



ORDINANCE NO. 3455-15

**AN ORDINANCE Amending the Comprehensive Plan Map
and Rezoning Properties at 2514 to 2526 Wetmore Ave., and
Amending the Downtown Subarea Plan, Planned Action for Downtown Everett,
and B-3 Regulations to Include the Properties,
Amending Ordinance No's. 2021-94, 1671-89, 2921-06, 2923-06 and 3128-09, as Amended**

WHEREAS, RCW 36.70A.130 (5) requires that cities in Snohomish County take action on or before June 30, 2015 to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of the Growth Management Act; and

WHEREAS, on June 24, 2015, City Council adopted Resolution No. 6872 concluding that the City had completed a great majority of the substantive steps necessary to complete the 2015 update and establishing a schedule for adoption of the Comprehensive Plan update and related regulations by October 28, 2015 provided that the schedule is subject to change as necessary to ensure public review and comment and thorough review by the City Council; and

WHEREAS, following a public involvement process that included issuance of a Determination of Significance and scoping for an environmental impact statement on the update, on December 18, 2013 City Council approved Resolution No. 6685 adopting a Comprehensive Plan Audit and Public Involvement Plan for the update in accordance with RCW 36.70A.130(2); and

WHEREAS, Everett has followed its adopted public involvement plan and provided many opportunities for public comment; and

WHEREAS, as part of the docket actions for the 10-Year Comprehensive Plan Update, an application was submitted for properties at 2514 to 2526 Wetmore Avenue to amend the Comprehensive Plan map designation from 1.7 (Multiple Family Residential 30-50 dwellings per gross acre) to 3.1 (Central Business District) and to rezone the property from R-4 (Multiple Family High Density) to B-3 (Central Business District); and

WHEREAS, the proposal would also amend the Downtown Subarea Plan and Planned Action to include the subject properties to allow expedited State Environmental Policy Act (SEPA) review for future development proposals on the site; and

WHEREAS, the proposal would allow construction of a mixed-use development on the property consistent with the type of construction for other developments constructed in downtown Everett, rather than the standards in the Core Residential zones; and

WHEREAS, the major differences in development standards include reduced parking, increased building height, reduced setbacks, and reduced open space requirements under the proposed zoning; and

WHEREAS, the proposed Williams amendment is within an area identified as an expanded Metropolitan Center in the update to the Land Use Element of the Comprehensive Plan; and

WHEREAS, the City issued a Draft Environmental Impact Statement (DEIS) under State Environmental Policy Act requirements that evaluated the impacts of the proposal, as well as other actions for the 10-year update to the Comprehensive Plan and development regulations on July 20, 2015, and issued a Final Environmental Impact Statement (FEIS) on September 4, 2015; and

WHEREAS, City staff, the applicant, and the applicant's representative met with the Bayside Neighborhood group to discuss the proposal on March 17, 2015; and

WHEREAS, the Comprehensive Plan Update, Williams Map Amendment and Rezone, Draft Environmental Impact Statement and related regulations were submitted to the Washington Department of Commerce for 60-day review on July 17, 2015 in accordance with RCW 36.70A.106; and

WHEREAS, the Planning Commission held a public workshops to take public comments on the proposed Williams amendments on August 18, 2015 and held a public hearing to take public testimony on September 15, 2015 and recommended that City Council approve the proposed amendments; and

WHEREAS, the City Council finds that:

1. The proposed land use designation is consistent with the policies of the various elements of the Comprehensive Plan, including the update's expansion of the Metropolitan Center and the plan's goals for accommodating higher densities in transit-oriented mixed-use developments in the Metropolitan Center;
2. The changed circumstances and new information justify the changes to the land use designation;
3. The proposed designation is consistent with the existing designation of abutting properties to the south and west;
4. The proposed designation promotes a more desirable growth pattern for the community as a whole by directing growth to centers, emphasizing transit-oriented design and improvements to make areas of high density mixed-uses attractive and livable;
5. Following the update of the Comprehensive Plan, the City plans to complete a subarea plan for the expanded Metropolitan Center that may lead to additional changes to designations and/or regulations for other properties in the area which are anticipated to be consistent with the updated Comprehensive Plan and in the best long-term interests of the community in general;

