



SEATTLE CITY COUNCIL

Land Use and Neighborhoods Committee

Agenda

Wednesday, July 28, 2021

9:30 AM

Public Hearing

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
Seattle Channel online.

Dan Strauss, Chair
Teresa Mosqueda, Vice-Chair
Debora Juarez, Member
Andrew J. Lewis, Member
Alex Pedersen, Member
M. Lorena González, Alternate

Chair Info: 206-684-8806; Dan.Strauss@seattle.gov

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Public Hearing

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Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or Seattle Channel online.

Committee Website:

<http://www.seattle.gov/council/committees/land-use-and-neighborhoods>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

In-person attendance is currently prohibited per Washington State Governor's Proclamation 20-28.15, until the COVID-19 State of Emergency is terminated or Proclamation 20-28 is rescinded by the Governor or State legislature. Meeting participation is limited to access by telephone conference line and online by the Seattle Channel.

Register online to speak during the Public Comment period and at the Public Hearing at the 9:30 a.m. Land Use and Neighborhoods Committee meeting at

<http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the Land Use and Neighborhoods Committee meeting will begin two hours before the 9:30 a.m. meeting start time, and registration will end at the conclusion of the Public Comment period and at the Public Hearing during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Strauss at

Dan.Strauss@seattle.gov

Sign-up to provide Public Comment at the meeting at

<http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at

<http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 253-215-8782 Meeting ID: 586 416 9164

One Tap Mobile No. US: +12532158782,,5864169164#

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

(10 minutes)

D. Items of Business

1. Proposed Comprehensive Plan Amendment for “Neighborhood Residential Areas”

Supporting Documents: [Central Staff Memo](#)

Briefing, Discussion, and Public Hearing

Presenter: Lish Whitson, Council Central Staff

Register online to speak at the Public Hearing during the Land Use and Neighborhoods Committee meeting at <http://www.seattle.gov/council/committees/public-comment>.

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2. [CB 120121](#) **AN ORDINANCE relating to land use and zoning; adopting interim provisions by amending Sections 23.76.004, 23.76.006, and 23.76.032 of, and adding a new Section 23.42.041 to, the Seattle Municipal Code to facilitate occupancy of street-level spaces downtown during the COVID-19 civil emergency; and adopting a work plan.**

*Supporting
Documents:*

[Summary and Fiscal Note](#)

[Director's Report](#)

[Central Staff Memo](#)

[Presentation \(7/28/21\)](#)

Briefing and Discussion (30 minutes)

Presenters: Rico Quirindongo, Interim Director, and Magda Hogness, Office of Planning and Community Development; Mike Podowski, Seattle Department of Construction and Inspections; Ketil Freeman, Council Central Staff

3. [CB 120108](#) **AN ORDINANCE** relating to redevelopment at the Yesler Terrace Master Planned Community; amending Section 23.75.160 of the Seattle Municipal Code; and replacing Exhibit C, Tree Protection Plan, of Ordinance 123962.

Attachments: [Att A - Exhibit C to Ord. 123962 \(July 25, 2012\)](#)
 [Att B - Updated Exhibit C to Ord. 123962](#)

Supporting
Documents: [Summary and Fiscal Note](#)
 [Director's Report](#)
 [Central Staff Memo \(7/7/21\)](#)
 [Proposed Amendment 1](#)
 [Proposed Amendment 2](#)
 [Proposed Amendment 3](#)

Public Hearing, Discussion, and Possible Vote

Presenters: Rod Brandon, Executive Director, Terry Galiney, and Rachelle Montesano, Seattle Housing Authority; Aly Pennucci, Council Central Staff

Register online to speak at the Public Hearing during the Land Use and Neighborhoods Committee meeting at <http://www.seattle.gov/council/committees/public-comment>. Online registration to speak at the Public Hearing during the Land Use and Neighborhoods Committee meeting will begin two hours before the 9:30 a.m. meeting start time, and registration will end at the conclusion of the Public Hearing during the meeting. Speakers must be registered in order to be recognized by the Chair. If you are unable to attend the remote meeting, please submit written comments to Councilmember Strauss at Dan.Strauss@seattle.gov.

4. [Res 32010](#) **A RESOLUTION identifying proposed Comprehensive Plan amendments to be considered for possible adoption in 2022 and requesting that the Office of Planning and Community Development and the Seattle Planning Commission review and make recommendations about proposed amendments.**

*Supporting
Documents:*

[Summary and Fiscal Note](#)

[Central Staff Memo](#)

[Presentation \(7/14/21\)](#)

[OPCD Memo](#)

Discussion and Possible Vote (30 minutes)

Presenters: Lish Whitson and Eric McConaghy, Council Central Staff

E. Adjournment



Legislation Text

File #: Inf 1855, **Version:** 1

Proposed Comprehensive Plan Amendment for “Neighborhood Residential Areas”

July 21, 2021

MEMORANDUM

To: Land Use and Neighborhoods Committee
From: Lish Whitson, Analyst
Subject: Neighborhood Residential Comprehensive Plan Amendments

On July 28, 2021, the Land Use and Neighborhoods Committee (Committee) will provide an opportunity for public comment on Councilmember Mosqueda’s [proposal](#) to amend Seattle’s [Comprehensive Plan](#) to update the name of “Single-Family Residential Areas” to “Neighborhood Residential Areas.” After considering public comments, the bill will be introduced and considered by the Committee in September.

The proposed bill would make a series of technical and non-substantive changes to the Comprehensive Plan to replace the narrow term “single-family” with the more general term “neighborhood residential.” Amendments to the Comprehensive Plan, if passed by the Council, would be followed by a bill that would make similar amendments to the Land Use Code to rename the city’s Single-Family (SF) zones as Neighborhood Residential (NR) zones. No substantive changes are expected to result from these bills.

Background

Seattle 2035, Seattle’s Comprehensive Plan, is the City’s core policy document to guide the city’s growth. It fulfills the requirements of the Washington State Growth Management Act (GMA) contained in [Chapter 36.70A](#) of the Revised Code of Washington (RCW). Among other requirements, the GMA requires a Future Land Use Map (FLUM) and requires that all of the elements of the plan be consistent with the FLUM.

Seattle’s [FLUM](#) includes eleven categories of uses including “Single-Family Residential Areas.” In policies for single-family residential areas, the plan directs the City to:

LU 7.1 Designate as single-family residential areas those portions of the city that are predominantly developed with single-family houses and that are large enough to maintain a consistent residential character of low height, bulk, and scale over several blocks.

The designation of single-family residential areas in the Comprehensive Plan is mirrored by the designation of SF zones under the City’s Land Use Code ([Title 23](#) of the Seattle Municipal Code.) When the City first adopted a Comprehensive Plan in 1994 in response to the GMA, it classified most SF zones as single-family residential areas on the FLUM, indicating an intent to retain these areas in single-family use.

Seattle's [first zoning code](#), adopted in 1923, included two residence districts, one allowing primarily single-family dwellings and the other allowing a mix of residential building types. When the City adopted a [new zoning code](#) in 1957, it designated four SF zones, three of which survive in today's zoning.¹ Current zoning in Seattle includes SF zones with minimum lot sizes of 9,600 square feet, 7,200 square feet and 5,000 square feet (SF9600, SF7200 and SF5000). The SF zone category also includes Residential Small Lot (RSL) zones.

In 2018, the Seattle Planning Commission released a report, "[Neighborhoods for All](#)," that provides a set of recommendations to "allow more people to enjoy the many wonderful residential neighborhoods Seattle has to offer" by adding flexibility to single-family zoning. Among the strategies identified in the Neighborhoods for All report was a recommendation to "Create a zoning designation that promotes the intended physical form and scale of buildings while being more equitable and inclusive." An initial step identified by the Commission was to rename SF zoning to NR. The Commission noted:

The label of 'Single Family Zone' is a misnomer, as individuals and roommates can live in a house together without being a family. Changing the name of the zone to Neighborhood Residential would more accurately reflect the character of the zone, while not suggesting only families can live there.

As noted by both Neighborhoods for All and a more recent [report](#) by Policy Link, "Advancing Racial Equity as part of the 2024 Update to the Seattle 2035 Comprehensive Plan and Urban Village Strategy" the history of single-family zoning is connected to racist intent and practices that have helped to create a segregated city where white residents are more likely to own single-family homes than BIPOC residents.

In 2019, after passing the Mandatory Housing Affordability ordinance, the Council adopted [Resolution 31870](#), which identified a set of changes to zoning and the Comprehensive Plan for further study. Among the provisions of Resolution 31870, was a request that the Office of Planning and Community Development (OPCD):

...make a recommendation for an alternative name for single-family zones, such as Neighborhood Residential, and propose Comprehensive Plan amendments as part of the 2019-2020 Comprehensive Plan Docket to implement this change, as appropriate.

This request was repeated in Resolutions [31896](#) and [31970](#).

Proposed legislation

The proposed bill would make a number of technical and non-substantive amendments to the Comprehensive Plan in order to change the name of "single-family residential areas" to "neighborhood residential areas" and "single-family zones" to "neighborhood residential

¹ These were the RS 9600, RS 7200 and RS 5000 zones. The fourth zone was the RW zone, a zone that was targeted for shoreline areas, and has been replaced by shoreline overlays.

zones” in order to better reflect the character of those areas. No substantive changes to the policies are proposed. The changes include:

- Amending the Land Use element to replace the phrase “single-family residential area” with “neighborhood residential area” in introductory and discussion sections and 11 policies. The introduction to the section of policies related to “Neighborhood Residential Areas” would clarify that these areas include the current single-family zones.
- Changing the phrase “areas zoned for single-family use” in the Housing Element to “neighborhood residential areas” in two policies.
- Replacing “single-family zones” with “neighborhood residential zones” in the housing appendix
- Changing one reference to “single-family zones” in the Parks and Open Space element to “neighborhood residential zones.”
- Amending 17 neighborhood plans to maintain consistency with the Land Use Element, including amending references to “historically single-family areas” in neighborhood plans to read “historically single-family zoned areas” to better reflect the intent of the policies. Neighborhood plans to be amended are:

- | | |
|------------------------------------|-------------------------------------|
| 1. Admiral | 10. North Neighborhoods (Lake City) |
| 2. Aurora-Licton | 11. North Rainier |
| 3. Bitter Lake Village | 12. Northgate |
| 4. Central Area | 13. Queen Anne (Uptown) |
| 5. Columbia City | 14. Rainier Beach |
| 6. Crown Hill/Ballard ¹ | 15. Roosevelt |
| 7. Greenwood/Phinney Ridge | 16. West Seattle Junction |
| 8. Morgan Junction | 17. Westwood/Highland Park |
| 9. North Beacon Hill | |

Next Steps

The sponsors of this proposed legislation may make additional changes based on community input prior to introduction. The intent is to introduce the bill in early August, and hold an official public hearing on the final version of the bill at the September 8 Committee meeting. If the Council passes the bill, a second bill would be proffered to update the Land Use Code to change the names of SF zones to NR zones.

¹ A technical amendment to Policy CH/B-P6.5 would remove a reference to Seattle Municipal Code 23.34.010.B.2., which section no longer exists in the code.

These proposed changes are intended to help inform public conversations as part of the City's next major update to the Comprehensive Plan. The Council has asked that the Environmental Impact Statement for the next major update include alternatives that consider allowing a broader range of housing types in single-family areas and other strategies that could reduce displacement of vulnerable residents. These amendments are intended to help provoke new thinking about what our neighborhoods could look like and how they can better provide homes for BIPOC Seattleites who have been or are threatened with being displaced from the city. OPCD anticipates initiating the community engagement and environmental review process for that update in the next six months.

Attachments:

1. Draft Neighborhood Residential Comprehensive Plan Bill

cc: Dan Eder, Interim Director
Aly Pennucci, Policy and Budget Manager

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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; amending the Comprehensive Plan to change the name of Single Family areas to Neighborhood Residential areas as part of the 2020-2021 Comprehensive Plan amendment process.

..body

WHEREAS, before 1923, The City of Seattle allowed a mix of housing types and scattered businesses in Seattle’s neighborhoods; and

WHEREAS, in 1923, The City of Seattle adopted its first land use code, which prohibited multifamily structures and boarding houses in areas where they had previously been permitted; and

WHEREAS, since 1923, The City of Seattle zoned some areas with existing multifamily buildings and commercial uses to single-family zoning; and

WHEREAS, as a result, Seattle’s Single Family zones frequently include a mix of land uses, a condition that is not reflected in the term Single Family; and

WHEREAS, 54 percent of Seattle parcel area is zoned Single Family; and

WHEREAS, a similar portion of the City is designated as “Single Family Areas” on the Future Land Use Map; and

WHEREAS, in 2018, the Seattle Planning Commission (SPC) published “Neighborhoods for All,” which recommended changing the name of Single Family zones to Neighborhood Residential because “[t]he label of ‘Single Family Zone’ is a misnomer, as individuals and roommates can live in a house together without being a family”; and

1 WHEREAS, the SPC found that “[c]hanging the name of the zone to Neighborhood Residential
2 would more accurately reflect the character of the zone, while not suggesting only
3 families can live there”; and

4 WHEREAS, in 2019, in Resolution 31870, the City Council first called for the name of “Single
5 Family” areas to be changed to “Neighborhood Residential”; and

6 WHEREAS, in 2019 and 2020, Resolutions 31896 and 31970, repeated the call to change the
7 name of single-family areas; and

8 WHEREAS, changing the name of Single Family areas in the Comprehensive Plan is a step
9 toward the City’s plans and regulations reflecting the array of housing types and land
10 uses found in Seattle’s single family areas;

11 WHEREAS, changing the name of Single Family areas in the Comprehensive Plan is intended to
12 better reflect the existing character and range of activities permitted in those areas, and is
13 not intended to have a substantive effect on the uses permitted in those areas; NOW,
14 THEREFORE,

15 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

16 Section 1. The Seattle Comprehensive Plan, last amended by Ordinance 126186, is
17 amended as follows:

- 18 A. Amendments to the Land Use Element, as shown in Attachment 1 to this ordinance;
- 19 B. Amendments to the Housing Element, as shown in Attachment 2 to this ordinance;
- 20 C. Amendments to the Parks and Open Space Element, as shown in Attachment 3 to this
21 ordinance;
- 22 D. Amendments to Neighborhood Plans; as shown in Attachment 4 to this ordinance;
- 23 E. Amendments to the Housing Appendix, as shown in Attachment 5 to this ordinance;

1 F. Amendments to the Future Land Use Map, as shown in Attachment 6 to this ordinance.

2 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
3 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
4 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

5 Passed by the City Council the _____ day of _____, 2021,
6 and signed by me in open session in authentication of its passage this ____ day of
7 _____, 2021.

8 _____
9 President _____ of the City Council

10 Approved / returned unsigned / vetoed this _____ day of _____, 2021.

11 _____
12 Jenny A. Durkan, Mayor

13 Filed by me this _____ day of _____, 2021.

14 _____
15 Monica Martinez Simmons, City Clerk

16 (Seal)

17

- 1 Attachments:
- 2 Attachment 1 – Amendments to the Land Use Element
- 3 Attachment 2 – Amendments to the Housing Element
- 4 Attachment 3 – Amendments to the Parks and Open Space Element
- 5 Attachment 4 – Amendments to Neighborhood Plans
- 6 Attachment 5 – Amendments to the Housing Appendix
- 7 Attachment 6 – Amendments to the Future Land Use Map

DRAFT

Land Use Element

Introduction

* * *

You see these policies in action when you notice a difference in the location, type, and size of new buildings. Guided by the urban village strategy, the City’s Land Use Code (Seattle Municipal Code Title 23) includes a map showing the zones that define the types of buildings allowed. Detailed regulations tell developers what the buildings in each zone can look like. The zones themselves are grouped in the Land Use Code under general categories such as ~~((single-family))~~ neighborhood residential zones, which are composed mostly of houses, and commercial/mixed-use zones, which include businesses as well as housing. Multifamily zones include apartment buildings, town houses, and condos, while industrial zones create space for the port and manufacturing to thrive. Downtown has its own zone type for dense, highrise office and residential buildings.

This Land Use element is divided into three sections. The first section has policies that affect the city as a whole. These policies speak to how Seattle should change and grow in the years to come. The Future Land Use Map shows us the shape of this next-generation Seattle. The second section talks about each kind of land use area: ~~((single-family))~~ neighborhood residential, multifamily, commercial/mixed-use, industrial, and Downtown. The policies in this section explain what makes each of these land use areas different. The third section contains policies for places that play special roles—for example, historic districts.

The Land Use Appendix provides information about the amount of land being used for different purposes across the city. It also displays the density of housing, population, and jobs throughout the city.

* * *

The Future Land Use Map and Locations of Zones

Discussion

The Future Land Use Map shows distinct land use designations or types that are located around the city. The City has decided the right uses for each area and how much use each area should receive. Five of these area types—(~~single-family~~) neighborhood residential areas, multifamily residential areas, commercial/mixed-use areas, Downtown areas, and industrial areas—are meant to suggest specific uses. One area might be good for building more homes or right for building shops and restaurants. Within each land use area, there may be different levels of zoning that provide more detail about what can be built. This ensures that the right types and density of buildings will be built in each place. In certain places, special zoning can be created through a separate process. Some of these special zones are created around large hospitals or universities or housing developments where the needs of many people need to be coordinated. These include major institution overlay districts and master planned communities. Four other types of areas on the Future Land Use Map show the urban village strategy in use. Urban centers, hub urban villages, residential urban villages, and manufacturing/industrial centers work together with the land use area designations. They show us the best spots to place new housing and jobs and the right places for manufacturing, warehousing, and port activity.

* * *

Special Uses: Telecommunications Facilities

* * *

LU 4.3 Prohibit new major communication utilities, such as radio and television transmission towers, in (~~single-family~~) neighborhood and multifamily residential zones and in pedestrian-

oriented commercial/mixed-use zones and encourage existing major communication utilities to relocate to nonresidential areas.

* * *

General Development Standards

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LU 5.7 Employ development standards in residential zones that address the use of the ground level of new development sites to fit with existing patterns of landscaping, especially front yards in ~~((single-family))~~ neighborhood residential areas, and to encourage permeable surfaces and vegetation.

* * *

Land Use Areas

Discussion

Historically, zones were created so that different types of uses could be developed only in distinct areas of the city. One reason for this was to keep the uses in one area from affecting the uses in another in a negative way. For example, industrial activities like manufacturing were separated from residential areas to protect residents from harm. Over time, the city evolved in a pattern similar to that basic idea. There are still areas in the city that have distinct uses, but over time commercial uses and residential uses began to blend more to give people better access to shops and services. These changing patterns helped give Seattle its unique neighborhoods. For instance, areas with commercial zoning that allows shops and small offices have become the heart of many neighborhoods.

Areas that already had business cores and multifamily housing and that are zoned for more housing and businesses have become the cores of the urban villages. ~~((Some single-family~~

areas)) Areas in the city were developed at different times, giving them distinct characteristics that show their history. For instance, houses might have a similar architectural style or have a similar relationship to their surroundings.

Each of the land use areas plays a unique role in the city. Used in combination, they help Seattle grow in ways that meet the city's needs. They allow us to place new housing in the areas where the most jobs and services are or will be in the future. They also allow us to encourage housing in places that already have frequent and reliable transit service or that will have better access as improvements and investments are made in rail or bus service.

~~((Single-family))~~ Neighborhood Residential Areas

~~((Single-family))~~ Neighborhood Residential ~~((zones))~~ areas cover much of the city, including single-family zones. While they are thought of as residential neighborhoods, they include a variety of uses beyond housing. For instance, most of the public parkland is found in these zones, as are many of the public schools, cemeteries, and fire stations. In most of these areas, houses are usually not very tall and typically have yards and open space around them. That open space provides recreation opportunities for residents and land for much of the city's tree canopy. Much of the land in these areas has been built to the densities the current zoning rules allow. However, some different housing types, such as accessory dwelling units or backyard cottages, could increase the opportunity for adding new housing units in these areas. Over time, some ~~((single-family))~~ neighborhood residential areas could be incorporated into nearby urban villages, and there could be a new definition of what is allowable in these zones when they are inside urban villages.

GOAL

LU G7 Provide opportunities for detached single-family residential structures and other compatible housing options that have low height, bulk, and scale in order to serve a broad array of households and incomes and to maintain an intensity of development that is appropriate for areas with limited access to services, infrastructure constraints, fragile environmental conditions, or that are otherwise not conducive to more intensive development.

POLICIES

LU 7.1 Designate as ~~((single-family))~~ neighborhood residential areas those portions of the city that are predominantly developed with single-family detached houses and that are large enough to maintain a consistent residential character of low height, bulk, and scale over several blocks.

LU 7.2 Use a range of ~~((single-family))~~ neighborhood residential zones to

- maintain the current low-height and low-bulk character of designated ~~((single-family))~~ neighborhood residential areas;
- limit development in ~~((single-family))~~ neighborhood residential areas or that have environmental or infrastructure constraints;
- allow different densities that reflect historical development patterns; and
- respond to neighborhood plans calling for redevelopment or infill development that maintains the ~~((single-family))~~ neighborhood residential character of the area but also allows for a greater range of housing types.

LU 7.3 Consider allowing redevelopment or infill development of ~~((single-family))~~ neighborhood residential areas inside urban centers and villages, where new development would maintain the low height and bulk that characterize the single-family area, while allowing a wider range of housing types such as detached accessory units, cottage developments or small duplexes or triplexes.

LU 7.4 Allow detached single-family dwellings as the principal use permitted outright in ~~((single family))~~ neighborhood residential areas.

LU 7.5 Encourage accessory dwelling units, family-sized units, and other housing types that are attractive and affordable, and that are compatible with the development pattern and building scale in ~~((single family))~~ neighborhood residential areas in order to make the opportunity in single-family areas more accessible to a broad range of households and incomes, including lower-income households.

LU 7.6 Limit the number and types of nonresidential uses allowed in ~~((single family))~~ neighborhood residential areas and apply appropriate development standards in order to protect those areas from the negative impacts of incompatible uses.

LU 7.7 Prohibit parking lots or other activities that are part of permitted uses in neighboring higher-intensity zones from locating or expanding in ~~((single family))~~ neighborhood residential areas.

LU 7.8 Use minimum lot size requirements to maintain the character of ~~((single family))~~ neighborhood residential areas and to reflect the differences in environmental and development conditions and densities found in various single-family areas throughout the city.

LU 7.9 Allow exceptions to minimum lot size requirements to recognize building sites created under earlier regulations and historical platting patterns, to allow the consolidation of very small lots into larger lots, to adjust lot lines to permit more orderly development patterns, and to provide more housing opportunities by creating additional buildable sites that integrate well with surrounding lots and do not result in the demolition of existing housing.

LU 7.10 Reflect the character of existing low-density development through the regulation of scale, siting, structure orientation, and setbacks.

LU 7.11 Permit, through Council or administrative conditional use approval, variations from established standards for planned large developments in ~~((single-family))~~ neighborhood residential areas, to promote high-quality design that

- is compatible with the character of the area,
- enhances and preserves natural features and functions,
- encourages the construction of affordable housing,
- allows for development and design flexibility, and
- protects environmentally critical areas.

Such developments should not be considered as sole evidence of changed circumstances to justify future rezones of the site or adjacent properties.

LU 7.12 Emphasize measures that can increase housing choices for low-income individuals and families when considering changes to development standards in ~~((single-family))~~ neighborhood residential areas.

Multifamily Residential Areas

Discussion

The city's multifamily areas contain a variety of housing types. You might find duplexes or town houses, walk-up apartments or highrise towers. These structures may include units that are owned by the residents or may provide rental housing. Overall, these areas offer more choices for people with different living styles and a wider range of incomes than ~~((single-family))~~ neighborhood residential zones.

* * *

LU 8.10 Designate lowrise multifamily zones in places where low-scale buildings can provide a gradual transition between ((~~single family~~)) neighborhood residential zones and more intensive multifamily or commercial areas.

* * *

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Housing

* * *

Diversity of Housing

* * *

H 3.4 Promote use of customizable modular designs and other flexible housing concepts to allow for households' changing needs, including in neighborhood residential areas (~~zoned for single-family use~~).

H 3.5 Allow additional housing types in neighborhood residential areas (~~that are currently zoned for single family development~~) inside urban villages; respect general height and bulk development limits currently allowed while giving households access to transit hubs and the diversity of goods and services that those areas provide.

* * *

Parks and Open Space

Introduction

* * *

In addition to the areas enjoyed by the public, there are many private open spaces in the city.

These areas—such as yards in ~~((single-family))~~ neighborhood residential and multifamily zones—also provide light, air, and breathing room that benefit everyone in the city.

* * *

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Admiral

* * *

A-P2 Maintain the character and integrity of the existing ~~((single-family))~~ neighborhood residential zoned areas by maintaining current ~~((single-family))~~ neighborhood residential zoning outside the urban village on properties meeting the locational criteria for ~~((single-family))~~ neighborhood residential zones.

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Aurora-Licton

* * *

DESIGNATION OF THE AURORA-LICTON RESIDENTIAL URBAN VILLAGE POLICIES

AL-P1 Maintain the current balance of residential and commercial areas within the urban village boundaries. Consider future zoning changes that would reduce conflicts between adjacent areas; promote the development of a neighborhood-serving and pedestrian-oriented commercial core and promote transitions between ~~((single-family))~~ neighborhood residential areas and commercial areas.

* * *

Bitter Lake Village

* * *

BL-P23 Use the permitting and environmental review process to minimize or mitigate the impacts of commercial and higher density residential uses on nearby ~~((single-family))~~ neighborhood residential areas.

BL-P24 Encourage design and site planning of single-family and multifamily housing that fits with the surrounding neighborhoods.

BL-P25 Develop and use neighborhood design guidelines to help establish an urban design vision for Linden Avenue, to guide multifamily and commercial development that enhances the pedestrian environment, and to ensure appropriate transitions between ~~((single-family neighborhoods))~~ neighborhood residential areas and denser commercial areas.

* * *

Central Area

* * *

CA-P68 Consider rezoning (~~(single-family)~~) neighborhood residential zoned parcels to neighborhood commercial to support continuation and expansion of services provided by local institutions as the Cherry Hill Baptist Church.

* * *

CA-P69 Encourage increased housing density at 23rd and Madison. As one tool for implementing this policy, consider the Residential Small Lot zone to be appropriate for (~~(single-family)~~) areas south of East Madison Street within the Madison-Miller Residential Urban Village.

- A. The portion of East Madison Street within the Madison-Miller Residential Urban Village is designated a principal commercial street.

* * *

Columbia City

* * *

CC-G7 A community with healthy and attractive (~~(single-family)~~) neighborhood residential areas.

* * *

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Crown Hill/Ballard

* * *

CH/B-P6 Maintain the physical character of the ~~((single-family))~~ neighborhood residential-zoned areas in the Crown Hill/Ballard plan area.

CH/B-P6.5 In the Crown Hill Residential Urban Village, ~~((single-family))~~ neighborhood residential-zoned portions of split-zoned lots having an existing multifamily use may be rezoned to an abutting multifamily-zoning designation. This policy is intended to guide future rezone decisions and to lead to amendment of the Land Use Code by changing limits on the zones to which ~~((single-family))~~ neighborhood residential areas may be rezoned within the Crown Hill Residential Urban Village~~((, as prescribed by SMC 23.34.010.B.2))~~.

* * *

Greenwood/Phinney Ridge

* * *

G/PR-G7 A neighborhood where the scale and character of historical or existing ((~~single-family~~)) neighborhood residential areas have been maintained.

* * *

DRAFT

Morgan Junction

* * *

MJ-G5 A community with strong ~~((single-family))~~ neighborhood residential neighborhoods and compatible multifamily buildings offering a wide range of housing types for all people.

HOUSING AND LAND USE POLICIES

MJ-P13 Maintain the physical character and scale of historically single-family ~~((housing))~~ zoned areas within the urban village by encouraging housing choices such as cottages, townhouses, and low-rise apartments, in these areas.

MJ-P14 Encourage a mix of housing stock to promote generational wealth creation through the retention or creation of affordable, entry-level, family-sized housing units that provide homeownership opportunities in the historically single-family ~~((housing))~~ zoned areas of the urban village.

* * *

North Beacon Hill

* * *

NBH-P9 Allow alternative housing types, such as cottage housing, in ~~((single-family))~~ neighborhood residential zones to support affordable choices while preserving the ~~((single-family))~~ neighborhood residential character.

* * *

NBH-G7 A Town Center urban form that transitions from denser development at the Town Center core to less dense and neighborhood ~~((single-family))~~ residential neighborhoods in a manner that is responsive to the context and character of the North Beacon Hill neighborhood.

North Neighborhoods (Lake City)

* * *

NN-P36 Encourage development of non-single-family parcels adjacent to (~~single-family zoning~~) neighborhood residential zones to provide transitions or buffers adequate to protect the (~~single-family~~) neighborhood residential area from adverse impacts.

* * *

DRAFT

North Rainier

* * *

NR-G2 Housing in the neighborhood meets community needs for a range of household incomes and unit sizes, and makes a compatible transition from higher-intensity mixed-use and multifamily residential to ~~((single-family))~~ neighborhood residential areas.

* * *

NR-P10 Include a portion of ~~((single-family))~~ neighborhood residential area located between 24th Avenue South and 25th Avenue South, north of S. McClellan Street, within the urban village and within the Station Area Overlay District, and support a multifamily zoning designation for the area that would allow more compact residential development.

* * *

Northgate

* * *

NG-G2 A thriving, vital, mixed-use center of concentrated development surrounded by healthy ~~((single-family))~~ neighborhood residential neighborhoods transformed from an underutilized, auto-oriented office/retail area.

LAND USE & HOUSING GOALS

NG-G3 The surrounding ~~((single-family))~~ neighborhood residential neighborhoods are buffered from intense development in the core, but have ready access to the goods, services, and employment located in the core via a range of transportation alternatives including walking, bicycling, transit, and automobile (the core area is shown on the Northgate map).

* * *

NG-P6 Promote additional multifamily housing opportunities for households of all income levels to the extent that a compatible scale and intensity of development can be maintained with adjacent ~~((single-family))~~ neighborhood residential areas.

* * *

Queen Anne (Uptown)

* * *

QA-G2 Queen Anne has many ~~((single-family))~~ neighborhood residential, multifamily, and mixed-use neighborhoods that preserve cultural and historic resources and which include affordable, subsidized, and special-needs housing.

* * *

QA-P2 Preserve the character of Queen Anne's ~~((single-family))~~ neighborhood residential and mixed-use neighborhoods.

* * *

QA-P11 Provide for an attractive and harmonious transition between different land uses, including commercial areas and ~~((single-family))~~ neighborhood residential areas.

QA-P12 Legal non-conforming uses exist in Queen Anne's ~~((single-family neighborhoods))~~ neighborhood residential areas, and these shall be allowed to remain at their current intensity, as provided in the Land Use Code, to provide a compatible mix and balance of use types and housing densities.

QA-P13 Accessory dwelling units (ADUs) in ~~((single-family zones))~~ neighborhood residential areas, in the Queen Anne planning area, should continue to be limited to the principal residential structure, and consider requiring that they be subordinate in size and character in order to discourage the development of duplexes and other multifamily structures in these zones.

Rainier Beach

* * *

RB-P4 Seek to preserve the character of Rainier Beach's ~~((single-family))~~ neighborhood residential zoned areas. Encourage residential small-lot opportunities within ~~((single-family))~~ neighborhood residential-areas within the designated residential urban village. In the area within the residential urban village west of Martin Luther King Way South, permit consideration of rezones of ~~((single-family))~~ neighborhood residential zoned land to mixed-use designations.

* * *

Roosevelt

* * *

R-LUP3 Promote the development of new multifamily dwellings, in properly zoned areas, that will buffer ~~((single-family))~~ neighborhood residential areas from the commercial core, freeway, and commercial corridors.

* * *

R-HP1 Promote the preservation and maintenance of existing single-family homes in ~~((single-family))~~ neighborhood residential zones and control impacts to homes on the edge of the ~~((single-family))~~ neighborhood residential zones.

West Seattle Junction

* * *

WSJ-G1 A small-town community with its own distinct identity comprised of a strong (~~single-family~~) neighborhood residential community and a vibrant mixed-use business district serving the surrounding residential core.

* * *

WSJ-P13 Maintain a character and scale in historically single-family zoned areas similar to the existing single-family housing.

* * *

Westwood/Highland Park

COMMUNITY CHARACTER GOAL

W/HP-G1 A diverse community with two distinct areas, Westwood and Highland Park, composed of a mix of ~~((single))~~ neighborhood residential and multifamily residential areas, significant public facilities, regional and local commercial businesses, and natural resource opportunities that together offer a variety of choices for its residents.

* * *

HOUSING GOAL

W/HP-G5 A community with both ~~((single-family))~~ neighborhood and multifamily residential areas and the amenities to support the diverse population.

HOUSING POLICIES

W/HP-P18 Seek to maintain a character and scale in historically single-family areas similar to existing ~~((single-family))~~ neighborhood residential areas.

* * *

Housing Appendix

* * *

Residential Capacity

* * *

The remaining 25 percent of Seattle’s residential development capacity is in zones that allow only residential uses—meaning these zones do not allow a mix of residential and commercial uses. Of this 25 percent, 20 percent is in zones allowing multifamily structures. The remaining 5 percent is in ~~((single-family))~~ neighborhood residential zones.

* * *

Housing Appendix Figure A-1

Seattle Residential Development Capacity (Model Estimates)

	Residential Development Capacity (Housing Units)	Share of Total Residential Development Capacity
TOTAL:	223,713	100%
By Future Land Use Designation		
((Single-family)) <u>Neighborhood Residential</u>	10,959	5%
Multifamily	46,803	21%
Commercial/Mixed-Use	132,439	59%
Downtown	33,512	15%
Major Institution	N/A	N/A
City-Owned Open Space	0	0%
By Urban Centers/Villages:		
Inside Urban Centers	96,862	43%
Downtown	33,512	15%

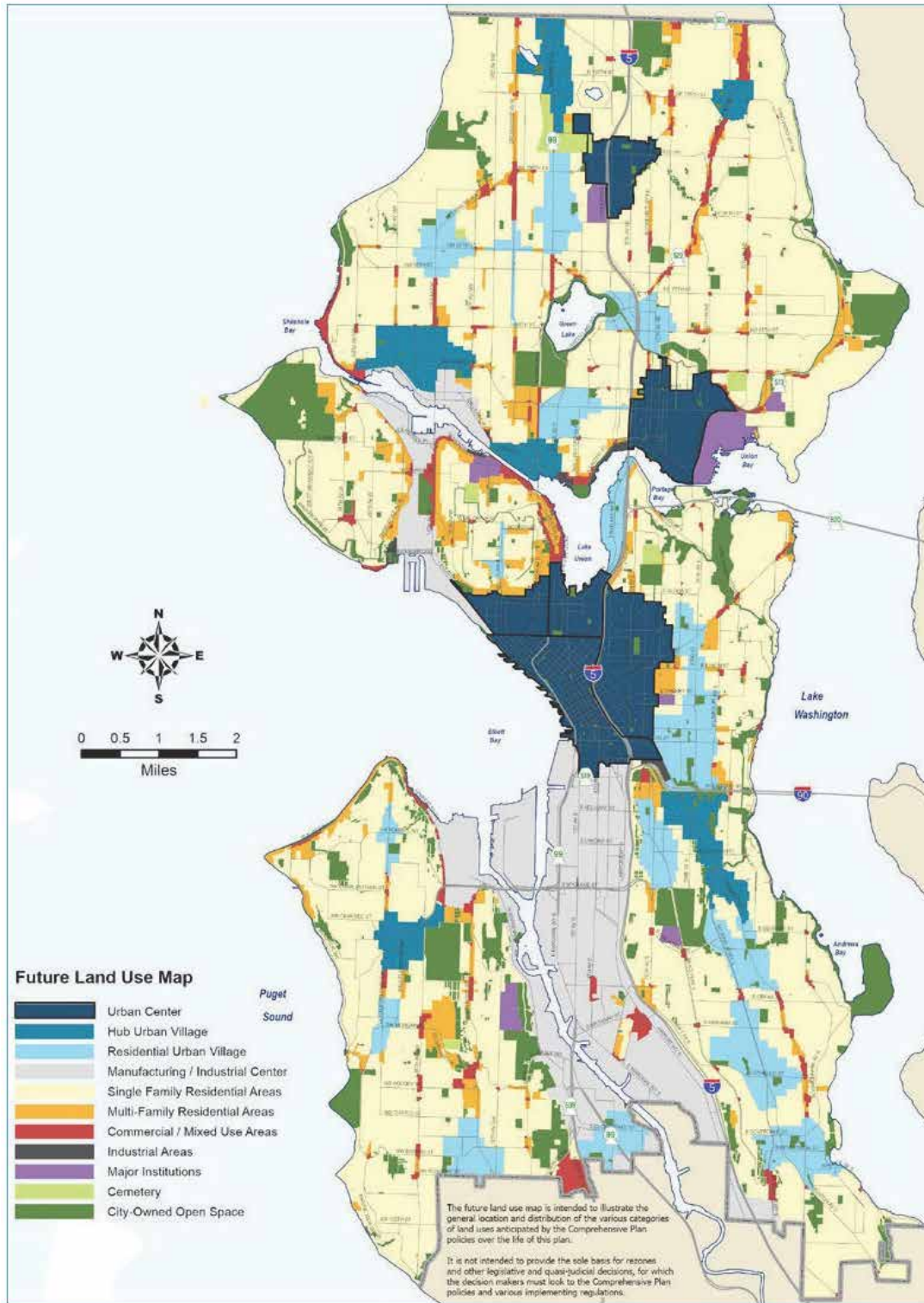
	Residential Development Capacity (Housing Units)	Share of Total Residential Development Capacity
First Hill/Capitol Hill	19,009	8%
Northgate	10,966	5%
South Lake Union	20,277	9%
Uptown	4,165	2%
University District	8,933	4%
Inside Hub Urban Villages	36,227	16%
Inside Residential Urban Villages	39,386	18%
Outside Centers and Villages	51,207	23%

Source: Development Capacity Report, DPD, September 2014

* * *

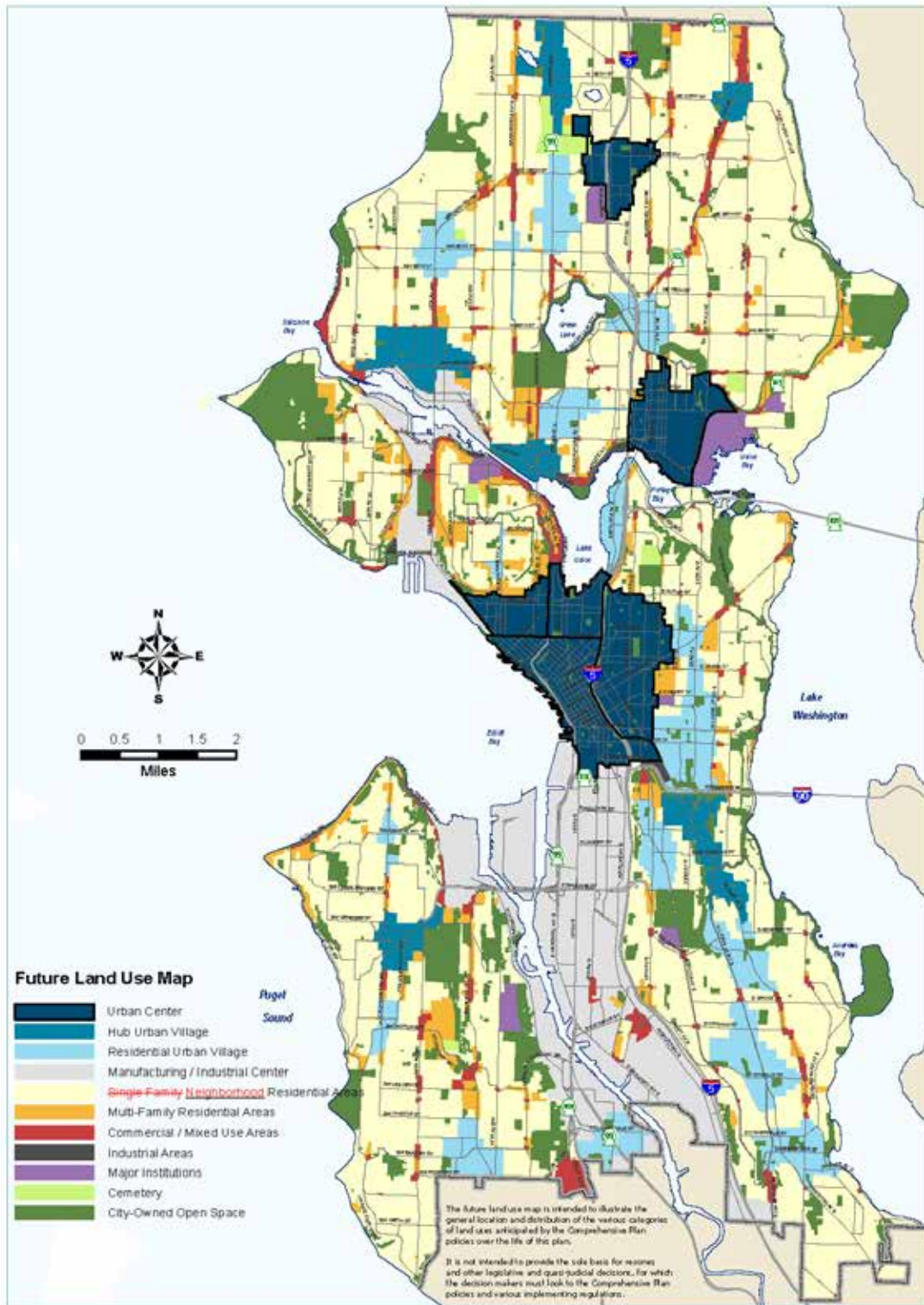
Map A: Future Land Use Map Before Change

Future Land Use Map



Map B: Change to the Future Land Use Map

Future Land Use Map





Legislation Text

File #: CB 120121, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; adopting interim provisions by amending Sections 23.76.004, 23.76.006, and 23.76.032 of, and adding a new Section 23.42.041 to, the Seattle Municipal Code to facilitate occupancy of street-level spaces downtown during the COVID-19 civil emergency; and adopting a work plan.

