



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND RECOMMENDATION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number(s): 3012996

Applicant Name: Nathaniel Cormier, SVR Design Company for
Seattle Housing Authority

Address of Proposal: 825 Yesler Way

Clerk File Number: 312454

SUMMARY OF PROPOSED ACTION

Council Land Use Action to subdivide ten (10) parcels of land into 83 lots and 5 tracts of land (full subdivision) in an environmentally critical area as a component of the Redevelopment of Yesler Terrace. Project includes street vacations and dedication of new streets within the subdivision area. An Environmental Impact Statement (EIS) has been prepared by Seattle Housing Authority and the City of Seattle Human Services Department.

The following approvals are required:

- **Subdivision** – SMC(s) 23.22
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- **SEPA** – for conditioning only pursuant to SMC 25.05.660

SEPA DETERMINATION: Exempt DNS MDNS EIS*

DNS with conditions

DNS involving non-exempt grading, or demolition or another agency with jurisdiction.

* Draft Environmental Impact Statement, October 2010, and Final Environmental Impact Statement, April 2011 (FEIS) issued by Seattle Housing Authority and Seattle Human Services Department.

BACKGROUND INFORMATION

Yesler Terrace is a publicly subsidized housing community, owned and operated by the Seattle Housing Authority (“SHA”), located on the southern slope of First Hill, adjacent or near to downtown, Harborview Medical Center, the International District and Seattle University.

Yesler Terrace comprises approximately 30 acres, bounded by Interstate 5 on the west boundary, Alder Street and Fir Street on the north, Broadway Avenue, Boren Avenue, and 12th Avenue S on the east, and S Main Street and certain private property on the south. SHA is the owner of all the subject property within the proposed subdivision, which includes land in the following plats: Yesler Terrace Addition, A Replat, Lot 1, Block 85 Terry’s 2nd Addition, and Block 1 and 2 Wm. R Brawley’s Addition. The full legal description is found on Sheet G0.0 of the preliminary plat (Attachment 1 Preliminary Plat).

The existing Yesler Terrace development includes 561 units of subsidized housing. The aging units and the supporting infrastructure must be replaced. The planning process, which began in 2006, has incorporated input from City Departments, State Agencies, interested citizens, the Seattle City Council, and the Yesler Terrace Citizen's Review Committee consisting of Yesler Terrace residents as well as neighborhood and city-wide stakeholders.

In April of 2011, the City Council adopted a Comprehensive Plan Policy to create a land use designation of “Master Planned Community” in order to establish a tool for guiding development on certain large sites in designated urban centers. As part of the Comprehensive Plan amendments, the Future Land Use Map was amended by Ordinance 123575 designating Yesler Terrace as a “Master Planned Community.”

In order to implement the Master Planned Community policy and designation for Yesler Terrace, on September 4, 2012 Seattle City Council’s Special Committee on Yesler Terrace voted to approve several pieces of legislation related to Yesler Terrace. The ordinances and agreements in place for Yesler Terrace include:

- Ordinance 123963 that incorporates new zoning provisions for Yesler Terrace, including:
 - Rezones an area from Lowrise Three (LR3) and Downtown Mixed Residential (DMR) to a new Master Planned Community – Yesler Terrace (MPC-YT) zone. Referred to as MPC-YT rezone within the preliminary plat document.
 - Amends the Land Use Code to establish use provisions and development standards for the MPC-YT zone.
 - Adopts Yesler Terrace Master Planned Community Design Review Guidelines. Referred to as Yesler Terrace Design Guidelines within the preliminary plat document.
 - Revises the Design Review and Platting procedures for the MPC-YT zone.
- Ordinance 123962 that revises procedures for project review under a Planned Action Ordinance.
 - Designates certain types of projects implementing the redevelopment of the property identified as Yesler Terrace as planned actions for purposes of the State

Environmental Policy Act (SEPA). Referred to as Planned Action Ordinance (PAO) within the preliminary plat document.

- Ordinance 123961
 - Authorizes a Cooperative Agreement with SHA to advance a range of mutually agreed upon benefits. Referred to as Cooperative Agreement within the preliminary plat document.
- Council File (C.F.) 311389
 - Approves the vacation of existing streets and a new, proposed street grid, provided specific conditions are met, including provision of public benefits. Referred to as Street Vacation and Dedication within the preliminary plat document.

SHA has submitted a preliminary plat for the full subdivision of Yesler Terrace in accordance with City Council conditions of approval for the Street Vacation and Dedication. The preliminary plat documents all streets to be vacated and new streets to be dedicated. The plat incorporates requirements of the rezone, PAO, Cooperative Agreement, required utility infrastructure, right-of-way improvements, and many of the public benefits required by the Street Vacation and Dedication approval. The other public benefits required by that approval are not germane to the plat, but will be incorporated into the final street vacation process.

The requirements of these ordinances or agreements have been cited throughout the preliminary plat analysis to demonstrate how the platting criteria are satisfied.

SHA proposes to plat the ten (10) existing parcels that comprise the Yesler Terrace development into the “Plat of Yesler Terrace Community” consisting of 83 lots and 5 tracts within 8 blocks. Street improvement plans have been submitted to Seattle Department of Transportation (SDOT) in conjunction with the preliminary plat. The preliminary plat includes redevelopment of existing and new city streets, new utility infrastructure, pedestrian, vehicular and utility easements.

Procedural Information

This Decision and Recommendation includes two distinct components of review to evaluate the proposal. The first of these is the subdivision component which requires a written report and recommendation by the Director to the Hearing Examiner. The Hearing Examiner will make a decision on the subdivision (preliminary plat) and the City Council will then render a determination on the final plat pursuant to SMC 23.22.074. The second component is SEPA for conditioning to mitigate adverse environmental impacts of the subdivision (SMC 25.05). An FEIS was completed dated April 2011 by SHA and City of Seattle Human Services Department as co-lead agencies, and the adequacy of the EIS was not appealed. The subdivision proposal is included within the EIS scope.

Future redevelopment of the subject site will require additional permits including Master Use Permits, Street Improvement Permit and construction-level approvals such as demolition, grading and building permits.

Public Notice and Comment Period

Notice of application was provided in the manner prescribed in SMC 23.76, including posted notice on the site, publication in the Land Use Information Service and mailing. The first public notice, with comment period ending on July 12, 2012, did not include posting on site as required by SMC 23.76 and a second notice of application was required. Two public comment letters were received during the notice period ending on October 24, 2012. One public comment questioned the need for one hundred parcels of land which was the number of lots initially proposed. The other comment letter expressed support for low income housing.

DIRECTOR'S ANALYSIS – SUBDIVISION

The Land Use Code (Section 23.76.023) requires the Director of DPD to prepare a written report for a proposed preliminary plat. The Director's report shall include the following:

1. *The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;*
2. *Responses to written comments submitted by interested citizens;*
3. *An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter 23.22;*
4. *All environmental documentation, including any checklist, EIS or DNS; and*
5. *The Director's recommendations to approve, approve with conditions, or deny the application.*

The Director's report is to be submitted to the Hearing Examiner and made available for public inspection at least thirty (30) days prior to the Hearing Examiner's public hearing.

1. Recommendations and comments by affected City departments and other government agencies having an interest in the application

The following represents a summary of the comments received from the agencies indicated. Information and documentation from each review agency is available in the DPD project file. This review is required per SMC 23.22.024, with plans and supporting information distributed to each department.

