William J Justen and Sandra L Justen
1521 2nd Ave. condominium 2901
Seattle, WA 98101-4522

January 31, 2020
and Hearing on February 13,2020

King County parcel number: 2538831120

To the Office of the City Clerk.
Seattle City Hall
600 Fourth Ave., Floor 3
PO Box 94607
Seattle, WA 98124-6907

Emailed to: LIDHearingExaminer@seattle.gov

Re: Our Objections to Final Waterfront LID No. 6751 Assessment and Appeal of Final Assessment Amount of $25,237.73 in its entirety for Justen, Parcel No. 2538831120

To the Seattle City Clerk:

We are the homeowners of the condominium unit stated above. We purchased this home when it was new in March 2009. We both have considerable real estate experience.
Sandra is a licensed Real Estate Broker and William is a licensed Managing and Designated Real Estate Broker.
Sandra has lived in the Pike Place market neighborhood for 20 years and has been the Listing Broker or Selling Broker for more than 150 condominiums in 11 different condominium buildings in the LID during the past 12 years.
William has lived in the Pike Place Market neighborhood since 1977. During those 43 years, William was the developer and resident of the Pike in Virginia condominiums at 87 Virginia St., the Market Place Tower office and condominiums at 2033 First Avenue at Lenora Street and the 1521 2nd Ave. condominium tower. As the developer of these projects and dozens elsewhere in Seattle, William has hired and instructed many appraisers to prepare value appraisals of the projects. William is also the former Director of the City of Seattle, Department of Construction and Land Use, currently named the Seattle Department of Construction and Inspections. In May of 2011 the Central Waterfront Committee appointed William as an Advisor to the Committee's Finance and Partnerships Subcommittee to advise on the Waterfront improvement strategic financing strategies.

We definitely support and improved attractive waterfront, however, we are convinced that Seattle will get that waterfront without the LID enhancements.

Firstly, we are very disappointed that our request to the Hearing Examiner made on January 22,2020 for a 90 day continuance in the scheduled hearing date of February 4, 2020 was evidently denied although the reply from the Office of the Hearing Examiner shows our request was misread by the Office of the Hearing Examiner as it erroneously called our continuance request our filed objections to the LID. Our request for a continuance was not the filing of our objections. Our request for a continuance was stated with the following reasons:

a) City Delays: The City did not make available to the general public and LID property owners the 237 page Final Special Benefit/Proportionate Assessment Study dated November 18, and the 214 page Addenda Volume dated November 12, 2019 until January 8, 2020, which was two months after those report dates. This delay in making those critical documents available to us appears to be an attempt by the Office of the Waterfront to place property owners at a considerably unfair disadvantage as it does not give property owners in the LID or our consultants nearly enough time to study these comprehensive documents which are the basis of the Proposed Final Assessment which we received in the mail on January 2, 2020.

b) City Delays: Several property owners have requested the backup documents from the City's appraiser that was used to determine the proposed value lift in our properties necessary to justify any Special Benefit Assessments. We have been told by the City that the appraiser's backup documents were not made available until after February 7, 2020 and consisted of several thousand documents.

Now the city has offered us the right to file an appeal of our Final Assessments, but with only 26 days after **just some** of the critical studies were made available. That objection/appeal filing date, February 3, 2020, the date set by the City of Seattle is grossly unfair to property owners in the LID.

We have submitted this Objection/Appeal letter to the City Hearing Examiner as our response to the Proposed Final Assessment which is being authorized by the Waterfront LID Formation Ordinance No. 125760 passed in January 2019. This 18 page ordinance is attached for reference to this Objection Letter as **(Exhibit A).** This Seattle City ordinance 125760, relating to the Central Waterfront Improvement Program and the LID Improvements signed by Mayor Jenny Durkin 1/28/2019 Includes Section 5 and Section 6 which relate directly to our Objections to the Special Assessment assigned to our property. These two sections from the ordinance read as follows.

