
Conditional Use Permit Recommendation & SEPA Determination

Date: June 8, 2023

Project: Sharon Avenue Townhomes (CUP 3-23)

Location: 204 East Sharon Avenue

Parcel(s): P72722, P72723, P133618, and P133627

Applicant: Adam Braddock, Fifteen for Two LLC

Staff: Brad Johnson, Community Development Director _____

Summary:

On March 27, 2023 the City received an application for a conditional use permit to construct a residential development on a group of parcels at 204 East Sharon Avenue. The proposed development consists of a phased development plan involving the construction of 54 horizontally attached townhome units. The project will involve demolishing existing buildings, clearing, grading, and the installation of related landscaping, storm-water, 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 be approved.

Findings:

1. The proposed development involves the phased construction of 54 horizontally attached townhome units. As depicted on the preliminary plans submitted with the application, the townhome units would be grouped together in 12 separate buildings, each containing between four and six horizontally attached dwellings. The project will involve demolishing existing buildings, clearing, grading, and the installation of related landscaping, storm-water, and utility improvements. The streets adjoining the project site are constructed to City standards with full width paving, curbing, sidewalks, and storm-water improvements. No offsite improvement are proposed.

2. As illustrated on attached exhibit “2” the project site is comprised of a group of parcels. The property is bounded to the north by East Sharon Avenue, to the south by Cedar Street, to the west by a City alley, and to the east by the City of Burlington’s City Hall and Public Safety campus. The site consists of 12 separate parcels with a total area of approximately 3 acres (130,680 sq. ft.). As proposed the initial development phase would involve four parcels comprising the northern third of the site.
3. The northern third of the site is largely comprised of a gravel parking area. The remaining portion of the site is developed with a number of older pole buildings predating the City’s annexation of the property. These buildings are arranged along the eastern and western edges of the site and are occupied with a number of uses such as mechanics, storage facilities, contractor offices, and body shops. Most, if not all, of these uses are non-conforming, illegally established, and in violation of the City’s zoning, building, and fire codes. The Skagit County Health Department has indicated that there is a septic system located on the property despite the availability of public sewer service. Using a private wastewater disposal system when public sewer is available is a violation of the Burlington Municipal Code. Under the proposed development plan all of the illegal nonconforming uses and buildings would be eliminated and the property would be connected to the City’s sewer system.
4. The property is currently zoned “MUC-2” (Mixed-Use Commercial 2) and is subject to a comprehensive plan designation of “MUC” (Mixed-Use Commercial). This application was received on March 27, 2023. After the application was received and determined to be complete the City adopted revised zoning and comprehensive plan maps. Prior to the changes enacted by the revised maps, the site was zoned “C-1” and subject to a comprehensive plan designation of “CB”. The properties to the south and west of the project site are also zoned MUC-2. The property to the north, on the opposite site of Sharon Avenue is zoned “RA-1” (Residential Attached), and City of Burlington property to the east of the project site is zoned PFT-1 (Public Facilities and Transportation) (see exhibit “3”).
5. The surrounding land uses area is comprised of a wide variety of uses including public offices, a fire station, police station, municipal court, skating rink, residences, restaurants, a bus station, contractors offices, and retailers.
6. The application included a Letter of Map Amendment (LOMA) issued by the Federal Emergency Management Agency (FEMA) removing the site from the regulatory floodplain. Because of the LOMA the site is no longer in the regulatory floodplain and therefore exempt from the City’s flood development regulations and habitat assessment requirements. However, the City still requires that all building, regardless of whether or not they are located in the regulatory floodplain, be constructed with a finished floor elevation at least one foot above the base flood elevation (BMC 14.15.430.B.1). As a condition of approval the applicant will be required to demonstrate compliance with this requirement (condition “10”).

