

Planned Action EIS Mitigation Measures

Introduction:

The State Environmental Policy Act (SEPA) requires environmental review for project and non-project proposals that may have adverse impacts on the environment.

In order to meet SEPA requirements, the City of Everett issued the *Planned Action Draft Supplemental Environmental Impact Statement for the City of Everett Downtown Plan* on January 9, 2009, and the Final Supplemental Environmental Impact Statement on February 23, 2009. The Draft Supplemental Environmental Impact Statement and the Final Supplemental Environmental Impact Statement are referenced collectively herein as the "EIS". The EIS has identified probable, significant impacts that would occur with the future development of the Planned Action area, together with a number of potential measures to mitigate those significant impacts.

The purpose of the Mitigation Document is to establish specific mitigation measure for qualified Planned Action development proposals, based upon significant impacts identified in the EIS. The mitigation measures would apply to future development proposals that are consistent with the Everett Downtown Plan, the land uses reviewed in the Planned Action EIS, and that are located in the Planned Action area.

Mitigation:

Based on the EIS, which is incorporated by reference, this Mitigation Document summarizes significant adverse Environmental impacts that are anticipated to occur in conjunction with the development of planned action projects. Mitigation measures, identified in the EIS, are reiterated here for inclusion in conjunction with proposed projects to mitigate related impacts and to qualify as Planned Action projects.

Consistency review under the Planned Action, site plan review and other permit approvals will be required for specific development actions under the proposed Planned Action pursuant to WAC 197-11-172. Additional project conditions may be imposed on planned action projects based upon the analysis of the Planned Action in relationship to independent requirements of the City, state or federal requirements or review criteria.

Any applicant for a project within the Planned Action area may propose alternative mitigation measures, if appropriate or as a result of changed circumstances, in order to allow equivalent substitute mitigation for identified impacts. Such modifications would be evaluated by the City SEPA Official prior to any project approvals by the City.

As permitted by WAC 197-11-660, it is recognized that there may be some adverse impacts that are unavoidable because reasonable or feasible mitigation cannot be achieved for the Planned Action.

The combination of regulations applicable to each element of the environment and mitigation measures identified in the EIS and documented in this Mitigation Document that are applied to any planned action proposal will adequately mitigate all significant impacts associated with Planned Action proposals, except those impacts that are identified as "significant unavoidable adverse impacts."

Provided below for each element of the environment analyzed in the EIS for the Planned Action area are the mitigation measures identified in the EIS.

Environmental Impacts and Mitigation Measures:

Chapter 3 of the EIS identifies significant impacts, unavoidable adverse impacts and mitigation measures for potential impacts associated with land use, transportation, public services, energy and natural resources, air quality, noise, housing, historic and cultural resources, fish and wildlife, geology, environmental health, water quality, and aesthetics. Please refer to the Draft and Final SEIS for complete text associated with each element of the environment. The following is a summary of the mitigation measures applicable to impacts on each element of the environment identified in the EIS.

Section 1: LAND USE

1.1 Mitigation Required by Existing Regulations

A. Permitted Uses Included in the Planned Action SEIS

1. Permitted uses

All uses must be consistent with the B-3 zoning district standards and regulations (Everett Municipal Code [EMC] Title 19, Chapters 4 [Definitions], 5 [Use tables], 6 [Development Standards] and 22 [Zone B-3 Regulations]), as well as other applicable regulations. New structures must incorporate design elements in EMC Chapter 19.22.

Specific projects for the following permitted uses for which environmental review has been included in the SEIS are:

Residential:

- Adult Family Home
- Assisted Care Facility
- Congregate Care Facility
- Convalescent or Nursing Home
- Home Occupation
- Multiple Family Dwelling
- Senior Citizen Housing
- Home Occupation

Business/Commercial:

- Appliance Sales
- Barber/Beauty Shop
- Carpet Store
- Farmers' Market
- Financial Institution
- Food Bank
- Furniture Store
- Laundromat
- Offices
- Personal Services
- Printing/Duplication
- Retail, Indoor

- Funeral Parlor/Mortuary
- Government Administrative Offices

- Veterinary Clinic

Eating and Beverage:

- Bakery, Retail
- Micro-brewery

- Restaurant
- Tavern

Entertainment:

- Art Gallery
- Bingo Hall
- Convention/Exhibition Center
- Library
- Theater or Theater Complex

- Museum
- Nightclub
- Private Club/Fraternal Organization
- Video Game Arcade

Lodging:

- Bed and Breakfast

- Hotel/Motel

Medical:

- Blood or Plasma Donation
- Clinic

- Medical-related Activities

Recreation:

- Bowling Alley
- Health and Fitness Club

- Public Outdoor Recreation
- Skating Rink

Special Uses:

- Church
- Daycare (all types)

- Public Park
- Schools

Utilities:

- Above Ground, Major

- Above Ground, Minor

Transportation:

- Commercial Parking
- Passenger Terminals

- Transit Station and Accessory Uses

The following uses are prohibited on the ground floor in areas designated as retail streets:

- Residential Uses
- Food Banks
- Tattoo Parlors
- Blood or Plasma Donor Center
- Body Piercing
- Houses of Worship-churches
- Pawnshops
- Research/Testing Labs
- Second-hand Stores
- Places of Assembly
- Teen Clubs
- Private Clubs
- Fraternal Organizations
- Social Service Facilities
- Video Game Arcades
- Parking Lots¹

¹ Parking lots are not permitted in areas designated as retail streets, unless they are located behind the building. Parking lots are not permitted on corner lots.

2. Maximum Height and FAR

The maximum height and floor-area ratio (FAR) ² for the Downtown is area specific and specified in Map 22-1 of EMC Chapter 19.22. The Planned Action EIS assumes that projects will be built to these maximums. Projects that do not incorporate specific bonus features are permitted up to the maximum height and FAR as shown in Figure 1-1.

Projects that utilize bonus features may be built at greater heights and FARs. For projects that utilize three or more bonus elements, the allowed bonus height is 50 percent of the maximum height shown in Figure 1-1, which will result in heights from 67.5' to 225'. The exceptions are projects in the Colby Ridge, which are allowed unlimited bonus heights.

