



City of Mukilteo, Washington
Notice of Decision
for
**Klemp Hotel, LLC Mixed-Use
Building at 813 2nd Street**

The City of Mukilteo has issued a Notice of Decision for the following project:

Project Name: Klemp Hotel, LLC Mixed-Use Building

Proponent: Fred Baxter on behalf of Klemp Hotel, LLC

Project Number: PPR-2015-001/ENG-2015-004

Description of proposal: Development of a previously developed 10,618 square foot lot with a 2-story mixed-use building 2,686 square feet comprised of approximately 1,312 square feet of commercial space and two 1-bedroom dwelling units with associated grading, parking, storm drainage, landscaping, and street frontage improvements.

Project Location: Lots 3 and 4, Block 12 of Thomas Addition to Mukilteo (Assessor Parcel Nos. 00596901200300 and 00596901200400); otherwise known as 813 2nd Street, Mukilteo, WA.

Notice of Decision Date: May 5, 2016

End of Appeal Period: May 19, 2016

Project Permit Expiration Date: May 5, 2019

Project Decision: Approved

Project Decision

Staff administratively reviewed this project for consistency with the policies, standards, and regulations of the City of Mukilteo. After considering comments by the public or other agencies, the project permit is hereby approved with conditions based on the following Findings of Fact, and subject to the following Conditions of Project Approval:

FINDINGS OF FACT

1. The applicant submitted an application for construction and site development of a mixed-use building with associated grading, parking, storm drainage, landscaping, and street frontage improvements. The application was determined to be complete on April 17, 2015.
2. In accordance with Mukilteo Municipal Code (MMC) 17.13, a Notice of Application was issued on April 29, 2015, and the project was circulated for review in accordance with the City's normal review and permitting procedures.
3. The property is designated commercial per the 2015 City of Mukilteo Comprehensive Plan. The proposal complies with the intended goals, objectives and policies of the Comprehensive Plan. The following Comprehensive Plan Land Use (LU) Policies apply to this project:
 - LU2d: New development and redevelopment shall provide housing, increased opportunities for employment, services, retail options, recreational activities, and enjoyment of the arts compatible with and complementary to the residential character of the neighborhoods.
 - LU2g: Development regulations and standards that maximize on-site landscaping, planting of street trees and use of native planting shall be adopted.
 - LU11: Development and redevelopment in the downtown business district shall be guided so as to create a unique identity for the area that is pedestrian-centric as provided for in the Downton Business District Subarea Plan.
 - UT7a: New and reconstructed stormwater collection, conveyance, and treatment systems and the construction and reconstruction of streets shall comply with all NPDES requirements and City design standards.
4. The subject property is located at 813 2nd Street and is zoned Downtown Business (DB).
5. The proposed development of a mixed-use building is a permitted use in the DB zoning district.
6. Staff administratively reviewed this project for consistency with all applicable requirements of the Mukilteo Municipal Code that apply to the subject property. Based on this review, it has been determined that development of the site will conform to all applicable zoning and development standards, and that as conditioned, the project will have no adverse impacts to the public health, safety and general welfare.
7. The proposal complies with use, area, lot dimension, landscaping and parking requirements of the **DB** zoning district:

Regulation	Requirement	Submitted
Height (MMC 17.20)	35'	23.98'
Front setback (MMC 17.20)	None	0
Rear setback (MMC 17.20)	None	76'
Side setbacks (MMC 17.20)	None	25' – east/north 25' – west/south
Lot Coverage (MMC 17.20)	100%	13%
Parking (MMC 17.56)	Retail/Office: 3/ 1,000 s.f. Multi-family dwellings: 1.5 per studio or 1 bedroom unit; 2 per 2 or more bedroom units; plus 1 per every 4 units for guest parking. Commercial=4, Residential=4 Total Stalls Required= 8	8 stalls
Landscaping (MMC 17.56.130 and MMC 17.58)	Frontage: 10' Type III (between public right-of-way if not a parking or display area or private access road and parking areas Abutting residential: Sight Obscuring fence and 10' of Type II (planted sight obscuring screen) Outside storage: Sight-obscuring fence Parking: Parking lots containing less than twenty parking spaces need provide only perimeter screening to satisfy the ten percent area requirements.	Frontage: N/A for mixed-use which has a zero setback. Abutting residential: N/A Outside storage: sight obscuring fence Parking: perimeter landscaping provided

