

From: McEntee, Dave [DMCENTE@simpson.com]  
Sent: Wednesday, March 03, 2010 1:22 PM  
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Subject: Comments to Proposed Shoreline Code City of Tacoma

Importance: High

Hi Stephen and Nicole,

You may recall the email I sent you in Oct. Of 2008 in comment to the shoreline planning process, see email thread below.

These comments today, and those I shared in our recent Chamber sponsored meeting with you are additive to those I communicated in 2008.

Thank you for the time you have spent recently answering questions and providing information on the shoreline update process of the city. My comments below are responsive to the handouts and written materials I have received. I understand some of these concerns may be in the process of being resolved, however, I want to comment on what has currently been produced and distributed by the city. I also urge the city to consider revising the draft document in those areas that need correction prior to distribution for comment in April, it is important to have a document reflect, as much as possible, accurate and up to date information.

S-10

The draft language you have shared on intent in the S-10 is very troubling to for water related and water dependent businesses in Tacoma including Simpson. To require Port industrial business in the S-10 to minimize impacts on surrounding nonindustrial uses is to limit and or effectively preclude all future Port related industrial development. I know you thought this draft wording may be a mistake, but until it is removed I feel obliged to oppose such restrictive and unworkable language. As you know manufacturing jobs are scarce in our economy today, and as such are highly valued as U.S. made products are the key to our economic recovery and future prosperity. Manufacturing also pays significant sales, B&O, property and utility tax, while providing family wage salaries.

Simpson's Tacoma operations with over \$32 million in annual payroll pays nearly \$4 million annually in sales, B&O and property tax and over \$1 million annually in city utility tax on utility purchases which total over \$20 million annually. While economics is just one measure of community significance it does point out the fact the S-10 is an economic engine distributing value across the city and which needs to be carefully considered to maximize its chief benefits while meeting the shoreline sustainability goals appropriate for the S-10. S-10 should be reserved for the growth of Port industrial businesses to add jobs, tax base and be valued for the economic engine this important in Tacoma.

The on-going controversy in the S-7 is a good example of what we can expect in S-10 if businesses are required to try and meet overly vague and broad intent language to minimize their operations on non-commercial surrounding land use areas. SEPA does a fine job in assuring noise, light, glare, air and water, and other environmental impacts are properly controlled and mitigated and habitat and cultural resources are protected. Adding vague and problematic language to the intent portions of the Shoreline code will only confuse, cloud and heap uncertainty into the S-10 planning process. With uncertainty comes risk and with risk business investment is scarce. I believe Tacoma wants a healthy shoreline environment, a productive working waterfront, green jobs, manufacturing jobs, port jobs and all the value that comes with these attributes including business and employment opportunity. As a result, the S-7, S-8, and S-10 should be carefully reviewed with these beneficial uses in mind and assure language does not insert unanticipated adverse consequences to our vital Port industrial community.

#### S-8

With respect to S-8, we have witnessed the economic uncertainty in the housing market on the west side of the Foss. The East side of the Foss must remain a vibrant business, commercial industrial area. As such conflicting uses need to be minimized and existing business be encouraged to grow and improve our local economy. As described in my 2008 email and as I stated in our recent Chamber meeting, water related and dependent commercial, industrial and Port property is at a scarcity in this country and in our local region. There is no more such water dependent job creating land being permitted or made available, and with limiting and restrictive rules it is actually disappearing along with the related business and job base.

The draft use matrix for S-8 seems to have several internal inconsistencies which will impact business growth and job opportunity, such as non water oriented commercial use is a permitted/conditional use, and water related industrial is NOT allowed, while residential (south of the bridge on the east side) and water oriented recreational use is permitted. This exclusion of a water related industrial use with a preference for residential, non water oriented commercial and water oriented recreational is problematic given the industrial nature of the east side of the Foss. My view of this language is that all current water related industrial uses in the S-8 will be non-conforming uses in the event this draft language is adopted. If this is a correct assumption, do these property owners know of this outcome, such as impacts to value, expansion, maintenance needs, etc? The draft S-8 use matrix also does not allow above ground utilities. Simpson

recently developed a green renewable energy plant with above ground utilities in the S-10, in the future additional green energy facilities may be developed in the S-8, and putting transmission system below ground may be uneconomic or infeasible. For instance, renewable distributive generation which could economically source green power (solar, wind, biomass) and heating needs in a local area will need above ground utilities. The draft use matrix does not allow this use unless the developer can prove it is uneconomic or infeasibility, which can be a subjective and long lasting debate, thereby increasing risk and reducing certainty of outcome. The one thing business absolutely needs in order to make large investments (like Simpson's recent \$90 million green job and green energy generating facility) is certainty. Unlike some residential and commercial development, job creating and sustaining commercial/Port/industrial development does not build or invest based on speculation. Certainty provides the confidence that these large investments will be able to operate and return value to investors, employees and the community.

#### S-7

The proposed narrowing of uses in the S-7 to limit future water dependent and water related uses is very problematic.

The S-7 is an area of deep water moorage for existing uses and potential future uses. Such areas are scarce on the west coast, and further limiting such uses will limit Tacoma's ability to attract and retain water dependent commerce. DNR does and can lease marine tidelands for commercial purposes in the S-7. As proposed in the draft shoreline regs, the S-7 would not allow new or replacement mooring facilities, docks, piers and buoys associated with water dependent use for repair, replacements, modification or new commercial uses in this area. This is contrary to the historic and future use opportunities in this area and the proposed use restrictions need to be revised to allow these existing and future uses. In addition, the S-7 should not be reduced in size as is being considered. Shrinking commercially important areas like the S-7 and making existing uses (mooring facilities, docks, piers and buoys) in this area non-conforming by code as I believe the current draft shoreline revisions will do is a move which will hurt current and future business and job growth and limit economic investment opportunity.