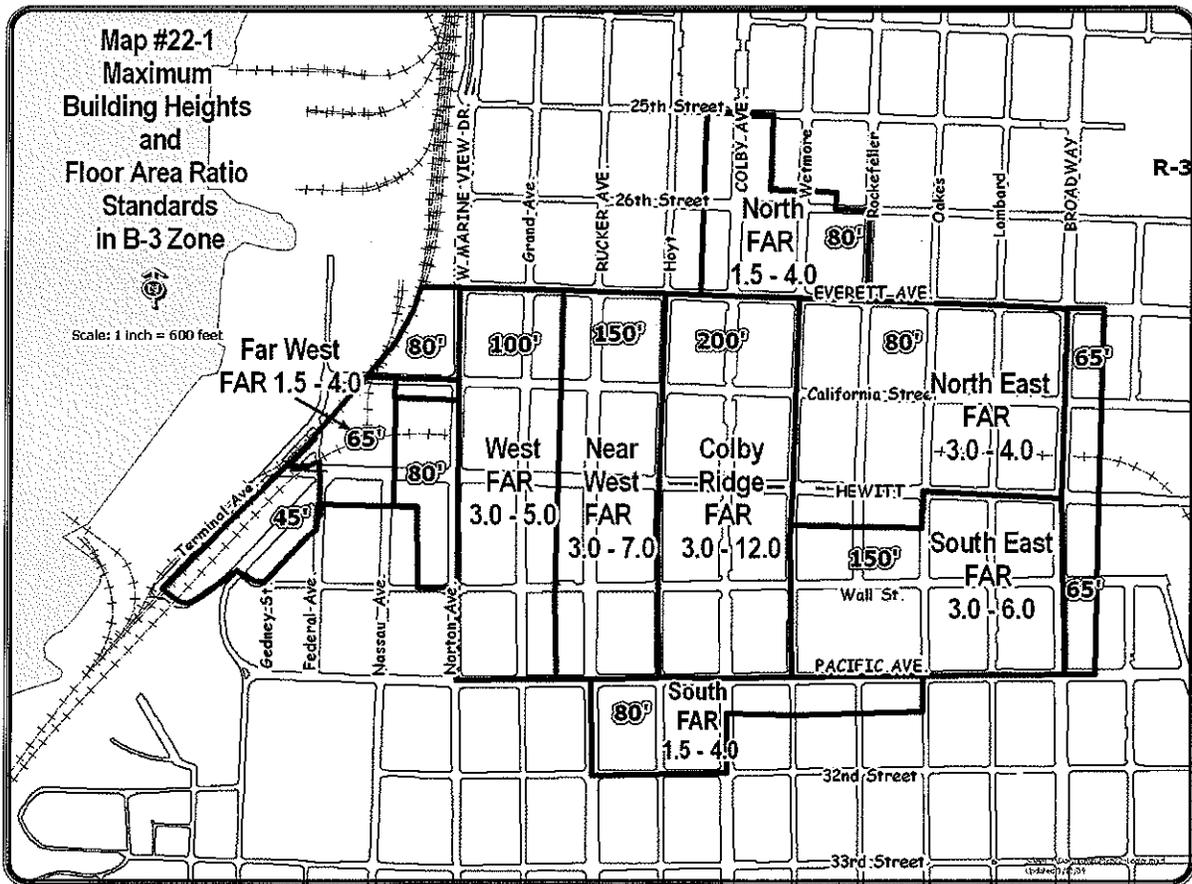


Figure 1.1

² "Floor-area ratio (FAR)" is a measure of development intensity which is the gross building area (square footage of the total floor area except parking areas) divided by the lot area.

B. Uses Excluded from the Planned Action SEIS

Uses that are inconsistent with the Downtown Plan (are not permitted by the B-3 Zone), those that have environmental impacts beyond those considered in this SEIS, and Essential Public Facilities are excluded from the scope of the SEIS. In these cases, project by project threshold determinations and environmental review will be necessary. These include the following:

Residential:

- Accessory Dwelling Unit
- Boarding or Rooming Houses
- Caretaker/Watchman Quarters
- Dwelling, Single Family
- Dwelling, Duplex
- Dwelling, Live/Work
- Group Home (all types)
- Manufactured Home
- Mobile Home Park
- Secure Community Transition Facility
- Temporary Shelter

Agricultural (all)

Business/Commercial:

- Outdoor storage
- Off-Site Broadcast Antenna
- Business park
- Building materials sales
- Consumer services
- Crematorium
- Dry cleaning (other than retail)
- Equipment rental

Industrial (All)

Medical Uses:

- Opiate substitution treatment facility

Recreation:

- Marinas
- Outdoor Recreation, Commercial
- Miniature Golf

Special Uses:

- Aircraft Landing Facility/Aviation
- Commuter Parking
- Detoxification/Drug Rehab Center
- Essential Public Facility
- Hospital
- Jail/Correctional Facility
- Solid Waste Transfer Station
- Wastewater Treatment Plant

Transportation:

- Railroad Yard
- Shipping, Marine or Trucking
- Transportation Facilities of Statewide Significance
- Vehicle Related Uses (all)

Expansion or major redevelopment of existing nonconforming uses will be discouraged in the B-3 Zone.

C. Public Projects Included in the Planned Action SEIS

Several street and open space improvements are included in the Downtown Plan and require SEPA review under RCW 43.21C. These projects are included as part of the 20-Year Demand Alternative and the Capacity Alternative.

- T-5 Design and construct bicycle lanes on Hoyt Avenue from 23rd Street to south of Downtown
- T-6 Design and construct bicycle lanes on California Street from Harborfront Trail to SR 2 Trestle Trail (Hewitt Avenue at I-5)
- T-7 Complete the Wall Street pedestrian connection east of Broadway to Everett Station via Pacific Avenue underpass
- T-8 Design and construct transit-oriented improvements on Rucker Avenue south of Hewitt Avenue
- O-1 Construct open space to support a growing Downtown population
- O-3 Create a focal park or plaza near the center of Downtown
- O-4 Enhance public facilities with auxiliary open spaces
- O-5 Continue efforts to connect Downtown to other open space and recreational resources

D. Shorelines

Because of its location on the Puget Sound and adjacency to the Snohomish River, the City of Everett is required to maintain a Shoreline Master Program (SMP). Everett has approximately 25 miles of marine and freshwater shorelines. Adopted in 2002, and last updated in 2005, the SMP's designation for the area to the west (west of Terminal Avenue) is Urban Deep Water Port. The SMP's jurisdiction does not extend into the Downtown planning area.

E. City, County, State and Federal Regulations

Depending upon the nature of any new development, local, state and/or federal regulations may apply and permits from those jurisdictions may be required. City planned action review, land use permit, design review and building permits will be required. All developments will need to be consistent with City development regulations, design standards, and public works standards.

Due to limited wetlands and other surface water, most state permits commonly associated with water impacts will not be required. For construction areas above one acre, a National Pollutant Discharge Elimination System (NPDES) permit from the Washington State Department of Ecology (DOE) may be required. For new construction on SR 529 (portions of Everett Avenue), review, and approvals may be required from the Washington State Department of Transportation (WSDOT). No federal approvals are anticipated.

1.2 Mitigation Measures

The B-3 Zoning requirements that have been adopted to implement the Downtown vision provide built-in mitigation measures. Special emphasis is devoted to the aesthetics and livability associated with increasing density and intensity of land uses.

The requirements for including pedestrian and bicycle-oriented amenities mitigate many impacts of redevelopment at a more intense level. These amenities include seating areas, increased trees and landscaping, more plaza spaces, ground floor windows and decoration, enhanced sidewalk treatment, and increased artwork in the streetscape. Standards requiring the use of quality building materials and design treatments enhance the visual interest and the pedestrian experience.

The impacts of the new building heights will also be mitigated by the B-3 Zoning regulations, such as articulation and modulation requirements for multi-family buildings. The B-3 Zoning regulations also require screening of parking lots, parking structures, and mechanical structures to protect from visual impacts.

Additional mitigation measures could be considered, such as additional modulation and articulation requirements for office buildings, similar to multi-family building and Colby building requirements.

Section 2: TRANSPORTATION

2.1 Mitigation Measures

A. Transportation Demand Management (TDM)

Three TDM strategies are presented in this section as essential mitigations measures needed in Downtown to manage future transportation demand and impacts under the three 2025 alternatives:

- The WA State CTR Program
- The establishment of a GTEC under the CTR program
- Creation of a TMA

1. Commute Trip Reduction (CTR)

Currently within Downtown Everett, two major employers are required to participate in the CTR program: the City of Everett and Snohomish County. The County has employed a very aggressive CTR program to achieve a significant reduction in single occupant vehicle (SOV) travel.

2. Transportation Management Association (TMA)

TMA's are non-profit, member-controlled organizations that provide transportation services in a particular area. They are generally public-private partnerships, consisting primarily of area businesses with local government support. TMA's work to develop and maintain cooperation between transportation agencies, transit service providers, businesses, employees and residents by providing information to members about ridesharing opportunities, vanpool, transit services, schedules and other alternatives to driving alone.

TMA's provide a variety of services that encourage more efficient use of transportation and parking resources. TMA's are often structured to provide guidance, decision making support,

and funding for transportation and related improvement projects within their area including transit, non-motorized, parking, and even freight system improvements. Some TMAs are formed specifically to develop, implement and manage plans and programs to improve and promote the use of transit, ridesharing and parking services.

3. Growth and Transportation Efficiency Center (GTEC)

Creation of employment and residential centers as designated GTECs was authorized by Washington State as part of the CTR Efficiency Act of 2006. The program's purpose is to increase transportation efficiency in areas with high concentrations of jobs and housing, such as in Downtown Everett, and support goals and policies that direct growth and economic development into these areas.

While the CTR program is focused on commute trips of only the largest employers, the GTEC program expands the reach of CTR by implementing proven TDM strategies to all daily trip types within a specific geographic area. This is accomplished in cooperation with smaller non-CTR affected employers and with area residents. The focus of the GTEC program is to build partnerships that more fully integrate land use and transportation decision making in order to increase the efficiency of transportation systems, economic viability, and environmental stewardship of the GTEC areas.

