



# CITY OF MUKILTEO

*Planning and Community  
Development Department*

## City of Mukilteo, Washington COMMUNITY DEVELOPMENT DIRECTOR DECISION SUBSTANTIAL DEVELOPMENT PERMIT (SH-SDP-2022-001)

### Port of Everett Park and Seasonal Outdoor Dining

#### **PROPOSAL**

The Port of Everett has applied for a Shoreline Substantial Development Permit on parcels located in the 700 block (approximate) of Front Street to develop a "parklet" on parcels that were formerly part of the approach ramp for the former Washington State Ferry terminal. The Port is partnering with Ivar's to repurpose the area for public park space and for seasonal outdoor dining. The seasonal dining space will be leased to Ivar's and will be separated from the publicly accessible portion of the parklet.

#### **APPLICATION SUMMARY**

**Applicant:** Laura Gurley, Director of Planning  
Port of Everett  
1205 Craftsman Way Suite 200  
Everett, Washington 98201

**Owner:** Port of Everett  
1205 Craftsman Way Suite 200  
Everett, Washington 98201

**Location:** Approximately 700 Block of Front Street. Project is located on the north side of Front Street, on the former approach ramp for the former Washington State Ferry Terminal between Losvar Condominiums and Ivar's restaurant, to include the following Snohomish County Assessor Parcel No's: 28040400200100 and 28040400203000. (NW ¼ of Section 4, Township 28, Range 4 E.W.M.)

#### **Legal Descriptions:**

Parcel No: 28040400200100  
SEC 04 TWP 28 RGE 04RT-17-18) FR SW COR SEC 33-29-4 RUN S 75°00'00" W 1093 FT TH N15°00'00" W 26 FT TPB TH S75°00'00" W 70 FT TH N15°00'00" W TO GOV MEA LN TH ALG LN TO PT N15°00'00" W FR TPBTH S15°00'00" E TO TPB

Parcel No: 28040400203000  
SEC 04 TWP 28 RGE 04RT-63C) W 200 FT OF FOLG DESC ALL TIDE- LAND 2ND CLASS IN FRONT OF ADJ TO OR ABUTTING UPON FOLG DESC BAAP ON GOVT MEA LN 21 FT M/L SWLY OF NW COR LOT 1 BLK 15 THOMAS ADD TO MUKILTEO



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**Shoreline Environment Designation(s):** The City of Mukilteo Shoreline Master Program designates that portion of the property being developed as “Urban Waterfront”. Part of one parcel has an “Aquatic Urban” Shoreline Master Program designation; however, no development is occurring on that portion of the property.

**Decision:** Shoreline Substantial Development (SDP) Permit, subject to conditions of approval.

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## **BACKGROUND**

On March 18, 2022, the Port of Everett submitted a shoreline substantial development permit application to allow for the development of a hardscape park with seasonal outdoor dining on property designated “Urban Waterfront” on the City of Mukilteo Shoreline Master Program map and zoned Downtown Business (DB) District on the City of Mukilteo zoning map.

The proposed park space will include:

- Above-ground container and permanent planters on the parcels and the adjacent Front Street right-of-way, with excavation to a maximum two foot depth. (All proposed excavation is dependent on Washington State Department of Archaeology and Historic Preservation (DAHP) coordination regarding cultural resources.)
- Benches for public seating.
- Low-level and shielded accent lighting with electrical service.
- Decorative metal panels on the existing wall to the west.
- Planters will provide separation between the park and Front Street.

The seasonal outdoor dining space will include:

- Up to ten (10) outdoor tables and with seasonal outdoor dining seating for up to 40 customers.
- Above-ground container planters combined with perforated metal panel fence (or railing) to provide separation from the public park component of the site.

But for a gravel utility trench, the existing site is paved hard surface. Improvements across the site include seal coating the existing asphalt surface and adding decorative treatment. The existing WSDOT installed guardrail will remain as-is. No disturbance is anticipated of the concrete wall abutment along the shoreline. No development will be over water.

Off-street parking to serve the proposed development has yet to be determined, but will be addressed prior to public use of the park and seasonal outdoor dining area.



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## **FACTS AND FINDINGS**

1. On March 18, 2022, the Port of Everett submitted a shoreline substantial development permit application to allow for the development of a hardscape park with seasonal outdoor dining on two contiguous parcels.
2. The subject properties include Snohomish County parcel numbers 28040400200100 (approximately 4,488 square feet) and 28040400203000 (approximately 60,499 square feet, including tidelands). The area proposed for the park and seasonal outdoor dining area is approximately 5,000 square feet and falls entirely within 200 feet of the Ordinary High Water Mark (OHWM).
3. The area proposed for development as a park and seasonal outdoor dining is the former Washington State Ferry terminal loading area between Losvar Condominiums and Ivar's restaurant. The property had been leased by the Washington State Ferry system from the Port of Everett for that purpose, but was no longer needed by the State ferry system with the opening of the new ferry terminal to the east in December 2020. The area had included drive lanes, a utility shed, and a ticketing building, all of which have been demolished by the Washington State Department of Transportation (WSDOT) as part of its new ferry terminal relocation.
4. The area proposed for development is flat, and for the most part is entirely paved except for a gravel trench intended to accommodate electrical utilities for future development of the site. Prior to turning the area back to the Port, WSDOT repaved the project site, installed railings on the waterward end, and constructed a vertical concrete block wall on the west side of the property to separate the site from the adjacent Losvar Condominium property.
5. The property has approximately 70 feet of frontage on Front Street. There is no curb and sidewalk along the property's Front Street frontage. There is no defined driveway leading into the property, nor is there a parking area on site.
6. Development proposed for the park and seasonal outdoor dining include, but is not limited to, above ground plant containers, benches and picnic tables for public seating, signage, new planters, decorative panels, and low-level and shielded accent lighting with electrical service at the existing westerly concrete block wall.

In addition, proposed are seasonal outdoor tables, umbrellas and chairs provided by Ivar's restaurant with up to ten 4-seat tables anticipated, along with above ground container planters combined with a physical separation element (e.g. panel fence or railing) to provide separation from the public park component of the site.



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7. Proposed improvements across the park/outdoor seasonal dining area include decorative treatment on the surface of the existing asphalt (e.g. colored sealcoat or similar product). The existing WSDOT installed guardrail and concrete block wall on the west side of the site will remain. No disturbance is anticipated to the bulkhead along the shoreline.
8. The application was deemed complete March 21, 2022. The Notice of Application was issued March 21, 2022 which initiated the 30-day Notice of Application public comment period as required by MMC section 17B.13.090(B). The 30-day public comment period concluded Wednesday, April 20, 2022 (4:30 PM).
9. On March 21, 2022, the Notice of Application was posted in a conspicuous place on the Port of Everett property subject to the Substantial Development Permit application. Posting of the property met the Notice of Application public notice requirement of MMC section 17B.13.100 entitled "Public notice requirement." Additional public notice was provided by US Mail to property owners within approximately 500' of the Port of Everett property proposed for development, advertised in the Herald two times one week apart, posted on the City website and public notice posting locations, and emailed to agencies and interested parties lists.
10. As provided for in MMC 17B.13.080 a determination of completeness letter dated March 25, 2022 was sent to the applicant within twenty-eight calendar days after receiving a shoreline permit application.
11. The Mukilteo Comprehensive Plan designation, shoreline environment designation, zoning and land uses of surrounding properties is as follows:

Direction	Comprehensive Plan Designation	Zoning/Shoreline Environment	Land Use
North	"Commercial Mixed Use"	ZONING: Downtown Business District SHORELINE ENVIRONMENT <ul style="list-style-type: none"><li>• Urban Waterfront</li><li>• Aquatic Urban</li></ul>	Possession Sound
East	"Commercial Mixed Use"	ZONING: Downtown Business District SHORELINE ENVIRONMENT Urban Waterfront	Ivar's/Silver Cloud Inn Hotel
South	"Commercial Mixed Use"	ZONING: Downtown Business District SHORELINE ENVIRONMENT: Urban Waterfront	Front Street/SR 525 Right-of-Way
West	"Commercial Mixed Use"	ZONING: Downtown Business District SHORELINE ENVIRONMENT: Urban Waterfront	Losvar Condominium





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12. The Port of Everett parcels are designated “Urban Waterfront” and “Aquatic Urban” on the City of Mukilteo Shoreline Master Program. Development proposed under the Substantial Development Permit application will only occur on that portion of the parcels designated as “Urban Waterfront. No work is occurring over water or waterward of the Ordinary High Water Mark (OHWM)
13. MMC section 17B.16.040A entitled “Table 1 Permitted Use Matrix” identifies restaurants, and public parks as permitted uses in the “Urban Waterfront” shoreline environment designation. Water enjoyment uses are also a permitted use in the “Urban Waterfront” shoreline environment designation.
14. The subject parcels are zoned Downtown Business (DB) District. MMC 17.16.040 (A) entitled “Table 17.16.040” identifies “Restaurants” and “Open Space” as permitted uses in the Downtown Business (DB) District zone. MMC Section 17.08.020 entitled “Definitions” defines “Open space, land use” is defined as

“Open space, land use” as a use in Table 17.16.040 means those uses such as public parks, private parks, NGPAs, stormwater detention facilities or similar uses that provide wildlife and critical habitat, passive recreational uses, and environmental education activities that are generally free and clear of buildings, structures and paved areas used for automobile parking or vehicular access and to remain open and unobstructed from the ground to the sky.”
15. The application includes a March 17, 2022 document entitled “Zoning and Shoreline Master Program Consistency Evaluation Narrative”. Included in that document is an evaluation of the proposal against DB zone Development and Design standards including, but not limited to, pedestrian amenities, pedestrian oriented space, parking, landscaping, signage and lighting.

Further, a staff review finds that the DB zone has no maximum lot coverage, a maximum building height of 35’ and no interior or rear yard setback requirement. The proposal complies with these requirements. The DB zone does require that all structures shall have a majority of their front facade built up to the front and corner property lines, although the DB zone provides an exception to this requirement in certain cases, including when doing so is shown to be unfeasible. In this case, a park development without new buildings makes compliance with the front yard setback unfeasible. The maximum hard surface requirement of 90% is currently exceeded for one parcel; however, the municipal code provides that hard surfaces legally established on a site prior to December 31, 2016, and which exceed the limits set forth in the municipal code shall not be considered nonconforming.



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16. The following utilities are available to the property:

Water:	Mukilteo Water and Wastewater District
Sewer:	Mukilteo Water and Wastewater District
Electricity:	Snohomish Public Utility District

17. Washington Administrative Code (WAC) 173-27-150 entitled "Review criteria for substantial development permits" states,

(1) A substantial development permit shall be granted only when the development proposed is consistent with:

- (a) The policies and procedures of the act;
  - (b) The provisions of this regulation; and
  - (c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter **173-26** WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.
- ...

18. The following evaluates the proposal against the substantial development permit criteria identified in WAC 173-27-150 above. The criteria is stated first, **in bold**, followed by a staff analysis.

**WAC 197-27-150 (1)(a), a substantial development permit shall be granted only when the development proposed is consistent with the policies and procedures of the act;**

The proposal is consistent with State shoreline policy. Public access and recreational opportunities for the public to a shoreline of statewide significance are enhanced and expanded through the proposed use as a park and seasonal outdoor dining. The park improvements, including benches, will bring people to the site who will then have public access to the shoreline.

The natural character of the shoreline is unaffected by use of an already developed, paved area. A benefit of the proposal is that an area that has longstanding use as seven day per week vehicular access will be converted to pedestrian oriented public access to the water. A water-enjoyment use, seasonal outdoor dining, will be established in this area as well.

**WAC 197-27-150 (1)(b) a substantial development permit shall be granted only when the development proposed is consistent with the provisions of this regulation;**



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The application is being processed in accordance with the permit review procedures of the City's shoreline master program (MMC Chapter 17B.13 entitled "Procedures"). This includes the notice of application and public comment period. SEPA review has been completed by the Port of Everett, acting as lead agency. Following the local government action, the application will be transmitted to the Washington State Department of Ecology and Attorney General's Office.

The applicant has prepared a detailed review of the proposal's consistency with the City of Mukilteo's shoreline development regulations in a March 17, 2022 document entitled "Zoning and Shoreline Master Program Consistency Evaluation Narrative". The applicant's evaluation of development regulation consistency addresses archeological/ historical, parking, commercial/mixed use development, public access/recreation, utilities, change in use, critical areas and landscaping and finds compliance of the proposal with these regulations.

### **WAC 197-27-150 (1)(c) a substantial development permit shall be granted only when the applicable master program adopted or approved for the area. ..."**

The applicant has prepared an evaluation of the proposal with the City's shoreline master Programs goals and policies in a March 17, 2022 document entitled "Zoning and Shoreline Master Program Consistency Evaluation Narrative".

While the applicant documents consistency with a considerable number of goals and policies, the following are examples. Specifically, as a recreational activity, the proposal is consistent with the purpose statement of the Urban Waterfront shoreline environment designation. The proposal also provides a park opportunity (GD-6), cooperates with the Port of Everett to develop linkages to the waterfront (SH-1) and expands opportunity for public access to the shoreline (SH-10).

- **Urban Waterfront Shoreline Environment.** Purpose. The purpose of the Urban Waterfront Shoreline Environment Designation is to provide for the development and redevelopment of high-intensity, water-oriented commercial and recreational activities, transportation, and essential public facilities, while protecting existing ecological functions and improving ecological functions in areas that have been previously degraded.
- **GD 6:** Provide a system of parks, recreational, and cultural facilities that incorporates both public entities (City, County, State, Port of Everett, and schools), and private assets in order to expand opportunities within the City, views of the water and mountain scenery and public access along the shoreline.
- **SH 1:** Work with the Port of Everett, the City of Everett, Snohomish County, BNSF, and other entities, and private landowners to; a) develop direct linkages to the waterfront; and, b) provide recreational opportunities, and restore ecological functions through use of innovative approaches.



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- SH10: Provide a system of public (City, County, State, Port of Everett, and schools) and private parks and recreational facilities to expand opportunities for public access along the shoreline.
19. The proposal lies within the 100-year flood hazard area (FEMA FIRM 53061C1010F, Effective June 19, 2020). A floodplain development permit shall be required. The applicant has submitted a floodplain development permit application concurrent with the shoreline substantial development permit application.
  20. As provided for in MMC section 17B.13.090(B)(5), a thirty (30) calendar day public comment period follows the date of the Notice of Application. The thirty (30) day public comment period was initiated March 21, 2022, with the posting of the Notice of Application in a conspicuous manner on the property in accordance with MMC 17B.13.100(A)(2). The thirty (30) calendar day public comment period concluded 4:30PM, Wednesday April 20, 2022.
  21. Nine (9) agency and individual comments were received during the 30 day public comment period. Comments referenced historic resources, parking, and concern that the proposal basically serves Ivar's leaving little area for public use. Certain comments expressed support for the proposal. Agency comments were received from SNOPUD and WSDOT-Ferries.
  22. The Port of Everett was the lead agency for the purposes of implementing the State Environmental Policy Act (SEPA). On April 6, 2022 the Port of Everett issued a SEPA Determination of Non-Significance (DNS) for the "Mukilteo Parklet" proposal. The 14 day comment period concluded on April 20, 2022. Two comments were received. One comment, from the Washington State Department of Archaeology and Historic Preservation, recommended that a standard Inadvertent Discovery Plan be followed. Another comment from the Department of Ecology referenced what should be done if environmental contamination is encountered during construction.
  23. MMC 17B.13.130 entitled "Review authority" includes Table 2 which describes the Permit Authority and Public Hearing process for all shoreline permits within the city and states that Permitted Shoreline Substantial Development Applications are a Type I administrative decision with no public hearing required. Table 2 states that Shoreline Hearings Board appeals are allowed within twenty-one days of the "date of filing" as defined in RCW 90.58.140(6).
  24. WAC 173-27-190 entitled "Permits for substantial development, conditional use, or variance" states, in part,
    - "(1) Each permit for a substantial development, conditional use or variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings



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initiated within twenty-one days from the date of such filing have been terminated;  
except as provided in RCW 90.58.140 (5)(a) and (b)."

### **CONCLUSIONS**

1. The project is consistent with the Mukilteo Comprehensive Plan, applicable zoning regulations, environmental regulations, and development standards adopted by the City of Mukilteo.
2. The proposal satisfies the "Review criteria for substantial development permits" contained in WAC 173-27-150. The proposal is consistent with the goals and policies of the City of Mukilteo shoreline master program and development regulations. The proposed uses are permitted and public access to the shoreline is advanced.
3. The project will have no adverse impacts to the surrounding properties, and, more generally, it will not adversely affect the public health, safety and general welfare as conditioned.
4. SEPA review has been conducted by the Port of Everett and adverse environmental impacts have been addressed.

### **DECISION:**

Based on the application, facts and findings, and conclusions of this decision, the Port of Everett request for a substantial development permit (SH-SDP-2022-001) to allow for the development of a hardscape park and seasonal outdoor dining area in the 700 block (approximate) of Front Street is **APPROVED** subject to the following conditions:

1. Prior to occupancy of the seasonal outdoor dining area, a commercial alteration or other permit meeting the requirements of the City of Mukilteo Fire Marshal to address fire related occupancy requirements shall be applied for and issued.
2. All development shall be limited to the shoreline environment designated "Urban Waterfront".
3. Any structures built or placed in the city's ROW will need an agreement between the Port of Everett, Ivar's, and the City of Mukilteo regarding maintenance of landscape, hard surfaces, and any other proposed amenities.
4. A right of way permit shall be required for improvements in the right-of-way, to include striping of crosswalks, if applicable. All proposed improvements, including crosswalks, in





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the city's ROW shall meet current ADA standards and shall provide for safe non-motorized and motorized access and travel.

5. Prior to any excavation or ground disturbance, the Washington State Department of Archaeology and Historic Preservation (DAHP) shall be consulted and recommendations incorporated into the project implementation.
6. Prior to occupancy and use of the park or seasonal outdoor dining area, off-street parking meeting the requirements of the Mukilteo Municipal Code shall be provided, including securing any permits associated with the parking.
7. Construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).
8. A floodplain development permit shall be required.
9. The applicant shall comply with all other applicable codes, ordinances and regulations.

David Osaki, AICP  
Community Development Director

APRIL 21 2022

Date

### **APPEALS:**

In accordance with RCW section 90.58.140 entitled "*Development permits—Grounds for granting—Administration by local government, conditions—Applications—Notices—Rescission—Approval when permit for variance or conditional use*", any decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the Department of Ecology and the attorney general.

A petition for review of such a decision must be commenced within twenty-one days from the date of filing of the decision. "Date of filing" as used for a Substantial Development Permit refers to the date of actual receipt by the Department of Ecology of the local government's decision.



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**EXHIBITS**

Exhibit A	Location/Site Aerial Map
Exhibit B	Shoreline Environment Designation Map
Exhibit C	March 21, 2022 Notice of Application
Exhibit D	March 25, 2022 Complete Letter
Exhibit E	Application Materials (including Land Use, Shoreline, Flood Permit applications)
Exhibit F	Parklet Plan Set
Exhibit G	Applicant's March 17, 2022 "Zoning and Shoreline Master Program Consistency Evaluation Narrative"
Exhibit H	Floodplain Development Assessment
Exhibit I	Port of Everett SEPA DNS and SEPA Checklist (April 6, 2022)



## Project Location Map

Location: Snohomish County Parcel No: 28040400200100  
and Parcel No: 28040400203000.

(The proposal is located on parcels previously part of the approach ramp for the former Washington State Mukilteo Ferry Terminal and is located north of Front Street, between Ivar's and Losvar Condominiums.)

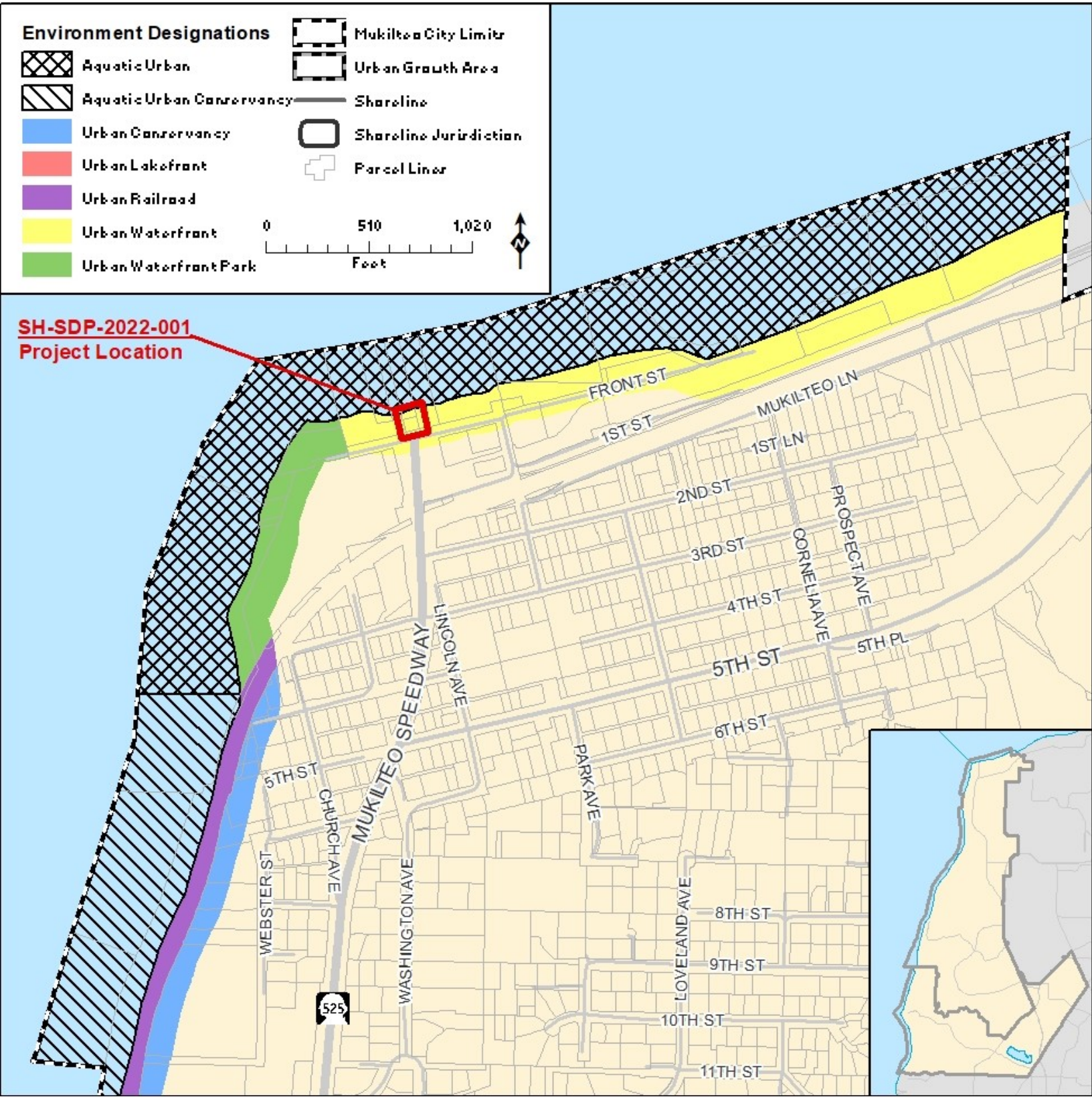
### EXHIBIT A






EXHIBIT B

Shoreline Environment Designation, Northern City Limits



# EXHIBIT C

 <p>CITY OF <b>MUKILTEO</b></p> <p>11930 Cyrus Way Mukilteo, WA 98275 (425) 263-8000</p>	<h2>NOTICE OF APPLICATION</h2> <p><b>Port of Everett Park and Seasonal Outdoor Dining SH-SDP-2022-001 and FL-DEV-2022-001</b></p>
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On March 18, 2022, the Port of Everett submitted permit applications related to the following:

**Notice of Application Summary:** Port of Everett Park and Seasonal Outdoor Dining

**Application Submittal Date:** March 18, 2022

**Complete Date:** March 21, 2022

**Notice of Application Date:** March 21, 2022

**End of Comment Period:** Wednesday, April 20, 2022 (4:30 PM)

### Description of Proposal:

Port of Everett proposal to construct a hardscape park with seasonal outdoor dining on property zoned Downtown Business (DB) District (Snohomish County Parcel No.'s 28040400200100; 28040400203000). The parcels were formerly part of the approach ramp for the former Washington State Ferry Terminal. The Port is partnering with Ivar's to repurpose the parcel with public park space and seasonal outdoor dining space.

