

R.W. THORPE & ASSOCIATES, INC.

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❖ Planning • Landscape • Environmental • Economics ❖

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April 23, 2009

Planning Commission
City of Tukwila
6200 Southcenter Boulevard
Seattle, WA 98188

RE: Comments on the Tukwila Urban Center Plan for Southcenter

Dear Member of the Planning Commission:

On behalf of the Desimone Trust, we respectfully request that the Planning Commission take into consideration the following comments as part of their deliberation, prior to making a final decision on the Tukwila Urban Center Plan. The Desimone Trust is the owner of the property located at 16401 West Valley Highway; the former location of the Barnaby's restaurant. The building on the property currently sits vacant and the property owners are actively searching for a new tenant. The firm of R.W. Thorpe & Associates, Inc. has been requested to analyze the impacts on the property that may occur following the adoption of the proposed Tukwila Urban Center Plan in addition to the on-going update of the Shoreline Master Program (SMP). These two regulations combined may have substantial impacts on the search for a new tenant for the vacant building. Based on our review of the two sets of proposed regulations, we provide the following comments and recommendations for change where appropriate.

REMOVAL FROM THE TUKWILA URBAN CENTER PLAN.

It is our professional opinion, that this property and the property directly to the south of the subject property (16435 West Valley Highway) should not be included in the Tukwila Urban Center Plan. The logical boundary for the urban center should be the north side of Strander Boulevard and the west side of the Green River. Exhibit A to this report provides a graphical representation of the recommended boundary change.

There are several reasons to why this boundary change should take place. The two properties are too small in area to provide sufficient development area to meet the intent of the transit oriented development zoning designation. After applying the proposed 100 foot SMP buffer coupled with the height restriction of 45 feet within 200 feet of the Ordinary High Water Mark of the Green River, the potential for redevelopment is very limited. Exhibit B graphically represents the location of the 100 foot buffer.

EXHIBIT A DATE 4/23/09
PROJECT NAME TUC Plan
FILE NO L09-008

The next issue is meeting the city's intent of providing a public esplanade along the Green River. These two properties have approximately 550 feet of riverfront. The north boundary is Strander Boulevard and the south boundary is West Valley Highway. It is reasonable to conclude that a pedestrian or bicyclist enjoying the riverwalk will not be walking on the east side of the river because a potential walkway would dead end at the right of way. The reasonable and probable route of travel would be the west side of the river crossing at Strander Boulevard and continuing on the west side.

The last reason for why this property should be removed from the Urban Center Plan is the substantial impact the new regulations would have on the property. These regulations, which are further described below, limit the opportunity for new tenants to locate in the existing building, they create an economic hardship on the property, and are unreasonable for such a small piece of property.

NON-CONFORMING USE AND STRUCTURE

As proposed, the Tukwila Urban Center would cause the existing structure and the intended use of the building as a restaurant to become non-conforming. The Use Standards Chart on Page 19 of the Tukwila Urban Center Plan lists restaurants as a permitted use only if it is located within a Neighborhood Center. **Because this is a stand alone restaurant the proposed regulations cause the use to be nonconforming.** These regulations also state that all buildings need to be oriented toward the Green River. This regulation creates a number of concerns not just for this property, but for all property owners along the Green River. All structures that have the L5 qualifier noted on Page 19 become nonconforming and would need to comply with the new nonconforming regulations. This property is unique in that it is bounded on three sides by the waterfront corridor, the boulevard corridor, and a commercial corridor. Following the intent of orienting the buildings to the water means that any new structure on this property is required to provide public entrances on all three sides. **These two proposed regulations cause the use and the structure to be nonconforming.**

Because the site becomes nonconforming with the adoption of the proposed regulations, the site is further restricted by the nonconforming regulations than if the regulations are not adopted. Currently the site would only have to comply with the nonconforming regulations being proposed by the SMP update. With the adoption of the Urban Center Plan, the more stringent regulations, which are the subarea regulations, apply. This would take away the relief offered by the proposed SMP update.

It is our recommendation that the property be removed from the Urban Center Plan area so that the property owners will have the opportunity to take advantage of the relief of nonconforming status as it is being proposed in the SMP update. At a minimum the Urban Center regulations must provide the same relief consistent with the SMP Update.

The proposed regulations shall provide that the existing structure and use can remain for a period of 24 months if the existing structure is vacant. The existing structure may also be reconstructed in the same location in the event of full destruction of the structure.

HEIGHT LIMITATIONS

The height regulations for this property are inconsistent between the proposed Tukwila Urban Center Plan and the proposed SMP Update. The proposed SMP has a height restriction of 45 feet in the area between the 100 foot buffer and the 200 foot Shoreline jurisdiction boundary. The Urban Center Plan has a height limit of 15 feet for that area 125 feet from the Ordinary High Water Mark. These regulations are found on Page 26 of the Urban Center Plan (Section 18.28.032). This effectively eliminates the potential for redevelopment in the center of the subject property. These two regulations and their inconsistency are graphically shown on Exhibit C.

