SHORELINE MASTER PROGRAM AMENDMENT APPLICATION

(Attach additional pages if needed)

Name of Applicant Port of Everett Attn: Terrie Battuello

Address PO Box 538

City Everett State WA Zip Code 98206

Phone (425) 388-0614 Alt ph

Email terrieb@portofeverett.com

Primary Contact (if other than applicant) Port of Everett Attn: Terrie Battuello

Address PO Box 538

City Everett State WA Zip Code 98206

Phone (425) 388-0614 Alt ph

Email terrieb@portofeverett.com

Property Owner(s) Port of Everett

Address PO Box 538 City Everett State WA Zip Code 98206

FOR OFFICIAL USE ONLY
FILE #
FEE $
RECEIPT #

Property Address or Location Waterfront Place Central at Port of Everett

Tax Parcel No(s) Multiple Parcels - See Attached.

Area of Property (acres/sq ft) 65 Acres or 2.8 million square feet

Legal Description (attach for rezone purposes) See Attached.

Brief Description of Project Modify existing North Marina PDO Development Agreement with City and City approved North Marina Redevelopment Project Site Plan.

• **Authorization:** I am the owner or am authorized by the owner to sign and submit this application. I grant permission for City staff and agents to enter onto the subject property for the sole purpose of making any inspections of the property which are necessary to process this application. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete, and correct.

Signature John M. Mohr Date June 23, 2014

Please print name John M. Mohr ☒ Owner ☐ Applicant ☐ Primary Contact

City and State where this application is signed Everett (City), Washington (State)

Port of Everett
Modification of North Marina
Planned Development Overlay (2005)

WATERFRONT PLACE CENTRAL

Shoreline Master Program Amendment (Limited) and Narrative Criteria
July 1, 2014

Project Background

The Port of Everett proposes to modify certain City of Everett approvals granted in 2005 for the former Port Gardner Wharf Master Plan (North Marina Redevelopment). The revised Master Plan is titled "Waterfront Place Central".

In 2011, the Port Commission directed staff to undertake a joint planning effort to look at both the boating facilities and the Central Marina (formerly referred to as the North Marina) property as part of one, comprehensive plan. The two staff directives were:

1. The upland redevelopment effort needs to maximize previous efforts and compliment the boating facilities, and
2. The Port's investment in its marinas must be cost-effective and flexible to respond to market trends and shifts.

The development strategy was unveiled in early September 2012 to positive public feedback. The Port Commission adopted the strategy in early October. The strategy envisions residential housing, an employment center, hospitality uses, public access (preserving the best locations in the project for the public), and other amenities.

In October 2012, the Port Commission adopted a development strategy for the Marina District. An Ad Hoc Citizens Advisory Committee, along with significant public outreach, helped shape a new strategy for the Marina District development. The strategy is adaptable and flexible to meet the project goals of:

- Coordinating the in-water marina with upland development;
- Supporting the development of a full-service marina facility;
- Creating a destination with "quality of place";
- Creating an employment center to attract jobs;
- Connecting the community to its waterfront; and
- Emphasizing sustainable development.

The proposed modifications affect the open space quantity, quality and location, and the design guidelines and development standards, which were approved in 2005.

Shoreline Master Program Limited Amendment Request
As regulated by the City of Everett Shoreline Master Program (SMP), *Table 5.1 – Shoreline Use Table*, residential uses are not permitted in the Urban Maritime Environment designation. However, WAC 173-26-201(1) allows for limited master program amendments to be approved. The Port of Everett, as part of its proposed Waterfront Place Central project, is requesting that residential uses be permitted between 100 and 200 feet of the shoreline. The Port believes that the request should be allowed under the "Limited Amendment" process. The following narrative provides the justification for this request.

Shoreline Master Program Limited Amendment Criteria in WAC 173-26-201 (1)
(c) Limited master program amendments may be approved by the department (of Ecology) provided the department concludes:

(i) The amendment is necessary to:

D. Improve consistency with the act's goals and policies and its implementing rules; or

Response: The Port believes that the WAC allows a Limited Amendment process under this subsection and that it is appropriate. Permitting residential uses within 200 feet of the Shoreline allows the Port to better meet the goals and policies of the SMP and provide a catalyst for improved water-related and water-enjoyment uses facilitated by a mixed use project, Waterfront Place Central, with water dependent uses, such as commercial fishing vessel access, marine repairs businesses and public use, while protecting and enhancing the shoreline through clean up actions and enhanced storm water and pier facilities.