The park space will include:

- Above-ground container and permanent planters in the parcel and adjacent Front Street right-of-way, with excavation to a maximum two foot depth. (All proposed excavation is dependent on Washington State Department of Archaeology and Historic Preservation coordination regarding cultural resources.)
- Benches for public seating.
- Low-level and shielded accent lighting with electrical service.
- Decorative metal panels on the existing wall to the west.
- Planters will provide separation between the park and Front Street.

The dining space will include:

- Up to ten (10) outdoor tables and with seasonal outdoor dining seating for up to 40 customers.
- Above-ground container planters combined with perforated metal panel fence (or railing) to provide separation from the public park component of the site.

Improvements across the site include seal coating the existing asphalt surface and adding decorative treatment. The existing WSDOT installed guardrail will remain as-is. No



disturbance is anticipated of the concrete wall abutment or rip-rap along the shoreline. No development will be over water.

Off-street parking to serve the proposed development has yet to be determined, but will be addressed prior to public use of the park and seasonal outdoor dining area.

A shoreline substantial development permit and floodplain development permit are required.

**Location of Proposal:**

700 Block of Front Street. Project is located on the north side of Front Street, on the former approach ramp for the former Washington State Ferry Terminal between Losvar Condominiums and Ivar's restaurant, to include the following Snohomish County Assessor Parcels:

Parcel No: 28040400200100

SEC 04 TWP 28 RGE 04RT-17-18) FR SW COR SEC 33-29-4 RUN S 75\*00 00W 1093FT TH N15\*00 00W 26FT TPB TH S75\*00 00W 70FT TH N15\*00 00W TO GOV MEA LN TH ALG LN TO PT N15\*00 00W FR TPBTH S15\*00 00E TO TPB

Parcel No: 28040400203000

SEC 04 TWP 28 RGE 04RT-63C) W 200FT OF FOLG DESC ALL TIDE- LAND 2ND CLASS IN FRONT OF ADJ TO OR ABUTTING UPON FOLG DESC BAAP ON GOVT MEA LN 21FT M/L SWLY OF NW COR LOT 1 BLK 15 THOMAS ADD TO MUKILTEO

**Environmental Documents Prepared:**

The applicant submitted the following environmental related documents with the permit applications:

- Draft Environmental Checklist (SEPA) prepared by the Port of Everett. Port of Everett will be SEPA lead agency.

The above material(s), including the permit applications, may be reviewed at Mukilteo City Hall (11930 Cyrus Way) during regular business hours.

**List of Required Permits:**

- Shoreline Substantial Development Permit
- Floodplain Development Permit
- Any Applicable State and Federal Permits

**Other permits not included in the application to the extent known by the local government:**

- Commercial-Alteration permit may be required.
- Off-street parking is to be addressed prior to any use of the site. Additional permits may be required depending on how off-street parking is addressed.

**Applicable Policies and Requirements**

Staff has made a preliminary determination that the following policies and development regulations will be used for project mitigation and consistency:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Comprehensive Plan             | <input checked="" type="checkbox"/> Downtown Business District Subarea Plan    |
| <input checked="" type="checkbox"/> Mukilteo Municipal Code        | <input checked="" type="checkbox"/> International Building Code (2018 Edition) |
| <input checked="" type="checkbox"/> Mukilteo Development Standards | <input checked="" type="checkbox"/> International Fire Code (2018 Edition)     |
| <input checked="" type="checkbox"/> Shoreline Master Program       |  |

### **State Environmental Policy Act (SEPA)**

The Port of Everett is SEPA lead agency in accordance with WAC 197-11-926 and WAC 197-11-928. A Port of Everett SEPA determination is expected to be issued the week of March 21, 2022.

### **Public Hearing**

There will not be a Public Hearing for this project.

### **Comment Period**

As provided for in MMC section 17B.13.090(B)(5), a thirty (30) calendar day public comment period follows the date of the Notice of Application. The thirty (30) day public comment period was initiated **March 21, 2022**, with the posting of the Notice of Application in a conspicuous manner on the property in accordance with MMC 17B.13.100(A)(2). The thirty (30) calendar day public comment period shall conclude **4:30PM, Wednesday April 20, 2022**.

Any person has the right to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and may be informed of appeal rights.

Comments must be delivered to Mukilteo City Hall by email, US mail, personal delivery to the drop box outside City Hall, or by other arranged method, during normal business hours.

This application and supporting documents are available for public review on the City's website at <http://www.mukilteowa.gov/land-use-action-notices>, or contact City Hall at (425) 463-8000.

**Staff Contact:** David Osaki  
 T: (425) 263-8042  
 E: [dosaki@mukilteowa.gov](mailto:dosaki@mukilteowa.gov)

## Location Map



pc: Applicant/Representative  
Reviewing Agencies  
Interested Parties

CDD Director  
Permit Services Personnel  
Project File



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**MUKILTEO**

March 25, 2022

Ms. Laura Gurley, Director of Planning  
Port of Everett  
1205 Craftsman Way, Suite 200  
Everett, WA 98201

SUBJECT: Port of Everett Park and Seasonal Outdoor Dining: SH-SDP-2022-001  
and FL-DEV-2022-001 (Snohomish County Assessor Numbers:  
28040400200100 and 28040400203000)

Dear Ms. Gurley:

This letter is notice that the above referenced shoreline substantial development permit and floodplain development permit applications submitted on March 18, 2022 for property generally located in the 700 block of Front Street, Mukilteo Washington are considered:

☒ **COMPLETE as of March 21, 2022**

**Complete Applications**

Processing and review of a permit application may begin when it is deemed complete. A COMPLETE APPLICATION IS NOT AN APPROVED APPLICATION.

The City's determination of completeness does not preclude the City from requesting revisions, additional information or studies if new information is required, corrections are needed, or where there are substantial changes in the proposed action.

If you have questions, please contact me at 425.263.8042 or by email at [dosaki@mukilteowa.gov](mailto:dosaki@mukilteowa.gov).

Sincerely,

David Osaki  
Community Development Director

cc: Project File



# EXHIBIT E

## City of Mukilteo

### Land Use Permit Application

11930 Cyrus Way  
Mukilteo, WA 98275  
(425) 263-8000  
[www.mukilteowa.gov](http://www.mukilteowa.gov)

#### GENERAL INFORMATION

ADDRESS/LOCATION: 700 Front Street PARCEL NO: 28040400200100; 28040400203000

DESCRIPTION OF WORK: The Port of Everett is proposing development of a "parklet" on parcels that were formerly part of the approach ramp for the former Washington State Ferry Terminal. The Port is partnering with Ivar's to repurpose the parcel for public park space and seasonal outdoor dining space. The dining space will be leased to Ivar's and will be separated from the publicly accessible portion of the parklet.

COMP PLAN DESIGNATION: Downtown Business ZONING: Downtown Business

DATE OF PREAPPLICATION MEETING (if held): 12/16/21

#### APPLICANT INFORMATION

NAME: Laura Gurley, Director of Planning PHONE: (425) 388-0720 EMAIL: laurag@portofeverett.com

Port of Everett  
ADDRESS: 1205 ~~2500~~ Craftsman Way, Suite 200 CITY: Everett STATE: WA ZIP: 98201

#### PROPERTY OWNER INFORMATION ☒ Same as Above

NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

#### CONTACT INFORMATION ☒ Same as Above

NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

#### Project Type (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Accessory Dwelling Unit*      | <input type="checkbox"/> Lot Line Adjustment*                |
| <input type="checkbox"/> Binding Site Plan             | <input type="checkbox"/> Reasonable Use*                     |
| <input type="checkbox"/> Comprehensive Plan Amendment* | <input type="checkbox"/> Rezone*                             |
| <input type="checkbox"/> Conditional Use*              | <input type="checkbox"/> SEPA                                |
| <input checked="" type="checkbox"/> Floodplain*        | <input checked="" type="checkbox"/> Shoreline:               |
| <input checked="" type="checkbox"/> Development*       | <input type="checkbox"/> Conditional Use*                    |
| <input type="checkbox"/> Letter*                       | <input type="checkbox"/> Exemption                           |
| <input type="checkbox"/> Programmatic*                 | <input checked="" type="checkbox"/> Substantial Development* |
|  | <input type="checkbox"/> Variance*                           |

#### \*Supplemental Application Required

- |                                       |  |
|---------------------------------------|--|
| <input type="checkbox"/> Special Use* | <input type="checkbox"/> Variance*                       |
| <input type="checkbox"/> Subdivision* | <input type="checkbox"/> Wireless Communication Facility |

☐ Preliminary Short

☐ Preliminary Long

☐ Final Short

☐ Final Long

☐ Amendment

☐ Other\*: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### SIGNATURE:

I/We certify that the information provided in this application, including all submittals and attachments, is true and correct under penalty of perjury by the laws of the State of Washington.

Laura M. Gurley  
Applicant / Authorized Agent Signature

3/16/2022

Date

same

Owner Signature (required)

Date





CITY OF  
**MUKILTEO**

11930 Cyrus Way - Mukilteo, WA 98275  
425.263.8000

**Shoreline Substantial  
Development Permit  
Supplemental Requirements**

Applicant: Laura Gurley, Planning Director; Address: 700 Front Street  
Port of Everett

Please provide the following documents with your Land Use Development Application

1. **Project Narrative with a general description including:**

- ☒ Proposed use(s) and the activities necessary to accomplish the project
- ☒ Existing property physical characteristics, improvements and structures
- ☒ Vicinity of the property including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics

2. **Site Development Plan with maps and elevation drawings, drawn to scale, including:**

- ☒ Parcel Boundary
- ☒ The ordinary high water mark (OHWM) of all water bodies adjacent to or within the boundary of the project. If the OHWM is neither, indicate the distance and direction to the nearest OHWM of the shoreline.
- ☒ Existing and proposed land contours with intervals sufficient to determine the existing character of the property and the extent of proposed change. Indicate areas within the boundary that will not be altered
- N/A ☐ A delineation of all wetland areas
- ☒ A general indication of the character of vegetation found on the site
- ☒ The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities
- ☒ A depiction of the impacts to views from existing residential uses and public areas
- N/A ☐ Quantity, source and composition of any temporary or permanent fill material
- N/A ☐ Quantity, composition and destination of any excavated or dredged material
- ☒ A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties
- ☒ Landscaping Plan
- N/A ☐ Plans for development of areas on or off the site as mitigation



# WASHINGTON STATE

## Joint Aquatic Resources Permit Application (JARPA) Form<sup>1,2</sup> [\[help\]](#)

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



US Army Corps  
of Engineers®  
Seattle District

AGENCY USE ONLY

Date received: \_\_\_\_\_

Agency reference #: \_\_\_\_\_

Tax Parcel #(s): \_\_\_\_\_  
\_\_\_\_\_

### Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [\[help\]](#)

Mukilteo Parklet

### Part 2—Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)

Gurley, Laura

2b. Organization (If applicable)

Port of Everett

2c. Mailing Address (Street or PO Box)

PO Box 538

2d. City, State, Zip

Everett, WA 98206

2e. Phone (1)

2f. Phone (2)

2g. Fax

2h. E-mail

425-388-0720

425-330-6564

LauraG@portofeverett.com

<sup>1</sup>Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

<sup>2</sup>To access an online JARPA form with [\[help\]](#) screens, go to

[http://www.epermitting.wa.gov/site/alias\\_resourcecenter/jarpa\\_jarpa\\_form/9984/jarpa\\_form.aspx](http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx).

## Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

<b>3a.</b> Name (Last, First, Middle)			
<b>3b.</b> Organization (If applicable)			
<b>3c.</b> Mailing Address (Street or PO Box)			
<b>3d.</b> City, State, Zip			
<b>3e.</b> Phone (1)	<b>3f.</b> Phone (2)	<b>3g.</b> Fax	<b>3h.</b> E-mail

## Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

- ☒ Same as applicant. (Skip to Part 5.)
- ☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- ☐ There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- ☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

<b>4a.</b> Name (Last, First, Middle)			
<b>4b.</b> Organization (If applicable)			
<b>4c.</b> Mailing Address (Street or PO Box)			
<b>4d.</b> City, State, Zip			
<b>4e.</b> Phone (1)	<b>4f.</b> Phone (2)	<b>4g.</b> Fax	<b>4h.</b> E-mail

## Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- ☐ There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

<b>5a.</b> Indicate the type of ownership of the property. (Check all that apply.) <a href="#">[help]</a>			
<input type="checkbox"/> Private			
<input type="checkbox"/> Federal			
<input checked="" type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.)			
<input type="checkbox"/> Tribal			
<input type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete <a href="#">JARPA Attachment E</a> )			
<b>5b.</b> Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) <a href="#">[help]</a>			
700 Front Street			
<b>5c.</b> City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) <a href="#">[help]</a>			
Mukilteo, WA 98275			
<b>5d.</b> County <a href="#">[help]</a>			
Snohomish			
<b>5e.</b> Provide the section, township, and range for the project location. <a href="#">[help]</a>			
<b>¼ Section</b>	<b>Section</b>	<b>Township</b>	<b>Range</b>
	4	28N	4E
<b>5f.</b> Provide the latitude and longitude of the project location. <a href="#">[help]</a>			
<ul style="list-style-type: none"><li>Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)</li></ul>			
47.9489750°, -122.3042583°			
<b>5g.</b> List the tax parcel number(s) for the project location. <a href="#">[help]</a>			
<ul style="list-style-type: none"><li>The local county assessor's office can provide this information.</li></ul>			
28040400200100 and upland portion of Parcel No. 28040400203000			
<b>5h.</b> Contact information for all adjoining property owners. (If you need more space, use <a href="#">JARPA Attachment C.</a> ) <a href="#">[help]</a>			
<b>Name</b>	<b>Mailing Address</b>		<b>Tax Parcel # (if known)</b>
MSI Mukilteo LLC	710 Front St.		28040400102300
	Mukilteo, WA 98275		
Losvar Condominium Association	610 Front St.		00526900000100 (and various owners)
	Mukilteo, WA 98275		

<b>5i.</b> List all wetlands on or adjacent to the project location. <a href="#">[help]</a>
none
<b>5j.</b> List all waterbodies (other than wetlands) on or adjacent to the project location. <a href="#">[help]</a>
Possession Sound in Puget Sound
<b>5k.</b> Is any part of the project area within a 100-year floodplain? <a href="#">[help]</a>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
<b>5l.</b> Briefly describe the vegetation and habitat conditions on the property. <a href="#">[help]</a>
The uplands of the site are predominantly paved with asphalt and a small section of gravel associated with the footing of a concrete block wall on the west end. No vegetation is present. The Site includes property with aquatic habitat (i.e. Puget Sound) waterward of the existing bulkhead on the shoreline. The aquatic portion of the Site is NOT part of this proposal.
<b>5m.</b> Describe how the property is currently used. <a href="#">[help]</a>
The WSDOT Ferries are still completing activity on the site to satisfy City requirements of the ferry terminal demolition project. In its current condition, the site is a rudimentary, informal public access area with no furnishings.
<b>5n.</b> Describe how the adjacent properties are currently used. <a href="#">[help]</a>
To the west is the residential Losvar Condominium building and to the east is the Ivar's restaurant. To the North is Puget Sound and to the south is the Front Street right of way.
<b>5o.</b> Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. <a href="#">[help]</a>
There is a railing on the waterward end of the Site and a 6-foot (+/-) vertical concrete block wall on the west side of the Site that separates the site from the neighboring Losvar condominiums. There is an existing catch basin and associated pipe that conveys runoff to an outfall through the bulkhead. These will remain in place.
<b>5p.</b> Provide driving directions from the closest highway to the project location, and attach a map. <a href="#">[help]</a>
<p>From Interstate 5:</p> <ul style="list-style-type: none"> <li>- Take I-5 S and WA-526 W/Boeing Fwy/Casino Fwy to 84<sup>th</sup> St SW in Mukilteo</li> <li>- Take Mukilteo Speedway to the waterfront.</li> <li>- Site is at the intersection of Mukilteo Speedway and Front Street.</li> </ul>

## Part 6—Project Description

<b>6a.</b> Briefly summarize the overall project. You can provide more detail in 6b. <a href="#">[help]</a>
---



The Port of Everett (Port) is proposing development of a “parklet” on parcels (Snohomish County Parcel No. 28040400200100 and 28040400203000 [Site]) that were formerly part of the approach ramp for the former Washington State Ferry Terminal which included drive lanes, a utility shed, and ticketing building, all of which have been demolished by WSDOT as part of their new ferry terminal development to the east. Prior to turning the Site over to the Port, WSDOT repaved the project site, installed railings on the waterward end and constructed a vertical concrete block wall on the west side to separate the site from the adjacent Losvar Condominium property. The Port is partnering with Ivar’s to repurpose the parcel for public park space and seasonal outdoor dining space. The dining space will be leased to Ivar’s and will be separated from the publicly accessible portion of the parklet. This separation will be moveable to allow for special events. It is anticipated that Ivar’s will be leasing offsite parking spaces from neighboring property owner(s) to accommodate the additional capacity associated with increase dining space.

The park space will include:

- Above-ground plant containers in the parcel and adjacent to Front Street right of way to provide separation of the parklet from the street.
- Benches and picnic table for public seating.
- 
- Resetting two interpretive signs.
- Replacement of existing wood plant containers located in the Front Street right of way immediately in front of Ivar’s.
- Decorative panels affixed to the existing concrete wall.
- Low-level and shielded accent lighting with electrical service at the existing concrete block wall.

The dining space will include:

- Outdoor tables, umbrellas and chairs provided by Ivar’s Restaurant.
- Above-ground plant containers combined with a physical separation element (e.g. panel fence or railing) to provide separation from the public park component of the site.

Improvements across the site include decorative treatment on the surface of the existing asphalt (e.g. colored sealcoat or similar product). The existing WSDOT installed guardrail and concrete wall on the west side of the site will remain as-is. No disturbance is anticipated to the bulkhead or rip-rap along the shoreline.

**6b.** Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

The Port is partnering with Ivar’s to repurpose the site for public park space and seasonal outdoor dining space. The dining space will be leased to Ivar’s and will be separated from the publicly accessible portion of the parklet. This separation will be moveable to allow for special events.

**6c.** Indicate the project category. (Check all that apply) [\[help\]](#)

- |                                      |  |  |   |                                       |
|--------------------------------------|--|--|---|---------------------------------------|
| <input type="checkbox"/> Commercial  | <input type="checkbox"/> Residential               | <input type="checkbox"/> Institutional | <input type="checkbox"/> Transportation | <input type="checkbox"/> Recreational |
| <input type="checkbox"/> Maintenance | <input type="checkbox"/> Environmental Enhancement |  |   |                                       |

**6d.** Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Aquaculture          | <input type="checkbox"/> Culvert              | <input type="checkbox"/> Float               | <input type="checkbox"/> Retaining Wall (upland)       |
| <input type="checkbox"/> Bank Stabilization   | <input type="checkbox"/> Dam / Weir           | <input type="checkbox"/> Floating Home       | <input type="checkbox"/> Road                          |
| <input type="checkbox"/> Boat House           | <input type="checkbox"/> Dike / Levee / Jetty | <input type="checkbox"/> Geotechnical Survey | <input type="checkbox"/> Scientific Measurement Device |
| <input type="checkbox"/> Boat Launch          | <input type="checkbox"/> Ditch                | <input type="checkbox"/> Land Clearing       | <input type="checkbox"/> Stairs                        |
| <input type="checkbox"/> Boat Lift            | <input type="checkbox"/> Dock / Pier          | <input type="checkbox"/> Marina / Moorage    | <input type="checkbox"/> Stormwater facility           |
| <input type="checkbox"/> Bridge               | <input type="checkbox"/> Dredging             | <input type="checkbox"/> Mining              | <input type="checkbox"/> Swimming Pool                 |
| <input type="checkbox"/> Bulkhead             | <input type="checkbox"/> Fence                | <input type="checkbox"/> Outfall Structure   | <input checked="" type="checkbox"/> Utility Line       |
| <input type="checkbox"/> Buoy                 | <input type="checkbox"/> Ferry Terminal       | <input type="checkbox"/> Piling/Dolphin      |  |
| <input type="checkbox"/> Channel Modification | <input type="checkbox"/> Fishway              | <input type="checkbox"/> Raft                |  |

☒ Other: Public Access and Seasonal Outdoor Dining

**6e.** Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

Most of the project consists of installation of site furnishings including benches, plant container, decorative panels and associated accent lighting. Very minor construction will be necessary to restore electrical service to the site. Work will be constrained to areas previously disturbed by concrete block wall and/or utility construction. Equipment may include power tools, forklift, and small excavator.

**6f.** What are the anticipated start and end dates for project construction? (Month/Year) [\[help\]](#)

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Start Date: April 23, 2022 End Date: May 27, 2022 ☐ See JARPA Attachment D

**6g.** Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

Approximately \$250,000

**6h.** Will any portion of the project receive federal funding? [\[help\]](#)

- If **yes**, list each agency providing funds.

