



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT AND RECOMMENDATION

CKCB MADISON AVENUE DEVELOPMENT

FILE #: PLN50958 SPR/SSDP/SVAR

Prepared by: Olivia Sontag, Planner

Date: January 18, 2019

Request: Site Plan and Design Review (SPR), PLN50958 SPR
Shoreline Substantial Development Permit (SSDP), PLN50958 SSDP
Shoreline Variance (SVAR), PLN50958 SVAR

Owner: CKCB Madison Avenue Development LLC

Location: Undeveloped - No Site Address

Tax Parcel: 262502-3-078-2006

Part I: Description of Proposal and Recommendation

- 1. Description of Proposal:** The undeveloped 0.39-acre property is located within the Mixed Use Town Center – Central Core Overlay District. The proposed development is within shoreline jurisdiction and is located adjacent to a marine bluff and a geologically hazardous area. The applicant proposed to reduce the minimum buffer to the geologically hazardous area from 50 feet to 10 feet. The buffer reduction was supported by an Independent Third-Party Geotechnical Review, requiring a 10-foot buffer and a 15-foot building setback from the top of the slope.

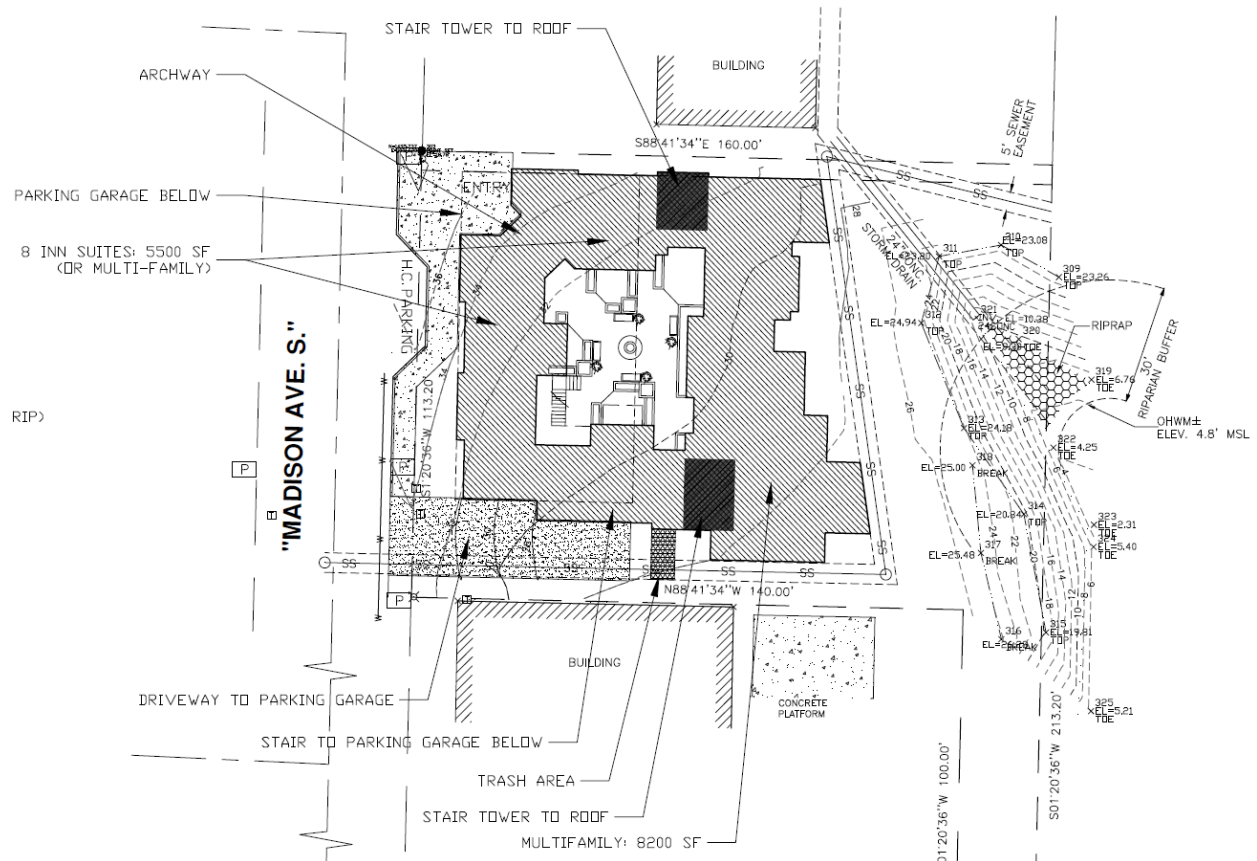
The applicant proposes development of a courtyard-style ten-unit residential building made up of eight (8) one-bedroom apartments and two (2) townhomes. Vehicular and bicycle parking is proposed in an underground parking garage with a disabled access parking space located along Madison Avenue S. Other frontage improvements include a bike lane, a five (5) foot sidewalk, street trees and other landscaping.

The proposed development preserves all native vegetation within the shoreline buffer and proposes a public trail along the top of the marine bluff as a continuation of the Waterfront Trail. No significant trees or mature native vegetation are proposed for removal and the applicant is proposing to increase the existing tree units on site.

The applicant is also requesting a shoreline variance for an additional five (5) feet in height for two (2) elevator/stair towers providing disabled access to the rooftop for each townhome.

- 2. Environmental Review:** The project is subject to State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11-800).
- 3. Staff Recommendation:** APPROVAL, with conditions.

Figure 1 – Site Plan



Part II: General Information and Site Characteristics

Basic Information	
Zoning District	Mixed Use Town Center – Central Core Overlay (CORE)
Gross Site Area	0.39 acres (18,112 square feet not counting 20-foot wide strip)
Soils and Terrain	Soils consist of Glacial Till, Kapowsin gravelly sandy loam. The majority of the site slopes gently toward the east to a steep slope approximately 15 feet in height that extends down to a tidal inlet.
Critical Areas	Geologically Hazardous Area and Buffer
Shoreline Designation	Urban
Existing Development	Undeveloped

Public Services and Utilities	
Police	City of Bainbridge Island Police Department
Fire	Bainbridge Island Fire District
Schools	Bainbridge Island School District
Water	COBI Water Service Area
Sewer	COBI Sewer Service Area
Storm Drainage	Proposing to tie into an existing outfall for a direct-discharge of stormwater to Eagle Harbor if connecting to the storm drain on Madison Avenue is infeasible.

The image is a composite of three maps related to a property in Everett, Washington. The top-left map is a 'Vicinity Map' showing the Puget Sound area with a red dot indicating the location of Everett. The bottom-left map is a 'Zoning' map showing the property's location within a red-shaded 'CORE' area, with a red outline indicating the property's boundaries. The right side of the image is a large aerial photograph of the property, with a red outline indicating the property's boundaries. The property is a large, rectangular lot with a red outline, situated between a residential street to the west and a wooded area to the east. The property is currently occupied by a large, light-colored building with a flat roof and a parking lot. The surrounding area includes residential streets, other buildings, and a wooded area. Each map includes a north arrow.

