SUPPLEMENT PAGE A - FOR ZONING CODE VARIANCE

Applicants should be aware that their application will be judged on the basis of four criteria. PDS or the Hearing Examiner must find that all four criteria have been met in order to grant approval.

Variances will not be approved that have the effect of granting a special privilege not shared by other properties in the same vicinity.

This form provides the applicant with an opportunity to address each of the four criteria. You may attach additional sheets.

POINT 1. Describe the special circumstances that apply to your property and/or your intended use (such as shape, topography, location or surroundings) which generally do not apply to other properties or uses in the vicinity.

See attached.

POINT 2. Why is this variance necessary to preserve and/or enjoy a substantial property right that others in the vicinity have, but because of special circumstances is denied to your property?

See attached.

POINT 3. The variance I am requesting will not be detrimental to the public welfare or injurious to the properties or improvements in the vicinity and zone in which my property is located because:

See attached.

POINT 4. Why would variance approval not adversely affect the comprehensive plan?

See attached.

FOR OFFICE USE ONLY: File No. _____

Responses:

Point 1:

This is a request for a variance to SCC 30.34A.040(1) regarding the building heights allowed in the proposed Urban Center. SCC 30.34A.040(1) allows building heights up to 180 feet where there is proximity to a "high capacity transit route or station." As set forth in BSRE's briefing in the matter of *BSRE Point Wells, LP v. Snohomish County and City of Shoreline*, Court of Appeals, Division I, Case No. 80377-8-I (and before the hearing examiner, Snohomish County Council and King County Superior Court in this same matter), BSRE believes that this requirement has been satisfied. The interpretation of SCC 30.34A.040(1) is currently before the Court of Appeals. However, because this matter has not yet been resolved and the County has taken a contrary position in the court proceedings listed above, BSRE is requesting a variance to allow for the maximum height of 180 feet.[1]

The applicable Urban Center code requires a minimum floor area density, as measured by the Floor Area Ratio (the "FAR") of 1.0, which limits the development options for the site. Further, the topography of the site itself is a limiting factor because there are significant setbacks and critical areas which must be avoided for the placement of buildings in order to comply with the Snohomish County Code. The physical location of the site—being surrounded by the shoreline, the railroad and the steep wooded hillside to Woodway—forms a unique set of surroundings that has to be reconciled in the design of the Urban Center development to be located at the Point Wells site. See site plan Exhibit 1 for developable area within the project critical area buffers and zoning setbacks.

Point 2:

The unique set of features, described in Point 1 above, create challenging conditions, which the design proposal shows and this application for a variance from the height limit aims to resolve. In order to satisfy the minimum FAR, the buildings must be constructed greater than 90 feet tall, which is the height limit imposed if it is found that BSRE does not satisfy the requirement of proximity to a high capacity transit route or station. In such event, the Point Wells site could not be developed as an Urban Center. See Exhibit 2 for a site plan showing the FAR with building heights of 90 feet and a site plan showing the FAR with building heights up to 180 feet. Therefore, this variance is necessary to allow development on the Point Wells site. The additional height is particularly needed for the Point Wells site because of the constraints caused by the critical areas and setbacks imposed on the property itself. See Exhibit 3 for a site plan showing the critical areas and setbacks. Additional height is necessary to allow the property to be developed as an Urban Center at all. If the County will not allow building heights over 90 feet, the County will have necessarily rendered the property undevelopable by designating it as an Urban Center under the zoning code and in the County comprehensive plan. The Point Wells site is the only property in the area which has vesting as an Urban Center with the substantial property right of being able to

[1] BSRE maintains its position that this variance request is not necessary and that BSRE has satisfied the requirements of SCC 30.34A.040(1). Without waiving this position, BSRE submits this variance request to satisfy all possible contingencies and to protect BSRE's rights while the Court of Appeals' decision on the interpretation of SCC 30.34A.040(1) is pending.

