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December 9, 2015

VIA EMAIL

City Councilmembers, City Manager Piasecki, and Planning Manager Lathrop
City of Des Moines
21630 11th Ave. S., Suite A
Des Moines, WA 98198

**Re: Gerrity Group Concerns re the Woodmont Recovery Center
City File No. LUA2014-0038**

Dear City Councilmembers, City Manager Piasecki, and Planning Manager Lathrop:

This firm has been engaged by the Gerrity Group, the owner of the Redondo Square Shopping Center, to review the details of the permitting process by which the City of Des Moines granted approval of the proposed Valley Cities Counseling & Consultation (“Valley Cities”) Woodmont Recovery Center (“Recovery Center”). Just as you have heard from numerous other concerned citizens, proprietors, and public officials, the Gerrity Group has serious concerns about the imminent negative safety implications on the area surrounding the Recovery Center and the City’s questionable permitting process for this project. We intend to delve much deeper into these issues. We write today to express our preliminary concerns in hopes of beginning a dialogue to resolve this matter.

The Gerrity Group owns and operates retail properties throughout the western United States, including Redondo Square in Des Moines, located immediately south of the proposed Recovery Center site. The Gerrity Group is proud to operate Redondo Square and provide quality retail businesses to the nearby residents of Des Moines, including a Safeway, Bartell Drugs as well as a precinct office for the City of Des Moines Police Department. A new veterinarian’s office is also set to open soon. Redondo Square’s success in providing quality goods and services to the area also means that Gerrity Group and the tenants of the shopping center together are a significant local taxpayer for the City of Des Moines. The Gerrity Group is very concerned about the impact of the Recovery Center on its ability to safely service Redondo Square customers.

To be clear, the Gerrity Group appreciates that the services provided by the Recovery Center are indeed needed to address medical and mental health recovery in the Puget Sound Area, but the Gerrity

Group strongly disagrees with the permitting of a facility of this nature within a residential neighborhood, adjacent to an elementary school, and next door to a shopping center that serves as a focal point in the neighborhood. As approved by the Hearing Examiner in his decision on April 15, 2015, the vast campus of the Recovery Center located next door to Redondo Square will include involuntary inpatient treatment, outpatient treatment, involuntary psychiatric treatment, a drug detox facility, and a methadone dispensary.

From our preliminary review of the permitting process and materials, we note several procedural missteps that are significant. As an initial matter, the Gerrity Group has no record of receiving notices of the SEPA and CUP processes. Notice to an adjacent property owner is of course required by law. Furthermore, and of the greatest concern is the fact that a “Public Safety Agreement” to address the acknowledged safety impacts of the Recovery Center on the surrounding community was not required before permit approval, but is instead being delayed to be negotiated after the fact. Allowing Valley Cities to demonstrate that it can address the significant safety impacts of the Recovery Center, including the “return-to-city” issue for all clients and patients, five (5) months prior to issuance of the Certificate of Occupancy instead of requiring Valley Cities to prove that these impacts can indeed be mitigated prior to approving the CUP turns the fundamental principle of SEPA review on its head. SEPA review is required “at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process and to seek to resolve potential problems.”¹ A mitigation condition to prepare an agreement that is intended to resolve potential problems – but which agreement may not actually resolve those problems – is not equal to actually resolving those problems early in the process. This failure has exacerbated the widespread and merited concern about the safety implications of siting the Recovery Center in the contemplated location.

We do appreciate and acknowledge the recent press and other community notifications regarding the potential relocation of certain services to a newly acquired Valley Cities’ facility in Kent. However, the details of this possible change in servicing between the two facilities are not set in stone, and the City of Des Moines permits remain in effect and have not been withdrawn. Moreover, moving some of the services out of Des Moines does not resolve the concerns of our client. All of the services planned to be offered at the Recovery Center are exceptionally concerning with respect to community safety and, therefore, the Gerrity Group remains hopeful that Valley Cities will relocate all of these services to the more suitable site in Kent.

As a result of the growing concern about the impact of the Recovery Center on the surrounding community and the City’s procedural missteps revealed in our preliminary analysis, we intend to participate fully in all ongoing permitting activities. To this end, we respectfully request direct notice to our firm regarding all future action and circulated materials.

Next, as noted above, we plan to conduct further review of the permitting process to date. We would greatly appreciate a response to the issues raised in this letter within seven (7) days, in particular

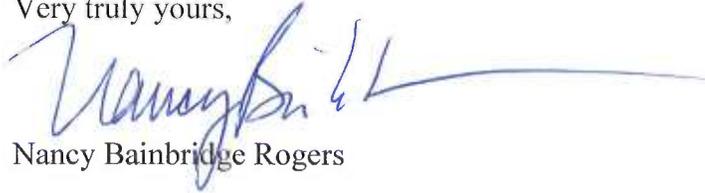
¹ WAC 197-11-055(1)

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we would appreciate any evidence you can provide regarding who was provided formal notice of the CUP and SEPA review process.

Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Nancy Bainbridge Rogers", with a long horizontal flourish extending to the right.

Nancy Bainbridge Rogers

NBR/NED/kgb

cc: Valley Cities Counseling & Consultation (via email: ktaylor@valleycities.org)