

July 7, 2021

MEMORANDUM

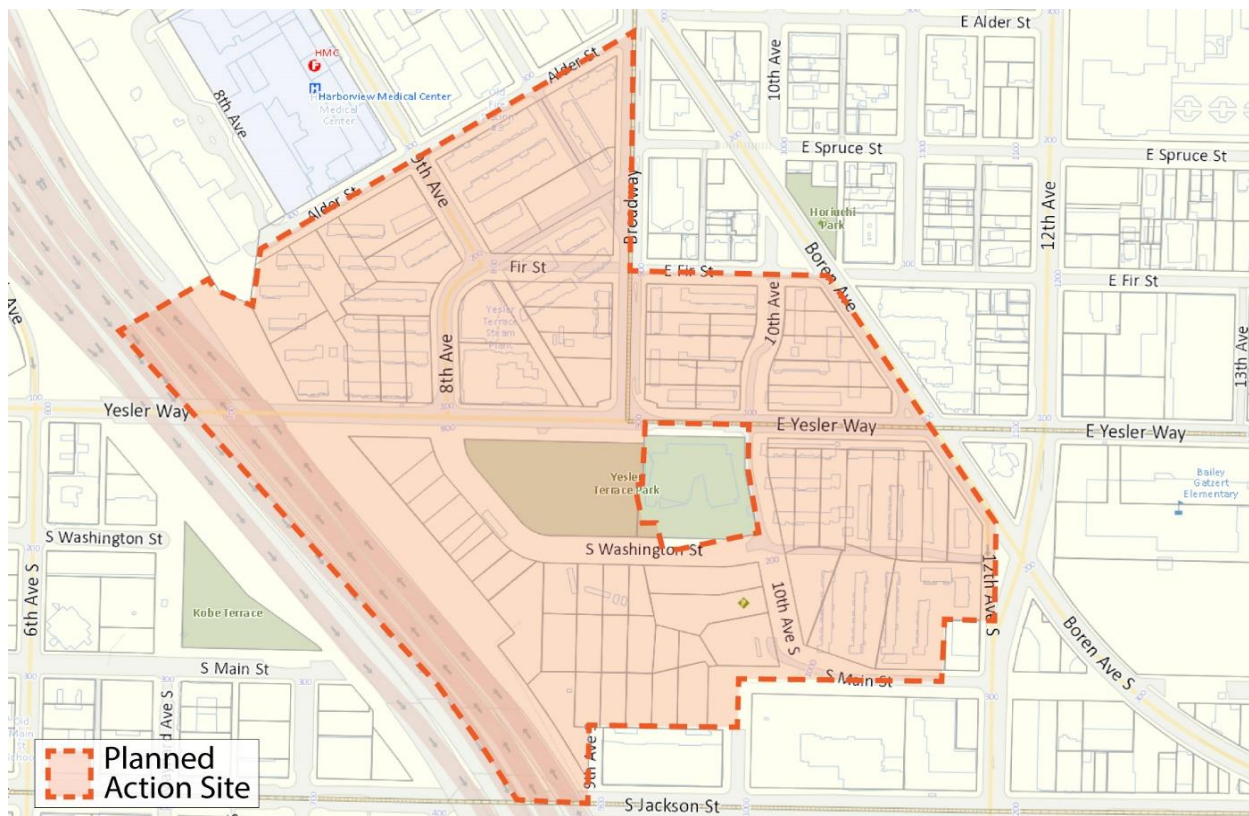
To: Land Use & Neighborhoods Committee
From: Yolanda Ho, Analyst
Subject: Yesler Terrace Planned Action Ordinance Amendment – Council Bill 120108

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

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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.

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

Att B - Updated Exhibit C to Ord. 123962

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

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- 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.

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