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## Conditional Use Permit Recommendation & SEPA Determination

**Date:** October 29, 2025

**Project:** Raising Canes (CUP 1-25)

**Location:** 1075 South Burlington Boulevard

**Parcel(s):** P23694

**Applicant:** LuAron Foster, Raising Cane's Restaurants, L.L.C

**Staff:** Miranda Sires, Planner MS

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### Summary:

On July 3, 2025, the City received an application for a conditional use permit to construct a drive-through restaurant (Raising Cane's) off of Burlington Boulevard. The proposed development consists of a restaurant building with two queueing lanes and outdoor seating. The project will involve demolishing existing buildings, clearing, grading, and the installation of related landscaping, stormwater, and utility improvements. After reviewing the applicant's proposal, the conditions of the surrounding area, and the relevant approval criteria, the Community Development Department recommends a conditional use permit for the proposed development to be approved.

### Findings:

1. The proposed development involves a 3,298 square foot (SF) Raising Cane's restaurant with indoor seating and a drive-through window. The existing site is occupied by a Red Robin restaurant that will be removed with the project. The project will involve demolishing existing buildings, clearing, grading, and the installation of related landscaping, stormwater, and utility improvements.
2. As illustrated on attached exhibit "2" the project site is comprised of one parcel of 1.25 acres or 54,517 Square Feet. The property to the North is a strip mall with businesses such as Dollar General and Target, and to the south is Burlington Boulevard.

3. The site is currently occupied with a Red Robin Restaurant that is closest to Burlington Boulevard. The Red Robin building will be removed, and the site will be reconfigured with landscaping and paving and the added restaurant building of almost 3,300 square feet with two queuing lanes.
4. Construction or development that is not categorically exempt from SEPA threshold determination requirements requires site plan review (BMC 14A.05.160.A.5). The applicant’s proposal is not exempt from SEPA requirements because it will create 20 or more parking spaces (BMC 14.10.120.D).
5. The property is currently zoned “MUC-2” (Mixed-Use Commercial 2) and is subject to a comprehensive plan designation of “MUC” (Mixed-Use Commercial). The surrounding properties of the project site are also zoned MUC-2 (See exhibit “4”).
6. The surrounding land uses area is comprised of a wide variety of retail stores such as Target, the Cascade mall, and Fred Meyers.
7. In the MUC-2 zone, drive-throughs can be permitted in this zone with a conditional use permit if they are at a location where it is a corner lot and there is a signalized intersection (BMC.17.50.070.C.1.a). This project site is both a corner lot and at a signalized intersection and therefore meets the drive through requirements of the MUC-2 zone.
8. Conditional use permits are classified as “type III” permits. Type III permit decisions must be made by the City Hearing Examiner (BMC 14A.05.060.C.7).
9. The application for this permit was submitted on July 3, 2025. Following the submittal of a land use application the City is required, within 28 days, to determine whether or not the application constitutes a “complete” application. On July 31, 2025, the City determined the application was complete.
10. Once an application has been deemed complete, public notice of the application is required and a 14-day comment period must be provided (BMC 14A.050.100 & 14A.05.090.C). In accordance with these requirements, notice of the proposed development was published in the Skagit Herald, mailed to surrounding property owners, and public notice sign was posted on the site. The public comment period began on July 31, 2025, and ended on August 14, 2025. It is the City’s practice to accept, and consider, any comments submitted prior to the preparation of the staff report/Hearing Examiner recommendation. As of October 16, 2025, the City received three comments asking for more information about the project.
11. Burlington Boulevard is classified as a Major Arterial (Principal) road and sidewalks shall be provided on both sides of the street and shall have a minimum width of ten feet and a buffer strip with a minimum width of five feet shall be provided between the curb and

sidewalk (BMC.12.28.120). The current road has a buffer strip between the sidewalk and the road of 5 feet and the plans show that the sidewalk will be 10 feet in width minimum, therefore complying with code. Cascade Mall Drive is classified as a local access street. Access streets shall have sidewalks of 5 feet in width minimum. The existing street frontage along Cascade Mall Drive generally meets the requirements for a local access street; however, there is a portion of sidewalk near the intersection southwest of the site that is too narrow. The sidewalk along Cascade Mall Drive must be widened to at least five feet (BMC 12.28.150.L). The plans show that the sidewalk along Cascade mall Drive will be 4.9 feet in width and not 5. As a condition of approval, the plans will need to be revised to show the sidewalk will be widened to 5 feet in width along Cascade Mall Drive (condition “7”).