Part III: Application Background

Date	Action	Summary
September 26, 2017	First Preapplication Meeting	Staff requested more information in order to determine the permit process.
November 6, 2017	Design Review Board (DRB) Meeting	Preliminary review and discussion. DRB suggested that shoreline issues be resolved before the next DRB review and requested that the applicant provide the design in 3D.
November 7, 2017	Second Preapplication Meeting	Permit process was determined.
November 9, 2017	Preapplication Letter Sent	Included comments from the Fire District and COBI Public Works Development Engineer.
December 11, 2017	Public Participation Meeting	Meeting was well-attended with 50+ attendees. Comments and concerns centered around the request for a variance for height, activities and elements proposed on the rooftop, privacy for neighbors, pedestrian traffic along Madison, and requests that the Waterfront Trail be installed on the property.
January 9, 2018	Development Moratorium (Ordinance No. 2018-02)	The moratorium as originally adopted prohibited applications for many land use actions. The moratorium was subsequently modified to allow an exception for Major Site Plan and Design Review proposals that were not otherwise subject to this moratorium and that had a preapplication conference on the Planning Department's calendar before the effective date of the moratorium. (Ordinance No. 2018-05) The moratorium was then revised again to exclude Major Site Plan and Design Review properties located in the Mixed Use Town Center/Central Core Overlay District. (Ordinance No. 2018-09)
February 28, 2018	Application Submitted	Submitted on the effective date of Ordinance No. 2018-05.
March 28, 2018	Determination of Completeness	Application was deemed complete.
April 23, 2018	Design Review Board (DRB) Meeting	Recommended approval with several conditions and additional review of the building materials and landscape site plan prior to permitting.
June 13, 2018	Multi-Modal Transportation Advisory Committee (MTAC) Meeting	Preliminary review and discussion. Committee members scheduled a site visit.
July 11, 2018	Multi-Modal Transportation Advisory Committee (MTAC) Meeting	The Committee voted 6-0 to recommend City Staff require the applicant to complete a segment of the Waterfront Trail on the subject property.

Part IV: Comprehensive Plan Goals and Policies

Elements	Goals and Policies
Introduction	Guiding Principle #1: Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.
	Guiding Principle #4: Consider the costs and benefits to Island residents and property owners in making land use decisions.
Land Use Element	Island-Wide Conservation and Development Strategy – Goal LU-4: As part of a long-term Island-wide Conservation and Development Strategy, focus residential and commercial development in designated centers, increase a network of conservation lands, maximize public access while protecting the shoreline, minimize impacts from the SR 305 corridor and conserve the Island's ecosystems and the green and open character of its landscape.
	Designated Centers – Goal LU-5: Focus Urban Development in Designated Centers.
	Policy LU 6.2: Promote dense residential and commercial development and encourage human activity within Winslow, the heart of Bainbridge Island. In order to create a vibrant city center direct growth where infrastructure exists, reduce reliance on the automobile, provide opportunities for affordable housing and absorb growth that would otherwise be scattered in outlying areas. Plan for adequate parking in Winslow to accommodate residents and visitors who drive downtown for shopping, participation in local government, attendance at cultural events and centers, and to use other resources in Winslow.
	Winslow Town Center – Goal LU-7: The Winslow mixed use and commercial districts are designed to strengthen the vitality of downtown Winslow as a place for people to live, shop and work. The Winslow Mixed Use Town Center (MUTC) is intended to have a strong residential component to encourage a lively community during the day and at night. The high residential density of Winslow requires the Central Core Overlay District to provide services and products that meet the needs of residents as well as visitors.
	Policy LU 7.3: Central Core Overlay District – The Central Core is the most densely developed district within the Mixed Use Town Center. Within this Overlay District, residential uses are encouraged, but exclusive office and/or retail uses are permitted. Mixed-use development within the Central Core Overlay District that includes a residential component may be exempt from requirements to provide off-street parking for the residential component of the project.
Economic Element	Development in Designated Centers – Goal EC-6: As the city's designated centers evolve, balance their functions as places of commerce and employment with their roles helping to meet housing needs and provide focal points for civic engagement and cultural enrichment.
	Policy EC 11.2: The predominant focus of downtown Winslow is to serve the commercial and social needs of Island residents. A lively, pedestrian-oriented town center that provides a mix of commercial and residential uses creates a potential tourist destination.
Environmental Element	Geologically Hazardous Areas – Goal EN-8: Protect landslide hazard areas and erosion hazard areas from the impacts of use and development for the protection of public safety, property and the environment.

	Policy EN 8.1 Avoid land uses on landslide hazard and erosion hazard areas. If the hazard caused by development can be mitigated, then design land use to prevent damage to persons or property and environmental degradation and to preserve and enhance existing vegetation to the maximum extent possible.
	Policy EN 10.2: Encourage the retention of existing trees and vegetation and the planting of new trees and vegetation that provides natural filtration of suspended particulate matter, removes carbon dioxide and improves air quality.
Water Resources Element	Policy WR 2.3: To promote efficient use of groundwater resources, encourage the expansion of existing water systems rather than encouraging shallow or individual residential wells.
	Policy WR 2.13: Require the retention of native landscapes to promote water quality and to reduce the need for irrigation.
	Surface Water Protection and Management – Goal WR-3: Achieve no net loss of ecological functions and processes necessary to sustain aquatic resources including loss that may result from cumulative impacts over time.
	Policy WR 3.2: Require that vegetated buffers be maintained between proposed development and the aquatic resource in order to protect the functions and values of such systems. Restore degraded buffers to enhance their function. Allow reductions in vegetated buffers only in areas where such reductions, if consistently applied, would not result in significant cumulative impacts to aquatic resources and fish and wildlife habitat.
	Policy WR 3.3 Require that buffers be retained in their natural condition wherever possible while allowing for appropriate maintenance. Where buffer disturbance has occurred, require re-vegetation with appropriate species, with a preference for native species, to restore the buffers’ protective values.
Housing Element	Policy HO 3.1 Encourage innovative zoning regulations that increase the variety of housing types and choices suitable to a range of household sizes and incomes in a way that is compatible with the character of existing neighborhoods.
	Policy HO 4.1 Encourage new multifamily housing in a variety of sizes and forms in designated centers.
Transportation Element	Multimodal – Goal TR-1: Encourage the development of an integrated multimodal transportation system that provides a range of safe transportation alternatives and increases the through movement of people, maximizing use of non-motorized and public transit.
	Policy TR 1.1: In accordance with complete streets practices and guidelines, new or rebuilt streets shall, as much as is practical, address the use of the right-of-way by all users.
	Non-Motorized System – Goal TR-2: Provide a non-motorized transportation system that is a planned and coordinated network of shoulders, sidewalks, trails, footpaths, bikeways and multi- purpose trails that connect neighborhoods with parks, schools, the shoreline, the ferry terminal and commercial areas.
	Policy TR 2.2: Trails should provide for both passive and active pursuits including recreation and nature study, exercise, shopping, and commuting to work and schools. Coordinate with the Park District as the primary provider of the community’s recreational trails.