WHEREAS, due to the COVID-19 outbreak, street-level businesses downtown have been impacted and many have gone out of business due to the lack of customers, particularly office workers, tourists, and convention attendees; and

WHEREAS, the Seattle Comprehensive Plan has as a Goal (G1) to: Maintain Downtown Seattle as the most important of the region's urban centers-a compactly developed area supporting a diversity of uses meeting the employment, residential, shopping, culture, service, and entertainment needs of the broadest range of the region's population; and

WHEREAS, the Seattle Comprehensive Plan has as a Policy (P11) to: Regulate uses at street-level in certain areas in order to generate pedestrian interest and activity in conformance with policies for the pedestrian environment. Promote street-level uses to reinforce existing retail concentrations, enhance main pedestrian links between areas, and generate new pedestrian activity where appropriate to meet area objectives without diluting existing concentrations of retail activity. Promote active and accessible uses at the street-level of new development where it is important to maintain the continuity of retail activity. Consider measures to promote street-level space of adequate size and sufficient flexibility to accommodate a variety of retail and service activities. Encourage incorporation, as appropriate, of street

-level uses as part of open space public amenity features provided for a floor area bonus to promote activity and increase public use of these spaces. To encourage active and accessible street-level uses throughout Downtown, consider appropriate exemptions of these uses from floor area limits; and

WHEREAS, the Land Use Code amendments proposed in this ordinance would expand opportunities for new businesses to occupy vacant street-level spaces Downtown, consistent with and in furtherance of Comprehensive Plan goals and policies; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that:

A. On February 29, 2020, Governor Inslee proclaimed a State of Emergency for all counties throughout the State of Washington as a result of the confirmed person-to-person spread of COVID-19 in Washington State.

B. The COVID-19 disease, caused by a coronavirus that spreads easily from person to person and which may cause serious injury and death, has spread throughout King County and the City of Seattle.

C. On March 3, 2020, Mayor Durkan issued a Proclamation of Civil Emergency declaring a civil emergency within the City of Seattle based on the confirmed spread of COVID-19 in King County and resulting deaths.

D. In recognition of the danger that hospitals may become overwhelmed with COVID-19 patients unless the spread of the disease is slowed, on March 23, 2020, Governor Inslee imposed a stay-home order throughout Washington State prohibiting all people in the State from leaving their homes or participating in gatherings with only limited exceptions for participating in essential activities or essential business services. While the order initially was for a term of two weeks, the Governor has issued numerous subsequent orders in 2020 and in 2021 limiting business and economic activity to prevent the further spread of the coronavirus and maintain hospital capacity for people with severe cases of COVID-19.

E. Pursuant to the Governor's Orders, all businesses except essential businesses were forced to close or operate virtually for much of the last 15 months.

F. While many citizens have obtained COVID-19 vaccinations in the first two quarters of 2021, the City of Seattle is still in Phase 3 of the state's Healthy Washington pandemic reopening plan and the State's reopening plan still requires, as of May 2021, limited capacity of businesses including businesses downtown such as restaurants, retail, and offices.

G. Limitations on business and economic activity over the last 15 months have disproportionately impacted businesses at street-level in downtown, which are acutely impacted by the lack of office workers in these neighborhoods as well as the lack of tourists and conventions. This impact has and continues to deprive these businesses of the customers previously available to support them, and this extended period of closure and significantly reduced capacity has resulted in numerous street level businesses downtown unable financially to continue to operate at reduced levels and with such a reduced customer base. The Downtown Seattle Association conducted a count in 2021 and found 161 vacant storefronts downtown.

H. The changes in this ordinance are designed to allow more types of businesses to be located at street-level downtown, thereby increasing the opportunities to fill those spaces and generate income and activity downtown. This is especially important given the length of time that the State shutdown order has been in place because much in-person business activity continues to be limited.

I. Providing regulatory flexibility for street-level businesses will keep more businesses operating and speed the economic recovery once COVID-19 restrictions are lifted.

J. The City Council determines that the foregoing creates a basis for adopting interim regulations under RCW 36.70A.390 which authorizes adoption of the ordinance without a required pre-adoption public hearing and a SEPA threshold determination. Following the standard process would delay the proposed changes for several months. During that period, for the reasons discussed above, more businesses may fail leading to

increased unemployment and continued lack of potential customers, workers, and visitors downtown. Both continued closure of businesses and continued lack of customers, workers and visitors downtown will delay the City's and region's recovery from the COVID-19 emergency.

K. The City has legal authority to establish interim measures pursuant to the authority granted by Article 11, Section 11 of the Washington Constitution, the Growth Management Act, RCW 36.70A.390, and *Matson v. Clark County*, 79 Wn. App. 641 (1995).

Section 2. A new Section 23.42.041 is added to the Seattle Municipal Code as follows:

23.42.041 Additional interim street-level uses

Where street-level uses are required in any downtown zone, except in the International Special Review District, the interim uses set forth in this Section 23.42.041 are allowed in addition to uses allowed by the zone for an interim period according to the provisions of this Section 23.42.041.

A. Eligibility. In order to qualify for an interim street-level use, an applicant must demonstrate the following:

1. The Department had issued a certificate of occupancy for the structure prior to the effective date of this ordinance.
2. The applicant submits a complete application for interim street-level use within 12 months after the effective date of this ordinance.
3. Structures with existing permit conditions, or development standard limitations related to street-level uses for floor area ratio pursuant to Section 23.49.011 or bonus floor area achieved for general sales and service uses pursuant to Sections 23.49.012 and 23.49.013 may use interim street level use(s) pursuant to this Section 23.42.041 and will not require additional developer contributions.
4. The space may return to the previously established use at the property owner's or applicant's option, consistent with Section 23.42.108.

5. Notwithstanding the expiration of the interim regulations, an approval for interim street-level uses or a permit that is issued or approved for issuance prior to the expiration of the interim regulations can continue as a non-conforming use consistent with Sections 23.42.100 through 23.42.110.

6. Except for uses that are prohibited pursuant to Section 23.66.122 and subsection 23.66.130.E, interim street-level uses permitted pursuant to this Section 23.42.041 in the Pioneer Square Preservation District shall be approved pursuant to Subchapter II of Chapter 23.66 and the following:

- a. Street-level for the purposes of application of this subsection 23.42.041.A.6 means a story or stories located within 8 feet measured horizontally above or below street-level.
- b. The Pioneer Square Preservation Board (“Board”) may, following a special review of potential impacts, including, but not limited to, traffic, parking, noise, and the scale and character of the pedestrian environment, recommend to the Director of Neighborhoods that the uses at street-level be approved if the impacts of such uses are not significantly adverse. The Board may recommend, and the Director of Neighborhoods may impose, conditions to mitigate the impacts of approved uses.
- c. The Director of Neighborhoods shall make the decision about allowing similar uses set forth at subsection 23.42.041.B.1.1.

B. Permitted uses

1. In addition to the street-level uses permitted by the applicable zone, the following uses are permitted:
 - a. Arts facilities, including art installations, that do not conflict with Chapter 23.55;
 - b. Shower facilities for bicycle commuters accessory to office uses;
 - c. Food processing and craft work;
 - d. Horticultural uses;
 - e. Institutions, except hospitals or major institutions;
 - f. Lobbies, gyms, meeting rooms, shared working spaces, and other similarly active uses

accessory to residential or lodging uses limited to a street frontage of 30 feet;

- g. Medical services;
- h. Museums;
- i. Public parks;
- j. Public restrooms;
- k. Sales and services, non-household and heavy commercial, except heavy commercial

sales; and

l. Any similar use or activity that is determined by the Director to have the likelihood of attracting and increasing pedestrian activity in the area such as extending the duration of activity beyond 8 A.M. to 5 P.M. Monday to Friday or increasing the variety of goods and services available.

2. The Director shall require the most active portions of uses allowed by subsection 23.42.041.B, such as lobbies, waiting areas, and retail sales, to abut the street-facing facade along street frontages where street-level uses are required by the zone.

Section 3. Table A for Section 23.76.004 of the Seattle Municipal Code, which section was last amended by Ordinance 126042, is amended as follows:

23.76.004 Land use decision framework

* * *

Table A for 23.76. 004 LAN D USE DECI SION FRA MEW ORK¹

<p>Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020²)</p>	<p>Application of development standards for decisions</p>
<p>*</p>	<p>Uses permitted outright</p>
<p>*</p>	<p>Temporary uses, four weeks or less</p>
<p>*</p>	<p>Renewals of temporary uses, except for temporary construction</p>
<p>*</p>	<p>Intermittent uses</p>

*	Additional interim street-level uses pursuant to Section 23.49.008
*	Uses on vacant or underused lots pursuant to Section 23.49.008
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	Determination of whether an amendment to a proper minor
*	Streamlined design review decisions pursuant to Section 23.49.008 if standard departures are requested, and design review decisions if no development standard departures are requested
*	Shoreline special use approvals that are not part of a
*	Adjustments to major institution boundaries pursuant to
*	Determination that a project is consistent with a plan
*	Decision to approve, condition, or deny, based on Section 23.49.008, to be consistent with a planned action ordinance
*	Decision to increase the maximum height for residential structures pursuant to subsection 23.49.008.H
*	Decision to increase the maximum allowable FAR in subsection 23.49.011.A.2.n
*	Minor revisions to an issued and unexpired MUP that
*	Building height increase for minor communication uses
*	Other Type I decisions that are identified as such in
	* * *

Section 4. Section 23.76.006 the Seattle Municipal Code, last amended by Ordinance 126042, is amended as follows:

23.76.006 Master Use Permits required

A. Type I, II, and III decisions are components of Master Use Permits. Master Use Permits are required

for all projects requiring one or more of these decisions.

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;
2. Establishment or change of use for uses permitted outright, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses for up to six months, except temporary uses and facilities for light rail transit facility construction;
3. The following street use approvals:
 - a. Curb cut for access to parking, whether associated with a development proposal or not;
 - b. Concept approval of street improvements associated with a development proposal, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;
 - c. Structural building overhangs associated with a development proposal;
 - d. Areaways associated with a development proposal;
4. Lot boundary adjustments;
5. Modification of the following features bonused under Title 24:
 - a. Plazas;
 - b. Shopping plazas;
 - c. Arcades;
 - d. Shopping arcades; and
 - e. Voluntary building setbacks;
6. Determinations of Significance (determination that an Environmental Impact Statement is required) for Master Use Permits and for building, demolition, grading, and other construction permits

(supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by subsection 23.55.042.D;
8. Waiver or modification of required right-of-way improvements;
9. Special accommodation pursuant to Section 23.44.015;
10. Reasonable accommodation;
11. Minor amendment to Major Phased Development Permit;
12. Streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and design review decisions in an MPC zone if no development standard departures are requested pursuant to Section 23.41.012;
13. Shoreline special use approvals that are not part of a shoreline substantial development permit;
14. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;
15. Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance;
16. Determination of requirements according to subsections 23.58B.025.A.3.a, 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, 23.58C.030.A.2.b, and 23.58C.030.A.2.c;
17. Decision to increase the maximum height of a structure in the DOC2 500/300-550 zone according to subsection 23.49.008.F;
18. Decision to increase the maximum FAR of a structure in the DOC2 500/300-550 zone according to subsection 23.49.011.A.2.n;
19. Minor revisions to an issued and unexpired MUP that was subject to design review, pursuant to subsection 23.41.008.G;

20. Building height departures for minor communication facilities in downtown zones, pursuant to Section 23.57.013; ((and))

21. Additional interim street-level uses pursuant to Section 23.42.041; and

22. Other Type I decisions.

* * *

Section 5. Pursuant to RCW 36.70A.390, the Council will hold a public hearing within 60 days of adoption of this ordinance to take public testimony and consider adopting further findings.

Section 6. Under RCW 36.70A.390, the Council approves the following work plan for the development of permanent regulations to address the issues in this ordinance and directs the Seattle Department of Construction and Inspections, in consultation with the Office of Planning and Community Development, and the Department of Neighborhoods, to transmit proposed legislation to the Council by March 2022. Interim regulations can be authorized up to one year if accompanied by a work plan. The work plan is set forth below:

WORK PLAN:

Prepare State Environmental Policy Act (SEPA) Review on Interim Regulations	July - September 2021
Publish SEPA Threshold Determination	September 2021
Conduct analysis, Draft permanent legislation, Conduct public outreach, and Prepare SEPA review on Permanent Regulations	October - December 2021
Mayor Transmits Permanent Legislation to Council	March 2022
Council Deliberations and Public Hearing on Proposed Permanent Legislation	April - May 2022
Permanent Legislation Effective	June 2022

Section 7. This ordinance shall automatically expire 12 months after its effective date unless the Council takes action to either extend it as provided by statute or terminate it sooner.

Section 8. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the invalidity

of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 9. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
SDCI	Mike Podowski, 206-386-1988	Christie Parker, 206-684-5211

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; adopting interim provisions by amending Sections 23.76.004, 23.76.006, and 23.76.032 of, and adding a new Section 23.42.041 to, the Seattle Municipal Code to facilitate occupancy of street-level spaces downtown during the COVID-19 civil emergency; and adopting a work plan.

Summary and background of the Legislation: The Seattle Department of Construction and Inspections (SDCI), Office of Planning and Community Development, and the Department of Neighborhoods are recommending land use legislation to add more flexibility for uses allowed to occupy storefronts Downtown, including the Pioneer Square Preservation District, on certain streets where the allowed uses are limited. Due to the COVID 19 virus outbreak, Downtown has lost many businesses that relied on office workers, tourists and convention participants. The result is many vacant storefronts, substantially reduced activity on downtown sidewalks, and a general loss in vitality.

The proposed Land Use Code amendments would temporarily (for 12 months) expand the types of uses that can locate in downtown storefronts to help fill vacancies and promote active streets. The proposed uses are drawn from pedestrian shopping districts outside of Downtown and include uses such as medical services. While in place, a property or business owner could get a permit to establish a type of use that is not normally allowed. The permit, as with all permits, would be good in perpetuity.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes ___X___ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes ___X___ No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No direct financial impacts, direct or indirect, are anticipated from adoption of this legislation. The cost of administering the proposal is anticipated to be covered by existing fees and with existing staff. Upgrades to the permit tracking system to aid SDCI in tracking permits under this legislation are covered by existing resources.

Is there financial cost or other impacts of *not* implementing the legislation?

The is no direct financial cost of not implementing the legislation. Failure to implement this or similar legislation could prolong challenges that the City is facing to help fill vacant spaces in downtown storefronts and generate economic activity and tax revenue.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

The legislation would affect, and has been developed in partnership with, the Office of Economic Development, Office of Planning and Community Development (OPCD), and the Department of Neighborhoods. SDCI and DON will have responsibility to review permit applications that may use this legislation. No impacts to any departments are anticipated.

b. Is a public hearing required for this legislation?

A public hearing is required because this legislation would amend the Land Use Code (Title 23) and is a Type V Council land use decision; however, because the legislation is adopted on an interim basis under RCW 36.70A.390, the hearing will occur within 60 days after the ordinance is adopted.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Public notice is required for a City Council public hearing in *The Daily Journal of Commerce* and the City’s Land Use Information Bulletin as well as for the future environmental review (SEPA) for a comment and appeal period.

d. Does this legislation affect a piece of property?

No. The legislation would not directly affect any specific piece of property but would modify the type of businesses allowed on certain properties on certain streets within the Downtown Urban Center, excluding the International Special Review District.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The proposal is intended to create opportunities for new businesses and jobs, which may extend to BIPOC communities. Further actions are anticipated to help BIPOC-owned businesses and job seekers experience the benefits from the proposal, including communication in multiple languages. OPCD and SDCI are working with other departments/offices on methods/materials to help BIPOC and other businesses navigate the permit process, and provide priority processing.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

The legislation is not likely to have a material effect on carbon emissions. To the extent that the legislation facilitates incrementally more businesses providing goods and services downtown, the legislation could marginally increase the number of Seattle residents able to meet daily needs without the use of a car.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

Not applicable.

List attachments/exhibits below: None.

Director's Report and Recommendation Filling Vacant Downtown Storefronts - Land Use Code Amendments June 15, 2021

Proposal Summary

The Seattle Department of Construction and Inspections (SDCI) is recommending land use legislation to add more flexibility for uses allowed to occupy storefronts Downtown on certain streets where the allowed uses are limited. Due to the COVID 19 virus outbreak downtown has lost many businesses that relied on office workers, tourists and convention participants. The result is many vacant storefronts, substantially reduced activity on downtown sidewalks, and a general loss in vitality.

SDCI has worked with the Office of Planning and Community Development (OPCD) and the Department of Neighborhoods (DON) on proposed Land Use Code amendments to temporarily expand the types of uses that can locate in downtown storefronts to help fill vacancies and promote active streets. While in place, a property or business owner could apply for a permit to establish a type of use that is not normally allowed. The legislation includes the following:

1. **New types of uses at the street level.** Currently, only the most “active” types of uses (e.g., retail and bars/restaurants) and a few types of cultural and community facilities (e.g., libraries and childcare) are allowed at street level downtown. The proposal would allow more types of uses, including art installations, co-working spaces, community centers, and medical offices, among others. The list of proposed uses is drawn largely from what is allowed in pedestrian-oriented neighborhood business districts elsewhere in the city. While the proposed uses may be slightly less active than the uses currently allowed downtown, they would provide more options to fill empty spaces. To help these new uses to be visually interesting, we would also require the tenant’s most visual activities occur in the storefront.
2. **Temporary flexibility to support recovery.** The proposed ordinance would be in place for 12 months, the maximum amount of time allowed under state law for temporary/interim land use regulations that are proposed with a work plan. Environment (SEPA) review of the proposed legislation would occur post-adoption. The ordinance also includes a schedule for the preparation of permanent land use regulations.
3. **Duration of permit.** The proposal is to treat these permits like any other and allow the use to remain after the temporary rules expire. The permitted uses would become nonconforming, meaning they could stay in perpetuity but not expand at street-level. This would allow a tenant to recuperate over time the costs of obtaining permits and making improvements.
4. **Where the temporary flexibility would apply.** The proposal would apply to areas Downtown with street-level use restrictions, including the Retail Core (between Virginia and University) and in Belltown (along 1st/2nd/3rd Ave). There would be a custom

approach for the Special Review District in Pioneer Square to balance preservation, opportunities for recovery in the short term, and lasting economic health:

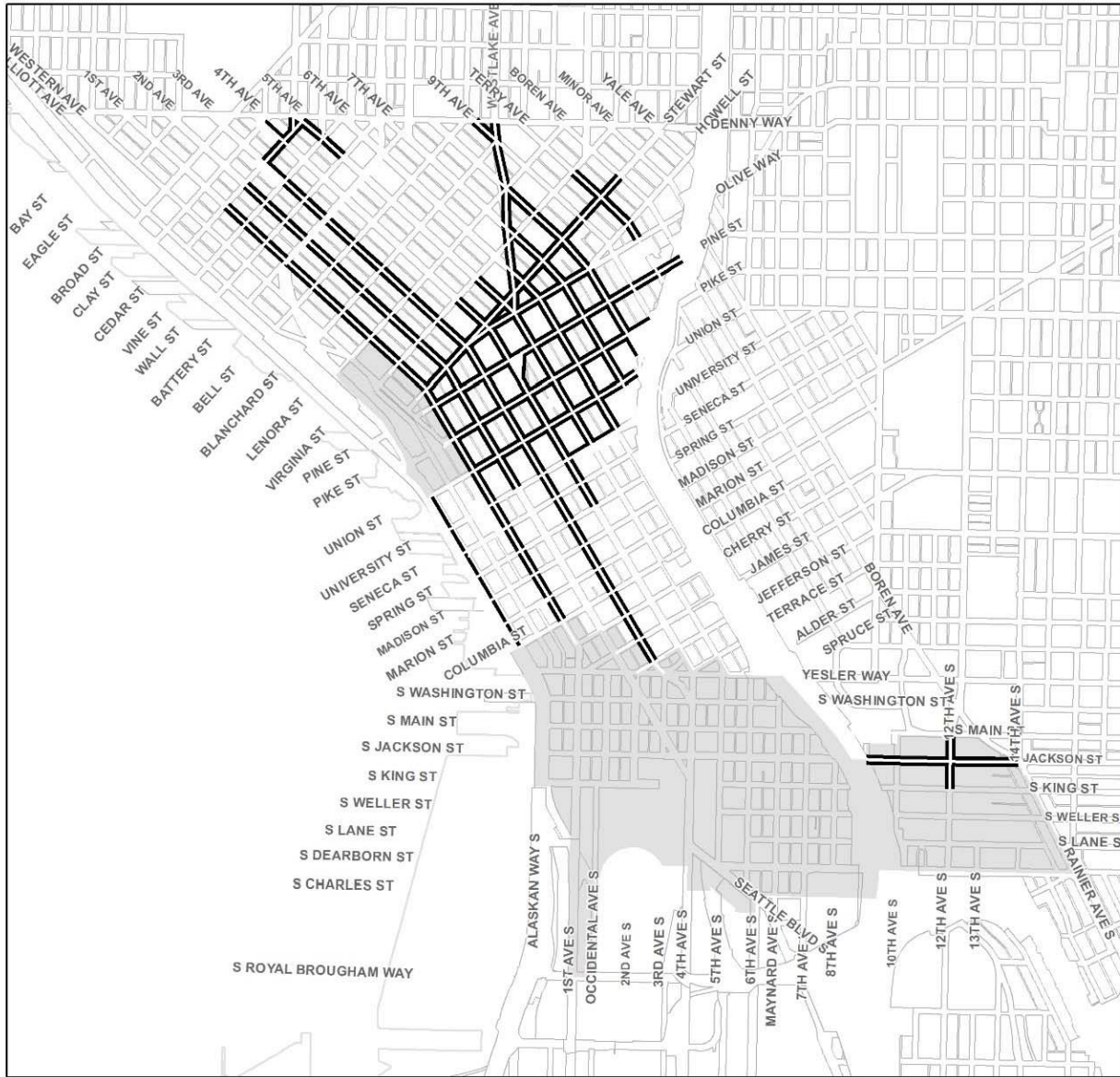
- **Pioneer Square.** The proposal would expand the types of uses allowed as a Special Review, once approved by the Pioneer Square Preservation Board (PSPD) on a case-by-case basis. It would also clarify which types of spaces located slightly above or below street-grade may be considered "street-level".
- **Chinatown/International District (CID).** No changes are proposed in CID. The International Special Review District (ISRD) Board already has broad discretion to review proposed uses on a case-by-case basis.



As part of the City's overall downtown revitalization efforts, we are recommending these temporary code amendments to complement other efforts by removing a code barrier to filling vacant storefronts. The Downtown Seattle Association (DSA) recently reported numerous vacancies downtown (approximately 160 in early 2021), many between the Pike Place Market and the Convention Center. Separately, OPCD and SDCI are working on ways to help BIPOC and other businesses navigate the permit process, and on priority processing, including a potential SDCI permit facilitator.

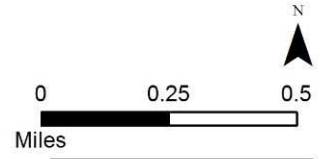
Background and Analysis

The following maps show the downtown streets where a specific menu of street-level uses is required, the boundaries of the Pioneer Square Preservation District (PSPD) as well as where street-level uses are required in the PSPD. This network of streets including in the PSPD is where the proposed code amendments would apply. In addition, tables show the current and proposed street-level uses.

Street Level Uses Required



-  Street Level Uses Required
-  Special Review or Historic Districts



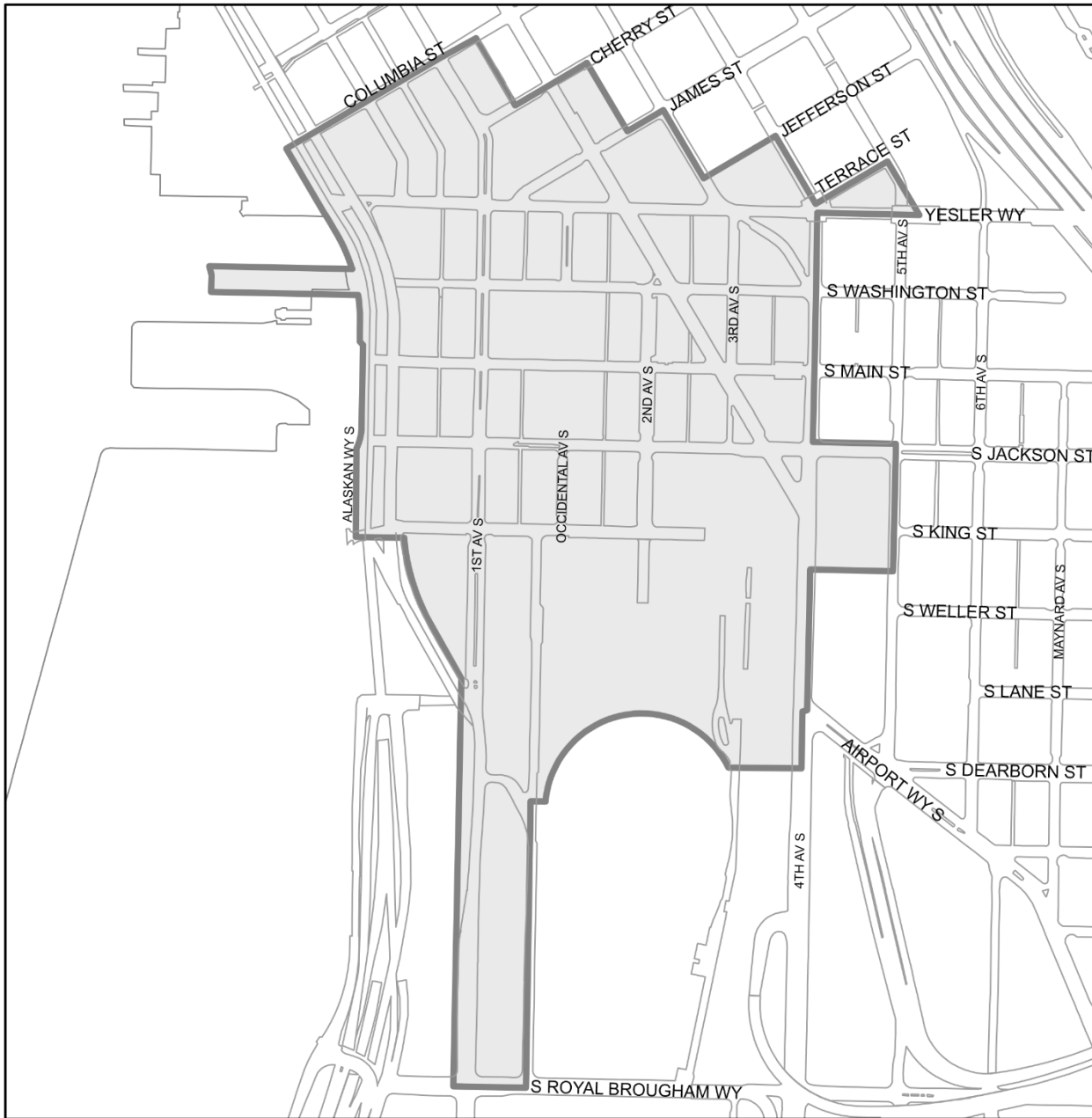
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Downtown zoning

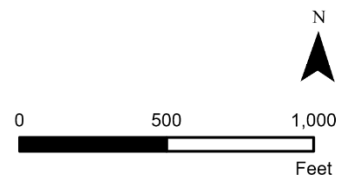
Map 1G

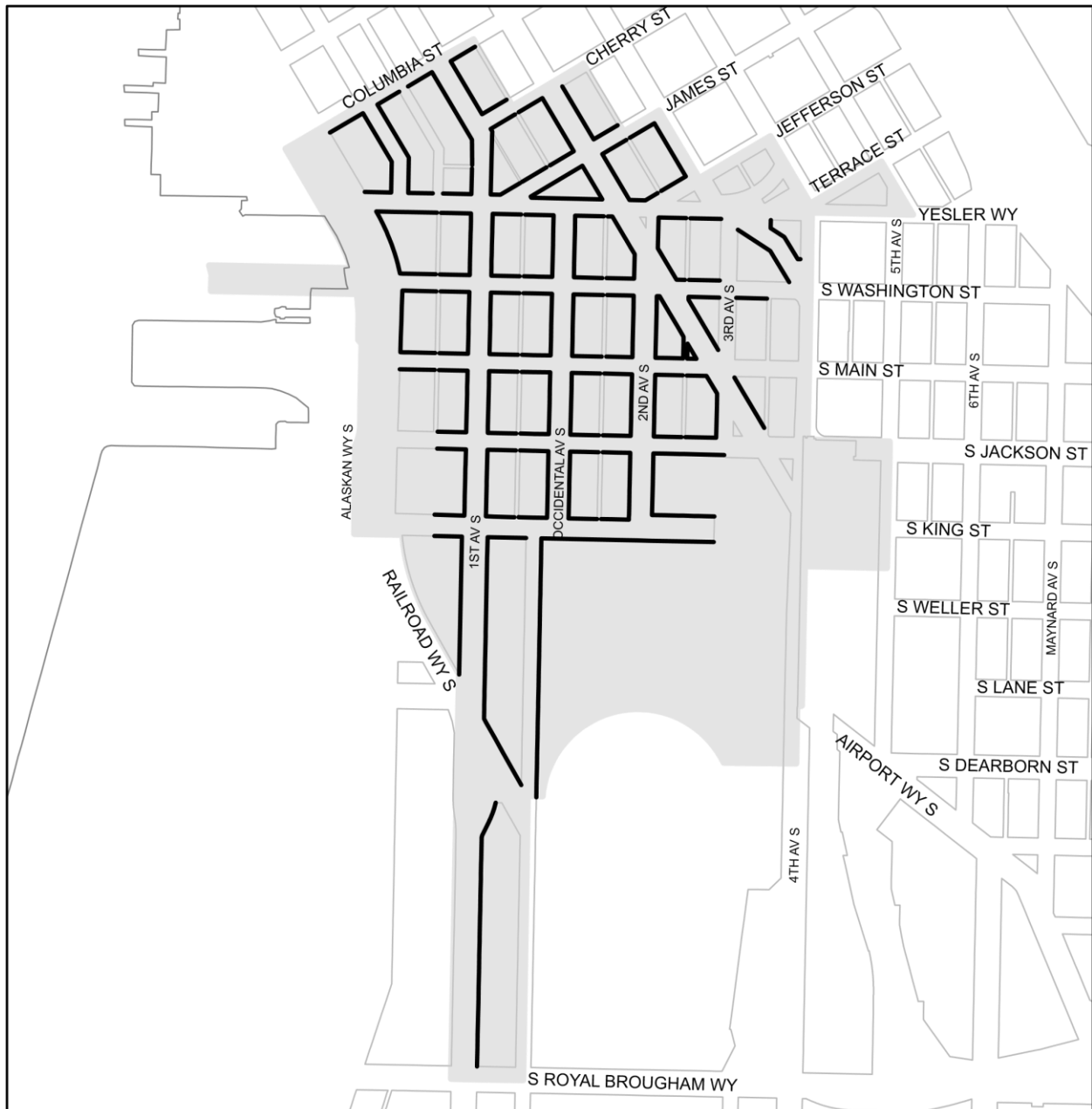
Street Level Uses Required

Map A for 23.66.100

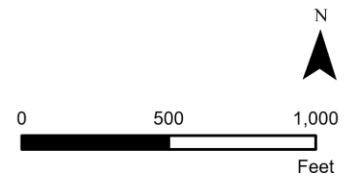


 Pioneer Square Preservation District





- Street Level Uses Required
- Pioneer Square Preservation District



Comparison of Existing and Recommended Street-level Uses

Currently allowed street-level uses downtown, not including Pioneer Square & CID	Notes/examples
General sales and services	Grocery, pharmacies, shops, and customer service offices (banks with tellers, insurance agents)
Eating and drinking establishments	
Human service uses and child care centers	
Retail sales, major durables	Appliance sales
Entertainment uses	Music venues, video arcades
Museums, and administrative offices in a museum expansion space	
Libraries	
Elementary and secondary schools and colleges, except on lots in the Downtown Retail Core Zone	Retail core is generally around Westlake Park
Public atriums	
Arts facilities	
Religious facilities	
Bicycle parking, up to 30 percent of the frontage	
Proposed additional street-level uses including Pioneer Square*	Notes/examples
Arts installations	Less formal than arts facilities, includes pop-ups such as window displays
Bicycle parking and shower facilities for bicycle commuters	
Food processing and craft work	Food preparation on- or off-site for sale, hand-made goods made on- or off-site for sale
Horticultural uses	Nurseries including the growing of plants for sale
Institutions, except hospitals or major institutions	Community centers, private clubs
Lobbies, gyms, meeting rooms, shared working spaces, and other similarly active uses accessory to residential or lodging uses	Proposal would limit to 30 feet of frontage (roughly equal to two smaller storefronts)
Medical services	Doctor, dentist, and therapeutic services
Museums	Allowed at street-level downtown generally, this change clarifies they are allowed at street-level in Pioneer Square
Public parks	May include indoor spaces
Public restrooms	

Sales and services, non-household and heavy commercial, except heavy commercial sales.	Broader range of sales and services such as sales of restaurant equipment and janitorial services. The exclusion is for construction materials and industrial supplies.
Any similar use or activity that is determined by the Director to have the likelihood of attracting and increasing pedestrian activity in the area.	'Attracting and increasing activity' may include criteria such as extending activity beyond 8:AM to 5:PM period, and/or adding to the variety of goods and services in an area.

*The proposed additional uses are currently allowed at street-level in pedestrian-oriented business districts (Commercial zones) such as along 15th Ave E on Capitol Hill, California Ave SW in the West Seattle Junction, and N 45th St in Wallingford.

Pioneer Square and CID Street-level Uses

Distinct from the remainder of downtown, the street-level uses in Pioneer Square and in the CID do not largely rely on broad use categories for use regulation. The uses are called out as specific businesses. The businesses are then grouped as Preferred uses and Discouraged uses. In the PSPD use groupings also include Conditional and Prohibited uses. In the International Special Review District (ISRD) there is an additional grouping for uses Subject to Special Review. Some of the distinctions about which street-level uses are permitted in both neighborhoods is related to the size of the use or business, or how much of a block front is occupied.

Street-level use categories	Pioneer Square	Chinatown/International District
Preferred	Any of the following under 3,000 sqft in size: Art galleries, other general sales and services uses, eating and drinking establishments, lodging, theaters, and certain parking garages.	Apparel shops; Asian arts, crafts, and specialty goods shops; Bakeries; Banks; Barbecue shops; Bookstores; Coffee shops; Floral shops; Groceries; Museums; Personal services such as beauty shops and barbershops; Restaurants; Sidewalk cafes; Tea shops; Travel agencies; Variety stores.