"Section 5. Allocation of Costs. The total estimated cost and expense of design and construction of the Central Waterfront Improvement Program is estimated to be approximately $712 million. Notwithstanding the provisions of any other ordinance of the city, the total cost of (a) the LID improvements, including the planning, design, and construction of the improvements, and (b) the estimated costs of creation and administration of the Waterfront LID (together, the "LID Expenses"), and the estimated financing costs (i.e., the cost of issuing the LID Bonds and estimated amounts necessary to

fund a deposit to the LID Guarantee Fund), is declared to be approximately $346.57 million, all as described in Exhibit C to this ordinance.

The portion of the LID Expenses that shall be borne by and assessed against the property within the Waterfront LID specifically benefited by the LID Improvements shall not exceed $160 million plus the amounts necessary to pay the costs of financing (including the costs of issuing the LID Bonds and making a deposit to the LID Guarantee Fund). **Assessments shall be made against the property within the Waterfront LID in accordance with the special benefits accruing to such property.** The balance of the cost and expense of the LID Improvements shall be paid from other amounts available to the City, including philanthropic donations from individuals and organizations, consistent with the City's overall funding plan for the Central Waterfront Improvement Program."

"Section 6. <u>Method of Assessment</u>. In accordance with the provisions of RCW 35.44.047, the City may use **any method or combination of methods to compute assessments that may be deemed to fairly reflect the special benefits to the properties being assessed."**

"Ordinance 125760 Ex C- waterfront Seattle Program-Waterfront LID Improvements
Project Cost Estimate Summary" **See last page of Exhibit A for this document**
This table lists by name the six major projects proposed to be developed partially with LID funds, however, for the six projects it only gives an estimated **total** cost and has blanked out the amounts to be allocated for the **Waterfront LID Principal Assessment. In Section D below starting on page 8, we will refer to the stated City estimated total costs plus the 17% for LID Admin and contingencies stated in the table in our Objections to the six LID funded projects, but we can reasonably assume that approximately half of the total cost for each project would be paid for with LID funds.**

In this letter, we will explain our objections to the City's findings as they are clearly not consistent with the ordinance Sections 5 and 6 and we therefore object to any assessment for Seattle's Local Improvement District 6751, the "LID" on our property at 1521 2nd Ave for a lack of any evidence "deemed to fairly reflect the special benefits" to our property. Quoting Washington Practice Instructions WPI 150.07.01 "*Special benefits are those that add value to the remaining property as distinguished from those arising incidentally and enjoyed by the public generally*. WPI 150.07.01

<u>We provide the following reasons and objections labeled Sections A.-L.:</u>

A. Our building is physically remote, both horizontally and vertically from the Central Waterfront as we are more than three city blocks, 1,240 feet, from our building lobby entry to the promenade on the west side of Alaskan Way. Our building entrance is also 116 vertical feet above Alaskan Way. The Waterfront is clearly not convenient for residents to take their dogs for a walk or go for a stroll. The value of our homes from a location perspective comes from proximity to convenient shopping, services, and employment offices in the downtown core. Additional value for the west facing condominiums in our building comes from the views of Elliott Bay, but clearly not from proximity to the Waterfront.

Our specific condominium home on the 29th floor is on the east side of our building with a skyline view, see photo **(Exhibit B)** which will be lost to us when the proposed 46 story tower directly east of us across Second Avenue is built. The loss of our skyline view and the loss of most of our sunlight will certainly reduce the current Market Value of our home. Also note that that proposed tower will not have an LID assessment on the tower improvement as it will not start construction until fall of 2020 and take three years to build. The City's determination of the Final Special Benefit value lift from the LID Improvements to our home of $64,411.20 with a Special Assessment of $25,237.73 shows a complete lack of understanding of property values and General vs Special Benefits by the City's appraiser even after the City spent millions of dollars and several years having the studies prepared. We strongly object to the City's speculation that there will be any Special Benefits to our property.

Therefore, there are no Special Benefits enjoyed specifically by our property or the other properties physically remote by the 100'-150' foot steep bluff above the Waterfront. All of the planned improvements will be enjoyed by the general public that makes the waterfront a specific destination by the general public to enjoy the Waterfront General Benefits.