B. Recommended Key Traffic Mitigation Strategies

- I-5 Downtown Everett Interchange Access Improvements -- Construct interchange ramp and arterial improvements at downtown interchanges - Pacific, Hewitt and Everett Avenues
- I-5 HOV Lanes (US 2 to SR 528) -- Construct HOV lanes on I-5 from US 2 north to SR 528. Expected to decrease I-5 congestion which pushes traffic onto downtown streets.
- 41st Street/Broadway Arterial Improvements -- Provide arterial improvements on 41st St. and Broadway to provide improved I-5 access and capacity to serve new growth in the riverfront area and in Downtown. ***
- East Marine View Drive Improvements -- Construct dedicated truck route improvements between I-5 and North Broadway. Expected to greatly reduce truck volumes impacting Downtown and provide for future growth at the waterfront industrial areas.
- City Gateway Street Improvements -- Construct landscaping and signage denoting entry corridors to the City, especially to Downtown.
- West Marine View Drive / Rucker Avenue/41st Street Freight Route -- Identify, design and construct an improved truck route from I-5 at 41st to the Port of Everett and other waterfront industrial area. Study a more direct connection between Rucker Ave. and W. Marine View Drive.

C. Freight Mitigation

The West Marine View Drive/Rucker Avenue/41st Street Freight Route project is expected to help significantly alleviate truck traffic impacts within Downtown. No freight impact mitigation would be required for development proposals within the study area.

D. Parking Mitigation

Key parking mitigation strategies being considered in the Downtown Parking Study include:

- Support of TDM and CTR strategies
- Adopt code/rules for parking management
- Improve effectiveness of enforcement
- Simplify parking fine structure
- Increase parking fines to greater than the cost of daily off-street parking
- Create uniform 90 minute time zones in the downtown
- Consolidate management of City owned parking and assign a parking manager
- Establish a joint public/private stakeholder advisory committee
- Establish a Downtown parking fund

Implement paid on street parking based on 85 percent rule, if and when warranted after improved enforcement lowers the percentage of long-term parking utilizing on-street parking.

E. Public Transportation System

Key Downtown public transportation facilities and service improvements are outlined in the following sections.

1. Public Transportation Service and Facility Improvements

The Downtown Everett planning area is an important regional employment and public services center and provides a regional hub for public transportation services. However, significant service and facility improvements would be needed to accommodate the forecasted increase in public transportation demand, and to improve access to transit services including:

- Additional or expanded public transportation services
- Improvements to designated transit-oriented streets
- Additional transit-oriented Street designation
- Upgrades to Downtown bus stops and shelters
- Improvements at Everett Station

2. Transit Service Improvements

Downtown transit service providers include Everett Transit, Community Transit, Sound Transit, Island Transit, and Skagit Transit. In addition, national and international passenger transportation service is also provided at Everett Station by Greyhound and Amtrak. In the future, the demand for transit is forecasted to increase and transit service providers will play a key role in accommodating and encouraging increasing demand and transit ridership.

In order to accommodate the forecasted increase, these currently planned projects are recommended:

- Implement SWIFT Bus Rapid Transit (BRT) service between Everett Station and the Aurora Village Transfer Center, with Transit Signal Priority (TSP)
- Sounder Everett to Seattle Commuter Rail Service Improvements
- ST commuter bus service expansion

Everett Transit should implement revisions to their existing routes and frequencies to maximize future Downtown ridership and passenger transfer demand.

In addition to the planned improvements above, these transit service improvement projects are also recommended:

- Everett Riverfront to Harborfront Connector
- High capacity transit service implementation on Broadway
- Expand Transit Signal Priority (TSP) implementation
- LINK LRT system extension north to Everett Station
- Community Transit planned route expansion and service frequency increases
- Skagit Transit and Island Transit commuter bus service, including shared use of facilities and service coordination

3. Transit-Oriented Streets

Hewitt and Wetmore Avenues have been designated as transit-oriented streets to support existing transit service. Unique transit passenger shelter kiosks that complement and enhance the streetscape are currently provided on Hewitt Avenue from Broadway west to Rucker Avenue, but not on Wetmore Avenue. Providing a consistent and identifiable design theme within the designated Downtown transit-oriented streets is an essential element to accommodate and encourage public transit demand. Construction of transit-oriented street passenger shelter design upgrades are recommended on all designated Downtown transit-oriented streets in order to encourage transit ridership and increase accessibility.

In addition, due to the high public transit demand forecasted, transit-oriented street designation and construction is recommended on Rucker Avenue from Hewitt to south of Pacific Avenue. Revisions to the City's B-3 Zoning regulations is also recommended to include design standards for transit oriented streets, similar to those found on Hewitt Avenue.

4. Bus Stops

As future transit demand increases and additional services are provided in Downtown, bus stop improvements will be increasingly important to translate higher demand into actual ridership. The following improvements to Downtown bus stops are recommended:

- Design upgrades to the Wetmore Avenue bus stops from Everett to Pacific Avenues consistent with the current Hewitt Avenue transit facility design
- Additional bus stop amenities including:

- Customer information – schedules, system maps, real time bus arrival information, Braille discs
- Americans with Disabilities (ADA) Landing Pads – front and rear door
- Bus shelters – all weather protection
- Seating – benches, shelter benches, ad benches, specialized (flip seat, simme seat)
- Trash cans
- Lighting
- Bus stop art
- Design upgrades to the Rucker Avenue bus stops from Hewitt to Pacific Avenues consistent with the current Hewitt Avenue transit facility design. This section of Rucker Avenue is also recommended for transit oriented street designation
- New bus stops on Rucker Avenue near the intersection of Wall Street
- Major bus stops should be constructed at these five locations with high-level stop amenities and streetscape provisions. Between 300 to 800 daily boardings and alightings are forecasted at these major bus stops by 2025:
 - Hewitt Avenue near Rucker Avenue
 - Hewitt Avenue near Colby Avenue
 - Hewitt Avenue near Lombard Street
 - Rucker Avenue near Wall Street (recommended new stop)
 - Pacific Avenue near Wetmore Avenue (planned SWFT BRT stop)

5. Everett Station

Everett Station facility improvement projects, as shown below, are recommended in response to forecasted increases in transit service, ridership and passenger transfers at Everett Station. These changes will increase the capacity of Everett station to accommodate additional transit vehicles, passenger boardings, and bicycle parking demands.

Recommended Everett Station Facility Improvement Strategies

- SWIFT BRT Service Northern Terminal -- Construct BRT system improvements at Everett Station to accommodate CT/ SWIFT BRT service between Everett Station and Shoreline.
- Everett Station Phase II -- Completes the Sounder commuter rail station providing 440 additional parking stalls and an all-weather pedestrian bridge connecting the new parking to the rail access platform.
- Everett Station Secure Bicycle Parking Expansion -- Provide fully secured bicycle parking for an additional 80 bicycles.

F. Non-Motorized Mitigation

1. Bicycle Mitigation

Bicycle routes to and within Downtown are recommended in order to complete system connectivity to encourage and accommodate forecasted growth in demand including:

- California Street bike lanes

- Hoyt Avenue bike lanes
- Smith Avenue bike lanes
- Harborfront Trail extension
- Bond Street non-motorized improvements

Additional secured bicycle parking in Downtown is also recommended in order to accommodate forecasted increases in demand for bicycle travel and parking. In order to achieve construction of recommended secured bicycle parking, revisions to the City's B-3 Zoning requirements for new retail, office and residential projects is recommended.

2. Pedestrian Facility Mitigation

Pedestrian facilities include pedestrian bulb-outs, street trees, lighting, sidewalk improvements, crosswalks, benches/public seating, features to enhance transit access, landscape medians, refuse receptacles, and public art.

The City has designated pedestrian-oriented Retail Streets and Connector Streets in Downtown primarily driven by the need to enhance and increase pedestrian travel. Specific design standards and regulations apply under each street type in addition to the streetscape, parking, and development regulations applicable throughout Downtown.

Additional pedestrian facility improvements are recommended to support higher levels of forecasted pedestrian activity. Recommended improvements include:

- Streetscape improvements currently required by the City for development projects in the Downtown B-3 Zoning regulations. Additional standards and regulations apply to designated Retail and Connector Streets.
- Improvements recommended to provide enhanced pedestrian access to public transit service along the designated transit-oriented Wetmore Avenue.
- Streetscape improvements to Colby Avenue from 19th Street south to 41st Street
- Rucker Avenue streetscape redesign similar to Hewitt Avenue as a designated transit oriented street
- Broadway streetscape improvements as recommended in the Downtown Plan in order to provide pedestrian and transit system enhancements
- Signage designating Grand Avenue as a major pedestrian route to the waterfront

Section 3: UTILITIES

A. Water

3.1 Mitigation Required by Existing Regulations

1. City of Everett

The City of Everett's Municipal Code, Title 14 establishes standards for construction, operation, billing rates and charges, and the ownership and maintenance of water facilities.