7. Pursuant to former BMC 17.50.070.A, multifamily dwellings were permitted outright in the C-1 zone provided they were located in a mixed use development where the street frontage was primarily used for commercial purposes. Multifamily developments without a commercial component were required a conditional use permit under the terms of the C-1 zoning regulations in effect at the time permit application was submitted and determined to be complete. Under the terms of the current MUC-2 zoning regulations, which were adopted on May 11, 2023, horizontally attached housing is allowed outright, except along arterial street frontages (BMC 17.50.050.C & 17.50.080.H). Because the permit application was received and determined to be complete prior to adoption of the MUC zoning described above, a conditional use permit was required.
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 March 27, 2023. 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 March 27, 2023 the City determined the application was incomplete and provided the applicant with a list of requirements for complete application. The applicant subsequently addressed the City’s requirements and the application was deemed complete on May 1, 2023.
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 May 1, 2023 and ended on May 15, 2023. 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 June 7, 2023, the City had not received any comments on the proposed development.
11. The C-1 zoning regulations in effect at the time the application was received and deemed complete permitted multifamily development provided it could be shown that the site is better suited for housing than commercial development. On May 11, 2023, through the adoption of ordinances 1932 and 1933 the City Council replaced the C-1 zone with a new MUC-2 zoning designation and eliminated the mixed-use requirements for sites that not fronting on an arterial street. Neither of the streets abutting the site (Sharon and Cedar) are classified as arterial streets. As such, no mixed-use requirements would apply to the site under the current zoning regulations. The Community Development Department finds that the code amendments adopted by the City Council have rendered the previously applicable mixed use requirements moot. The proposed residential development is now permitted outright.

12. The C-1 zoning regulations in effect at the time the application was received and deemed complete limited the density of residential developments without a commercial component to one dwelling per lot plus one additional dwelling for every 3,000 square feet of site area. Under the former C-1 zoning regulations, additional density could also be added by purchasing credits through the City’s Agricultural Heritage Program. On May 11, 2023, through the adoption of ordinances 1932 and 1933 the City Council replaced the C-1 zone with a new MUC-2 zoning designation and eliminated the previously applicable density limit. The proposed residential development is now permitted outright and is not subject to a density limit.
13. 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 building will be located along the Cedar Street and Sharon Avenue street frontages. The plans further indicate depict the buildings located 10 feet from their respective street frontages, thereby complying with the maximum street setback for the MUC-2 zone.
14. A landscaping plan is required for this project and must demonstrate compliance with the City’s landscaping standards (BMC 17.80.020 and 17.80.050.A). The landscaping plan must be prepared by a licensed landscape architect (BMC 17.80.070.E). The application included a preliminary landscaping plan prepared by the applicant’s project engineer. The preliminary landscaping plan was not prepared by a licensed Landscape Architect but demonstrates, on a conceptual level, that the City’s landscaping requirements can be met based on the arrangement of buildings and site improvements. As a condition of approval a final landscaping plan, prepared by a licensed landscape architect, must be submitted and must demonstrate full compliance with all applicable landscaping requirements (condition “8”).
15. A minimum of ten percent of the site must be landscaped (BMC 17.80.070). The site has a total area of approximately 130,680 square feet, meaning a minimum of 13,068 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, in front of individual townhouse units, and between groups of buildings. Measuring these buffer areas indicates that more than 32,050 square feet of landscaping will be provided. The proposed landscaping will meet the City’s minimum requirements for landscaping area.
16. 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 17.80.080.B). The landscaping plan illustrates the required street frontage landscaping along both the Cedar Street and Sharon Avenue. In order to determine compliance with the City’s street tree requirements additional detail on tree spacing and species selection must be provided on final landscaping plans (condition “8”). Also, a row of established street trees is

currently located along the Sharon Avenue frontage. It is not clear from the preliminary plan if these trees will be preserved or not. In accordance with BMC 17.80.060.B, existing established trees must be preserved whenever possible. As a condition of approval the final landscaping plans must include measures for the protection of existing street trees, such as temporary construction fencing, root protection, and mulching (condition “8”).

17. 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 17.80.090.A & C). The preliminary landscaping plan depicts a buffer strip along the western property boundary with a width of approximately 15 feet. The plans also depict a landscaping buffer strip along the eastern property line with a width of approximately 20 feet. The landscaping plans further indicate these strips will be planted with a mix of trees and shrubs. From a standpoint of width and area, the proposed landscaping strips will meet the City’s perimeter landscaping requirements; however, more detail is required on the proposed plantings in order to ensure compliance with the City’s requirements for size, species selection, and coverage. This information must be provided on the final landscaping plans (condition “8”).
18. 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 and preliminary storm-water report. However, no information has been provided on the potential use of permeable pavement rain-gardens, bio-retention or other LID measures, and the landscaping plans do not show how landscaped areas will be used to manage storm-water. In order to demonstrate code compliance this information must be included with the final plan (conditions “7” and “8”).
19. Parking lot landscaping is required for parking lots with 20 or more parking spaces. The proposed development consists of groups of horizontally attached townhome units. Each unit will include its own driveway and garage parking spaces. No parking lot is proposed, and therefore no parking lot landscaping is required.
20. The City of Burlington requires that landscape irrigation be provided (BMC 17.80.060.H). The preliminary landscaping plan does not include an irrigation system. In order to comply with the City’s landscape irrigation requirements the final landscaping plan must include specifications for a complete irrigation system (condition “8”).
21. The site plan for the project does not depict a trash enclosure. Typically, for townhome style units, trash collection is provided for each unit rather than with consolidated dumpsters. However, the applicant will need to specify where, and how, trash will be collected. If trash will be collected from individual units in fully screened exterior space for

