

EXHIBIT 3

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10 BEFORE THE HEARING EXAMINER
11 FOR THE CITY OF SEATTLE

12 In RE: Appeal by

13
14 AQUARIAN FOUNDATION, INC

Hearing Examiner File:

MUP-23-011

Department Reference:

3038146-LU

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17 from the September 18, 2023 City of Seattle

18 Analysis and Decision of the Director of the Seattle

19 Department of Construction and Inspections.

DECLARATION OF

CATHRYN M. REID

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21 DECLARATION OF CATHRYN M. REID
22

23 I, Cathryn Reid declare,
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- 25 1. I am over 18 years old, I am an employee of Aquarian Foundation, and am familiar with
26 the facts surrounding of the E 1410 John Street Project ("Project"). I have personal
27 knowledge of the matters set herein and am otherwise competent to testify.
28 2. On February 9th 2022 during a virtual Design Guidance Meeting, I was informed that
29 3. Aquarian Foundation's concerns regarding requests for structural engineering reports,
30 carbon footprint surveys, and all surveys relating to the Project, including historical surveys
31 that showed conformity with the Capitol Hill's architectural feel, would be addressed
32 separate from the virtual meeting.

CATHRYN M. REID
DECLARATION - TRESPASS
AQUARIAN FOUNDATION INC
315 15TH AVE EAST, SEATTLE WA 98112

4. At various dates during 2022 (February, August, and October) I reached out to Applicant's representatives (Aaron Keeler and Chad Winters) requesting hard copies or email copies of the Project's reports and surveys and relevant documents.
5. On January 13th 2023 Natalie Quick from Natalie Quick Consulting, the permit consultant for the Applicant assured me that the Appellant Aquarian Foundation would receive all the requested documentation from that applicant within the "next few days".
6. On January 20th 2023 I reached out to Natalie Quick via email requesting the documents. Please see attached email correspondence between me and Natalie Quick:
Email 1, January 20th 2023; Email 2, January 22nd 2023;
Email 3 and 4, February 10th 2023; Email 5, February 28th 2023 consisting of 2 pages
Email 6, March 6th 2023; Email 7, March 7th 2023;
Email 8 and 9, March 8th 2023.
7. On March 8th 2023 Applicant's representative Natalie Quick asserted in an email: "We will continue to move forward then without those agreements which are meant to protect your land." (See Email 9, March 8th 2023)
8. Applicant's representatives including Natalie Quick have not provided Appellants with the requested surveys, records or documents for the Project.
9. Appellant Aquarian Foundation has not granted an easement to the Applicant.

I declare under penalty of perjury under the laws of the State of Washington that to the best of my knowledge, the foregoing is true and correct.

Executed this 22nd day of November 2023, at Seattle, Washington.



Cathryn M. Reid

Follow up

email #1

From Cathryn <creidbiz@protonmail.com>

To Natalie Quick <natalie@nataliequickconsulting.com>

Date Friday, January 20th, 2023 at 12:48 PM

Hi Natalie,

Just checking in - we still have not received any documents / reviews / insurance information / reports with regard to the e john street Safeway / Greystar project. do I address this with you? or with Greystar directly? They need to be mailed to:

Aquarian Foundation

315 15th Ave East,

Seattle, Wa 98112

The alternative is that I am willing to pick them up at the Greystar office.

Thanks

On behalf of Aquarian Foundation

Cathryn

206-324-6046

Sent with Proton Mail secure email.

Re: Follow up

email #4

From Natalie Quick <natalie@nataliequickconsulting.com>

To Cathryn<creidbiz@protonmail.com>, Aquarian Foundation<info@aquarianfoundation.com>

Date Friday, February 10th, 2023 at 11:57 AM

Hi Cathryn,

Thanks for reaching out. We have been pulling the information you requested together from our team and I can send it to you tomorrow. Also, I did send the ownership information in my previous email....I'll forward it again, but in summary - Safeway will own the store and Greystar will own the apartments.

Let's talk after you have a chance to review what we're sending over.

Best,

Natalie

On Fri, Feb 10, 2023 at 11:02 AM Cathryn <creidbiz@protonmail.com> wrote:

Dear Natalie, Chad, To Whom It May Concern

email #3

Hopefully you are all well.

Can you at minimum, please tell me who owns the land? Who is responsible for the trees, currently on the land?

