CITY OF MUKILTEO 11930 Cyrus Way Mukilteo, WA 98275 (425) 263-8000	**Notice of Shoreline Permit Decision** **Losvar Condominium Exterior Renovation** 610 Front Street (SH-SDP-2020-001, Related File Nos. MFR-ALT-2020-001, FL-PLAIN-2020-003, ROW-2020-015 and SEPA-2020-005)

SUMMARY OF DECISION:
The City of Mukilteo issues this Notice of Shoreline Permit Decision as required by Revised Code of Washington (RCW) 36.70B.130 and Mukilteo Municipal Code (MMC) 17B.13.080, and has made the following decision:

DECISION: The Shoreline Substantial Development Permit (SSDP) is approved, subject to conditions. The construction permits, floodplain permit, and environmental review are completed separately from this decision.

NOTICE DATE: Thursday, November 19, 2020

DATE OF FILING: Thursday, November 19, 2020

EFFECTIVE DATE: Project construction (or the use or activity) shall not begin until 21 days from the date of filing (the "effective date") of the Shoreline Substantial Development Permit (SSDP) with the Department of Ecology (MMC 17B.13.150(E)), or until all review proceedings and appeal processes have been completed, whichever is later.

The earliest effective date is Thursday, December 10, 2020.

SSDP EXPIRATION: Project construction (or the use or activity) shall begin within two (2) years of the effective date (MMC 17B.13.160(2)(a)).

All project construction must be complete (or the use or activity commenced) within five (5) years of the effective date (MMC 17B.13.160(2)(b)).

PROJECT NAME: Losvar Condominium Exterior Renovation (File Nos. SH-SDP-2020-001, MFR-ALT-2020-001, FL-PLAIN-2020-003, ROW-2020-015 and SEPA-2020-005)

PROPONENT: Losvar Condominium Homeowner's Association

DESCRIPTION OF PROPOSAL:
Losvar Condominium Homeowner's Association has applied for a Shoreline Substantial Development Permit (SSDP) and related permits to allow for the exterior renovation of their existing condominium building. The applicant has also applied for a floodplain permit, environmental review, right-of-way permit and a building permit. This notice is for the SSDP permit only.

The exterior renovation includes the following:

- Exterior painting;
- New code compliant guardrails and decorative metal trim elements to the windows and the roofline at the front and sides of the building (south, east and west façades);
- New wood cladding for the parking garage door on the front side of the building (south façade);
- Installation of new fencing for the front utilities (utilities boxes and meters on the south side of the building), pool and boat storage areas for better security and aesthetics (north side of the building); and
- New glass railings for the existing pool wall (north side) and private condominium unit decks to promote views (all façades).

The applicant is not proposing to increase the height of the building, expand the existing building footprint, conduct any ground-disturbing activity, or perform any in-water work. Workers will need to access portions of the building located above the tidelands (within the Ordinary High Water Mark (OHWM)) to complete work. No access to the marine environment itself is proposed or necessary.

The property lies within the City of Mukilteo shoreline management jurisdiction and has an "Urban Waterfront" and "Aquatic Urban" Shoreline Environment designations. The proposal is located within the portion of the property with the "Urban Waterfront" Shoreline Environment designation. No work is proposed on the portion of the property within the "Aquatic Urban" Shoreline Environment, which contains two (2) existing docks, tidelands, and area below the OHWM.

In consultation with the Department of Ecology, the proposal does not meet the criteria for exemption from a Shoreline Substantial Development Permit (SSDP) in Washington Administrative Code (WAC) 173-27-040 through 173-27-045. Therefore, an SSDP is required.

All supporting documents are available on the City of Mukilteo website at https://mukilteowa.gov/land-use-action-notices/ or by request from the City of Mukilteo Community Development Department via email (permittech@mukilteowa.gov) or phone (425) 263-8000.

