

# SDCI Director's Report

## Yesler Terrace Planned Action Ordinance Amendments

### Proposal Summary

The Seattle Department of Construction and Inspections (SDCI) is proposing to amend Exhibit C to the Yesler Terrace Planned Action Ordinance 123962 to modify tree protection standards related to redevelopment of the Yesler Terrace Planned Action area. The proposal is to update the Tree Protection Plan (TPP) Exhibit C of the Planned Action Ordinance to:

- Update maps included in Exhibit C - Tree Protection Plan (TPP) of the Yesler Terrace Planned Action to reflect existing conditions as well as correct errors found by staff from the time of adoption to present date;
- Correct the Tree Protection Plan Inventory table included in the Tree Protection Plan – Exhibit C to be consistent with the trees shown on the map; and
- Update provisions for development proposals that meet the planned action ordinance requirements within the MPC-YT zone to have the option to use payment-in-lieu of replanting, if allowed pursuant to Chapter 25.11, and off-site replanting; and
- Clarify the timing for reporting on tree removal mitigation, which is to occur according to a cooperative agreement and after the development contemplated in the PAO is completed.

Other existing mitigation measures for tree replacement are maintained, including tree replacement ratios. The replacement ratios for Tier 1 and Tier 2 trees will continue to be 10 to 1 and 1 to 1, respectively.

The amendments respond to changes in the development proposal associated with the location of protected trees in the final plat layout and give the Seattle Housing Authority (SHA) the flexibility to mitigate for tree removal by allowing trees to be replanted off-site and pay in-lieu of tree planting.

Since adoption of the Tree Protection Plan in 2012 as part of the planned action, the City has approved the preliminary plat for Yesler Terrace that included a street system layout that is slightly different from that contemplated by the original Tree Protection Plan. The use of the plan since adoption has shown it contains errors in the tree inventory and designations, necessitating an update to the Overview maps, Tree Protection Plan table contained within Exhibit C of the Planned Action Ordinance. In addition, per Resolution 31902, SDCI is exploring the feasibility of several different measures to continue to update tree protections including potential provisions to allow for replanting to be accomplished with planting on sites other than those undergoing development and outside of the planned action area, including rights-of-way, and use of payment in-lieu of replanting.

### Background and Analysis

Environmental review for Yesler Terrace was conducted under the state's planned action authority. This allows potential impacts from large-scale, multi-parcel developments or redevelopments to be assessed cumulatively over a longer period than an individual parcel-scale development in order to identify comprehensive mitigations and expedite permit approval by conducting all required environmental review for subsequent development upfront. This proposal is within the scope of the Yesler Terrace Planned Action Final Environmental Impact Statement (FEIS) therefore no Determination is necessary at this time. City Council adopted the Planned Action Ordinance (PAO) for Yesler Terrace in 2012. Tree preservation was a component of the adopted PAO for Yesler Terrace. Specifically, tree preservation for Yesler Terrace was developed and adopted as a Tree Protection Plan (TPP) which included a map and inventory of all trees on the site identified for protection. The TPP (Exhibit C of the PAO) designated each tree as either Tier 1 (most important) or Tier 2 (less important) and specified replacement requirements in the event of removal, harm or death. This inventory assigned each tree a

number that corresponds to a location on a series of maps for cross-referencing and tracking purposes. Designation as a Tier 1 tree was made in part based on a tree's location (typically on the perimeter of a development site or within one of the planned pocket parks) so as to allow it the ability to remain on the parcel and not have its health compromised by new development.

At the time the PAO was adopted in 2012, the future plat had yet to be approved, requiring assumptions to be made regarding where rights-of-way would be located or reconfigured, how access to parking garages would be provided, and how the site was to be subdivided into development parcels, pocket parks, and the shared bicycle and pedestrian trail tracts that were required public benefits as per the street vacation approval. Location of protected trees was based on these assumed layouts. When the plat for the site was approved in 2014 it was determined by the Department of Planning and Development (DPD), SPU and SDOT that the private access drives, created to provide access to parking, would need to be located in areas other than those identified in the PAO (specifically in the TPP). Changes were due to infrastructure needs for water and sewer improvements, as well as the location of Harborview Medical Center's air ambulance flight path and the associated height restrictions that SHA has voluntarily imposed on that portion of Yesler Terrace. The height restrictions are intended to allow safe operation of the heliport as is needed for the hospital to maintain its Level 1 Trauma Center status, while also providing for redevelopment of the site as intended by the rezone.

