

Ex. #	Name	Organization	Address	Subject Property	Issues Raised	Staff Response
V1	Ted Wheeler			Green Riverside LLC, 6	Here on behalf of J. Michael Edwards (ex. 6 & 36). Nearly threw away the notice because it looked like a solicitation. Need to do a better job getting the word out, process seems too quick.	The issues raised are addressed in Attachments H, I and J.
V2	Suzanne Robertson		13354 56th Ave S	Foster Point Resident	Tax assessments are increasing yet so are restrictions. Very concerned about the impacts of the proposed SMP on her property. Only heard about the SMP update from a neighbor. Do any PC members own property on the river?	The issues raised are addressed in Attachments A, B and H.
V3	Aaron Passow		1883 Bay Street Port Orchard, WA 98366	Vacant site on S 144th Street across from Ft. Dent	Has not been able to sell the property after disclosing the pending SMP changes. This is an illegal taking and he should be compensated for the loss of his investment. Lack of notice.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The issues raised are addressed in Attachments A, B, H and J.
V4	John Deininger	Lily Pointe Investments	4128 W. Ames Lake Drive NE Redmond, WA	6801 S 180th St	Lily Pointe issues raised in Exhibit 9. Had to agree to emergency levee repairs that encroached further onto his property. The high water mark moved landward and now the buffer has increased, compounding the problem. Lack of notice.	While the water moved landward due to the more gradual levee slope shoreline jurisdiction will be measured from OHWM rather than MHWM which should mitigate the change. Staff has also meet with Mr. Deininger since the 8/28/08 public hearing. Other issues are addressed in Attachments A, B and H. See also written testimony provided by Mr. Deininger's attorney at Exhibit 9.
V5	Tom Kallingaers		5729 S Pamela Dr. Tukwila, WA	Foster Point Resident	SMP will put him and neighbors out of a place to live. Full impacts of proposal need to be examined. Concern about resloping, thinks additional armoring would have been a better solution.	The proposal would not require the demolition of housing (or other buildings) within the buffer. The proposed 2.5:1 standard would be more stable over the long run without the environmental damage caused by armoring. Additional information at Attachments B and G.
V6	Joe Anderson		14039 56th Avenue S	Foster Point Resident	Would like to subdivide riverfront property. Was not notified of the hearing. The new restrictions are unfair? Will the City have to meet these same standards? What would happen if a house burnt down?	These issues are addressed at Attachments G and H.
V7	Dixie Archer		13013 56th Avenue S	Foster Point Resident	Was on the original Shoreline Advisory Committee and does not recall approving the currently proposed setbacks. Lost previous house on the site to flooding and had a difficult time rebuilding. Residents are good caretakers of the river and the increased buffers are unfair and ineffective. Taxes should be reduced due to the proposed constraints on the property.	Ms. Archer attended the October 15, 2008 PC worksession to explain further the contents of the Advisory Panel along with another Panel member. See Attachments A, B for further buffer discussion.
V8	Bruce Mitchell	Mitchell Moving and Storage	18800 Southcenter Parkway Tukwila WA		Solutions need to be worked out with the impacted people. Concern about the "one size fits all" solution, need a sensitive and localized solution. Concern about the limitation of outdoor storage to water dependent uses.	The issues raised are addressed in Attachments A, B, G and J.
V9	Kathy Hougardy	Tukwila City Council member	14950 57th Ave. South, Tukwila		The City Council has not seen the letter distributed tonight from the Mayor and Council President declining to form a citizen or stakeholder advisory board for review of the draft SMP.	Comment noted.

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V10	Bill Toon		13360 56th Ave S, Tukwila 98178	Foster Point Resident	This verbal testimony expands on the written testimony at Ex. 18. Mr. Toon also spoke on October 9. The City and the government have polluted the river - none of the property owners have contributed a significant amount of pollution. Under the proposed bank cross-section water will be closer to houses and therefore increase risk. Reconstruction of Foster Point bridge in mid-80's narrowed the channel and has caused erosion that has never been addressed. It may be difficult for property owners to get their insurance companies to rebuild their houses or commercial buildings if they are non-conforming per the SMP.	The concern about the erosion due to repairs to the Foster Point bridge has been referred to the King County Levee District. The other issues raised are addressed in Attachments A, B and G. Update 12/16/08: King County staff visited the site, took photos of both sides of the riverbank and found no evidence of any new or renewed erosion. Many of the banks are likely balanced right at or near their stability limit. King County staff observed from the tree cover, most of which is 20-50 years old that there has not been significant erosion in this area for some time. Localized slumps are present, and the remains of at least one tree are just visible on the right bank, some 100 feet or so upstream from the bridge. The riverward portions of the driving lanes connecting the down stream parking area to the main parking area serving the golf course on the left bank shows the most signs of gradual bank failure in progress. (staff response continued below)
V10	Bill Toon				See above	The riverbanks here are especially steep. It is likely that bank slumping is the dominant failure mode in and near this reach. Based on observations over the years and from the photos from the field visit, it seems unlikely the bridge armoring has directly resulted in any significant recent erosion in this vicinity.
V11	Richard Desimone		7902 Eastside Dr. N.E. , Browns Point, WA 98422	Desimone Trust properties - 12+ industrial parcels, 1 Comm parcel, 3 in PAA.	125 ft. buffer widths seem arbitrary and will cause economic hardship and generate legal issues; applicability standards and issue of nonconforming buildings	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The remaining issues are addressed in Attachments A, B, C-1 and L.
V12	Dixie Archer		13013 56th Avenue S	Foster Point Resident	Complied with all of the requirements when rebuilding their house and now would be non-conforming under the proposal. Staff is giving false information and lacks credentials for this type of plan. Was on the original Shoreline Advisory Committee and wants that restarted, or a different one started. Is trying to locate records of that advisory committee draft. Taxes should be reduced due to the proposed constraints on the property.	Ms. Archer attended the October 15, 2008 PC worksession to explain further the contents of the Advisory Panel along with another Panel member. See Attachments A, B, G and J for response to other issues..