LOCATION: 610 Front Street, also identified by Snohomish County Assessor Parcel Nos. 00526900000100 - 00526900041000; legally described as follows:

LOSVAR CONDOMINIUM, a Leasehold Condominium, according to the Declaration recorded under Recording No 2232228, and any amendments thereto, and Survey Map and Plans in volume 33 of Condominium Plats, on page(s) 230, inclusive, records of Snohomish County, Washington, being a portion of that portion of Government Lot 2, Section 4, Township 28 North, Range 4 East, W M, described as follows:

Beginning at a point which bears South 75° West a distance of 1,163 feet and North 15° West a distance of 30 feet from the meander post at the Southwest corner of Government Lot 1, of Section 33, Township 29 North, Range 4 East, WM,
THENCE South 75° West a distance of 304.15 feet,
THENCE North 15° West a distance of 98.08 feet to the Government meander line,
THENCE continuing North 15° West to the Northerly line of said Government Lot 2,
THENCE following said Northerly line Northeasterly to a point lying North 15° West of the Point of Beginning,

THENCE South 15° East to the Government Meander Line,
THENCE continuing South 15° East a distance of 63.43 feet to the Point of Beginning,

TOGETHER WITH the portion of tide lands of the second class abutting the portion of the Northerly line of said Government Lot 2 beginning on said Northerly line where the Northerly prolongation of the Easterly line of SUTHERLANDS PLAT, MUKILTEO, WASHINGTON, according to the plat thereof recorded in Volume 2 of Plats, page(s) 57, records of Snohomish county, Washington intersects said Northerly line of said Government Lot 2, and terminating at a point on said Northerly line where a line parallel to said Northerly prolongation of the Easterly line of said plat and distant 175 feet measured North 81 °31' East along the meander line, intersects said Northerly line of said Government Lot 2,

AND TOGETHER WITH that portion of said tide lands abutting the Easterly 50 feet of the above described real property measured along the Southern line there

SITUATE in the County of Snohomish, State of Washington.

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 and/or other agencies, the SSDP is hereby **approved with conditions** based on the following:

FINDINGS OF FACT

Consistency with Mukilteo Zoning Development Regulations and Permitting Procedures:

1. The applicant submitted an application on April 28, 2020, for an exterior renovation of the existing Losvar Condominium building. The application became complete on May 26, 2020.
2. The subject property is irregularly shaped and is approximately 2.62 acres in size consisting of an upland area that is flat and tidelands. The Losvar Condominium

building is located between Lighthouse Park to the west and the existing Washington State Ferries Terminal Building to the east. The property lies within the 100-year flood hazard zone and a small portion of the existing building encroaches on the Port of Everett's property to the north.

3. The property is developed as a 31-unit four story condominium with a dock and boat launch. No increase to the number of units is proposed. Access to the property is from Front Street. No changes to access are proposed. Uncovered and covered off-street parking is provided on the ground floor. No new signage is proposed.

4. The property is designated "Commercial-Mixed Use" on the City of Mukilteo Comprehensive Plan Future Land Use map and is zoned Downtown Business (DB).

   a. The proposal meets the definition of "development" in Mukilteo Municipal Code (MMC) section 17.08.020, since it involves the "exterior alteration of a structure."

   b. Multi-family uses are prohibited in the DB designation in the Permitted Use Matrix (MMC 17.16.040(A)).

   c. The Losvar Condominiums are considered a legal nonconforming use and structure. Such uses and structures may continue in perpetuity so long as the use is not enlarged, expanded, or discontinued for 12 consecutive months. Therefore, no Conditional Use Permit (CUP) is required for this proposal.

   d. This proposal does not meet the definition of redevelopment in Chapter 17.08 MMC.

   e. Per MMC 17.25A.020(A), "All development in the Downtown Business zoning district shall comply with the provisions of this chapter." The Losvar Condominiums were constructed prior to the adoption of the design standards for the DB District.

      i. Losvar Condominiums is not a mixed-use development and therefore MMC 17.25A.030 does not apply.
      ii. There are no proposed changes to the building footprint or use and therefore the site planning requirements of MMC 17.25A.040(A) do not apply.
      iii. Losvar Condominiums is not a new development and therefore the building design requirements of MMC 17.25A.040(B) does not apply. The applicant is proposing changes that bring the building more into consistency with the requirements including wood cladding for the parking garage door and new paint colors to update the look and style of the current building.
      iv. The portion of Losvar Condominiums adjacent to Front Street contains an existing sidewalk, human scale streetlighting, planting beds and hanging flower baskets. No changes are required or proposed under MMC 17.25A.040(C).
      v. There are no proposed changes to the number of units therefore there is no change to the amount of parking for this existing structure. Based on this analysis, parking space requirements and parking lot design per MMC 17.2A.040(D) do not apply.
      vi. The existing landscaping for Losvar Condominiums along Front Street currently meets the 75% drought tolerant species per MMC 17.25.040(E). No changes are proposed or required.
      vii. There are no proposed changes to the existing signage for Losvar Condominiums. Losvar Condominiums will be adding the street address to the

building for the purpose of wayfinding, therefore the signage requirements of MMC 17.25A.040(F) do not apply.

