

**YOU MAY CALL IN TO LISTEN TO THE COUNCIL MEETINGS AT**

**1.425.616.3920, Conference ID: 724 887 726#**

**YOU MAY CALL IN AT 12:00 P.M. PRIOR TO THE MEETING TO PROVIDE  
PUBLIC COMMENT AT THE COUNCIL MEETINGS AT 1.425.616.3920,**

**Conference ID: 274 274 641#**

## **EVERETT CITY COUNCIL PRELIMINARY AGENDA**

**12:30 P.M., WEDNESDAY, SEPTEMBER 23, 2020**

Roll Call

Approval of Minutes: September 16, 2020

Mayor's Comments: Swear in Everett Police Officer Curtis Bafus

Council Comments/Liaison Reports

Administration Update on prior business

City Attorney

Public Comment

(1) Snohomish County Executive Dave Somers County Update: Housing and Sheltering Strategy.

(2) Snohomish County Council member Megan Dunn - update on County matters.

CONSENT ITEMS:

(3) Adopt Resolution authorizing claims against the City of Everett in the amount of \$926,933.80 for the period of September 5, 2020 through September 11, 2020.

Documents:

[res.pdf](#)

(4) Authorize the Mayor to sign the Communications Transmitter Receiver Site Lease to RCA Telecom LLC at Everett Station.

Documents:

[RCA Telecom-1.pdf](#)

ACTION ITEMS:

(5) Concur with the recommendation of the Cultural Commission and Authorize the Mayor to accept the donation of the "We Rise" Sculpture, donated by the Zonta Club, into the City of Everett Public Art Collection.

Documents:

[Zonta donation.pdf](#)

(6) CB 2009-47 – 3rd and final Reading – Adopt the Proposed Ordinance amending the Comprehensive Plan Land Use Map Designation Map for Hope Covenant Church and Schmidt properties amending Ordinance No. 2021-94, as amended, as part of the annual docket for 2020.

Documents:

[CB 2009-47-1.pdf](#)

(7) CB 2009-48 – 3rd and final reading – Adopt the Proposed Ordinance amending the Comprehensive Plan Land Use Designation Map for Evergreen Recovery Centers-Summit Campus properties amending Ordinance No. 2021-94, as amended, as part of the annual docket for 2020.

Documents:

[CB 2009-48-2.pdf](#)

(8) CB 2008-45- 3rd and final Reading - Adopt the Proposed Ordinance closing a special improvement project entitled "Three Acre Park, Phase 1" Fund 308, Program 006, as established by Ordinance No. 3476-16.

Documents:

[CB 2008-45.pdf](#)

(9) CB 2009-46 – 3rd and final Reading – Adopt the Proposed Ordinance creating a special improvement project entitled "Garfield Park Path Overlay and Sport Court Seal Coat Project", Fund 354, Program 067, to accumulate all costs for the project.

Documents:

[CB 2009-46.pdf](#)

COUNCIL BRIEFING AGENDA: (These items come before the City Council serving as a Council Committee of the Whole and are likely to be scheduled at a future meeting.)

(10) CB 2009-49 - 1st Reading - Adopt Ordinance increasing the number of permitted Recreational Marijuana Retail Stores to not more than Eight, amending Section C of Ordinance No. 3486-16 (EMC 19.39.145, as amended) (3rd and final reading and public hearing on 10-14-20).

Documents:

[CB 2009-49.pdf](#)

Executive Session

Adjourn

Approval of Council Retreat Minutes of February 26, 2020

Everett City Council agendas can be found, in their entirety, on the City of Everett Web Page at [www.everettwa.gov/citycouncil](http://www.everettwa.gov/citycouncil).

Everett City Council meetings are recorded for rebroadcast on the [Everett Channel](#), Comcast Channel 21 and Frontier Channel 29, at 12:00 p.m. on Monday and Tuesday; 2 p.m. and 7:00 p.m. Thursday; 7 p.m. Friday and Sunday; 10:00 a.m., Saturday.

The City of Everett does not discriminate on the basis of disability in the admission or access to, or treatment in, its programs or activities. Requests for assistance or accommodations can be arranged by contacting the Everett City Council Office at 425 257-8703.



RESOLUTION NO. \_\_\_\_\_

**Be it Resolved by the City Council of the City of Everett:**

Whereas the claims payable by check against the City of Everett for the period September 5, 2020 through September 11, 2020, having been audited and approved by the proper officers, have been paid and the disbursements made by the same, against the proper funds in payment thereof, as follows:

<u>Fund</u>	<u>Department</u>	<u>Amount</u>	<u>Fund</u>	<u>Department</u>	<u>Amount</u>
002	General Government	7,878.29	101	Parks & Recreation	3,512.92
004	Administration	618.00	110	Library	17,115.22
005	Municipal Court	3,337.22	114	Conference Center	1,200.00
009	Misc Financial Funds	49,907.60	120	Public Works-Streets	9,260.87
010	Finance	2,173.35	126	MV-Equipment Replacement Re	28,370.22
021	Planning & Community Develop	3,992.30	146	Property Management	4,689.41
024	Public Works-Engineering	44,722.45	153	Emergency Medical Services	39,262.86
026	Animal Shelter	547.70	197	CHIP Loan Program	5,466.11
031	Police	3,693.11	336	Water & Sewer Sys Improv Proje	40,472.26
032	Fire	290.43	342	City Facilities Construction	1,993.42
038	Facilities/Maintenance	12,338.61	354	Parks Capital Construction	44,407.84
	<b>TOTAL GENERAL FUND</b>	<b>\$ 129,499.06</b>	401	Public Works-Utilities	519,961.04
			402	Solid Waste Utility	18,663.59
			425	Public Works-Transit	10,018.29
			430	Everpark Garage	1,088.35
			440	Golf	32,988.67
			501	MVD-Transportation Services	5,408.21
			503	Self-Insurance	6,530.00
			505	Computer Reserve	3,869.80
			507	Telecommunications	3,155.66
				<b>TOTAL CLAIMS</b>	<b>\$ 926,933.80</b>

\_\_\_\_\_  
Councilperson introducing Resolution

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Council President



Project title: Communications Transmitter Receiver Site Lease to RCA Telecom LLC at Everett Station

### City Council Agenda Item Cover Sheet

Council Bill #

Project: Communications Transmitter/Receiver Site Lease to RCA Telecom LLC at Everett Station

Agenda dates requested:

September 23, 2020

Partner/Supplier : RCA Telecom LLC

Location: 3201 Smith Ave

Preceding action:

Fund: 425 - Transit

Briefing

Proposed action

Consent

Action

Ordinance

Public hearing

Yes  No

Budget amendment:

Yes  No

PowerPoint presentation:

Yes  No

Attachments:

Department(s) involved:

Real Property

Contact person:

Darcie Byrd

Phone number:

425 257-7294

Email: dbyrd@everettwa.gov

#### Fiscal summary statement:

The City of Everett owns and operates the Everett Station located at 3201 Smith Avenue. RCA Telecom desires to enter into a lease agreement to install a non-radio communications transmitter receiver and associated equipment at the site. The initial lease agreement is for a term of one year, with six one-year options to extend at a rate of \$600 per month with an annual escalation of 5%.

#### Project summary statement:

The attached proposed lease agreement provides for the lease of equipment space for a term of one years with six one-year options to extend at the Everett Station rooftop. RCA Telecom will work in coordination with City Staff to complete the equipment installation.

#### Recommendation (exact action requested of Council):

Authorize the Mayor to sign the Communications Transmitter Receiver Site Lease to RCA Telecom LLC at Everett Station.

Initialed by:

Department head

Administration

Council President

**CITY OF EVERETT**  
**COMMUNICATIONS ANTENNA SITE**  
**LEASE**

**THIS LEASE** made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the CITY OF EVERETT, a municipal corporation of the State of Washington, hereinafter referred to as "Lessor", and RCA Telecom LLC, hereinafter referred to as "Lessee".

**WITNESSETH:**

**WHEREAS**, the Lessor is the owner of property used for municipal and utility purposes that includes communications antenna sites, located at 3201 Smith Avenue, Everett, WA 98201, known as **Everett Station**, as described in Exhibit "A", which shall hereinafter be referred to as the "Site"; and

**WHEREAS**, the Lessee desires to lease space at the Site for its antennas and associated equipment on the Site in accordance with the provisions contained herein;

**NOW, THEREFORE**, the Parties hereto do mutually agree as follows:

1. **SITE:** Lessor does hereby lease to Lessee and Lessee hereby leases from Lessor, space on the rooftop of the Site for two (2) locations for Non-Radio Transmitter Receivers and one (1) Cabinet for Lessee equipment at the rooftop, as described in Exhibit "A" attached hereto and incorporated herein by reference.

2. **TERM:** The Initial Term of this Lease shall be for one (1) year commencing on October 1, 2020, and ending on September 30, 2021, unless otherwise terminated as provided below. As provided in Section 5, Lessee is entitled to extend this Lease for up to six (6) one (1) year terms.

3. **USE:** The Lessee shall use the Site as follows:

i. The Lessee shall install and service the antennas on the Site to maintain the integrity and safety of the Site as long as this Lease remains in force. Lessee has the right to nonexclusive use of the existing access located over, across and upon Lessor's real property adjoining the Site for the purpose of ingress to and egress from the Site; however, control of any key provided Lessee to said access must be tightly maintained.

ii. Lessee shall comply with the requirements of Lessor regarding the use of the Site as stated in this Lease. Lessee shall submit its construction and installation plans and list of contractors and subcontractors for written approval by Lessor prior to any construction or installation work on the Site. However, Lessor's approval shall not constitute a warranty of such

plans and/or contractors and subcontractors or the assumption of any liability for such plans and/or contractors and subcontractors by Lessor. Any structural enhancements to the Site required for Lessee's antennas and related equipment shall be at Lessee's sole risk and expense. At completion, such structural enhancements shall become the property of Lessor and subject to the provisions of this Lease and documentation to that effect shall be provided by Lessee upon the request of Lessor. Lessee shall provide all labor for the installation, maintenance and repair of Lessee's antennas and related equipment on the Site. After initial installation of Lessee's antennas and related equipment, Lessee shall not, without prior notice to and approval from Lessor, perform or arrange to perform any activities on the Site.

iii. Lessee agrees to indemnify, defend and hold harmless Lessor from and against any and all injury, loss, damage or liability (or any claims in respect of the foregoing), costs or expenses (including reasonable attorneys' fees) arising from Lessee's construction activities, any act or omission of Lessee or its employees, agents or independent contractors, or the breach of this Lease, except to the extent attributable to the negligent or intentional act or omission of Lessor. Lessee shall assume all risks in connection with access to the Site and the installation, operation, maintenance and removal of Lessee's equipment or any structural enhancement.

iv. With the permission of Lessor, Lessee has the right to authorize the use of the aforesaid access by Lessee's contractors, agents, servants, employees and permittees when it is necessary for them or any of them to have access to the Site or the facilities used to furnish utility services to the Site, however, distribution of a key to the Site or access by Lessee shall be made only upon the prior written consent of Lessor. Lessor reserves the right to access the Site for purposes of inspection and operating, maintaining and servicing its property, improvements and equipment. Lessee shall provide Lessor with the names of individuals authorized on behalf of Lessee to access the Site and facilities subject to this Lease. Lessee must provide for separately metered utility services at the Site, unless the Site owner or operator can accommodate submetering. Subject to the provisions of this Lease and to obtaining Lessor's approval, any work by Lessee on the Site and all required permits, Lessee can:

- a. Transmit and receive radio signals on various frequencies;
- b. Furnish, install and use in, upon and under and remove from the Site such wires, fiber cables, equipment and other property of whatsoever kind and nature as Lessee deems necessary;
- c. Connect such wires, fiber cables, and equipment to utility lines adjoining the Site; and
- d. Install a standby power generator for Lessee's exclusive use at a location on the Site acceptable to both parties.

v. All work done by Lessee at the Site shall be done in a lawful manner and in conformity with all applicable laws, ordinances and regulations. Use by Lessee of the Site shall not conflict with Lessor's use of the Site and related facilities. Lessee agrees that its use of the

Site shall not conflict with the use of the Site and related facilities of other users. Lessee shall label all antennas and equipment in a manner that provides readily visible ownership identification.

vi. After receipt of written authorization by the Lessor; Lessee is authorized to construct on the property; and Lessee has the right to prepare, maintain and alter the Site for Lessee's business operations and to install fiber cables and transmission lines, connecting antennas to the transmitters and receivers.

vii. Lessee agrees that in the event there is any interference with Lessor's transmitters and/or receivers or in the event there is any interference with the transmitters and/or receivers of other lessees established at the Site prior to the date of this Lease, caused by Lessee's transmitter(s) and/or receiver(s), which is not remedied by Lessee within seventy-two (72) hours of verbal notification by Lessor, the Lessee agrees to cease using the equipment which is creating the interference (except for short tests necessary for the elimination of the interference) until the interference is eliminated. Provided, however, notwithstanding any language herein, Lessee agrees that in the event that Lessee's wireless communications facility, installation or equipment causes any interference with a public safety communications system(s) whether said system is existing, planned or yet to be constructed that is not remedied by Lessee within six (6) hours of verbal notification by the public safety communications system, Lessee agrees to cease using the facility or equipment which is creating the interference (except for short tests for the elimination of the interference when authorized by the public safety communications system) until the interference is eliminated to a standard and manner acceptable to the public safety communications system.

4. **RENT:** On the first day of each and every calendar month commencing on the first day of the first calendar month of the Initial Term, Lessee shall pay to the Lessor rent as follows:

i. The Lessee shall pay rent to the Lessor at the monthly rate of SIX HUNDRED and no/100 DOLLARS (\$600.00) ("Rental Fee") in U.S. Dollars, or Lessee may choose to pay said rent in advance on an annual or semi-annual basis.

ii. Said rent shall increase on October 1, 2021, and each October 1<sup>st</sup> of each subsequent year of the term thereof by an amount not to exceed five percent (5%) of the Rental Fee in effect for the previous year.

iii. Such rent shall be paid as and when due to City of Everett, as designated in this Lease, or at such other address which the Lessor designates by written notice to Lessee.

iv. Rent shall not include electricity. Lessee shall have a separate meter (or submeter if allowed by Site owner or operator) to measure Lessee's electric consumption and Lessee shall pay directly to the public utility company for any electricity used by Lessee's equipment (or if submetering is allowed, then Lessee shall pay Lessor for any electricity used by Lessee's equipment and Lessor shall pay the public utility company for the electric consumption at the Site).

**5. OPTION TO EXTEND:** Lessee is hereby given the option to extend the term of this Lease in accordance with all of the provisions contained in this Lease except rental, for six (6) one (1) year terms (the "Option Term(s)"), by giving written notice of exercise of the option ("Option Notice") to Lessor sixty (60) days or more prior to expiration of each Term or Option Term, as applicable. Failure to provide the required Option Notice for the first Option Term shall result in the termination of this Lease upon the expiration date of this initial term or in the case of failure to provide the Option Notice for a later Option Term, then this Lease shall terminate at the end of the then current Option. In order to be effective, an Option Notice must, unless waived in writing by the City's Real Property Manager or designee, be accompanied by an updated Certificate of Insurance showing that the coverages required under this Lease will be in force for the duration of the Option Term exercised by the Option Notice.

The Rental fee during each Option Term shall be negotiated between the parties and evidenced in an addendum to this Lease. If the parties are unable to agree on the monthly rent for the extended term within thirty (30) days of the Option Notice date, then within thirty (30) days after giving of the Option Notice, Lessee shall retain an MAI appraiser who shall render a written appraisal of the fair market rental of the leased premises. A copy of Lessee's appraisal shall be given to Lessor within sixty (60) days after giving of the Option Notice. Lessor and Lessee shall then negotiate regarding the fair market rental of the leased Site. If Lessor and Lessee are unable to reach an agreement as to the fair market rental of the leased Site within thirty (30) days of the receipt of Lessee's appraisal by Lessor, Lessor shall retain an MAI appraiser who shall render a written appraisal of the fair market rental of the leased premises as of the date of such appraisal. A copy of the appraisal made by Lessor's MAI appraiser shall be given to Lessee within one hundred twenty (120) days of the receipt of Lessee's appraisal by Lessor. If Lessor and Lessee are unable to reach an agreement as to the fair market value of the leased Site within thirty (30) days of the receipt of Lessor's appraisal by Lessee, the MAI appraisers previously retained by Lessor and Lessee shall choose a third MAI appraiser with knowledge of properties in Snohomish County, Washington. If the appraisers chosen by Lessor and Lessee cannot agree upon the selection of the third MAI appraiser within twenty (20) days after being requested to do so, the third appraiser shall be designated by the Presiding Judge of the Snohomish County Superior Court on application of either party upon ten (10) days notice to the other. The three (3) MAI appraisers shall fix and determine by majority vote the fair market rental of the leased premises as of the date of their appraisal. The decision of the appraisers shall be final and binding on the parties. Under no circumstance, however, shall the base monthly rent for any Option Term be less than the monthly rental rate existing at the end of the preceding term. In the event either Lessor or Lessee does not agree with the decision of the appraisers regarding the fair market rental, either party may terminate this Lease upon thirty (30) days written notice. Notwithstanding the foregoing, during the period of this MAI appraisal process where the Rental fee is not yet agreed upon by the parties but the applicable Option Term has begun, Lessee shall continue to pay the monthly rental rate existing at the end of the preceding term, and shall then promptly "true up" any additionally required rental fees at the conclusion of the appraisal process.

This option may be exercised by Lessee only in the event that all rents have been fully paid and all provisions of this Lease on the part of Lessee to be observed by Lessee have been fully and faithfully observed. A new lease agreement for the Option Terms shall be unnecessary, as this Lease constitutes a present demise for both the Initial Term and the Option Terms.

6. **ENGINEERING STANDARD AND PRACTICES:** Lessor shall have engineering supervision over all equipment located on the property. Such supervision shall include: a) Frequency coordination and acceptability; b) Engineering specifications; c) Establishment of standards and practices consistent with and necessary for the avoidance or elimination of interference; and d) Acceptability of equipment, including radio transmitters and protective devices; and any decision on any of the foregoing matters by the Lessor shall be binding upon the Lessee. Lessor will furnish Lessee with the reasons for any of its decisions in this matter. Any interference caused by radio or television transmitting and/or receiving equipment to existing licensees shall be corrected and eliminated immediately by the party and/or parties causing the interference.

7. **LEASE TAX:** The possessory interest of Lessee in the property herein leased is subject to taxation under the laws of the State of Washington (Ch. 61, 1975-1976 Laws, 2d Ex. Sess., as amended) at the present rate of twelve point eighty-four percent (12.84%), or as may be amended by Washington State legislation, of the taxable rent to be paid to the Lessor monthly under the terms of this Lease. This tax is in addition to the monthly rent required above. Lessee agrees to pay and the Lessor agrees to collect and pay over to the State Department of Revenue the aforesaid leasehold excise tax in accordance with the statutes governing it.

8. **UTILITIES AND FEES:** Lessee agrees to pay all charges for all utilities and services utilized by Lessee on the property during the term of the Lease. All other items, including all license fees and other governmental charges assessed on Lessee (except property taxes and assessments which will be handled pursuant to the provisions in previous sections) will be paid directly by Lessee, failing which the Lessor may pay and bill Lessee, as additional rent, with interest at the highest rate allowed by law.

9. **ASSIGNMENT AND SUBLETTING:**

A. **General Prohibition - Consent Required.** Lessee shall not assign or transfer this Lease or any interest or rights therein, nor delegate its duties under this Lease, nor sublease the whole or any part of the Site, nor grant an option for assignment, delegation, transfer or sublease for the whole or any part of the Site, nor shall this Lease or any interest thereunder be assignable, delegable or transferable by operation of law, or by any process or proceeding of any court or otherwise without obtaining the prior written consent of Lessor. If Lessor gives its consent to any assignment, delegation, sublease or other transfer, this paragraph shall nevertheless continue in full force and effect, and no further assignment, delegation, sublease or other transfer shall be made without Lessor's consent.

B. **Notice by Lessee – Production of Records.** If Lessee desires to assign, delegate, sublease or transfer, or grant an option for assignment, delegation, sublease or transfer for, the

whole or part of the Site, or any portion of this Lease or any interest therein, Lessee shall notify Lessor in writing of said desire to assign, delegate, sublease, transfer or to grant an option and the details of the proposed agreement at least sixty (60) days prior to the proposed date of assignment, delegation, sublease, transfer or grant to a third party. The notification shall include, but not be limited to, the proposed date of the assignment, delegation, sublease, transfer or grant, a description of the expected terms of the assignment, delegation or sublease or other transfer or grant and a full disclosure of any and all payments and any and all other consideration of any kind to be received by Lessee. Upon request by Lessor, Lessee shall provide:

- i. a financial statement of the proposed assignee, delegatee, sublessee, transferee or grantee;
- ii. a copy of the assignment, delegation, sublease or other transfer or grant document;
- iii. an affidavit from the proposed assignee, delegatee, sublessee, transferee or grantee stating it has examined this Lease, has had the opportunity to consult with legal counsel regarding the terms of the Lease and understands all such terms and conditions, agrees to assume and be bound by all of the Lessee's obligations and covenants under this Lease as if it were the original Lessee hereunder; and
- iv. any other documents or information requested by Lessor related to the assignment, delegation, sublease or other transfer or grant.

C. Approval by Lessor -- Fees. Lessor shall review the request and respond with either an approval or disapproval of the request not later than ten (10) days prior to the proposed date of assignment, delegation, sublease, transfer or grant. Disapproval of any such request shall be final and binding on the Lessee. Lessor shall charge to Lessee a reasonable fee for administrative costs for the review and processing of any assignment, delegation, sublease or other transfer or grant.

D. Included Property. "Included Property" shall mean the leasehold improvements added by the Lessee and any non-removable fixtures purchased by the Lessee attached thereto that are transferred to the assignee or sublessee as part of the assignment, sublease or other transfer. The value of the included property shall be documented by appropriate appraisals, financial statements or other business records prepared by an independent and qualified source.

**10. CONDITION OF SITE:** It is understood that Lessee has inspected the Site and takes it "AS IS" without any warranties or representations regarding fitness, condition or suitability. Lessor is not obligated by this Lease to make any changes, removals, or repairs of any kind.

**11. NUISANCE:** Lessee shall not permit the existence of any nuisance on the Site; shall keep the same in clean and safe condition and free of any explosive, flammable or combustible material which would increase the risk of fire, except such material necessary to Lessee's or any permitted sub-Lessee's business; shall not handle or store any dangerous or potentially dangerous materials or any hazardous or toxic materials, as defined under state or

federal laws; and shall not permit the accumulation of junk, noxious weeds, debris or other unsightly materials. Lessee shall, at its sole expense, keep the Lessee's portion of the Site and any improvements in good repair.

**12. HAZARDOUS MATERIALS AND ENVIRONMENTAL COMPLIANCE:**

**A. Definitions.** "Hazardous Materials" as used in this Lease shall mean:

i. Any toxic substances or waste, sewage, petroleum products, radioactive substances, heavy metals, medical, corrosive, noxious, acidic, bacteriological or disease-producing substances;  
or

ii. Any dangerous waste or hazardous waste as defined in:

a. Washington Hazardous Waste Management Act as now existing or hereafter amended (RCW Ch. 70.105); or

b. Resource Conservation and Recovery Act as now existing or hereafter amended (42 U.S.C. Sec. 6901 et seq.); or

iii. Any hazardous substance as defined in:

a. Comprehensive Environmental Response, Compensation and Liability Act as now existing or hereafter amended (42 U.S.C. Sec. 9601 et seq.); or

b. Washington Model Toxics Control Act as now existing or hereafter amended (RCW Ch. 70.105D); or

iv. Any pollutants, contaminants or substances posing a danger or threat to public health, safety or welfare or to the environment, which are regulated or controlled as such by any applicable federal, state or local laws or regulations as now existing or hereafter amended.

**B. Environmental Compliance.**

i. In its use and occupancy of the Site, the Lessee shall, at the Lessee's own expense, comply with all federal, state and local laws and regulations now or hereafter in effect related to Hazardous Materials and the environment which are applicable to the Site, Lessee's business or any activity or condition on or about the Site ("the Environmental Laws"). The Lessee warrants that its business and all its activities to be conducted or performed in, on or about the Site shall comply with all of the Environmental Laws. The Lessee agrees to change, reduce or stop any non-complying activity or install necessary equipment, safety devices, pollution control systems or other installations as may be necessary at any time during the term of this Lease to comply with the Environmental Laws.

ii. The Lessee shall not, without first obtaining the Lessor's prior written approval, use, generate, release, handle, spill, store, treat, deposit, transport, sell or dispose of any Hazardous

Materials in, on or about the Site. In the event, and only in the event, that the Lessor approves any of the foregoing, the Lessee agrees that such activity shall occur safely and in compliance with the Environmental Laws.

iii. The Lessee shall not cause or permit to occur any violation of the Environmental Laws on, under or about the Site, or arising from the Lessee's use or occupancy of the Site.

iv. The Lessee shall, in a timely manner and at the Lessee's own expense, make all submissions to, provide all information required by and comply with all requirements of all governmental or regulatory authorities ("the Authorities" or "Authority") with jurisdiction under the Environmental Laws. If the Lessee fails to fulfill any duty imposed under this Section 12 within a reasonable time, the Lessor may do so; and in such case, the Lessee shall cooperate with the Lessor in order to prepare all documents the Lessor deems necessary or appropriate to determine the applicability of the Environmental Laws to the Site and the Lessee's use or occupancy thereof, and for compliance with the Environmental Laws, and the Lessee shall execute all documents promptly upon the Lessor's request. No such action by the Lessor and no attempt made by the Lessor to mitigate damages shall constitute a waiver of any of the Lessee's obligations under this Section 12.

v. Should any Authority demand that a cleanup or remediation plan be prepared and that a cleanup or remediation be undertaken because of any deposit, spill, discharge or other release of Hazardous Materials which occurs during the term of this Lease at or from the Site, or which arises at any time from the Lessee's use or occupancy of the Site, then the Lessee shall, in a timely manner and at the Lessee's own expense, prepare and submit the required plans and all related bonds and other financial assurances; and the Lessee shall carry out all such cleanup or remediation plans. Any such cleanup or remediation plans are subject to the Lessor's prior written approval. Although the Lessor reserves the right to review and approve such cleanup or remediation plans, the Lessor assumes no responsibility for such plans or their compliance with the Environmental Laws.

### C. Indemnification.

i. The Lessee shall be fully and completely liable to the Lessor for any and all cleanup and/or remediation costs and expenses and any and all other charges, expenses, fees, penalties (civil and criminal) imposed by any Authority arising out of the Lessee's use, disposal, transportation, generation, release, handling, spillage, storage, treatment, deposit and/or sale of Hazardous Materials on or about the Site. The Lessee shall indemnify, defend and save the Lessor harmless from any and all of the costs, expenses, fees, penalties and charges assessed against or imposed upon the Lessor (as well as the Lessor's reasonable attorney's fees, costs and expenses) by any Authority as a result of the Lessee's use, disposal, transportation, generation, release, handling, spillage, storage, treatment, deposit and/or sale of Hazardous Materials or as a result of the Lessee's failure to provide all information, make all submissions and/or take all steps required by all Authorities under the Environmental Laws.

ii. The Lessee shall indemnify and hold the Lessor harmless from any and all claims, liabilities, lawsuits, damages and expenses, including reasonable attorney's fees, for injuries to persons or death, property damage, loss or costs proximately caused by the use, disposal,

transportation, generation, release, handling, spillage, storage, treatment, deposit and/or sale of Hazardous Materials by the Lessee or any of its agents, representatives or employees on or about the Site.

D. Reporting Requirements. The Lessee shall comply with the Environmental Laws requiring the submission, reporting or filing of information concerning Hazardous Materials with the Authorities and shall provide to the Lessor a full copy of any such submission, filing or report as submitted within fifteen (15) days of such submission.

E. Right to Check on the Lessee's Environmental Compliance. The Lessor expressly reserves the right to conduct, and the Lessee shall fully cooperate in allowing, from time to time, such examinations, tests, inspections and reviews of the Site as the Lessor, in its sole and absolute discretion, shall determine to be advisable in order to evaluate any potential environmental problems.

F. Remedies. Upon a material default by the Lessee under this Section 12, the Lessor shall be entitled to the following rights and remedies in addition to any other rights and remedies that may be available to the Lessor:

i. At the Lessor's option, to terminate this Lease if Lessee fails to cure the default upon reasonable notice under the circumstances; and/or

ii. At the Lessor's option, to perform such response, remediation and/or cleanup as is required to bring the Site and any other property owned by Lessor affected by the Lessee's default into compliance with the Environmental Laws and to recover from the Lessee all of the Lessor's costs and expenses in connection therewith; and/or

iii. To recover from the Lessee any and all damages associated with the default including, but not limited to, response, remediation and cleanup costs, expenses and charges, civil and criminal penalties and fees, adverse impacts on marketing the Site or any other property owned by Lessor, loss of business and sales by Lessor and other of Lessor's lessees, diminution of value of the Site and/or other property owned by Lessor, the loss of or restriction of useful space in or on the Site and/or other property owned by Lessor, and any and all damages and claims asserted by third parties and the Lessor's attorney's fees, costs and expenses.

G. Remediation on Termination of Lease.

i. Upon the expiration or earlier termination of this Lease, the Lessee shall remove, remediate or clean up any Hazardous Materials on, or emanating from, the Site, and the Lessee shall undertake whatever other action may be necessary to bring the Site into full compliance with the Environmental Laws ("Termination Cleanup"). The process for such Termination Cleanup is subject to the Lessor's prior written approval. Although the Lessor reserves the right to review and approve the Termination Cleanup process, the Lessor assumes no responsibility for it or its compliance with the Environmental Laws.

ii. If the Lessee fails or refuses to commence the Termination Cleanup process, or fails to reasonably proceed toward completion of such process, the Lessor may elect to perform such Termination Cleanup after providing the Lessee with written notice of the Lessor's intent to commence Termination Cleanup and after providing the Lessee a reasonable opportunity, which shall not be less than ninety (90) days after such notice (unless the Lessor is given notice by a government or regulatory agency with jurisdiction over such matter that Termination Cleanup must commence within a shorter time), to commence or resume the Termination Cleanup process. If the Lessor performs such Termination Cleanup after said notice and the Lessee's failure to perform same, the Lessee shall pay all of the Lessor's costs and expenses.

H. Survival. The Lessee's obligations and liabilities under this Section 12 shall survive the expiration or earlier termination of this Lease.

13. **COMPLIANCE WITH LAW:** Notwithstanding any other provision in this Lease to the contrary, Lessee, at its sole cost, shall comply with all laws, statutes, ordinances, regulations, rules, and other governmental requirements (hereinafter called "laws"), in performing or observing its obligations under this Lease. The provisions of this Section shall not supersede, but shall be in addition to, any other provisions in this Lease, which impose a higher standard of care or duty by Lessee.

