

B.C.C. § 11.03.03(9)(C)(3)(a) and (b) state:

The Director and City Clerk shall make the full administrative record available to the public. . . . If a party believes that information has been omitted from the administration record, it shall bring it to the attention of the Director no later than ten days prior to the date for the appeal hearing. If information has been omitted from the record, the Director shall determine if the information was presented to the review body and, if so, shall include it in the record provided to the Council.

The offer of \$120,000 was made "to fund offsite improvements for traffic calming and pedestrian safety (BC-0080) and further address neighbors' concerns" regarding the traffic impact of developing this residential parcel. This was not new information representing a proposed alteration to the development itself.

The petitioners assert that the Council's action must be set aside and remanded for further proceedings pursuant to I.C. § 67-5279, because the traffic mitigation issue was of major importance in the Planning and Zoning Commission's discussion of the PUD Application, but the PZC never had the opportunity to consider the extent of mitigation proposed by the LLC. If anything, the offer of mitigation would have strengthened the developer's position before the Planning and Zoning Commission. In any event Boise City Council is the final legislative authority on zoning and land use decisions. B.C.C. § 11.02.02(1). A reviewing court is to consider the record of the proceedings as a whole. I.C. § 67-6535(3). The traffic mitigation issue was considered in the proceedings before the City Council in response to expressed concerns and did not taint the proceedings.

C. A-1 Zoning

The petitioners contend "the vast majority of the LLC's property is zoned A-1. When considering conditional uses in the A-1 and A-2 zoning districts, the City has