	Policy TR 2.4: Provide a network of sidewalk facilities adjacent to roadways in designated centers with the Winslow area given priority. Sidewalks shall be of sufficient width to accommodate expected pedestrian use, including safe crossings with adequate overhead or embedded lighting. Where possible, separate sidewalks from the roadway with a street tree planting strip and buffer. Designs should accommodate users of all abilities, meeting ADA requirements.
	Policy TR 2.6: Develop a trail system to serve non-motorized users across the Island. As envisioned, the network will include the Waterfront Trail in Winslow, the Sound to Olympics Trail (STO, a regional trail connecting the Ferry Terminal to the Agate Pass Bridge), intra-island multi-use trails, unopened City rights-of-way, shoreline trails, and connecting pathways within neighborhoods. The goal is to provide walkability within neighborhoods and Island-wide connectivity for both pedestrians and cyclists.
	Policy TR 2.11: Secure easements and other land dedication for non-motorized facilities through development and redevelopment mitigation and conditions, donation, tax incentives, and direct acquisition. Coordinate these efforts with the Park District when parkland and recreational trails are involved.
	Policy TR 8.4: Complete and protect the Winslow Waterfront Trail.
	Policy TR 10.1 Provide adequate parking in designated centers. Development of street frontages in urban commercial areas should maximize on-street parking to the extent practical. Development projects in urban residential areas should consider on-street parking rather than off-street parking.
Utilities Element	Policy U 12.2: Within public sewer system service areas, new construction should provide for eventual connection to public sewer systems.
	Storm and Surface Water – Goal U-13: Manage stormwater runoff to protect life, property and habitat from flooding and erosion; to channel runoff to minimize impacts to daily activities; to protect the quality of groundwater, surface water, and the waters of Puget Sound; and to provide recharge of groundwater where appropriate.
	Policy U 13.2: Require new development to provide both on-site and off-site improvements necessary to avoid adverse water quality and quantity impacts.
	Policy U 13.5: Minimize disruption and/or degradation of natural drainage systems, minimize impervious areas by restricting site coverage, and encourage site permeability by retaining natural vegetation and buffers, and specifying use of permeable materials.
	Policy U 14.5: Encourage the electric service provider and electricity users to use carbon neutral electricity generation, local electricity generation, and innovative technologies such as solar power that are reliable, cost effective, preserve resources, provide minimal environmental impact, and do not contribute to global warming.
	Policy U 14.8: Encourage new development to integrate environmentally responsible and innovative energy systems.

Part V: Public Notice, Public Comments, and Agency Comments

1. Public Notice

Date	Action	Summary
April 6, 2018	Notice of Application/SEPA Comment Period/Hearing Published	30 Day Comment Period Seven (7) Public Comments Received

June 8, 2018	Revised Notice of Application/SEPA Comment Period/Hearing Published	30 Day Comment Period Five (5) New Public Comments Received The project was re-noticed after some properties were inadvertently omitted from the original comment period that occurred from April 6, 2018 to May 7, 2018. All comments received during the original comment period remained valid.
July 9, 2018	End of Comment Period	Total of 12 Public Comments Received
January 11, 2019	Notice of Intent to Reduce the Minimum Buffer in a Landslide Hazard Area	21 Day Comment Period
February 4, 2019	End of Comment Period	No public comments have been received.

2. Public Comments

Summary of Comment	City Response
<p>Variance for Height: There were seven (7) comments which opposed the height variance. Reasons provided included:</p> <ul style="list-style-type: none"> • Obstructs views of the harbor. • Reduced privacy for surrounding properties. • Interferes with the view corridors of the Seabreeze condominiums from the North. • Heights of this building at the eastern end of the building, northeast, and southeast corners are already well in excess of 30 feet due to the natural slope/grade of the property. • Roof could be accessed by several other means such as recessed, uncovered, or open stairwells. • This request does not meet the variance decision criteria. Granting a variance would amount to special privilege not available to others. It would adversely affect neighboring properties. There are no special circumstances identified. The property owner has not demonstrated that a variance is necessary for reasonable use of the property. • Purpose is to enrich the amenities of two waterfront luxury condominiums. • Pedestrians who walk Madison Ave daily should not be subject to an exceptionally tall and imposing building blocking more view. • Want to keep the 'small town' feel of Winslow. 	<p>The decision criteria for the shoreline variance are analyzed in this staff report and will be used to make a decision on the application. The applicant has been asked to consider other ways that the roof can be accessed. The applicant provided a height analysis depiction of how the height increase will impact views of the properties to the north along the east side of Madison Avenue. The applicant has attempted to minimize these impacts by limiting the size of the elevator/stair towers. The applicant has correctly calculated the average grade on the site. Per the City's Shoreline Master Program (SMP), height is calculated as the distance measured from the average grade level to the highest point of a structure. Average grade level is the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building. This definition of "average grade level" differs from the definition in BIMC Title 18 for zoning. Structures within shoreline jurisdiction shall comply with the SMP definition. The elevator/stair towers will not impact the view from the right of way or sidewalk.</p>
<p>Rooftop Features, Access, and Privacy: In conjunction with the opposition to the variance for height, commenters expressed concern over the use of the rooftop area. Concerns included:</p>	<p>The City does not regulate temporary features such as patio furniture, umbrellas, and planters. The applicant is proposing to use vegetation on the roof to provide privacy for the residents.</p>

<ul style="list-style-type: none"> • The “stairwell towers” will be far more than just a “stair tower”, it will be an outdoor covered deck and patio space with large plants and trellises that further impact the public’s view. • Fixed elements are not proposed, but the rooftop will likely have temporary elements for shading such as parasol umbrellas, trees and planters. A permanent safety railing would also be needed around the roof edge. • The proposed rooftop deck would create a significant privacy concern. Anyone standing on the rooftop could look directly into the windows and decks of neighboring properties including those of Seabreeze condominiums. 	<p>The railing proposed does not exceed the 30-foot height limit. In the Mixed Use Town Center – Central Core Overlay District (CORE), the landscape standards in BIMC 18.15.010.G.5 allow trees required to meet tree retention requirements to be planted either at ground level or above ground level (such as a patio, terrace, or rooftop). The applicant has not proposed any of the trees required for tree retention to be placed on the roof.</p>
<p>Pedestrian Traffic on Madison:</p> <ul style="list-style-type: none"> • The sidewalk along the east side of Madison Ave is the second busiest pedestrian sidewalk on the Island. Thousands of tourists and locals walk up and down this sidewalk annually. • Placing the new sidewalk right against the northwest corner of the property invites future trouble when the evening crowd walks up from the pub and restaurants on the waterfront. 	<p>The applicant has proposed the sidewalk along Madison in accordance with the Island Wide Transportation Plan (IWTP) and the non-motorized construction standards. Easements will be provided to the City for any portion of the sidewalk that is not within City right of way. Completion of this segment of the Waterfront Trail may alleviate some of the pedestrian traffic along Madison Avenue.</p>
<p>Waterfront Trail and Existing Footpaths:</p> <p>There were five (5) comments which advocated for installation of the Waterfront Trail and connectivity through the site. Reasons provided include:</p> <ul style="list-style-type: none"> • The proposed commercial development is located along the shoreline and is required by the Shoreline Master Program (SMP), 2016 Bainbridge Island Comprehensive Plan Update, and the Winslow Master Plan (WMP). • It will provide an important link of the Waterfront Trail going parallel along the water inlet between Bjune Drive and Parfitt Way. • The Waterfront Trail has gradually developed over 30 years, and this link of the trail has been on the list for completion for most of that period. • Analysis by a professional engineer may be needed to provide a smooth transition from the existing path to the new path provided by the applicant. • Future easements may be needed to progress down to other buildings along the waterfront. The trail could go perpendicular to the water and exit onto Madison allowing pedestrians to continue down Madison to the water. 	<p>There are several City documents support and require the installation of the Waterfront Trail:</p> <ul style="list-style-type: none"> • The Winslow Master Plan (WMP) Chapter 4 Open Space and Trails WMP 4-3.5. • The 2016 Bainbridge Island Comprehensive Plan Update Transportation Element Policy TR 2.6, 2.11, and 8.4. • The Shoreline Master Program (SMP) in the Bainbridge Island Municipal Code (BIMC) 16.12.030.C.4. requirements for public access. • The Island Wide Transportation Plan (IWTP) as depicted on the system map. <p>The applicant has proposed the Waterfront Trail along the inlet as far south along the panhandle as possible as required in the IWTP. The southern 50 feet of the panhandle is partially overwater and the trail cannot feasibly be constructed. If the applicant would like to earn an FAR bonus by providing public amenities, they have the option to construct, for example, an elevated boardwalk that would complete the remaining 50 feet of trail. A 20-foot easement for the trail is being provided to the City. The project has been conditioned accordingly.</p>