8. Staff conducted an analysis to determine whether or not the proposed mixed-use project complies with additional regulations described in MMC 17.25 Design Standards for Mixed-Use Development. The results of the analysis show that the proposed project complies with the regulations outlined in the Code for mixed-use development. A copy of the analysis is located in the project file at City Hall.
9. On site storm water detention meets the City's design standards per the Washington State Department of Ecology's Stormwater Management Manual for Western Washington (2012).
10. Utilities are available to serve the subject property. Water is available from the Mukilteo Water District. Sewer is available from the Mukilteo Sewer District. Electricity is available from Snohomish County PUD. Natural Gas is available from Puget Sound Energy.
11. Development of the site will be subject to the requirements of the 2012 International Building Code.
12. The property lies outside the 55 DNL noise contour of Paine Field Airport.
13. Staff administratively reviewed this project for consistency with applicable requirements of Mukilteo Municipal Code 15.04.040.3, adopted 2012 International Fire Code and Mukilteo Fire Development Standards (2012 IFC) that apply to the subject property.
14. Staff administratively reviewed this project for consistency with all applicable requirements of Mukilteo's Development Standards (Resolution 99-02 and Amending Resolutions 01-21, 07-14, 08-22 and 09-15), including but not limited to drainage, clearing, grading, erosion control, access and street standards.
15. The applicant obtained a Certificate of Concurrence from the City prior to permit issuance in accordance with Ordinance 1131, effective July 27, 2005.

CONDITIONS OF PROJECT APPROVAL

1. All improvements shall be constructed in accordance with the approved civil construction drawings dated March 24, 2016 and approved Site Plan dated March 24, 2016. Minor modifications of the plans submitted may be approved by the Planning Director or Public Works Director if the modifications do not change the Findings of Fact or the Conditions of Approval.
2. The building shall be constructed in accordance with the approved architectural plans dated February 10, 2016. Minor modifications of the plans submitted may be approved by the Planning Director if the modifications do not change the Findings of Fact or the Conditions of Approval.
3. Prior to permit issuance a permanent easement shall be obtained from the neighboring property to the east for the rock wall and sidewalk, and a copy submitted to the City.
4. Prior to permit issuance a temporary construction easement shall be obtained from the neighboring property to the west for the regrading of the channel, and a copy submitted to the City.
5. Prior to permit issuance a temporary construction easement shall be obtained from the neighboring property to the east for the construction of the rock wall and sidewalk, and a copy submitted to the City.

6. Prior to permit final, evidence of a recorded copy of a stormwater easement for drainage structures with the neighboring property to the west shall be submitted to the City.
7. Prior to permit final, a flood test shall be required to verify grading meets elevations on civil plans to direct ROW run-off as shown on the plans.
8. A lot line adjustment shall be approved and recorded before building permit issuance.
9. Landscaping shall be installed in accordance with the approved landscaping plan dated February 10, 2016, and shall be subject the following:
 - a.) All landscaping associated with a project permit shall require the submittal of an acceptable warranty surety to warrant all required landscaping improvements against defects in labor and materials for a period of twenty-four (24) months after acceptance of those improvements by the City. The warranty amount shall be fifteen (15) percent of the costs of the improvements, as determined by the City. The surety shall be submitted to and approved by the City of Mukilteo and executed before occupancy of the building.
 - b.) All landscaping shall be maintained in healthy growing condition. A final landscape inspection will be performed at the end of the two (2)-year period and any dead, dying or diseased plant material shall be replaced.
 - c.) Minor modifications of the landscaping plans submitted may be approved by the Planning Director if the modifications do not change the findings of fact or the conditions of approval.
10. The significant trees to be retained shall be clearly delineated in the field. Barrier fencing or siltation fencing shall be installed before any site disturbance.
11. The clearing limits of the approved Site Plan shall be clearly delineated in the field. Where such limits are in proximity to property boundaries or associated with site-sensitive areas, barrier fencing or siltation fencing shall be installed before site disturbance in accordance with the approved Temporary Erosion and Soil Control Plan.
12. Siltation and erosion control measures shall be employed per the approved Temporary Erosion and Sediment Control Plan and as necessary to ensure appropriate on-site and off-site water quality control. Site runoff during construction shall be handled and treated as to quantity and quality impacts by utilizing Best Management Practices, as defined in the current DOE Stormwater Management Manual for Western Washington and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES).
13. All development shall proceed in accordance with the recommendations listed in the Geotechnical Engineering Evaluation dated January 9, 2015 prepared by Nelson Geotechnical Associates, Inc. The cost of special inspections, if any, as recommended by the report shall be the responsibility of the applicant.
14. The stormwater detention design and stormwater discharge shall utilize the Best Management Practices of the current DOE Stormwater Management Manual for Western Washington and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES).