Any work proposed within the City's right-of-way must be approved by a permitting process with the Utilities Department and must comply with the City of Everett's Design and Construction Standards and Specifications for Development manual. Section 5 Water Distribution defines the standards for designing and constructing within the City's water distribution system.

Fire flow requirements control the design capacity of water main since these demands are generally much greater than the domestic water and other demands. The Municipal Code and Design Standards details require that the Fire Marshal shall determine required fire flows per the "Guide for Determination of Required Fire Flow" as published by the Insurance Service Office of the Municipal Survey Service.

2. State Building Code

The State of Washington's Building Code, WAC 51, provides provision for establishing required fire protection. Specifically to the Downtown planning area, it requires secondary sources of water for high rise buildings for additional fire protection aside from City owned and operated fire hydrants.

3. Department of Health

Water systems in Washington State must comply with the Department of Health's Drinking Water Regulations, as published in WAC 246-290. The Municipal Water Supply-Efficiency Requirements Act, also known as the Municipal Water Law, allows the Washington State Department of Health to regulate drinking water systems in order to assist with growing needs and assure greater reliability of drinking water in the future. Water systems also follow the guidelines within the Department of Health's Water System Design Manual.

3.2 Mitigation Measures

The following mitigation measures should be implemented to assist in minimizing the impacts of future development on the existing water system:

1. New developments and expansions must comply with the City of Everett's "Design and Construction Standards and Specifications Manual, Section 5, Water Distribution" and the Department of Health's "Water System Design Manual".
2. Fire flow requirements for proposed buildings will be determined by the Fire Marshal.
3. Installation of fire hydrants and other water system improvements must meet the requirements imposed by the Fire Marshal.
4. Conservation efforts should be implemented to reduce the consumption of water. Installation of water-efficient plumbing fixtures, reuse of non-potable water, and performing water audits are a few examples.
5. Hydraulic modeling and analyses will be completed by the City for each development and expansion project to determine the ability of the existing water system to meet the requirements of the development project and to identify water system improvements necessary to meet the requirements.

6. Private pumping systems may be required in buildings to provide adequate water pressure throughout the building.
7. Any impacts during construction may be mitigated with notices to property owners, businesses and residents. Alternate routes and phasing for transportation and pedestrian facilities may be implemented to ensure access on a daily basis. Construction schedules may be altered to occur during off-peak hours.

B. Sewer and Stormwater

3.3 Mitigation Required by Existing Regulations

1. Department of Ecology

The Washington State Department of Ecology has the authority to implement a water quality discharge permit, known as National Pollutant Discharge Elimination System (NPDES) permits, to regulate water quality. Since the system in the Downtown planning area consists primarily of combined sewers and discharges stormwater and sanitary sewer to the WPCF, the City is responsible for compliance with water quality standards at the facility.

2. City of Everett

Similar to the City's regulatory requirements for public water, sewer facilities are regulated under the Municipal Code Title 14. Standards for construction, operation, billing rates and charges, and ownership and maintenance are detailed for stormwater and sanitary sewer facilities. Any work proposed within the City's right-of-way must be approved by a permitting process with the Utilities Department and must comply with the City of Everett's Design and Construction Standards and Specifications for Development manual. Standards for stormwater and sanitary sewer facilities are detailed in Section 4 Storm and Surface Water and Section 6 Sanitary Sewers respectively.

3.4 Mitigation Measures

The following mitigation measures would reduce the impacts of development on the sewer system:

1. New developments and expansions must comply with the City of Everett's "Design and Construction Standards and Specifications Manual", Section 4 Storm and Surface Water and Section 6 Sanitary Sewers and NPDES permitting.
2. Stormwater connections associated with future development should connect into the existing trunk lines at the same locations as in the existing condition.
3. If a developer proposes to redirect stormwater connections to a different location it shall be the responsibility of the developer to ensure that there are no adverse impacts to the combined sewer system resulting from redirecting stormwater.
4. Conservation efforts should be implemented to reduce water use and wastewater generation.
5. Sewer modeling and analyses will be completed for each development and expansion project to determine the impact of the project and identify system improvements.

6. The City will need to perform additional modeling to ensure that system improvements are adequately designed to accommodate the projected future growth. It is recommended that additional modeling be performed when the Comprehensive Sewer Plan is updated.
7. Any impacts during construction may be mitigated with notices to property owners, businesses and residents. Alternate routes and phasing for transportation and pedestrian facilities may be implemented to ensure access on a daily basis. Construction schedules may be altered to occur during off-peak hours.

C. Solid Waste and Recycling

3.5 Mitigation Measures

1. The City should consider amending future hauling contracts to include recycling bins for all residential units and/or mandatory recycling.
2. Efforts to support the focus on waste reduction and reuse should be continued and expanded.
3. Planned and concerted efforts can be made to increase the percentage of recyclable materials collected.
4. The City maintains a Solid Waste Comprehensive Plan, which should be updated on a regular basis, perhaps in conjunction with the County's plan.

D. Telecommunications

3.6 Mitigation Required by Existing Regulations

1. City of Everett

Per the City's Municipal Code, Chapter 13.32, telecommunication utilities must obtain a utility construction permit with the City of Everett Utilities Department. Design and construction must comply with the City of Everett's Design and Construction Standards and Specifications for Development manual, Section 3.9 Underground Utilities. In addition, telecommunication utility systems must have a franchise issued by the City in order to operate within city limits per the Municipal Code, Chapter 5.116.

2. Others

The FCC regulates telephone services, wireless communications, cable services and satellite television. In addition, cable services and fiber optic networks are regulated by the National Cable and Telecommunications Association (NCTA) and telephone services are regulated by the Washington Utilities and Transportation Commission (WUTC).

3.7 Mitigation Measures

The following mitigation measures should be implemented to assist in minimizing the impacts of future development on the existing telecommunication facilities:

1. Notify each utility provider of potential impacts during design to avoid conflicts during construction. Depending on the provider, a review and design process may be required for relocating existing facilities.
2. Developers shall work directly with utility providers to determine service needs and define installation requirements.
3. Construction of underground utilities must comply with the City of Everett's "Design and Construction Standards and Specifications Manual, Section 3.9 Underground Utilities."
4. Pursue the concept of a utility tunnel with utility providers.

Section 4: PUBLIC SERVICES

A. Fire and Emergency Medical Services

4.1 Mitigation Measures

As building height and density increases the Department will need to respond with greater resources—more trucks and personnel than in the past. Currently, the Department monitors calls and shifts equipment from station to station as necessary. This approach will work in the short term. In the longer term, the City will be building a new fire station on West Marine View Drive just north of the downtown planning area in order to better serve Downtown as the density and intensity of Downtown increases. It is the Department's intent to maintain the same level of service for response times.

Redevelopment with more high rise buildings in Downtown will change the way the Department responds to calls. Currently, the Department relies on the High Rise Task Force from Seattle and mutual aid agreements with neighboring jurisdictions. An increase in Downtown's high rises may require the Department to become more specialized, with additional training and equipment.

Other potential mitigation includes:

- Regular training in disaster response
- Regular updates to the City's emergency management plan
- Utilizing options for additional sprinkling of buildings as allowed by the International Building Code

B. Police and Public Safety

4.2 Mitigation Measures

As calls from Downtown increase relative to calls from other neighborhoods, another precinct may be necessary, as well as redrawing the precinct boundaries. The north precinct is located in Downtown and will continue to serve the area well. The need for jail services provided by Snohomish County will also increase proportionately with population and job growth downtown and throughout the city.

Efforts at designing multi-family buildings and commercial structures with safety in mind should be continued. Crime Prevention Through Environmental Design (CPTED) involves the concept of site design with an eye toward crime prevention. The City has incorporated many CPTED concepts into the B-3 Zoning standards.

Neighborhood and civilian education efforts are also helpful in crime prevention.

C. Health Care

4.3 Mitigation Measures

Downtown residents will benefit from on-going and future improvements at the Providence Regional Medical Center Everett - Colby Campus, for example. However, additional services will likely be necessary to meet the demand of a growing regional population.

Other mitigation measures may include:

- Encourage clinics to locate in and near Downtown; and
- Maintain regular transit service so Downtown residents have access to high quality medical services provided at local health care institutions.

