

Exhibit C

Reasons for the Decision on Appeals

Crescent Rim (Boise)

Background

On February 7, 2005, the Planning and Zoning Commission denied a request for a 98-unit Planned Residential Development on the subject site. A new application was heard on May 4, 2005. After reviewing all written and oral testimony, the Planning and Zoning Commission unanimously voted to approve the application subject to the adopted Reasons for Decision and Conditions of Approval.

Reasons for the Decision on Appeals

On August 31 and September 1, 2005, the City Council heard appeals from the Depot Bench Neighborhood Association and the Neighborhood Preservation Association Inc. The appellants listed multiple grounds for appeal. After reviewing the record and all evidence and listening to all oral testimony, the City Council denied the appeals and substantially upheld the Planning and Zoning Commission's approval.

Pursuant to Boise City Code Section 11-03-07.05.G.8(e), the City Council found that the Planning and Zoning Commission erred in part and determined that certain aspects of the decision below were not fully supported by substantial evidence. Boise City Code Section 11-03-07.05.G.5(c) states, "If the original decision is not fully supported by the findings, the City Council may uphold the review body, putting additional conditions on the application as warranted by the facts."

The City Council found no error with the decision of the Planning and Zoning Commission and no merit to the grounds for the appeal, except as stated below. Further, the City Council found that zoning of the site is correct and that the irrigation concerns are addressed in Condition of Approval 3, which requires the irrigation entity's sign off on the agreement. Therefore, the City Council adopts the Reasons for the Decision and Conditions of Approval of the Planning and Zoning Commission with the following exceptions. The City Council found that the Planning and Zoning Commission erred in its determination on the project's impact on traffic, transition, and compatibility as stated in Boise City Code 11-06-06.03.C and 11-06-04.13. Therefore, the City Council added several conditions. The new conditions and reasoning for said conditions are stated below.

Traffic

The City Council determined that the proposed 86-unit project will cause the surrounding street system to operate at close to its maximum acceptable capacity of 2,000 vehicle trips per day, as indicated in the Ada County Highway District's report for the project. The nearby neighborhood was developed with streets of substandard width and without sidewalks; therefore, the pedestrians walk in the streets and around parked vehicles. The City Council also received testimony from the neighborhood that the traffic from this project, when combined with new trips from other development in the area may cause the comfortable volumes to be exceeded, thus creating a negative traffic impact on the neighborhood. In order to address these adverse traffic impacts, the City Council added two traffic-related conditions: 1) the developer must provide \$100,000 to fund neighborhood safety improvements to the street system, and 2) the project must be reduced in size 8% (from 86 units to 79 units) with the intention that this

would reduce trip generation by a comparable percentage, thus further limiting adverse impacts related to traffic, pursuant to Boise City Code 11-06-04.13.D.

Transition and Compatibility

From a pedestrian viewpoint, the project's design makes it difficult to distinguish that the project consists of four separated buildings. To reduce the mass, the project as proposed has open pedestrian passage ways on the ground level of Buildings 1 and 4, centrally located along Peasley Street and Kipling Road. The passage ways help to reduce the mass along Kipling Road and Peasley Street. The City Council found that the breezeways adversely affected compatibility with the neighborhood, because the breezeways were only open to the ceiling on the 1st floor and 15-feet in width. The Council added a condition that the breezeways be treated as open breezeways and not just a through pathway and that they be opened up to create a visual tie from one side of the neighborhood to the other. Opening the breezeways will reduce the buildings' bulk and to break up the length of the buildings and the roof lines. This creates a visual separation within Building 1 along Peasley Street and again in Building 4 along Kipling Road. This additional condition enhances adequate compatibility pursuant to Boise City Code Section 11-06-04.13.A, by more fully separating each of these buildings to be more compatible with the 1 and 1 ½ story single-family dwellings across from the site.

The 4-story aspects of this project are purposely located in the center and rear of the project, where they will be the furthest from neighboring housing. The exceptions are the wings on Buildings 1 and 4. The City Council added a condition to require the 4th floor wings on Buildings 1 and 4 to be eliminated in order to enhance transition, as set forth in Boise City Code Section 11-06-06.03.C. This adds greater separation between the neighboring single-family dwellings and the 4-story portions of the development.