It is our recommendation that the Tukwila Urban Center Plan be consistent with the proposed SMP update with regards to height restrictions.

PUBLIC ACCESS

As described above, it is our opinion that requirement for an esplanade along the east side of the Green River is extremely burdensome on this property and its use would be very limited. Removing the property from the Urban Center Plan would assist in relieving the property owner of constructing a major public walkway that essential would connect Strander Boulevard and West Valley Highway approximately 550 feet to the southeast.

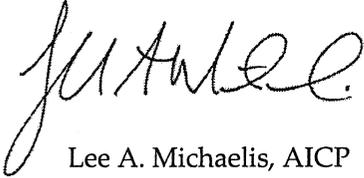
It is our recommendation that the property owner only be subject to the requirements of the SMP which is to provide public access to the riverfront. This public access can be provided in a variety of ways other than the forced construction of a 2-foot wide riverwalk.

CONCLUSION

In conclusion, it is our professional opinion that, to avoid the development impacts and inconsistencies between the Shoreline Master Program Update and the Tukwila Urban Center Plan, the subject properties located south of Strander between the Green River and West Valley Highway be completely removed from the Urban Center Plan area. By doing this, the property owners will have a more predictable opportunity for development by following the regulations of only the SMP update. For any reason the Planning Commission can not come to similar conclusions we ask that the changes we have requested be implemented into the Tukwila Urban Center Plan to provide relief for causing the structure and use to become nonconforming.

We appreciate the opportunity to provide these comments for your review and consideration. We anticipate that additional comments will be submitted to the City of Tukwila prior to the May 7, 2009 deadline. If you have any questions and/or comments pertaining to these findings, please do not hesitate to call.

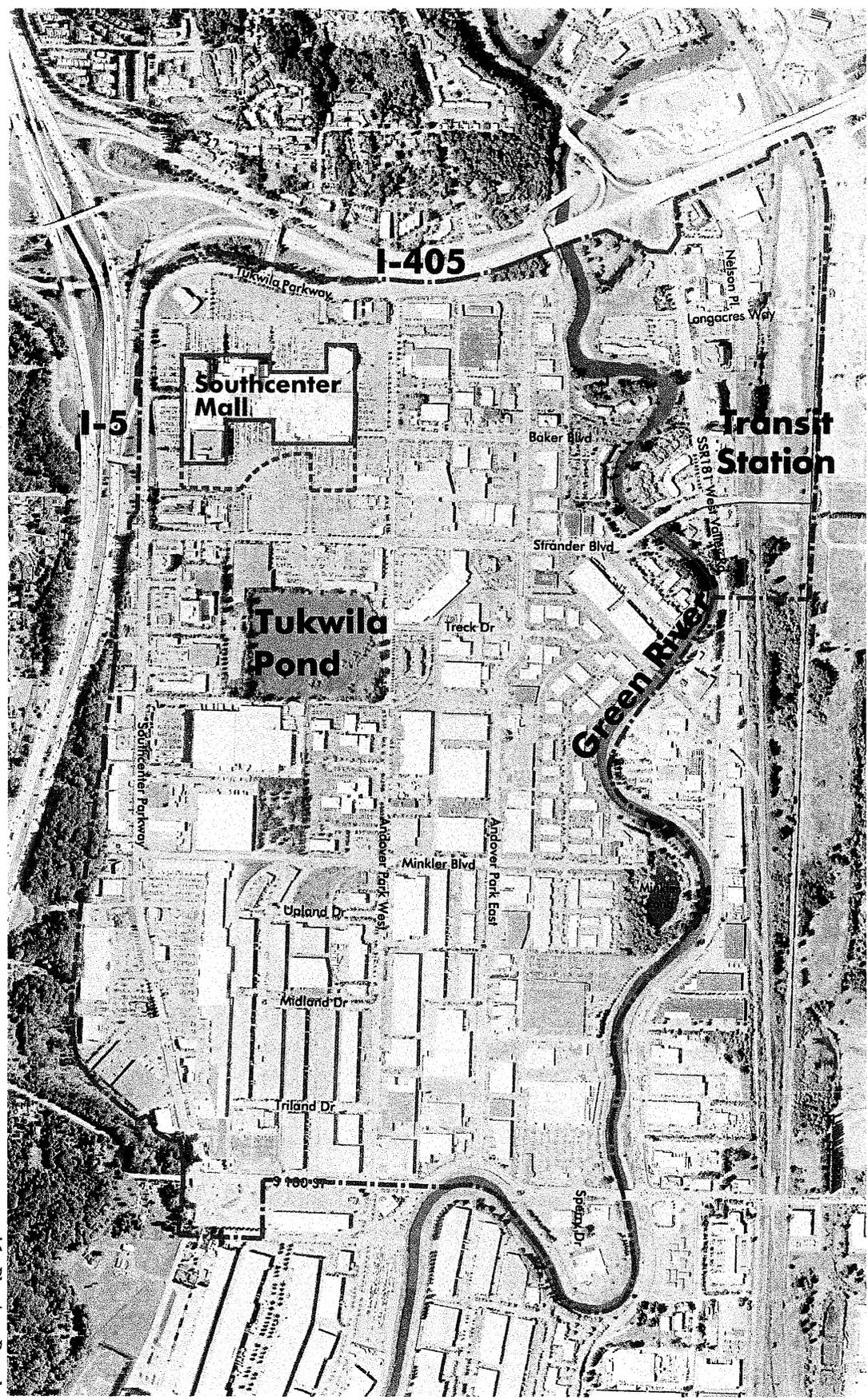
Sincerely,
R.W. Thorpe & Associates, Inc.