B. On quick review of the Special Benefit Studies we could find no detailed plans, specifications, or cost estimates for the enhancements to be solely funded with LID funds. There were only general descriptions. Therefore, we do not see how the funds the City is demanding from us with this LID will be used, to create our theoretical and very subjective proposed Special Benefits or that the City will have sufficient funds to complete the entire project as required by State law if there are LID funds used.

As structured, the LID is terribly flawed as the LID enhancements are proposed to be paid for by the existing properties as currently improved in the LID. However, there are hundreds of properties that will be developed and/or redeveloped in the near and distant future that will not be required to pay assessments based on those future improvements, many of which will be significant towers. Therefore, the future public capacity and the theoretical Special Benefits being proposed with those Waterfront Boulevard LID Funded improvements will be substantially supported by the values of the current property improvements and not future property improvements, which would also benefit from the theoretical special benefits and value lift. This is clearly inequitable treatment between existing properties developed to their potential and properties not yet developed to the highest and best use. This LID structure should have a latecomer's payment provision.

We have attached as **(Exhibit C)** and quote from the 7 page letter dated 1.30.2020 by appraiser Anthony Gibbons where he reviews the City commissioned Valbridge Special Benefit study.

Quoting the appraisal expert, Anthony Gibbons:

"Benefits associated with proximity should be evaluated in the form of a lift in land value. The methodology used (a broad percentage assessment applied to total property value) results in inequitable assignments between properties. All properties that will be constructed and delivered to the market by

2024 have escaped a significant assessment, even though they may be identically positioned to otherwise currently built-product with regard to the Waterfront Project when it is complete."

Quoting furthermore from the appraiser Anthony Gibbons review letter:
"The assessments are based on a percentage assignment to total property value, in place in 2020. However, the project presented relates, purportedly, to a proximity benefit. This is a location factor, which is a land characteristic. Benefits from proximity do not normally accrue to improvement value, as the "bricks and mortar" are unchanged. This creates an inequity in the side-by-side comparison of improved and vacant land parcels, and one that is particular well illustrated in case of development properties that will imminently be developed, with a completed project in place by the time the park is complete in 2024. This methodological error is essentially a function of relying upon an across-the-board percentage adjustment, as compared to truly measuring before and after differences."

C. Upon our read of the "Before/After" ("No-LID/LID") in the Addenda Volume, pages. A-1 through A-8 it is very clear to us that there will be No Special Benefit or "Value Lift" to our property from any LID funding for the following reasons:

The LID "Before" Conditions describe "Major changes" along the Waterfront, funded by public tax dollars, will be great improvements over the previous Waterfront conditions prior to the viaduct removal and Elliott Bay Seawall Project. These Major changes which clearly provide "general benefits" as these changes will create an attractive Waterfront for the general public as a "general benefit" without the need for any LID funded enhancements.

Quoting the appraiser expert, Anthony Gibbons:
The Valbridge appraisal makes no attempt to assess General Benefit and does not offset the apparent measure of special benefits with general benefits. AG

Below in quotation marks are the "Major Before changes" without LID funding described in the City documents Include:
See Exhibit D-1

- "The Alaskan Way Viaduct Replacement Project (AWVRP) will be complete, with the viaduct eliminated and the SR 99 tunnel in operation.
- The Elliott Bay Seawall Project will be complete, including a new 15-foot wide sidewalk inset with light penetrating surface (LPS) adjacent to the seawall between approximately Yesler Way and Virginia Street.
- The Pike Place MarketFront (MarketFront) Project will be complete.
- The Pier 62 Rebuild Project will be complete.
- The Seattle Multimodal Terminal at Colman Dock Project will be complete.
- A restored Washington Street Boat Landing Pergola will be complete.
- A "Habitat Beach" between approximately Yesler Way and S. Washington St and immediately adjacent to Washington Street Boat Landing Pergola and Colman Dock will be complete."

