



11930 Cyrus Way  
Mukilteo, WA 98275  
(425) 263-8000

## MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

### DESCRIPTION OF PROPOSAL:

Losvar Condominium Homeowner's Association exterior renovation of their existing building. The 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 property lies within shoreline management jurisdiction and requires a substantial development permit. The applicant is not proposing an increase in the height of the building, an expansion of the existing building footprint, any ground-disturbing activity, or 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.

All supporting documents are available at Mukilteo City Hall and on the City of Mukilteo website for public viewing.

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

**PROPONENT:** Losvar Condominium Homeowner's Association

**LOCATION:** 610 Front Street, also identified by Snohomish County Assessor Parcel Nos. 00526900000100 - 00526900041000; otherwise known as 610 Front Street, Mukilteo WA 98275, and 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.

**LEAD AGENCY:** City of Mukilteo

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency.

**DOCUMENTS REVIEWED:**

The following supporting documents have been submitted for review:

- 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

**MITIGATION MEASURES:**

This Mitigated Determination of Significance (MDNS) is issued in accordance with the substantive authority described in Mukilteo Municipal Code section 17.84.160.

The following policy from the Mukilteo Comprehensive Plan forms the basis for the mitigation measures:

- 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.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment if the following mitigation measures are followed:

1. 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.
2. 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.
3. The new fencing for the front utilities shall not interfere with MWWD's access to water and/or sewer facilities.
4. The applicant shall obtain a Floodplain Permit from the City of Mukilteo.
5. 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.
6. 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.
7. The applicant shall comply with other applicable codes and requirements.

**COMMENT PERIOD:**

This MDNS is issued pursuant to WAC 197-11-350 and MMC 17.84.100; the lead agency will not act on this proposal for 14 days from Friday, August 14, 2020. Comments must be submitted no later than **4:30 p.m. on Friday, August 28, 2020**. After that date, this determination becomes final.

**APPEAL PERIOD:**

Parties of record may appeal this determination by filling out the appeal form and submitting it with the non-refundable appeal fee to the City of Mukilteo Community Development Department, 11930 Cyrus Way, Mukilteo, WA 98275 by **Friday, September 11, 2020, 4:30 pm**. At a SEPA hearing, all testimony is under oath and you must provide specific factual objections. Appeal procedures can be found in MMC section 17.84.170.

City Hall is currently closed to walk in public visitors in response COVID-19. Please call City Hall (425) 263-8000 during regular business hours and arrangements can be made for receipt of an appeal.

**MDNS AVAILABILITY:**

Copies of the MDNS are available on the City of Mukilteo website at <https://mukilteowa.gov/land-use-action-notice/> or by request from the City of Mukilteo Community Development Department via email ([permittech@mukilteowa.gov](mailto:permittech@mukilteowa.gov)) or phone (425) 263-8000.

**PROJECT CONTACT:**

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**SEPA RESPONSIBLE OFFICIAL:**

Signature:  Date: 8/13/2020  
David Osaki  
Community Development Director

**DATE OF ISSUANCE:** August 14, 2020

pc:	Review Agencies	CDD Director	Mukilteo Beacon
	Project File	Permit Services	Everett Herald
	Applicant / Contact	Parties of Interest / Record	