1	Courtney Kaylor	McCullough Hill	701 5th Avenue Suite 7220 Seattle, WA 98104		Recent case law re: citizens property rights and lack of public participation	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The other issue raised is addressed in Attachment J.

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2	Andy & Michelle Jones		13039 56th Ave S, Tukwila 98178	13039 56th Ave S, Tukwila	Concern that the proposed residential buffer width would affect the buildability of a recently created lot.	An additional survey of the site to identify the location of the 2.5:1 slope will not be needed. The short plat process has identified the future location of the new house and the building setback line; it was determined that the location of the future home is set back far enough to avoid a potential hazard should the river bank erode or fall away.
3	Daniel Temkin	Amalfi Investments LLC	1809 7th Ave #1002, Seattle 98101	11231 E Marginal Wy S	Opposition to the development of Duwamish Gardens salmon habitat restoration project due to impacts on his property; more time needed to review the document; development standards concern.	Revisions proposed to Section 13 to address concerns about habitat restoration projects; additional time provided for public review of draft document; see buffer chart, proposed nonconforming uses and structures revisions. See Attachments A, B, F, G, H, I, J.
4	Mark Elliott, CFO Gaco Western	GWI Realty	18700 Southcenter Pkwy, Tukwila	18700 Southcenter Pkwy	Owner was not notified of the public hearing, negative impact on property value, unfair taking of property, reduction of tax revenues to City, process moving too quickly, proposed development standards too onerous, current building would be out of compliance if built under new guidelines. Request additional forums and hearings for public comment; establish citizens advisory board.	Second notice sent in September, public hearing continued to October 9 to provide additional review and comment time. Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The other issues raised are addressed in Attachments C, E, G, H, I, J, and L.
5	Thomas Peterson	Desimone Trust	601 Union St, #4950, Seattle 98101	multiple industrial zoned parcels	The SMP hearing was not properly noticed. Public participation during the development of the plan was not adequate. Objection to proposed buffer width increase because the buffers are disproportionate and therefore illegal takings. The earlier proposal for flexible buffers should be reinstated. Development standards are overly restrictive and too expensive. Public access would be an unfair burden on property owners. The SMP should provide greater protection for existing developments and shouldn't create non-conformities.	During their review of an earlier draft of the SMP DOE indicated that they wished to see specific buffer widths. Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The remaining issues raised are addressed in Attachments A, B, C, E, G, H, I, and J.
6	J. Michael Edwards		265 Carefree Wy, Friday Harbor 98250	parcel # 7888900164	Concern about brevity of public review process. Vegetation on levee bench would have little habitat benefit and possible damage to structural integrity. Why do the levees need to be larger? Concern about the proposed buffers and the ability to rebuild following storm damages.	The issues raised are addressed in Attachments A, B, C-7, G, H, I, and J.
7	Jeff S. Weber, GordonDerr LLP	Campbell properties, Realty Associates Fund, International Airport Centers	2025 1st Ave #500, Seattle 98121-3140	parcels 7888900152, 7888900162, 7888900120, 7888900160, 0223300010	Inadequate public input to date, a stakeholders group should be formed. Proposed restrictions on redevelopment are inconsistent with WAC 173-26. Negative impact on existing development because SMP compliance would be triggered by minor alterations or changes in tenancy. SMP should have a separate non-conforming section rather than referencing existing regulations.	Staff has drafted a non-conforming section specific to the shoreline jurisdiction, see Attachment G. The remaining issues raised are addressed in Attachments C, H, I, and J.
8	Joseph Desimone	Desimone Trust	5609 SW Manning St, Seattle 98116	six properties	Proposed buffers would encumber majority of property due to narrow lot widths. It would be impossible to redevelop under proposed standards. Unable to determine negative economic impacts to property due to lack of time and information. Did not receive hearing notification in a timely manner. Suggests additional workshops and a stakeholders advisory committee. No justification for buffer increase. Issues with height limits, parking & loading requirements, tree retention requirements, revegetation requirements, public access, triggers for SMP compliance and non-conforming standards.	The variance process is available to modify regulations that would impose unnecessary hardships due to unique site characteristics. The remaining issues raised are addressed in Attachments A, B, C-1, C-2, C-3, C-7, E, G, H, I, and J.
9	Laura Whitaker	Lily Pointe Investments LLC	Lwhitaker@perkinscoie.com	6801 S 180th St	Nonconforming structures should be allowed to be remodeled, reconstructed or replaced. If the location of OHWM is shifted due to layback of a levee the shoreline jurisdiction should be kept at old location. SMP review period should be extended.	The hearing was continued for 6 weeks to allow for a longer review period. The issues raised are addressed in Attachments G, F and I.
10	Sean T Durbin	Schneider & Schneider LLC	999 Third Ave #1900, Seattle 98104-4001	14900 Interurban Ave S	Comment period should be extended. Suggests more public outreach/workshops on reasons for the changes. City should form a stakeholder's advisory committee. Suggests providing a summary of changing code provisions.	The proposed Draft SMP has revised the previous Draft SMP to respond to new shoreline regulations. Other issues raised are addressed in Attachment J.

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11	Todd Woosley and Rod Kauffman, President	BOMA Seattle King County	12001 NE 12th St, Bellevue, WA 98005 (Todd Woosley) 1904 Third Ave #825, Seattle 98101 (Rod Kauffman)	Building Owners and Managers Association	While BOMA shares the City's shoreline goals the proposed SMP needs to balance them. The current draft would impact economic vitality and property rights. No net loss and even enhancement can be met with current regulations. Public should be given additional time to work on SMP. Buffer increases are contrary to urban development. Habitat and and public access are public benefits that should be paid for by the public.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The other issues raised are addressed in Attachments A, B, D, E, F, J and L.
12	Shaunta Hyde	Boeing Co	Boeing Co, PO Box 3707 Seattle, WA 98124-2207	Boeing Properties	Very well thought out and comprehensive, have no current concerns with the plan and commend the City of Tukwila on its work with waterfront landowners to encourage habitat improvements.	Tukwila appreciates Boeing's review of the document.
