

March 28, 2019

VIA HAND DELIVERY

City of Tukwila Planning Commission
City of Tukwila
6300 Southcenter Blvd., #100
Tukwila, WA 98188

Re: **Comments on Proposed Shoreline Master Program Update L18-0075**

Dear Planning Commissioners:

This firm represents Segale Properties LLC (“**Segale**”). As you are likely aware, Segale controls the large Tukwila South property, abutting the Green River. In 2009, Segale and the City entered into a long term Development Agreement governing the future building on the Tukwila South property. After years of construction to install all necessary infrastructure and re-grade the property for development, the Tukwila South lands are finally ready to be marketed and are being actively reviewed for ground lease and/or sale for commercial and residential development.

The Development Agreement vested the build out of the Tukwila South project, to the 2009 Tukwila Municipal Code, except for the City’s Shoreline Master Program. All development in Tukwila South is required to comply with the Shoreline Master Program (“SMP”) in effect on the date of each complete permit application. Accordingly, the amendments currently under consideration are of great interest to Segale. We also are keenly interested in the interplay of these SMP updates with the pending updates to the Sensitive Areas Ordinance (“SAO”), and will provide comments on the SAO update in a subsequent letter.

We ask that you carefully review the following provisions of the SMP update, respond to our questions, and we recommend that you include our requested revisions. Because the Tukwila South lands are located in the Urban Conservancy Shoreline Environment, these comments focus on that area of the proposed update.

1. Proposed 18.44.020, Principally Permitted Uses and Shoreline Use and Modification Matrix.

The matrix at section 18.44.020 includes “Flood Hazard Reduction” and “Shoreline Stabilization” as uses that are Permitted in the Urban Conservancy Environment, and note 14 indicates that “Any new or redeveloped levee shall meet the applicable levee requirements of this chapter.” Segale agrees this is a wise regulation.

EXHIBIT 1 DATE 3/28/19
PROJECT NAME
Shoreline Master Program
FILE NO L18-0075

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Also listed in this matrix is “Fill, General”, which is listed as a Conditional Use in the Urban Conservancy Environment, and subject to various additional restrictions. We believe this matrix is properly read, applied and interpreted such that any fill necessary for the activity of Flood Hazard Reduction, in the form of developing or a redeveloping a levee is an expressly Permitted use, and not a Conditional Use, even though it is “fill”. If the City or Ecology intends this matrix to be read and applied otherwise, then the matrix must be amended to clearly state that any fill required for Flood Hazard Reduction work is a Permitted use.

2. Proposed 18.44.040, Shoreline Buffers.

Note 5 explains that upon reconstruction of a levee to the levee standards in the SMP regulations, the buffer can be reduced to the actual width required for the levee. Segale agrees this is a logical regulation.

We question why Note 5 goes on to state “...If the property owner provides a 15-foot levee maintenance easement landward from the landward toe of the levee...” We believe that requirement can be 10-feet, especially where the King County Flood Control District has already recognized it as a 10-foot wide maintenance easement. The March 28, 2019 Staff Report to the Planning Commission states that the “current Flood Control District access road standard is 15’, not the 10’ built into [the City’s] current buffer calculation.” We assume that is why Note 5 of the Shoreline Buffers section references 15 feet. However, there may be situations in which the actual required easement already exists and was set at 10 feet by prior agreement with the Flood Control District. Therefore, we recommend that the language quoted above be revised to read: “...If the property owner provides a ~~15-foot~~ levee maintenance easement (which easement is typically 10 or 15 feet in width, with the width is set by the King County Flood Control District) landward from the landward toe of the levee...”

3. Proposed 18.44.050.C, Development Standards for the Urban Conservancy Environment – Height Restrictions.

We appreciate the height incentive offered in proposed TMC 18.44.050.C.3.d. Going to 30% allows an additional 13.5 feet. Commercial structures can require 15 feet per story. We suggest the City increase the incentive to 35%, which would provide 15.75 feet. Two full stories of a commercial, or even residential construction are not typically feasible with less than 16 feet, but an additional full commercial story is more likely to be attained at 15.75 feet than with 13.5 feet.

4. Proposed 18.44.050.H, Development Standards for the Urban Conservancy Environment – Environmental Impact Mitigation.

The proposed added language at section 18.44.050.H.1 referencing improvements targeted at specific wildlife should be deleted. A similar statement about specific wildlife is better included in a recital to the Ordinance not in the regulatory language, and we propose a recital under item 5, below. In addition, the reference to “improvements” creates an ambiguity in the ordinance, contrary to the stated purpose of this periodic update, and potentially would create an unattainable standard.

