



BRICKLIN & NEWMAN LLP
lawyers working for the environment

Reply to: Seattle Office

August 5, 2016

VIA U.S. MAIL AND EMAIL
TO ABAUER@KENMOREWA.GOV

Kenmore Development Services
Attn: Andrew Bauer, Planner
P.O. Box 82607
Kenmore, WA 98028

**Re: Lodge at Saint Edward State Park, Local File No. CSP16-0077: DEIS
Scoping Comments and Comments on Application for Site Plan Approval**

Dear Mr. Bauer:

This letter is submitted on behalf of Citizens for Saint Edward State Park, a local advocacy group dedicated to protecting the natural environment at Saint Edward State Park, as well as ensuring that any and all use of park facilities is secondary and subordinate to the park's intended use for passive outdoor recreation.¹ Citizens for Saint Edward State Park is also responsible for accomplishing the original nomination of the Saint Edward Seminary to the National Register of Historic Places. This comment letter is submitted in response to the City of Kenmore's request for scoping comments on the DEIS and for comments on site plan approval for the proposed Lodge at Saint Edward, Local File No. CSP16-0077.² The proponent of the site plan is Daniels Real Estate, a private developer who is currently pursuing a lease from the Washington State Parks and Recreation Commission to occupy the seminary building.

The Daniels Real Estate proposal would convert the seminary building to a private "hotel/conference center" with more than 80 hotel rooms, a total of 16,000 square feet of

¹ For more information about Citizens for Saint Edward State Park, see <<http://citizensforsaintedwardstatepark.org/about>>.

² See Combined Notice of Application, Additional Notice of Request for Comments on Scope of EIS, and Notice of Public Meeting on Scope of EIS, File # CSP16-0077 (July 12, 2016), available at <<http://www.kenmorewa.gov/lodgeatsaintedward>>. See also Notice of Extended Comment Period on Scope of EIS, available at <<http://www.kenmorewa.gov/sites/default/files/16-07-28%20%20Notice%20of%20EIS%20Scoping%20Period%20Extension.pdf>>.

conference rooms, a 3,100 square foot restaurant, and bars and lounges.³ The project is anticipated to host executive meetings and other corporate events with a total capacity of between 1,399 to 1,419 persons (including staff).⁴ The proposal would interfere with passive outdoor recreational opportunities at Saint Edward State Park through increased traffic, noise, light and glare, changes in land use and intensity, and changes in the character of the park and surrounding neighborhood. The proposal will likely have significant cumulative impacts in conjunction with the City of Kenmore's plan to renovate and lease the Saint Edward ball field from the Parks Commission. Finally, the current proposal builds upon the Parks Commission's earlier plan to sell the seminary building to Daniels Real Estate in exchange for the McDonald property near the northwestern corner of the Park.⁵ The current proposal does not involve a conveyance of title. But with a potential lease term of up to 62 years, *see* Wash. Laws 2016, ch. 103, § 1(2)(b), the current proposal would still effectively remove the building from public use for the foreseeable future. Pursuant to the city's combined notice, please consider the following comments on the scope of the DEIS for the proposed Lodge at Saint Edwards, as well as the following comments on the site plan proposed by Daniels Real Estate.

A. Pursuant to WAC 197-11-938, the Washington State Parks and Recreation Commission Is the Lead Agency.

Before discussing the scope of the DEIS, we believe the City of Kenmore and the Parks Commission have made a fundamental error regarding their review of the proposal under the State Environmental Policy Act ("SEPA"), ch. 43.21C RCW. In the Determination of Significance ("DS"), the city reports that it has been designated as the nominal lead agency by agreement with the Parks Commission. *See* DS at 1.⁶ But under SEPA, the city has no authority to assume the role of lead agency.

WAC 197-11-938 provides, in part, that "[f]or all private projects requiring a license or lease to use or affect state lands, the lead agency *shall be* the state agency managing the lands in question[.]" WAC 197-11-938(5) (emphasis added). In turn, the lead agency is the only agency with authority to issue the threshold determination. It is also the only agency with authority to prepare an environmental impact statement. *See* WAC 197-11-050(2)(a-b) ("The lead agency . . . *shall be the only agency* responsible for: (a) The threshold determination; and (b) Preparation and content of environmental impact statements") (emphasis added). Here, the proposal by

³ *See* Daniels Real Estate, "Hotel/Conference Center" floor plans (May 12, 2015), *available at* <<http://www.danielsdevelopmentcompany.com/projects/st-edward-seminary/project-updates/document-library.php>>.