13	Bill Summers Sleeping Tiger LLC PO Box 261, Medina, WA 98039		845 106th Ave NE #205, Bellevue 98004	Red Lion Hotel 11244 Tukwila Int'l Blvd	Notice was not timely. Slow down the implementation to allow for more public participation. Provide compensation to affected property owners. Balance environmental protection with impact to development potential. Property currently provides no habitat value.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The issues raised are addressed in Attachments A, B, C, H, I, and J.
14	G. Richard Hill	La Pianta LLC	701 Fifth Ave #7220, Seattle 98104	La Pianta	20-pages of comments. Cover letter suggested: convene a Citizens' Stakeholder committee, provide public comment on this committee's recommendations, develop an economic analysis, prepare responses to La Pianta's comments and to all comments submitted by other citizens. Handouts given at the open house do not accurately represent the proposed changes.	It is assumed the handout referenced is the brief summary on 11x17 inch paper titled "Comparison of Buffers and allowed Uses - Current SMP vs. Proposed SMP," although the exact handout referenced is not identified. This handout was not meant to be an all-inclusive description of the proposed Draft SMP but rather a handout to highlight major differences. Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The remaining issues raised are addressed in Attachments A, B, C, D, E, G, I, J, L, and N.
15	Robert Krussel		14800 Interurban Ave S	14800 Interurban Ave S	Concern about unwarranted taxes, unfounded rules and regulations - Impact of changes, particularly buffers, will reduce income by 50% and reduce property value. Included questions about buffer and 4 ft fence.	The issues raised are addressed in Attachments A, B and L.
16	John F. Storm, Facilities Project Mgr.	Harnish Group Inc	17035 W Valley Hwy, Tukwila 98188	16711 to 17035 W Valley Hy	Lack of public participation, excessive increase in buffer width, non-conformity of existing structures to proposed standards, requirement for future development to provide public access, and parcel is disproportionately impacted due to river front on 3 sides.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The other issues raised are addressed in Attachments A, B, C-1, E, G, H, I, and J.
17	Mark Hancock		PO Box 88811, Tukwila 98138	member of Citizen's Shoreline Advisory Board	No public involvement in the SMP since the Advisory Board last met in 2000 though there have been significant changes to the document. Suggests the City reconvene the Citizens' Board to provide input to current SMP plan.	If a new stakeholders committee were convened the City would seek to represent a broader range of participants including agencies with jurisdiction, tribes, recreational users, and environmental organizations as well as residential and commercial property owners. The issues raised are addressed in Attachments I and J.
18	Bill Toon		13360 56th Ave S, Tukwila 98178	Foster Point Residence	Questions include: Who represents the affected landowners? Who is proposing these changes? Who will pay the landowners for taking of private land? What are the effects of becoming non-conforming? City should address stormwater quality.	The Tukwila PC represents the interests of the residential and business community. The new SMP is required due to changes in Washington State law. If levee construction/reconstruction by a public entity would require additional easement width on a property, compensation would be negotiated prior to construction. Information about the non-conforming provisions may be found at Attachment G. The City as a whole has water quality obligations under its NPDES permit.
19	Charles Maduell		1201 Third Ave #2200, Seattle WA 98101-3045	12855 48th Ave S	Need additional public participation, concern regarding buffer increases, revegetation/landscaping, required parking/loading/service areas relocation, public access to the River, limit on lighting levels, prohibition on incidental hazardous materials handling, triggers for compliance with the new regulations, overall interference with property utilization, and lack of adequate public notice, regulatory takings.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. Regarding hazardous waste handling, we do not read Section 8.1 C to prohibit the transfer of hazardous materials from one truck to another - the use (truck terminal) is permitted in the shoreline environment (or for the portions of the use in the buffer area would be legal nonconforming) and the transfer would be considered incidental to the overall use of the site. The remaining issues raised are addressed in Attachments A, B, C-1, C-2, C-3, C-10, E, H, I, and J.
20	Amalfi Investments LLC	Amalfi Investments LLC	(see # 3 above?)	Duwamish Gardens	Three pages of drawings/maps related to earlier letter of comments.	None. Submittal illustrates points made in Exhibit 3.
21	Map 3		(see # 5 above)	multiple industrial zoned parcels	another map - 15 points indicated.	None. Submittal illustrates points made in Exhibit 5.
22	Thomas Peterson	Desimone Trust			Buildable Area map plus buffers map - cross ref to Exhibit 5 above.	None.

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23	Karen Walter	Muckleshoot Tribe	39015 172nd Ave SE, Auburn 98092	Muckleshoot Indian Tribe Fisheries	Need additional time to fully review and respond. Noted 13 identified suggestions/comments. Add discussion on proposed TMDLs to the Inventory and Characterization Plan. Add policy for consulting the Muckleshoot Tribe for all Shoreline actions. Designate entire river as a Fish and Wildlife Habitat Conservation Area. Consider creating an Aquatic Environment. Lighting standards for docks, marinas, bridges. Private bridges must demonstrate need. Require applicants to obtain Aquatic NPDES permits for pesticide use.	City agrees with: TMDL issue; designate river as Fish and Wildlife Habitat Conservation Area; lighting standards for docks, etc. We are considering the recommendation for aquatic NPDES permits for pesticide use. The City's goal is to limit tree removal as much as possible and agrees with the "no net loss of LWD and will incorporate a standard for use of LWD in river wherever possible. New private bridges are not an allowed use under the draft SMP - only maintenance of existing private bridges. The City considered designating an Aquatic Environment for the area below the OHWM, however it was determined this would have limited utility as much of that area is within the jurisdiction of the State Department of Natural Resources. We believe the management policies and objectives for Aquatic Environments can be met through the adjacent upland designations.
24	John Swan		3914 S 117th St Tukwila 98168	3914 S 117th St	The revised SMP opens the door to public access to private riverbank property. This is unconstitutional.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. Public access is not required for existing single family homes. The other issue is addressed in Attachment E.