Rebuilt/New Surface Roadway (Before)

" The LID "Before" condition assumes a new surface roadway that would fulfill some of the functions that will no longer be provided by SR 99 after the Alaskan Way Viaduct is removed by serving both local and regional transportation needs and providing access between SR 99, downtown Seattle, and northwest Seattle. The proposed improvements would consist of:

A new Alaskan Way roadway between S King Street and Pine Street, built in the approximate footprint of the former Alaskan Way Viaduct, would include:

o A dedicated transit lane in each direction between S. King Street and Columbia Street and on Columbia Street between Alaskan Way and First Avenue

o Northbound ferry queuing lanes between S. King Street and Yesler Way, which include double left-turn lanes between S. Main Street and Yesler Way onto Colman Dock

o Curb zones near the Colman Dock Transit Hub designed to accommodate general purpose vehicles, transit, taxi, and ADA drop-offs and pick-ups.

More Roadway improvements "Before" without LID funding:

• Additional on-street parking and loading zones located along the curbside on the east and west sides of Alaskan Way where space is available.

• A new arterial street, called Elliott Way, which would follow the path of the former Alaskan Way Viaduct from Alaskan Way at Pine Street up the hill into Belltown, where it would connect with Elliott Avenue and Western Avenue

• A new intersection at Pine Street (referred to as the Pine Street extension) that would connect the new Alaskan Way and new Elliott Way with the existing portion of Alaskan Way north of Pier 62/63. This extension would reach a height of 18' from the existing Alaskan Way.

• Streetscape enhancements to Bell St. between Elliott Avenue and First Avenue, which would include widened sidewalks and increased landscaping.

• 377 street trees planted in the median and in planting strips on the east and west sides of Alaskan Way and Elliott Way. The budget would allow for the selection of trees with a caliper of 1.5" to 2". All trees would be of the same type to facilitate the standard level of care and maintenance provided other street trees in the downtown area.

• Code-compliant Green Stormwater Infrastructure (GSI) would be installed in areas of the planting strip along the west side of Alaskan Way between Yesler Way and Columbia St and in areas of the planting strip along the east side of Alaskan Way on every block between Columbia Street and Pike Street, as well as a GSI planter at the foot of the Pike Street

Hillclimb. The City would install groundcover to facilitate the standard level of care provided other GSI elements in the City.

• The City would install one type of hardy groundcover in all other landscaped areas along Alaskan Way and Elliott Way in order to facilitate the standard level of care provided other groundcover in the City.

• Sidewalks on both sides of the roadway along Alaskan Way and Elliott Way would be standard 2'x2' scored concrete.

• On the east side of Alaskan Way between S. King Street and Yesler Way, sidewalk areas between tree pits would be infilled with salvaged red bricks, as required by the Pioneer Square Historic Preservation Board Certificate of Approval.

• Sidewalk immediately adjacent to the west side of Alaskan Way between S. King Street and the Pike Street would range in width from 8' to 35'.

• Plantings immediately west of the two-way bike facility between S. King Street and S. Washington Street would be a mix of standard plantings.

• Sidewalk on the east side of the street between S. King Street and the Pike Street Hillclimb would range in width from 7' to 35'.

• Sidewalk on the east and west sides of Elliott Way roadway between the Pike Street Hillclimb and Bell Street would range in width from 7' to 9'.

• Crosswalks in all intersections would be standard, with 6" curbs.

• A two-way bicycle facility would run along the west side of the new Alaskan Way. The facility would begin at S. King Street and continue north on the west side of Alaskan Way to about Virginia Street, where it would cross the road to join the existing path on the east side of the roadway. At the new intersection with Elliott Way, the bicycle facility would transition to separate northbound and southbound paths that would connect with existing bicycle lanes on Elliott and Western Avenues in Belltown.

• The Marion Street pedestrian bridge over Alaskan Way, which connects to the Seattle Ferry Terminal, would be constructed.

• Reconstructed sidewalks and parking on Seneca Street between Alaskan Way and Western Avenue would be constructed.

• The reconnection of Lenora Street pedestrian bridge to the new Elliott Way would be constructed."

