

## Countryman, Ryan

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**From:** Tom McCormick <tommccormick@mac.com>  
**Sent:** Monday, January 08, 2018 10:47 AM  
**To:** Mock, Barb  
**Cc:** MacCready, Paul; Countryman, Ryan; McCrary, Mike; Dobesh, Michael; Klein, Ken; Rowe, Tom; Wright, Stephanie  
**Subject:** Invoking 30.61.220 if Point Wells application not revised to reflect 90-foot max building height

Director Mock:

The maximum building height at Point Wells is a critical path issue. The maximum building height affects countless aspects of BSRE's Urban Center application (e.g., parking, number of units per building, building heights by phase, building layout, view blocking by buildings near the shore, etc.).

BSRE's current site plan includes numerous buildings taller than 90 feet. However, per SCC 30.34A.040(1) (first sentence) "the maximum building height in the UC zone shall be 90 feet." There is one exception not applicable here. Under SCC 30.34A.040(1) (second sentence), a height in excess of 90 feet may be approved if, and only if, "the project is located near a high capacity transit route or station." — but as the GMHB and others have made abundantly clear, "high capacity transit" is not satisfied by an urban center on a commuter rail line without a stop. Nor is "high capacity transit" satisfied by van pools or a contract bus service.

It makes no sense to continue processing an application that is in "substantial conflict" with the County Code.

If BSRE fails to revise its Urban Center application to limit all buildings to a height of 90 feet, the County ought to invoke 30.61.220 (Denial without EIS) due to a "substantial conflict" with SCC 30.34A.040(1). Invoking 30.61.220 would be appropriate "in order to avoid incurring needless county and applicant expense."

Thank you.

Tom McCormick