D. Schools

4.4 Mitigation Measures

According to the District's Capital Facilities Plan projections, total School District enrollment for the horizon year 2025 will increase 19 percent over 2007 levels. This figure (21,278 students) exceeds 2007 capacities at all grade levels. District wide, enrollment demand between the years 2012-2025 would trigger the need to build two new elementary schools; one-half of a high school and one-half of a middle school. The School District may choose to purchase portable classroom units to meet short-term demand.

Other mitigation measures may include the following:

- Shift school enrollment boundaries to accommodate target classroom sizes indicated in the CFP;
- Augment enrollment demand and over-capacity situations by adding portable units;
- Increased property tax collected on redeveloped properties will provide additional revenue for the district; and
- If development within the Downtown planning area contributes to overcrowded schools, consider the implementation of impact fees for residential projects.

E. Parks and Recreation

4.5 Mitigation Measures

Additional demand will be placed on the few existing park facilities within the planning area under each of the alternatives. Demographic trends that favor active Downtown residents – empty nesters, newlyweds and single professionals – may exert increased demand on other

local park facilities. Additional land within or near the planning area should be acquired with the understanding that land prices for potential purchases will increase proportionately to property values.

The City can best meet forecasted demand by taking the following actions:

- Continue with plans to develop the Key Bank plaza space;
- Purchase additional park space and prioritize expenditures to create a downtown park;
- Secure funding to create a riverfront park and harbor front trail, which would help satisfy growing recreational needs in each alternative (Everett Parks Strategic Master Plan);
- Continue to incorporate public open spaces in downtown beautification and revitalization efforts. Such initiatives should seek to link redeveloped areas with existing parks and open spaces (i.e. connect waterfront and riverfront to planning area);
- Develop a broader and more inclusive range of park programs and services (i.e. continue to implement recommendations provided in the Parks and Recreation Strategic Master Plan as well as complete a revised needs assessment for future planning area residents);
- Consider the issuance of voter-approved park bonds;
- Augment local funding with outside sources (i.e. public and private grants) wherever possible to make the most efficient use of revenues;
- Incorporate public and private open space areas within new buildings and redevelopment; and/or
- Require private recreation amenities in private residential and commercial developments.

Section 5: ENERGY AND NATURAL RESOURCES

A. Electricity

5.1 Mitigation Required by Existing Regulations

1. City of Everett

Construction of electrical facilities must be approved by permitting process through the City's Utilities Department. Design and construction of electrical facilities must comply with the City of Everett's Design and Construction Standards and Specifications for Development manual, Section 3.9 Underground Utilities.

2. Others

The Federal Energy Regulatory Commission (FERC) regulates the transmission and wholesale sales of electricity.

5.2 Mitigation Measures

The following mitigation measures should be implemented to assist in minimizing the impacts of future development on the existing electrical facilities:

1. Notify the PUD of potential impacts during design to avoid conflicts during construction. A review and design process may be required for relocating existing facilities.
2. Developers shall work directly with the PUD to determine service needs and define installation requirements.
3. Conservation efforts and renewable energy sources should be implemented to conserve electricity in new developments, such as installing energy efficient equipment, solar panels and other energy methods.

B. Natural Gas

5.3 Mitigation Required by Existing Regulations

1. City of Everett

Natural gas facilities must be approved by the permitting process through the City's Utilities Department prior to construction and operation. Design and construction of natural gas improvements must comply with the City of Everett's Design and Construction Standards and Specifications for Development manual, Section 3.9 Underground Utilities.

2. Others

The Washington Utilities and Transportation Commission (WUTC) and the Federal Energy Regulatory Commission regulate the transmission of natural gas.

5.4 Mitigation Measures

The following mitigation measures should be implemented to assist in minimizing the impacts of future development on the existing natural gas facilities:

1. Notify the PSE of potential impacts during design to avoid conflicts during construction. A review and design process may be required for relocating existing facilities.
2. Developers shall work directly with the PSE to determine service needs and define installation requirements.
3. Conservation efforts should be implemented to conserve natural gas, such as installing energy efficient equipment in new developments.

Section 6: AIR QUALITY

6.1 Mitigation Required by Existing Regulations

6.2 Mitigation Measures

A. General Air Quality

The air quality analysis did not indicate any significant air quality impacts for any of the alternatives, so no air quality mitigation measures are required. Current air quality regulations will require emission reductions for certain portions of the project, such as the following:

- PSCAA's regulations requiring fugitive dust control at construction sites
- EPA's emission control regulations for on-road diesel haul trucks
- EPA's emission control requirements for non-road construction equipment, locomotives, harbor craft, and oceangoing marine vessels

B. Greenhouse Gases

Possible measures to reduce GHG for residential, commercial and retail developments may include:

- Encourage bicycling to work through the installation of non-residential and long-term residential bicycle parking and the provision of non-residential end-of-trip facilities such as showers and lockers
- Provide connected bicycle routes within the project area
- Provide bike parking and storage space in new developments
- Improve the pedestrian network and minimize pedestrian barriers in new developments
- Provide a transit pass to employees to discourage vehicle use
- Maximize use of shared parking
- Design parking facilities with pedestrian pathways to facilitate pedestrian passage from parking facilities to building entrances
- Provide substantial tree cover in parking lots
- Provide electric vehicle charging facilities
- Design buildings to be energy and resource efficient by implementing one or more of the following measures:
 - 1) Obtain LEED certification
 - 2) Landscape with drought-resistant native trees that shelter building
 - 3) Exceed Building Code requirements
 - 4) Reduce heating/cooling costs by solar orientation of buildings and overhangs to shade in the summer but allow winter sun
 - 5) Surfaces such as parking lots that are shaded, light colored or open-grid pavement to reduce heat islands
 - 6) Energy Star Roofing
 - 7) Install a green [vegetated] roof
 - 8) Highly reflective and emissive "cool" roofs
 - 9) Automatic programmable thermostats
 - 10) Passive heating and cooling systems
 - 11) Day lighting systems
 - 12) Shading mechanisms for windows
- Provide energy/ resource efficient appliances and infrastructure by implementing one or more of the following measures:
 - 1) Install high-efficiency pumps
 - 2) Use only natural gas or energy efficient electric stoves
 - 3) Solar water heaters
 - 4) Electric outlets on building exteriors

- 5) Energy efficient appliances
- 6) Low-water use appliances
- 7) Facilities to recharge batteries
- Promote enhanced recycling, waste reduction, and reuse
- Use materials which are resource efficient, recycled, with long life cycles, manufactured in an environmentally friendly way and locally made
- Recycle or reuse demolished construction materials
- Provide onsite renewable energy sources including solar and wind

Section 7: NOISE

7.1 Mitigation Required by Existing Regulations

1. City Noise Regulations

The Everett Municipal Code (EMC) noise ordinance [EMC Section 20.08.100 (8)] applies to industrial and commercial noise sources, as well as "nuisance noise" originating from residential areas. The Everett noise ordinance exempts motor vehicle noise on public roads from City code requirements, provided individual vehicle noise levels meet City regulations (EMC 20.08.060 through 20.08.080). Permissible sound levels at a receiving land use depend on the district zoning. The City noise control districts are classified as follows:

- District I: All residentially zoned districts including but not limited to R.S., R-1, R-2, R-3(A), R-4 and R-5;
- District II: All business and commercially zoned districts including but not limited to B-1, B-2(A), B-2, B-2(B), B-3, C-1 and C-2; and
- District III: All agricultural and manufacturing zoned districts including but not limited to A, M-M and M-1, and all other non-residential, non-business and non-commercially zoned districts.

2. Federal and State Traffic Noise Impact Criteria

The Federal Highway Administration (FHWA) and the Washington State Department of Transportation (WSDOT) have adopted criteria for evaluating noise impacts associated with federally funded or state-funded highway projects, and for determining whether such impacts are sufficient to justify federal funding of noise abatement. These criteria are specified in 23 CFR 772, Procedures for Abatement of Highway Traffic Noise and Construction Noise.

7.2 Mitigation Measures

No significant noise impacts are expected, so no noise mitigation is required.

Certain noise control measures would be required to comply with current regulations. These required measures would be the use of low-noise mechanical equipment at office and retail facilities adequate to comply with the City noise ordinance limits. Residential buildings, though not the major source of noise, can be designed to include better noise attenuation.

If nighttime construction is requested by developers, then they would be required to submit a noise control study for City approval, demonstrating compliance with the City's nighttime noise ordinance limits.

