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 To: [Davis, Kris](#)
 Subject: Minimum FAR for BSRE's project is 0.79, not 1.0
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 Attachments: [PastedGraphic-8.png](#)
[Minimum FAR calculation.pdf](#)

TO: The Office of the Snohomish County Hearing Examiner

According to BSRE, the floor area ratio (FAR) for its project is 1.0, just barely satisfying the minimum FAR. (Exhibit B-7, PDF page 4 (Sheet A-040)) PDS assumes (wrongly) that the minimum FAR for the project under SCC 30.34A.030(1) [2010] is 1.0. (Exhibit K-31, page 79) As explained below, the correct minimum FAR is 0.79, determined by employing a building-by-building weighted average approach, based upon each building's use category.

Given that the present proceedings involve figuring out whether there are substantial Code conflicts or compliance failures, it may not appear critical whether the minimum FAR is 0.79 or 1.0, since BSRE's current 1.0 FAR would meet the minimum whether it is 0.79 or 1.0. Nonetheless, since the minimum FAR is being discussed (one of the public commenters on Friday, May 18, made a remark that the current density was needed to meet the minimum FAR, if I recall correctly), I thought it appropriate to address the minimum FAR issue in this email.

When a governing body considers adopting FAR minimums and maximums, the response by the developer community is to urge for flexibility; the developer community tends to want either no FAR maximums or minimums, or very high FAR maximums and low FAR minimums. And once FAR maximums and minimums become part of the development code, a developer with a high density project will apply the code in a way that achieves the highest FAR maximum possible (e.g., by applying bonuses), and a developer with a low density project will read and apply the code in a way that achieves the lowest FAR minimum possible.

With that background, let's examine how to determine the minimum FAR, first for projects of three or fewer buildings, and then for bigger projects like BSRE's Point Wells project.

Projects with = 3 buildings — calculating maximum and minimum FAR under the general rule using building-by-building weighted average approach.

The minimum and maximum FARs are set forth in SCC 30.34A.030(1) [2010] (copy inset below).

30.34A.030 Floor area ratio.

(1) Floor to area ratios (FAR) in the UC zone are established in accordance with SCC Table 30.34A.030(1). Additional FAR is allowed in accordance with the bonuses as set forth in SCC Table 30.34A.030(2) and SCC Table 30.34A.030(3);

**Table 30.34A.030(1)
Floor to Area Ratios**

| | Minimum | Maximum | Maximum allowable with bonus (Table 30.34A.030(2)) | Maximum allowable with super bonus (Table 30.34A.030(3)) |
|---------------------|---------|---------|--|--|
| Non-Residential | .5 | 1.0 | 1.5 | 2.5 |
| Residential | .5 | 1.0 | 1.5 | 2.5 |
| Mixed Use | 1.0 | 2.0 | 3.0 | 5.0 |
| Ground Floor Retail | .25 | 2.0 | 2.25 | 5.0 |

Notes:

1. Allowable FAR for non-residential and residential uses may be added together within a development for a combined total.
2. Hotels are considered residential for the purpose of this chart.
3. "Mixed-use" means residential and non-residential uses located within the same building unless, for purposes of this section, the development proposal includes more than three buildings. To be eligible for the FAR for "mixed use" in development proposals that consist of three buildings or less the entire first floor of a proposed building must be devoted to retail use; or at least one-half of the first floor must be devoted to retail use and double the non-retail area of the first floor must be assigned to retail use on other floors within the building. In order to be eligible for the FAR for "mixed use" for development proposals that consist of more than three buildings, the proposed development may include buildings that are devoted to a single use as long as there is a mixture of uses in the development as a whole (e.g. two residential use buildings and two non-residential buildings).

The second sentence in Note 3 (above) applies to projects with three or fewer buildings:

To be eligible for the FAR for "mixed use" in development proposals that consist of three buildings or less[,] the entire first floor of a proposed building must be devoted to retail use; or at least one-half of the first floor must be devoted to retail use and double the non-retail area of the first floor must be assigned to retail use on other floors within the building. (underlining added for emphasis)

Observe that for proposals with three buildings or less, the maximum FAR is determined by using a building-by-building weighted average based upon each building's use category. The above underlined text from Note 3 tells us that you determine the FAR category for each building separately (to be eligible for the "mixed use" category for "a proposed building" ...). For a project with three buildings with different use categories, the only possible way to calculate the project's maximum FAR as a whole is to multiply the square footage for each building X its FAR value from the Table, then add the amounts together, then divide by the combined square footage of all buildings. It's a simple weighting formula. Here's the formula to calculate the maximum FAR for a project:

$$[(\text{Square footage of "Non-Residential" buildings} \times 1.0 \text{ maximum FAR}) + (\text{Square footage of "Residential" buildings} \times 1.0 \text{ maximum FAR}) + (\text{Square footage of "Mixed Use" buildings} \times 2.0 \text{ maximum FAR}) + (\text{Square footage of "Ground floor retail" buildings} \times 2.0 \text{ maximum FAR})] \div (\text{Square footage of all buildings}) = \text{Combined total maximum FAR for the project as a whole}$$