viii. There are no proposed changes to the existing lighting for Losvar Condominiums. There is decorative lighting along Front Street that provides a gradual transition between lit and unlit areas. The building lights are directed onto the building itself and are not visible above the roofline of the building, therefore the lighting requirements of MMC 17.25A.040(G) do not apply.

ix. Losvar Condominiums is not requesting a variation from the standards allowed in the DB Subarea Plan per MMC 17.25.050 as it is not a mixed-use development and was built prior to the adoption of the DB Subarea Plan.

x. Losvar Condominiums is not requesting a deviation from the standards allowed per MMC 17.25A.060 as it is not a mixed-use development and were established prior to the adoption of DB design regulations and is considered a legal nonconforming use and structure.

5. The property is located in the area of special flood hazard, and specifically in the AE Zone as shown on the City's adopted Flood Insurance Rate Map (FIRM). A floodplain permit is required. Other than the shoreline jurisdiction, there are no other known critical areas on site.

6. The Shoreline Environment designation, Comprehensive Plan Map designation, zoning and land uses of surround properties are:

Direction	Shoreline Environment Designation	Comprehensive Plan Map Designation	Zoning	Land Use
North	Aquatic Urban	Not Applicable - Possession Sound	Not Applicable - Possession Sound	Possession Sound, Washington State ferry terminal (to be removed early 2021)
East	Urban Waterfront Park	Commercial – Mixed Use	Downtown Business District	Washington State Ferries access; office building (to be removed early 2021)
South (across Front Street)	Urban Waterfront	Commercial – Mixed Use; Parks and Open Space	Downtown Business District; Open Space	Lighthouse Park; Restaurant/brewpub
West	Urban Waterfront	Parks and Open Space	Open Space	Lighthouse Park

7. In accordance with Mukilteo Municipal Code (MMC) 17B.13, a Notice of Application was issued June 11, 2020, and the project was circulated for review in accordance with the City's normal review and permitting procedures.

8. Pursuant to the State Environmental Policy Act, the City of Mukilteo was designated as the lead agency for review of the proposed development. A Mitigated Determination of Non-Significance (MDNS) was issued on August 14, 2020, for the proposal pursuant to WAC 197-11-350 and MMC 17B.84.100. The MDNS was based on the following:

- Environmental Checklist, prepared by Jessica Malerk of J2 Building Consultants, dated April 27, 2020, submitted April 28, 2020

- Project Narrative, submitted April 28, 2020
- Project Plans, prepared by Brian Fajardo, dated April 27, 2020, submitted April 28, 2020
- Boundary and Topography Survey, prepared by PLOG Engineering, dated July 24, 2019, submitted April 28, 2020
- Record of Survey, prepared by PLOG Engineering, dated July 24, 2019, submitted April 28, 2020
- Floodplain Supplemental Application, prepared by Jessica Malerk, dated April 27, 2020, submitted April 28, 2020

9. No appeal of the SEPA determination was submitted and the threshold determination stands as issued.
10. Staff has determined that development of the project 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.
11. The project complies with Chapter 15.04 MMC and the adopted building codes that apply to the subject property.
12. The project complies with Chapter 15.08 MMC, the adopted 2015 International Fire Code, and the Mukilteo Fire Development Standards that apply to the subject property.
13. The project complies with the requirements of Mukilteo's 2019 Development Standards, including but not limited to drainage, clearing, grading, erosion control, access and street standards.
14. Existing utilities serve the subject property. Water and sewer are currently provided by the Mukilteo Water & Wastewater District. Electricity is provided by Snohomish County PUD. Natural gas is provided by Puget Sound Energy.
15. The property lies outside the 55 Day-Night Average Sound Level (DNL) noise contour of Paine Field Airport.

Consistency with Mukilteo Comprehensive Plan:

16. The property is designated "Commercial – Mixed Use" in the City's 2018 Comprehensive Plan Future Land Use map.
17. Development of the project will conform to the following applicable Comprehensive Plan policies:

    LU2f: Lighting regulations for development shall protect adjacent properties and public areas by allowing only non-glare shielded lighting at an intensity level that is no higher than necessary to meet safety standards.

    Staff Finding: No changes to exterior lighting are proposed or required.