A. Director of Public Health

The Director of Public Health recommends approval of the subdivision and did not recommend any conditions of approval (Attachment 8: Email from Dave Cantrell, King County Public Health, dated October 10, 2012).

B. Superintendent of City Light

As part of the preliminary plat review process a 30% Street Improvement Plan was reviewed and approved by Seattle City Light (SCL) for street and utility improvements within the "Plat of Yesler Terrace Community." SCL recommends approval subject to the following comments and conditions (Attachment 9: Memorandum from Seattle City Light to Department of Planning and Development dated April 12, 2013):

1. Installation or relocation of SCL facilities may be required in right-of-way areas to provide electrical service to lots and parcels within all blocks and lots within the platted area. Initial design is for installation of overhead distribution facilities. Design may be altered to require underground installation or relocation of SCL facilities at the Final Plat, Master Use Permit (MUP), Building Permit, or Certificate of Occupancy phases if required or needed for any particular development or building.
2. Unless otherwise agreed to in a separate written agreement between SCL and SHA, all SCL installations, relocations and improvements shall be at the expense of SHA, its successors or assigns. SCL does not have system upgrades planned for the platted area at this time.
3. The existing SCL infrastructure (overhead distribution lines and pole(s)) in Block 1 shall be removed and relocated to the public right-of-way in 8th Ave. prior to SHA transferring title to the Block 1 property to the City for a new park. If easements on private property are required for the relocation, SHA shall grant to or obtain such easements from SCL prior to construction.
4. Existing SCL infrastructure in Block 6 must be surveyed. The reroute design has not yet been developed to an acceptable 30% detail.
5. Easements or other rights, if necessary in the sole judgment of SCL to provide electric service to blocks, lots, parcels, streets, alleys, or private drives within the platted area shall be granted to SCL by SHA or its successors in interest prior to construction or relocation of SCL facilities.
6. SCL shall have the right to review future construction design plans for all lots requiring electrical service at each permitting stage for development (MUP, building permit, and Certificate of Occupancy), and shall have the right to condition permit issuance on construction, installation or relocation of SCL facilities, whether within or outside the platted area, to meet the electrical service needs of any proposed development in the platted area, in SCL's sole discretion.
7. All development shall comply with SCL guidelines, including but not limited to minimum clearance requirements between all buildings and SCL infrastructure. All SCL facilities shall be constructed and installed in accordance with SCL engineering best practices and to SCL construction standards.

DPD has reviewed the comments and conditions provided by SCL. SCL will review future construction plans for all lots requiring electrical service at each permitting stage for development (MUP, building permit, and Certificate of Occupancy). SCL has the right to condition permit issuance on construction, installation or relocation of SCL facilities, whether within or outside the platted area, to meet the electrical service needs of any proposed development in the platted area, in SCL's sole discretion or as required by code. DPD recommends condition number 1, 2, 5, 6 and 7 as conditions to be added on the face of the final plat. DPD recommends condition number 3 as a condition to be added on the face of the final plat and also as a condition in the Phasing Covenant, which specifies the timing of infrastructure development, as required by SDOT at final plat (See SMC 23.22.070 Director's Action on Final Plat, page 34 for more detail). DPD recommends number 4 as an item to be required within the final plat Street Improvement Plan. The final plat Street Improvement Plan will be reviewed and approved by Seattle Department of Transportation (SDOT), Seattle Public Utilities (SPU), SCL, Parks and Recreation (Parks) and METRO as a recommended condition prior to approval of the final plat document.

C. Director of Housing

The Director of Housing recommends approval and did not suggest any conditions of preliminary plat approval (Attachment 10: Email from Maureen Kostyack, Office of Housing, dated January 8, 2013).

D. Superintendent of Parks and Recreation

As part of the preliminary plat review process a 30% Street Improvement Plan was reviewed and approved by Parks for street and infrastructure improvements within the “Plat of Yesler Terrace Community.” The Superintendent of Parks and Recreation recommends approval subject to the following conditions (Attachment 11 Memorandum from Seattle Parks and Recreation to Department of Planning and Development dated February 25, 2013):

1. No SCL pole (or easement) within the Park. SCL overhead facilities shall be relocated in accordance with 1.B.3. prior to transfer of property in Block 1 from SHA to City under Parks’ jurisdiction.
 - a) The combination of high voltage wires above the (as yet) undesignated Green Stormwater Infrastructure (GSI) facilities and the access required by both SCL and SPU to maintain those facilities, makes the SCL pole incompatible with the neighborhood park.
2. Limit the size of the GSI within Block 1 neighborhood park to 6000 SF
 - a) Show calculations verifying that 6000sf is adequate for stormwater detention at peak flow.

DPD has reviewed the conditions provided by Parks. Number 1 above is no longer applicable as the SCL overhead facilities in Block 1 have been subsequently deleted. Number 2 above is no longer applicable as GSI within Block 1 has been eliminated from infrastructure plans.

E. Director of Seattle Public Utilities

As part of the preliminary plat review process a 30% Street Improvement Plan was reviewed and approved by SPU for street and utility improvements within the “Plat of Yesler Terrace Community.” The Director of SPU recommends approval with the following comments and conditions (Attachment 12 Memorandum from Seattle Public Utilities to Department of Planning and Development dated April 5, 2013):

1. Prior to parcel development application shall be made for block level water availability certification (WAC).
2. SPU watermain shall be extended to abut all properties to the satisfaction of SPU and a public utility easement (water) is granted.
3. SPU combined sewer shall be extended to abut all properties to the satisfaction of SPU and a public utility easement (sewer) is granted.
 - a) The existing private combined sewer between Alder and Yesler shall be replaced to the satisfaction of SPU in a location that better meets the need of providing sewer service to block 7 and the existing pipe shall be abandoned.

4. The plat shall show the known information about Works Progress Administration (WPA) Drains underlying the properties.
 - a) SPU is abandoning the drains and they are an existing property feature of note.
5. Stormwater detention for peak flow control within Block 1 Park shall not exceed 6,000sf surface area.
6. Wetlands within the project area are identified and the drainage code requirement to protect wetlands is met to the satisfaction of SPU.
7. Peak flow discharge restrictions for each parcel or block are identified to the satisfaction of SPU.
8. Geotechnical report to support drainage design and meeting the requirements of the stormwater code is submitted to the City.
9. The green stormwater infrastructure (GSI) bioretention planter design is modified to provide drainage control function to the satisfaction of SPU.
 - a) The applicant shall demonstrate the adequacy of the GSI function for flow control and plant support, and;
 - b) Provide a detailed model incorporating the information from the geotechnical report and design change with cell by cell reporting on soil saturation and ponding;
 - c) Or, the drainage design within the right-of-way (ROW) is modified to meet the peak flow control requirements with both alternative detention design and GSI to the Maximum Extent Feasible.
 - d) And, the hydraulic model of the project site shall be upgraded to incorporate the ROW GSI modeling detail.
10. The GSI bioretention planter design is modified so that the hardscape of walls, curbs, railings and other structures meet the requirements of the City of Seattle Interdepartmental Team on GSI in the ROW.
11. Adoption of an agreement between SHA, SDOT and SPU resolving the outstanding ownership and maintenance issues of the GSI bioretention planters.

