, often with possessions that spill onto the sidewalks and adjacent planter areas.

Americana Boulevard



Americana Blvd. is the main route through the area, splitting into S. 15th St as you head north towards River St. There was little foot traffic aside from the area between W. River St. and Rhodes Skatepark. There was heavy vehicle and bicycle traffic through the area. There were always many individuals along the sidewalk near Corpus Christi, under the I-184 underpass near Rhodes Skatepark, and on W. Cooper St. There was some litter along

Americana Blvd. The sidewalk and curbing along this stretch was in poor condition. Proceeding down Americana Blvd. from River St, most properties were well maintained and clean.

On most days a panhandler with a sign was at the corner of Americana Blvd. and River St. Like the Post Office, the panhandlers observed were not aggressively asking for money.

There are a few streetlights along Americana Blvd, but the lighting was still poor. There are two old streetlights illuminating the sidewalk between CATCH and the intersection at W. River Street. The group of properties between W. River St, S. 15th St, and S. Americana Blvd. were dark. The building complexes around Caliente Salon and St. Luke's had adequate perimeter and parking lot lighting. The front of Office Environment Company could be brighter.

Alley between Americana and 17th Street



This area is noteworthy as it is frequently used for foot traffic between the Cooper Ct. area and 17th St. The alley begins at W. River St and continues to the Office Environment Company property. Individuals were observed walking across the River St. exit from Cooper Ct, through the alley, and to the vehicles parked along 17th St. Others continued down 17th St. to Shoreline Dr. The alley is in poor condition and showed little maintenance. There was a large pothole in the pavement, the dumpster enclosure for Caliente was spray painted with graffiti, a utilities box was knocked over, and the fence next to DWF Boise was leaning.

The current alley design, foot traffic, and parking on 17th St. all contribute to the poor condition and lead to trespassing through the private properties in the area.

Americana Terrance



The few businesses along Americana Terrance were all well maintained, clean, and have adequate lighting. The only visible sign of crime was graffiti on the dumpster enclosure for

Riverview Rehabilitation. All the buildings maintain some fencing between their properties and the Greenbelt.

Cooper Court



The area starting with W. Cooper St. at Americana Blvd. and extending to the alley behind the businesses and Interfaith Sanctuary is in extremely poor condition and quite crowded with people. During each visit, there were between 3-6 vehicles parked on Cooper between CATCH and The Phoenix. Each side of the street was littered with garbage and other debris. A couch was observed on the sidewalk next to The Phoenix multiple times. Per bike unit officers, items are frequently stolen from the donations at the Salvation Army and end up in the area.

The fence for The Phoenix was spray painted with graffiti. The side of Interfaith Sanctuary has multiple sections of graffiti which were spray painted, painted over, then spray painted again. There was graffiti in marker and paint on the back of Educational Outfitters and CoreStrong Studio. There also appeared to be remnants of a fire along the fence of one of the businesses.

During one visit, the Sheriff Inmate Labor Detail came in and cleaned up the area, which they do each Wednesday. Upon visiting the area two days later, both sides of Cooper had multiple items of litter.

During a night visit to the area, six vehicles were parked between CATCH and The Phoenix with multiple people in the area. The lighting was previously observed to be poor in the area, aside from directly under the streetlights. One wall pack light was out at The Phoenix.

During a morning visit, multiple vehicles were driving onto Cooper Ct., including a red taxi who kept parking and talking to a group of people seated on a bench behind CATCH.

Greenbelt North



During all times visited; morning, afternoon, and night, there was foot and bike traffic on the Greenbelt. While many people appeared to be using the path for recreation, others appeared to be using it as a commuter path to work or other places. The Greenbelt user traffic on the north side was higher than the south during the observation periods.

