

## Countryman, Ryan

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**From:** bkrepick@sbcglobal.net  
**Sent:** Friday, December 27, 2019 3:38 PM  
**To:** County Executive  
**Cc:** 'Tom McCormick'; 'Tom Mailhot'; Eric.Parks@cosnohomish.wa.us; Klein, Ken; Mock, Barb; McCrary, Mike; Dobesh, Michael; Otten, Matthew; Countryman, Ryan; MacCready, Paul; 'Carla Nichols'; 'Eric Faison'; 'Tracy Westlake'; Wright, Stephanie  
**Subject:** I respectfully ask you to deny BSRE's Dec 12 re-submitted application for Point Wells  
**Attachments:** 2019-08-07 BSRE letter to SCE Somers.pdf

**CAUTION :** This email originated from outside of this organization. Please exercise caution with links and attachments.

Date: 12/27/2019  
To: Honorable Dave Somers, Chief Executive, Snohomish County  
From: Bill Krepick (Woodway resident)  
Subj: BSRE's latest, non-compliant application for Point Wells

Dear Mr. Somers,

I am appalled that BSRE has totally disregarded its commitment in an August 9, 2019 letter to you (attached) to take a 'fresh start' when resubmitting its application for the Point Wells' development. BSRE's latest December 12, 2019 resubmission contains the same number of 180 ft and 90 ft condominium towers that have all along made this shoreline development so objectionable – given there is not a single such eyesore skysrise towers anywhere along Puget Sound except for downtown Seattle. BSRE's project is totally incompatible with the surrounding communities. These tower structures were one of many non-compliant features of the development that the County called out in 2018 when it terminated the project.

I speak for many, many Woodway residents who over the past 10 years have been very consistent in voicing our concerns and total disapproval of BSRE's outlandish Point Wells project. We believe that the out of scale, out of touch, and out of bounds BSRE project would be an affront to Woodway and Richmond Beach residents and would negatively impact our communities with respect to traffic, view interference, environmental impact, safety, and quality of life. As we have said at numerous public hearings, there is nothing at all beneficial about the proposed development.

In Tom McCormick's 12/26/19 email below, he makes a very good case for denying the BSRE resubmission with prejudice. I am 100% in agreement with his analysis of the situation and his recommendation.

I urge you and the County Planners and the Council to respect the wishes of both Snohomish County and Shoreline taxpayers, and immediately terminate the BSRE Point Wells project by denying the resubmission with prejudice.

Thank you for your support.

Sincerely

Bill Krepick

William Krepick  
11402 239<sup>th</sup> PI SW  
Woodway, WA 98020  
650-964-7099

**Exhibit W-15 Krepick, Bill December 27 2019**  
**PFN: 11-101457 LU**

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Begin forwarded message:

**From:** Tom McCormick <[tommccormick@mac.com](mailto:tommccormick@mac.com)>  
**Date:** December 26, 2019 at 11:04:45 AM HST  
**To:** Honorable Dave Somers <[county.executive@snoco.org](mailto:county.executive@snoco.org)>  
**Cc:** Eric Parks <[Eric.Parks@cosnohomish.wa.us](mailto:Eric.Parks@cosnohomish.wa.us)>, Ken Klein <[ken.klein@snoco.org](mailto:ken.klein@snoco.org)>, "Barb Mock, Director" <[barbara.mock@snoco.org](mailto:barbara.mock@snoco.org)>, Mike McCrary <[mike.mccrary@snoco.org](mailto:mike.mccrary@snoco.org)>, Michael Dobesh <[michael.dobesh@snoco.org](mailto:michael.dobesh@snoco.org)>, "Otten, Matthew" <[Matthew.Otten@co.snohomish.wa.us](mailto:Matthew.Otten@co.snohomish.wa.us)>, Ryan Countryman <[ryan.countryman@snoco.org](mailto:ryan.countryman@snoco.org)>, Paul MacCready <[paul.maccready@snoco.org](mailto:paul.maccready@snoco.org)>, Tom Mailhot <[mailhot@frontier.com](mailto:mailhot@frontier.com)>  
**Subject: BSRE reneges on its promised "fresh start," with noncompliant 180-foot towers in its Dec. 12 resubmission**

To The Honorable Dave Somers:

I read the August 7, 2019, letter that Miki Zisman, BSRE's new CEO, sent to you (copy attached). He says:

"We are happy to be making a fresh start. ... We are here to restart, and we bring a fresh spirit of cooperation, openness and sincerity: we wish to develop a win-win project in Point Wells."