Drive/Parking Aisle (Before),

In the "Before" condition, the City would construct the following:

<u>"S. Washington Street to Madison Street</u>

- Between the east edge of the Seawall LPS and the west edge of the bike facility, from Madison Street to the Washington Street Boat Landing, a 2'x2' scored concrete pedestrian area would be installed with a width of between 25 and 35 feet. The area dedicated to pedestrian travel would be wider than the "After" condition
- Madison Street to Pike Street Between the east edge of the Seawall LPS and the west edge of the bike facility, from Madison and Pike, the City would install a "drive aisle" that would

accommodate 128 parking spaces**. (Note this parking is all lost if the wider pedestrian promenade is installed with LID funding.)**

- Between Madison and Union, the drive aisle would include a single aisle, 60-degree angled parking arrangement using asphalt. Between Union and Pike, the drive aisle would include a double aisle, 60-degree angled parking arrangement using asphalt. There would be an inbound driveway to the south of Pike Street, inbound/outbound driveways at University, Seneca, and Spring Streets, and an outbound driveway at Madison Street. All roadway and parking areas would range in width from 36' to 56'. The sidewalk between the west side of the drive aisle and the LPS panels would be paved using the standard 2'x2' scored concrete. The total width of the walking area, adjacent to the existing LPS panels, would range between 3' and 15'.
- Pike Street to Pine Street the City would reserve this space for a future Aquarium expansion. It would be paved with 2'x2' scored concrete."

"The Overlook Walk would not be built in the "Before" condition and the MarketFront would not become an <u>additional</u> pedestrian connection to the Waterfront and current connections – via the existing elevator and stairwell in Pike Street right away through the Pike Place Market and the Pike St. Hillclimb – would remain the primary connections to the Waterfront from Pike Place Market."

Note that this quoted statement from the City's report only mentions the existing Pike Hill Climb and misses the other three existing pedestrian connections (Lenora St. and Union St. and Harbor Steps at University St.) between the Waterfront and the Pike Place Market.

Pier 58 (formerly known as Waterfront Park)

"Before LID Pier 58 would remain as it currently is: a pier park that was built in 1974. This park has a "horseshoe" shape and contains a mixture of plantings, public gathering areas, a concrete amphitheater, fountain, and seating areas. The park is accessed through a combination of stairs and walkways and is primarily "sunken" below the level of the LPS adjacent to it. Due to access issues, and lack of sightlines, and wear and tear on the aging pier infrastructure, the park is not very conducive to active usage by the public. "

D. **<u>The Following Are Our Comments and Objections to the six projects proposed using LID funding to enhance the Major Improvements just described from the city documents:</u>**

Copied in quotation marks from The Waterfront Seattle LID Final Special Benefit/Proportionate Assessment Study, Executive Summary pages 6-8 with our comments/objections underlined:

"The LID project would construct the following six main elements:

1) "Promenade is a continuous public open space with amply green, landscaped spaces along the west side of the new Alaskan Way from S Washington Street to Pine Street designed for walking, sitting,

gathering, and viewing the waterfront. Highlights of the 26± block-long promenade include street art, extensive plantings (evergreen trees, shrubs and flower bulbs), pedestrian walkways with railings in various sections, and lighting designed in a layered pattern to provide visual interest and wayfinding clarity including LED light sources for low-level illumination of handrails."

Comments/objections to the LID funding of the Promenade enhancements:

The physical improvements to the Promenade area to the pedestrian walkways along the Waterfront as quoted above in the City's "Before" will be improved with all of the normal code required street improvements including:

- 377 Street trees,
- Stormwater Infrastructure (GSI) would be installed in areas of the planting strip along the west side of Alaskan Way between Yesler Way and Columbia St and in areas of the planting strip along the east side of Alaskan Way on every block between Columbia Street and Pike Street, as well as a GSI planter at the foot of the Pike Street Hillclimb.
- The City would install groundcover to facilitate the standard level of care provided other GSI elements in the City.
- Sidewalks on both sides of the 6 lane roadway along Alaskan Way and Elliott Way would be Seattle downtown standard 2'x2' scored concrete.
- A two-way bicycle facility would run along the west side of the new Alaskan Way
- Plantings immediately west of the two-way bike facility between S. King Street and S. Washington Street would be a mix of standard plantings.