Importantly, the March 28, 2019 Staff Report to the Planning Commission states that this periodic update is “not” intended to “extensively assess the no net loss criteria other than to ensure that proposed amendments do not result in degradation of the baseline condition.” Likewise, the focus of the City’s SMP is, appropriately, on “no net loss” of baseline conditions. However, the language that is proposed to be added here expressly calls for “improvement” rather than no net loss, and with no definition as to the level of “improvement.” That is sea change in policy approach and inconsistent with a periodic update. We recommend that section 18.44.050.H.1 read:

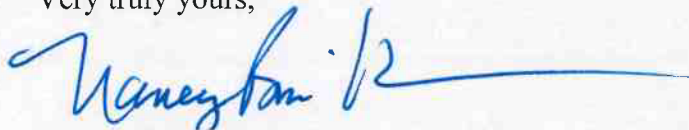
H.1. All shoreline development and uses shall occur in a manner that results in no net loss of shoreline ecological function through the careful location and design of all allowed development and uses. In cases where impacts to shoreline ecological functions from allowed development and uses are unavoidable, those impact shall be mitigated according to the provisions of this section; in that event, the “no net loss” standard is met.

5. Proposed 18.44.090, *Shoreline Design Guidelines*.

Here, too, language is added to the regulation that seeks to recognize the use of the Green River to support salmon and trout. That is just one feature of the Green River. The placement of this language also infers that Endangered Species Act requirements would apply to upland projects in the event any portion of the project fell within the City’s Shoreline jurisdiction. We certainly understand the City’s desire to acknowledge the importance of the river to aquatic species and to do so, we recommend that the Ordinance recitals – not the regulatory text – include a statement such as: “The City of Tukwila recognizes and celebrates that the Green River and its tributaries support salmon and resident trout, and that the river flows to Puget Sound which is home to salmonids and southern resident orca whales, and the City has designed this SMP update to assure no net loss in ecological function of the river system.” We also recommend that the introductory language of 18.44.090 not include the sentence about salmon and trout.

We appreciate your attention to this matter and would be happy to answer any questions.

Very truly yours,



Nancy Bainbridge Rogers

NBR:alw

cc: Ann Marie Soto
Nora Gierloff
Mark Segale
Mike Pruett

SEATTLE
SOUTHSIDE 
CHAMBER OF COMMERCE

February 14, 2019

Michelle Clark
Executive Director
King County Flood Control District
516 Third Ave, Rm 1200
Seattle, WA 98104

Copy: City of Tukwila

RE: Support for the King County Flood Control District to implement the Lower Green River Corridor Flood Hazard Management Plan

Dear Ms. Clark

The Seattle Southside Chamber of Commerce expresses its support for the Flood Control District to move forward and provide an integrated and reasonable long-term approach to reduce flood risk within the Lower Green River Corridor while balancing multiple objectives within the area.

The Chamber of Commerce is very familiar with potential devastating impact a natural disaster could have on the Kent Industrial Valley. Here in South King County we are the center for **Manufacturing, and Transportation**. A catastrophic flood would have long lasting economic and environmental impacts that our community would find difficulty in recovering from. Therefore, we support preventative action and investment to protect our business and residential community from such a natural disaster.

In reviewing the proposed alternatives and actions proposed on the project website, we would like to encourage the District to not adopt a "one-size fits all" project plan but to use a balanced and pragmatic approach to ensure that flood protection is achieved while balancing environmental, economic and safety interests. Specifically, this would include a combination of all three alternatives, utilizing the best alternative for achieving the primary goal of flood protection, but also taking the opportunity to improve fish habitat within the corridor where those opportunities are cost feasible. We know that in partnership and through community collaboration we will be able to find the best protection for life and safety, as well as improve our environment for fish and wild life and eliminate any potential negative impacts to economic development and business growth.

Please include us in future discussions and keep us apprised of activity regarding this and any County wide projects, proposals and initiatives so that we can ensure maximum engagement with our community partners and stakeholders.

We look forward to working with you to develop and implement the project.

Sincerely,

Andrea H. Reay
President/CEO Seattle Southside Chamber of Commerce

EXHIBIT 2 DATE 3/28/19
PROJECT NAME Shovel line Master Program
FILE NO L18-0075