<p>Discouraged</p>	<p>Any use occupying >50% of a block front,</p> <p>Any of the following uses over 3000 sqft in size:</p> <p>Art galleries, Other general retail sales and service uses, Eating and drinking establishments, and Lodging.</p> <p>All other uses listed as preferred over 10,000 sqft in size.</p> <p>Professional service establishments or offices occupying more than 20% of a block front.</p> <p>Parking garages that do not serve a preferred use.</p>	<p>N.A.*</p> <p>*In the Retail Core of the CID, the following uses are allowed with limited street frontage:</p> <p>Community clubs or centers; Family associations; Human service uses; Nonprofit community service organizations; Theaters and spectator sports facilities.</p>
<p>Conditionally allowed (in Pioneer Square on Map B for 23.66.130)</p>	<p>Any use >50% of street-level frontage that is >20,000 sqft in size.</p> <p>Human service uses and personal service establishments, including hair cutting and tanning).</p>	<p>N.A.</p>
<p>Special review in the CID*</p> <p>* The Board may recommend, and the DON Director may impose, conditions to mitigate the impacts of approved uses.</p>	<p>N.A.</p>	<p>Appliance repair shops; Research and development laboratories; Radio and television studios; Residential uses; Taxidermy shops; Upholstery establishments; Vocational or fine arts schools; Warehouses or wholesale showrooms, especially if they include storage of jewelry, optical or photographic goods, pharmaceuticals,</p>

		cosmetics, and other similar high-value, low-bulk articles.
Prohibited	Wholesaling, storage and distribution uses; Vocational or fine arts schools; Research and development laboratories; Radio and television studios; Taxidermy shops; Appliance repair shops; Upholstery establishments; and Other similar uses.	N.A.

Development Standards

Multiple Land Use Code standards apply to street-level spaces. Many of these have changed over the years and existing buildings downtown were permitted under different versions of the Land Use Code. The standards generally are intended to: 1) help the street-level spaces contribute to the vitality of the street; and 2) address the overall fit and bulk and scale of the building they are located in.

Standards that relate to the street. These standards include having a door that can allow foot-traffic directly to and from the sidewalk, and windows that allow for people on the sidewalk to see into the space. These standards are not proposed to be changed with the proposal as they are important for the continued vitality of downtown.

Overall standards for the building. For commercial development, largely offices and hotels, the overall size of buildings is regulated by a limit on the amount of floor area that can be in commercial use. This is called a floor area ratio (FAR). It relates the amount of floor area allowed in a building to the area of the parcel the building sits on. Another standard allows builders to achieve additional floor area above the base FAR limit, by providing certain uses at street-level in addition to other features or amenities. Examples of street-level uses that have been used in buildings per various versions of the Land Use Code to achieve additional floor area include museums, child-care, human-service uses, and retail stores. In the case of retail stores for example, they no longer qualify to earn additional floor area, but are exempt from the floor area limit as an incentive to continue to include them. In order to facilitate the filling of vacant spaces, including any that were previously used to earn floor area or are exempt from floor area, the proposed legislation would allow a new proposed street-level use to replace a retail store (general sales and service use) even if it does not qualify to achieve floor area or is not exempt. An example is the proposed medical services use that would be able to fill a vacant space that was established as a retail store.

Comprehensive Plan Goals and Policies

The proposal is consistent with following relevant goals and policies in the *Seattle 2035* Comprehensive Plan:

GOAL LU G11 Promote Downtown Seattle as an urban center with the densest mix of residential and commercial development in the region, with a vital and attractive environment that supports employment and residential activities and is inviting to visitors.

PRE-EMINENT REGIONAL CENTER GOAL DT-G1 Maintain Downtown Seattle as the most important of the region's urban centers—a compactly developed area supporting a diversity of uses meeting the employment, residential, shopping, culture, service, and entertainment needs of the broadest range of the region's population.

ECONOMIC DEVELOPMENT GOAL DT-G2 Encourage economic development activities consistent with the Comprehensive Plan to attract and retain businesses and to expand employment and training opportunities for Seattle area residents.

URBAN FORM GOAL DT-G4 Use regulations in the Land Use Code and other measures to encourage public and private development that contributes positively to the Downtown physical environment by: ...4. establishing a high-quality pedestrian-oriented street environment;...

DT-UDP11 Regulate uses at street-level in certain areas in order to generate pedestrian interest and activity in conformance with policies for the pedestrian environment. Promote street-level uses to reinforce existing retail concentrations, enhance main pedestrian links between areas, and generate new pedestrian activity where appropriate to meet area objectives without diluting existing concentrations of retail activity. Promote active and accessible uses at the street-level of new development where it is important to maintain the continuity of retail activity. Consider measures to promote street-level space of adequate size and sufficient flexibility to accommodate a variety of retail and service activities. Encourage incorporation, as appropriate, of street-level uses as part of open space public amenity features provided for a floor area bonus to promote activity and increase public use of these spaces. To encourage active and accessible street-level uses throughout Downtown, consider appropriate exemptions of these uses from floor area limits.

In addition to the key goals and policies included above, the Downtown goals and policies recognize the distinct character of the neighborhoods that make up downtown, especially within the historic area of Pioneer Square. The proposal is consistent with the goals and policies for that neighborhood.

Recommendation

The Director of SDCI recommends adoption of the proposed temporary code amendments to remove a code barrier to promote filling vacant storefronts downtown as part of the City's overall downtown revitalization efforts.

July 23, 2021

MEMORANDUM

To: Land Use and Neighborhoods Committee
From: Ketil Freeman, Analyst
Subject: Council Bill 120121 – Downtown Street-level uses Interim Controls

On July 28, 2021, the Land Use and Neighborhoods (LUN) Committee will have an initial briefing on [Council Bill \(CB\) 120121](#). CB 120121 would establish interim development controls for most downtown zones, which would temporarily relax some requirements for street-level uses.

This memorandum (1) provides background on downtown street-level use requirements and economic recovery, (2) briefly describes what the bill would do, (3) provides a preliminary issue identification, and (4) sets out next steps.

Street-level Use Requirements

The Downtown Neighborhood Plan urban design policies call for street-level use regulations to generate pedestrian interest, encourage pedestrian activity, strengthen connections between areas of downtown with different functions, and reinforce existing areas with retail concentrations, such as the Downtown Retail Core.¹ Desirable street-level uses are retail, restaurants and bars, and entertainment businesses.

These policies are reflected in development standards in the Land Use Code that map block faces where street-level uses are required;² specify allowed uses; and establish minimum physical development standards for the frontage, location, and access to the required street-level use.³ To mitigate street-level use regulatory requirements, the floor area in a street-level use is not counted towards floor area limits for new development and does not count for the purposes of determining requirements under the Mandatory Housing Affordability program or other public benefit programs.⁴

The Downtown Seattle Association (DSA) estimates that more than 160 downtown street-level business locations closed due to the pandemic.⁵ Recent reporting by the DSA indicates that the 2020 retail vacancy rate was about 2.5 percent. That is below peak vacancy rates for the periods 2015-2020 and 2010-2015, which were approximately 3.0 percent and 4.0 percent, respectively. The DSA also indicates that approximately half a million square feet of retail is currently under construction and retail rents are forecast to increase over the next five years.⁶

¹ [Seattle 2035](#), Downtown Neighborhood Plan, Urban Design Policies DT-UDP10 and DT-UDP11, p. 267-268.

² [Seattle Municipal Code \(SMC\) Section 23.49, Map 1G](#).

³ [SMC Section 23.49.009](#).

⁴ [SMC Section 23.49.011.B.1.b](#).

⁵ [State of Downtown Economic Report 2021](#), Downtown Seattle Association, p.37

⁶ Ibid, p.40.

According to the DSA's [economic recovery dashboard](#), average daily visitors, average daily foot traffic, and hotel occupancy rates are approaching or exceeding pre-pandemic, January 2020 levels.

Council Bill 120121

Council bill 120121 would expand the uses authorized at street-level in most downtown neighborhoods where those uses are required, with the exception of the Chinatown / International Special Review District. The additional uses are intended to increase opportunities to occupy vacant downtown spaces and increase economic activity. The authorization to permit additional uses would expire after a year, unless extended.

Proposed uses include art installations; food processing and craft work; and accessory spaces, like lobbies and amenity areas, to residential and lodging uses. Those proposed uses are currently allowed in most pedestrian-designated areas outside of downtown. For a comparison of currently-allowed and proposed street-level uses, see the table on page six of the Seattle Department of Construction and Inspection's (SDCI) [Director's Report](#) for the bill.

The bill would also:

- Authorize the SDCI Director to permit, through an administrative decision not subject to public comment, notice, or appeal, any kind of use that could increase pedestrian activity or increase the range of goods and services available downtown;
- Reserve to the Pioneer Square Preservation Board and the Director of Neighborhoods decision-making authority for proposed new street-level uses in the Pioneer Square Special Review District;
- Allow uses established through the bill to be maintained as existing non-conforming uses in perpetuity;
- Exempt owners of building subject to the Mandatory Housing Affordability (MHA) Program or other regulatory bonus program from making additional payments or providing additional public benefit for space associated with a use that would otherwise be chargeable under those programs, for example conversion to lobby space in a new hotel of square footage that was originally permitted as a restaurant; and
- Establish a work program for Council consideration of permanent changes to downtown street-level use regulations.

Preliminary Issue identification

This memorandum sets out some preliminary issues with discussion for Committee consideration.

1. Ripeness for Council Consideration.

The bill is intended to facilitate downtown recovery by filling vacant ground-floor spaces. While the pandemic contributed to downtown business closures, the DSA's economic reporting and monitoring indicates that retail vacancies are still below some pre-pandemic levels and overall economic activity is increasing. The proposed bill is proposed under authority local jurisdictions have to enact interim development controls that expire after one-year but may be extended for additional 6-month terms.

Should the Council approve the bill now or defer action on the bill to see how the recovery progresses?

2. Types of Proposed Additional Uses.

The additional proposed street-level uses are derived from allowable street-level uses in pedestrian-designated zones in commercial areas outside of downtown.⁷ Allowable uses in those zones include some uses not proposed in the bill, like office uses; exclude others, like horticultural uses; and limit the extent of some through physical development standards, like frontage limitations for heavy retail sales and service.

Should the Council amend the list of proposed uses to allow more or fewer uses and/or prescribe physical development standards to mitigate uses that might have longer-term negative impacts on the pedestrian environment?

3. Delegation of Authority to SDCI.

The proposed bill provides discretion to the SDCI Director to decide administratively whether to authorize a use that is not listed in the Code. That decision would not be subject to appeal, nor would it require notice and an opportunity for public comment. The proposed delegation provides two independent factors for the SDCI Director to consider in exercising his discretion: (1) whether a proposed use would increase pedestrian activity; or (2) whether a use would increase the range of goods and services available. The delegation would last for the life of the bill.

Should the Council limit the Director's discretion in deciding which street-level uses to authorize?

⁷ [SMC Section 23.47A.005](#).

4. Geography for the Use Dispensation.

As proposed, the interim controls would apply to downtown zones where street-level uses are required, except zones located in the Chinatown / International Special Review District. Other zones, such as some Seattle Mixed zones in South Lake Union and the University District have street-level use limitations with restrictions similar to those that apply downtown.

Should the Council extend the proposed interim controls to other areas with street-level use requirements?

5. Applicability of MHA and other Bonus Programs.

The proposed bill allows conversion of floor area in a required street-level use to uses that could be charged towards a structure's maximum floor area limit. For buildings developed under the MHA program or other bonus programs, converted floor area would require the provision of a public benefit or an in-lieu payment. The proposed bill would allow floor area converted from a required street-level use to remain in that use in perpetuity.

Should the Council require participation in public benefit programs, like MHA and the childcare bonus program, for development that converts to chargeable floor area and remains in that use?

Next Steps

The LUN Committee is scheduled to hold a public hearing and may vote on the bill at its meeting on Wednesday, August 11, 2021.

cc: Dan Eder, Interim Director
Aly Pennucci, Policy and Budget

Temporary Land Use Legislation

Seattle City Council
Land Use and Neighborhoods Committee
Wednesday, July 28th, 2021

Purpose of Changes

- Proactively support street level businesses that are vital to public life and recovery
- Signal reopening and activity
- Partner with communities to get us back to a vital downtown core



Office of Planning and Community Development
Seattle Department of Construction and Inspections
Seattle Department of Neighborhoods



Image taken Thursday April 8th, 2021 at 4pm

Neighborhood	341 Permanent Closures (2020-June 2021)	167 New Businesses (2020-June 2021)
Retail Core	96	32
Pioneer Square	62	15
C-ID	54	48
Belltown	51	26
West Edge	38	22
Denny Triangle	33	21
Waterfront	7	3

Data from the Downtown Seattle Association

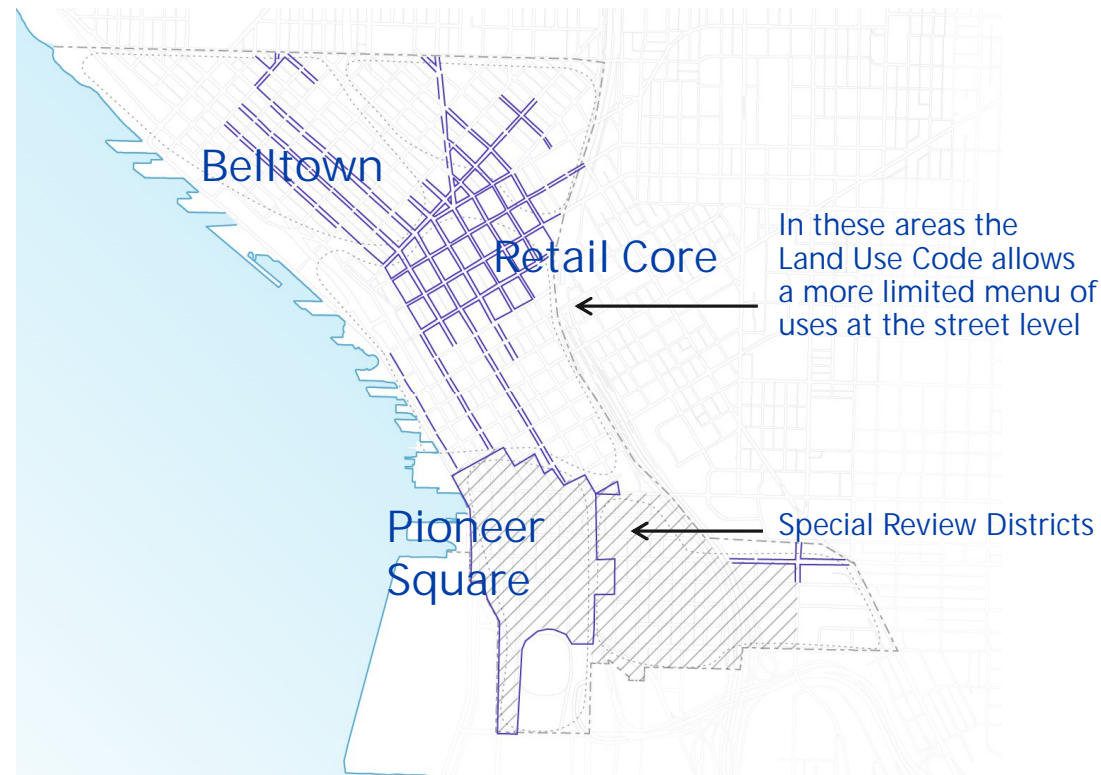
Downtown Seattle has seen over 340 businesses permanently close in 2020 and the first half of 2021. Of the permanent closures, approximately half have been filled with new business openings or announcements.

Overview of Proposed Land Use Changes

Allow regulatory flexibility for street-level businesses in existing buildings

- Temporary legislation – Rules will be in place for 12 months
- Once permit is issued by SDCI, new business/use can remain in perpetuity
- Will apply to areas of downtown with street level use restrictions, including Pioneer Square
 - No code changes are proposed for Chinatown/International District, since the ISRD already has flexibility.
 - Must place the most visual activities in the front

As interim/emergency land use regulations, SEPA will be completed after Council adoption



Proposed List of New Street Level Uses

Drawn largely from uses allowed in pedestrian-oriented neighborhood business districts

- Arts installations
- Bicycle parking/shower facilities
- Food processing and craft work
- Horticultural uses
- Institutions (except hospitals or major inst)
- Medical services
- Museums
- Lobbies, gyms, meeting rooms, shared working spaces, etc. that are accessory to residential or lodging uses (limited to a street frontage of 30 feet)
- Public restrooms
- Public parks
- Sales and services, non-household and heavy commercial (except heavy commercial sales)
- Any similar use or activity that is likely to attract/increase pedestrian activity in the area or increase the variety of goods and services available.
 - To be determined by SDCI Director on a case-by-case basis



Related and Supporting Programs

Includes all Downtown neighborhoods

Intentional Collaboration and Outreach

- Collaboration with OED, Cultural Space Agency
- Outreach to DSA, Alliance for Pioneer Square, SCIDpda, CIDBIA
- Creation of an informal survey tool to entice BIPOC owner businesses to contact us with questions or work through any issues that surface

Permit Support

- Evaluating options for providing dedicated SDCI permitting staff time to respond to emergent needs
- Exploring ways to expedite permits



Thank you!

For more information, please contact us or visit our website

<http://www.seattle.gov/sdci/codes/changes-to-code/filling-vacant-downtown-storefronts>

Contacts

Seattle Department of Construction and Inspections

Mike Podowski

mike.podowski@seattle.gov

Office of Planning and Community Development

Magda Hogness

Magda.Hogness@seattle.gov





Legislation Text

File #: CB 120108, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to redevelopment at the Yesler Terrace Master Planned Community; amending Section 23.75.160 of the Seattle Municipal Code; and replacing Exhibit C, Tree Protection Plan, of Ordinance 123962.

WHEREAS, The City of Seattle (“City”) has adopted a Comprehensive Plan complying with the Washington State Growth Management Act (GMA), and through Ordinance 123575 adopted Comprehensive Plan amendments to designate Yesler Terrace as a Master Planned Community site on the Future Land Use Map in anticipation of redevelopment of the site; and

WHEREAS, the City has identified impacts to tree canopy for the redevelopment of Yesler Terrace as a planned action in the 2011 Yesler Terrace Redevelopment Final Environmental Impact Statement (EIS) and is issuing a 2019 State Environmental Policy Act (SEPA) addendum to the Final EIS; and

WHEREAS, the City Council adopted Ordinance 123962 to designate certain redevelopment at Yesler Terrace as planned actions pursuant to the State Environmental Policy Act through use of a planned action ordinance, and established certain requirements for these planned actions, including a Tree Protection Plan; and

WHEREAS, Exhibit C to Ordinance 123962 is a Tree Protection Plan requiring protection of certain existing trees over the course of redevelopment at Yesler Terrace; and

WHEREAS, after adoption of the Tree Protection Plan in 2012, the City approved a street system layout for Yesler Terrace different from that contemplated by the Tree Protection Plan, and use of the plan since adoption has shown it contains errors in the tree inventory and designations, necessitating an update to

the Overview and Block 7 maps and the Tree Protection Plan Inventory included in Exhibit C to Ordinance 123962; and

WHEREAS, the City Council is considering, as contained in Resolution 31902, updating Chapter 25.11, Tree Protection, of the Seattle Municipal Code to include provisions allowing for replanting on sites other than those undergoing development, including rights-of-way, and payment in lieu of replanting; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.75.160 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.75.160 Landscaping, street trees, and tree protection

* * *

C. Except for any proposal that meets the planned action ordinance within the MPC zone, Chapter 25.11 shall apply to proposed development, provided that proposals that meet the planned action ordinance within the MPC-YT zone shall have the option to use:

1. Off-site replanting outside the boundaries of the MPC-YT zone; and
2. Payment in lieu of replanting if allowed pursuant to Chapter 25.11. ((All proposed development shall comply with the requirements of Sections 25.11.050, 25.11.070, and 25.11.080.))

Section 2. Ordinance 123962 is amended by replacing Exhibit C, included as Attachment A to this ordinance, with a new Exhibit C, included as Attachment B to this ordinance.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment A - Exhibit C to Ordinance 123962, Yesler Terrace Planned Action Tree Protection Plan (July 25, 2012)

Attachment B - Updated Exhibit C to Ordinance 123962, Yesler Terrace Planned Action Tree Protection Plan

Yesler Terrace Planned Action

Exhibit C to Ordinance:

Tree Protection Plan

INTRODUCTION

In preparing the Yesler Terrace Environmental Impact Statement, Seattle Housing Authority and the City of Seattle conducted a thorough inventory and analysis of trees at the Yesler Terrace Planned Action Site (Planned Action Ordinance Exhibit A). The City has used this analysis, together with the redevelopment plan adopted by the Seattle Housing Authority Board of Commissioners, to develop a tree protection plan requiring protection of certain existing trees over the course of redevelopment at Yesler Terrace.

The inventory included an evaluation of health for each tree, and a determination of exceptional tree status, pursuant to Department of Planning and Development's Director's Rule 16-2008. In addition to classification of each tree as an exceptional or non-exceptional tree, the inventory included consideration of a third category: "valuable trees" are non-exceptional trees that have preservation value, either as a result of their size and vigor, or because of their proximity to exceptional trees.

For each tree existing on the Planned Action Site as of January 1, 2012, this document either designates preservation during redevelopment or authorizes removal. In addition to the tree preservation requirements stated here, development at Yesler Terrace shall provide new trees and landscape features consistent with the Seattle Green Factor and street tree requirements in Chapter 23.75 of the Land Use Code. Land Use Code requirements and Street Improvement Permit conditions may require more trees than the preserved and replacement trees provided pursuant to this document.

REQUIREMENTS

In the following figures and table, each existing tree within the Yesler Terrace Planned Action Site is assigned to one of the following tiers:

Tier 1: Exceptional or valuable trees in good health, and in locations where preservation can clearly be achieved within the planned street vacation/rededication and redevelopment plan. Trees in this category shall be preserved through protection in place or relocation (where specifically approved for relocation). If a tree in this category is lost during or before development due to accidental damage, disease, or other causes, it shall be replaced within the Yesler Terrace Planned Action Site (Exhibit A to the Yesler Planned Action Ordinance) by 10 replacement trees. Each replacement tree shall be of a size and species determined by DPD to have a canopy cover potential at least equal to the tree that was lost.

Tier 2: Trees authorized for removal. Trees in this category either are not viable in the long term due to disease, topping, or other health problems, or are in locations where disturbances during construction will make preservation infeasible. This includes exceptional trees in locations where anticipated grading or construction preclude tree retention. Each removed tree shall be replaced by one replacement tree. Each replacement tree shall be of a size and species determined by DPD to have a canopy cover potential at least equal to the tree that was removed. Replacement trees shall be located within the Yesler Terrace Planned Action Site, except that if a planting and maintenance plan is approved by WSDOT, the applicant may elect to plant replacement trees on WSDOT property between the Planned Action Site and Interstate 5. During the course of redevelopment, Tier 2 trees may be preserved if site conditions allow and the applicant so chooses.

Replacement trees provided pursuant to this plan may include plantings on lots or in abutting rights-of-way, if approved by the Director of Transportation. All tree plantings shall conform to provisions in DPD Director's Rule 10-2011, including but not limited to soil amendments and tree spacing. For trees that will

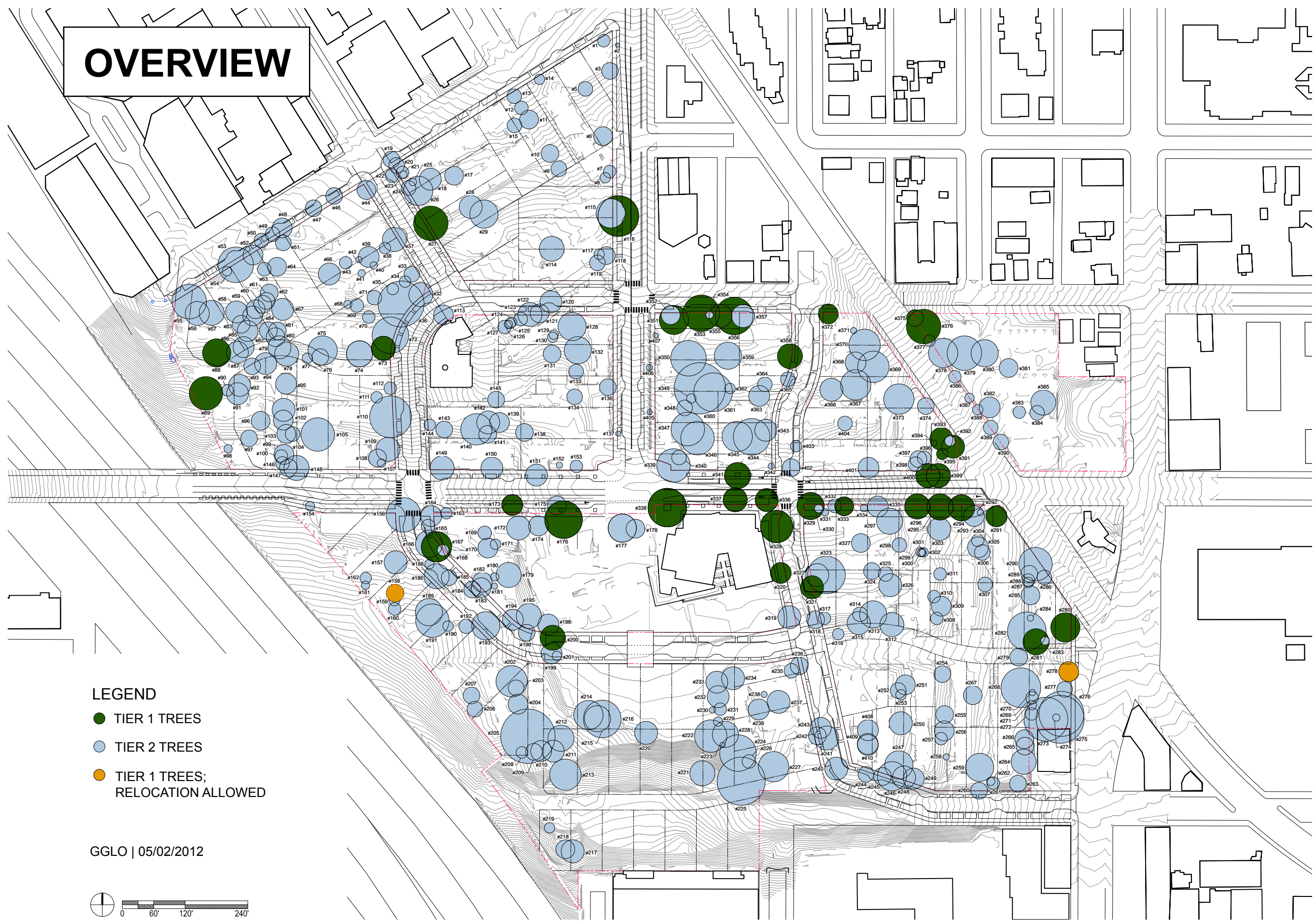
be preserved, protection techniques shall be identified in Master Use Permit, demolition, and building permit applications.

At a minimum, project proposals for lots that include or are adjacent to Tier 1 trees shall:

- Use fences and signage to protect trees and their critical root zones (CRZs, as defined in City of Seattle 2011 Standard Plan #133) during construction, consistent with DPD Director’s Rule 10-2011.
- Design buildings, underground structures, sidewalks, roads, and other hardscape elements to avoid disturbance of trees and their CRZs.
- Install new trees and other landscape features in a manner that does not negatively affect the health of preserved trees, consistent with DPD Director’s Rule 10-2011.
- Comply with any other specific arboricultural techniques that DPD or SDOT deems necessary for preservation given specific site conditions.

The figures and table show trees in the portion of the Yesler Terrace Redevelopment Area east of Boren Avenue, which is outside the Planned Action Site. The information in this Tree Protection Plan will be taken into account by DPD in reviewing permit applications in the area east of Boren. However, the Planned Action Ordinance and its Exhibit C Tree Protection Plan do not apply as requirements to permit applications or development outside the Planned Action Site.

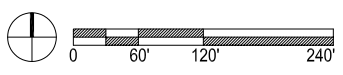
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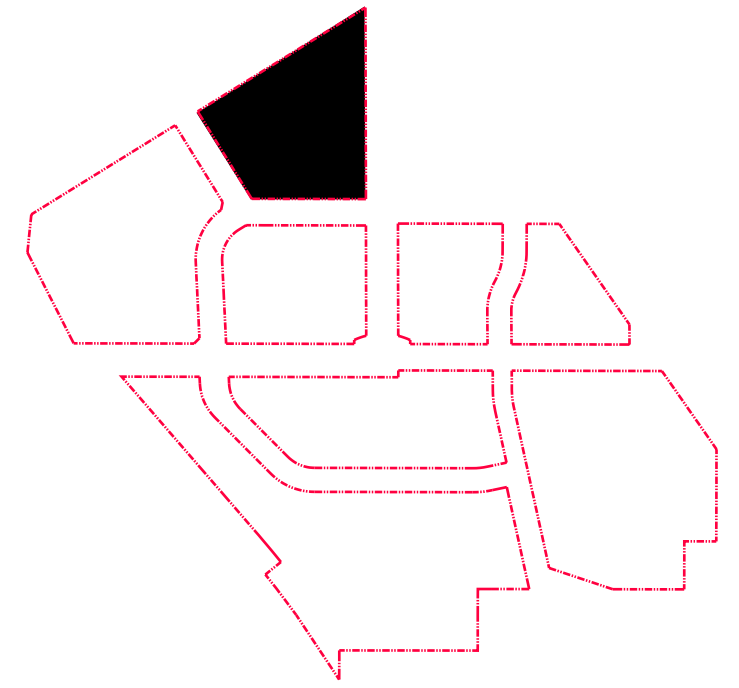
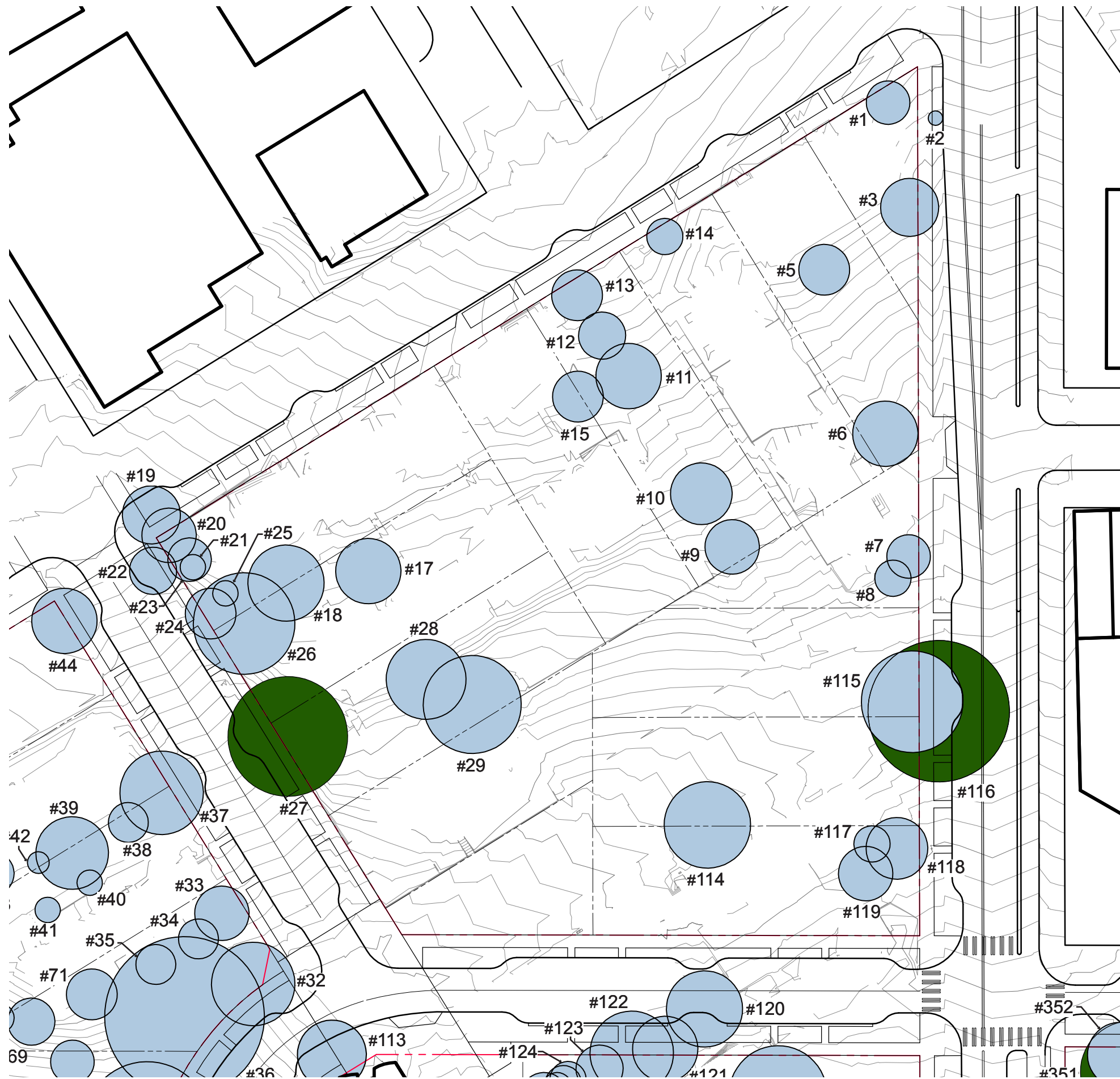


LEGEND

- TIER 1 TREES
- TIER 2 TREES
- TIER 1 TREES; RELOCATION ALLOWED

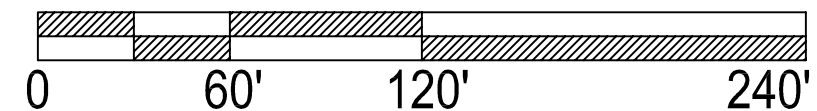
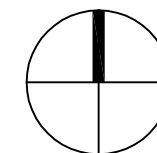
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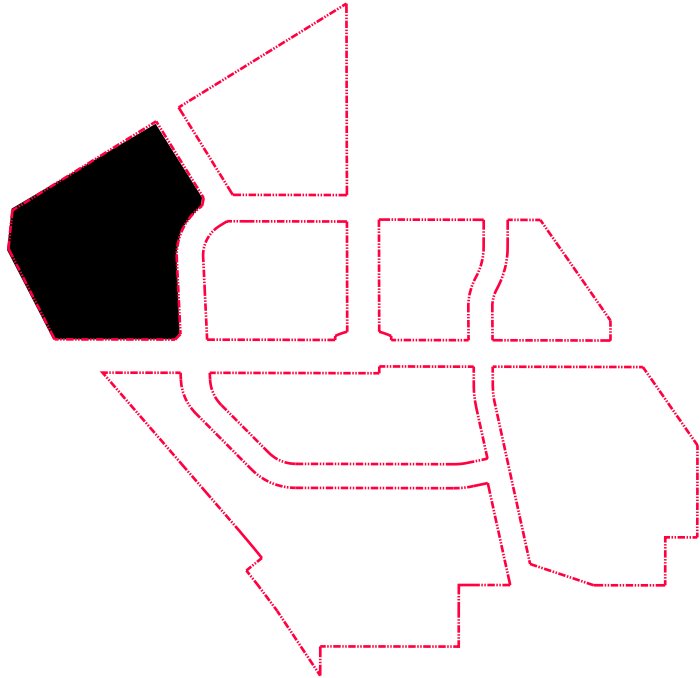
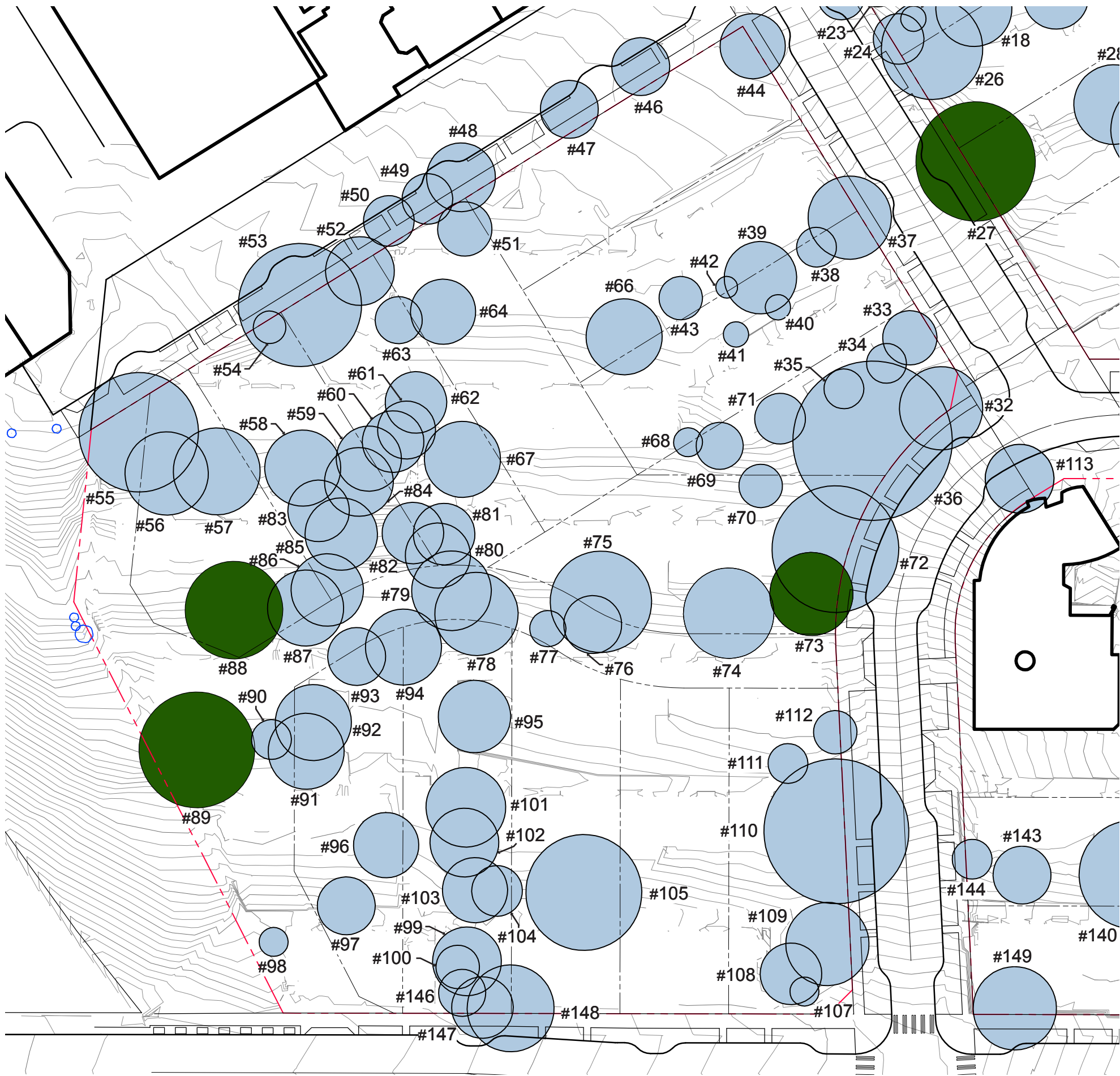




