

SUMMARY STATEMENT

917 Lusk, LLC v. City of Boise, Docket No. 41214

In an appeal from Ada County arising from a petition for judicial review of the Boise City Council's decision granting a conditional use permit for Royal Boulevard Associates to build an apartment complex near Boise State University, the Supreme Court reversed the decision of the district court affirming the City Council's approval of the Boise Planning and Zoning Commission's decision to grant the conditional use permit. The Supreme Court held that the Commission and the district court failed to recognize that Idaho law and the Boise City Code provided the Commission with discretion to require the project to provide on-site automobile parking beyond the minimum required by the Parking Chapter. As a result of this failure to apply governing legal standards, the Commission refused to consider the adverse effects on property in the vicinity, and thus, the decision reflected an abuse of discretion. Additionally, the Supreme Court found substantial evidence supporting Lusk's claim of potential prejudice to its substantial rights as the project calls for 622 bedrooms to be leased to students and the Parking Chapter requires only 280 parking spaces for the project.