Example — assumes a 3-building proposed development:

Gross site area = 100,000 sq ft
 Building 1 area (residential) = 30,000 sq ft
 Building 2 area (non-residential - offices) = 45,000 sq ft
 Building 3 area (mixed use) = 60,000 sq ft
 Total area all buildings = 135,000 sq ft

- Maximum FAR calculation: $(30,000 \times 1.0) + (45,000 \times 1.0) + (60,000 \times 2.0) = 195,000 \div 135,000 \text{ total area all buildings} = 1.44 \text{ maximum FAR}$
- Maximum allowed building area for this 100,000 sq ft site = $100,000 \times 1.44 = 144,000 \text{ sq ft}$
- Since total area of all buildings (135,000 sq ft) is less than maximum allowed (144,000 sq ft), this 3-building proposed development satisfies the maximum FAR in SCC 30.34A.030(1) [2010].

The minimum FAR is calculated the same way, but using the Table's minimum FAR values:

$$[(\text{Square footage of "Non-Residential" buildings} \times 0.50 \text{ minimum FAR}) + (\text{Square footage of "Residential" buildings} \times 0.50 \text{ minimum FAR}) + (\text{Square footage of "Mixed Use" buildings} \times 1.0 \text{ minimum FAR}) + (\text{Square footage of "Ground floor retail" buildings} \times 0.25 \text{ minimum FAR})] \div (\text{Square footage of all buildings}) = \text{Combined total Minimum FAR for the project as a whole}$$

whole

- Minimum FAR calculation: $(30,000 \times 0.5) + (45,000 \times 0.5) + (60,000 \times 1.0) = 97,500 \div 135,000$ total area all buildings = 0.72 minimum FAR
- Minimum allowed building area for this 100,000 sq ft site = $100,000 \times 0.72 = 72,000$ sq ft
- Since total area of all buildings (135,000 sq ft) is more than the minimum (72,000 sq ft), this 3-building proposed development satisfies the minimum FAR in SCC 30.34A.030(1) [2010].

A proposed development with more than three buildings.

BSRE's project has more than three buildings.

In order to be eligible for the FAR for "mixed use" for development proposals that consist of more than three buildings, the proposed development may include buildings that are devoted to a single use as long as there is a mixture of uses in the development as a whole (e.g. two residential use buildings and two non-residential buildings). (Note 3 to the Table in SCC 30.34A.030(1) [2010], bold underlining added for emphasis)

The above special rule is used to determine a project's maximum FAR when there are more than three buildings. If a project qualifies to use the special rule, then no building-by-building weighted average calculations are made, as they are for projects with three buildings or less (see above). This special rule invariably gives a developer a greater maximum FAR (2.0) than it would get if it had to calculate the maximum FAR using the building-by-building weighted average approach. Without the special rule, if just one or two buildings of a 10-building project were solely residential, the maximum FAR would be less than 2.0 (the residential buildings with their 1.0 maximum FAR (per Table) would bring down the project's weighted average).

The special rule does *not* apply for purposes of determining a project's minimum FAR. As discussed earlier, developers seek flexibility, and they get it with the greatest maximum FAR for a project (which the special rule confers) and the lowest minimum FAR for a project. No developer would ever elect (note the bold underlined word "may" in Note 3) to apply the special rule to *increase* to 1.0 the minimum FAR for its project, if using the general rule's building-by-building weighted average approach, the minimum FAR for a project would be less than 1.0. It would be a nonsensical reading to conclude that the special rule mandatorily applies to *increase* the minimum FAR. PDS erred in assuming the minimum FAR for BSRE's project is 1.0.

The minimum FAR for BSRE's project is calculated using the general rule's building-by-building weighted average approach discussed above, based upon each building's use category:

$$[(\text{Square footage of "Non-Residential" buildings} \times 0.50 \text{ minimum FAR}) + (\text{Square footage of "Residential" buildings} \times 0.50 \text{ minimum FAR}) + (\text{Square footage of "Mixed Use" buildings} \times 1.0 \text{ minimum FAR}) + (\text{Square footage of "Ground floor retail" buildings} \times 0.25 \text{ minimum FAR})] \div (\text{Square footage of all buildings}) = \text{Combined total Minimum FAR for the project as a whole}$$

Using the above formula, and the building data from Exhibit B-7, PDF pages 21-23 (Sheets A-200, 201 and 202), I calculated the minimum FAR for BSRE's project to be 0.79. See the attached PDF for my calculations.