    LU2g: Development regulations and standards that maximize on-site landscaping, planting of street trees and use of native planting shall be adopted.

Staff Finding: No changes to the existing streetscape are proposed or required.

LU5a: A Waterfront Master Plan shall be developed that reflects the direction of the Shoreline Master Program, accommodates the preferred alternative for the relocated Washington State Ferry facility, and addresses the operations and maintenance of city facilities envisioned for the waterfront. Subsequent land use decisions for the waterfront shall conform to the recommendations in the adopted Waterfront Master Plan.

Staff Finding: A review of the proposal against the 2016 Downtown Waterfront Master Plan ("Plan") indicates that none of the Plan's recommendations apply at this time.

LU5c: Redevelopment of Mukilteo's waterfront should include exceptional pedestrian and recreation facilities that include a waterfront promenade and a chain of waterfront parks, and a visitor dock, all with pedestrian-oriented amenities.

Staff Finding: The existing sidewalk south of the Losvar Condominium building will remain in place and provide a pedestrian connection between Lighthouse Park and the existing Mukilteo Ferry Terminal. No changes to the existing streetscape are proposed or required.

LU9: The City shall manage and regulate development in critical areas and the shoreline to allow reasonable and appropriate uses in those areas while protecting them against adverse effects and shall regularly evaluate these regulations and programs to ensure they continue to use the best available science to protect environmentally sensitive areas from negative impacts associated with development.

Staff Finding: The Losvar Condominiums were established prior to the City's adoption of shoreline management and critical area regulations and is considered a legal nonconforming use and structure. Such uses and structures may continue in perpetuity so long as the structure and use and/or structure is not enlarged, expanded, or discontinued for 12 consecutive months.

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 Downtown Business District Subarea Plan.

Staff Finding: The Losvar Condominiums were established prior to the City's adoption of shoreline management and critical area regulations and is considered a legal nonconforming use and structure. Such uses and structures may continue in perpetuity so long as the structure and use and/or structure is not enlarged, expanded, or discontinued for 12 consecutive months. The Losvar Condominiums were established prior to the City's Downtown Business Subarea Plan was adopted in 2009. The existing sidewalk south of the Losvar Condominium building will remain in place and provide a pedestrian connection between Lighthouse Park and the existing Mukilteo Ferry Terminal.

Consistency with Washington State Shoreline Management Act:

18. The Shoreline Management Act (SMA) requires jurisdictions located along the shorelines of Washington or with waters of statewide significance to develop Shoreline Master Programs (SMPs).

    Staff Finding: The City of Mukilteo approved its update to the SMP in November of 2019 which became effective in January of 2020. The Losvar Condominiums were established prior to the City's adoption of shoreline management and critical area regulations and is considered a legal nonconforming use and structure. Such uses and structure may continue in perpetuity so long as the use and/or structure is not enlarged, expanded, or discontinued for 12 consecutive months. As this is an existing building, many of the policies within the SMP are not applicable unless the use or building footprint is expanded or additional work within the shoreline area is proposed.

Consistency with Mukilteo Shoreline Master Program:

19. The project is consistent with the goals, objectives and policies of the Mukilteo Shoreline Master Program (SMP).

    The Urban Waterfront and Aquatic Urban Shoreline Environment Designations include properties within the Waterfront Mixed Use (WMU) and Downtown Business (DB) zone:

    - The Urban Waterfront Shoreline Environment designation includes the area along the north side of the BNSF Railroad tracks including Front Street starting at the Losvar Condominiums and eastward through and to the east portion of the former Tank Farm.
    - The Aquatic Urban Shoreline Environment includes all of the water waterward of the Ordinary High Water Mark (OHWM) out to the middle of Possession Sound or Port Gardner Bay, including the shoreline, nearshore, and marine environments, starting along the shoreline from the eastern boundary of the City to the south boundary of Lighthouse Park.

    While a portion of the Losvar Condominium property is within the Aquatic Urban Shoreline Environment, none of the proposed work is within the Aquatic Urban Shoreline Environment; and therefore the proposal was not reviewed for consistency against the SMP policies for the Aquatic Urban Shoreline Environment.

    Based on this review, staff has determined that development of the project will conform to the following applicable SMP policies for the Urban Waterfront Shoreline Environment:

    GD 2: Ensure compatibility of adjacent land uses through the use of buffer, landscaping, and quality building design to mitigate impacts and enhance the City's unique identity and distinctive entryways.

