



July 23, 2025

VIA EMAIL

City of Port Townsend
Planning & Community Development Dept.
250 Madison Street, Suite 3
Port Townsend, WA 98368

Re: Clarified Appeal Statement—In re Nirvair LLC SEPA Appeal, LUP24-016

Dear Planning & Community Development Department:

Pursuant to Sections 19.04.280 and 20.01.295 of the Port Townsend Municipal Code (“PTMC”), Shadelands Land Partners, LLC hereby appeals the SEPA Mitigated Determination of Non-Significance (“MDNS”) for the proposed 50-room hotel at 1136 Water Street (LUP24-016). A copy of the challenged MDNS is attached hereto.

Shadeland Land Partners, LLC is the owner of the Port Townsend Plaza at 1213 Water Street and is likely to be adversely affected by the proposed hotel, which will exacerbate the existing parking deficit in downtown Port Townsend and lead to increased illegal parking on Shadeland’s property. Shadeland Land Partners, LLC previously submitted comments on the City’s SEPA determination and on the proposed hotel project. Shadeland Land Partners, LLC’s name and mailing address are listed below:

Shadelands Land Partners
c/o Hall Equities Group, Authorized Agent
150 N Wiget Ln, Suite 250
Walnut Creek, CA 94598

Shadeland Land Partners, LLC is represented in this appeal by Telegin Law PLLC, which can be reached at the following address:

Telegin Law PLLC
Attn: Bryan Telegin
175 Parfitt Ave SW, Suite N270
Bainbridge Island, WA 98110
Tel: 1.206.453.2884, ext. 101
Email: bryan@teleginlaw.com

The specific reasons why Shadeland Land Partners, LLC believes the MDNS to have been wrongly issued are listed below:

- The SEPA checklist and other documents submitted to the City for the proposed hotel project do not constitute sufficient information to evaluate the proposal’s environmental

impacts under SEPA, as required by WAC 197-11-335 and caselaw interpreting that requirement, including but not limited to *Conservation Nw. v. Okanogan Cnty.*, 2016 WL 3453666 (June 16, 2016), *Columbia Riverkeeper v. Port of Vancouver*, 188 Wn.2d 80, 392 P.3d 1025 (2017), *Sisley v. San Juan Cnty.*, 89 Wn.2d 78, 569 P.2d 712 (1977), *Anderson v. Pierce Cnty.*, 86 Wn. App. 290, 936 P.2d 432 (1997), and *Wild Fish Conservancy v. Wash. Dep't of Fish & Wildlife*, 198 Wn.2d 846, 502 P.3d 359 (2022).

- Among the deficiencies of the SEPA checklist and other environmental documents submitted by the applicant, those documents contain virtually no information about increased traffic, traffic-safety, and parking impacts, in violation of the authorities cited above. In addition, the checklist provides insufficient answers to questions all questions regarding land and shoreline use and transportation, including 8.a, 8.i, 8.j, 8.l, 14.e, & 14.g.
- In rendering the MDNS, the City failed to comply with the substantive and procedural requirements of WAC 197-11-158 concerning SEPA/GMA project review. The City failed to evaluate the proposal's probable adverse traffic, traffic-safety, and parking impacts, and whether those impacts are adequately addressed by non-SEPA elements of the Port Townsend Municipal Code.
- In rendering the MDNS, the City failed to comply with PTMC 19.04.270, the City's cumulative effects policy. The MDNS is not based on a reasonable assessment of the present and planned capacity of affected streets and parking areas, as required by PTMC 19.04.270.B.1.
- In rendering the MDNS, the City failed to comply with the procedural requirements of WAC 197-11-080 concerning incomplete and unavailable information and erred in not requiring preparation of a worst-case analysis.
- The conditions attached to the MDNS are not likely to reduce the proposal's impacts to a non-significant level as they relate to transportation, traffic, traffic-safety, and parking.
- Without following the rules and requirements above, the City has failed to collect or require submission of sufficient information to enable the City to make an informed decision on the exercise of its substantive authority under WAC 197-11-660 and PTMC 19.04.260. To the extent the City has already determined to not use its SEPA substantive authority to further condition the proposal's traffic, traffic-safety, and parking impacts, that decision is clearly erroneous and not supported by substantial evidence.