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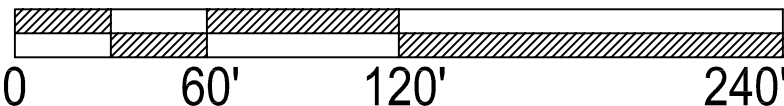
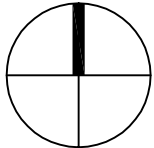
- TIER 1 TREES
- TIER 2 TREES
- TIER 1 TREES;
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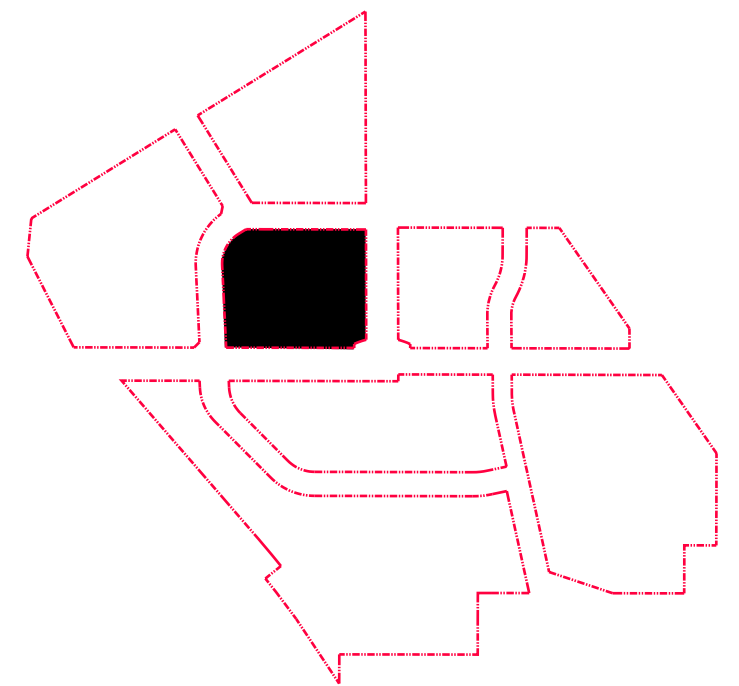
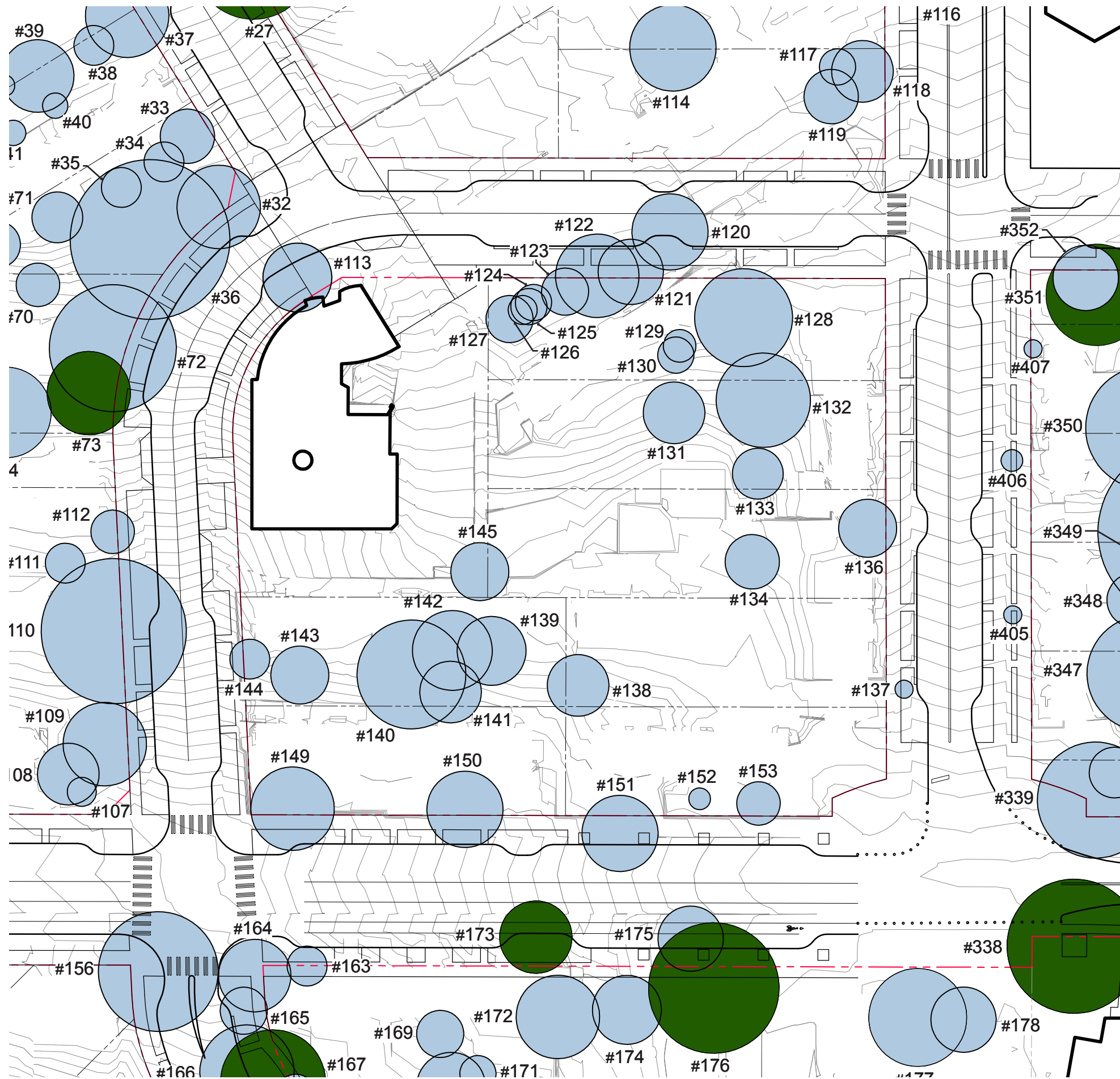




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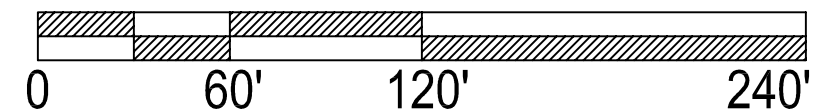
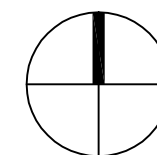
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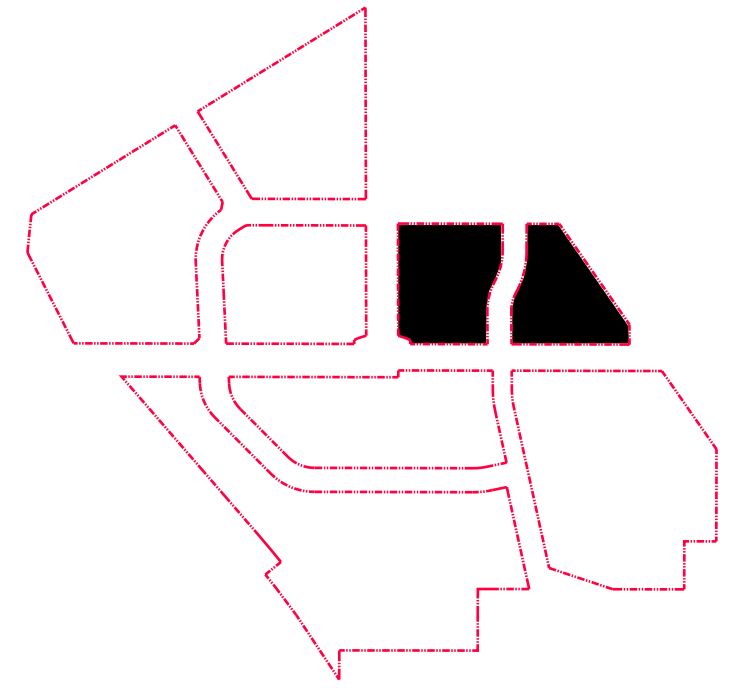
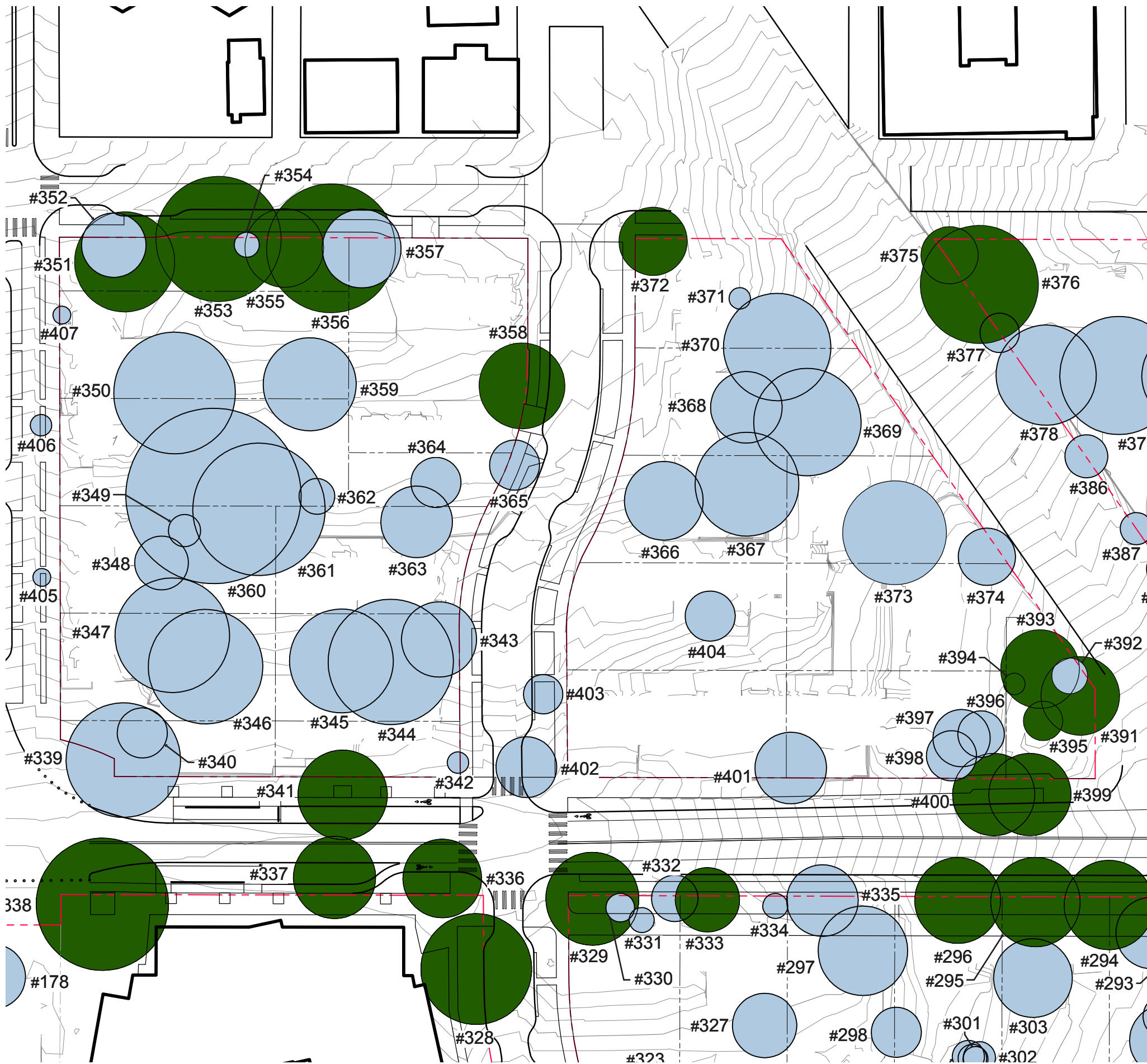




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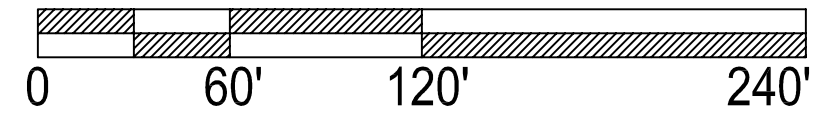
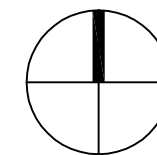
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RELOCATION ALLOWED

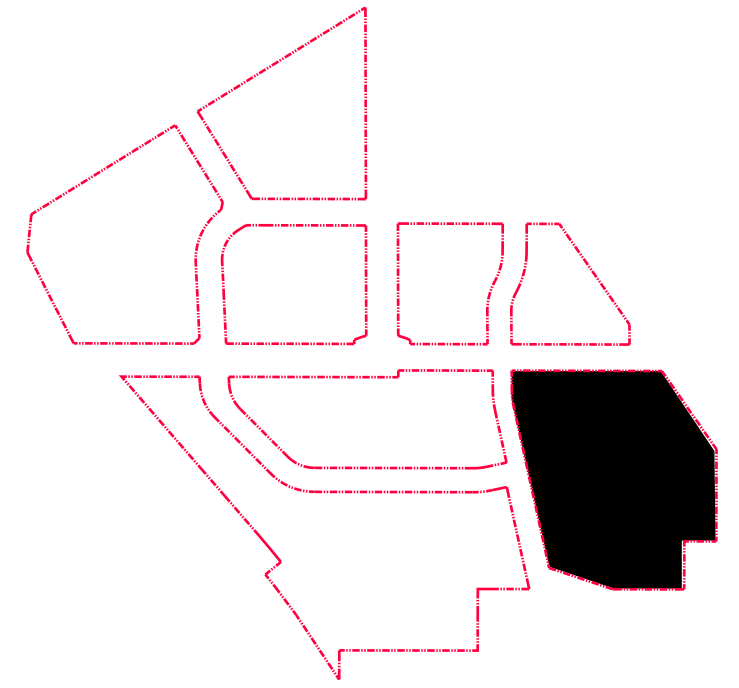
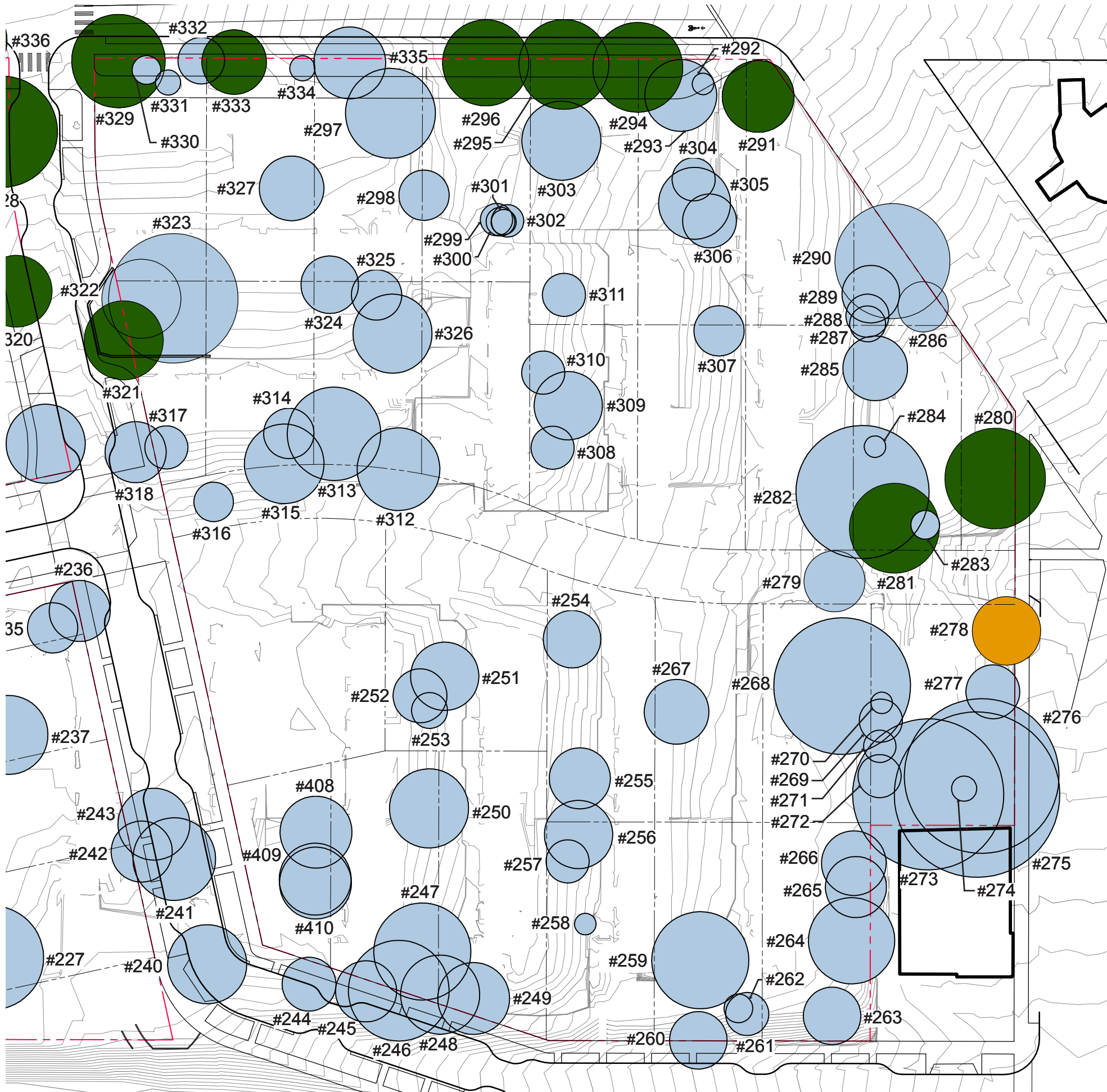




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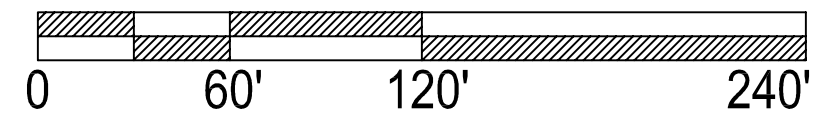
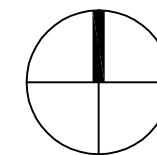
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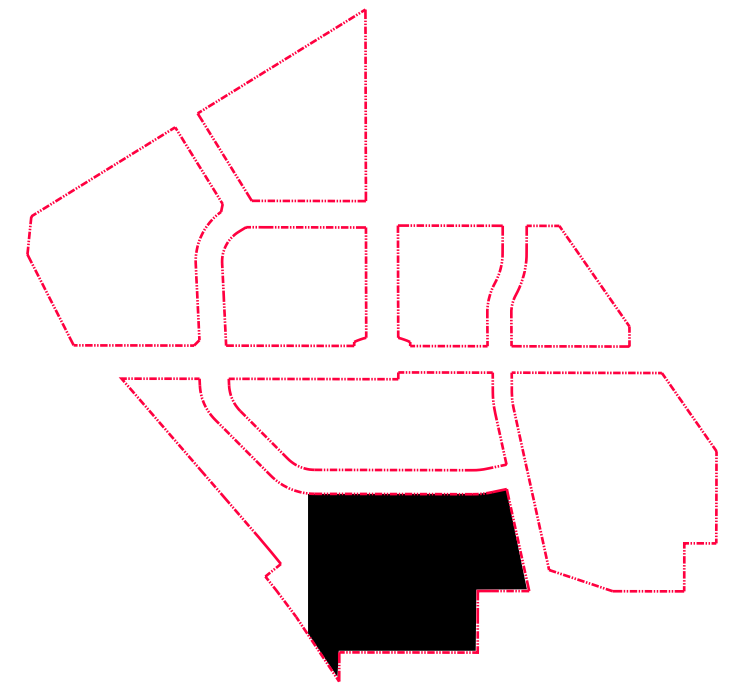
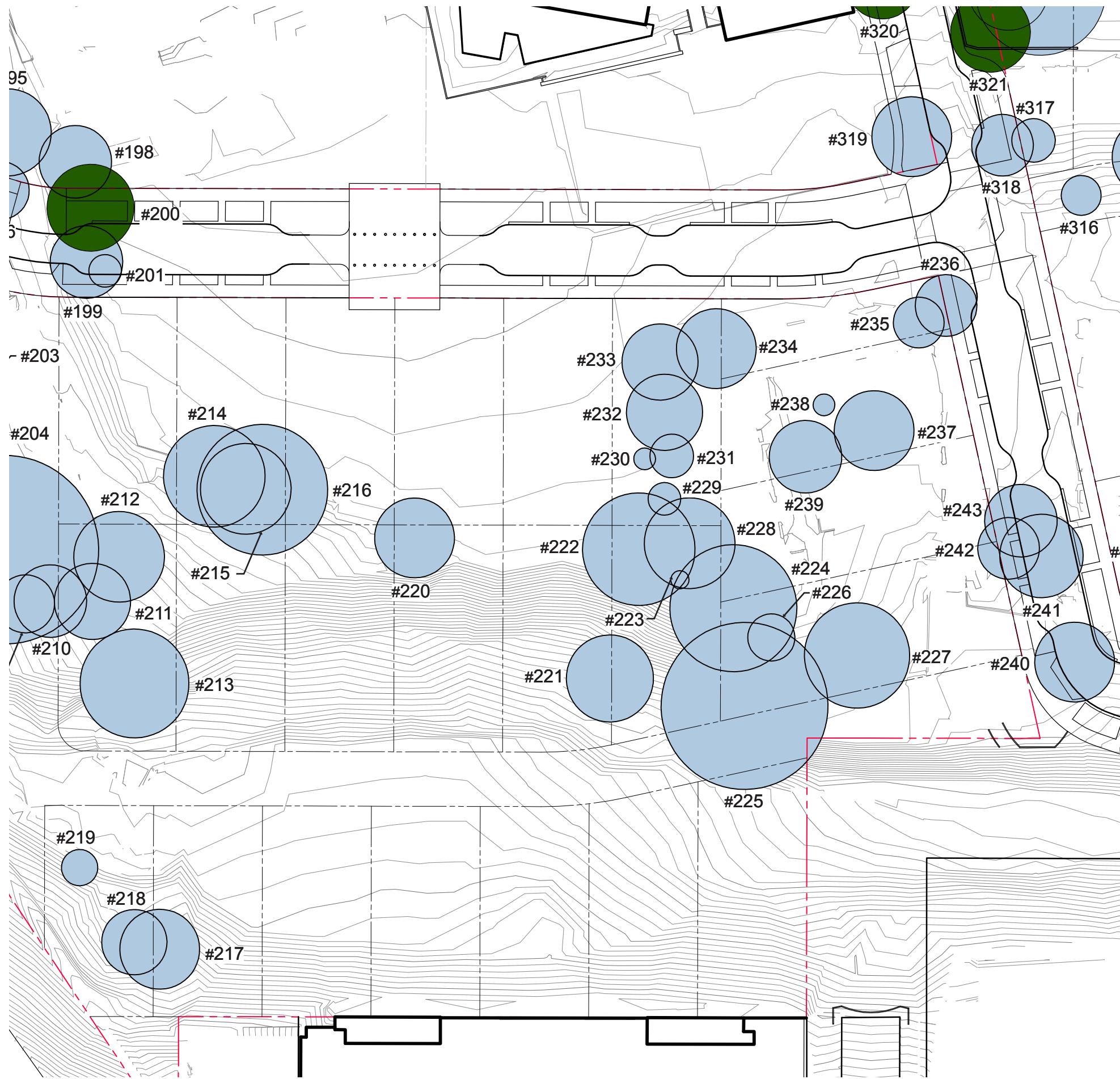




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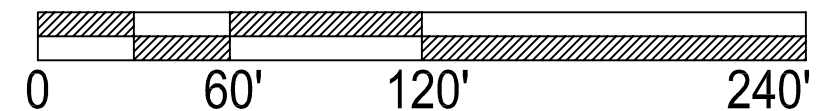
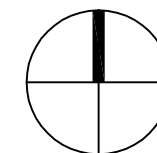
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- TIER 2 TREES
- TIER 1 TREES;
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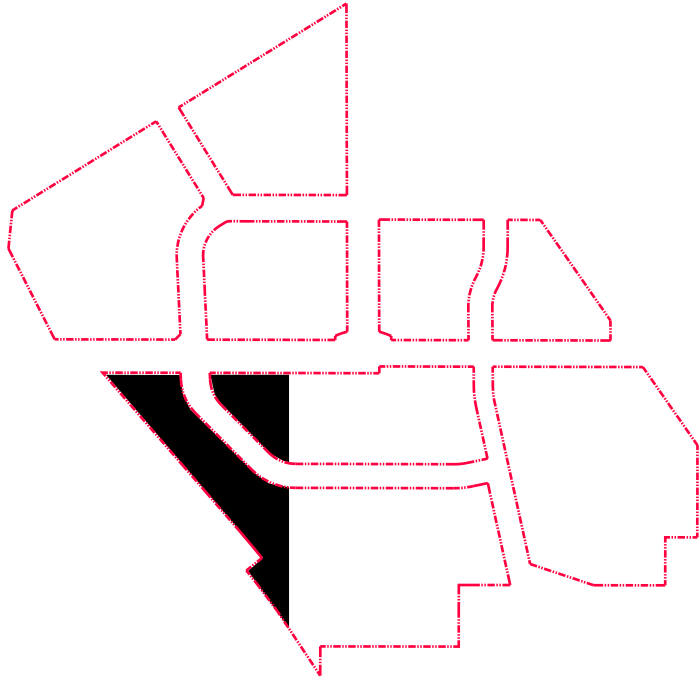
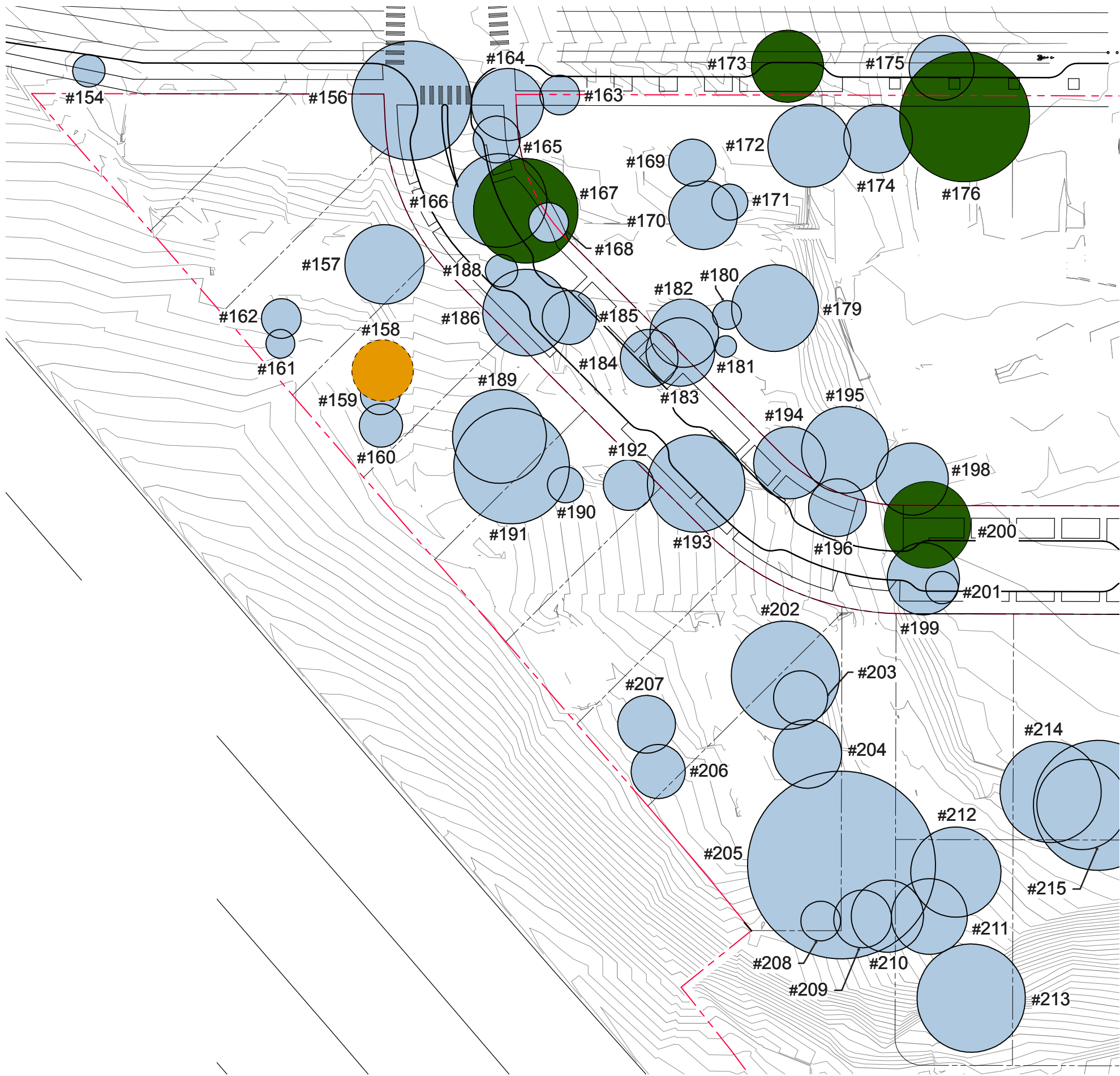




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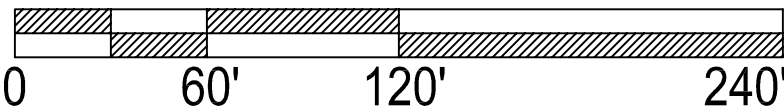
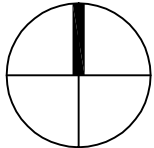
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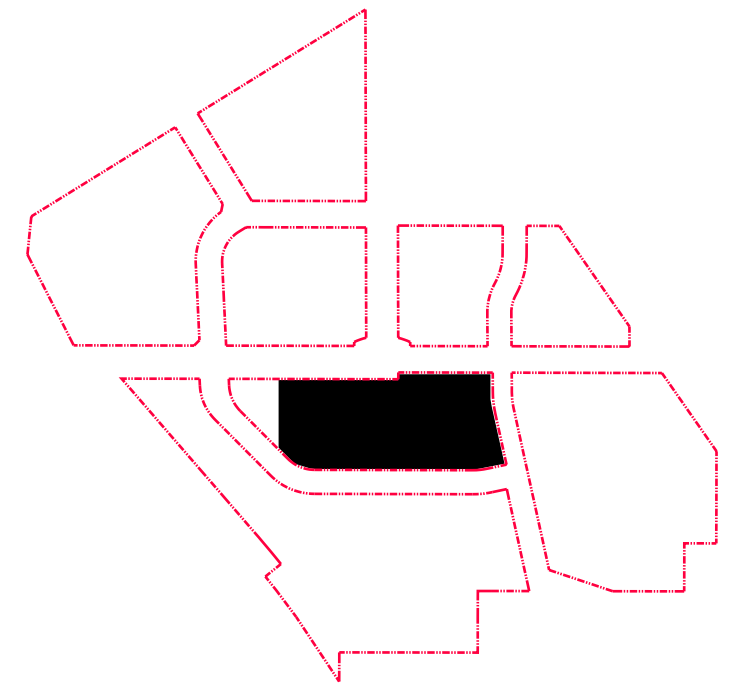
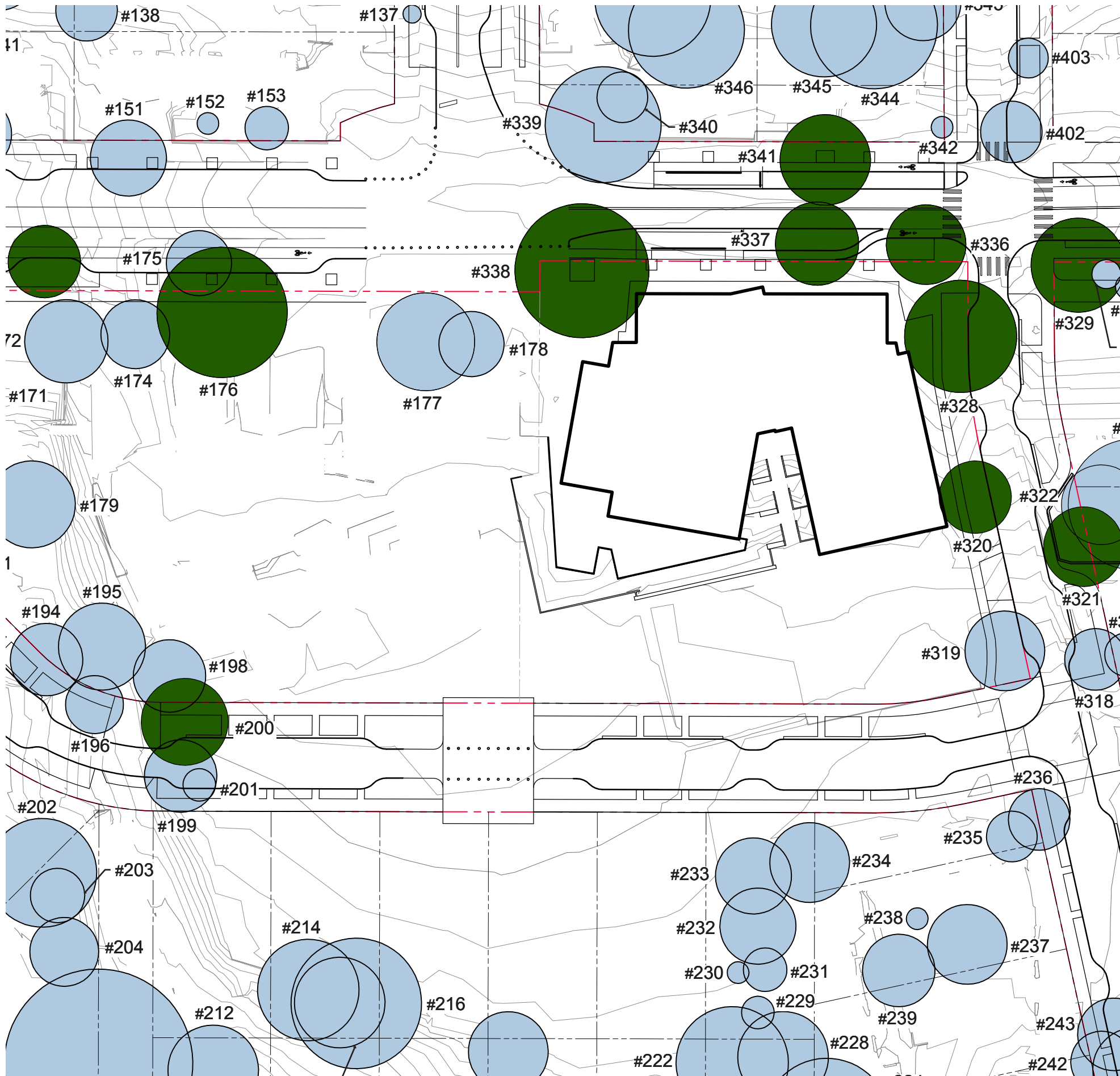




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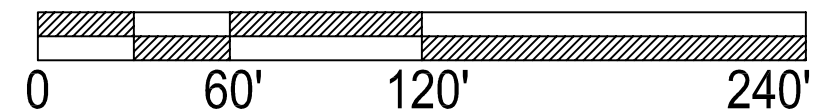
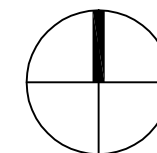
- TIER 1 TREES
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RELOCATION ALLOWED





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- TIER 1 TREES
- TIER 2 TREES
- TIER 1 TREES;
RELOCATION ALLOWED



Tree Protection Plan Inventory

TIER 1
TIER 2
TIER 1; RELOCATION ALLOWED

Tree information based on Appendix G of the "Yesler Terrace Redevelopment Draft EIS" (October, 2010). Gaps in tree tag numbers indicate trees that were removed prior to January 1, 2012.

