

**From:** [Chris/Lisa Neal](#)  
**To:** [PCD](#)  
**Subject:** Fwd: Planning Commission - Wintergreen Question(s)  
**Date:** Thursday, September 23, 2021 6:20:37 PM

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**From:** Chris/Lisa Neal <[neal4law@gmail.com](mailto:neal4law@gmail.com)>  
**Subject:** Fwd: Planning Commission - Wintergreen Question(s)  
**Date:** September 23, 2021 at 2:37:25 PM PDT  
**To:** Christy Carr - CC <[ccarr@bainbridgewa.gov](mailto:ccarr@bainbridgewa.gov)>  
**Cc:** Bill Chester <[william.chester@cobicommittee.email](mailto:william.chester@cobicommittee.email)>, Sarah Blossom <[sarah.blossom@cobicommittee.email](mailto:sarah.blossom@cobicommittee.email)>, Lisa Macchio <[lisamacchio@gmail.com](mailto:lisamacchio@gmail.com)>

Hello Christy - Please see the below.

Begin forwarded message:

**From:** Chris/Lisa Neal <[neal4law@gmail.com](mailto:neal4law@gmail.com)>  
**Subject:** Planning Commission - Wintergreen Question(s)  
**Date:** September 23, 2021 at 2:11:44 PM PDT  
**To:** Bill Chester <[william.chester@cobicommittee.email](mailto:william.chester@cobicommittee.email)>, Sarah Blossom <[sarah.blossom@cobicommittee.email](mailto:sarah.blossom@cobicommittee.email)>

Hello -

As you likely caught, the applicant is making money on the bonus FAR units, this is not "giving back to the community." Further, the size of the project impacts the bonus available (table 18.12.030, although the maximum density still applies so this may be moot). In other words, the bigger they can make the project, and the more density bonus they can get, the more money the project will make.

I am hoping you can explain why I am off track here or that you look into this so questions can be asked tonight to clarify the issues below.

Original FAR was about 62k SF. After some portions of the project (as adjudicated) were built, 21,700 SF of commercial FAR was available.

The new application for residential on the open lots totals base FAR of 38,419, and bonus FAR of 23,389 (see page 2 of the linked memo for the numbers relied upon):

[https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1051859/Wintergreen\\_SUB\\_SPR\\_CUPA\\_Staff\\_Report\\_PC\\_Revised\\_31AUG2021.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1051859/Wintergreen_SUB_SPR_CUPA_Staff_Report_PC_Revised_31AUG2021.pdf)

Questions:

**1. Why is the maximum FAR for this project increased over the originally approved amount?** The new construction will be 61,808 SF, where only 21,700 was left available. Based on the acreage, this is the equivalent of R-25, vs. R-8 for surrounding/nearby dense developments (Sakai & Stonecress).

a. Explanation 1 - residential FAR is higher - but I cannot find a code section suggesting that. BIMC 18.12.030 - Table 18.12.020-3 shows only one FAR amount for either Residential or Mixed Use - .3 for HSR I & II.

b. Explanation 2 - the applicant did not “use up” all FAR to begin with. Since I cannot find the actual calculations in the materials, I do not know whether this is the case.

**2. Why is the bonus FAR .18?** BIMC 18.12.030(E) provides for bonus densities. This code section is confusing, as the Table 18.12.030 discusses “.6 of bonus for moderate income” and such, but:

a. Maximum FAR with bonus for residential in the HSR districts is .6. BIMC 18.12.030, Table 18.12.020-3. Taking out the base FAR, that leaves .3 for the bonus density FAR, not .18. If this project is now considered “mixed use,” the maximum density with bonus is 1.0. The math still does not work out, because the maximum would still be .6 (100% increase over .3), unless my math skills are lacking, which is possible.

b. The Staff memo at p. 12 (table) confirms the maximum Floor Area Bonus is .3; and then confirms the proposed is .18. This indicates my first survive in a. Is correct. This begs the question - **Why is the proposal recommended by Staff when it violates the maximum FAR with bonus?** I may have missed a comment from Staff regarding this non-compliance, of course.

Summary - the applicant is seeking to maximize profitability, but may have exceeded both 1) base FAR; and 2) bonus FAR. The current project is three times the SF of the original project’s “left over” SF.

Thank you -

Lisa Neal