DPD has reviewed the comments and conditions provided by SPU. SPU will review future construction plans and may provide additional conditions or requirements at MUP, and building permit stages for all lots requiring utility service. DPD recommends SPU condition numbers 1 as a condition of approval prior to submitting an application for a Master Use Permit, building permit or grading permit. DPD recommends SPU condition numbers 4 as a condition of final plat approval. DPD recommends number 3a be a condition of approval prior to issuance of a final certificate of occupancy for a building permit for any lot on Block 7 abutting the existing sewer (Lots 1, 2, 10 and 11), and also as a condition to be included in the final Phasing Covenant, which specifies the timing of infrastructure development, as required by SDOT at final plat (See SMC 23.22.070 Director's Action on Final Plat, page 34 for more detail). DPD recommends numbers 2, 3, 7-11 as items to be required within the final plat Street Improvement Plan. The final plat Street Improvement Plan will be reviewed and approved by SDOT, SPU, SCL, Parks and METRO as a recommended condition prior to approval of the final plat

document. Condition Number 5 is no longer applicable as GSI within Block 1 has been eliminated from infrastructure plans.

DPD does not recommend a condition for item number 6 which restates a current Drainage Code requirement. The recommended condition of approval will be resolved through the permitting review process and a separate condition of approval is not necessary.

F. Chief, Fire Department

The Fire Department recommends approval and did not suggest any conditions of preliminary plat approval (Attachment 13: Email from Captain Stephen Bernocco, Fire Marshal's Office Seattle Fire Department, dated September 12, 2012).

G. Metropolitan Services Department

As part of the preliminary plat review process a 30% Street Improvement Plan was reviewed and approved by King County, Department of Transportation, Metro Transit, and Transit Route Facilities (METRO) for street and utility improvements within the "Plat of Yesler Terrace Community." METRO recommends approval of the preliminary plat with the following condition (Attachment 14 Memorandum from King County Metro to Department of Planning and development dated April 12, 2013):

1. As a condition of the preliminary plat approval, prior to final plat recording, King County Metro and SHA will develop and enter into a financial agreement for the costs associated with revisions and additions to the project's associated transit system facilities. These include costs associated with the intersection redesign and 'slip lane' removal at the intersection of Boren Ave S and 12th Ave S, signal and utility poles, upgrades to existing lighting foundations to accommodate future strain poles, foundations, bus zone relocations and improvements and other costs triggered by the Yesler Development Project.

In the event that a decision is made for a future trolley bus routing from Jefferson Street to Yesler Street via 8th Avenue these costs will need to be included in the agreement.

DPD has reviewed the comments and conditions provided by METRO. DPD recommends that the first paragraph of number 1 be incorporated as a requirement within the final plat Street Improvement Plan. The final plat Street Improvement Plan will be reviewed and approved by SDOT, SPU, SCL, Parks and METRO as a recommended condition prior to approval of the final plat document.

H. Other Governmental Agencies

Washington State Department of Transportation (WSDOT)

WSDOT recommends approval with the following comment (Attachment 15 Email from Felix Palisoc, Washington Department of Transportation (WSDOT) dated October 16, 2012), "I don't think that the more detailed plans that we would like to see would be provided during this plat application, hence, I think that having a placeholder for WSDOT to review future construction plans that would impact our facility would work for now."

DPD geotechnical engineers require WSDOT review for all grading and building activity with potential to impact the Interstate 5 retaining wall located along the west boundary of the proposed plat. DPD does not recommend any additional conditions of preliminary plat approval.

Seattle Department of Transportation (SDOT)

As part of the preliminary plat review process a 30% Street Improvement Plan was reviewed and approved by SDOT for street improvements within the “Plat of Yesler Terrace Community.” SDOT recommends approval of the Preliminary Plat with the following conditions (Attachment 16 Memorandum from Seattle Department of Transportation to Department of Planning and Development dated March 8, 2013):

1. Boren Avenue Sidewalk – The proposed sidewalk along the west side of Boren Avenue from East Fir Street to 12th Avenue S must be further refined at 60%. At intersections, the existing sidewalk may remain adjacent to the curb line to preserve existing trees. However, at mid-block locations where tree preservation is not an issue, 5-foot plant strip and 6-foot sidewalk must be accommodated to meet City Standards.
2. Yesler Channelization – Prior to the 60% submittal, SHA and SDOT will further address miscellaneous revisions to the Yesler Way channelization. A particular interest is to develop a collaborative design of cycle track between 8th Avenue and Broadway.

DPD has reviewed the comments and conditions provided by SDOT. DPD recommends number 1 and 2 as items to be incorporated as requirements within the final plat Street Improvement Plan. The final plat Street Improvement Plan will be reviewed and approved by SDOT, SPU, SCL, Parks and METRO as a recommended condition prior to approval of the final plat document.

Structural / Ordinance Review (DPD)

The DPD ordinance recommends approval and did not suggest any conditions.

Drainage Review (DPD)

The DPD drainage reviewer recommends approval and did not suggest any conditions.

2. Responses to written comments of interested citizens

Two comments were submitted during two public comment periods ending on July 18, 2012 and October 24, 2012. The first commenter expressed gratitude for her home in Yesler Terrace. The second commenter questioned the need for the 100 lots given the scope of development proposed within the FEIS and approved Planned Action Ordinance (Attachment 17 and 18 Public Comment Letters dated October 16, 2013 and July 15, 2012 respectively).

The plat was originally proposed with 100 lots and the public notice thus referred to 100 lots. The plat application was subsequently revised to include 83 lots and 5 tracts. The tracts are for pocket parks, a pedestrian pathway, and a multi-use public trail.

The Director sent a response to the commenter’s concerns on March 9, 2013 (Attachment 19 Response to Public Comment). Each of the proposed lots may be combined with other lots into larger development sites to support the structures contemplated in the FEIS and Planned Action Ordinance. SHA will have greater flexibility in designing development site boundaries and locations by utilizing the full number of proposed parcels of land in varied combinations rather than proposing fewer larger lots.

3. Evaluation of the proposal pursuant to applicable codes

The preliminary plat process is detailed in SMC 23.22, Subchapter II, providing criteria to evaluate proposed subdivisions. These criteria include evaluation of protective improvements for topographical and surface hazards, dedications, the public use and interest, environmentally critical areas, transportation concurrency level of service, among others. A discussion of these criteria follows.

4. All environmental documentation, including any checklist, EIS or DNS

The applicant has completed and adopted a Draft Environmental Impact Statement (DEIS) dated October 2010 (Attachment 4, Draft Environmental Impact Statement) and a Final Environmental Impact Statement (FEIS) dated April 2011 (Attachment 3, Final Environmental Impact Statement). The DEIS and FEIS were prepared by SHA and City of Seattle Human Services Department as co-lead agencies, and the adequacy of the EIS was not appealed. The subdivision proposal is included within the EIS scope. DPD completes SEPA for conditioning as it relates to impacts identified for the subdivision. Where impacts are identified and mitigation is needed, additional mitigation has been required. The SEPA analysis of this project is discussed separately in a subsequent section of this report.

5. The Director's recommendation to approve, approve with conditions, or deny the application

As presented in the Preliminary Plat plan set dated June 26 2013; the Director of DPD recommends approval of the Preliminary Plat under SMC 23.22.028 subject to the conditions referenced at the end of this subdivision analysis.

