

December 3, 2019

Shelley Bolser
SDCI
700 5th Ave, Suite 2000
Seattle, WA. 98124-4019

Re: #3019699, 5th & Virginia, EIS Addendum Comment Letter

Dear Shelley:

SEPA provides that each person has a “fundamental and inalienable right to a healthful environment”. It’s now eighteen months after the Hearing Examiner remand on daylighting and health, and the “bottom line” is that the Applicant has done nothing to improve this design for the welfare of its own residents or the residents of Escala. Instead they have done an “iffy” study to try to justify doing nothing.

As a mathematician and engineer by education, I’m reminded of the phrase our professors stressed, “Garbage In-Garbage Out”. This is what we have in this Addendum. In our opinion, it is inexcusable...and will not stand!

If you read carefully pages 7-10 of the Addendum along with the Appendices referenced, several things are very evident:

1. They acknowledge that there will be adverse light and health impacts to “some” Escala residents, but significantly understate reality. How many lives have to be seriously impacted for it to be important to them or to the City?
2. They list three models for measuring light that are in current commercial usage. While none of the three is the “gold standard”, they chose to use EML, implying that it is the only metric accepted by the WELL Standard. However, the WELL Standard has criteria for both EML and CS, and none of the three has been refuted.
3. Since only “some” Escala residents will be negatively impacted, it’s not significant in their mind. [This conclusion is reminiscent of some

of the early tobacco impacts studies that came back to haunt us all]. Will someone have to die at Escala for the City to take these risks seriously?

4. They utilized the WELL Standard, developed for commercial office use, rather than this very different multifamily residential setting; and consequently, they inappropriately included both daylight and (enhanced) electric lighting in their calculations, thus greatly overstating the light available to Escala residents (assuming that we will have 6X the electric lighting we now have in our units).
5. They played “games” with the positioning of residents in a unit (i.e. facing the window versus facing a wall) for measuring EML, which the literature says will greatly skew the numbers in their favor.
6. They “cherry-picked” the floor levels they used, jumping all the way from Level 5 to 19, and then to 28.
7. They also lumped Escala residents into an “average wakeful daylight hours spent at home” category that is very different from what an actual survey of Escala residents shows.
8. Finally, the Addendum wrongly asserts that the City’s substantive SEPA mitigation policies do not authorize any mitigation of human health impacts in this situation. SMC 25.05.675 expressly provides mitigation authority in this context.

There are no doubt other flaws in the study cited in the Addendum, but you get the point...this report is not an accurate reflection of the real situation. And yet, even with all the flaws, the Addendum still acknowledges that, with the 5th & Virginia Development, there will be a 40% increase in the number of instances residents on the east side of Escala are subject to light levels so low that adverse health effects are likely. That is a significant impact, that should have led to preparation of an EIS.

Unfortunately, it appears that Douglaston is just trying to muddy the water to get you to approve this unhealthy design, rather than make improvements available to them under the law that would yield a design that would work for

everyone. As I read this Addendum, I was reminded of the subtle trickery in the chorus of the George Strait hit, *Ocean Front Property*: “I’ve got some ocean front property in Arizona. From my front porch you can see the sea. I’ve got some ocean front property in Arizona. If you’ll buy that I’ll throw the Golden Gate in free.”

The Applicant could care less about a healthful environment for either their own residents or for us at Escala. For them, this is just another out-of-state business deal. For us, this is our lives. We will not waver until we have exhausted every possible avenue to get justice.

Please do not approve this project as currently proposed.

Thank You,

John Sosnowy,
for Escala Owners Association

Cc: prc@seattle.gov, Nathan Torgelson, David Bricklin