

MEMORANDUM

TO: Planning Commission
FROM: Allan Giffen, Planning Director
DATE: March 20, 2019
SUBJECT: Public Hearing for Amendment to Master Plan for the Landfill Site within the Riverfront Redevelopment – Planned Development Overlay Zone

Introduction: The Planning Commission is tasked with reviewing proposed amendments to the site development plan and development standards for the Landfill site within the Riverfront Redevelopment area. This memorandum provides background information concerning the requirements of the Everett zoning code that apply to the review of the proposed amendments, the changes proposed to the site development plan, and to documents that govern how the site is developed. The Planning Commission’s role is to determine if the proposed amendments satisfy the evaluation criteria of the Planned Development Overlay (PDO) zone in Everett Municipal Code (EMC) section 19.29.050.C, and the evaluation criteria for a site specific rezone in EMC section 19.41.160.D.

- A. **Public Hearing.** The March 26, 2019 Planning Commission special meeting has been advertised as a Public Hearing and potential decision meeting for the proposed amendments to the master plan for the Landfill Site within the Riverfront Redevelopment. A decision by the Planning Commission takes the form of a recommendation to the City Council.
- B. **Original Master Plan.** The landfill site is the middle of three parcels of developable land within the Riverfront Redevelopment master plan, originally approved in 2009. The original master plan applied to three development sites – the Simpson site on the south, the Landfill site in the center, and the Eclipse Mill site on the north. The property was reviewed under the City’s Planned Development Overlay (PDO) zone, which allows for creative master planning through which the development standards of the underlying zoning can be amended. The PDO master plan process requires the execution of a Development Agreement (DA) between the property owner and the City. The original master plan had a DA that applied to all three development parcels.
- C. **Comprehensive Plan Vision.** The Shoreline Element of the Everett Comprehensive Plan includes the following description as the vision for the Landfill Site:

The tire fire/landfill site shall be developed as a high quality, master planned “lifestyle entertainment center”. The master plan shall encourage public enjoyment of the river and shorelines and emphasize an attractive, people oriented mixed-use commercial center with significant public access, abundant parking, a plaza or public center area, and separation between pedestrians and automobiles encouraging pedestrian movement. The master plan shall orient buildings and facilities to maximize visual access to the river, estuary and

mountain views and provide visual and direct access to the river and prominent riverfront trails. Examples from which to draw design and land use concepts include but are not limited to: Granville Island and Nanaimo in British Columbia, Portland's Riverfront, Pickering Farms in Issaquah, and Carillon Point in Kirkland. However, the design master plan should be tailored to Everett's needs and overall vision for the riverfront. The mixed uses may include commercial/retail, office, multifamily residential, public access to the shoreline, and ample trails and walkways.

D. **Previous Master Plan Amendments.** In 2014, the City approved an amendment to the master plan for the Simpson site, located south of the Landfill site, and the Eclipse Mill site, located to the north. The 2014 DA amendment applied only to the two residential parcels, but acknowledged that amendments to the master plan for the Landfill site were likely.

E. **Proposed Amendments.** Riverfront Commercial Investment LLC ("RCI"), is the owner of the former landfill property located along the Snohomish River, south of Pacific Avenue, near the Lowell neighborhood. The following are the major changes proposed for the Landfill site. No changes are proposed for either the Simpson or Eclipse Mill sites.

1. The 2009 conceptual plan is for an entirely non-residential development that includes large footprint retail buildings, a movie theater complex, offices, hotel and smaller shop and restaurant spaces. The proposed site plan will change the concept to a mixed-use development including five stories of multiple family residential apartments over ground floor retail / office / restaurant spaces. Development will consist of the following:

- a. Multi-family residential - up to 1,250 dwelling units (new)
- b. Commercial / retail including theater, grocery, restaurants and shops - up to 230,000 square feet
- c. Medical office building - up to 25,000 square feet (new)
- d. Office building - up to 100,000 square feet*
- e. Hotel - up to 250 rooms*

* = same as in 2009 plan

The amount of commercial/retail space will be approximately 550,000 square feet less than the previous 2009 conceptual plan.