SMC 23.22.050 – Topographical and surface hazards – Protective improvements.

Land having topographical or subsurface conditions hazardous to the health, safety or general welfare of persons or property in or near a proposed subdivision shall not be subdivided unless the construction of protective improvements will eliminate the hazards or unless land subject to the hazard is restricted to uses which will not expose persons or property to the hazard. Protective improvements consistent with the standards established in Subchapter VI shall be constructed, prior to final plat approval unless a performance bond acceptable to the Director of Engineering is filed in lieu of the improvements.

One potential topographical or subsurface condition has been identified within the Plat of Yesler Terrace Community.

Subterranean drainage tunnels have been identified through the Environmental Review Process (Attachment 3: FEIS page 3.1-7). The drainage tunnels have been reviewed at length and found to provide no significant drainage function and consequently SPU has deemed the tunnels as abandoned (Attachment 21: Memorandum by SPU dated June 6, 2012 and Attachment 22: Letter from SPU to Ms. Fiske-Zuniga dated November 15, 2012). SPU specifies “collapse of portion of the tunnel drains has been documented in the past. SHA development plans should include the evaluation of the risk and potential impact of collapse of these structures, and provide appropriate prevention or mitigation methods.”

To ensure future development accounts for the drainage tunnels, the Planned Action Ordinance Mitigation Document (Attachment 26: Planned Action Ordinance Exhibit B, page 3) states

“Prior to Issuance of a Building Permit. The applicant shall retain a geotechnical engineer to investigate and analyze slope stability and groundwater, including any underlying drainage tunnels. If one or more tunnels are present below the lot proposed for development, the applicant must demonstrate that the proposed building and drainage plans are adequate to protect life, property and utilities, and that the proposed actions will not increase risk of landslides on the affected property or adjacent properties.”

In addition to the Planned Action Ordinance Mitigation, SPU has requested that the following condition of preliminary plat approval be added: “the plat shall show the known information about Works Progress Administration (WPA) drainage tunnels underlying the properties. SPU is abandoning the drains and they are an existing property feature of note” (Attachment 12: Memorandum from SPU to Department of Planning and Development dated April 5, 2013; Attachment 21: Memorandum by SPU dated June 6, 2012). All known drainage tunnels have been located on the preliminary plat topographic survey (Attachment 6: Topographic Survey completed by Oliver Quinn Robar dated February 4, 2013).

DPD recommends approval of the preliminary plat with the following conditions:

1. Prior to final plat approval the final plat shall include known locations for all subterranean drainage tunnels deemed abandoned by Seattle Public Utilities.

No further protective improvements are necessary to satisfy the subdivision criteria.

SMC 23.22.052 - Dedications required.

- A. *Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, pedestrian access and circulation, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.*

Drainage, Street, Alleys

The City Council has granted conceptual approval of a petition by SHA for the vacation of various rights-of-way and dedication of new streets within Yesler Terrace (Attachment 25 Street Vacation and Dedication). Rights-of-way being vacated and dedicated are depicted on the preliminary plat (Attachment 1, Preliminary Plat Sheet G.0.1).

The following rights-of-way will be vacated as shown on the Preliminary Plat (Sheet G0.1):

- Terry Avenue - From the southern right-of-way margin of Alder Street to the western right-of-way margin of Broadway.
- Spruce Street - From the northeastern right-of-way margin of 9th Avenue to the western right-of-way margin of Broadway.
- Alley in Block 84 of the Terry’s 2nd Addition plat - from the northern right-of-way margin of Spruce Street to approximately 60-feet north of the northern right-of-way margin of Spruce Street.
- Spruce Street and 9th Avenue Intersection - A portion of the northwest corner of the

intersection of Spruce Street and 9th Avenue to remove the radius.

- Alley at Yesler Terrace Steam Plant - From the eastern right-of-way margin of 8th Avenue to the southern right-of-way margin of Spruce Street.
- 8th Avenue Intersection - A portion of the northwest corner of the intersection of 8th Avenue and Yesler Way to remove the radius.
- 8th Avenue South - From the southern right-of-way margin of Yesler Way to the eastern right-of-way margin of Interstate 5.
- South Main Street - From the eastern right-of-way margin of Interstate 5 to the western right-of-way margin of 10th Avenue South.
- 9th Avenue South - From the southern right-of-way margin of South Main Street to approximately 90-feet south of the southern right-of-way margin of South Main Street.
- South Washington Street - From the eastern right-of-way margin of 10th Avenue South to the western right-of-way margin of 12th Avenue South.

The plat provides adequate provisions for dedication of drainage ways, and streets by providing street dedications approved by City Council. The street grid resulting from the vacations and dedications is depicted on the preliminary plat (Attachment 1, Preliminary Plat sheets G1.0 and G1.1). The following streets will be dedicated in the subdivision:

- Yesler Way will be widened from I-5 to the existing Community Center adjacent to future Block 1. The width from I-5 to new S Washington Street will be 83 feet. From new S Washington Street to the existing Community Center the width will be 85 feet.
- 10th Avenue will be widened from Fir Street to E Yesler Way; the width will be 66 feet.
- 10th Avenue will be widened from E Yesler Way to existing S Washington Street; the width will be 53.5 feet.
- 10th Avenue will be extended and dedicated from existing S Washington Street to existing Main Street; the width will be 66 feet.
- S Washington Street will be dedicated from the junction of 8th Avenue and Yesler way to 10th Avenue S; the width will be 66 feet.
- Fir Street will be dedicated west of Broadway and connect Broadway to 8th and 9th Avenue; the width will be 66 feet.

No alleys are proposed within the Plat of Yesler Terrace Community. All proposed rights-of-ways will be developed with roadway, curb, drainage, sidewalk, street trees and utilities as shown on the Street Improvement Plans (Attachment 5 Yesler Terrace Redevelopment Preliminary Plat Street Improvement Plans dated February 6, 2013).

There are currently structures and physical appurtenances that encroach upon public rights-of-way that will be dedicated within the final plat. All such structures and physical appurtenances shall be removed in connection with the completion of the final plat infrastructure. Right-of-way, access easement, and related utility infrastructure will be developed as specified in the final Phasing Plan and Phasing Covenant approved by SDOT in connection with the final plat. (See SMC 23.22.070 Director's Action on Final Plat, page 34 for more detail.)

In the interim, until completion of final plat infrastructure, it is anticipated that existing occupied buildings will remain in newly dedicated but not yet improved rights-of-way so that existing low income units can be retained until demolition is necessary. The demolition of structures and final build out of street and utility infrastructure will be phased over a number of years utilizing the process set forth in SMC 23.22.070 E. To ensure the City's interests are protected, the Director of SDOT has requested that SHA enter into a new Cooperative Agreement with the City, referred to as the Cooperative Agreement for Yesler Terrace Plat, as permitted by RCW 35.83.030, that documents SHA's ultimate responsibility for the maintenance, liability, relocation of tenants and demolition of structures and physical appurtenances in the newly dedicated rights-of-way. A draft of this new Cooperative Agreement has been reviewed by SDOT. City Council action on the Cooperative Agreement is expected to occur prior to or in conjunction with action on the final plat.

DPD recommends approval of the preliminary plat with the following condition.