- The existing access point coming off of South Burlington Boulevard will need to be brought into compliance with current ADA standards (See condition “7” & exhibit “19”).

12. As part of the conditional use requirements for drive-throughs, the design shall incorporate enhanced pedestrian amenities and measures to mitigate the impacts of additional vehicle traffic on pedestrian access (BMC.17.50.070.C.7). Importantly, these additional requirements are intended to supplement and enhance the normal standards for design, landscaping, and pedestrian access. Examples of enhanced pedestrian amenities include plazas, raised crosswalks, benches, pedestrian lighting, street trees, pedestrian signage, wider sidewalks, and awnings or overhangs providing weather protection for pedestrians. The applicant provided a narrative that states they will be addressing the enhanced pedestrian amenities by raised walkways and landscaping. The plans show pedestrian lighting, added landscaping, outdoor seating, and the plans appear to have three awnings for pedestrians and therefore comply with the requirements for enhanced pedestrian amenities.

13. Drive-throughs are required to include a raised pedestrian crossing wherever a pedestrian path crosses a queuing lane (BMC 17.50.070.C.5). The applicant’s plans show pedestrian paths crossing queuing lanes in two locations and it states on the plans that both crossings’ will be raised and therefore complying with the code.

14. There are no *minimum* property line setback requirements in the MUC-2 zone. However, new buildings are normally subject to a *maximum* street setback of 10 feet (BMC 17.50.090.D). The plans submitted with the application (exhibit “2”) indicate the building will be located along Burlington Boulevard Street frontage and Cascade Mall Drive. The plans show that there will be two queueing lanes making the building setback further than 10 feet from the street. BMC 17.50.070.C.3, which includes design standards specific to drive-throughs, specifically allows drive-through buildings to be setback more than ten feet “as minimally necessary to accommodate a single queuing lane”. Here, the applicant is

proposing two queuing lanes between the building and the street, thereby exceeding the maximum permissible setback. City staff suggested the applicant might be able to address this issue by extending a canopy or other similar building feature over the queuing lanes to establish some type of building mass or wall at the maximum setback line.

15. The plans show that there will be two attached canopies that extend over the queuing lanes thereby allowing the building to comply with the maximum street setback for the MUC-2 zone. However, the plans do not provide much detail on the design of the proposed awnings. The plans also show that there are unavoidable utilities within the building and the street frontage, and the code allows the building to be setback further to avoid utilities. In order to meet the intent of the code, by establishing a clearly defined building line within ten feet of the street, the awnings will need to include vertical supports and full height walls or screening elements, such as slats, bars, opaque glass or other similar architectural features. As a condition of approval, revised building details shall be included for the proposed canopies (condition “18”).
16. A landscaping plan is required for this project and must demonstrate compliance with the City’s landscaping standards (BMC 17.81.020 and 17.81.050.A). The landscaping plan must be prepared by a licensed landscape architect (BMC 17.81.050.B). The application included a preliminary landscaping plan prepared by a licensed landscape architect, Jack M. Kiesel, and therefore complies with the code.
17. A minimum of 15 percent of the site must be landscaped (BMC 17.81.060.C). The site has a total area of approximately 54,518 square feet, meaning a minimum of 8,177 square feet of landscaping must be provided. The preliminary landscaping plan submitted with the application depicts landscaping buffers located around the perimeter of the site, along the street frontage and shows parking lot landscaping as well. However, on the plans there is no calculation showing that at least 15 percent of the site will be landscaped so it is hard to tell if it meets the minimum. As a condition of approval, the plans shall be revised to show a calculation table stating the percentage of landscaping that is being proposed (See condition “8”).
18. Street frontage landscaping, consisting of a strip at least ten feet wide planted with street trees at intervals of 30 feet, must be provided along all street frontages (BMC 17.81.070.A). The landscaping plan illustrates the required street frontage landscaping along both Burlington Boulevard and Cascade Mall Drive along with showing adequate trees and shrubs. However, along Burlington Boulevard there are no dimensions showing the street frontage buffer of 10 feet in width. Please revise the landscaping plans to show dimensions of the buffer widths (See condition “8”).
19. Landscaping strips must be provided along interior lot lines and must have a minimum width of five feet. In addition, one tree must be provided for every 30 feet of perimeter landscaping buffer (BMC 17.81.080.A & B). The preliminary landscaping plan depicts a