25	Tom Peterson	Socius Law Group	2 Union Square, 601 Union Street Suite 4950, Seattle WA 98101	Desimone Trust properties - 12+ industrial parcels, 1 Comm parcel, 3 in PAA.	Buffers would cause financial harm by restricting redevelopment, creating non-conforming structures. Public participation has been lacking. SMP development standards go too far so violate legal standards. SMA does not authorize habitat enhancement, just protection. Flood control is a public benefit that should be borne by the public. Required public access is overreaching. SMP is inconsistent with Comp Plan. Triggers for compliance with SMP are arbitrary. Height restriction is not justified. Parking/loading location restriction is not justified. Concern about tree retention requirements.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. If levee construction/reconstruction by a public entity would require additional easement width on a property, compensation would be negotiated prior to construction. The other issues are addressed in Attachments A, B, C-1, C-2, C-3, C-7, E, G, J, L and N.
26	Matt Wisdom	State Farm Insurance		6835 Fort Dent Way, Tukwila WA	Appreciates the City's efforts to restore the Green River. Need more time to assess impacts. Issues require further discussion between property owners and the City.	Additional time for public comment has been provided. Staff has met individually with all property owners who have expressed an interest in meeting.
27	Brooke Alford	Green/Duwamish Watershed Alliance	4724 S. 122 St. Tukwila, WA		The Green/Duwamish Watershed Alliance has undertaken a program to involve students in watershed education and restoration work. The group would like to engage property owners in additional riparian buffer enhancement projects.	Staff encourages such projects and will provide support where possible
28	Matt Adamson	Jameson Babbitt Stites & Lombard	999 3rd Av Suite 1900, Seattle WA 98104	Southcenter Plaza 14900 Interurban Av S.	Triggers for compliance at 9.1 are ambiguous and landscape requirements are too onerous. Buffer width increases are not scientifically based and are an illegal tax. Non-conforming status will thwart redevelopment and create blight. Suggests new replacement language. Wants an economic analysis. Public participation is lacking.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The remaining issues are addressed at Attachments A, B, C-1, C-7, J and L.
29	Jeff S. Weber	GordonDerr LLP	2025 1st Ave #500, Seattle 98121-3140	James Campbell, The Realty Associates, Int. Airport Centers	Suggests language for non-conforming section. Proposed buffer increases are too wide, lack scientific basis and would negatively impact property rights. Buffers should be established on a site-specific basis. The parking/loading location, height limitation and public access requirements should be removed from the proposal.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. If levee construction/reconstruction by a public entity would require additional easement width on a property, compensation would be negotiated prior to construction. The remaining issues are addressed at Attachments A, B, C-2, C-3, E, G, I, J and N.
30	John Ellingsen	Barghausen Engineers	18215 72nd Ave S Kent WA 98032	Costco	Suggests buffer widths be modified through averaging or reduced based on engineering design of the cross section. Concern about loss of parking, ability to redevelop non-conforming sites. Suggests Pierce County code section.	These issues are addressed at Attachments A, B and G.
31	Cathy Des Jardin		3826 S. 116th Street, Tukwila WA 98168	3826 S. 116th Street, Tukwila WA 98168	Constitutional issues with the proposed buffer and public access provisions. Concerns about boating traffic.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The SMP is not the best avenue for regulating boating traffic safety issues. The 200 foot width of shoreline regulation is established in the SMA. Existing single family properties are not required to provide public access. The remaining issues are addressed at Attachments A, B, and E.

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32	Eric Kentoff	Innkeepers USA	340 Royal Poinciana Way Suite 306 Palm Beach FL 33480	Residence Inn 16201 West Valley HY	Concern about the increased buffer widths, requirement to provide public access, requirement to replace non-native vegetation and the low thresholds for triggering compliance with the SMP.	These issues are addressed at Attachments A, B, C-1, C-7, E.
33	Courtney Kaylor	McCullough Hill	701 5th Avenue Suite 7220 Seattle, WA 98104	La Pianta	Asks that the PC deny the current draft of the SMP and revise with the aid of a citizen stakeholder committee. The City's public involvement process has been inadequate. States that the SMP contains requirements to enhance habitat and this is an illegal tax. Other SMP provisions are not authorized by the SMA and constitute regulatory takings. States that the SMP is inconsistent with the Comp Plan, violating GMA.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. If levee construction/reconstruction by a public entity would require additional easement width on a property, compensation would be negotiated prior to construction. The other issues are addressed in Attachments A, B, J, L and N.
34	Gordon Thompson	WRIA 9	KC DNR 201 S. Jackson St #600 Seattle WA 98104		Supports the SMP as proposed, especially the buffers, limitations on future armoring and protection of upland owners adjacent to shoreline restoration projects. Tukwila's location within the Duwamish transition zone makes it a high-priority protection and restoration area.	Tukwila appreciates WRIA 9's review of the document and is pleased that you find it consistent with the Federal Puget Sound Chinook Recovery Plan and the WRIA 9 Chinook Salmon Recovery Plan.
35	John C. Radovich	John C. Radovich Development	2835 82nd Avenue SE #300 Mercer Island WA 98040	Fort Dent Office Park	Concern about when and how new standards apply to existing commercial development, want site by site buffers and concern that new site standards will add costs curtailing development. Includes joint comm/ind stakeholder letter.	These issues are addressed in Attachments A, B, C-1, C-2, C-3, C-7 and G.
36	J. Michael Edwards		265 Carefree Wy, Friday Harbor 98250	parcel # 7888900164	Found the open house to be welcome and productive. Provisions to mitigate impacts on vacant property? Includes joint comm/ind stakeholder letter.	In addition to the open houses staff has met individually with any property owner who has expressed an interest in meeting. Other issues raised are addressed in Attachments C-1 and G.
37	Jim Eland	Tukwila Terminal LLC	600 University Street Suite 1925 Seattle WA 98101	6440 S. 143rd Street	Adopts La Pianta concerns. No need for restoration or enhancement as river bank is natural adjacent to site. When King County developed the existing pathway access across the property was not required. Plan doesn't address site specific conditions or economic impacts. Will infringe on private property rights and constitute a taking.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The remaining issues are addressed in Attachments A, B, C-2, and E.