    Staff Finding: The Losvar Condominiums were established prior to the City's adoption of shoreline management and critical area regulations and is considered a legal nonconforming use and structure. The exterior renovation will improve the appearance of the structure and enhance the City's unique waterfront identity, bringing the Losvar Condominiums further into conformance with this policy.

SH 5: Ensure that the shoreline is developed to protect and restore the quality of the natural environment, ensure no net loss of ecological functions, reflect natural constraints, and protect and restore degraded ecological functions and ecosystem wide processes consistent with Best Available Science (BAS), giving special emphasis to aquatic resources.

Staff Finding: The work proposed does not expand beyond the original area of disturbance, therefore there is no net loss of ecological functions. To prevent water quality degradation, the applicant submitted an operations and cleanup plan ("plan") to prevent construction debris and materials from reaching the marine environment.

SH 22: Regulate critical areas within shoreline jurisdiction consistent with Best Available Science, including geologically hazardous areas, wetlands, critical saltwater habitats, and flood hazard areas.

Staff Finding: Losvar Condominiums is located within the floodplain critical area and has applied for a floodplain permit.

UW1: Priority shall be given to water-dependent uses, including ferry terminals and boat launches, in the Urban Waterfront Shoreline Environment. Water-related and water-enjoyment uses shall be given second priority.

Staff Finding: Although Losvar Condominiums are not a water-dependent use, they were established prior to the City's adoption of shoreline management regulations and is considered a legal nonconforming use and structure.

UW2: Non-water-oriented uses shall not be allowed except as:

- part of mixed-use developments;
- in existing developed areas supporting water-dependent uses; or
- in limited situations where there is no direct access to the shoreline.

Staff Finding: The Losvar Condominiums were established prior to the City's adoption of shoreline management regulation and is considered a legal nonconforming use and structure.

UW3: Non-water-dependent uses that are auxiliary to, and necessary for, multimodal/intermodal public transportation shall be allowed, provided no other feasible alternative exists.

Staff Finding: The Losvar Condominiums were established prior to the City's adoption of shoreline management regulation and is considered a legal nonconforming use and structure.

UW4: The creation of a pedestrian-friendly streetscape shall include on-street parking to provide a buffer for pedestrian uses on the sidewalks. Thus, on-street parking is considered acceptable in the 200 foot area of the shoreline jurisdiction, even though it is not a water-dependent/water-related use.

Staff Finding: The existing sidewalk south of the Losvar Condominium building will remain in place and provide a pedestrian connection between Lighthouse Park and the existing Mukilteo Ferry Terminal. No changes to the existing streetscape are proposed or required.

UW5: Implement aesthetic objectives of the waterfront area through the Waterfront Mixed Use (WMU) zoning code regulations.

Staff Finding: This proposal is located in the Downtown Business District zone and not within the WMU zone.

UW6: Where feasible, require beach softening and the enhancement of natural vegetative buffers compatible with pedestrian views and access along the shoreline, while retaining public safety and infrastructure protection.

Staff Finding: This is an existing building. No changes to the existing shoreline are being proposed or required.

UW7: Enhancement and restoration efforts directed toward improving ecological functions along the nearshore using Best Available Science are required of all new development or redevelopment activities once avoidance and minimization is exhausted.

Staff Finding: No changes to the existing nearshore are being proposed or required. The work proposed does not expand beyond the original area of disturbance.

UW8: All development, activities and uses on navigable waters or their beds shall:

- minimize interference with surface navigation;
- consider impacts to public views; and
- for the safe, unobstructed passage of fish and wildlife.

Staff Finding: The applicant is not proposing any impacts to surface navigation, public views or passage of fish and wildlife.

UW9: Shoreline uses and modifications shall be designed and managed to prevent water quality degradation and the alteration of natural hydrographic conditions.

Staff Finding: The Losvar Condominiums were established prior to the City's adoption of shoreline management regulations and is considered a legal nonconforming use and structure. The use and structure are not proposed for expansion, and therefore this proposal is not expected to impact the shoreline environment. Recognizing the importance of protecting the shoreline environment, the applicant has taken the extra step of submitting an operations and cleanup plan ("plan") to help prevent construction debris and materials from reaching the shoreline environment.

UW10: Uses that cause significant negative ecological impacts to critical saltwater and freshwater streams should not be allowed. Mitigation sequencing should be implemented for any allowed use to address potential negative ecological impacts.

Staff Finding: If conditioned, no significant negative ecological impacts will result from this proposal.