⁴ *See supra*, note 3. *See also* Daniels Real Estate, Project FAQ, *available at* <<http://www.danielsdevelopmentcompany.com/projects/st-edward-seminary/project-updates/SOS-BrochureV8.pdf>>; Daniels Real Estate, Lodge Narrative (May 2016), *available at* <<http://www.danielsdevelopmentcompany.com/projects/st-edward-seminary/The-Lodge-at-St%20Edward-Narrative-May-2016.pdf>>.

⁵ *See* Washington State parks, Saint Edward Planning – Seminary, *available at* <<http://parks.state.wa.us/857/Saint-Edward-Planning---Seminary>>.

⁶ The city's determination of significance is *available at* <<http://www.kenmorewa.gov/sites/default/files/16-07-12%20-%20Lodge%20at%20St%20Edward%20-%20SEPA%20DS.pdf>>.

Daniels Real Estate clearly requires a lease of state land. Thus, the Washington State Parks and Recreation Commission — not the City of Kenmore — is the lead agency under SEPA. It alone has authority to issue the DEIS.⁷

Pursuant to WAC 197-11-938, we request that the Parks Commission assume the role of lead agency for purposes of reviewing the Daniels Real Estate proposal under SEPA. The DEIS should be issued by the Parks Commission, not the City of Kenmore, and the Parks Commission should assume primary responsibility for complying with all of SEPA's procedural requirements.

B. The DEIS Should Evaluate a Public/Non-Profit Option as Required by RCW 79A.05.025(2)(b), as well as an Open-Air Memorial Option as Developed by Citizens for Saint Edward State Park.

As noted above, the site plan is being proposed by Daniels Real Estate, a private developer. But the State Parks Commission has been heavily involved in promoting the proposed Lodge at Saint Edward. The Commission is also responsible for soliciting the Daniels Real Estate proposal in the first instance, and has described that project as a "partnership" between the two entities.⁸ Accordingly, the proposed Lodge at Saint Edward is a "public project" under SEPA. *See, e.g.*, WAC 197-22-928 (proposal is a "public project" when initiated or sponsored by a state agency, or when agency and private efforts are intertwined). It is also clear that the Parks Commission solicited the Daniels Real Estate proposal to serve its own goal of rehabilitating the Saint Edwards Seminary. *See supra*, note 5. In short, the proposal is a public project with a public purpose and objective.⁹

⁷ Elsewhere, the administrative rules implementing SEPA allow agencies to assign the lead agency by mutual agreement. *See* WAC 197-11-944. But this general grant of authority to assign lead agency status by agreement does not trump the more specific requirement that, when a lease of state land is involved, the lead agency "shall be" the state agency with management authority over those lands. *See, e.g., Knowles v. Holly*, 82 Wn.2d 694, 702, 513 P.2d 18 (1973) ("[W]here there is a conflict between one statutory provision which deals with a subject in a general way and another which deals with the same subject in a specific manner, the latter will prevail") (citing *State ex re. Phillips v. Wash. State Liquor Control Bd.*, 59 Wn.2d 565, 369 P.2d 844 (1962)).

⁸ *See, e.g.*, Washington State Parks and Recreation Commission: A Resolution of the Washington State Parks and Recreation Commission Regarding Preservation of the Saint Edward Seminary (Nov. 14, 2013), *available at* <<http://parks.state.wa.us/DocumentCenter/Home/View/3914>> (authorizing the Director of the State Parks Commission to pursue partnerships with private entities for purposes of rehabilitating the Saint Edward Seminary); *see also* Washington State Parks and Recreation Commission: Saint Edward Seminary — Extension of Deadline for Proposals — Requested Action (Sept. 10, 2015), *available at* <<http://parks.state.wa.us/DocumentCenter/Home/View/5821>> (soliciting proposals for use of the Saint Edward Seminary); Washington State Parks and Recreation Commission: Item E-2: Saint Edward Seminary Management Options — Requested Action (September 18, 2014), *available at* <https://drive.google.com/file/d/0B_XCFD04_UfObWg2akhHQQW1rUGc/view> (discussing objectives of leasing the seminary building to a private entity).