Section 8: HOUSING

8.1 Mitigation Required by Existing Regulations

Policies for the development of the City's housing stock are directed by the City of Everett Comprehensive Plan Housing Element. The creation or demolition of housing units is largely subject to two codes: the International Building Code (IBC) and the design and zoning requirements of the City's Zoning Code--specifically, the B-3 Zoning District and the new Core Residential Area Design Standards, adopted in 2008. Within Downtown, housing units are permitted to be built at unlimited density. Regulations in the B-3 zone place a heavy emphasis on design of the structure and open space requirements. Permitted heights are variable based on location and subject to incentive-based bonuses; setbacks are not required, except for a 10-foot setback or vertical separation for units along the right-of-way. Chapters 5 and 6 of the Everett Zoning Code also regulate permitted uses and development standards.

Because Everett receives and administers funds from the Department of Housing and Urban Development (HUD), the City maintains a housing plan. The 2005-2009 Consolidated Plan and 2005 Action Plan document the status of affordable housing, needs, and strategies for the future. Housing projects that utilize CDBG grants or other federal funds are subject to federal guidelines and affordability standards as well.

8.2 Mitigation Measures

Without incentives—bonus measures, tax relief, etc. – property owners of the new residential structures will strive to capture the highest housing prices and monthly rents possible. As noted above, while units in Downtown may be more "affordable," they will not necessarily meet the adopted definitions of affordability to low- and moderate-income families. To correct this natural market tendency, the City will need to continue programs that support and stimulate the development of affordable units.

Potential mitigation measures include:

- Implementing mitigation measures for historical buildings worth saving.
- Continuing affordable incentive programs already established by the city, including tax incentives, property valuations, and low-interest loans.
- Continue to garner federal and State funding, including Community Development Block Grants (CDBG) and other available funds.
- As Everett houses more than its proportionate share of low- and moderate-income households across the county, continue to work with Snohomish County to ensure the assistance of County resources and funds to projects within the City.
- Monitor the Fair Share housing goals that have been established within Snohomish County Tomorrow to ensure that all Snohomish County cities plan for and absorb a

proportionate share of lower income population.

- Expand the Transfer of Development Rights (TDR) program to provide incentives for retaining and constructing low- and moderate-income housing as the Downtown housing market transitions to higher residential unit prices and rents.

Section 9: HISTORICAL AND CULTURAL RESOURCES

9.1 Mitigation Required by Existing Regulations

A. Regulations on Historical and Cultural Resources

For properties that are on one of the historical registers, both assistance and restrictions will apply to improvements made to the building. Listing on the National Register does not obligate or restrict owners of historic properties, unless federal funding or permitting is warranted for the project.

The State Department of Archeology and Historic Preservation (DAHP) administers the National Register in Washington and the State Heritage Register. The DAHP offers both technical and financial assistance for historic properties, but does not regulate changes to buildings unless a State project is involved.

For archeological sites, DAHP does administer several state and federal laws, including:

Federal:

- Archaeological Resource Protection Act of 1979
- Native American Graves Protection and Repatriation Act
- American Antiquities Act of 1906
- National Historic Preservation Act
- Archaeological and Historic Preservation Act of 1974
- Other Federal Preservation Laws

Washington State:

- Executive Order 05-05
- Indian Graves and Records (RCW 27.44)
- Archaeological Sites and Resources (RCW 27.53)
- Archaeological Excavation and Removal Permit (WAC 25-48)
- Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60)
- Registration of Historic Archaeological Resources on State-Owned Aquatic Lands (WAC 25-46)
- Aquatic Lands - In General (RCW 79.90.565)
- Archaeological Site Public Disclosure Exemption (RCW 42.56.300)

The State Environmental Policy Act (SEPA), administered by the State Department of Ecology, also addresses impacts to cultural, historical and archeological resources. Known resources must be disclosed. If a site is discovered during construction, immediate cessation and

consultation with the DAHP is required. The local tribes are also active in addressing impacts to native sites.

B. Use of Existing City Process for Impacts to Historic Sites

The Urban Design and Historic Preservation Element of the City's Comprehensive Plan includes policies regarding the preservation of historic sites within the city limits. The City of Everett has taken a very active position on the preservation of historic resources by establishing the Everett Historical Commission, which meets monthly, setting up historical zoning districts and providing design review for new and rehabilitation projects.

In order to preserve areas with significant cultural resources, the City has established several historic zoning districts. Two of these districts are located to the north and south of the Downtown, but not within the planning area. Design review is done by the Historical Commission or staff for projects within these established districts.

9.1 Mitigation Measures

Downtown project proposals will be reviewed using the Sub-area Historic Property Map and Downtown Historic Property Inventory to identify inventoried historic resources. If the proposal will impact a recognized historic resource, the resource shall be evaluated for significance. The established Everett Register criteria of significance (EMC 2.96.050) shall be used. If the resource is found to be significant, the type and degree of impact will be determined by the Planning Director. Projects that do not have an adverse impact on historic properties are eligible for the expedited permit review process if they meet other environmental thresholds adopted in the EIS.

It should be noted that the decision regarding what is worthy of consideration is entirely separate from the decision regarding what is actually to be preserved. The fact that a property is deemed significant does not necessarily mean that it is inviolate; it simply means that the historic significance of the property should be taken in account in planning the undertaking.

If the proposal is determined to result in adverse impacts, the Planning Director will review alternatives with the developer with an effort made to mitigate the adverse impacts using the Secretary of Interiors Standards for rehabilitation.

Demolition of significant historic resources will be reviewed by the Planning Director for reasonable alternatives or mitigation.

The following factors will be considered in the review of alternatives and determining mitigation:

Level of significance	Condition
Multiple areas of significance	Cost to maintain/operate the property
Kinds of values	Existing use or potential use
Integrity	

The following mitigation will be applied to individual project reviews affecting historic properties, using the review process steps described below.

- A. Application of the Secretary of Interior's Standards for Rehabilitation
(Briefly they state)
1. Maintain use that requires minimal change
 2. Historic character of property shall be retained
 3. New additions, alterations, etc., shall be compatible in mass, scale, & architectural features, etc.
- B. Demolition permits will require that there be:
1. No reasonable alternatives
 2. Documentation of the demolished structure
 3. Construction of a new structure in six months, or
 4. Substantial interim landscaping.
 5. New development will include architectural elements which complement the significant characteristics of neighboring historic buildings.

Section 10: FISH AND WILDLIFE

10.1 Mitigation Required by Existing Regulations

A. Zoning Code

Fish and Wildlife conservation areas in Everett are regulated by EMC Chapter 19.37.140. "Fish and wildlife habitat conservation areas" means an area of habitat that is necessary and suitable for maintaining individual species, species diversity, or biological diversity. These sections will not affect development proposals in the Downtown planning area.

B. Endangered Species Act of 1973 and Washington State Priority Habitat and Species

No endangered species or Washington State Priority Habitats and Species are located in the study area. Since stormwater from the study area is treated, continued development in Downtown will not affect federally listed threatened or endangered species or State Priority Habitats and Species.

Projects that receive federal approval, are authorized by federal agencies, or are federally funded are said to have a "federal nexus." Projects with a federal nexus are required to consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services) regarding Section 7 of the Endangered Species Act (ESA). Even though there are no ESA-regulated species with the study area, some of these species are located within a mile of the study area. As such, projects with federal nexus will likely be required to document and determine potential ESA effects.

Typical projects in Downtown Everett that are likely to have a federal nexus include federally funded road or transit projects, construction associated with federal buildings or agencies, and projects that receive Housing and Urban Development (HUD) grants or Community Development Block Grants.

10.2 Mitigation Measures

Measures to mitigate impacts to fish and wildlife habitat are not necessary for the continued redevelopment of Downtown. However, efforts that protect water quality, such as erosion control and treatment of storm and waste water will protect Puget Sound and the Snohomish River, which do provide habitat for fish species.

Section 11: GEOLOGY

11.1 Mitigation Required by Existing Regulations

A. Zoning Code

Geologically hazardous areas in Everett are regulated by EMC Chapter 19.37.080. Development in moderate landslide areas or in the regulated buffer requires a geotechnical report that shows that development in the area will not create hazardous conditions to the property or surrounding properties, the proposed method of construction is adequate and construction techniques minimize disruption of natural areas.