UW11: New and redevelopment projects in the WMU zoning district are required to provide public access, except where the City determines that public access is not feasible due to public safety, site security concerns, or where the property is not

physically located to provide public access. In these cases, other forms of public access, such as on-site view enhancement or off-site mitigation, will be required.

Staff Finding: The property is located in the Downtown Business District zone and not located within the WMU zoning district.

UW12: New over-water structures should be allowed only for water-dependent uses, transportation facilities of state-wide significance, public access, scientific purposes, or ecological restoration. The size of new over-water structures should be the minimum necessary to support the structure's intended use, with joint use and shared pedestrian access encouraged.

Staff Finding: No over-water structures are proposed.

UW13: All structures, including Essential Public Facilities (EPFs), on the northwest waterfront shall be designed with a first floor level at least 19 feet above sea level to accommodate a sea level raise of up to eight (8) feet over a 50-year period. Use the current 14-15 foot elevation level or Best Available Science (BAS) to determine design criteria.

Staff Finding: This is an existing building. The first floor of Losvar Condominiums is located above a garage with openings that adequately allow for discharge of floodwater and seawater.

UW14: Consider amending the existing building height calculation methodology for the waterfront area only to account for anticipated sea level rise in the future.

Staff Finding: This is an existing building and no change in height is proposed.

UW15: Reduce the likelihood of flood damage through various design techniques which allow for natural geohydrologic processes during flood events.

Staff Finding: This is an existing building that adequately allows for discharge of floodwater and seawater.

Consistency with Mukilteo Shoreline Development Regulations:

20. The property is located in the Urban Waterfront and Aquatic Urban Shoreline Environments. The proposal is solely located within that portion of the property with the Urban Waterfront Shoreline Environment.

    a. The proposal meets the definition of "development" in MMC 17B.08.020, since it involves the "exterior alteration of a structure."

    b. The proposal does not qualify for an exemption under MMC 17B.13.020 or Washington Administrative Code (WAC) 173-27-040 through WAC 173-27-045, and therefore a Shoreline Substantial Development Permit (SSDP) is required.

    c. Multi-family uses are prohibited in the Urban Waterfront designation in the Shorelines Permitted Use Matrix (MMC 17B.16.040(A)).

    d. The Losvar Condominiums were established prior to the City's adoption of shoreline management regulations and is considered a legal nonconforming use and structure. Such uses and structures may continue in perpetuity so long as the use and/or structure is not enlarged, expanded, or discontinued for 12 consecutive months.

Neither a Shoreline Conditional Use Permit nor a Shoreline Variance are required for this proposal (Chapter 17B.68 MMC).

e. Shoreline Substantial Development Permits are a Type I Administrative Decision, and no public hearing is required. The planning director or designee has authority to make a decision on a Type I SSDP.

Imposing Conditions of Approval

21. The City may attach conditions to the approval of permits as necessary to ensure consistency of the project with the city regulations, the comprehensive plan, the Shoreline Management Act, and the Mukilteo Shoreline Master Program (MMC 17B.13.110(E)).

22. When permit approval is based on conditions, such conditions shall be satisfied prior final approval of the construction, use or activity (MMC 17B.13.160(A)(5)). Any violation of the conditions below are considered a violation of the permit and may be subject to the City's code enforcement procedures.

DECISION

Based on the application and facts and findings of this decision, the Losvar Condominium Homeowner's Association Shoreline Substantial Development Permit application to allow for the exterior renovation of an existing building located at 610 Front Street in that part of the property with an Urban Waterfront Shoreline Environment designation is hereby APPROVED, subject to the following conditions:

General

1. All improvements shall be constructed in accordance with the Site Plan submitted on April 28, 2020 and October 6, 2020. Minor changes are allowed as long as the plans meet the requirements outlined in the Shoreline Substantial Development permit.

2. A major permit revision will be required if substantive changes are proposed to the design or conditions of this approval. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision. If the applicant seeks to revise this permit, detailed plans and text describing the proposed changes shall be submitted. If the City determines that the proposed changes are within the scope and intent of the original permit and are consistent with the applicable SMP and SMA, the revision may be approved. "Within the scope and intent of the original permit" means all of the following:
    - Changes to the color of the exterior paint;
    - Changes to the code compliant guardrails and decorative metal trim elements to the windows and the roofline at the front and sides of the building (south, east and west façades) that are within the approved height limit;
    - Changes to the style of the parking garage door on the front side of the building (south façade);
    - Changes to the new fencing for the front utilities (utilities boxes and meters on the south side of the building), pool and boat storage areas for better security and

aesthetics (north side of the building) but do not exceed the fence height limit; and

- Changes in material for the railings to the existing pool wall (north side) and private condominium unit decks to promote views (all façades).