buffer strip along the western property boundary planted with tree and shrubs, however, there is no dimension to show if the perimeter landscaping strip is 5 feet in width minimum. As a condition of approval, there shall be dimensions labeled on the plans showing that the perimeter landscaping strip to the east is 5 feet in width (See condition “8”).

20. The plans show that the existing trees that are currently on the site will be removed because they are where the proposed restaurant building is located. During the permit review, staff requested that the applicant identify the location, and the number of significant trees that would be removed to accommodate the proposed development. Significant trees must be replaced at the rate specified in BMC.17.81.120.C. A memo was provided showing the number of significant trees that will be removed, which is only one out of the seven total trees being removed. The memo states that two trees will be planted in replacement of the one significant tree which meets code.
21. Under the MUC-2 code for drive through requirements it states “In addition to any other applicable landscaping and screening requirements, queuing lanes shall be screened from view using a landscaped earthen berm or a low masonry wall. The screening shall have a minimum height of three feet, as measured above the grade of the adjacent queuing lane and shall be consistent with the standards for Type II screening identified in Chapter 17.81 BMC” (BMC.17.50.070.4). The civil plans show that there will be a type II screening for the queuing lanes, and they will be using a masonry wall of 3 feet in height therefore complying with the code.
22. Low impact development (LID) techniques, such as rain-gardens, permeable pavements, and bio-retention, must be incorporated into the design of all new development unless demonstrated to be infeasible through an engineering analysis (BMC 17.70.135.C & 17.85.140.E). In addition, landscaping areas must be used, to the maximum extent possible, to treat, store, or infiltrate storm-water runoff. The application materials include a geotechnical evaluation. However, no information has been provided on the potential use of permeable pavement raingardens, bio-retention or other LID measures, the landscaping plans do not show how landscaped areas will be used to manage stormwater, and the geotechnical report does not address the feasibility of infiltration or LID features as required by code. In order to demonstrate code compliance this information must be included with the final plan (conditions “7” and “8”).
23. Under the City’s parking requirements, restaurants are only required to provide one parking space for every 200 square feet, the total square footage of the building is 3,298 sq feet, meaning approximately 16 spaces would be required for this use (17.85.060.A-1). The plans show that 32 stalls will be provided. (17.85.060.A-1). The City’s parking code (BMC 17.85.060.B) limits parking to a maximum of 120 percent of the total requirement. This limitation may be waived if a traffic and parking study is submitted showing the need for

additional parking. As a condition of approval, please either revise the plans to show 20 parking spaces or less, or provide a parking study that demonstrates the “need” for additional parking (See condition “10”).

24. Parking lot landscaping is required for parking lots with 20 or more parking spaces and at least 15 square feet of landscaping shall be provided for each interior parking space (BMC.17.81.090). On the site plans, it shows that there will be 32 provided parking stalls and the landscaping code states that there shall be 1 tree per 6 stalls, so therefore at least 5 trees are required. The landscaping plans show that there will be 8 trees provided for the parking lot landscaping along with landscaping islands throughout the parking lot and therefore complies with the code.
25. New developments must also provide bicycle parking. For large (more than 1,000 square feet) eating and drinking establishments there shall be 4 required bicycle parking spaces (BMC 17.85.060.A-1). The plans show that there will be a bike rack for bicycle parking and will have 6 spots for bicycle parking, therefore complying with the code.
26. The City’s landscaping code requires that either a landscape irrigation system or draught tolerant landscaping plan be provided (BMC 17.81.060.D). Either a drought tolerant landscaping plan or an irrigation system may be used, but the landscape architect must explicitly state which option they are using and include a sprinkler system plan if they go the irrigation system route (17.81.050.C.7 and 17.81.060.D). As a condition of approval please revise the landscaping plans to either incorporate an irrigation system or drought tolerant landscaping (See condition “7”).
27. In accordance with BMC 17.81.110.A, all loading, storage, and outdoor service areas such as trash enclosures must be screened from view. Trash requires a type I buffer which includes a buffer width of five feet and a physical screening with either a solid site obscuring fence or wall that has a minimum height of six feet (BMC.17.81.110.1). The current plans show where the trash enclosure will be on the site and also show adequate details of the trash enclosure and the buffer screening and show that it will be covered and connected to sewer, therefore complying with the code.
28. The maximum permitted building height in the MUC-2 zone is normally 45 feet. In the MUC-2 zone buildings may exceed this height, if the portions of the building exceeding the normal height limit are set back one foot for each foot of height the building exceeds 45 feet (BMC 17.50.090.E). The architectural plans submitted with the application include detailed elevation drawings showing that highest point of the proposed building will be almost 21 feet (exhibit “7”). The proposed development will comply with the building height regulations for the MUC-2 zone.
29. All outdoor lighting fixtures must be fully hooded, screened, and directed downwards so that the light source is not visible from the adjoining properties or the public right-of-way