⁹ For clarity, we note that the proposal's status as a public project under SEPA does not imply that it is a public project for purposes of any other state or federal laws that may govern the Daniels Real Estate proposal. For example, the public nature of the project under SEPA (which serves primarily to

As a public project with a public objective, the DEIS should not limit its analysis to alternatives that would further the private interests of Daniels Real Estate. Instead, the DEIS should analyze a reasonable range of alternatives for attaining the Parks Commission's more general purposes and goals for the Saint Edwards Seminary, even if they would preclude Daniels Real Estate from converting the building into a private lodge and restaurant complex. Specifically, the DEIS should address alternatives designed to attain the Parks Commission's general desire to stabilize the deterioration of the historic building, and to allow it to achieve its public education and interpretation potential. *See id.* *See also* WAC 197-11-440(5)(b) ("Reasonable alternatives should include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation").

To that end, the DEIS should analyze public/nonprofit alternatives as required by the Parks Commission's organic statute, ch. 79A.05 RCW. As you know, that statute was recently amended by Engrossed Second Substitute House Bill 2667, passed by the Legislature on March 10, 2016, and signed by Governor Inslee on March 31, 2016.¹⁰ In part, the amended statute requires the Department of Commerce to compile a study on the economic feasibility of potential public or nonprofit uses of the seminary building. The amended statute also forbids the Parks Commission from leasing the seminary building to a private developer unless or until it determines that public/nonprofit alternatives identified in the Commerce report are not economically viable. *See* Engrossed Substitute House Bill 2667, §§ 1, 3.

The Department of Commerce published its study on August 1, 2016.¹¹ In keeping with the public goals of the proposal, alternatives in the Commerce report should be analyzed in DEIS's alternatives analysis. These alternatives include use of the seminary building for affordable housing, a dormitory/classroom, community center, and/or as office space. *See* Commerce Rpt. at 22–24. They also include use of the seminary as an open-air monument, as a state archives, as a boarding school for homeless youth, and as a school for visually impaired children. *See id.* at 25–29 & Appx. G. Further, because the Parks Commission is required by law to consider these alternatives before leasing the seminary building to a private entity, they must be included in the DEIS under the plain language of SEPA's implementing regulations. *See* WAC 197-11-402(9) ("The range of alternative courses of action discussed in EISs shall encompass those to be

define the scope of alternatives that must be considered in an EIS) does not imply that the project is "sponsor-funded" for purposes of the National Park Service's Federal Financial Assistance Manual for the Land and Water Conservation Fund State Assistance Program, which would require the project to be funded by a state or municipal agency. *See* Federal Assistance Manual, ch. 3 (Oct. 1, 2008), *available at* <<https://www.nps.gov/ncrc/programs/lwcf/manual/lwcf.pdf>>.

¹⁰ Engrossed Second Substitute House Bill 2667 is available at <<http://lawfilesexst.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/House/2667-S2.SL.pdf>>; *see also* Wash. Laws 2016, ch. 103, §§ 1, 3, *available at* <<http://lawfilesexst.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/House/2667-S2.SL.pdf>>.

¹¹ *See* Washington Department of Commerce, Saint Edward Park Seminary: Economic Feasibility Study of Potential and Nonprofit Uses (July 2016) (herein, "Commerce Rpt."), *available at* <<http://www.commerce.wa.gov/wp-content/uploads/2016/08/Commerce-St-Edward-Feasibility-2016-lowres.pdf>>.

considered by the decision maker"). We have significant doubts that many of the alternatives discussed in the commerce report would not meet the requirements of the Commission's management plan for the Saint Edwards State Park (e.g., using the building as an office building or as a dormitory). We also believe that many of them would likely be "conversions" under Section 6(f)(3) of the Land and Water Conservation Fund Act, 54 U.S.C. § 200305(f)(3), and therefore require significant mitigation to implement. Nonetheless, under the plain language of SEPA and the Commission's organic statute, these alternatives must be investigated in the DEIS because are within the range of alternatives that must be considered by the ultimate decision maker.

Of the alternatives identified in the Commerce report, we believe the open-air monument alternative best reflects the original intent of the park as an area for passive outdoor recreation, and should be included in the DEIS both due to its own merits, and the requirements at WAC 197-11-402(9). It would also have the least impacts on existing features of the natural park setting, and would be consistent with the public outdoor recreation requirements of the Land and Water Conservation Fund Act, 54 U.S.C. § 200301 *et seq.* This alternative has long been advocated by Citizens for Saint Edward State Park and would involve opening the dormitory wing of the seminary building to the sky (a process known as "daylighting"), retaining its footprint and creating a structured open space. *See* Commerce Rpt., Appx. G. *See also* Citizens for Saint Edward State park, Our Vision: Open-Air Monument for #1.3 mil (April 15, 2016)¹²; Citizens for Saint Edward State Park, A Vision for the Seminary Building (Dec. 19, 2015).¹³ The north tower and wing could be saved for a tenant who can serve park visitors or they, too, could be opened to the sky. Many variations along this theme are possible, all of which could be used to invite the public in to view the history and enjoy the setting of the seminary building, not to obliterate or significantly restrict public access as with the Daniels Real Estate proposal. This alternative would have the added benefit of preserving many of the key architectural features of the seminary while also reducing the need for future improvements associated with the failing roof and damage from years of neglect.