Specifically under the Urban Maritime designation (page 4-7 SMP), the purpose of the designation is "*to provide an area for the intense development of maritime activities such as marinas, boating and fishing businesses and supporting heavy commercial and industrial uses, along with a wide mix of compatible water-oriented commercial and recreational uses, and public access while protecting and restoring ecological functions. Limited nonwater-oriented commercial uses should be allowed when part of a mixed-use development that incorporates public access and ecological restoration.*" While this purpose statement supports the Port's project, a limited amendment to the Plan including a single site, a single land use designation, and a reduced (not eliminated) setback for a single use within the designation is necessary to accomplish these goals.

(ii) *The local government is not currently conducting a comprehensive shoreline master program update designed to meet the requirements of RCW 90.58.080, unless the limited amendment is vital to the public interest;*

Response: The City of Everett last updated its SMP in May 2011, and is not currently conducting an update.

(iii) *The proposed amendment will not foster uncoordinated and piecemeal development of the state's shorelines;*

Response: Waterfront Place Central is a unique conglomerate of parcels within the City of Everett and in the region. The site is also one of the only areas which has the Urban Maritime Environment designation with a Waterfront-Commercial zoning and comprehensive plan designation that is not developed. This lends itself to a unique and coordinated mixed-use development. The request is only to reduce the 200-foot setback to 100-feet. Therefore, only the more water-dependent, water-enjoyment uses would be located within 100 feet of the shoreline.

(iv) *The amendment is consistent with all applicable policies and standards of the act;*

Response: The request is consistent with the following Urban Maritime Management Policies:

> *1. Give priority to maritime uses and services, and encourage a mix of compatible water-dependent and associated water-related and marina support and recreational uses, and water-oriented commercial uses. Nonwater-oriented commercial and office uses shall only be permitted when they provide public access and are part of a master plan guided mixed-use project that includes water-dependent uses.*
>
> The site is bordered by existing marinas on both the north and south and will continue to provide for access, amenities and services for these existing uses. The proposed Waterfront Place Central is making provisions to ensure that the existing commercial fishermen have a place to dock their vessels, make repairs to their nets and allow residents and visitors to observe and potentially have the opportunity to buy fresh seafood products from these fishermen.
>
> 2. *Encourage public access, both physical and visual, and develop public attractions that provide the opportunity for people to enjoy the shoreline.*
>
> There is a significant component of public access proposed for the Waterfront Place Central development. There will be over 12-acres of open space, including a large two-plus acre park on the western portion of the site, several public plazas, an esplanade and other public pathways. The Port also anticipates including public art themed in the maritime or historical uses of the site; in addition to providing a place for the commercial fishermen to repair nets on the nearby docks that can be viewed by the residents and visitors to Waterfront Place Central. The northern trail and open space area will allow for interaction with the water's edge, the western portion of the site will provide a two-plus acre park and the southern trail will be an esplanade walkway where pedestrians will be walking over the water on a suspended sidewalk. Allowing the parking structures to be placed internally in the site plan and shifting the mixed-use and residential elements to the perimeter allows the overall project to hide as much of the parking as possible and allows for enhanced views from structures. The prior 2005 Port Gardner Wharf plan had a significant amount of surface parking in the shoreline environment. This parking has been placed in structures to allow for substantially more shoreline public open space in this project.

3. *Encourage expansions and re-development within already developed areas.*

Waterfront Place Central's objective is to create one economic unit among the marina and the property. The proposal is for a redevelopment of an underutilized piece of property owned by the Port of Everett. As a result of a desire for more mixed-use developments, the Port has gone through an extensive process to work with stakeholders and conceptually design for re-development of this 65-acre underutilized waterfront area. In order to adhere to the existing approved heights, ensure proper circulation, economic viability of the project and provide additional shoreline open space, it is necessary for some of the residential uses to be placed within the 200-foot setback. No residential development would occur closer than 100-feet to the shoreline.