<ul style="list-style-type: none"> The Bainbridge Island Metro Parks & Recreation District (BIMPRD) strongly encourages the City to require a trail be built along the waterfront side of the site as a condition of approval for the development. 	
Development Destroying Tree Roots: <ul style="list-style-type: none"> Deep foundations for the structure are near the edge of the property. Digging and clearing to within 10 feet of the northern boundary will require cutting into the root structure of three trees on the boundary line – one of which is 40-50 feet tall. Cutting the roots is likely to kill the trees. Commenter seeks assurances that trees on the property line are protected or replaced if lost within 3 years. 	No side yard setbacks are required for the proposed development. The applicant has proposed a four and a half (4.5) foot setback to the north and an 11-foot setback to the south. The trunk of the largest tree being referred to in this comment is approximately eight (8) feet from the proposed foundation. The property owner is proposing to work with the neighbor to the north to manage the canopy of the tree. As conditioned, an arborist is required to be on site to recommend ways to minimize impacts to offsite trees.
Local Developer: <ul style="list-style-type: none"> Several comments expressed that the development is a positive addition to the neighborhood and are pleased that the developer is a local person. 	The applicant also developed the Eagle Harbor Inn and Madison Lofts across the street to the west in 2003.

3. Agency Comments

Date	Agency	Summary of Comment
February 28, 2018	Kitsap Public Health District (KPHD)	KPHD had no comments.
April 23, 2018	Design Review Board (DRB)	<p>The Board recommended approval with several conditions and additional review of the building materials and landscape site plan prior to issuance of the building permit:</p> <ul style="list-style-type: none"> Look into the Fair Housing Act and how the project meets the requirements; Move bedroom window on lower level over to the right so the bed isn't right up against the window and create more of a secluded area for the bed; Prepare a landscape plan for DRB review; Add additional windows to the master bedroom of the southeast facing the harbor; and Bring color and building material samples for DRB review before project is built. <p>Additional Considerations:</p> <ul style="list-style-type: none"> Green Screen over brick for ivy to grow up to protect the mortar; Consideration for a lift or elevator from basement parking to units; Check the grade next to the handicap parking spot; More street trees in front of the blank walls; Discuss with neighboring property if you can move the

		handicap parking spot more north; <ul style="list-style-type: none"> • Paint color to be more creamy than white; and • Confirm code requirement for square footage vs. number of exits required.
May 11, 2018	COBI Operations and Maintenance	The City issued a non-binding commitment for water and sewer system capacity.
June 13, 2018	Multi-Modal Transportation Advisory Committee (MTAC)	The Committee voted 6-0 to recommend City Staff require the applicant to complete a segment of the Waterfront Trail on the subject property in the following ways: <ul style="list-style-type: none"> • One (1) easement providing pedestrian access to the public from north to south along and across the full length of the property's eastern boundary; • Another easement providing pedestrian access to the public from east to west along and across the southern edge of the proposed building; • Construction of a public trail in the first easement, connecting to existing segments of the Waterfront Trail and extending to the maximum length deemed feasible by City Staff; and • Instillation of wayfinding signage noting the public's ongoing right to access across both easements.
July 11, 2018	Bainbridge Island Fire District (BIFD)	The Fire Marshal recommended approval with conditions.
October 30, 2018	COBI Public Works - Engineering	The City's Public Works Development Engineer recommended approval with conditions.
January 16, 2019	Independent Third-Party Geotechnical Review	The Independent Third-Party Geotechnical Reviewer supported the analysis in the applicant's geotechnical report and recommended approval of the buffer reduction.

Part VI: Land Use Code Analysis

1. BIMC Title 16 Environment

a. BIMC 16.12 Shoreline Master Program (SMP)

Shoreline Characteristics	
Shoreline Designation	Urban
Aquatic Designation	Aquatic
Geomorphic Class	Marsh/Lagoon
Geomorphic Shoretype	No Appreciable Drift
Shoreline Buffer	30 feet landward of Ordinary High Water Mark (OHWM)
Zone 1	30 feet
Zone 2	0 feet
No Net Loss Demonstration	Site Specific Impact Analysis – Habitat Management Plan: assessment of existing baseline environmental conditions, assessment of priority habitat, project impact assessment, analysis of mitigation sequencing, and vegetation management plan.
Shoreline Use	Multi-family residential shoreline uses are permitted in the Urban Shoreline Designation.

No Net Loss of Ecological Function and Processes Demonstration	
Baseline Site Conditions	The property is undeveloped, located entirely within shoreline jurisdiction, and is adjacent to a marine bluff and a geologically hazardous area. Vegetation includes Himalayan blackberry, Scott's broom, common vetch, American holly, oceanspray, hawthorne, sword fern, bracken fern, and grasses. Mature trees are present along the top of the slope within the shoreline buffer and include red alder, big leaf maple, madrone, and Douglas fir. English ivy is present from root to canopy among the mature trees.
Environmental Impacts: Vegetation Disturbance	Approximately 12,000 sq.ft. of invasive species, noxious weeds, a cluster of young alders, and a single hawthorne will be disturbed by the proposed development.
Environmental Impacts: Impervious Surface	Approximately 10,000 sq.ft. of new impervious surface is proposed on the property.
No Net Loss Demonstration	Site Specific Impact Analysis – Vegetation Management Plan Mitigation: Invasive species and noxious weeds eradication on the property. Restore and maintain a 10-foot native vegetation buffer along the top of the slope.
Mitigation Sequencing	Avoid: The proposed development maintains the 30-foot shoreline buffer and all native vegetation within the buffer. The remainder of the site is overgrown with invasive species. Minimize: The proposed development is designed landward of the 30-foot shoreline buffer and all significant native vegetation. An existing sewer easement along the east side of the property increases the buffer to the shoreline by another 20-50 feet. Rectify: The management plan proposes restoration of the degraded shoreline buffer landward of the top of the slope by eradicating invasive species and noxious weeds. Reduce: Stormwater will be handled in compliance with the stormwater manual. No fertilizer, insecticide, or pesticide will be used. Native vegetation is strategically placed to improve the soil structure. Directional lighting and timers are recommended. Compensate: In addition to eradicating invasive species and noxious weeds, the management plan proposes to restore and maintain a 10-foot native vegetation buffer along the top of the slope. Monitor: Restoration area success, performance, maintenance and monitoring are described in the management plan. An as-built planting plan is required upon installation of the vegetation. Five (5) years of monitoring reports and final compliance documentation are required.
Required Mitigation Surety Devices	Notice on Title Performance Assurance Maintenance and Monitoring Assurance
Waterfront Trail Adjacent to a Marine Bluff	The property has slopes greater than 40 percent that exceed a vertical height of 10 feet within the marine shoreline jurisdiction and is considered to have a marine bluff. Minor development for public access (e.g., public trails, stairs, or view points) may be allowed on the face of a marine bluff or in the required buffer; provided, that environmental impacts are mitigated, and the development can meet the factor of safety. The geotechnical report completed by Geotech Consultants, Inc. in October 2018 demonstrated that