6. The impacts of the proposal were evaluated in the EIS for the Comprehensive Plan and no mitigation measures other than compliance with code requirements were identified for mitigation of impacts to ensure compatibility with the uses of other properties in the vicinity; and

WHEREAS, the City Council finds that the proposed Rezone:

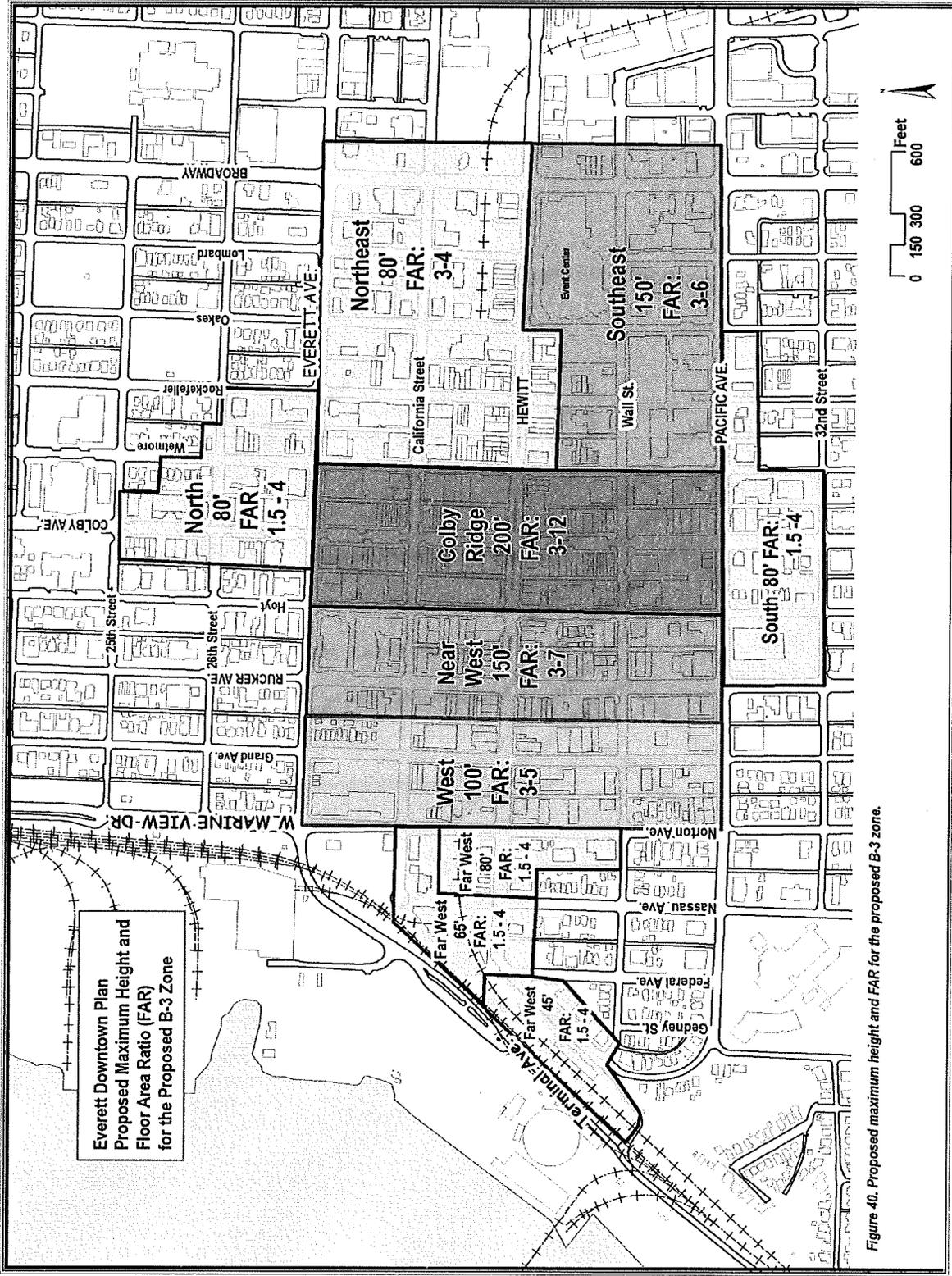
1. Is consistent with the Everett Comprehensive Plan;
2. Bears a substantial relation to public health, safety or welfare; and the proposed rezone promotes the best long-term interests of the Everett community; and
3. Mitigates any adverse impacts upon existing or anticipated land uses in the immediate vicinity of the subject property.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