Considering the number of people using the Greenbelt, most of the path, riverbanks, and park areas were clean. When litter was found it was typically empty beer cans. Just west of the Firefighters Memorial, a hidden area was discovered behind a group of trees and shrubs. Multiple empty beer cans were found. Also, west of the memorial there is a shortcut path in the grass lessening the distance in a curve on the paved path. In multiple spots along the Greenbelt there are paths to the river, created by people walking through the bushes to the river. Some are a few feet in length, others much longer. A cyclist was observed stopping and using one of these paths, assumedly to urinate in the bushes. On other paths from the Greenbelt, sleeping areas were discovered. Most were unoccupied. One near the Greenbelt volunteer shack had two people in sleeping bags along with a cooler and personal items; they were observed here on multiple days. Aside from the paths, the only area with designed public access to the river between I-184 and 13th St. is the patio area near the Greenbelt volunteer shack. It overlooks the river and has picnic tables.

The paved Greenbelt path had signs of damage and wear. Most appeared to be from tree roots growing under the path. The damage ranged from minor cracks to larger bumps, at times extending the width of the path. Some of the bumps were highlighted with spray paint. The damage was consistent from beginning at the east near the Greenbelt volunteer shack to after the Firefighter memorial. The overall condition of the

path on the north was worse than the south. This raises questions about user safety and accessibility of the path.

All the areas under the bridges had some signs of graffiti. All graffiti had been covered up, some better than others. The tunnel under Americana Blvd. was painted white, making it appear much brighter inside. With a break in the fence, the river was easily accessible on both the east and west side of Americana Blvd. However, no one was observed in the area, nor was any litter or other debris found. Large lava rocks were placed in the area, much like underneath I-184 by Rhodes Skatepark.

All properties bordering the greenbelt were clean and well-maintained. Each had some lighting on the back of the property. The only Greenbelt lighting was at each tunnel, with lights inside and one light outside over the entrance. The inside of the Americana Blvd. tunnel made this much brighter inside, but the light outside was very dim.

Greenbelt South



The south side of the Greenbelt was busy around Ann Morrison Park, but less so as you traveled towards I-184. There appeared to be less litter and debris, but still had the occasional can or wrapper. There was much less alcohol related litter. There were a few signs of graffiti on signs and under bridges. There were two areas with access to the river: a small area with a picnic table close to the Americana Bridge in Ann Morrison Park and an access dirt road off Americana Blvd. Both areas were occupied when observed with 3-4 people fishing.

There were many individually created paths from the Greenbelt towards the river, the majority on the west side of Americana Blvd. Of the two followed, one led to an unoccupied camp site with sleeping bags left behind.

The area under the south Americana bridge had more fencing to restrict access than the north. However, there were signs of individuals accessing the area, including personal belongings left behind and litter. The main difference between the two sides of the river was the lack of lava rocks being used on the south side. Both sides of the river had path access from Americana Blvd to the Greenbelt except the southwest section near Young Hearts Education, LLC. Users had created their own path along the top of the retaining wall to access the Greenbelt.

Like the north side of the Greenbelt, the only lighting is at the Americana tunnel. The inside of the tunnel was also painted white to make it brighter. This area was not observed at night.

INTERVIEW SUMMARY

Phone interviews were conducted with 18 different individuals with connections to the assessment area. Other interview attempts were made but were unsuccessful. During these phone calls, common complaints were noted. Some people mentioned experiencing crime on their property, mainly thefts and trespassing issues. Most of the concerns were around "quality of life" issues involving the current condition of the area. Common concerns from the interviews included:

- Parking issues on 14th St, 17th St, and Shoreline Drive. RVs, trailers, vans and cars stay parked on the street up to 72 hours then move to a different location in the area where they stay for an additional 72 hours before returning.
- Complaints of litter being left behind and sidewalks being inaccessible due to being blocked by property from the RVs and campers. Two people mentioned seeing buckets being emptied into the gutters and storm drains. Some mentioned suspected drug sales happening out of the parked vehicles.

