

12.12.2019

Ryan Countryman

Snohomish County Planning and Development Services
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Re: Point Wells Urban Center Application (PFN 11-101457LU) – Summary of Revisions

Dear Mr. Countryman,

The following is a summary of revisions to the application documents prepared to address the Snohomish County Hearing Examiner items of substantial conflict with county code as outlined in *Amended Decision Denying Extension and Denying Application Without EIS* dated 03 August 2018.

Setbacks and Variance

In accordance with SCC 30.34A.040 (2003) buildings on the Urban Plaza portion of the site have been revised to provide a horizontal setback dimension greater than 180' from the adjacent residential zoning. The tower building UP-T1 is designed to 180' height and a variance request is submitted with this application to request building heights taller than 90'.

A zoning setback variance is submitted for location and height of Service Building 1 and Service Building 2 on the Urban Plaza.

BSRE maintains its assertion that the residential setback provided in SCC 30.34A.040(2) does not apply to any portion of the Point Wells Site. 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. BSRE has changed the location and size of the buildings located in the Urban Plaza. However, BSRE does not waive its interpretation of this code provision and reserves the right to change the location and size of these buildings, pending the outcome of the lawsuit before the Court of Appeals.

Access to High Capacity Transit:

BSRE has submitted a variance request for buildings greater than 90' rather than rely on SCC 30.34A.040(1) provisions which allow up to 180 height when the project is located near a high capacity transit route or station. Documentation and support for this variance request is included with the application documents herewith.

BSRE submits that this variance is not necessary even if BSRE's appeal is denied because providing a passenger-only ferry service would satisfy the requirement for high capacity transit set forth in SCC 30.34A.040(1). Both the shoreline narrative and the project narrative have been updated to include descriptions for the passenger-only ferry. The Land Use Application is updated to include request for a conditional use permit on the pier to operate passenger-only ferry service.

Shoreline management regulations:

Project documents have been updated to represent the boundary for shoreline jurisdiction from the Ordinary High Water Mark (OHWM) rather than the Mean High Higher Water (MHHW).

Shoreline Stabilization: The beach esplanade design has been revised to provide a thickened slab edge and is not considered "shoreline stabilization". Refer to updated detail 4/C-501

Commercial Uses on Pier: Project narrative has been revised to remove references to commercial uses.

Parking:

BSRE has provided a letter from Kirk Harris, PE, PMP of David Evans and Associates, Inc. to provide further clarification on the definition of Senior Housing as it pertains to traffic analysis. The Supplement to the Urban Center Application provides further explanation as to the definition of "Retirement Apartments" or "Retirement Housing". Lastly, BSRE has updated the project narrative to indicate a willingness to increase the number or age restricted units to reduce vehicle trips.

Critical Areas:

Landslide Hazard Area Deviation – The geotechnical engineer, Hart Crowser has provided a revised Landslide Deviation Request to address alternative location considerations for the secondary access road and Urban Plaza buildings, and to provide additional supporting geotechnical detail regarding to drainage and surcharges included in safety factor calculations.

Geotechnical Report – The geotechnical engineer, Hart Crowser has provided a Subsurface Conditions Report Addendum to provide additional supporting geotechnical detail regarding to drainage and surcharges included in safety factor calculations.

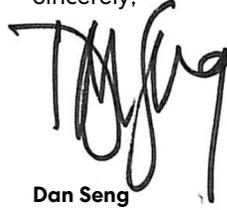
Buffer from Ordinary High Water Mark – BSRE has updated drawings to measure the shoreline buffer from the OHWM and revised building designs to be outside of this 150' shoreline buffer.

Innovative Development Design – The BSRE Point Wells team has revised the design of the secondary access road to reduce the impact on wetlands in the upper bluff. The designers have incorporated a new daylighted watercourse the secondary access bridge over BNSF railway to the North Village intertidal zone. David Evans Associates, Inc. has updated the Point Wells Critical Area Report to provide further evidence to demonstrate that the Innovative Development Design will achieve protection equivalent to the treatment of the functions and values of the critical areas.

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We appreciate the complexity and magnitude of the documents we have submitted here for your review and offer our assistance in providing clarification or answering any questions you may have. Don't hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Seng', written in a cursive style.

Dan Seng
Associate Principal