

Kathy Davis

To: 2023 Planning Commission
Subject: FW: [EXTERNAL] Please forward to Planning Commission for July 18 meeting

From: Kristin Hall <hallkristin7@gmail.com>
Sent: Monday, July 17, 2023 7:59 PM
To: Yorik Stevens-Wajda <YStevens@everettwa.gov>; Becky Ableman McCrary <BAbleman@everettwa.gov>; Karen Stewart <KStewart@everettwa.gov>
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PAR's Response to Port's July 14 submittal

Honorable Planning Commissioners,

This response to the Port's July 14 submittal is provided on behalf of PAR (Port Area Residents) and Kristin Hall. The Port's letter largely makes our case for the amendment we propose.

Purpose of PCA. In the second paragraph the Port confirms that the sole purpose of the Port Compatibility Area (PCA) is "to ensure that future large development projects in the vicinity of the Port are aware of possible implications of living or working near an international seaport and working waterfront." [Emphasis added.] The amendment proposed by PAR accomplishes that goal in a more narrowly tailored way than the current PCA map and regulations, without the collateral consequences for the existing adjacent residential neighborhood.

The Port does not address PAR's application or proposal. Rather than address PAR's initial application or our June 29 proposed amendment, the Port's letter focuses on a small number of misperceptions by a handful of residents and implies that the neighborhood's entire position is based on misinformation. It is understandable, given the lack of meaningful public

participation, that a few neighbors may not have fully understood all the issues. But more importantly, PAR's application does not include or rely on any of those misperceptions.

Diminution of property value. The Port's submittal to the Planning Commission at the June 20 meeting stated that the PCA will not affect property values. The Port's July 14 submittal now acknowledges that it may diminish property values, but instead of providing expert opinion it simply dismisses PAR's evidence as "anecdotal." Repealing the PCA will make this question moot.

Noise. – The Planning Commission is now aware that Port-generated noise is significantly affecting the health and quality of life of nearby residents. The Port's July 14 submittal includes many statements about the Port's willingness to work with neighbors on the noise issue. But It also includes a 2016 letter from the Port's lawyer asking for the City's acquiescence to a strained interpretation of the City's noise ordinance that Port noise is exempt. You will note that the Port does not provide any confirmation from the City supporting the Port lawyer's interpretation. The Port's continued reliance on that self-serving interpretation is not encouraging. We hope that the Port's representations in its July 14 submittal more accurately reflect its commitment to work with neighbors to implement commercially reasonable measures to mitigate Port noise. It is self-evident that it is more likely to honor that commitment if the PCA is repealed and replaced with PAR's proposed amendment.

Notice. Much of the neighborhood's consternation results from the wholly inadequate public notice for the adoption of the PCA as part of Rethink Zoning in 2020. As explained in PAR's application, not only was the notice insufficient to apprise the neighborhood of this significant zoning change (especially given the neighborhood's vociferous opposition to this same proposal in 2018), but the City's public outreach was misleading. Whether a technical argument that notice was "legally sufficient" can now be constructed is irrelevant for present purposes – notice clearly did not meet the standard that Everett's residents expect and deserve, as evidenced by the public outrage the Commission is now aware of. Please note: we do not mean to imply that the insufficient and misleading notice was intentional or resulted from a lack of integrity by the Planning Department. As the Planning Director acknowledged in our preapplication meeting, while notice may not have been legally insufficient it should have been better. The Port's only response to the neighbors' concern about notice is essentially "not our problem – that was the City's job." We agree, and we

commend the Department for now recommending that PAR's proposal be forwarded for consideration as a way to rectify that mistake.

In summary, PAR's proposed amendment avoids unnecessary collateral damage to port area residents while accomplishing the Port's stated goal of notifying developers of large multi-family developments. Thank you for considering our proposal.

Port Area Residents

Kristin Hall

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