15. All public improvements associated with a project permit shall require the submittal of an acceptable warranty surety to warrant all required improvements against defects in labor and materials for a period of twenty-four (24) months after acceptance of those improvements by the City. The warranty amount shall be equal to fifteen (15) percent of the costs of the improvements and installation, as determined by the City. The surety shall be submitted to and approved by the City of Mukilteo and executed before occupancy of the building.
16. The location of signs on approved plans is for illustrative purposes only. Pursuant to Mukilteo Municipal Code 17.80, a sign permit must be obtained for the placement of any non-exempt signage. Application for that sign permit shall include an approved site plan specifying the location of all signs.
17. All outside storage containers, including dumpsters, shall be enclosed by a sight obscuring fence.
18. All exterior lighting, including the parking area and property surrounding the building, shall be arranged so as to reflect away from surrounding properties and streets.
19. The applicant shall enter into a "Developer Extension Agreement" with the Mukilteo Water & Wastewater District. All construction of water and sewer facilities shall be in accordance with the standards, specifications and regulations of the District.
20. All mailbox locations must be approved and signed off by the U S Postal Service prior to permit issuance. Please contact the Growth Management Coordinator at 425.514.9843 to arrange an appointment.
21. The cost of any work, new or upgrade, to the existing electric system and facilities that is required to connect the project to the Snohomish County PUD electric system shall be in accordance with applicable Snohomish County PUD policies.
22. The following requirements shall be adhered to during construction and completed before occupancy of any structure in accordance with Fire Code Development Standards and 2012 International Fire Code:
 - A water supply capable of supplying the required fire flow for fire protection must be provided;
 - Fire hydrants shall be installed as per fire flow and spacing requirements specified for the type of development with regards to distances to structures;
 - Fire hydrants shall be equipped four- (4) inch quarter-turn Storz adapters
 - An access route, for fire fighting apparatus, must be provided at the start of construction. Minimum access route requirements include a 20' width, 13'6" vertical height clearance, and the ability to support a load up to 75,000 pounds;
 - All buildings must be addressed visibly and legibly from the road. When buildings are not visible from the street, appropriate provisions must be made to identify clearly which road or drive serves the appropriate address including private roads.
 - Fire protection systems including, but not limited to the following: sprinkler systems, standpipe systems, fire extinguisher systems, fire hydrants, and fire detection or alarm

systems shall be installed in accordance with Fire Code Development Standards and 2012 International Fire Code.

- Provide a Washington State certification number for any work done on fire protection systems, i.e. sprinkler systems, standpipe systems, fire detection/alarm systems or any underground for the fire protection system.
 - One (1) blue, square (Type II) raised grade or permanent marker shall be installed in the roadway to indicate each fire hydrant location. It shall be placed directly across from the hydrant location, off set one (1) foot from the roadway center toward the hydrant.
23. All construction equipment, building materials, and debris shall be stored on the applicant's property, out of the public right-of-way. In no case shall the access to any private or public property be blocked or impinged upon without prior consent from the affected property owners and the City of Mukilteo.
 24. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.
 25. If at anytime during clearing, grading and construction the streets are not kept clean and clear, all work will stop until the streets are cleaned and maintained in a manner acceptable to the Public Works Director.
 26. Noise from construction activity that is audible beyond the property lines shall not be allowed between the hours of ten (10) p.m. to seven (7) a.m. on weekdays, and ten (10) p.m. to nine (9) a.m. on weekends and holidays.
 27. The applicant and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the project permit before starting the project.
 28. The applicant shall have a licensed Civil Engineer prepare and/or supervise the preparation of As-Built drawings to be reviewed, approved and signed by the City Engineer upon satisfactory installation of the constructed infrastructure improvements and site work. One (1) reproducible, one (1) signed Mylar drawing and one (1) 11"x17" reduced copy of the drawings shall be submitted prior to final approval of the proposed project.
 29. The applicant shall pay park impact mitigation fees or other forms of negotiated impact mitigation directly to the City of Mukilteo in accordance with MMC 3.105 or similar requirements associated with the Growth Management Act. Payment of the park impact mitigation shall be made to the City prior to building permit issuance. The total fee or mitigation amount shall be based on the mitigation fee established in MMC 3.105 in effect at the time of fee payment.
 30. The applicant shall pay transportation impact mitigation fees for each new pm peak hour trip generated by the proposed development, or other forms of negotiated impact mitigation directly to the City of Mukilteo in accordance with Ordinance 1131 and 1132 effective July 27, 2005. The amount of the fee due shall be based on the fee schedule in effect at the time of fee payment. The transportation impact mitigation fee is due prior to building permit issuance.

The project permit shall be valid for three (3) years from the date of this Notice of Decision. If a building permit, grading permit, or occupancy permit is not obtained within this period, the project permit shall become null and void, and a new project permit application would need to be submitted. The Planning Director may grant an extension to the approval date for a period of one (1) year if such is requested prior to the expiration of the project permit.

Any violation of the Conditions of Approval shall be considered a violation of the project permit and shall be subject to the City's code enforcement procedures.