trash and recycling cans must be identified. Alternatively, if consolidated waste collection will be provided the plans must be amended to show where the collection points will be located and how they will be screened in compliance with City code requirements.

22. 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 setback 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 buildings will be just over 26 feet (exhibit “4”). The proposed development will comply with the building height regulations for the MUC-2 zone.
23. For multifamily developments in the MUC-2 zone, outdoor lighting must be provided for common areas, including parking lots, access streets, and pedestrian paths (BMC 17.25.070.A & 17.25.050.A.7). 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) and to direct light and glare away from individual apartment units (BMC 17.25.050.A.7). A detailed lighting plan is required in order to document compliance with the requirements listed above (permit condition “9” and SEPA condition “2”).
24. For townhouse units the City’s parking standards require that one parking space be provided for each unit that contains two bedrooms or less and two parking spaces are required for each unit with three or more bedrooms (BMC 17.85.060). Tandem parking arrangements may be used to meet the parking requirements for townhouse units (BMC 17.85.050.E). The plans included with the application depict a two bedroom floor plan and indicate that each unit will have one garage parking space and one driveway parking space (two spaces for each unit). The proposal will exceed the City’s minimum parking requirements.
25. Parking and circulation areas must incorporate LID measures such as permeable pavement, rain-gardens, 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 (conditions “7” and “8”).
26. As currently proposed multiple residential units will be located on each of the lots comprising the site. However, the applicant has indicated they would like to create individual zero-lot-line units through a future land division process. They have further indicated they would like to ensure the development is designed in compliance with any requirements applicable to zero-lot-line development in order to make this option feasible. Under BMC 16.40.060.B, all newly created lots must have frontage on a public or private street unless a shared driveway is authorized under Title 17 BMC. Shared driveways are defined as serving

a maximum of four dwelling unit (BMC 17.01.050). Because the proposed development will include more than four dwellings and may, through a subsequent land division process, result in the creation of new lots and public or private street must be established to provide access to the individual units. The proposed roadway section depicted on the preliminary plans does not comply with the City's requirements for private streets. Currently there are two options for the design of private streets:

- a. Standard Criteria (BMC 17.85.140): provide two travel lanes (10 feet for each lane, 20 feet total), one parking lane (8 feet in width), and sidewalks on both sides (5 feet each, 10 feet total).
- b. Alternative Street Design Standards (BMC 17.85.150): Under the City's alternative street design standards an applicant may submit a plan that provides detailed provisions for traffic calming. Under the alternative street design standards street sections comprised of a roadway 20 feet in width and a single sidewalk 5 feet in width maybe approved. If a one-way traffic arrangement is used roadway widths less than 20 feet may be approved subject to compliance with applicable fire access requirements.

The roadway section depicted in the preliminary plans does not comply with either of the options outlined above. As a condition of approval the applicant will need to submit civil engineering plans demonstrating compliance with either the standard criteria for private streets or the optional alternative design standards (condition "7").

27. 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 persons 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 residential development comprised of 12 buildings containing a total of 54 horizontally attached townhome units. The site is zoned MUC-2 which currently allows for a variety of commercial and multiunit residential development types. The areas to the west and south of the site are also zoned MUC-2. The area to the north of the site is zoned RA-1. The RA-1 zones allows lower density multiunit residential development, such as townhomes,

duplexes, and small multiunit buildings. The property to the east of the site is owned by the City of Burlington and is zoned PFT-1. The PFT-1 zone allows for public facilities with a commercial or institutional character, such as offices, emergency services, and public housing. Based on the revised zoning adopted by the City Council on May 11, 2023 the proposed residential development is allowed outright in the MUC-2 zone. Similar residential development types are also permitted in the RA-1 zone. Because the proposed use is allowed outright in the MUC-2 and RA-1 zones which surround the site, 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:

“Concentrate development and increase densities in existing developed areas with good access to transportation, services, and utilities...”