38	Cyrilla Cook	People for Puget Sound	911 Western Ave Suite 580 Seattle WA 98104		Supports the SMP, especially the buffers, restoration and monitoring strategies, no net loss of shoreline functions, limitations on overwater structures, limits on armoring and protection of upland owners adjacent to shoreline restoration projects. Would like policies added that prohibit discharge of solid waste/sewage and limit marinas to locations with adequate water depth to avoid dredging.	Section 9.4. F. prohibits solid and liquid wastes from discharge to bodies of water or shorelands and 9.12 B 1 addresses no net loss as related to marinas, boat yards and dry docks. Agree with the suggested additions for marinas. See Attachment C-9.
39	R.Gerard Cook	Perkins Coie	10885 NE 4th Street Suite 700 Bellevue WA 98004	NC Machinery/ harnish Group Inc.	Concern about scope of change subsequent to prior public review. Insufficient opportunity for public participation. Existing buffer is sufficient under NNL. Proposed definition of NNL is circular. Site should be designated High Intensity not Urban Conservancy. DOE suggested environments are inconsistent with Comp Plan. Proposed buffers are excessive and inflexible. Existing development should not be made non-conforming. Archaeological standards confusing and unnecessary. Objects to public access requirements without compensation.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The remaining issues are addressed in Attachments A, B, C-6, D, E, and J.
40	Heather Trim	People for Puget Sound	911 Western Ave Suite 580 Seattle WA 98104	Duwamish Tribe, Middle Green River Coalition	Cosigned by James Rasmussen of the Duwamish Tribe and Greg Wingard of Middle Green River Coalition. Supports the SMP as proposed, especially the buffers, limitations on future armoring and WRIA 9 coordination.	Tukwila appreciates these agencies' review of the draft SMP.
41	BJ Cummings	Duwamish River Cleanup Coalition	5410 First Ave. NE, Seattle, WA 98105		DRCC supports goals in WRIA 9 Chinook salmon Recovery Plan; Tukwila shoreline includes area in the Duwamish transition zone; DRCC supports Tukwila draft SMP provisions for reducing shoreline armoring, opportunities for shallow water habitat, riparian planting, strongly support buffer widths in Sect. 10.9 (C).	Tukwila appreciates the Duwamish River Cleanup Coalition review of the draft SMP.

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42	Courtney Kaylor, for 14 property owners	McCullough Hill, PS	701 Fifth Ave #7220, Seattle 98104	NC Machinery/ harnish Group Inc., Baker Commodities, James Campbell Co., John & Louise Strander Trust, Amalfi Investments, Hill Investment Co., Schneider & Schneider LLC, Grand Prix Tukwila LLC, Tukwila Terminal, Yellow Transportation, Inc., John Radovich, Green Riverside LLC, La Pianta LLC, Desimone Trust.	Concerns expressed include lack of public participation, triggers for compliance with the new standards, expansion of the shoreline buffer widths, public access requirements, development standards including landscaping, parking and loading location and height limitation. City has unduly deferred to Dept. of Ecology rather than exercising its own discretion to adopt regulations adapted to City's own unique conditions.	Staff has attempted to develop regulations that are tailored to Tukwila's unique circumstances while being mindful of the limitations on local discretion under state law. Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The other issues are addressed in Attachments A, B, C, E, G, J and L.
43	Mark Segale	La Pianta LLC	PO Box 88811, Tukwila 98138		Provided photos in support of higher height limit in shoreline jurisdiction	See Attachment C-3
44	Peter L. Buck	The Buck Law Group	2030 First Avenue, Suite 201, Seattle, WA 98121	Amalfi Investments	Impact of movement of OHWM due to restoration project implementation on adjacent properties. Amalfi has also co-signed letter referenced in Exhibit 42.	Staff has attempted to address this issue in the draft SMP, see Attachment F. Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The other issues are addressed in Attachments A, B, C, E, G, J and L.
45	Lara B. Fowler	Gordon, thomas, Honeywell, malanca, Peterson & Daheim	600 University Street Suite 2100 Seattle WA 98101	Baker Commodities	1996 legal settlement between City and Baker Commodities supercedes provisions of draft SMP. Supports a stakeholders group.	The extent to which the past agreement limits the applicability of a new SMP will need to be discussed with the City Attorney. Staff has held one meeting with representatives from Baker Commodities to discuss these issues and will meet again once the PC recommended changes are known. See Attachment J for a discussion of the public participation question.
46	Greg W. Haffner	Curran Law Firm	P.O. Box 140, Kent WA 98035-0140	Strander Family properties	Concerns about impacts of proposed SMP on Penske Trucking site on 48th Ave. S. Existing business would become a non-conforming use, triggers for compliance are too low, need for increased buffer width questioned and greater public participation needed.	These issues are addressed in Attachments A, B, C-1, G and J.
47	Stephen James	Davis Wright Tremain	1201 Third Ave #2200, Seattle WA 98101-3045	Yellow Transportation	Aerial photo and map identifying Yellow Transportation site - goes with Exhibit 51	None.
48	Louie Sanft	6120 52nd Avenue S.	Seattle, WA 98118	A & B Properties	Concern about speed of process, need for local input, financial impact of changes.	Staff acknowledges the importance of the legal concerns and continues to work with the City Attorney's office to ensure that the SMP complies with all laws and regulations. The remaining issues are addressed in Attachments I, J, and L.
49	Mark Hancock		P.O. Box 88811, Tukwila WA 98138	La Pianta	Summary of 2000 Draft SMP provisions forwarded by Shoreline Advisory Panel to PC.	Comments noted.
50	Shoreline Advisory Panel Summary of actions taken				Summary of actions taken at Panel meetings from October, 1999 to February, 2000.	Comments noted.
51	Charles Maduell	Davis Wright Tremain	1201 Third Ave #2200, Seattle WA 98101-3045	Yellow Transportation	Recommended language revisions to draft SMP text: triggers for SMP compliance, Sect. 9.1, exemptions, nonconforming uses and designations	Thank you for providing specific suggestions and proposed language that would address your concerns with these sections of SMP. Staff has proposed to delete section 9.1 in favor of discussing applicability along with each requirement in Chapter 9. Staff has followed the suggestion by you and others to create a specific non-conforming section within the SMP rather than referencing the zoning code. Please see Attachments C-1 and G.