1. Prior to final plat approval, SHA shall enter into a Cooperative Agreement for Yesler Terrace Plat through which the City is ensured of SHA's responsibility for the maintenance of, liability for, relocation of tenants from, and demolition of structures and physical appurtenances located in newly dedicated rights-of-way.

Pedestrian Access and Circulation, Easements, Parks and Public Open Space

The proposed Plat of Yesler Terrace Community includes public access easements and private access drive easements, utility easements, and tracts for future pocket parks, a public multiuse trail, and public access pathways. All easements and tracts are shown on Sheets G1.1 and G1.3 of the preliminary plat (Attachment 1 Preliminary Plat). All easements will be granted and recorded as part of the final plat.

- Block 1 will contain 1 utility easement, for underground sewer, for the benefit of the City, and 2 public sidewalk easements.

SHA will donate Block 1 to Seattle Parks Department according to the requirements of the Cooperative Agreement (Attachment 24 SHA/City Cooperative Agreement Page 17-19). Discussion of Block 1 easements and encumbrances has been detailed at length in the analysis of Parks and Open Space.

- Block 2 will include a tract that will include a public access pathway, and the Block will also contain two utility easements for the benefit of the City.
 - a) Tract A will be established on the plat at a width of 32 feet. Within the Tract, construction of a public access pathway will be required for pedestrian access through the Block. In addition to this being a plat requirement, the public pathway is

provided in fulfillment of and subject to Exhibit B of the PAO. (Attachment 26, Exhibit B, Planned Action Mitigation Document).

The 32 foot wide area will ultimately contain a 15 foot wide public access pathway. That pathway will be established by a public access easement, as further described below. A 32-foot wide restrictive easement, Easement 2.1, will be granted to the City and included on the face of the final plat restricting buildings within the Tract, in accordance with provisions of the PAO, Land Use Code, and Yesler Terrace Design Guidelines. The portion of the Tract outside of the public access pathway may contain amenity area for use by residents in adjacent buildings and include secondary spaces for impromptu gatherings, play opportunities, outdoor seating, bike racks and plantings as detailed in Yesler Terrace Design Guidelines (Attachment 23 Exhibit B Design Guidelines), but no automobile access except for emergency or maintenance vehicles shall be allowed.

Concurrent with the final plat, a 32 foot wide public access easement over Tract A will be granted by SHA to the City for the benefit of the public. Within the easement area, construction of a public access pathway will be required pursuant to a condition imposed herein. The public access easement will be provided with an initial width of 32 feet, as the exact location of the 15 foot wide public access pathway within the Tract will not be known at the time of final plat. Once the location of the pathway has been determined by agreement between SHA and the City and the pathway has been constructed, the City will release the portion of the public access easement outside of a fifteen-foot width containing the constructed pathway.

In order that the final plat itself does not need to be revised, the initial 32 foot wide public access easement will not be shown on the final plat. It will instead be established via a separate document executed at the time of the final plat. That separate easement document will be partially released by the City later when the pathway location is known and can be legally described. DPD and SDOT will propose that the ordinance accepting the final plat include authority for the Department Directors to execute the release of the public access easement as described herein.

The public access easement shall contain the conditions regarding “hours of access” and “allowed access” set forth on page 7 of Exhibit B to the PAO (Attachment 26 Exhibit B Planned Action Mitigation Document). The public access easement shall not allow automobile traffic except for emergency or maintenance vehicles.

In connection with final plat approval, SHA shall provide a binding commitment to convey Tract A to the Owners Maintenance Corporation no later than the time of completion of construction of the pathway. This commitment shall be contained in a covenant or other agreement as determined by the City, to be recorded at final plat.

- b) Easement 2.2 is a 22-foot easement within Tract A for the benefit of the City to maintain an existing Seattle Public Utility sewer line, to accommodate future realignment of this sewer line, and possibly also to accommodate a new storm drain line.

- c) Easement 2.3 is a 20-foot easement for the benefit of the City to provide vehicular access to the existing sewer line for maintenance.
- Block 3 does not include any easements, but does include a tract for a pocket park.
 - a) Tract A will ultimately be developed as a pocket park as required as a public benefit by the Street Vacation and Dedication approval (Attachment 25 Street Vacation and Dedication page 5-6). Public access to the pocket park will be ensured through a Property Use and Development Agreement (PUDA) (or other mechanism that runs with the land) recorded in connection with the final plat, consistent with the conditions of the Street Vacation and Dedication approval.

In connection with final plat approval, SHA shall provide a binding commitment to convey Tract A to the Owners Maintenance Corporation no later than the time of completion of construction of the pocket park. This commitment shall be contained in a covenant or other agreement as determined by the City, to be recorded at final plat.

- Block 4 does not include any easements or tracts.
- Block 5 will contain an easement for a public access pathway within a private access drive easement, a utility easement for the benefit of the City, and two tracts, one for a pocket park and one that will include a multi-use public trail.
 - a) Easement 5.2: The area designated as Easement 5.2 on Sheet G1.1 of the preliminary plat contains the following easements:

A 34 foot wide reciprocal private access drive easement will be granted as part of the final plat as required by SMC 23.53.005 and SMC 23.53.025 to provide access to parcels without street frontage. The reciprocal private access drive easement will be included on the face of the final plat with terms and conditions. The designated 34-foot wide area will contain a minimum 20 foot wide roadway and 6 foot public access pathway, with the remainder of the easement area being designed with private development in accordance with the Yesler Terrace Design Guidelines (Attachment 23 Exhibit B Design Guidelines). Construction of the public access pathway will be required pursuant to a condition imposed herein. In addition to meeting Land Use Code requirements for access to parcels, satisfying the requirements of the preliminary plat, the public pathway is provided in fulfillment of and subject to Exhibit B to the PAO. (Attachment 26 Exhibit B Planned Action Mitigation Document).

Concurrent with the final plat a 34 foot wide public access easement will be granted by SHA to the City for the benefit of the public. Within the easement area, construction of a public access pathway will be required pursuant to a condition imposed herein. The public access easement will be provided with an initial width of 34 feet, as the exact location of the 6 foot wide public access pathway within the access drive easement will not be known at the time of final plat. Once the location of the pathway has been determined by agreement between SHA and the City and the pathway has been constructed, the City will release the portion of the public access

easement outside of a six-foot width containing the constructed pathway. This partial release of the easement would be handled in the same manner as the public access easement described above for Tract A in Block 2. The public access easement shall contain the conditions regarding “hours of access” and “allowed access” set forth on page 7 of Exhibit B to Ordinance 123962 (Attachment 26 Exhibit B Planned Action Mitigation Document).

