

Good morning. My name is Tom Mailhot and I'm a resident of the Richmond Beach neighborhood in the City of Shoreline.

I want to spend a few minutes revisiting some of the comments made by Mr. Huff in his presentation on Wednesday afternoon.

Mr. Huff offered several excuses for why, after 7 years, BSRE has still not completed the application.

- Mr. Huff stated that the project plans were delayed because almost half the 7 years were spent in litigation. Let's look at exhibit N-1 page 69. Note that processing of the application stopped in November of 2011 with the Superior Court ruling, but it began again in January of 2013 with the Appeals Court ruling. That's 14 months, or barely more than one of the seven years since the application was filed, nowhere near half.

Let's look a little further – here's the April, 2013 review letter from the County. When was it finally answered? April, 2017. What took up more than half the seven years was not litigation, but BSRE's dilatory efforts to submit a reply to the County's first review letter.

- Mr. Huff complained that the Transportation Corridor Study (TCS) undertaken with Shoreline delayed project completion because they spent 18 months working on it. The MOU that started the project was signed in April of 2013. The final public wrap up presentation was one year later in April of 2014. That's a year, not 18 months. And why hasn't it been completed in the last 4 years? Because the study showed the traffic coming from the development broke Shoreline's level of service standards, and all of BSRE's mitigation suggestions were unacceptable to the City. In the four years after the end of the study BSRE still hasn't proposed acceptable traffic mitigation.

Furthermore, any complaint about the TCS slowing the process ignores the fact that work on the TCS did not prevent BSRE from completing their work on every other part of the application.

- Mr. Huff claimed that project completion has been delayed because the County is requiring an unreasonable level of detail, mentioning parking plans and the second access roads as examples. Mr. Huff claimed that since the second access road was in Woodway, Woodway should be the entity reviewing

the road design, not the County. What Mr. Huff ignores is that it is the County that has the requirement that there must be a second road. The County should not have to bear the risk of approving an application that shows nothing more than a potential road location, only to find out later that the planned second road could not be constructed. BSRE must be able to prove to the County that the second road is buildable before the County approves the application. Seven years into the process they still haven't attempted to do that.

- Mr. Huff implied the project was delayed because the issue of the second access road has been a moving target. Let's look at exhibit M-7 dated May, 2014. This letter from the County clearly states a second road will be required unless BSRE obtains a deviation. When it comes to the second access road, the only moving target in the last 4 years has been the various arguments BSRE has used to try to avoid complying with the requirement.

After offering these excuses Mr. Huff claimed that the County had not given BSRE enough time to respond to the County's review letter. It's true that the County did not give BSRE much time to respond to the October, 2017 second review letter, but Mr. Huff seems to have forgotten about the 4 years that went by between the County's April, 2013 first review letter and BSRE's feeble reply. I say feeble because the first review letter identified over 40 issues and after 4 years of waiting and 3 deadline extensions, BSRE's second submission resolved exactly one of those issues. If BSRE had actually worked to resolve those issues in a timely manner, the problem with the short time to respond to the second review letter would not have happened.

Mr. Huff also offered solutions to several issues that on closer examination just don't hold up.

- Mr. Huff claimed that the regulations requiring building height setbacks from adjacent zoning areas did not need to be enforced because the tall buildings in the Upper Village were at the bottom of a 220' bluff and thus would effectively be hidden from view. Let's look at exhibit B-8. The elevation lines on this site plan show the Upper Village at 50' elevation, a steep 50' bluff, and then a gradual slope above that where the mythical second access road is located. There may be a 220' bluff somewhere on the property, but it's not near the Upper Village area.

So what is upslope from the Upper Village? Is anyone going to see the Upper Village buildings? Well, further up the slope is the recently proposed Woodway Pointe development. If we look at exhibit P-2 page 2, you can see there's also a current residence just southeast of the Upper Village area. The buildings in the Upper Village are up to 15 stories. Far from being hidden, these buildings will be very visible from both the current and future upslope residences, which is exactly why the zoning set backs must be enforced.

- Mr. Huff maintained that the County's objections about internal capture rates could be resolved by establishing a vehicle trip cap. That may be a true statement, but it doesn't get us any closer to a resolution today because BSRE has not established a trip cap that any of Shoreline, Woodway, or the County has agreed with. The trip cap BSRE keeps mentioning, the 11,587 included in the MOU signed with Shoreline, was not actually a trip cap, it was just a study number for the TCS, which, by the way, the study concluded was considerably too high since it caused a level of service failure on Shoreline streets. If BSRE wants to rely on a trip cap to resolve the issues with the transportation portion of the DEIS, they first need to get agreement on a reasonable cap number that Shoreline and Woodway believe works for them as well. Four years after the end of the traffic study they still haven't attempted to do that.

I'm sure many of the issues identified by the County could eventually be resolved given a reasonable amount of time, but the real problem is that there are also some unfixable problems with the application.

For example: BSRE has had 4 years to come up with a traffic mitigation plan that satisfies Shoreline. They haven't been able to do that because there is no mitigation for the large amount of traffic the current design adds to Shoreline's already crowded streets. No extension is going to resolve that problem.

For example: BSRE wants buildings over 90' in height but they need to have high capacity transit already in place at the site to meet code requirements for taller buildings. They have had 7 years to get transit service in place, but they haven't been able to do that because no transit provider is going to agree to service while there are no residents at the site. No extension is going to resolve that issue.

You earlier asked for guidance on how to decide whether to grant an extension. I have two points of guidance:

First: Over the past 5 years following the County's April 2013 first review letter, BSRE has not shown a good faith effort to respond to the County's concerns. Yes, they've been busy lately, but where was that level of activity 5 years ago when it would have been more productive? The County's 2013 review letter assigned some homework to BSRE with a year to complete it. BSRE asked for and was granted three extensions giving them almost 4 additional years to get that homework done. It's like they finally started to seriously work on it the night before it was due and now they are crying that the County didn't give them enough time. I don't think so. BSRE's dilatory response to the County's requests has not earned them the right to yet another extension.

Second: Don't waste the developers time, the County's time, Shoreline's time, Woodway's time, and the public's time by granting an extension when we already know there are issues that no amount of time is going to allow for a solution.

Thank you for your attention.

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