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52	R. Gerard Lutz	Perkins Coie	10885 NE 4th Street Suite 700 Bellevue WA 98004	Harnish Group, Inc. (NC Machinery)	Recommended looking at approach Bellevue is using in its Bel-Red Plan on addressing nonconforming uses & structures.	Thank you for providing this example of suggested language. While we have modified the non-conforming provisions in response to public comment we do have environmental and life safety issues posed by oversteepened riverbanks that are not part of the Bel-Red context.
53	Courtney Kaylor	McCullough Hill PS	701 Fifth Ave #7220, Seattle 98104	La Pianta	Disputes the link between river buffer width requirements and the SAO buffer for Type 2 stream; submitted comments from Andy Kindig & Co. environmental consultant on buffer width.	Staff's reading of WAC 173-26-221 (2)(a)(ii) is that it is inconsistent for the river buffer to be smaller than the SAO buffer for smaller fish-bearing watercourses. If levee construction/reconstruction by a public entity would require additional easement width on a property, compensation would be negotiated prior to construction.
54	Dean Patterson	Futurewise	814 Second Ave., Suite 500, Seattle, WA 98104		Recommended improvements to draft SMP to protect wetlands under 1000 sq feet and prohibit piping of Type 4 watercourses, clarify shoreline variance requirements - needed for buffer reduction?, nonconforming structures, need to address missing elements such as Critical Aquifer Recharge Areas. Prohibit uses in buffer such as roads, trails, utilities or at least include standards for them.	There are no known wetlands in the shoreline except for the one shown on Map 5, which is a Type 2. There are some riverine wetland components within the habitat restoration areas that are shown as Fish and Wildlife Habitat Protection Areas on Map 5, <u>Sensitive Areas in the Shoreline</u> . They are protected as part of the shoreline development standards. There may be riverine wetlands along the shoreline, but these would be below the OHWM and thus would be protected as part of the shoreline development standards. Staff will strengthen the language in the SMP to reflect this. There is only one Type 4 Watercourse mapped in the Shoreline Jurisdiction and part of it is already piped (beneath a ramp to SR 599). Therefore, additional protections in the SMP for these types of sensitive areas do not seem to be warranted. Aquifer recharge is not likely a significant ecosystem process in this part of the Green/Duwamish river) see Shoreline Inventory and Characterization Report. Re: limiting allowed uses in buffer (such as utilities) - because the shoreline jurisdiction is already so heavily developed, it may not be possible to limit utility placement. However, staff will consider including some criteria for locating utilities. Re: variances for reductions in buffer - specific criteria to be met are used in order to qualify for a reduced buffer rather than the variance process.
55	Lara B. Fowler	Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim	600 University, Suite 2100, Seattle, WA 98101-4185	Baker Commodities	Previous legal settlement between City and Baker Commodities supercedes SMP. Concerns about increased buffer widths making existing buildings non-conforming. Public access is inappropriate on site.	The extent to which the past agreement limits the applicability of a new SMP will need to be discussed with the City Attorney. Staff has held one meeting with representatives from Baker Commodities to discuss these issues and will meet again once the PC recommended changes are known. See Attachments A, B, E and G for discussions of the other issues raised.
A	Commissioner Lynn Peterson	Tukwila Planning Commission			Figure 1.1, pg. 2 of draft SMP, which illustrates the location of the minimum and maximum shoreline jurisdiction seems misleading. The figure points to an object as representative of the floodway - when the floodway represents the width of a physical area. Also, where the shoreline jurisdiction carries over from Tukwila to another jurisdiction, such as Renton, how would this be addressed?	Figure 1.1 will be revised.
B	" "	Tukwila Planning Commission			Not clear on the purpose of the buffer on the landward side of a levee - just as a levee contains floods on the waterward side, does it not also contain impacts (runoff) on the landward side unless the buffer is vegetation for wildlife and its contribution to the functioning ecology of the river?	There could be habitat functions on the landward side of a levee, if there is vegetation present. Also, this area could function as an infiltration area to prevent entry of pollutants into the river with stormwater flows (fertilizers, pesticides, oil drippings from vehicles, etc.).
C	Commissioner Lynn Peterson	" "			Clarify what general public access means vs access for a particular project's users	Public access as the term is defined in Section 3, refers to access by the public at-large. Any access provided by an employer strictly for the use of employees would be addressed through design review at the individual project level.
D	" "	Tukwila Planning Commission			Substantial development - is there a reason to tie the definition to a fixed dollar amount as noted in various areas of the draft SMP?	The SMA contains the \$5,000 threshold for activities to be considered development and subject to a Shoreline Substantial Development Permit.
E	Commissioner Lynn Peterson	" "			If no difference between dike and levee use one term or another; define "small boat". Who regulates activity on the water?	There is a slight difference between a dike and a levee (see Definitions Section). Staff agrees that the term levee is the correct term to use for the flood control structures in the river. It is not staff's intent to regulate boat use on the water.

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F	Commissioner Lynn Peterson	" "			Define "riverwalk" or reference TUC Plan and the relationship of the SMP to the TUC plan.	The Planning Commission has directed that references to the Tukwila Urban Center Plan, the Transit Oriented Development area and Riverwalk be removed from the SMP as the TUC plan is not an adopted document as yet.
G	Commissioner Lynn Peterson	" "			(a) Would a deck or boat winch cantilevered over water be allowed? On a steep slope the storage of the boat could present a hazard with fuel or other liquids leaking. (b) What about a patio at ground level or a fire pit with a seating area? These are recreational type uses that take advantage of a location along the river. (c) How about a vegetable garden that might be rototilled? Would this pose an erosion hazard?	See Attachment C-8.
H	Commissioner Lynn Peterson	" "			Allowing parking on the west side of 42nd adjacent to the river seems inconsistent with prohibition of parking of residential vehicles in the buffer area.	Staff agrees that parking along the river is not an appropriate shoreline use. In addition, this has been identified as a problem in the WRIA 9 plan.