Tree Tag #	Tier #	Botanical Name	Common Name	Notes
1	2	Mountain pine	Pinus mugo ssp. Uncinata	
2	2	Thornless cockspur hawthorn	Crataegus crus-gali 'Inermis'	
3	2	Norway maple	Acer platanoides	
4	2	European white birch	Betula pendula	
6	2	Scots pine	Pinus sylvestris	
7	2	European white birch	Betula pendula	
8	2	European white birch	Betula pendula	
9	2	Norway maple	Acer platanoides	
10	2	Norway maple	Acer platanoides	
11	2	Norway maple	Acer platanoides	
12	2	Norway maple	Acer platanoides	
13	2	Norway maple	Acer platanoides	
14	2	Port Orford cedar	Chamaecyparis lawsoniana	
15	2	Scots pine	Pinus sylvestris	
17	2	European white birch	Betula pendula	
18	2	Norway maple	Acer platanoides	
19	2	Port Orford Cedar cultivar	Chamaecyparis lawsoniana	
20	2	Sawara falsecypress	Chamaecyparis pisifera	
21	2	Norway spruce	Picea abies	
22	2	Portuguese laurel	Prunus lucitanica	
23	2	Portuguese laurel	Prunus lucitanica	
24	2	Japanese white pine	Pinus parviflora	
25	2	Japanese white pine	Pinus parviflora	
26	2	Red oak	Quercus rubra	
27	1	Red oak	Quercus rubra	
28	2	Norway maple	Acer platanoides	
29	2	Norway maple	Acer platanoides	
32	2	Mountain pine	Pinus mugo ssp. uncinata	
33	2	Hinoki falsecypress cypress	Chamaecyparis obtusa	
34	2	English holly	Ilex aquifolium	
35	2	English holly	Ilex aquifolium	
36	2	Mountain ash	Sorbus aucuparia	
37	2	Norway maple	Acer platanoides	

Tree Tag #	Tier #	Botanical Name	Common Name	Notes
38	2	European white birch	Betula pendula	
39	2	Western red cedar	Thuja plicata	
40	2	Fraser photinia	Photinia x fraseri	
41	2	Fraser photinia	Photinia x fraseri	
42	2	Rocky Mountain glow maple	Acer grandidentatum 'Schmidt	
43	2	European white birch	Betula pendula	
44	2	Norway maple	Acer platanoides	
46	2	Norway maple	Acer platanoides	
47	2	Norway maple	Acer platanoides	
48	2	Norway maple	Acer platanoides	
49	2	Norway maple	Acer platanoides	
50	2	Norway maple	Acer platanoides	
51	2	European white birch	Betula pendula	
52	2	Lavalle hawthorn	Crataegus x lavalley	
53	2	Siberian elm	Ulmus pumila	
54	2	Vine maple	Acer circinatum	
55	2	Siberian elm	Ulmus pumila	
56	2	Norway maple	Acer platanoides	
57	2	Norway maple	Acer platanoides	
58	2	Norway maple	Acer platanoides	
59	2	Chinese juniper	Juniperus chinensis	
60	2	Chinese juniper	Juniperus chinensis	
61	2	Chinese juniper	Juniperus chinensis	
62	2	Chinese juniper	Juniperus chinensis	
63	2	Norway spruce	Picea abies	
64	2	Douglas-fir	Pseudotsuga menzeisii	
66	2	Norway maple	Acer platanoides	
67	2	Chinese juniper	Juniperus chinensis	
68	2	Pink flowering dogwood	Cornus florida 'Cherokee Chief'	
69	2	Chinese photinia	Photinia serrulata	
70	2	Scots pine	Pinus sylvestris	
71	2	Hinoki falsecypress cypress	Chamaecyparis obtusa	
72	2	Blue Atlas cedar	Cedrus atlantica 'Glauca'	
73	1	Deodor cedar	Cedrus deodara	
74	2	Norway maple	Acer platanoides	
75	2	Purple-leaf plum	Prunus cerasifera 'Atropurpurea'	
76	2	Chinese photinia	Photinia serrulata	
77	2	English holly	Ilex aquifolium	

Tree Tag #	Tier #	Botanical Name	Common Name	Notes
78	2	Chinese juniper	Juniperus chinensis	
79	2	Chinese juniper	Juniperus chinensis	
80	2	Port Orford Cedar	Chamaecyparis lawsoniana	
81	2	Chinese juniper	Juniperus chinensis	
82	2	Chinese juniper	Juniperus chinensis	
83	2	Chinese juniper	Juniperus chinensis	
84	2	Chinese juniper	Juniperus chinensis	
85	2	Chinese juniper	Juniperus chinensis	
86	2	Chinese juniper	Juniperus chinensis	
87	2	Chinese juniper	Juniperus chinensis	
88	1	Norway maple	Acer platanoides	
89	1	Black locust	Robinia pseudoacacia	
90	2	English holly	Ilex aquifolium	
91	2	Chinese juniper	Juniperus chinensis	
92	2	Chinese juniper	Juniperus chinensis	
93	2	Chinese juniper	Juniperus chinensis	
94	2	Chinese juniper	Juniperus chinensis	
95	2	Chinese juniper	Juniperus chinensis	
96	2	Lavalle hawthorn	Crataegus x lavalleyi	
97	2	European white birch	Betula pendula	
98	2	Arborvitae	Thuja occidentalis 'Pyramidalis'	
99	2	Silver maple	Acer saccharinum	
100	2	European white birch	Betula pendula	
101	2	Chinese juniper	Juniperus chinensis	
102	2	Lavalle hawthorn	Crataegus x lavalleyi	
103	2	Chinese juniper	Juniperus chinensis	
104	2	Hinoki falsecypress cypress	Chamaecyparis obtusa	
105	2	Norway maple	Acer platanoides	
107	2	Flowering dogwood	Cornus florida	
108	2	Scots pine	Pinus sylvestris	
109	2	Norway maple	Acer platanoides	
110	2	Atlas cedar	Cedrus atlantica	
111	2	Fruiting apple	Malus sp.	
112	2	Sawara falsecypress	Chamaecyparis pisifera	
113	2	Lavalle hawthorn	Crataegus x lavalleyi	
114	2	Horsechestnut	Aesculus hippocastanum	
115	2	English oak	Quercus robur	
116	1	English oak	Quercus robur	

Tree Tag #	Tier #	Botanical Name	Common Name	Notes
117	2	Fruiting plum	prunus x domestica	
118	2	Norway maple	Acer platanoides	
119	2	Sawara falsecypress	Chamaecyparis pisifera	
120	2	European white birch	Betula pendula	
121	2	Lavalle hawthorn	Crataegus x lavalley	
122	2	European white birch	Betula pendula	
123	2	European white birch	Betula pendula	
124	2	Sawara falsecypress	Chamaecyparis pisifera	
125	2	Sawara falsecypress	Chamaecyparis pisifera	
126	2	Sawara falsecypress	Chamaecyparis pisifera	
127	2	Sawara falsecypress	Chamaecyparis pisifera	
128	2	Western red cedar	Thuja plicata	
129	2	English holly	Ilex aquifolium	
130	2	Purple-leaf plum	Prunus cerasifera 'Atropurpurea'	
131	2	European white birch	Betula pendula	
132	2	White mulberry	Morus alba	
133	2	Garden plum	Prunus sp.	
134	2	Sawara falsecypress	Chamaecyparis pisifera	
136	2	Western red cedar	Thuja plicata	
137	2	Rocky Mountain glow maple	Acer grandidentatum 'Schmidt'	
138	2	Sawara falsecypress	Chamaecyparis pisifera	
139	2	Port Orford Cedar	Chamaecyparis lawsoniana	
140	2	Port Orford Cedar	Chamaecyparis lawsoniana	
141	2	Sawara falsecypress	Chamaecyparis pisifera	
142	2	Horsechestnut	Aesculus hippocastanum	
143	2	Fruiting cherry	Prunus sp.	
144	2	Sawara falsecypress	Chamaecyparis pisifera	
145	2	Norway spruce	Picea abies	
146	2	Sawara falsecypress	Chamaecyparis pisifera	
147	2	Green ash	Fraxinus pennsylvanica	
148	2	White poplar	Populus alba	
149	2	Sawara falsecypress	Chamaecyparis pisifera	
150	2	Sawara falsecypress	Chamaecyparis pisifera	
151	2	Red oak	Quercus rubra	
152	2	Norway maple	Acer platanoides	
153	2	Mazzard cherry	Prunus avium	
154	2	Arborvitae	Thuja plicata 'Pyramidalis'	
156	2	Red oak	Quercus rubra	

Tree Tag #	Tier #	Botanical Name	Common Name	Notes
157	2	Sawara falsecypress	Chamaecyparis pisifera	
158	1	Japanese maple	Acer palmatum	Tree to be relocated
159	2	Hinoki falsecypress	Chamaecyparis obtusa	
160	2	Katsura	Cercidiphyllum japonicum	
161	2	Port Orford cedar	Chamaecyparis lawsoniana	
162	2	Saucer magnolia	Magnolia x soulangeana, 'Rustica Rubra'	
163	2	Western red cedar	Thuja plicata	
164	2	Juniper	Juniperus sp.	
165	2	English holly	Ilex aquifolium	
166	2	Norway maple	Acer platanoides	
167	1	Yellow Buckeye	Aesculus octanda	
168	2	Italian stone pine	Pinus pinea	
169	2	European white birch	Betula pendula	
170	2	Russian olive	Eleagnus angustifolia	
171	2	Purple-leaf plum	Prunus cerasifera 'Atropurpurea'	
172	2	Western red cedar	Thuja plicata	
173	1	Douglas-fir	Pseudotsuga menzeisii	
174	2	Lavalle hawthorn	Crataegus x lavalleyi	
175	2	Thundercloud flowering plum	Prunus cerasifera 'Thundercloud'	
176	1	Black locust	Robinia pseudoacacia	
177	2	Blue Atlas cedar	Cedrus atlantica 'Glaucua'	
178	2	Sawara falsecypress	Chamaecyparis pisifera	
179	2	Western red cedar	Thuja plicata	
180	2	English holly	Ilex aquifolium	
181	2	Norway maple	Acer platanoides	
182	2	Fruit plum	Prunus sp.	
183	2	Scots pine	Pinus sylvestris	
184	2	European white birch	Betula pendula	
185	2	European white birch	Betula pendula	
186	2	Norway maple	Acer platanoides	
188	2	Little leaf linden	Tilia cordata	
189	2	Schwedler Maple	Acer platanoides 'Schwedleri'	
190	2	Yellow Buckeye	Aesculus octanda	
191	2	European white birch	Betula pendula	
192	2	European white birch	Betula pendula	
193	2	European white birch	Betula pendula	
194	2	Sawara falsecypress	Chamaecyparis pisifera	
195	2	Port Orford cedar	Chamaecyparis lawsoniana	

Tree Tag #	Tier #	Botanical Name	Common Name	Notes
196	2	Norway maple	Acer platanoides	
198	2	Chinese juniper	Juniperus chinensis	
199	2	Norway maple	Acer platanoides	
200	1	Red oak	Quercus rubra	
201	2	European white birch	Betula pendula	
202	2	Norway maple	Acer platanoides	
203	2	Chinese juniper	Juniperus chinensis	
204	2	Mazzard cherry	Prunus avium	
205	2	Black cottonwood	Populus trichocarpa	
206	2	Scots pine	Pinus sylvestris	
207	2	Scots pine	Pinus sylvestris	
208	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'	
209	2	Norway spruce	Picea abies	
210	2	Horsechestnut	Aesculus hippocastanum	
211	2	Norway maple	Acer platanoides	
212	2	Western red cedar	Thuja plicata	
213	2	Norway maple	Acer platanoides	
214	2	Norway maple	Acer platanoides	
215	2	Black locust	Robinia pseudoacacia	
216	2	Black locust	Robinia pseudoacacia	
217	2	Weeping willow	Salix babylonica	
218	2	Purple-leaf plum	Prunus cerasifera 'Atropurpurea'	
219	2	Fruit apple	Malus sp.	
220	2	Norway maple	Acer platanoides	
221	2	Norway maple	Acer platanoides	
222	2	Norway maple	Acer platanoides	
223	2	Grand fir	Abies grandis	
224	2	Black locust	Robinia pseudoacacia	
225	2	Black cottonwood	Populus trichocarpa	
226	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'	
227	2	Black locust	Robinia pseudoacacia	
228	2	Horsechestnut	Aesculus hippocastanum	
229	2	Western red cedar	Thuja plicata	
230	2	Norway maple	Acer platanoides	
231	2	European white birch	Betula pendula	
232	2	Sawara falsecypress	Chamaecyparis pisifera	
233	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'	
234	2	Sawara falsecypress	Chamaecyparis pisifera	

Tree Tag #	Tier #	Botanical Name	Common Name	Notes
235	2	Chinese photinia	Photinia serrulata	
236	2	Norway spruce	Picea abies	
237	2	Sawara falsecypress	Chamaecyparis pisifera	
238	2	Fruit plum	Prunus sp.	
239	2	Norway maple	Acer platanoides	
240	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'	
241	2	Norway maple	Acer platanoides	
242	2	Douglas-fir	Pseudotsuga menziesii	
243	2	Douglas-fir	Pseudotsuga menziesii	
244	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'	
245	2	Cherry	Prunus sp.	
246	2	Atlas cedar	Cedrus atlantica	
247	2	Norway maple	Acer platanoides	
248	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'	
249	2	Fruit plum	Prunus sp.	
250	2	Western red cedar	Thuja plicata	
251	2	Norway maple	Acer platanoides	
252	2	Sawara falsecypress	Chamaecyparis pisifera	
253	2	Norway maple	Acer platanoides	
254	2	Sawara falsecypress	Chamaecyparis pisifera	
255	2	Sawara falsecypress	Chamaecyparis pisifera	
256	2	Sawara falsecypress	Chamaecyparis pisifera	
257	2	Fruit plum	Prunus sp.	
258	2	Saucer magnolia	Magnolia soulangean	
259	2	Norway maple	Acer platanoides	
260	2	Fruit pear	Pyrus sp.	
261	2	Norway maple	Acer platanoides	
262	2	Lilac	Syringa vulgaris	
263	2	English yew	Taxus baccata	
264	2	Black locust	Robinia pseudoacacia	
265	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'	
266	2	Fruit Cherry	Prunus sp.	
267	2	Eucalyptus	Eucalyptus sp.	
268	2	Bigleaf maple	Acer macrophyllum	
269	2	Fruit plum	Prunus sp.	
270	2	Lombardy poplar	Populus nigra 'Italica'	
271	2	Norway maple	Acer platanoides	
272	2	Norway maple	Acer platanoides	

Tree Tag #	Tier #	Botanical Name	Common Name	Notes
273	2	Lombardy poplar	Populus nigra 'Italica'	
274	2	Sawara falsecypress	Chamaecyparis pisifera	
275	2	Lombardy poplar	Populus nigra 'Italica'	
276	2	Lombardy poplar	Populus nigra 'Italica'	
277	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'	
278	1	Japanese white pine	Pinus parviflora	Tree to be relocated
279	2	Norway maple	Acer platanoides	
280	1	Deodor cedar	Cedrus deodara	
281	1	Horsechestnut	Aesculus hippocastanum	
282	2	Deodor cedar	Cedrus deodara	
283	2	Sawara falsecypress	Chamaecyparis pisifera	
284	2	Flowering Cherry	Prunus sp.	
285	2	Flowering Cherry	Prunus sp.	
286	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'	
287	2	Portuguese laurel	Prunus lucitanica	
288	2	Portuguese laurel	Prunus lucitanica	
289	2	Sawara falsecypress	Chamaecyparis pisifera	
290	2	Black locust	Robinia pseudoacacia	
291	1	Sawara falsecypress	Chamaecyparis pisifera 'Boulevard'	
292	2	Mountain pine	Pinus mugo ssp. uncinata	
293	2	Chinese photinia	Photinia serrulata	
294	1	Port Orford Cedar	Chamaecyparis lawsoniana	
295	1	Port Orford Cedar	Chamaecyparis lawsoniana	
296	1	Port Orford Cedar	Chamaecyparis lawsoniana	
297	2	Port Orford Cedar	Chamaecyparis lawsoniana	
298	2	Sawara falsecypress	Chamaecyparis pisifera 'Plumosa Aurea'	
299	2	Arborvitae	Thuja occidentalis 'Pyramidalis'	
300	2	Arborvitae	Thuja occidentalis 'Pyramidalis'	
301	2	Arborvitae	Thuja occidentalis 'Pyramidalis'	
302	2	Arborvitae	Thuja occidentalis 'Pyramidalis'	
303	2	Mazzard cherry	Prunus avium	
304	2	English holly	Ilex aquifolium	
305	2	Sawara falsecypress	Chamaecyparis pisifera	
306	2	Scots pine	Pinus sylvestris	
307	2	Mazzard cherry	Prunus avium	
308	2	Douglas-fir	Pseudotsuga menzeisii	
309	2	Norway spruce	Picea abies	
310	2	Norway maple	Acer platanoides	

Tree Tag #	Tier #	Botanical Name	Common Name	Notes
311	2	Fruit Cherry	Prunus sp.	
312	2	Norway maple	Acer platanoides	
313	2	Western red cedar	Thuja plicata	
314	2	Sycamore maple	Acer pseudoplatanus	
315	2	Sawara falsecypress	Chamaecyparis pisifera	
316	2	Sycamore maple	Acer pseudoplatanus	
317	2	Scots pine	Pinus sylvestris	
318	2	Norway spruce	Picea abies	
319	2	Norway maple	Acer platanoides	
320	1	Norway maple	Acer platanoides	
321	1	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'	
322	2	Silver maple	Acer saccharinum	
323	2	Silver maple	Acer saccharinum	
324	2	Western red cedar	Thuja plicata	
325	2	Fruit Cherry	Prunus sp.	
326	2	Norway maple	Acer platanoides	
327	2	Honey locust	Gleditsia triacanthos	
328	1	Sweet gum	Liquidambar styraciflua	
329	1	Port Orford Cedar	Chamaecyparis lawsoniana	
330	2	Flowering plum	Prunus sp.	
331	2	Purple-leaf plum	Prunus cerasifera 'Atropurpurea'	
332	2	European white birch	Betula pendula	
333	1	Scots pine	Pinus sylvestris	
334	2	English holly	Ilex aquifolium	
335	2	Scots pine	Pinus sylvestris	
336	1	Red oak	Quercus rubra	
337	1	Red oak	Quercus rubra	
338	1	Red oak	Quercus rubra	
339	2	American elm	Ulmus americana	
340	2	Green ash	Fraxinus pennsylvanica	
341	1	Red oak	Quercus rubra	
342	2	Flowering cherry	Prunus serrulata	
343	2	Black locust	Robinia pseudoacacia	
344	2	Siberian elm	Ulmus pumila	
345	2	Norway maple	Acer platanoides	
346	2	Scots pine	Pinus sylvestris	
347	2	Norway maple	Acer platanoides	
348	2	Norway maple	Acer platanoides	

Tree Tag #	Tier #	Botanical Name	Common Name	Notes
349	2	Norway spruce	Picea abies	
350	2	Norway maple	Acer platanoides	
351	1	Western red cedar	Thuja plicata	
352	2	Scots pine	Pinus sylvestris	
353	1	Monterey cypress	Cupressus macrocarpa	
354	2	English holly	Ilex aquifolium	
355	1	Norway maple	Acer platanoides	
356	1	Siberian elm	Ulmus pumila	
357	2	Western red cedar	Thuja plicata	
358	1	Chinese photinia	Photinia serrulata	
359	2	Siberian elm	Ulmus pumila	
360	2	English elm	Ulmus procera	
361	2	Siberian elm	Ulmus pumila	
362	2	Plum	Prunus sp.	
363	2	Norway spruce	Picea abies	
364	2	Black locust	Robinia pseudoacacia	
365	2	Chinese juniper	Juniperus chinensis	
366	2	Norway maple	Acer platanoides	
367	2	Western red cedar	Thuja plicata	
368	2	Chinese photinia	Photinia serrulata	
369	2	Western red cedar	Thuja plicata	
370	2	Norway maple	Acer platanoides	
371	2	Black locust	Robinia pseudoacacia	
372	1	Norway spruce	Picea abies	
373	2	Norway maple	Acer platanoides	
374	2	Chinese photinia	Photinia serrulata	
375	1	Norway maple	Acer platanoides	
376	1	Red oak	Quercus rubra	
377	2	Honey locust	Gleditsia triacanthos	
378	2	Norway maple	Acer platanoides	
379	2	Norway maple	Acer platanoides	
380	2	Norway maple	Acer platanoides	
381	2	Norway maple	Acer platanoides	
382	2	Western red cedar	Thuja plicata	
383	2	Chinese juniper	Juniperus chinensis	
384	2	Scots pine	Pinus sylvestris	
385	2	Norway maple	Acer platanoides	
386	2	Honey locust	Gleditsia triacanthos	

Tree Tag #	Tier #	Botanical Name	Common Name	Notes
387	2	Honey locust	Gleditsia triacanthos	
388	2	Honey locust	Gleditsia triacanthos	
389	2	Honey locust	Gleditsia triacanthos	
390	2	Honey locust	Gleditsia triacanthos	
391	1	Western red cedar	Thuja plicata	
392	2	Siberian elm	Ulmus pumila	
393	1	Norway spruce	Picea abies	
394	1	Port Orford Cedar	Chamaecyparis lawsoniana	
395	1	Rocky Mountain Ponderosa Pine	Pinus ponderosa var. scopulorum	
396	2	Scots pine	Pinus sylvestris	
397	2	Norway spruce	Picea abies	
398	2	Mazzard cherry	Prunus avium	
399	1	Norway maple	Acer platanoides	
400	1	Norway maple	Acer platanoides	
401	2	Scots pine	Pinus sylvestris	
402	2	Western red cedar	Thuja plicata	
403	2	Common or English Hawthorn	Crataegus monogyna	
404	2	Norway maple	Acer platanoides	
405	2	Thornless cockspur hawthorn	Crataegus crus-gali 'Inermis'	
406	2	Thornless cockspur hawthorn	Crataegus crus-gali 'Inermis'	
407	2	Mazzard cherry	Prunus avium	
408	2	Sawara falsecypress	Chamaecyparis pisifera	
409	2	Pussy willow	Salix caprea	
410	2	Pussy willow	Salix caprea	

Yesler Terrace Planned Action Exhibit C to Ordinance: Tree Protection Plan

INTRODUCTION

This tree protection plan has been updated to reflect conditions on the site, which have changed during the course of implementation of the planned action since this Exhibit C, originally dated July 25, 2012, was adopted by the City Council.

In preparing the Yesler Terrace Environmental Impact Statement, Seattle Housing Authority and the City of Seattle conducted a thorough inventory and analysis of trees at the Yesler Terrace Planned Action Site (Planned Action Ordinance Exhibit A). The City has used this analysis, together with the redevelopment plan adopted by the Seattle Housing Authority Board of Commissioners, to develop a tree protection plan requiring protection of certain existing trees over the course of redevelopment at Yesler Terrace. This analysis was required as a result of the FEIS and identified mitigation. The updates to the tree protection plan satisfy the mitigation described in the FEIS.

The inventory included an evaluation of health for each tree, and a determination of exceptional tree status, pursuant to Department of Construction and Inspections Director's Rule 30-2015, or subsequent rule. In addition to classification of each tree as an exceptional or non-exceptional tree, the inventory included consideration of a third category: "valuable trees" are non-exceptional trees that have preservation value, either as a result of their size and vigor, or because of their proximity to exceptional trees.

For each tree existing on the Planned Action Site as of January 1, 2012, this revised document either designates preservation during redevelopment or authorizes removal. In addition to the tree preservation requirements stated here, development at Yesler Terrace shall provide new trees and landscape features consistent with the Seattle Green Factor and street tree requirements in Chapter 23.75 of the Land Use Code. Land Use Code requirements and Street Improvement Permit conditions may require more trees than the preserved and replacement trees provided pursuant to this document.

REQUIREMENTS

In applying this document SDCI shall be responsible for trees shown on this tree protection plan that are on private property and not within a street-right-of-way within the boundaries of the Yesler Terrace Planned Action Site. It is the responsibility of the Seattle Housing Authority to report on required tree mitigation including providing information needed for SDCI to determine if the proposal meets the PAO requirements, which means the applicant must document tree mitigation compliance within the PAO boundary, off-site citywide tree planting and/or payment in-lieu applicable to both Tier 1 and Tier 2 trees as required in the adopted

Cooperative Agreement. Compliance with all tree mitigation requirements is to be reported after total build-out of the Planned Action. This reporting on behalf of SHA is not intended to be required as part of the permit review process or necessary in order for SHA to obtain grading, demolition, master use, or building permits. The annual report that SHA submits to the SDCI Director required by the Cooperative Agreement will satisfy the SHA's reporting requirement. By entering into the Cooperative Agreement SHA is committed to the required tree mitigation.

In the following figures and table, each existing tree within the Yesler Terrace Planned Action Site is assigned to one of the following tiers:

Tier 1: Tier 1 trees are allowed to be removed and replaced at a 10:1 replacement ratio. Tier 1 trees are defined as exceptional or valuable trees in good health, and in locations where preservation can clearly be achieved within the planned street vacation/rededication and redevelopment plan. Trees in this category shall be preserved through protection in place or relocated or removed with the SDCI Director's approval. If a tree in this category is removed or damaged during, before, or after development the Tier 1 tree shall be replaced within the Yesler Terrace Planned Action Site (Exhibit A to the Yesler Planned Action Ordinance), or off-site outside the Planned Action Site in a location identified by SHA and approved by the SDCI Director by 10 replacement trees. Each replacement tree shall be of a size and species determined by SDCI to have a canopy cover potential of at least equal to the tree that was lost. Tree removal mitigation, including replacement trees or payment in-lieu of tree replacement shall be done pursuant to rules promulgated by the SDCI Director.

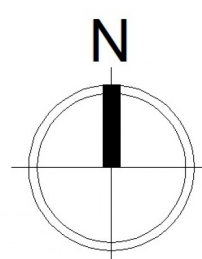
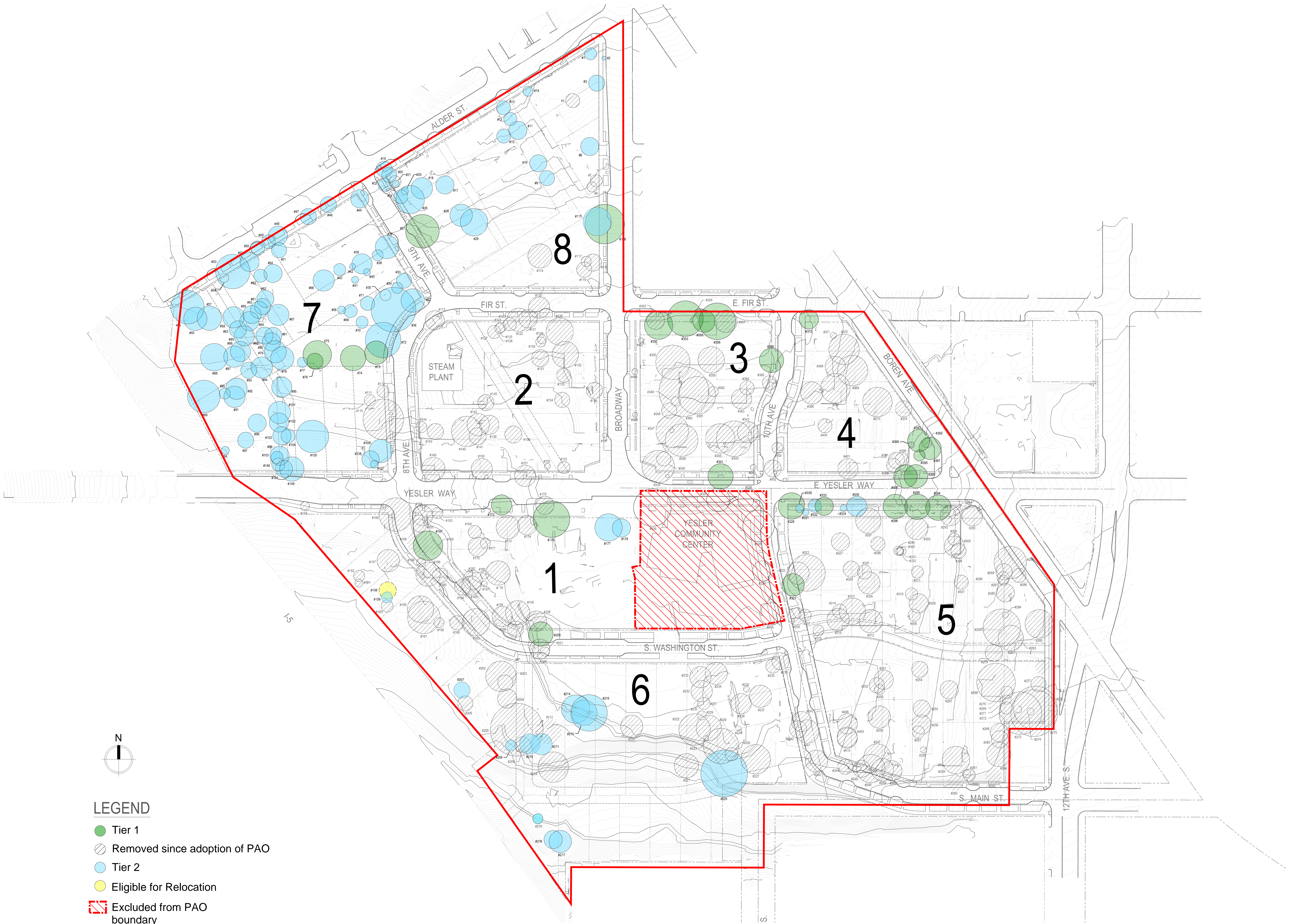
Tier 2: Tier 2 trees are authorized for removal. Trees in this category either are not viable in the long term due to disease, topping, or other health problems, or are in locations where disturbances during construction will make preservation infeasible. This includes exceptional trees in locations where anticipated grading or construction preclude tree retention. Each removed tree shall be replaced by one replacement tree. Each replacement tree shall be of a size and species determined by SDCI to have a canopy cover potential at least equal to the tree that was removed. Replacement trees shall be located within the Yesler Terrace Planned Action Site or off-site outside the Planned Action Site in a location identified by SHA and approved by the SDCI Director. Tree removal mitigation, including replacement trees or payment in-lieu of tree replacement shall be done pursuant to rules promulgated by the SDCI Director.

Replacement trees provided pursuant to this plan may include plantings on lots or in abutting rights-of-way, if approved by the Director of Transportation. If a planting and maintenance plan is approved by WSDOT, the applicant may elect to plant replacement trees on WSDOT property between the Planned Action Site and Interstate 5. All tree plantings shall conform to provisions in SDCI Director's Rule 30-15 or subsequent rule, including but not limited to soil amendments and tree spacing. For trees that will be preserved, protection techniques shall be identified in Master Use Permit, demolition, and building permit applications.

At a minimum, project proposals for lots that include or are adjacent to Tier 1 trees shall:

- Use fences and signage to protect trees and their critical root zones (CRZs, as defined in City of Seattle 201 1 Standard Plan #133) during construction, consistent with SDCI Director's Rule 30-2015 or subsequent rule.
- Where possible, in accordance with the Yesler Terrace Master Planned Community Design Guidelines or subsequent guidelines, the applicant shall design buildings, underground structures, sidewalks, roads, and other hardscape elements to avoid disturbance of trees and their CRZs.
- Install new trees and other landscape features in a manner that does not negatively affect the health of preserved trees, consistent with SDCI Director's Rule 30-2015 or subsequent rule.
- Comply with any other specific arboricultural techniques that SDCI or SDOT deems necessary for preservation given specific site conditions.

The figures and table show trees in the portion of the Yesler Terrace Redevelopment Area east of Boren Avenue, which is outside the Planned Action Site. The Planned Action Ordinance and its Exhibit C Tree Protection Plan do not apply to development outside of the Planned Action Site.



LEGEND

- Tier 1
- Removed since adoption of PAO
- Tier 2
- Eligible for Relocation
- Excluded from PAO boundary

Tree Protection Plan Inventory

	TIER 1
	TIER 2
	TIER 1; RELOCATION ALLOWED

Tree information based on Appendix G of the "Yesler Terrace Redevelopment Draft EIS" (October, 2010). Gaps in the tree tag numbers indicate trees that were removed prior to January 1, 2012.

Tree Tag #	Tier #	Botanical Name	Common Name
1	2	Mountain pine	Pinus mugo ssp. Uncinata
2	2	Thornless cockspur haw thorn	Crataegus crus-gali 'Inermis'
3	2	Norw ay maple	Acer platanoides
6	2	Scots pine	Pinus sylvestris
7	2	European w hite birch	Betula pendula
8	2	European w hite birch	Betula pendula
9	2	Norw ay maple	Acer platanoides
10	2	Norw ay maple	Acer platanoides
11	2	Norw ay maple	Acer platanoides
12	2	Norw ay maple	Acer platanoides
13	2	Norw ay maple	Acer platanoides
14	2	Port Orford cedar	Chamaecyparis law soniana
15	2	Scots pine	Pinus sylvestris
17	2	European w hite birch	Betula pendula
18	2	Norw ay maple	Acer platanoides
19	2	Port Orford Cedar cultivar	Chamaecyparis law soniana
20	2	Saw ara falsecypress	Chamaecyparis pisifera
21	2	Norw ay spruce	Picea abies
22	2	Portuguese laurel	Prunus lucitanica
23	2	Portuguese laurel	Prunus lucitanica
24	2	Japanese w hite pine	Pinus parviflora
25	2	Japanese w hite pine	Pinus parviflora
26	2	Red oak	Quercus rubra
27	1	Red oak	Quercus rubra
28	2	Norw ay maple	Acer platanoides
29	2	Norw ay maple	Acer platanoides
32	2	Mountain pine	Pinus mugo ssp. uncinata
33	2	Hinoki falsecypress cypress	Chamaecyparis obtusa
34	2	English holly	Ilex aquifolium
35	2	English holly	Ilex aquifolium
36	2	Mountain ash	Sorbus aucuparia
37	2	Norw ay maple	Acer platanoides
38	2	European w hite birch	Betula pendula
39	2	Western red cedar	Thuja plicata
40	2	Fraser photinia	Photinia x fraseri
41	2	Fraser photinia	Photinia x fraseri

Tree Tag #	Tier #	Botanical Name	Common Name
42	2	Rocky Mountain glow maple	Acer grandidentatum 'Schmidt
43	2	European white birch	Betula pendula
44	2	Norway maple	Acer platanoides
46	2	Norway maple	Acer platanoides
47	2	Norway maple	Acer platanoides
48	2	Norway maple	Acer platanoides
49	2	Norway maple	Acer platanoides
50	2	Norway maple	Acer platanoides
51	2	European white birch	Betula pendula
52	2	Lavalle haw thorn	Crataegus x lavalleyi
53	2	Siberian elm	Ulmus pumila
54	2	Vine maple	Acer circinatum
55	2	Siberian elm	Ulmus pumila
56	2	Norway maple	Acer platanoides
57	2	Norway maple	Acer platanoides
58	2	Norway maple	Acer platanoides
59	2	Chinese juniper	Juniperus chinensis
60	2	Chinese juniper	Juniperus chinensis
61	2	Chinese juniper	Juniperus chinensis
62	2	Chinese juniper	Juniperus chinensis
63	2	Norway spruce	Picea abies
64	2	Douglas-fir	Pseudotsuga menziesii
66	2	Norway maple	Acer platanoides
67	2	Chinese juniper	Juniperus chinensis
68	2	Pink flowering dogwood	Cornus florida 'Cherokee Chief'
69	2	Chinese photinia	Photinia serrulata
70	2	Scots pine	Pinus sylvestris
71	2	Hinoki falsecypress cypress	Chamaecyparis obtusa
72	2	Blue Atlas cedar	Cedrus atlantica 'Glauca'
73	1	Deodar cedar	Cedrus deodara
74	1	Norway maple	Acer platanoides
75	1	Purple-leaf plum	Prunus cerasifera 'Atropurpurea'
76	1	Chinese photinia	Photinia serrulata
77	2	English holly	Ilex aquifolium
78	2	Chinese juniper	Juniperus chinensis
79	2	Chinese juniper	Juniperus chinensis
80	2	Port Orford Cedar	Chamaecyparis lawsoniana
81	2	Chinese juniper	Juniperus chinensis
82	2	Chinese juniper	Juniperus chinensis
83	2	Chinese juniper	Juniperus chinensis

Tree Tag #	Tier #	Botanical Name	Common Name
84	2	Chinese juniper	Juniperus chinensis
85	2	Chinese juniper	Juniperus chinensis
86	2	Chinese juniper	Juniperus chinensis
87	2	Chinese juniper	Juniperus chinensis
88	2	Norway maple	Acer platanoides
89	2	Black locust	Robinia pseudoacacia
90	2	English holly	Ilex aquifolium
91	2	Chinese juniper	Juniperus chinensis
92	2	Chinese juniper	Juniperus chinensis
93	2	Chinese juniper	Juniperus chinensis
94	2	Chinese juniper	Juniperus chinensis
95	2	Chinese juniper	Juniperus chinensis
96	2	Lavalle haw thorn	Crataegus x lavalleyi
97	2	European white birch	Betula pendula
98	2	Arborvitae	Thuja occidentalis 'Pyramidalis'
99	2	Silver maple	Acer saccharinum
100	2	European white birch	Betula pendula
101	2	Chinese juniper	Juniperus chinensis
102	2	Lavalle haw thorn	Crataegus x lavalleyi
103	2	Chinese juniper	Juniperus chinensis
104	2	Hinoki falsecypress cypress	Chamaecyparis obtusa
105	2	Norway maple	Acer platanoides
107	2	Flowering dogwood	Cornus florida
108	2	Scots pine	Pinus sylvestris
109	2	Norway maple	Acer platanoides
110	2	Atlas cedar	Cedrus atlantica
111	2	Fruiting apple	Malus sp.
112	2	Sawara falsecypress	Chamaecyparis pisifera
113	2	Lavalle haw thorn	Crataegus x lavalleyi
114	2	Horsechestnut	Aesculus hippocastanum
115	2	English oak	Quercus robur
116	1	English oak	Quercus robur
117	2	Fruiting plum	Prunus x domestica
118	2	Norway maple	Acer platanoides
119	2	Sawara falsecypress	Chamaecyparis pisifera
120	2	European white birch	Betula pendula
121	2	Lavalle haw thorn	Crataegus x lavalleyi
122	2	European white birch	Betula pendula
123	2	European white birch	Betula pendula
124	2	Sawara falsecypress	Chamaecyparis pisifera

Tree Tag #	Tier #	Botanical Name	Common Name
125	2	Saw ara falsecypress	Chamaecyparis pisifera
126	2	Saw ara falsecypress	Chamaecyparis pisifera
127	2	Saw ara falsecypress	Chamaecyparis pisifera
128	2	Western red cedar	Thuja plicata
129	2	English holly	Ilex aquifolium
130	2	Purple-leaf plum	Prunus cerasifera 'Atropurpurea'
131	2	European w hite birch	Betula pendula
132	2	White mulberry	Morus alba
133	2	Garden plum	Prunus sp.
134	2	Saw ara falsecypress	Chamaecyparis pisifera
136	2	Western red cedar	Thuja plicata
137	2	Rocky Mountain glow maple	Acer grandidentatum 'Schmidt'
138	2	Saw ara falsecypress	Chamaecyparis pisifera
139	2	Port Orford Cedar	Chamaecyparis law soniana
140	2	Port Orford Cedar	Chamaecyparis law soniana
141	2	Saw ara falsecypress	Chamaecyparis pisifera
142	2	Horsechestnut	Aesculus hippocastanum
143	2	Fruiting cherry	Prunus sp.
144	2	Saw ara falsecypress	Chamaecyparis pisifera
145	2	Norw ay spruce	Picea abies
146	2	Saw ara falsecypress	Chamaecyparis pisifera
147	2	Green ash	Fraxinus pennsylvanica
148	2	White poplar	Populus alba
149	2	Saw ara falsecypress	Chamaecyparis pisifera
150	2	Saw ara falsecypress	Chamaecyparis pisifera
151	2	Red oak	Quercus rubra
152	2	Norw ay maple	Acer platanoides
153	2	Mazzard cherry	Prunus avium
154	2	Arborvitae	Thuja plicata 'Pyramidalis'
156	2	Red oak	Quercus rubra
157	2	Saw ara falsecypress	Chamaecyparis pisifera
158	1	Japanese maple	Acer palmatum
159	2	Hinoki falsecypress	Chamaecyparis obtusa
160	2	Katsura	Cercidiphyllum japonicum
161	2	Port Orford cedar	Chamaecyparis law soniana
162	2	Saucer magnolia	Magnolia x soulangeana, 'Rustica Rubra'
163	2	Western red cedar	Thuja plicata
164	2	Juniper	Juniperus sp.
165	2	English holly	Ilex aquifolium
166	2	Norw ay maple	Acer platanoides