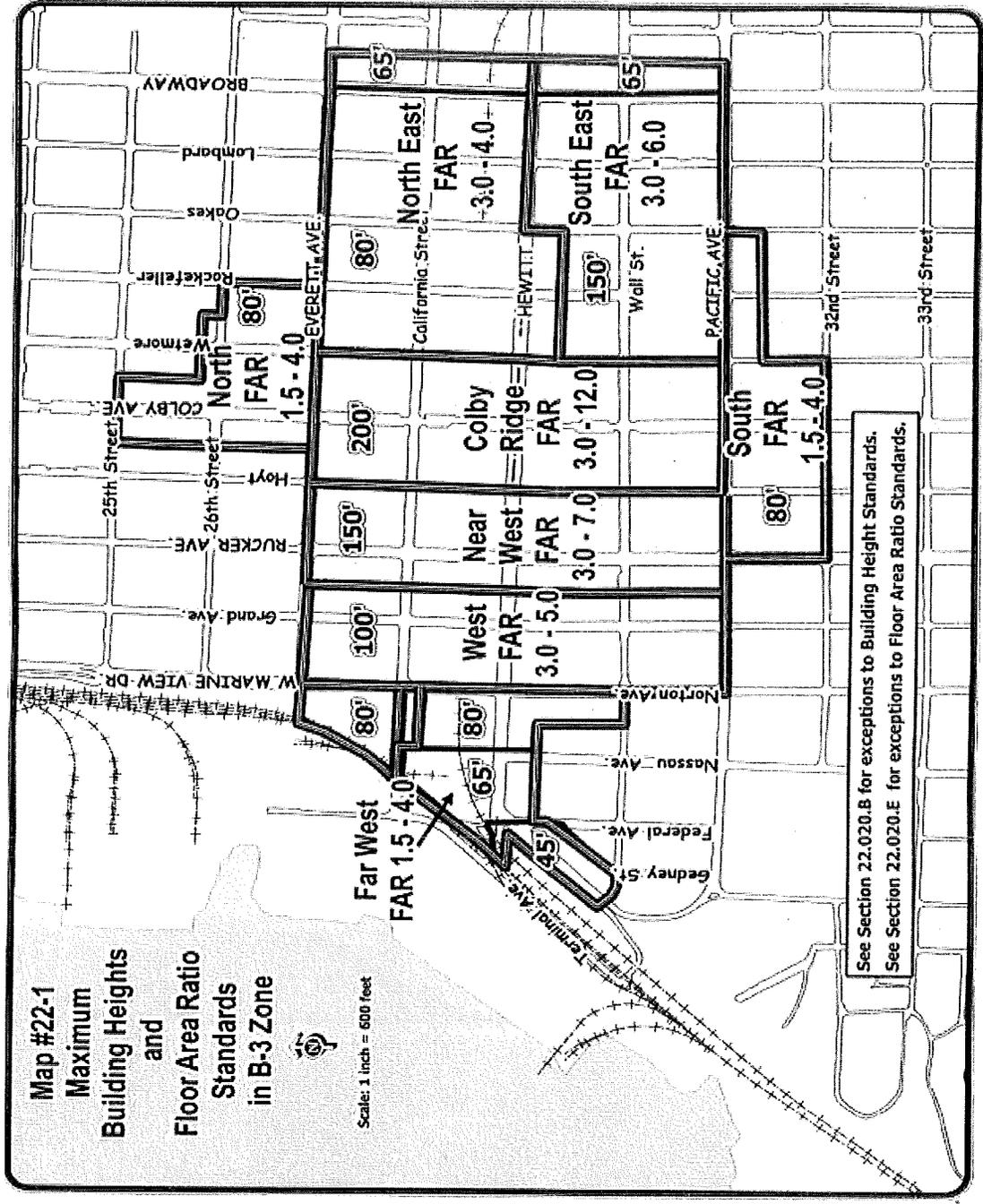
SECTION 1: Comprehensive Plan Designation. That the Comprehensive Plan Land Use Map designation for the property at 2514 to 2526 Wetmore Ave. shown on the map in Exhibit A and legally described in Exhibit C is hereby amended from 1.7 (Multiple Family Residential) to 3.1 (Central Business District), amending Exhibit A to ordinance No. 2021-94.

