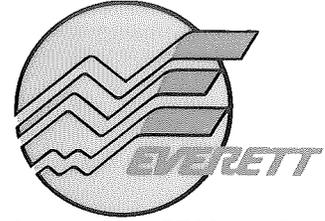


RESOLUTION NO. 6814



A Resolution Amending Resolution No. 5382, as Amended by Resolution No. 5703, and Amending Exhibit A of Resolution No. 5703, the Development Agreement for the project formerly known as the Port of Everett North Marina Redevelopment Planned Development Overlay Zone, and Authorizing the Mayor to Execute the Amended and Restated Development Agreement for the Port of Everett Waterfront Place Central Planned Development Overlay Zone.

WHEREAS, the City Council finds the following:

1. The City Council adopted Resolution No. 5382 on September 17, 2003, which rezoned the Port of Everett's North Marina Redevelopment Area to WC-PDO (Waterfront Commercial – Planned Development Overlay).
2. Rezone Resolution No. 5382 included as an exhibit a Development Agreement between the Port of Everett and the City of Everett establishing development standards and conditions for the North Marina Redevelopment Area.
3. The City Council adopted Resolution No. 5703 on November 16, 2005, which amended the Development Agreement exhibit to Resolution No. 5382, amending development standards and conditions for the North Marine Redevelopment Area.
4. The Port of Everett sold property to Maritime Trust to develop the property in accordance with the amended Development Agreement.
5. As a result of the recession, Maritime Trust declared bankruptcy prior to developing the property.
6. Following the Port of Everett's reacquisition of the property following bankruptcy proceedings, the Port did conduct a planning exercise to determine if it should consider a different development concept and master plan for the property than authorized in the Development Agreement.
7. The Port Commission decided to pursue a different development concept in light of changed economic circumstances, and the Port did apply to amend the Planned Development Overlay zone master plan pursuant to EMC Chapter 19.29.

8. Amendments to a PDO master plan are considered either minor or major amendments depending on the nature and extent of changes proposed, which in turn dictate whether the change is to be reviewed administratively by the Planning Director, or through the public process involving the Planning Commission and City Council.
9. In order to approve a major amendment to a PDO master plan, the Everett Municipal Code requires the Planning Commission and City Council to find that the changes are in the best long term interests of the community.
10. The 2005 PDO master plan approved an amendment to the 2003 original master plan and provided for an increase in the permitted building heights, and a substantially different conceptual site plan. The Planning Commission and City Council found that in exchange for increased building heights, the 2005 master plan also provided increased public benefit through improved development quality, greater open space and improved public access to the shoreline.
11. The recession has caused the Port of Everett to reevaluate the 2005 development concept and propose a new master plan that constitutes a major amendment, thereby necessitating public review by the Planning Commission and City Council.
12. The Port has provided very detailed information in the SEPA environmental checklist to identify the nature of the proposed changes and potential impacts of the overall development of the amended master plan, and the City issued a Mitigated Determination of Significance with detailed mitigation measures to be applied during subsequent project and permit review phases.
13. The major elements of change in the proposed master plan amendment include:
 - a. A new site plan which removes the view corridor on what was 13th Street with a rearrangement of the blocks and street circulation within the development,
 - b. Rearrangement of uses within the overall development plan.
 - c. A new Public Open Space and Public Amenities concept that changes the amount, location and configuration of open spaces.
 - d. Housing within the 200 foot shoreline area with at least a 100 foot setback.
 - e. Integration of marina and fishing fleet as an amenity and an attraction to the Waterfront Place Central project.
 - f. Minor revision of permitted building height zone boundaries within the development with a new map.
 - g. Relocation of the Weyerhaeuser building from off-site into the development, a 43 foot tall building, to be located within the 35 foot building height zone.
 - h. Right of way improvements for vehicles and pedestrians.

- i. A parking strategy for the overall development with the understanding that each project/phase will look at the parking needs of that project/phase.
 - j. Amendments to design standards and guidelines. The 2003 Design standards are proposed to be modified and the 2005 Design Guidelines replaced with newly drafted guidelines.
 - k. Removal of the requirement to have all residential off-street parking within an enclosed structure.
14. The Port has addressed the merits of each of the proposed amendments in written and graphic materials presented with and subsequent to filing of the application, and in public workshop / public hearing presentations to the Planning Commission.
 15. The Port held a demonstration of the type of electronic changing message sign it proposes on November 20, 2014 for a period of eight hours to demonstrate for the public the manner in which the sign was proposed to be operated.
 16. The Planning Commission held public workshops on September 16, 2014; November 4, 2014; a public hearing on the proposed amendments to the PDO master plan on December 2, 2014 which was continued to December 16, 2014. The December 2, 2014, public hearing included a presentation of information by City staff related to the criteria for amendment to the PDO master plan, and a recommendation for approval of the overall PDO concept site plan amendments, subject to conditions to be incorporated into an Amended and Restated Development Agreement.
 17. Subsequent to the December 2, 2014 Planning Commission public hearing and prior to the December 16, 2014 continued public hearing, the Port formally withdrew its request for the electronic changing message sign.
 18. Major amendments to a PDO master plan may only be made if they are found to be in the best long term interests of the community.
 19. The City uses the following factors to determine if an amendment to an approved is in the best long term interests of the community:
 - compatibility with surrounding properties
 - unique characteristics of the subject property
 - unique characteristics of the proposed use(s)
 - arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development;
 - visual impact of the planned development upon the surrounding area;
 - public improvements proposed in connection with the planned development;

- preservation of unique natural features of the property; and
- public benefit derived by allowing the proposed alteration of development standards.