B. International Building Code (IBC)

Structural design of buildings is regulated by the Building Division through the implementation of the International Building Code standards for Seismic Risk Zone 3. This designation infers a seismic event with a 7.5 local magnitude.

C. Design and Construction Standards and Specification Manual

The City's Public Works Department permits and inspects land alterations through requirements in the Design and Construction Standards and Specification Manual.

The Manual prescribes Best Management Practices (BMPs) mitigate erosion and sediment transport that may result as an unintended consequence of site development or redevelopment. BMPs are based on the size, design, and location of a project and the existing condition of the site, including soil types, slope, and existing vegetation.

11.2 Mitigation Measures

Measures to mitigate impacts to earth resources aim to minimize erosion, promote soil stability, prevent groundwater pollution, and minimize topographic changes.

To protect life and property, geotechnical analysis should be completed for sites which contain substantial amounts of fill material, are known to contain hazardous waste and for projects that move substantial amounts of earth.

Mitigation measures include, but are not limited to, the following:

- All development must comply with Zoning Code requirements for geologically hazardous areas
- All development must be designated and constructed in accordance with the standards of Seismic Zone III per the International Building Code
- Geotechnical reports should continue to be required for all buildings developed in Downtown
- Significant earth work should be supervised by a professional civil or geotechnical engineer
- All development must be in accordance with the standards in the City of Everett Public Works Design and Construction Standards and Specification Manual and the Stormwater Management Manual
- Visual impacts of large retaining walls and rockeries should be mitigated using landscaping or limits on height
- Applicants for new development permits should provide the City with information showing that it has obtained a permitted earth disposal site prior to issuance of City grading permits

Section 12: ENVIRONMENTAL HEALTH

12.1 Mitigation Required by Existing Regulations

A. Regulations on Environmental Health and Hazards

Storage, handling and disposal of hazardous materials and hazardous wastes are regulated by a number of federal, state and local laws.

1. Federal Regulations

The Resource Conservation and Recovery Act of 1976 (RCRA), 40 CFR 262-264 governs the transportation of hazardous materials. The Act lists and classifies hazardous materials for purposes of transportation; provides requirements for labeling and otherwise identifying transported materials; and provides parking requirements.

The Occupational Safety & Health Act (OSHA), 29 CFR 1910 establishes safety and health standards for the workplace.

The Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, 40 CFR 355-372 establishes procedures whereby communities (a) receive information on hazardous materials used in those communities to minimize danger of major releases that might be caused in the event of an emergency and (b) receive information about chemical releases into the environment.

Facilities storing or disposing of hazardous materials are required to maintain Hazardous Materials Incident "on-site" Spill Response Plans which must be periodically reviewed and updated, and copies made available to all first responder agencies (i.e., fire departments). The plans must include the following items:

- Designated facility coordinator
- Alternative 24-hour emergency facility contact (with decision-making authority)
- Site plans, including locations of hazardous materials
- Methods for determining the occurrence of a release
- Notification procedures
- Description and location of available emergency equipment
- Site evacuation plans

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) is the nation's hazardous waste cleanup program.

The Toxic Substances Control Act, 40 CFR 763 regulates the use and exposure to raw industrial chemicals (such as asbestos) that fall outside the jurisdiction of other environmental laws.

The Clean Water Act, 40 CFR 100-143 establishes health-based standards for protection of aquatic life and establishes acceptance methods and materials for sampling and testing waters.

2. State Regulations

The Hazardous Waste Management Act, 70.95 RCW, and Dangerous Waste Regulations, Chapter 173-303 WAC implement the federal RCRA, and in some respects are more stringent than the federal regulations.

The Model Toxics Control Act (MTCA), 70.105 RCW, and regulations in Chapter 173-340 WAC establish the State's authority to direct or perform cleanup of hazardous waste sites. The laws apply to contaminated sites or to spills or releases of hazardous substances which result in contamination of the environment.

The Washington Industrial Safety and Health Act (WISHA), Chapter 49.17 RCW, implements the federal OSHA, and is in some respects more stringent than the federal regulations.

Washington State Water Pollution Control Law, 90.48 RCW, establishes the authority for the Department of Ecology to issue wastewater discharge permits and to pursue formal enforcement actions in order to protect surface and groundwater quality of the State.

Chapter 173-201A and 173-200 WAC establish Water Quality Standards for surfacewaters and groundwaters of the State, respectively.

Under NPDES and Stormwater Permits, RCW 90.48 and Chapter 173-200 WAC, the Department of Ecology implements the National Pollutant Discharge Elimination System and State Waste Discharge Baseline General Permit for Stormwater Discharges Associated With Industrial Activities (Stormwater Permit). This general permit was issued on November 18, 1993, and is required for a variety of industrial categories which discharge stormwater from their facility to surfacewaters of the State.

The Waste Reduction Act, Chapter 70.95C RCW, requires companies that generate over 2,640 pounds of hazardous waste per year and companies that use hazardous substances to prepare hazardous substance and waste reduction plans.

Washington State Explosives Act, Chapter 70.74 RCW and Safety Standards for Possession and Handling of Explosives, Chapter 296-52 WAC, regulates the manufacture, possession, storage, selling, transportation, and the use of explosives or blasting agents.

Under Title III of the superfund amendments and Reauthorization Act of 1986 (SARA), municipalities are required to develop operational plans for responding to hazardous materials incidents. Both the City of Everett and Snohomish County have developed Emergency Operations Plans.

3. City of Everett

The City of Everett Zoning Code, Section 39.090, outlines the requirements for hazardous waste treatment and storage facilities.

The City of Everett Building Department and Fire Department regulate hazardous materials through the International Building and Fire Codes (IBC). The IBC regulates the storage, containment and the type of buildings for hazardous materials storage. At time of application for building permits or occupancy, the applicant must demonstrate the class of chemicals to be used on the site and the quantity of the chemicals. The Building Department and Fire Department inspect the site to ensure compliance with the permit. A certificate of occupancy is issued after the final inspection when the project has met all requirements of the construction permits.

Following issuance of the certificate of occupancy, the applicant can move into the building and apply for process permits from the Fire Department per Uniform Fire Code requirements. These permits must be issued prior to starting operation of the facility. The permits constitute permission to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Permits are required for activities such as asbestos removal; combustible materials storage; dry cleaning plants; flammable or combustible fluids; hazardous materials storage, transportation, dispensing, use or handling; hazardous materials production; installation and removal of fuel tanks; radioactive materials; repair garages; and tire storage. Some of these activities are likely to occur in the Downtown.

Some facilities are required to submit Hazardous Materials Inventories and Hazardous Materials Management Plans to the Fire Department for review and approval.

The Fire Department also conducts annual or biennial site inspections of facilities for compliance with permits and IBC requirements. The Fire Department also issues permits for installation and removal of above and below ground fuel storage tanks.

The City's Public Works Design and Construction Standards and Specifications Manual includes site management standards for "High Risk Land Uses" including fueling sites, auto repair and maintenance shops, retail auto parts stores, car washes, new and used auto dealerships, and

businesses that generate soapy or contaminated wash water. The purpose of the standards is to prevent the contamination of stormwater.

The City of Everett Public Works Department administers the wastewater pretreatment program within the City of Everett, which is regulated by the City's Industrial Pretreatment Ordinance. The program implements provisions of state and federal laws, including the federal Clean Water Act (33 USC 1251 et seq.) and General Pretreatment Regulations (40 CFR Part 403). The City's Pretreatment Ordinance generally requires that non-sanitary domestic discharge be separated from sanitary sewage discharge and be treated prior to discharge into the City's sewer system. The Ordinance provides for the issuance of wastewater discharge permits and discharge authorizations; requires use of all known, available, and reasonable methods of prevention, control, and treatment of wastewater; requires preparation of spill control plans; authorizes monitoring, compliance, and enforcement activities; and requires user reporting. The main objective of the requirements is to eliminate or reduce the introduction of pollutants into the City's Water Pollution Control Facility (wastewater treatment plant) in order to protect the quality of the receiving waters. Maintain the operations of the wastewater treatment plant, maintain the quality of biosolids, and protect the health of employees and the public.

Any development with non-domestic discharge; storage of chemicals or materials; floor drains other than required to restrooms or hot water heater; or food preparation areas must contact the Public Works Industrial Pretreatment section to determine if a permit is required. Examples of non-industrial uses that will require permits include coin operated laundries, car washes, filling stations, any business with vehicle washing areas, food preparation businesses, and warehouses with floor drains.

