Memo

Date: 10.29.2020
To: Jacque St. Romain
From: Dan Seng
Re: Point Wells Height Variance Request Support Narrative

Height Variance Request Support Narrative

Variance for Building Heights greater than 90 feet

Decision Criteria 1. Special Circumstances Apply
Most buildings along the coast in the vicinity do contend with steep slopes and BNSF railway corridor. What is unique about the Point Wells site is that most developable land is west of the rails with a higher development density. The nearest properties with similar conditions are the Mukilteo Ferry Terminal area, or the Port of Everett, both of which have relatively low density zoning (25’ – 35’ height limits) when compared to the Point Wells Urban Center zoning.

Decision Criteria 2: Necessary to Preserve a Substantial Property Right or Use
The property is vested as an Urban Center, so the rights in question should be compared to those granted under that code, and not the current conditions or the code in place today. Because a site is economically viable in its current use as a marine storage facility and asphalt plant does not demonstrate an Owner’s property rights have been preserved.

The Urban Center Code sets density requirements based on maximum height and minimum FAR. If conditions on the site prevent meeting that criteria, then they also prevent property development rights. To meet a minimum FAR of 1.0, within the 90 feet max building height, BSRE had three options.

1] Increase the footprint of buildings on the site.
Increasing building footprint was not viable based on fire department access requirements, landslide hazard setbacks and shoreline buffers on the site.

2] Raise the height of the buildings.
Raising the height of all buildings to the maximum height limit did not achieve the minimum FAR as demonstrated by exhibit 2 of the variance request.

3] Reduce the minimum FAR.
Though the Urban Center code provides opportunities to increase allowable FAR through bonuses and “Super Bonuses” up to 5.0, it does not provide options to reduce FAR below the minimum. The County does not have authority to grant changes to FAR by variance request.
The weighted calculation method for FAR has yet to be considered for this project. Until this cycle of review, the County has not challenged BSRE interpretation of the 1.0 minimum FAR for a mixed-use development. That left changing height by variance request as the most viable option. The Urban Center code provides an opportunity to increase height near HCT routes.

The County could conditionally approve the additional height variance request with the stipulation that HCT must be present prior to building permit approval.

**Decision Criteria 3: Granting of Variance will not be materially detrimental.**

Added benefit is the opposite of material detriment. Building height is a trade-off for additional open space. The view analysis provided as variance request in the April 2018 application documents (Exhibit K-37) demonstrates the impact of building heights on views from the east or south. The traffic, drainage and critical area impacts are all generated based on a premise of 180’ tall buildings. These reports each demonstrate no material detriment or provide corresponding mitigation for associated impacts.

**Design Criteria 4: Granting the variance will not adversely affect the comprehensive plan.**

The proposed development provides a mix of residential and commercial uses. The plans include a transit center within the facility and capacity to provide transit service to the site via water taxi or commuter rail station in future phases. For these reasons, the development meets the comprehensive plan definition of an Urban Center. These elements, and specifically the variance for height, support the comprehensive plan objectives for planned growth in the county and increased density near public transit facilities.

Specific goals and objectives include:

- LU 1.A Establish UGAs with sufficient capacity to accommodate the majority of the county’s projected population...over the next 20 years,
- LU 2.B Plan for future land use and development patterns that are consistent with countywide and regional planning policies and that complement and support the future transportation system outlined in the Transportation Element.
- LU2.C Encourage intensification and revitalization of existing and planned commercial and industrial areas.
- LU 3.A Plan for Urban Centers within unincorporated UGAs consistent with Vision 2040 and the CPP’s.
- LU 3.D Identify and plan a network of transit emphasis corridors to link significant concentrations of population and employment, which may be in new and redeveloped neighborhoods, centers, or existing neighborhoods, commercial development, and employment areas.
• LU 3.H Encourage transit-supportive land uses that are compatible with adjacent neighborhoods to locate and intensify within designated centers and along transit emphasis corridors.
• TR 2.A Make the designated centers the focus of residential and employment growth and transportation investment in unincorporated county areas.

The requested variance for height will not negatively impact the comprehensive plan, and rather, in many more ways supports it. Approval of the variance request could be conditioned to not allow heights over 90’ until the high capacity transit is present on the site. In this way, the variance would provide the density sought by the comprehensive plan and the Urban Center designation without negating requirements for HCT.