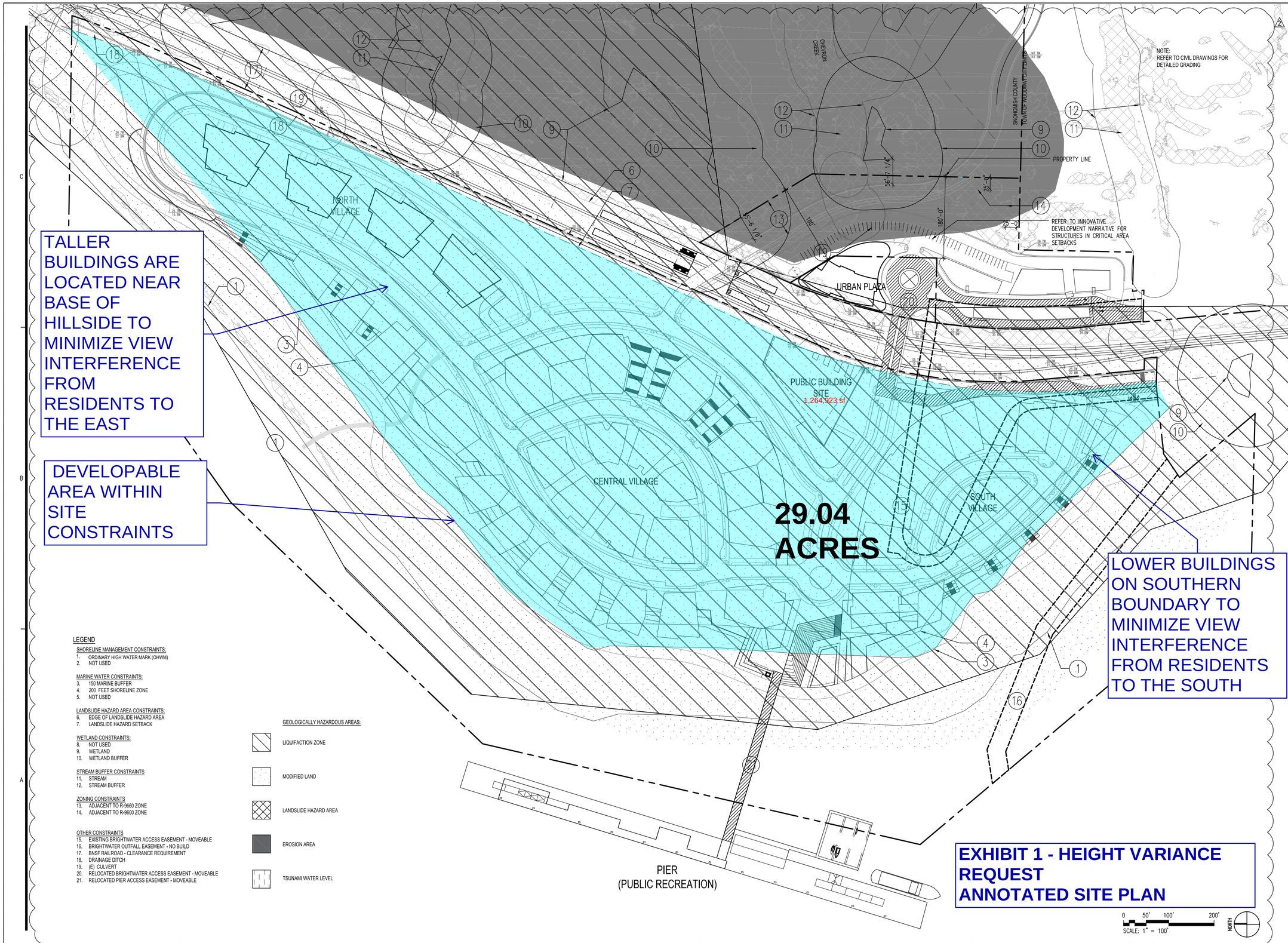
be developed as such. The variance is necessary to preserve the substantial property right of being able to develop the property pursuant to its vested property zoning. These are special circumstances which do not apply to other properties in the vicinity.

Point 3:

The placement of the buildings in the site plan is designed to locate the taller buildings closer to the steep hillside and to locate low rise buildings along the waterfront in order to minimize the view interference of neighboring properties. Adding height also preserves publicly accessible and contiguous open space on the property. This open space is a neighborhood amenity which improves both public welfare and properties in the vicinity.

Point 4:

The County's comprehensive plan is only served by this request because it allows for the development of an Urban Center in the area designated as an Urban Center. Denial of the variance would adversely affect the comprehensive plan because it would prevent development of the Point Wells site. The comprehensive plan itself designated the Point Wells site as being an appropriate place for significant development to accommodate urban growth, and a denial of the variance would prevent that from occurring.



PERKINS +WILL
1301 Fifth Avenue
Suite 2300
Seattle, WA 98101
t: 206.381.6000
www.perkinswill.com

Point Wells Development

BSRE
Point Wells, LP
c/o Karr Tuttle Campbell
701 5th Avenue, Suite 3300
Seattle, Washington 98104

REV.	ISSUE	DATE
1	CORRECTION	04.18.2017
2	CORRECTION	04.24.2018
3	RESUBMITTAL DOCUMENTS	12.04.2019

Sheet Information

Date	03/04/2011
Job Number	169009.000
Drawn	
Checked	
Approved	

Title

OVERALL SITE PLAN (CONSTRAINTS)

Sheet

A-051

NOT Issued for Construction

Copyright © 2017 Perkins+Will

EXHIBIT 2 - HEIGHT VARIANCE REQUEST
TOWER BUILDINGS AT 90' HEIGHT

	AREA (SF)
UP	88,868
NV	529,748
CV	1,241,100
SV	522,436
PUBLIC	26,485
TOTAL	2,408,637
SITE	2,653,620
FAR	0.907 *

*DESIGN DOES NOT ACHIEVE MINIMUM 1.0 FAR

EXHIBIT 3 - HEIGHT VARIANCE REQUEST
TOWER BUILDINGS HEIGHTS VARY UP TO 180'

	AREA (SF)
UP	108,334
NV	804,505
CV	1,152,047
SV	587,927
PUBLIC	26,485
TOTAL	2,408,637
SITE	2,653,620
FAR	1.000*

*DESIGN ACHIEVES
MINIMUM 1.0 FAR