	the proposed Waterfront Trail meets the factor of safety. The report recommends using a lightweight surface such as wood chips or gravel, using no more than 4-6 inches of material. Vegetation on the steep slope shall be maintained for bluff management.
--	--

b. BIMC 16.20 Critical Areas

Critical Area	Required/Allowed	Proposed
Geologically Hazardous Area (landslide hazard – slopes 40% or greater)	<p>Buffer Requirement: A buffer equal to the height of the slope or 50 feet, whichever is greater, shall be established from all edges of a landslide hazard area except where no other reasonable alternative exists, a reduction may be allowed.</p> <p>Building Setback: All building and structures shall have a minimum setback of 15 feet from the outer edge of the buffer around landslide hazard areas to allow for construction activity.</p>	The applicant has proposed a buffer reduction for a combined buffer and setback of 25 feet from the top of slope. Per BIMC 16.20.130.E.5, Independent Third Party Geotechnical Review was conducted to review the proposed buffer reduction. Once the Third Party review was complete, a Notice of Intent to Reduce the Minimum Buffer in a Landslide Hazard Area was issued with a 21-day comment period ending on February 4, 2019. An Indemnification or Hold Harmless agreement will be required prior to commencement of construction or site alteration.

2. BIMC Title 18 Zoning

a. BIMC 18.09 Use Regulations

Proposed Use	Use Standards
Multifamily Dwellings	Multifamily development is a permitted use in the Mixed Use Town Center – Central Core Overlay District (CORE).

b. BIMC 18.12 Dimensional Standards

Dimensional Standards	Required/Allowed	Proposed
Lot Coverage	100 percent excluding setbacks (18,112 sq.ft.)	46 percent (8,322 sq.ft.)
Front Yard Setback	10 feet min and 20 feet max from the Madison Avenue sidewalk City staff are analyzing the placement of the disabled access parking space and the impact on the 10-foot minimum front yard setback.	10 feet from the Madison Avenue sidewalk except where on-street parking for the disabled access parking space is proposed.
Rear Setback	0 feet	40 feet
Side Yard Setbacks	0 feet	4.5 feet to north and 11 feet to south
Residential FAR Maximum with Bonus	0.4 FAR (7,244 sq.ft.) 1.0 FAR (18,112 sq.ft.)	0.75 FAR (13,573 sq.ft.) (bonus needed for 6,329 sq.ft.)
Eligible properties may achieve a maximum level of development above the base FAR by using one, or a combination of FAR bonus provisions in BIMC 18.12.030.E. The applicant is considering the following options:		

<ul style="list-style-type: none"> • Up to 100 percent of the maximum residential FAR bonus may come from the purchase of development rights. The current cost of development rights for residential FAR is \$18.00/sq.ft. • Subject to approval by the director, the public amenities FAR bonus may be achieved by the construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city. In accordance with the Bainbridge Island Comprehensive Plan, Shoreline Master Program (SMP), Winslow Master Program (WMP), Island Wide Transportation Plan (IWTP), and the recommendation from the Multi-Modal Transportation Advisory Committee (MTAC), the City encourages the applicant to consider the public amenities FAR bonus by constructing a boardwalk for the remaining 50 feet of trail along the portion of the panhandle that is partially overwater. This segment will complete the connection of the Waterfront Trail. 		
Title 18 Building Height Bonus for parking under the building	35 feet maximum 45 feet maximum	35 feet
Title 16 Building Height	30 feet maximum in Shoreline	
Permitted Height Modifications – Solar Panels	Up to 18 inches above the maximum building height in the district.	The applicant is not proposing a height modification for the solar panels.

c. BIMC 18.15 Development Standards and Guidelines

i. BIMC 18.15.010 – Landscaping, Screening, Tree Retention, Protection and Replacement

Landscape Requirements	Required/Allowed	Proposed
Tree Units	30 tree units per acre 14 tree units are required	The applicant has proposed 14 new trees to meet the tree unit requirement. Existing trees total to 45 tree units but are all within shoreline buffers and/or critical areas and their buffers and do not count towards the tree unit requirements.
Perimeter Buffer	N/A	N/A
Roadside Buffer	N/A	N/A

ii. BIMC 18.15.020 – Parking and Loading

Parking Requirements	Required/Allowed	Proposed
On-Street Parking Disabled Access Parking	On-street parking may be included in the parking space calculation upon approval of the director. One (1) disabled access parking space is required. The disabled access parking space shall be van-accessible and must connect to the shortest accessible route to the accessible building entrance or facility they serve.	The applicant has proposed one (1) disabled access parking space along the street to be included in the parking calculation. Disabled access parking has been proposed as close to the entrance as possible. Only one (1) on-street space is proposed.
Off-Street Parking	One (1) space per one-bedroom apartment	The applicant has proposed a parking garage under the building. A total of

	Two (2) spaces per townhome 12 parking spaces total Guest parking may be required by the Planning Director at a maximum of 0.5 spaces per four (4) required spaces. Spaces provided in underground parking garages are exempt from parking maximums.	10 parking spaces (including the on-street disabled access space) are provided for the apartments, eight (8) for the residents and two (2) additional spaces for guest parking. A two (2) car garage is proposed for each of the townhomes, providing a total of four (4) spaces. A total of 13 off-street spaces are proposed.
--	--	---

iii. BIMC 18.15.030 – Mobility and Access

Mobility Requirements	Required/Allowed	Proposed
Bicycle Spaces	One (1) bicycle space per five (5) parking spaces with a minimum of four (4) bicycle spaces.	The applicant has proposed four (4) bicycle spaces in the parking garage.

iv. BIMC 18.15.040 – Outdoor Lighting

Lighting Requirements	Required/Allowed	Proposed
Outdoor Lighting	The project has been conditioned to comply with the outdoor lighting requirements.	No outdoor lighting is proposed at this time. There is an existing street lamp on the northwest corner of the property.

v. BIMC 18.15.050 – Signs

Sign Requirements	Required/Allowed	Proposed
Signs	The project has been conditioned to obtain a sign permit for any signage proposed.	No signs are proposed at this time.

d. BIMC 18.18 Design Standards and Guidelines

Design Guidelines	Requirements
All Zoning Districts	The Design Review Board reviewed all of the Design Guideline Checklists and recommended approval with several conditions and additional review of the building materials and landscape site plan prior to issuance of the building permit. The project has been conditioned accordingly.
Mixed Use Town Center	
Central Core Overlay District	
Street Trees in the Central Core Overlay District	Street trees shall be provided in an amount equivalent to at least one (1) every 30 feet in planting pots or beds covered by a tree grate, pavers, or planted area. Trees may be grouped and are encouraged to have a varied meandering effect. The applicant has proposed five (5) street trees along the frontage and meets this design standard.