☐ Yes ☒ No ☐ Don't know

## Part 7–Wetlands: Impacts and Mitigation

- ☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.  
(If there are none, skip to Part 8.) [\[help\]](#)

<b>7a.</b> Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. <a href="#">[help]</a>						
<input type="checkbox"/> Not applicable						
<b>7b.</b> Will the project impact wetlands? <a href="#">[help]</a>						
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know						
<b>7c.</b> Will the project impact wetland buffers? <a href="#">[help]</a>						
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know						
<b>7d.</b> Has a wetland delineation report been prepared? <a href="#">[help]</a>						
<ul style="list-style-type: none"> <li><b>If Yes</b>, submit the report, including data sheets, with the JARPA package.</li> </ul>						
<input type="checkbox"/> Yes <input type="checkbox"/> No						
<b>7e.</b> Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? <a href="#">[help]</a>						
<ul style="list-style-type: none"> <li><b>If Yes</b>, submit the wetland rating forms and figures with the JARPA package.</li> </ul>						
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know						
<b>7f.</b> Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? <a href="#">[help]</a>						
<ul style="list-style-type: none"> <li><b>If Yes</b>, submit the plan with the JARPA package and answer 7g.</li> <li><b>If No, or Not applicable</b>, explain below why a mitigation plan should not be required.</li> </ul>						
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know						
<b>7g.</b> Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. <a href="#">[help]</a>						
<b>7h.</b> Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. <a href="#">[help]</a>						
Activity (fill, drain, excavate, flood, etc.)	Wetland Name <sup>1</sup>	Wetland type and rating category <sup>2</sup>	Impact area (sq. ft. or Acres)	Duration of impact <sup>3</sup>	Proposed mitigation type <sup>4</sup>	Wetland mitigation area (sq. ft. or acres)

<sup>1</sup> If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

<sup>2</sup> Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

<sup>3</sup> Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

<sup>4</sup> Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: \_\_\_\_\_

**7i.** For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

**7j.** For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

## Part 8—Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

**8a.** Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

☒ Not applicable

All work is upland and will not impact the aquatic environment.

**8b.** Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

☐ Yes ☒ No

**8c.** Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [\[help\]](#)

- If **Yes**, submit the plan with the JARPA package and answer 8d.
- If **No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Don't know

No impacts.

**8d.** Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

N/A

**8e.** Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name <sup>1</sup>	Impact location <sup>2</sup>	Duration of impact <sup>3</sup>	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
None					

<sup>1</sup> If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided. <sup>2</sup> Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain. <sup>3</sup> Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.					
<b>8f.</b> For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. <a href="#">[help]</a>					
None.					
<b>8g.</b> For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. <a href="#">[help]</a>					
None.					

## Part 9—Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

<b>9a.</b> If you have already worked with any government agencies on this project, list them below. <a href="#">[help]</a>			
Agency Name	Contact Name	Phone	Most Recent Date of Contact
City of Mukilteo	Dave Osaki	425-263-8042	3/15/22
WA Department of Archaeology and Historic Preservation	Stephanie Jolivet	360-628-2755	1/28/22
WSDOT Ferries	Mark Sawyer	SawyerM@wsdot.wa.gov	3/15/22
FEMA	Roxanne Pilkington	425-892-4036	3/10/22
WA Dept. of Ecology	Kayla Eicholtz	425-429-4545	3/10/22
<b>9b.</b> Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If <b>Yes</b>, list the parameter(s) below.</li> <li>If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <a href="https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d">https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d</a>.</li> </ul>			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Possession Sound in the project vicinity is included on the 303d list for: <ul style="list-style-type: none"> <li>Benzo(a)anthracene (in tissue)</li> <li>Benzo(a)pyrene (in tissue)</li> <li>Benzo(a)fluoranthene</li> <li>Chysene</li> <li>Polychlorinated Biphenyls</li> </ul> All of the above are listed in tissue.			



<b>9c.</b> What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>Go to <a href="http://cfpub.epa.gov/surf/locate/index.cfm">http://cfpub.epa.gov/surf/locate/index.cfm</a> to help identify the HUC.</li> </ul>
171100190202
<b>9d.</b> What Water Resource Inventory Area Number (WRIA #) is the project in? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>Go to <a href="https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up">https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up</a> to find the WRIA #.</li> </ul>
WRIA 7
<b>9e.</b> Will the in-water construction work comply with the State of Washington water quality standards for turbidity? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>Go to <a href="https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria">https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria</a> for the standards.</li> </ul>
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not applicable
<b>9f.</b> If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If you don't know, contact the local planning department.</li> <li>For more information, go to: <a href="https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases">https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases</a>.</li> </ul>
<input type="checkbox"/> Urban <input type="checkbox"/> Natural <input type="checkbox"/> Aquatic <input type="checkbox"/> Conservancy <input checked="" type="checkbox"/> Other: <u>Urban Waterfront</u>
<b>9g.</b> What is the Washington Department of Natural Resources Water Type? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>Go to <a href="http://www.dnr.wa.gov/forest-practices-water-typing">http://www.dnr.wa.gov/forest-practices-water-typing</a> for the Forest Practices Water Typing System.</li> </ul>
<input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Fish <input type="checkbox"/> Non-Fish Perennial <input type="checkbox"/> Non-Fish Seasonal
<b>9h.</b> Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? <a href="#">[help]</a> <ul style="list-style-type: none"> <li><b>If No</b>, provide the name of the manual your project is designed to meet.</li> </ul>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Name of manual: _____
<b>9i.</b> Does the project site have known contaminated sediment? <a href="#">[help]</a> <ul style="list-style-type: none"> <li><b>If Yes</b>, please describe below.</li> </ul>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The site is upland and does not have sediment.
<b>9j.</b> If you know what the property was used for in the past, describe below. <a href="#">[help]</a>
<p>The site was formerly part of the approach ramp for the former Washington State Ferry Terminal which included drive lanes, a utility shed, and ticketing building, all of which have been demolished by WSDOT as part of their new ferry terminal development to the east. Prior to turning the Site over to the Port, WSDOT repaved the project site, installed railings on the waterward end and constructed a vertical concrete block wall on the west side to separate the site from the adjacent Losvar Condominium property.</p>
<b>9k.</b> Has a cultural resource (archaeological) survey been performed on the project area? <a href="#">[help]</a> <ul style="list-style-type: none"> <li><b>If Yes</b>, attach it to your JARPA package.</li> </ul>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   Done by others under contract with WSDOT Ferries, on file with DAHP

**9l.** Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

Birds	Fish	Mammals and Other Species
Marbled murrelet (T)	Puget Sound Steelhead trout (T)	Humpback whale (E)
Streaked horned lark (T)	Puget Sound/Coastal Bull trout (T)	Southern Resident Killer whale (E)
Yellow-billed cuckoo (T)	Puget Sound Chinook Salmon (T)	
	Puget Sound/Georgia Basin Bocaccio (E)	
	Puget Sound/Georgia Basin Yelloweye Rockfish (T)	

(T) Threatened, (E) Endangered

NOAA Fisheries and USFWS identify the above listed species as potentially occurring in the project vicinity. The proposed project avoids in-water work, will maintain the area of impervious surface contributing runoff to the aquatic environment, and does not provide suitable habitat for listed terrestrial species, therefore, the project will have no effect on listed threatened or endangered species.

**9m.** Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

The following species on the WDFW Priority Habitats and Species List occur in the vicinity of the project but are not expected to be affected by the proposed work:

Dungeness crab, Pacific lamprey, river lamprey, longfin smelt, Pacific herring, surf smelt, bull trout – Dolly Varden, Chinook salmon, chum salmon, searun cutthroat trout, coho salmon, pink salmon, steelhead, Pacific sand lance, Brandt's cormorant, marbled murrelet, western grebe, great blue heron, cavity-nesting ducks, bald eagle, peregrine falcon, and harbor seal.

## Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.oria.wa.gov/opas/>.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or [help@oria.wa.gov](mailto:help@oria.wa.gov).
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

**10a.** Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>.

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☒ A SEPA determination is pending with Port of Everett (lead agency). The expected decision date is 3/28/2022.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

<input type="checkbox"/> This project is exempt (choose type of exemption below). <div style="margin-left: 20px;"> <input type="checkbox"/> Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?  <div style="border-bottom: 1px solid black; width: 50%; margin-left: 20px;"></div> </div> <input type="checkbox"/> Other: <div style="border-bottom: 1px solid black; width: 45%; margin-left: 20px;"></div>
<input type="checkbox"/> SEPA is pre-empted by federal law.
<b>10b.</b> Indicate the permits you are applying for. (Check all that apply.) <a href="#">[help]</a>
<b>LOCAL GOVERNMENT</b>
<b>Local Government Shoreline permits:</b> <input checked="" type="checkbox"/> Substantial Development <input type="checkbox"/> Conditional Use <input type="checkbox"/> Variance <input type="checkbox"/> Shoreline Exemption Type (explain): <div style="border-bottom: 1px solid black; width: 80%; margin-left: 20px;"></div>
<b>Other City/County permits:</b> <input checked="" type="checkbox"/> Floodplain Development Permit <input type="checkbox"/> Critical Areas Ordinance
<b>STATE GOVERNMENT</b>
<b>Washington Department of Fish and Wildlife:</b> <input type="checkbox"/> Hydraulic Project Approval (HPA) <input type="checkbox"/> Fish Habitat Enhancement Exemption – <a href="#">Attach Exemption Form</a>
<b>Washington Department of Natural Resources:</b> <input type="checkbox"/> Aquatic Use Authorization Complete <a href="#">JARPA Attachment E</a> and submit a check for \$25 payable to the Washington Department of Natural Resources. <u><b>Do not send cash.</b></u>
<b>Washington Department of Ecology:</b> <input type="checkbox"/> Section 401 Water Quality Certification <input type="checkbox"/> Non-Federally Regulated Waters
<b>FEDERAL AND TRIBAL GOVERNMENT</b>
<b>United States Department of the Army (U.S. Army Corps of Engineers):</b> <input type="checkbox"/> Section 404 (discharges into waters of the U.S.) <input type="checkbox"/> Section 10 (work in navigable waters)
<b>United States Coast Guard:</b> For projects or bridges over waters of the United States, contact the U.S. Coast Guard at: <a href="mailto:d13-pf-d13bridges@uscg.mil">d13-pf-d13bridges@uscg.mil</a> <input type="checkbox"/> Bridge Permit <input type="checkbox"/> Private Aids to Navigation (or other non-bridge permits)
<b>United States Environmental Protection Agency:</b> <input type="checkbox"/> Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)
<b>Tribal Permits:</b> (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC) <input type="checkbox"/> Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

## Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

### 11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. LMG (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. LMG (initial)

Laura M. Gurley, Port of Everett  
Applicant Printed Name

Laura M. Gurley  
Applicant Signature

3/16/2022  
Date

### 11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

\_\_\_\_\_  
Authorized Agent Printed Name

\_\_\_\_\_  
Authorized Agent Signature

\_\_\_\_\_  
Date

### 11c. Property Owner Signature (if not applicant) [\[help\]](#)

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

\_\_\_\_\_  
Property Owner Printed Name

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018

# Floodplain Development Permit

Floodplains are a type of critical area that are regulated under local, state, and federal law. Any activity that results in physical changes to or within the floodplain requires approval from the City. A floodplain development permit is required for all development that does not qualify for a floodplain letter or programmatic floodplain development permit.

**Please complete this form and submit it to the Permit Center.** Staff will review the application to determine if any additional information is needed. Once the application is complete, the floodplain administrator will review the application concurrent with any other permits required by the City. Once issued, a floodplain development permit is valid for 180 days.

Additional information about floodplain development permits can be found in [Chapter 15.12 of the Mukilteo Municipal Code](#). Maps of the floodplain areas can be found online at:

- Mukilteo's Critical Areas Map, available at <https://mukilteowa.gov/maps/interactive-maps/>, or
- FEMA's Flood Map Service Center, available at <https://msc.fema.gov/portal/advanceSearch>

## REQUEST INFORMATION

Name: Laura Gurley, Planning Director; Email: laurag@portofeverett.com  
Contact Address: Port of Everett  
1205 Craftsman Way, Ste. 200 Everett, WA 98201 Phone: (425) 388-0720  
Site Location: 700 Front Street APN(s): 28040400200100;  
28040400203000  
FIRM Map: ☒ 53061C1010F ☐ 53061C1015F ☐ 53061C1020F  
FIRM Zone: ☒ AE ☐ VE

## TYPE OF PROPOSED DEVELOPMENT

Check all that apply. Please see the specific definitions in MMC 15.12.020(B) for additional guidance.

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> New Structure   | <input type="checkbox"/> Improvement or Repair of Existing Structure | <input type="checkbox"/> Major Maintenance                           |
| <input checked="" type="checkbox"/> New Building   | <input type="checkbox"/> Improvement or Repair of Existing Building  | <input type="checkbox"/> Minor Maintenance                           |
| <input type="checkbox"/> Land Disturbing Activity: _____ CY Cut _____ CY Fill <input type="checkbox"/> Dumping   |  |  |
| <input type="checkbox"/> Installation, Expansion, Modification, Relocation or Removal of any Utility Facility, Major Aboveground Utility Facility, or Utility Pole |  |  |
| <input type="checkbox"/> Temporary Storage of Equipment or Materials   |  | <input type="checkbox"/> Permanent Storage of Equipment or Materials |
| <input type="checkbox"/> Remove Native Vegetation (may require additional environmental review)  |  | <input type="checkbox"/> Other                                       |

## VALUE OF WORK (FOR IMPROVEMENTS TO EXISTING STRUCTURES)

- |   |    |              |
|---|----|--------------|
| 1. Estimated Cost of Proposed Improvements (see Section 4.4 of FEMA P-758):       | \$ | <u>N/A</u>   |
| 2. Snohomish County Assessor Value for Existing Improvements:                     | \$ | <u>N/A</u>   |
| 3. Substantial Improvement Calculation (Estimated Cost (1) / Assessed Value (2)): |    | <u>N/A</u> % |

If the cost is equal to or greater than 50%, then the substantial improvement provisions of Chapter 15.12 MMC apply.



## SUBMITTAL REQUIREMENTS

1. Project narrative, including a description of:
  - a. The total proposal, including any interdependent parts;
  - b. The portion of the proposal within the floodplain;
  - c. The extent to which the watercourse will be altered or relocated as a result of the proposal; and
  - d. Temporary and permanent impacts to the natural functions of the floodplain.
2. A site plan for each requested location, including at a minimum:
  - a. Date, scale and north arrow;
  - b. Parcel boundaries;
  - c. Floodplain boundary and Zone(s), as shown on the current Flood Insurance Rate Map (FIRM);
  - d. Base flood elevation (BFE), as shown on the current FIRM (*updated from MSL per FEMA 2021-06*);
  - e. If any of the proposed activities are also located within the shoreline jurisdiction, the location of the Ordinary High Water Mark (see Title 17B MMC);
  - f. Project boundaries;
  - g. Nature of work;
  - h. Topographic contours at two (2) or five (5) foot intervals;
  - i. Existing and proposed structures and buildings, including:
    - i. Dimensions;
    - ii. Elevation in relation to mean sea level of the lowest floor, consistent with the Elevation Certificate;
    - iii. Elevation in relation to mean sea level to which any existing structure has been floodproofed;
  - j. Existing and proposed utilities;
  - k. Existing and proposed easements, labelled with the recording number; and
  - l. Location of temporary or permanent storage.
3. A copy of any existing and proposed easements.
4. A copy of any permit applications to other agencies, including but not limited to:
  - a. Electrical permits;
  - b. Environmental permits; and
  - c. Any other local, state or federal permits.
5. For any work on a structure, a detailed estimate of the cost of all labor, materials, and items necessary to perform the proposed work, in accordance with Section 4.4 of FEMA's P-758 Desk Guide.
6. For each new or substantially improved structure, a preliminary Elevation Certificate, prepared by a surveyor licensed in Washington State.

**SUBMITTAL REQUIREMENTS, CON'T**

7. For structures that are to be floodproofed:
  - a. A preliminary Floodproofing Certificate for Non-Residential Structures, prepared by an engineer or architect licensed in Washington State; and
  - b. A description of the floodproofing methods used to comply with the requirements of MMC 15.12.210.
8. For structures in the VE Zone, a preliminary V Zone Design Certificate, prepared by an engineer or architect licensed in Washington State.
9. For proposals that will alter the Base Flood Elevation (BFE) or floodplain boundaries:
  - a. A copy of the engineering documentation and analysis of the proposed change;
  - b. A copy of the Letter of Map Change application to FEMA. The applicant is solely responsible for initiating and receiving approval from FEMA; and
  - c. If a Conditional Letter of Map Revision is approved by a FEMA, a copy of the full documentation package, including any required property owner notifications, shall be submitted prior to the City prior to issuance of any floodplain permit.

**ACKNOWLEDGEMENT**

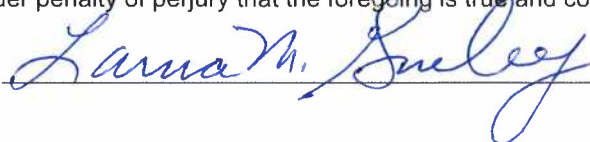
I acknowledge and understand the following:

1. Failure to elevate habitable structures at least two (2) feet above the highest adjacent grade in these zones may result in higher insurance rates; ☒ Yes
2. As the applicant, I am solely responsible for initiating and receiving approval for any necessary Letter of Map Change from FEMA; ☒ Yes
3. If I choose to meet the requirements of MMC 15.12.210(A)(2) to floodproof a non-residential structure, I understand that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level; and ☒ Yes
4. By submitting this application, I agree to allow the floodplain administrator or designee the right to enter the project site during regular business hours, or other hours as mutually agreed upon, for the purpose of inspecting and for taking any necessary corrective measures. I understand that I am fully responsible for the cost of any such corrective measures. ☒ Yes
5. Final inspection and approval for new and substantially improved structures can only occur when:
  - a. All machinery and/or equipment is installed;
  - b. Final grading around the structure and any associated equipment or accessory structures is complete; and
  - c. The final Elevation Certificate, Floodproofing Certificate, and V-Zone Design Certificate are complete and submitted to the City. ☒ Yes

**CERTIFICATION**

I certify under penalty of perjury that the foregoing is true and correct (RCW 9A.72.085).

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

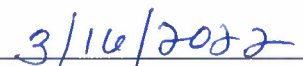




EXHIBIT F

LEGEND

- PROJECT AREA
- ORDINARY HIGH WATER MARK (OHWM)
- SHORELINE JURISDICTION
- PARCEL BOUNDARIES

NOTE:  
1. Shoreline jurisdiction shown limited to area within 200 feet of OHWM from the Site. Shoreline jurisdiction not shown extends along City waterfront.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

PERMIT SUBMITTAL - NOT FOR CONSTRUCTION

						DRAFTED BY: E. ZICK	ESZ	3/16/2022	<div><div>LANDAU ASSOCIATES</div><div>155 NE 100TH STREET SEATTLE, WASHINGTON 98125 (206) 631-8680</div></div>	MUKILTEO PARKLET 700 FRONT STREET MUKILTEO, WASHINGTON		PROJECT NO. 147055.010
						DESIGNED BY: D. JOSEPH	DMJ	3/16/2022				DATE MARCH, 2022
						REVIEWED BY: S. QUARTERMAN	SJQ	3/16/2022				SHEET 1 OF 4
						APPROVED BY:						DRAWING NO. C-1
NO.	DATE	REVISIONS	DESIGNED	REVIEWED	APPROVED	STATUS: PERMIT SUBMITTAL - NOT FOR CONSTRUCTION			INITIAL	DATE		

LANDAU ASSOCIATES INC. | G:\PROJECTS\147055\010\PERMIT PLAN SET\PERMIT SUBMITTAL DWG | 3/17/2022 | JVALLUZZI

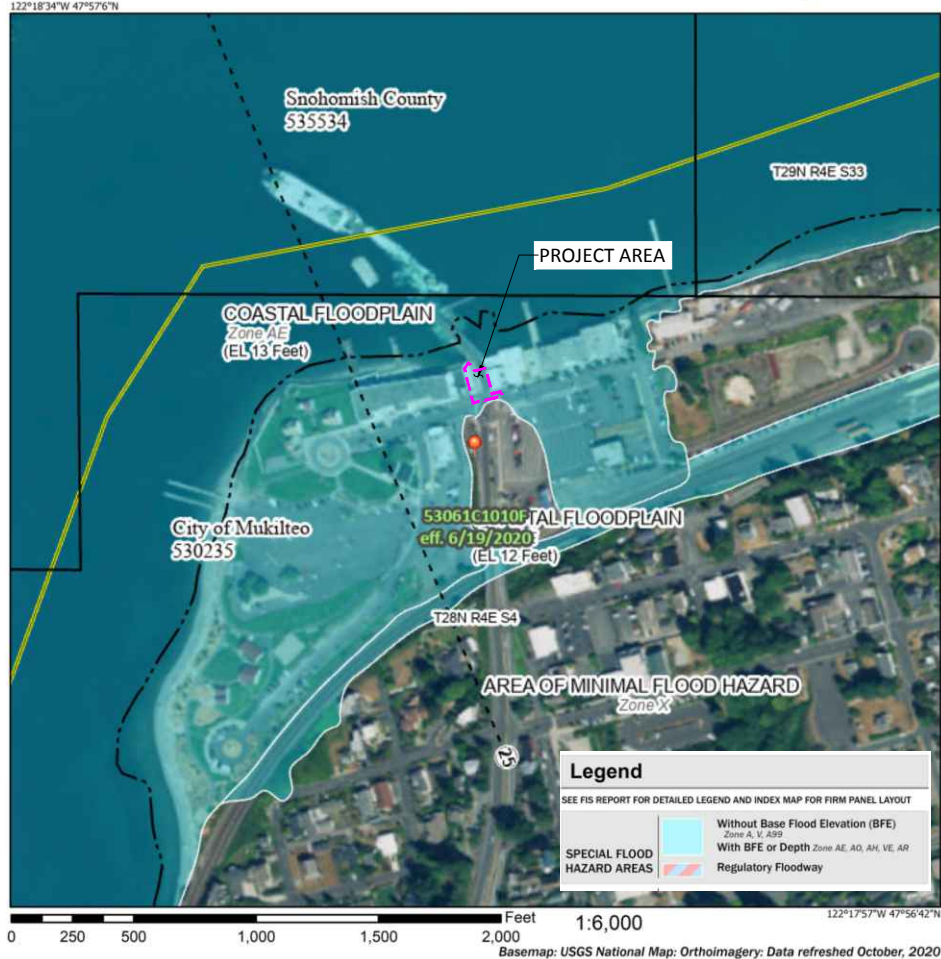




Point	Finish HMA or Top of Sidewalk**	Top of Wall**
A	15.15	15.25
B	15.25	15.35
C	15.35	15.45
D	15.15	15.25
E	15.10	15.20
F	15.10	15.20
G	15.22	15.22
H	15.30	
I	14.10	
J	14.02	
K	13.65	

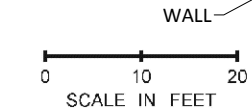
\*\* Elevations in MLLW. Conversion from MLLW to NAVD88 is MLLW minus 2.03 feet. Conversion from MLLW to MSL is MLLW minus 6.48 feet.