At the scoping meeting held on September 26, 2016, Parks staff informed the public that alternatives identified in the Commerce report would not be analyzed in the DEIS. Their rationale was that if and when the Commerce alternatives were pursued as stand-alone proposals, a new DEIS would be issued to address their environmental impacts. Not only does this represent a prohibited and unfounded pre-judging of the range of alternatives to be included in the DEIS (and a violation of WAC 197-11-402(9)), it represents a fundamental misunderstanding of the nature of the proposal. As evidenced by the Parks Commission's extensive involvement in identifying, analyzing, and soliciting proposals for use of the Saint Edward Seminary (including the project currently advocated by Daniels Real Estate), the proposal is a public project under SEPA. As such, a reasonable range of alternatives should be assessed that would allow the Parks Commission to meet its objectives, including alternatives to the current proposal to transform the seminary building into a private hotel and restaurant complex. As alternatives required by state

¹² Available at <<http://citizensforsaintedwardstatepark.org/our-vision-open-air-monument#main>>.

¹³ Available at <<http://citizensforsaintedwardstatepark.org/a-vision-for-the-seminary-building#main#more-283>>.

law to be considered, before any lease is signed with a private entity, the Commerce report tops the list of alternatives that must be considered in the DEIS.

In all, SEPA requires the Parks Commission and the City of Kenmore to analyze alternatives to the Daniels Real Estate proposal. The Commission is required by law to consider public/nonprofit options that are identified in the Commerce report. As such, those alternatives should also be analyzed in the DEIS. *See* WAC 197-11-402(9). Further, of the alternatives identified in the Commerce report, the open-air monument alternative would best facilitate public use of park facilities and would be in keeping with the historic status and intended use of the property for passive outdoor recreation.

C. The DEIS Should Analyze All Significant Adverse Impacts, Including Cumulative Impacts.

In addition to considering the alternatives discussed above, the DEIS should analyze all significant adverse impacts associated with the Daniels Real Estate proposal. The review should be especially searching in light of the Parks Commission's admonition in the Saint Edward State Park Management Plan that "[a]ny change in the status of the Seminary Building would be a major change in the character of Saint Edward State Park; the impact on other uses of the park and the quietude appreciated by park users should be critically evaluated."¹⁴ These impacts include, but are not limited to:

- *Traffic Impacts:* The Daniels Real Estate proposal is likely to generate significant traffic to and from Saint Edward State Park. Any and all impacts related to the increased traffic should be analyzed, including but not limited to impacts on pedestrians and bicyclists traveling to and from the park, Juanita Drive NE, and Bothell Way NE. *See* WAC 197-11-(2)(c-d).
- *Noise:* The Daniels Real Estate proposal is likely to generate significant noise associated with guests, events, and traffic at the proposed Lodge at Saint Edwards. These impacts may negatively affect existing park users and wildlife, and may otherwise adversely affect the quality of the park environment. Any and all impacts associated with noise generated by the Lodge at Saint Edwards should be assessed in the DEIS. *See* WAC 197-11-(2)(a)(i).
- *Light and Glare:* The Daniels Real Estate proposal is likely to generate significant light and glare in the form of interior and exterior lighting, reflections from parked and moving cars, and headlamp glare associated with cars traveling to and from the proposed lodge. Currently, the park is closed from dusk to dawn resulting in very little light and glare. Like the proposal's noise impacts, increased light and glare may negatively affect existing park users and wildlife, and may otherwise adversely affect the quality of the park environment. Any and all impacts associated with light and glare should be assessed in the DEIS. *See* WAC 197-11-(2)(b)(iii).

¹⁴ *See* Saint Edward State Park Management Plan at 26 (Oct. 20, 2008), available at <<http://parks.state.wa.us/DocumentCenter/View/1554>>.

