

# Technical Memorandum

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**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.

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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>Code Element</b>	<b>Project Evaluation</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.

<p><b>MMC 17.25A.040(C)(4) - Pedestrian Oriented Space</b></p>	<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>
<p><b>MMC 17.25A.040(D) - Parking Space Requirements and Parking Lot Design</b></p>	<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>
<p><b>MMC 17.25A.040(E) - Landscaping</b></p>	<p>Landscaping is provided in accordance with City code requirements.</p>
<p><b>MMC 17.25A.040(F) - Signage</b></p>	<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.

<p><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></p>	<p>The project enhances existing public access to the shoreline and will provide aesthetic improvements and amenities.</p>
<p><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></p>	<p>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.</p>
<p><b>SH13: Encourage cooperation and joint use between public and private agencies and landowners to increase and diversify shoreline recreation opportunities.</b></p>	<p>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>Use and Circulation Policies</b></p>	
<p><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></p>	<p>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.</p>
<p><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></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 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>

<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.

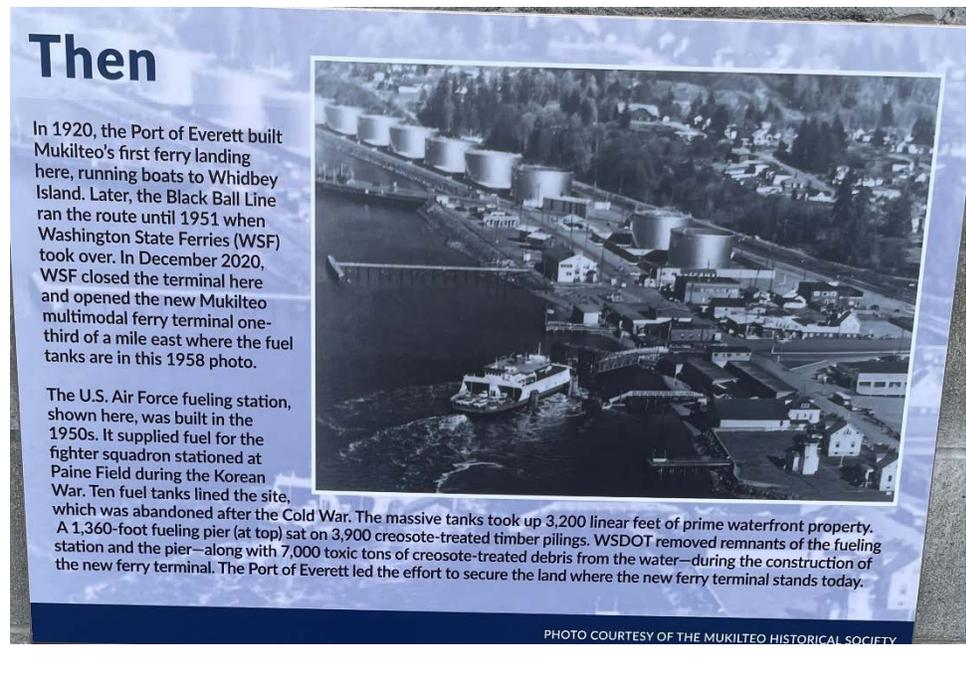
<b>Development Regulations for Archaeological/Historical (MMC 17B.16.050)</b>	
<b>Code Element</b>	<b>Project Evaluation</b>
<p><b>A. If any item of possible archaeological or historical significance is uncovered during excavation or development, all work shall immediately stop, and the city of Mukilteo, 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>	<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>
<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></p>	<p>Condition noted. See above description of project being designed to avoid potential buried cultural resources.</p>

<b>Development Regulations for Archaeological/Historical (MMC 17B.16.050)</b>	
<i>Code Element</i>	<i>Project Evaluation</i>
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)**

<i>Code Element</i>	<i>Project Evaluation</i>
<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>

Interpretive signs on the Site that will be integrated with the proposed project.



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

<i>Code Element</i>	<i>Project Evaluation</i>
<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>  	

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

<i>Code Element</i>	<i>Project Evaluation</i>
<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

<b>Development Regulations for Parking (MMC 17B.16.070)</b>	
<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.	
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.	Condition noted.

<b>Development Regulations for Commercial and Mixed-Use Development (MMC 17B.090)</b>	
<i>Code Element</i>	<i>Project Evaluation</i>
<p>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:</p> <ol style="list-style-type: none"> <li>1. <b>Water-Dependent Uses.</b> 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.</li> <li>2. <b>Water-Enjoyment Uses.</b> 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</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>	
<i>Code Element</i>	<i>Project Evaluation</i>
<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>

<b>Development Regulations for Commercial and Mixed-Use Development (MMC 17B.090)</b>	
<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>

<b>Development Regulations for Public Access and Recreation (MMC 17B.16.130)</b>	
<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>	
<i>Code Element</i>	<i>Project Evaluation</i>
<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>	
<i>Code Element</i>	<i>Project Evaluation</i>
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>

<b>Development Regulations for Public Access and Recreation (MMC 17B.16.130)</b>	
<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>	

<b>Development Regulations for Utilities</b>	
<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>	
<i>Code Element</i>	<i>Project Evaluation</i>
<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>	
<i>Code Element</i>	<i>Project Evaluation</i>
<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

<b>Development Regulations for Change in Use (MMC 17B.16.200)</b>	
<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

<b>Critical Areas Regulations (MMC 17B.52, .52A, .52C and .52D)</b>	
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>

	<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.</p>
<b>Fish and Wildlife Conservation Areas</b>	<p>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.</p>
<b>Flood Hazard Areas</b>	<p>The proposal has been evaluated for consistency with the applicable floodplain development regulations; refer to the project Floodplain Development application.</p>

<p><b>Landscaping (MMC 17B.58.070, .080)</b></p> <p>The individual regulations under this chapter are not provided below to provide brevity in the project evaluation based on the site conditions/proposal.</p>	
<b>Code Element</b>	<b>Project Evaluation</b>
<b>Landscape Plans</b>	<p>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</p>

	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

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## Reference

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