National Flood Hazard Layer FIRMette

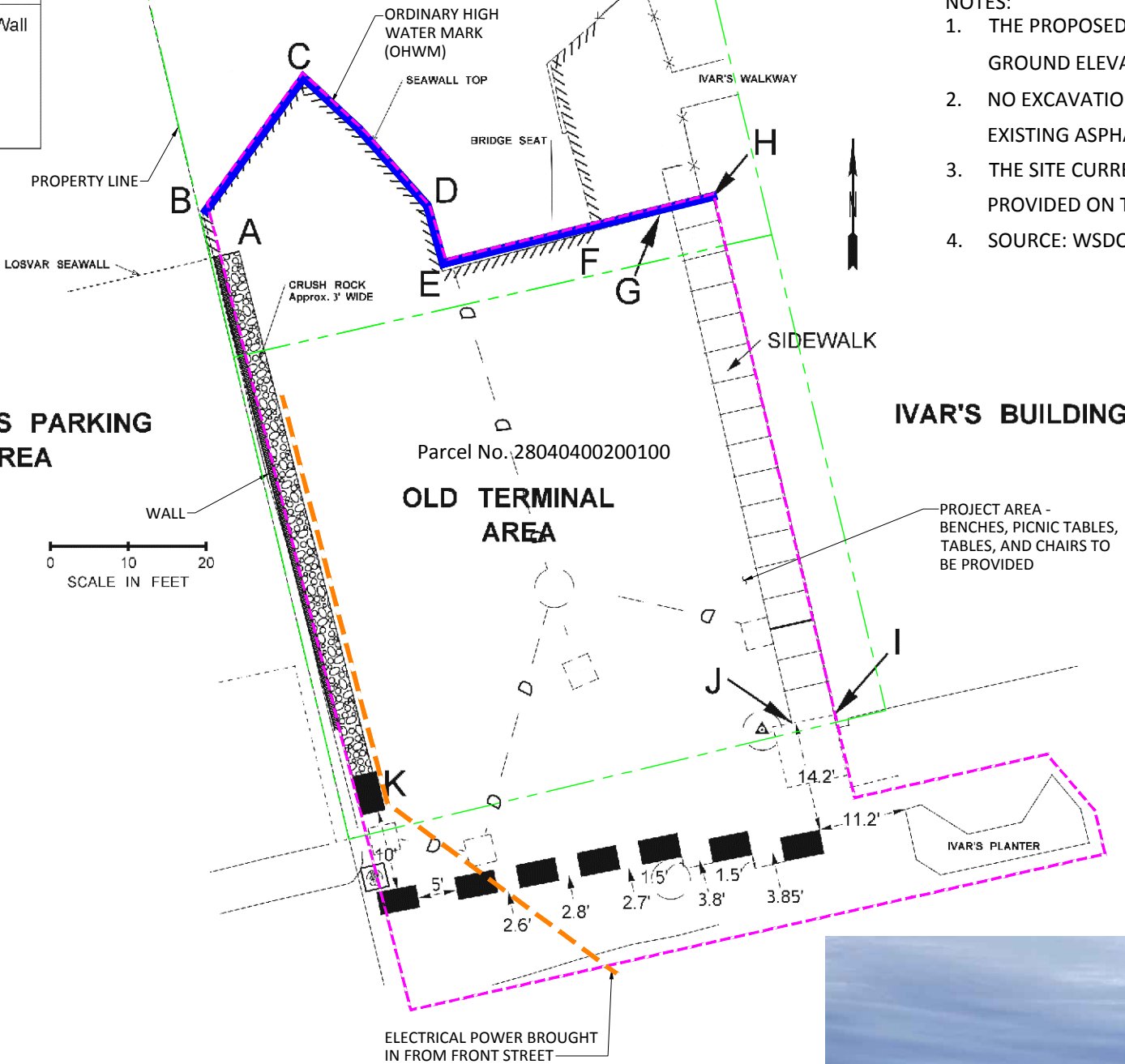


LEGEND	
	New WSDOT Retaining Wall
	Existing Handrail
	Reclaimed Handrail
	5.1' x 3.1' Planter Box
	Water Meter Box

LOSVAR'S PARKING AREA



Parcel No. 28040400203000



- NOTES:
1. THE PROPOSED PROJECT WILL NOT CHANGE EXISTING GROUND ELEVATIONS/CONTOURS.
  2. NO EXCAVATION OR FILL WILL OCCUR IN AREAS OF EXISTING ASPHALT.
  3. THE SITE CURRENTLY COVERED IN ASPHALT; SEE PHOTO PROVIDED ON THIS SHEET.
  4. SOURCE: WSDOT.



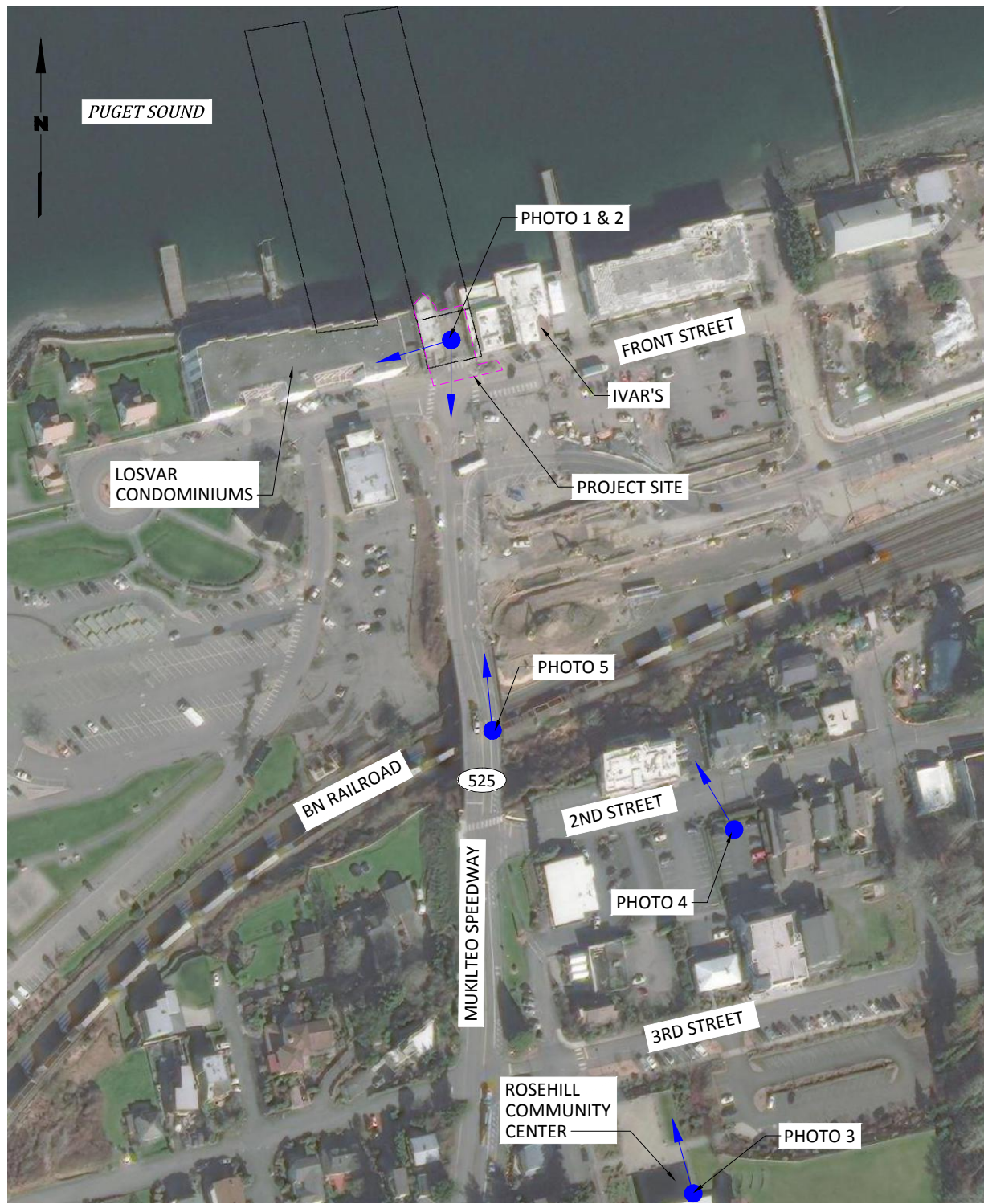
SITE PHOTO

PERMIT SUBMITTAL - NOT FOR CONSTRUCTION

						DRAFTED BY: E. ZICK	ESZ	3/16/2022		155 NE 100TH STREET SEATTLE, WASHINGTON 98125 (206) 631-8680	MUKILTEO PARKLET 700 FRONT STREET MUKILTEO, WASHINGTON	PROJECT NO. 147055.010
						DESIGNED BY: D. JOSEPH	DMJ	3/16/2022				DATE MARCH, 2022
						REVIEWED BY: S. QUARTERMAN	SJQ	3/16/2022				SHEET 2 OF 4
						APPROVED BY:						DRAWING NO. C-2
NO.	DATE	REVISIONS	DESIGNED	REVIEWED	APPROVED	STATUS: PERMIT SUBMITTAL - NOT FOR CONSTRUCTION			INITIAL	DATE	EXISTING SITE CONDITIONS AND FLOOD HAZARD ASSESSMENT	







Notes:

1. Project site is an existing asphalt lot. The proposed project will provide landscaping and aesthetic improvements that will improve views from adjacent properties.
2. Residential land use in the vicinity of the project includes Losvar Condominiums adjacent to the site and residents on 2nd Street and 3rd Street. Public areas with views of the Site include sidewalk on SR 525 and Rosehill Community Center.
3. The project site is located at elevation approximately 35 feet or more below areas south of 2nd Street. The project will not impede existing views of Puget Sound.



LEGEND

1 Photo Title

PHOTO NUMBER IN PLAN VIEW, THIS SHEET



1 Facing south from the Site



2 Losvar Condominiums - facing west from the Site



3 View from Rosehill Community Center. Site is obscured by existing vegetation



4 View of Site from 2nd Street



5 View of Site from SR 525

PERMIT SUBMITTAL - NOT FOR CONSTRUCTION



NO.	DATE	REVISIONS	DESIGNED	REVIEWED	APPROVED	STATUS: PERMIT SUBMITTAL - NOT FOR CONSTRUCTION	INITIAL	DATE

**LANDAU**  
ASSOCIATES  
155 NE 100TH STREET  
SEATTLE, WASHINGTON 98125  
(206) 631-8680

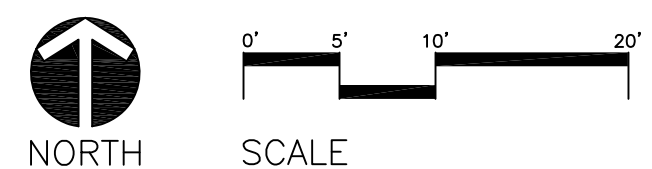
MUKILTEO PARKLET  
700 FRONT STREET  
MUKILTEO, WASHINGTON  
**REPRESENTATIVE VIEWS FROM  
RESIDENTIAL AND PUBLIC AREAS**

PROJECT NO.	147055.010
DATE	MARCH, 2022
SHEET	3 OF 4
DRAWING NO.	C-3

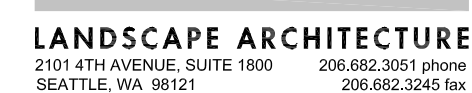


1. EXISTING RESTAURANT OCCUPANCY.....	235
2. OUTDOOR DINING OCCUPANCY.....	63.8
3. TOTAL OCCUPANCY.....	298.8

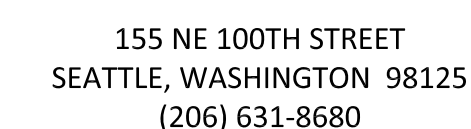
1. 50% OF EXISTING.....117.5
2. 100% OF OUTDOOR.....63.8
3. 181.3(TOTAL)X50%.....90.65
4. EACH OUTDOOR DINING AREA EXIT SHOULD HANDLE 90.65.
5. AS PROPOSED, EACH GATE AREA CAN HANDLE 137.



**Port of  
EVERETT**  
P.O. BOX 538  
EVERETT, WA 98206  
(425) 259-3164



						DRAFTED BY: J. ALDERMAN	JWA	3/17/22
						DESIGNED BY: D. KOONTS	DWK	3/17/22
						REVIEWED BY: D. KOONTS	DWK	3/17/22
						APPROVED BY:		
	4/20/2022	ADDED INFORMATION			KMS	DWK	DWK	
NO.	DATE	REVISIONS			DESIGNED	REVIEWED	APPROVED	STATUS: DESIGN PLAN
								INITIAL
								DATE



## SITE PLAN

PROJECT NO.  
2021-35A

DATE  
MARCH, 2022

SHEET  
4 OF 4

DRAWING NO.  
L-1

### Technical Memorandum

---

**TO:** City of Mukilteo  
**CC:** Laura Gurley, Port of Everett  
**FROM:** Steven Quarterman  
**DATE:** March 17, 2022  
**RE:** **Zoning and Shoreline Master Program Consistency Evaluation Narrative**  
**Mukilteo Parklet**  
**700 Front Street**  
**Mukilteo, Washington**  
**Project No. 0147055.010**

### Introduction

The Port of Everett (Port) is proposing development of a “parklet” at 700 Front Street on two parcels [Snohomish County Parcel No. 28040400200100 and upland portion of Parcel No. 28040400203000 (Site)] that were part of the approach ramp for the former Washington State Ferry Terminal. The Port is partnering with Ivar’s to repurpose the parcel with public park space and seasonal outdoor dining space. The dining space will be leased to Ivar’s and will be separated from the publicly accessible portion of the parklet.

The Site is zoned **Downtown Business** (DB) and is within 200 feet (ft) of Puget Sound, which is within the jurisdiction of the City of Mukilteo’s (City’s) Shoreline Master Program (SMP). The Site’s SMP environmental designation is **Urban Waterfront**, for which the purpose is, in part, to provide for development and redevelopment of water-oriented (water enjoyment or water-related) commercial and recreational activities, while protecting existing ecological functions and improving ecological functions in areas that have been previously degraded.

Landau Associates, Inc. (Landau) has prepared this technical memorandum to assist the Port with demonstrating project consistency with the goals, policies, and regulations presented in Mukilteo Municipal Code (MMC) Title 17 – Zoning, the City’s SMP (City of Mukilteo 2020), and MMC Title 17B – Shoreline Management Regulations. Information presented in the project plans, floodplain development permit application, and draft State Environmental Policy Act (SEPA) checklist<sup>1</sup> prepared for the project provide supplemental information to this technical memorandum.

### Project Description

The Site was formerly part of the approach ramp for the former Washington State Ferry Terminal, which included drive lanes, a utility shed, and a ticketing building, all of which have been demolished by the Washington State Department of Transportation (WSDOT) as part of their new ferry terminal

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<sup>1</sup> The Port is serving as SEPA lead agency and will provide SEPA determination to the City in advance of permit issuance. Draft checklist provided with this application is limited to City review in support of SMP permitting.

development to the east. Prior to turning the Site over to the Port, WSDOT repaved the project site, installed railings on the waterward end, and constructed a vertical concrete block wall on the west side to separate the site from the adjacent Losvar Condominium property (refer to site plans for photographs of existing conditions). The Port is partnering with Ivar's to repurpose the parcel for public park space and seasonal outdoor dining space. The dining space will be leased to Ivar's and will be separated from the publicly accessible portion of the parklet. This separation will be moveable to allow for special events. It is anticipated that Ivar's will be leasing offsite parking spaces from neighboring property owner(s) to accommodate the additional capacity associated with increased dining space.

The park space will include:

- Aboveground plant container in the parcel and adjacent to Front Street right-of-way to provide separation of the parklet from the street.
- Benches and picnic tables for public seating.
- Resetting two interpretive signs.
- Replacement of existing planters located in the Front Street right-of-way immediately in front of Ivar's.
- Decorative panels affixed to the existing concrete block wall.
- Low-level and shielded accent lighting, with electrical service at the existing concrete block wall.

The dining space will include:

- Seasonal outdoor tables, umbrellas and chairs provided by Ivar's Restaurant; up to ten 4-seat tables are anticipated.
- Aboveground container planters combined with a physical separation element (e.g., panel fence or railing) to provide separation from the public park component of the site.

Improvements across the Site include decorative treatment on the surface of the existing asphalt (e.g., colored sealcoat or similar product). The existing WSDOT-installed guardrail and concrete block wall on the west side of the site will remain. No disturbance is anticipated of the bulkhead or riprap along the shoreline.

## **Permitted Use**

Within the DB zoning classification, both Restaurant and Community Uses - Open Space are permitted uses.

Project activities that occur in SMP jurisdiction include change in use and associated improvements identified above. Both “Public Park” (Recreation) and “Restaurant” (Commercial Use) are identified as permitted uses in the Urban Waterfront environmental designation.

## Zoning

The following development and design standards were copied from MMC Title 17 based on the applicable features of the project. The proposal does not include construction of buildings or require street or street frontage improvements or vehicular access, and associated standards are omitted:

<b>Development and Design Standards for the DB District (MMC 17.25A.040)</b>	
<b><i>Code Element</i></b>	<b><i>Project Evaluation</i></b>
<b>MMC 17.25A.040(B)(8) - Blank Walls</b>	The proposal satisfies the required standards and provides more than one of the required features. The proposal includes both raised planters (i.e., aboveground container planters) and artwork (i.e., decorative panels) on the parklet side of the existing wall on the Site.
<b>MMC 17.25A.040(C)(2) – Pedestrian Amenities</b>	The proposal satisfies the required standard and provides more than one of the required features. The proposal includes pedestrian furniture (i.e., benches and tables), planter beds (i.e., aboveground container planters), and decorated pavement patterns.
<b>MMC 17.25A.040(C)(3) – Internal Pedestrian Paths and Circulation</b>	The proposal includes modification of raised planters between the parklet and Front Street. The landscaping will be maintained so as not to block visibility between the parklet and Front Street in conformance with this standard.



<b>MMC 17.25A.040(C)(4) - Pedestrian Oriented Space</b>	<p>The proposal satisfies the required standards, in which the project:</p> <ul style="list-style-type: none"> <li>- Maintains public access to the Site from Front Street, including handicap access.</li> <li>- Provides pedestrian use in a location of interest and security (i.e., shoreline access and visibility from adjacent properties).</li> <li>- Provides landscaping to improve Site aesthetics, while maintaining visual access to and from the Site.</li> <li>- Provides site furniture, including minimum 2 ft of seating area specified in the MMC, and artwork.</li> </ul> <p>The Site will maintain existing asphalt surface, which is prohibited under the standards in MMC 17.25A.040(C)(4)(b)(iii), and variation from this standard under MMC 17.25A.050 is requested. The Port proposes to retain the existing asphalt on the Site due to high potential for encountering potential cultural resources that may be present at the Site. Decorative treatment will be provided on the asphalt to provide aesthetic improvements. The variation from this standard will maintain the intent of the pedestrian-oriented space because the project will provide usable open space that promotes pedestrian activity and recreation.</p>
<b>MMC 17.25A.040(D) - Parking Space Requirements and Parking Lot Design</b>	<p>Additional offsite parking will be provided related to the seasonal outdoor seating use. Parking is not required for the parklet itself. It is estimated that between 4 and 13 additional parking spaces may be required. Ivar's anticipates leasing parking from a neighboring property to satisfy City code requirements and will provide a seasonal parking attendant to control use of the leased parking spaces.</p>
<b>MMC 17.25A.040(E) - Landscaping</b>	<p>Landscaping is provided in accordance with City code requirements.</p>
<b>MMC 17.25A.040(F) - Signage</b>	<p>The project will maintain existing interpretive signs describing the history of the area and the Port will work with the City on branding of the parklet and resulting signage. Signage to be provided at the Site will be</p>

	designed and placed in accordance with City code requirements.
<b>MMC 17.25A.040(G) - Lighting</b>	The Site will be provided with accent lighting and will be designed to satisfy City code requirements. The intent is to provide soft, ambient lighting for parklet users in the evening hours. Lighting to be provided will be situated to minimize spillover onto adjacent properties, roads, and the shoreline waters.

## Shoreline Goals and Policies

The SMP provides general shoreline policies that address various general topics of importance when considering development of the shorelines and are intended to specifically support the goal statements also provided in the SMP. The goals and policies address shoreline “elements,” including:

- Economic Development
- Public Access
- Recreation
- Circulation
- Land Use
- Conservation
- Historic and Cultural
- Scientific and Educational, and
- Flood Damage

Of these “elements,” the proposed project has the potential to have impacts on Economic Development, Recreation, Land Use, Historic and Cultural, and Flood Damage. Public access is not considered further because the Site currently provides unimproved public access to the shoreline, and the proposal will only enhance this; Conservation is not considered further because no critical areas impact will occur as part of proposed site improvements (refer to Shoreline Regulations below).

The following General Shoreline Goals were copied from the City’s SMP based on the applicable shoreline “elements” and are provided project specific evaluation:

<b>General Shoreline Goals</b>	
<b>Goal</b>	<b>Project Narrative</b>
<b>GD 1: Encourage City entryways, commercial development, and redevelopment near the urban waterfront to reflect the City’s waterfront in a manner that will enhance the public enjoyment and access to the waterfront.</b>	The proposed project will provide aesthetic improvements to the Site, which currently provides public access to the shoreline. The project will partner with Ivar’s to provide a separated seasonal outdoor dining area. This proposal will not preclude future development of the site consistent with the 2016 City of

	Mukilteo Downtown Waterfront Master Plan or other subsequent City plans.
<b>GD 2: Ensure compatibility of adjacent land uses through the use of buffer, landscaping, and quality building design to mitigate impacts and enhance the City's unique identity and distinctive entryways.</b>	The proposed project is compatible with applicable zoning and shoreline use. The project will provide aesthetic improvements, including landscaping, and will maintain existing interpretive signs that provide context of past and current use of the area.
<b>GD 3: Promote economic development and redevelopment to provide for a tax base that is balanced so the tax burden is shared among residential, commercial, and industrial properties.</b>	The project will partner with Ivar's to provide a separated seasonal outdoor dining area.
<b>GD 4: Provide cost-effective and efficient public infrastructure and services that are sensitive to the environment; and that balance the use of a variety of modes of transportation.</b>	Not applicable; this goal does not include shoreline "elements" applicable to the proposed project.
<b>GD 5: Protect and enhance the City's critical areas and shoreline management zones to support fish and wildlife resources, maintain water quality and protect visual and aesthetic qualities.</b>	The proposed project will provide aesthetic improvements to the Site, which is currently an asphalt covered lot. The completed project will provide landscaping and amenities that will enhance the visual and aesthetic qualities of the Site and maintain the view to the Puget Sound.
<b>GD 6: Provide a system of parks, recreational, and cultural facilities that incorporates both public entities (City, County, State, Port of Everett, and schools), and private assets in order to expand opportunities within the City, views of the water and mountain scenery and public access along the shoreline.</b>	The proposed project will provide aesthetic improvements to the Site, which currently provides public access to the shoreline and views of Puget Sound and mountains. The project will enhance this shoreline public access space and maintain views of the water, mountains, and existing interpretive signs onsite that provide context of past and current use of the area.
<b>GD7: Be responsive to the beneficial and adverse impacts new technology may have on shoreline issues.</b>	The project provides aesthetic improvements to the Site. Lighting to be provided will be situated to minimize spillover onto adjacent properties, roads, and the shoreline waters.