“Residential densities will be increased in areas closest to jobs, shopping, and services. A significant share of the City’s future growth will be directed to the three designated priority development areas centered along Burlington Boulevard and Fairhaven Avenue.”

The proposed development is located in an existing commercial area and is within walking distance of jobs, services, and shopping. Utilities including public water, sewer, and fiber optic communications are available adjacent to the development site. In addition, the development site is located within the Commercial Core Priority Development Area.

Land Use Goal 2.4.4: “In order to ensure land is used as efficiently as possible, and to support the City’s retail and service trades, residential growth will be directed to mixed-use areas and the intensity of development will be increased over time.”

Land Use Policy 2.4.4.1: “Minimize barriers to new multiunit housing development in the RA, MUR, and MUC designations.”

The proposed development is consistent with these directives by increasing the amount of residential development in an area designated MUC and within walking distances of commercial activities.

Housing Element General Objectives:

“Accommodate a robust supply of housing in a variety of types.”

“Limit monthly household expenses related to transportation, utilities, and taxes by concentrating housing in locations close to jobs, services, shopping, and in areas with established utilities.”

The proposed development will result in 54 new horizontally attached townhouse units in an area with good access to jobs, services, shopping, and with access to existing municipal services and utilities.

Housing Policy 3.4.3.4: “Encourage the construction of affordable housing types suitable for families with children such as townhomes, duplexes, and horizontally attached dwellings....”

Housing Policy 3.4.7.8: “To minimize private transportation expenses, adopt policies and regulations that facilitate and promote the construction of attached housing in areas with a dense concentration of jobs and services, particularly the Commercial Core.”

The proposed development include the construction of horizontally attached townhouse units in the Commercial Core Priority Development Area and in an area surrounded by jobs and services. The development is within walking distance of two large retailers/grocery stores (Haggen and Fred Myers) and located next door to Burlington’s City Hall and public safety campus.

The goals of the Transportation Element call for increasing the share of trips made on foot and reducing per-capita VMT (vehicles miles traveled) (8.7.3) and increasing the number of residents who regularly engage in physically active transportation (8.7.4). To achieve these goals policy 8.7.3.2.a requires the provision of pedestrian crossings at regular intervals and policy 8.7.3.2.b specifies that direct and convenient pedestrian connections be incorporated into the design of all new developments.

By locating infill housing in an area with a dense concentration of shopping, jobs, and services, as well as good transit access, the proposed development will help to achieve the goals listed above. However, the existing pedestrian crossings at the intersections of Cedar and Alder and Sharron and Alder are both unmarked and deficient. In addition, residential developments located in close proximity to commercial services and shopping have the potential to create significant demands for pedestrian access. In order to ensure consistency with the goals and policies of the Comprehensive Plan, crosswalk and pedestrian improvements

should be required as a condition of approval (permit condition “7” and SEPA condition “3”).

Policy 6.4.2.4.d of the Public Facilities and Services Element states that demand management strategies shall be implemented to reduce or eliminate the need for expensive public infrastructure, and specifically states that where possible service needs should be met by shifting demand to less costly modes. With respect to the proposed development, shifting travel demand from automobiles to pedestrian traffic means the need for costly infrastructure improvements, such as traffic lights and street widening, can be substituted for less costly improvements such as crosswalks. In order to offset the transportation impacts associated with the proposed development crosswalk improvements should be provided at the intersections of Cedar and Alder and Sharon and Alder (permit condition “7” and SEPA condition “3”).

- 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 June 8, 2023.

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. If the proposed development includes outdoor lighting it could result in glare and light impacts, both on adjacent developments and the residents of proposed development. Therefore, if exterior lighting is provided it shall be directed downwards and screened, hooded, or optically focused so the light source is not visible beyond the property boundaries and to direct light away from individual residential units. Manufacture’s specifications shall be submitted for each type of exterior lighting fixture demonstrating compliance with this condition and documentation shall be provided demonstrating compliance with all applicable Washington State Energy Code requirements. 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. Large multifamily developments located within walking distance of commercial services and public amenities may generate significant pedestrian traffic. Because the proposed development can be expected to generate additional demands for pedestrian amenities the following conditions shall apply:
 - a. The crosswalks at the intersection of East Sharon Avenue and South Alder Street shall be improved with pavement markings and signage approved by the City Engineer; and
 - b. The crosswalks at the intersection of Cedar Street and South Alder Street shall be improved with pavement markings and signage approved by the City Engineer.
4. In order to ensure storm-water impacts are mitigated to a level of non-significance the total impervious surface coverage of the proposed development shall not exceed 80 percent. For purposes of interpreting this condition the definition of “impervious surface” shall be the definition provided in Title 17 BMC.