- b) Easement 5.3 is a 34-foot wide utility easement for the benefit of the City to supply public utilities to the landlocked parcels as required by SPU and SCL in their recommendations on the preliminary plat. Once the final design and construction of the public facilities are complete, the City may, in its sole discretion, either partially relinquish this easement or fully relinquish this easement in return for SHA or its successors granting a new surveyed and recorded easement for utilities acceptable to SPU and SCL.
- c) Tract A will be established on the plat and ultimately be developed as a pocket park as required as a public benefit by the Street Vacation and Dedication approval (Attachment 25 Street Vacation and Dedication page 5-6). Public access to the pocket park will be ensured through a PUDA (or other mechanism that runs with the land) recorded in connection with the final plat, consistent with the conditions of the Street Vacation and Dedication approval. In connection with final plat approval, SHA shall provide a binding commitment to convey Tract A to the Owners Maintenance Corporation no later than the time of completion of construction of the pocket park. This commitment shall be contained in a covenant or other agreement as determined by the City, to be recorded at final plat.
- d) Tract B will be established on the plat at a width of 23 feet to serve as a Tree Protection Tract and Multiuse Trail as required as a public benefit by the Street Vacation and Dedication approval (Attachment 25 Street Vacation and Dedication page 9). Within the Tract, construction of a public multi-use trail is required pursuant to the conditions of the Street Vacation and Dedication approval.

The 23 foot wide area will ultimately contain a public multiuse trail. The trail will be established by a public access easement, as further described below. A 23-foot wide restrictive easement, Easement 5.1, will be granted to the City and included on the face of the final plat restricting buildings within the Tract, in accordance with provisions of the Street Vacation and Dedication Approval.

Concurrent with the final plat, SHA will grant to the City, for the benefit of the public, a public multi-use trail easement over the entire 23-foot width of Tract B, as the exact location of the trail will not be known at the time of final plat. Once the location of the trail has been determined by agreement between SHA and the City and the trail has been constructed, the City will release the portion of the public access easement outside of the area containing the constructed trail. The easement shall contain the conditions regarding hours and conditions of access consistent with the use of the space as a public sidewalk on private property.

In connection with final plat approval, SHA shall provide a binding commitment to convey Tract B to the Owners Maintenance Corporation no later than the time of

completion of construction of the trail. This commitment shall be contained in a covenant or other agreement as determined by the City, to be recorded at final plat.

- Block 6 will contain six easements.
 - a) Easement 6.1 is a 20-foot easement for the benefit of the City for a future combined sewer that will connect to an existing SPU sewer line.
 - b) Easements 6.2 and 6.5 as designated on Sheet G1.1 of the Preliminary Plat as 34-foot wide reciprocal private access drive easements will be granted as part of the final plat as required by SMC 23.53.005 and SMC 23.53.025 to provide access to parcels without street frontage. The reciprocal private access drive easement will be included on the face of the plat with terms and conditions. Each designated 34-foot wide area will contain a minimum 20-foot wide roadway and 6-foot wide private pedestrian pathway, with the remainder of the area being designed with private development in accordance with the Yesler Terrace Design Guidelines (Attachment 23 Exhibit B Design Guidelines). The two access drives will connect to provide continuous access from 10th Avenue S to S Washington Street.

The pedestrian pathway in Easements 6.2 and 6.5 are private, in contrast to the public access pathways included in Easements 5.2 and 7.1. The reason is that PAO Exhibit B requires public access pathways in Blocks 5 and 7 in order for projects in those Blocks to qualify as Planned Actions, whereas PAO Exhibit B only requires Easement 6.4 in Block 6 to be public in order for projects in that Block to have Planned Action status. PAO Exhibit B does not require that the access drive in Block 6 be public and nor does the Land Use Code. Thus, the pedestrian pathways in Easements 6.2 and 6.5 are private rather than public.

- c) Easements 6.3 and 6.6 are 34-foot wide utility easements for the benefit of the City to supply public utilities to the landlocked parcels as required by SPU and SCL in their recommendations on the preliminary plat. Once the final design and construction of the public facilities are complete, the City may, in its sole discretion, either partially relinquish these easements or fully relinquish these easements in return for SHA or its successors granting new surveyed and recorded easement(s) for utilities acceptable to SPU and SCL.
- d) Easement 6.4: The area designated as Easement 6.4 on Sheet G1.1 of the preliminary plat contains the following easements:

A 32-foot wide restrictive easement will be granted to the City and included on the face of the final plat restricting buildings in accordance with provisions of the PAO, Land Use Code, and Yesler Terrace Design Guidelines. This easement is required to ensure the open space character of the 32-foot wide area in lieu of making that area a Tract. Ultimately the 32-foot wide area will contain a 15-foot wide public access pathway established by a separate public access easement, as further described below. In addition to satisfying the requirements of the preliminary plat, the public pathway is provided in fulfillment of and subject to Exhibit B to the PAO (Attachment 26 Exhibit B Planned Action Mitigation Document). The portion of the 32-foot wide easement area outside of that pathway may contain amenity area for use by residents

in adjacent buildings and include secondary spaces for impromptu gatherings, play opportunities, outdoor seating, bike racks and plantings as detailed in Yesler Terrace Design Guidelines (Attachment 23 Exhibit B Design Guidelines) and Seattle Land Use Code, but no automobile access except for emergency or maintenance vehicles shall be allowed, although it may intersect on access drive.

Concurrent with the final plat a 32-foot wide public access easement will be granted to the City for the benefit of the public. Within the easement area, construction of a public access pathway will be required pursuant to a condition imposed herein. The public access easement will be provided with an initial width of 32 feet, as the exact location of the 15-foot wide public access pathway will not be known at the time of final plat. Once the location of the pathway has been determined by agreement between SHA and the City and the pathway has been constructed, the City will release the portion of the public access easement outside of a 15-foot width containing the constructed pathway. The public access easement shall contain the conditions regarding “hours of access” and “allowed access” set forth on page 7 of Exhibit B to Ordinance 123962 (Attachment 26 Exhibit B Planned Action Mitigation Document). The public access easement shall not allow automobile traffic except for emergency or maintenance vehicles and the area that intersects with the access drive in Easement 6.5.

- Block 7 will contain one public access pathway easement within a private access drive easement and one tract for a pocket park.
 - a) Easement 7.1: The area designated as Easement 7.1 on Sheet G1.1 of the preliminary plat contains the following easements:

A 32-foot wide reciprocal private access drive easement will be granted as part of the final plat. The reciprocal private access drive easement will be included on the face of the final plat with terms and conditions. The designated 32-foot wide area will contain a minimum 20-foot wide roadway and 6-foot wide public access pathway, with the remainder of the easement area being designed with private development in accordance with the Yesler Terrace Design Guidelines (Attachment 23 Exhibit B Design Guidelines). Construction of the private access drive will be required pursuant to a condition imposed herein. The public pathway in addition to being a requirement of the plat is being provided within the access drive in fulfillment of and subject to Exhibit B to the PAO (Attachment 26 Exhibit B Planned Action Mitigation Document).

Concurrent with the final plat a 32-foot wide public access easement will be granted by SHA to the City for the benefit of the public. Within the easement area, construction of a public access pathway will be required pursuant to a condition imposed herein. The public access easement will be provided with an initial width of 32 feet, as the exact location of the 6-foot wide public access pathway within the access drive easement will not be known at the time of final plat. Once the location of the pathway has been determined by agreement between SHA and the City and the pathway has been constructed, the City will release the portion of the public access easement outside of a six-foot width containing the constructed pathway. The public access easement shall contain the conditions regarding “hours of access” and

“allowed access” set forth on page 7 of Exhibit B to Ordinance 123962 (Attachment 26 Exhibit B Planned Action Mitigation Document).