SECTION 2: Zoning. That the property located at 2514 to 2526 Wetmore Ave., as shown in Exhibit B and legally described in Exhibit C, is hereby rezoned from R-4 (Multiple Family High Density) to B-3 (Central Business District), amending Exhibit A to Ordinance No. 1671-89, as amended.

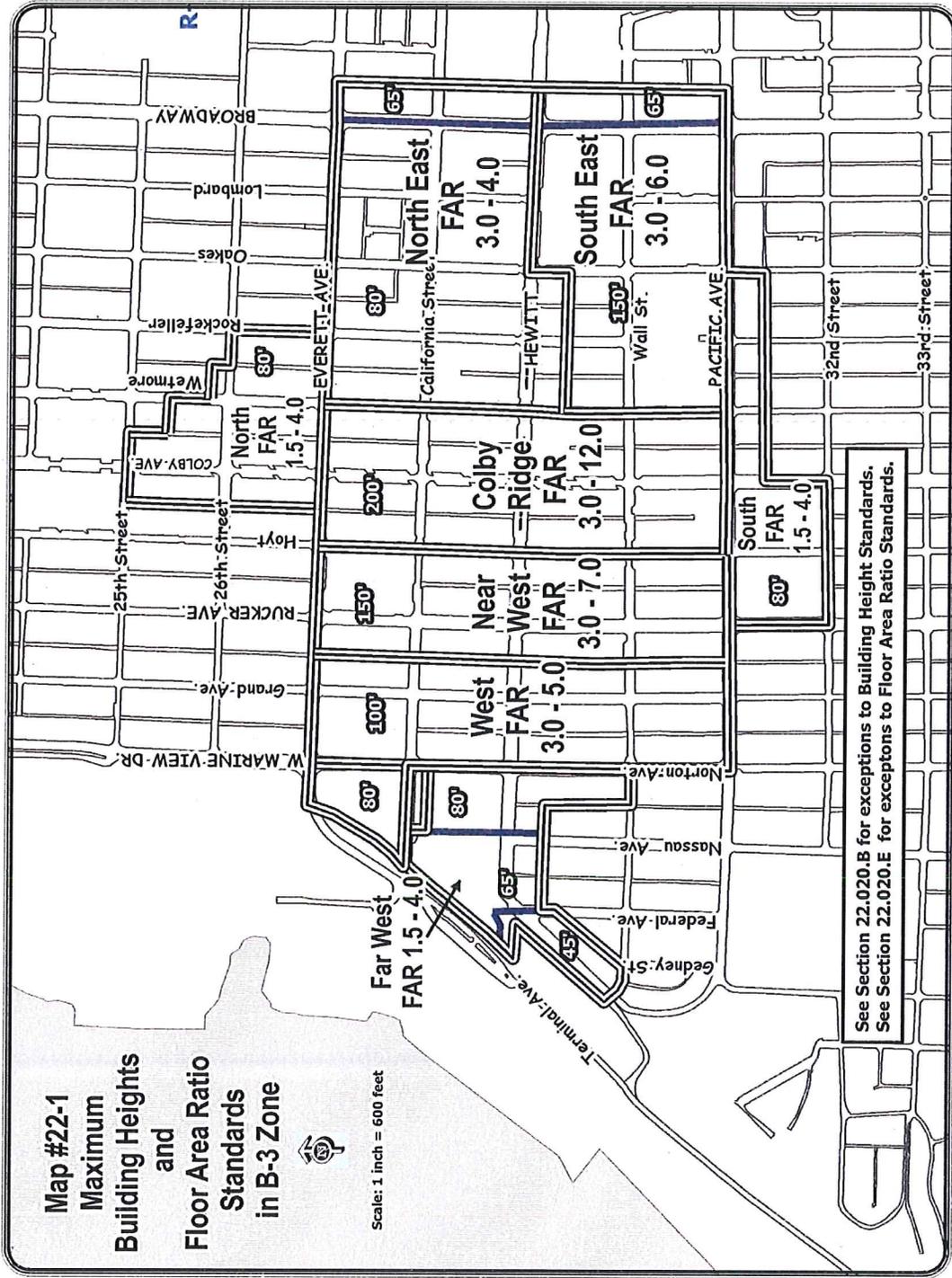
is hereby amended to read as follows:



SECTION 4: Planned Action for Downtown Everett and Zoning Code. Figure 1.1 of Attachment A to Ordinance No. 3128-09 (Downtown Planned Action) and Map #22-1 in Section 5 of Ordinance 2923-06, as amended, (B-3 Central Business District Zone Regulations) which currently reads as follows:



Is hereby amended to read as follows:



SECTION 5: Authority. In addition to the authority provided by Chapter 36.70A RCW, the City adopts the comprehensive plan and zoning amendments set forth in this Ordinance under its general land use authority, Washington State Constitution, Article XI, Section 11 and Chapter 35.63 RCW.

SECTION 6: Pending actions. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending before the City or in any court.

SECTION 7: Severability. Should any section, paragraph, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 8: Conflict. In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

SECTION 9: Corrections. 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 number and any references thereto.

SECTION 10: General Duty. 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 provisions 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.


Ray Stephanson, Mayor

ATTEST:


CITY CLERK

Passed: 10/21/2015

Valid: 10/26/2015

Published: 10/30/2015

Effective Date: 11/10/2015

Exhibit A

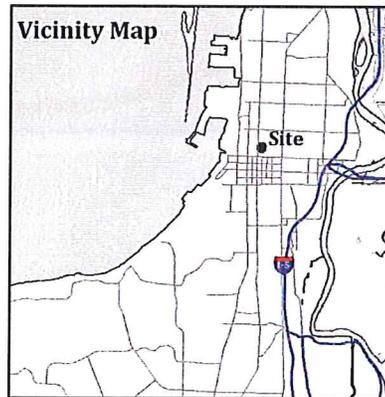
Williams Comprehensive Plan Amendment

1.7 (Multiple Family 30 - 50 du/acre) to
3.1 (Central Business District)



Comprehensive Plan Designations:

-  Site
-  1.3 Single Family Detached
-  1.6 Multiple Family 20-29 DUA
-  1.7 Multiple Family, 30-50 DUA
-  1.8 Multiple Family, High Density
-  2.0 Park
-  2.1 Schools/Churches
-  3.1 Central Business District