(BMC 17.85.115.G & 17.70.110.A). A lighting plan was included and shows that the fixture type will be pole top mounted and wall mounted, the manufacturer’s design, and the plans show where the lighting will be placed along with the height does not exceed more than 25 feet, therefore complying with the code.

30. Parking and circulation areas must incorporate LID measures such as permeable pavement, raingardens, and bio-retention (BMC 17.85.100 B & C). The plans do not show how LID measures have been incorporated into the design of parking and circulation areas. In order to address this requirement, the final plans must show how LID measures have been incorporated and a revised Geotech report must be sent in showing that the site has been infiltrated and the feasibility of LID measures. If the Geo report confirms infiltration to be infeasible, then the detention system will need to be enlarged to meet the LID performance (conditions “7” and “8”).
31. The maximum impervious surface coverage limit for the MUC-2 zone is 80 percent (BMC 17.30.100.D). Impervious surfaces include buildings, conventional pavement, and compacted gravel. Permeable pavement, engineered pavers, grass grid, green-roofs, and open slotted decking may be included in impervious surface calculations at a rate of 50 percent (two square feet of permeable pavement equals one square foot of impervious surface coverage) (BMC 17.01.050). The plans show that impervious surface coverage will be 70 percent and complies with code.
32. The project site is in the regulatory floodplain. A floodplain permit and floodplain habitat assessment are required for all development in the floodplain. A floodplain permit application and habitat assessment were provided demonstrating compliance with applicable floodplain regulations.
33. All fire comments made by the fire marshal will need to be addressed (See exhibit “21”).
34. Conditional Use Permits must be consistent with all of the criteria enumerated in BMC 14A.05.080. For purposes of clarity the applicable criteria have been addressed individually below:
  - a. The use will have no more adverse effect on the health, safety or comfort of people living or working in the area, and will be no more injurious, economically, or otherwise, to property or improvements in the surrounding area, than would any use generally permitted in the district. Among matters to be considered are traffic flow and control, access to and circulation within the property, off-street parking and loading, refuse and service areas, utilities, screening and buffering, signs, yards and other open spaces, height, bulk and location of structures, location of proposed open space uses, hours and manner of operation, and noise, lights, dust, odor, fumes and vibration.

*The applicant is proposing a drive-through restaurant building of 3,298 square feet with parking and two queueing lanes. The site is zoned MUC-2 which currently allows for drive-throughs. The areas surrounding the site are all zoned MUC-2, there is a Popeyes drive-through 270 feet away with a bank in between, there is also a drive through coffee stand around 250 feet away along with other retail businesses. Therefore, the use will have similar impacts to other uses permitted in the surrounding area.*

- b. The proposal is in accordance with the goals, policies and objectives of the comprehensive plan.

*The Burlington Comprehensive Plan includes a number of objectives, goals and policies relevant to the proposed development, including:*

*Lands Use Element, General Objectives:*

*“Based on regulations and policies in effect prior to the development the current comprehensive plan the City would not have had sufficient capacity to accommodate employment growth and economic development through the year 2036.”*

*“Absent changes to the Comprehensive Plan, the DCA shows that the City will not be able to accommodate projected employment growth through the year 2036” 2.4.2*

According to the comprehensive plan, the City of Burlington will not be able to accommodate the projected employment growth, and we are falling a little short on employment opportunities. By adding this proposed drive-through restaurant it would bring more employment opportunities to the City of Burlington.