14. **INDEMNIFICATION:** The Lessee hereby agrees to defend and indemnify the Lessor from any and all Claims arising out of, in connection with, or incident to any acts, errors, omissions, or conduct by Lessee (or its employees, agents, representatives, contractors and subcontractors) relating to this Lease. The Lessee is obligated to defend and indemnify the Lessor pursuant to this Section whether a Claim is asserted directly against the Lessor, or whether it is asserted indirectly against the Lessor, e.g., a Claim is asserted against someone else who then seeks contribution or indemnity from the Lessor. The Lessee's duty to defend and indemnify pursuant to this Section is not in any way limited to, or by the extent of, insurance obtained by, obtainable by, or required of the Lessee. The Lessee shall not indemnify the Lessor for Claims caused solely by the negligence of the Lessor. If (1) RCW 4.24.115 applies to a particular Claim, and (2) the bodily injury or damage to property for which the Lessee is to indemnify the Lessor is caused by or results from the concurrent negligence of (a) the Lessee, its employees, contractors, subcontractors or agents and (b) the Lessor, then the Lessee's duty to indemnify shall be valid and enforceable only to the extent allowed by RCW 4.24.115. Solely and expressly for the purpose of its duties to indemnify and defend the Lessor, the Lessee specifically waives any immunity it may have under the State Industrial Insurance Law, Title 51 RCW. The Lessee recognizes that this waiver of immunity under Title 51 RCW was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. As used in this Section: (1) "Lessor" includes the Lessor's officers, employees, agents, representatives, contractors, subcontractors, and consultants and (2) "Claims" include, but is not limited to, any and all losses, claims, demands, expenses (including, but not limited to, attorney's fees and litigation expenses), suits, judgments, or damage, irrespective of the type of relief sought or demanded, such as money or injunctive relief, and irrespective of whether the damage alleged is bodily injury, damage to property, economic loss, general damages, special damages, or punitive damages. In the event it is necessary for Lessor to incur attorney's fees,

legal expenses or other costs to enforce the provisions of this Lease, all such fees, expenses and costs shall be recoverable from the Lessee.

**15. LIABILITY INSURANCE:** The Lessee shall procure and keep in force during the term of this Lease, at Lessee's own cost and expense, commercial general liability (CGL) insurance written on a standard ISO version policy form, or its equivalent, with a company who is rated at least "A" or better and with a numerical rating of no less than 7 by A.M. Best Company and which is acceptable to the Lessor. Said CGL insurance shall be on an occurrence basis in an amount not less than \$1,000,000 per occurrence and at least \$2,000,000 in the annual aggregate including, but not limited to, premises-operations liability, blanket contractual liability and broad form property damage.

Prior to the commencement of this Lease, the Lessee agrees to supply the Lessor with a Certificate of Insurance establishing: a) that its insurance obligation as herein provided have been met, b) that the City of Everett, its officers, employees and agents are named as "Additional Insureds" with respect to this Lease, and c) that said liability insurance shall apply as primary insurance on behalf of such Additional Insureds. The Lessee shall promptly provide Lessor with an updated Certificate of Insurance upon Lessor's written request.

If the Lessee is self-insured, Lessee shall provide Lessor with a Certificate of Self-Insurance acceptable to Lessor and that complies with the above policy requirements.

The Lessor reserves the right to require reasonable increases in the limits of coverage from time to time during the term of this Lease.

**16. TERMINATION:** This Section is in addition to any other provision of this Lease authorizing or otherwise relating to early termination of said Lease.

A. Termination of Lease for Failure to Receive Governmental and Jurisdictional Approvals: Lessee may terminate this Lease upon written notice to Lessor in the event Lessee is not able to timely obtain (or is denied) any Governmental and Jurisdiction Approvals required by Lessee to make its contemplated and intended use of the Site commercially viable, as determined by Lessee in its sole discretion. Governmental and Jurisdictional Approvals shall include, without limitation, any or all governmental, regulatory, or self-regulatory licenses (including FCC broadcast licenses), permits (construction, building, special use, administrative, etc.), and approvals of any other necessary applications, exceptions, variances, or exemptions. Lessee represents it will diligently apply for such Governmental and Jurisdictional Approvals, and Lessor agrees to reasonably cooperate with Lessee in any application for Governmental and Jurisdictional Approvals (reasonable costs incurred to be reimbursed by Lessee except to the extent the applicable Governmental and Jurisdictional Approval is to be issued by Lessor). In the event any Governmental and Jurisdictional Approval is preliminarily or initially denied, Lessee shall have the right but not the obligation to appeal such denial to a final decision that is not subject to any further appeal.

B. Termination of Lease Without Cause: Lessor may terminate this Lease upon three hundred sixty (360) days written notice to Lessee. Following the lapse of the three hundred sixty (360) days notice period, Lessor may re-enter and occupy the Site.

C. Damage or Destruction: Upon destruction, partial destruction or inability to use the Site for its intended purpose, Lessor is under no obligation to reconstruct or repair said Site and either Lessor or Lessee may terminate this Lease.

D. Lessee's Insolvency: Lessor may terminate this Lease upon Lessee's insolvency if Lessee is the subject of an involuntary bankruptcy proceeding or commences a voluntary or involuntary bankruptcy proceeding or makes an assignment for the benefit of creditors or if a receiver or other liquidating officer is appointed for Lessee.

E. Lessee's Breach:

i. Lessor may terminate this Lease upon thirty (30) days' prior written notice to Lessee of intent to terminate on the first or second or third occurrence of Lessee's failure to pay rent or additional rent [including, but not limited to, Assignment and/or Sublease Premiums as set forth in Section 9 (Assignment or Sublease) of these General Terms and Conditions] by the tenth (10<sup>th</sup>) day of the month that it is due; provided, however, that if Lessee cures the non-payment within that thirty (30) day period after receipt of notice, then Lessor's notice of intent to terminate is voided and the Lease and Lease term shall continue. Lessor may, without any Lessee right to cure, terminate this Lease upon thirty (30) days' prior written notice to Lessee of intent to terminate on any occurrence after the third occurrence of Lessee's failure to pay rent or additional rent [including, but not limited to, Assignment and/or Sublease Premiums as set forth in Section 9 (Assignment or Sublease) of these General Terms and Conditions] by the tenth (10<sup>th</sup>) day of the month that it is due.

ii. Lessor may terminate this Lease if Lessee breaches or fails to perform or observe any of the terms and/or conditions of this Lease, other than payment of rent, and fails to cure such breach or default within thirty (30) days after written notice from Lessor or such longer period, up to sixty (60) days, as may be reasonably required, within Lessor's reasonable discretion, to diligently complete a cure commenced within that thirty (30) day period and being diligently and continuously pursued by Lessee.

F. Termination Process: Unless otherwise specified in this Lease, prior written notice of termination shall be delivered by certified mail, return receipt requested, and shall be effective upon receipt of such notice, as evidenced by the return receipt. Upon such termination, Lessee shall be entitled to the reimbursement of any rent prepaid by Lessee for any period after termination.

G. Nonexclusive Remedy: Termination under this Section shall be in addition to and not in limitation of any other remedy of Lessor at law or in equity. Termination shall not release Lessee from any liability or obligation with respect to any matter occurring prior to such termination.

17. **REMOVAL OF IMPROVEMENTS:** Lessee shall have the right at any time during Lessee's occupancy of the leased property, and the obligation within sixty (60) days after expiration or earlier termination of this Lease, to remove in a workmanlike and careful manner and without interference or damage to any other equipment, structures, or operations on the Site, any and all buildings, structures, improvements, fixtures, equipment, including antennas, fittings, and lines, owned or placed by Lessee, in, under or upon the leased property, or acquired by Lessee whether before or during the term of this Lease, and restore the Site to its condition prior to the commencement of the Lease, reasonable wear and tear excepted. Restoration of leased property shall include, but shall not be limited to, removal of antennas, removal of lines and equipment, and removal of rubble and debris.

Furthermore, should Lessee fail to remove said property or improvements as required by above, Lessee hereby grants Lessor the absolute right and title to the affected improvements upon ninety (90) days written notice to Lessee, to keep, convey, destroy, or otherwise dispose of the improvements in any manner Lessor chooses, and, in addition, Lessee agrees to pay any costs incurred by Lessor in doing so, within thirty (30) days of receipt of Lessor's statement therefor.

All costs and expenses for removal of Lessee's facilities and restoration of the Site shall be borne by the Lessee, and Lessee shall hold Lessor harmless from any portion thereof.

The provisions of this Section shall survive the termination of this Lease.

18. **CONDEMNATION:** If the Site or any part thereof shall be taken for public purposes by condemnation as a result of any action or proceeding in eminent domain or shall be transferred in lieu of condemnation to any authority entitled to exercise the power of eminent domain, the effect of the taking or transfer upon this Lease shall be as follows:

A. If only a part of the Site is taken or transferred leaving the remainder of said Site in such location and in such form, shape and size so that, in the sole opinion of Lessee, it is still practical to conduct business thereon, the monthly rental required to be paid by Lessee to Lessor by Section 4 of this Lease shall remain unaffected. If Lessee determines in its sole discretion that it is not practical to conduct business on the Site, Lessee may terminate the Lease immediately.

B. If the whole of the leased Site is taken or transferred, Lessee may at any time thereafter terminate this Lease by giving Lessor ten (10) days notice in writing of such termination. If the Site is taken or transferred under the circumstances described above, Lessee shall be entitled to any award or compensation from the condemning authority for or attributable to the taking or relocation of the buildings, improvements, fixtures and equipment owned by Lessee. Lessor agrees to return any unearned rent to Lessee. Lessee agrees that it is not entitled to and hereby disclaims any other award for such taking.

19. **RELOCATION:** Lessee agrees that the Lessee and its successors or assigns are not subject to nor entitled to any relocation assistance as provided in the Uniform Relocation and Real Property Acquisition Regulations.

20. **RIGHT OF RE-ENTRY:** In the event of any termination, delinquency or default, Lessor reserves the right to re-enter all areas of the property anytime during this Lease without extinguishing the Lessee's obligation to pay rent for the balance of any Term.

21. **NOTICES:** All notices hereunder may be delivered, sent by nationally recognized, overnight delivery service or mailed. Any notice shall be deemed given on a) the date personally delivered to the other party and a signed receipt obtained; or b) three days after deposit, postage prepaid in any United States Postal Service branch or official depository; whichever shall occur earliest. If mailed, they shall be sent by **CERTIFIED or REGISTERED MAIL** to the following respective addresses:

**To Lessor:**

The City of Everett  
c/o City Clerk  
City Hall  
2930 Wetmore Avenue  
Everett, WA 98201

City Attorney  
City Hall  
2930 Wetmore Avenue  
Everett, WA 98201

Real Property Manager  
3200 Cedar Street  
Everett, WA 98201

**To Lessee:**

RCA Telecom LLC  
233 S. Wacker Drive #4300  
Chicago, IL 60606  
Attn: General Counsel

**Copy to:**

22. **HOLDOVER:** If Lessee shall hold over after the expiration of the initial Term of this Lease or after the First or Second Option Term of this Lease, such tenancy shall be from month to month only and upon all the terms, covenants and conditions hereof. Acceptance by Lessor of rent after such expiration or early termination shall not result in a renewal of this Lease nor affect Lessor's right of re-entry or any rights of Lessor herein or as otherwise provided by law or equity. If Lessee fails to surrender the Site upon the expiration of this Lease despite demand to do so by Lessor, Lessee shall pay two (2) times the rent herein specified (prorated on a monthly basis), interest, Lessor's attorney's fees and costs and shall indemnify and hold Lessor harmless from all loss or liability including, but not limited to, any claim made by any succeeding Lessee founded on or resulting from such failure to surrender. Further, Lessee shall pay monthly rent during the holdover in the amount required immediately prior to the expiration, increased by two times the rent herein specified.

23. **WAIVERS:** The waiver by the Lessor of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, or any subsequent breach of the same or any other term, covenant, or condition herein contained. The subsequent acceptance of rent hereunder by Lessor shall not be deemed to be a waiver of any preceding breach by Lessee of any term, covenant, or condition of this Lease, other than the failure of Lessee to pay the particular rental so accepted, regardless of Lessor's knowledge of such preceding breach at the time of acceptance of such rent.

24. **LIENS:** Lessee shall keep the Site free and clear of any liens and encumbrances arising or growing out of the use and occupancy of said Site by Lessee. At the Lessor's request, Lessee shall furnish the Lessor with written proof of payment of any item which would or might constitute the basis for such a lien on the Site if not paid.

25. **PLACE OF PAYMENT:** All rental payments and all other payments payable to Lessor hereunder shall be designated as payments in connection with an antenna site lease and shall be paid to Lessor at **City of Everett, 2930 Wetmore Avenue, Everett, Washington 98201, Attn: City Treasurer**, unless and until Lessor designates some other party or address to receive said payments.

Written notices shall be delivered personally or deposited in the United States Post Office, properly addressed as aforesaid, postage fully prepaid, for delivery by registered mail.

26. **RF COMPLIANCE:** Lessee agrees to comply with all Federal Communications Commission ("FCC") rules. Prior to commencement of Lessee's operations and at all other times that Lessor may reasonably request, Lessee shall furnish Lessor with a radio frequency ("RF") site analysis that evaluates the simultaneous operation of all transmitters at the Site and compares the radiated power density in all accessible areas with the FCC maximum permissible exposure ("MPE") limits for workers and the general public. The power density within all accessible areas of the Site must not exceed the FCC specified MPE limits. If mitigation is required to bring Site into compliance at any time during the Lease, and so long as Lessor's operations are in compliance with all FCC rules, such mitigation measures shall be the sole responsibility of Lessee.

27. **INSPECTION AND RIGHT-OF-ENTRY:** Lessor and its agents shall have the right, but not the duty, to inspect the Site at any time to determine whether Lessee is complying with the terms of this Lease. This inspection shall include the right to take samples of soil, air and water on the Site.

28. **TERMS SURVIVING TERMINATION OF LEASE:** The obligations imposed on Lessor and Lessee and all provisions of this Lease which may reasonably be interpreted or construed as surviving the completion or cancellation of the Lease, shall survive the completion, termination or cancellation of this Lease.

29. **SUBORDINATION:** The use of the Site by Lessee, any heirs, devisees, transferees, sublessees or assignees of Lessee shall be subordinate to that of the Lessor notwithstanding any other language set forth in this Lease.

Nothing herein shall be construed to limit or restrict Lessor's use and access to the Site.

30. **BENEFITS TO INURE:** The provision of this Lease shall inure to the benefit of and be binding upon Lessee and its successors and assigns, and shall inure to the benefit of and be binding upon the successors and assigns of Lessor.

31. **PROVISION UNENFORCEABLE:** If any term or provision of this Lease or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Lease or the application of such terms or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and shall continue in full force and effect.

32. **DISPLAY OF SIGNS:** The display of any political signs within or on the Site is prohibited. Further, no signage shall be displayed within or on the Site without prior written approval from the City.

33. **SEVERABILITY:** Unless otherwise provided, or unless the context shall otherwise require, words importing the singular number shall include the plural number, words importing the masculine shall include the feminine gender, and vice versa.

34. **ENTIRE AGREEMENT:** This Lease represents the entire agreement between the parties and supersedes all other agreements and representations made prior hereto. No amendment hereof shall be binding on either party unless and until approved in writing by both parties.

35. **GOVERNING LAW AND VENUE:** This Lease shall be governed and construed in accordance with the laws of the State of Washington and venue shall be in Snohomish County, Washington.

36. **NO PRESUMPTION AGAINST DRAFTER:** Lessor and Lessee understand, agree and acknowledge that this Lease has been freely negotiated by both parties and that, in the event of any controversy, dispute or contest over the meaning, interpretation, validity or enforceability of this Lease or any of its terms or conditions, there shall be no inference, presumption or conclusion drawn whatsoever against either party by virtue of that party having drafted this Lease or any portion thereof.

37. **CUMULATIVE REMEDIES:** No provision of this Lease shall preclude Lessor from pursuing any other remedies, in law or equity, for Lessee's failure to perform its obligations.

38. **CAPTIONS:** The captions in this Lease are for convenience only and do not in any way limit or amplify the provisions of the Lease.

39. **AUTHORITY TO CONTRACT:** Each party represents and warrants to the other that: it has full right, power and authority to execute this Lease and has the power to grant all rights hereunder, its execution and performance of this Lease will not violate any laws, ordinances, covenants or the provisions of any mortgage, lease or other agreement binding on said party, and the execution and delivery of this Lease and the performance of its obligations hereunder have been duly authorized by all necessary personnel or corporate officers and do not violate any provisions of law or the party's certificate of incorporation or bylaws or any other arrangement, provision of law or court order or decree.

IN WITNESS WHEREOF, the Lessor and the Lessee have executed this Lease as of the date first above written .

LESSOR:

CITY OF EVERETT

By: \_\_\_\_\_  
MAYOR

LESSEE:

RCA TELECOM LLC

By: THOMAS G. MAXWELL

Its: CEO

ATTEST

CITY CLERK:

By: \_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

By: \_\_\_\_\_  
CITY ATTORNEY

STATE OF \_\_\_\_\_)

SS)

COUNTY OF \_\_\_\_\_)

I certify that I know or have satisfactory evidence that \_\_\_\_\_ and \_\_\_\_\_ signed this instrument, on oath stated that they

authorized to execute the instrument and acknowledged it as the Mayor and City Clerk of the City of Everett, a municipal corporation, to be free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

Signature of Notary Public: \_\_\_\_\_

Title: \_\_\_\_\_

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

SS)

COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that THOMAS G MAXWELL signed this instrument, on oath stated that s/he was authorized to execute the instrument and acknowledged it as the Leasee to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: August 29th, 2020

Signature of Notary Public: Pawel Wasniewski

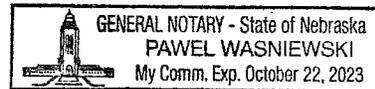
Title: Universal Banker

My commission expires: OCTOBER 22, 2023

STATE OF NEBRASKA )

SS)

COUNTY OF DODGE )



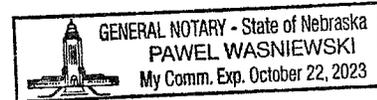
I certify that I know or have satisfactory evidence that THOMAS G MAXWELL  
signed this instrument, on oath stated that s/he was authorized to execute the instrument and  
acknowledged it as the Leasee to be the  
free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: August 29th, 2020

Signature of  
Notary Public: Pawel Wasniewski

Title: Universal Banker

My commission expires: October 22nd, 2023



### EXHIBIT "A"

#### A-1: LEGAL DESCRIPTION

The description of the lease area is as follows:

XXX

#### A-2: AREA MAPS AND SITE PLANS

The attached sheets are included to provide graphic illustration of the lease area and site design.

## **Exhibit A-1**

### **Property Legal Description**

That portion of Blocks 744 and 759 in the Everett Land Company's First Addition to the City of Everett. According to the plat thereof recorded in Volume 3 of Plats, Page 20, vacated 32<sup>'''</sup> Street and the east half of the northwest quarter of Section 29, Township 29 North, Range 5 East W.M. in Snohomish County, Washington, described as follows:

Beginning at the southwest corner of Lot 3, said Block 759: thence northwesterly along the northeasterly right-of-way line of Smith Avenue, according to the recorded plat thereof, in Volume 3 of Plats, Page 20, to the northwest corner of Lot 13, said Block 744; thence northeasterly along the northwest line of said Lot 13 and the northeasterly extension of said line to the point of intersection with a line drawn parallel with, and distant 40.0 feet southwesterly of Burlington Northern Railroad Company's Main Track centerline, as now located and constructed: extension of the southeasterly line of said Lot 3, Block 759; thence southwesterly along said southeasterly line to the point of beginning.

PROPOSED RCA OPTICAL ADDITION PROJECT AREA LOCATED AT THE UPPER AND LOWER ROOF LEVELS OF THE EVERETT TRANSIT STATION. THE PROJECT WILL CONSIST OF THE ADDITION OF TWO (2) OPTICAL INSTRUMENTS ON THE UPPER ROOF FACIA AND ONE (1) RADIO CABINET INSTALLED IN AN EXISTING UTILITY ROOM AT THE LOWER ROOF LEVEL OF THE BUILDING. SEE EXHIBIT SHEETS 2 AND 3 FOR ADDITIONAL INFORMATION.

EX. RAILROAD R.O.W.

BUS PORT

BUS PORT

BUS PORT

BUS PORT

BUS PORT

EVERETT TRANSIT STATION  
MAIN ENTRY

BUS ROUTE

PAINE AVENUE

SMITH AVENUE

EX. PARKING LOT

32ND STREET

EX. PARKING LOT

PARCEL NUMBER	00439074401300
	.99 ACRES
USE CODE	421
TRANSPORTATION	BUS
ZONING	URBAN MIXED
	UM

PARTIAL PROPERTY PLAN

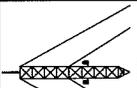


1" = 50'-0"

**EVERETT TRANSIT STATION - OPTICAL ADDITION**  
3201 SMITH AVENUE  
EVERETT, WA 98201

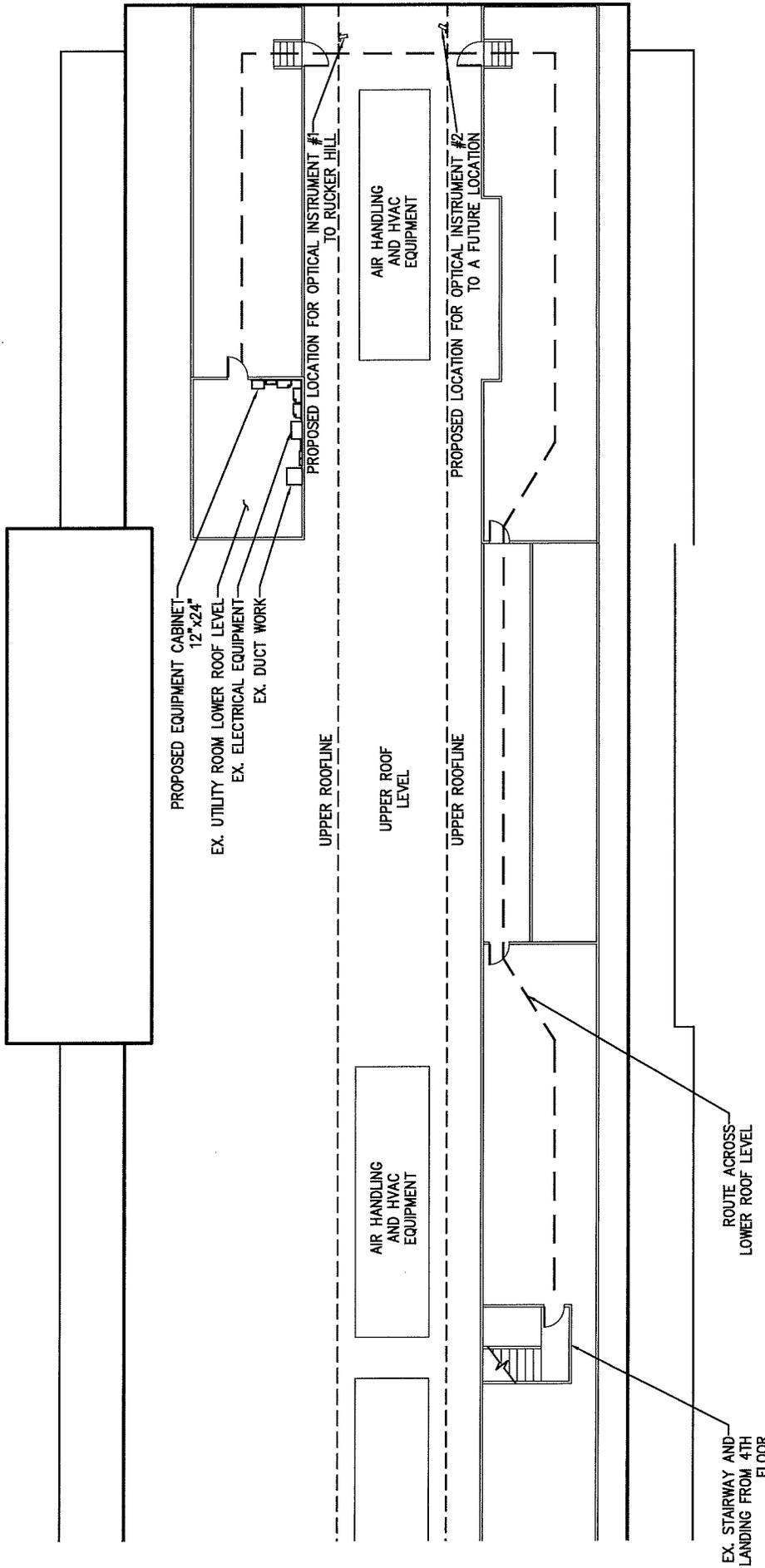
EVERETT TRANSIT STATION  
LEASE EXHIBIT SHEET 1  
19AUG20

RCA TELECOM  
233 SOUTH WACKER DRIVE  
CHICAGO, IL 60606  
PHONE 312.244.3300



**NWTE**  
NORTHWEST TOWER  
ENGINEERING

3426 BROADWAY, STE 302, EVERETT, WA 98201  
PHONE: 425.258.4248



**PARTIAL ROOF PLAN**

**NWTE**  
 NORTHWEST TOWER  
 ENGINEERING  
 3426 BROADWAY, STE 302 EVERETT, WA 98201  
 PHONE: 425-258-4248

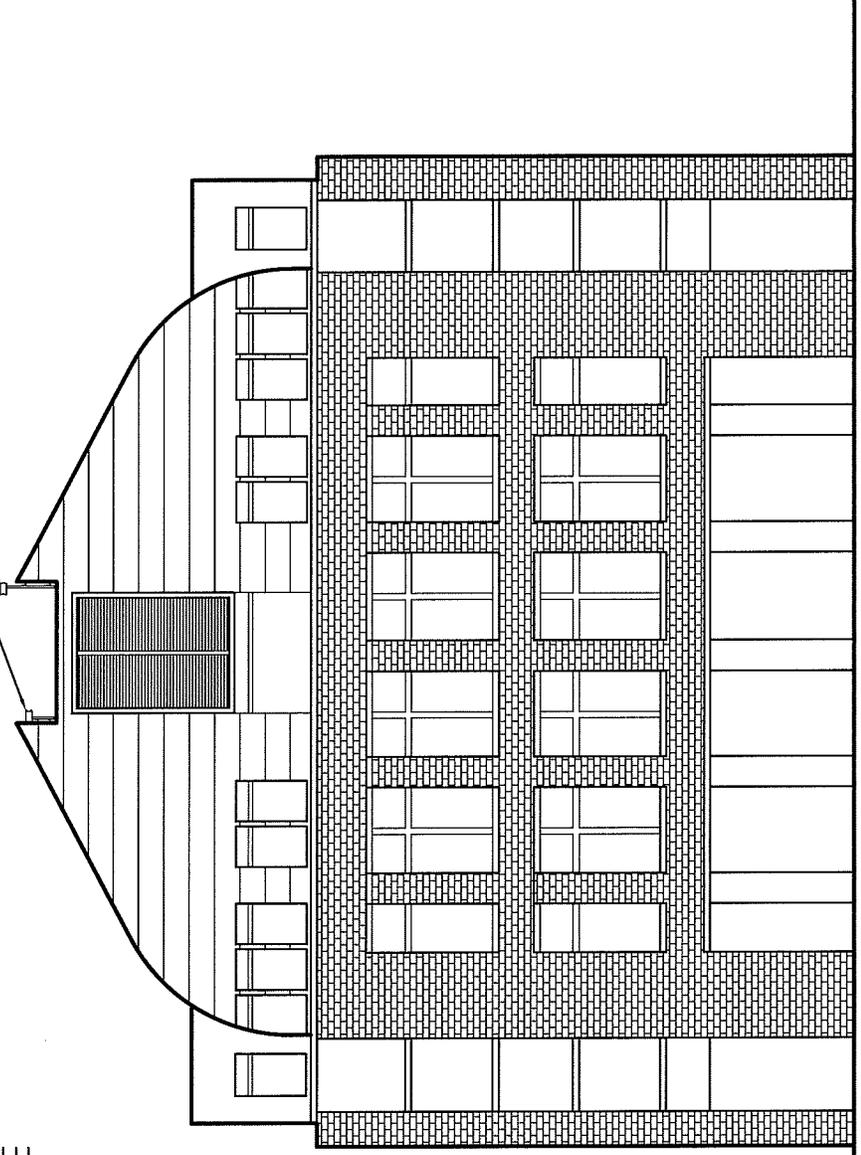
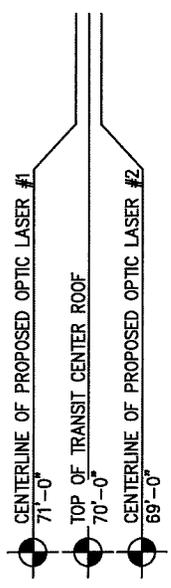
RCA TELECOM  
 233 SOUTH WACKER DRIVE  
 CHICAGO, IL 60606  
 PHONE 312.244.3300

EVERETT TRANSIT  
 STATION  
 LEASE EXHIBIT  
 SHEET 2  
 19AUG20

**EVERETT TRANSIT STATION - OPTICAL ADDITION**  
 3201 SMITH AVENUE  
 EVERETT, WA 98201



PROPOSED OPTIC LASER #2 TO A FUTURE LOCATION  
 PROPOSED OPTIC LASER #1 TO RUCKER HILL



**SOUTH ELEVATION**

**NWTE**  
 NORTHWEST TOWER  
 ENGINEERING  
 3426 BROADWAY, STE 3102 EVERETT, WA 98201  
 PHONE: 425.258.4268

RCA TELECOM  
 233 SOUTH WACKER DRIVE  
 CHICAGO, IL 60606  
 PHONE 312.244.3300

EVERETT TRANSIT  
 STATION  
 LEASE EXHIBIT  
 SHEET 3  
 19AUG20

EVERETT TRANSIT STATION - OPTICAL ADDITION  
 3201 SMITH AVENUE  
 EVERETT, WA 98201

1/16" = 1'-0"



**Project title:** Consistent with the Cultural Commission Recommendation Accept the Zonta Club Donation of the Sculpture, "We Rise", into the City of Everett Public Art Collection

### City Council Agenda Item Cover Sheet

**Council Bill #**

**Project:** "We Rise" Donated Sculpture

**Agenda dates requested:**

**Partner/Supplier:** Zonta Club

**Location:** Evergreen Arboretum at Legion Park

Briefing

Proposed action

Consent

Action 09/23/20

Ordinance

Public hearing

Yes X No

**Preceding action:** None

**Fund:** Cultural Arts

**Budget amendment:**

Yes X No

**Fiscal summary statement:**

None. This is a donation.

**PowerPoint presentation:**

Yes X No

**Project summary statement:**

The Zonta Club would like to donate a bronze sculpture, entitled "We Rise", by artist Constance Jones, to the City of Everett Public Art Collection. The sculpture is currently installed and on display in the Evergreen Arboretum at Legion Park.

**Attachments:**

Picture

The Cultural Arts Commission voted at their Cultural Commission meeting on September 8, 2020 to recommend the acceptance of the sculpture into the City of Everett Public Art Collection.

**Department(s) involved:**

Cultural Arts

Pursuant to EMC 2.105.020 Council may accept these gifts by motion.

**Contact person:**

Kimberly Shelton

**Recommendation (exact action requested of Council):**

Consistent with the Cultural Commission recommendation authorize acceptance of the Zonta Club Donated Sculpture, "We Rise", into the City of Everett Public Art Collection.