While it has been a while, it is instructive to recall it was S-10 businesses and the Port that first stepped up and begin the cleanup of our shorelines and bay, built new habitat, protected shorelines and reinvested to create more family wage jobs and enhanced the economic opportunity in Tacoma. We have accomplished all this with our existing and past versions of our shoreline code, and while the requirements are clear, the code needs to be revised in accordance with statute, making elective changes which run counter to our history of shoreline, environment and economic successes is risky. We must preserve and enhance the land use preferences to attain economic and environmental protection benefits.

Using the shoreline update process to in effect change land use policy to the detriment of existing uses is a policy question requiring policy making assessment prior to amending the regulations.

Many small and large businesses exist in the S-7, S-8 and S-10 and these owners may not have the time or resources to engage in this process as they focus on the tough economy. I have cc'd some of them who we work with in the hope of making them aware and so the city can expand their list of contacts for this dialog.

As we have since 2008 Simpson will stay involved in this process and continue to work with the city and stakeholders to meet the requirements of the shoreline legislation, and improve the current and future environmental and economic vitality of Tacoma.

Thank you again for your efforts and assistance in this process.

Sincerely,

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From: McEntee, Dave [DMCENTE@simpson.com]  
Sent: Wednesday, October 14, 2009 12:58 PM  
To: satkinson@cityoftacoma.org  
Cc: Gary Brackett; pelswick@windermere.com; Mauermann, Sue;  
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Subject: FW: City Shoreline public access comments regarding Shoreline Workshop

Importance: High

Hi Stephen,

I know you are aware of several rounds of Simpson comments, the most recent submitted in October and November 2008 which asked that industrial commercial uses be encouraged on the east side of the Foss as this is the ONLY remaining water dependent industrial commercial property in Tacoma Pierce county and decision makers should not take lightly the very limited resource for water dependent commercial industrial assets. I would like to see the significance of the water dependent industrial areas remaining in the Port and east side of the Foss emphasized. The fact is that the city has had an intention of conducting a transportation study to better assess truck, train and commercial traffic patterns, but apparently this has not yet been completed. Without this assessment of transportation infrastructure needs it is premature to consider public access options which will likely conflict with general traffic, trains and commercial truck activities. In addition your work should acknowledge the Port growth which, while slowed, is planned, with this Port growth the east side of the Foss is likely to see increased commercial industrial

activity and redevelopment as the only significant remaining water dependent commercial industrial shoreline left in the city.

Further, there is a great deal of existing city shoreline which is not commercial industrial and which could be improved or enhanced for greater public access. There are also drainages including Mason and Puget gulches in which creeks could be further restored and provide real public access linking neighborhoods, existing parks, and the Ruston waterfront. Similar opportunities exist with Point Defiance Park. In a time of limited public resources it would seem that public access to the waterfront should be looked at for opportunities which provide the most residents the benefits desired. Leveraging existing community assets and public access opportunities through linkages in landscape approach is less expensive, is not dependent on removing businesses from their current operations by encumbering commercial industrial waterfront activities with incompatible and business limiting uses, and more importantly discouraging family wage water dependent jobs. I support a city wide look at public access to marine waters, not just focused on Thea Foss. All options should be ranked based on costs, conflicts, and opportunity. To do otherwise could be very costly and could result in the lower cost and better returning projects (located in other shoreline areas) not being funded. More importantly it could have the unintended consequence of sending business and jobs outside the city, or eliminate them outright, as they look for opportunities to expand and locate water dependent commercial activities free of conflicting uses.

Thank you for looking at public access throughout Tacoma, and please do consider a landscape approach where existing neighborhood parks can be linked to current shoreline parks like Ruston Way, Point Defiance, through Garfield park, Mason gulch and Puget gulch. This should result in higher and better use opportunities, thereby avoiding impacts with commercial industrial areas like the east side of the Thea Foss.

Thank you for the opportunity to comment.

-Dave

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-----Original Message-----

From: McEntee, Dave [mailto:DMCENTE@simpson.com]  
Sent: Friday, October 24, 2008 2:19 PM  
To: mharris@cityoftacoma.org  
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Subject: East side of Thea Foss Waterway  
Importance: High

Hi Molly,

Sorry I missed the meeting last night but I had a previously scheduled meeting in conflict with yours.

Simpson has real concerns about providing public access to the east side of the Thea Foss Waterway. This area is currently dominated by commercial and industrial water dependent uses and has no residential component. Simpson strongly believes that due to the lack of industrial expansion opportunity in the S8, S9 or S10 areas, these areas must balance commercial industrial with other uses, but with commercial industrial being weighted more heavily. The jobs and tax base provided by commercial industrial in this area must be considered and weighed against open space opportunities. Open space and public access on the east side of the Foss will be in direct conflict with the infrastructure and transportation needs (rail, ship, barge and truck) of current and future commercial industrial uses. This conflict will reduce commercial industrial opportunities, reducing current and future tax base and job opportunities.

The businesses operating on the east side of the Foss have been expecting a transportation study to access existing and future uses, until we know the transportation plans, we should not be designating open space uses that may impact or conflict with transportation corridors needed to safely and efficiently transport good and services and employees to and from our businesses. The closure of the 11th street bridge further calls into question transportation corridors, and points out the need to assess infrastructure needs in the commercial industrial area before we consider if open space should be evaluated on the east side of the Foss.

The city is blessed with many miles of open space abutting parks, trails and residential neighborhoods, the need for open space should be focused in these high use areas where investments in open space have been made and can more easily and cost effectively be expanded.

Thank you for the opportunity to comment and let me know of future input opportunities.

Call with questions,  
Dave

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