The project as proposed has Buildings 1 and 4 with facades that step up from 2 to 3 to 4 stories in the wings. By eliminating the 4th story wings, the buildings will better transition and be more compatible with the 1 and 1 ½ story single-family houses across the street, pursuant to Boise City Code Sections 11-06-04.13.A and 11-06-06.03.C. Additionally, removing the 4th floor wing on Building 1 eliminates the need for one of the height exception requested by the applicant.

No Adverse Impact

With the exceptions listed herein, the Council finds that the project will not adversely affect other properties within the vicinity. The project as designed would adversely impact the house at 20 Peasley Street as headlights from exiting vehicles turning left would sweep the house's windows. To mitigate this situation, pursuant to Boise City Code Section 11-06-04.13.D, the City Council required the exiting vehicles on the service drive to be restricted to right-turns only.

Those testifying stated numerous concerns regarding the disruption to the neighborhood over the allowed 5 year construction period. The Council placed an additional condition on the project to mitigate the adverse affects of the development by accepting the applicant's offer to

create a construction mitigation plan that includes restrictions on construction traffic, construction parking, and construction hours.

Planning and Zoning Commission's Reasons for Decision as Modified by City Council

Resubmittal

1. The grounds where an applicant may re-submit an application are set forth in Boise City Code 11-03-05.04. This code section states:

11-03-05.04 Application Resubmit

No application for conditional use, special exception or variance review which has been denied by the Commission or Council, shall be resubmitted in either the same or substantially the same form in less than one year from the date of final action thereon unless resubmittal is approved by the reviewing body. The Planning Director shall determine whether there has been substantial change in a resubmittal application.

On February 7, 2005, The Planning and Zoning Commission denied a request for a 98-unit Planned Residential Development on the subject site. The application included four buildings that ranged from 2 to 5 stories in height. In the Planning and Zoning Commission's decision for denial, the Commissioners made statements in support of the site layout and density, but voiced concern about the building's height and requested variance of the rear setback.

The Planning Director has determined that the new application meets the requirements for resubmittal within less than one year, because the applicant's redesign of the project has resulted in a substantial change in a re-submittal application. The applicant has made the following changes to the project:

- (1) The height of the development has been reduced by removing the 5th story;
- (2) The new design has added a 3rd story transition between the 2nd and 4th stories for the southern section of buildings that abut Kipling Road and Peasley Street. The previous design stepped from 2 stories directly to 4 stories;
- (3) The applicant has increased the rear setback for the service drive from approximately 3 feet to 15 feet;
- (4) The patios have been relocated outside of the side street setbacks;
- (5) The applicant has decreased the number of units from 98 to 86, thus, the density has been reduced by 12%;
- (6) In order to make some of the changes, the floor plans of the individual units have been reconfigured, as opposed removing a unit and keeping the same floor plan;
- (7) The street setbacks for Buildings 2 and 3 have increased along Crescent Rim Drive from 20 feet to 34 feet for the buildings and 31 feet for the patios; and
- (8) A low fence has been added along the street frontages.

These changes will result in a substantial change to the project individually and cumulatively. Removing the 5th story has gone a long way to addressing compatibility with the neighborhood, as has the newly added 3rd story along Kipling Road and Peasley Street to provide a transition between the 2nd and 4 stories. Previously, it was felt that the 5th story caused the project to dominate the neighborhood. Further, the greatest concerns have always centered on the effects of the development on Kipling Road and Peasley Street. The transitional story significantly changes the project and addresses this concern.

The alteration of the rear and side setbacks have significantly decreased the domination of this project over the neighborhood. The applicant has greatly reduced the number of units and the associated density. The reduced density combined with the removal of the 5th floor has reduced the massing and increased the compatibility with the neighborhood. Furthermore, relocating the patios outside of the side street setbacks has reduced the intrusion of the project on the neighborhood. The low fence that has been added along the street frontages provides additional stepping and transition from the public realm on the sidewalk to the private realm of the residences. While the various alterations are significant, the changes have resulted in a cumulative substantial change not only in number of changes, but also on the affect of the project's impact on the neighborhood.

