

Countryman, Ryan

From: Tom McCormick <tommccormick@mac.com>
Sent: Monday, October 23, 2017 12:20 PM
To: Countryman, Ryan
Cc: MacCready, Paul; Olson, Erik; Bloodgood, Jim; Mock, Barb; Dobesh, Michael; Wright, Stephanie; Klein, Ken; Somers, Dave J; Bill Willard; John John; Tom Mailhot; Jerry Patterson; Tom McCormick; Phil Thompson
Subject: 90 feet and the REVIEW COMPLETION LETTER

Ryan,

On pages 32-33 of the County's 389-page REVIEW COMPLETION LETTER, the County tells BSRE that:

“[BSRE] must revise the project narrative to expand on their answer to the question of whether Point Wells is near a high capacity route or station, including identification of specific high capacity transit route(s) or station(s) that would meet this requirement. When making these revisions, the applicant must, at a minimum, consider and respond to the following documents:

- Transit Compatibility Comment Memo from Erik Olson (DPW) dated May 23, 2017
- Snohomish County DPW Rule 4227, relating to transit compatibility criteria
- Public comment email from Tom McCormick to Ryan Countryman dated August 30, 2017

I.

I am puzzled as to why the County is asking BSRE to address transit compatibility criteria for purposes of determining whether the Point Wells “project is located near a high capacity transit route or station”. SCC 30.34A.040(1)(2011 version).

DPW Rule 4227 doesn't even mention the words “high capacity,” let alone “high capacity transit.”

Even if BSRE is somehow able to satisfy the DPW Rule 4227 transit compatibility requirement, and the “access to public transportation” requirement of SCC 30.34A.085, that does not mean that the Point Wells “project is located near a high capacity transit route or station.” See the discussion below, which sheds some additional light on what is necessary to prove that the project is located near a high capacity transit route or station.

II.

To determine whether a building height increase up to an additional 90 feet may be approved under SCC 30.34A.180, the County must answer this question:

“Is [BSRE's Point Wells] **project is located near a high capacity transit route or station.**” SCC 30.34A.040(1)(2011 version) (emphasis added)

This question can be parsed into three elements:

- What is “high capacity transit”?
- Is there a high capacity transit “route or station” serving Point Wells?
- Is the developer's project “near” the route or station?

1. What is "high capacity transit"?

While the County's 2011 development code does not contain a definition of "high capacity transit," the term is defined in the County's 2011 Comprehensive Plan, as follows:

“High capacity transit: Any transit technology that operates on separate right-of-way and functions to move large numbers of passengers at high speeds, such as busways, light rail, and commuter rail.”

Neither van-pooling nor bus shuttles constitute high capacity transit. Van-pooling or bus shuttles to far-away stops or stations for high capacity transit might satisfy SCC 30.34A.085's "access to public transportation" requirement, but neither van-pooling nor bus shuttles constitute high capacity transit.

It is extremely troubling that BSRE could actually gain approval to develop Point Wells with no high capacity transit stops or stations at the site. On its face, SCC 30.34A.085 doesn't require a high capacity transit stop or station at Point Wells. Van-pooling or bus shuttles suffice. As the GMHB said in its May 2011 decision, the language in SCC 30.34A.085 “makes van pools a permanent, not merely interim, substitute for high-capacity transit access.”

2. Is there a high capacity transit “route or station” serving Point Wells?

No high capacity transit “route or station” serves Point Wells. There are no stops or stations there. Recall what the GMHB said: "Nor is 'high capacity transit' satisfied by an urban center on a commuter rail line without a stop.”

Moreover, “planned” stops or stations do not satisfy SCC 30.34A.040(1)(2011 version). BSRE might argue that since “planned” stops or stations can satisfy SCC 30.34A.085's "access to public transportation" requirement, such “planned” stops or stations should also satisfy SCC 30.34A.040(1)(2011 version). Not so. If a “planned” high capacity transit stop or station were enough to qualify for an additional 90 feet, then SCC 30.34A.040(1) would have said so. It does not say so.

The only projects that might qualify for an additional 90 feet are projects served by existing high capacity transit stops or stations. Not by van-pooling. Not by planned stops or stations.

3. Is the developer's project “near” a high capacity transit route or station?

No. The Point Wells project is located miles away from the nearest high capacity transit stop or station. The Point Wells project is not located “near” a high capacity transit route or station, as required for an additional 90 feet. The current version of SCC 30.34A.040, though not applicable to BSRE's 2011 vested application, sheds some light on what is meant by “near”:

The maximum building height in the UC zone shall be 90 feet. A building height increase up to an additional 35 feet may be approved under SCC 30.34A.180 when the project is **located within one-eighth mile** of a high capacity transit station, major transit corridor or transit center. (emphasis added)

Under any reasonable definition of “near,” a Point Wells project located miles away from the nearest high capacity transit stop or station is not located “near” a high capacity transit route or station, as required for an additional 90 feet.

III.

The text in the County's REVIEW COMPLETION LETTER suggests that the County now recognizes that the maximum building height at Point Wells is likely 90 feet. Accordingly, I respectfully request that the County require BSRE to revise its site plan so that no buildings are taller than 90 feet. Parking and other elements would also need to be revised to be Code compliant.

Thank you.

Tom McCormick