- 2. The site will be developed in six phases and a separate graphic of a phasing plan will be added to the exhibits attached to the Development Agreement
- 3. The main north-south street (Riverfront Boulevard) will be slightly realigned
- 4. The plan retains a public plaza near the theater and west of Riverfront Boulevard
- 5. The plan retains a central gathering space east of Riverfront Boulevard

6. The west road (Snohomish Shores Road) will be reconfigured to be a private drive aisle on the development site and not a public street

F. **Amendments to the Development Agreement.** In addition to the new conceptual master plan, RCI proposes a second amendment to the original Development Agreement that applies just to the Landfill property. The first amendment was approved in 2014 for the Simpson and Eclipse Mill residential parcels. The main changes proposed with the second amendment to the DA (attached as Staff Report Exhibit 1) address the new plan for development of the Landfill Pad. Among the proposed changes are:

1. Updated recitals to reflect more current conditions (pages 1-2)
2. Revised project description to reflect proposed site plan for Landfill site (page 3)
3. Revised Table 2.2-1 showing overall amount of development proposed (page 3)
4. Mentions the proposal to add the landfill site into areas eligible for the multi-family property tax exemption as permitted by EMC 3.78 (page 6)
5. Mentions revised environmental mitigation requirements in Attachment I (page 6)
6. Adds sections changing responsibility for development of the 3 acre park from the City to developer (page 7)
7. Makes reference to changes concerning impact mitigation fees for transportation and schools (page 8)
8. Incorporates graphics for Phase 1 building elevations and exterior finish materials

G. **Amendments to Exhibits.** The proposed changes to the master plan will require changes to the DA and a number of the exhibits and attachments to the DA. Most of the changes are minor in nature, and are not described in detail in this memo. The changes to each document are identified in the attachments to this memorandum. The major changes to the DA and exhibits and attachments include:

1. Attachment E-1, page 1, the proposed revised site plan for the Landfill site in context with the other two development sites in the Riverfront District
2. Attachment E-1, page 2, new site plan for the Landfill site
3. Attachment E-1, page 3 revisions to the permitted overall building height map, increasing the height in the area of the Landfill site currently allowed to be 65 feet up to 75 feet; and reducing the height in the area of the Landfill site currently allowed to be 100 feet down to 75 feet.
4. Attachment E-1, page 4, a new exhibit map showing the proposed phasing for the Landfill site.
5. Attachment F, page 8, Off-street parking for residential units with two or more bedrooms changed from 1.5 to 1.2 spaces
6. Attachment F, page 12, Applicant proposes removing from the list of prohibited signs the following: “signs with luminous plastic letters”; and “roof-mounted and temporary type signage”

7. Attachment G, page 4, Replaces graphic of Snohomish Shores (Snohomish Shores Road is no longer proposed on Landfill site) with graphic of street cross-section for 36th Street
8. Attachment G, page 5, Changes graphic cross-section of Riverside Boulevard to show building form of 5 stories of housing above ground floor non-residential uses.
9. Attachment J, Mitigation Agreement with Everett School District will be deleted from the Development Agreement. School impact fees will be collected under applicable law.
10. Attachment I, SEPA EIS Mitigation Requirements, revised to reflect development only of the landfill site

H. **Information Requested at February 26, 2019 Public Workshop.** At the public workshop on February 26, 2019, the Planning Commission heard comments from people living near the landfill site about traffic. The Planning Commission has previously been provided a copy of the transportation analysis prepared by the applicant's transportation engineer. That report can be viewed at the following website link:

<https://everettwa.gov/DocumentCenter/View/17315/Trip-Generation-and-Traffic-Mitigation-Memo-11-20-18>

The report states:

The weekday PM peak hour trip generation associated with the existing and proposed land uses on the Everett Riverfront site totals 1,302 net new PM peak hour trips. This is approximately 60 percent of the trip generation documented in the approved Everett Riverfront EIS for the Preferred Alternative (2,216 PM peak hour trips). Therefore, the mitigation measures outlined in the EIS and Development Agreement will adequately address the impacts of the current land use proposal.