3. Project construction (or the use or activity) shall not begin until 21 days from the date of filing (the "effective date") of the Shoreline Substantial Development Permit with the Department of Ecology (MMC 17B.13.150(E)), or until all review proceedings and appeal processes have been completed, whichever is later.

4. Per the International Building Code (IBC) the City may require the property owner to obtain a special inspection (such as topography, foundation types, unstable conditions, or soil types) prior to final City approval. The cost of these inspections will be the responsibility of the applicant.

Mitigated Determination of Non-Significance (MDNS)

5. The following shall be required per the Department of Archeology and Historic Preservation (DAHP) recommendation:

   a. All ground disturbing activities in the swimming pool area be monitored by a professional archaeologist. If archaeology is encountered during the project, then work must stop and the DAHP and the appropriate Tribes be contacted. If archaeology is encountered a DAHP Permit may be required before work can continue.

   b. In areas where no ground disturbing activities are planned, the standard Inadvertent Discovery Plan shall be followed, in case of accidental discoveries.

   c. If changes/modifications are made to the sewer and/or water systems, the owner will need to contact the Mukilteo Water and Wastewater District (MWWD) and discuss the modifications with MWWD's Engineering Department. Once the changes are clearly understood a course of action, that may include inspection fees, will be determined.

6. The new fencing for the front utilities shall not interfere with MWWD's access to water and/or sewer facilities.

7. The applicant shall obtain a Floodplain Permit from the City of Mukilteo.

8. Construction noise for the project shall be allowed between the hours of seven (7) a.m. to six (6) p.m. on weekdays. Construction shall be allowed on Saturdays from nine (9) a.m. to six (6) p.m. No construction shall be allowed on Sundays and holidays due to the close proximity of the neighboring residential area.

9. This proposal has the potential to impact the marine environment. The applicant shall provide the City with an operations and cleanup plan ("plan") to prevent construction debris and materials from reaching the marine environment. Consideration shall also be given to the timing of work to minimize potential impacts to the shoreline and marine area. This plan shall be reviewed as part of the Shoreline Substantial Development Permit process with concurrence, if necessary, from the Washington State Department of Ecology.

10. The applicant shall comply with other applicable codes and requirements.

Utilities

11. 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.

Miscellaneous

12. Prior to initiation of any site work, all contractors and subcontractors working on the project described herein shall obtain a business license from the City of Mukilteo.
13. All construction equipment, building materials, and debris shall be stored on the Applicant's property or an approved off-site location, out of the public right-of-way. If a temporary stockpile area is required on-site, the location of the stockpile shall be determined in the field with the approval of the Community Development and Public Works Directors. 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.
14. If at any time during the construction process 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.

EXPIRATION

1. Project construction (or the use or activity) must begin within two (2) years of the effective date of a shoreline permit (MMC 17B.13.160(A)(2)(a)).
2. Authorization to conduct development activities shall terminate five (5) years after the effective date of a shoreline permit (MMC 17B.13.160(A)(2)(b)).
3. The effective date is 21 days after the date of filing of the Shoreline Substantial Development Permit (SSDP) with the Department of Ecology (MMC 17B.13.150(E)), or until all review proceedings and appeal processes have been completed (MMC 17B.13.160(A)(3) and (A)(4)), whichever is later.
4. The City may authorize a single extension for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology.

APPEALS

An appeal of this decision must be filed by a Party of Record within 21 calendar days of the "date of filing" with the Department of Ecology (DOE) as defined in RCW 90.58.140(6). Appeals must be delivered to the State Shoreline Hearings Board by the above date at P.O. Box 40903, Olympia WA 98504-0903.

Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a petition for review within twenty-one days of the date of filing of the decision as defined in RCW 90.58.140(6).

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: Linda Ritter **(425) 263-8043**

11/10/2020

Dave Osaki, Director
Planning and Community Development Department

Date

Location Map

pc: Applicant/Representative
Reviewing Agencies
Interested Parties
CDD Director
Permit Services Coordinator
Permit Services Assistants (2)
Property File
Property Owners (300')

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