**Phone number:**

(425) 257-8305

**Email:**

kshelton@everettwa.gov

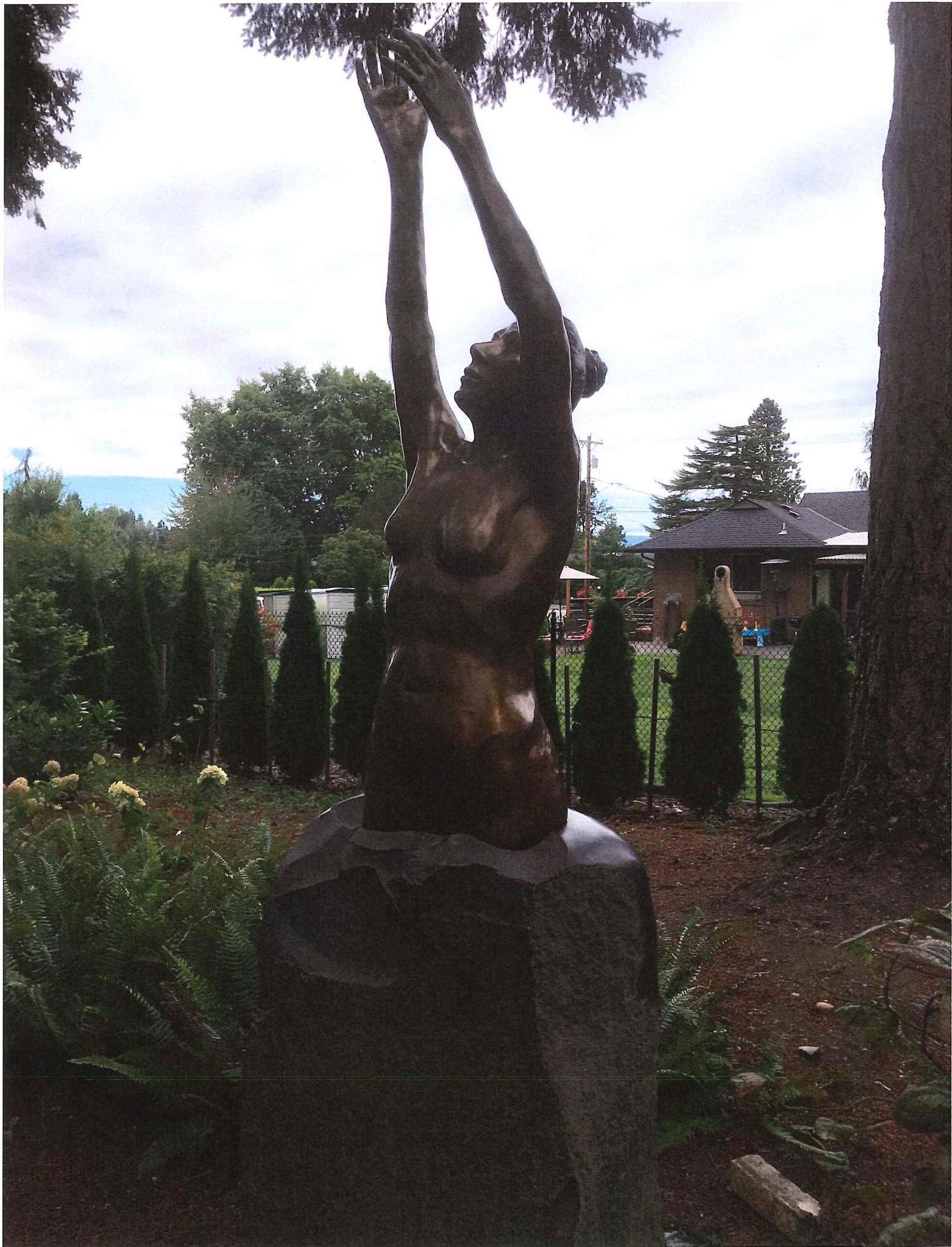
**Initialed by:**

RML

Department head

Administration

Council President





**Project title:** Adopt Ordinance and Amend the Comprehensive Plan Land Use Map Designation Map for Hope Covenant Church

### City Council Agenda Item Cover Sheet

**Council Bill #**

CB 2009 47

**Agenda dates requested:**

Sept 9<sup>th</sup> Sept. 16<sup>th</sup>, 23<sup>rd</sup>

Briefing

Proposed action 9.16.20

Consent

Action 9.23.20

Ordinance  X

Public hearing 9.16.20

X Yes  No

**Budget amendment:**

Yes  X No

**PowerPoint presentation:**

X Yes  No

**Attachments:**

1. Draft Ordinance
2. PC Resolution
3. PC Mtg Minutes
4. Staff Report
5. Application

**Department(s) involved:**

Planning

**Contact person:**

David Stalheim

**Phone number:**

425-257-8736

**Email:**

dstalheim@everettwa.gov

**Initialed by:**

Department head

Administration

Council President

**Project:** Amend comprehensive plan land use designation map for 4426, 4502, 4516 Rucker Avenue.

**Partner/Applicant:** Hope Covenant Church and Schmidt Properties LLC

**Location:** 4426, 4502, 4516 Rucker Avenue

**Preceding action:** Planning Commission public hearing, resolution to approve

**Fund:** N/A

**Fiscal summary statement:**

None

**Project summary statement:**

Consideration of a recommendation from the Planning Commission to amend the comprehensive plan land use designation map from Single Family to Commercial Mixed-Use for the two Schmidt owned parcels and from Single Family to Multifamily for the parcels owned by the Hope Covenant Church.

No specific plans have been submitted at this time, but the proposed change would allow greater density for future multifamily development and expansion of the existing business north of the site. The applicant has submitted a traffic analysis projecting a potential 150-unit multifamily mid-rise development and a visual impact analysis of stepped heights. Additional reviews, including public hearings, will be required prior to any future development. Traffic impacts on Rucker Avenue and compatibility with existing single-family homes to the east will be evaluated based on a site specific design and code requirements at the time of a vested application.

The Rethink Zoning proposal would eliminate the zoning requested. As such, this ordinance is limited to just the comprehensive plan designation changes. If approved, the planning director is instructed to bring back the equivalent zoning changes as part of Rethink Zoning unless the ordinance for Rethink Zoning is not considered by City Council by 11/18/20, then an ordinance to rezone should be submitted. (See Section 2 of the attached ordinance.)

**Recommendation (exact action requested of Council):**

Adopt Ordinance amending the Comprehensive Plan Land Use Designation Map for Hope Covenant Church and Schmidt properties amending Ordinance No. 2021-94, as amended, as part of the annual docket for 2020.



**ORDINANCE NO.** \_\_\_\_\_

An Ordinance Amending the Comprehensive Plan Land Use Designation Map for 4426/4502/4516 Rucker Avenue Amending Ordinance No. 2021-94, as amended, as part of the Annual Docket for 2020

**WHEREAS,**

- A. The City of Everett adopted its first Comprehensive Plan under the Washington State Growth Management Act (GMA) in 1994 and conducted a comprehensive review and update of the Plan in 2015 with annual updates allowed consistent with GMA.
- B. The 2020 comprehensive plan docket and implementing zoning amendments are subject to the phased timing of the Rethink Zoning project to coordinate the effective date of the map changes consistent with GMA requirements.
- C. A timely application was filed to amend the comprehensive plan land use designation from Single Family to Multifamily, and the zoning designation from R-1 Single Family Low Density to R-5 Multiple Family High Density for the Hope Covenant Church site.
- D. The R-5 Multiple Family High Density zone is only for property in the downtown area, so R-4 Multiple Family High Density was considered as the appropriate zone for these parcels.
- E. The application proposes that the adjacent Schmidt-owned parcels amend the comprehensive plan designation from Single Family to Commercial Mixed-Use with implementing zoning changing from R-1 Single Family Low Density to E-1 Evergreen Way.
- F. Notice of the proposed amendments to the comprehensive plan was sent to the Washington State Department of Commerce on February 21, 2020 and a letter of receipt was received on February 24, 2020.
- G. The Planning Commission reviewed the proposed map amendments, received public input at a duly advertised public hearing on June 16, 2020 and made the following findings and conclusions:
  - a. A Determination of Nonsignificance (DNS) under the State Environmental Policy Act was issued on February 22, 2020 regarding the proposed action.
  - b. The proposed map amendments are consistent with GMA goals (RCW 36.70A.020) that encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner, and which promote a variety of residential densities and housing types.

- H. Based on their findings and conclusions, the Planning Commission recommends that the City Council:
- a. Amend the City of Everett Growth Management Comprehensive Plan Land Use Map for the property at 4502/4516 Rucker Avenue from Single Family to Multifamily and Single Family to Commercial Mixed-Use for 4426 Rucker Avenue as depicted in Exhibit 1.
  - b. Amend the City of Everett Zoning Map for the property located at 4502/4516 Rucker Avenue from R-1 Single Family Detached Low Density to R-4 Multiple Family High Density and for the Schmidt parcel at 4426 Rucker Avenue from R-1 Single Family Detached Low Density to E-1 Evergreen Way as shown in Planning Commission Resolution 20-01, Exhibit 2.
- I. The City is considering changes to the Zoning Code (Rethink Zoning) which would eliminate the proposed zoning of R-4 and E-1, with the surrounding area being considered for the equivalent zoning designation of Business (B) for E-1 and Urban Residential 4 (UR4) for R-4.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN THE FOLLOWING ACTIONS:**

**Section 1.** Amend the City of Everett Growth Management Comprehensive Plan Land Use Map for the property at 4502/4516 Rucker Avenue from Single Family to Multifamily and Single Family to Commercial Mixed-Use for 4426 Rucker Avenue as set forth in Exhibit 1.

**Section 2.** The Planning Director shall prepare an ordinance that amends the City's zoning map with the ordinance for Rethink Zoning unless the ordinance for Rethink Zoning is not considered for City Council action before November 18, 2020, in which case, the Planning Director shall prepare an ordinance to change the subject property zoning classifications from Single Family to E-1 Evergreen Way for the two Schmidt-owned parcels and from Single Family to R-4 Multiple Family High Density for the parcels owned by the Hope Covenant Church.

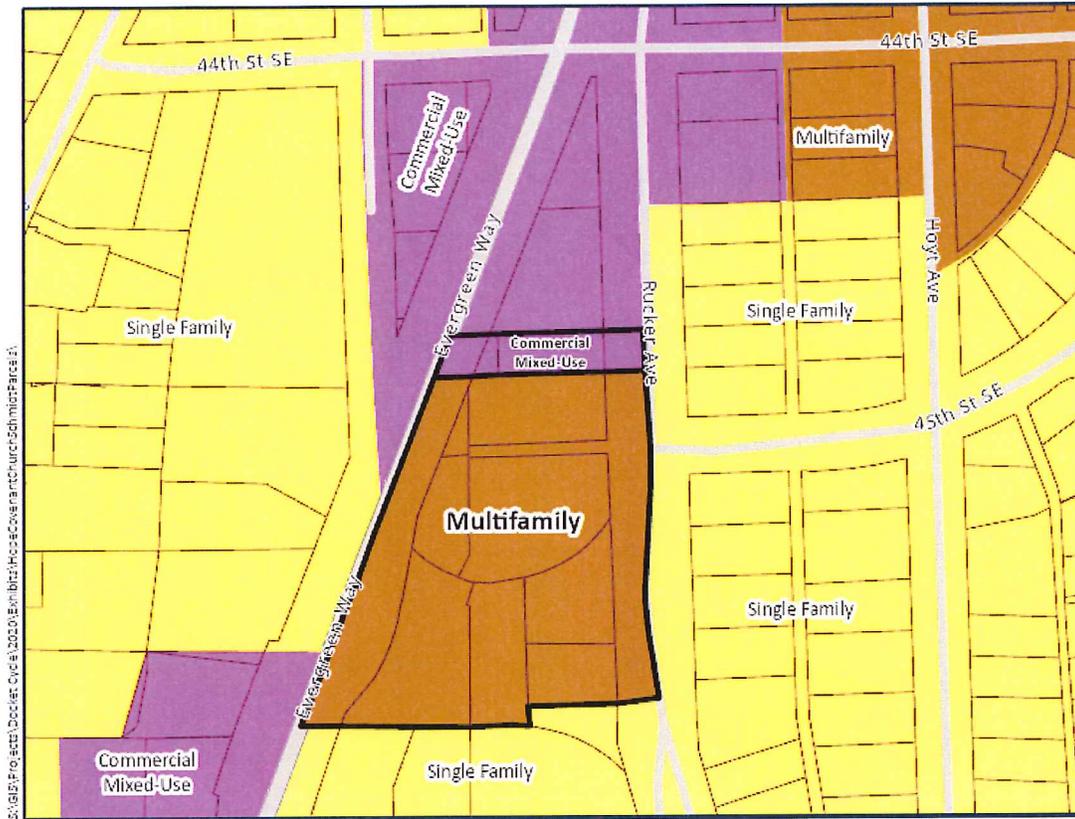
**Section 3.** Effective Date. This ordinance shall not go into effect until the City Council, by Resolution, concludes the 2020 Comprehensive Plan docket process.

**Section 4.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references and ordinance numbering.

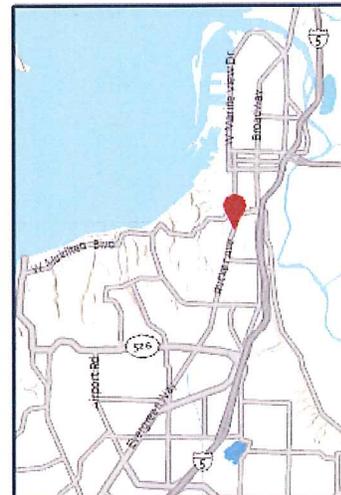
**Section 5.** The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this Ordinance independent of the elimination of any such portion as may be declared invalid.

Hope Covenant Church and Schmidt Parcels  
Comprehensive Plan Amendment

Exhibit 1



-  From: Single Family  
To: **Commercial Mixed — Use**
-  From: Single Family  
To: **Multifamily**





**PLANNING COMMISSION RESOLUTION NO. 20-01**

**A Resolution Recommending the City Council Amend the Comprehensive Plan  
Land Use Designation and Zoning at 4426/4502/4516 Rucker Av.  
as part of the Annual Docket for 2020**

WHEREAS, the City of Everett adopted its first Comprehensive Plan (Plan) under the Washington State Growth Management Act (GMA) in 1994 and conducted a comprehensive review and update of the Plan in 2015; and

WHEREAS, the Growth Management Act, codified as RCW 36.70A, generally allows for comprehensive plans to be amended on an annual basis; and

WHEREAS, the City of Everett initiated its 2020 annual comprehensive plan amendment process on January 13, 2020. A timely application was filed to amend the comprehensive plan land use designation from Single Family to Multifamily, and the zoning designation from R-1 Single Family Low Density to Multiple Family High Density for the Hope Covenant Church site. The application proposes the adjacent Schmidt-owned parcels amend the comprehensive plan designation from Single Family to Commercial Mixed-Use with implementing zoning changing from R-1 Single Family Low Density to E-1 Evergreen Way; and

WHEREAS, the Planning Commission held a public hearing on the matter on June 16, 2020 at which time the Commission heard staff's presentation, public comments, and considered the proposed comprehensive plan map amendment and rezone; and

WHEREAS, the proposed amendments were evaluated consistent with the State Environmental Policy Act and Chapter 20.04 EMC.

WHEREAS, notice of the proposed amendments to the comprehensive plan was sent to the Washington State Department of Commerce on February 21, 2020 and a letter of receipt was received on February 24, 2020.

**WHEREAS, THE PLANNING COMMISSION FINDS:**

1. The proposed map amendments are consistent with GMA goals (RCW 36.70A.020) that encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner, and which promote a variety of residential densities and housing types.

2. This proposal would implement the following Comprehensive Plan policies:
  - a. Housing growth in Everett will be principally in the form of multiple family dwellings in redevelopment areas...g. Evergreen Way and i. Transit corridors (pg. 6 Intro. II B 7)
  - b. Arterial streets traditionally zoned or used for commercial activities will be the focus of redevelopment with a greater emphasis on residential uses mixed with commercial development. (pg. 7 Intro. II B 14)
  - c. Promote housing alternatives to large lot single family detached dwelling (H 4.1.2)
  - d. Assure a wide range of housing opportunities (LU 2.1.1); and
  - e. Promote increased densities and infill housing types (LU 2.1.2); and
  - f. Promote high density residential use in well designed, mixed-use commercial developments...near transportation facilities... (LU 2.1.4); and
  - g. [Encourage] small scale buildings and businesses that are oriented to...surrounding residential neighborhoods. (LU 2.2.4.b); and
  - h. Commercial lands located adjacent to streets designated as "gateway corridors" shall...improve appearance of the arterial corridor...(LU 2.2.5).
3. The proposal is consistent with three of the required characteristics to amend the Land Use Map to allow High Density Multiple Family Residential as listed in the Land Use Element, Part V, Section D-- Land Use Designations-Locational Criteria.
4. The proposed zoning types, with the exception of R-5 Core Residential, are consistent with the proposed comprehensive plan land use designations and site-specific rezone criteria (Section 41.160.D.2 EMC).
5. The proposed rezones mitigate any adverse impact(s) upon existing or anticipated land uses in the immediate vicinity.
6. The public health, safety and welfare will be provided for by these map amendments with the continuation of residential and small-scale commercial development in an area served by public facilities and services including transit.
7. The proposed map amendments promote the best long-term interest of the Everett community by allowing future multifamily residential infill adjacent to mass transit on a site that could foster a design that is compatible with surrounding uses.
8. The proposed map amendments were considered as part of the annual comprehensive plan 2020 docket including an analysis of potential cumulative impacts.

**NOW, THEREFORE, THE PLANNING COMMISSION RECOMMENDS THE FOLLOWING:**

1. Amend the City of Everett Growth Management Comprehensive Plan Land Use Map for the property at 4502/4516 Rucker Avenue from Single Family to Multifamily and Single Family to Commercial Mixed-Use for 4426 Rucker Avenue as depicted in Exhibit 1.
2. Amend the City of Everett Zoning Map for the property located at 4502/4516 Rucker Avenue from R-1 Single Family Detached Low Density to R-4 Multiple Family High Density and for

the Schmidt parcel at 4426 Rucker Avenue from R-1 Single Family Detached Low Density to E-1 Evergreen Way as shown in Exhibit 2.

**Dated: June 16, 2020**

**For:** Commissioner McGinn, Commissioner Zelinski, Commissioner Beck, Commissioner Tisdell, Commissioner Lavra, and Chair Yanasak

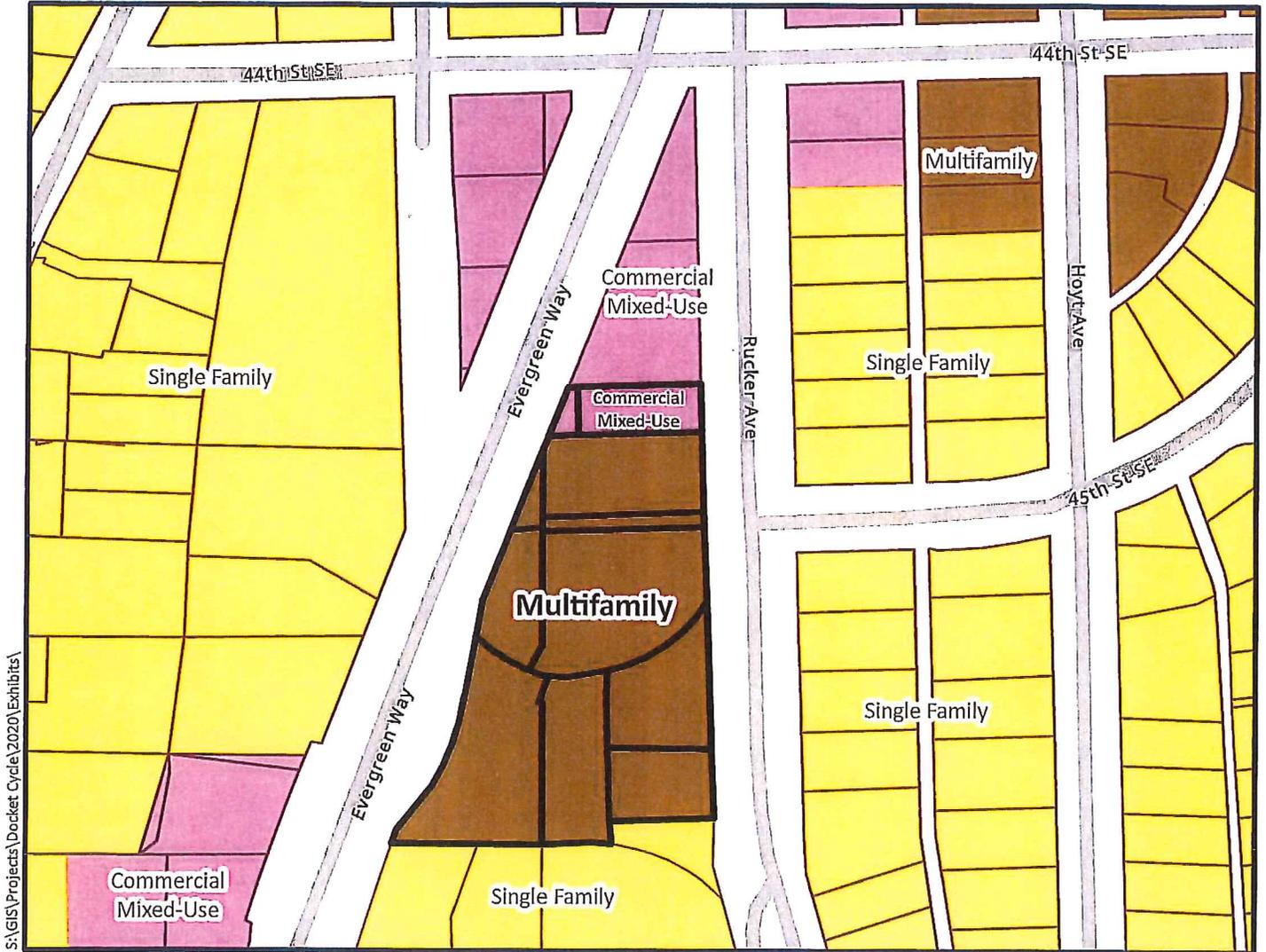
**Against:** None

**Absent:** None

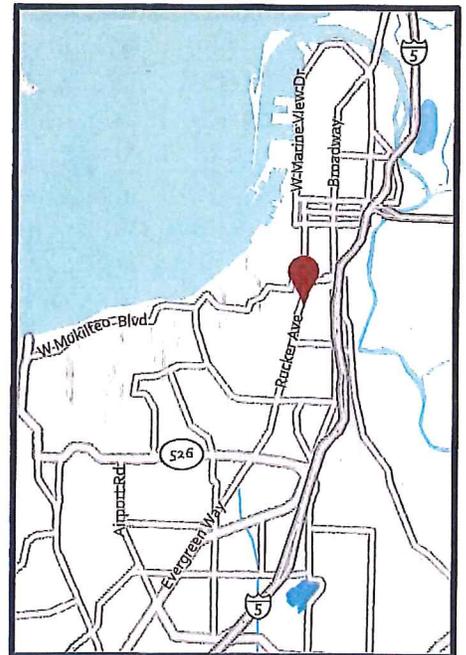
**Abstain:** Commissioner Holland

# Hope Covenant Church and Schmidt Parcels Comprehensive Plan Amendment

## Exhibit 1

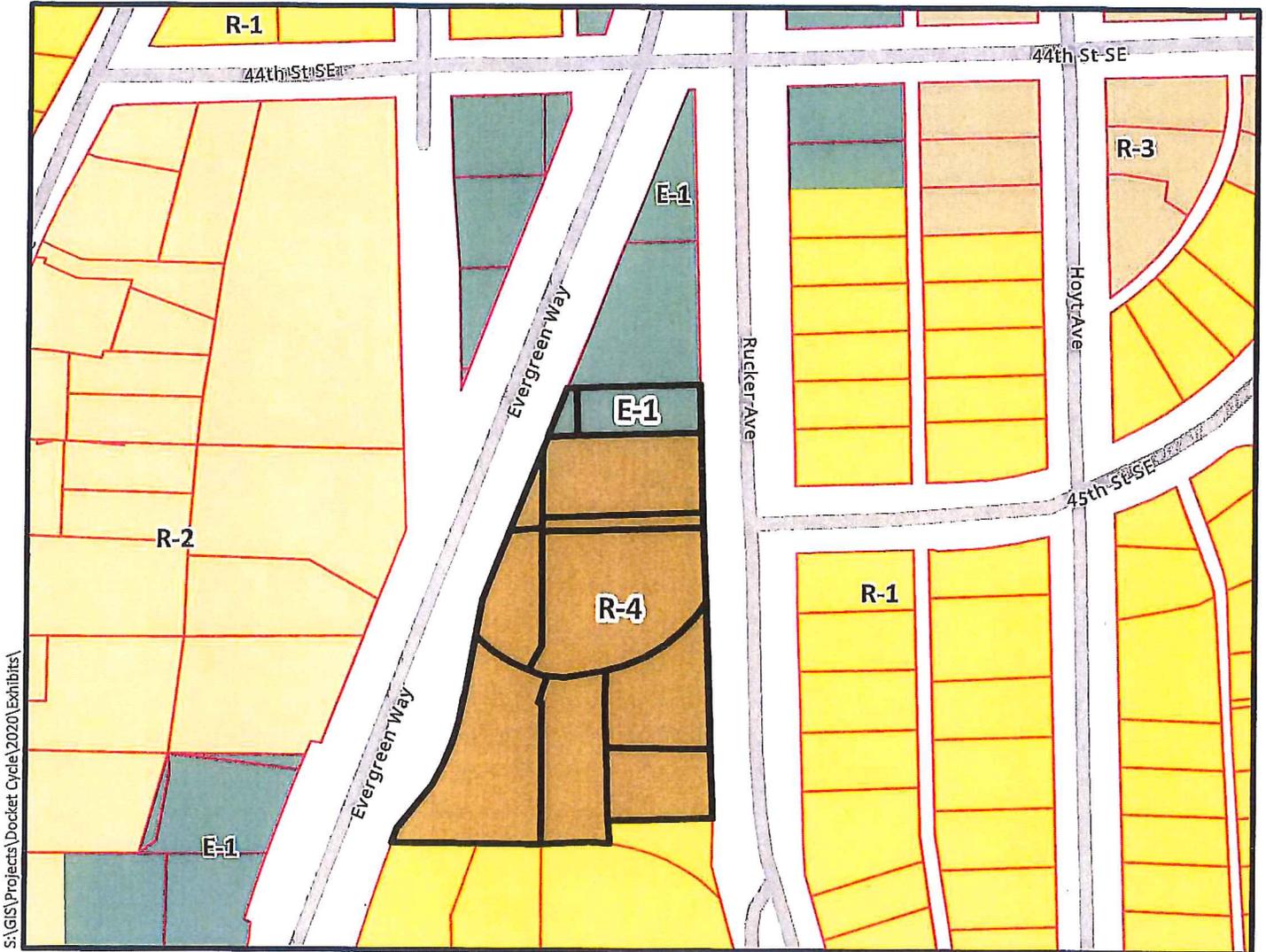


-  From: Single Family  
**To: Commercial Mixed — Use**
-  From: Single Family  
**To: Multifamily**



# Hope Covenant Church and Schmidt Parcels Zoning Amendment

## Exhibit 2



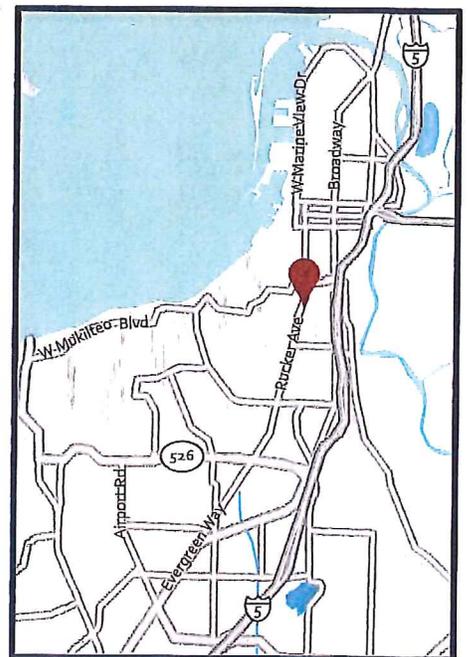
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From: R-1 — Single Family Detached Low Density  
**To: E-1 — Evergreen Way**



From: R-1 — Single Family Detached Low Density  
**To: R-4 — Multiple Family High Density**



**Planning Commission  
MS Team Virtual Meeting  
Meeting Minutes  
June 16, 2020**

Approved: *K m d*



Chair Adam Yanasak called the meeting to order. Commissioners in attendance: Christine Lavra, Chris Holland, Greg Tisdell, Kathryn Beck, Michael Zelinski, Carly McGinn, Alex Lark, and Michael Finch.

Commissioners Absent: None

Staff Present: Allan Giffen, David Stalheim, Karen Stewart, David Tyler, Steve Ingalsbe and Kathy Davis

Meeting Minutes

**Motion:** Commissioner Zelinski made a motion to approve the June 2, 2020 meeting minutes.

Commissioner Beck seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, no response; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

Commissioner Comments

Commissioner Lark was participating in the meeting from Korea.

Staff Comments

David Stalheim, Long Range Planning Manager, presented information on the Planning Commission meetings scheduled through August. Mr. Stalheim also had a presentation in appreciation of Allan Giffen's years of service.

**Item 1: Hope Covenant Church**

Karen Stewart, Environmental Planner, presented information on the Hope Covenant Church/Schmidt property request for a comprehensive plan map and rezone change.

Public Hearing

Brian Kalab, Insight Engineering, stated that the staff report was well prepared and did address why the proposed request was a good fit for the area. He asked Commission if they had any questions.

Commission Discussion

Commissioner Finch asked why the single-family parcels were included in the rezone request. Mr. Kalab responded that the addition of those properties to the church property created a more developable parcel for multiple family development. Commissioner Finch asked if the property owner at 4524 Rucker Avenue was contacted. Mr. Kalab responded that parcel was already zoned commercial, and the

property owner was aware of the application. Commissioner Finch stated that 45<sup>th</sup> Street SE bisects Hope Covenant Church and asked if the Church owned the right of way. Mr. Kalab responded that street area was vacated.

Commissioner Lark asked about affordable housing. Mr. Kalab responded that it was a little early in the process. The intent was to create a developable site for multiple family development.

Commissioner Holland asked about the single-family parcel that wasn't included as part of the application and if the property owner was notified. Ms. Stewart responded the property owner was notified and wasn't interested in the rezone proposal.

#### Citizen Comments

Ian Windham, 1308 Maryland Ave, concerned about property lines indicated on the map where the Maple trees were shown on the slope. He was also concerned about possible heights blocking his view.

Linda Erickson, 1503 45<sup>th</sup> Street SE, was opposed to the project due to increased traffic in the area if the site is redeveloped as multiple family. She had emailed her comments to the City.

Tina Hokanson, 325 S Cabot, was concerned about traffic congestion if property developed as multiple family.

**Motion:** Commissioner Holland made a motion to close the public hearing. Commissioner Finch seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, no response; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

#### Commission Discussion

Commissioner Holland asked why the properties were combined in one application. He added that he would not vote on the matter because he was friends with Schmidt property owners. Mr. Stalheim stated that the Schmidt family had contacted the City one or two years earlier about rezoning their properties to commercial. Recalling that, Mr. Stalheim asked Hope Covenant Church to speak to the Schmidt's regarding their earlier request. He added that there was nothing in the City's regulations that preclude the property owners from combining their application.

Commissioner Holland stated that he was concerned about traffic impacts from more multiple family developments constructed along Evergreen Way, solar access for the properties across Rucker to the east, view protection, and that the remaining downslope parcel wasn't included in the request.