5. In order to ensure ground and surface water impacts are mitigated to a level of non-significance any existing septic systems or onsite wastewater disposals systems shall be decommissioned in accordance with Skagit County Health Department requirements. No final engineering inspection or as built drawings shall be approved until the Skagit County Health Department has verified, in writing, that all septic systems and private wastewater disposal systems have been decommissioned.

Permit Recommendation:

The Community Development Department has reviewed the applicant’s proposal and determined that it can comply with applicable Burlington Municipal Code requirements subject to the conditions of approval identified below. The Community Development Department hereby respectfully recommends the Hearing Examiner approve Conditional Use Permit application CUP 3-23 *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 storm-water, 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. Existing conditions, construction entrance, demolition and TESC plans.
 - c. Details sheet depicting ADA compliant ramps, aprons, and sidewalks.
 - d. Waterline plan and profile.
 - e. Sanitary sewer plan and profile.
 - f. Site grading and drainage plan.
 - g. Waterline specifications.
 - h. Fiber optic conduit and vaults along all street frontages, connecting to any adjacent fiber optic conduit and vaults, and connecting to each building.
 - i. Pedestrian access paths and crosswalks consistent with the SEPA MDNS conditions.
 - j. Cross section drawings for the proposed private street demonstrating compliance with either the standard requirements for private streets under BMC 17.85.140 or the alternative private street standards in BMC 17.85.150.
 - k. Any fire access requirements identified by Burlington Fire Marshal.
 - l. Provide a narrative showing where and how LID techniques have been incorporated into the proposal.

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 be prepared by a landscape architect licensed in the State of Washington.
 - b. The landscaping plan shall demonstrate compliance with all applicable landscaping code requirements including but not limited to the requirements of this permit.
 - c. The landscaping plan shall include street trees along Cedar Street. At least one tree for every 30 feet of street frontage shall be provided. Street tree species shall be selected using the City's street tree selection guide.
 - d. The landscaping plan shall include provisions for the retention of the existing established street trees along the Sharon Avenue street frontage. The plan shall include measures to protect the trees and root systems from damage during construction.
 - e. Perimeter landscaping strips must be provided along the north and south site boundaries. The perimeter landscaping strips shall be at least five feet wide and include at least one tree for every 30 linear feet.
 - f. The landscaping plan must show how landscaped areas will be used to manage storm-water.
 - g. Plans and specifications for a landscape irrigation system must be included.
 - h. If a consolidated trash collection point(s) will be provided details must be included showing how the trash collection enclosure will be screened from view.

9. The following additional outdoor lighting information shall be submitted with the Building Permit application and no building permit shall be issued until the outdoor lighting information has been reviewed and approved by the Community Development Department:
 - a. Manufacturer's specifications shall be provided for each proposed outdoor lighting fixture type.
 - b. All exterior lighting shall be directed downwards and fully hooded, screened, or optically focused so the light source is not directly visible beyond the property boundaries.

- c. Lighting shall be designed and located so that light is not directed at residential units.
- d. Freestanding light fixtures shall be limited to a maximum height of 14 feet.
- e. Documentation shall be provided demonstrating compliance with applicable Washington State Energy Code requirements.

Building and Occupancy Conditions:

- 10. No final occupancy or final building permit inspections shall be approved for any residential unit until documentation has been provided showing the finished floor elevations of the unit is one foot or more above the base flood elevation. This documentation can be provided in the form a letter from a licensed surveyor. This is a City of Burlington requirement and not a requirement of the National Flood Insurance Program. Therefore, formal FEMA flood elevation certificates are *not* required.
- 11. The landscape irrigation system and all required landscaping shall be installed. The perimeter landscaping and street frontage landscaping shall be completed prior to final occupancy of the first residential building or dwelling unit. Other landscaping requirements may be addressed as individual buildings or dwellings units are completed if necessary to avoid construction impacts.
- 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. All fire and life safety requirements identified by the Building Official and Fire Marshal shall be fully addressed.

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.