- Landscaping, trash enclosures, and other areas on properties are being used to sleep in or as restrooms. Many businesses have acted, adding lighting, trimming or removing landscaping, and adding rocks to address the activity. Others mentioned the number of individuals sleeping in the bushes by the river at night.
- Many of those interviewed mentioned the unauthorized use of their building or services. Many had concerns with people using the restroom. Others reported people entering the business and taking coffee and snacks meant for employees or customers. People mentioned the use of outdoor electrical outlets to charge cell phones and use of outdoor spigots. Some had less concern about people using the water or outlets but had concerns with the litter and cigarette butts left behind. Businesses stated they removed some exterior outlets and faucets to try and resolve the issue.
- Most businesses mentioned having employees or others picking up litter around their properties on a frequent basis. Some mentioned finding drug paraphernalia and needles.
- Multiple people mentioned an increase in the number of transients in the area and worsening overall conditions.
- While some reported feeling safe in their businesses and around the area, most others reported feeling unsafe.

From the observations conducted, the individuals interviewed, and the information reviewed several themes were evident along with several things that are working in the area and others that need to be addressed.

WHAT IS CURRENTLY WORKING:

- The Greenbelt is always busy with people walking, running and biking. The more people you have using it for its intended purpose, the fewer unwanted behaviors you see. The Parks and Rec employees and programs, along with most users, keep it clean and well maintained. All of this promotes a sense of ownership and safety in the area.

It has evolved from a simple recreation path into another route for people to commute and a center for activity. Consideration should be made to promote activity and user safety through lighting and revised landscaping maintenance standards.

- Many businesses are working hard to keep their properties in good condition. They must consistently pick up litter, sometimes including drug paraphernalia and human waste. Most landscaping is very well maintained. Security and other controls have been implemented to protect their property and keep it safe and clean. Without these efforts, properties could deteriorate quickly.
- The trespass agreements most business have on file with Boise Police Department appear to be beneficial. Trespass CFS are still high in 2020 which indicates the agreements are being enforced. Property checks are even higher, indicating officers are frequently following up on requests. All parking concerns were outside of privately owned business lots. In addition, many privately owned lots were signed for contracted towing.
- In the assessment area, there are many design elements in place that are currently working to prevent crime and promote safety. Large lava rocks were placed under the connector near Rhodes Skatepark which was a problem area for littering and loitering. The rocks altered the behavior and the area is much cleaner. Under the Americana bridge, similar rocks were placed on the north side. Even with this area being easily accessible, there is no litter, graffiti, or other obvious sign of disorderly behavior.

Underneath the connector, a large mural was painted on a wall which was a frequent target for graffiti. The addition of public art reduced the graffiti. The same concept is applied to the traffic control boxes at intersections and on the side of Interfaith Sanctuary. The art displays territoriality and shows ownership.

The Greenbelt tunnels under the Americana bridge are both painted white, which makes them appear bright and clean.

Many properties have made changes from altering landscaping to adding lighting, all of which have helped remove or reduce unwanted activity. These methods can be applied to other properties and future designs.

- Most businesses have good lighting on their property, illuminating the perimeter of the exterior. Proper lighting promotes visibility and safety, also making unwanted activity more easily detected.
- Every week the Ada County Sheriff's Inmate Labor Detail (SILD) program cleans the area around Cooper Ct, picking up litter and other debris. On the morning observed many bags of trash were collected. The area quickly become filled with litter again, but without the consistent cleaning would be much worse.

WHAT IS NOT WORKING:

- Despite efforts from officers, current parking regulations and enforcement are problematic for most business owners. People living in the RVs and vehicles know what they can do to stay outside of enforcement and the issue rotates to other streets inside the area every 72 hours. Vehicles rotate between Shoreline, 17th, 14th, and Spa St, occasionally disappearing from the area only to return. This use is leading to many of the other problems in the area.
- Foot traffic in the alley between Americana Blvd. and 17th St. is problematic for businesses as it results in graffiti, litter, and trespassing issues.
- Lack of river access creates a potential for conflict between transient camps and river users. There is very little access to the Boise river for recreation. This has resulted in the creation of many unofficial paths over time. These paths can range from a few feet to much longer. Some of the paths followed toward the river lead to occupied or abandoned campsites.
- Public lighting in the area could be improved. There are dark areas on 17th St. and Shoreline Dr. which need to be addressed. Street lighting in other areas is outdated and should be upgraded.
- Parking lot lighting is an issue in some lots. While most parking lots are well lit, some lighting is starting to conflict with trees and landscaping. This poor design can only be corrected by consistent maintenance or by removing the tree. Other lots had burned out lights. While lighting may not appear necessary in an empty parking lot, lighting enhances visibility and creates a sense of safety. One property owner did discuss someone possibly breaking the parking lot lights intentionally.
- There are restrooms available at Shoreline Park, the Firefighters Memorial, and portable toilets at Rhodes Skate Park. However, there are still complaints from many of unauthorized restroom access at their businesses or their properties being used as bathrooms.

CPTED CONCLUSIONS

COVID-19 may have had an impact on the number of users in the area, including the number of business employees, Greenbelt users, and citizens experiencing homelessness. The Greenbelt was consistently busy as was Rhodes Skatepark. Cooper Court was always full of people and there were frequent commuters through the area in cars and on bikes. The business parking lots contained vehicles, but employees and people using the businesses were seen infrequently. This may be associated with the perception that the area is unsafe.

The natural surveillance around the area is supported by most businesses maintaining their landscaping, with a few exceptions. The biggest challenge to surveillance is lack of lighting. Increased user traffic around the businesses would also increase the number of eyes on the street.

The main challenge with natural access control in the area is around the Greenbelt and for individuals accessing the river. Another challenge is the alley near Caliente and the foot traffic to 17th St. Each business interviewed has methods in place to control access into their buildings and fencing in needed areas. Business dumpster access has been problematic, with transients using the concealed areas to sleep and as a restroom.

Territorial reinforcement and maintenance are very much related in this area. When a property is not maintained it is obvious and gives the perception no one cares about the property. Everyone I talked with is making efforts to maintain their property, but with users leaving litter and other debris, spray painting graffiti, and using landscaping as a restroom, it becomes difficult to maintain conditions, to show ownership, and to allow a property to be enjoyed and used for its intended purpose.

Business Standards

To create a safe and secure environment for visitors, residents, and employees each property in the area must maintain its area to a certain standard. The goal is to display the CTPED principles of natural surveillance, access control, territoriality, and proper maintenance. This could be achieved by maintaining proper lighting around the building perimeter and in the parking lot at all times, using access control to reduce unwanted access into buildings and other areas on the property and by properly maintaining landscaping to eliminate hiding spots. Consistent cleanup of litter and debris is a necessity. While graffiti is not an issue for all businesses in the area, it is important that it be identified, reported, documented, and removed quickly. Dumpster areas should be controlled and well lit.

Parking

Parking, specifically people living out of vehicles, is associated with many of the quality of life issues in the area. The most problematic streets are 14th St, 17th St, Spa St, and Shoreline Dr. A common parking standard in the area could be a logical method of reserving parking for its intended use. Future development in the footprint needs to be considered when creating these standards and regulations. Current parking regulations push the problem around the area every 72 hours. People have learned how to stay just inside the rules to avoid any enforcement. Consideration could be given to the few single residences in the area.

The Firefighter Memorial parking lot currently has 15 parking spots and 1 ADA parking space. Shoreline Park currently has 4 parking spaces and 1 ADA parking space. Spaces are currently reserved for Boise Police and the Greenbelt patrol. As businesses expand and lot parking becomes more restrictive, additional short-term parking for Greenbelt and park access will become imperative. Two-hour parking on 14th St. would create additional Greenbelt parking near Shoreline and S 14th St.

Two-hour parking on 17th St. would prepare the area for future development and potentially reduce the business complaints in the area. In addition, a loading zone could be created on 17th St. next to Smart Foodservice Warehouse to accommodate vendors and delivery drivers.

Given the complexity of parking issues in this area and in the URD in general, a proactive parking study that accounts for planned development seems appropriate.