The policies of the SMP applicable to the project, limited to those with Economic Development, Recreation, Land Use, and Historic and Cultural elements, include General Shoreline Policies, Public Access and Recreation Policies, Use and Circulation Policies, and Urban Waterfront/Urban Waterfront

Park Shoreline Environments – Priority of Land and Water Uses. While a portion of the site is located in a floodplain, the policies include criteria that do not apply to the proposed site improvements. The following policies were copied from the City’s SMP based on the applicable shoreline “elements” and are provided project specific evaluation (policies not applicable to the project are omitted):

<b>General Shoreline Policies</b>	
<b>Policy</b>	<b>Project Narrative</b>
<b>SH 1: Work with the Port of Everett, the City of Everett, Snohomish County, BNSF, and other entities, and private landowners to;</b> <b>a) develop direct linkages to the waterfront; and,</b> <b>b) provide recreational opportunities, and restore ecological functions through use of innovative approaches.</b>	The proposed project will provide aesthetic improvements to the Site, which currently provides public access to the shoreline through views and seating opportunities. The project will partner with Ivar’s to provide a separated seasonal outdoor dining area. This proposal will not preclude future development of the site consistent with the 2016 City of Mukilteo Downtown Waterfront Master Plan or other subsequent City plans.
<b>SH 2: Sites or structures having historic, cultural, scientific, or educational value shall be inventoried and preserved by integrating them into redevelopment concepts.</b>	The project will maintain existing interpretive signs that provide context of past and current use of the area. Recognizing the potential for existing buried cultural resources, the proposal has been designed to minimize potential disturbance of these resources.
<b>SH 3: In providing for development of the shorelines, the City shall take into consideration impacts of climate change.</b>	Not applicable. Shoreline “elements” for this policy include Scientific and Educational and Flood Damage.
<b>SH 4: City participation in County, regional and State natural hazard mitigation planning shall consider issues specific to the Mukilteo shorelines to ensure that needs unique to the Mukilteo shorelines have been considered.</b>	Not applicable. Shoreline “elements” for this policy include Scientific and Educational and Flood Damage.
<b>Public Access and Recreation Policies</b>	
<b>SH10: Provide a system of public (City, County, State, Port of Everett, and schools) and private parks and recreational facilities to expand opportunities for public access along the shoreline.</b>	The project enhances existing public access to the shoreline and will provide aesthetic improvements and amenities.

<b>SH11: Shoreline development should provide physical and visual waterfront access where possible. If public access is not feasible for reasons of public safety or site security, require mitigation that will add to the public's enjoyment of the shoreline.</b>	The project enhances existing public access to the shoreline and will provide aesthetic improvements and amenities.
<b>SH12: The City should maintain and enhance opportunities for the public to walk and visit tidelands where terrain and shore conditions permit access and where impacts to ecological functions can be avoided.</b>	This proposal maintains existing access conditions and will not preclude future development of the site consistent with the 2016 City of Mukilteo Downtown Waterfront Master Plan or other subsequent City plans, which identify potential access to tidelands adjacent to the Site.
<b>SH13: Encourage cooperation and joint use between public and private agencies and landowners to increase and diversify shoreline recreation opportunities.</b>	The proposed project will provide aesthetic improvements to the Site, which currently provides public access to the shoreline. The project will partner with Ivar's to provide a separated seasonal outdoor dining area. This proposal will not preclude future development of the site consistent with the 2016 City of Mukilteo Downtown Waterfront Master Plan or other subsequent City plans.
<b>Use and Circulation Policies</b>	
<b>SH14: Generally limit new development within shoreline jurisdiction to water-dependent, water-related or water-enjoyment uses, public access, ecological restoration activities, or to essential regional public facilities that cannot feasibly be located elsewhere. Shops and services supporting the needs of commuters and visitors are also appropriate.</b>	The proposed project will enhance existing public access to the shoreline to improve the public's experience. The seasonal dining area to be leased by Ivar's is associated with the adjacent restaurant and is integrated into water-enjoyment use of the Site.
<b>SH15: With the exception of pedestrian, bicycle, and emergency vehicle access, locate ferry vehicle staging, shared parking spaces, vehicle circulation and parking systems which are not related to shoreline-dependent uses or serving the multimodal station as far from the shoreline as possible.</b>	Due to increase in capacity provided by Ivar's seasonal outdoor dining space, additional offsite parking will be provided. It is estimated that between 4 and 13 additional parking spaces may be required. Ivar's anticipates leasing parking from a neighboring property to satisfy City code requirements and will provide a seasonal parking attendant to control use of the leased parking spaces.



<p><b>SH16: In the Urban Waterfront environment:</b></p> <ul style="list-style-type: none"> <li>• <b>Public transportation systems shall be integrated through the Multimodal/Intermodal station.</b></li> <li>• <b>Mixed-use development, recreational uses, and the Multimodal/Intermodal station should be used to promote re-development of the waterfront area.</b></li> </ul>	<p>The proposal will have no impact on public transportation systems. The proposed project will provide aesthetic improvements to the Site which currently provides public access to the shoreline. The project will partner with Ivar's to provide a separated seasonal outdoor dining area. This proposal will not preclude future development of the site consistent with the 2016 City of Mukilteo Downtown Waterfront Master Plan or other subsequent City plans.</p>
<p><b>SH 17: Shoreline development, including essential public facilities, shall mitigate impacts to ecological functions and the temporary loss of habitat.</b></p>	<p>Not applicable, the proposed project will provide relatively modest aesthetic improvements and amenities. The Site is an existing asphalt lot, and the proposed project will provide landscaping in aboveground containers. No change to existing ecological conditions.</p>
<p><b>Urban Waterfront/Urban Waterfront Park Shoreline Environments – Priority of Land and Water Use</b></p>	
<p><b>UW1: Priority shall be given to water-dependent uses, including ferry terminals and boat launches, in the Urban Waterfront Environment. Water-related and water-enjoyment uses shall be given second priority.</b></p>	<p>The proposed project is in support of water-enjoyment use. This proposal will not preclude future development of the site consistent with the 2016 City of Mukilteo Downtown Waterfront Master Plan or other subsequent City plans that may include water-dependent uses.</p>
<p><b>UW2: Non-water-oriented uses shall not be allowed except as:</b></p> <ul style="list-style-type: none"> <li>• <b>part of mixed-use developments;</b></li> <li>• <b>in existing developed areas supporting water-dependent uses; or</b></li> <li>• <b>in limited situations where there is no direct access to the shoreline.</b></li> </ul>	<p>Not applicable. The proposed project is in support of water-enjoyment use.</p>
<p><b>UW3: Non-water-dependent uses that are auxiliary to, and necessary for, multimodal/intermodal public transportation shall be allowed, provided no other feasible alternative exists.</b></p>	<p>Not applicable.</p>
<p><b>UW4: The creation of a pedestrian-friendly streetscape shall include on-street parking to provide a buffer for pedestrian uses on the sidewalks. Thus, on-street parking is considered acceptable in the 200 foot area of the shoreline jurisdiction, even though it is not a water-dependent/water-related use.</b></p>	<p>The proposed parklet will enhance the overall pedestrian experience on the waterfront. Due to increase in capacity provided by Ivar's seasonal outdoor dining space, additional offsite parking will be provided. It is estimated that between 4 and 13 additional parking spaces may be required. Ivar's anticipates leasing parking from a neighboring property to satisfy City code</p>

	requirements and will provide a seasonal parking attendant to control use of the leased parking spaces.
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## Shoreline Regulations

The following regulations and were copied from the City's Shoreline Regulations in MMC Title 17B to provide project specific evaluation of consistency with the applicable regulation. Regulations that do not apply to the project are omitted.


<b>Development Regulations for Archaeological/Historical (MMC 17B.16.050)</b>	
<b>Code Element</b>	<b>Project Evaluation</b>
<b>A. If any item of possible archaeological or historical significance is uncovered during excavation or development, all work shall immediately stop, and the city of Mukilteo, State Department of Archeology and Historic Preservation, and potentially the appropriate Native American Tribes shall be immediately notified. The project proponent shall then be required to provide a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly recovered.</b>	<p>The proposal has been designed to avoid disturbance of potential buried cultural resources. No potential historic or cultural resources are anticipated to be encountered as part of Site improvements because limited work will occur below existing asphalt. And any excavations will occur within previously disturbed footing of the wall installed by WSDOT on the west side of the Site. The wall footing was backfilled with gravel. To bring electrical service back to the site, previously existing utility routes will be utilized.</p> <p>If required by an agency with jurisdiction, an Inadvertent Discovery Plan (IDP) will be prepared and will be provided to the construction contractor. The IDP would address procedures in case of an unanticipated discovery, notification procedures (including the State Historical Preservation Officer [SHPO] and affected tribes if any archaeological, historic, or culturally significant items are discovered; and the Snohomish County Medical Examiner, if any human remains are found), the authority to temporarily stop construction, and procedures to evaluate and recover intact materials.</p>
<b>B. Significant archaeological and historic resources shall be permanently preserved for study, education, and public observation. When the city of Mukilteo determines (in consultation with the State Department of Archeology and Historic Preservation</b>	Condition noted. See above description of project being designed to avoid potential buried cultural resources.

<b>Development Regulations for Archaeological/Historical (MMC 17B.16.050)</b>	
<b>Code Element</b>	<b>Project Evaluation</b>
and appropriate Tribes) that a site has significant archaeological, cultural, scientific, or historical value, a substantial development permit (which would pose a threat to the site) shall not be issued. The city may require that development be postponed in such areas to allow investigation of or public acquisition and/or retrieval and preservation of significant artifacts.	
<b>C. In the event that unforeseen factors constituting an emergency necessitate rapid action to retrieve or preserve artifacts or data described above, the project may be exempted from the permit requirement of these regulations. The city shall notify the Department of Ecology, the State Attorney a waiver in a timely manner.</b>	Condition noted.
<b>D. Archaeological excavations may be permitted subject to the provisions of the SMP policies.</b>	Condition noted.
<b>E. Archaeological sites located both in and outside the shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Records) and shall comply with Chapter 25-48 WAC as well as provisions in this SMP.</b>	Condition noted.
<b>F. Access to identified historical or archaeological resources shall be designed and managed so as to give maximum protection to the resource and the surrounding environment.</b>	The IDP, if required, will include provisions for protection of identified resources.
<b>G. Identified archaeological or historical resources shall be considered in park, open space, public access, and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.</b>	The project will retain existing asphalt covering the Site, which will prevent access to underlying soils containing potential archeological/historical resources. Re-establishment of electrical service to the site may require minor excavation to connect to existing service.

## Development Regulations for Archaeological/Historical (MMC 17B.16.050)

Code Element	Project Evaluation
<p><b>H. Interpretive signs and displays for archaeological or historical features shall be provided where appropriate.</b></p>	<p>The project will provide aesthetic improvements, including landscaping, and will maintain existing interpretive signs that provide context of past and current use of the area (see below):</p>
<p>Interpretive signs on the Site that will be integrated with the proposed project.</p> <div data-bbox="203 548 1161 1186">  <p><b>Then</b></p> <p>In 1920, the Port of Everett built Mukilteo's first ferry landing here, running boats to Whidbey Island. Later, the Black Ball Line ran the route until 1951 when Washington State Ferries (WSF) took over. In December 2020, WSF closed the terminal here and opened the new Mukilteo multimodal ferry terminal one-third of a mile east where the fuel tanks are in this 1958 photo.</p> <p>The U.S. Air Force fueling station, shown here, was built in the 1950s. It supplied fuel for the fighter squadron stationed at Paine Field during the Korean War. Ten fuel tanks lined the site, which was abandoned after the Cold War. The massive tanks took up 3,200 linear feet of prime waterfront property. A 1,360-foot fueling pier (at top) sat on 3,900 creosote-treated timber pilings. WSDOT removed remnants of the fueling station and the pier—along with 7,000 toxic tons of creosote-treated debris from the water—during the construction of the new ferry terminal. The Port of Everett led the effort to secure the land where the new ferry terminal stands today.</p> <p>PHOTO COURTESY OF THE MUKILTEO HISTORICAL SOCIETY</p> </div>	

## Development Regulations for Archaeological/Historical (MMC 17B.16.050)

Code Element	Project Evaluation
<p><b>Now</b></p> <p>Washington State Ferries opened the new Mukilteo ferry terminal in December 2020 during the COVID-19 pandemic. Formerly the site of an abandoned U.S. Air Force fueling station, it's now home to a modern ferry terminal built to LEED Gold standards and designed in cooperation with local tribes to be "green" and "light on the earth."</p> <p>It's a storied place. More than a thousand years ago, it is believed the Snohomish people had a year-round village near the land spit and adjoining salt marsh that is now Mukilteo. In 1855, the Point Elliott Treaty between the U.S. Government, the Snohomish people, and other tribes of the Salish Sea was signed there. The treaty secured tribal fishing and hunting rights and established reservations in exchange for the land. The ferry terminal building is designed in the form of a Coast Salish longhouse to honor those tribes who were here, are here, and will continue to be here.</p>  <p>Logos at the bottom: WSDOT, Washington State Ferries, CITY OF MUKILTEO, Port of EVERETT</p>	

## Development Regulations for Parking (MMC 17B.16.070)

Code Element	Project Evaluation
<p><b>A. On-site parking for single-purpose or joint use/shared parking lots and garages in commercial, mixed-use, and multi-modal development within the two-hundred-foot shoreline jurisdiction in the urban waterfront environment designation and WMU zones shall not be located within seventy-five feet of the OHWM. Off-street parking is limited to the parking necessary to support a permitted use unless created as shared or joint parking.</b></p>	<p>Not applicable, no onsite parking is proposed. Parking relative to the Ivar's outdoor seating will be provided via leased offsite spaces. Nearby on-street parking spaces may be included in that count. See below.</p>
<p><b>B. Off-site parking for permitted uses within the shoreline jurisdiction shall be located outside the shoreline jurisdiction in joint-use or shared</b></p>	<p>Due to increase in capacity provided by Ivar's seasonal outdoor dining space, additional offsite parking will be provided. It is estimated that between 4 and 13</p>



<b>Development Regulations for Parking (MMC 17B.16.070)</b>	
<b>Code Element</b>	<b>Project Evaluation</b>
parking garages or lots where garages are not feasible. If it is necessary for the project success to have accessory parking within seventy-five feet of the shoreline, all accessory parking will be located on a public street or as part of a shared parking garage.	additional parking spaces may be required. Ivar's anticipates leasing parking from a neighboring property to satisfy City code requirements and will provide a seasonal parking attendant to control use of the leased parking spaces.
<b>C. Parking garages or parking lots shall be located landward of the permitted shoreline use, such that a building or park use separates the shoreline from the parking lot or stalls. Parking under or landward of buildings is preferred over stand-alone parking lots. Parking to the side must be camouflaged by solid walls with landscaping.</b>	Not applicable
<b>D. Parking lots shall be concealed by using the following at a minimum: (items 1-3 omitted)</b>	Not applicable
<b>E. Parking over water is prohibited, except as necessary for ferry terminal operations.</b>	Not applicable
<b>F. Shared parking for uses with different hours of operation is strongly encouraged.</b>	Refer to B above.
<b>G. Parking facilities for shoreline uses shall provide ADA compliant pedestrian circulation within the parking area and to the shorelines.</b>	Not applicable
<b>H. Public view parking shall be integrated into parking lots serving the promenade, parks, and open spaces along the shoreline.</b>	Not applicable
<b>I. Parking facilities shall be planned, located, and designed so that each facility will have the least possible adverse effect on unique or fragile shoreline features and existing ecological functions.</b>	Not applicable. Ivar's anticipates leasing parking from a neighboring property to satisfy City code requirements and will provide a seasonal parking attendant to control use of the leased parking spaces.
<b>J. Lighting shall be shielded from surrounding uses and the water.</b>	Not applicable
<b>K. Stormwater runoff shall be directed away from the shoreline and to an</b>	Not applicable

**Development Regulations for Parking (MMC 17B.16.070)**

<i>Code Element</i>	<i>Project Evaluation</i>
approved and designated stormwater collection facility that has best available technology (BAT) treatment before releasing directly into Puget Sound.	
<b>L. Parking requirements of Section 17B.25.090 and Chapter 17B.56 shall also apply to all development proposals. If there is a conflict between these sections, the most restrictive shall apply.</b>	Condition noted.

**Development Regulations for Commercial and Mixed-Use Development (MMC 17B.090)**

<i>Code Element</i>	<i>Project Evaluation</i>
<p><b>A. This section applies to uses that are involved in wholesale, retail, service, and business trades, as well as mixed-use, water-dependent, water-related and water-enjoyment facilities. This section does not apply to boat or marina facilities or essential public facilities, both of which are addressed separately in this chapter. Preference of uses shall be as follows:</b></p> <ol style="list-style-type: none"> <li><b>1. Water-Dependent Uses. Use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Water-dependent uses may be located north of Front Street.</b></li> <li><b>2. Water-Enjoyment Uses. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and</b></li> </ol>	<p>The proposed project provides water-enjoyment uses by facilitating aesthetic enjoyment of the shoreline. In addition to the parklet area, the seasonal outdoor dining area to be leased by Ivar's is adjacent to the existing restaurant in the shoreline. This proposal will not preclude future development of the site consistent with the 2016 City of Mukilteo Downtown Waterfront Master Plan or other subsequent City plans that may include water-dependent uses.</p>

<b>Development Regulations for Commercial and Mixed-Use Development (MMC 17B.090)</b>	
<i>Code Element</i>	<i>Project Evaluation</i>
<p>operations ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment. Water-enjoyment uses may be located north of Front Street.</p> <p><b>3. Water-Related Uses.</b> A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location. Water-related uses must be separated from the shoreline by another land parcel and located south of Front Street.</p> <p><b>4. Non-Water-Dependent Uses.</b> Means those uses that are not water-dependent, water-related, or water-enjoyment. Non-water-dependent uses must be separated from the shoreline by another land parcel and located south of Front Street.</p>	
<p><b>B. City of Mukilteo design standards for mixed-use development related to off-street parking areas (Guideline 2), lighting of pedestrian zones (Guideline 3), and pedestrian streetscapes (Guideline 5) as stated in Chapter 17B.25 shall apply, except in those cases where needs for ferry terminal security render these guidelines infeasible.</b></p>	Not applicable
<p><b>C. New development or redevelopment of non-water-dependent use adjacent to the shoreline shall protect, enhance, or mitigate shoreline ecological functions affected by the project. The Department of Fish and Wildlife shall</b></p>	Not applicable, refer to Critical Areas below.

<b>Development Regulations for Commercial and Mixed-Use Development (MMC 17B.090)</b>	
<i>Code Element</i>	<i>Project Evaluation</i>
be consulted on the appropriate development practices.	
<b>D. New over-water construction shall be limited to water-dependent uses or essential public facilities.</b>	Not applicable, the proposal does not include over-water construction.
<b>E. Waterward of OHWM, water-related and water-enjoyment uses may occupy an existing structure, provided they are auxiliary to and in support of water-dependent uses and provided the size of the over-water construction is not expanded for non-water-dependent uses. Non-water-oriented uses may occupy an existing structure; provided, that (criteria 1-5 omitted)</b>	Not applicable, the proposal is outside of the OHWM.
<b>F. In areas designated for commercial use, non-water-oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or public right-of-way. Non-water-dependent commercial uses shall not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.</b>	The proposed project provides water-enjoyment uses associated with the parklet and Ivar's. The seasonal outdoor dining area to be leased by Ivar's is adjacent to the existing restaurant in the shoreline and does not extend onto the existing pier that extends over Puget Sound.
<b>G. Any over-water development shall meet all requirements established by the Department of Ecology, Washington State Department of Fish and Wildlife (WDFW) and U.S. Army Corps of Engineers (Corps). These requirements may include preparation and review of a biological assessment and/or habitat management plan.</b>	Not applicable
<b>H. Commercial uses located within the shoreline jurisdiction and adjacent to the shoreline shall not be located so as to obstruct or impede pedestrian beach access at low tide waters, as established by the mean low tide mark.</b>	Not applicable. The Site does not currently provide beach access.
<b>I. All commercial buildings adjacent to the shoreline or pedestrian promenade shall have their loading and service areas located on the upland side (i.e., off the public street), except when no</b>	Not applicable. Ivar's will maintain its existing service areas.