Part VII: Decision Criteria

1. BIMC 2.16.040 Site Plan and Design Review

The director and planning commission shall base their respective recommendations or decisions on site plan and design review applications on the following criteria:

Decision Criteria	City Analysis
1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district, unless a standard has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.S;	As conditioned, the site plan and design is in conformance with the Bainbridge Island Municipal Code (BIMC) and standards of the Mixed Use Town Center – Central Core Overlay (CORE).
2. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan;	As conditioned, the location of the building, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan. The applicant has proposed installation of the Waterfront Trail consistent with the trail standards.
3. The Kitsap County health district has determined that the site plan and design meets the following decision criteria: a. The proposal conforms to current standards regarding domestic water supply and sewage disposal.	The property is served by City sewer and water and the City issued a non-binding commitment for water and sewer system capacity. A binding commitment letter for water and sewer availability is required prior to building permit issuance for the proposed structure.
4. The city engineer has determined that the site plan and design meets the following decision criteria: a. The site plan and design conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and b. The site plan and design will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and e. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the applicable service(s) can be made available at the site; and f. The site plan and design conforms to the “City of Bainbridge Island Design and Construction Standards,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the	As conditioned, the City engineer has determined that the site plan and design meets the decision criteria. The applicant proposes to tie into an existing outfall for a direct-discharge of stormwater to Eagle Harbor if connecting to the storm drain on Madison Avenue is infeasible. The streets and pedestrian ways coordinate with existing streets and are adequate to accommodate anticipated traffic. A Certificate of Concurrency was issued for the traffic study prepared by Heath & Associates, dated October 2018. Construction of the Waterfront Trail will provide another pathway for pedestrians. The property is served by City sewer and water and the City issued a non-binding commitment for water and sewer system capacity. The proposal conforms to the “City of Bainbridge Island Design and Construction Standards.” In addition to an easement for the Waterfront Trail, the Multi-Modal Transportation Advisory Committee (MTAC) recommended another easement for pedestrian access to the public from east to west along and across the southern edge of the proposed building with wayfinding signage for both easements. The access along the southern edge is proposed for vehicles entering the underground parking garage and the City has

purposes of BIMC Title 18.	concerns about using this for pedestrian access. The City would also like to encourage use of the new section of the Waterfront Trail.
5. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18, unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.S;	The Design Review Board reviewed all of the Design Guideline Checklists and recommended approval with several conditions and additional review of the building materials and landscape site plan prior to issuance of the building permit. Prior to issuance of the building permit for the structure, the applicant will meet with the Design Review Board (DRB) to review the proposed building materials and landscape plan.
6. No harmful or unhealthful conditions are likely to result from the proposed site plan;	As conditioned, no harmful or unhealthful conditions are likely to result from the proposed development.
7. The site plan and design is in conformance with the Bainbridge Island Comprehensive Plan and other applicable adopted community plans;	As conditioned, the proposed development is in conformance with the Bainbridge Island Comprehensive Plan and the Winslow Master Plan (WMP).
8. Any property subject to site plan and design review that contains a critical area or buffer, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;	As conditioned, the proposed development conforms to the critical areas regulations as adopted in the Shoreline Master Program (SMP) in BIMC 16.12.060. The buffer reduction was properly noticed and reviewed. The applicant will be required to record an Indemnification or Hold Harmless Agreement prior to building permit issuance.
9. Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter;	As conditioned, the proposed development conforms to the Shoreline Master Program (SMP) in BIMC 16.12. Proposed mitigation will require monitoring and maintenance as outlined in the no net loss documentation completed by BGE Environmental in February 2018.
10. If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC 17.20.020.C, the requirements of BIMC 17.20.020.D have been met;	No privately owned open space is proposed.
11. The site plan and design has been prepared consistent with the purpose of the site design review process and open space goals.	The site plan and design has been prepared consistent with the purpose of the site design review process.

2. BIMC 2.16.165.F Shoreline Substantial Development Permit

In making the decision, the administrator shall grant a substantial development permit only when the development proposed is consistent with the following:

Decision Criteria	City Analysis
1. The applicable policies, guidelines, and regulations of the Shoreline Management Act of 1971; Chapter 90.58 RCW, as amended; and Chapters 173-26 and 173-27 WAC or their successors;	As conditioned, the proposed development is consistent with the Shoreline Management Act (SMA) and all revisions thereafter.
2. The goals, policies, objectives and regulations of the city of Bainbridge Island shoreline master program;	As conditioned, the proposed development is consistent with the Shoreline Master Program (SMP). The shoreline no net loss documentation outlines the baseline conditions, impacts from development, mitigation sequencing, a vegetation management plan, and maintenance and monitoring for the site.
3. The city of Bainbridge Island Comprehensive Plan and municipal code; all other applicable law; and any related documents and approvals.	As conditioned, the proposed development is consistent with the Bainbridge Island Comprehensive Plan and the BIMC.
The administrator shall also consider whether the cumulative impact of additional past and future requests that reasonably may be made in accordance with the comprehensive plan, or similar planning document, for like actions in the area will result in substantial adverse effects on the shoreline environment and shoreline resources.	If the applicant chooses to install a boardwalk to complete the remaining 50 feet of the Waterfront Trail, additional shoreline review and permitting may be required.

3. BIMC 2.16.165.G Shoreline Variance

Shoreline variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), and/or landward of any wetland, as defined in Chapter 16.12 BIMC, may be authorized, provided the applicant can demonstrate all of the following:

Decision Criteria	City Analysis
1. The strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;	The Mixed Use Town Center – Central Core Overlay District allows a building height of 45 feet and the Shoreline Master Program (SMP) limits the height to 30 feet. Per RCW 90.58.320, the Shoreline Management Act (SMA) for Washington State allows height up to 35 feet. This difference in height regulations between the City's zoning and the SMP reduces the maximum height allowed on this property by 15 feet and does not allow it to develop to the density encouraged in the zoning code. The height increase is for the elevator/stair tower and not adding additional living space.
2. The hardship described in subsection G.4.a.i of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not,	The site has a depth of approximately 160 feet. The shoreline buffer, geologically hazardous area and buffer, and an existing City sewer and storm drain easement significantly reduce the depth and buildable area of the property. The

for example, from deed restrictions or the applicant's own actions;	applicant is also installing the Waterfront Trail along the inlet and giving the City a 20-foot wide easement along the full length of the trail. The Waterfront Trail reduces the privacy of the townhomes and their back yard areas. To create a private outdoor space for the townhomes, the applicant has proposed private rooftop space. The owners of the future townhomes desire disabled access to the rooftop decks. The applicant is requesting an additional five (5) feet in height to provide the elevator/stair tower to the roof. The hardship has not been caused by the applicant's own actions.
3. The design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;	The design and use of the proposed development is compatible with other authorized uses within the area. The Bainbridge Island Comprehensive Plan encourages dense development in the Mixed Use Town Center – Central Core Overlay District. Under the zoning code, the structure would be allowed to be built to 45 feet in height.
4. The variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;	Properties outside of shoreline jurisdiction to the west and north have the ability to develop to the 45-foot height limit, including the Seabreeze development located 2 properties to the north. The Shoreline Master Program, however, limits the height to 30 feet for properties within shoreline jurisdiction and restricts the development potential for the site. The Shoreline Management Act (SMA), as revised in RCW 90.58.320, limits height to 35 feet in shoreline jurisdiction.
5. The variance requested is the minimum necessary to afford relief; and	The proposed elevator/stair towers require an additional 5 feet in height. The applicant has minimized the height request by proposing a ramp system from the elevator to the roof level. The applicant has also minimized the impact of the tower by limiting it to 10 feet in width and aligning the towers on the north and south ends of the structure. The towers amount to only 5 percent of the building footprint.
6. The public interest will suffer no substantial detrimental effect.	The public view is primarily from the Madison Avenue right of way and sidewalk and the elevator/stair tower was positioned in a way that minimizes impacts to the larger community. The applicant has minimized the size and height of the towers and positioned them far enough to the west that they are minimally visible from