Commissioner Lark stated that future development of that site would be located on a high capacity road and that the developer would mitigate any traffic concerns. She encouraged future developers to engage early with the neighborhood to make sure that the development compliments and adds value to the area.

Commissioner Beck was concerned about area traffic and had some reservations about future development of the site. Mr. Stalheim responded that there was a traffic generation analysis done by Gibson Traffic Consultants included in the staff report.

Commissioner Finch stated that he was concerned about Findings 5 and 7 on page 2 of the resolution. He would like the language in the resolution amended since there was no project specific request.

Commissioner Zelinski asked if the rezone was approved, would Planning Commission or the neighborhood be able to provide input on the site-specific proposal.

#### Staff Comments

Ms. Stewart stated that the parcel boundaries drawn included the sloped area where the Maple trees were located; however, not all of that area was developable and would require a setback buffer. She added that the review process for a multiple family development would also require a public notice with a public comment period. The City would encourage the developer to meet with the neighborhood on the specific project proposal, and the traffic impacts would be reviewed by the City's Traffic Engineers.

#### Commission Discussion

Commissioner Holland would like the traffic consultants to also measure the a.m. peak hour trips. Commissioner Holland agreed with Commissioner Finch that it was hard to determine traffic impacts without a specific development proposal. Commissioner Beck was also concerned about significant amounts of traffic in the area.

Chair Yanasak asked about the height regulations. Ms. Stewart responded that the City does have height regulations that provide for lower heights from the adjacent residential area. Mr. Stalheim referred to the Hope Covenant church massing diagram to explain what the current code would allow in terms of heights and stepback provisions from the adjacent neighborhood.

Chair Yanasak asked if staff were aware of any project being denied because the traffic study didn't adequately address the traffic impacts. Mr. Stalheim responded if a study doesn't meet the engineering or concurrency requirements through mitigation, developers will decrease the number of units so the traffic generated will change, or make improvements to intersections, turning movements, lights, or whatever else to meet the City's requirements.

Commissioner Finch asked about Findings 5, 6, and 7 in the Resolution. Ms. Stewart responded that the findings are standard language for non-project actions. Commissioner Finch asked if the rezone could

be amended into two separate actions. Mr. Giffen responded the Commission has the discretion to make amendments to the Resolution.

**Motion:** Commissioner Zelinski made a motion to approve Planning Commission Resolution 20-01 with the removal of Finding 5 on page 2 from the Resolution. Commissioner McGinn seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, no; Commissioner Tisdell, no; Commissioner Holland, abstain; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

**Item 2: Evergreen Recovery Center**

Karen Stewart, Environmental Planner, presented information on the Evergreen Recovery Center request for a comprehensive plan map and rezone change.

Commission Discussion

Commissioner Lark asked about the applicant's public outreach. Linda Grant, Evergreen Recovery Center CEO, stated that they notified the neighborhood and were invited to the neighborhood meeting; however, the meeting was cancelled due to COVID. She also met with the County Councilman for that district. Commissioner Lark asked if the community would be considered in the design of the facility. Ms. Grant responded that they would and have designed the center to be compatible with the neighborhood. They have a great relationship with the neighborhood.

Citizen Comments

Tina Hokanson stated that the proposal sounds like a great project.

Susan Secor, E. Grand Avenue, stated that the rezone request would provide for a development agreement that hasn't been formed. She was concerned with the wording used by the applicant which said: "The uses are limited to things we expect with this project, including but not limited to. . ." She felt that the wording leaves the door open for any use allowed in the C-1 zone.

Commission Discussion

Commissioner Finch asked about the percentage of clients from Everett as opposed to broader Snohomish County. Ms. Grant responded 50-60% are Everett residents.

Commissioner Lavra stated that the site was well maintained and a reasonable project for the area.

Commissioner Lark asked about funding and/or grant restrictions. Ms. Grant responded most of their clients are funded out of the Medicaid healthcare plan, and they also contract with other health care plans for the northwest region.

Commissioner Finch stated that the facility was a local and regional facility and was a service to the region not just the Everett Community as noted in Finding #6. He stated that Everett has taken on a large portion of county services in meeting regional demands.

**Motion:** Commissioner Holland made a motion to close the public hearing. Commissioner Beck seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, yes; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

**Motion:** Commissioner Beck made a motion to recommend approval of Resolution 20-02 recommending the City Council amend the Comprehensive Plan Land Use Designation and Zoning at 2601/2604/2606/2612/2614 Summit Avenue as part of the Annual Docket for 2020. Commissioner Holland seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, yes; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

### **Item 3: Floodplain Prevention Ordinance**

Steve Ingalsbe, Land Use Manager, presented information regarding lot standards and building placement standards in residential and non-residential zones.

#### Commission Discussion

None

#### Citizen Comments

None

**Motion:** Commissioner Holland made a motion to close the public hearing. Commissioner Lavra seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, no response; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

**Motion:** Commissioner Lavra with one edit to the numbering. Commissioner Zelinski seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, yes; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

#### **Agenda 4: Rethink Zoning**

##### **Chapter 33**

David Tyler, Planner, presented information on the legislative background, the chapter reorganization, and proposed key changes to the current procedures.

##### Commission Discussion

Commissioner Lark stated that the current sidewalks along Evergreen way are not pedestrian friendly and he supported the addition of planting areas separating pedestrians and vehicles. Commissioner Lark asked if the new street designations would require parking lots behind buildings, so businesses front on the streetscape. Mr. Tyler responded that parking lot placement was addressed in Chapter 34. There were also pedestrian connection requirements to access sidewalks as well as transit stops.

Commissioner Finch referred to table 33-1 and asked if the City had received any comments from the development community regarding the TOD and pedestrian street improvements that may increase construction costs. Mr. Tyler responded he hadn't received any direct feedback. He added that many of the standards are based on the existing Metro Everett standards. Mr. Stalheim stated that the regulations also allow for higher densities in the pedestrian and TOD areas in comparison to other areas.

**Motion:** Commissioner Holland made a motion to extend the Planning Commission meeting another 30 minutes. Commissioner Zelinski seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, yes; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

##### **Chapter 17, Airport-Port-Navy Compatibility**

David Stalheim, Long Range Planning Manager, presented the project website and reviewed the Chapter 17 summary with Commission.

##### Commission Discussion

Commissioner Lark mentioned concerns about public outreach to traditionally marginalized and disenfranchised communities who have been locked out of housing and access to housing. In response to the 2024 timeline for addressing housing, he felt that was too long to wait. Equitable growth is essential sooner.

Citizen Comments

Laura Gurley, Port of Everett, submitted comment in February and have also sent in new comments on the most recent draft which wasn't posed on the website yet.

Casey Glynis, Naval Station Everett, thanked staff for collaboration and looking forward to continued discussions. Captain Davis submitted a support letter.

Tina Hokanson thanked David for his work on the web and his responsiveness. Interested in improvements proposed along Evergreen Way.

Allan Giffen thanked Commissioners and acknowledged the work of Planning Commission. Commissioner Zelinski thanked Allan and Dave for all their hard work.

**ADJOURNED 9:29 PM**

David Stalheim

\_\_\_\_\_  
Planning Commission Secretary

July 7, 2020

\_\_\_\_\_  
Date

*Katherine Davis*

\_\_\_\_\_  
Administrative Assistant

July 7, 2020

\_\_\_\_\_  
Date



### STAFF REPORT

<b>Agenda Subject:</b> Comprehensive Plan/Rezone Map Amendments for 4426/4502/4516 Rucker Avenue	<b>Report Date:</b> 3/27/2020
<b>Project #:</b> REVV 20-001 & REZ 20-001	<b>Plng Commission Public Hearing:</b> 6/16/2020
<b>Applicant/Owner:</b> Hope Covenant Church/Schmidt Investment Group, LLC	
<b>Staff Contact:</b> Karen Stewart, Environmental Planner	
<b>Attachments:</b> Comprehensive plan and rezone narrative and maps, traffic study, visual analysis; Draft Planning Commission Resolution	
<b>Staff Recommendation:</b> Approve the requested Comprehensive Plan Map amendments from Single Family to Multifamily (Hope Covenant Church-owned parcels) and Commercial Mixed-Use (Schmidt-owned parcels). Approve a zoning amendment to E-1 for the two Schmidt Investment Group parcels and R-4 Multiple Family High-Density for the remaining parcels comprising this proposal.	

### PROPOSAL

<b>REQUEST:</b>	Amend the Comprehensive Plan Land Use Map from <i>Single Family to Multifamily</i> , and the zoning designation from <i>R-1 Single Family Low Density to R-5 Core Residential</i> for the Hope Covenant Church site.  The adjacent Schmidt parcels are proposed to amend the Comprehensive Plan Land Use Map from <i>Single Family to Commercial Mixed-Use</i> and the zoning designation from <i>R-1 Single Family Low Density to E-1 Evergreen Way</i> .
<b>LOCATION:</b>	Approx. 2.46 acres located at 4426, 4502, 4516 Rucker Avenue
<b>EXISTING USE:</b>	Church and parking lot, as well as two single family homes
<b>POTENTIAL USE:</b> (not part of this proposal)	No specific plans have been submitted at this time, but the proposed zoning change would allow greater density for future multifamily development and expansion of the existing business north of the site. The applicant has submitted a traffic analysis projecting a potential 150-unit multifamily mid-rise development and a visual impact analysis of stepped heights. Additional reviews, including public hearings, will be required prior to any future development. Traffic impacts on Rucker Avenue and compatibility with existing single

	family homes to the east will be evaluated based on a site specific design and code requirements at the time of a vested application.
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**ANNUAL DOCKET**

<p>PROCESS:</p>	<p><b><u>Comprehensive Plan Docket:</u></b>                  The Growth Management Act (GMA) limits amendment of the comprehensive plan, often referred to as the “docket”, to no more frequently than once every year. (RCW 36.70A.130(2)(a))</p> <p>This application was included in the 2020 annual docket with a complete application filed by January 13, 2020.</p> <p>The GMA requires development regulations be consistent with the comprehensive plan. Accordingly, the request to amend the zoning map is considered concurrently with the request to amend the comprehensive plan land use map in order to meet the internal consistency requirements.</p>
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**PUBLIC COMMENT**

<p>PUBLIC/AGENCY NOTICE:</p>	<p><b><u>GMA Notice:</u></b>                  The city provided 60-day notice to the Washington State Department of Commerce regarding the proposed comprehensive plan amendment and rezone. Commerce acknowledged receipt of that letter on February 24, 2020.</p> <p><b><u>Agency/City Department Review:</u></b>                  The city provided the application to other city departments and agencies and requested comments on these proposed amendments. No comments were received.</p> <p><b><u>Notice of Public Hearing and SEPA Determination:</u></b>                  On February 19, 2020, the city issued notice of a public hearing on the proposed comprehensive plan amendment and rezone, as well as notice of a Determination of Nonsignificance for the environmental review. The notice was mailed to property owners within 500 feet, SEPA and comprehensive plan interested parties, Glacier View neighborhood leader. The notice was published in the official city newspaper (The Everett Herald) on February 19. In addition, the site was posted for 15 days prior to the originally scheduled public hearing (April 7th). The Planning Commission rescheduled the public hearing due to public meeting restrictions during the coronavirus pandemic.</p>
<p>COMMENTS RECEIVED:</p>	<p>None to date.</p>

**REVIEW CRITERIA**

<p><b>SOURCES:</b></p>	<p><b>Comprehensive Plan Land Use Map Amendment:</b> GMA Goals (RCW 36.70A.020); Everett Comprehensive Plan Land Use Element, D. Land Use Designations-Locational Criteria (pgs. 23-24), Multiple Family High Density and Commercial Mixed-Use; Chapter 1, Intro., Section VII.H; Housing Element; Evergreen Way Revitalization Subarea Plan, 2012.</p> <p><b>Zoning Map Amendment:</b> EMC 19.41.160(D); EMC 19.01.050 Purpose and application of zone districts; 19.31B.010 Evergreen Way and MUO Zones.</p>
<p><b>CONSISTENCY WITH ADOPTED POLICIES AND CODES:</b></p>	<p><b>Comprehensive Plan Map Amendment Analysis:</b>          The process to amend the comprehensive plan map states that the burden of proof is upon the proponent to demonstrate the long-term benefit to the community as a whole. Applicable GMA goals (RCW 36.70A.020) that this proposed amendment would help achieve include:</p> <ul style="list-style-type: none"> <li>Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.</li> <li>Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.</li> <li>Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.</li> </ul> <p>The comprehensive plan describes how commercial arterial corridors, such as Evergreen Way, will be the focus of transit compatible commercial and high density residential development. (pg. 7) The following factors shall be considered in reviewing such amendment requests.</p> <ol style="list-style-type: none"> <li>1. The proposed land use designation must be supported by or consistent with the existing policies of the various elements of the comprehensive plan.</li> </ol> <p><u>Response:</u> This proposal is consistent with the following policies:</p> <ul style="list-style-type: none"> <li>• Housing growth in Everett will be principally in the form of multiple family dwellings in redevelopment areas...g.) Evergreen Way and i.) Transit corridors (pg. 6 Intro. II B 7)</li> </ul>

	<ul style="list-style-type: none"><li>• Arterial streets traditionally zoned or used for commercial activities will be the focus of redevelopment with a greater emphasis on residential uses mixed with commercial development. (pg. 7 Intro. II B 14)</li><li>• Assure a wide range of housing opportunities (LU 2.1.1)</li><li>• Promote increased densities and infill housing types (LU 2.1.2)</li><li>• Consider changes... to provide a wide range of housing types (H 4.1.1)</li><li>• Promote housing alternatives to large lot single family detached dwelling (H 4.1.2)</li></ul> <p>2. Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the Land Use Element to justify a change to the land use designation?</p> <p><u>Response:</u> More housing is needed for the City's growing population and multiple family dwellings are now supported in areas like this that are served by bus rapid transit (Swift and Everett Transit) along Evergreen Way. The closest Everett Transit stop is at 43<sup>rd</sup> St and the closest Swift stop is at 41<sup>st</sup> St. (Pg. 7 Intro. II B 16). The property owner no longer wants to utilize the existing church facility and is interested in selling the property for its highest and best use. Multifamily could be considered the best use for this property. The extension of Commercial Mixed-Use for the two northern most parcels is appropriate since the area is supported by public facilities and services, including transit and the transportation system is capable of handling traffic impacts. Because of the adjacent commercial use by the same owner to the north, the small amount of land proposed to be added would be considered market driven and not purely speculative.</p> <p>3. Are the assumptions upon which the land use designation of the subject property is based erroneous, or is new information available which was not considered at the time the Land Use Element was adopted, that justify a change to the land use designation?</p> <p><u>Response:</u> There are new, much higher projections from the Puget Sound Regional Council for more residents and jobs in Everett. More housing is needed for the City's growing population and multiple family dwellings are now supported in areas like this that are served by bus rapid transit (Swift and Everett Transit) along Evergreen Way. Future light rail as part of ST3 has also been approved.</p> <p>4. Does the proposed land use designation promote a more desirable land use pattern for the community as a whole?</p>
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	<p><u>Response:</u> The proposed designations of Commercial Mixed-Use and Multiple Family High-Density would promote more density along Evergreen Way and are consistent with designations in the vicinity. This is consistent with the Evergreen Way Subarea Plan.</p> <p>5. Should the proposed land use designation be applied to other properties in the vicinity? The reasons for changing the land use designation of a single site as requested does not constitute a grant of special privilege to the proponent or a single owner of property.</p> <p><u>Response:</u> Rucker Avenue is a logical boundary separating Multifamily from Single Family at this time. The steep ravine to the south and steep slope to the west form a natural divide separating these proposed higher density uses from the existing single family neighborhood. The proposed land use designations will help implement the planned densification of this portion of Evergreen Way.</p> <p>6. What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to assure compatibility with the uses of other properties in the vicinity?</p> <p><u>Response:</u> As single family uses in this general area are redeveloped, it will be important to utilize development standards, including setbacks, building heights, off-street parking to help mitigate potential adverse impacts on the neighborhood.</p> <p>7. Would the change of the land use designation sought by the proponent create pressure to change the land use designation of other properties in the vicinity? Would the change of land use designation be in the best long-term interests of the community in general?</p> <p><u>Response:</u> More housing is needed for the City's growing population and multiple family dwellings are now supported in areas like this that are served by bus rapid transit (Swift and Everett Transit) along Evergreen Way.</p> <p><b>Zoning Map Amendment Analysis:</b> Site-Specific Rezone Criteria. (EMC 19.41.160) The review authority may approve an application for a site-specific rezone if:</p> <ol style="list-style-type: none"><li>a. The proposed rezone is consistent with the comprehensive plan; and</li></ol>
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	<p>b. The proposed rezone bears a substantial relation to public health, safety or welfare; and the proposed rezone promotes the best long-term interests of the Everett community; and</p> <p>c. The proposed rezone mitigates any adverse impact(s) upon existing or anticipated land uses in the immediate vicinity of the subject property.</p> <p>The primary purpose of the core residential zone (R-5 Core Residential) is to provide high density residential opportunities in close proximity to the downtown core. The existing church property is not within the core residential area so is not eligible for this zone. The R-4 Multiple Family High-Density zone would be a more appropriate zoning designation for this site. There are other areas in the near vicinity that are currently zoned R-4 to allow multifamily development. There is no R-5 zoning in the vicinity as that zone is focused around the downtown core.</p> <p>The current zone Single Family Low Density (R-1) allows a house on a 6,000 square foot lot. A church is allowed in the R-1 zone as a Special Property Use. The proposed R-5 zone has no maximum density and the R-4 zone allows 1 dwelling unit per 750 square feet up to 58 dwelling units per acre. (EMC 19.15.020)</p> <p>The purpose of the E-1 Evergreen Way zone is to support pedestrian-friendly and transit-oriented development to encourage resident's use of public transit and nonmotorized travel modes in the city. Design standards are established for residential and commercial redevelopment to improve the public safety and aesthetic character of Evergreen Way.</p>
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**RECOMMENDED ACTION/MOTION:**

<p>Planning staff recommends the Planning Commission forward a recommendation to the City Council as follows:</p> <p>Approve the Comprehensive Plan Map amendments to Commercial Mixed-Use for the Schmidt Investment Group parcels and Multifamily for the remaining parcels comprising this proposal (see Exhibit 1). Approve a zoning amendment to E-1 for the two Schmidt Investment Group parcels and R-4 Multiple Family High-Density for the remaining parcels comprising this proposal (see Exhibit 2).</p> <p>A draft resolution with findings and conclusions supporting this recommendation is attached for the Planning Commission's consideration.</p>
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# COMPREHENSIVE PLAN AND REZONE APPLICATION

(Attach additional pages if needed)

Name of Applicant Hope Covenant Church  
 Address 4502 Rucker Ave  
 City Everett State WA Zip Code 98203  
 Phone \_\_\_\_\_ Alt ph \_\_\_\_\_  
 Email \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

FILE # REVV20-001/REZ20-001/SEPA20-003

FEE \$ 8,446.82

RECEIPT # 208503

**RECEIVED**

**JAN 13 2020**

**CITY OF EVERETT  
PLANNING DEPT**

Primary Contact (if other than applicant) Insight Engineering Co. / Brian Kalab P.E.  
 Address P.O. Box 1478  
 City Everett State WA Zip Code 98206  
 Phone 425-303-9363 Alt ph \_\_\_\_\_  
 Email brian@insightengineering.net

Property Owner(s) Hope Covenant Church/ Schmidt Investment Group, LLC  
 Address 4502 Rucker Ave/ 4418 Rucker Ave, Ste. A City Everett State WA Zip Code 98203

Property Address or Location 4426, 4502, and 4516 Rucker Ave, Everett, WA 98203  
00407800603100, 00407800601300, 00407800601500, 00605501900500, 00605501900600, 00605502000000, 00407800700100, 00407800700500, and 00407800700202  
 Tax Parcel No(s) \_\_\_\_\_  
 Area of Property (acres/sq ft) 2.46 acres

Legal Description (attach for rezone purposes) see attached

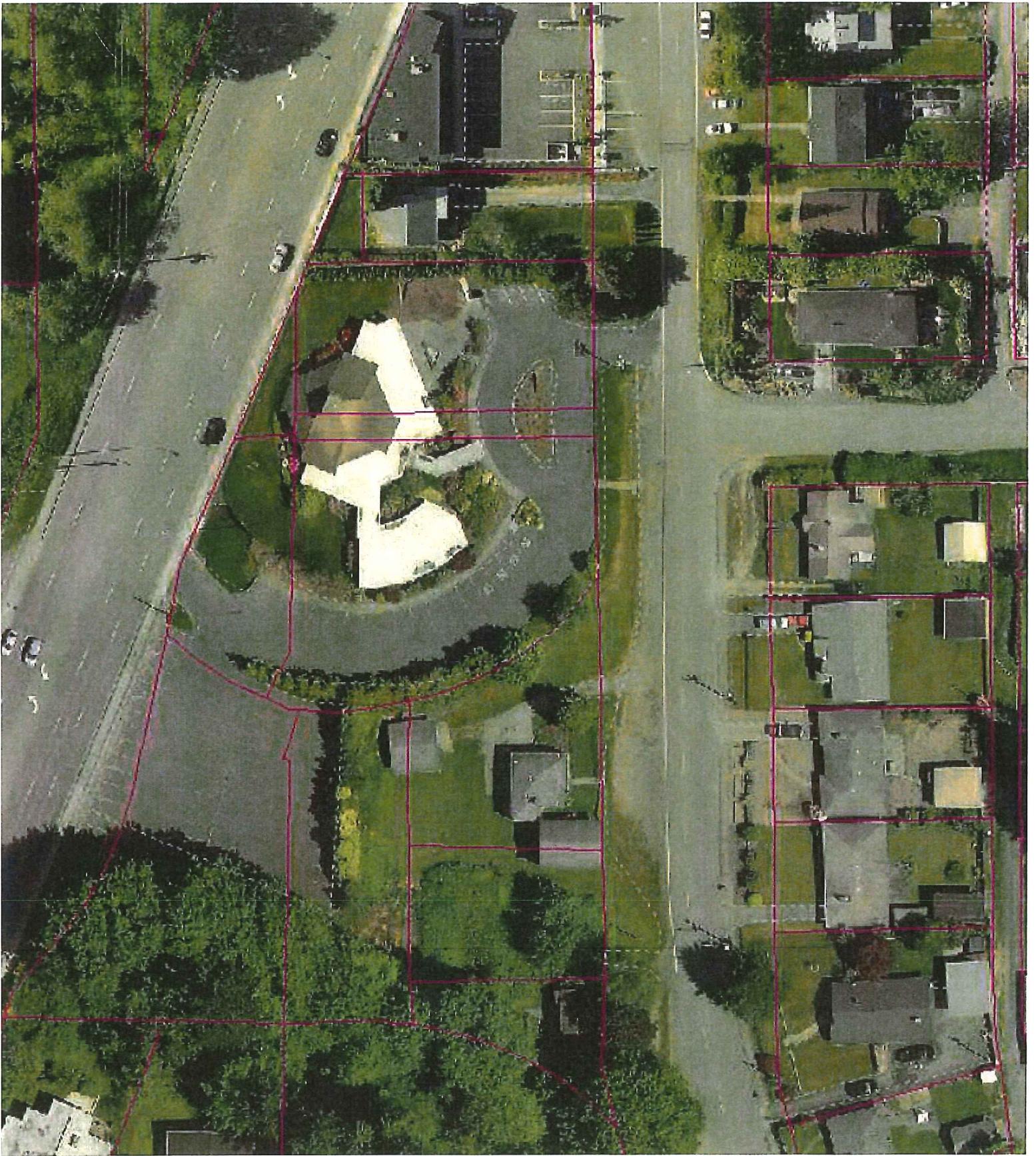
Brief Description of Project Redesignate site from Single Family Residential to Multifamily Residential and rezone from R1 to R5. For the Schmidt parcels, redesignate from Single Family to Commercial Mixed Use and rezone from R1 to E1.

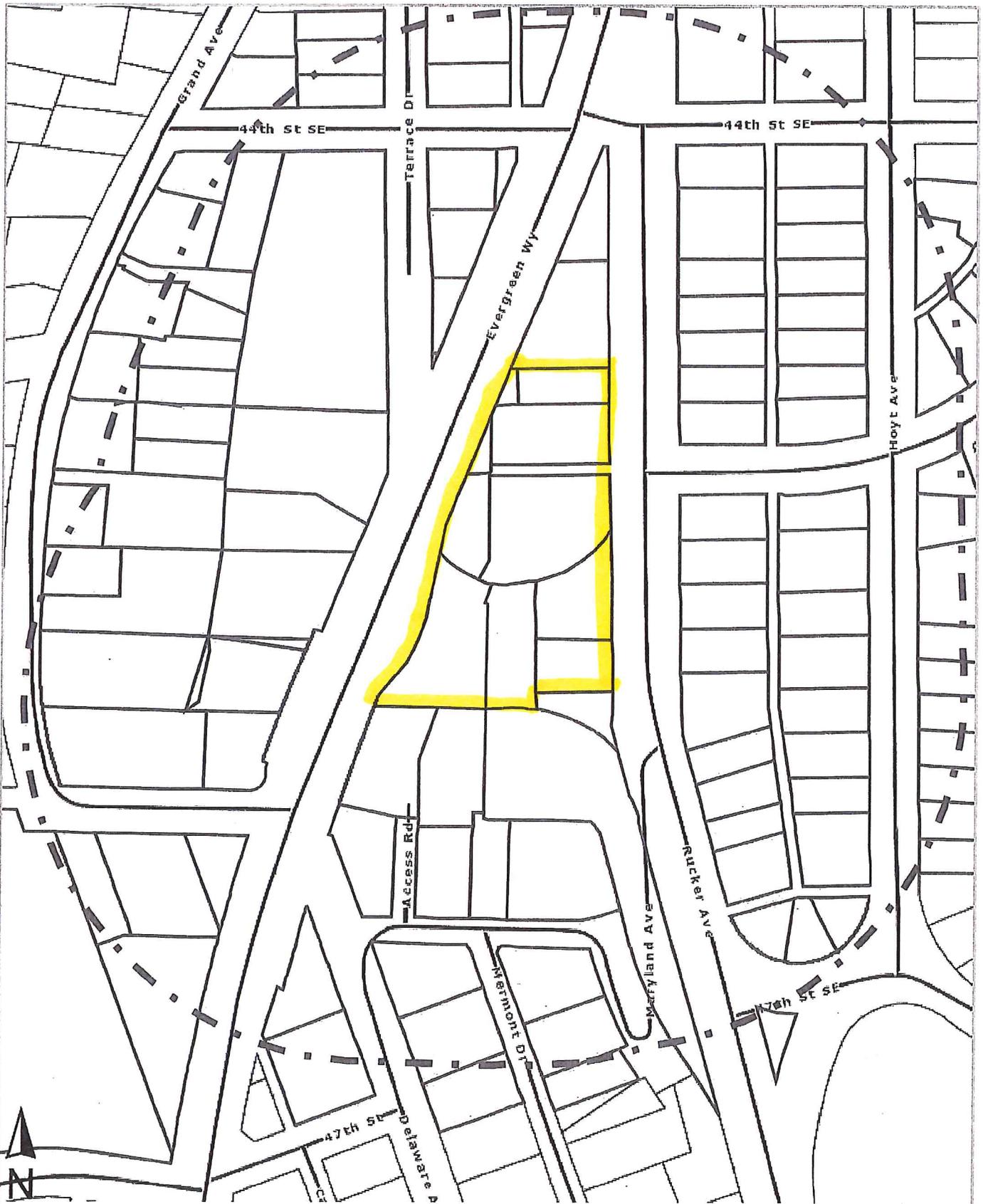
• **Authorization:** I am the owner or am authorized by the owner to sign and submit this application. I grant permission for City staff and agents to enter onto the subject property for the sole purpose of making any inspections of the property which are necessary to process this application. I certify 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 \_\_\_\_\_ Date 1-13-2020

Please print name Brian Kalab PE  Owner  Applicant  Primary Contact  
 City and State where this application is signed Everett, Washington  
 City State







**Chicago Title**

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

### Legal Description

**PARCEL A:**

LOT 6, BLOCK 19, VICTORIA HEIGHTS ADDITION AND ALL OF BLOCK 20, VICTORY HEIGHTS ADDITION TO EVERETT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 10 OF PLATS, PAGE 44, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

EXCEPT THAT PORTION LYING WITHIN STATE ROAD NO. 1;

ALSO LOT 1 IN BLOCK 7 AND LOTS 18 THROUGH 27, INCLUSIVE, IN BLOCK 6, CENTRAL PARK ADDITION TO EVERETT, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGE 53, RECORDS OF SNOHOMISH COUNTY WASHINGTON;

ALSO THAT PORTION OF VACATED OREGON STREET ADJACENT TO BLOCK 20 IN VICTORY HEIGHTS ADDITION AND ADJACENT TO LOT 1, BLOCK 7, CENTRAL PARK ADDITION TO EVERETT, SNOHOMISH COUNTY, WASHINGTON;

ALSO THAT PORTION OF VACATED TERRACE DRIVE AS WOULD ATTACH TO SAID PREMISES BY OPERATION OF LAW.

**PARCEL B:**

LOT 5, BLOCK 19, VICTORY HEIGHTS ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 10 OF PLATS, PAGE 44, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

EXCEPT THAT PORTION LYING WITHIN STATE ROAD NO. 1.

**PARCEL C:**

LOT 15 AND 16, BLOCK 6, LESS THAT PORTION LYING WITHIN STATE ROAD NO. 1, AND LOTS 17, 28, 29, AND 30, BLOCK 6, ALL IN CENTRAL PARK ADDITION TO EVERETT SNOHOMISH COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS,

PAGE 53, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

**PARCEL D:**

LOTS 2 THROUGH 6, INCLUSIVE, BLOCK 7, CENTRAL PARK ADDITION TO EVERETT, SNOHOMISH COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGE 53, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE ALLEY IN BLOCK 7 VACATED BY THE CITY OF EVERETT ORDINANCE NO. 2906 LYING NORTH OF OREGON PLACE;

ALSO TOGETHER WITH THE SOUTH HALF OF TERRACE DRIVE VACATED BY CITY OF EVERETT ORDINANCE NO. 203-72 ADJOINING.

ALL SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

## **Hope Covenant Church**

### **Comprehensive Plan Amendment and Rezone Narrative**

Hope Covenant Church and Schmidt Investment Group LLC. are requesting a comprehensive plan amendment to their combined parcels in the 4500 block of Rucker Ave. The amendment will be from Single Family to Multifamily with a concurrent rezone is from R-1 Single-Family Residential to R-5, high density multifamily residential for the Hope Covenant Church parcels. And from Single Family to Mixed Use with a concurrent rezone is from R-1 Single-Family Residential to E-1, Mixed use for the Schmidt Investment Group parcels.

The purpose for the request is converting the existing residential lots to higher density residential zoning for the church-owned parcels and mixed-use commercial for the northern parcels owned by Schmidt. No specific plans are proposed at this time, but an apartment building, potentially with some mixed commercial use on the first floor, is primarily what is envisioned for the south. An expansion of the existing dental business to the north is envisioned for the northern single-family house, as they are owned by owners.