<b>Development Regulations for Commercial and Mixed-Use Development (MMC 17B.090)</b>	
<b><i>Code Element</i></b>	<b><i>Project Evaluation</i></b>
<p>other feasible location is available and where adequate provisions have been made to screen the loading and service area from the shoreline. Best management practices and procedures (BMPs) shall be employed for the safe handling of fuels and toxic or hazardous materials. BMPs shall also be employed for all services and activities performed to minimize impacts to water quality. All actions necessary to ensure that contaminants do not enter the water or storm drainage system shall be taken.</p>	
<p><b>J. Pedestrian Promenade. All development within the two-hundred-foot shoreline jurisdiction shall provide pedestrian accessibility along the waterfront. The intent of the waterfront promenade is to have a walkway/boardwalk and beach access from Lighthouse Park to the east side of the tank farm/Everett city limits.</b></p> <ol style="list-style-type: none"> <li><b>1. All new development shall be set back twenty feet from the riprap or from a newly established beach and shall incorporate fifteen feet of pedestrian amenities with a five-foot landward setback from the pedestrian amenities that conform to the waterfront promenade standards and provide beach access where feasible.</b></li> <li><b>2. Public access to the beach or access to the promenade is required of commercial and mixed-use developments within the shoreline jurisdiction. Access points need to be a minimum of twenty-five feet wide and shall be provided at least every two hundred feet.</b></li> <li><b>3. Visual access to Puget Sound is also required of commercial and mixed-used developments. Building breaks</b></li> </ol>	<p>The proposal will improve/enhance existing public access to the shoreline. Visual access to the shoreline from nearby public and residential uses, which includes residents on 2<sup>nd</sup> Street and 3<sup>rd</sup> Street and the Rosehill Community Center, will not be obscured (refer to Site Plans). The proposal does not include new sidewalk or sidewalk improvements. This proposal will not preclude future development of the site consistent with the 2016 City of Mukilteo Downtown Waterfront Master Plan or other subsequent City plans that may include public access to the beach.</p>



**Development Regulations for Commercial and Mixed-Use Development (MMC 17B.090)**

<i>Code Element</i>	<i>Project Evaluation</i>
<p>or portals may be used to provide visual access to the sound. Visual access shall be at least twenty-five feet wide and shall be provided at least every two hundred feet at street level. Portals can act as both visual access to the sound and public access to the shoreline.</p> <p>4. Sidewalks along Front Street shall be a minimum of eight feet. All other sidewalks in the shoreline area shall be no less than five feet.</p>	
<p><b>K. Visual access to Puget Sound is also required of all developments south of Front Street. Building breaks or portals may be used to provide visual access to the sound. Visual access shall be at least twenty-five feet wide and shall be provided at least every two hundred feet at street level. Portals can act as both visual access to the sound and public access to the shoreline.</b></p>	<p>Not applicable. The proposal is located north of Front Street.</p>

**Development Regulations for Public Access and Recreation (MMC 17B.16.130)**

<i>Code Element</i>	<i>Project Evaluation</i>
<p><b>A. Public Access and Recreation. Public access shall be required of all commercial, mixed-use, multifamily and public facility developments when located within the shoreline jurisdiction. Public access for residential development is included in the land subdivision subsection of this chapter.</b></p> <p>1. Public access shall be provided at all street ends.</p> <p>2. All new development shall be set back twenty feet from the riprap or from a newly established beach.</p>	<p>Existing public access will be enhanced as part of the proposal, and project evaluation is limited to those regulations specific to “recreation” (i.e., criteria 5, 6, 7, and 8). The Site will include signs identifying public use and will be accessible to non-motorized users. Visual access to the shoreline will not be obstructed by the proposal, and no impacts to the nearshore environment will occur as part of the proposal. The Port will work with the City on branding of the parklet and resulting signage.</p>

<b>Development Regulations for Public Access and Recreation (MMC 17B.16.130)</b>	
<b><i>Code Element</i></b>	<b><i>Project Evaluation</i></b>
<p>3. Public access shall include access to the promenade and/or the beach. Access points need to be a minimum of twenty-five feet wide and shall be provided at least every two hundred feet.</p> <p>4. These public access points shall be either established in a permanent public access easement or dedicated to the city of Mukilteo. If dedicated to the city, no part of the structure or development shall be deemed nonconforming due to setbacks.</p> <p>5. Signs indicating the public's right to access shoreline areas shall be installed and maintained in conspicuous locations at recreational facility points of access.</p> <p>6. Developments shall include provision for nonmotorized access to the shoreline. Motorized vehicular access to the shoreline/nearshore shall be prohibited except at boat launches and for launch maintenance activities.</p> <p>7. Visual access to Puget Sound is also required. Building breaks or portals may be used to provide visual access to the sound. Visual access shall be at least twenty-five feet wide and shall be provided at least every two hundred feet at street level. Portals can act as both visual access to the sound and public access to the shoreline.</p> <p>8. Recreational use(s) (other than those at the Mukilteo Lighthouse Park) that are thought to have an impact on the nearshore marine environment shall require a biological assessment reviewed by WDFW to determine whether the proposed development will create a significant</p>	

<b>Development Regulations for Public Access and Recreation (MMC 17B.16.130)</b>	
<b>Code Element</b>	<b>Project Evaluation</b>
environmental impact and, if so, how it will be mitigated.	
<p><b>B. Minor Exemptions. The following activities will be exempt from the regulations set forth in this section:</b></p> <ol style="list-style-type: none"> <li>1. Access improvements to the shoreline.</li> <li>2. Riparian vegetation enhancement/replanting and maintenance.</li> <li>3. Eelgrass transplant.</li> <li>4. Underwater improvements covered by a marine park master plan approved by the city of Mukilteo as well as permitted by WDFW.</li> <li>5. Public access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. This exemption may only be used if it can be shown that there is no alternative to provide public access elsewhere along the shoreline or by providing viewing platforms, separation of uses through site planning and design and/or restricting hours of public access.</li> </ol>	<p>The Port understands that the proposal may satisfy minor exemptions, specifically item 1, access improvements. However, the Port will work with the City to satisfy applicable regulations in this section (i.e., signage).</p>
<p><b>C. Park uses are subject to the following:</b></p> <ol style="list-style-type: none"> <li>1. All the uses and facilities shall be located, constructed or developed in accordance with a master/site plan approved by city council.</li> <li>2. All proposals for park and recreation facilities shall be accompanied by an adopted master or site plan which is drawn to scale and shows the location of all park activities, recreational facilities, utilities, parking areas, structures, points for ingress and egress, vehicular and</li> </ol>	<p>The proposal is consistent with the 2016 City of Mukilteo Downtown Waterfront Master Plan, which identifies the Site as a component of the "Speedway Pocket Park". The current proposal does not include "stairs to beach" or "nearshore restoration" as identified in the Downtown Waterfront Master Plan; however, the proposal will not preclude future development of the site consistent with the 2016 City of Mukilteo Downtown Waterfront Master Plan or other subsequent City plans.</p>

**Development Regulations for Public Access and Recreation (MMC 17B.16.130)**

<i>Code Element</i>	<i>Project Evaluation</i>
<p>pedestrian circulation features, existing and proposed vegetation as may be a part of and necessary to describe the proposal.</p> <p>3. All proposals for park and recreation facilities shall be designed and constructed in conformance with the overall plan for the waterfront as contained in the comprehensive plan, the multi-modal plan, the downtown waterfront plan, and the Japanese Gulch plan.</p>	

**Development Regulations for Utilities**

<i>Code Element</i>	<i>Project Evaluation</i>
<p>A. On-site utility features serving a primary use, such as water, sewer or gas line to a structure are “accessory utilities” and are considered a part of the primary use. These utilities shall be located outside the two-hundred-foot shoreline jurisdiction unless it is not feasible to serve the site otherwise.</p>	<p>The proposal includes electrical service accessory to the proposed improvements to the Site and are required to be onsite. Electrical is required for lighting within the parklet.</p>
<p>B. All utilities within the shoreline jurisdiction shall be installed underground or under structures. Utilities should be located in existing rights-of-way and utility corridors and jointly shared utility corridors or road rights-of-way whenever possible.</p>	<p>Proposed electrical utilities will be located underground within disturbed footprint of the existing wall onsite.</p>
<p>C. In-water utilities or infrastructure shall be allowed below the ordinary high water mark (OHWM) only if no other feasible alternatives exist and only if a biological assessment based on a federal or state nexus determines that the proposed utilities will not create a significant environmental impact. A habitat management plan and mitigation may be required.</p>	<p>Not applicable</p>

<b>Development Regulations for Utilities</b>	
<b><i>Code Element</i></b>	<b><i>Project Evaluation</i></b>
<b>D. Utility facilities shall be located in or near to existing public right-of-way corridors unless no alternative exists.</b>	Proposed electrical connection will be located in or near the Front Street right-of-way.
<b>E. Utility production and processing facilities, such as power plants and sewage treatment plants, or part of those facilities that are non-water-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.</b>	Not applicable
<b>F. Development of utilities and facilities that may require periodic maintenance or that cause significant environmental impacts shall be discouraged, except where other alternatives are not feasible, or where access roads exist. When permitted, those facilities shall include adequate provisions to protect against significant environmental impacts to the shoreline or upland critical area.</b>	Maintenance of accessory electrical utility may be required as part of the project; however, the electrical utility will be located in area previously disturbed in the vicinity of the existing wall.
<b>G. Unless no feasible alternative location exists, utilities shall be prohibited in wetlands, estuaries, geotechnical hazard areas, critical fish and wildlife habitat areas, their required buffers and other unique and critical areas</b>	The Site is located in a mapped critical area, but proposed accessory electric utility must be located onsite to support the proposal. No adverse impact to critical areas will occur as part of the proposal (refer to Critical Areas below).

<b>Development Regulations for Change in Use (MMC 17B.16.200)</b>	
<b><i>Code Element</i></b>	<b><i>Project Evaluation</i></b>
<b>A. Change in Use with No Physical Property or Building Alterations. Applications for a change in use within the shoreline jurisdiction which does not alter the property or structures shall be accompanied by a written summary of the proposed change in use and description of how it complies with the city's shoreline regulations. All uses must comply with the Permitted</b>	Not applicable



**Development Regulations for Change in Use (MMC 17B.16.200)**

<i>Code Element</i>	<i>Project Evaluation</i>
Use Matrix of this title including obtaining a shoreline conditional use permit if needed.	
<b>B. Change in Use which Requires Alterations to Property or Buildings. Applications for a change in use which include modifications to buildings or property shall comply with the permit review procedures of this title and meet all development standards contained herein.</b>	The proposed project includes modest alterations to the property to provide a parklet setting, aesthetic improvements, and amenities. A portion of the Site will be leased to Ivar's for seasonal use for outdoor dining and will be separated from the parklet. The proposal has been designed to comply with the City's permit requirements.
<b>C. Nonconforming uses, buildings, and lots shall comply with Chapter 17B.68.</b>	Not applicable

**Critical Areas Regulations (MMC 17B.52, .52A, .52C and .52D)**

The individual regulations under this chapter are not provided below to provide brevity in the project evaluation based on the site conditions/proposal.

<i>Code Element</i>	<i>Project Evaluation</i>
<b>Geologic Sensitive Areas</b>	<p>City of Mukilteo Critical Areas mapping identifies the Site in an area where a Geotechnical Report may be required for certain types of activities. According to the Preliminary Surficial Geologic Map of the Mukilteo and Everett Quadrangles, Snohomish County, Washington, 1976, the site geology is identified as modified land. This geologic unit is commonly associated with liquefiable soils and therefore, a liquefaction hazard may be present at the site. The proposed improvements will be supported by a concrete bulkhead that was in place as part of the former ferry terminal at the Site. It is not known if this bulkhead was designed to resist soil liquefaction; however, the project does not include modifications to the bulkhead.</p> <p>MMC Chapter 17B.52A provides discussion on development within steep slope areas but does not present specific requirements for liquefaction hazard</p>

	sites. No steep slope or landslide hazard areas were identified at the site. Ground disturbance from the proposed improvements will be limited to installation of electrical conduit in previously existing utility trenches and/or within the previously disturbed footing of the concrete block wall and is not anticipated to negatively impact the adjacent bulkhead or the critical area. As a result, the proposed parklet will not result in greater risk to/from geologic sensitive areas or a need for increased buffers.
<b>Fish and Wildlife Conservation Areas</b>	Puget Sound adjacent to the Site is critical saltwater habitat in accordance with 17B.52C, which includes uplands within 200 ft of the OHWM. Buffers for critical saltwater habitat in the Urban Waterfront environment is determined on a case by case basis. In accordance with MMC 17B.08.020, "buffer" means an area, typically adjacent or otherwise associated with an environmentally sensitive feature, which is retained in its natural state. Because the existing site conditions are limited to asphalt and absent of vegetation or other natural features providing ecological or shoreline functions, no fish and wildlife conservation areas buffer is applied to the Site.
<b>Flood Hazard Areas</b>	The proposal has been evaluated for consistency with the applicable floodplain development regulations; refer to the project Floodplain Development application.

### **Landscaping (MMC 17B.58.070, .080)**

The individual regulations under this chapter are not provided below to provide brevity in the project evaluation based on the site conditions/proposal.

<b>Code Element</b>	<b>Project Evaluation</b>
<b>Landscape Plans</b>	The proposal includes landscape plans that provide aboveground plant containers to avoid disturbance of potential buried cultural resources. Plant selection is limited to shrubs, ornamental grasses, groundcovers, and seasonal annuals/perennials due to limited growing

	space. Plant species adapted to local climatic conditions and tolerant of salt spray will be chosen. Plants will meet the American Standard of Nursery Stock (ANSI Z60.1-2014). Permanent irrigation is not proposed. Planters will be hand-watered with water sourced from existing plumbing from the adjacent Ivar's property. The plant containers will be provided soils amended to support plant growth and efficient moisture retention.
<b>Maintenance of Landscaping</b>	The Port will maintain or arrange maintenance of landscaping as needed to ensure healthy growing conditions required of installed plantings. Maintenance activities may include modification of watering schedules, weeding, and/or plant replacement. In the event of dead or dying vegetation, the planting areas will be replanted with the same species or replaced with species appropriate for the growing conditions.

## Conclusion

The Port is proposing the Mukilteo Parklet, which occurs within the Downtown Business zoning classification and City shoreline jurisdiction. The proposed project elements subject to this application do not conflict with the goals, policies, or regulations of the MMC and SMP. Information presented in the site plans, draft SEPA checklist, and Floodplain Development application prepared for the project provide supplemental information to this application.

## Use of This Technical Memorandum

This technical memorandum has been prepared for the exclusive use of the Port and City for specific application to the Mukilteo Parklet project. No other party is entitled to rely on the information, conclusions, and recommendations included in this document without the express written consent of Landau. Further, the reuse of information, conclusions, and recommendations provided herein for extensions of the project or for any other project, without review and authorization by Landau, shall be at the user's sole risk. Landau warrants that within the limitations of scope, schedule, and budget, these services have been provided in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions as this project.

Landau makes no other warranty, either express or implied. Re-assessment of permit/compliance needs may be needed based on changes to the project as described above.

This document has been prepared under the supervision and direction of the following key staff.

LANDAU ASSOCIATES, INC.



Steven Quarterman  
Senior Associate

SJQ/tac

[\\EDMDATA01\PROJECTS\147\055\R\SHORELINE\SMP\_NARRATIVE FINAL- PARKLET 3-17-22.DOCX]

## Reference

City. 2020. Shoreline Master Program, January 2020. City of Mukilteo. Adopted December 2011, Updated November 2019, Effective January 2, 2020. <https://mukilteo.gov/adopted-2019-smp-update-final/>



## Technical Memorandum

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**TO:** City of Mukilteo  
**CC:** Laura Gurley, Planning Director, Port of Everett  
**FROM:** Daniel Joseph, PE  
**DATE:** March 17, 2022  
**RE:** **Floodplain Development Assessment**  
**Mukilteo Parklet**  
**700 Front Street**  
**Mukilteo, Washington**  
**Project No. 0147055.010**

### Introduction

The Port of Everett (Port) is proposing development of a “parklet” at 700 Front Street on two parcels [Snohomish County Parcel No. 28040400200100 and upland portion of Parcel No. 28040400203000 (Site)] that were part of the approach ramp for the former Washington State Ferry Terminal (Figure 1). The Port is partnering with Ivar’s to repurpose the parcel with public park space and extra seasonal outdoor dining space. The dining space will be leased to Ivar’s and will be separated from the publicly accessible portion of the parklet. The Port is working with HBB Landscape Architecture (HBB) for design of the project. The City of Mukilteo (City) has indicated that the proposed project will require a Floodplain Development Permit (permit) because proposed site furniture (i.e., benches/tables) are considered “building” in accordance with Mukilteo Municipal Code (MMC) Chapter 15.12 – Flood Damage. The technical memorandum herein has been prepared in accordance with MMC Chapter 15.12 – Flood Damage Prevention and with MMC Chapter 17B.52D – Flood Hazard Regulation to meet permit submittal requirements.

### Existing Conditions

The project area (Site) is currently paved with asphalt, with a railing at the north end of the Site and a concrete block wall bordering to the west (Figure 2).

Much of the Site is mapped within the Federal Emergency Management Act (FEMA) flood hazard area Zone AE, with a base flood elevation (BFE) of 13 feet (ft) relative to the North American Vertical Datum of 1988 [NAVD88, 15.03 ft mean lower low water (MLLW); Figure 2]. Considering the BFE, locations below 13 ft have a 1-percent annual chance of flood hazard (Figure 2). Spot elevation survey data for the Site indicates that the Site may range from 11.62 ft to 13.32 ft elevation (NAVD88; 13.65 ft to 15.35 ft MLLW; see Figure 2), with some portions of the Site above the BFE.

In accordance with MMC Chapter 17B, the FEMA flood insurance rate map indicates that all ground surfaces within 200 ft of the Site are within Zone AE, with a BFE of 13 ft, except for a location immediately south of the Site, which is outside of the FEMA BFE.

Extreme water levels data for Seattle, Washington reported by the National Oceanic and Atmospheric Administration (NOAA) indicate that the 10-year coastal flood elevation is 2.34 meters (7.68 ft) above mean sea level (NOAA, accessed March 15, 2022), which corresponds to 12.1 ft (NAVD88; 14.16 MLLW). Select locations within the Site are understood to be below this 10-year flood elevation; however, the seawall onsite is estimated to be approximately 13.1 ft NAVD88 and may provide protection from flooding on the Site during the 10-year coastal flood.

The Site is not located within a floodway.

The existing Site conditions are limited to asphalt and absent of vegetation or other natural features providing ecological or shoreline functions (see Figure 2). The Site is mapped within a geologic sensitive area. The Site is not within other critical areas or a buffer.

## **Floodplain Development Assessment**

The proposed improvements for the Site include seal coating the existing asphalt, creating the public parklet and seasonal outdoor dining space, and bringing in electrical power to the Site. The parklet will include permanent seating, picnic tables, and plant containers. The seasonal outdoor dining space to be provided by Ivar's will include temporary tables and chairs for outdoor dining. In the right-of-way in front of Ivar's, an existing plant container/bench will be replaced with a new permanent planter and bench. Reference the project Site plans, including the landscaping plan prepared by HBB, for additional details on the proposed improvements. The temporary tables and chairs will be removed from the Site during winter months when potential flooding is expected. These temporary items will be stored by Ivar's outside of the BFE.

No grading or fill will take place for this proposal. As a result, the proposal will not alter the natural water course during potential flooding conditions.

It is Landau's understanding that the proposed improvements will be designed to meet the minimum design standards as required by MMC Chapter 15.12. The proposal's permanent amenities will be anchored to the ground, or buried in the case of electrical improvements, to prevent floatation, collapse, or lateral movement. The planters and picnic tables will be anchored using flush mount asphalt anchors (BoltHold SP-18 or equivalent) with a rating of 2,500 pounds pull force and Grade 8 bolts. Because of the corrosion resistance and strength of the bolt material, and the large bolt diameters, the anchors will be resistant to shear forces that may result during flooding. A minimum of four anchors per plant container, picnic table, and bench is recommended.

The proposal includes bringing power to the Site, from Front Street within a buried electrical conduit, to provide additional accent lighting along the existing concrete block wall on the west side of the Site. The electrical connections used for lighting will be outdoor rated, ground-fault circuit interrupter operated, and installed on the concrete block wall on the west side of the project above the BFE.

The proposed improvements, including the plant containers and picnic tables, are not fully enclosed areas and therefore are exempt from Section 15.12.220 standards for floodproofing.

## Conclusion

The Port is proposing the Mukilteo Parklet, which occurs within FEMA designated 100-year floodplain and is subject to flood damage prevention in accordance with MMC Chapter 15.12 and MMC Chapter 17B.52D. The proposed project elements subject to this application satisfy the regulations of the MMC. Information presented in the Site plans prepared for the project provide supplemental information to this application.

## Use of This Technical Memorandum

Landau Associates has prepared this technical memorandum for the exclusive use of the Port of Everett, for specific application to the Port of Everett Mukilteo Parklet in Mukilteo, Washington. No other party is entitled to rely on the information, conclusions, and recommendations included in this document without the express written consent of Landau Associates. Reuse of the information, conclusions, and recommendations provided herein for extensions of the project or for any other project, without review and authorization by Landau Associates, shall be at the user's sole risk. Landau Associates warrants that, within the limitations of scope, schedule, and budget, its services have been provided in a manner consistent with that level of skill and care ordinarily exercised by members of the profession currently practicing in the same locality, under similar conditions as this project. Landau Associates makes no other warranty, either express or implied.

LANDAU ASSOCIATES, INC.



Daniel Joseph, PE  
Washington No. 20105394  
Senior Engineer

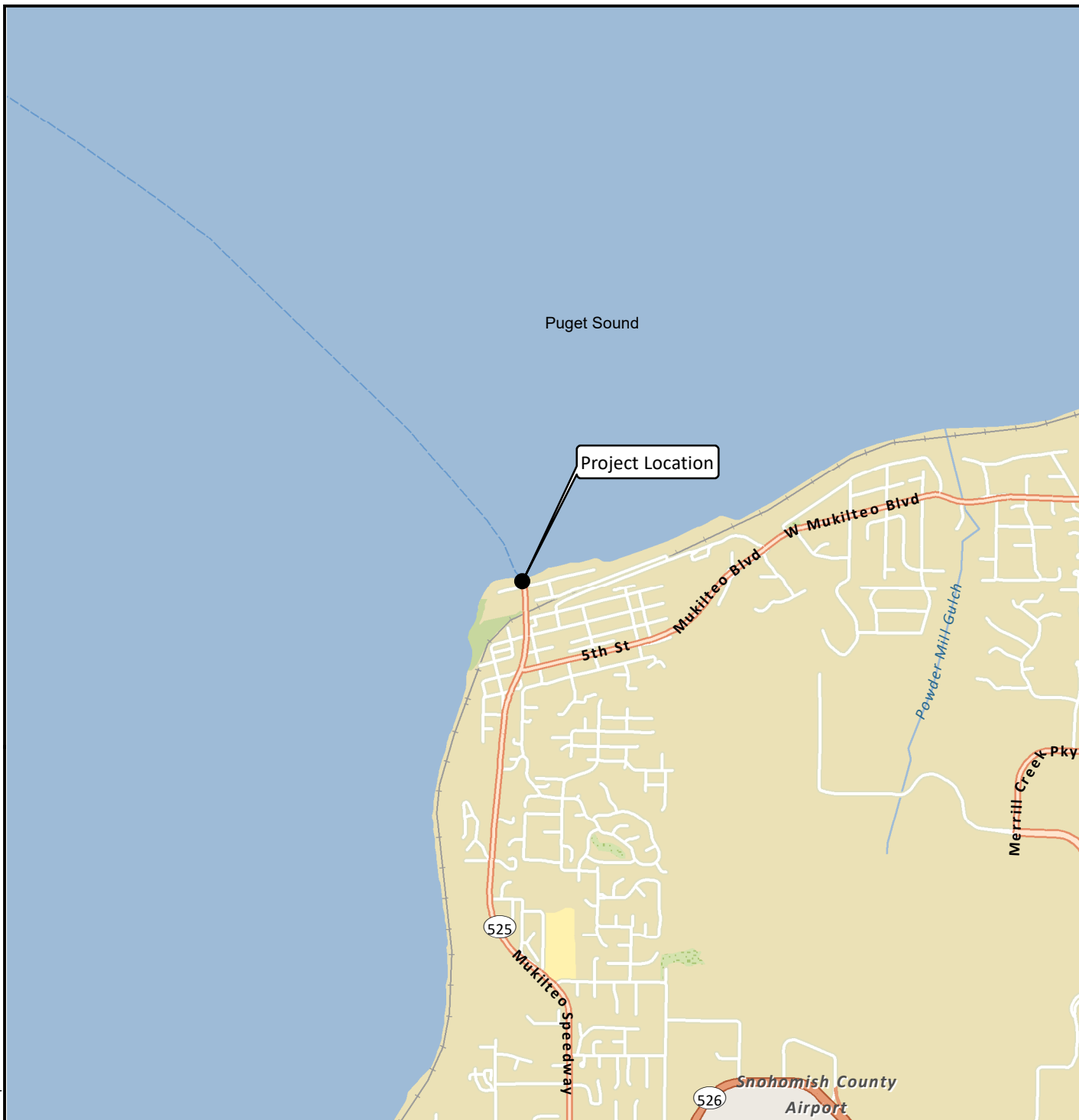
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[\\EDMDATA01\PROJECTS\147\055\R\FLOODPLAIN\FLOODPLAIN DEVELOPMENT ASSESSMENT TM FINAL 03-17-22.DOCX]

Attachments: Figure 1. Vicinity Map  
Figure 2. Floodplain Development Assessment Site Map

## Reference

NOAA. Exceedance Probability Levels and Tidal Datums 9447130 Seattle, WA. Accessed, accessed March 15, 2022. <https://tidesandcurrents.noaa.gov/est/stickdiagram.shtml?stnid=9447130>

G:\Projects\147\055\F01VicinityMap.mxd 3/16/2022 | JValluzzi



Data Source: Esri.