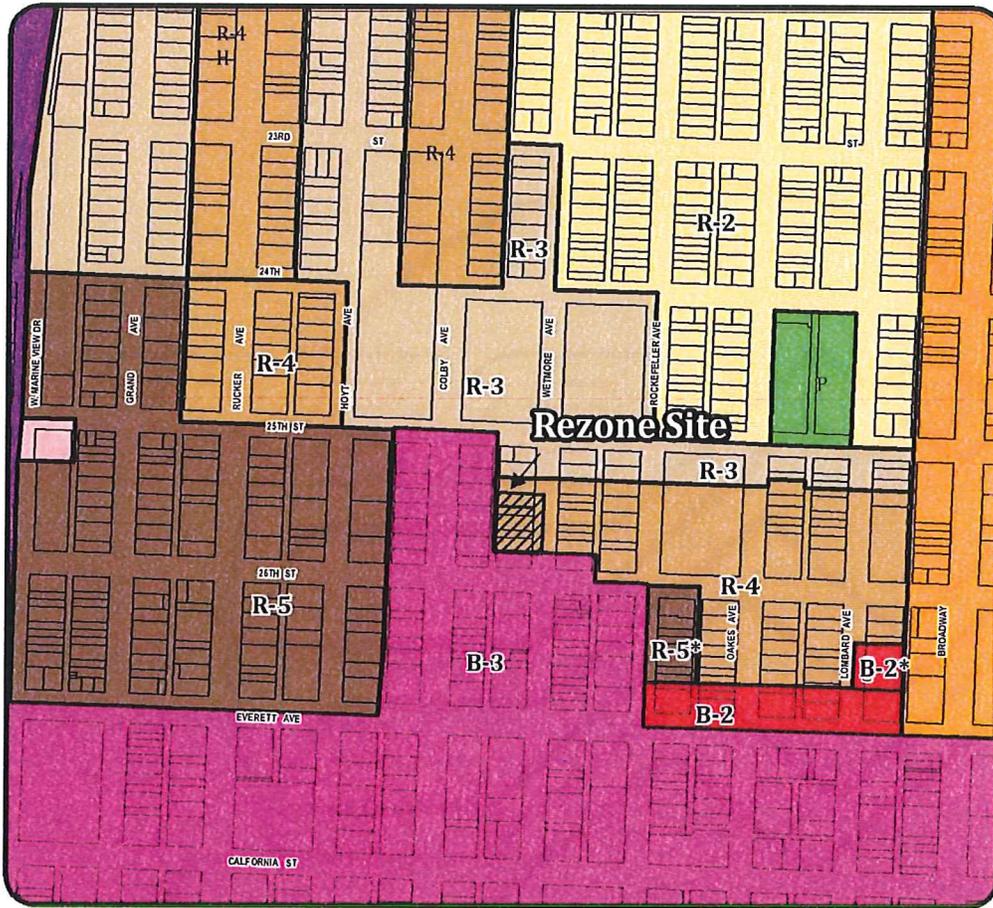
September 2015

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Exhibit B

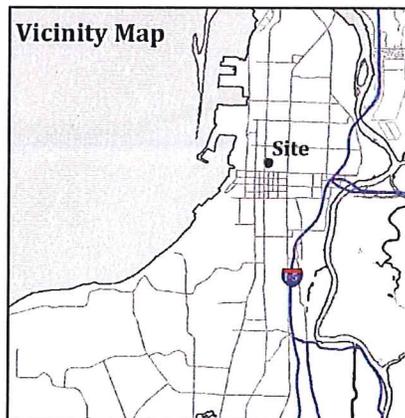
Williams Rezone

R-4 Core Residential (Multiple Family High Density) to
B-3 (Central Business District)



Zoning Legend:

-  Site
-  R-2 Single Family Detached, Med. Density
-  R-3 Multi-Family Med. Density
-  R-4 Multi-Family High Density
-  R-5 Core Residential
-  B-2 Community Business
-  B-3 Central Business District
-  Park



September 2015

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Exhibit C

LEGAL DESCRIPTION

All of Lots 25 and 26, Block 562, Plat of The Monitor Addition to Everett, as recorded in Volume 3, Page 49, records of Snohomish County; and

All of Lots 19 thru 24, Rucker's First Plat of Everett, as recorded in Volume 2, Page 101, records of Snohomish County;

TOGETHER WITH that half of the alley and that half of Wetmore Avenue abutting said lots herein described.