	<p>the street. Comments from residents in the neighboring Seabreeze building to the north were concerned about impacts to their privacy and views of the harbor. The applicant has addressed this by aligning the towers along the north and south ends of the structure to minimize impacts to the Seabreeze view corridor. The amount of public disturbance has been minimized to allow a feature that provides disabled access to two (2) residential units. Additionally, the applicant provided a depiction of the development potential of the adjacent property to the north which illustrated that a 30-foot structure would surpass the height of the proposed 35-foot structure and the proposed elevator/stair tower and rooftop would no longer be visible.</p>
<p>The applicant has provided the following response to the shoreline variance decision criteria:</p> <p>We are proposing a 10 unit building with two units in the back that face the ravine to the east. This would have been a very private back yard for these units and one that other similar developments have enjoyed. However, the city is requiring a public path as close as 15-20 feet from the homes. Because of this requirement all privacy is lost. In order to mitigate this, we decided to create a private rooftop deck for these units and in order to access them with stairs and an elevator we are requesting an additional 5 feet in height, from the base height of 30 feet to 35 feet – only for these stair towers.</p> <p>This is a hardship unique to this particular piece of property, to the installation of a new segment of the Waterfront Trail, and the public exposure that the new trail will create. It is the desire of the owners of the two townhomes to provide handicapped access to the rooftop decks for themselves and future owners.</p> <p>It should be noted that although an additional 5 foot height variance could be requested for the entire building we are asking for a minimum amount - only 5% of the building footprint.</p> <p>From the sidewalk at the north corner of the property this building is only 23 feet above the sidewalk, and the stair tower is set back into the middle of the building so its impact is really minimal from the street.</p> <p>I can understand that there are objections from owners in the Seabreeze Building. But there are some things that should be considered. First that building enjoyed a building height of 45 foot because it is right up against 200 foot to the shoreline, which puts them outside the shoreline jurisdiction. Second, most of the units will be able to look over the top of the stair tower, and those on the lower floor would be affected even with a 30 foot height. Also, there is a piece of property between the two properties and the average grade for that building is more than 5 feet above the average grade for ours, so future development on that property even at 30 foot height limit will be higher than our stair towers.</p> <p>As an additional benefit we have offered to not put any mechanical equipment on the roof. Looking out over finished terraces will be much more attractive than a roof full of equipment.</p>	

Part VIII: Attachments

1. PLN50958 SPR SSDP SVAR Site Plans
2. PLN50958 SPR SSDP SVAR Landscape Plan
3. PLN50958 SPR SSDP SVAR Geotechnical Report October 2018
4. PLN50958 SPR SSDP SVAR Traffic Impact Analysis October 2018
5. PLN50958 SPR SSDP SVAR Certificate of Concurrency
6. PLN50958 SPR SSDP SVAR Shoreline No Net Loss Documentation February 2018
7. PLN50958 SPR SSDP SVAR SEPA Checklist
8. PLN50958 SPR SSDP SVAR Applicant's Response to Shoreline Variance Decision Criteria
9. PLN50958 SPR SSDP SVAR Madison Height Analysis
10. PLN50958 SPR SSDP SVAR Rendering SE
11. PLN50958 SPR SSDP SVAR Rendering NE
12. PLN50958 SPR SSDP SVAR Design Guideline Checklists
13. PLN50958 SPR SSDP SVAR Design Review Board Minutes April 2018

Part IX: Recommendation and Conditions of Approval

Staff is recommending approval of the proposal in accordance with the following conditions:

SEPA Conditions:

1. The limits of clearing and grading shall be clearly marked in the field and inspected by the Department of Planning and Community Development staff prior to start of any clearing, grading, or other site work.
2. To mitigate impacts on air quality during earth moving activities, contractors shall conform to Puget Sound Clean Air Agency regulations to ensure all reasonable precautions are taken to avoid dust emissions.
3. An arborist shall be on site when construction commences to recommend ways to minimize impacts to the health of trees on neighboring properties.
4. Prior to certificate of occupancy, the applicant shall provide wayfinding signage for the Waterfront Trail, as approved by the City.

Project Conditions:

General

5. Except for modifications reflecting compliance with these conditions of approval, the project shall be in substantial conformance with the site plans dated January 18, 2019.
6. Prior to construction activity, the applicant shall obtain the appropriate permits from the City of Bainbridge Island, including but not limited to clearing, grading, right-of-way, and building permits.
7. All work shall adhere to the City's seasonal work limitations between October 1 and April 30 of any year. During this period, no soils shall remain exposed and unworked for more than two days. From May 1 to September 30, no soils shall remain exposed and unworked for more than seven days.
8. Prior to any construction, a temporary erosion and sedimentation control plan (TESCP) shall be submitted and approved by the City. Construction shall be restricted to the dates occurring between May 1 and September 30 unless a wet weather erosion control plan is submitted and approved by the City prior to construction.

9. All construction activities shall comply with noise limitations per BIMC 16.16.020.
10. If any historical or archaeological artifacts are uncovered during excavation or construction, work shall immediately stop and the Department of Planning and Community Development and the Washington State Department of Archaeology and Historic Preservation shall be immediately notified. Construction shall only continue thereafter in compliance with the applicable provisions of law.

Building Official

11. The project shall comply with the provisions of the 2015 International Codes as currently adopted by the City of Bainbridge Island per the Bainbridge Island Municipal Code (BIMC) Chapter 15.04 and shall include any State of Washington Amendments.
12. The project shall comply with the provisions of the 2015 International building Code, Chapter 11 and ANSI 117.1-2009 for disabled access compliance, including a minimum of one (1) van-accessible disabled access parking space.
13. A soils report is required for this project which shall address soils conditions and all foundation and building design criteria per the International Building Code and State of WA Code Amendments. The Soils and Structural Engineer shall coordinate design criteria for all structures for submittal and submit a complete design analysis and recommendations at time of plans examination.

Fire District

14. To the satisfaction of the Bainbridge Island Fire Department, the proposed project shall comply with all applicable provisions of the adopted Fire Code.
15. Fire flow is required for this project. Fire flow shall be not less than 1500 gpm as provided by the City of Bainbridge Island.
16. Fire sprinklers are required for this project.

Public Works

17. The City engineer has approved a deviation to the standard road section for an urban collector roadway per DCSS drawing DWG 7-030 requiring a planter strip adjacent to the back of curb and a minimum 5-foot wide sidewalk. The deviation reverses the location of the planter strip and sidewalk so that the planter strip is between the sidewalk and the proposed structure.
18. Right-of-way (ROW) dedication is required along the full lot frontage of the property from the existing ROW/property line to the back of the furthest portion of sidewalk resulting from the construction of on-street parallel parking stalls, or 5-feet, whichever is greater.
19. Development of the site will require non-motorized improvements as shown on the Non-Motorized Transportation Plan Map D: Winslow System Plan (Minimum Standards) in the adopted Island Wide Transportation Plan. The 6-foot wide Waterfront Trail connecting path per the City of Bainbridge Island Design and Construction Standards and Specifications (DCSS) standard drawing DWG. 8-360 shall be constructed along the water front side of the project for the full width of the lot to the southernmost portion of the flag as terrain and trees allow. A 20-foot wide public trail easement shall be granted to the City centered on the trail construction, to the extent feasible. Any boardwalk proposed in lieu of the standard connecting pathway shall not be placed over the existing sewer line or easement.