Appeals

A Party of Record must file an appeal of this project decision within fourteen (14) calendar days from issuance of this Notice of Decision. Appeals must be delivered to the City Clerk by mail, personal delivery, or other method, during normal business hours by **4:30 p.m., Thursday, May 19, 2016**, at City Hall, 11930 Cyrus Way, Mukilteo, WA 98275. Appeals shall be in writing on the approved form with the required information provided, accompanied by an appeal fee as outlined in the city's most current fee resolution, and shall include the appellant's signature.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the Snohomish County Assessor's Office at (425) 388-3433.

Contact Person: Anita Marrero, Associate Planner

(425) 263-8044


Anita Marrero
Planning Department

4/27/16
Date:


Rob McGaughey, P.E.
Public Works Director

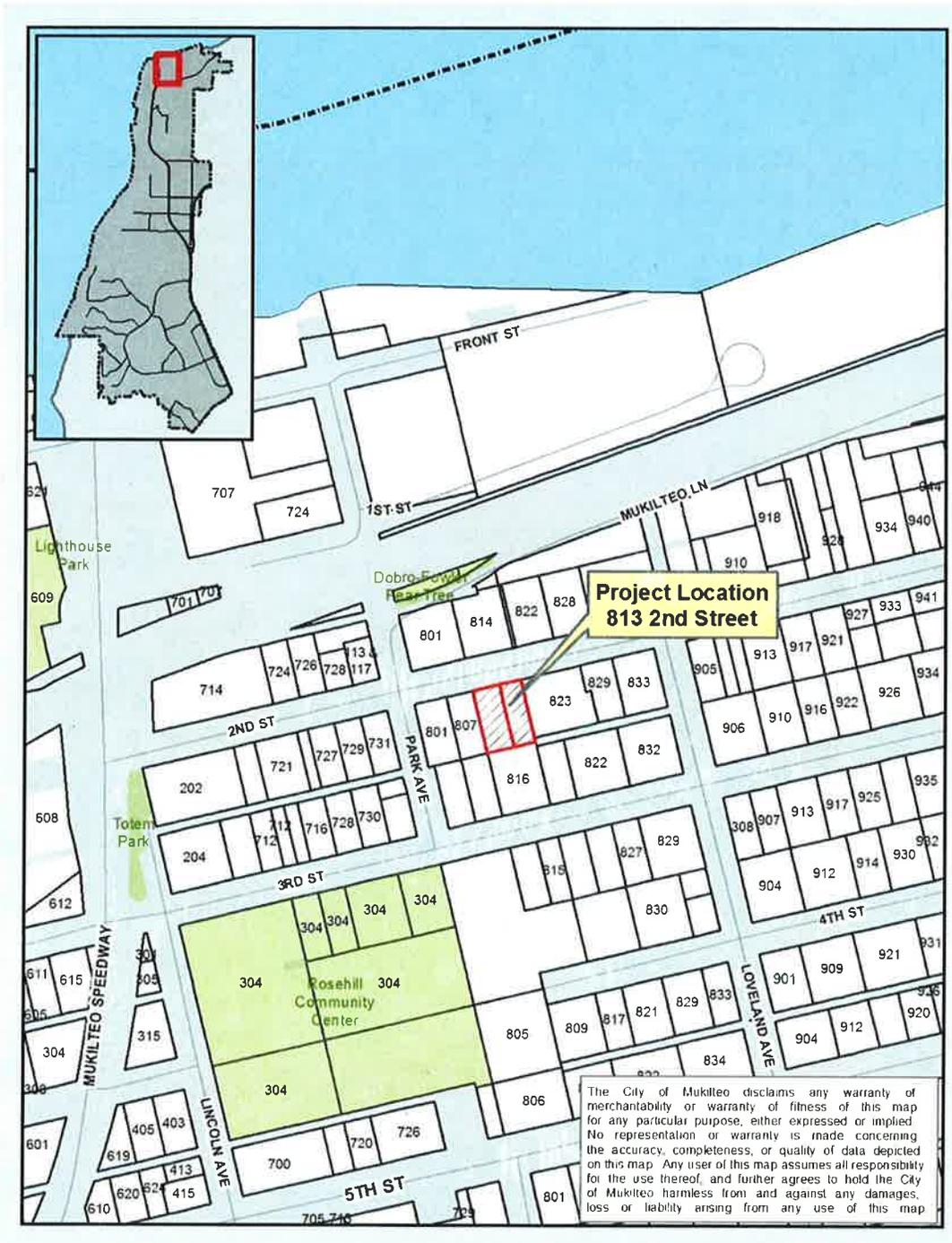
27 APR 16
Date:


Willie Berns
Building Official

4/27/16
Date:


LeRoy McNulty
Fire Marshal

4/27/16
Date:



Location Map

pc: Applicant
 Property own. w/i 300 ft.
 Parties of Record (if any)
 Review Agencies

Planning Director
 CDD Administrator
 City Administrator
 Permit Services Supervisor

Permit Services Technicians (2)
 SEPA File
 File Copy (2)