The correct minimum FAR for BSRE's project is 0.79.

For the reasons discussed above, the correct minimum FAR for BSRE's project is 0.79, not 1.0 as PDS assumes.

Thank you.

Tom McCormick

Table 1

| Building | Use | Minimum FAR value from the Table in SCC 30.34A.030(1) [2010] for each building's use category | Square footage of building | Square footage of building X applicable minimum FAR from the Table in SCC 30.34A.030(1) [2010] |
|--------------------|---------------------|---|---|--|
| UP-T1 | Mixed use | 1.0 | 72,529 | 72,529 |
| UP-T2 | Mixed use | 1.0 | 57,908 | 57,908 |
| UP-T3 | Mixed use | 1.0 | 102,349 | 102,349 |
| Service Building 1 | Non-residential | 0.5 | 4,595 | 2,297.5 |
| Service Building 1 | Ground floor retail | 0.25 | 5,687 | 1,421.75 |
| Service Building 2 | Non-residential | 0.5 | 6,586 | 3,293 |
| | | | | |
| NV-L1 | Residential | 0.5 | 18,749 | 9,374.5 |
| NV-L2 | Residential | 0.5 | 26,122 | 13,061 |
| NV-L3 | Residential | 0.5 | 66,265 | 33,132.5 |
| NV-T1 | Residential | 0.5 | 164,660 | 82,330 |
| NV-T2 | Residential | 0.5 | 154,310 | 77,155 |
| NV-T3 | Residential | 0.5 | 143,960 | 71,980 |
| NV-T4 | Residential | 0.5 | 133,610 | 66,805 |
| | | | | |
| CV-L1 | Residential | 0.5 | 10,989 | 5,494.5 |
| CV-L2 | Residential | 0.5 | 11,487 | 5,743.5 |
| CV-L3 | Residential | 0.5 | 11,566 | 5,783 |
| CV-L4 | Residential | 0.5 | 11,354 | 5,677 |
| CV-L5 | Residential | 0.5 | 11,415 | 5,707.5 |
| CV-L6 | Residential | 0.5 | 12,083 | 6,041.5 |
| CV-L7 | Residential | 0.5 | 30,219 | 15,109.5 |
| CV-L8 | Residential | 0.5 | 24,285 | 12,142.5 |
| CV-L9 | Residential | 0.5 | 24,296 | 12,148 |
| CV-L10 | Residential | 0.5 | 25,223 | 12,611.5 |
| CV-L11 | Residential | 0.5 | 31,937 | 15,968.5 |
| CV-L12 | Residential | 0.5 | 30,904 | 15,452 |
| CV-L13 | Residential | 0.5 | 29,957 | 14,978.5 |
| CV-T1 | Mixed use | 1.0 | 105,060 | 105,060 |
| CV-T2 | Mixed use | 1.0 | 114,819 | 114,819 |
| CV-T3 | Mixed use | 1.0 | 115,652 | 115,652 |
| CV-T4 | Mixed use | 1.0 | 123,129 | 123,129 |
| CV-T5 | Mixed use | 1.0 | 115,618 | 115,618 |
| CV-T6 | Mixed use | 1.0 | 108,213 | 108,213 |
| CV-T7 | Mixed use | 1.0 | 105,060 | 105,060 |
| | | | | |
| SV-L1 | Residential | 0.5 | 6,362 | 3,181 |
| SV-L2 | Residential | 0.5 | 10,822 | 5,411 |
| SV-L3 | Residential | 0.5 | 11,964 | 5,982 |
| SV-L4 | Residential | 0.5 | 10,846 | 5,423 |
| SV-L5 | Residential | 0.5 | 7,993 | 3,996.5 |
| SV-L6 | Mixed use | 1.0 | 30,293 | 30,293 |
| SV-L7 | Mixed use | 1.0 | 28,593 | 28,593 |
| SV-T1 | Mixed use | 1.0 | 78,433 | 78,433 |
| SV-T2 | Mixed use | 1.0 | 81,490 | 81,490 |
| SV-T3 | Mixed use | 1.0 | 94,248 | 94,248 |
| SV-T4 | Mixed use | 1.0 | 107,955 | 107,955 |
| SV-T5 | Mixed use | 1.0 | 89,666 | 89,666 |
| SV-T6 | Residential | 0.5 | 79,152 | 39,576 |
| Community Bldg | Non-residential | 0.5 | 15,682 | 7,841 |
| | | | | |
| | | Square footage | 2,664,095 | 2,096,133 |
| | | | Minimum FAR for BSRE's project = $2,096,133 \div 2,664,095 \rightarrow$ | 0.79 |
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