The site is currently occupied by a church and its accessory parking areas, as well as a single-family home and its garage. It is poorly suited to residential use as the site, for the most part, takes direct access from and fronts Evergreen Way. This is a “through” lot, with road frontages on opposite sides, which further makes single family residential development less pleasant than it otherwise would be. Other properties similarly situated in the vicinity, especially to the north and south, are developed with commercial uses. The more logical use for the site would be as a transition between commercial uses and the heavy traffic of Evergreen and the established single-family neighborhood on the interior and to the southeast. Multifamily residential is a good way of doing this, as it is frequently taken to be a transition use between higher intensity uses and traffic and lower intensity uses and traffic. For the northern site parcels owned by Schmidt, any expansion of Commercial designation should be seen as an expansion of the uses in the existing dental building.

The Glacier View portion of Evergreen Way has changed dramatically since the 1994 comprehensive plan was crafted, and this fact has been recognized by the introduction of the E1 zone on almost all parcels that front it to the north and south of this parcel in 2012. In 2009, the Swift (Blue) BRT bus line was introduced, giving the area a new interest in transit-oriented development and mixed uses, which led to the existence of the E1 and MUO overlays along Evergreen. Numerous large, modern stores, clinics, offices and institutional structures populate the area, including the 2008 built structure two parcels to the north. There are several reasons that these parcels should be considered for the Multifamily residential zone. Unlike several other single-family residential zoned parcels that border the site and are across the street, this site takes access from Evergreen and also has a parking area directly adjacent to the road. Unlike the other

parcels, the access and lot have been heavily engineered to practically eliminate any critical areas that were previously onsite. As a result of this, the church functions much more like a higher intensity use than like a single-family residential site.

To the north of the site is a single-family home, which wishes to be included in this request, and two commercial buildings. To the east of the site is an established single family residential neighborhood which takes access from the north and east. To the south is a steep slope beneath an established single-family neighborhood. These limiting features represent logical boundaries for the requested designation; the 2008 office building; the highway; the self-contained neighborhood. No future expansion of this designation beyond the instant request is therefore likely, appropriate, or, in the case of the south slope, possible.

Compliance with the comprehensive plan policies is demonstrated below. For ease in reading, we have cited the comprehensive plan language, and address the criteria as they are presented in the comprehensive plan:

#### H. Amending the Land Use Map

The City is asked much more frequently to amend the designations of the Land Use Map than the policies embodied in the text. This is usually the result of an individual who wishes to rezone land to allow uses not permitted by the existing zoning of the property. Such requests are sometimes based upon a specific proposed use and development for a property, and sometimes are speculative for purposes of increasing the value of the land without a use or development plan proposed. In either case, the Planning Commission and City Council must carefully evaluate requests to amend the Land Use Map to determine the long-term benefit to the community as a whole. Whether initiated by the City or a private party, the burden of proof is upon the proponent to demonstrate the long-term benefit to the community as a whole. The following factors shall be considered in reviewing such amendment requests.

#### **1. The proposed land use designation must be supported by or consistent with the existing policies of the various elements of the comprehensive plan.**

Under III, Everett's Land Use Concept, Section A, number 3 reads: High density mixed-use redevelopment will be encouraged in the Metro Everett area including downtown and the Everett Station area, arterial corridors, near light rail stations, and in parts of the Core Residential Area. Section A, number 5 reads: The arterial corridors that will experience significant redevelopment with mixed uses include Broadway, Evergreen Way, Everett Mall Way, 19th Avenue SE, 112th Street, and the 128th/132nd Street corridor. Section D, Commercial Areas, reads: Commercial zoning will not be expanded, except in circumstances where minor adjustments of zoning boundaries will promote greater land use compatibility, enable a more efficient and integrated use of existing commercially zoned areas, correct irregular zoning boundaries, or to accommodate light rail stations. Everett's central business district will continue to be the focus of high-density mixed-use commercial and residential redevelopment. Commercial arterial corridors will also be the focus of transit compatible commercial and high density residential development. Section E, Mixed Use Transportation Corridors, reads: Transportation corridors

offer opportunities to reinforce a concentrated and efficient future development pattern. Within the Everett Planning Area, many of these corridors are comprised of a mix of land uses, which include commercial, office, services, institutional, and residential development. Transportation corridors are intended to provide medium to high intensity areas of mixed-use infill and redevelopment.

*These sections of the plan are quoted because they clarify several things: One, that higher density residential and mixed use redevelopment is envisioned along arterial corridors; two, that Evergreen Way is one of those arterial corridors that is expected to experience that kind of redevelopment; three, that mixed use transportation corridors are appropriate places to develop with that kind of infill and redevelopment; and four, that commercial arterial corridors will be a focus area for transit-compatible commercial, residential, and mixed-use development. As such, the parcels presented for this comprehensive plan amendment are in the right area and this proposal is consistent with the goal of placing higher density residential uses here, given that they front and even have an established access to Evergreen Way. As the corridor zone is a residential zone according to the zoning plan, so most of criteria D is not applicable. The plan discusses the need to maintain compatibility with existing residential neighborhoods. The northern parcels wish to be redesignated to Commercial Mixed Use and E1 in order to continue the uses the owners already have to the north.*

Residential Land Use Policy 2.1.3: Strongly discourage the conversion of residential areas to nonresidential uses. Discourage the encroachment of commercial uses into residential zones, except in the following circumstances: (a) consider allowing a very limited amount of small scale, compatible neighborhood retail uses within walking distance of all homes in a neighborhood (b) a limited amount of small scale office or retail uses in mixed use buildings in multiple family zones (c) home occupations as a subordinate and clearly accessory use to the permitted residential use, as regulated by the zoning code.

*Based on the foregoing citation, this proposal is compliant, as the rezone for the church properties sought is to multifamily residential rather than commercial. While it changes the density of the site, it does not change the residential nature and as such does not represent a conversion of residential to commercial. Even insofar as commercial could be pursued, it would fully fall under part b of the above policy. Whatever commercial uses could be permitted would be on the first floor only and no more than one half of that floor's gfa, as outlined in the zoning code. The proposed site plan is subject to review by the City to ensure that it will meet the requirements of the comprehensive plan, particularly as the zoning code has embodied the comprehensive plans goals and policies. This draft site plan is intended demonstrate that the proposal will provide landscape buffering for adjacent residential uses; will provide a buffer to protect the existing steep slope feature lying south of the site; will provide storm detention as required by code; will provide safe access to the highway.*

*The Schmidt parcels wish to be redesignated commercial. However, any redesignation would firmly confirm to exception a given the small-scale nature of the site and addition.*

Residential Land Use Policy 2.1.4 Promote high-density residential use in well designed, mixed-use commercial developments in and around the downtown, near transportation facilities, and other appropriate locations where a mix of uses will promote a more efficient use of land and support of transportation facilities, compatible with surrounding neighborhoods.

*The subject redesignation and rezone would promote higher density residential use near transportation facilities (in the form of the 7) and be in a location where land could be more efficiently utilized. Being in its place with few arterial frontage and very few, if any, critical areas, this site is an excellent place for both a transition between an arterial street and a poor location for single-family development generally. Putting multifamily residential here would represent a better use of land than keeping it for single-family uses as it is now.*

Commercial Policy 2.2.2 Discourage speculative rezoning and require, where necessary, proposed new commercial designations to be based upon a binding plan that integrates well with and improves the surrounding commercial area and adjoining neighborhoods.

*The rezone to E1 for the northern Schmidt parcels is not speculative, as it is based on real business needs. They are willing to go into a binding plan in order to integrate their expansion better with the neighborhood.*

**2. Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the Land Use Element to justify a change to the land use designation? If so, the circumstances that have changed should be described in detail to support findings that a different land use designation is appropriate.**

*The many changes to this area since the 1994 plan have already been discussed in the opening narrative. These changes, as detailed in the opening narrative, prompted the 2012 otherwise-blanket rezone which included lots to the north and south of the subject property. Changes continue to occur as Everett grows. The blanket rezone itself is such a change. Another is the development of the offices in close vicinity. When the initial rezones were considered, it was for commercial only, not for multifamily. However, as demonstrated earlier, this site is an extremely poor fit for single-family development. All of the above shows that this site would be far better suited to multi-family development than what it is currently designated for. The Schmidt parcels would be much better used as an extension of the other use in the commercial building to the north than as a single-family home.*

**3. Are the assumptions upon which the land use designation of the subject property is based erroneous, or is new information available which was not considered at the time the Land Use Element was adopted, that justify a change to the land use designation? If so, the erroneous assumptions or new information should be described in detail to enable the**

**Planning Commission and City Council to find that the land use designation should be changed.**

*The original comprehensive plan and the subsequent rezones were appropriate at the time. However, we believe that the 2012 blanket rezone, in focusing on commercially zoned properties, missed an opportunity to examine this parcel. Redevelopment of the corridor has been stated as a goal since at least that rezone, if not before. The church's parking lots (which have a direct access off of Evergreen Way) represent an inefficient use of land along a transit-oriented corridor. In addition to this major change of vision in the corridor, additional redevelopment along the Evergreen Corridor is warranted, as evidenced by the success of the building two parcels north. Furthermore, with its large parking lot and direct access from Evergreen, the church resembles a higher intensity use much more than it resembles any single-family residential use. While there are critical areas that make redevelopment infeasible on the land across from here on Evergreen Way, the previously heavily engineered nature of the site makes that not applicable. Furthermore, any existing critical area is not proposed to be modified for this. In the case of the residential parcels directly to the south, the only access is from residential streets, any connection to Evergreen is infeasible from an engineering standpoint, and critical areas are present. Those aspects are not applicable to the subject site, which means that many of the reasons to keep the area single-family do not seem to be justified vis a vis the actual nature of the current use. In fact, those facts, coupled with the high-intensity nature of Evergreen Way, make a very good case that this parcel is particularly ill-suited to single-family development. Given other policies of the comprehensive plan, we believe that multiple-family development would be a much more suitable use for this site.*

**4. Does the proposed land use designation promote a more desirable land use pattern for the community as a whole? If so, a detailed description of the qualities of the proposed land use designation that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest.**

*The proposed change to multifamily, R5 zoning represents a land use pattern that better reflects the city's vision for Evergreen Way as a mixed-use, transit-focused corridor while not adding more land to commercial zones. R5 zoning would enable development that is better suited for uses that front a busy regional arterial road. As mentioned previously, the through-lot nature of the site alone would make for poor single family residential development. In addition, with Evergreen Way being a major arterial road, there are great amounts of noise and traffic that aren't present in several other places in the R1 zone. The noise and heavy traffic are suited to multifamily and mixed uses, not single family residential use. In providing a further buffer between the established single-family uses and Evergreen, we believe that this rezone and redesignation to multifamily and R5 strikes a balance between the vision for the corridor, the redevelopment desires of future users, and the comprehensive plan's directive to not redesignate more land Commercial.*

**5. Should the proposed land use designation be applied to other properties in the vicinity? If so, the reasons supporting the change of several properties should be described in detail. If not, the reasons for changing the land use designation of a single site, as requested by the proponent, should be provided in sufficient detail to enable the Planning Commission and City Council to find that approval as requested does not constitute a grant of special privilege to the proponent or a single owner of property.**

*Yes, and the neighboring parcels that were also interested in changing designation have been included in this application, although they wish to have E1 zoning and commercial designation. Please see the paragraphs on the single-family parcel to the north in the introduction narrative. To elaborate further, that parcel itself is an excellent demonstration of why the RI zone is such a poor fit for these parcels. The house that is currently on that parcel feels claustrophobic, being sandwiched between a conditional use and a different zone. On the side close to the current church, there is an extremely large hedge, and on the other, there is a wooden, opaque fence. These in combination create a lot that feels much narrower than it actually is, even though the lot's width meets zone standards. The house's age, location on the lot and architecture also suggest that it originally faced Evergreen, much like several businesses in converted homes further north on Evergreen. This creates an undesirable backyard. This all suggests that something similar would likely happen to any redevelopment of the church or its parking lot. All this in combination suggests that a more multifamily and even low-level mixed use could create a more open, less claustrophobic, more suitable feel that could create synergy with the businesses immediately to the north and contribute in a suitable way to the redevelopment of the Evergreen Way corridor.*

**6. What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to assure compatibility with the uses of other properties in the vicinity?**

*The proposal should have minimal impact to the neighboring residential neighborhood. An additional provision of multifamily and small-scale mixed uses and commercial would only minimally make traffic inroads in the neighborhood, as there is more and better access from Evergreen. Only minor traffic impacts are likely from whatever development comes in. In addition, there is an existing access to Evergreen that could be utilized—for pedestrians and potentially other traffic. Landscape screening and fencing will be installed to protect the homes that are not included in this rezone. South of this area is a steep slope, and buffers will be provided to protect it. The traffic impact of a 150-unit apartment building has been included in this submittal. In addition, there are several design review means that could be applied. For example, a majority of any new building's frontage could be close or directly on Evergreen way, as seen with the office building from 2008 just north of the subject site. While the maximum height in the R5 zone is 80 feet, there is a catch in the code that states that anything over 45 feet must be at least 200 feet away from single-family zoning. This realistically limits 80 foot heights to a small portion of the site. This feature limits anything above 45 feet to a very tiny portion of*

*the site, which is impractical to build. Thus, most of the site is functionally limited to 45 feet. This is only 17 feet higher than the rest of the single-family zoning to the southeast. While the 80 foot portions might be noticeable, it would not have significant impacts to the light or views of other homes. A model of this has been included with the submittal.*

**7. Would the change of the land use designation sought by the proponent create pressure to change the land use designation of other properties in the vicinity? If so, would the change of land use designation for other properties be in the best long-term interests of the community in general?**

*As discussed above, there are logical limits to the expansion of the plan designation and zone proposed. The expansion of commercial designations and zones is limited to the northern parcels owned by Schmidt, and the multifamily portion is limited to the church-owned parcels. Expansion beyond this parcel is impossible in the case of the steep slope to the south and arterial road to the west; expansion into the cohesive, healthy and well-functioning single family neighborhood to the east is neither logical nor appropriate.*

**Rezone details:**

- 1) *This is a non-project rezone.*
- 2) *We envision the project being a multifamily use, such as townhomes or apartments, or a mixed-use site, with small office, retail, or café uses on the bottom and residential on top. Parking needs, setbacks, and buffers alone would make the nature of these uses small. We envision a place to further obtain services that is connected to the existing commercial node, which puts more jobs and residents in close proximity to the transit lines on Evergreen Way. We envision a use that is an easy transition between the busy, arterial road on Evergreen Way and the quiet, residential homes on 45<sup>th</sup> between Rucker and Colby.*

**Project title:** Amend comprehensive plan land use designation map for Summit Avenue.

## City Council Agenda Item Cover Sheet

**Council Bill #**

CB 2009-48

**Agenda dates requested:**

9-23-20

Briefing 9.9.20

Proposed action 9.16.20

Consent

Action 9.23.20

Ordinance - X

Public hearing

Yes

No

**Budget amendment:**

Yes

X

No

**PowerPoint presentation:**

X Yes

No

**Attachments:**

1. Draft Ordinance
2. PC Resolution
3. PC Mtg Minutes
4. Staff Report
5. Application

**Department(s) involved:**

Planning

**Contact person:**

David Stalheim

**Phone number:**

425-257-8736

**Email:**

dstalheim@everettwa.gov

**Initialed by:**

Department head

Administration

Council President

**Project:** Amend comprehensive plan land use designation map for Summit Avenue.

**Partner/Applicant:** Evergreen Recovery Centers-Summit Campus

**Location:** 2601 and 2604-2626 Summit Avenue

**Preceding action:** Planning Commission public hearing, resolution to approve

**Fund:** N/A

**Fiscal summary statement:**

None

**Project summary statement:**

Consider a recommendation from the Planning Commission to amend the comprehensive plan land use designation map for the subject parcels from Single Family to Commercial Mixed-Use to facilitate expansion of the existing facility.

No specific plans have been submitted at this time, but the proposed zoning change would allow expansion of the existing facility as a 4 story building on the west subject properties (2604-2616 Summit Ave.) and a 2.5 story building on the east subject properties at 2601 Summit Avenue where the current facility exists.

The applicant also intends to submit a request to vacate the alley north of 3409 and 3417 Everett Avenue that abuts the west subject properties and the alley north of 3501 Everett Avenue that abuts the east subject properties. In addition, the applicant in the future plans to ask the City to vacate Summit Avenue and right-of-way that would divide the expanded facility.

Additional reviews, including opportunities for public comment will be required prior to any future development. Traffic impacts and compatibility with existing uses in the surrounding neighborhood will be evaluated based on a site-specific design and code requirements in effect at the time of application.

The Rethink Zoning proposal would eliminate the zoning requested. As such, this ordinance is limited to just the comprehensive plan designation changes. If approved, the planning director is instructed to bring back the equivalent zoning changes as part of Rethink Zoning unless the ordinance for Rethink Zoning is not considered by City Council by 11/18/20, then an ordinance to rezone should be submitted. (See Section 2 of the attached ordinance.)

**Recommendation (exact action requested of Council):**

Adopt ordinance amending the Comprehensive Plan Land Use Designation Map for Evergreen Recovery Centers-Summit Campus properties amending Ordinance No. 2021-94, as amended, as part of the annual docket for 2020.





**ORDINANCE NO.** \_\_\_\_\_

An Ordinance Amending the Comprehensive Plan Land Use Map Designation for Evergreen Recovery Centers-Summit Campus Properties Amending Ordinance No. 2021-94, as amended, as part of the Annual Docket for 2020

**WHEREAS,**

- A. The City of Everett adopted its first Comprehensive Plan under the Washington State Growth Management Act (GMA) in 1994 and conducted a comprehensive review and update of the Plan in 2015 with annual updates allowed consistent with GMA.
- B. The 2020 comprehensive plan docket and implementing zoning amendments are subject to the phased timing of the Rethink Zoning project to coordinate the effective date of the map changes consistent with GMA requirements.
- C. Owners of the Evergreen Recovery Centers-Summit Campus applied to amend the comprehensive plan designation and zoning to facilitate expansion of the existing social service facility located at 2601 Summit Avenue. The facility provides recovery services for young mothers and their infants and small children.
- D. Evergreen Recovery Centers owns the Summit Campus at 2601 Summit Avenue and owns properties across the street to the west at 2604-2616 Summit Avenue for a future expansion.
- E. The Planning Commission reviewed the proposed map amendments, received public input at a duly advertised public hearing and made the following findings and conclusions:
  - a. A Determination of Nonsignificance (DNS) under the State Environmental Policy Act was issued on February 22, 2020 regarding the proposed action.
  - b. The proposed map amendment is consistent with GMA goals (RCW 36.70A.020) that encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner, and which promote a variety of residential housing types, specialized therapeutic daycare, and other social services.
  - c. This proposal would implement the following Comprehensive Plan policies and locational criteria:
    - i. Assure a wide range of housing opportunities (LU 2.1.1); and
    - ii. Promote increased densities and infill housing types (LU 2.1.2); and
    - iii. Promote high density residential use in well designed, mixed-use commercial developments...near transportation facilities... (LU 2.1.4); and



**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN THE FOLLOWING ACTIONS:**

**Section 1.** Amend the City of Everett Growth Management Comprehensive Plan Land Use Map from Single Family to Commercial Mixed-Use for the subject property in the 2600 block of Summit Avenue as set forth in Exhibit 1.

**Section 2.** The Planning Director shall prepare an ordinance that amends the City's zoning map with the ordinance for Rethink Zoning unless such ordinance for Rethink Zoning is not considered for City Council action before November 18, 2020, in which case, the Planning Director shall prepare an ordinance to change the subject property in the 2600 block of Summit Avenue to C-1 General Commercial.

**Section 3.** Effective Date. This ordinance shall not go into effect until the City Council, by Resolution, concludes the 2020 Comprehensive Plan docket process.

**Section 4.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references and ordinance numbering.

**Section 5.** The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this Ordinance independent of the elimination of any such portion as may be declared invalid.

**Section 6.** The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

\_\_\_\_\_  
Cassie Franklin, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Fuller, City Clerk

PASSED: \_\_\_\_\_

VALID: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_





**PLANNING COMMISSION RESOLUTION NO. 20-02**

**A Resolution Recommending the City Council Amend the Comprehensive Plan  
Land Use Designation and Zoning at 2601/2604/2606/2612/2614 Summit Avenue  
as part of the Annual Docket for 2020**

WHEREAS, the City of Everett adopted its first Comprehensive Plan (Plan) under the Washington State Growth Management Act (GMA) in 1994 and conducted a comprehensive review and update of the Plan in 2015; and

WHEREAS, the Growth Management Act, codified as RCW 36.70A, generally allows for comprehensive plans to be amended on an annual basis; and

WHEREAS, the City of Everett initiated its 2020 annual comprehensive plan amendment process on January 13, 2020. A timely application was filed to amend the comprehensive plan land use designation from Single Family to Commercial Mixed-Use with implementing zoning proposed for amendment from R-2 Single Family Detached Medium Density to C-1 General Commercial; and

WHEREAS, the Planning Commission held a public hearing on the matter on June 16, 2020 at which time the Commission heard staff's presentation, public comments, and considered the proposed comprehensive plan map amendment and rezone; and

WHEREAS, the proposed amendments were evaluated consistent with the State Environmental Policy Act and Chapter 20.04 EMC.

WHEREAS, notice of the proposed amendments to the comprehensive plan was sent to the Washington State Department of Commerce on February 21, 2020 and a letter of receipt was received on February 24, 2020.

**WHEREAS, THE PLANNING COMMISSION FINDS:**

1. The proposed map amendments are consistent with GMA goals (RCW 36.70A.020) that encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner, and which promote a variety of residential housing types, specialized therapeutic daycare, and other social services.
2. This proposal would implement the following Comprehensive Plan policies and locational criteria:
  - a. Assure a wide range of housing opportunities (LU 2.1.1); and
  - b. Promote increased densities and infill housing types (LU 2.1.2); and
  - c. Promote high density residential use in well designed, mixed-use commercial developments...near transportation facilities... (LU 2.1.4); and
  - d. [Encourage] small scale buildings and businesses that are oriented to...surrounding residential neighborhoods. (LU 2.2.4.b); and

- e. ...commercial mixed-use designation will include multifamily residential and community-oriented public uses.
3. The proposed zoning types are consistent with the proposed comprehensive plan land use designations and site-specific rezone criteria (Section 41.160.D.2 EMC).
4. The proposed rezone with restrictions imposed through a development agreement will mitigate any adverse impact(s) upon existing or anticipated land uses in the immediate vicinity.
5. The public health, safety and welfare will be provided for by these map amendments with the continuation and expansion of in existing social service and multifamily residential facility an area served by public facilities and services including transit.
6. The proposed map amendments promote the best long-term interest of the Everett community by providing future expansion of an existing use that has operated on the eastern portion of the site since 1972. Evergreen Recovery Centers provides multifamily, supportive housing for mothers and their infants going through withdrawal in an area that is transit oriented and compatible with surrounding uses.
7. The proposed map amendments were considered as part of the annual comprehensive plan 2020 docket including an analysis of potential cumulative impacts.

**NOW, THEREFORE, THE PLANNING COMMISSION RECOMMENDS THE FOLLOWING:**

1. Amend the City of Everett Growth Management Comprehensive Plan Land Use Map from Single Family to Commercial Mixed-Use for the subject property in the 2600 block of Summit Avenue as depicted in Exhibit 1.
2. Amend the City of Everett Zoning Map from R-2 Single Family Detached Medium Density to C-1 General Commercial with a development agreement to limit future uses for the subject property in the 2600 block of Summit Avenue as shown in Exhibit 2.

**Date:** June 16, 2020

**For:** Commissioner McGinn, Commissioner Zelinski, Commissioner Beck, Commissioner Tisdell, Commissioner Holland, Commissioner Lavra, and Chair Yanasak

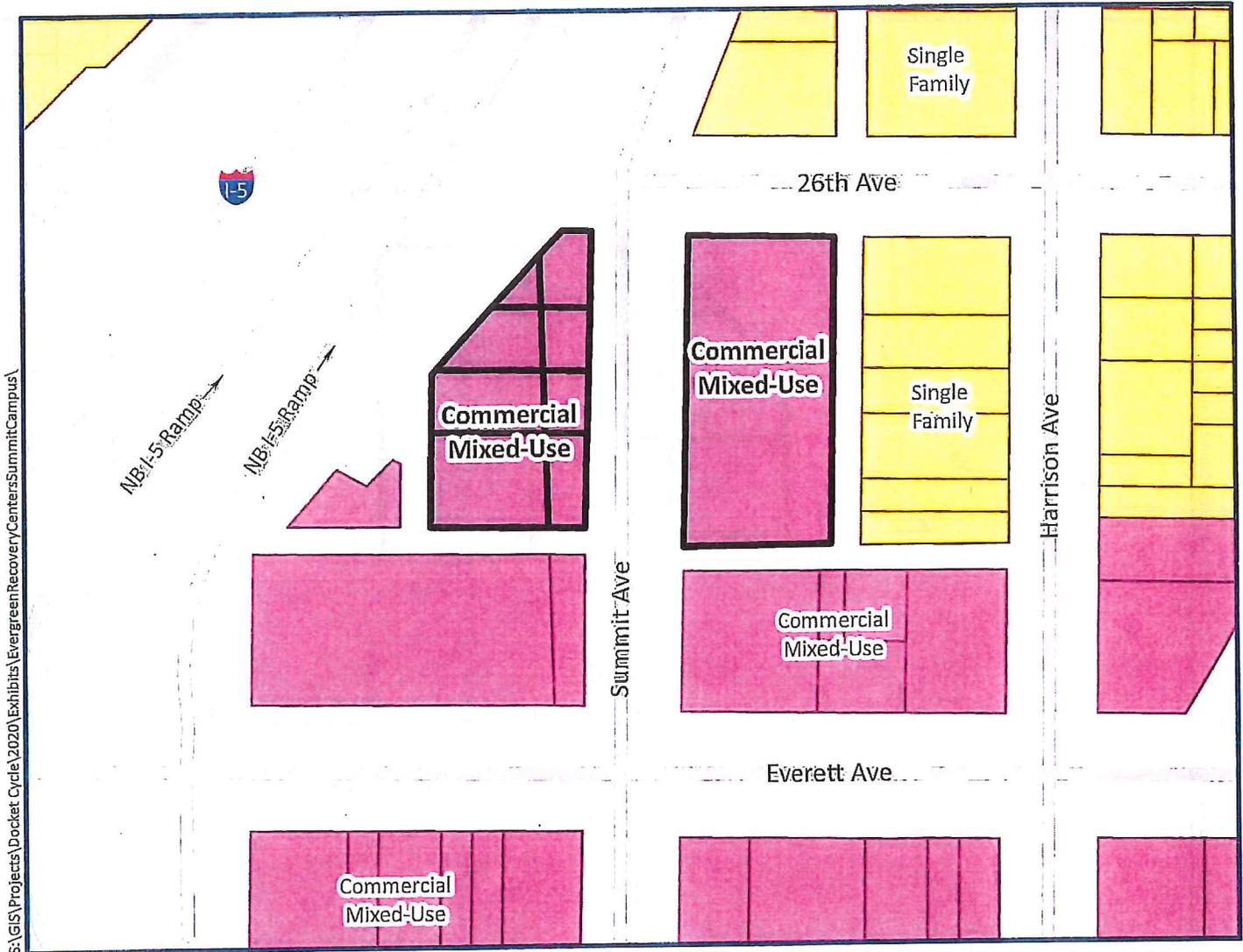
**Against:** None

**Absent:** None

**Abstain:** None

# Evergreen Recovery Centers Summit Campus Comprehensive Plan Amendment

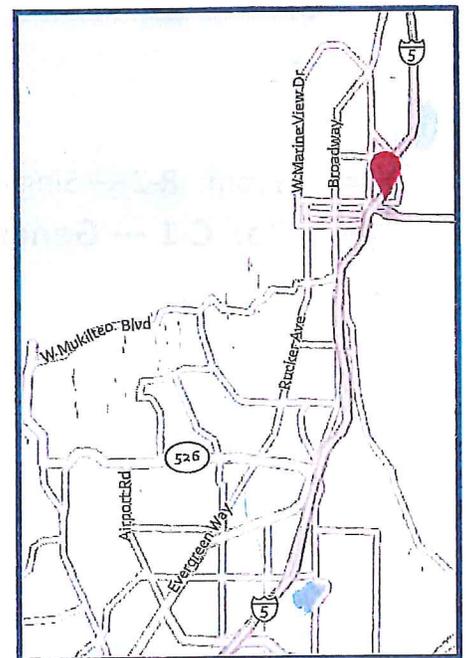
## Exhibit 1



S:\GIS\Projects\Docket Cycle\2020\Exhibits\Evergreen Recovery Centers Summit Campus\

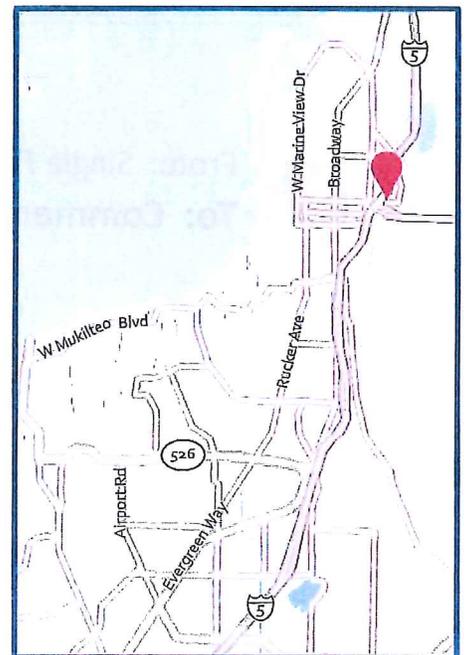
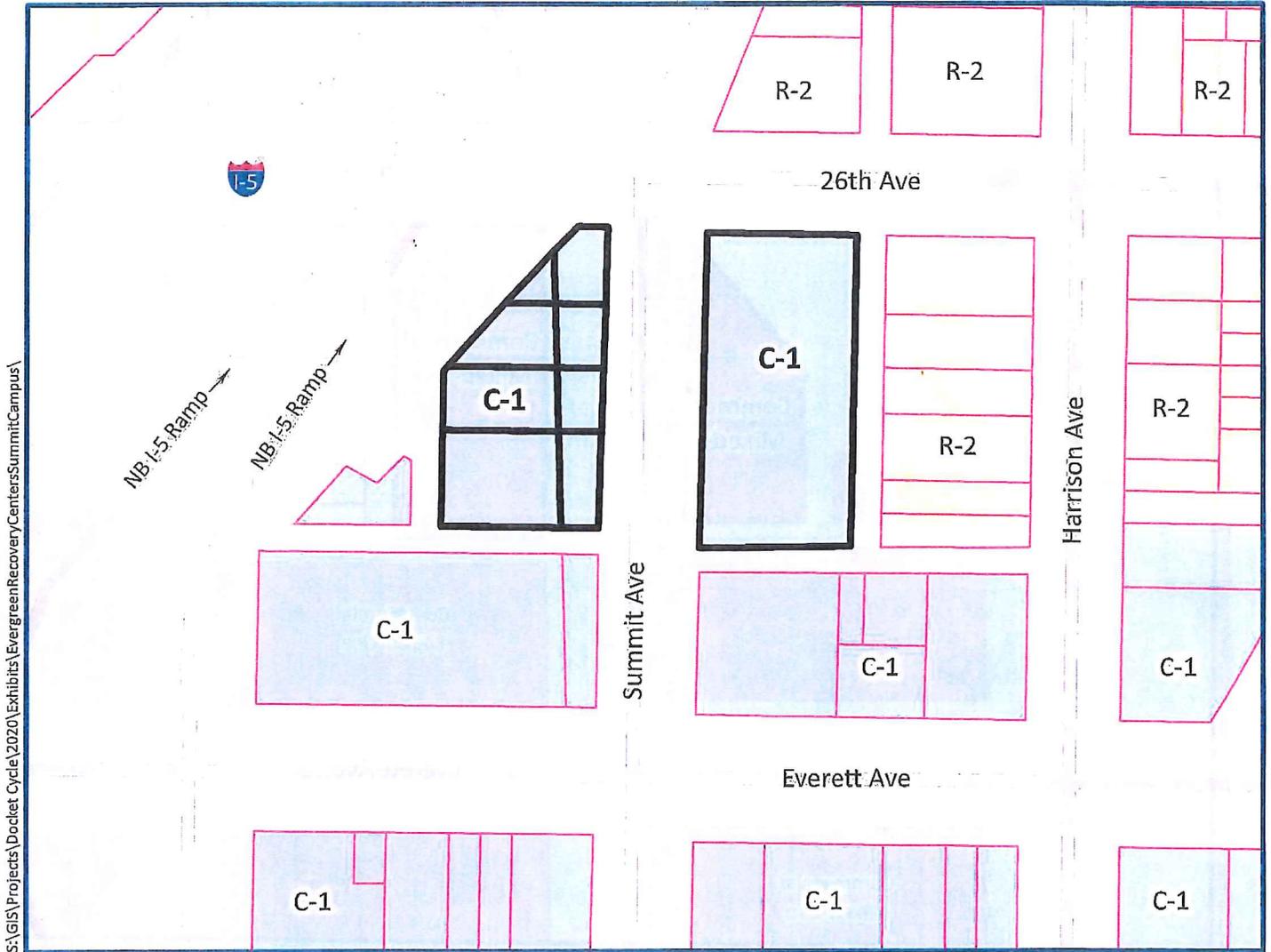


From: Single Family  
To: Commercial Mixed — Use



# Evergreen Recovery Centers Summit Campus Zoning Amendment

## Exhibit 2



**Planning Commission  
MS Team Virtual Meeting  
Meeting Minutes  
June 16, 2020**

Approved: kmel



Chair Adam Yanasak called the meeting to order. Commissioners in attendance: Christine Lavra, Chris Holland, Greg Tisdell, Kathryn Beck, Michael Zelinski, Carly McGinn, Alex Lark, and Michael Finch.