Tree Tag #	Tier #	Botanical Name	Common Name
167	1	Yellow Buckeye	Aesculus octanda
168	2	Italian stone pine	Pinus pinea
169	2	European w hite birch	Betula pendula
170	2	Russian olive	Eleagnus angustifolia
171	2	Purple-leaf plum	Prunus cerasifera 'Atropurpurea'
172	2	Western red cedar	Thuja plicata
173	1	Douglas-fir	Pseudotsuga menziesii
174	2	Lavalle haw thorn	Crataegus x lavalleyi
175	2	Thundercloud flowering plum	Prunus cerasifera 'Thundercloud'
176	1	Black locust	Robinia pseudoacacia
177	2	Blue Atlas cedar	Cedrus atlantica 'Glaucous'
178	2	Saw ara falsecypress	Chamaecyparis pisifera
179	2	Western red cedar	Thuja plicata
180	2	English holly	Ilex aquifolium
181	2	Norw ay maple	Acer platanoides
182	2	Fruit plum	Prunus sp.
183	2	Scots pine	Pinus sylvestris
184	2	European w hite birch	Betula pendula
185	2	European w hite birch	Betula pendula
186	2	Norw ay maple	Acer platanoides
188	2	Little leaf linden	Tilia cordata
189	2	Schw edler Maple	Acer platanoides 'Schwedleri'
190	2	Yellow Buckeye	Aesculus octanda
191	2	European w hite birch	Betula pendula
192	2	European w hite birch	Betula pendula
193	2	European w hite birch	Betula pendula
194	2	Saw ara falsecypress	Chamaecyparis pisifera
195	2	Port Orford cedar	Chamaecyparis lawsoniana
196	2	Norw ay maple	Acer platanoides
198	2	Chinese juniper	Juniperus chinensis
199	2	Norw ay maple	Acer platanoides
200	1	Red oak	Quercus rubra
201	2	European w hite birch	Betula pendula
202	2	Norw ay maple	Acer platanoides
203	2	Chinese juniper	Juniperus chinensis
204	2	Mazzard cherry	Prunus avium
205	2	Black cottonwood	Populus trichocarpa
206	2	Scots pine	Pinus sylvestris
207	2	Scots pine	Pinus sylvestris
208	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'

Tree Tag #	Tier #	Botanical Name	Common Name
209	2	Norway spruce	Picea abies
210	2	Horsechestnut	Aesculus hippocastanum
211	2	Norway maple	Acer platanoides
212	2	Western red cedar	Thuja plicata
213	2	Norway maple	Acer platanoides
214	2	Norway maple	Acer platanoides
215	2	Black locust	Robinia pseudoacacia
216	2	Black locust	Robinia pseudoacacia
217	2	Weeping willow	Salix babylonica
218	2	Purple-leaf plum	Prunus cerasifera 'Atropurpurea'
219	2	Fruit apple	Malus sp.
220	2	Norway maple	Acer platanoides
221	2	Norway maple	Acer platanoides
222	2	Norway maple	Acer platanoides
223	2	Grand fir	Abies grandis
224	2	Black locust	Robinia pseudoacacia
225	2	Black cottonwood	Populus trichocarpa
226	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'
227	2	Black locust	Robinia pseudoacacia
228	2	Horsechestnut	Aesculus hippocastanum
229	2	Western red cedar	Thuja plicata
230	2	Norway maple	Acer platanoides
231	2	European white birch	Betula pendula
232	2	Sawara falsecypress	Chamaecyparis pisifera
233	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'
234	2	Sawara falsecypress	Chamaecyparis pisifera
235	2	Chinese photinia	Photinia serrulata
236	2	Norway spruce	Picea abies
237	2	Sawara falsecypress	Chamaecyparis pisifera
238	2	Fruit plum	Prunus sp.
239	2	Norway maple	Acer platanoides
240	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'
241	2	Norway maple	Acer platanoides
242	2	Douglas-fir	Pseudotsuga menziesii
243	2	Douglas-fir	Pseudotsuga menziesii
244	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'
245	2	Cherry	Prunus sp.
246	2	Atlas cedar	Cedrus atlantica
247	2	Norway maple	Acer platanoides
248	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'

Tree Tag #	Tier #	Botanical Name	Common Name
249	2	Fruit plum	Prunus sp.
250	2	Western red cedar	Thuja plicata
251	2	Norw ay maple	Acer platanoides
252	2	Saw ara falsecypress	Chamaecyparis pisifera
253	2	Norw ay maple	Acer platanoides
254	2	Saw ara falsecypress	Chamaecyparis pisifera
255	2	Saw ara falsecypress	Chamaecyparis pisifera
256	2	Saw ara falsecypress	Chamaecyparis pisifera
257	2	Fruit plum	Prunus sp.
258	2	Saucer magnolia	Magnolia soulangean
259	2	Norw ay maple	Acer platanoides
260	2	Fruit pear	Pyrus sp.
261	2	Norw ay maple	Acer platanoides
262	2	Lilac	Syringa vulgaris
263	2	English yew	Taxus baccata
264	2	Black locust	Robinia pseudoacacia
265	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'
266	2	Fruit Cherry	Prunus sp.
267	2	Eucalyptus	Eucalyptus sp.
268	2	Bigleaf maple	Acer macrophyllum
269	2	Fruit plum	Prunus sp.
270	2	Lombardy poplar	Populus nigra 'Italica'
271	2	Norw ay maple	Acer platanoides
272	2	Norw ay maple	Acer platanoides
273	2	Lombardy poplar	Populus nigra 'Italica'
274	2	Saw ara falsecypress	Chamaecyparis pisifera
275	2	Lombardy poplar	Populus nigra 'Italica'
276	2	Lombardy poplar	Populus nigra 'Italica'
277	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'
278	1	Japanese w hite pine	Pinus parviflora
279	2	Norw ay maple	Acer platanoides
280	1	Deodor cedar	Cedrus deodara
281	1	Horsechestnut	Aesculus hippocastanum
282	2	Deodor cedar	Cedrus deodara
283	2	Saw ara falsecypress	Chamaecyparis pisifera
284	2	Flow ering Cherry	Prunus sp.
285	2	Flow ering Cherry	Prunus sp.
286	2	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'
287	2	Portuguese laurel	Prunus lucitanica
288	2	Portuguese laurel	Prunus lucitanica

Tree Tag #	Tier #	Botanical Name	Common Name
289	2	Saw ara falsecypress	Chamaecyparis pisifera
290	2	Black locust	Robinia pseudoacacia
291	1	Saw ara falsecypress	Chamaecyparis pisifera 'Boulevard'
292	2	Mountain pine	Pinus mugo ssp. uncinata
293	2	Chinese photinia	Photinia serrulata
294	1	Port Orford Cedar	Chamaecyparis law soniana
295	1	Port Orford Cedar	Chamaecyparis law soniana
296	1	Port Orford Cedar	Chamaecyparis law soniana
297	2	Port Orford Cedar	Chamaecyparis law soniana
298	2	Saw ara falsecypress	Chamaecyparis pisifera 'Plumosa Aurea'
299	2	Arborvitae	Thuja occidentalis 'Pyramidalis'
300	2	Arborvitae	Thuja occidentalis 'Pyramidalis'
301	2	Arborvitae	Thuja occidentalis 'Pyramidalis'
302	2	Arborvitae	Thuja occidentalis 'Pyramidalis'
303	2	Mazzard cherry	Prunus avium
304	2	English holly	Ilex aquifolium
305	2	Saw ara falsecypress	Chamaecyparis pisifera
306	2	Scots pine	Pinus sylvestris
307	2	Mazzard cherry	Prunus avium
308	2	Douglas-fir	Pseudotsuga menzeisii
309	2	Norw ay spruce	Picea abies
310	2	Norw ay maple	Acer platanoides
311	2	Fruit Cherry	Prunus sp.
312	2	Norw ay maple	Acer platanoides
313	2	Western red cedar	Thuja plicata
314	2	Sycamore maple	Acer pseudoplatanus
315	2	Saw ara falsecypress	Chamaecyparis pisifera
316	2	Sycamore maple	Acer pseudoplatanus
317	2	Scots pine	Pinus sylvestris
318	2	Norw ay spruce	Picea abies
320	1	Norw ay maple	Acer platanoides
321	1	Purple-leaf sycamore maple	Acer pseudoplatanus 'Atropurpureum'
322	2	Silver maple	Acer saccharinum
323	2	Silver maple	Acer saccharinum
324	2	Western red cedar	Thuja plicata
325	2	Fruit Cherry	Prunus sp.
326	2	Norw ay maple	Acer platanoides
327	2	Honey locust	Gleditsia triacanthos
330	2	Flow ering plum	Prunus sp.
331	2	Purple-leaf plum	Prunus cerasifera 'Atropurpurea'

Tree Tag #	Tier #	Botanical Name	Common Name
332	2	European white birch	Betula pendula
333	1	Scots pine	Pinus sylvestris
334	2	English holly	Ilex aquifolium
335	2	Scots pine	Pinus sylvestris
339	2	American elm	Ulmus americana
340	2	Green ash	Fraxinus pennsylvanica
341	1	Red oak	Quercus rubra
342	2	Flowering cherry	Prunus serrulata
343	2	Black locust	Robinia pseudoacacia
344	2	Siberian elm	Ulmus pumila
345	2	Norway maple	Acer platanoides
346	2	Scots pine	Pinus sylvestris
347	2	Norway maple	Acer platanoides
348	2	Norway maple	Acer platanoides
349	2	Norway spruce	Picea abies
350	2	Norway maple	Acer platanoides
351	1	Western red cedar	Thuja plicata
352	2	Scots pine	Pinus sylvestris
353	1	Monterey cypress	Cupressus macrocarpa
354	2	English holly	Ilex aquifolium
355	1	Norway maple	Acer platanoides
356	1	Siberian elm	Ulmus pumila
357	2	Western red cedar	Thuja plicata
358	1	Chinese photinia	Photinia serrulata
359	2	Siberian elm	Ulmus pumila
360	2	English elm	Ulmus procera
361	2	Siberian elm	Ulmus pumila
362	2	Plum	Prunus sp.
363	2	Norway spruce	Picea abies
364	2	Black locust	Robinia pseudoacacia
365	2	Chinese juniper	Juniperus chinensis
366	2	Norway maple	Acer platanoides
367	2	Western red cedar	Thuja plicata
368	2	Chinese photinia	Photinia serrulata
369	2	Western red cedar	Thuja plicata
370	2	Norway maple	Acer platanoides
371	2	Black locust	Robinia pseudoacacia
372	1	Norway spruce	Picea abies
373	2	Norway maple	Acer platanoides
374	2	Chinese photinia	Photinia serrulata

Tree Tag #	Tier #	Botanical Name	Common Name
375	1	Norway maple	Acer platanoides
376	1	Red oak	Quercus rubra
377	2	Honey locust	Gleditsia triacanthos
378	2	Norway maple	Acer platanoides
379	2	Norway maple	Acer platanoides
380	2	Norway maple	Acer platanoides
381	2	Norway maple	Acer platanoides
382	2	Western red cedar	Thuja plicata
383	2	Chinese juniper	Juniperus chinensis
384	2	Scots pine	Pinus sylvestris
385	2	Norway maple	Acer platanoides
386	2	Honey locust	Gleditsia triacanthos
387	2	Honey locust	Gleditsia triacanthos
388	2	Honey locust	Gleditsia triacanthos
389	2	Honey locust	Gleditsia triacanthos
390	2	Honey locust	Gleditsia triacanthos
391	1	Western red cedar	Thuja plicata
392	2	Siberian elm	Ulmus pumila
393	1	Norway spruce	Picea abies
394	1	Port Orford Cedar	Chamaecyparis lawsoniana
395	1	Rocky Mountain Ponderosa Pine	Pinus ponderosa var. scopulorum
396	2	Scots pine	Pinus sylvestris
397	2	Norway spruce	Picea abies
398	2	Mazzard cherry	Prunus avium
399	1	Norway maple	Acer platanoides
400	1	Norway maple	Acer platanoides
401	2	Scots pine	Pinus sylvestris
402	2	Western red cedar	Thuja plicata
403	2	Common or English Haw thorn	Crataegus monogyna
404	2	Norway maple	Acer platanoides
405	2	Thornless cockspur haw thorn	Crataegus crus-gali 'Inermis'
406	2	Thornless cockspur haw thorn	Crataegus crus-gali 'Inermis'
407	2	Mazzard cherry	Prunus avium
408	2	Saw ara falsecypress	Chamaecyparis pisifera
409	2	Pussy willow	Salix caprea
410	2	Pussy willow	Salix caprea

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	Executive Contact/Phone:
SDCI	Chanda Emery/206-233-2537	Christie Parker/206-684-5211

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to redevelopment at the Yesler Terrace Master Planned Community; amending Section 23.75.160 of the Seattle Municipal Code; and replacing Exhibit C, Tree Protection Plan, of Ordinance 123962.

Summary and background of the Legislation: This legislation makes limited modifications to the Tree Protection Plan (TPP) Exhibit C of the Planned Action Ordinance including the following:

- Update maps within 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 chart included in the Tree Protection Plan – Exhibit C to be consistent with the trees shown on the map;
- 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 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 proposal would generally apply within the existing boundaries for the Master Planned Community-Yesler Terrace (MPC-YT) zoning classification in the planned action area. This area comprises the PAO, which is within the City of Seattle’s First Hill and Central Area neighborhoods. The site is generally bound by Interstate 5 (I-5) on the west; Alder Street and E Fir Street on the north, Boren and 12th Avenues on the east and S Main Street on the south. This site was expanded in the FEIS to include an approximately 2.3-acre area east of 12th Avenue (referred to as East of 12th). In addition, if allowed per SMC Chapter 25.11 Tree Protection, the proposal would allow trees to be planted outside the MPC-YT boundaries, throughout the city.

2. CAPITAL IMPROVEMENT PROGRAM

- a. Does this legislation create, fund, or amend a CIP Project? ___ Yes ___**X**___ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

- a. Does this legislation amend the Adopted Budget? ___ Yes __X__ No
- b. Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No.

- c. Is there financial cost or other impacts of *not* implementing the legislation?

No financial cost is anticipated. Not implementing the legislation could cause confusion and delay in the permit process for the remainder of the development contemplated in the MPC. This would be the result of relying on an outdated map and list of existing trees, as well as final street and plat layout. Finally, Seattle Housing Authority staff are concerned that without the ability in the future to plant trees off-site they may have difficulty finding space within the MPC for those trees.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?

No.

- b. Is a public hearing required for this legislation?

Yes.

- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin. An addendum to the Yesler Terrace Environment Impact Statement, pursuant to environmental review under the State Environmental Policy Act (SEPA), was published on October 31, 2019 for this legislation in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin.

- e. Does this legislation affect a piece of property?

Yes. The legislation affects properties located within the Master Planned Community – Yesler Terrace (MPC-YT) zone. The legislation would allow for the option to plant trees off-site citywide.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

This legislation would help carry-out the intended master planned community to provide housing for vulnerable and historically disadvantaged communities. The Seattle Housing Authority (SHA) is responsible for creating public housing for low-income, elderly, and disabled residents. In addition to replacing all 561 original units on the site for families earning no more than 30 percent of the area median income, SHA is increasing affordable housing opportunities by creating up to 1,100 additional low-income units at Yesler.

New parks and open spaces encourage physical activity and engagement among residents, As well as access to trees and other greenery. Lastly, this legislation in combination with an option to use fee-in-lieu for tree replanting will allow the SHA to have the ability to plant to number of trees originally contemplated, to the benefit both those individuals and families living in Yesler Terrace as well as communities citywide, should SHA make use of the option to plant off-site.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s).

Not applicable to this proposal.

h. Other Issues:

None identified.

List attachments/exhibits below: None.

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 8th 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

EXHIBIT C - TPP	CHANGE
Tree 4	<p>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.</p> <p>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.</p>

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.

July 7, 2021

MEMORANDUM

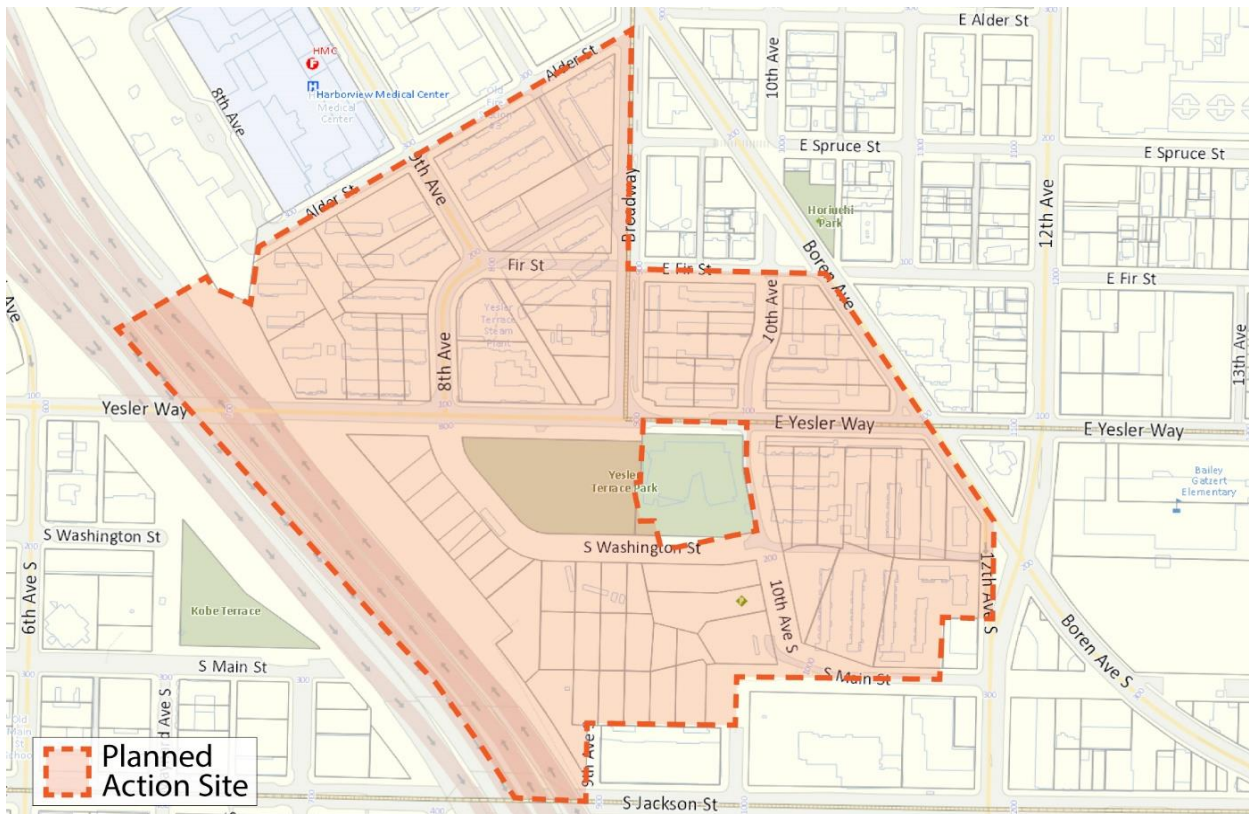
To: Land Use & Neighborhoods Committee
From: Yolanda Ho, Analyst
Subject: Yesler Terrace Planned Action Ordinance Amendment – Council Bill 120108

On July 14, 2021, the Land Use & Neighborhoods Committee (Committee) will receive a briefing on [Council Bill \(CB\) 120108](#) that would amend the Tree Protection Plan of the [Yesler Terrace Planned Action Ordinance \(PAO\) 123962](#).

This memorandum describes: (1) background of the proposal; (2) CB 120108; (3) proposed amendments; and (4) next steps.

Background

The Council adopted the Yesler Terrace PAO on September 4, 2012, to facilitate the redevelopment of the Seattle Housing Authority’s (SHA’s) Yesler Terrace property. The Yesler Terrace PAO applies to a 36.6-acre site located in the First Hill and Central Area neighborhoods and is generally bounded by Interstate 5 (I-5) on the west; Alder Street and E Fir Street on the north; 12th Avenue on the east; and S Main Street on the south (see map below).



A PAO is a planning tool allowed under the State Environmental Policy Act (SEPA, [RCW 43.21C](#)) designed to ease some procedural requirements for development in a specific area. Typically, SEPA requires that all development undergo separate environmental review for each building or improvement above a certain size. In contrast, a PAO allows for a single Environmental Impact Statement (EIS) to analyze and address impacts of a large, multi-parcel phased development as a whole. Applicants must demonstrate to the Seattle Department of Construction and Inspections (SDCI) that a project proposal falls within the scope of the planned action to avoid further environmental review. This approach provides greater predictability for applicants and can help to expedite project review.

In addition to setting out criteria for what types of development are within the scope of the planned action,¹ the Yesler Terrace PAO established mitigation requirements to address impacts of individual developments as well as cumulative effects of development on the entire planned action site. These detailed, site-specific mitigation measures exceed requirements in the Seattle Municipal Code. Projects seeking to qualify as planned actions under the Yesler Terrace PAO² must comply with the mitigation requirements and other conditions described in the mitigation document attached to the PAO. Proposed development under the Yesler Terrace PAO still needs to meet applicable standards including the Land Use Code, the Building Code, and the Stormwater Code, and any updates to those codes over the course of redevelopment.

A Tree Protection Plan (Exhibit C) was included as a component of the Yesler Terrace PAO's mitigation document. The Tree Protection Plan contains an inventory of existing trees located within the planned action site and assigns trees to either Tier 1 or Tier 2 based on their health and/or location within the site, described below:

- Tier 1 – Trees to be preserved. These are exceptional or valuable trees in good health located where preservation is possible. They either need to be protected in place or relocated, if approved by SDCI. Should one of these trees need to be removed before or during development due to damage, disease, or other circumstances, it must be replaced by 10 new trees, with each tree being of a size and species determined by SDCI to have a canopy cover potential at least equal to the tree that was lost. Replacement trees must be planted within the PAO boundary.
- Tier 2 – Trees authorized for removal. These trees either have health issues that limit their long-term viability and/or are in locations where anticipated grading or construction activities would make preservation unfeasible. Each tree removed must be replaced by one new tree of a size and species determined by SDCI to have a canopy cover potential at least equal to the tree that was removed. Replacement trees must either be planted within the PAO boundary or in Washington State Department of

¹ Along with adopting the Yesler Terrace PAO, the Council also passed [Ordinance 123963](#) that created a new Master Planned Community-Yesler Terrace (MPC-YT) zone for the planned action site and established development standards and use provisions for the MPC-YT zone.

² The Yesler Terrace PAO will remain in effect until mid-October 2032 (20 years after its effective date).

Transportation (WSDOT) property adjacent to the site, with WSDOT's permission. Trees may be preserved if an applicant and SDCI determine it is feasible.

Tree preservation and replacement tree planting are required to follow the provisions in SDCI Director's Rule 11-2020, regarding standards for landscaping.

CB 120108

At time the Council passed the Yesler Terrace PAO, the City had not yet approved the future plat, which required the City to make assumptions about the locations of rights-of-way, vehicular access, development parcels, pedestrian and bicycle trails, and pocket parks when creating the original Tree Protection Plan. The City finalized the plat layout in 2014, and the Tree Protection Plan now needs to be adjusted accordingly.³ Additionally, the City has determined that on-site planting of all required replacement trees would be difficult, if not impossible, to achieve due to space constraints.

To address these issues and make technical changes and corrections, CB 120108 would amend the Tree Protection Plan to:

- Update maps to reflect existing conditions and correct errors found by staff from the time of adoption to the present;
- Correct the tree inventory to be consistent with the trees shown on the map;
- Update provisions for development proposals that meet the Yesler Terrace PAO requirements within the Master Planned Community-Yesler Terrace (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 that reporting on tree removal mitigation is to occur after the development contemplated in the Yesler Terrace PAO is completed.

Other existing mitigation measures for tree replacement would be maintained. Specifically, the replacement ratios for Tier 1 and Tier 2 trees would continue to be 10 to 1 and 1 to 1, respectively.

The new payment-in-lieu option may be contingent upon the Council's passage of future legislation that would update the City's tree regulations. SDCI is currently working on determining whether this is necessary and is also developing program details, including how to calculate the in-lieu fee amount and how funds from in-lieu payments would be used to equitably increase Seattle's tree canopy.

³ Refer to the [SDCI Director's Report](#) for a detailed description of the final plat layout that necessitates these adjustments.

SDCI completed the required environmental review for this proposal and issued an [Addendum](#) to the Yesler Terrace Redevelopment's Final Environmental Impact Statement on October 31, 2019.

Proposed Amendment

There are two proposed amendments, both sponsored by Councilmember Strauss:

- Amendment 1 would amend Attachment B (Exhibit C to Ordinance 123962) to CB 120108 to make technical corrections (see Attachment 1).
- Amendment 2 would amend Attachment B (Exhibit C to Ordinance 123962) to CB 120108 to increase the tree replacement requirement for Trees 88 and 89 from one tree to three trees in the event of their removal (see Attachment 2).

Next Steps

The Committee will hold a public hearing, consider proposed amendments, and may vote on CB 120108 at its next meeting on July 28, 2021.

Attachment:

1. Amendment 1 – Technical Corrections
2. Amendment 2 – Replacement Requirement for Trees 88 and 89

cc: Dan Eder, Interim Director
Aly Pennucci, Policy and Budget Manager

Yolanda Ho

Committee: Land Use & Neighborhoods

Date: July 14, 2021

Version: 1

Amendment 1

to

CB 120108 - SDCI Yesler Terrace Tree Protection Update ORD

Sponsor: CM Strauss

Technical Corrections

Amend Attachment B (Exhibit C to Ordinance 123962) to Council Bill 120108 to make the following technical corrections:

- Correct reference to Seattle Department of Construction and Inspections Director’s Rule (DR) 16-2008, regarding the designation of exceptional trees;
- Strike statement “Tier 1 trees are allowed to be removed and replaced at a 10:1 replacement ratio;”
- Update references to DR 30-2015 to the current version (DR 11-2020), regarding landscaping standards; and
- Correct a typographical error.

Effect: This amendment would make technical corrections.

Yesler Terrace Planned Action Exhibit C to Ordinance: Tree Protection Plan

INTRODUCTION

This tree protection plan has been updated to reflect conditions on the site, which have changed during the course of implementation of the planned action since this Exhibit C, originally dated July 25, 2012, was adopted by the City Council.

In preparing the Yesler Terrace Environmental Impact Statement, Seattle Housing Authority and the City of Seattle conducted a thorough inventory and analysis of trees at the Yesler Terrace Planned Action Site (Planned Action Ordinance Exhibit A). The City has used this analysis, together with the redevelopment plan adopted by the Seattle Housing Authority Board of Commissioners, to develop a tree protection plan requiring protection of certain existing trees over the course of redevelopment at Yesler Terrace. This analysis was required as a result of the FEIS and identified mitigation. The updates to the tree protection plan satisfy the mitigation described in the FEIS.

The inventory included an evaluation of health for each tree, and a determination of exceptional tree status, pursuant to Department of Construction and Inspections Director's Rule ~~30-2015~~ 16-2008, or subsequent rule. In addition to classification of each tree as an exceptional or non-exceptional tree, the inventory included consideration of a third category: "valuable trees" are non-exceptional trees that have preservation value, either as a result of their size and vigor, or because of their proximity to exceptional trees.

For each tree existing on the Planned Action Site as of January 1, 2012, this revised document either designates preservation during redevelopment or authorizes removal. In addition to the tree preservation requirements stated here, development at Yesler Terrace shall provide new trees and landscape features consistent with the Seattle Green Factor and street tree requirements in Chapter 23.75 of the Land Use Code. Land Use Code requirements and Street Improvement Permit conditions may require more trees than the preserved and replacement trees provided pursuant to this document.

REQUIREMENTS

In applying this document SDCI shall be responsible for trees shown on this tree protection plan that are on private property and not within a street-right-of-way within the boundaries of the Yesler Terrace Planned Action Site. It is the responsibility of the Seattle Housing Authority to report on required tree mitigation including providing information needed for SDCI to determine if the proposal meets the PAO requirements, which means the applicant must document tree mitigation compliance within the PAO boundary, off-site citywide tree planting and/or payment in-lieu applicable to both Tier 1 and Tier 2 trees as required in the adopted

Cooperative Agreement. Compliance with all tree mitigation requirements is to be reported after total build-out of the Planned Action. This reporting on behalf of SHA is not intended to be required as part of the permit review process or necessary in order for SHA to obtain grading, demolition, master use, or building permits. The annual report that SHA submits to the SDCI Director required by the Cooperative Agreement will satisfy the SHA's reporting requirement. By entering into the Cooperative Agreement SHA is committed to the required tree mitigation.

In the following figures and table, each existing tree within the Yesler Terrace Planned Action Site is assigned to one of the following tiers:

Tier 1: ~~Tier 1 trees are allowed to be removed and replaced at a 10:1 replacement ratio.~~ Tier 1 trees are defined as exceptional or valuable trees in good health, and in locations where preservation can clearly be achieved within the planned street vacation/rededication and redevelopment plan. Trees in this category shall be preserved through protection in place or relocated or removed with the SDCI Director's approval. If a tree in this category is removed or damaged during, before, or after development the Tier 1 tree shall be replaced within the Yesler Terrace Planned Action Site (Exhibit A to the Yesler Planned Action Ordinance), or off-site outside the Planned Action Site in a location identified by SHA and approved by the SDCI Director by 10 replacement trees. Each replacement tree shall be of a size and species determined by SDCI to have a canopy cover potential of at least equal to the tree that was lost. Tree removal mitigation, including replacement trees or payment in-lieu of tree replacement shall be done pursuant to rules promulgated by the SDCI Director.

Tier 2: Tier 2 trees are authorized for removal. Trees in this category either are not viable in the long term due to disease, topping, or other health problems, or are in locations where disturbances during construction will make preservation infeasible. This includes exceptional trees in locations where anticipated grading or construction preclude tree retention. Each removed tree shall be replaced by one replacement tree. Each replacement tree shall be of a size and species determined by SDCI to have a canopy cover potential at least equal to the tree that was removed. Replacement trees shall be located within the Yesler Terrace Planned Action Site or off-site outside the Planned Action Site in a location identified by SHA and approved by the SDCI Director. Tree removal mitigation, including replacement trees or payment in-lieu of tree replacement shall be done pursuant to rules promulgated by the SDCI Director.

Replacement trees provided pursuant to this plan may include plantings on lots or in abutting rights-of-way, if approved by the Director of Transportation. If a planting and maintenance plan is approved by WSDOT, the applicant may elect to plant replacement trees on WSDOT property between the Planned Action Site and Interstate 5. All tree plantings shall conform to provisions in SDCI Director's Rule ~~30-15~~ 11-2020 or subsequent rule, including but not limited to soil amendments and tree spacing. For trees that will be preserved, protection techniques shall be identified in Master Use Permit, demolition, and building permit applications.

Attachment 1 - Amendment 1: Technical Corrections

Att B - Updated Exhibit C to Ord. 123962

V8 9

At a minimum, project proposals for lots that include or are adjacent to Tier 1 trees shall:

- Use fences and signage to protect trees and their critical root zones (CRZs, as defined in City of Seattle ~~2020 1-1~~ Standard Plan #133) during construction, consistent with SDCI Director's Rule ~~30-2015 11-2020~~ or subsequent rule.
- Where possible, in accordance with the Yesler Terrace Master Planned Community Design Guidelines or subsequent guidelines, the applicant shall design buildings, underground structures, sidewalks, roads, and other hardscape elements to avoid disturbance of trees and their CRZs.
- Install new trees and other landscape features in a manner that does not negatively affect the health of preserved trees, consistent with SDCI Director's Rule ~~30-2015 11-2020~~ or subsequent rule.
- Comply with any other specific arboricultural techniques that SDCI or SDOT deems necessary for preservation given specific site conditions.

The figures and table show trees in the portion of the Yesler Terrace Redevelopment Area east of Boren Avenue, which is outside the Planned Action Site. The Planned Action Ordinance and its Exhibit C Tree Protection Plan do not apply to development outside of the Planned Action Site.

Attachment 2 - Amendment 2: Replacement Requirement for Trees 88 and 89

Yolanda Ho

Committee: Land Use & Neighborhoods

Date: July 14, 2021

Version: 2

Amendment 2

to

CB 120108 - SDCI Yesler Terrace Tree Protection Update ORD

Sponsor: CM Strauss

Replacement requirement for Trees 88 and 89

Amend Attachment B (Exhibit C to Ordinance 123962) to Council Bill 120108 to specify that removal of Trees 88 and 89 would each require planting three replacement trees.

Effect: CB 120108 would recategorize Trees 88 and 89 from Tier 1 to Tier 2 in the Tree Protection Plan Inventory. The current replacement requirement for Tier 2 trees, defined as those that have been authorized for removal due to their health or location, is one to one. This amendment would increase the replacement requirement for Trees 88 and 89 to three replacement trees each in the event of their removal.

Yesler Terrace Planned Action Exhibit C to Ordinance: Tree Protection Plan

INTRODUCTION

This tree protection plan has been updated to reflect conditions on the site, which have changed during the course of implementation of the planned action since this Exhibit C, originally dated July 25, 2012, was adopted by the City Council.

In preparing the Yesler Terrace Environmental Impact Statement, Seattle Housing Authority and the City of Seattle conducted a thorough inventory and analysis of trees at the Yesler Terrace Planned Action Site (Planned Action Ordinance Exhibit A). The City has used this analysis, together with the redevelopment plan adopted by the Seattle Housing Authority Board of Commissioners, to develop a tree protection plan requiring protection of certain existing trees over the course of redevelopment at Yesler Terrace. This analysis was required as a result of the FEIS and identified mitigation. The updates to the tree protection plan satisfy the mitigation described in the FEIS.

The inventory included an evaluation of health for each tree, and a determination of exceptional tree status, pursuant to Department of Construction and Inspections Director's Rule 30-2015, or subsequent rule. In addition to classification of each tree as an exceptional or non-exceptional tree, the inventory included consideration of a third category: "valuable trees" are non-exceptional trees that have preservation value, either as a result of their size and vigor, or because of their proximity to exceptional trees.

For each tree existing on the Planned Action Site as of January 1, 2012, this revised document either designates preservation during redevelopment or authorizes removal. In addition to the tree preservation requirements stated here, development at Yesler Terrace shall provide new trees and landscape features consistent with the Seattle Green Factor and street tree requirements in Chapter 23.75 of the Land Use Code. Land Use Code requirements and Street Improvement Permit conditions may require more trees than the preserved and replacement trees provided pursuant to this document.

REQUIREMENTS

In applying this document SDCI shall be responsible for trees shown on this tree protection plan that are on private property and not within a street-right-of-way within the boundaries of the Yesler Terrace Planned Action Site. It is the responsibility of the Seattle Housing Authority to report on required tree mitigation including providing information needed for SDCI to determine if the proposal meets the PAO requirements, which means the applicant must document tree mitigation compliance within the PAO boundary, off-site citywide tree planting and/or payment in-lieu applicable to both Tier 1 and Tier 2 trees as required in the adopted

Cooperative Agreement. Compliance with all tree mitigation requirements is to be reported after total build-out of the Planned Action. This reporting on behalf of SHA is not intended to be required as part of the permit review process or necessary in order for SHA to obtain grading, demolition, master use, or building permits. The annual report that SHA submits to the SDCI Director required by the Cooperative Agreement will satisfy the SHA's reporting requirement. By entering into the Cooperative Agreement SHA is committed to the required tree mitigation.

In the following figures and table, each existing tree within the Yesler Terrace Planned Action Site is assigned to one of the following tiers:

Tier 1: Tier 1 trees are allowed to be removed and replaced at a 10:1 replacement ratio. Tier 1 trees are defined as exceptional or valuable trees in good health, and in locations where preservation can clearly be achieved within the planned street vacation/rededication and redevelopment plan. Trees in this category shall be preserved through protection in place or relocated or removed with the SDCI Director's approval. If a tree in this category is removed or damaged during, before, or after development the Tier 1 tree shall be replaced within the Yesler Terrace Planned Action Site (Exhibit A to the Yesler Planned Action Ordinance), or off-site outside the Planned Action Site in a location identified by SHA and approved by the SDCI Director by 10 replacement trees. Each replacement tree shall be of a size and species determined by SDCI to have a canopy cover potential of at least equal to the tree that was lost. Tree removal mitigation, including replacement trees or payment in-lieu of tree replacement shall be done pursuant to rules promulgated by the SDCI Director.

Tier 2: Tier 2 trees are authorized for removal. Trees in this category either are not viable in the long term due to disease, topping, or other health problems, or are in locations where disturbances during construction will make preservation infeasible. This includes exceptional trees in locations where anticipated grading or construction preclude tree retention. Each removed tree shall be replaced by one replacement tree, with the exception of Trees 88 and 89, which shall each be replaced by three replacement trees. Each replacement tree shall be of a size and species determined by SDCI to have a canopy cover potential at least equal to the tree that was removed. Replacement trees shall be located within the Yesler Terrace Planned Action Site or off-site outside the Planned Action Site in a location identified by SHA and approved by the SDCI Director. Tree removal mitigation, including replacement trees or payment in-lieu of tree replacement shall be done pursuant to rules promulgated by the SDCI Director.

Replacement trees provided pursuant to this plan may include plantings on lots or in abutting rights-of-way, if approved by the Director of Transportation. If a planting and maintenance plan is approved by WSDOT, the applicant may elect to plant replacement trees on WSDOT property between the Planned Action Site and Interstate 5. All tree plantings shall conform to provisions in SDCI Director's Rule 30-15 or subsequent rule, including but not limited to soil amendments and tree spacing. For trees that will be preserved, protection techniques shall be identified in Master Use Permit, demolition, and building permit applications.