To date (February 10th, 2023), Aquarian Foundation has still not received 1 document from Greystar. I am still willing to pick up a hard copy of the documents at the Greystar office (as per at least 2 previous telephone conversations and email). I will need the Greystar Seattle address in order to do so. Let me know when all the documents will be ready for pick up, and a convenient time for me to pick them up. In the meantime, Greystar can email all the documents to:

, as well as to my email: creidbiz@protonmail.com.

We look forward to receiving all the documents as per our (Natalie and my) conversation held on January 13th 2023.

Thank you so much.

Have a great weekend.

On behalf of Aquarian Foundation

Cathryn

Sent with Proton Mail secure email.

----- Original Message -----

email #2

On Sunday, January 22nd, 2023 at 4:19 PM, Natalie Quick <natalie@nataliequickconsulting.com> wrote:

Hi Cathryn!

They are actively pulling that information together for you and I hope to have something for you next week.

Also, re: ownership, Greystar will own the apartments and Safeway will own their store.

Here are some possible dates for a group call with our expert consultants and your board...let me know what you prefer?

Best,
Natalie

- 2/6 @ 2 PM PST
- 2/7 @ 9 AM, 10 AM, 1 PM, or 3 PM PST
- 2/10 @ 11 AM PST

On Fri, Jan 20, 2023 at 12:48 PM Cathryn <creidbiz@protonmail.com> wrote:

Hi Natalie,

email #1

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The alternative is that I am willing to pick them up at the Greystar office.

Thanks

On behalf of Aquarian Foundation

Cathryn

206-324-6046

Sent with Proton Mail secure email.

--

Natalie Quick | President & CEO

Natalie Quick Consulting

206-779-0489 (p)

natalie@nataliequickconsulting.com (e)

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Natalie Quick | President & CEO

Natalie Quick Consulting

206-779-0489 (p)

natalie@nataliequickconsulting.com (e)

Follow up re: Safeway site

Mail 5

From Natalie Quick <natalie@nataliequick.com>

To Aquarian Foundation<info@aquarianfoundation.com>, Cathryn<creidbiz@protonmail.com>

Date Tuesday, February 28th, 2023 at 7:15 PM

Hi Cathryn,

Thanks again for your patience as we pulled this information together for you. We thought it would be helpful to start with a frequently asked questions document to walk through what the project needs from the Foundation and also how the insurance provisions would work.

Please take a look and then let's set a time to discuss?

Best,
Natalie

Natalie Quick | President & CEO

Natalie Quick Consulting

206-779-0482 (p)

natalie@nataliequickconsulting.com (e)

Find me online: <http://www.nataliequickconsulting.com/>

104.60 KB 1 file attached

SCH_Neighbor Coordination_230228.pdf 104.60 KB

- Survey monitoring occurs during construction to monitor and protect adjacent structures, roadways, and utilities from any movement or settlement that would cause damage
- A licensed surveyor (not the contractor) must regularly survey to monitor soil movement until the permanent structure is complete and up to the final and street grades (i.e., ground-level slab). This duration is anticipated to be approximately 10 months from the start of construction.
- If any settlement occurs that might damage adjacent property or structures, the engineers will determine the cause and develop remedial measures. The contractor will immediately implement the fixes necessary to prevent damage.

What type of insurance will Greystar carry? If damages exceed the coverage, is the Foundation liable for the difference?

The insurance provisions are not a limitation on liability. The insurance is there so that the Foundation is covered by an easily accessible pool of money from the insurer. If Greystar's easement use causes any damages, the Foundation collects from the insurance company. That insurer can then determine whether another insurer should pay it back (contractor, crane operator, etc.).

The Foundation is not liable in the unlikely event of a loss over the insurance. For example,

- Greystar will restore any property damage caused by our easement use – that obligation is not limited by the amount of the insurance policy we provide for you.
- Greystar will protect and defend the neighbors from any claims from a third party because of our easement use. For example, if some visitor to their property is hurt and brings a claim against the church, Greystar will pay for your defense and any damages (which would be unlikely).
- If the Foundation believes Greystar violates the agreement, they can enforce it in court, and if they prevail, we pay attorney's fees.