Conditional Use Permit

2. The proposed high density residential project is consistent with the Land Use Map of the Comprehensive Plan as it calls for High Density Residential development.
3. The proposed project will be integrated into the neighborhood in a manner that is visually pleasing. This is ensured by a combination of high-quality building materials of stucco, cultured stone, and tile roofs, modulated elevations, stepping down of heights to the perimeter, well-defined entries, and the provision of detached sidewalks and landscaping.
4. The proposed project will constitute a significant private investment on property that has been vacant and the subject of code enforcement efforts for a number of years. The quality of this project will promote additional interest and private investment in the immediate area, thus combating the trend of disinvestment that the City has documented in the Central Bench.
5. The proposed project will expand the housing stock of the City and provide a maintenance-free housing development made with high quality building materials that will appeal to older and single residents. This type of housing is needed but not common in the City. The location of this housing close to downtown is appropriate and desirable due to the large number of employees downtown that may need such housing.
6. The proposed project will further the City's goals of minimizing suburban sprawl and will provide higher density housing around major workplaces and activity centers and along a designated future transit route.

7. This residential project is compatible with the larger surrounding area as it provides urban living in attached housing that is near jobs and the cultural center of downtown Boise. Further, the residents will be able to walk or ride their bikes to downtown activities.
8. This project is compatible with the neighborhood as it brings higher density to the Central Bench without creating parking concerns. Parking for the residents is underground and fully contained on-site. The required amount of parking for this development is 147 spaces, which is exceeded by 36 spaces with the proposed parking garages.
9. This project has a unique and desirable design in which the perimeter dwelling units face outward onto the adjacent local residential streets, rather than turning their backs on the streets as in more typical attached housing developments. The façades feature attractive patios with sliding glass doors and multiple windows facing the streets that cause this development to become an integral and functional part of the surrounding neighborhood, increasing safety and fostering interaction between the residents of this project and the neighborhood in which they are located.
10. This neighborhood was created without sidewalks, resulting in pedestrians walking in the streets. Sidewalks provide pedestrians with their own dedicated travel way. The applicant is proposing detached sidewalks along the three street frontages. This project provides the beginning of the neighborhood's sidewalk infrastructure, which is greatly needed.
11. Landscape planters are provided along the street frontages to allow for trees to help reduce the impact of the mass on the neighborhood. Class II trees surround the sides of project as part of the landscaping along Kipling Road and Peasley Street. This adds to the compatibility of fitting in with the neighboring landscaping of mature trees with a larger tree canopy.
12. The site is zoned R-1C (Single Family Residential) and R-3D (Multi-Family Residential with Design Review), which are residential zones. A very small portion of the site (0.00002-acre) is zoned A (Open Land), which also allows for residential development. The surrounding zoning matches the site's zoning with R-1C, R-3D, and A, but also includes R-2 (Combined Residential). The proposed use is residential as are the abutting uses. Residential uses are compatible in that there are no conflicts with odors, noise, and hours of use. With the Conditions of Approval, this project is compatible with other uses in the neighborhood and will not adversely affect other property of the vicinity.
13. The proposed 79-unit residential development will not place an undue burden on transportation facilities. The Ada County Highway District has reviewed the development and a traffic study submitted by the applicant and determined that the local street abutting the site will not exceed the 2,000 vehicle trip per day limit for local streets. There were no concerns with other streets in the vicinity.
14. The site is located in close proximity to downtown, Boise State University, the main library, museums, and three city parks. Residents may bicycle or walk to these attractions, which would reduce the amount of vehicle trips generated by this development.