For the reasons above, Shadelands Land Partners, LLC requests that the MDNS be reversed and remanded.

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If you have any questions about this appeal, please do not hesitate to contact me at bryan@teleginlaw.com or at (206) 453-2884.

Very truly yours,

TELEGIN LAW PLLC

By: 
Bryan Telegin, WSBA No. 46686
Counsel for Shadelands Land Partners LLC



May 19, 2025

RECEIVED

MAY 21 2025

9:50 am

CITY OF PORT TOWNSEND
DSD

VIA HAND DELIVERY

City of Port Townsend
Planning & Community Development Dept.
250 Madison Street, Suite 3
Port Townsend, WA 98368

**Re: Appeal of SEPA Determination No. LUP24-016 for proposed 50-Room Hotel
at 1136 Water Street**

Dear Planning & Community Development Department:

Pursuant to Sections 19.04.280 and 20.01.295 of the Port Townsend Municipal Code ("PTMC"), Shadelands Land Partners, LLC hereby appeals the SEPA Mitigated Determination of Non-Significance ("MDNS") for the proposed 50-room hotel at 1136 Water Street (LUP24-016). A copy of the challenged MDNS is attached hereto.

Shadeland Land Partners, LLC is the owner of the Port Townsend Plaza at 1213 Water Street and is likely to be adversely affected by the proposed hotel, which will exacerbate the existing parking deficit in downtown Port Townsend and lead to increased illegal parking on Shadeland's property. Shadeland Land Partners, LLC previously submitted comments on the City's SEPA determination and on the proposed hotel project. Shadeland Land Partners, LLC's name and mailing address are listed below:

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150 N Wiget Ln, Suite 250
Walnut Creek, CA 94598

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Attn: Bryan Telegin
175 Parfitt Ave SW, Suite N270
Bainbridge Island, WA 98110
Tel: 1.206.453.2884, ext. 101
Email: bryan@teleginlaw.com

The specific reasons why Shadeland Land Partners, LLC believes the MDNS to have been wrongly issued are listed below:

- The SEPA checklist and other documents submitted to the City for the proposed hotel project do not constitute sufficient information to evaluate the proposal's environmental impacts under SEPA, as required by WAC 197-11-335 and caselaw interpreting that requirement, including but not limited to *Conservation Nw. v. Okanogan Cnty.*, 2016 WL 3453666 (June 16, 2016), *Columbia Riverkeeper v. Port of Vancouver*, 188 Wn.2d 80, 392 P.3d 1025 (2017), *Sisley v. San Juan Cnty.*, 89 Wn.2d 78, 569 P.2d 712 (1977), *Anderson v. Pierce Cnty.*, 86 Wn. App. 290, 936 P.2d 432 (1997), and *Wild Fish Conservancy v. Wash. Dep't of Fish & Wildlife*, 198 Wn.2d 846, 502 P.3d 359 (2022).
- Among the deficiencies of the SEPA checklist and other environmental documents submitted by the applicant, those documents contain virtually no information about increased traffic, traffic-safety, and parking impacts, in violation of the authorities cited above. Among other deficiencies, the checklist provides insufficient answers to questions 8.a, 8.j, and 14.e.
- In rendering the MDNS, the City failed to comply with the substantive and procedural requirements of WAC 197-11-158 concerning SEPA/GMA project review. Among other things, the City failed to evaluate the proposal's probable adverse traffic, traffic-safety, and parking impacts, and whether those impacts are adequately addressed by non-SEPA elements of the Port Townsend Municipal Code.
- In rendering the MDNS, the City failed to comply with PTMC 19.04.270, the City's cumulative effects policy. The MDNS is not based on a reasonable assessment of the present and planned capacity of affected streets and parking areas, as required by PTMC 19.04.270.B.1.
- In rendering the MDNS, the City failed to comply with the procedural requirements of WAC 197-11-080 concerning incomplete and unavailable information, including the requirement for preparation of a worst-case analysis.
- The conditions attached to the MDNS are not likely to reduce the proposal's impacts to a non-significant level, including impacts on traffic, traffic-safety, and parking.
- Without following the rules and requirements above, the City has failed to collect or require submission of sufficient information to enable the City to make an informed decision on the exercise of its substantive authority under WAC 197-11-660 and PTMC 19.04.260. To the extent the City has already determined to not use its SEPA substantive authority to further condition the proposal's traffic, traffic-safety, and parking impacts, that decision is clearly erroneous and not supported by substantial evidence.

