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COMMUNITY
DEVELOPMENT

City of Tukwilla Planning Commission
6300 Southcenter Blvd. Suite 100
Tukwilla, Washington(98188)

Dear Sir:

My family and I are the owners of six properties along the Duwamish and Green River. The properties are:

1. Barnaby's restaurant property at the intersection of Strander Blvd. and W. Valley Highway
2. Secret Garden property on the west side of E. Marginal Way where the Boeing Access Road meets East Marginal Way
3. The Air Pro property adjoining the Secret Garden property on the north
4. The East Marginal Way property across the street from the Boeing Museum of Flight
5. The Oxbow property just south of the turning basin which is partially leased to Boeing, partially leased to four trucking companies and the balance is leased to the US Post Office and to the Sabey Corporation
6. The Duwamish Marina and Industrial Site at 1801 S. 93rd Street, Seattle, Washington

The proposed Shoreline Management would have a very detrimental effect to our properties along the river. This is especially true of the Barnaby's, Air Pro, and Secret Garden properties because of their size and lack of depth between the river and the highway. If the buildings became functionally obsolete and needed major renovation which I don't think would be allowed under the SMP if the renovation costs to the interior of the buildings were greater than a certain percentage of the building value as determined by the city would have a very detrimental effect. Not being able to renovate because of the new proposed plan would make the Secret Garden and Air Pro properties almost worthless since on these properties you would not be able to put another improvement on them because of their size and shape. The Barnabys property would lose probably 66 percent or more of its value if we were not able to renovate the existing building. If any of these properties improvements were to be damaged and its replacement cost was over fifty percent of the value of the building as determined by the city, we would not be able to rebuild and our Air Pro and Secret Garden properties would be virtually worthless. The Barnabys property would lose most of its value if we could not rebuild using the existing footprint and the setback was 125 ft from the river.

The proposed Shoreline Management Plan would have a detrimental effect on our income stream for the Oxbow property because this is a ground lease and the rent is based on the fair market value of the useable number of square feet of land we have. Since the river is adjoining the entire east edge of the Oxbow property and the proposed setback area is twice what it currently is and the trust will probably last another forty to fifty years it means the family will lose a substantial amount of money. The exact amount is impossible to determine. The proposed setback area is double what it currently is with no proof that the proposed setback is proportional to the impacts of property development.

With our EMW property it is not possible to determine how much we will lose because we have not been given enough time or information to determine the impact to this property.

As far as the Duwamish Marina Property is concerned, we don't know what the impact would be because we have not had enough time or information to be able to determine the impact to this property.

Even though my family and I are the owners of these six properties we did not receive notification of the proposed Shoreline Management Plan. This is because our tenants pay the taxes and the notices were sent to the taxpayers and not the owners even though the owners are the ones who are going to be impacted by this proposal. On our two smallest properties, Air Pro and Secret Garden, we pay the taxes and get reimbursed by the tenants but we still did not know about the proposed SMP because the city waited too long to send out the notices. The person in our corporate trustees office who was mailed the notice was on vacation the week before the informational workshop took place on August 19th, 2008.

The city has given the property owners less than two weeks to review and analyze this technical 120 page SMP. This is not enough time to review and analyze this complex document. We have not had enough time to hire experts of our own choice to review this SMP to see if what this plan contains is the most logical and best available answer.

The rush to get a plan approved and into law is not justified because the city mailed the notices too late. Many property owners who are the ones effected by this plan were not notified because they don't pay the taxes, and there has not been adequate time for review and analysis of this complex document. Also, the city has until 12-01-09 to adopt the SMP.

I urge the city to do three things:

1. Send out notices to all land owners who have property along the Duwamish and Green River within the city boundaries. On the envelope please mark very important as this will have a major impact on your property value.

2. Conduct more public workshops that have reasonable advance notice and are far enough apart so that all property owners and other interested parties can get their questions answered. So far I have not been able to get my questions answered and I attended the meeting on August 19th, 2008.

3. Formation of a stake holders advisory committee to provide input and suggestions that could make this document more flexible, logical and more of a win-win situation for all concerned citizens.

Buffers: There is no reasons given in the SMP why the buffers need to be 125 south of 405. Since the building of the Hanson Dam in 1962, there has not been a time that the water fluctuation has come close to the top on this non-dike side. It is more likely than not that this will not happen since it has not happened in the last 45 years. Setbacks of 125 feet don't seem reasonable based on the risk involved and the history over the last 45 years.

Development standards:

1. Height limits different than the zoning regulations could be a negative to the property owners on the river .

2. Unfeasible parking and loading requirements would constrain site design and development.

3. Authority of the city to redesign site locations and other elements of building and development in order to save trees. This could be a negative to the property owner.

4. Landscaping requirements such as the removal of non-native vegetation and replacement with native vegetation along the shoreline would make development of our property more costly.

Requiring owners to provide public access to the shoreline and amenities such as picnic benches and trails would increase the costs and liability to property owners.

The above regulations will make development on some smaller parcels either impossible or much less feasible and less competitive to neighboring properties in the Duwamish River Valley which are not on the river and are not subject to the same restrictions. An owner in this situation can either accept a lower rate of return or try to get the tenant to accept above market lease rents because of the owner's added expenses that non-river-front properties do not face or leave his property vacant which is not good for anyone.

Triggers: Change of occupancy, interior improvements to a building, paving some or all of the owners property which could in many people's mind be considered minor changes but could trigger additional costs, and restrictions to development which would not be proportional to the impact of property development. Owners, developers and builders are often required to make contributions to improvements to benefit the public which has little or no proportional benefit to the owner, builder or developer. In many cases, this could have a negative effect such as increased liability, increased vandalism and the associated costs.

Existing uses: The SMP will negatively impact existing uses

The fact that an existing building is considered abandoned after two years will impede getting a new tenant especially during a slow economy. The fact that governmental planning departments are unable to get reasonable requests approved in a reasonable time frame makes it even more difficult to get a new tenant in a timely manner. Also, it is important to realize that with commercial real estate everything has to be right for the tenant which includes the size, the location, the access and egress, parking, the visibility, maneuverability, the functionality and the cost. All of these issues and more can have a significant impact on how soon the property is leased. Leasing commercial real estate is a lot more time consuming than leasing residential properties. Because of all the factors beyond the control of the owner, it is not fair to put a two year time limit on getting a new tenant.

A requirement that improvements valued at fifty percent or more of the value of the existing building will impede or make renovations of existing buildings impossible. This is particularly true on our smaller pieces of property because of the size of the parcels and the proposed setback requirements.

Sincerely,


Joseph R. Desimone

Property owner and Co -Trustee of Desimone Trust Properties