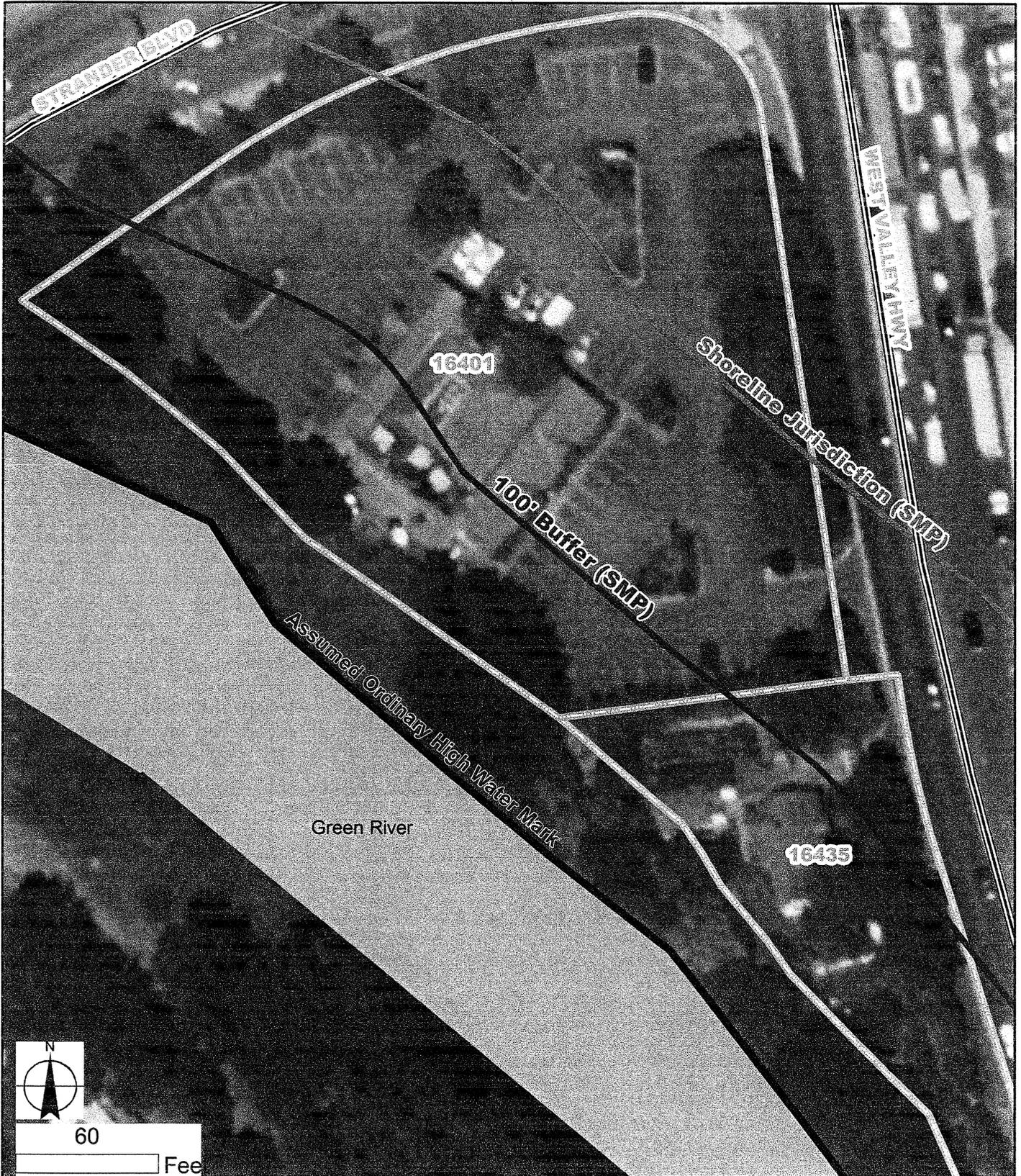


Lee A. Michaelis, AICP
Planning Director

Exhibit A: Revised Plan Area Map
Exhibit B: Proposed SMP Buffer
Exhibit C: Height Limitations