5. *Encourage landscaping and screening of existing activities which have the potential for adversely affecting nearby properties. Require landscaping and screening of new activities which have the potential for adversely affecting nearby properties.*

The Port has undertaken several measures to improve the visual quality of the site compared to its prior condition. These include action like removal of all of the older large industrial buildings and several very large industrial cranes on the site that previously created impacts for the public using West Marine View Drive and the single family homes along Grand Avenue. In addition, nearly all of the trees on the site have been removed that would have reached a mature height of 75 feet have been removed. These were removed as part of the environmental cleanup and in preparation of site redevelopment. The proposed Waterfront Place Central will include smaller scale trees and other improved and appropriate landscaping that will not exceed 35 feet in height at maturity. The removal of overhead utility poles and lines as part of the re-development is also proposed.

The following specific measures have been incorporated into the current proposal:

- Streetscape character plan to establish the unique character and hierarchy of streets and pedestrian areas for each district within the project, and to create attractive exterior project street edges.
- Detailed streetscape design treatment for all streets, intersections, transit access areas, and sidewalks within the project including street trees, planting areas, special paving, lighting, signage, walls, fences, railings, art and street furniture with special emphasis on the project's special public gathering places, shoreline edges and main entryways.
- Unified network and hierarchy of open spaces and plazas for all the project areas and phases, including major public spaces, gathering space plazas, viewpoints, pocket parks, residential courtyards, esplanade transition and pedestrian alleys and lanes.
- Unified landscaping, lighting, screening and signage plan for all project phases and elements including all loading and service areas.
- Continuous well designed pedestrian esplanade for the project's shorelines with well placed, high quality public gathering spaces and substantial viewing opportunities.

- Coordinated location, design and orientation of all project buildings including shielding of all major roof top mechanical equipment designed in attractive style consistent with the style of the building to improve visual quality.
- High quality architectural design of all project buildings and improvements through the use of an orchestrated set of design methods and techniques that address the need for prominent building entrances, ground level building detail for pedestrians, careful building massing and articulation, and distinct base/middle/top/roof form building elements.
- Architecturally distinctive designs for buildings and improvements in each of the project's districts that reflect and enhance their primary functions.
- Integrated set of public plazas at or near each project shoreline edge that interactively establishes visual connection between the projects' indoor and outdoor spaces.

Because the most sensitive neighboring properties that would have a view of the proposal are on the bluff to the east, no amount of landscaping would screen their views of the project. However, but ensuring the above measures are included in the overall development plan and adherence to the approved design guidelines, the proposal will be an improvement over the existing view of the site.

6. *Encourage uses to limit and screen lighting to minimize impacts on views and nearby single family neighborhoods.*

The urban design guidelines that will be approved for this project will be applied to both the design and construction of new buildings and site improvements to reduce, control or otherwise adequately mitigate light impacts on views and nearby single family neighborhoods. For example, a coordinated parking area and building lighting plan that utilizes properly aimed and placed and shielded lighting to minimize light and glare impacts on any potential on or off-site receiving areas will be required for the entire development. In addition, most of the site's former industrial use outdoor lighting has already been removed. Much of this lighting was not very well shielded and created significant night sky pollution and glare for surrounding areas. Recent redevelopment on the site for the initial phases of the Craftsman District has included a coordinated system of shielded outdoor lighting.

The following features will be incorporated into the proposal's site development plan for all buildings and site improvements, and are intended to mitigate impacts on views and nearby single family neighborhoods:

- Specification in the site development plan that all exterior illumination and lighted signs will be hooded and/or shielded, and properly placed to prevent glare when viewed from surrounding properties.
- Location, design and orientation of all buildings to minimize potential light, glare and shadow impacts on the most sensitive receiving areas, including nearby residential areas and new residential areas within the project, parks, waterfront commercial buildings, and facilities, shoreline walkways and major public spaces.

- Extensive landscaping and screening of all loading and parking areas and parking structures is proposed to minimize site lighting and vehicle headlight impacts on any potential on or off-site sensitive receiving areas.
- Coordinated parking area and building lighting plant of the entire site that utilizes properly aimed and placed fully shielded lighting, to minimize light and glare impacts on any potential on or off-site receiving areas.
- Coordinated use of non-reflective roof and façade materials where needed on all new buildings and structures to reduce potential reflective glare impacts.