Greenbelt

The addition of river access areas would reduce the number of created pathways to the river and reduce the possibility of user conflicts with campers and campsites. River access areas would create additional user traffic into the area, creating more “eyes on the streets.”

The current practice along the riverbank is to let the vegetation grow to develop the riparian zone. This standard can prevent unwanted access along the river but could also allow for hiding places and criminal activity, as observed near the Firefighters Memorial with a nook filled with beer cans. The created pathways can be planted and allowed to grow back to discourage access, while also allowing for additional trimming and maintenance to improve public safety.

The Greenbelt is heavily used for recreation and transportation. With the addition of housing and other development in the Shoreline area this use will increase. Additional lighting along the path is needed to increase visibility and promote use. Lighting should extend along the Greenbelt on both sides of the river from Capitol Blvd to I-184. Considerations need to be made with the lighting method and fixtures used to avoid conflicts with wildlife along the river. Shorter light posts with cut-off fixtures would be appropriate in the setting, keeping the light focused on the path and its users.

The Shoreline Park restrooms currently have poor visibility due to their location behind a retaining wall. This should be addressed in future plans for the park.

The area under the Americana Blvd. bridge is accessible on both sides of the river. The access on the north side does not appear to be frequently accessed, but the fencing blocking access still needs to be replaced. The south side has better fencing to restrict

access. However, there were signs of the area being used. Rocks matching the north side could be added to discourage use of that area.

Lighting

To increase visibility and add to the walkability of the assessed area, lighting should be improved. Two areas of immediate need are 17th St. and Shoreline Dr. leading up to and along Shoreline Park. With the lack of a sidewalk along Shoreline at the park, light fixtures such as the historic lighting could be added with the addition of a sidewalk.

I would be wary of adding lighting by creating a streetscape with the addition of a sidewalk in front of Idaho Power on 17th St. without addressing parking issues first. The angle parking along the Idaho Power property is not experiencing the same parking and camping issue as the rest of 17th St. is. Lighting is needed starting at the St. Luke's property and following the sidewalk to the cul-de-sac.

In 2019 the lighting levels were examined in the Cooper Ct. area and along Americana Blvd, from the I-184 to River St. The lighting levels were below standard. Upgrading the current streetlights would immediately improve the lighting. To make the area more walkable and show ownership of the area, the streetscape could be addressed adding historic light fixtures in addition to fixing the sidewalk and broken curbs.

Territoriality and Ownership

Utilizing public art has been successful in reducing graffiti and creating a sense of ownership. As the area is developed, opportunities to include public art are strongly encouraged. Immediate opportunities are with the service provider buildings around Cooper Ct.

Boise Parks and Recreation currently has a program, much like adopt-a-highway, where groups can volunteer to clean up sections of the Greenbelt. Parks and Recreation said the program has seen less areas cleaned this year due to COVID-19. Participation in the program can create additional ownership for the Greenbelt in the area, keeping it cleaner and well-maintained.

In my interview with CATCH employees, they described a program currently in the works to identify homeless individuals who are leaders in the area. The program provides guidance on being a good neighbor with others in the area, including businesses. If properly supported, its success could create additional owners of the area. This could help address the littering and other quality of life issues.

As mentioned in the assessment notes regarding 13th St, the signs of neglect increase toward Shoreline Park. Streetscape improvements on 13th St. would show greater

territoriality. Adding historic lighting fixtures would show ownership and create visibility. The sidewalk can be addressed to create walkability from 13th St. to Shoreline Park. Maintenance at each property is still critical.

The conditions in the alleys near Interfaith Sanctuary and Caliente show neglect and a lack of ownership. Potholes need to be filled, utility boxes repaired, fencing repaired, and graffiti removed.

CPTED Future Development Considerations

When considering development in this area, consideration should be made to reduce the opportunity for crime and to address the quality of life issues noted in the assessment.

