

# City of Everett

PLANNING BOARD  
484 BROADWAY

Frederick Cafasso-*Chairman*  
Nancy Koury  
Anthony Medeiros  
Michael O'Connor  
Leo Pizzano, Jr.



Speaker George Keverian Room  
3<sup>rd</sup> Floor-City Hall  
Meetings  
2<sup>nd</sup> & 4<sup>th</sup> Mondays  
7:00PM

Jeannie Vitukevich - Clerk

## MINUTES Planning Board Meeting May 14, 2018

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EVERETT, WA

- I. Roll Call of Members:** Michael O'Connor, Anthony Medeiros, Nancy Koury and Leo Pizzano, Jr. (Acting Chairman) was present. Fred Cafasso was absent.

**Representing the Planning Department:** Executive Director, Tony Sousa, Clerk, Jeannie Vitukevich, Senior Planner, Michael Vivaldi and Special Council Alex Weisheit of KP Law.

## II. Public Hearing

### 1. Definitive Subdivision – 48-50 Tappan Street – Applicant – Sandra Occhiolini

Present in Interest – Brian Grossman, Esq.; Applicant's Representative

B. Grossman reminded the Board that the purpose of the application is meant to subdivide the single lot with two (2) residential structures on the lot; he is here tonight to discuss the Definitive Subdivision decision. The significant issue to discuss is how to ensure the property will oblige with the requirement with the Fire Department's requirement to retrofit the existing rear house with the fire sprinkler system where it does not need an Occupancy Permit as the home already exists. After a lengthy discussion between the applicant's representative and the Planning Board, the two sides agreed to the following terminology:

“The owner and applicant has agreed to install a fire sprinkler system into house on Lot 2 as the Everett Fire Department has restricted access to the structure due to the narrow access / driveway or other fire suppression system deemed approved by the Everett Fire Department. The applicant or applicant's attorney must notify the Building Commissioner and the Planning Department within 7 days of recording the Definitive Subdivision Plan at the Middlesex South Registry of Deeds, this notification will begin the 6-month period in which the owner of Lot 2 will be required to complete the fire sprinkler system installation. If it is not completed within this specified 6-month period,

the owner of Lot 2 will be charged a fee in accordance with the City of Everett's General Ordinance Section 1-8 'General Penalty'."

N. Koury asked so no building permit is required. J. Soper replied the owner will not be responsible to get an occupancy permit, but they will be required to obtain the building permit for the installation of the fire sprinkler system.

A. Weisheit from KP Law explained to the Board that the Board has the authority to include it with a fine or rely on Mr. Soper. L. Pizzano, Jr. said then we should include it then.

N. Koury then asked is it a daily fine and J. Soper responded Yes, it is a daily fine. N. Koury then asked after 6 months who is responsible for this to happen and A. Weisheit said the Building Department and they will notify the Planning Board.

L. Pizzano, Jr. asked Jim what is the standard amount and Jim replied they start at \$25 and go up to \$300 as further described in Section 1.8 General Ordinance Fees.

M. Vivaldi questioned the dimensions of the access easement be and then B. Grossman recommended that the easement should be the width of the driveway and for the length of the garage with the following agreed terminology:

*"Prior to endorsement, the Plan set shall be revised to show an access easement on Lot 2 for the benefit of Lot 1 so the owner may properly maintain the existing garage with an easement for the length of the garage and the width of the driveway."*

A. Medeiros made a motion to close the public hearing and to approve the Definitive Subdivision for 48-50 Tappan Street with conditions. M. O'Connor seconded the motion. All members were in favor of the motion.

### **III. New Business - None**

### **IV. Old Business –**

#### **Site Plan Discussion – 15 Victoria Street – Elements Cigar Lounge, LLC**

Present in Interest – Scott Vaughn, Esq. and Henok Jimma, Applicant

M. Vivaldi explained to the Board that staff are recommending the Board reconsider their previous vote for the Site Plan as it will likely be appealed and likely overturned, so it is recommended they take one of the following three actions:

1. The Board can reconsider their vote from the April 9<sup>th</sup> meeting and then discuss the previous decision.
2. The Board can vote to reopen the public hearing and which will create the need to re-advertise in the local newspaper.
3. The Board can continue with the same decision from April 9<sup>th</sup> with the understanding it will likely be overturned.

M. Vivaldi explained to the Board that proposed commercial / retail 'Use' for the Cigar Bar is a By-right Use. The Zoning Ordinance allows such commercial activity in the Business District and it does not need a special permit and the Board; there currently is no case law supporting the Planning Board in this case, it is recommended the Board do not deny but approve with conditions to impose the property owner to improve the exterior of the property and / or neighborhood. A. Weisheit explained to the Board that this is the law.

A. Medeiros reminded the staff that he had asked for someone from the Police Department and the Fire Department to be in attendance so to receive comment. M. Vivaldi reminded the Board the comment letter he distributed at the April 9<sup>th</sup> meeting with their recommendations explaining their recommendations.

L. Pizzano, Jr. said that we asked if the City would look into doing some work down there, so the neighbors would be shielded in respect to additional lighting and additional paving. L. Pizzano, Jr. recommended the Municipal parking lot needs additional lighting and some grass to make it look better.

T. Sousa explained to the Board that the City has a \$300,000 Capital Improvement Plan which will cover streetscape improvements, lighting and sidewalks for the neighborhood. M. Vivaldi asked Tony if that included the Municipal parking lot and Tony responded in the affirmative.

N. Koury asked what the options were again; I want to make sure the neighbors are notified. M. Vivaldi explained since the last meeting he sent out a notice and notified all the neighbors and they have decided not to contest the decision.

A. Medeiros made a motion to reconsider Site Plan discussion for 15 Victoria Street. M. O'Connor seconded the motion and all were in favor.

A. Weisheit explained to the Board this is not an open meeting.

N. Koury asked if they would add window boxes for improved greenery and the aesthetics.

S. Vaughn responded it is a reasonable request, on the first floor level they will add it as a condition and we already agreed to replace 12 windows.

L. Pizzano, Jr. asked if the alley or court is going to be an entrance. S. Vaughn explained that they would create the egress pathway to the secondary access and 2 planters will flank the bulkhead. When the business closed; the gateway will be closed and locked.

T. Sousa suggested having a condition that would prohibit outside smoking and Leo agreed because the neighbors were concerned about that. M. Vivaldi said he would add that to the general conditions.

M. Vivaldi suggested having the gate push back because right now it pushes out to Broadway. S. Vaughn agrees to relocate the existing gate so it no longer swings out to the into the sidewalk on Broadway.

A. Medeiros asked how many people will be in there at once and do they require a Police Detail. M. Vivaldi explained 32 seats are being proposed and would the Board require a police detail of another bar or restaurant. M. Vivaldi said the Everett Police will be called if needed.

A. Medeiros made a motion to approve Site Plan Review for 15 Victoria Street – Elements Cigar Lounge, LLC with conditions. M. O'Connor seconded the motion. All members were in favor of the motion.

#### V. Approval of Meeting Minutes -

A. Medeiros made a motion to accept the minutes from March 26, 2018, April 9, 2018 and April 23, 2018. M. O'Connor seconded the motion and all members were in favor of the motion to approve the meeting minutes.

#### VI. Director's Updates – None

#### VII. Adjournment

A. Medeiros motioned to adjourn, M. O'Connor seconded. All members were in favor.

Meeting adjourned at 8:30 pm

Approved by Planning Board:  
Signatures:

June 11, 2018



Leo Pizzano, Jr.  
Acting Chairman  
Everett Planning Board



Michael Vivaldi  
Senior Planner  
Department of Planning and Development

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