AQUARIAN FOUNDATION REFUSES AND REJECTS ANY EASEMENTS GREYSTAR IS SEEKING FOR THE SAFEWAY SITE

email #6

From Cathryn <creldbiz@protonmail.com>

To Aquarian Foundation<info@aquarianfoundation.com>, Sachs, David<David.Sachs@seattle.gov>, DOT_15th_Ave_E<Dot_15th_Ave_E@seattle.gov>, Nadimi, Virginie<Virginie.Nadimi@seattle.gov>, Natalie Quick<natalie@nataliequickconsulting.com>

Date Monday, March 6th, 2023 at 4:38 PM

Natalie:

Aquarian Foundation **refuses** and **rejects** any and all easements Greystar is "seeking from Aquarian Foundation" for the Safeway site, including a crane swing agreement, a soil nails agreement or a construction access agreement.

On behalf of Aquarian Foundation
Cathryn

Sent with Proton Mail secure email.

**Re: AQUARIAN FOUNDATION REFUSES AND REJECTS ANY EASEMENTS
GREYSTAR IS SEEKING FOR THE SAFEWAY SITE**

From Natalie Quick <natalie@nataliequickconsulting.com>

To Cathryn <creidbiz@protonmail.com>, Aquarian Foundation <info@aquarianfoundation.com>

Date Tuesday, March 7th, 2023 at 8:29 AM

e mail #7

Hi Cathryn,

It would be great to have a discussion, since this was sent over in anticipation of doing so.

Is there a time this week that works for you?

Best,
Natalie

On Mon, Mar 6, 2023 at 4:39 PM Cathryn <creidbiz@protonmail.com> wrote:
Natalie:

Aquarian Foundation **refuses and rejects any and all easements** Greystar is "seeking from Aquarian Foundation" for the Safeway site, including a crane swing agreement, a soil nails agreement or a construction access agreement.

On behalf of Aquarian Foundation
Cathryn

Sent with Proton Mail secure email.

--
Natalie Quick | President & CEO
Natalie Quick Consulting
206-779-0489 (p)
natalie@nataliequickconsulting.com (e)

Re: AQUARIAN FOUNDATION REFUSES AND REJECTS ANY EASEMENTS GREYSTAR IS SEEKING FOR THE SAFEWAY SITE

From Cathryn <creidbiz@protonmail.com>
To Natalie Quick <natalie@nataliequickconsulting.com>
CC Aquarian Foundation <info@aquarianfoundation.com>
Date Wednesday, March 8th, 2023 at 5:07 PM

email #8

Natalie:

It appears that you did not get/ read my previous email, dated March 6th, 2023.
Here is a copy:

Aquarian Foundation **refuses and rejects any and all easements** Greystar is "seeking from Aquarian Foundation" for the Safeway site, including a crane swing agreement, a soil nails agreement or a construction access agreement.

On behalf of Aquarian Foundation
Cathryn

Sent with Proton Mail secure email.

----- Original Message -----

On Tuesday, March 7th, 2023 at 8:29 AM, Natalie Quick <natalie@nataliequickconsulting.com> wrote:

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On behalf of Aquarian Foundation
Cathryn

Sent with Proton Mail secure email.

Natalie Quick | President & CEO

**Re: AQUARIAN FOUNDATION REFUSES AND REJECTS ANY EASEMENTS
GREYSTAR IS SEEKING FOR THE SAFEWAY SITE**

From Natalie Quick <natalie@nataliequickconsulting.com>
To Cathryn <creidbiz@protonmail.com>
CC Aquarian Foundation <info@aquarianfoundation.com>
Date Wednesday, March 8th, 2023 at 5:43 PM

email #9

Hi Carolyn,

I did indeed receive that. We will continue to move forward then without those agreements, which are meant to protect your land.

Best,
Natalie

Sent from my iPhone

On Mar 8, 2023, at 5:07 PM, Cathryn <creidbiz@protonmail.com> wrote:

Natalie:

It appears that you did not get/ read my previous email, dated March 6th, 2023.

Here is a copy:

Aquarian Foundation **refuses** and **rejects** any and all easements Greystar is "seeking from Aquarian Foundation" for the Safeway site, including a crane swing agreement, a soil nails agreement or a construction access agreement.

On behalf of Aquarian Foundation
Cathryn

Sent with Proton Mail secure email.

----- Original Message -----

On Tuesday, March 7th, 2023 at 8:29 AM, Natalie Quick <natalie@nataliequickconsulting.com> wrote:

Hi Cathryn,

It would be great to have a discussion, since this was sent over in anticipation of doing so.