- b) Tract A will ultimately be developed as a pocket park as required as a public benefit by the Street Vacation and Dedication approval (Attachment 25 Street Vacation and Dedication page 5-6). Public access to the pocket park will be ensured through a PUDA (or other mechanism that runs with the land) recorded in connection with the final plat, consistent with the conditions of the Street Vacation and Dedication approval. In connection with final plat approval, SHA shall provide a binding commitment to convey Tract A to the Owners Maintenance Corporation no later than the time of completion of construction of the pocket park. This commitment shall be contained in a covenant or other agreement as determined by the City, to be recorded at final plat.
- Block 8 does not include any easements or tracts.

After reviewing the proposed public access routes provided within the ‘Plat of Yesler Terrace Community’ the Director finds the public access pathways and multiuse trail provided within Tract A Block 2, Tract B Block 5, Easement 5.2, 6.4 and 7.1 are necessary to provide public access and circulation throughout the plat in order to protect the public health, safety and welfare, and that the access drive in Block 7 is also necessary to provide appropriate circulation.

Perpetual maintenance of the public access pathways, public multi-use trail, and pocket parks referenced above will be an obligation of the property within the final plat. At final plat, an agreement containing that obligation shall be recorded that binds the property within the plat (exclusive of property dedicated to the City and the Neighborhood Park) and runs with the land. The City may require that the maintenance obligations regarding the public access pathways, public multi-use trail, and pocket parks be addressed in a single document notwithstanding that some of those facilities are required by the conditions of the preliminary street vacation approval and some are required as recommended conditions of the preliminary plat. SHA and the Owners Maintenance Corporation will be parties to the foregoing document(s). The City shall also be a party to the foregoing document(s) and shall have the power to enforce the obligations therein. Discussion of the Owners Maintenance Corporation has been detailed at length in the analysis of Owners Maintenance Corporation on Page 29 of the Preliminary Plat Recommendation.

DPD recommends approval of the preliminary plat with the following condition.

- 1) In a separate document to be recorded in connection with the final plat (but not shown on the final plat), easements for the benefit of the public, shall be granted to the City, ensuring public access within Tract A Block 2, Easements 5.2, 6.4 and 7.1, and Tract B Block 5. The easement documents shall provide that they will be partially released to establish public access over the pathways and trail constructed within the Tracts or Easements, in lieu of the entire Tract or Easement, all as described above. Appropriate documents shall be provided prior to final plat approval.
- 2) In connection with final plat approval, SHA shall provide a binding commitment to convey Tract A Block 2, Tract A Block 3, Tract A and B Block 5 and Tract A Block 7 to the Owners Maintenance Corporation no later than the time of completion of construction of the publicly-accessible facilities in each tract. This commitment shall

be contained in a covenant or other agreement as determined by the City, to be recorded at final plat. Appropriate documents shall be provided prior to final plat approval.

- 3) A Property Use and Development Agreement (PUDA) (or other mechanism that runs with the land) shall be approved by SDOT and recorded in connection with final plat approval to ensure public access to the pocket parks in Tract A Block 3, Tract A Block 5, and Tract A Block 7.
- 4) Construction of public access pathways within Tract A Block 2 and within the areas designated as Easements 5.2, 6.4, and 7.1, as well as the private access drive in Block 7, all as described above, shall be required to ensure adequate circulation and access within the subdivided property.

The Director finds that with conditions the plat makes adequate provisions for pedestrian access and circulation.

The Directors of SDOT, SCL, SPU and DPD have reviewed the subdivision and the associated Yesler Terrace Redevelopment Preliminary Plat Street Improvement Plans (Attachment 5) and determined the preliminary plat provides adequate provisions for drainage ways, streets and easements.

Slope Rights

No slope rights have been identified by SDOT through the Street Improvement Plan review process.

Parks and Open Space

The Yesler Terrace Rezone, Planned Action Ordinance, FEIS, Street Vacation, and the Cooperative Agreement between the City and SHA require a number of park spaces and open spaces to be provided within the Plat of Yesler Terrace Community.

The Cooperative Agreement completed between SHA and City of Seattle requires approximately 1.75 acres (75,566 square feet) of land adjacent to the existing community center, shown as Block 1 within the preliminary plat, to be donated by SHA to the City of Seattle for development as a Neighborhood Park. This agreement requires the transfer of property to occur within Phase II of the redevelopment to be completed between 2013 and 2019 (Attachment 24 Cooperative Agreement Page 17-19). The agreement goes on to state that Parks will design the Block 1 park area with review by citizens and the Seattle Design Commission with funding to be provided by the City from the 2008 Parks Levy. Parks will be responsible for the long term maintenance of the Neighborhood Park space.

Prior to the transfer of property, a number of additional actions are necessary at the preliminary plat and final plat stages to ensure the successful design of the future Neighborhood Park and the transfer of property.

The preliminary plat shows the lot lines that would result from the land transfer and Lot Boundary Adjustment between SHA and the City (Preliminary Plat Note 3 on Sheet G1.1). A

condition of the Street Vacation (Attachment 25 Street Vacation and Dedication page 6) stated that SHA shall “undertake any platting, lot boundary adjustment, or other process needed to effectuate the property transfer between SHA and the Department of Parks and Recreation (Parks) related to the dedication of the new S. Washington Street right-of-way and this transfer shall be completed prior to approval of a final street vacation ordinance.” The new property boundary to be included on the final plat requires the Lot Boundary Adjustment to be completed prior to final plat approval. The DPD and SDOT Directors recommend as a condition of preliminary plat approval that a lot boundary adjustment should be completed between SHA and the City prior to final plat approval.

The preliminary plat reviewed by SDOT, Parks, SPU, and SCL includes one City of Seattle utility easements (Preliminary Plat Sheet G1.1) in Lot 1, Block 1: Parks and SPU have found that the underground sewer line described as Easement 1.3 may be designed to minimize maintenance access within the Neighborhood Park and will have limited impact on the above grade park use.

Two sidewalk easements, Easements 1.1 and 1.2, are also provided within the Neighborhood Park in Block 1. These easements will provide public sidewalks as necessary to maintain two Tier 1 trees along the west property line within the S Washington Street right-of-way. The two public sidewalk easements will be recorded with the final plat.

In conjunction with the Street Vacation approval (Attachment 25: Street Vacation and Dedication page 5 and 6), three pocket parks have been required as a public benefit element of the vacation. These pocket parks have been identified as tracts on Sheets G1.1 and G2.0a of the preliminary plat. These tracts are located in Block 3 (13,002 square feet), Block 5 (17,008 square feet) and Block 7 (14,853).

SHA is required to provide evidence of a binding commitment to convey the pocket parks to the Owners Maintenance Corporation at the time of final plat per SMC 23.22.052 F.

The Street Vacation and Dedication sets specific requirements for the size, location, design, conditions of use, and timing of pocket park development. The Street Vacation and Dedication states design and programming of the parks shall be reviewed by Seattle Design Commission with final approval by SDOT. The requirements and conditions of the pocket parks will be outlined in a required Property Use and Development Agreement (PUDA) at the time of final plat as required by the Street Vacation. As a condition of the Street Vacation and Dedication it is specified that no final Certificate of Occupancy shall be issued for any structure on a lot that abuts a pocket park until construction of the pocket park has been completed. Construction of the pocket parks is included in the Phasing Covenant, which specifies the timing of infrastructure development, as required by SDOT at final plat (See SMC 23.22.070 Director’s Action on Final Plat, page 34 for more detail).