In a residential environment, buildings should have access-controlled parking for residents. The design should allow for natural surveillance, much like the garages for River Walk apartments. Buildings should also have access-controlled bicycle storage rooms.

The design should limit the number of entrances and provide controlled access for residents. Trash and recycling areas should be included in the interior of the building. Balconies would give additional eyes on the exterior of the property and surrounding area.

Landscaping beds should be designed to avoid creating hiding spots and conflicts with lighting. Regular maintenance should include keeping shrubs trimmed below two feet in height and tree foliage above seven feet. The building perimeter should be illuminated between 1 to 2 foot candles (fc), emphasizing pedestrian entrances to the buildings, 5 fc, and vehicle entrances, 10 fc.

Commercial properties should limit the number of public access points and consider other access control measures and design to maximize visibility of entrances.

Commercial parking lots should maintain a lighting level of 1 fc and the building perimeter between 1 to 2 fc. Entrance lighting should be emphasized with a lighting level at 5 fc. Vandal resistant light fixtures should be considered. Parking lot lighting and landscaping should be designed to avoid current and future conflicts. Light poles should be placed away from trees. Regular maintenance standards should mirror residential properties. The building perimeter should be lit, emphasizing entrances and provide lighting to any exterior gathering areas, such as patios or employee break areas. Around patios, fencing or landscaping should be considered to define boundaries and control access. Visibility in and out of the area should be factored in design.

Public bicycle parking should be near the building entrance and have dedicated lighting to maintain visibility. Bicycle parking racks should be secured to the ground and allow a cyclist to lock the frame to the fixture.

Trash and recycling enclosures should be controlled and allow for visibility with landscaping and lighting. Exterior electrical outlets and faucets should have access controls.

Public areas should be designed to promote visibility, allow observation, and eliminate any blind spots and hiding areas. Street lighting should be added to maintain visibility and enhance walkability.

While construction is in progress, security and prevention methods such as perimeter fencing and security patrols should be considered.

Other Items

As the assessed area is developed, design should deter bike theft. Downtown Boise, the area around Boise State University and the Lusk Street area are hot spots for bike theft. With cyclists commuting and living in the area, more bicycles brings increased opportunities for thefts. Stolen bikes have been recovered from the assessed area many times. Public bike parking areas should be designed with dedicated lighting, good visibility from businesses and the surrounding area, and should provide the ability to lock bikes to a secured fixture with a U style lock. Any residential developments should provide dedicated bike storage areas.

Many businesses complained about transients using exterior electrical outlets to charge cell phones. The concern is the litter, cigarette butts, and other debris left behind in these areas. To reduce the issues at the businesses, charging stations could be provided by the homeless service providers.

DISCLAIMER

This assessment has been conducted as a service of the Boise Police Department's Crime Prevention Unit. The information contained herein is based on guidelines set by the National Institute of Crime Prevention, the American Crime Prevention Institute, and observations of the individual conducting the survey. This assessment is intended to assist in improving the overall level of security only and is not intended to imply the existing security measures, or proposed security measures are absolute or perfect.

IMAGES

Parking



Parking observed on north side of Shoreline Dr. Three vans and a sedan with a person near the sedan in camp chair.



Shoreline Dr., opposite street view of the three vans and sedan.



Parking on 17th St. with two RVs, a camp trailers, and white sedan.



Parking on 17th St. with an RV and two vans.



Parking on 17th St. near Smart Foodservice Warehouse with two RVs.



Parking on 17th St. near Smart Foodservice Warehouse. Trailer on the RV is filled with possessions including multiple bikes.



Parking on 14th St. near Shoreline park with a truck with trailer of possessions. Sedan without a license plate parked behind the trailer.



Parking on 14th St. with a SUV with possessions tied on top, including mirror and exercise equipment.

Territoriality and Maintenance



Traffic box with artwork at 13th St. and River St. showing territoriality.



Bus stop on west side of 13th St. in landscape bed with dead weeds.



Four unmaintained newspaper boxes on 13th St. outside the Post Office.