7. *Encourage continued efforts by public and private industries to improve the quality of air and water.*

The Waterfront Place Central property, formerly known as the North Marina Redevelopment property, has undergone significant environmental cleanup under the State's Model Toxics Control Act (MTCA) with the Washington State Department of Ecology (Ecology) oversight. Cleanup of the site is a public benefit and provides for a safe place for residents to recreate. The property was originally addressed as one cleanup site known as the North Marina Voluntary Clean (VCP) Site (VCP reference number NW1249). On November 14, 2007, the North Marina VCP Site was removed from the VCP list and split into six separate sites under the Puget Sound Initiative (PSI). At the request of Ecology, three of these sites were to be addressed under the VCP and the other three were to be addressed under Ecology's formal cleanup program. A brief summary status is provided below:

i. Ameron/Hulbert Formal Cleanup Site – The Port has completed all of the investigation and cleanup required for this site under Ecology's formal cleanup program. Prior to entering the formal program, the Port completed a significant Interim Action in the mid-2000s that removed all of the contaminated soil from the site. Close to 30,000 cubic yards of contaminated soil were removed as part of the Interim Action. The Port and the other potentially liable parties (PLPs) entered into an Agreed Order in 2008 to complete the final investigation and cleanup of the site. The Port entered a Consent Decree with Ecology to implement the final Cleanup Action Plan, which included groundwater monitoring. Since that time, the Port completed the groundwater monitoring and received a letter from Ecology on December 16, 2013 that indicates that the Port has completed the activities required under the Consent Decree. As required under the terms of the Consent Decree, the Port has filed a restrictive covenant on the deed of the property with Snohomish County that restricts groundwater removal from a portion of the site.
ii. Everett Shipyard Formal Cleanup Site – The Port is currently under a Consent Decree with Ecology to execute the cleanup requirements described in the final Cleanup Action Plan for this site. Prior to entering the Consent Decree in 2012, the Port and Everett Shipyard completed the terms of the site Agreed Order, including the Remedial Investigation/Feasibility Study and the draft Cleanup Action Plan. Since

the time of entering the Consent Decree, the Port has completed two of the three cleanup actions required for this site, including the demolition of the Everett Shipyard facility building and the upland cleanup action. The upland cleanup action included the removal of approximately 11,000 cubic yards of contaminated soil. The remaining cleanup action required for the site is the in-water cleanup, which includes contaminated sediment dredging, contaminated soil removal located adjacent to the shoreline, removal of docks and other structures that obstruct the dredging areas, and removal and replacement of 360 linear feet of bulkhead located in the northeast corner of the marina. This work is scheduled to occur during the permitting agencies' in-water work window of 2014-2015. Following the cleanup action, the Port is required to conduct confirmatory groundwater monitoring at the site.

iii. Phase I Voluntary Cleanup Program Site – The Port received a No Further Action Determination letter from Ecology for this site on July 30, 2008. There are no restrictive covenants required for this site.

iv. 14th Street Bulkhead Voluntary Cleanup Program Site – The Port received a No Further Action Determination letter for this site on August 11, 2009. A restrictive covenant is required for this site and was recorded on the deed with Snohomish County.

v. ABW/Bayside Marine Voluntary Cleanup Program Site – The Port has completed significant investigation and cleanup on this site as part of the greater North Marina VCP site in the mid-2000s. The cleanup actions included removal of approximately 2,500 cubic yards of contaminated soil. Following the segregation of the North Marina VCP site, the ABW/Bayside Site was enrolled in the VCP under reference numbers NW1876. The Site was removed from the VCP on September 28, 2009 because cleanup activities at the Site were suspended while some of the other PSI sites were being addressed. The application necessary to re-enter the VCP was submitted in February 2014. The remaining actions required to obtain a No Further Action Determination likely include limited investigation activities to address remaining data gaps, and limited soil excavation to remove the remaining volume of contaminated soil. Final cleanup of this site is expected to occur in 2015.

(v) *All procedural rule requirements for public notice and consultation have been satisfied; and*

Response: The City of Everett will be responsible for providing public notice regarding this limited amendment request. The Port has submitted the required owner and resident mailing list as part of the overall amendment application package. In addition to full compliance with the required public notice procedures, the Port is implementing a very significant public engagement process for Waterfront Place Central.

(vi) *Master program guidelines analytical requirements and substantive standards have been satisfied, where they reasonably apply to the limited amendment. All master*

program amendments must demonstrate that the amendment will not result in a net loss of shoreline ecological functions.