Attachment 2 - Amendment 2: Replacement Requirement for Trees 88 and 89

Att B - Updated Exhibit C to Ord. 123962

V8 9

At a minimum, project proposals for lots that include or are adjacent to Tier 1 trees shall:

- Use fences and signage to protect trees and their critical root zones (CRZs, as defined in City of Seattle 201 1 Standard Plan #133) during construction, consistent with SDCI Director's Rule 30-2015 or subsequent rule.
- Where possible, in accordance with the Yesler Terrace Master Planned Community Design Guidelines or subsequent guidelines, the applicant shall design buildings, underground structures, sidewalks, roads, and other hardscape elements to avoid disturbance of trees and their CRZs.
- Install new trees and other landscape features in a manner that does not negatively affect the health of preserved trees, consistent with SDCI Director's Rule 30-2015 or subsequent rule.
- Comply with any other specific arboricultural techniques that SDCI or SDOT deems necessary for preservation given specific site conditions.

The figures and table show trees in the portion of the Yesler Terrace Redevelopment Area east of Boren Avenue, which is outside the Planned Action Site. The Planned Action Ordinance and its Exhibit C Tree Protection Plan do not apply to development outside of the Planned Action Site.

Yolanda Ho
Committee: Land Use & Neighborhoods
Date: July 14, 2021
Version: 1

Amendment 1
to
CB 120108 - SDCI Yesler Terrace Tree Protection Update ORD
Sponsor: CM Strauss
Technical Corrections

Amend Attachment B (Exhibit C to Ordinance 123962) to Council Bill 120108 to make the following technical corrections:

- Correct reference to Seattle Department of Construction and Inspections Director’s Rule (DR) 16-2008, regarding the designation of exceptional trees;
- Strike statement “Tier 1 trees are allowed to be removed and replaced at a 10:1 replacement ratio;”
- Update references to DR 30-2015 to the current version (DR 11-2020), regarding landscaping standards; and
- Correct a typographical error.

Effect: This amendment would make technical corrections.

Yesler Terrace Planned Action Exhibit C to Ordinance: Tree Protection Plan

INTRODUCTION

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In preparing the Yesler Terrace Environmental Impact Statement, Seattle Housing Authority and the City of Seattle conducted a thorough inventory and analysis of trees at the Yesler Terrace Planned Action Site (Planned Action Ordinance Exhibit A). The City has used this analysis, together with the redevelopment plan adopted by the Seattle Housing Authority Board of Commissioners, to develop a tree protection plan requiring protection of certain existing trees over the course of redevelopment at Yesler Terrace. This analysis was required as a result of the FEIS and identified mitigation. The updates to the tree protection plan satisfy the mitigation described in the FEIS.

The inventory included an evaluation of health for each tree, and a determination of exceptional tree status, pursuant to Department of Construction and Inspections Director's Rule ~~30-2015~~ 16-2008, or subsequent rule. In addition to classification of each tree as an exceptional or non-exceptional tree, the inventory included consideration of a third category: "valuable trees" are non-exceptional trees that have preservation value, either as a result of their size and vigor, or because of their proximity to exceptional trees.

For each tree existing on the Planned Action Site as of January 1, 2012, this revised document either designates preservation during redevelopment or authorizes removal. In addition to the tree preservation requirements stated here, development at Yesler Terrace shall provide new trees and landscape features consistent with the Seattle Green Factor and street tree requirements in Chapter 23.75 of the Land Use Code. Land Use Code requirements and Street Improvement Permit conditions may require more trees than the preserved and replacement trees provided pursuant to this document.

REQUIREMENTS

In applying this document SDCI shall be responsible for trees shown on this tree protection plan that are on private property and not within a street-right-of-way within the boundaries of the Yesler Terrace Planned Action Site. It is the responsibility of the Seattle Housing Authority to report on required tree mitigation including providing information needed for SDCI to determine if the proposal meets the PAO requirements, which means the applicant must document tree mitigation compliance within the PAO boundary, off-site citywide tree planting and/or payment in-lieu applicable to both Tier 1 and Tier 2 trees as required in the adopted

Cooperative Agreement. Compliance with all tree mitigation requirements is to be reported after total build-out of the Planned Action. This reporting on behalf of SHA is not intended to be required as part of the permit review process or necessary in order for SHA to obtain grading, demolition, master use, or building permits. The annual report that SHA submits to the SDCI Director required by the Cooperative Agreement will satisfy the SHA's reporting requirement. By entering into the Cooperative Agreement SHA is committed to the required tree mitigation.

In the following figures and table, each existing tree within the Yesler Terrace Planned Action Site is assigned to one of the following tiers:

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Tier 2: Tier 2 trees are authorized for removal. Trees in this category either are not viable in the long term due to disease, topping, or other health problems, or are in locations where disturbances during construction will make preservation infeasible. This includes exceptional trees in locations where anticipated grading or construction preclude tree retention. Each removed tree shall be replaced by one replacement tree. Each replacement tree shall be of a size and species determined by SDCI to have a canopy cover potential at least equal to the tree that was removed. Replacement trees shall be located within the Yesler Terrace Planned Action Site or off-site outside the Planned Action Site in a location identified by SHA and approved by the SDCI Director. Tree removal mitigation, including replacement trees or payment in-lieu of tree replacement shall be done pursuant to rules promulgated by the SDCI Director.

Replacement trees provided pursuant to this plan may include plantings on lots or in abutting rights-of-way, if approved by the Director of Transportation. If a planting and maintenance plan is approved by WSDOT, the applicant may elect to plant replacement trees on WSDOT property between the Planned Action Site and Interstate 5. All tree plantings shall conform to provisions in SDCI Director's Rule ~~30-15~~ 11-2020 or subsequent rule, including but not limited to soil amendments and tree spacing. For trees that will be preserved, protection techniques shall be identified in Master Use Permit, demolition, and building permit applications.

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- Use fences and signage to protect trees and their critical root zones (CRZs, as defined in City of Seattle ~~2020 1-1~~ Standard Plan #133) during construction, consistent with SDCI Director's Rule ~~30-2015~~ 11-2020 or subsequent rule.
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- Comply with any other specific arboricultural techniques that SDCI or SDOT deems necessary for preservation given specific site conditions.

The figures and table show trees in the portion of the Yesler Terrace Redevelopment Area east of Boren Avenue, which is outside the Planned Action Site. The Planned Action Ordinance and its Exhibit C Tree Protection Plan do not apply to development outside of the Planned Action Site.

Yolanda Ho
Committee: Land Use & Neighborhoods
Date: July 14, 2021
Version: 2

Amendment 2
to
CB 120108 - SDCI Yesler Terrace Tree Protection Update ORD
Sponsor: CM Strauss
Replacement requirement for Trees 88 and 89

Amend Attachment B (Exhibit C to Ordinance 123962) to Council Bill 120108 to specify that removal of Trees 88 and 89 would each require planting three replacement trees.

Effect: CB 120108 would recategorize Trees 88 and 89 from Tier 1 to Tier 2 in the Tree Protection Plan Inventory. The current replacement requirement for Tier 2 trees, defined as those that have been authorized for removal due to their health or location, is one to one. This amendment would increase the replacement requirement for Trees 88 and 89 to three replacement trees each in the event of their removal.

Yesler Terrace Planned Action Exhibit C to Ordinance: Tree Protection Plan

INTRODUCTION

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REQUIREMENTS

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Cooperative Agreement. Compliance with all tree mitigation requirements is to be reported after total build-out of the Planned Action. This reporting on behalf of SHA is not intended to be required as part of the permit review process or necessary in order for SHA to obtain grading, demolition, master use, or building permits. The annual report that SHA submits to the SDCI Director required by the Cooperative Agreement will satisfy the SHA's reporting requirement. By entering into the Cooperative Agreement SHA is committed to the required tree mitigation.

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Tier 1: Tier 1 trees are allowed to be removed and replaced at a 10:1 replacement ratio. Tier 1 trees are defined as exceptional or valuable trees in good health, and in locations where preservation can clearly be achieved within the planned street vacation/rededication and redevelopment plan. Trees in this category shall be preserved through protection in place or relocated or removed with the SDCI Director's approval. If a tree in this category is removed or damaged during, before, or after development the Tier 1 tree shall be replaced within the Yesler Terrace Planned Action Site (Exhibit A to the Yesler Planned Action Ordinance), or off-site outside the Planned Action Site in a location identified by SHA and approved by the SDCI Director by 10 replacement trees. Each replacement tree shall be of a size and species determined by SDCI to have a canopy cover potential of at least equal to the tree that was lost. Tree removal mitigation, including replacement trees or payment in-lieu of tree replacement shall be done pursuant to rules promulgated by the SDCI Director.

Tier 2: Tier 2 trees are authorized for removal. Trees in this category either are not viable in the long term due to disease, topping, or other health problems, or are in locations where disturbances during construction will make preservation infeasible. This includes exceptional trees in locations where anticipated grading or construction preclude tree retention. Each removed tree shall be replaced by one replacement tree, with the exception of Trees 88 and 89, which shall each be replaced by three replacement trees. Each replacement tree shall be of a size and species determined by SDCI to have a canopy cover potential at least equal to the tree that was removed. Replacement trees shall be located within the Yesler Terrace Planned Action Site or off-site outside the Planned Action Site in a location identified by SHA and approved by the SDCI Director. Tree removal mitigation, including replacement trees or payment in-lieu of tree replacement shall be done pursuant to rules promulgated by the SDCI Director.

Replacement trees provided pursuant to this plan may include plantings on lots or in abutting rights-of-way, if approved by the Director of Transportation. If a planting and maintenance plan is approved by WSDOT, the applicant may elect to plant replacement trees on WSDOT property between the Planned Action Site and Interstate 5. All tree plantings shall conform to provisions in SDCI Director's Rule 30-15 or subsequent rule, including but not limited to soil amendments and tree spacing. For trees that will be preserved, protection techniques shall be identified in Master Use Permit, demolition, and building permit applications.

At a minimum, project proposals for lots that include or are adjacent to Tier 1 trees shall:

- Use fences and signage to protect trees and their critical root zones (CRZs, as defined in City of Seattle 201 1 Standard Plan #133) during construction, consistent with SDCI Director's Rule 30-2015 or subsequent rule.
- Where possible, in accordance with the Yesler Terrace Master Planned Community Design Guidelines or subsequent guidelines, the applicant shall design buildings, underground structures, sidewalks, roads, and other hardscape elements to avoid disturbance of trees and their CRZs.
- Install new trees and other landscape features in a manner that does not negatively affect the health of preserved trees, consistent with SDCI Director's Rule 30-2015 or subsequent rule.
- Comply with any other specific arboricultural techniques that SDCI or SDOT deems necessary for preservation given specific site conditions.

The figures and table show trees in the portion of the Yesler Terrace Redevelopment Area east of Boren Avenue, which is outside the Planned Action Site. The Planned Action Ordinance and its Exhibit C Tree Protection Plan do not apply to development outside of the Planned Action Site.

Amendment 3
to
CB 120108 - SDCI Yesler Terrace Tree Protection Update ORD
Sponsor: CM Pedersen
Off-site Tree Replacement and Payment-in-Lieu

Amend Attachment B (Exhibit C to Ordinance 123962) to Council Bill 120108 to specify where off-site planting may occur and when payment-in-lieu may be used.

Effect: Currently, the Yesler Terrace Planned Action Ordinance requires that replacement trees for tree removal mitigation be planted within the planned action area or, with permission, in Washington State Department of Transportation’s property adjacent to planned action site. CB 120108 would provide greater flexibility to comply with tree removal mitigation requirements by creating the option of planting replacement trees off-site anywhere in Seattle or payment-in-lieu of tree replacement, if allowed pursuant to Seattle Municipal Code Chapter 25.11.

This amendment would specify that replacement trees planted off-site must be planted within 1,500 feet (approximately 5 blocks) of the planned action site. If SDCI determines that there is inadequate space for tree planting within the 1,500 foot area surrounding the planned action area, replacement trees may be planted on other existing Seattle Housing Authority properties or in Census tracts with canopy cover of 25 percent or less, according to the 2016 Seattle Tree Canopy Assessment (or successor tree canopy assessment). Additionally, the amendment would specify that payment-in-lieu of planting may only be used when SDCI determines that all on-site and off-site planting options have been exhausted.

Yesler Terrace Planned Action Exhibit C to Ordinance: Tree Protection Plan

INTRODUCTION

This tree protection plan has been updated to reflect conditions on the site, which have changed during the course of implementation of the planned action since this Exhibit C, originally dated July 25, 2012, was adopted by the City Council.

In preparing the Yesler Terrace Environmental Impact Statement, Seattle Housing Authority and the City of Seattle conducted a thorough inventory and analysis of trees at the Yesler Terrace Planned Action Site (Planned Action Ordinance Exhibit A). The City has used this analysis, together with the redevelopment plan adopted by the Seattle Housing Authority Board of Commissioners, to develop a tree protection plan requiring protection of certain existing trees over the course of redevelopment at Yesler Terrace. This analysis was required as a result of the FEIS and identified mitigation. The updates to the tree protection plan satisfy the mitigation described in the FEIS.

The inventory included an evaluation of health for each tree, and a determination of exceptional tree status, pursuant to Department of Construction and Inspections Director's Rule 30-2015, or subsequent rule. In addition to classification of each tree as an exceptional or non-exceptional tree, the inventory included consideration of a third category: "valuable trees" are non-exceptional trees that have preservation value, either as a result of their size and vigor, or because of their proximity to exceptional trees.

For each tree existing on the Planned Action Site as of January 1, 2012, this revised document either designates preservation during redevelopment or authorizes removal. In addition to the tree preservation requirements stated here, development at Yesler Terrace shall provide new trees and landscape features consistent with the Seattle Green Factor and street tree requirements in Chapter 23.75 of the Land Use Code. Land Use Code requirements and Street Improvement Permit conditions may require more trees than the preserved and replacement trees provided pursuant to this document.

REQUIREMENTS

In applying this document SDCI shall be responsible for trees shown on this tree protection plan that are on private property and not within a street-right-of-way within the boundaries of the Yesler Terrace Planned Action Site. It is the responsibility of the Seattle Housing Authority to report on required tree mitigation including providing information needed for SDCI to determine if the proposal meets the PAO requirements, which means the applicant must document tree mitigation compliance within the PAO boundary, off-site citywide tree planting and/or payment in-lieu applicable to both Tier 1 and Tier 2 trees as required in the adopted

Cooperative Agreement. Compliance with all tree mitigation requirements is to be reported after total build-out of the Planned Action. This reporting on behalf of SHA is not intended to be required as part of the permit review process or necessary in order for SHA to obtain grading, demolition, master use, or building permits. The annual report that SHA submits to the SDCI Director required by the Cooperative Agreement will satisfy the SHA's reporting requirement. By entering into the Cooperative Agreement SHA is committed to the required tree mitigation.

In the following figures and table, each existing tree within the Yesler Terrace Planned Action Site is assigned to one of the following tiers:

Tier 1: Tier 1 trees are allowed to be removed and replaced at a 10:1 replacement ratio. Tier 1 trees are defined as exceptional or valuable trees in good health, and in locations where preservation can clearly be achieved within the planned street vacation/rededication and redevelopment plan. Trees in this category shall be preserved through protection in place or relocated or removed with the SDCI Director's approval. If a tree in this category is removed or damaged during, before, or after development the Tier 1 tree shall be replaced within the Yesler Terrace Planned Action Site (Exhibit A to the Yesler Planned Action Ordinance), or off-site outside the Planned Action Site in a location within 1,500 feet of the Planned Action Site identified by SHA and approved by the SDCI Director by 10 replacement trees. If SDCI determines that there is inadequate space for tree planting within the 1,500 foot area surrounding the Planned Action Site, replacement trees may be planted on other existing SHA properties or in census tracts with tree canopy cover of 25 percent or less, according to the 2016 Seattle Tree Canopy Assessment (or successor tree canopy assessment). Payment-in-lieu of planting may only be used after SDCI has determined that SHA has exhausted all viable options within the Planned Action Site and off-site areas. Each replacement tree shall be of a size and species determined by SDCI to have a canopy cover potential of at least equal to the tree that was lost. Tree removal mitigation, including replacement trees or payment in-lieu of tree replacement shall be done pursuant to rules promulgated by the SDCI Director.

Tier 2: Tier 2 trees are authorized for removal. Trees in this category either are not viable in the long term due to disease, topping, or other health problems, or are in locations where disturbances during construction will make preservation infeasible. This includes exceptional trees in locations where anticipated grading or construction preclude tree retention. Each removed tree shall be replaced by one replacement tree. Each replacement tree shall be of a size and species determined by SDCI to have a canopy cover potential at least equal to the tree that was removed. Replacement trees shall be located within the Yesler Terrace Planned Action Site or off-site outside the Planned Action Site in a location within 1,500 feet of the Planned Action Site identified by SHA and approved by the SDCI Director. If SDCI determines that there is inadequate space for tree planting within the 1,500 foot area surrounding the Planned Action Site, replacement trees may be planted on other existing SHA properties or in census tracts with tree canopy cover of 25 percent or less, according to the 2016 Seattle Tree Canopy Assessment (or successor tree canopy assessment). Payment-in-lieu of planting may only be used after SDCI has determined that SHA has exhausted all viable options within the Planned Action Site and off-site areas. Tree removal mitigation, including replacement trees or payment in-lieu of tree replacement shall be done pursuant to rules promulgated by the SDCI Director.

Replacement trees provided pursuant to this plan may include plantings on lots or in abutting rights-of-way, if approved by the Director of Transportation. If a planting and maintenance plan is approved by WSDOT, the applicant may elect to plant replacement trees on WSDOT property between the Planned Action Site and Interstate 5. All tree plantings shall conform to provisions in SDCI Director's Rule 30-15 or subsequent rule, including but not limited to soil amendments and tree spacing. For trees that will be preserved, protection techniques shall be identified in Master Use Permit, demolition, and building permit applications.

At a minimum, project proposals for lots that include or are adjacent to Tier 1 trees shall:

- Use fences and signage to protect trees and their critical root zones (CRZs, as defined in City of Seattle 20 1 1 Standard Plan #133) during construction, consistent with SDCI Director's Rule 30-2015 or subsequent rule.
- Where possible, in accordance with the Yesler Terrace Master Planned Community Design Guidelines or subsequent guidelines, the applicant shall design buildings, underground structures, sidewalks, roads, and other hardscape elements to avoid disturbance of trees and their CRZs.
- Install new trees and other landscape features in a manner that does not negatively affect the health of preserved trees, consistent with SDCI Director's Rule 30-2015 or subsequent rule.
- Comply with any other specific arboricultural techniques that SDCI or SDOT deems necessary for preservation given specific site conditions.

The figures and table show trees in the portion of the Yesler Terrace Redevelopment Area east of Boren Avenue, which is outside the Planned Action Site. The Planned Action Ordinance and its Exhibit C Tree Protection Plan do not apply to development outside of the Planned Action Site.



Legislation Text

File #: Res 32010, **Version:** 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION identifying proposed Comprehensive Plan amendments to be considered for possible adoption in 2022 and requesting that the Office of Planning and Community Development and the Seattle Planning Commission review and make recommendations about proposed amendments. WHEREAS, under the Washington State Growth Management Act, chapter 36.70A RCW, The City of Seattle

(“City”) is required to have a comprehensive land use plan (“Comprehensive Plan”) and to review that plan on a regular schedule; and

WHEREAS, except in limited circumstances, the Growth Management Act allows the City to amend the Comprehensive Plan only once a year; and

WHEREAS, the City adopted a Comprehensive Plan through Ordinance 117221 in 1994, and most recently adopted amendments to its Comprehensive Plan in August 2020 through Ordinance 126186; and

WHEREAS, Resolution 31807 prescribes the procedures and criteria by which proposals for amendments to the Comprehensive Plan are solicited from the public and selected for analysis and possible adoption, a process known as setting the Comprehensive Plan docket; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THAT:

Section 1. Comprehensive Plan docket of amendments to be considered in 2022. The City Council (“Council”) requests that the Office of Planning and Community Development (“OPCD”) analyze the following as possible amendments to the Comprehensive Plan and make a recommendation to the Mayor and City Council whether these proposed amendments warrant further consideration for possible adoption in 2022. The full texts of the proposals are contained in Clerk File 321977.

A. Application to remove the arterial classification from Florentia Street and West Florentia Street in the

Queen Anne neighborhood.

Section 2. Other amendments to the Comprehensive Plan. The Council requests that OPCD analyze the following amendments as part of the Comprehensive Plan docket and either provide a recommendation to the Mayor and City Council for consideration in 2022 alongside the amendments in Section 1 of this resolution, or provide an update on the status of each of these items and work program and timeline for completing the analysis:

A. South Park. Assess whether the South Park neighborhood meets the criteria for urban village designation and provide a report to Council as described in Resolutions 31870, 31896, and 31970.

B. N. 130th Street and I-5. Specific to the area surrounding the future light rail station at North 130th Street and Interstate 5, along with other City departments, complete community-based planning and provide a proposal to establish an urban village as described in Resolution 31970.

C. Fossil fuels and public health. In consultation with the Seattle Department of Construction and Inspections, the Office of Sustainability and Environment, and the Environmental Justice Committee, draft, evaluate, undertake environmental review and provide recommendations for potential amendments to the Environment, Land Use, or Utilities elements of the Comprehensive Plan that would clarify the City's intent to protect the public health and meet its climate goals by limiting fossil fuel production and storage as described in Resolutions 31896 and 31970.

D. Maritime and Industrial Policies. Analyze and make recommendations for changes to the Comprehensive Plan to implement the recommendations of the Mayor's Maritime and Industrial Stakeholder Committee as described in the Industrial and Maritime Strategy Council Recommendations of June 2021.

E. Neighborhood connections across highways. Analyze and make recommendations for changes to the Comprehensive Plan to support the use of lids across highways to restore disconnected neighborhoods, expand neighborhoods, and open up hundreds of acres of buildable land for housing and parks, to create safer, healthier, and more vibrant neighborhoods.

Section 3. Other Comprehensive Plan amendments that may be considered in 2022. The Council may also consider the following amendments in 2022:

A. Impact fee amendments. Consistent with Resolutions 31762 and 31970, the Council intends to consider potential amendments to the Comprehensive Plan necessary to support implementation of an impact fee program for public streets, roads, and other transportation improvements. This impact fee work may include amendments to update or replace level-of-service standards or to add impact fee project lists in the Capital Facilities Element and amendments to other elements or maps in the Comprehensive Plan, as appropriate. The Council may also consider impact fee amendments related to publicly owned parks, open space, and recreation facilities, and school facilities.

Section 4. Request for review and recommendations. The Council requests that OPCD review the amendments described and listed in sections 1 and 2 of this resolution; conduct public and environmental reviews of the amendments listed in Sections 1 and 2; and present its analyses and the Mayor's recommendations to the Seattle Planning Commission and to the City Council on the schedule set by Resolution 31807 for review and consideration in 2022.

Section 5. Comprehensive Plan amendments that will not be considered in 2022. The Council rejects the following proposed amendments for docketing for the 2021-2022 timeframe, the full texts of which proposals are contained in Clerk File 321977.

A. Application to amend the Future Land Use Map ("FLUM") for the property addressed as 9201-9215 3rd Avenue S.

B. Application to amend the FLUM for the property addressed as 1511-1551 W Armory Way.

C. Application to amend the Land Use Element to clarify policies related to yards and trees.

D. Application to amend the Transportation Element to discourage pedestrian grade separations such as skybridges, aerial trams, or tunnels.

E. Application to add an Open and Democratic Government element or appendix.

F. Application to amend the Transportation Element to minimize damage streets from heavy vehicles.

Adopted by the City Council the _____ day of _____, 2021, and signed by
me in open session in authentication of its adoption this _____ day of _____, 2021.

President _____ of the City Council

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Lish Whitson/206-615-1674	

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

A RESOLUTION identifying proposed Comprehensive Plan amendments to be considered for possible adoption in 2022 and requesting that the Office of Planning and Community Development and the Seattle Planning Commission review and make recommendations about proposed amendments.

Summary and background of the Legislation:

This resolution sets the docket for potential Comprehensive Plan amendments to be considered for possible adoption in 2022. The proposals were received from Councilmembers and members of the public as part of an annual amendment process. The full texts of the proposals are contained in Clerk File 321977. The docketed proposals would be considered by Council in 2022 alongside other Comprehensive Plan amendments previously requested by Council and reiterated in this resolution.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No

Is there financial cost or other impacts of *not* implementing the legislation?

No

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes, the Resolution requests that the Office of Planning and Community Development (OPCD) and the Seattle Planning Commission (SPC) review proposals and make recommendations to the Council. The Department has staff whose duties include this work.

b. Is a public hearing required for this legislation?

While not required, a public hearing was held in the Land Use and Neighborhoods Committee at its July 14, 2021 meeting.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Notice of the public hearing was published in the DJC.

d. Does this legislation affect a piece of property?

Amendments related to specific pieces of property are not proposed to be docketed.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

Newly docketed items are unlikely to impact vulnerable or historically disadvantaged communities. Previously docketed items related to South Park and the Maritime/Industrial Strategy would impact the South Park neighborhood and other low-income and BIPOC communities in and near the city's industrial areas.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No. However, potential amendments related to fossil fuels, a new urban village at N 130th Street and highway crossings could lead to changes that would reduce carbon emissions.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

Not applicable.

List attachments/exhibits below:

July 12, 2021

MEMORANDUM

To: Land Use and Neighborhoods Committee
From: Eric McConaghy and Lish Whitson, Analysts
Subject: 2020-2021 Comprehensive Plan Docket

On Wednesday, July 14, the Land Use and Neighborhoods Committee (Committee) will hold a public hearing and discuss proposals to amend the [Seattle Comprehensive Plan](#). In May 2021, the Council received six proposals to amend the Comprehensive Plan from members of the public and one from Councilmember Lewis. Those proposals are included in [Clerk File 321977](#). In addition, there are a number of amendment proposals that were previously docketed by the City Council under [Resolution 31970](#), but have not been resolved.

The seven proposals were forwarded to the Seattle Planning Commission (SPC) and Office of Planning and Community Development (OPCD) for consideration and recommendation. The Seattle Planning Commission has transmitted its letter with recommendations on the proposals. We expect OPCD to transmit its letter in the coming weeks.

This memo (1) provides background on the Comprehensive Plan docketing process, including identification of previously docketed amendments that may carry over into the 2021-2022 process, (2) explains the criteria Council uses to determine whether proposed amendments should be selected for consideration, and (3) provides initial recommendations, discussion, and review of the applications in light of the criteria. There are three attachments:

- Attachment 1 summarizes recommendations from the SPC and Central Staff;
- Attachment 2 is the SPC letter to the Council; and
- Attachment 3 is a draft of the docketing resolution

Following the July 14 Committee meeting, Central Staff will work with Councilmember Strauss to prepare a 2020-2021 Comprehensive Plan docket resolution for introduction. The Committee is currently scheduled to make a recommendation on that resolution at its July 28 meeting.

Background

Seattle 2035, Seattle's Comprehensive Plan, is the City's core policy document to guide the City's growth. Under the Washington State Growth Management Act, with a few limited exceptions, the City may only amend the Comprehensive Plan once a year. Most years, the City Council solicits proposals for amendments to the plan from members of the public and City Departments and develops a "docket" of amendments to be considered the following year.

The Comprehensive Plan is a foundational, long-term document that is intended to guide the City's growth over twenty years. Washington State law limits amendments to the plan and

requires a deliberative public process to amend the plan. The City’s criteria are intended to limit potential amendments to those that are legal, can be accommodated within the time available, and are generally consistent with the City’s overall policies for growth. Larger shifts in policy direction are generally considered as part of a “major update” which State Law requires every eight years. The next major update must be adopted by June 2024.

Generally, the docketing process occurs in four steps:

1. Spring: Council issues a call for amendment proposals. Anyone can submit a proposal.
2. Summer: Council reviews amendment applications and establishes by resolution a docket of the amendments the Council will consider. This is often referred to as the “docket setting” resolution.
3. Fall: OPCD reviews the amendments and conducts environmental analysis, making a recommendation to the Council regarding which amendments should be made.
4. Winter: Council receives recommendations from the SPC, and OPCD, considers the merits of proposed amendments, and acts on legislation amending the Comprehensive Plan.

This year, we anticipate that the Council will review the 2020-2021 amendments docketed under Resolution 31970 in September.

Criteria for Annual Comprehensive Plan Docketing

The Council applies a variety of criteria in deciding whether to include a proposed amendment in the docket setting resolution. A decision to include a proposed amendment in the resolution does not constitute Council approval of a proposed amendment. Rather, a decision to include a proposed amendment means that the Council has determined that the subject matter is appropriate for the Comprehensive Plan and consideration of the proposed amendment can be practically accomplished during the amendment cycle. Criteria applied by the Council included in Resolution 31807 are as follows:

- A. The amendment is legal under state and local law.
- B. The amendment is appropriate for the Comprehensive Plan because:
 1. It is consistent with the role of the Comprehensive Plan under the State Growth Management Act;
 2. It is consistent with the Countywide Planning Policies and with the multi-county policies contained in the Puget Sound Regional Council’s regional growth strategy;
 3. Its intent cannot be accomplished by a change in regulations alone;
 4. It is not better addressed as a budgetary or programmatic decision; and
 5. It is not better addressed through another process, such as activities identified in departmental work programs under way or expected soon, within which the suggested amendment can be considered alongside other related issues.

- C. It is practical to consider the amendment because:
1. The timing of the amendment is appropriate, and Council will have sufficient information to make an informed decision;
 2. City staff will be able to develop within the time available the text for the Comprehensive Plan and, if necessary, amendments to the Seattle Municipal Code, and to conduct sufficient analysis and public review; and
 3. The amendment is consistent with the overall vision of the Comprehensive Plan and well-established Comprehensive Plan policy, or the Mayor or Council wishes to consider changing the vision or established policy.
- D. If the amendment has previously been proposed, relevant circumstances have changed significantly so that there is sufficient cause for reconsidering the proposal.
- E. If the amendment would change a neighborhood plan, there is evidence that proponents of the amendment, or other persons, have effectively communicated the substance and purpose of the amendment with those who could be affected by the amendment and there is documentation provided of community support for the amendment.
- F. The amendment is likely to make a material difference in a future City regulatory or funding decision.
- G. A proposal that would change the boundary of an urban center, urban village, or manufacturing/industrial center requires an amendment to the Future Land Use Map (FLUM), regardless of the area's size. However, an amendment that proposes to change the FLUM is not necessary and will not be considered when it would affect an area that is less than a full block in size and is located adjacent to other land designated on the FLUM for a use that is the same as - or is compatible with - the proposed designation.

Previously docketed items that may continue into 2021-2022

In addition to considering whether to docket newly proposed amendments as part of the 2021-2022 cycle, the Council may request the Executive to complete review of several items that were docketed under Resolution 31970 for potential consideration in 2021 by docketing them again for consideration in 2022:

- Designation of the South Park Urban Village;
- Designation of an urban village near the future light rail station at N 130th Street and Interstate 5;
- Amendments related to fossil fuels and public health;
- Updates to maritime and industrial lands policies resulting from the recommendations of the Mayor's Maritime and Industrial stakeholder process; and
- Impact fee amendments.

Discussion and Preliminary Recommendations

The table in Attachment 1 summarizes the proposed amendments and the recommendations of the SPC and Central Staff. We will update the table with OPCD's recommendations as soon as they are available.

Amendments recommended to move forward

Amendment 1 is recommended to move forward for more study by the SPC and Central Staff. Councilmember Lewis proposes this amendment to reclassify W Florentia Street between 3rd Avenue N and Queen Anne Avenue N and Nickerson Street as nonarterial streets. SPC and Central staff find that an amendment to the Comprehensive Plan's Transportation Appendix meets the criteria for further study. We find that an amendment to the Transportation Appendix Figure A-1 map would be necessary to accomplish the reclassification and its study is appropriate within the confines of the annual amendment cycle (Criteria B.3, C.1, C.3, and F). The reclassification would also require a change to the Seattle Municipal Code Exhibit 11.18.010A, to the arterial street map.

Amendments not recommended to move forward

Amendment 2 is not recommended to move forward for more study by the SPC and Central Staff. In this amendment, Seattle Gospel Hall propose to amend the Future Land Use Map (FLUM) to change the designation of property located at 9201-9215 3rd Avenue S from Single Family to Multifamily. We find that the amendment does not meet the location and size criteria for a FLUM amendment and is not consistent with established Comprehensive Plan policy (Criteria G and C.3).

Amendment 3 is not recommended to move forward for more study by the SPC and Central Staff. In this amendment, Jeffrey Hummel proposes to remove property located at 1511-1551 W Armory Way from the Ballard-Interbay-Northend Manufacturing/Industrial Center and to amend the FLUM to change the designation of this area to Commercial/Mixed-Use. We find that this amendment is more appropriately considered as part of the potential changes to Comprehensive Plan industrial land policies as informed by the recommendations of the Mayor's Maritime and Industrial Stakeholder Committee (Criterion B.5).

Four proposed amendments (amendments 4-7 on Attachment 1) have been proposed in the past and have either been docketed and then not recommended for adoption or not docketed (Criterion D). The applicant, Chris Leman, has not indicated any changed circumstances that would warrant reconsideration of these amendments. SPC and Central Staff do not recommend docketing these amendments.

Next Steps

Following the July 14 Committee meeting, Central Staff will finalize the docketing resolution based on the Committee's direction for introduction and referral to the Committee for discussion and possible vote on July 28.

Attachments:

1. Summary of Recommendations on Proposed Comprehensive Plan Amendments
2. Letter from the Seattle Planning Commission to the Council
3. Draft Docketing Resolution

cc: Dan Eder, Interim Director
Aly Pennucci, Policy and Budget Manager

Summary of Recommendations on Proposed Comprehensive Plan Amendments

#	Amendment Proposal	Short Description	Proposer	Recommendation		
				SPC	OPCD	CS
A. Amendments proposed for the 2021-2022 Cycle (numbered consistent with list in Clerk File 321977)						
1	Florentia Street	Reclassify W Florentia Street between 3rd Avenue N and Queen Anne Avenue N and Nickerson Street as nonarterial streets	CM Lewis	Docket	TBD	Docket
2	3rd Avenue S	Amend the Future Land Use Map to change 9201-9215 3rd Avenue S in the south Seattle/South Park neighborhood from Single-Family to Multifamily	Seattle Gospel Hall	Do not docket	TBD	Do not docket
3	W Armory Way	Amend the Future Land Use Map to change 1511-1551 W Armory Way from Ballard-Interbay-Northend Manufacturing/ Industrial Center to Commercial/Mixed Use	Jeffery Hummel	Do not docket	TBD	Do not docket
4	Setbacks and Trees	Amend the Land Use element policies related to building setbacks and yards to allow for preservation and planting of trees	Chris Leman	Do not docket	TBD	Do not docket
5	Skybridges, Trams and Tunnels	Amend the Transportation element to add a policy that discourages pedestrian grade separations, including skybridges, trams and tunnels	Chris Leman	Do not docket	TBD	Do not docket
6	Open and Democratic Government	Add a new Open and Democratic Government element to the Comprehensive Plan	Chris Leman	Do not docket	TBD	Do not docket
7	Heavy Vehicles	Amend the Transportation element to reduce road and bridge damage from heavy vehicles	Chris Leman	Do not docket	TBD	Do not docket

KEY: SPC – Seattle Planning Commission | OPCD – Office of Planning and Community Development | CS – Central Staff



July 12, 2021

Honorable Councilmember Dan Strauss, Chair
Land Use and Neighborhoods Committee
via e-mail

RE: 2021-2022 Comprehensive Plan Amendments

Dear Councilmember Strauss,

The Seattle Planning Commission is pleased to provide our comments and recommendations on which proposed 2021-2022 Comprehensive Plan amendments should be placed on the docket for further analysis. Our recommendations are offered as stewards of the Seattle Comprehensive Plan and based on the application of Council-adopted criteria, Guidelines for Amendment Selection, included in Resolution 31807 (Attachment A).

The Planning Commission recommends moving forward the following amendment proposals to the docket for further analysis:

1. Florentia Street

The applicant is proposing to reclassify West Florentia Street (between 3rd Avenue North and Queen Anne Avenue North) and Florentia Street (between Queen Anne Avenue North and Nickerson Street) in the Queen Anne neighborhood as non-arterial streets.

The Commission recommends this proposal for the docket. The proposal meets the criteria and as such warrants further study. Arterial streets and non-arterial streets are included on the Comprehensive Plan's Transportation Appendix Figure A-1 map. Also, per docketing criterion F, this amendment is likely to make a material difference in a future City regulatory or funding decision, as this reclassification would influence future City budgetary decisions on physical improvements to the street.

The Planning Commission recommends the following amendment proposals not move forward to the docket for further analysis:

Commissioners

Rick Mohler, *Co-Chair*

Jamie Stroble, *Co-Chair*

Mark Braseth

McCaela Daffern

Roque Deherrera

David Goldberg

Matt Hutchins

Patience Malaba

Radhika Nair

Alanna Peterson

Dhyana Quintanar

Julio Sanchez

Lauren Squires

Kelabe Tewolde

Rose Lew Tsai-Le Whitson

Staff

Vanessa Murdock
Executive Director

Olivia Baker
Policy Analyst

John Hoey,
Senior Policy Analyst

Robin Magonegil
Administrative Analyst

Future Land Use Map (FLUM) Amendments

2. 9201-9215 3rd Avenue SW

The applicant is proposing to amend the FLUM designation of these parcels from Single-Family Residential to Multi-Family Residential.

The Commission does not recommend this proposal for the docket citing criterion G, which states “an amendment that proposes to change the FLUM is not necessary and will not be considered when it would affect an area that is less than a full block in size and is located adjacent to other land designated on the FLUM for a use that is the same as – or is compatible with – the proposed designation.” These parcels are in a Single-Family Residential area and are less than a full block. All adjacent parcels are also designated on the FLUM as Single-Family Residential.

3. 1511-1551 W Armory Way

The applicant is proposing to amend the FLUM designation of these parcels from Ballard-Interbay-Northend Manufacturing/Industrial Center to Commercial/Mixed Use.

The Commission does not recommend this proposal for the docket citing criterion B5, which states that it would be “better addressed through a budgetary or programmatic decision or another process, such as activities identified in departmental work programs under way or expected in the near future, within which the suggested amendment can be considered alongside other related issues.” In this case, the appropriate process would be the ongoing work of the Mayor’s Industrial and Maritime Strategy.

Text Amendments

4. Setbacks and Trees

The applicant is proposing to amend the Land Use Element policies related to building setbacks and yards to allow for preservation and planting of trees.