Commissioners Absent: None

Staff Present: Allan Giffen, David Stalheim, Karen Stewart, David Tyler, Steve Ingalsbe and Kathy Davis

Meeting Minutes

**Motion:** Commissioner Zelinski made a motion to approve the June 2, 2020 meeting minutes. Commissioner Beck seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, no response; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

Commissioner Comments

Commissioner Lark was participating in the meeting from Korea.

Staff Comments

David Stalheim, Long Range Planning Manager, presented information on the Planning Commission meetings scheduled through August. Mr. Stalheim also had a presentation in appreciation of Allan Giffen's years of service.

**Item 1: Hope Covenant Church**

Karen Stewart, Environmental Planner, presented information on the Hope Covenant Church/Schmidt property request for a comprehensive plan map and rezone change.

Public Hearing

Brian Kalab, Insight Engineering, stated that the staff report was well prepared and did address why the proposed request was a good fit for the area. He asked Commission if they had any questions.

Commission Discussion

Commissioner Finch asked why the single-family parcels were included in the rezone request. Mr. Kalab responded that the addition of those properties to the church property created a more developable parcel for multiple family development. Commissioner Finch asked if the property owner at 4524 Rucker Avenue was contacted. Mr. Kalab responded that parcel was already zoned commercial, and the

property owner was aware of the application. Commissioner Finch stated that 45<sup>th</sup> Street SE bisects Hope Covenant Church and asked if the Church owned the right of way. Mr. Kalab responded that street area was vacated.

Commissioner Lark asked about affordable housing. Mr. Kalab responded that it was a little early in the process. The intent was to create a developable site for multiple family development.

Commissioner Holland asked about the single-family parcel that wasn't included as part of the application and if the property owner was notified. Ms. Stewart responded the property owner was notified and wasn't interested in the rezone proposal.

#### Citizen Comments

Ian Windham, 1308 Maryland Ave, concerned about property lines indicated on the map where the Maple trees were shown on the slope. He was also concerned about possible heights blocking his view.

Linda Erickson, 1503 45<sup>th</sup> Street SE, was opposed to the project due to increased traffic in the area if the site is redeveloped as multiple family. She had emailed her comments to the City.

Tina Hokanson, 325 S Cabot, was concerned about traffic congestion if property developed as multiple family.

**Motion:** Commissioner Holland made a motion to close the public hearing. Commissioner Finch seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, no response; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

#### Commission Discussion

Commissioner Holland asked why the properties were combined in one application. He added that he would not vote on the matter because he was friends with Schmidt property owners. Mr. Stalheim stated that the Schmidt family had contacted the City one or two years earlier about rezoning their properties to commercial. Recalling that, Mr. Stalheim asked Hope Covenant Church to speak to the Schmidt's regarding their earlier request. He added that there was nothing in the City's regulations that preclude the property owners from combining their application.

Commissioner Holland stated that he was concerned about traffic impacts from more multiple family developments constructed along Evergreen Way, solar access for the properties across Rucker to the east, view protection, and that the remaining downslope parcel wasn't included in the request.

Commissioner Lark stated that future development of that site would be located on a high capacity road and that the developer would mitigate any traffic concerns. She encouraged future developers to engage early with the neighborhood to make sure that the development compliments and adds value to the area.

Commissioner Beck was concerned about area traffic and had some reservations about future development of the site. Mr. Stalheim responded that there was a traffic generation analysis done by Gibson Traffic Consultants included in the staff report.

Commissioner Finch stated that he was concerned about Findings 5 and 7 on page 2 of the resolution. He would like the language in the resolution amended since there was no project specific request.

Commissioner Zelinski asked if the rezone was approved, would Planning Commission or the neighborhood be able to provide input on the site-specific proposal.

#### Staff Comments

Ms. Stewart stated that the parcel boundaries drawn included the sloped area where the Maple trees were located; however, not all of that area was developable and would require a setback buffer. She added that the review process for a multiple family development would also require a public notice with a public comment period. The City would encourage the developer to meet with the neighborhood on the specific project proposal, and the traffic impacts would be reviewed by the City's Traffic Engineers.

#### Commission Discussion

Commissioner Holland would like the traffic consultants to also measure the a.m. peak hour trips. Commissioner Holland agreed with Commissioner Finch that it was hard to determine traffic impacts without a specific development proposal. Commissioner Beck was also concerned about significant amounts of traffic in the area.

Chair Yanasak asked about the height regulations. Ms. Stewart responded that the City does have height regulations that provide for lower heights from the adjacent residential area. Mr. Stalheim referred to the Hope Covenant church massing diagram to explain what the current code would allow in terms of heights and stepback provisions from the adjacent neighborhood.

Chair Yanasak asked if staff were aware of any project being denied because the traffic study didn't adequately address the traffic impacts. Mr. Stalheim responded if a study doesn't meet the engineering or concurrency requirements through mitigation, developers will decrease the number of units so the traffic generated will change, or make improvements to intersections, turning movements, lights, or whatever else to meet the City's requirements.

Commissioner Finch asked about Findings 5, 6, and 7 in the Resolution. Ms. Stewart responded that the findings are standard language for non-project actions. Commissioner Finch asked if the rezone could

be amended into two separate actions. Mr. Giffen responded the Commission has the discretion to make amendments to the Resolution.

**Motion:** Commissioner Zelinski made a motion to approve Planning Commission Resolution 20-01 with the removal of Finding 5 on page 2 from the Resolution. Commissioner McGinn seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, no; Commissioner Tisdell, no; Commissioner Holland, abstain; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

**Item 2: Evergreen Recovery Center**

Karen Stewart, Environmental Planner, presented information on the Evergreen Recovery Center request for a comprehensive plan map and rezone change.

Commission Discussion

Commissioner Lark asked about the applicant's public outreach. Linda Grant, Evergreen Recovery Center CEO, stated that they notified the neighborhood and were invited to the neighborhood meeting; however, the meeting was cancelled due to COVID. She also met with the County Councilman for that district. Commissioner Lark asked if the community would be considered in the design of the facility. Ms. Grant responded that they would and have designed the center to be compatible with the neighborhood. They have a great relationship with the neighborhood.

Citizen Comments

Tina Hokanson stated that the proposal sounds like a great project.

Susan Secor, E. Grand Avenue, stated that the rezone request would provide for a development agreement that hasn't been formed. She was concerned with the wording used by the applicant which said: "The uses are limited to things we expect with this project, including but not limited to. . ." She felt that the wording leaves the door open for any use allowed in the C-1 zone.

Commission Discussion

Commissioner Finch asked about the percentage of clients from Everett as opposed to broader Snohomish County. Ms. Grant responded 50-60% are Everett residents.

Commissioner Lavra stated that the site was well maintained and a reasonable project for the area.

Commissioner Lark asked about funding and/or grant restrictions. Ms. Grant responded most of their clients are funded out of the Medicaid healthcare plan, and they also contract with other health care plans for the northwest region.

Commissioner Finch stated that the facility was a local and regional facility and was a service to the region not just the Everett Community as noted in Finding #6. He stated that Everett has taken on a large portion of county services in meeting regional demands.

**Motion:** Commissioner Holland made a motion to close the public hearing. Commissioner Beck seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, yes; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

**Motion:** Commissioner Beck made a motion to recommend approval of Resolution 20-02 recommending the City Council amend the Comprehensive Plan Land Use Designation and Zoning at 2601/2604/2606/2612/2614 Summit Avenue as part of the Annual Docket for 2020. Commissioner Holland seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, yes; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

### **Item 3: Floodplain Prevention Ordinance**

Steve Ingalsbe, Land Use Manager, presented information regarding lot standards and building placement standards in residential and non-residential zones.

#### Commission Discussion

None

#### Citizen Comments

None

**Motion:** Commissioner Holland made a motion to close the public hearing. Commissioner Lavra seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, no response; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

**Motion:** Commissioner Lavra with one edit to the numbering. Commissioner Zelinski seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, yes; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

#### **Agenda 4: Rethink Zoning**

##### **Chapter 33**

David Tyler, Planner, presented information on the legislative background, the chapter reorganization, and proposed key changes to the current procedures.

##### Commission Discussion

Commissioner Lark stated that the current sidewalks along Evergreen way are not pedestrian friendly and he supported the addition of planting areas separating pedestrians and vehicles. Commissioner Lark asked if the new street designations would require parking lots behind buildings, so businesses front on the streetscape. Mr. Tyler responded that parking lot placement was addressed in Chapter 34. There were also pedestrian connection requirements to access sidewalks as well as transit stops.

Commissioner Finch referred to table 33-1 and asked if the City had received any comments from the development community regarding the TOD and pedestrian street improvements that may increase construction costs. Mr. Tyler responded he hadn't received any direct feedback. He added that many of the standards are based on the existing Metro Everett standards. Mr. Stalheim stated that the regulations also allow for higher densities in the pedestrian and TOD areas in comparison to other areas.

**Motion:** Commissioner Holland made a motion to extend the Planning Commission meeting another 30 minutes. Commissioner Zelinski seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, yes; Commissioner Holland, yes; Commissioner Lavra, yes; and Chair Yanasak, yes.

**Motion Carried.**

##### **Chapter 17, Airport-Port-Navy Compatibility**

David Stalheim, Long Range Planning Manager, presented the project website and reviewed the Chapter 17 summary with Commission.

##### Commission Discussion

Commissioner Lark mentioned concerns about public outreach to traditionally marginalized and disenfranchised communities who have been locked out of housing and access to housing. In response to the 2024 timeline for addressing housing, he felt that was too long to wait. Equitable growth is essential sooner.

Citizen Comments

Laura Gurley, Port of Everett, submitted comment in February and have also sent in new comments on the most recent draft which wasn't posed on the website yet.

Casey Glynis, Naval Station Everett, thanked staff for collaboration and looking forward to continued discussions. Captain Davis submitted a support letter.

Tina Hokanson thanked David for his work on the web and his responsiveness. Interested in improvements proposed along Evergreen Way.

Allan Giffen thanked Commissioners and acknowledged the work of Planning Commission.  
Commissioner Zelinski thanked Allan and Dave for all their hard work.

**ADJOURNED 9:29 PM**

David Stalheim

\_\_\_\_\_  
Planning Commission Secretary

July 7, 2020

\_\_\_\_\_  
Date

*Harriet Dawn*

\_\_\_\_\_  
Administrative Assistant

July 7, 2020

\_\_\_\_\_  
Date



### STAFF REPORT

<b>Agenda Subject:</b> Comprehensive Plan/Rezone Map Amendments for Evergreen Recovery Centers Summit Campus site is located at 2601, 2604, 2606 and 2614 Summit Avenue	<b>Report Date:</b> 4/30/2020
<b>Project #:</b> REVV 20-002 & REZ 20-002	<b>Plng Commission Public Hearing:</b> 6/16/2020
<b>Applicant/Owner:</b> Evergreen Recovery Centers/Linda Grant	
<b>Staff Contact:</b> Karen Stewart, Environmental Planner	
<b>Attachments:</b> Comprehensive plan and rezone narrative and maps, draft Planning Commission Resolution	
<b>Staff Recommendation:</b> Approve the requested Comprehensive Plan Land Use Map amendment from Single Family to Commercial Mixed-Use and the zoning designation from R-2 Single Family Detached Medium Density to C-1 General Commercial with a development agreement restricting uses to multifamily housing, supportive housing, daycare and social services.	

### PROPOSAL

<b>REQUEST:</b>	Amend the Comprehensive Plan Land Use Map from <i>Single Family to Commercial Mixed-Use</i> , and the zoning designation from <i>R-2 Single Family Detached Medium Density to C-1 General Commercial with a development agreement</i> to allow expansion to the west of the existing Evergreen Recovery Centers-Summit Campus.
<b>LOCATION:</b>	2601, 2604, 2606 and 2614 Summit Avenue
<b>EXISTING USE:</b>	Evergreen Recovery Centers-Summit Campus and single family homes
<b>POTENTIAL USE:</b> (not part of this proposal)	No specific plans have been submitted at this time, but the proposed zoning change would allow expansion of the existing facility as a 4 story building on the west subject properties (2604-2616 Summit Ave.) and a 2.5 story building on the east subject properties at 2601 Summit Avenue where the current facility exists. The applicant also intends to submit a request to vacate the alley north of 3409 and 3417 Everett Avenue that abuts the west subject properties and the alley north of 3501 Everett Avenue that abuts the east subject

	<p>properties. In addition, the applicant in the future plans to ask the City to vacate Summit Avenue and right-of-way that would divide the expanded facility. Additional reviews, including opportunities for public comment will be required prior to any future development. Traffic impacts and compatibility with existing uses in the surrounding neighborhood will be evaluated based on a site specific design and code requirements in effect at the time of a vested application.</p>
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**ANNUAL DOCKET**

<p>PROCESS:</p>	<p><b><u>Comprehensive Plan Docket:</u></b>                  The Growth Management Act (GMA) limits amendment of the comprehensive plan, often referred to as the “docket”, to no more frequently than once every year. (RCW 36.70A.130(2)(a))</p> <p>This application was included in the 2020 annual docket with a complete application filed by January 13, 2020.</p> <p>The GMA requires development regulations be consistent with the comprehensive plan. Accordingly, the request to amend the zoning map is considered concurrently with the request to amend the comprehensive plan land use map in order to meet the internal consistency requirements.</p>
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**PUBLIC COMMENT**

<p>PUBLIC/AGENCY NOTICE:</p>	<p><b><u>GMA Notice:</u></b>                  The city provided a 60-day notice to the Washington State Department of Commerce regarding the proposed comprehensive plan amendment and rezone. Commerce acknowledged receipt of that notice with a letter on February 24, 2020.</p> <p><b><u>Agency/City Department Review:</u></b>                  The city provided the application to other city departments and agencies and requested comments on these proposed amendments. No comments were received.</p> <p><b><u>Notice of Public Hearing and SEPA Determination:</u></b>                  On February 25, 2020, the city issued notice of a public hearing on the proposed comprehensive plan amendment and rezone, as well as notice of a Determination of Nonsignificance for the environmental review. The notice was mailed to property owners within 500 feet, SEPA and comprehensive plan interested parties, and the Riverside neighborhood leader. The notice was published in the official city newspaper (The Everett Herald) on February 26. In addition, the site</p>
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	was posted for 15 days prior to the public hearing that was originally scheduled for April 7th. The Planning Commission rescheduled the public hearing due to public meeting restrictions during the coronavirus pandemic.
COMMENTS RECEIVED:	Emailed comments of support received March 2, 2020 stating that the west side of the block is backed up against the freeway (I-5) sound wall and a portion of the site is already in commercial use. The commenter also stated that the 2600 block of Summit Avenue already has more of the characteristics of Commercial Mixed-Use than it does single family.

**REVIEW CRITERIA**

SOURCES:	<p><b><u>Comprehensive Plan Land Use Map Amendment:</u></b> GMA Goals (RCW 36.70A.020); Everett Comprehensive Plan Land Use Element, Everett’s Land Use Concept for Commercial Areas (pg. 7), Land Use Designations-Locational Criteria for Commercial Mixed-Use (pgs. 23-24).</p> <p><b><u>Zoning Map Amendment:</u></b> EMC 19.41.160(D) Site-Specific Rezones; EMC 19.01.050 Purpose and application of zone districts.</p>
CONSISTENCY WITH ADOPTED POLICIES AND CODES:	<p><b><u>Comprehensive Plan Map Amendment Analysis:</u></b>  The process to amend the comprehensive plan map states that the burden of proof is upon the proponent to demonstrate the long-term benefit to the community as a whole. Applicable GMA goals (RCW 36.70A.020) that this proposed amendment would help achieve include:</p> <ul style="list-style-type: none"> <li>• Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.</li> <li>• Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.</li> </ul> <p><u>Response:</u> The Summit Avenue site is in an urban area with adequate public facilities and services. The site is not undeveloped and the proposed amendments would allow redevelopment at an increased density/intensity.</p> <p>The proposal is also consistent with Everett’s land use concept for commercial areas which calls for minor adjustments of zoning boundaries to promote greater land use compatibility. Expansion of the existing use is not allowed by the current zoning and requires a</p>

	<p>zoning change. In addition, the following factors are considered in reviewing map amendment requests.</p> <p>1. The proposed land use designation must be supported by or consistent with the existing policies of the various elements of the comprehensive plan.</p> <p><u>Response:</u> This proposal is consistent with the following policies:</p> <ul style="list-style-type: none"><li>• Housing growth in Everett will be principally in the form of multiple family dwellings in redevelopment areas. (pg. 6 Intro. II B 7)</li><li>• Arterial streets traditionally zoned or used for commercial activities will be the focus of redevelopment with a greater emphasis on residential uses mixed with commercial development. (pg. 7 Intro. II B 14)</li><li>• Assure a wide range of housing opportunities (LU 2.1.1)</li><li>• Promote increased densities and infill housing types (LU 2.1.2)</li><li>• Promote housing alternatives to large lot single family detached dwelling (H 4.1.2)</li></ul> <p>2. Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the Land Use Element to justify a change to the land use designation?</p> <p><u>Response:</u> More housing is needed for the City's growing population and public health care services like those provided by the non-profit Evergreen Health Centers (ERC) are regionally lacking and cannot meet the current demand. ERC is proposing to expand their existing facility so this would be considered market driven and not purely a speculative commercial use. The applicant has offered to enter into a development agreement with the City that would limit the type, scope and scale of allowed commercial uses in conjunction with the proposed rezone to C-1 General Commercial.</p> <p>3. Are the assumptions upon which the land use designation of the subject property is based erroneous, or is new information available which was not considered at the time the Land Use Element was adopted, that justify a change to the land use designation?</p> <p><u>Response:</u> There are new, much higher projections from the Puget Sound Regional Council for more residents and jobs in Everett. More housing is needed for the City's growing population and multiple family dwellings are an efficient use of land adjacent to I-5 and close to Everett Avenue where bus transit is available.</p> <p>4. Does the proposed land use designation promote a more desirable land use pattern for the community as a whole?</p>
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Response: The proposed designation of Commercial Mixed-Use is consistent with designations in the vicinity to the south and west of the site. To the west is the I-5 northbound ramp with sound walls, to the north 26<sup>th</sup> Avenue serves as a logical boundary with a large church located on the north side of 26<sup>th</sup> Avenue. The alley to the east of the existing facility serves as a logical boundary from the single family homes located to the east.

5. Should the proposed land use designation be applied to other properties in the vicinity? The reasons for changing the land use designation of a single site as requested does not constitute a grant of special privilege to the proponent or a single owner of property.

Response: This proposal to amend the comprehensive plan and zone to commercial is consistent with designations to the south and west of the site. The applicant is proposing the change in land use to allow expansion of an existing use that provides a benefit to the community. The alley to the east of the existing facility is a reasonable boundary that acknowledges the single family uses along Harrison Avenue. No adjacent property owners have inquired about adding their property to the proposed amendments.

6. What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to assure compatibility with the uses of other properties in the vicinity?

Response: As single family uses in this general area are redeveloped, it will be important to utilize development standards, including setbacks, building heights, off-street parking to help mitigate potential adverse impacts on the neighborhood. The applicant has offered to enter into a development agreement to limit future uses on the site, specify building maximum size and height, and signage/landscaping. The agreement will be prepared upon approval of the rezone.

7. Would the change of the land use designation sought by the proponent create pressure to change the land use designation of other properties in the vicinity? Would the change of land use designation be in the best long-term interests of the community in general?

Response: This proposal would facilitate the renovation and expansion of a social service provider that is already well established in the area. More housing is needed for the City's growing population and multiple family dwellings are supported in areas like this that are served by a nearby bus stop.

	<p><b><u>Zoning Map Amendment Analysis:</u></b></p> <p>Site-Specific Rezone Criteria. (EMC 19.41.160) The review authority may approve an application for a site-specific rezone if:</p> <p>a. The proposed rezone is consistent with the comprehensive plan. <u>Response:</u> The proposed rezone would be consistent with the amended comprehensive plan designation of Commercial Mixed-Use.</p> <p>b. The proposed rezone bears a substantial relation to public health, safety or welfare; and the proposed rezone promotes the best long-term interests of the Everett community. <u>Response:</u> The amendments will allow renovation and expansion of the ERC allowing construction of two multi-family residential buildings and therapeutic daycare with improved spaces to allow mothers with more than one child to participate in a recovery program. In cooperation with the nearby hospitals, a new postpartum care model will be implemented.</p> <p>c. The proposed rezone mitigates any adverse impact(s) upon existing or anticipated land uses in the immediate vicinity of the subject property. <u>Response:</u> Design standards are established for residential and commercial redevelopment to improve the public safety and aesthetic character of an area.</p>
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**RECOMMENDED ACTION/MOTION:**

Planning staff recommends the Planning Commission forward a recommendation to the City Council as follows:

Approve the Comprehensive Plan Map amendment from Single Family to Commercial Mixed-Use for the subject property (see Exhibit 1). Approve a zoning amendment from R-2 Single Family Detached Medium Density to C-1 General Commercial for the subject property (see Exhibit 2).

A draft resolution with findings and conclusions supporting this recommendation is attached for the Planning Commission's consideration.



CITY of EVERETT  
 PLANNING and COMMUNITY DEVELOPMENT

**EVERETT** WASHINGTON **COMPREHENSIVE PLAN MAP AMENDMENT  
 AND REZONE APPLICATION (REVIEW PROCESS VA)**

**INSTRUCTIONS** → Submit the following items listed in the checklist below. Use this application for Comprehensive Plan map amendments and the accompanying rezone to implement the map change. The Comprehensive Plan map amendment and associated rezone are considered concurrently under Review Process VA.

<input checked="" type="checkbox"/> <b>Fee</b>  Total Fee: \$ <u>7,990</u>	See current Fee Schedule for SEPA and Rezone fees posted online. Fees are non-refundable and payable by cash, check or credit card upon application.
<input checked="" type="checkbox"/> <b>Meeting with Long Range Planning Staff</b>	A meeting is encouraged prior to submitting this application with Long Range Planning Staff. To schedule a meeting call (425) 257-8731.
<input checked="" type="checkbox"/> <b>Application</b>	The <i>Comprehensive Plan and Rezone Application</i> must be filled out completely and signed by the owner, applicant, or primary contact. Submit <b>one</b> . See attached.
<input checked="" type="checkbox"/> <b>Map of Site and Surrounding Area</b>	Submit <b>one</b> copy of the Assessor’s Map (or equivalent) showing the location. Maps are available from Snohomish County Assessor or Planning Department. PDF’s shall indicate what size paper will print to scale if submitting by email or CD. The copy must be legible.

**Narrative Statement and Comp Plan/  
Zoning Information**

1) Prepare a written, typed statement addressing the applicable Comprehensive Plan and rezone criteria. Submit **one** copy. See attached criteria.

2) Complete the following below:

Existing Comprehensive Plan Designation: Single Family  
Existing Zoning: R-2

Proposed Comprehensive Plan Designation: Commercial Mixed Use  
Proposed Zoning: C-1

	<b>Adjacent Plan Designations</b>	<b>Adjacent Zoning</b>
North:	<u>N/A (abuts I-5)/Single Family</u>	<u>N/A / R-2</u>
South:	<u>Commercial Mix Used</u>	<u>C-1</u>
East:	<u>Single Family</u>	<u>R-2</u>
West:	<u>Commercial Mixed Use/Single Family</u>	<u>C-1/R-2</u>

Note: majority of west property abuts I-5.

Note: Designations for West Subject Properties/  
East Subject Properties respectively

**Environmental Checklist**

Submit **one** signed copy. Must be filled out completely and accurately. The Environmental Checklist form can be found on DOE's website:  
<http://www.ecy.wa.gov/programs/sea/sepa/forms.htm>

**Notification List of Property Owners**

All property owners within 500 feet of the property subject to this action. Must be completed per the instructions for compiling the mailing list for Review Process VA. See attached.

**Special Studies**

Traffic, Geotechnical studies, etc., if required by the Manager of Long Range Planning. Provide **four** copies of each study with the application.

**Submit Application with this Checklist**

\* Email or CD submittal is preferred.

**By E-mail:** Email all documents to [planning@everettwa.gov](mailto:planning@everettwa.gov)  
**In Person or by Mail:** City of Everett Planning and Community Development  
2930 Wetmore Ave Ste. 8-A, Everett, WA 98201



# COMPREHENSIVE PLAN AND REZONE APPLICATION

(Attach additional pages if needed)

Name of Applicant Linda Grant/Evergreen Recovery Centers

Address 11627 Airport Road, B

City Everett State WA Zip Code 98204

Phone (425) 258-2485 Alt ph (425) 258-2407

Email LGrant@Evergreenrc.org

Primary Contact (if other than applicant) Dawn Bushnaq

Address 4915 Rainier Ave S Suite 201

City Seattle State WA Zip Code 98118

Phone 206-963-6306 Alt ph \_\_\_\_\_

Email dawn@bushnaqstudio.com

Property Owner(s) Evergreen Manor

Address 2601 Summit Ave City Everett State WA Zip Code 98201

Property Address or Location 2601, 2604, 2606, 2612 and 2614 Summit Ave, Everett, WA 98201

Tax Parcel No(s) See attached.

Area of Property (acres/sq ft) 2601 Summit: ±.65 ac/±2600 SF 2604-2614 Summit: ±.57 ac/±24,800 sq ft

Legal Description (attach for rezone purposes) see attached

Brief Description of Project With the rezone, ERC would develop a ±22,000 square foot facility at the west subject properties to improve its existing Summit campus services. The new facility will include two multi-family residential buildings and a therapeutic daycare for children living at the expanded Summit campus.

• **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 Linda Grant pp Dawn Bushnaq Date 1/13/20

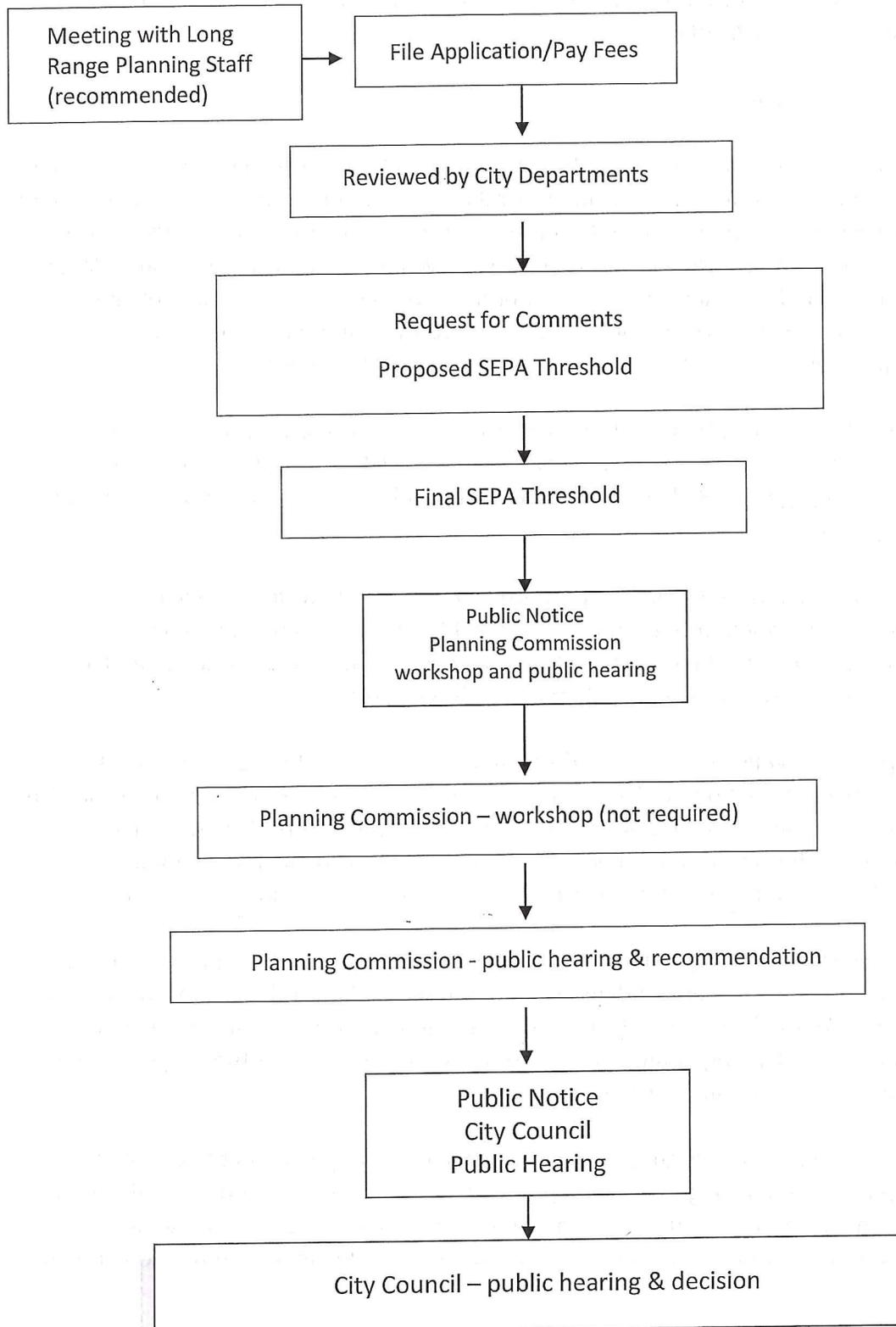
Please print name LINDA GRANT  Owner  Applicant  Primary Contact

City and State where this application is signed SEATTLE, WA  
City State

FOR OFFICIAL USE ONLY	
FILE #	_____
FEE \$	_____
RECEIPT #	_____

### Comprehensive Plan Amendment/Rezone Flow Chart – Review Process VA

Under review process VA the Planning Commission makes a recommendation and then the City Council makes the decision. Both actions go concurrently through the public hearing process. A Comprehensive Plan map amendment will not be accepted without a concurrent rezone application.