Mukilteo Parklet  
700 Front Street  
Mukilteo, Washington

Vicinity Map

Figure  
1



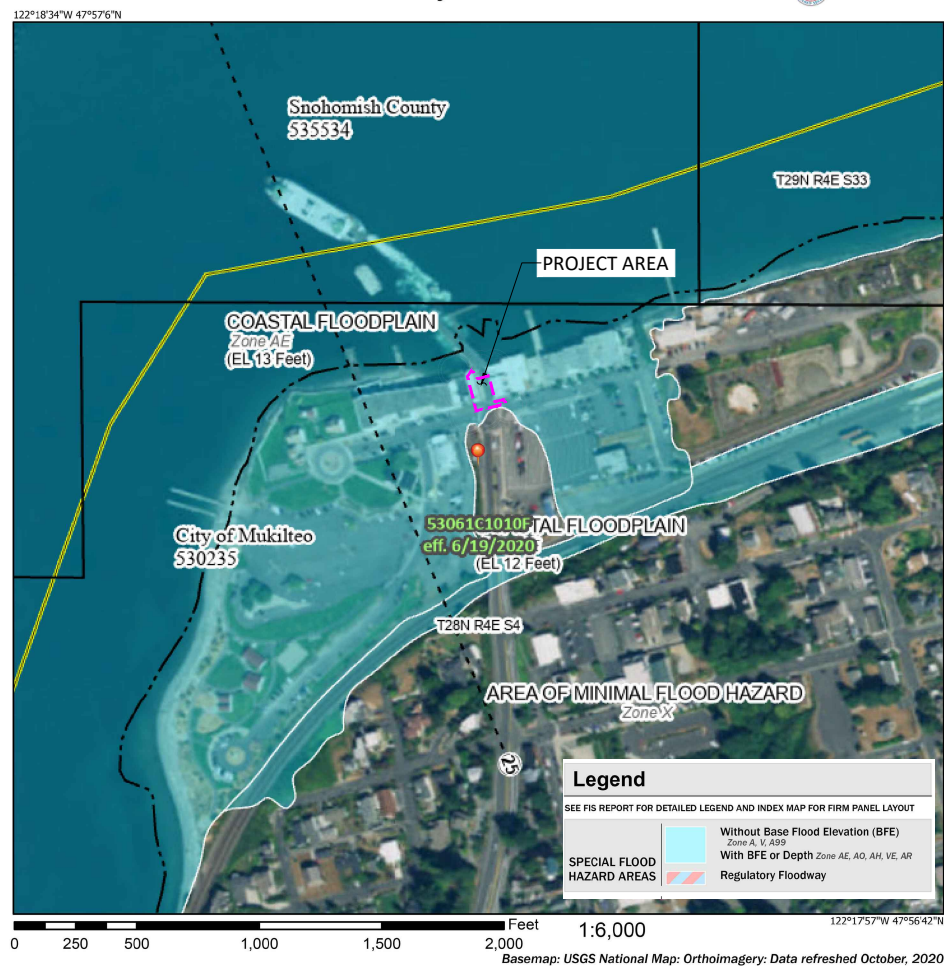
Landau Associates | G:\Projects\147\055\010\Permit Plan Set\F02\_FHA SiteMap.dwg | 3/16/2022 5:15 PM | ezick

Point	Finish HMA or Top of Sidewalk**	Top of Wall**
A	15.15	15.25
B	15.25	15.35
C	15.35	15.45
D	15.15	15.25
E	15.10	15.20
F	15.10	15.20
G	15.22	15.22
H	15.30	
I	14.10	
J	14.02	
K	13.65	

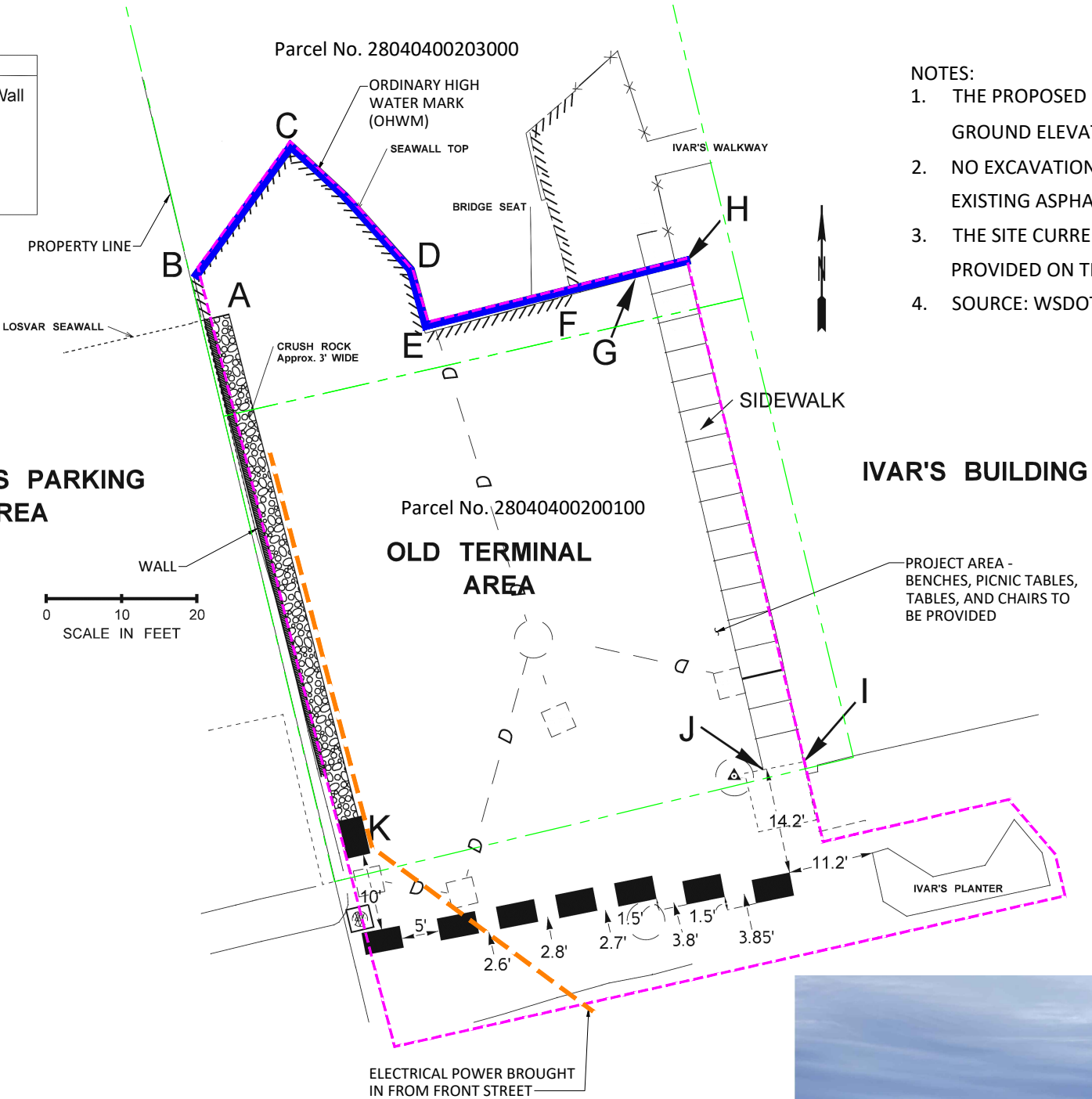
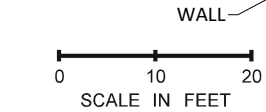
\*\* Elevations in MLLW. Conversion from MLLW to NAVD88 is MLLW minus 2.03 feet. Conversion from MLLW to MSL is MLLW minus 6.48 feet.

LEGEND	
	New WSDOT Retaining Wall
	Existing Handrail
	Reclaimed Handrail
	5.1' x 3.1' Planter Box
	Water Meter Box

### National Flood Hazard Layer FIRMette



### LOSVAR'S PARKING AREA



- NOTES:
1. THE PROPOSED PROJECT WILL NOT CHANGE EXISTING GROUND ELEVATIONS/CONTOURS.
  2. NO EXCAVATION OR FILL WILL OCCUR IN AREAS OF EXISTING ASPHALT.
  3. THE SITE CURRENTLY COVERED IN ASPHALT; SEE PHOTO PROVIDED ON THIS SHEET.
  4. SOURCE: WSDOT.



SITE PHOTO

## EXHIBIT I



**DETERMINATION OF NON-SIGNIFICANCE (DNS)  
PORT OF EVERETT  
Mukilteo Parklet  
SEPA File No. 2022-02**

**DESCRIPTION OF PROPOSAL:** The Port of Everett (Port) is proposing development of a “parklet” on parcels (Snohomish County Parcel No. 28040400200100 and 28040400203000 [Site]) that were formerly part of the approach ramp for the Washington State Ferries (WSF) Mukilteo Terminal. The Port is partnering with Ivar’s restaurant to repurpose the parcel for public park space and seasonal outdoor dining space. The dining space will be leased by the Port to Ivar’s and will be separated from the publicly accessible portion of the parklet. This separation will be moveable to allow for special events. It is anticipated that Ivar’s will be leasing offsite parking spaces from neighboring property owner(s) to accommodate the additional capacity associated with the increase in dining space.

The **parklet space** will include above-ground plant containers, benches and picnic tables for public seating, resetting two interpretive signs, replacement of existing wood plant containers located in the Front Street right-of-way, decorative panels affixed to the existing concrete block wall, and low-level and shielded accent lighting with electrical service at the existing concrete block wall.

The **dining space** will include seasonal outdoor tables, umbrellas and chairs provided by Ivar’s Restaurant, above-ground plant containers combined with a physical separation element (e.g., panel fence or railing) to provide separation from the public park component of the site.

Improvements across the Site include decorative treatment on the surface of the existing asphalt (e.g., colored sealcoat or similar product), and the plant containers will be set within areas of rounded cobble rock and boulders on top of the existing asphalt. The existing WSDOT installed guardrail and concrete block wall on the west side of the site will remain as-is. No disturbance is anticipated to the bulkhead or rip-rap along the shoreline.

**PROPONENT AND LEAD AGENCY:** Port of Everett

**LOCATION OF PROPOSAL:** The Site is located at 700 Front Street in the City of Mukilteo, Snohomish County, Washington; Township 28N, Range 4E, Section 4, W.M. The project includes improvements to Snohomish County Parcel No. 28040400200100, upland portion of Parcel No. 28040400203000, and adjacent Front Street right of way. See attached Vicinity Map.

**DETERMINATION:** The Lead Agency for this proposal has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21 and WAC 197-11. This determination assumes compliance with federal and State law as well as City of Everett ordinances related to general environmental protection. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

It is the policy of the Port that, when undertaking an action involving the exercise of substantive SEPA authority, the Port shall consider, as appropriate under the circumstances, the ramifications of such action as to one or more of the factors listed in Port of Everett Resolution 1046, Substantive Authority.

Note: Issuance of this threshold determination does not constitute approval of local, state, and federal permits. Construction contractors shall comply with all applicable permit conditions.

This DNS is issued under WAC 197-11-340(2) and WAC 197-11-350.

**PUBLIC AND AGENCY COMMENT:** The lead agency will not act on this proposal for 14 days from the published date below. Comments must be submitted in writing by **5:00 P.M. April 20, 2022** to the Responsible Official as named below. Comments will not otherwise be accepted by telephone or personal conversation. For general project related questions or additional information, please contact Laura M. Gurley, Director of Planning, at 425-388-0720 or e-mail [laurag@portofeverett.com](mailto:laurag@portofeverett.com).

**Contact Person:** Laura M. Gurley, Director of Planning  
Phone: (425) 388-0720

**Responsible Official:** John Klekotka, P.E.  
**Title:** Chief of Engineering & Planning and SEPA Responsible Official  
**Address:** Port of Everett  
PO Box 538  
Everett, Washington 98206

**E-mail:** [SEPAComments@portofeverett.com](mailto:SEPAComments@portofeverett.com), subject line: "Mukilteo Parklet"

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

4/1/22

**Published on Port Website:** April 6, 2022

**Posted:** April 6, 2022

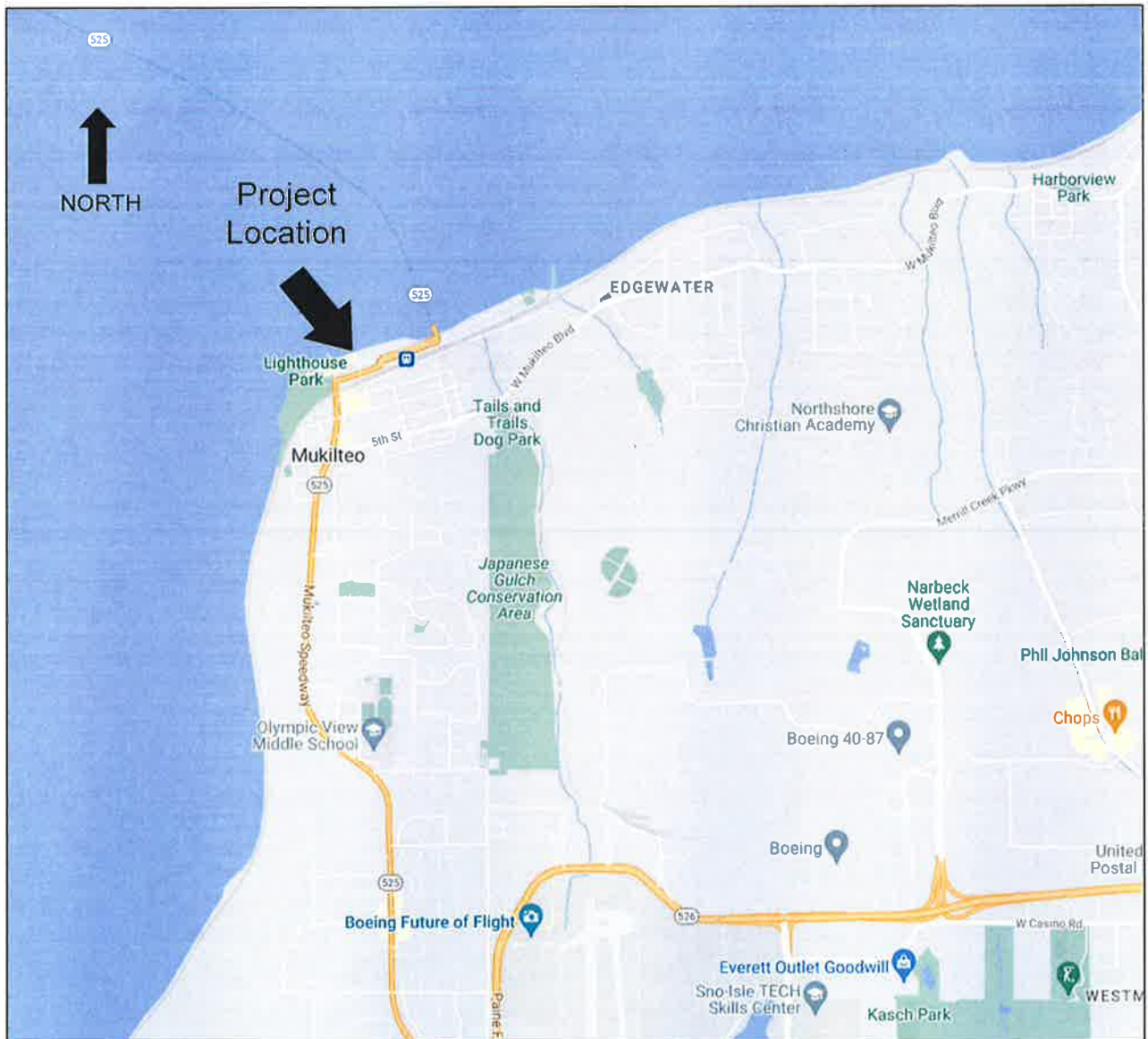
**Mailed:** April 6, 2022

**APPEALS:** There is no administrative appeal for this determination per Port of Everett SEPA Resolution 1046. Procedures for appeal of this SEPA threshold determination are set forth in Chapter 43.21C RCW including, without limitation, RCW 43.21C.060, 43.21C.075, and RCW 43.21C.080 and Chapter 197-11 WAC including, without limitation, WAC 197-11-680.





PORT OF EVERETT  
Mukilteo Parklet  
SEPA DNS File No. 2022-02  
Project Vicinity







## **NOTICE of DETERMINATION OF NON-SIGNIFICANCE (DNS)**

### **Mukilteo Parklet**

Port SEPA File No. 2022-02

The Port of Everett has issued a determination of non-significance (DNS) under the State Environmental Policy Act Rules (Chapter 197-11) for the following project:

**DESCRIPTION OF PROPOSAL: Mukilteo Parklet.** The Port of Everett (Port) is proposing development of a “parklet” on parcels that were formerly part of the approach ramp for the former Washington State Ferries (WSF) Mukilteo Terminal. The Port is partnering with Ivar’s restaurant to repurpose the parcels for public park space and seasonal outdoor dining space. The dining space will be leased by the Port to Ivar’s and will be separated from the publicly accessible portion of the parklet. It is anticipated that Ivar’s will be leasing offsite parking spaces from neighboring property owner(s) to accommodate the additional capacity associated with the increase in dining space.

The parklet space will include above-ground plant containers in the parcel and also adjacent to Front Street right-of-way to provide separation of the parklet from the street, benches and picnic tables, resetting two interpretive signs, decorative panels affixed to the existing concrete block wall, and low-level and shielded accent lighting with electrical service. The dining space will include seasonal outdoor tables, umbrellas and chairs, above-ground plant containers combined with a physical separation element (e.g., panel fence or railing) to provide separation from the public park component of the site.

**PROPONENT AND LEAD AGENCY:** Port of Everett

**LOCATION OF PROPOSAL:** The Site is located at 700 Front Street in the City of Mukilteo, Snohomish County, Washington; Township 28N, Range 4E, Section 4, W.M. The project includes improvements to Snohomish County Parcel No. 28040400200100, upland portion of Parcel No. 28040400203000, and adjacent Front Street right of way. See attached Vicinity Map.

After review of a completed checklist and other information on file with the agency, the Port of Everett has determined that this proposal will not have a probable adverse impact on the environment.

Copies of the DNS and other file information are available at the Port of Everett Administrative Office located at 1205 Craftsman Way, Suite 200, Everett, WA 98201, or contact Laura Gurley by phone at (425) 388-0720 or via email at [LauraG@portofeverett.com](mailto:LauraG@portofeverett.com).

**The public is invited to comment on the MDNS by submitting written comments no later than April 20, 2022 to John Klekotka, P.E., Chief of Engineering & Planning/SEPA Responsible Official, at P.O. Box 538, Everett, WA 98206, or via email at [SEPAComments@portofeverett.com](mailto:SEPAComments@portofeverett.com), subject line: “Mukilteo Parklet”**

**Phone number (425) 259-3164.**

John Klekotka, P.E., Chief of Engineering & Planning  
SEPA Responsible Official

Published: April 6, 2022

# **SEPA ENVIRONMENTAL CHECKLIST**

## ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## **A. Background** [\[HELP\]](#)

### **1. Name of proposed project, if applicable:**

Mukilteo Parklet

### **2. Name of applicant:**

Port of Everett

### **3. Address and phone number of applicant and contact person:**

Laura Gurley, Director of Planning

Port of Everett

1205 Craftsman Way, Suite 200

Everett, WA 98201

(425) 388-0720

[laurag@portofeverett.com](mailto:laurag@portofeverett.com)

List of Contributors to this Environmental Checklist:

Landau Associates, Inc. 130 2 <sup>nd</sup> Avenue South Edmonds, WA 98020 (Environmental Services)	Hough Beck & Baird, Inc. 2101 4th Ave, Suite 1800, Seattle, WA 98121 (Landscape Architecture)
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### **4. Date checklist prepared:**

March 2022

### **5. Agency requesting checklist:**

Port of Everett (Port)

### **6. Proposed timing or schedule (including phasing, if applicable):**

The Port plans to complete the proposed project improvements by Spring 2022.

### **7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

Future plans may include the addition of a permanent patio cover by Ivar's restaurant.

**8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

- Floodplain Development Assessment
- Zoning and Shoreline Master Program Consistency Evaluation Narrative

Please contact Laura Gurley at (425-388-0720) or [LauraG@portofeverett.com](mailto:LauraG@portofeverett.com) to review environmental information relating to the proposed project.

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

There are no known applications for approvals or other proposals associated with the properties affected by the proposed project.

**10. List any government approvals or permits that will be needed for your proposal, if known.**

- Shoreline Master Program (City of Mukilteo) Shoreline Substantial Development Permit
- Floodplain Development permit
- Public Works permit
- Building permit (*To be confirmed*)

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

The Port of Everett (Port) is proposing development of a “parklet” on parcels (Snohomish County Parcel No. 28040400200100 and 28040400203000 [Site]) that were formerly part of the approach ramp for the former Washington State Ferries (WSF) Mukilteo Terminal which included drive lanes, a utility shed, and ticketing building, all of which have been demolished by Washington State Department of Transportation (WSDOT) as part of their new ferry terminal development to the east. Prior to turning the Site over to the Port, WSDOT repaved the project site, installed railings on the waterward end and constructed a vertical concrete block wall on the west side to separate the site from the adjacent Losvar Condominium property. The Port is partnering with Ivar’s to repurpose the parcel for public park space and seasonal outdoor dining space. The dining space will be leased by the Port to Ivar’s and will be separated from the publicly accessible portion of the parklet. This separation will be moveable to allow for special events. It is anticipated that Ivar’s will be leasing offsite parking spaces from neighboring

property owner(s) to accommodate the additional capacity associated with the increase in dining space.

The parklet space will include:

- Above-ground plant containers in the parcel and also adjacent to Front Street right-of-way to provide separation of the parklet from the street.
- Benches and picnic tables for public seating.
- Resetting two interpretive signs.
- Replacement of existing wood plant containers located in the Front Street right-of-way immediately in front of Ivar's.
- Decorative panels affixed to the existing concrete block wall.
- Low-level and shielded accent lighting with electrical service at the existing concrete block wall.

The dining space will include:

- Seasonal outdoor tables, umbrellas and chairs provided by Ivar's Restaurant.
- Above-ground plant containers combined with a physical separation element (e.g., panel fence or railing) to provide separation from the public park component of the site.

Improvements across the Site include decorative treatment on the surface of the existing asphalt (e.g., colored sealcoat or similar product), and the plant containers will be set within areas of rounded cobble rock and boulders on top of the existing asphalt. The existing WSDOT installed guardrail and concrete block wall on the west side of the site will remain as-is. No disturbance is anticipated to the bulkhead or rip-rap along the shoreline.

**12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

The Site is located at 700 Front Street in the City of Mukilteo, Snohomish County, Washington; Township 28N, Range 4E, Section 4, W.M. The project includes improvements to Snohomish County Parcel No. 28040400200100, upland portion of Parcel No. 28040400203000, and adjacent Front Street right of way. See attached Vicinity Map.

## **B. Environmental Elements** [\[HELP\]](#)

### **1. Earth** [\[help\]](#)

#### **a. General description of the site:**



(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

**b. What is the steepest slope on the site (approximate percent slope)?**

The Site is relatively flat.

**c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

The USDA NRCS Web Soil Survey identifies the Site as "Urban Land". The site sits on fill over original native soils. No agricultural soils exist on the Site.

**d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

City of Mukilteo Critical Areas mapping identifies the Site in an area where a geotechnical report may be required for certain types of activities, but is outside of mapped landslide hazard area.