Conclusion: with these significant Major Improvements "Before" the LID, to the waterfront boulevard promenade, the enhancements with city estimated total cost of $62.88 M + 17%= $73.65M, with approximately half of that from LID funding, provides no real Special Benefits to the LID properties. See (Exhibit D) for images from the city documents comparing the waterfront boulevard "Before" the LID funding and "After". Both illustrations show that this is a nicely landscaped 6-8 Lane waterfront boulevard and not really a park as the City wants us to believe. See Exhibit D-2 for Promenade "After" and D-3 and D-4 for public safety concerns. See D-5 for Embarcadero visibility and Exhibit F for its "no special benefits associated with the project beyond a one- to two block radius east"

2) "Overlook Walk, immediately west of the recently completed Pike Place MarketFront building, is a pedestrian bridge and landscaped public space that connects the Pike Place Market with the Promenade, spanning over the Elliott Way surface street. Beginning at the MarketFront, a switchback pathway referred to as the "Bluff Walk" connects to a 28-foot-high elevated lid over the new Alaskan Way surface street. Other features are 47,000 SF of public open space with excellent view amenities and an accessible pedestrian pathway, enhancing existing connections and adding

new connections between Pike Place Market and the waterfront, providing opportunities to enhance the pedestrian experience and revitalize the area."

Comments/Objections to the LID funding of the Overlook Walk:

Overlook Walk - Is totally unnecessary, redundant and wasteful **with the City's estimated total cost of $100.18M + 17%= $117.33M it offers no new special or general benefits because of the three very nearby existing pedestrian connections between the Waterfront and the Pike Place Market. See Exhibit D-6 (rendering with Pike west end), D-7 (existing three connections), D-8 (less direct access), D-9 (winding route ending same place), D-10 (outside of Crompton's special benefit radius) Exhibit F Crompton's Article "The Impact of Parks on Property Values. Exhibit F**

These three existing pedestrian connections between the Pike Place Market (official south boundary Is Union St. and north boundary Is Lenora St.) and the Waterfront are so close to the proposed Overlook location:

- The Overlook Walk would be only one block north of the existing elevator and open stairway in the Pike Street right-of-way through the Pike Place Market and the Pike Street Hill Climb.
- The Overlook Walk would be only one and ½ blocks south of the existing Lenora Street pedestrian bridge and elevator connecting the Pike Place Market to the Waterfront
- The Overlook Walk would only be 2 ½ blocks north of the existing Union Street Stair Hill climb connecting the Pike Place Market to the Waterfront.

3) "Pioneer Square Street Improvements include enhanced streetscapes on S Main Street, S Washington Street, Yesler Way, and S King Street featuring new sidewalk paving, landscaping, and traffic redirection to create more pedestrian friendly links between the waterfront and Pioneer Square. Improvements could include curb extensions, new seating opportunities and coordinated development of sidewalk cafes with food and beverage uses fronting on these streets. Because this area lies within the Pioneer Square Preservation District, improvements are in accordance with the preservation district guidelines."

Comments/objections to the LID funding of the Pioneer Square enhancements:

The Pioneer Sq., Street improvements are estimated by the city to cost $20.0 M + 17%= $23.4M and are located 10-14 blocks south of my building and are too remote to provide any Special Benefit to my property.

4) "Union Street Pedestrian Connection (also known as Lower Union), is in the right of way on the south side of Union Street between Alaskan Way and Western Avenue. It is a universally accessible pedestrian link between the new waterfront and Western Avenue. An elevated pedestrian walkway,

elevator and stairs are enhanced by public art and nighttime lighting to illuminate the pathway, elevator, and the area underneath the pedestrian bridge."