## NARRATIVE STATEMENT – EVALUATION CRITERIA

All applications must be accompanied by a separate narrative statement describing how the proposal is consistent with the following criteria and applicable rezone type. Please note that this information is important for the City's evaluation of your Comprehensive Plan map amendment and rezone application.

### Comprehensive Plan Policies

Everett's Comprehensive Plan contains the following criteria that provide guidance to decision makers in their review of applications to amend land use designations. Please consider each of the following review criteria and respond to them on a separate piece of paper. The response should identify which of the criteria is being addressed. Where the criteria spells out relevant policies or criteria, found in either the City's Comprehensive Plan or Zoning Code, please reference the relevant section when noting such support for your application. City staff will help with any questions you may have in regard to completing this work.

- 1) The proposed land use designation must be supported by or be consistent with the existing policies of the various elements of the Comprehensive Plan. NOTE: Please refer to the location criteria beginning on page LU-23. Please refer to specific policies, especially those in the Land Use and Housing sections.
- 2) Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the Land Use Element to justify a change to the land use designation? If so, the circumstances which have changed should be described in detail to support findings that a different land use designation is appropriate.
- 3) Are the assumptions on which the land use designation of the subject property is based erroneous, or is new information available which was not considered at the time the Land Use Element was adopted that justify a change to the land use designation? If so, the erroneous assumptions or new information should be described in detail to enable the Planning Commission and City Council to find that the land use designation should be changed.
- 4) Does the proposed land use designation promote a more desirable land use pattern for the community as a whole? If so, a detailed description of the qualities of the proposed land use designation that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest.
- 5) Should the proposed land use designation be applied to other properties in the vicinity? If so, the reasons supporting the change of several properties should be described in detail. If not the reasons for changing the land use designation of a single site, as requested by the proponent, should be provided in sufficient detail to enable the Planning Commission and City

Council to find that approval as requested does not constitute a grant of special privilege to the proponent or a single owner of property.

- 6) What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to assure compatibility with the uses of other properties in the vicinity?
- 7) Would the change of the land use designation sought by the proponent create pressure to change the land use designations of other properties in the vicinity? If so, would the change of land use designation for other properties be in the best long term interests of the community in general?

### **Rezone**

Rezoning can be either non-project or development agreement rezoning. In order to better understand the differences between the two rezoning processes, it is advised that you speak with Long Range Planning staff in advance of responding to this section.

- 1) Which rezoning type are you seeking?
- 2) Address your vision for how the subject property or properties would be used if the rezoning were approved, and how the request, if granted, would benefit the City of Everett and its citizens.

**EVERGREEN RECOVERY CENTERS SUMMIT CAMPUS  
COMPREHENSIVE PLAN AMENDMENT AND REZONE APPLICATION  
SUBJECT PROPERTIES ASSESSOR PARCEL NUMBERS AND LEGAL DESCRIPTIONS**

**WEST SUBJECT PROPERTIES**

**Address:** 2604 Summit Ave

**Parcel #'s:** 00516859502001, 00483559502000

**Parcel Description (00516859502001):** MITCHELL  
LAND & IMP CO S 1ST ADD BLK 595 D-01 - LOT 20  
LESS S/HY & ALL LOT 21 LESS S/HY VOL 3 PG 475

**Parcel Description (00483559502000):** JUDSON LA  
MOURE'S 1ST ADD BLK 595 D-00 - S 2 FT LOT 20 &  
LOT 21 BLK 595 LESSS/HY-VOL 3 PG 475-

**Gross Total Site Acreage:** 0.08

**Address:** 2606 Summit Ave

**Parcel #'s:** 00516859502200, 00483559502200

**Parcel Description (00516859502200):** MITCHELL  
LAND & IMP CO S 1ST ADD BLK 595 D-00 - FRAC LOTS  
22 & 23 (EXEMPT PER ST OF WA REG #04820-001)

**Parcel Description (00483559502200):** JUDSON LA  
MOURE'S 1ST ADD BLK 595 D-00 - FRAC LOTS 22 &  
23 LESS ST HWY

**Gross Total Site Acreage:** 0.15

**Address:** 2612 Summit Ave

**Parcel #'s:** 00516859502400, 00483559502400

**Parcel Description (00516859502400):** MITCHELL  
LAND & IMP CO S 1ST ADD BLK 595 D-00 - FRAC LOTS  
24 & 25 (EXEMPT PER ST OF WA REG #04820-003)

**Parcel Description (00483559502400):** JUDSON LA  
MOURE'S 1ST ADD BLK 595 D-00 - FRAC LOTS 24 &  
25 (EXEMPT PER ST OF WA REG #04820-003)

**Gross Total Site Acreage:** 0.15

**Address:** 2614 Summit Ave

**Parcel #'s:** 00516859502600, 00483559502600

**Parcel Description (00516859502600):**  
MITCHELL LAND & IMP CO S 1ST ADD BLK 595 D-00 -  
FRAC LOT 26 N 10FT FRAC LOT 27 S 15FT FRAC LOT  
27 & FRAC LOT 28 (EXEMPT PER ST OF WA REG  
#04820-001)

**Parcel Description (00483559502600):** JUDSON LA  
MOURE'S 1ST ADD BLK 595 D-00 - FRAC LOT 26 - N  
10 FT OF FRAC LOT 27 - S 15 FT OF FRAC LOT 27 -  
FRAC LOT 28 (EXEMPT PER ST OF WA REG #04820-  
001)

**Gross Total Site Acreage:** 0.19

**EAST SUBJECT PROPERTY**

**Address:** 2601 Summit Ave

**Parcel #:** 00516859401100

**Parcel Description:** Section 21 Township 29 Range  
05 Quarter SW MITCHELL LAND & IMP CO S 1ST ADD  
BLK 594 D-00 - LOTS 11 THRU 18 INCL & LG LOT 19  
(EXEMPT PER ST OF WA REG #04820-001)

**Gross Total Site Acreage:** 0.65

**EVERGREEN RECOVERY CENTERS’ NARRATIVE STATEMENT**

All applications must be accompanied by a separate narrative statement describing how the proposal is consistent with the following criteria and applicable rezone type. Please note that this information is important for the City's evaluation of your Comprehensive Plan map amendment and rezone application.

**Comprehensive Plan Policies**

Everett’s Comprehensive Plan contains the following criteria that provide guidance to decision makers in their review of applications to amend land use designations. Please consider each of the following review criteria and respond to them on a separate piece of paper. The response should identify which of the criteria is being addressed. Where the criteria spells out relevant policies or criteria, found in either the City’s Comprehensive Plan or Zoning Code, please reference the relevant section when noting such support for your application. City staff will help with any questions you may have in regard to completing this work.

- 1) The proposed land use designation must be supported by or be consistent with the existing policies of the various elements of the Comprehensive Plan. NOTE: Please refer to the location criteria beginning on page LU-23. Please refer to specific policies, especially those in the Land Use and Housing sections.

**Response: Evergreen Recovery Centers (ERC) has operated recovery services at its Summit campus located at 2601 Summit Avenue since 1972. ERC owns its Summit campus (East Subject Properties) and properties across the street located at 2604 – 2616 Summit Avenue (West Subject Properties).**

The applicant’s proposal is to amend the Comprehensive Plan and rezone the east and west subject properties. This would change the Comprehensive Plan designation at the subject properties from single family to commercial/mix use and the zoning from R-2 to C-1. As part of the amendment and rezone, the applicant proposes to enter into a development agreement with the City. The development agreement would include the following restrictions:

- Uses Limited to:** Residential and institutional uses allowed in commercial zones including but not limited to multifamily housing, supportive housing, daycare, social services.
- Height Limit:** 4 stories at west subject properties (2604 – 2616 Summit Ave)  
2.5 stories at east subject properties (2601 Summit Ave)
- Building size limit:** 40,000 SF max/individual building
- Other improvements:** Landscaping and signage compatible with adjacent residential areas

If the proposed land use designation is approved, ERC will develop an innovative companion facility at the West Subject Properties to improve and expand its Summit campus services. The new facility will include two multi-family residential buildings and a therapeutic daycare for children living at the expanded Summit campus. The facility has two goals (1) to improve spaces to allow mothers with more than one child to participate in our recovery program, and (2) to implement a new postpartum care model in partnership with Providence Hospital – Everett and Swedish Hospitals where the key is keeping mom and baby together in place of separation while the baby goes through an uncomfortable morphine taper. Larger living space is needed to meet these goals. The community impact of this designation will be:

- to be the first non-hospital program in the nation to implement an Eat-Sleep-Console protocol where “Mom is the medicine.”
- to reduce waiting lists for admission of pregnant and parenting mothers,
- to increase the number of children who can stay with mom during this program,
- to reduce homelessness in the community, and
- to provide preventive services at a child’s most vulnerable period.

The proposed land use designation and development agreement restrictions are consistent with and support the applicable location criteria for Commercial Mixed-Use in the Comprehensive Plan. These criteria include:

1. Designation may be applied to new areas provided that the change is market driven and not speculative.
2. Designation may include multifamily residential and community oriented public uses.
3. Areas should be supported by public facilities and services including transit, pedestrian and bicycle routes, utilities (water, sewer, stormwater), fire and police. Transportation system is capable of handling traffic impacts.
4. Smaller sites are intended to be neighborhood oriented where uses are limited and building design ensures compatibility with adjoining residential neighborhoods.
5. Pedestrian access and walkability are encouraged while traffic impacts on surrounding residential areas are discouraged.
6. New development and redevelopment is encouraged to include housing and other supportive services and uses.
7. Development standards may be tailored to fit the specific location.
8. Small neighborhood commercial locations should limit the size of buildings and ensure other improvements, such as signs and landscaping, are compatible with adjacent residential area.

The proposed change is driven by community need and market imperatives to provide efficient and cost effective recovery services to individuals with special needs. It is not speculative. ERC provides services, housing, support and hope to families and communities through its 6-month housing/treatment program.

With the proposed project, ERC will spread out its programs across the subject properties and reduce the number of residents living at the east subject properties.

This will shift ERC's "center of gravity" away from the single family areas to the east while also allowing for living quarters more appropriate to families including dwellings for mothers with more than one child. Without the rezone, ERC is limited in its ability to adapt its services to community needs and market conditions. Purchasing new property elsewhere would make the proposed project cost-prohibitive to develop and to operate. (Supports Location Criteria 1, 2 and 6)

The area is well-supported by public facilities and services including utilities (water, sewer, storm water). A 30" sanitary sewer runs along the east side of Summit Avenue and a 12" sanitary sewer runs along the alley west of the west subject properties. A 6" water mains runs along the east side of Summit and a 3" water main runs along the west side of Summit. The City also recently installed separate storm water infrastructure in the neighborhood. (Supports Location Criteria 3).

The subject properties' location near Everett Avenue, which is a major arterial, and I-5 make it accessible to police and fire services. The neighborhood's network of alleys provides added accessibility for emergency services. The properties are also well served by transit. North and westbound bus stops for Everett Transit Route 4 are located within .2 miles. North and southbound stops for Everett Transit Route 29 are located within .4 miles. The site is also well served by pedestrian infrastructure with sidewalks on both sides of Summit Avenue that connect to the city's larger network of sidewalks. (Supports Location Criteria 3 and 5).

The subject properties are located within 1000' of the Comprehensive Plan's Metropolitan Center and are in walkable proximity to a wide range of cafes, restaurants and other informal recreation opportunities. The subject properties are also located near several parks and recreational spaces including a designated Bike Lane that loops north around the City (within 500'), Riverside Park (within 1000'), Judd Black Park (within 2000') and Garfield Park (within 3000'). The Snohomish river front is also within a mile of the site. However, please note that residents would not leave the Summit Campus unsupervised except for daily walks with their infants and children around the immediate neighborhood. (Supports Location Criteria 3 and 5).

Traffic impacts due to the proposed designation will be minimal. ERC anticipates little to no increase in overall staff numbers and residents of the proposed project are not permitted to have cars. Parking for staff will continue to be provided in the existing spaces at 2601 Summit Ave and at 3501 Everett, which ERC also owns. There are 39 existing spaces between these two locations. If necessary, spaces may be added at the west properties but likely fewer than if the west properties were in single family use. (Supports Location Criteria 5).

As part of the proposed project, ERC plans to vacate Summit Avenue from the subject properties to Everett Avenue. ERC also plans to vacate two portions of alleys that abut the subject properties. These include the alley north of 3409 and 3417 Everett Avenue that abuts the west subject properties and the alley north of 3501 Everett Avenue that

abuts the east subject properties. The vacated Summit Avenue will be converted to passive and active open space and pedestrian access to the subject properties will continue to be via Summit Avenue. Vehicular access to the expanded Summit campus will be via Harrison Avenue and the alley between Summit and Harrison Avenues. Parking for the subject properties will continue to be located at the existing parking lots along the alley at 2601 Summit Avenue. The effect of the vacation, if approved, will be to create a more inviting pedestrian environment at the subject properties and to limit vehicular use in the same area. (Supports Location Criteria 8).

The development agreement restrictions described above will ensure the proposed project and any future development is compatible with the residential neighborhood. With the restrictions, building heights at the east properties would be consistent with RS-2 building heights proposed through the City's Rethink Zoning process. Building heights at the west properties would be consistent with building heights at the adjacent commercial properties per Rethink Zoning. With lower building heights, the east subject properties will function as a transitional zone between the west subject properties and single family areas to east. (Location Criteria 4, 8)

The west properties have a unique land use context: they are bound by the I-5 corridor to the north and west, a long-standing commercial use to the south and ERC's well-established institutional use to the east. The next nearest neighbor is a long-established church institutional use located northeast of the west subject properties. ERC's existing Summit Campus and the church are located in the single family zone and their uses are allowed through Special Property Use permits. As a result, the west subject properties are quite separate from the single family uses. Given this context, higher height limits at the west property are appropriate and would lead to more efficient land use across the subject properties without any meaningful impact on the nearby single family uses. (Location Criteria 4, 7 and 8)

The use and building size restrictions would allow for ERC's current and improved services while codifying protections against speculative development in the future. This will ensure that future uses and building sizes are not incompatible with the single family areas north and east of the site. (Location Criteria 8)

ERC's existing buildings at 2601 Summit Avenue will serve as the model for new buildings at the subject property. The scale and character of the 2601 Summit Avenue buildings were reviewed through Special Use Permits in the 1980s and 1990s to be compatible with the surrounding residential areas. New buildings at the west subject properties will be designed to complement the existing campus with similar scale and exterior materials to ensure minimal visual impacts on the residential areas. (Location Criteria 4)

ERC has no plans to redevelop the east properties but the rezone will allow for a less burdensome permit process as ERC shifts some of its services to the west properties. This will make it more efficient and cost-effective for ERC to adapt its services across

the expanded Summit campus. If there are concerns about the rezone at the east properties or the size of the rezone, ERC is open to limiting the rezone to the west properties only.

Evergreen Recovery Centers' long-standing presence in the neighborhood and track record of helping individuals with special needs is well documented in five Special Property Use permits for 2601 Summit Avenue dating from 1972. The proposed land use designation supports the comprehensive plan location criteria to rezone for specific, targeted uses that integrate well with and improve the surrounding community and neighborhood.

In addition, the proposed land use designation would better align with current actual uses and context. It would also recognize an irregular land use condition as an opportunity to improve vital social services in a neighborhood where the use is already well-established and in a way that will not impact nearby single family uses. This supports the following Comprehensive Plan Sections:

- Chapter 2, IV C 2.1-Policy 2.1.6: Hospitals and many clinics in Everett have located in residential areas either prior to any zoning regulations or under previous zoning codes. Protect established residential neighborhoods from further encroachment by hospitals, clinics and other related medical activities and limit such uses to those residentially zoned areas where such uses are already well established.
- Chapter 2, IV C 2.1-Policy 2.1.8: Require development, expansion and remodeling of hospital and clinic facilities to be visually compatible with and minimize the parking and traffic impacts upon established residential areas.
- Chapter 2, IV C 2.2-Policy 2.2.2: Discourage speculative rezoning and require, where necessary, proposed new commercial designations to be based upon a binding plan that integrates well with and improves the surrounding commercial area and adjoining neighborhoods.
- Chapter 2, IV C 2.8- Policy 2.8.2: "Hard to site" facilities shall be located so as to provide the necessary service to the intended users of the facility with the least impact on surrounding land uses. Only sites that are located so as to promote compatibility with other existing or planned land uses shall be allowed for such uses.

With more than 25 years' experience in treating pregnant and parenting mothers in Everett, ERC has evidence that its services improve the health and stability of at-risk mothers and their children. The proposed land use designation will allow ERC to better serve pregnant and parenting mothers in recovery and, as important, more of their children who are often in foster care because of the small size of current rooms. The proposed designation will further the comprehensive plan goal of supporting housing supply for people with special needs in a way that has little or no impact on nearby single family uses. This supports Location Criteria 6 and the following Comprehensive Plan Sections:

- **Chapter 4, IV A. Housing types and opportunities: Policy 4.1.11 Support reasonable housing accommodation for people with special needs in all areas, and avoid concentrations of such housing while protecting residential neighborhoods from adverse impacts. See policies 4.8.1 – 4.8.10.**
- **Chapter 4, IV H. Subsidized Housing- Low Income and Special needs populations: Objective 4.8 The City shall continue to support housing programs that increase the supply of housing for low-income households and special needs populations. For purposes of developing housing programs to implement these policies, the City shall use the definitions established by the Department of Housing and Urban Development for "affordable housing," "extremely low income," "very low-income housing," "low-income housing," "moderate income housing" and "middle-income housing." For purposes of developing housing programs to implement these policies, housing for special needs populations shall be defined as: Affordable housing for persons that require special assistance for supportive care to subsist or achieve independent living, including but not limited to persons that are elderly and frail elderly, developmentally disabled, mentally ill, physically disabled, homeless, people in recovery from chemical dependency, persons living with HIV/AIDS, survivors of domestic violence, and youth at risk.**

**Evergreen Recovery Centers' long history in the neighborhood attests to its role as an integral partner with the City and County in efforts to support individuals with special needs. The proposed land use designation is a low-cost way for the City to amplify ERC's capacity to provide high quality social services including short term housing for this special needs population. This supports Comprehensive Plan Sections:**

- **Comp Plan Policy 4.8.5 Work with social service and nonprofit agencies to effectively provide the services required for low-income households and special needs populations, within the financial capabilities of the city.**
  - **Comp Plan Policy 4.8.6 Review existing programs and/or establish new programs for assisting low income households and special needs populations to afford safe and decent housing, within the financial capabilities of the city.**
- 2) Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the Land Use Element to justify a change to the land use designation? If so, the circumstances which have changed should be described in detail to support findings that a different land use designation is appropriate.**

**Response: Circumstances have not changed significantly since 1989 when the current zoning code was adopted but circumstances at the subject properties have changed significantly since the 1960s. These changes include, in the 1960s, construction of the I-5 corridor north and west of the subject properties and, in the 1970s, establishment of**

**institutional uses through Special Property Use permits at the east subject properties and at a church institutional use north of the subject properties.**

**Until the mid-1960s the subject properties were part of an uninterrupted stretch of single family homes. (See Exhibits A and B, 1955 Sandborn Maps). This area, the Riverside neighborhood, was established in the 1890s and thrived through the early 20<sup>th</sup> century. Construction of the I-5 corridor in the 1960s created a large physical barrier that cut the neighborhood into two distinct parts. (See Exhibit A, Riverside Neighborhood Map, 2020). The west subject properties were directly affected by construction of the interstate. All four development sites in the west subject properties directly abut I-5. Two of these sites were in the path of I-5. Portions of these two sites were acquired by the state through eminent domain. As a result, these two sites became non-conforming according to the land use code. The proximity to I-5 also rendered the west subject properties much less hospitable to single family use due to traffic noise and the visual impact of the interstate structure.**

**In the 1970s, The City approved a Special Property Use permit for Kingdom Hall, an institutional church use located at 2530 Harrison Avenue north of the east subject properties. In 1972, the City also approved a Special Property Use permit for Evergreen Manor, an institutional use for recovery services, located at the east subject properties. In 1980s and 1990s, the City approved four expansions of Evergreen Manor's SPU to improve and expand its services. Evergreen Manor is now known as Evergreen Recovery Centers.**

**These unique circumstances, in conjunction with long-standing commercial zoning south of the site, make the subject properties more suited to commercial and institutional uses. I-5 is a looming presence to the north and west. The institutional uses at Kingdom Hall and Evergreen Recovery Centers serve as a buffer to the more intact portions of the Riverside neighborhood starting along Harrison and north of 26<sup>th</sup> Avenue. The proposed land use designation would better align zoning at the subject properties with current uses and context. It would also do so in a way that would not impact nearby single family uses.**

- 3) Are the assumptions on which the land use designation of the subject property is based erroneous, or is new information available which was not considered at the time the Land Use Element was adopted that justify a change to the land use designation? If so, the erroneous assumptions or new information should be described in detail to enable the Planning Commission and City Council to find that the land use designation should be changed.**

**Response: No, the assumptions were not erroneous. However, to the applicant, it appears that conditions at the subject properties are more granular and specific than City-wide zoning could account for. Based on a review of the City's zoning map, there do not appear to be any other instances along the I-5 corridor where single family zoning is "landlocked" by the I-5 corridor and commercial and institutional uses. The**

**proposed designation would encourage more appropriate and efficient land use for the subject properties without impacting the nearby single family uses.**

- 4) Does the proposed land use designation promote a more desirable land use pattern for the community as a whole? If so, a detailed description of the qualities of the proposed land use designation that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest.

**Response: Yes. The proposed land use designation would promote a more desirable land use pattern for the community as a whole. It would ratify a long-standing institutional use and transform single family parcels compromised by I-5 corridor construction into an opportunity for expanded social services in a way that would not meaningfully change the character of the neighborhood or otherwise impact the single family uses north and east of the subject properties. The proposed land use designation will allow for more efficient use of the subject properties. It will also allow the city to inexpensively support services for special needs populations by a well-regarded and long-established provider.**

- 5) Should the proposed land use designation be applied to other properties in the vicinity? If so, the reasons supporting the change of several properties should be described in detail. If not the reasons for changing the land use designation of a single site, as requested by the proponent, should be provided in sufficient detail to enable the Planning Commission and City Council to find that approval as requested does not constitute a grant of special privilege to the proponent or a single owner of property.

**Response: No, the proposed designation should not be applied to other properties in the vicinity. The subject properties are a special situation as outlined above. Evergreen Recovery Centers serves a unique role in the community. Its programs provide multi-faceted community benefits that reduce the obligations of other community and social service providers including law enforcement, crisis services, health care, social services, criminal justice systems and housing providers. The proposed designation will allow for improvement of ERC's services at no cost to the City. This proposed designation supports the City's comprehensive plan goal to locate "hard to site" uses with the least impact on surrounding land uses and in a way that promotes compatibility with other existing land uses.**

- 6) What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to assure compatibility with the uses of other properties in the vicinity?

**Response: The proposed land use designation will minimize the presence of Evergreen's current programs on single family areas to the north and east. The proposed designation will allow ERC to spread its programs across the subject**

**properties, which will shift ERC’s “center of gravity” away from the single family areas. ERC has been a sensitive and compatible neighbor for decades. The ability to spread out its services will allow Evergreen to continue its stewardship while better serving adults and children with special needs.**

- 7) Would the change of the land use designation sought by the proponent create pressure to change the land use designations of other properties in the vicinity? If so, would the change of land use designation for other properties be in the best long term interests of the community in general?

**Response: No, the proposed land use designation would not create pressure to change other designations in the vicinity. As outlined above, the subject properties are a special situation. The proposed designation recognizes this unusual context as an opportunity to improve vital social services in a cost-effective, efficient way and without meaningful impact on adjacent single family areas.**

## **Rezone**

Rezoning can be either non-project or development agreement rezoning. In order to better understand the differences between the two rezoning processes, it is advised that you speak with Long Range Planning staff in advance of responding to this section.

- 1) Which rezoning type are you seeking?

**Response: Development agreement rezoning**

- 2) Address your vision for how the subject property or properties would be used if the rezoning were approved, and how the request, if granted, would benefit the City of Everett and its citizens.

### **Rezone Vision: Evergreen Recovery Centers’ Summit Campus**

**Evergreen Recovery Centers has received State and private capital funding to improve its services for pregnant and parenting mothers at the subject properties.**

**If the rezoning is approved, ERC plans to develop a new facility at the west subject properties as a companion to its 2601 Summit Avenue campus located across the street at the east subject properties. The new facility will include two multi-family residential buildings and an integrated therapeutic daycare for children living at the expanded Summit campus.**

**The residential buildings will be designed to incorporate an innovative program to allow infants going through neonatal withdrawal to be discharged with the mother rather than being separated for the first four to six weeks of their lives. ERC is working with the developers of this model at Yale and Dartmouth to create the first**

treatment center in the US to adapt this painful process for infants to a warm, non-addictive approach where “mom is the medicine.” The new facility will create a supportive environment where new moms continue their treatment and recovery at ERC while keeping their infants with them and/or maintaining intact families or having custody returned to them due to their progress in recovery.

Each residential building will be ±8,500 square feet and will include 16-18 dwelling units. Each residential building will have support staff offices, common kitchen, lounges, dining room, library/media room, classrooms, and exercise/play areas for mothers and children. Outdoor areas around the buildings will be landscaped and programmed for active and passive recreation for use solely by mothers and children living at ERC’s Summit campus. ERC anticipates serving a maximum of 16 mothers and their children in each building at any given time.

The therapeutic daycare will solely serve children living at ERC’s Summit campus. The daycare will focus on helping the infants catch up on developmental delays; and provide training and a nurturing environment to break the cycle of intergenerational dysfunction. The daycare will be ±5,000 square feet and will serve a maximum of 35-40 children at any given time.

With the new facility, ERC will spread out its programs and reduce the number of residents living at the east subject properties. This will allow for more hospitable living arrangements throughout its campus including larger family-sized dwelling units and an opportunity to create a small unit for adolescent pregnant and parenting mothers—currently unserved in the community because of lack of a facility.

Parking for staff will continue to be provided in the existing parking lots at the east subject properties. If needed, a small amount of additional parking may also be provided at the new facility. Residents of the proposed project are not permitted to have cars.

#### Rezone Community Benefit

With more than 25 years’ experience in treating pregnant and parenting mothers in Everett, ERC has evidence that its programs improve the health and stability of at-risk mothers and their children. ERC provides services, housing, support and hope to families and communities through its 6-month housing/treatment program.

Mothers who receive services at ERC are primarily from Everett and the North Sound area and over half the residents are in recovery from opiate addiction. They are part of a pattern of intergenerational substance abuse and family dysfunction. They were once themselves neglected and abused children in our community.

- 88% of mothers had parents who abused alcohol/drugs.
- 65% were physically/sexually abused as a child.
- 25% were involved in foster care as a child.
- 35% did not finish high school.

There is a multidimensional community benefit to improving ERC's capacity and enhancing its facilities to provide unique neonatal care onsite with the mother. Evergreen Recovery Centers provides critical housing and services to a population that consumes a great deal of time from law enforcement, crisis services, health care, social services, criminal justice systems and housing providers. With the rezone and proposed project, our primary goals are:

- Eliminate long waiting lists for mothers with more than one child (now 3 months or more to obtain room in the program),
- Mothers will be able to immediately bring all their young children to live with them at the treatment center, keeping family units intact.
- Mothers in need of our services can be transferred by local hospitals immediately after birth, with the infant, increasing positive outcomes.
- Newborns will be kept with the mother in a highly nurturing environment rather than placed on morphine (the current treatment for infants born to mothers who are using prescribed opiate recovery medications) and sent alone to a perinatal program to withdraw from the morphine over 6 weeks.
- Onsite play areas, both indoors and outdoors, will be improved and Evergreen will be able to provide specialized infant accommodations, thus facilitating early release from crowded neonatal hospital units.

After completion of services, the mothers become self-sufficient and strong parents in addition to improving their own emotional and physical health:

- 85% of their children are living with the mothers and out of foster care.
- 75% are abstinent from alcohol and drugs for at least 6 months.
- 68% are using family planning regularly.
- 56% are enrolled in college or completed their GED.
- 100% of mothers receive concurrent mental health service to address co-occurring depression, anxiety and impacts of childhood abuse and trauma.
- Infants and children in residence catch up to normal developmental benchmarks as a result of the developmental services provided by Evergreen Recovery Centers.

Evergreen Recovery Centers is excited about expanding its capacity and supporting mother-child bonding during these critical first months of life, and ultimately, breaking the cycle of addiction with the preventive services this unique program for young families offers.

