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To: [Davis, Kris](#)
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Subject: Variance request to use current Code's minimum 0.5 FAR and "net" site area to calculate the FAR
Date: Monday, May 21, 2018 8:57:30 PM

TO: The Office of the Snohomish County Hearing Examiner

At the hearing today (May 21), we heard BSRE express how it needed to build at its currently proposed density in order to meet the Code's minimum 1.0 FAR. (See Exhibit I-439 re the minimum FAR actually being 0.79, not 1.0) BSRE expressed doubts that it could meet the minimum 1.0 FAR if all buildings were limited to 90 feet.

Mr. Countryman explained that if all buildings were limited to 90 feet, BSRE could replace the lost square footage by adding more buildings, widening existing buildings, make the shorter buildings a little taller, or any combination of the three.

There is something else BSRE could do, and it could solve its so-called minimum FAR problem in its entirety ...

Apply for a variance to use the current Code's 0.5 minimum FAR and "net" site area to calculate the FAR — a variance is available for the asking.

Given that the County Council amended the Code in 2013 to set a minimum FAR of 0.5 for Urban Centers, and to require use of "net" site area rather than "gross" site area to calculate the FAR (Ord. 13-007, amending 30.34A.030(1)), it is a virtual certainty that PDS would follow the Council's path and allow BSRE to use a minimum FAR of 0.5 to demonstrate compliance if BSRE wanted or needed that. PDS would surely grant a variance for the asking. So if BSRE claims that it must have the density it is requesting, do not believe BSRE. A variance is available for the asking.

Why hasn't BSRE asked for a variance yet?

Note: PDS does not deal in hypotheticals, nor should they. So while PDS might not want to say, hypothetically speaking, whether they would approve a variance, it is almost a certainty that they would, using current Code as an easy and straightforward justification.

Thank you.

Tom McCormick