**e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

Site grading will be minimized to only that necessary for trenching of electrical utilities. It is anticipated that trenching activity would occur only in the area surrounding the existing concrete block wall along the west edge of the site within the existing gravel surface that has already been disturbed during construction of the wall (by WSDOT). The existing asphalt will remain in place and the shoreline waterward of the bulkhead will remain undisturbed.

**f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

Some minor short-term, minimal erosion during construction could occur; however, no long-term erosion is anticipated as a result of the proposed project.

**g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

There will be no change to impervious surface area. The majority of the Site is currently paved with a small gravel portion adjacent to the concrete block wall at the west end. The gravel strip adjacent to the wall was purposely left this way by WSDOT to allow for landscaping, or utility installation, or both.

**h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

Applicable Port Best Management Practices (BMPs) and discharge controls for the control of potential sources of erosion will be implemented as part of all of the proposal's electrical installation activities. Standard BMPs that are both in accordance with the Washington State Stormwater Management Manual for Western Washington and City of Mukilteo requirements will also be implemented during all activities in the Project area.

## **2. Air** [\[help\]](#)

### **a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

Construction equipment and vehicles will generate minor amounts of localized carbon monoxide and particulate emissions and possible dust. These emissions are temporary and may slightly degrade local air quality, but the resultant pollutant concentrations will be short-term.

Construction activities will be temporary and are anticipated to last up to one month. The anticipated construction equipment for the Project has not yet been determined as the contract has not moved to the bidding phase. As a result, detailed emissions estimates of construction activities associated with the Project cannot be generated at this time.

### Vulnerability of the Proposal to the Impacts of Climate Change:

The proposal is not likely to be negatively affected by the environmental impacts of climate change. The Port project team is considering potential impacts of climate change in its design for the Site. At this point, the Port has determined the primary physical affect that climate change may have on this Site is sea level rise. The current projected medium change in Puget Sound sea level is 13 inches by 2100 with a range of 6 to 50 inches.<sup>1</sup> The Final Environmental Impact Statement (FEIS) issued by the Washington State Department of Transportation for the Mukilteo Multimodal Project indicated that overall, recent studies appear to be converging on projected sea level increases in the range of 2 to 4 feet.<sup>2</sup> Some additional variation may occur from this estimated increase within Puget Sound and its adjacent waters, according to Ecology.<sup>3</sup> The lowest portions of the proposed project area are currently at an elevation of +13.93 ft above MLLW. This will be approximately 0.71 ft above the Highest Astronomical Tide (HAT) elevation (+13.22 ft MLLW) at the Site.

### **b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

There are no off-site sources of emissions or odor that may affect the proposal.

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<sup>1</sup> See, <http://www.cses.washington.edu/db/pdf/moteetalslr579.pdf>

<sup>2</sup> See, <http://www.wsdot.wa.gov/Projects/Ferries/mukilteoterminal/multimodal/library.htm>

<sup>3</sup> See <https://apps.ecology.wa.gov/publications/SummaryPages/1201004.html>

**c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

To reduce carbon monoxide and particulate emissions from gasoline and diesel engines, construction equipment will have the best available emission control devices generally available to the contractor. Because the construction work is temporary, no significant air quality impacts are expected during construction.

**3. Water** [\[help\]](#)

**a. Surface Water:** [\[help\]](#)

**1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

The Site is located adjacent to Puget Sound.

**2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

Work will occur adjacent (i.e. within 200 feet) to Puget Sound. No in-water work is proposed.

**3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

Not applicable.

**4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

No, not applicable.

**5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

Federal Emergency Management Agency (FEMA) flood insurance mapping identifies the Site as occurring in the 100-year floodplain, with corresponding base flood elevation (BFE) of 13 ft (NAVD88). Elevations vary across the site from approximately +11.68 to +13.13 feet (NAVD88).

**6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

No.

**b. Ground Water:** [\[help\]](#)

**1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

No groundwater withdrawal will occur as part of the proposed Project.

**2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

Not applicable. No waste materials associated with domestic sewage or other activities will be discharged into the ground.

**c. Water runoff (including stormwater):**

**1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

Stormwater runoff will be conveyed to existing catch basin on the Site, which conveys runoff to the adjacent shoreline (Puget Sound). The project will not change the area of impervious surface contributing runoff to the onsite catch basin.

**2) Could waste materials enter ground or surface waters? If so, generally describe.**

No, not applicable.

**3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

The project will maintain current drainage patterns on the Site.

**d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**

There will be no changes to existing drainage patterns. During construction, standard BMPs for erosion and sediment control will be implemented to minimize impacts from Site runoff. All of the proposal's construction activities will be controlled to avoid and minimize potential impacts to surface water in Puget Sound. of the project will comply with Washington State Stormwater Management Manual for Western Washington and City of Mukilteo code requirements.

#### 4. Plants [\[help\]](#)

##### a. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other: cottonwood
- ☐ evergreen tree: fir, cedar, pine, other:
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation: weeds, Himalayan blackberry

##### b. What kind and amount of vegetation will be removed or altered?

None, the majority of the Site is currently paved and there is a small strip of crushed rock gravel along the west side.

##### c. List threatened and endangered species known to be on or near the site.

Washington Natural Heritage Program (WNHP) data available online<sup>4</sup> does not identify any threatened or endangered plant species within the township, range, section of the project (data current as of July 15, 2021).

##### d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Proposed plants will be in above ground containers.

##### e. List all noxious weeds and invasive species known to be on or near the site.

None, the Site is currently paved.

#### 5. Animals [\[help\]](#)

##### a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other: seagull, crow

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<sup>4</sup> See <https://www.dnr.wa.gov/NHPdata>



mammals: deer, bear, elk, beaver, other: rabbit  
fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

**b. List any threatened and endangered species known to be on or near the site.**

Species lists were obtained from the US Fish and Wildlife Services and NOAA Fisheries websites, and listed threatened or endangered species that might occur in the Site vicinity (specifically Puget Sound) include:

- Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*)
- Puget Sound steelhead (*O. mykiss*)
- Coastal-Puget Sound bull trout (*Salvelinus confluentus*)
- Yelloweye rockfish (*Sebastes ruberrimus*)
- Bocaccio rockfish (*S. paucispinis*)
- Marbled murrelet (*Brachyramphus marmoratus*)
- Yellow-billed cuckoo (*Coccyzus americanus*)
- Streaked horned lark (*Eremophila alpestris strigata*)
- Humpback whale (*Megaptera novaeangliae*)
- Southern Resident killer whale (*Orcinus orca*).

The proposed project avoids in-water work, will maintain the area of impervious surface contributing runoff to the aquatic environment, and does not provide suitable habitat for listed terrestrial species, therefore, the project will have no effect on listed threatened or endangered species.

**c. Is the site part of a migration route? If so, explain.**

Yes, the Project area is in the Pacific flyway bird migration corridor and nearshore areas of Puget Sound are used by outmigrating and rearing juvenile Chinook, coho, chum, and pink salmon; steelhead trout, sea-run cutthroat trout (subadult and adult), and bull trout (subadult and adult). Adults of each of these species may also migrate in nearshore and offshore areas of Puget Sound before entering nearby freshwater streams/rivers. The proposal will not affect any migration routes.

**d. Proposed measures to preserve or enhance wildlife, if any:**

Several measures are included in the proposed Project design to avoid or minimize adverse impacts to wildlife. Care will be taken in all work to prevent materials such as uncured asphalt sealant, debris, oils, and grease from entering the water.

In addition, the following BMPs will be implemented as part of constructing this Project:

- The contractor will be responsible for the preparation of an SPCC plan to be used for the duration of the project. The SPCC plan will be submitted to and approved by the Project engineer prior to the commencement of any construction activities. A copy of the SPCC plan, along with any updates, will be maintained at the work Site by the contractor. The SPCC plan will provide advanced planning for potential spill sources and hazardous materials (gasoline, oils, chemicals, etc.) that the contractor may encounter or uses as part of conducting the work. The SPCC plan will outline roles and responsibilities, notifications, and inspection and response protocols.
- Care will be taken to prevent any petroleum products, chemicals, or other toxic or deleterious materials from entering the water. If a spill were to occur, work would be stopped immediately, steps would be taken to contain the material, and appropriate agency notifications would be made. Fuel hoses, oil drums, or fuel transfer valves and fittings, etc., will be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills.
- All upland areas will be protected in accordance with standard BMPs as outlined in Ecology Stormwater Management Manual for Western Washington. BMPs and water quality protection measures that will be implemented for conformance with the permit requirements and conservation measures outlined herein.
- Excess or waste materials will neither be disposed of or abandoned waterward of the OHW line, nor allowed to enter waters of the state.
- The contractor will have a spill containment kit, including oil absorbent materials, on-Site to be used in the event of a spill, if any oil product is observed in the water.
- The contractor will be required to capture any debris associated with Project construction and not allow it to enter Puget Sound.
- Stormwater catch basins within the vicinity of the work area will be protected with inserts in accordance with Ecology Standard BMPs.

**e. List any invasive animal species known to be on or near the site.**

None known.

**6. Energy and Natural Resources** [\[help\]](#)

**a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Electricity will be used for Site lighting.

**b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

The project will not affect the potential use of solar energy by adjacent properties.

**c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

During construction, construction vehicle idling will be minimized to reduce fuel consumption. Site illumination may include energy-efficient light fixtures. LED lighting is being considered because of its energy-saving properties.

**7. Environmental Health** [\[help\]](#)

**a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

**1) Describe any known or possible contamination at the site from present or past uses.**

The Ecology "What's in My Neighborhood" database identifies five potentially contaminated sites within 0.25 miles of the Site, in which three are noted as cleanup completed and the remaining two identified as cleanup started. There is no known contamination at the Site. Vehicles and equipment used for both construction activities and subsequent facility maintenance would include the use of fuels, oils, lubricants, and other petroleum-related products within the proposed project area. No increase to exposure of the materials or risks of fire or explosion is anticipated.

**2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

None.

**3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

Chemicals associated with construction equipment, such as hydraulic fluid and diesel may be used by vehicles and equipment onsite during construction.

**4) Describe special emergency services that might be required.**

No special emergency services will be required for the proposal. No additional police, firefighting, or other emergency services, other than those that will normally be required at a construction site, will be necessary. Typical and temporary increases in this proposed public gathering space could create a small increase in the level of potential emergency services already associated with the adjacent commercial/recreational activities now occurring at the waterfront.

**5) Proposed measures to reduce or control environmental health hazards, if any: BMPs will be used during construction to prevent spills.**

A health and safety plan will be completed that will document specific procedures to be followed if environmental health hazards are encountered. This plan will be onsite during construction, and any spill of materials, such as diesel fuel and lubricating oil, will be cleaned up immediately.

No significant adverse effects associated with environmental health hazards that cannot be avoided or minimized are anticipated for the proposed Project.

**b. Noise**

**1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

The noises that currently exist in the vicinity (vehicular traffic, railroad traffic, and ferry terminal) would not have an impact on the proposal. Existing noise will not affect the project.

**2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

Construction of the proposed Project will generate temporary short-term increases in noise levels at adjacent and nearby areas. Construction will be conducted in accordance with City of Mukilteo noise ordinance. Construction activities are expected to occur during daytime hours. If circumstances arise that require night work, the contractor will be required to adhere to all applicable City of Mukilteo noise regulations, including obtaining a variance if needed.

Noise associated with operations on the Site will be limited to public use at the parklet and Ivar's customers, and will be subject to noise restrictions provided in Mukilteo Municipal Code chapter 8.18.

The types of noise associated with the operation of the proposal after its completion would likely be similar to the types generated by existing uses in the vicinity.

**3) Proposed measures to reduce or control noise impacts, if any:**

Construction-industry BMPs will be incorporated into construction plans and contractor specifications, which may include, but are not limited to, the following: fitting construction equipment engines with adequate mufflers, intake silencers, or engine enclosures; and

turning off construction equipment when not in use. Construction activities associated with the proposed project is not anticipated to occur during nighttime hours.

The proposed project would include practices to reduce construction noise. Examples include:

- Using properly sized and maintained mufflers, engine intake silencers, engine enclosures, and turning off idle equipment. Construction contracts would specify that mufflers be in good working order and that engine enclosures be used on equipment when the engine is the dominant source of noise.
- Although safety warning back-up alarms are exempt from noise ordinances, they often emit very annoying sounds from construction sites. A construction noise mitigation measure requiring all construction equipment be fitted with ambient-sensing broadband alarms that broadcast a warning sound loud enough to be heard over background noise but without having to use a preset, maximum volume could be implemented. Another alternative that could be implemented would be to use broadband backup alarms instead of pure tone alarms. Such devices have been found to be very effective in reducing annoying noise from construction sites.

Use of the Site will be conducted in accordance with City of Mukilteo noise restrictions provided in Mukilteo Municipal Code Chapter 8.18. Any special events with the potential to generate noise beyond typical operations will be coordinated with the City of Mukilteo and adjacent neighboring properties.

## **8. Land and Shoreline Use** [\[help\]](#)

### **a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The Site was part of the access road to the former location of the WSF Mukilteo Ferry Terminal, and currently consists of asphalt paving and a small gravel area. The Site is bordered by Puget Sound to the north, Ivar's Restaurant to the east, Front Street to the south, and Losvar Condominiums to the west. The proposed project will provide an option for outdoor seating for Ivar's, and recreational opportunities to nearby residents and the larger community.

### **b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

No, the project is located in existing commercial/residential waterfront.

#### **1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**



No, the project is located in existing commercial/residential waterfront.

**c. Describe any structures on the site.**

The Site is currently asphalt with a concrete block wall on the west side providing privacy/separation from Losvar Condominiums. A concrete bulkhead is also located along the shoreline of the Site.

**d. Will any structures be demolished? If so, what?**

No structures will be demolished as part of the proposed Project. The existing concrete block wall will be incorporated into the proposed site improvements.

**e. What is the current zoning classification of the site?**

The Site is zoned as Downtown Business (DB).

**f. What is the current comprehensive plan designation of the site?**

The City of Mukilteo Comprehensive Plan identifies current zoning designation as Downtown Business (DB) with associated land use as "Commercial".

**g. If applicable, what is the current shoreline master program designation of the site?**

City of Mukilteo shoreline master program designation of the upland part of the Site as Urban Waterfront. The designation waterward of the ordinary high water line of Parcel No. 28040400203000 is Aquatic Urban, however no work will occur in that area of designation.

**h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

The Site is also within a Flood Hazard Area (i.e. 100 year floodplain) and Shoreline Critical Area. City of Mukilteo Critical Areas mapping identifies the Site in an area where a geotechnical report may be required for certain types of activities.

**i. Approximately how many people would reside or work in the completed project?**

The Parklet will not require additional Port staff for maintenance activities. Ivar's may have two to three additional staff during times when outdoor seating is available.

**j. Approximately how many people would the completed project displace?**

No displacement of people would occur as a result of the proposed Project.

**k. Proposed measures to avoid or reduce displacement impacts, if any:**

Not applicable. No displacement of people would occur as a result of the proposed Project.

**L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

The proposed use of the Site is consistent with the current and projected underlying zoning designation as well as the applicable provisions of the Mukilteo Shoreline Master Program and Mukilteo Comprehensive Plan. The Port will manage all improvements associated with this proposal in a manner that is fully consistent with the City of Mukilteo's adopted comprehensive plan, shoreline management master program, and all applicable development regulations. This proposal will not preclude future development of the site consistent with the 2016 City of Mukilteo Downtown Waterfront Master Plan or other subsequent City plans.

**m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

Not applicable.

**9. Housing** [\[help\]](#)

**a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

No housing units will be provided as part of this Project.

**b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

No housing units will be eliminated as part of this Project.

**c. Proposed measures to reduce or control housing impacts, if any:**

Not applicable.

**10. Aesthetics** [\[help\]](#)

**a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

The tallest element of the project will be approximately 10 feet. The existing concrete block wall on the Site is approximately 6 feet above existing grades, and decorative panels to be installed on the wall may extend up to 10 feet above existing grades.

**b. What views in the immediate vicinity would be altered or obstructed?**

In accordance with the 2016 City of Mukilteo Downtown Waterfront Master Plan, a view corridor will be maintained from SR 525 to the sound, which includes the proposal area. The proposed light fixtures are located at the west edge of the site in order to preserve existing views.

**c. Proposed measures to reduce or control aesthetic impacts, if any:**

Light fixture size will be minimized for low-lighting, accent purposes only.

**11. Light and Glare** [\[help\]](#)

**a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

The Site will be provided with accent lighting on the concrete block wall. The intent is to provide soft, ambient lighting for parklet users in the evening hours. Light will be low-level.

**b. Could light or glare from the finished project be a safety hazard or interfere with views?**

Light glow may be visible to adjacent property owners and residential areas located at higher elevations to the south of the Site. The lights will be shielded toward the Site as to minimize spillover onto adjacent properties. Consideration will be taken to avoid glare perceptible to drivers on Front Street and SR 525 and nearby residential properties. The proposed lighting is far less than that of the previous use at the Site by WSF.

**c. What existing off-site sources of light or glare may affect your proposal?**

There are no off-site sources of light or glare that will affect the proposed Project.

**d. Proposed measures to reduce or control light and glare impacts, if any:**

The lights will be shielded toward the Site to minimize spillover onto adjacent properties, roads and the waterway. The type of light is anticipated to be softer, ambient lighting with a decorative element to enhance the parklet experience in the evening hours.

**12. Recreation** [\[help\]](#)

**a. What designated and informal recreational opportunities are in the immediate vicinity?**

The Site is currently open to pedestrian traffic and provides viewing access to the shoreline. The City of Mukilteo Community Beach Park (796 Front Street) is located approximately 400 ft east of the site and the City's Lighthouse Park is located approximately 350 feet west of the site.

The site is adjacent to sidewalk that connects to the City of Mukilteo Lower Japanese Gulch Park, Rosehill Community Center, Barbara Brennon Dobro Park, Totem Park, and Byer's Park, and the Port's Edgewater Beach Public Access.

**b. Would the proposed project displace any existing recreational uses? If so, describe.**

No displacements would occur and the project would enhance recreational use of the site. The main purpose of this project is to create a parklet for enjoyment by the public.

**c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

The project would enhance recreational use of the site by improving public access and amenities. Enhancements include addition of benches and lighting, and aesthetic improvements including landscaping and surface treatment to the existing asphalt.

**13. Historic and cultural preservation** [\[help\]](#)

**a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.**

No buildings occur on the site. The Washington Department of Archaeology and Historic Preservation (DAHP) Washington Information System for Architectural and Archaeological Records Data (WISAARD) database identifies the former Mukilteo Ferry Terminal (Property ID 115866) as Determined Not Eligible for historic property listing. In addition, the McConnell's Boathouse (Property ID 17731) adjacent to the site is listed as eligible for historic listing, however, the building appears to have been located in the area of the Silver Cloud Inn to the east of Ivar's.

Snohomish County Assessor data indicates that the adjacent building associated with Ivar's was constructed in 1925.

**b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material**

**evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

The project site is in proximity to the Point Elliott Treaty site (45SN108) and the Mukilteo Shoreline Site (45SN393).

**c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

WSDOT completed archaeological evaluation of the site as part of the Mukilteo Ferry Terminal project, which involved removal of the former ferry terminal building, asphalt paving, and construction of the wall on the site adjacent to the Losvar Condominiums. The Port also consulted directly with the Washington Department of Archaeology and Historic Preservation to better understand the Site in order to avoid potential impacts.

**d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

No potential adverse effects on historic or cultural resources are anticipated as no work will occur below asphalt currently over the site. Electrical buried utilities will be confined to the existing previously disturbed gravel area created when the footing of the concrete block wall was recently installed.

If required by an agency with jurisdiction, an Inadvertent Discovery Plan (IDP) will be prepared and will be provided to the construction contractor. The IDP would address procedures in case of an unanticipated discovery, notification procedures (including the State Historical Preservation Officer [SHPO] and affected tribes if any archaeological, historic, or culturally significant items are discovered; and the Snohomish County Medical Examiner, if any human remains are found), the authority to temporarily stop construction, and procedures to evaluate and recover intact materials.

#### **14. Transportation** [\[help\]](#)

**a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

The Site is adjacent to Front Street which is accessible from State Route 525 (Mukilteo Speedway). The project will maintain existing separation from the vehicle travel lanes on Front Street.



**b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

The site is not served by public transit. However, the site is located approximately 800 ft northwest of the WSDOT Mukilteo Ferry Terminal and Mukilteo Station (served by Sound Transit, Community Transit, and Everett Transit).

**c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

Additional parking is not required under City of Mukilteo code specifically for the parklet. However, the code does require additional parking associated with the Ivar's outdoor dining area. It is estimated that between 4 and 13 additional parking spaces may be required. Ivar's anticipates leasing parking from a neighboring property to satisfy City code requirements and will provide seasonal parking attendant to control use of the leased parking spaces.

**d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

The proposed Project includes replacement of the existing planter in the right of way in front of Ivar's, as well as installation of a new above grade planter to separate the parklet from Front Street. It is anticipated that this planter will be fairly stout to act as an informal safety barrier.

**e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

The proposed site is located approximately 800 ft northwest of the WSDOT Mukilteo Ferry Terminal and Sound Transit Mukilteo Station.

**f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

Based on the minimal size of the parklet, it is not anticipated to be a primary destination point, but instead would be a secondary destination for people visiting other places at the waterfront. The minimal size and seasonal nature of the proposed Ivar's outdoor seating will not alter the number or frequency of delivery trucks serving Ivar's. Foot traffic is anticipated to be the primary source of Ivar's patrons, but any additional vehicles will be accommodated in the leased parking area.

**g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

The project will not interfere with, affect, or be affected by the movement of agricultural and forest products.

**h. Proposed measures to reduce or control transportation impacts, if any:**

No traffic impacts are anticipated and no measures are proposed. It is estimated that between 4 and 13 additional parking spaces may be required for the seasonal outdoor dining. These spaces are to be provided by Ivar's upon approval by the City. Ivar's anticipates leasing parking from a neighboring property to satisfy City code requirements and will provide seasonal parking attendant to control use of the leased parking spaces.

## **15. Public Services** [\[help\]](#)

**a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

No significant increase in public services related to temporary construction activities is anticipated.

**b. Proposed measures to reduce or control direct impacts on public services, if any.**

Proposed measures to reduce and control any direct impacts on public services will include ensuring that construction and operation of all proposed improvements will be done in full compliance with all applicable city, state, and federal building, safety, and environmental codes and standards and also in accordance with the Port's own BMPs for safety and environmental protection.

## **16. Utilities** [\[help\]](#)

**a. Circle utilities currently available at the site:**

☒ electricity, ☒ natural gas, ☒ water, refuse service, ☒ telephone, sanitary sewer, ☐ septic system, other \_\_\_\_\_ communications (Frontier cable)

**b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

Electricity will be provided by the Snohomish County PUD. Water for the planters will be sourced from existing hose bibs at the adjacent Ivar's property.

**C. Signature** [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Laura M. Gurley

Name of signee LAURA GURLEY

Position and Agency/Organization Dir. of Planning, Port of Everett

Date Submitted: 3/31/22