**EVERGREEN RECOVERY CENTERS' SUMMIT CAMPUS**  
**COMPREHENSIVE PLAN AMENDMENT AND REZONE APPLICATION**  
**NOTIFICATION LIST OF PROPERTY OWNERS WITHIN 500'**

parcel_number	org_name	line_1_2	line_1	line_2	city	code_table_cd	zip_postal_code
00516864202900	2712 SUMMIT AVENUE LLC	7750 E NOPAL	7750 E NOPAL AVE		MESA	AZ	85209
00516864203000	2712 SUMMIT AVENUE LLC	7750 E NOPAL	7750 E NOPAL AVE		MESA	AZ	85209
00516859300900	LOT 350 LLC	14645 NE 13TH	14645 NE 13TH PL		BELLEVUE	WA	98007
00516858002500	FOOS ROBERT & JANICE	21505 89TH	21505 89TH AVE W		EDMONDS	WA	98020
00516858002600	FOOS ROBERT & JANICE	21505 89TH	21505 89TH AVE W		EDMONDS	WA	98020
00483359502200	EVERGREEN RECOVERY CENTERS		PO BOX 12598		EVERETT	WA	98026
00516859502200	EVERGREEN RECOVERY CENTERS		PO BOX 12598		EVERETT	WA	98026
00483357800600	HASHIMOTO SCOTT H & LORI L	14004 ASH WAY	14004 ASH WAY		LYNNWOOD	WA	98037
00516859301900	MATACHICA LLC	26103 NE 25TH	26103 NE 25TH ST		REDMOND	WA	98053
00483357800101	WILTSHIRE H JOHN GABINA	3332 NASSAU	3332 NASSAU ST		EVERETT	WA	98201
00483357800102	NASH ADRIANNE N/WOODING	3303 26TH ST	3303 26TH ST		EVERETT	WA	98201
00483357800300	ECKBERG DANNY	2525 STATE ST	2525 STATE ST		EVERETT	WA	98201
00483357802400	CARBAUGH / PETERSEN	2516 HIGHLAND	2516 HIGHLAND ST		EVERETT	WA	98201
00483357802500	WALTHER BLAIR	2518 HIGHLAND	2518 HIGHLAND AVE		EVERETT	WA	98201
00483359502400	EVERGREEN MANOR INC	2601 SUMMIT	2601 SUMMIT AVE		EVERETT	WA	98201
00483359502600	EVERGREEN MANOR	2601 SUMMIT	2601 SUMMIT AVE		EVERETT	WA	98201
00515057902000	DOOLITTLE JOHN L & KIMBERLY E	2507 HIGHLAND	2507 HIGHLAND ST		EVERETT	WA	98201
00515657802100	BROWN DELAINEY N	2510 HIGHLAND	2510 HIGHLAND AVE		EVERETT	WA	98201
00515657802300	CARBAUGH/PETERSEN	2516 HIGHLAND	2516 HIGHLAND ST		EVERETT	WA	98201
00516858000700	JOSEPHSON MARTHA E	2711	2711 CALIFORNIA ST		EVERETT	WA	98201
00516858001700	STEWART JEFFREY B/CALLIE A	2502 HARRISON	2502 HARRISON AVE		EVERETT	WA	98201
00516858002100	GUNNETTE NICOLE R	2512 HARRISON	2512 HARRISON		EVERETT	WA	98201
00516858002700	ELLISON KERRY V	2522 HARRISON	2522 HARRISON AVE		EVERETT	WA	98201
00516858100600	HUANG ALVIN/ JIE YING	2517 HARRISON	2517 HARRISON AVE		EVERETT	WA	98201
00516858100800	MILLER LISA S	2515 HARRISON	2515 HARRISON AVE		EVERETT	WA	98201
00516859300700	EVANS MATT	2617 HARRISON	2617 HARRISON AVE		EVERETT	WA	98201
00516859300800	RAINWATER DOMINIC M	2615 HARRISON	2615 HARRISON AVE		EVERETT	WA	98201
00516859301400	UNDERWOOD MARJORIE F	2601 HARRISON	2601 HARRISON AVE		EVERETT	WA	98201
00516859301600	SMITH BEN C/LAURIE	2602	2602 CLEVELAND AVE		EVERETT	WA	98201
00516859302000	TEPKE MARY E	2610	2610 CLEVELAND AVE		EVERETT	WA	98201
00516859302100	CASEY JESSICA P	2612	2612 CLEVELAND AVE		EVERETT	WA	98201
00516859302200	RAMIREZ JUAN E	2614	2614 CLEVELAND		EVERETT	WA	98201
00516859400401	EVERGREEN MANOR	2601 SUMMIT	2601 SUMMIT AVE		EVERETT	WA	98201
00516859400402	EVERGREEN MANOR	2601 SUMMIT	2601 SUMMIT AVE		EVERETT	WA	98201

**EVERGREEN RECOVERY CENTERS' SUMMIT CAMPUS**  
**COMPREHENSIVE PLAN AMENDMENT AND REZONE APPLICATION**  
**NOTIFICATION LIST OF PROPERTY OWNERS WITHIN 500'**

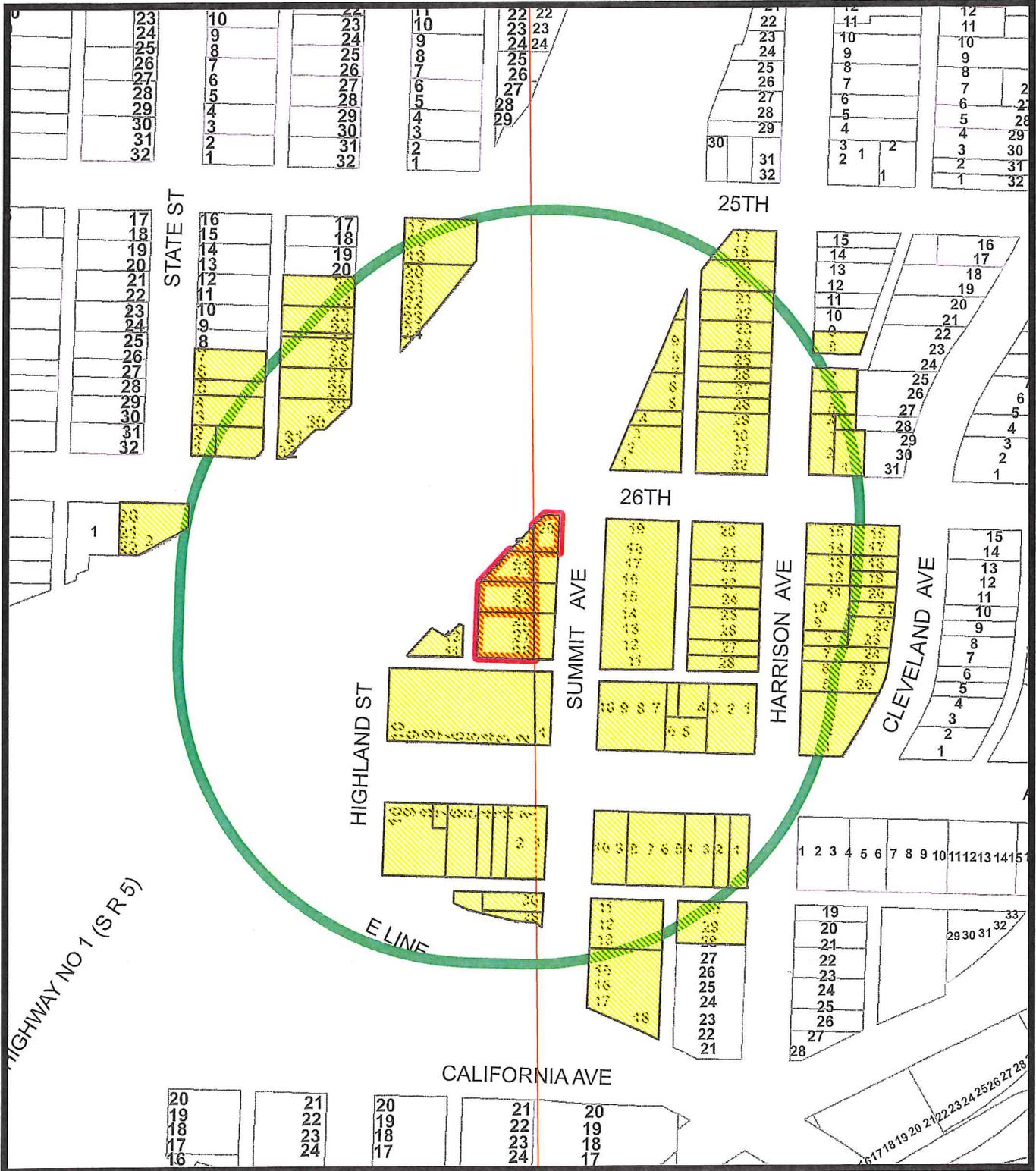
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00516859400602	EVERGREEN MANOR	2601 SUMMIT	2601 SUMMIT AVE		EVERETT	WA	98201
00516859401100	EVERGREEN MANOR	2601 SUMMIT	2601 SUMMIT AVE		EVERETT	WA	98201
00516859402200	AVILEZ-PINA MARIA/AYALA-	2606 HARRISON	2606 HARRISON AVE		EVERETT	WA	98201
00516859402500	FISHER MATTHEW	2612 HARRISON	2612 HARRISON AVE		EVERETT	WA	98201
00516859402700	MATHEWSON DANIEL	2616 HARRISON	2616 HARRISON AVE		EVERETT	WA	98201
00516859402800	FUELL LOREN/PERRY SARA	2618 HARRISON	2618 HARRISON AVE		EVERETT	WA	98201
00516859502400	EVERGREEN MANOR INC	2601 SUMMIT	2601 SUMMIT AVE		EVERETT	WA	98201
00516859502600	EVERGREEN MANOR	2601 SUMMIT	2601 SUMMIT AVE		EVERETT	WA	98201
00516864200100	RIDDELL COMMERCIAL	2231 LOMBARD	2231 LOMBARD AVE		EVERETT	WA	98201
00516864203001	M E B MFG CO	3410 EVERETT	3410 EVERETT AVE		EVERETT	WA	98201
00562564300200	MILLER WILLIAM R	3520 EVERETT	3520 EVERETT AVE		EVERETT	WA	98201
00562564300300	MILLER WILLIAM R	3520 EVERETT	3520 EVERETT AVE		EVERETT	WA	98201
00516858000100	NORTH CONGREGATION OF	1321	1321 ROCKEFELLER AVE		EVERETT	WA	98201-1683
00516858000500	NORTH CONGREGATION OF	1321	1321 ROCKEFELLER AVE		EVERETT	WA	98201-1683
00516858002900	NORTH CONGREGATION OF	1321	1321 ROCKEFELLER AVE		EVERETT	WA	98201-1683
00483557800500	HIX BRUCE	2523 STATE ST	2523 STATE ST		EVERETT	WA	98201-3253
00516858100101	OLSON ARVIENE	3609 26TH ST	3609 26TH ST		EVERETT	WA	98201-3301
00516859301800	PAMPLONA JOEL RINCON & CRUZ-	2606	2606 CLEVELAND AVE		EVERETT	WA	98201-3304
00516859402000	CULL MICHAEL & CANDACE	2602 HARRISON	2602 HARRISON AVE		EVERETT	WA	98201-3308
00516859402300	WHITT KRISTINA	2610 HARRISON	2610 HARRISON AVE		EVERETT	WA	98201-3308
00516858100400	MILLER JAMES D	2521 HARRISON	2521 HARRISON AVE		EVERETT	WA	98201-3349
00516858100500	JAMES DAVID MILLER TRUSTEE OF	2521 HARRISON	2521 HARRISON AVE		EVERETT	WA	98201-3349
00516858002800	TAYLOR MARA L	2524 HARRISON	2524 HARRISON AVE		EVERETT	WA	98201-3350
00516859400100	EVERGREEN MANOR	3515 EVERETT	3515 EVERETT AVE		EVERETT	WA	98201-3816
00562564300100	MILLER WILLIAM	3520 EVERETT	3520 EVERETT AVE		EVERETT	WA	98201-3817
00516859300100	EVERETT RIVERSIDE LLC	5019	5019 CLAREMONT WAY		EVERETT	WA	98203-3321
005168664200400	SHUH LEASING LLC	5019	5019 CLAREMONT WAY		EVERETT	WA	98203-3321
005168664200500	SHUH LEASING LLC	5019	5019 CLAREMONT WAY		EVERETT	WA	98203-3321
005168664200701	SHUH LEASING LLC	5019	5019 CLAREMONT WAY		EVERETT	WA	98203-3321
005168664200702	SHUH LEASING LLC	5019	5019 CLAREMONT WAY		EVERETT	WA	98203-3321
00515057901700	LEE JASON	10620 21ST PL	10620 21ST PL W		EVERETT	WA	98204-3667
00483559500200	SHAFFER JAMES P & GRETCHEN C	PO BOX 1213	PO BOX 1213		EVERETT	WA	98206
00483559502000	EVERGREEN RECOVERY CENTERS	PO BOX 12598	PO BOX 12598		EVERETT	WA	98206

**EVERGREEN RECOVERY CENTERS' SUMMIT CAMPUS**  
**COMPREHENSIVE PLAN AMENDMENT AND REZONE APPLICATION**  
**NOTIFICATION LIST OF PROPERTY OWNERS WITHIN 500'**

parcel_number	org_name	line_1_2	line_1	line_2	city	code_table_cd	zip_postal_code
00516859502001	EVERGREEN RECOVERY CENTERS		PO BOX 12598		EVERETT	WA	98206
00516864300500	ETJ LLC	PO BOX 1029	PO BOX 1029		EVERETT	WA	98206-1029
00516864301100	ETJ LLC	PO BOX 1029	PO BOX 1029		EVERETT	WA	98206-1029
00516864301400	ETJ LLC	PO BOX 1029	PO BOX 1029		EVERETT	WA	98206-1029
00562564302800	ETJ LLC	PO BOX 1029	PO BOX 1029		EVERETT	WA	98206-1029
00516859500100	SHAFFER JAMES P	PO BOX 1213	PO BOX 1213		EVERETT	WA	98206-1213
00483559702000	GARGES CARLOS	3427 GORIN	3427 GORIN DRIVE		EVERETT	WA	98208
00516858100102	GREENWOOD ELISABETH		P.O. BOX 3211		EVERETT	WA	98213
00483557802900	ARBAUGH FAMILY TRUST	2206 71ST AVE	2206 71ST AVE SE		LAKE STEVENS	WA	98258
00516864200300	MONZIONZ LLC	9713 8TH ST NE	9713 8TH ST NE		LAKE STEVENS	WA	98258-9465
00516858001900	RICHARDSON GRACE	3220 71ST AVE	3220 71ST AVE NE		MARYSVILLE	WA	98270
00516859301200	RICHARDSON GRACE	3220 71ST AVE	3220 71ST AVE NE		MARYSVILLE	WA	98270
00516858000400	NORTH CONGREGATION OF	8109 49TH AVE	8109 49TH AVE NE		MARYSVILLE	WA	98270-3574
00516858002300	BROWN JAMES L	4611 FOBES RD	4611 FOBES RD		SNOHOMISH	WA	98290
00516864300900	SHAMROCK VENTURES LLC	PO BOX 2318	PO BOX 2318		SNOHOMISH	WA	98291
00516859300500	MATTHEW THOMAS RUSSELL/TRACI	14603 W LK	14603 W LK GOODWIN RD		STANWOOD	WA	98292
00516858001100	WA STATE OF PARKS & REC	PO BOX 42650	WD-894/230	PO BOX 42650	OLYMPIA	WA	98504
00483557802700	HECKERT CLAUDIA J	PO BOX 627	PO BOX 627		ALLYN	WA	98524

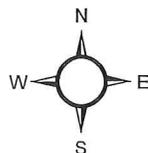
EVERGREEN RECOVERY CENTERS' SUMMIT CAMPUS  
 COMPREHENSIVE PLAN AMENDMENT AND REZONE APPLICATION  
 NOTIFICATION LIST MAP

# EvergreenMap



Township: 29 Range: 5 Section: 20

-  Parcels
-  Selected Parcels
-  Parcel(s) of Interest
-  Mailing Radius (500 feet)
-  PLSS Grid



Snohomish County disclaims any warranty of merchantability or warranty of fitness of this data (or map) for any particular purpose, either express or implied. No representation or warranty is made concerning the accuracy, currency, completeness or quality of data depicted. Any user of this data (or map) assumes all responsibility for use thereof, and further agrees to hold Snohomish County harmless from and against any damage, loss, or liability arising from any use of this data (or map).



**Snohomish County**

Application Provided by:  
 Information Services/GIS  
 Produced 12/6/2019





**Project title:** An Ordinance closing a special improvement project entitled "Three Acre Park, Phase 1" Fund 308, Program 006, as established by Ordinance No. 3476-16

**City Council Agenda Item Cover Sheet**

**Council Bill #**

CB 2008-45

**Agenda dates requested:**

Briefing

Proposed action–Sept 9, 2020

Proposed action–Sept 16, 2020

Consent

Action – Sept 23, 2020

Ordinance

Public hearing

Yes X No

**Budget amendment:**

Yes X No

**PowerPoint presentation:**

Yes X No

**Attachments:**

Proposed Ordinance

**Department(s) involved:**

Public Works, Admin

**Contact person:**

Tom Hood

**Phone number:**

(425) 257-8809

**Email:**

thood@everettwa.gov

**Initialed by:**

*RLS*

Department head

Administration

Council President

**Consideration:** Plans & Systems Ordinance

**Project:** Three Acre Park, Phase 1

**Partner/Supplier:** Shelter Holdings, LLC

**Location:** Various

**Preceding action:** Ordinance No. 3476-16, approved 1/13/16

**Fund:** Fund 308 – Riverfront Development

**Fiscal summary statement:**

The initial budget for this project was \$2,500,000. At approximately 60% design, the responsibility for constructing the project was transferred from the City to the property developer.

This closing ordinance will recognize a total of \$525,000 in costs - \$328,404 in design costs and a remaining balance transfer back to Fund 162 of \$196,596 for a total of \$525,000.

**Project summary statement:**

In 2016, the City began the design process for the eventual construction of a 3-acre park along Eclipse Mill Road in the Riverfront Development Area. Milestones completed while the project was under the City’s responsibility include master planning, 60% design and site preparation including the demolition and removal of a derelict crane structure.

The May 17, 2019 amendment to the Property Disposition Agreement transferred the responsibility of constructing the park to the property developer, Shelter Holdings, LLC. With construction of the park no longer a City of Everett obligation, this ordinance will close out the project and de-obligate remaining funds.

**Recommendation (exact action requested of Council):**

Adopt an Ordinance closing a special improvement project entitled "Three Acre Park, Phase 1" Fund 308, Program 006, as established by Ordinance No. 3476-16





**ORDINANCE NO.** \_\_\_\_\_

An **ORDINANCE** closing a special improvement project entitled “Three Acre Park, Phase 1” Fund 308, Program 006, as established by Ordinance No. 3476-16.

**WHEREAS,**

- A. The special improvement project entitled “Three Acre Park, Phase 1” Fund 308, Program 006, was established to provide for identified improvements.
- B. The purpose of the project will be accomplished by other means and there are neither outstanding obligations to be paid nor uncollected revenues to be received.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.** That the special improvement project entitled “Three Acre Park, Phase 1” Fund 308, Program 006, as established by Ordinance No. 3476-16, be closed.

**Section 2.** That the final expenses and revenues for the “Three Acre Park, Phase 1” Fund 308, Program 006, are as follows:

A. Expenses	
Design, Planning and Site Preparation	\$ 328,404
Remaining Balance Transfer to Fund 162	<u>196,596</u>
Total Expenses	\$ 525,000
B. Source of Funds	
Fund 162 – Capital Improvement Program 4	\$ 525,000

**Section 3.** There are no financial transactions remaining.

**Section 4.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

**Section 5.** The City Council hereby declares that should any section, paragraph, sentence, clause or

phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**Section 6.** The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

**Section 7.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

\_\_\_\_\_  
Cassie Franklin, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Fuller, City Clerk

PASSED: \_\_\_\_\_

VALID: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_



# City Council Agenda Item Cover Sheet

**Project title:** An Ordinance Creating a Special Improvement Project Entitled "Garfield Park Path Overlay and Sport Court Seal Coat Project", Fund 354, Program 067, to Accumulate all Costs for the Project

**Council Bill #** *interoffice use*  
CB 2009-46

**Agenda dates requested:**

Briefing  
 Proposed action 9.9,16.20  
 Consent  
 Action 9/23/2020  
 Ordinance X  
 Public hearing  
 Yes X No

**Budget amendment:**  
Yes X No

**PowerPoint presentation:**  
Yes X No

**Attachments:**  
Ordinance

**Department(s) involved:**  
Parks & Facilities  
Administration

**Contact person:**  
Bob Leonard

**Phone number:**  
425-257-8335

**Email:**  
bleonard@everettwa.gov

**Initialed by:**  
*RML*  
Department head

Administration

Council President

**Project:** Garfield Park Path Overlay and Sport Court Seal Coat

**Partner/Supplier :** Job Order Contracting - Construction

**Location:** 2300 Walnut Street, Everett, WA

**Preceding action:** N/A

**Fund:** Parks - Fund 354, Program 067 / CIP 3

**Fiscal summary statement:**

Funds for the Garfield Park Path Overlay and Sport Court Seal Coat Project will be allocated from the General Fund CIP 3, specifically Parks & Facilities Fund 354.

Bids for this work were solicited and opened on August 20, 2020. Two (2) bids were received and Fidalgo Paving & Construction, LLC. submitted the lowest responsive, responsible bid in the amount of \$78,507.00 including tax. Prior to the overlay work the Parks Department will spend \$5,000 towards preconstruction site improvement. Adding a 15 percent contingency to both costs, the total project cost will be \$96,033.05

**Project summary statement:**

Periodic renovations to Parks walking paths are necessary to keep park access functional, enjoyable for park users, and to minimize maintenance costs. The paths and basketball court have not been resurfaced for at least 15 years and currently need repair due to wear caused by long-term, heavy use.

Pre-overlay work will include root pruning to remove tree roots crossing under the paths, damaging the asphalt in several locations. The contractor will overlay the existing asphalt paths, construct ADA access to two of the existing picnic shelters and construct a small walking round-about. The basketball court will be cleaned, seal coated and re-stripped.

In compliance with the City of Everett purchasing requirements staff used the small works process to contract the work for this project. The project is planned for the fall of 2020.

**Recommendation (exact action requested of Council):**

Adopt an Ordinance creating a special improvement project entitled "Garfield Park Path Overlay and Sport Court Seal Coat Project", Fund 354, Program 067, to accumulate all costs for the project.



**ORDINANCE NO. \_\_\_\_\_**

An Ordinance Creating a special improvement project entitled “Garfield Park Path Overlay and Sport Court Seal Coat Project”, Fund 354, Program 067, to accumulate all costs for the project.

**WHEREAS,**

- A. The City of Everett is committed to a planned parks capital improvement program as part of the City of Everett Parks & Community Services Comprehensive Plan.
- B. The City of Everett is requesting funding approval for the utilization of Capital Improvement Program 3 (CIP-3) to renovate a sport court in the City Parks system;

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.** A special improvement project is hereby established as Fund 354, Program 067, and shall be entitled “Garfield Park Path Overlay and Sport Court Seal Coat Project” to accumulate all costs for the project.

**Section 2.** Authorization is hereby given to accumulate costs and distribute payments from Fund 354, Program 067 for the improvement project.

**Section 3.** Authorization is hereby granted to the Parks and Facilities Director, under direction of the Mayor, to assume full and complete responsibility for conducting all tasks and doing all things to accomplish the action authorized in this ordinance.

**Section 4.** The sum of \$96,033.05 is hereby appropriated to Fund 354, Program 067, “Garfield Park Path Overlay and Sport Court Seal Coat Project” as follows:

A. Estimated Project Costs	
Pre-Construction Site Improvements	\$ 5,000.00
Fildago Paving and Construction, LLC.	\$78,507.00
15% Contingency	\$12,526.05
<b>Total Estimated Costs</b>	<b><u>\$96,033.05</u></b>
B. Source of Funds	
Fund 354-CIP3	\$ 96,033.05
<b>Total Estimated Funds</b>	<b><u>\$ 96,033.05</u></b>

\_\_\_\_\_  
Cassie Franklin, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Fuller, City Clerk

PASSED: \_\_\_\_\_

VALID: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

**Project title:** An Ordinance Increasing the Number of Permitted Recreational Marijuana Retail Stores to Not More than Eight, Amending Section C of Ordinance No. 3486-16 (EMC 19.39.145, as amended)

**Council Bill #** *interoffice use*  
CB 2009-49

**Agenda dates requested:**  
9/23/20; 10/7/20; 10/14/20

Briefing  X  
Proposed action  
Consent  
Action  
Ordinance  X  
Public hearing 10/14/20  
 X    Yes                      No

**Budget amendment:**  
 Yes                       X    No

**PowerPoint presentation:**  
 Yes                       X    No

**Attachments:**  
Opt 1. Ordinance with Exhibits  
Opt 2. Ordinance with Exhibits

**Department(s) involved:**  
Planning  
Legal

**Contact person:**  
David Stalheim, Interim Planning Director

**Phone number:**  
425-257-8731

**Email:**  
[dstalheim@everettwa.gov](mailto:dstalheim@everettwa.gov)

**Initialed by:**

Department head  
DS  
Administration

Council President

**Project:** Amendment of recreational marijuana zoning regulations

**Partner/Supplier :** n/a

**Location:** City-wide

**Preceding action:** May 9, 2018: City Council decided to not increase the number of permitted retail marijuana stores

**Fund:** n/a

**Fiscal summary statement:**

n/a

**Project summary statement:**

EMC 19.39.145.B.13 limits the number of retail marijuana stores in the city to five.

In the late winter and spring of 2020, the Public Safety Committee of the City Council reviewed information related to tax revenues generated by retail marijuana stores, calls for police service for retail stores in comparison to other types of businesses, and the current regulations for where retail marijuana stores can be located.

The Public Safety Subcommittee asked staff to bring forward an ordinance allowing the number of permitted stores to be increased to not more than eight, and requiring that any retail store hereafter established be certified by the Washington State Liquor and Cannabis Board as a medical marijuana provider.

The City Council held the following briefings on this issue before delaying action due to COVID-19:

- 2/12/20 – Briefing and 1<sup>st</sup> reading of ordinance
- 2/19/20 – 2<sup>nd</sup> reading of ordinance (no comments)
- 3/11/20 – 2<sup>nd</sup> reading of ordinance (some citizen comments)
- 3/18/20 – 2<sup>nd</sup> reading of ordinance (discussion about postponing the public hearing and 3<sup>rd</sup> and final reading until a later date and council resumes normal council meetings)

After the February 19<sup>th</sup> meeting, an alternative ordinance was sent to council – without any recommendation, that would reduce the minimum required separation between retail marijuana stores from 2,500 feet to 500 feet.

We are providing two ordinance options for the City Council to consider:

1. Option 1. An ordinance increasing the number of retail marijuana stores to eight with a requirement that they are a medical marijuana provider. (Original Ordinance)
2. Option 2. An ordinance increasing the number of retail marijuana stores to eight with a requirement that they are a medical marijuana provider and reducing the minimum separation distance between retail marijuana stores from 2,500 feet to 500 feet.

**Recommendation (exact action requested of Council):**

Adopt Ordinance increasing the number of permitted Recreational Marijuana Retail Stores to not more than Eight, amending Section C of Ordinance No. 3486-16 (EMC 19.39.145, as amended)



**ORDINANCE NO.** \_\_\_\_\_

**An ORDINANCE Increasing the Number of Permitted Recreational Marijuana Retail Stores to Not More than Eight, Amending Section C of Ordinance No. 3486-16 (EMC 19.39.145, as amended)**

**WHEREAS,**

- A.** The City Council adopted Ordinance No. 3486-16, establishing a limit on the number of permitted recreational marijuana retail stores in the city limits of Everett to not more than five;
- B.** The Washington State Liquor and Cannabis Board (WSLCB) will allow up to ten recreational marijuana stores within the Everett city limits;
- C.** Subsection c.13 of Section 2 of Ordinance No. 3486-16, provided for review of the number of retail stores to be permitted by June 1, 2018;
- D.** The Planning Commission held a public workshop on February 20, 2018, at which they requested additional information from City staff regarding a variety of standards in the City's current regulations for recreational marijuana retail stores, and took public testimony about the current regulations;
- E.** The Planning Commission held a public hearing on April 3, 2018, to consider information provided by City staff and to take additional public testimony;
- F.** The Planning Commission recommended that the City Council increase the permitted number of retail marijuana store to ten;
- G.** The City Council held a public hearing on May 9, 2018, to consider the recommendation of the Planning Commission, but decided at that time not to change the permitted number of recreational marijuana stores or change the minimum separation requirement between stores;
- H.** In 2019, the Public Safety Committee of the City Council conducted a review of the permitted number of recreational marijuana retail stores, and after considering police department data and information from the Washington State Liquor and Cannabis Board, asked staff to prepare an ordinance for consideration by the full City Council to increase the permitted number of recreational marijuana stores from five to eight, provided that any new store shall commit to being certified by the Washington State Liquor and Cannabis Board as a medical marijuana provider;

- I. The City Council held a public hearing on October 14, 2020, to take public testimony concerning the recommendation from the Public Safety Committee;
- J. Although there are no policies in the Comprehensive Plan related to recreational marijuana retail stores, the proposed amendment to the Zoning Code is not inconsistent with the Everett Growth Management Comprehensive Plan;
- K. The proposed amendment bears a substantial relation to public health, safety or welfare; and
- L. The proposed amendment to the Zoning Code provides for the best long-term interests of the Everett community.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.** Section 2 of Ordinance No. 3486-16, as amended (codified at EMC 19.39.145.C.13), is amended as follows, with strikeouts deleted and underlining added:

C. Retailers. Marijuana retailers may operate in the city pursuant to the following restrictions:

- 13. The maximum number of retail marijuana stores allowed in the city of Everett shall not exceed five eight. Any retail marijuana store hereafter established shall be certified as a medical marijuana provider by the Washington State Liquor and Cannabis Board.

**Section 2.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

**Section 3.** The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**Section 4.** The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

**Section 5.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing

contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

\_\_\_\_\_  
Cassie Franklin, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Fuller, City Clerk

PASSED: \_\_\_\_\_

VALID: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_



**ORDINANCE NO. \_\_\_\_\_**

**An ORDINANCE Increasing the Number of Permitted Recreational Marijuana Retail Stores to Not More than Eight and Reducing the Separation of Retail Stores to No Less than Five Hundred Feet, Amending Section C of Ordinance No. 3486-16 (EMC 19.39.145, as amended)**

**WHEREAS,**

- A.** The City Council adopted Ordinance No. 3486-16, establishing a limit on the number of permitted recreational marijuana retail stores in the city limits of Everett to not more than five;
- B.** The Washington State Liquor and Cannabis Board (WSLCB) will allow up to ten recreational marijuana stores within the Everett city limits;
- C.** Subsection c.13 of Section 2 of Ordinance No. 3486-16, provided for review of the number of retail stores to be permitted by June 1, 2018;
- D.** The Planning Commission held a public workshop on February 20, 2018, at which they requested additional information from City staff regarding a variety of standards in the City's current regulations for recreational marijuana retail stores, and took public testimony about the current regulations;
- E.** The Planning Commission held a public hearing on April 3, 2018, to consider information provided by City staff and to take additional public testimony;
- F.** The Planning Commission recommended that the City Council increase the permitted number of retail marijuana store to ten and decrease the required separation between retail marijuana stores from two thousand five-hundred feet to five-hundred feet;
- G.** The City Council held a public hearing on May 9, 2018, to consider the recommendation of the Planning Commission, but decided at that time not to change the permitted number of recreational marijuana stores or change the minimum separation requirement between stores;
- H.** In 2019, the Public Safety Committee of the City Council conducted a review of the permitted number of recreational marijuana retail stores, and after considering police department data and information from the Washington State Liquor and Cannabis Board, asked staff to prepare an ordinance for consideration by the full City Council to increase the permitted number of recreational marijuana stores from five to eight, provided that any new store shall commit to being certified by the Washington State Liquor and Cannabis Board as a medical marijuana provider;

- I. The City Council held a public hearing on October 14, 2020, to take public testimony concerning the recommendation from the Public Safety Committee;
- J. Although there are no policies in the Comprehensive Plan related to recreational marijuana retail stores, the proposed amendment to the Zoning Code is not inconsistent with the Everett Growth Management Comprehensive Plan;
- K. The proposed amendment bears a substantial relation to public health, safety or welfare; and
- L. The proposed amendment to the Zoning Code provides for the best long-term interests of the Everett community.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.** Section 2 of Ordinance No. 3486-16, as amended (codified at EMC 19.39.145.C.6), is amended as follows, with strikeouts deleted and underlining added:

C. Retailers. Marijuana retailers may operate in the city pursuant to the following restrictions:

- 6. Marijuana retailers may not locate within ~~two thousand~~ five hundred feet of any other legally established marijuana retailer;

**Section 2.** Section 2 of Ordinance No. 3486-16, as amended (codified at EMC 19.39.145.C.13), is amended as follows, with strikeouts deleted and underlining added:

C. Retailers. Marijuana retailers may operate in the city pursuant to the following restrictions:

- 13. The maximum number of retail marijuana stores allowed in the city of Everett shall not exceed ~~five~~ eight. Any retail marijuana store hereafter established shall be certified as a medical marijuana provider by the Washington State Liquor and Cannabis Board.

**Section 3.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

**Section 4.** The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**Section 5.** The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which

may be in existence on the effective date of this Ordinance.

**Section 6.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

\_\_\_\_\_  
Cassie Franklin, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Fuller, City Clerk

PASSED: \_\_\_\_\_

VALID: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_