The crosswalk near the Post Office on 13th St. with all flags missing.



Landscape bed in the Post Office employee parking lot off 14th St. A bike, a baby stroller, cardboard, and debris in the shrubbery.



Landscaping bed on 17th St. containing toilet paper and cigarette butts.



Unmaintained landscaping bed on 17th St. with litter.



Dumpster with graffiti and empty pallets on 17th St.



Landscaping bed on 17th St with a broken pallet.



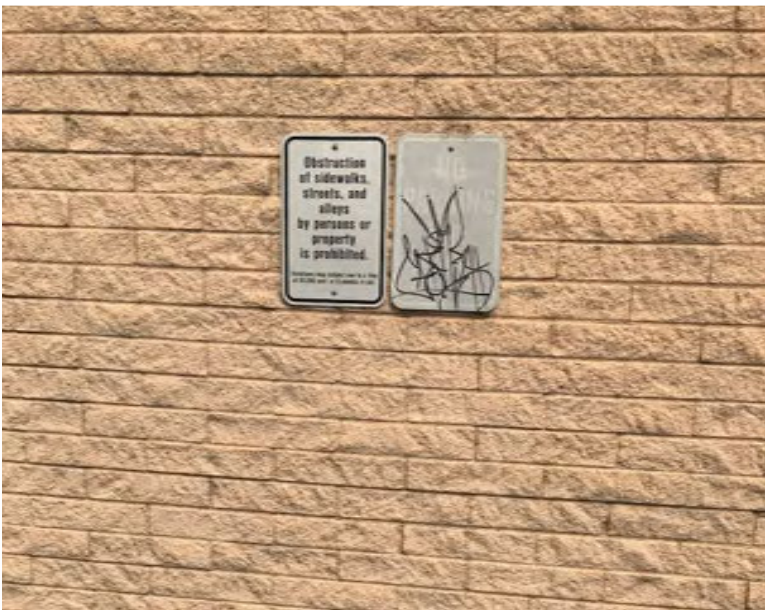
Large hole filled with trash in the grass off 17th St.



Large pothole in the alley behind DWF Wholesale Florist.



Damaged utility box in alley behind DWF Wholesale Florist.



Graffiti on faded no parking sign on the side of Interfaith Sanctuary.



Melted fencing from a fire in Cooper Ct.



Graffiti on a wall at Interfaith Sanctuary. Other graffiti was previously painted over.



Graffiti on the back of a building in Cooper Ct. area.



Mural and artwork in Rhodes Skate Park. Mural prevents graffiti and rocks and artwork control access



A couch, litter, and vandalism on W. Cooper St.



W. Cooper St. on a Wednesday afternoon after being cleaned by the SILD maintenance crew.



Graffiti on trash enclosure behind Caliente.



Empty beer cans in a hiding area behind a tree near the Firefighters Memorial.



Trash and other debris by the river near the Greenbelt volunteer shack.



Murals painted on storage containers at Office Environment Company. This is a demonstration of ownership.

Access Control



No public restroom sign at St. Luke's, 703 S Americana Blvd.



Controlled parking garage of Shoreline Plaza on 13th St.



Property fencing off Americana Terrace restricting access from the Greenbelt.



South side of the river under the Americana Blvd. bridge. The area is fenced off but still being accessed.



Path created from the Greenbelt on the south side of Boise river.



Path created from Greenbelt on the south side of Boise river.



Missing section of fence giving access underneath the Americana Blvd. bridge.



River access patio near the Greenbelt volunteer shack.



River access on the south side of the river near Americana Blvd.



Screens controlling access into the River Walk parking garage. The open grating lets in light and gives visibility.

Natural Surveillance



Clear panels on the bus stop on 13th St. near Post Office gives visibility to users.



Perimeter lighting at 1649 Shoreline Dr.



Parking lot light near Americana Blvd. and Shoreline Dr. with light obstructed by trees.



Inside of a Greenbelt tunnel painted white to reflect light and appear brighter.



Two lights burnt out on 17th St.