When the PAO was approved, Block 7 had been initially configured with an access drive running north-south along its western margin, against the WSDOT I-5 right-of-way, and another access drive running east-west from 8<sup>th</sup> Avenue to the north-south access drive. Two Tier 1 trees, 88 and 89, were designated near the junction of the two access drives, on the assumption that these trees would not impair development because they were located at the edges of development parcels. The TPP shows the original arrangement of the access drives and the locations of these trees. Designation of trees 88 and 89 as Tier 1 was based primarily on their size, as opposed to being a unique species or in exceptional condition, and location as described above.

During the platting process, further consideration of the initial arrangement of access drives raised concerns for security of the north-south access drive, due to reduced visual surveillance, and concerns for constructability of the east-west access drive due to the steep, parallel topography. In the final plat, the east-west access drive was eliminated as unnecessary, and the north-south access drive was relocated to correspond to the eastern edge of the flight path height restriction. This resulted in a development parcel to the west of the access drive leaving trees 88 and 89 in approximately the middle of the site, impairing development of the parcel in a way that the TPP originally intended to avoid as tree protection was not intended to prevent or hinder development. As a result of the flight path, development potential on this site is significantly constrained by the height restriction in place for the heliport. The portion of this parcel north of trees 88 and 89 is restricted to a height limit of 30 feet, whereas most of the MPC-YT is zoned to at least 85 feet. Building around these trees would reduce the site by nearly one third to one half its size. The locations of trees that had received Tier 1 designation during the time of the PAO's approval based on their proximity to an access drive were never updated after the plat was adopted and the locations of the pocket parks and access drives were revised.

The proposed amendments are intended to respond to the changes in the development proposal for Block 7 and to provide for protection of trees identified in the TPP (Exhibit C of the PAO) located within the Yesler Terrace Planned Action area. These amendments will also make a minor correction to Exhibit C, specifically the inventory chart to remove a tree (Tree 4) that was inadvertently included in error at the time of adoption of the Planned Action Ordinance.

## PROPOSED AMENDMENTS

EXHIBIT C - TPP	CHANGE
Trees 88 and 89 Trees 74, 75, and 76	In order to provide tree protection in line with the intent of the tree protection goals of the PAO the designation of Trees 88 and 89 is being changed from Tier 1 to Tier 2. Three trees (74, 75, and 76) that are located within the boundary of the platted pocket park for Block 7 that were listed as Tier 2 at the time of the PAO approval are having their designations changed from Tier 2 to Tier 1, as these trees are cumulatively of similar size and condition as Trees 88 and 89. When the trees were initially surveyed during the EIS process Tree 75 was considered

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Tree 4	eligible to qualify as exceptional. Tree 74 also met the criteria for being considered exceptional at this time, however, Tree 76 was not mentioned as meeting this criterion. As an additional clean up item, Tree 4 is currently listed in the TPP's inventory as a Tier 2 tree. However, this tree was not included on the corresponding TPP map. According to the tree condition survey that was conducted during the EIS process in 2010 this tree was in poor condition and determined to have a low probability of long-term survival according to the consulting arborist who conducted the evaluation. This tree is being removed from the TPP inventory as it is believed that was originally included in error.

## Comprehensive Plan Consistency

The following Seattle 2035 Comprehensive Plan goals are directly applicable to this proposal:

- H G2 *“Help meet current and projected regional housing needs of all economic and demographic groups by increasing Seattle’s housing supply.”*
- H G4 *“Achieve healthy, safe, and environmentally sustainable housing that is adaptable to changing demographic conditions.”*

## Recommendation

SDCI recommends adoption of the proposal to update the Tree Protection Plan (TPP) and Exhibit C of the Planned Action Ordinance. This proposed action responds to changes in the development proposal and provides for tree protection as intended in the Yesler Terrace Planned Action Ordinance consistent with the Comprehensive Plan.