*MUC Zone general objectives-*

*“The MUC designation is the City’s primary commercial land use designation. The goal of the MUC designation is to accommodate and promote a dense concentration of commercial, institutional, and residential uses. Uses in the MUC designation typically covers a large portion of the site, have high occupancy or employment densities, and generate significant customer traffic.” 2.5.4*

*“Examples of acceptable uses include, but are not limited to, retail, commercial recreation, large multiunit residential developments, eating*

*and drinking establishments, health care facilities, and office buildings.”2.5.4.2*

The proposed development is located in an existing commercial area and is within walking distance of jobs, services, and residential housing. Utilities including public water, sewer, and fiber optic communications are available adjacent to the development site. The drive-through restaurant would also increase significant customer traffic, and the development would cover most of the site. In addition, the development site is located within the Commercial Core Priority Development Area.

*Commercial Core Priority Development Area General Objectives:*

*“The Commercial Core is the City’s primary commercial center. The commercial Core is centered along the Burlington Boulevard corridor and contains regionally significant shopping, entertainment, and services. While this area has historically been primarily, or exclusively, commercial in nature, this plan envisions directing a significant portion of the City’s future residential growth to the Commercial core. The purpose of the Commercial Core PDA is to maintain the viability and prominence of the City’s retail base while accommodating redevelopment and infill that is compatible with, and supports, existing developments and uses.” 2.6.5*

*“In areas designated MUC, ground floor uses along Burlington Boulevard should be limited to active pedestrian oriented uses such as eating and drinking establishments, retail, personal services, indoor showrooms, and government offices with customer service function. Administrative offices, medical facilities, social service agencies, and residential uses are not acceptable.” 2.6.5.1*

*“With an exception of land designated Parks and Conservation (PC), or Public Facilities and Transportation (PFT), all land in Commercial Core shall be designated Mixed Use Commercial (MUC).” 2.6.5.2*

This property is located along Burlington Boulevard within the Commercial Core, where the plan identifies eating and drinking establishments as appropriate and encouraged uses. A drive-through restaurant would serve both residents and regional visitors by providing convenient, high-turnover food service options that complement the existing retail and entertainment mix. This type of establishment supports the corridor’s economic vitality through consistent customer traffic, sales tax generation, and job creation. Eating and drinking establishments are explicitly identified in Section 2.6.5.1 as preferred active, pedestrian-oriented ground-floor uses along Burlington Boulevard. While a drive-through component enhances vehicular accessibility, these restaurants

typically include indoor or walk-up service areas that contribute to street-level activity, aligning with the plan’s intent to promote active and engaging frontages.

- c. The proposal complies with all the requirements of this title (zoning code).

*As documented in this report the proposal complies with all applicable code requirements or can comply with all applicable code requirements through the application of reasonable conditions of approval.*

- d. The proposal can be constructed and maintained so as to be harmonious and appropriate in design, character, and appearance with the existing or intended character of the general vicinity and provides a high quality of development.

*Under the City’s revised zoning regulations, the proposed use will be permitted outright on the site and similar uses are permitted in the surrounding area. As such the use is consistent with the existing and intended character of the area.*

- e. The proposal will not adversely affect the public infrastructure.

*This proposal will have little or no impact on public infrastructure. Existing utilities are located in the street adjacent to the site, the development is located next door to the City’s public safety facilities and is within walking distance of jobs and commercial services thereby minimizing transportation impacts.*

### **SEPA Determination:**

#### Mitigated Determination of No-Significance (MDNS)

The lead agency for this proposal has determined that it does not have a probable significant impact on the environment subject to the mitigating conditions of approval identified below. An environmental impact statement (EIS) is not required under RCW 43.21C.0330(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This MDNS was issued after using the optional DNS process in WAC 197-11-355. There will be no further comment period for this MDNS.