20. An easement will be required for any portion of the public sidewalk not located within the City right-of-way.
21. The easement serving the sewer main through the parcel is a substandard width (5 feet). The City's minimum easement width requires 20 feet. The applicant shall dedicate an additional 15 feet of sewer easement on the eastern and southern sides of the existing easement (waterward and away from the buildings).
22. The 20-foot sanitary sewer main easement shall remain wholly unobstructed for purposes of access, maintenance, repairs, replacement, etc. No permanent structures or trash enclosures that would interfere with the City's easement rights shall be constructed over the easement. Prior to building permit issuance, building roof eaves, overhangs, footings, etc. that encroach into the easement shall be evaluated so as not to impact the ability to operate heavy construction equipment, including excavators, lifts, backhoes, etc. The applicant shall submit section drawings with the building permit application showing any encroachments into the easement for evaluation by the City.
23. Prior to submittal of the building permit, Step Forms 1 & 2: Construction in a Geologically Hazardous Area shall be submitted to the City.
24. Prior to certificate of occupancy for the structure, a Step Form 3: Certification for Final Inspection shall be submitted to the City.
25. An indemnification or hold harmless agreement shall be required for all projects in geologically hazardous areas and buffers. The form of the agreement shall be approved by the City, executed prior to the commencement of construction or site alteration, and recorded with the County Auditor through a notice on title, or other similar document subject to the approval of the Administrator.
26. Prior to building permit issuance, the applicant shall demonstrate how storm water will be handled in conformance with current BIMC 15.20 regulations. An outfall for a direct-discharge of stormwater to Eagle Harbor is allowed where no other alternative exists. The project should attempt to connect to the storm drain system in Madison Avenue where feasible to avoid further shoreline impacts.
27. Low impact development for stormwater should be incorporated into the site to the maximum extent feasible. Incorporating stormwater management may be feasible for frontage improvements.
28. A binding commitment letter for water and sewer availability is required prior to building permit issuance for the proposed structure.
29. A traffic impact analysis was completed for the site per BIMC 15.32 and 15.40 to evaluate for concurrency. Based on the results of the traffic impact analysis completed by Heath & Associates in October 2018, a certificate of concurrency was issued per BIMC 15.32.060. Any proposed intensity of use at the site may require analysis and a new evaluation for concurrency.

Shoreline, Critical Areas, and Vegetation

30. Work within shoreline jurisdiction shall be completed in substantial compliance with the no net loss documentation completed by BGE Environmental in February 2018, except to comply with these conditions.
31. No construction activities or staging is permitted within the shoreline buffer or geologically hazardous area and buffer.

32. Per SMP Section 4.1.4.4., disturbed areas will be restored or replanted as required.
33. New vegetation planted in the shoreline buffer shall be native species using a native plant-community approach of multi-storied, diverse plant species that are native to the Central Puget Lowland marine riparian zone. The plant schedule in the no net loss documentation completed by BGE Environmental in February 2018 proposes appropriately sized and spaced native or native equivalent vegetation.
34. Prior to issuance of certificate of occupancy, the applicant/property owner shall provide assurance to the satisfaction of the Administrator that the mitigation area will be maintained in perpetuity. The assurance can be in the form of notice on title, conservation easement, or similar mechanism as approved by the City Attorney.
35. The proposed 10-foot vegetation buffer along the top of the slope was designed in the no net loss documentation completed by BGE Environmental in February 2018, prior to the incorporation of the Waterfront Trail on the site plan. If the 6-foot wide trail displaces any area of the proposed 10-foot vegetation buffer, an equal area of the displaced vegetation buffer shall be planted on either side of the 6-foot trail. Prior to building permit issuance, the applicant shall submit a revised planting plan incorporating the trail and revising any displaced areas affected by the trail.
36. The certificate of occupancy for the structure shall not be issued until the required tree units and the 10-foot vegetation buffer have been planted or a performance assurance has been accepted by the City.
37. As proposed in the no net loss documentation completed by BGE Environmental in February 2018, the monitoring, maintenance, and contingency plan for the mitigation areas shall be implemented in accordance with SMP Section 4.1.2.8. The monitoring plan may require periodic maintenance measures if tree survival, plant survival, invasive plan recolonization, or irrigation is does not meet the thresholds outlined in the plan. To ensure the success of the required mitigation, monitoring shall occur for a minimum duration of five (5) years from the date of the completed planting. The duration of monitoring may be extended if the project performance standards set forth in the approved mitigation plan fail to be accomplished.
38. Per BIMC 18.15.010.H.3, performance assurance is required to assure the City that the required tree units and 10-foot vegetation buffer are properly installed and will become established and be adequately maintained. The required landscaping shall be installed prior to certificate of occupancy for the structure. A Washington landscape architect, Washington certified nursery professional, or Washington certified landscaper shall submit a landscaping declaration to the director to verify installation in accordance with the approved plans. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season as approved if the director determines that a performance assurance device, for a period of not more than one (1) year, will adequately protect the interests of the City. The performance assurance device shall be for 150 percent of the cost of the work or improvements covered by the assurance device. In no case may the property owner delay performance for more than one (1) year. Once the planting is completed, landscape declaration is submitted, and a maintenance and monitoring assurance is accepted, the performance assurance shall be released.
39. Per BIMC 18.15.010.H.4, the property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape plan and vegetation management plan. A maintenance assurance device shall be required for a period of five (5) years after acceptance by

the City of the new planting of vegetation to ensure proper installation, establishment, and maintenance. The maintenance assurance device amount shall not be less than 20 percent of the cost of replacing materials covered by the assurance device. The maintenance surety shall be refunded to the applicant upon completion of the five (5) year monitoring period and submittal of final compliance documentation as outlined in the no net loss documentation completed by BGE Environmental in February 2018, minus any funds needed for the City to perform corrective actions or perform monitoring.

40. Temporary or permanent irrigation within new planting areas that do not have high soil moisture conditions is required in accordance with BIMC 18.15.010.I. This shall not apply where provisions of BIMC 16.12 or 16.20 or any state or federal law restricts irrigation.
41. As proposed, 14 new trees are required to meet the tree unit requirement. Existing trees within shoreline buffers and/or critical areas and their buffers and do not count towards the tree unit requirements. Trees planted to meet tree retention requirements shall be planted in accordance with the planting requirements of BIMC 18.15.010.H and the landscape plan dated January 18, 2019.

Zoning

42. All development shall comply with the sign regulations contained in BIMC 15.08.
43. To mitigate potential off-site glare and light trespass, any outdoor lighting shall comply with the outdoor lighting regulations in BIMC 18.15.040.
44. Prior to issuance of the building permit for the structure, the applicant shall meet with the Design Review Board (DRB) to review the proposed building materials and landscape plan.
45. The applicant is requesting a Floor Area Ratio (FAR) bonus. Prior to building permit issuance, the applicant shall acquire the FAR bonus pursuant to BIMC 18.12.030.E. Up to 100 percent of the maximum residential FAR bonus may come from the purchase of development rights. Subject to approval by the Director, the FAR bonus may also be achieved by the construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts and shall be chosen from projects identified in the six-year capital facilities program or approved by the city. The City encourages the applicant to consider earning the public amenities FAR bonus by constructing a boardwalk for the remaining 50 feet of trail. If the applicant chooses to install a boardwalk, additional shoreline review and permitting may be required.