I	Commissioner Lynn Peterson	Tukwila Planning Commission			There appears to be a home across from BECU that has rails going down to water - is this used for water access? Could this be permitted in the future under the draft SMP?	Rails for launching a boat would be a permitted use under the SMP, provided there would be a no net loss of shoreline function. Mitigation and permits from the City, Corps of Engineers and Department of Fish and Wildlife would be required.
J	Commissioner Lynn Peterson	Tukwila Planning Commission			Existing pilings in the river - are these a safety or environmental hazard? Should they be removed?	Staff is unaware that any existing pilings present a safety hazard to boaters. Creosote on treated pilings that have been in place for many years has probably long since leached out all of the toxic components and no longer present risks of contamination of the river. Removal of pilings has not been proposed by staff as a routine procedure, due to the potential for causing adverse impacts to fish and wildlife from the removal process.
K	Commissioner Lynn Peterson	" "			Do we need to be concerned with fluids (lubricants on bearings etc.) dripping from the light rail line into the river? Do the lights on the guideway meet the lumen standard in the draft SMP?	Staff reviewed the environmental impacts of the light rail line during the EIS process and the Council issued a Shoreline Permit prior to construction; the lumen standards are proposed to be deleted in favor of directing light away from the river - these LED lights do not appear bright enough to be of concern.
L	Commissioner Lynn Peterson	" "			The bridges in Tukwila that cross the river (TIB, EMWS)-the finger joints are not sealed so vehicle drippings can get into the river - why aren't the joints sealed to prevent this? Should there be a design standards in the draft SMP to address this?	New bridges are already required (by fish and wildlife agencies and Department of Ecology) to collect and treat stormwater to prevent contamination by drippings from vehicles, therefore, staff does not feel it necessary to incorporate a standard in the SMP for this. It is a valid concern for existing bridges where joints are leaky, but the SMP is not the means to address this.
M	Commissioner Lynn Peterson	Planning Commission			Roads such as 42nd Ave. S. do not have guard rails to prevent vehicles from entering the river - why?	The Public Works Dept. uses the <u>Policy on Geometric Design of Highways and Streets, 2001</u> edition, published by the American Association of State Highway and Transportation Officials to determine the cost/benefit of such improvements as guard rails. The City did install guard rails on a portion of S. 115th Street as a result of evaluating the needs along that portion of the road and an ecology block barricade has been installed at the intersection of S. 124th and 42nd Avenue S. to prevent vehicles from entering the river.
N	Commissioner Lynn Peterson	Planning Commission			There is a reference in the WRIA 9 plan to the salt wedge at the 42nd Ave. S. bridge - is this something that should be addressed in the Characterization and Inventory Report? How about the sewer line that runs underneath the bridge - does this impact the salt wedge at all?	The significance of the saltwater wedge is that there is a saltwater/freshwater transition zone in the river where young salmonids spend time adjusting from fresh to saltwater conditions. The Inventory and Characterization Report discusses the transition zone in Section 3.13, therefore, staff does not think it necessary to mention the wedge in the document. Re: the impact of the sewer line that crosses the river near the 42 Avenue bridge, the WRIA 9 Plan as a project Wuw-4, Wastewater Pipeline Crossing Retrofit which will determine the extent to which the wastewater pipeline crossing at river mile 8.0 alters salinity upstream. If reducing the profile of the pipeline crossing will produce significant benefits in terms of extending the transition zone, the project would retrofit the pipeline to lower its profile.

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O	Commissioner Lynn Peterson	Planning Commission			Sections 8.2, 8.3 & 8.4 all include a 25 sq. ft. limit on recreational structures - should small storage sheds, green houses be permitted in the buffer? How about personal recreational areas that might include a bar-b-q8e, seating areas and fire pits?	Staff did not intend to allow new non-recreational structures such as greenhouses or tool sheds in the buffer and does not consider such structures to be appropriate. However, viewing platforms and small decks or picnic shelters would be allowed and could include seating, tables, a BBQ facility or a fire pit.
P	Commissioner Lynn Peterson	Planning Commission			Public Access: need to have a very compelling argument for private property owners to provide public parking for private access points to the Green River Trail.	See Attachment E
Q	Commissioner Lynn Peterson	Planning Commission			Section 11.4.B.3 & 4: "depending on value" has not been defined yet.	See Attachment E
R	Commissioner Lynn Peterson	Planning Commission			Map 3, Proposed Shoreline Environments - correct legend to read "Shoreline Residential Environment"	Map 3 legend will be corrected when the underline/strikeout version of the Draft SMP is prepared.
S	Commissioner Lynn Peterson	Planning Commission			The back slope of the levee is not performing a buffer function; language in SMP needs to clarify safety reasons for set back of levees with added benefit of mid-slope bench that provides ecological improvements.	See buffer discussion in Attachment B
T	Commissioner Lynn Peterson	Planning Commission			Provided comments on the draft Walk and Roll Plan that also apply here: lack of lighting on the trail, particularly under the bridges a safety hazard; "lip" at edge of trail closest to river under Strander Blvd. bridge that is a safety hazard to bicyclists.	Lighting and safety hazard under Strander Blvd. bridge passed along to the Parks Dept.
U	Commissioner Lynn Peterson	Planning Commission			There should be in integrated plan that identifies the appropriate spacing of park furniture along the river & provides consistent standards - could use a mitigation fee to fund improvements along the trail. Amenities that provide visual access to the trail should be rewarded more than amenities that don't - reflect this in chart in Public Access chapter	This recommendation will be passed along to the Parks Dept. for consideration in the next update of its Parks and Recreation Plan/CIP program; Attachment E addresses revisions to public access - amenities not treated differently in proposed revision.
V	Commissioner Lynn Peterson	Planning Commission			What do the trail improvements do to the tax burden and insurance liability of property owners who install these features?	RCW 4.24.210 provides limited liability relief for property owners who allow members of the public to use property for outdoor recreation. If the property is dedicated to the public, the liability is transferred to the public entity; if an easement is granted to the public entity, the liability is transferred as well.