FIG. 1.1 PLAN AREA MAP





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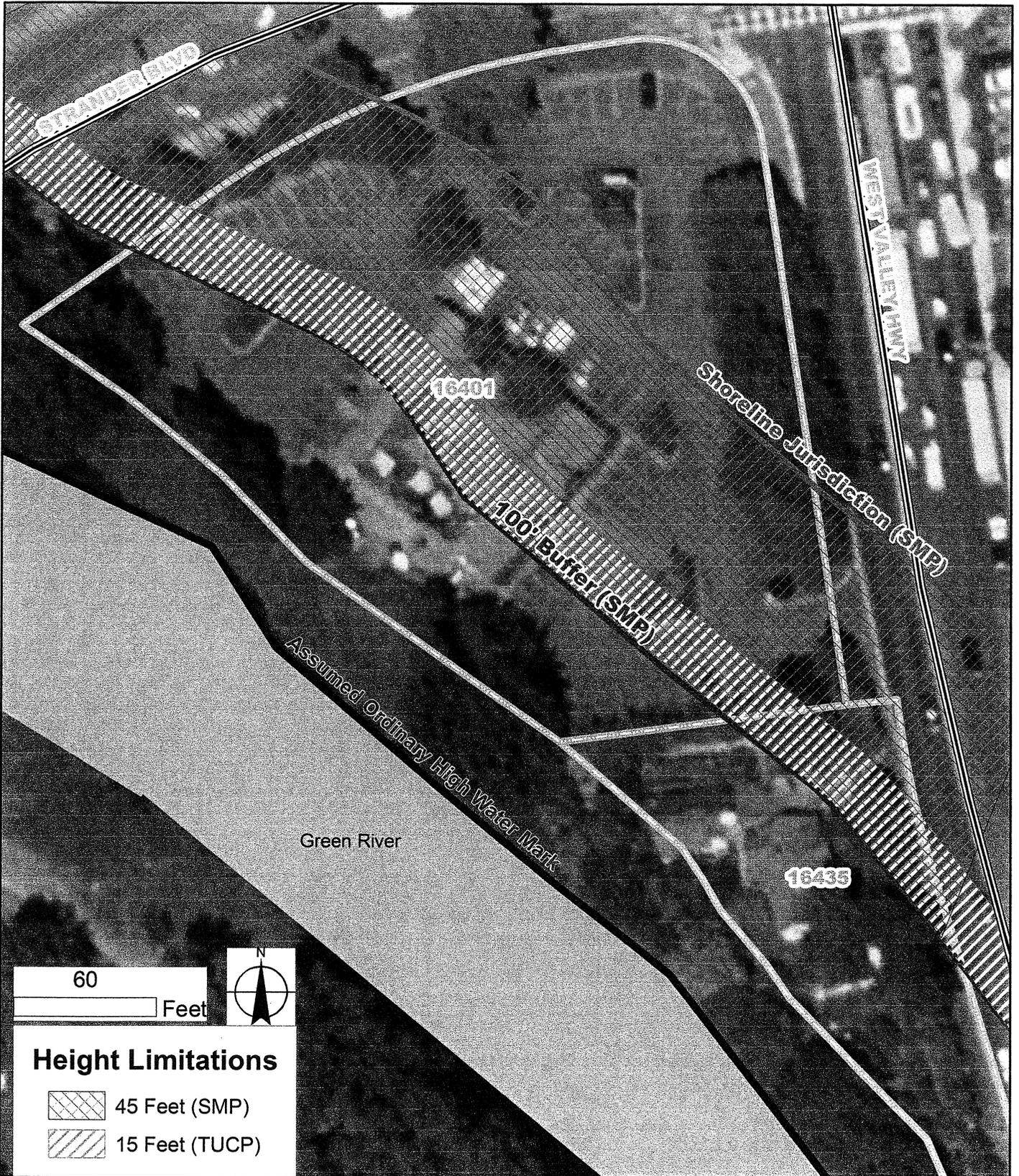
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Planning
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Barnaby's Restaurant
Tukwilla, WA.

Proposed Shoreline Master Plan
Exhibit B



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Barnaby's Restaurant
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Height Limitations
Exhibit C