This SEPA MDNS may be appealed to the City of Burlington Hearing Examiner. Appeals must be filed within 14 days of the date of this determination. The date of this determination is October 29, 2025. No appeal of this MDNS was filed with the required appeal period. The MDNS, and the associated MDNS conditions listed below are now final, binding, and not subject to further appeal.

1. With the exception of the impacts identified below, all of the impacts associated with this proposal will be adequately mitigated through the application of Burlington Municipal Code requirements. Therefore, all construction, work, clearing, grading, filling, excavation, and other development activities shall be in full compliance with applicable Burlington Municipal Code requirements and the conditions identified below under the “Permit Recommendation” heading.
  
2. All exterior lighting fixtures installed on the development site (including building mounted lights and free-standing lights), shall be consistent with the approved lighting plan on file with the Community Development Department. Changes to the approved exterior lighting fixtures, or the addition of light fixtures to the site must be authorized by the Community Development Department. All exterior light fixtures shall be directed downwards and fully hooded, screened, or optically focused so that the light source is not directly visible beyond the perimeter of the site;
  - a. No building permit shall be issued until documentation is provided demonstrating the proposed lighting plan complies with applicable Washington State Energy Code requirements.
  
  - b. All exterior lighting fixtures and outdoor lighting shall be consistent with the approved lighting plan. No final occupancy or final building permit inspection shall be granted until the exterior lighting has been inspected for consistency with the approved lighting plan.
  
3. Uncovered trash receptacles associated with food service establishments have the potential to introduce contaminants into the City’s ground and surface waters. In addition, uncovered drains connected to the City’s sanitary sewer system have the potential to impact public infrastructure. In order to ensure all water quality and public infrastructure impacts are mitigated to a level of non-significance, any dumpsters or similar waste receptacles shall be placed in a covered enclosure equipped with a drain connected to the City’s sanitary sewer system. The covered enclosure shall be graded or provided with curbs to prevent stormwater from entering the enclosure.
  
4. This project is located in a floodplain. The National Marine Fisheries Service has determined that development in floodplains can negatively impact species protected by the Endangered Species Act (ESA). The applicant has provided a habitat assessment and mitigation plan. This plan was prepared in accordance with the guidelines and recommendations identified in the “Floodplain Habitat Assessment and Mitigation” guidance prepared by FEMA Region 10. In order to mitigate any floodplain ecological impacts to a level of non-significance all clearing, grading, construction, and development activities shall be consistent with the design specifications, management recommendations, or other mitigation measures identified in the habitat assessment.

**Permit Recommendation:**

The Community Development Department has reviewed the applicant’s proposal and determined that it can comply with the applicable Burlington Municipal Code requirements subject to the conditions of approval identified below. The Community Development Department hereby respectfully recommends the Hearing Examiner to approve Conditional Use Permit application CUP 1-25 *subject to* the following conditions of approval:

General Conditions:

1. This approval shall not be construed to authorize any development or site modifications beyond those described in the application and shown on the approved plans. The approved plans shall be the plans and other project documents attached to, or referenced in, this decision.
2. Except as otherwise required by the conditions of approval identified in this decision and the associated SEPA threshold determination, all work, construction, and development activities shall conform to the approved plans. The approved plans shall be the plans and other project documents attached to, or referenced in, this decision. Minor modifications necessary to implement any changes requested by the Building Official, Fire Marshall, or City Engineer are permitted when necessary to ensure compliance with established regulatory requirements.
3. This approval shall expire two years from the date of approval. The date of approval for this decision shall be the date the Hearing Examiner’s decision is signed.
4. This permit does not authorize the location, design, construction, or installation of any signs. No signs may be installed unless authorized by a sign permit.
5. The property owner, developer, and all contractors shall be responsible for complying with all applicable laws and regulations pertaining to erosion control and water quality, including obtaining a Washington State Department of Ecology Construction Storm-Water General Permit. Any additional erosion control or construction management practices prescribed by the City Engineer or Building Official shall be immediately implemented.

Grading Permit and Site Development:

6. A grading permit is required prior to beginning any clearing, filling, excavation, building, construction, or other site development work.