15. No public facilities responded that their services were unduly burdened by the development.
16. The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, service drives, parking, loading, and landscaping.
17. The buildings are designed with modulated facades, varying roof lines, balconies, and patios. The buildings are not sterile or box-like in appearance. Materials of stone, stucco and tile roofs are proposed. The project is required to receive Design Review approval before construction.
18. The number of dwelling units allowed in a planned development is to be calculated by dividing the gross area by the minimum lot area per dwelling unit required by the zone in which the site is located. The allowed density is 30.56 DU/acre. This density is calculated by using the sum total of 141 units [127.46 units (calculated by taking 2.93-acres of R-3D x 43.5 du/acre) plus 14.18 units (calculated by taking 1.63-acres of R-1C x 8.7 du/acre) plus 0.00002 unit (calculated by taking 0.00002-acre of A zoning x 1 du/acre)] divided by 4.618-acres. The proposed density is 17.11 DU/acre (79 units/4.618 acres). The proposed density is nearly half of the allowed planned development density. The applicant is requesting approval of a general exception through the Conditional Use Permit process to allow the density of the R-3D parcels to be located on the R-1C parcels (Section 11-10-07.01). The existing higher density residential zoning of R-3D covers the majority of the site and has been in existence for several decades. The requested general exception allows for proposed site design of smaller building footprints to accommodate the allowed densities, resulting in large distances spaces between the buildings and the ability to provide subterranean parking garages.
19. The project includes multiple amenities: an outdoor swimming pool, an indoor recreation center, gym facilities and prominent water features throughout the site. In contrast, the Planned Development Ordinance requires only 2 amenities.
20. The site design is symmetrical with 4 buildings that extend like fingers towards Crescent Rim Drive, providing open space between the buildings. Multi-family developments in the R-3 zone are required to provide open space at a rate of 30% of the land area occupied by the buildings or 22,866 square feet (30% of 76,220 sq. ft. = 22,866 sq. ft.). The project exceeds this requirement by providing 52,501 square feet of landscaped open space, which is 69% of the land occupied by the buildings.
21. Surface parking and garage-dominated façades have been avoided with subterranean parking garages and enclosed 1st floor parking, which improves the overall design and appearance. The parking areas are designed to minimize walking distances by providing each building's parking needs directly under the building.
22. An adequate pedestrian sidewalk system is proposed with the detached sidewalks along Kipling Road, Peasley Street, and Crescent Rim Drive and the sidewalks that abut the service drives. Minor adjustments may be needed as required by the Design Review Committee.

23. Natural views have been retained. A sitting area is provided along the sidewalk on Crescent Rim Drive as well as detached sidewalks for pedestrians. This allows residents and neighbors to enjoy the City's vistas. Currently there are not sidewalks abutting the site nor are there any sitting areas. View corridors are also preserved along the south elevation with the 40 to 48-foot wide breaks between Buildings 1 and 2 and between Buildings 3 and 4.
24. The mass of this project has also been the focus of all involved. Rather than having one large housing complex, this project breaks into four buildings. The open air corridors between Buildings 1 and 2 and between Buildings 3 and 4 are 40 to 48-feet wide. These corridors reduce the mass of the development and allow views of the foothills.
25. The applicant, neighbors and staff have all struggled with the height of this project and have worked to make the height compatible with the neighborhood. The immediate neighborhood is developed predominantly with single-family dwellings, but also includes 2-story apartments to the south across Alpine Street and 4-story apartments and condominiums to the north, below Crescent Rim Drive. The site itself has previously had a bakery on it and currently houses a 2 ½ story, 13-unit apartment complex. Buildings 1 and 4 are of the greatest concern to not overshadow the neighboring 1 to 1 ½ story houses on Kipling Road and Peasley Street. Buildings 1 and 4 begin with 2 stories along Kipling Road and Peasley Street across from the neighboring houses. On the interior of the site, Buildings 1 and 4 step-up to 3 stories. This design allows for a transition from the lower neighboring houses and blends with the varying heights of residences within the area. Buildings 2 and 3. The 4-story aspects of this project are purposely located in the center and rear of the project, where they will be the furthest from neighboring housing.
26. While height can be addressed either through a variance or height exception, State Law and City Code both allow building height in planned unit developments to be addressed through height exceptions (applicable Idaho State Code, Sections 67-6511 and 67-6515).
27. Height exceptions are granted for the elevator towers for Buildings 1 and 4 to be increased to 38.5 and 40-feet, for portions of the 3-story roofline for Buildings 1 and 4 to be increased to 35.5 and 38-feet, for the elevator towers for Buildings 2 and 3 to be increased to 47-feet, and for portions of the 4-story roofline for Buildings 2 and 3 to be increased to 46 and 48-feet, and for the parking garage that is below-grade, but exposed along the southern elevation. These height exceptions do not conflict with the Comprehensive Plan, nor cause an undue burden on transportation or other public facilities in the vicinity. The elevator tower height exceptions are for narrow portions of the buildings that extend a maximum of 5-feet over the zone's base height. The other height exceptions are largely due to the change in grade over the site and the need to keep the subterranean parking garages at a consistent level for ease of access with the connecting service drives. Building 4 meets the height requirements along Peasley Street, but as the site slopes down toward Kipling Street, the parking garage begins to rise 1 to 4-feet above the abutting sidewalk's elevation, which is the most consistent item to measure against and is also the base of the berms that covers the exterior wall of the parking garages. The subterranean parking garage does not affect neighbors' privacy. Nor do these exceptions adversely affect the neighbors. The subterranean parking enhances the aesthetics of the project by removing the parking from