- *Impacts on Passive Recreational Opportunities:* Saint Edward State Park was purchased in 1977 for the specific purpose of providing a space for passive outdoor recreation. See Commerce Rpt., Appx. G. A commercial hotel, spa, and restaurant would be inconsistent with that purpose. The proposal's increased traffic, noise, light and glare, and increased commercial users of the park, would significantly detract from the passive recreational character of the park's environment. The DEIS should critically assess how the proposal's individual and combined effects will affect existing passive recreational opportunities at Saint Edward State Park. This should include an analysis of how the proposal will affect parking availability for visitors traveling to the park by car, which may be especially severe during the corporate conferences and events anticipated to be hosted at the proposed lodge and conference center. Finally, the DEIS's analysis of recreational impacts should include an analysis of impacts on public access to the pool at the Saint Edward Seminary, which may be converted to a private spa under the Daniels Real Estate proposal instead of being renovated for public use, and impacts on the existing and former public use of the Grotto and Grand Dining Hall, such as removing a low-cost wedding venue for local residents. See WAC 197-11-(2)(b)(v).
- *Impacts on Local Wildlife:* Noise, nighttime lighting, and increased traffic all may affect local wildlife at Saint Edward State Park. Species that may be impacted include at least one state candidate species (the pileated woodpecker), bald eagle (at least one bald eagle nest has been mapped within the park), and other local species that depend on the park's old- and mature-growth forest habitat and aquatic habitat.¹⁵ Moreover, the developer's wildlife habitat assessment notes that areas near the proposed lodge and conference center include a Wildlife Biodiversity Area and Corridor, which includes relatively intact forest.¹⁶ The DEIS should assess any and all impacts on local wildlife that use Saint Edward State Park, including impacts beyond the limited, 900-foot radius addressed in the developer's wildlife habitat assessment. See WAC 197-11-444(1)(d).
- *Impacts on Wetlands and other Critical Areas:* The developer's critical areas report documented three wetlands and two streams within the vicinity of the proposed

¹⁵ Other local species that may be affected by the Daniels Real Estate Proposal include American crow, American robin, Bewick's wren, brown creeper, bushtit, chestnut-backed chickadee, northern flicker, orange-crowned warbler, Oregon junco, Pacific-slope flycatcher, red-tailed hawk, song sparrow, spotted towhee, Stellar's jay, Swainson's thrush, tree swallow, ravens, Downy woodpecker, red-breasted sapsucker, red-breasted nuthatch, ruby-crowned kinglet, golden-crowned kinglet, hermit thrush, varied thrush, black-capped chickadee, brown creeper, winter wren, house wren, chestnut-sided towhee, dark-eyed junco, peregrine falcon, Cooper's hawk, barred owl, great horned owl, western screech owl, long-tailed weasel, skunk, raccoon, coyote, bobcat, black-tailed deer, Douglas tree squirrel, mountain beaver, and mole. Affected aquatic species may include salmonids, beavers, muskrat, river otter, mink, and many waterfowl species that are known to frequent the shoreline at Saint Edward State Park.

¹⁶ See Habitat Assessment, Saint Edward State Park Seminary (June 27, 2016), available at <<http://www.kenmorewa.gov/lodgeatsaintedward>>.

lodge and conference center.¹⁷ The DEIS should analyze any and all impacts on wetlands and streams within Saint Edward State Park, including impacts from increased traffic, loss of upland buffers, air pollution, and water pollution. *See* WAC 197-11-444(1)(c).

- *Consistency with the Saint Edward State Park Management Plan:* SEPA's implementing regulations list land and shoreline use, and compatibility with land use plans, as elements of the natural environment. *See* WAC 197-11-444(2)(b). To assess this element of the environment, the DEIS should analyze the proposal's consistency with all state and local land use plans governing use of facilities at Saint Edward State Park, including but not limited to the Saint Edward State Park Management Plan (*see supra*, note 10), the Parks Commission's Land Classification System, and all policy and/or guidance documents issued by the Parks Commission interpreting the land classification system, including the Commission's Comprehensive Natural Resource Management Policy (August 2010). The DEIS should also assess compliance with all applicable aspects of the Kenmore Municipal Code and Comprehensive Plan.
- *Cumulative Impacts:* The City of Kenmore is currently seeking a 20-year lease from the Parks Commission to occupy the ball field near the Saint Edward Seminary building. The proposal would involve the construction and installation of an athletic field with artificial turf and outdoor, stadium-style lighting. In conjunction with the Daniels Real Estate proposal, these two projects are likely to have significant adverse cumulative impacts relating to traffic, parking, noise, light and glare, and wildlife, as well as cumulative adverse impacts on passive outdoor recreational opportunities at Saint Edward State Park. The two projects also are likely to have cumulative negative impacts on the park environment, including nearby wetlands, streams, and other critical areas. Any and all cumulative impacts associated with the proposed ball field lease, and any other pipeline projects affecting Saint Edward State Park, should be assessed in the DEIS. *See* WAC 197-11-792(2)(c)(iii).
- *Compliance with Local, State, and Federal Law:* Last, development at Saint Edward State Park may be limited by a number of local, state, and federal laws, including but not limited to the Shoreline Management Act (ch. 90.58 RCW), the Growth Management Act (ch. 36.70A RCW), and the Land and Water Conservation Fund Act (54 U.S.C. § 200301 *et seq.*). The proposal may also require review under the National Environmental Policy Act pursuant to Section 6(f)(3) of the Land and Water Conservation Fund Act, 54 U.S.C. § 200305(f)(3). The DEIS should assess compliance with all local, state, and federal laws and requirements governing development at Saint Edward State Park. *See* 197-11-330(3)(e)(iii) ("A proposal may to a significant degree. . . Conflict with local, state, or federal laws or requirements for the protection of the environment").