7. Prior to the issuance of a grading permit civil engineering plans shall be submitted to, and reviewed by, the City Engineer for compliance with applicable stormwater, site development, and engineering requirements. A storm-water plan shall be included with the civil plans and the plans shall include LID measures. The civil engineering plans must include the following specific information:
  - a. Vicinity map legal description, survey notes, sheet index, legend, list of contacts, and signature blocks.
  - b. Details sheet depicting ADA compliant ramps, aprons, and sidewalks.
  - c. Waterline plan and profile.
  - d. Sanitary sewer plan and profile.
  - e. Site grading and drainage plan.
  - f. Waterline specifications.
  - g. Fiber optic conduit and vaults along all street frontages, connecting to any adjacent fiber optic conduit and vaults, and connecting to the building.
  - h. Show the sidewalk along Cascade Mall Drive widened to a minimum unobstructed width of 5 feet.
  - i. Bring the access point off of Burlington Boulevard located immediately north of the project site into compliance with current ADA standards (see exhibit “19”).
  - j. Provide a revised stormwater report and plans showing where and how LID techniques have been incorporated into the proposal.
  - k. Provide a revised Geotech report that shows infiltration of the site and the feasibility of LID measures.
  
8. No grading permit shall be approved or issued until a final landscaping plan has been submitted to, and approved by, the Community Development Department. The final landscaping plan shall be consistent with the following:
  - a. The landscaping plan shall demonstrate compliance with all applicable landscaping code requirements including but not limited to the requirements of this permit.

- b. Provide a calculation table stating the percentage of landscaping that is being proposed.
  - c. Show dimensions for the 10-foot street frontage landscaping strip and the 5 foot in width perimeter landscaping strip.
  - d. Demonstrate how landscaping areas have been used to manage stormwater.
  - e. Provide an irrigation plan or a drought tolerant plan.
9. A demolition permit is required prior to demolishing any building or structure. No grading permit shall be issued until the approval has been obtained from the Northwest Clean Air Agency.
10. Prior to the approval of a grading permit application, a revised transportation report shall be submitted. In addition to addressing any other requirements identified in this decision, the revised transportation report shall demonstrate why any additional parking spaces in excess of the parking limit established by BMC 17.85.060.B are needed. Or the plans shall be revised to reduce the amount of parking to only be limited to 20 parking spaces max.

Building and Occupancy Conditions:

11. The landscape irrigation system and all required landscaping shall be installed prior to final occupancy approval. The landscaping and landscape irrigation system shall be consistent with the landscaping plan required by this decision.
12. All clearing, grading, storm-water improvements, and utilities shall be consistent with the civil engineering plans approved by the City Engineer and no final occupancy shall be granted until the civil improvements have been inspected by the City Engineer.
13. No final occupancy or final building permit inspection shall be approved until civil engineering “as-built” drawing have been submitted to, and approved by, the City Engineer. No as-built drawings will be approved until the City Engineer has inspected the site and verified compliance with the approved civil plans, the conditions of the approved grading permit, and the conditions of this permit. All infrastructure shown on the approved civil plans, including but not limited to fiber optic conduit and vaults,

public and private street improvements, pedestrian access and crosswalk improvements, utilities, and storm-water management improvements.

14. The trash covered enclosure, screening, and sewer drain connection shall be installed prior to final occupancy approval.
15. Civil engineering “as-built” drawings shall be submitted to, and approved by, the City Engineer.
16. Prior to final occupancy approval a licensed surveyor shall survey the location and boundaries of any right-of-way improvements located outside of the existing established public right-of-way. Any additional right-of-way necessary to accommodate the required frontage or right-of-way improvements shall be provided to the city through a fee simple conveyance or by conveying a public access and utility easement. A licensed surveyor shall prepare legal descriptions and visual illustrations for the conveyance documents. The additional right-of-way shall be conveyed to the city prior to final occupancy.
17. All fire and life safety requirements identified by the Building Official and Fire Marshal shall be fully addressed.
18. Building plans shall include design details for the proposed awnings. Awning design details must show how the awnings will be designed to establish a well-defined building wall at the maximum setback line, by including vertical supports and screening at the setback line.

**Appeals:**

Conditional Use Permits are type III decisions. The Hearing Examiner’s decision may be appealed in accordance with the applicable procedures identified in Title 14A of the Burlington Municipal Code. For information on appeal procedures please contact the Community Development Department.