view. Further, the berm between the sidewalk and the building provides a transition from the public realm along the sidewalk and street to the private realm of the residents. The patios that are nearest to the sidewalk will benefit from their slightly raised elevations of 1 to 4-feet above the sidewalk by providing some level of privacy. The pedestrians on the sidewalk will not be at eye-level with the residents in their house or on their patio.

28. Although most of the site is zoned for high density multi-family development, the site has sat vacant for a significant period of time. This project will provide an alternative housing choice, allowing current home owners to stay in the neighborhood as their housing needs change. This project meets many of the City's objectives in that it is quality infill that will decrease urban sprawl. The Planning and Zoning Commission acknowledges that the project will alter the Crescent Rim area; however, the neighborhood will be enhanced due to quality of project. The high quality building materials, subterranean parking, and numerous amenities of the project could not be achieved without the proposed density. The project fulfills the purpose statement of the R-3 zone, which states:

It is the purpose of the R-3 District classification to provide higher density residential zones, well integrated into the community pattern to accommodate a demonstrated need for residential uses convenient to shopping, recreation, cultural and other concentrated community facilities and to provide an orderly transition from more intensive, high density uses to less intensive, lower density uses.

Conditions of Approval

Site Specific:

1. Construction, use and property development shall be in compliance with plans and specifications on file with the Boise City Planning and Development Services Department date stamped received on April 20, 2005 for the plans and February 22, 2005 for the base application material, except as may be modified by the Boise City Design Review Committee or Staff or by the following conditions.
 - A. Identify the location of the bicycle racks. Maintain 6-feet of pavement on the access side of the bike rack, excluding any abutting 4-foot wide sidewalks that are required for pedestrian circulation.
 - B. The breezeway connections within Buildings 1 and 4 shall be treated as open breezeways and not just a through pathway. They shall be opened up to create a visual to tie from one side of the neighborhood to the other.
 - C. The 4th floors of the "wing" portion of Buildings 1 and 4 shall be eliminated.
 - D. No increase in the building footprint is allowed.

- E. The application submitted for review by the Design Review Committee shall be include all design modifications described herein. No further review by the Commission is required unless the applicant requests a modification to the approved plans or conditions.
- F. Install a "No Left Turns" sign at the Peasley Street driveway to prohibit left turns for vehicles exiting the site.
2. Construct the following along Peasley Street, Kipling Road, and Crescent Rim Drive: abutting the street's back-of-curb, install a minimum 7-foot wide landscape planter and then a 5-foot wide detached sidewalk. Grant ACHD an easement for the sidewalk and record the easement.
3. Grant the lateral association an easement for the ditch that will be located under the sidewalk along Kipling Road. The lateral association shall approve the easement and before recordation. The easement and the piped ditch must be shown and labeled on the Building Permit's site plan.
4. Provide 179 to 183 parking spaces, of which a maximum of 147 may be assigned.
5. The guest suites are allowed as proposed with a bedroom and bathroom and shall be included in the required parking calculations.
6. The following height exceptions are granted:
- A. Elevator Towers*
Building 1, elevator tower: 40-feet
Buildings 2 & 3, elevator towers: 47-feet
Building 4, elevator tower: 38.5-feet
- B. Roofs*
Building 1, a 3-story roofline: 38-feet
Building 2, 4-story rooflines: 48-feet
Building 3, 4-story rooflines: 46-feet
Building 4, a 3-story roofline: 35.5-feet
- * These height measurements are taken from the mid-point of the roofline to the grade of the abutting sidewalk for the walls that face the streets and to the abutting finished grade for the interior walls.
- C. Subterranean Parking on South Elevations
Buildings 1, 2, 3, and 4 are granted height exceptions for the subterranean parking garage on the south elevations. These portions of the parking garage will not be included in the building height measurements. The height of the buildings shall be measured from finished floor of the 1st level (the top of the

parking garage) to the mid-point of the roofline and shall not exceed the height requirements of the zone, unless otherwise stated.

