THE HONORABLE BARBARA A. MACK

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

BENDARE DUNDAT, INC.,

Plaintiff, and

MASTER BUILDERS ASSOCIATION OF KING AND SNOHOMISH COUNTIES,

Intervenor

vs.

THE CITY OF SEATTLE,

Defendant.

NO. 16-2-08259-9 SEA

DECLARATION OF JON COOMBES IN SUPPORT OF INTERVENOR MASTER BUILDERS ASSOC.'S RESPONSE IN OPPOSITION TO CITY OF SEATTLE'S CROSS MOTION FOR SUMMARY JUDGMENT

I, Jon Coombes, declare and state under the penalty of perjury under the laws of the State of Washington, as follows:

1. I am the principle and managing member of Coombes Development LLC, am competent to testify, and have personal knowledge of the matters asserted herein. Coombes Development, LLC is a member of Master Builders Association of King and Snohomish Counties. This declaration is made in support of Intervenor Master Builders Association's Response in Opposition to the City of Seattle's Motion for Summary Judgment.

2. Through Coombes Development LLC, I am under binding contract to purchase property located at 6016 California Avenue Southwest (the "6016 Property"). I have paid a nonrefundable earnest money deposit for the property which I cannot rescind despite the City's adoption of the 'qualifying lot' regulation that I understand is the subject of this lawsuit.

JOHNS MONROE MITSUNAGA KOLOUŠKOVÁ PLLC
ATTORNEYS AT LAW
11201 SE 8th St., Suite 120
Bellevue, Washington 98004
Tel: (425) 451 2812 / Fax: (425) 451 2818

3. The 6016 Property is located immediately adjacent to 6022 California Avenue Southwest (the "6022 Property"). The 6022 Property builder, totally unrelated to myself or Coombes Development, is in the process of submitting an application with the City of Seattle.

4. Because of the time it takes to put together development plans, I anticipate that the 6022 Property will submit its application prior to my being able to submit for the 6016 Property. Either way, one or the other property will be subject to the regulation requiring a 'non-qualifying' lot to undergo master use permit, design review and SEPA. However, as good business practice, I am now putting together application materials assuming that my 6016 Property will be the second application, or the 'non-qualifying' lot, subject to design review and SEPA.

5. Because I have to undergo design review and SEPA, the costs and decisions I make as to how to develop the 6016 Property are significantly affected. My costs to develop application materials and undergo the City's design review and SEPA process are significantly increased. In addition to the actual costs incurred, my market risk also increases due to the increased time to market.

6. I do also own the property at 6010 California Avenue Southwest, which also abuts 6016. However, even if I did not own that property, the 6016 Property would still be subject to design review as I anticipate I will not be able to get my application submitted before that for the 6022 Property.

7. The only reason that I will continue to develop the 6016 Property is because I have paid nonrefundable earnest money. Otherwise, I would not enter into a contract for the property because it could become subject to design review under the City's new regulation, that subject to this lawsuit.

8. The existence of this regulation affects my choice as to what property I will enter into a contract to purchase and develop. I now have to build in the risk of design review

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in my evaluation of whether to purchase a property and enter into a contract and pay earnest money. The regulation negatively impacts, or restricts the field of potential developable property that I have to choose from, which inevitably drives up the prices for the remaining developable properties that would not risk being subject to this regulation.

9. I personally know several other land developers and builders who either own property, or are under contract to purchase property, which is subject to this regulation, and whose choices as to what property to purchase and develop are now significantly limited as a result of this regulation.

DATED this 4 day of Aug, 2016, in Seattle, Washington.

JON COOMBES

1300-29 Declaration of Jon Coombes 08-04-16

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