



CITY OF EVERETT

Community, Planning & Economic Development Department
Planning Division

PLANNING DIRECTOR DECISION EXPANSION & CHANGE OF NONCONFORMING USE

Project File Number: REV119-035
Related File Numbers: SEPA19-023 Declaration of Non-Significance (DNS)
 SPU95-002 & SEPA95-065
Applicant: Snohomish County, c/o Mark Thunberg
Project Location: 2801 10th Street, Everett, WA 98201
Tax Parcel #: 29051700102000
Zoning: R-4, Multiple-Family High-Density
Staff Contact: Grace Pollard / gpollard@everettwa.gov / 425.257.8731
Project Name: North Sound Behavioral Health Treatment Center

Description of Proposal: A partial renovation of 13,732 square feet of the existing 113,607 square foot Denney Juvenile Justice Center (DJJC) together with a 10,200 square foot addition equaling 123,807 square feet for the use of a dependency treatment center run by North Sound Behavioral Health Treatment Center (NSBHTC). The 13,732 square foot renovation will be removing 52 of DJJC’s 124 beds. The new dependency treatment facility will house 32 inpatients. This is a net loss of 20 beds. NSBHTC will be sealed off from the DJJC and operate as a separate facility. The site contains 239 off-street parking spaces which will be reduced to approximately 218 spaces after construction.

Authority: Everett Municipal Code (EMC) Section 19.38.030 authorizes the Planning Director to approve a change of nonconforming use (using the evaluation criteria in Section 38.090 and the review process described in Title 15, Local Project Review Procedures) provided the nonconforming use has not been discontinued for a period of more than two years and provided the new use is not more nonconforming than the existing nonconforming use. This code section also authorizes the Planning Director to approve a nonconforming use to be expanded up to twenty-five percent in building area, land area, and/or parking area provided the expansion does not result in increasing the number of dwelling units further above the maximum allowed by the zoning code, or decreasing the number of off-street parking spaces further below the minimum required by the zoning code.

Findings: A change/expansion of a nonconforming use permit is subject to public notice through the Review Process II procedures. No comments were received during the public comment period for this project. The Planning Director has found that the applicant has demonstrated that the proposal meets the requirements of EMC 19.38.030 stated above. The following evaluation criteria was considered in evaluating this proposal:

- 1. The impact of traffic generated by the proposed use on the surrounding area, pedestrian circulation and public safety, and the proposal’s ability to mitigate potential impacts.**

A Traffic and Parking Evaluation by Gibson Traffic Consultants was submitted for review. The evaluation states that the expansion and change of use will reduce the maximum peak hour



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trips from 167 to 138. The impact of traffic generated by the proposed use should not be greater than the existing use. Pedestrian circulation and public safety will remain the same.

2. The site has sufficient area to provide for off-street parking, landscaping and screening from adjacent uses.

The subject property has sufficient area to provide for off-street parking, landscaping, and screening from adjacent uses.

3. Provides a service to the general area.

According to the applicant the North Sound Behavior Health Treatment Center is intended to help address the regional drug dependency problem and the shortage of treatment beds in the state and the North Puget Sound area.

4. The adequacy of streets, utilities and public services to accommodate the proposed use.

The project will utilize the existing streets and utilities already serving the Denney Juvenile Justice Center campus. Existing infrastructure and services are adequate to accommodate the change and expansion of use.

5. Compatibility of the proposed use or building to surrounding properties, especially as it relates to size, height, location and setback of buildings.

The proposed addition will be setback from the north lot line by approximately 85-feet, further away than the existing structure, and will be setback from the east lot line by 260-feet. The building materials and height will be consistent with the existing Denney Juvenile Justice Center.

6. The number, size and location of signs and lighting, especially as they relate to more sensitive land uses.

Any new signage must follow current sign code requirements of EMC 19.36 for the R-3 zone. No new signage has been proposed under this application.

7. The landscaping, buffering and screening of parking, loading and storage areas.

Perimeter landscaping must screen the building from neighboring properties as is required under Land Use Decision SPU95-002 and this decision.

8. The generation of nuisance irritants such as noise, smoke, odor, glare, visual blight or other undesirable environmental impacts.

The applicant states that North Sound Behavior Health Treatment Center will not generate any additional noise, smoke, dirt, odor, glare, or visual blight.

9. Consistency with the goals and policies of the Everett general plan and the purpose of the zone in which it is located.

The Comprehensive Plan designation for the subject property, like the zoning designation, is Multifamily. The existing use is a nonconforming use, the proposed use is not considered more nonconforming than the existing use.

10. Consistency with the environmental policies as stipulated in the city's SEPA ordinance.

The proposal has received a SEPA Declaration of Non-Significance (SEPA19-023). The project is consistent with environmental policies as stipulated in the city's SEPA ordinance.

11. Compliance with other provisions of this title, other city, state and federal regulations.

The proposal will meet all other provisions of Everett Municipal Code Title 19 and other city, state, and federal regulations.

Decision: The City of Everett Planning Director grants **APPROVAL** for a change and expansion of a nonconforming use under EMC 19.38 to allow North Sound Behavioral Treatment Center to establish an approximate 23,932 square foot dependency treatment facility on the Denney Juvenile Justice Center campus located at 2801 10th Street, Everett, WA.

Allan Giffen, Planning Director

April 30, 2020
Date

Appeal Process: This administrative decision may be appealed to the Hearing Examiner no later than 14 days from the day after the date of mailing of the decision. For information regarding appeals please refer to Everett Municipal Code Title 15, Chapter 24, Article IV (EMC 15.24.290 – 15.24.380) and contact Grace Pollard at 425.257.8731 or gpollard@everettwa.gov with any questions.