W	Commissioner George Malina	Planning Commission			Need to add the following definitions: armoring, no net loss, rain garden, and large woody debris.	Staff proposed definitions presented at the October 8 PC Work Session, see Attachment M.
X	Commissioner George Malina	Planning Commission			Revise the language in Policy 5.4.3, page 34.	Staff needs direction on what change the Planning Commission would like to make to this policy.
Y	Commissioner George Malina	Planning Commission			Concerned about the liability for property owners related to public access.	See response above re: RCW 4.24.210.
Z	Commissioner George Malina	Planning Commission			Suggested language for Public Access chapter: revise the applicability paragraph under 11.1 to read as follows: Provide public access unless public access would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems or significant ecological impacts that cannot be mitigated.	Agree - although staff has proposed rearranging the language. See Attachment E.
AA	Commissioner George Malina	Planning Commission			Page 34, Policy 5.4.3: concern about not exempting single family property owners from improving habitat along river. There are safety concerns to be considered, expense issues.	Staff agrees and will modify the draft SMP so that revegetating banks is voluntary and not mandatory - see Attachment C-7
BB	Commissioner George Malina	Planning Commission			Pg. 36, Policy 5.6.3: add "and feasible" after "appropriate" in the fifth line of the policy.	Staff agrees with the proposed language addition to Policy 5.6.3.
CC	Commissioner Allan Ekberg	Planning Commission			Why are we duplicating other jurisdictions' regulations? If we didn't have regulations, whose regulations would apply? Provide a chart that compares how SMP regulations would differ if the City did not adopt its own regulations.	See Attachment K, prepared to address this issue
DD	Commissioner Bill Arthur	Planning Commission			Would like to see buffer averaging looked at for addressing buffer widths.	This is addressed in Attachment B.
EE	Commissioner Allan Ekberg	Planning Commission			Recommended using the language that the buffer width is recommended to be rather than say that the buffer width is required to be x feet.	This is addressed in Attachment B.
FF	Commissioner Bill Arthur	Planning Commission			Section 2.5 should be updated.	This text will be revised in the strike out/underline draft SMP prepared for the PC.

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GG	Commissioner Bill Arthur	Planning Commission			Request that representative from ACOE attend a meeting to discuss levees	At this time the ACOE is not able to attend a meeting.
HH	Commissioner Bill Arthur	Planning Commission			Would like a diagram that illustrates the shift in location of OHWM when the levee or river bank is laid back.	Staff is working on preparing this diagram.
II	Commissioner Bill Arthur	Planning Commission			The severe economic impact of the draft SMP should be addressed	See Attachment L.
JJ	Commissioner Bill Arthur	Planning Commission			Storm water regulations should be in a stormwater plan, not the SMP	WAC 1737-26-221 (6) related to water quality, storm water and nonpoint pollution directs that shoreline master programs are to include provisions to protect against adverse impacts to water quality and storm water quantity and ensure mutual consistency between the SMP and other regulations addressing water quality. The proposed regulations in Section 9.4 are meant to address this requirement. These regulations supplement the regulations in TMC 14 related to stormwater.
KK	Commissioner Bill Arthur	Planning Commission			Requested additional details on the reasoning behind the proposed buffer widths, as discussed in the two memos provided by the Public Works Director and DCD staff.	After receiving direction from the Planning Commission on the proposed changes to buffers identified in Attachment A, staff will revise Section 7, Shoreline Environment in a strikeout/underline version to reflect any changes directed by the Commission plus add information from the two staff memos on proposed buffer widths to provide additional details.
LL	Staff recommended edit:				Page 115, Exemptions, B. 2.: change "attach conditions" to " impose conditions"	This language change is proposed to use the appropriate code language.
MM	Staff recommended edit:				Amend Section 8.3 A.1.p., and Section 8.4.A.1.p., permitted uses in the Urban Conservance Buffer and High Intensity Buffer to clarify the types of support facilities (i.e. the pipes or conveyance systems as distinguished from the actual facilities themselves, such as a detention pond) that are permitted in the buffer.	Support facilities for above or below ground utilities or pollution control, such as runoff ponds, filter systems, <u>detention ponds and outfall facilities</u> , provided they are located at or below grade and as far from the OHWM as technically feasible. (underlined text is proposed new text)
NN	Staff recommended edit				Clarify language on page 56, B.1., Permitted Uses	Revise second line to add "or" after and, so this section would read: "All uses permitted in the Urban Conservancy Environment Buffer and/or the underlying zoning district may be allowed." (proposed new language is bolded)
OO	Commissioner George Malina	Planning Commission			Public Accesss issues: 1) what are the legal ramifications/liability for property owners who provide public access? 2) who installs sidewalks on site? 3)what is the size of the sidewalk and is it handicap accessible? 4) are property owners compensated for the loss of the land?	1) See response under V, above on liability issue; 2) Typically, the project proponent is responsible for installing frontage improvements, including sidewalks, as part of a development project if sidewalks currently don't exist; 3) sidewalks are typically 5-6 feet in width, with some 8 feet wide; 4) providing easements for trails are covered in Attachment E.
PP	Staff recommended edit			city-wide	Section 12, Shoreline Design Guidelines, 12.1 G. should be deleted since the draft SMP no longer requires parking and loading areas to be located on the landward side of the building.	Eliminating 12.1 G. would bring this section into consistency with other provisions of the draft SMP approved by the Planning Commission.
QQ	Staff recommended edit			Applies to Urban Conservancy Environment and High Intensity Environment	For Sections 8.3 B.1 and 8.4 B.1.: clarify that the uses permitted in the Urban Conservancy Environment and the High Intensity Environment include both the uses permitted in the Buffer and those permitted in the underlying zoning district.	Recommend revising Section 8.3 B.1. to read: Permitted Uses: All uses permitted in the Urban Conservancy Environment Buffer and/or the underlying zoning district may be allowed. (underlined text is the proposed addition). Recommend revising Section 8.4 B.1. to read: Permitted Uses: all uses permitted in the High Intensity Environment Buffer and/or the underlying zoning district may be allowed. (underlined text is the proposed addition).