And, WHEREAS, the City Council concludes the following:

- A. Rearrangement of the blocks and street circulation within the development, which would eliminate the 13th Street view corridor.
 - 1. The proposed amendment to the PDO conceptual master plan and elimination of the 13th Street view corridor does not reduce the compatibility of the development with surrounding properties and uses.
- B. Rearrangement of uses within the overall development plan.
 - 1. The rearrangement of uses within the overall development plan promotes a greater mix of uses, particularly with housing and non-residential uses.
- C. New Public Open Space and Public Amenities concepts, which would change the amount, location and configuration of open spaces.
 - 1. The changes proposed increase the amount and the quality of the public open space areas within the development.
- D. Housing within the 200 foot shoreline area with at least a 100 foot setback.
 - 1. Allowing housing within the 200 feet shoreline area, but more than 100 feet from the shoreline edge, as proposed in the conceptual master plan with water-related and water-enjoyment uses on the ground floor of most of the buildings in which housing will be developed within 200 feet of the shoreline, provides for more flexibility to accomplish a desirable mix of housing and non-residential uses.
- E. Integration of marina and fishing fleet with the upland area as an amenity and an attraction to the Waterfront Place Central project.
 - 1. This makes for a more interesting project bringing the historic and current use of a fishing fleet into the project.
- F. Minor reconfiguration of permitted building height zones within the development.
 - 1. This is a minor change and does not significantly affect the overall view from the area uphill from the project.
- G. Relocation of the Weyerhaeuser building from off-site into the development, a 43 foot tall building, to be located within the 35 foot building height zone.
 - 1. This allows for the historic Weyerhaeuser building to become an integral part of the development and an amenity for the project and community.

- H. Street and sidewalk designs for vehicles and pedestrians.
 - 1. This provides for an attractive streetscape as shown in street sections with well integrated areas for vehicles, landscaping and pedestrians.

- I. Allow a portion of the residential parking on surface parking lots.
 - 1. This allows for flexibility for part of the project to have some surface parking for residential use.

- J. Amendments to the design standards and guidelines
 - 1. These standards will continue to promote the quality envisioned by the original North Marina Port Gardner Wharf Project along with the commitment by the Port that the quality of the development will be the same as for the original project. The Port has stated that the new graphics are not the exact designs of the project but they are committed to the quality of development depicted in the graphics. This would include but not be limited to the window sizes, construction type, balconies, pedestrian amenities, open spaces, parks and streetscapes.

- K. Semi-public open space will be open to the public from sunrise to sunset.
 - 1. This will allow access to areas of the site similar to the original plan which was 7 am to 10 pm.

- L. The SEPA process for future projects and phases of development.
 - 1. The SEPA process described in the conditions of approval stated in the Development Agreement will allow for the development to move forward with the environmental review process defined and clarified for the Port of Everett, the City of Everett, and the public.

- M. The proposed changes in the North Marina Redevelopment Plan, formerly known as Port Gardner Wharf, and now known as Waterfront Place Central are consistent with the City's Comprehensive Plan.

- N. The proposal meets all the criteria listed in Section 29.050 C of the zoning code.

- O. The proposal as modified, including the conditions of approval and mitigation measures identified in the SEPA document for this action, will not have significant adverse impacts on the environment.

- P. The public will benefit from the Port's redevelopment of the PDO master plan with the features enhancing the public use and enjoyment of access to the shoreline and the addition of open space and parks.

- Q. The surrounding property will not be detrimentally affected by the changes to the PDO master plan.
- R. The changes to the WC PDO zone for this property bear a substantial relation to the public health and welfare.
- S. The changes to the WC PDO zone for this property promote the best long term interests of the Everett community.
- T. The proposed rezone meets all the criteria of the City's Zoning Code for PDO rezones.
- U. The proposed rezone will be implemented through an Amended and Restated Development Agreement that includes conditions, exhibits and standards which will be binding on all future uses and development within the Waterfront Place Central PDO master plan.

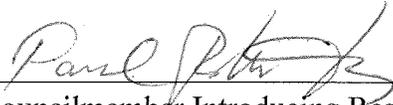
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVERETT:

Section 1. Section 2 of Resolution No. 5382, as amended by Section 1 of Resolution No. 5703, is hereby amended to approve amendments to the Development Agreement between the City of Everett and the Port of Everett in accordance with the attached Exhibit A, Amended and Restated Development Agreement, subject to all conditions therein and attachments thereto, which are incorporated herein by reference. .

Section 2. The changes authorized by this approval shall be stated in detail in the Amended and Restated Development Agreement between the City of Everett and the Port of Everett, which the Mayor is hereby authorized to sign.

Section 3. A copy of this Resolution, and a copy of the Amended and Restated Development Agreement shall be recorded with the Snohomish County Auditor's Office and shall be considered a covenant running with the land. All conditions of this Resolution and the Amended and Restated Development Agreement are binding upon the Port of Everett and their successors and assigns.

Section 4. The City Clerk and the codifiers of this resolution are authorized to make necessary corrections to the Resolution, including but not limited to, correction of scrivener's / clerical errors, references, resolution numbering, section and subsection numbers, and any references thereto.



Councilmember Introducing Resolution

Passed and approved this 21st day of January, 2015.



City Council President