The City's Traffic Engineer has reviewed the analysis and concurs with the report's conclusions.

I. **SEPA Addendum to Riverfront EIS.** The City has reviewed the proposed amendments to the master plan for the Landfill site, including the materials provided as part of the application process. In comparing the proposed amendment with the scope of the environmental analysis, an Addendum to the Riverfront Redevelopment EIS has been issued. The impacts of the proposed amendments to the Landfill site plan and Development Agreement are within the range of impacts analyzed in the original EIS, and mitigation of impacts under SEPA will be in accordance with the revised Attachment I to the Development Agreement. SEPA Addendum #6 and the proposed revisions to Attachment I are attached.

- J. **Approval of Alternative Development Standards.** The Planned Development Overlay (PDO) zone process allows for a modification of the development standards that otherwise apply in the underlying zoning of the property. The current Waterfront Commercial (WC) zoning was modified in the original 2009 rezone action and the most significant modification to the standards of the WC zone was to allow greater building height than the WC zone allows. The proposed amendment for the Landfill site includes a revision to the permitted height, increasing from 65 feet to 75 feet for a portion, and decreasing from 100 feet to 75 feet for the remainder.

RCI proposes a number of other amendments, summarized section F of this memo.

The Zoning Code provides the following criteria as the basis for considering and approving alternative development standards:

EMC 19.29.050.B Basis for Approval of Alternative Development Standards.

Approval of alternative development standards using the PD planned development overlay zone differs from the variance procedure described in Chapter [19.41](#) of this title in that rather than being based upon a hardship or unusual circumstance related to a specific property, the approval of alternative development standards proposed by a planned development shall be based upon the criteria listed in this paragraph. In evaluating a planned development which proposes to modify the development standards of the underlying use zone, the city shall consider and base its findings upon the ability of the proposal to satisfy the following criteria:

1. The proposed planned development's compatibility with surrounding properties, especially related to:
 - a. Landscaping and buffering of buildings, parking, loading and storage areas,
 - b. Public safety,
 - c. Site access, on-site circulation and off-street parking,
 - d. Light and shadow impacts,
 - e. Number, size and location of signs,
 - f. Generation of nuisance irritants such as noise, smoke, dust, odor, glare, vibration or other undesirable impacts,
 - g. Architectural design of buildings and harmonious use of materials;
2. The unique characteristics of the subject property;
3. The unique characteristics of the proposed use(s);
4. The arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development;
5. Visual impact of the planned development upon the surrounding area;
6. Public improvements proposed in connection with the planned development;
7. Preservation of unique natural features of the property;

8. The public benefit derived by allowing the proposed alteration of development standards.

The Zoning Code (**EMC 19.41.160.D.2**) provides the following criteria as the basis for approving a site specific rezone:

2. Criteria. The review authority may approve an application for a site-specific rezone if it finds that:
 - a. The proposed rezone is consistent with the Everett comprehensive plan; and
 - 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
 - c. The proposed rezone mitigates any adverse impact(s) upon existing or anticipated land uses in the immediate vicinity of the subject property.

- K. **Staff Recommendation**. Staff recommends that the Planning Commission approve the proposed amendments to the master plan and development agreement for the Landfill site. Planning Commission approval constitutes a recommendation to the City Council.

Attached is a Planning Commission Resolution that includes the necessary findings and conclusions in support of the Planning Commission recommendation to the City Council.

The resolution includes a statement authorizing staff to make edits to the Development Agreement and various attachments in preparation for the City Council review process, provided that they do not substantively change the recommendation of the commission.