7. This project is required to be reviewed by the Design Review Committee and obtain approval. The Design Review Committee is requested to specifically address the following:
 - A. The treatment of the bermed area between the detached sidewalks and the buildings that is proposed to cover the exposed portions of the parking garage. Consider foundation plantings to accent appropriate building locations, to provide a transitional yard between the public and private spaces, to reduce the perceived building bulk by adding landscape interest at the pedestrian level and enhance the pedestrian experience.
 - B. The types and spacing of the larger Class II trees required in the planter abutting Peasley Street and Kipling Road. The intent is to provide a fuller tree canopy to buffer the buildings.
 - C. The types and spacing of the trees along Crescent Rim Drive.
 - D. The need for additional exterior sidewalks to connect to the guest and resident parking garages.
 - E. Changes to provide functional back-up space for the parking spaces located at the north end (dead-end) of each of the four parking garages. Possible solutions are to extend the service drive beyond the parking spaces to the north, or to stripe one of the opposing parking spaces for "No Parking" (a storage unit could possibly be integrated into this area).
 - F. Public Works Staff has requested modifications to the proposed trash pick-up location. Resolution of this needed service may affect the design of some portions of the four buildings. The applicant is encouraged to coordinate a solution with Public Works Staff prior to submitting a Design Review Application. If this is not resolved upon submittal, include review of the trash pick-up facilities.
8. Provide the proposed amenities of an outdoor swimming pool, an indoor recreation center, gym facilities, and three water features with the 1st Phase of development (Buildings 2 and 3).
9. With Phase I of the development (Buildings 2 and 3, in the center), construct the full street improvements for Peasley Street, Kipling Road, and Crescent Rim Drive, including landscape planters and detached sidewalks, and the minimum 7-foot landscape buffer. Some trees may be omitted to allow for construction access. If Phase II (Buildings 1 and 4) is not under construction (issuance of Building Permit) within 24 months of the first Building Permit's issuance, the building pads for Buildings 1 and 4 and the surrounding area shall be landscaped with a minimum of grass and watered with an underground sprinkler.

10. Comply with the requirements of the Subdivision Ordinance regarding land divisions. Prior to issuance of a Building Permit, either the parcels shall be combined and recorded with one legal description or a condominium plat shall be recorded. A new tax parcel number(s) is required.
11. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage and sewers per Department comments dated March 1, 2005. Please contact BCPW at 384-3900. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.
12. Geo-technical reports shall be submitted regarding the building, site drainage, and slope stability for review and acceptance by the Boise City Building and Public Works Departments.
13. Apply and receive Drainage District #3's approval of the project's drainage plan prior to submitting for a Building Permit for each building, as requested in their letter concerning this site.
14. Comply with the conditions of the Ada County Highway District related to the development of the subject property.
15. A clear vision triangle (both ACHD's and Boise City's) shall be protected at all intersections. This includes all vegetation (except deciduous trees pruned at least 8 ft. in height above the sidewalk and 14 feet above the roadway), walls, signs, vehicles, solid fences or other sight obstructions exceeding 3-feet in height, as measured from the elevation at the centerline of the streets and service drives. The applicant shall submit detailed site plans to show that this requirement is met.
16. The service drives shall meet the standards listed in Section 11-04-03 of the Zoning Ordinance.
17. The applicant shall commit \$100,000 toward traffic mitigation in the Crescent Rim neighborhood subject to the conditions in this paragraph. The plan must be prepared and submitted by the Depot Bench Neighborhood Association. The plan may include grant funding from other sources, including ACHD and the City; however, regardless of other funding, the applicant shall commit the required \$100,000. The City staff must approve the plan with such input and concurrence from ACHD as is necessary to construct any improvements proposed. A Council member may participate in the formulation of the plan. Not more than \$10,000 of the Crescent Rim contribution may be used for professional planning and engineering services. If the plan is not approved within two years of the effective date of approval by City Council of the Crescent Rim application, this condition is waived.