Appendix 1 of Everett's Emergency Operations Plan identifies local responsibilities for hazardous material incident response and management to include preparation for and response to any incident involving hazardous substances or materials, which, when uncontrolled, can be harmful to persons or the environment of Everett. The plan also outlines vulnerability to hazardous materials and waste, hazardous materials incident response levels and action classification, personal protection of citizens and responses, training and exercises, facility notification and response planning.

12.2 Mitigation Measures

1. Developments must comply with all applicable federal, state and local regulations relating to the use and storage of explosives and hazardous materials.
2. In order to expedite plan review, a hazardous materials inventory list shall be provided as a part of the submittal for building permits.
3. If asbestos or PCBs are found during building demolition or remodeling, handling of these hazardous substances shall comply with applicable federal and state laws.
4. Tank removal should be performed during a period of expected dry weather to minimize potential erosion problems and contamination of runoff waters.
5. If soils contaminated from leaking underground fuel tanks are found during re-development, soil removal and/or remediation will be required. Removal of tanks is subject to Department of Ecology (DOE) approval and Chapter 173-360 WAC.

6. Construction equipment and vehicles should be maintained so they do not leak fuels or lubricants. During construction, a staging area should be specified for all vehicle maintenance activities.
7. During construction activities, all spills of fuel and hazardous materials must be contained and removed in such a manner as to prevent their entering the soils. Cleanup of spills should take precedence over other work on site.
8. The storage, handling and use of hazardous materials must be in compliance with Article 80 of the International Fire Code, 2006 Edition. The storage handling and use of flammable or combustible liquids shall comply with Article 79 of the International Fire Code, 2006 Edition.
9. If the future use of a site will result in the potential for accidental spills of chemicals, including oils or fuels, to the City's sanitary sewer, an Accidental Spill Prevention Plan will need to be prepared per the direction of the City of Everett's Industrial Pretreatment Program.
10. Future uses of a site must comply with all City policies and regulations preventing contamination of surface waters, including Ordinance 1750-90, the Surfacewater System Ordinance, and subsequent updates to the Ordinance.
11. Procedures in case of spills should be posted in all areas where hazardous materials that could contaminate runoff are used.
12. Businesses should provide appropriate and frequent training to new employees who will be handling hazardous materials.
13. Business should not schedule off-site hazardous materials shipment during traffic peak hours.

Section 13: WATER QUALITY

13.1 Mitigation Required by Existing Regulations

Surface water in Downtown is managed by Everett Public Works Department, primarily via the City's Comprehensive Sewer Plan and NPDES Waste Discharge Permit since the majority of the Downtown area is served by a combined sanitary/storm sewer system. However, the separate storm sewer system in the vicinity of California Street and W Marine View Drive is managed in accordance with the City's Stormwater Management Program and NPDES Municipal Stormwater Permit.

New development in Downtown that currently discharges to the combined sanitary/storm sewer system is required to hook up to the combined sanitary/storm sewer system to manage run-off. New development in the portion of the area served by the separate storm sewer system is required to treat stormwater runoff, in accordance with the City of Everett's Stormwater Management Manual, prior to discharge to the separate storm sewer system.

The City is currently implementing a CSO Reduction Plan approved by the State Department of Ecology.

13.2 Mitigation Measures

A. Erosion Control

In accordance with the Puget Sound Water Quality Action Plan, construction of development projects should always include erosion control measures. Downtown development projects must meet the following Everett Public Works mitigation measures. These requirements are designed to minimize land disturbance and confine construction activities to the smallest practical area:

- Erosion and sedimentation control plans must be reviewed and approved by the Public Works Department. Specific erosion control measures listed in the Stormwater Manual must be provided.
- Erosion control measures must be installed and operational prior to initiation of clearing, grubbing, or grading operation.
- Soil piles should be covered with plastic sheeting or other impervious coverings staked to the ground or anchored with rocks or sandbags.
- Berms, earthen or otherwise should be constructed at the perimeter of excavated areas to prevent adjacent site runoff from entering the excavation.
- City streets must be kept clear of dirt and debris at all times during construction. Dust suppression and street cleaning must occur as directed by the Public Works inspector.
- Ensure that grading/filling on-site will not adversely affect adjoining sites during the detailed site specific plan review.

B. Other Site Layout Mitigation

To complement erosion control practices, Downtown development projects should minimize impervious areas to the maximum extent possible. Measures include:

- Preserve areas with natural vegetation
- Cluster buildings
- Maintain and utilize natural drainage patterns
- Integrate natural landscape mitigation at the site level. Methods such as Low Impact Development (LID) can mimic a site's predevelopment hydrology by using techniques that infiltrate, store and detain runoff close to its source

C. Combined Sewer Overflows

Operation of the City's combined sanitary/storm sewer system is in compliance with the City's National Pollutant Discharge Elimination System Waste Discharge Permit No. WA-002449-0. As part of the Waste Discharge Permit requirements, the City developed a CSO Reduction Plan which has been approved by the Department of Ecology, and which is currently being implemented throughout the City.

Section 14: AESTHETICS

14.1 Mitigation Required by Existing Regulations

A. Allowed Structure Heights

The City's B-3 Zoning regulates the allowed heights of structures in a wedding cake, or cascading, effect. Figure 1.1 (page 4) shows the heights allowed in the different segments of Downtown. Permitted heights range from 45 feet near the water to 200 feet on the ridge line.

Projects that utilize bonus features may be built at greater heights. For projects that utilize three or more bonus elements, the allowed bonus height is 50 percent of the maximum height shown in Figure 1.1, which will result in heights from 67.5' to 225'. The exception will be projects in the Colby Ridge, which are allowed unlimited bonus heights.

B. Design Guidelines and Regulations on Aesthetics

The B-3 Zoning Code contains a variety of design guidelines aimed at creating a pedestrian friendly aesthetic for Downtown.

- Required sidewalk and street tree improvements
- Unique streetscape elements, including surface pavers and inlays, artwork, decorative tree grates, clocks, informational kiosks, corner landscaping bulbs, etc
- Parking lot restrictions and requirements, including limitations on locating in front of buildings, alley access, landscaping
- Parking garage design standards requiring screening in the form of decorative grilles, works of art, special building material treatment/design, or landscaping
- Building design standards, including ground floor transparency, window treatments, entries with weather protection, vertical modulation, and building corner elements
- Building material restrictions addressing metal siding, concrete blocks, stucco, and prohibited materials
- Treatment of blank walls with transparent windows or doors, display windows, landscape planting beds, vertical trellises, murals or special building material treatments
- Treatment of rooftop mechanical equipment, to be designed, organized, proportioned, detailed, or landscaped (with decks or terraces) and colored to be an integral element of the building
- Special requirements for storefronts, including unique or handcrafted pedestrian-oriented signage, artwork, distinctive treatment of windows and/or door(s), permanent weather protection, distinctive exterior light fixtures, unique or handcrafted planter boxes or other architectural features that are intended to incorporate landscaping, and distinctive kickplate treatments
- Standards for multi-family and residential portions of mixed-use buildings, including:
 - repeating distinctive window patterns
 - vertical building modulation
 - horizontal modulation (upper level step-backs)

- articulation of the building's top, middle, and bottom; change of roofline
 - parking areas
- On Colby Avenue, creating the appearance of stepping back tower floors
- Floor-Area Ratio (FAR) bonuses are available for developments that incorporate public open space, distinctive building geometry:
 - unique rooftop features such as a dome, spire, or pyramid; terraced upper floors
 - public benefit uses
 - retention of historical structures;
 - below-grade parking
 - works of art or water features
 - LEED certification
 - protection of historic properties
- Supplemental sign standards, including prohibition on back-lit canned signs and free-standing signs, encouraging neon or externally lit signs, and creating a special sign district for Hewitt Avenue

14.2 Mitigation Measures

Built into the B-3 Zoning District standards is a tiered program for building heights. In general, the tallest buildings will be located on the Colby Ridge with gradually shorter buildings allowed as one moves west toward the waterfront. This tiered program provides for the preservation of views in upper stories.

Impacts to western views from lower stories will be unavoidably impacted.

The B-3 Zoning District contains a variety of design elements intended to improve the quality of the urban and pedestrian experience.

Improved enforcement of building maintenance regulations would enhance the aesthetics of existing buildings that are not properly maintained.