Response: The proposed limited amendment is consistent with the General policy goals of the act and guidelines for shorelines of the state (WAC 173-26-176). For example guideline 3.a states that SMPs are to include "*the utilization of shorelines for economically productive uses that are particularly dependent on shoreline location or use*". The proposed project includes an environment that will promote the creation of jobs, both water dependent and non-water dependent. By allowing a residential component to the overall project, it allows citizens will be able to work and live in the same location. Guideline 3.b. states that SMPs are to include "*the utilization of shorelines and the waters they encompass for public access and recreation*". The greatest number of uses shown on the proposed site plan that are located within shoreline jurisdiction includes public access and recreation. By permitting residential uses between 100 and 200 feet of the shoreline in this location, there will be a no net loss of shoreline ecological functions. In fact, this entire project will contribute to cleanup of historic areas of contamination, improve storm water treatment, and enhance the ecological functions of the shoreline.

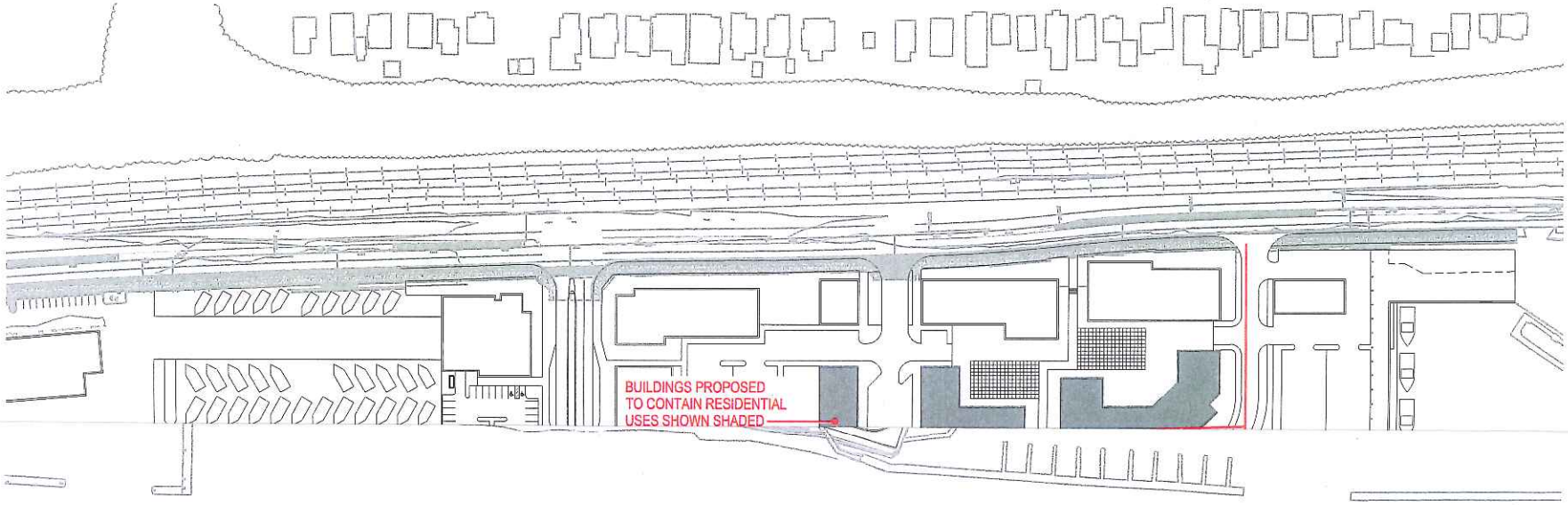

DIAGRAM OF REDUCED SETBACKS (FOR RESIDENTIAL USES)

SMP LIMITED AMENDMENT

Tax ID Number
29051800208400
29051800208200
29051800208201
29051800102200
29051800102201
29051800102202
29051800102203
29051800102204
29051800209100
29051800209103
29051800209104
29051800302500
29051800102500
29051800401100
29051800401200
29051800401201
29051800401301
29051800401300
29051800209000
29051800209002
29051800208900
29051800208800
29051800208700
29051800208600
29051800208100
29051800208101
29051800102300
29051800301700
29051800301800
29051800301900
29051800302600
29051800302000
29051800208500
29051800302100
29051800302200
29051800302201
29051800302300
29051800302400