For the reasons above, Shadelands Land Partners, LLC requests that the MDNS be reversed and remanded.

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City of Port Townsend, Planning and Community Development Dept.
Appeal of MDNS No. LUP24-016—Water Street Hotel
Page 3 of 6

If you have any questions about this appeal, please do not hesitate to contact me at bryan@teleginlaw.com or at (206) 453-2884.

Very truly yours,

TELEGIN LAW PLLC

By:



Bryan Telegin, WSBA No. 46686
Counsel for Shadelands Land Partners LLC

cc: Client

Attachment: MDNS No. LUP24-016

**CITY OF PORT TOWNSEND
SEPA RESPONSIBLE OFFICIAL'S
MITIGATED DETERMINATION OF NON-SIGNIFICANCE**

Date of Issuance: May 7, 2025
Lead Agency: City of Port Townsend, Planning and Community Development Department
File Reference: LUP24-016 – SEPA File; HPC23-014 – Design Review Approval; DEM24-004 – Demolition Permit, SDP24-030 – Site Development Permit, BLD24-016 – Building Permit.

Applicant: Nirvair LLC
905 20th Street
Anacortes, WA 98221

Agent: Nirvair LLC
905 20th Street
Anacortes, WA 98221

Location: 1136 Water Street, Port Townsend Washington, Tax ID **989703802**

The City of Port Townsend has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030. The necessary mitigation measures are listed below, the Environmental Checklist is attached and is available at: <https://cityofpt.us/planning-community-development/page/now-accepting-public-comments>

This MDNS is issued under 197-11-350; and the comment period will end after 15 days on May 22, 2025. *This determination is based on the following findings and conclusions:*

The City of Port Townsend finds this project meets the determination of an MDNS after scoping of the SEPA process and receiving and reviewing comments from agencies and citizens and the revisions and additional supportive materials provided to the City in response to request for revisions. The following mitigations are required to be met as part of this decision.

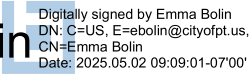
Required Mitigation:

1. Applicants must submit construction staging plan(s) and have them approved by Planning, Building and Engineering divisions prior to issuance of demolition permit, street development, or building permit.
2. Applicant shall follow the report dated 5/24/24, and the addendum dated 12/4/24 for the Geologic Hazard Assessment signed, stamped and dated by Licensed Engineering Geologist Geoff Malick, L.E.G., M.Sc. with the Stratum Group.
3. Applicants must follow all conditions and criteria required from the HPC Review under file HPC23-014 and specifically note the one below regarding the formation of a parking and business improvement district.

- a. Per #11 of Decision, "... city code specifically exempts properties in the C-III zone from all parking requirements. To qualify for the parking exemption, the owner must sign & record a No Protest Agreement to the formation of a Parking and Business Improvement District."
4. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to fill.
5. All debris removed resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department or Department of Ecology for proper management of these materials.
6. In addition to any required asbestos abatement procedures, the applicant shall ensure that any other potentially dangerous or hazardous materials present, such as PCB-containing lamp ballasts, fluorescent lamps, and wall thermostats containing mercury, are removed prior to demolition. It is important that these materials and waste(s) are removed and appropriately managed prior to demolition. It is equally important that demolition debris is also safely managed, especially if it contains painted wood or concrete, treated wood, or other possibly dangerous materials.
7. Due to the proximity of nearby underground storage tanks, the City will require a contaminated media management plan (CMMP) prior to issuance of breaking ground.
8. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Discharges must not cause or contribute to a violation of surface water quality standards, groundwater quality standards, sediment management standards, and human health-based criteria. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered pollutants.
9. If there are known soil/ground water contaminants present on site, additional information will be required to be submitted. For contaminated construction sites, contact Evan Wood at evan.wood@ecy.wa.gov, or by phone at (360) 706-4599.