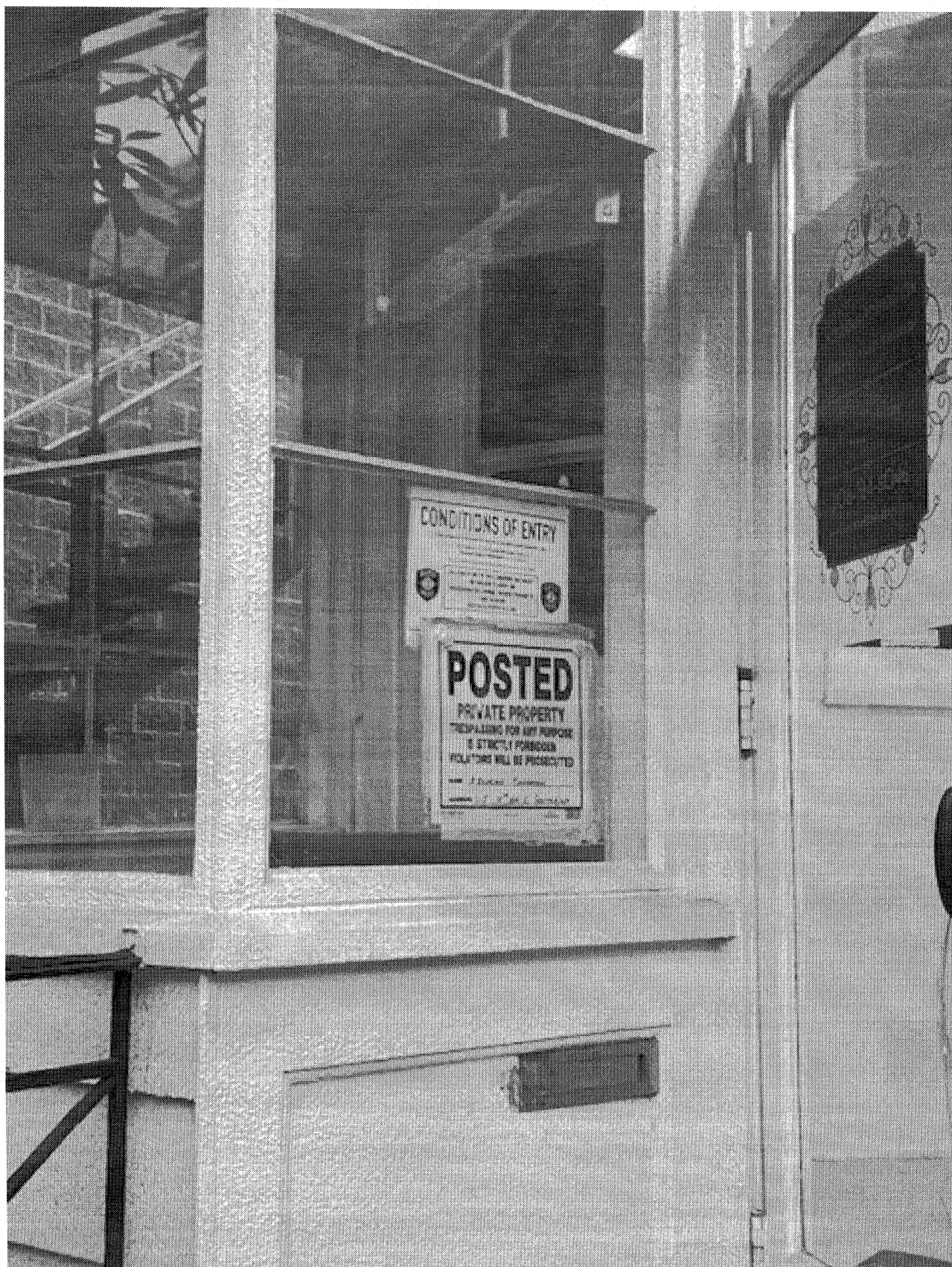
Is there a time this week that works for you?

Best,
Natalie

On Mon, Mar 6, 2023 at 4:39 PM Cathryn <creidbiz@protonmail.com> wrote:

Natalie:





CONDITIONS OF ENTRY



PROHIBITION OF ANY USE OF FORCE OR THREATS FOR SILENT
AND SILENT TO REMAIN AND
PROHIBITION FOR CHARGE AND THREATS FOR SILENT TO
REMAIN AND SILENT TO REMAIN



City of Seattle