Two weeks ago, with the resubmission of its applications, BSRE had an opportunity to make a "fresh start," but it chose not to.

In its December 12 resubmission, BSRE chose to disrespect you and the County by retaining noncompliant 180-foot towers and numerous other buildings taller than 90 feet. Shame on BSRE for doing this, after the Hearing Examiner last year denied BSRE's applications (affirmed by the County Council), concluding that buildings taller than 90 feet were in substantial conflict with SCC 30.34A.040(1).

For details about BSRE's disrespectful 180-foot gamble, and its attempt to use the minimum FAR rules as an excuse for needing buildings taller than 90 feet, please read the email that I sent to Director Mock on December 17 (copy embedded below). And see what I say about BSRE's not-so-subtle takings claim (a meritless claim):

"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."

Is this what Mr. Zisman means by "a fresh spirit of cooperation, openness and sincerity?"

The problem is not just the 180-foot towers, but the overall damaging scale of BSRE's proposed development. If BSRE is committed to making a "fresh start," BSRE would cease trying to jam a size 10 development into a size 2 infrastructure, with severely damaging environmental impacts incapable of being mitigated.

I trust that the County will again deny BSRE's applications, but this time with prejudice.

Meeting request: I understand that BSRE consultant Steve Ohlenkamp and representative Lou Frillman met with you, Eric Parks and Ken Klein in August. Weeks later, Mr. Zisman himself, and presumed others associated with BSRE, met with Mr Parks, Mr. Klein, Mike McCrary, Michel Dobesh, and Matt Otten. I would be most grateful if you would extend a similar opportunity to me and a colleague, to meet with you, Eric Parks, and Ken Klein to discuss our environmental concerns with BSRE's current proposal, and our vision of what would be a genuine fresh start for Point Wells.

Thank you.

Tom McCormick

*"A small development at Point Wells  
with a second public access road,  
or no development at all."*



**BLUE SQUARE REAL ESTATE**

***VIA Hand Delivery***

The Honorable Dave Somers  
Snohomish County Executive  
3000 Rockefeller Avenue  
Everett, WA 98201

August 7, 2019

Dear Executive Somers:

We appreciate the time that your colleagues, Mr. Parks and Mr. Klein, are taking today to meet with our consultant Steve Ohlenkamp and with Lou Frillman, as owner's representative. We would like to use the opportunity of the meeting between your colleagues and our local team to introduce ourselves and, we hope, to begin a productive dialogue. We have asked Steve and Lou to deliver this letter since we cannot attend the meeting in person.

We are happy to be making a fresh start. In the past month the management of BSRE has been changed, and I am now acting as its chief executive. I have been on the job for just a few weeks. This change in management follows the change in the ownership of BSRE in 2016, when Mr. Moti Ben Moshe purchased the entity that controls BSRE, Alon Blue Square Israel. At this time, no one from the ownership group or management team that controlled BSRE at the time of the inception of the Project or during the several years that followed has any continuing involvement with, ownership of or authority over BSRE or the Project.

While the Project is new to us, we know that it most certainly is not new to you. We appreciate that after so many years, there must be fatigue and likely some frustration surrounding the Project. We are here to restart, and we bring a fresh spirit of cooperation, openness and sincerity; we wish to develop a win-win project in Point Wells.

We are keenly aware that a project of this nature cannot proceed without candid dialogue. We are committed to communicating openly and to listening to your perspectives and concerns with an open mind. To that end, we look forward to meeting you in person at the earliest possible date.

In the meantime, as an indication of our desire to communicate openly with you, we would like to explain two procedural actions that we have taken or will be taken. You may be aware already that we have filed a notice of appeal to the Court of Appeals. We shortly will be making a companion filing requesting declaratory judgment. We are making both of those filings simply to preserve procedural rights – actions that if we do not take now we will practically or technically be foreclosed from taking. That is the reason we are making these filings before we have the opportunity to meet in person.

Arranging a meeting and beginning a meaningful dialogue with you is our top priority, and we will get you some dates for possible meetings shortly.

Sincerely,

Miky Zisman  
CEO, BSRE

cc: Eric Parks, Deputy County Executive  
Ken Klein, Executive Director