Contact & Responsible Official:

Emma Bolin, AICP
Director, Planning and Community Development
250 Madison Street, Suite 3
Port Townsend, WA 98368
(360) 344-3041

Signature:  **Emma Bolin**
Emma Bolin, Director
City of Port Townsend PCD

TO: Port Townsend Leader Classified - Legal Notice

FROM: Alyssa Rodrigues, City Clerk

DATE: August 8, 2025

SUBJ: Notice of Public Hearing

PUBLICATION DATE: August 13, 2025

NOTICE OF PUBLIC HEARING AND CONSOLIDATED SEPA APPEAL

File References: LUP24-016 & ADM25-001

Location/Legal Description: 1136 WATER ST;
PORT TOWNSEND O.T. BLK 38 LOTS 5 & 7 TL DIS 100(FRT 5)

Proponent: NIRVAIR LLC
905 20th Street
Anacortes, WA 98221

Proponent Agent: JT Cooke
Houlihan Law
100 N. 35th St.
Seattle, WA 98103

SEPA Appellant: Shadelands Land Partners
c/o Hall Equities Group, Authorized Agent
150 N Wiget Ln, Suite 250
Walnut Creek, CA 94598

SEPA Appellant Agent: Telegin Law PLLC
Attn: Bryan Telegin
175 Parfitt Ave SW, Suite N270
Bainbridge Island, WA 98110

Lead Agency: City of Port Townsend, Planning & Community Development
Department (PCD)

Public Hearing: On **Monday, August 25, 2025**, at or about 9:00 a.m. in City Council
Chambers



Public Accommodations for this meeting:

- Attend in person or virtually via computer or tablet at <https://zoom.us/j/98187633367> enter the Webinar ID 98187633367
- Phone only (muted - listen-only mode) United States: Local Dial In – 1 (253) 215-8782, #98187633367
- Submit public comment to be included in the meeting record to: <https://publiccomment.fillout.com/cityofpt>
- If you are experiencing technical difficulties, please attempt all methods listed above before reporting any issues to: clerksupport@cityofpt.us

Determination of Non-Significance: The City of Port Townsend, as the SEPA lead agency for this project, determined that the proposal will not have a probable significant adverse impact on the environment and issued a Determination of Non- Significance under the State Environmental Policy Act Rules (WAC 197-11-350(3)). This determination was made after a review of a completed environmental checklist and other information on file with the City of Port Townsend which can be obtained from the address shown below.

Location of Documents Available for Review: The associated materials are available for public review at no cost in the offices of Planning & Community Development (PCD) 250 Madison Street, Suite 3, Port Townsend, WA 98368 or online. Staff's report to the Hearing Examiner will be made available electronically (www.cityofpt.us) or in PCD.

Responsible Official/Staff Contact: Emma Bolin, Planning and Community Development Director

Email: ebolin@cityofpt.us.

Address: City Hall, Suite 3
250 Madison Street
Port Townsend, WA 98368



STATEMENT OF MAILING

As the undersigned, I certify and declare that I mailed a copy of the attached document for LUP 24-016/ADM 28-001 to the persons and addresses listed thereon, postage prepaid, in a receptacle for the United States mail at Port Townsend, Washington, on 8-13-28 (date mailed).

I certify that the foregoing is true and correct under penalties of perjury under the laws of the State of Washington.

Rowittell
Signature

Certificate of Posting

The undersigned certifies and declares that he/she/they caused copies of the attached document for LUP 24-06 / ADM 28-000 to be posted in an upright position and in a conspicuous location on or near the subject property on 8-13-25, (date posted).

Notice Board ID# N/A

Chris Harte

Applicant/Owner

City Staff Rep.
(Chair)

STATE OF WASHINGTON)

) ss

COUNTY OF JEFFERSON)

This is to certify that on this 13 day of August, 2025, I
Jessica Winsheimer, a Notary Public in and for the State
of Washington, residing in Jefferson County, witnessed the above signature

Signature

Printed Name

Residing at



My commission expires on 11/7/2028