Comments/objections to the LID funding of Union Street pedestrian connection:

The access to the proposed LID funded Lower Union pedestrian connection $13.94M + 17%= $16.32M is a three block walk down First Ave from my building and has no value to my building because we have the existing much more convenient Pike Street Stairs and Pike St., Hill climb one block from our building that provides the same waterfront access. In fact, we have never had the need to use the existing Upper Union stairway to Western Avenue next to the Four Seasons Hotel.

5) "Pike/Pine Streetscape Improvements provide enhanced pedestrian access to and from the Pike Place Market and waterfront. Both streets, between First and Second avenues, will be reconstructed as "shared space", without curbs. Single travel lanes (westbound on Pine and eastbound on Pike) designed for slow vehicle movement and local access will share the space with pedestrians and bicycles. Bollards and detectable warning strips help define the area to be used by vehicles, along with light poles, trees and paving treatments, and there will be more room available for sidewalk cafes. Other improvements will be made in the various blocks of Pike and Pine streets between Second and Ninth avenues (planters protecting bike lanes, etc.) including construction of a new paved public plaza, a flexible space designed to accommodate diverse programming similar to Westlake Park, on the south side of Pine Street between Third and Fourth avenues."

Comments/Objections to the LID funding of the Pike/Pine streetscape improvements:

These proposed changes to Pike Street and Pine Street between First Avenue and Second Avenue have a City estimated total cost of $20M + 17%= $23.4M. This change to the streets would absolutely reduce the value of our property, as it would significantly restrict the existing vehicular access to and from our 300 stall parking garage which is at the one way South alley off of Pine St between Pike and Pine Streets, and between First and Second Avenues. Also, this would make access for deliveries to our building much more restricted. Our building alone had 15,474 packages delivered during 2019 and over 500 service vehicle calls to our building. Restricting our building's vehicular assess will create significant grid lock in our already highly congested area by the Pike Place Market. Also, this one way South alley off of Pine St. serves a 30 stall garage in the historic Doyle Building and the 54 space surface lot serving the Market. See Exhibits D-11 (Pike St "Before", D-12 (Pike St "After") and D-13 (Pine St "Before" and D-14 (Pine St "After")

These proposed changes would clearly damage values of our property.

6) Pier 58 (formerly known as Waterfront Park), located between Piers 57 and 59, provides a unique atmosphere for social gathering/ performance spaces with excellent view amenities. Containing approximately 49,000 square feet providing a seamless connection between the park and the

Promenade, highlights include a children's play area, 4,900 SF of open water coverage protected by railings, and 3,600± square feet of raised lawns.

Comments/Objections to the LID funding of the Pier 58 deferred maintenance:

This existing Waterfront Park is part of the tourist destination of the Central waterfront with its tourist-oriented retail piers and offers a curious place for tourists to explore as it is. The City estimated total cost for LID improvements is $65.24M + 17%= $76.4M. However, this small park has received little maintenance from the City which is irresponsible. The described improvements reflect deferred maintenance of the City Park and a lack of appropriate improvements over its many years of use. This is clearly not a neighborhood park and the proposed improvements should not be funded by the downtown neighborhood LID as it has no Special Benefits.

E. From our experience living in the Pike Place Market neighborhood for over four decades, including living adjacent to Westlake park for 8 years and William managing 15 historic buildings in Pioneer Square for 14 years, we have experienced the negative impacts to properties and pedestrians using or passing nearby public open spaces in the downtown core including: Victor Steinbrueck Park, Westlake Park, Freeway Park and Occidental Park. These public places frequently attract unlawful behavior and threatening events. Last week 7 pedestrians were shot one block from our home see image (Exhibit F). We are concerned that the Central Waterfront Boulevard with even much fewer eyes on the pedestrian areas than these other public areas will result in negative property values.