¹⁷ *See* Stream & Wetland Delineation Report, Saint Edward State Park Seminary (June 2016), available at <<http://www.kenmorewa.gov/lodgeatsaintedward>>.

D. Comments on Application for Site Plan Approval

In addition to the comments above on the scope of the DEIS, we believe that the city should postpone its review of the site plan proposed by Daniels Real Estate until the Parks Commission has had a chance to review the Commerce report and determine whether the alternatives proposed in that report are economically viable. Review of the site plan should also be deferred until the SEPA process is complete.

Among other things, the Kenmore Municipal Code ("KMC") provides that a site plan may only be approved if it complies with all applicable local and state laws in effect on the date the application was submitted. *See* KMC 18.105.050.A.1 (site plan shall demonstrate "[c]onformity with adopted City and State rules and regulations in effect on the date the complete application was filed"). In this case, two state laws preclude review and approval of the proposed site plan at this time.

First, as discussed above, the Parks Commission's organic statute precludes a lease of the seminary building to Daniels Real Estate unless and until the Commission determines that the Commerce alternatives are not feasible. In turn, the city cannot determine whether the site plan proposed by Daniels Real Estate complies with state law until the Parks Commission makes that determination. If the Parks Commission determines that the Commerce alternatives are not economically viable, then the Daniels Real Estate proposal could comply with state law as required by KMC 18.105.050.A.1. But if the Commerce alternatives are viable, then clearly the Daniels Real Estate proposal would not comply with state law (because the lease would be precluded) and must be rejected under the Kenmore Municipal Code. Accordingly, we request that the city defer its analysis of the Daniels Real Estate site plan until after the Parks Commission makes its determination.

Second, SEPA allows state and local agencies to impose substantive mitigation measures to reduce a project's significant adverse impacts. *See, e.g.*, WAC 197-11-660. In this case, the proposed Lodge at Saint Edward has already been deemed to have significant adverse impacts, which may include impacts relating to traffic, parking, noise, light and glare, impacts on wildlife, and impacts on passive outdoor recreational opportunities. *See* DS at 1. As such, the project may require substantive mitigation to reduce its impacts to a nonsignificant level. Until that determination is made, and until potential mitigation measures have been identified in the SEPA process and incorporated into the site plan, it is impossible to determine whether the proposal is consistent with all applicable local and state laws. Accordingly, the city should defer its review of the proposed site plan until the SEPA process has been completed, mitigation measures have been identified, and the site plan has been amended.

Finally, we note that the city's webpage for the proposal contains a typo regarding the submission of scoping comments and comments on the site plan — the link provided directs citizens to submit email comments to abauer@kenmroewa.gov, rather than to the correct address at abauer@kenmorewa.gov.¹⁸ We recently tested the email link provided at the city's webpage,

¹⁸ *See* <<http://www.kenmorewa.gov/lodgeatsaintedward>> (text under the heading "Current Status").

Kenmore Development Services
Attn: Andrew Bauer, Planner
August 5, 2016
Page 10

and the email was returned as undeliverable. To ensure that all citizens who will be affected by this project have an equal and adequate opportunity to comment on the scope of the DEIS and on the site plan, the city should extend the comment period and provide an accurate link for the submission of electronic comments.

Thank you for your consideration of these comments. If you have any questions, please do not hesitate to contact me at the address and number listed above.

Very truly yours,

BRICKLIN & NEWMAN, LLP



Bryan Telegin

cc: Client