

Dear Stephen:

Due to some of the SMP draft language and comments submitted by others, I am writing to amend my previous SMP comments to push for greater protection on the issue of public access and language specific to its inclusion.

Below you will find comments in three basic areas of concerns – 1) erosion of public access, 2) in-lieu of payments for not providing public access, 3) insufficient citizen protections, and 4) shoreline access.

Should you have any questions, please do not hesitate to contact me.

Regards,

Rick Rose  
Vice-President  
Walk the Waterfront

Cc: Lara Herrmann  
Jake Fey  
David Boe

Amended comments:

1) From some of the public comment on the SMP, there appears to be an effort to make it easier to eliminate public access for projects in S-7. Current regulations indicate there must be a showing that there are significant and unavoidable safety or security issues.

These guidelines and restrictions were established with public access to and along the shoreline in mind and exceptions should only be granted if an applicant can clearly show an unavoidable health or safety hazard to the public exist that cannot be avoided by any practical means. Exceptions can be granted if there is an inherent security requirement of the use that cannot be met through an alternate design.

The recent public hearing regarding the Sperry Ocean Dock application to expand their facility clearly demonstrated there were no safety or security issues that could not be solved. If there were reduced public access requirements in this case, it could have allowed public access to be dropped as a requirement.

These exceptions were set to protect the public's right for access to the shoreline. An easing of the restrictions will only propagate public exclusion "to and along" the shoreline. The S-7 shoreline district is unlike the S-10 district within the Port of Tacoma where limited public access is necessary for safety and security, but also the attraction and demand to an industrial shoreline is far less. The S-7 district is bordered by parks, residential neighborhoods, schools, downtown Tacoma, two vibrant shoreline districts with access "to and along" the shoreline as well as sweeping views of the Commencement Bay.

Due to the physical nature of the S-7, availability of near shore land for water-dependant uses is extremely limited, which has led to the slow decline of industrial uses and the migration of water dependant users into the Port of Tacoma (S-10). Therefore, it is necessary and critical to maintain and even strengthen these restrictions for granting public access within the S-7.

2) There have been attempts to allow for "in-lieu payments" for public access in the S-7 corridor. Such procedures would allow payment into a public access fund and avoid actually providing public access "to and along the water's edge" as is currently the rule. This is absolutely contrary to Tacoma Municipal Code (13.10.175 Regulations) that clearly states "all proposed developments within the "S-6," "S-7," and "S-8" Shoreline Districts shall incorporate public access to and along the water's edge." This language is very specifically pointed to the area of Ruston Way, Schuster Parkway, and Thea Foss Waterway for protection and enhancement of public access and does not mention other shoreline districts. The physical description in the code follows the physical framework laid out by in the "Dome to Defiance" study done by the City Club of Tacoma in 1989 for providing a pedestrian trail along the water. Therefore, it is incumbent for the City

to follow these regulations and guidance, and to disallow any “in lieu of payments” for public access within the S-6, S-7, and S-8 shoreline districts.

3) The proposed language for the S-7 states: *“The intent of the “S-7” Schuster Parkway Shoreline District is to allow the continuation of water-dependent uses that require deep water access, while minimizing impacts to the character and quality of life in adjoining residential areas, school and park properties, and establishing public access that will improve the connectivity of the Thea Foss Waterway and Ruston Way shorelines.”*

The language of the S-7 draft is too vague in “continuation of water-dependent uses” and does little to protect the citizens of Tacoma, park users, schools, and recreational boaters on the use of this area. Due to its adjacency to the Ruston Way and Thea Foss pedestrian trails, residential neighborhoods, schools, and parks, there should be stronger restrictions on the water-dependent uses within this district to prevent the loss of public access and shoreline views, degraded public health, and reduced public security. For example, the following should be included within the S-7 (including the S-6 and S-8):

- No ship maintenance or painting activities.
- No commercial or military vessels containing ammunition or hazardous cargo.
- Moorage greater than 60 days prohibited on vessels greater than 150’ in height and 500’ in length.
- All commercial or military vessels must comply with WA Dept of Ecology regulations.
- Use of shipboard engines greater than 48 hours is prohibited.
  - Promotes the use shore power to reduce air pollution.

4) The language of the S-7 draft of *“establishing public access that will improve the connectivity of the Thea Foss Waterway and Ruston Way shorelines”* is insufficient. I like the intent of providing a better connection between the two shoreline trails, but the draft says nothing about public shoreline access within the S-7. Again, City Code 13.10.175 talks about “all proposed developments within the “S-6,” “S-7,” and “S-8” Shoreline Districts shall incorporate public access to and along the water’s edge”. The intent of the current code was to get the public access as close to the waters’ edge as possible – not inland along a four lane freeway. Language that would be in better alignment could read *“establishing public access **to and along the water’s edge** that will improve the connectivity of the Thea Foss Waterway and Ruston Way shorelines”*.