18. Significant construction activities on the exterior of the buildings or property may occur for no more than 36 months of the 60-month term of this permit. Applicant shall exercise best efforts to ensure that construction is completed within three years from the effective date of the first approved building permit for Crescent Rim.
19. Construction transportation and construction parking plans

Prior to issuance of any grading or building permits:

- A. Consistent with the other conditions of approval, the applicant shall submit and receive approval from the City Planning and Development Services staff for construction, transportation and parking plans. The plans shall address the following:
- Ingress/egress of construction equipment and trucks;
 - Truck access routes, to and from the site, for excavation and construction phases;
 - Street closures (if any);
 - Location of off-street parking for construction workers; and
 - Dust control.

During construction:

- B. A construction, transportation and parking plan with the location of and the requirement to use the off-street parking shall be posted at the construction site for the duration of construction activity. Parking for construction workers may be provided in the garage when is completed and usable for employee parking.
- C. To reduce the noise impact of construction on nearby properties, all exterior construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (minor work between the hours of 7 and 7:30 may be allowed with the submittal and approval of a noise mitigation plan that would then be posted on site for public view). In addition, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m.:
- Surveying and layout;
 - Other ancillary tasks to construction activities including site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be performed at any time. City staff recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during those hours. Therefore, the hours may

be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of City staff prior to each occurrence.

Any conditions to be enforced during construction shall remain posted at each street abutting the site for the duration of construction in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way.”

- D. Crescent Rim will maintain contact with a designated representative of the DBNA during construction. Crescent Rim will inform the representative of planned construction activities on a quarterly basis and as major changes in schedule may occur. The representative will be provided with information concerning key contacts and emergency phone numbers.

General:

20. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative, and an authorized representative of the City of Boise. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon the City of Boise.
21. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the City of its intent to change the planned use of the property described herein unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
22. Prior to a Building Permit and prior to any construction on the site, an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.
23. The applicant shall comply with the following agency regulations where applicable by law or judicial decision:
 - A. Boise City Public Works Department
 - B. Boise City Building Department
 - C. Forestry Specialist, Boise City Parks and Recreation Department
24. Any future division of this parcel into individual lots or parcels, for the purpose of selling the separate lots to individual owners, will be required to comply with all provisions of Boise City Code, Title 9, Chapter 20, including lot frontage on a public or approved private street, and all requirements for preliminary and final platting.
25. All landscaping shall be maintained in a healthy and attractive condition and shall be irrigated by an appropriate underground irrigation system.

26. That all lights and other illuminated materials shall be designed, positioned, shielded, directed and located to prevent glare from falling on adjoining properties.
27. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.
28. Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
29. This Conditional Use Permit shall be valid for a period not to exceed eighteen (18) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must:
 - A. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations; or
 - B. Commence the use permitted by the permits in accordance with the conditions of approval; or
 - C. For conceptual conditional use permits, submit an application for detailed conditional use permit; or
 - D. For projects, which require platting, the plat must be recorded within this period. The Commission may also fix the time or period within which the permit shall be completed, perfected or bonded. If the conditions of approval shall not be completed or bonded within such period, said permit shall lapse.
30. Upon written request by the holder, prior to expiration of this Conditional Use Permit, the Commission may grant a one-year time extension. A maximum of three (3) one-year time extensions may be granted to an unexpired permit. The Commission reserves the right to require additional conditions or modifications to the revised plans.
31. An Occupancy Permit will not be issued by the Boise City Building Department until all conditions of approval have been complied with. In the event a condition(s) cannot be met by the desired date of occupancy, the Boise City Planning and Development Services Department Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond will be required in the amount of one hundred ten percent (110%) of the value of the condition(s) which are incomplete.
32. The Conditional Use Permit shall be completed within sixty (60) months of the Commission's approval or a new Conditional Use Permit shall be required.
33. Failure to abide by any condition of this approval may be grounds for revocation by the Boise City.