F. For 10 years William was the Responsible Official for the City of Seattle Lead Agency on SEPA Decisions and Conditions for all privately sponsored developments. We find it very surprising that there has been no State Environmental Policy Act (SEPA) review of the Waterfront LID formation ordinance or in advance of this Final Assessment roll, a limited EIS addressing only certain of the LID improvements in isolation and was completed several years before the LID formation ordinance and there are incomplete SEPA reviews of the LID Improvements themselves. This is clearly an improper segmentation of environmental impacts and failure to address cumulative impacts of the complete project required in a SEPA public review process. Through this piecemeal and incomplete environmental review approach, the City has artificially limited the range of reasonable alternatives and the effectiveness of any future SEPA review of the waterfront LID and underlying project action. It is unlawful to move forward with final assessments until all SEPA reviews are complete for the Waterfront LID *and* the Waterfront LID Improvements collectively. *LID Manual*, pp. 3, 6, 17, 24, 26; WAC 197-11-055, 197-11-060, 197-11-070, 197-11-305, 197-11-704, RCW 43.21C.030 and 43.21C.031.

G. The Ordinance 125760, (Exhibit A), states that the total project will be $712 million of that $346.57 million is the estimated cost to complete the LID scope of work. With the total LID assessment of $160 million, how will the city raise the additional $186.57 million to complete 100% of the LID scope of work, which is required by state law for LID funded projects? If the City Council does enforce this LID funding, the city budget will be significantly adversely

affected. In order to fund the shortfall to complete the LID scope of work. These funds would likely come from The City's general fund at the cost of other general fund supported city functions such as police protection and support of the homeless and social services. That would be a crime, and this risk is very real as the budget for the LID scope of work is only based on schematic drawings and as all of us in Seattle during these years of over heated construction activity and escalating costs know, there will be significant cost overruns. As the opinion 2012 No. 4 (Exhibit E) from the Washington State Atty. Gen. concludes it would be unlawful to bind future city councils and future budgets to spend likely hundreds of millions of dollars on projects still early in the design process.

H. As a further lack of confidence in the work done by the City's appraiser, the appraiser determined the value of our home #2901 on the NE corner, Before the LID of $2,385,600, which tells us that the appraiser is completely unaware of the decline in condominium market values this past year in the LID. For example, the unit adjacent to ours #2902 on the SE corner sold for $1,800,000 last week on 2/4/2020 that's 15% less than the city appraiser's Before value of $2,074,800. Redfin January 2020 report estimates our home at $1,971,810 which is 82.6% of the city appraiser's Before value. If the city's appraiser is that far off, how can anyone believe his estimate of value lift of our home from the full LID improvements of 2.7%???

I. We incorporate by reference all objections made as part of King County Superior Court Case No. 19-2-05733-5 SEA (Consolidated with No. 19-2-08787-1 SEA). Attached is a copy of the Third Amended Complaint (Exhibit G)

J. We join in and incorporate by reference every objection made by every other property owner.

K. We incorporate the review and critique by appraiser, Anthony Gibbons, dated January 27, 2020 (Exhibit C) of the Final Special Benefit/Proportionate Assessment Study dated November 18 prepared by Valbridge.

L. In conclusion, as longtime residents and employees in our downtown core and as active domestic and international travelers where we have observed and studied public spaces, it is very clear to us that these "Major Changes" that are planned for the Central Waterfront, even without the LID enhancements, will create a wonderful "regional" attraction primarily as a tourist destination in the long summer days. This clearly will not be a neighborhood park, but rather a waterfront Boulevard, offering no special benefits and property value lift to property owners in the downtown core. Rather, our main concern is that this large Waterfront Boulevard will become unpleasant and unsafe as are other downtown pedestrian spaces during the dark days and evenings which adversely impact property values.

Thank you for giving this very serious matter the attention it deserves,

_____ _____

William J. Justen Sandra L. Justen

EXHIBITS:

A- Waterfront LID Formation Ordinance No. 125760
B- Photo showing East skyline view from Justen condominium
C- RE-SOLVE review letter by appraiser, Anthony Gibbons,1.30.2020, of Valbridge Special Benefit Studies
D- D-1 through D-14 “Before” and “After” LID city images from the Final Special Benefit Study
E- Washington State Attorney General Opinion Letter AGO 2012 No.4
F- War Zone
G- Third Amended Complaint for Declaratory Relief and Damages, King County Superior Court