The Commission does not recommend this proposal for the docket citing criteria D. This proposal has been previously submitted and rejected. It was previously submitted and docketed in the 2017-2018 cycle but was not adopted by the City Council in 2018. The rationale for not adopting this proposal was that much of the proposed language is inconsistent with existing Comprehensive Plan policies or misunderstands the more general policy level at which the Plan operates. This proposal was most recently submitted and not docketed in the 2020-2021 cycle. There is insufficient evidence that relevant circumstances have changed significantly to warrant reconsidering this proposal.

5. Skybridges, Trams and Tunnels

The applicant is proposing to amend the Transportation Element to add a policy that discourages pedestrian grade separations, including skybridges, trams and tunnels.

The Commission does not recommend this proposal for the docket citing criteria D. This proposal has been previously submitted and rejected. It was previously submitted and docketed in the 2012-2013 cycle but was not adopted by the City Council in 2013. The rationale for not adopting this proposal was pedestrian grade separations are addressed in the Seattle Municipal Code and those regulations are consistent with the general policy intent of the Comprehensive Plan. This proposal was most recently submitted and not docketed in the 2020-2021 cycle. There is insufficient evidence that relevant circumstances have changed significantly to warrant reconsidering this proposal.

6. Open and Democratic Government

The applicant is requesting to add an Open and Democratic Government Element to the Comprehensive Plan.

The Commission does not recommend this proposal for the docket citing criteria D. This proposal has been previously submitted and rejected. It was originally proposed as “Open and Participatory Government” in the 2008-2009 amendment cycle but was not docketed citing criteria that the content proposed in the application are best dealt with through the Seattle Municipal Code, the Seattle Ethics Code, or through budgetary and programmatic decision-making. This proposal was most recently submitted and not docketed in the 2020-2021 cycle. There is insufficient evidence that relevant circumstances have changed significantly to warrant reconsidering this proposal.

7. Heavy Vehicles

The applicant is proposing to amend the Transportation Element to reduce road and bridge damage from heavy vehicles.

The Commission does not recommend this proposal for the docket citing criteria D. This proposal has been previously submitted and rejected. It was originally proposed in the 2016-2017 amendment cycle but was not docketed citing criteria that it would be better addressed through another process, specifically the Seattle 2035 Comprehensive Plan update. This proposal was most recently submitted and not docketed in the 2020-2021 cycle. There is insufficient evidence that relevant circumstances have changed significantly to warrant reconsidering this proposal.

Previously Docketed Amendments

Of the proposed Comprehensive Plan amendments that were docketed by the City Council in Resolution 31970 for further analysis, the following five were not analyzed as part of the 2020-2021 annual amendment cycle:

- Amendments related to the West Seattle Bridge
- Impact fee amendments
- A new name for Single-Family areas
- Designation of the South Park Urban Village
- Amendments related to fossil fuels and public health

At the time the proposed West Seattle Bridge amendments were docketed, the closure of the West Seattle Bridge was anticipated to be much longer than it ultimately will be. Shortly after docketing this amendment, it was announced that the bridge would only be closed for three years. The need to amend the Comprehensive Plan to identify mitigation related to the closure was determined to be unnecessary. The City Council originally proposed impact fee amendments but has not taken any additional action to pursue these amendments. The Office of Planning and Community Development (OPCD) has stated that the remaining three amendments above (Single-Family areas, South Park Urban Village, and fossil fuels) could be more appropriately addressed through the next Major Update to the Comprehensive Plan, with the rationale that these issues would require a bigger change to the Plan outside of the scope of the annual amendments. The Planning Commission has concerns about waiting until the next Major Update of the Comprehensive Plan in 2024 for consideration of these proposed amendments and encourages the City Council to move forward on them sooner where appropriate. We would like to call your attention to the Commission's specific comments on one of these docketed amendments below.

Alternative Name for Single-Family Zones

As we noted in our docket recommendation letter last year, the City Council proposed an amendment that would recommend an alternative name for Single-Family zones, such as Neighborhood Residential, and amend the Land Use Element of the Comprehensive Plan to implement this change. The name 'Single-Family' zoning has been a misnomer since 1994 when the city passed Accessory Dwelling Unit legislation allowing two households to live on a Single-Family zoned parcel and is not representative of the households that currently live in those zones. This name is also linked to Seattle's former use of race-based zoning as an exclusionary practice. The Commission applauds and supports the City Council in the proposed amendment that would recommend changing the name of the zoning earlier than the Major Update. This change could also serve to inform the policy process considering alternatives to Single-Family zoning.

The Planning Commission has been a consistent advocate for reexamining Seattle's land use policies to expand the range and affordability of housing choices. Our 2018 [*Neighborhoods for All*](#) and 2020 [*A Racially Equitable & Resilient Recovery*](#) reports both emphasized the benefits of allowing more housing and increasing housing choices in Single-Family zones. The Commission applauds the City Council for including funding

Attachment 2 - Letter from the Seattle Planning Commission to the Council

Seattle Planning Commission
2021-2022 Comprehensive Plan Amendments
Page 5

to analyze a variety of housing types in Single-Family zones in the Environmental Impact Statement (EIS) on the Major Update to the Comprehensive Plan. We look forward to providing our input on this subject throughout the process to update the Comprehensive Plan. In the meantime, the Commission recommends moving the effort to rename Single-Family zoning forward sooner than the beginning of the Major Update.

We appreciate the opportunity to review amendments for docket setting and provide our recommendations. If you have any questions, please do not hesitate to contact us or our Executive Director, Vanessa Murdock, at vanessa.murdock@seattle.gov

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is for Rick Mohler, and the signature on the right is for Jamie Stroble. Both signatures are written in a cursive, flowing style.

Rick Mohler and Jamie Stroble, Co-Chairs
Seattle Planning Commission

cc: Mayor Jenny Durkan
Seattle City Councilmembers
Lish Whitson, Eric McConaghy; Council Central Staff
Rico Quirindongo, Michael Hubner; Office of Planning and Community Development

ATTACHMENT A

City of Seattle Criteria for Comprehensive Plan Amendment Selection (from Resolution 31807)

- A. The amendment is legal under state and local law.
- B. The amendment is appropriate for the Comprehensive Plan because:
1. It is consistent with the role of the Comprehensive Plan under the State Growth Management Act;
 2. It is consistent with the Countywide Planning Policies and with the multi-county policies contained in the Puget Sound Regional Council's regional growth strategy;
 3. Its intent cannot be accomplished by a change in regulations alone;
 4. It is not better addressed as a budgetary or programmatic decision; and
 5. It is not better addressed through another process, such as activities identified in departmental work programs under way or expected soon, within which the suggested amendment can be considered alongside other related issues.
- C. It is practical to consider the amendment because:
1. The timing of the amendment is appropriate, and Council will have sufficient information to make an informed decision;
 2. City staff will be able to develop within the time available the text for the Comprehensive Plan and, if necessary, amendments to the Seattle Municipal Code, and to conduct sufficient analysis and public review; and
 3. The amendment is consistent with the overall vision of the Comprehensive Plan and well-established Comprehensive Plan policy, or the Mayor or Council wishes to consider changing the vision or established policy.
- D. If the amendment has previously been proposed, relevant circumstances have changed significantly so that there is sufficient cause for reconsidering the proposal.
- E. If the amendment would change a neighborhood plan, there is evidence that proponents of the amendment, or other persons, have effectively communicated the substance and purpose of the amendment with those who could be affected by the amendment and there is documentation provided of community support for the amendment.
- F. The amendment is likely to make a material difference in a future City regulatory or funding decision.
- G. A proposal that would change the boundary of an urban center, urban village, or manufacturing/industrial center requires an amendment to the Future Land Use Map (FLUM), regardless of the area's size. However, an amendment that proposes to change the FLUM is not necessary and will not be considered when it would affect an area that is less than a full block in size and is located adjacent to other land designated on the FLUM for a use that is the same as – or is compatible with – the proposed designation.

CITY OF SEATTLE

RESOLUTION _____

..title

A RESOLUTION identifying proposed Comprehensive Plan amendments to be considered for possible adoption in 2022 and requesting that the Office of Planning and Community Development and the Seattle Planning Commission review and make recommendations about proposed amendments.

..body

WHEREAS, under the Washington State Growth Management Act, chapter 36.70A RCW, The City of Seattle (“City”) is required to have a comprehensive land use plan (“Comprehensive Plan”) and to review that plan on a regular schedule; and

WHEREAS, except in limited circumstances, the Growth Management Act allows the City to amend the Comprehensive Plan only once a year; and

WHEREAS, the City adopted a Comprehensive Plan through Ordinance 117221 in 1994, and most recently adopted amendments to its Comprehensive Plan in August 2020 through Ordinance 126186; and

WHEREAS, Resolution 31807 prescribes the procedures and criteria by which proposals for amendments to the Comprehensive Plan are solicited from the public and selected for analysis and possible adoption, a process known as setting the Comprehensive Plan docket; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THAT:

Section 1. Comprehensive Plan docket of amendments to be considered in 2022. The City Council (“Council”) requests that the Office of Planning and Community Development (“OPCD”) analyze the following as possible amendments to the Comprehensive Plan and make a recommendation to the Mayor and City Council whether these proposed amendments warrant

1 further consideration for possible adoption in 2022. The full texts of the proposals are contained
2 in Clerk File 321977.

3 A. Application to remove the arterial classification from Florentia Street and West
4 Florentia Street in the Queen Anne neighborhood.

5 **Section 2. Other amendments to the Comprehensive Plan.** The Council requests that
6 OPCD analyze the following amendments as part of the Comprehensive Plan docket and either
7 provide a recommendation to the Mayor and City Council for consideration in 2022 alongside
8 the amendments in Section 1, or provide an update on the status of each of these items and work
9 program and timeline for completing the analysis:

10 A. South Park. Assess whether the South Park neighborhood meets the criteria for urban
11 village designation and provide a report to Council as described in Resolutions 31870, 31896 and
12 31970.

13 B. N. 130th Street and I-5. Specific to the area surrounding the future light rail station at
14 North 130th Street and Interstate 5, along with other City departments, complete community-
15 based planning and provide a proposal to establish an urban village as described in Resolution
16 31970.

17 C. Fossil fuels and public health. In consultation with the Seattle Department of
18 Construction and Inspections, the Office of Sustainability, and the Environmental Justice
19 Committee, draft, evaluate, undertake environmental review and provide recommendations for
20 potential amendments to the Environment, Land Use, or Utilities elements of the Comprehensive
21 Plan that would clarify the City’s intent to protect the public health and meet its climate goals by
22 limiting fossil fuel production and storage as described in Resolutions 31896 and 31970.

1 D. Maritime and Industrial Policies. Analyze and make recommendations for changes to
2 the Comprehensive Plan to implement the recommendations of the Mayor’s Maritime and
3 Industrial Stakeholder Committee as described in the Industrial and Maritime Strategy Council
4 Recommendations of June 2021.

5 **Section 3. Other Comprehensive Plan amendments that may be considered in 2022.**

6 The Council may also consider the following amendments in 2022:

7 A. Impact fee amendments. Consistent with Resolutions 31762 and 31970, the Council
8 intends to consider potential amendments to the Comprehensive Plan necessary to support
9 implementation of an impact fee program for public streets, roads, and other transportation
10 improvements. This impact fee work may include amendments to update or replace level-of-
11 service standards or to add impact fee project lists in the Capital Facilities Element and
12 amendments to other elements or maps in the Comprehensive Plan, as appropriate. The Council
13 may also consider impact fee amendments related to publicly owned parks, open space, and
14 recreation facilities, and school facilities.

15 **Section 4. Request for review and recommendations.** The Council requests that OPCD
16 review the amendments described and listed in sections 1 and 2 of this resolution; conduct public
17 and environmental reviews of the amendments listed in Sections 1 and 2; and present its analyses
18 and the Mayor’s recommendations to the Seattle Planning Commission and to the City Council
19 on the schedule set by Resolution 31807 for review and consideration in 2022.

20 **Section 5. Comprehensive Plan amendments that will not be considered in 2022.** The
21 Council rejects the following proposed amendments for docketing for the 2021-2022 timeframe,
22 the full texts of which proposals are contained in Clerk File 321977.

1 A. Application to amend the Future Land Use Map (“FLUM”) for the property addressed
2 as 9201-9215 3rd Avenue S.

3 B. Application to amend the FLUM for the property addressed as 1511-1551 W Armory
4 Way.

5 C. Application to amend the Land Use Element to clarify policies related to yards and
6 trees.

7 D. Application to amend the Transportation Element to discourage pedestrian grade
8 separations such as skybridges, aerial trams, or tunnels.

9 E. Application to add an Open and Democratic Government element or appendix.

10 F. Application to amend the Transportation Element to minimize damage streets from
11 heavy vehicles.

12

DRAFT

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Adopted by the City Council the _____ day of _____, 2021,
and signed by me in open session in authentication of its adoption this _____ day of
_____, 2021.

President _____ of the City Council

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)



SEATTLE CITY COUNCIL
CENTRAL STAFF

2021-2022 Comprehensive Plan Docket

ERIC MCCONAGHY AND LISH WHITSON, ANALYSTS
LAND USE AND NEIGHBORHOODS COMMITTEE
JULY 14, 2021

Annual Docket Process – Resolution 31807

Four steps:

- Spring, 2021: the Council calls for amendment proposals
- Summer, 2021: the Council reviews amendment applications with recommendations from Seattle Planning Commission (SPC) and Office of Planning and Community Development (OPCD) and establishes by resolution a docket for consideration
- Fall, 2021: OPCD reviews the amendments, conducts environmental analysis, and recommends amendments to the Council
- Winter, 2022: the Council receives recommendations from OPCD and SPC, considers the merits of proposed amendments, and acts on a bill amending the Comprehensive Plan

Docketing Criteria – Resolution 31807 [1/3]

A. The amendment is legal under state and local law.

B. The amendment is appropriate for the Comprehensive Plan because:

1. It is consistent with the role of the Comprehensive Plan under the State Growth Management Act;
2. It is consistent with the Countywide Planning Policies and with the multi-county policies contained in the Puget Sound Regional Council's regional growth strategy;
3. Its intent cannot be accomplished by a change in regulations alone;
4. It is not better addressed as a budgetary or programmatic decision; and
5. It is not better addressed through another process, such as activities identified in departmental work programs under way or expected soon, within which the suggested amendment can be considered alongside other related issues.

Docketing Criteria – Resolution 31807 [2 of 3]

C. It is practical to consider the amendment because:

1. The timing of the amendment is appropriate, and Council will have sufficient information to make an informed decision;
2. City staff will be able to develop within the time available the text for the Comprehensive Plan and, if necessary, amendments to the Seattle Municipal Code, and to conduct sufficient analysis and public review; and
3. The amendment is consistent with the overall vision of the Comprehensive Plan and well-established Comprehensive Plan policy, or the Mayor or Council wishes to consider changing the vision or established policy.

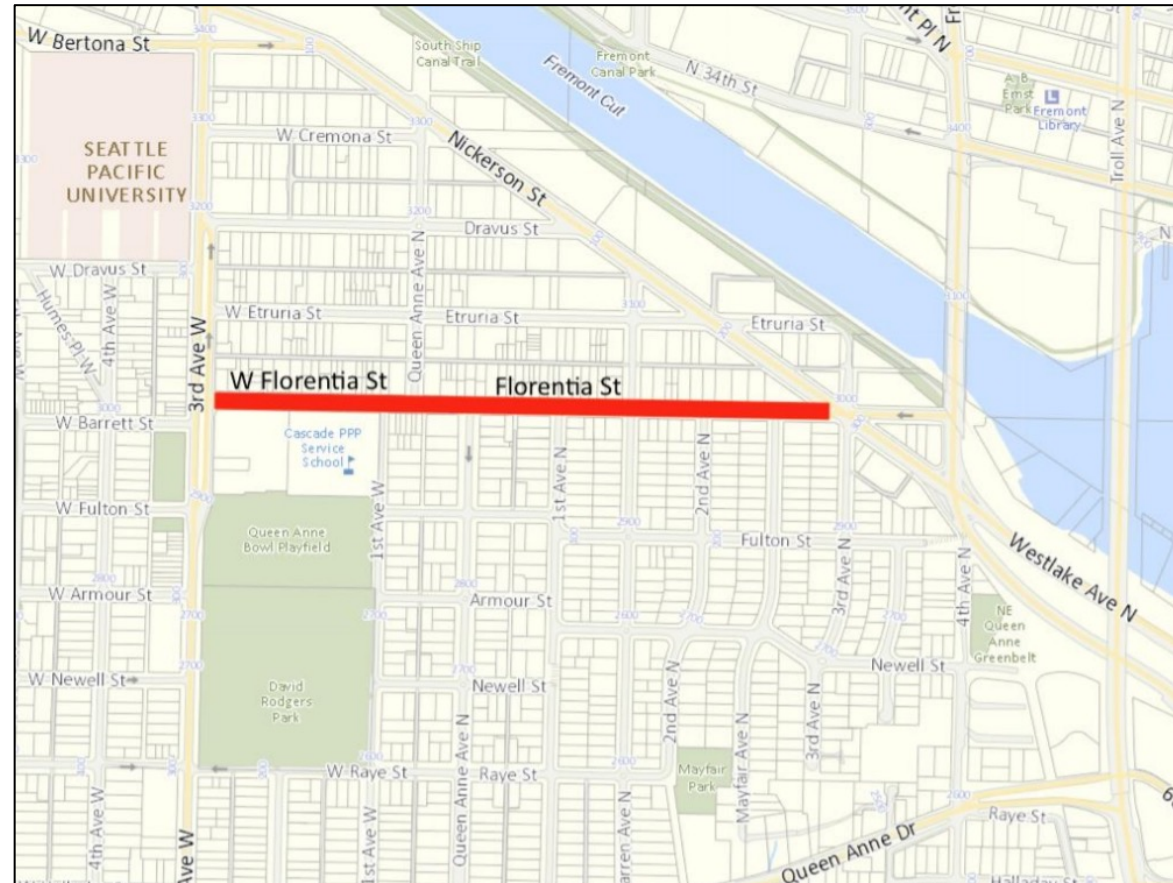
D. If the amendment has previously been proposed, relevant circumstances have changed significantly so that there is sufficient cause for reconsidering the proposal.

Docketing Criteria – Resolution 31807 [3 of 3]

- D. If the amendment would change a neighborhood plan, there is evidence that proponents of the amendment, or other persons, have effectively communicated the substance and purpose of the amendment with those who could be affected by the amendment and there is documentation provided of community support for the amendment.**
- E. The amendment is likely to make a material difference in a future City regulatory or funding decision.**
- F. A proposal that would change the boundary of an urban center, urban village, or manufacturing/industrial center requires an amendment to the Future Land Use Map (FLUM), regardless of the area’s size. However, an amendment that proposes to change the FLUM is not necessary and will not be considered when it would affect an area that is less than a full block in size and is located adjacent to other land designated on the FLUM for a use that is the same as - or is compatible with - the proposed designation.**

2021 Proposed Amendment 1

Reclassify W Florentia Street between 3rd Avenue N and Florentia Street between Queen Anne Avenue N and Nickerson Street as nonarterial streets.



2021 Proposed Amendment 2

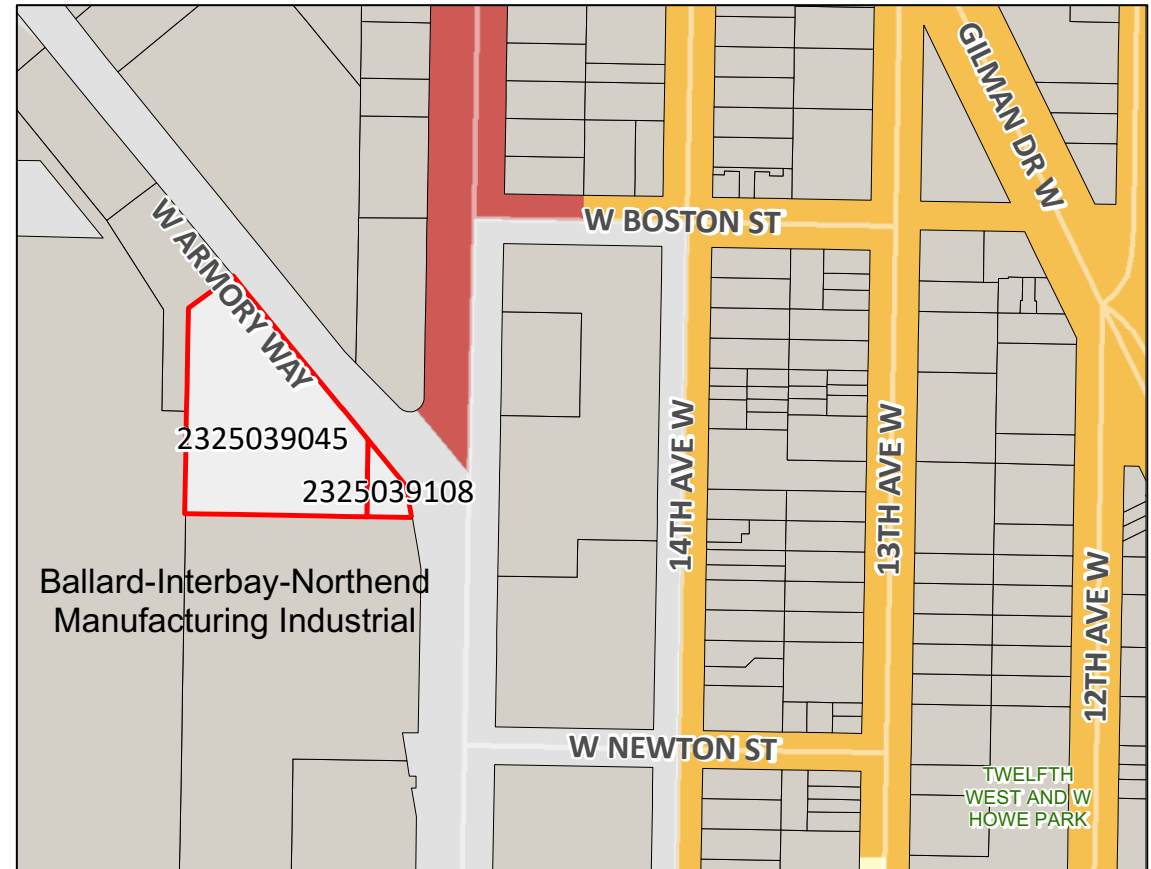
Amend the Future Land Use Map to change 9201-9215 3rd Avenue S in the south Seattle/South Park neighborhood from Single-Family to Multifamily



2021 Proposed Amendment 3

Amend the Future Land Use Map to change 1511-1551 W Armory Way from Ballard-Interbay-Northend Manufacturing/Industrial Center to Commercial/Mixed Use

Parcel Numbers: 232503905 & 2325039108



2021 Proposed Text Amendments

4. Setbacks and Trees

5. Skybridges, Trams and Tunnels

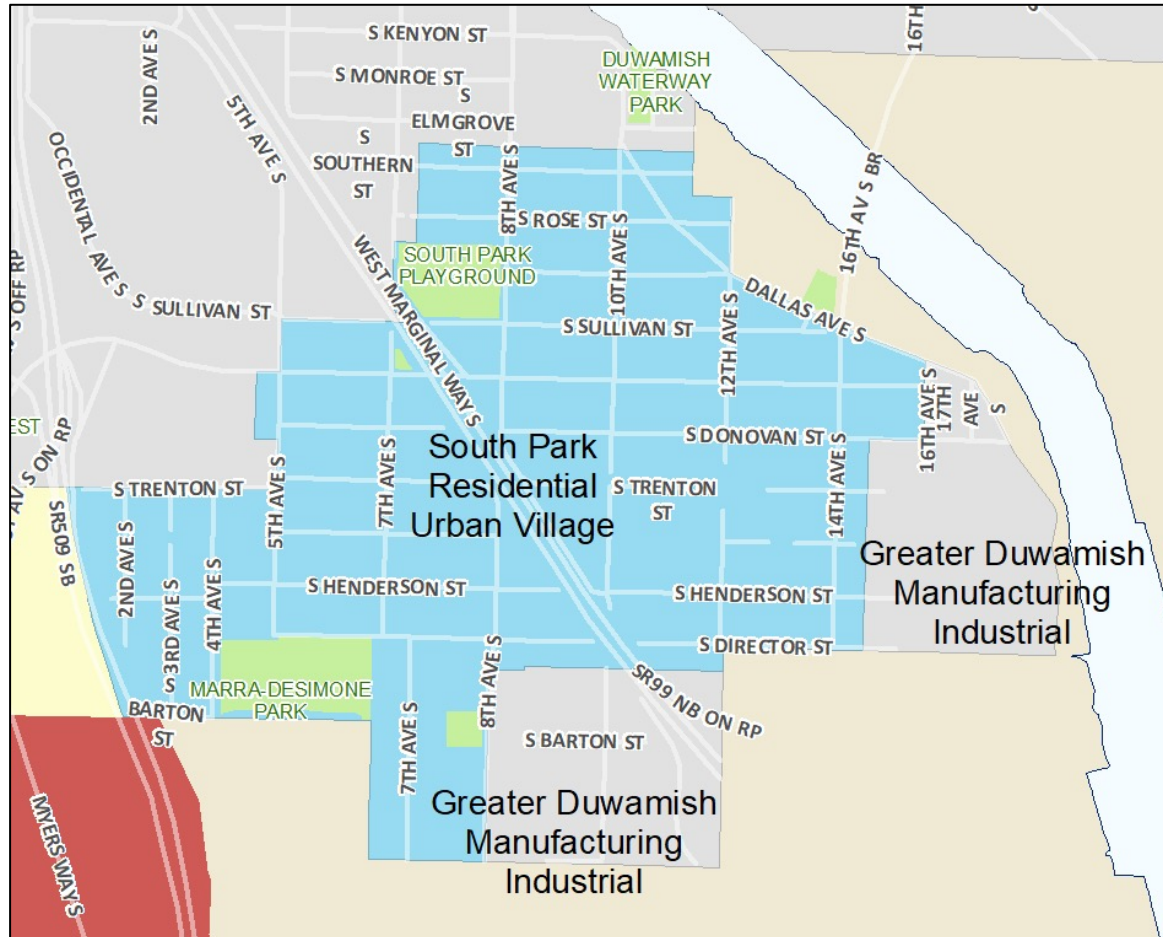
6. Open and Democratic Government

7. Heavy Vehicles

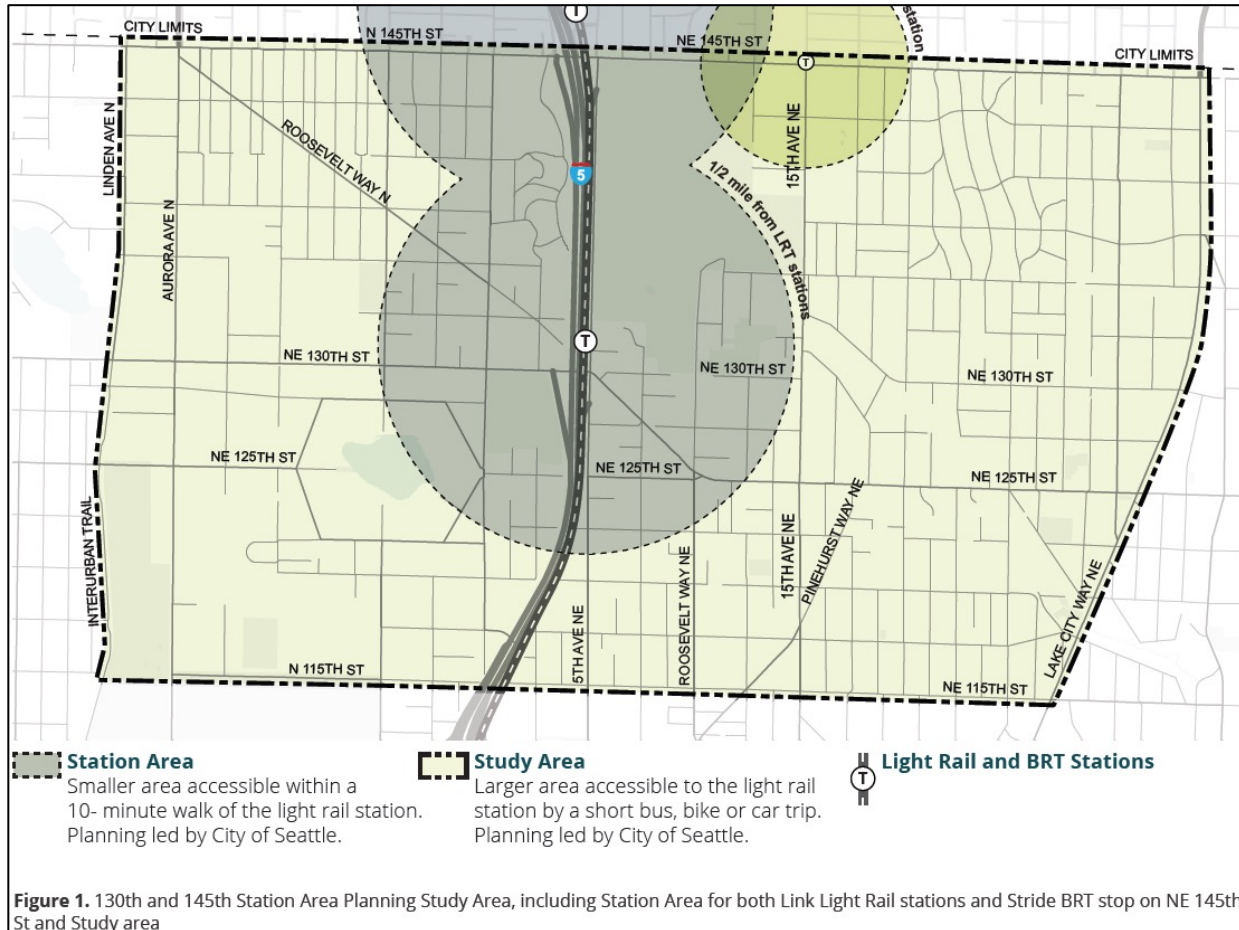
Docketed items from previous years

- Designation of the South Park Urban Village;
- Designation of an urban village near the future light rail station at N 130th Street and Interstate 5;
- Amendments related to fossil fuels and public health;
- Updates to maritime and industrial lands policies; and
- Impact fee amendments.

South Park Urban Village



Urban Village at N 130th Street and Interstate 5



Source: [130th & 145th STATION AREA PLANNING - Plan for Public Review](#)
March 2021 - DRAFT 3/17/2021

Questions?



Seattle
**Office of Planning &
Community Development**

Rico Quirindongo, Interim Director

Date: July 27, 2021
To: Council Member Dan Strauss, Chair, LUN Committee
From: Rico Quirindongo, Interim Director, Office of Planning and Community Development
Subject: Council Docketing Resolution for Comprehensive Plan Annual Amendments for 2022: OPCD Recommendations

This memo provides recommendations for amendments to the City’s Comprehensive Plan to include on the docket for Council consideration in 2022. OPCD has reviewed 6 proposals submitted by community members and one submitted by Council Member Lewis for consistency with the criteria established by City Council Resolution 31807 and recommends one of these for docketing. In addition, work on the Industrial and Maritime Strategy, which resulted in amendment recommendations for adoption in 2021, may lead to additional amendment recommendations in 2022 and thus should also be included on the docket.

In summary, OPCD recommends that two amendment topics be further analyzed and, pending that analysis, considered for possible adoption. They are:

- W. Florentia Street: Reclassify West Florentia Street (between 3rd Avenue North and Queen Anne Avenue North) and Florentia Street (between Queen Anne Avenue North and Nickerson Street) as non-arterial streets on the Comprehensive Plan’s Transportation Appendix Figure A-1 map. This technical amendment would not change Comprehensive Plan policy but rather reflect a potential reclassification of West Florentia Street following environmental review including a traffic analysis and adoption of an ordinance.
- Industrial lands policies that implement land use recommendations of the Industrial and Maritime Strategy stakeholder process following completion of an Environmental Impact Statement in 2022.

Amendments Proposed by Community

Under the state Growth Management Act, the City may amend its Comprehensive Plan up to once each year. Council Resolution 31807 establishes a schedule and criteria for docketing proposed amendments on an annual cycle for consideration by the City Council. On May 15, 2021, the application period closed for community members to submit proposals to amend the Plan in 2022. Seven amendments were proposed by the community. OPCD has reviewed these proposals for consistency with the established criteria and recommends one amendment for docketing. Consistent with CR 31807, OPCD will analyze the proposed amendment, conduct environmental review, and transmit recommended amendments to Council in 2022.

Recommended for Docketing

OPCD recommends that the following proposed amendment to the Comprehensive Plan be docketed for further analysis and consideration for adoption:

1. W. Florentia Street

W. Florentia Street: Reclassify West Florentia Street (between 3rd Avenue North and Queen Anne Avenue North) and Florentia Street (between Queen Anne Avenue North and Nickerson Street) as non-arterial streets on the Comprehensive Plan's Transportation Appendix Figure A-1 map.

Although the amendment satisfies the City Council's criteria for docketing it should be noted that amending the appendix in the Comprehensive Plan does not itself reclassify a street or reflect a change in policy, but rather reflects street classifications that are adopted separately by ordinance and supported by analysis by the Seattle Department of Transportation. OPCD will not recommend adoption of this technical amendment if this work has not been finalized.

Not Recommended for Docketing

OPCD recommends the following Comprehensive Plan amendment proposals not be docketed for 2022:

1. Heavy Vehicles

This proposal would amend the Transportation Element to add policies intended to minimize damage to streets from heavy vehicles. This amendment is substantially the same as an amendment submitted in prior years and rejected by the City Council. This amendment was proposed in the 2016-2017 amendment cycle and not docketed because it would best be addressed through another process. There has not been significant change in relevant circumstances that would support reconsideration of this proposal.

2. Open and Participatory Government

This proposal would amend the Comprehensive Plan by establishing a new element or appendix to establish policies to outline goals, objectives, and policies for decision processes that maximize the possibility of public input before decisions are made.

This amendment is substantially the same as an amendment submitted in prior years and rejected by the City Council. This proposal was initially submitted in the 2008-2009 amendment cycle but not docketed because its provisions are better dealt with through other regulatory tools. There have not been significant changes in conditions to support reconsideration of this proposal.

3. 3rd Avenue Southwest

The proposal is to amend the Comprehensive Plan Future Land Use Map (FLUM) to allow for a zone change from SF7200 to LR3 or higher on three lots located on the 9200 block of 3rd Avenue SW, near the intersection of Olson Place SW. The property owner, a church, would like to build an apartment building with affordable housing for seniors. The current FLUM

designation for this site is single family residential, and a redesignation to multifamily residential would be necessary to accommodate the proposed use.

OPCD recommends against docketing this proposed FLUM amendment, as the size of the area subject to the FLUM is less than a block and would change a small area within a larger area of single-family land use designation in a manner that is inconsistent with well-established Comprehensive Plan policy guiding consideration of land use changes.

OPCD acknowledges that the vision for this property aligns with many other City goals related to neighborhood access, building community wealth, and combating displacement, and is interested in working collaboratively with the property owner to identify other potential options/alternatives for this site. The recently adopted legislation for affordable housing on religious property (CB 120081) is one potential tool that would allow additional capacity for long-term affordable housing. The current zoning (SF 7200) would allow up to six housing units at a site of this size (roughly 45,000 square feet of land area). Under CB 120081 and current zoning, the site could accommodate about 30 affordable housing units. If rezoned to Residential Small Lot (RSL), which would not require a Comprehensive Plan amendment, the provisions of CB 120081 would allow 7-8 additional affordable housing units, with additional flexibility for other development standards, including higher lot coverage limits and allowed floor area ratio (FAR). All housing developed under the provisions of CB 120081 must be affordable to low-income households for 50 years. Any further changes to the zoning of this property could be addressed through a broader consideration of relevant policies and land use designations as part of the major update of the Comprehensive Plan beginning later this year and adopted in 2024.

4. W. Armory Way

This proposal would amend the Future Land Use Map for two parcels located in the BINMIC at the southwest corner of W. Armory Way and 15th Avenue West. The proposal would change the boundaries of the BINMIC to exclude these parcels and change their land use designation to Commercial-Mixed Use.

OPCD recommends against docketing this item because it is better addressed through another process, such as activities identified in departmental work programs under way or expected soon within which the suggested amendment can be considered alongside other related issues (criterion B.5.). OPCD is currently conducting an EIS analysis that evaluates the potential impacts of four industrial land use alternatives that will likely lead to recommendations for Comprehensive Plan amendments in 2022. Additional Consideration of this proposal should not occur before the EIS is completed or as part of the Major Update to the Comprehensive Plan in 2024.

5. Setbacks and Trees

This proposal would amend the Land Use Element to revise policies LU 5.6, LU 5.7, and LU 5.8. Language would be amended to LU 5.6 that expand the purpose its guidance to establish

setbacks in residential areas to include the planting or maintenance of large trees. Language would be added to LU 5.7 to require yards for every multifamily lot. LU 5.8 would be amended to include the value of trees in addressing public health and urban wildlife.

This amendment is substantially the same as an amendment submitted in prior years and while not docketed in previous years was part of an item docketed in 2020 for analysis by OPCD. OPCD did analyze this proposal and is not recommending approval in 2021 because it and other potential policies identified in the draft Urban Forestry Master Plan are better addressed through the major update of the Comprehensive Plan in 2024.

6. Skybridges, Trams and Tunnels

This proposal would amend the Transportation Element to include a new policy that would discourage pedestrian grade separations, whether by skybridge, aerial tram, or tunnel, to maintain an active pedestrian environment at street level.

This amendment is substantially the same as amendments submitted in prior years and was not docketed. This proposal was first proposed in the 2012-2013 annual amendment cycle and was not docketed because this proposal is better addressed through a different process that brings neighborhood context into the discussion. It was also noted that skybridges are currently subject to the permitting process of SMC 15.64 and reviewed by the Seattle Design Commission.

Amendments Proposed by the Executive

In addition to community applications proposing amendments to the Comprehensive Plan, OPCD recommends docketing potential amendments related to ongoing work related to the Mayor's Industrial and Maritime Strategy. The Mayor's Office convened a citywide stakeholder group and four subarea stakeholder groups to work with City departments (OED, OPCD, SDOT, OSE) in developing an Industrial and Maritime Strategy. Approved by the stakeholders in May of 2021, this strategy is broad in scope and encompasses workforce training, transportation investments, public safety, environmental, and land use policies with the goal of creating accessible living wage jobs. Among the stakeholder recommendations are four land use strategies that require Comprehensive Plan amendments as part of their implementation. Two of these amendments are recommended for approval in 2021. The remaining amendments, which would establish a new industrial land use framework, are currently being studied in an EIS with Comprehensive Plan amendment recommendations anticipated in 2022.