In total, the Preliminary Plat provides for 120,429 square feet of park space to be provided in one large Neighborhood Park in Block 1 and three pocket parks. In addition to the allotted parks space, the Yesler Terrace development is also obligated to provide a number of other features as conditions of the Street Vacation and Dedication. These features include a green street loop, 10th Avenue hill climb, and multiuse trail. P-patches will also be provided as described in the Cooperative Agreement. The new Yesler Terrace zoning standards and pedestrian pathway system provide additional open space areas within the private parcel boundaries and proposed

easements. The Director finds that the preliminary plat provides sufficient park and open space and recommends approval with conditions.

In addition to the conditions of approval listed in previous sections of the recommendation, DPD recommends approval of the preliminary plat with the following condition.

- 1) Prior to final plat approval a Lot Boundary Adjustment must be recorded between SHA and City of Seattle related to the dedication of the new S. Washington Street right-of-way.

The Director finds that the Plat of Yesler Terrace Community includes adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes and as required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

Easements listed in the easement section of the recommendation will be recorded with the final plat. Tracts for pocket parks, the multiuse trail and the pedestrian pathway in Block 2 will be established in the final plat and SHA shall provide evidence of a binding commitment to convey tracts to the Owners Maintenance Corporation at the time of final plat.

A number of existing City water and sewer utilities are located within rights-of-way to be vacated and within the boundaries of new platted lots. These utilities will remain in place until time of redevelopment, when the existing public utilities will be removed or relocated to another location established within the right-of-way or utility easement. The existing utilities currently exist without benefit of easement. SPU, in lieu of a new easement for future access, has requested a recommended condition on the final plat ensuring future property owners provide access for maintenance and repair of existing public utility infrastructure within the vacated rights-of-way and on private property until redevelopment. During redevelopment existing infrastructure shall be removed or abandoned by the property owner.

DPD recommends approval of the preliminary plat with the following condition.

- 1) On the face of the final plat include a condition stating property owners shall provide access for maintenance and repair of existing public utility infrastructure within the vacated rights-of-way and on private property until redevelopment. During redevelopment existing utility infrastructure shall be removed or abandoned by the property owner.

SHA has provided a title report (Attachment 2 Commitment for Title Insurance issued by First American Title Insurance Company dated March 28, 2013) for the existing Yesler Terrace Development. The existing encumbrances within the property boundaries will either remain at time of final plat recording, be removed prior to final plat recording or be removed through the process of redevelopment. All existing encumbrances are noted below:

8	<p>Easement, including terms and provisions contained therein:</p> <hr/> Recording Information: March 27, 1941 under Recording No. 3134385 In Favor of: The City of Seattle For: The construction, operation and maintenance of an electric transmission and distribution line Affects: (Parcel D) as described therein
10	<p>Restrictions, conditions, dedications, notes, easements and provisions, if any, as contained and/or delineated on the face of the plat of Yesler Terrace Addition recorded in Volume 37 of Plats, Pages 21 through 22A, in King County, Washington.</p> <hr/> (Affects Parcels D and E)
11	<p>The terms and provisions contained in the document entitled "Declaration of Trust Given as Security" recorded June 26, 1942 as Recording No. 3248400 of Official Records. Document(s) declaring modifications thereof recorded November 21, 1958 as Recording No. 4968302 of Official Records.</p>
12	<p>Easement, including terms and provisions contained therein:</p> <hr/> Recording Information: August 5, 1970 under Recording No. 6679402 In Favor of: The City of Seattle, a municipal corporation For: Pedestrian walkway Affects: (Parcel E) as described therein
13	<p>Condemnation in King County Superior Court by the State of Washington, of rights of access to state highway and of light, view and air by decree entered, Cause No. 6189.</p> <hr/> (Affects Parcels D and E)
15	<p>Easement, including terms and provisions contained therein:</p> <hr/> Recording Information: June 27, 1980 under Recording No. 8006270398 In Favor of: The City of Seattle, a municipal corporation For: Electric overhead and underground transmission and distribution line facilities Affects: (Parcel D within vacated 9th Avenue) as described therein
18	<p>The terms, provisions and easement(s) contained in the document entitled "Right of Entry Agreement" recorded September 4, 1991 as Recording No. 9109040930 of Official Records</p>
19	<p>Easement, including terms and provisions contained therein:</p> <hr/> Recording Information: October 6, 1995 under Recording No. 9510060113 In Favor of: The City of Seattle, a municipal corporation of the State of Washington For: Street, with necessary appurtenances Affects: (Block 6 of Parcel D and Parcel E) as described therein

20	Conditions, notes, easements, provisions contained and/or delineated on the face of the Survey recorded September 10, 1996 under Recording No. 9609109004, in Volume 111 of surveys, at Page(s) 30, 30A through 30G, in King County, Washington.
21	The terms, provisions and easement(s) contained in the document entitled "Cable TV Right of Entry and Operating Agreement" recorded January 15, 1998 as Recording No. 9801150150 of Official Records.
23	Restrictions, conditions, dedications, notes, easements and provisions, if any, as contained and/or delineated on the face of the Short Subdivision No. 2207828 recorded June 12, 2003 under Recording No. 20030612900016, in King County, Washington. (Affects Parcel E)
32	Easement, including terms and provisions contained therein: Recording Information: 6679401 In Favor of: City of Seattle For: Pedestrian Walkway Affects: Parcel H
33	Relinquishment of all existing and future rights to light, view and air, together with the rights of access to and from the State Highway constructed on lands conveyed in Deed from the State of Washington: Recorded: April 10, 1975 Recording No.: 7504100502 (Affects Parcel H)
34	Easement, including terms and provisions contained therein: Recording Information: 8812140352 In Favor of: Paul B. Liao and Mei-Yea Liao, husband and wife For: Drainage, fence and retaining wall Affects: Parcel G
35	The terms and provisions contained in the document entitled "Ordinance No. 116715" recorded August 26, 1993 as 9308260883 of Official Records. Parcels G and H (Affects Parcel M)
47	Relinquishment of all existing and future rights to light, view and air, together with the rights of access to and from the State Highway constructed on lands conveyed by document in favor of the State of Washington: Recorded: April 3, 1986 Recording No.: 8604030543

51	The terms and provisions contained in the document entitled "Public Place Indemnity Agreement" recorded January 28, 2013 as Recording No. 20130128001717 of Official Records. (Affects Parcels C and D)
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All existing encumbrances in place at the time of final plat approval will be included as existing encumbrances on the recorded final plat.

Exception number 11 listed above includes a Declaration of Trust (1942) as amended by document titled Modified Declaration of Trust dated November 18, 1958. The document requires endorsement by HUD "upon any instrument of conveyance or dedication of property, or any interest therein, for use as streets, alleys, or other public rights-of-way, or for the establishment, operation, and maintenance of public utilities."

DPD recommends approval of the preliminary plat with the following condition.

- 1) Prior to final plat approval SHA shall obtain the necessary endorsement from HUD (and release of the Declaration of Trust dated June 26, 1942, and the Modified Declaration of Trust dated November 21, 1958) with respect to the street dedications and utility easements in connection with the final plat as well as public access pathways, multi-use trail and pocket parks.
- C. Sidewalks shall be provided on dedicated streets, and must be convenient for pedestrians and contiguous to each other and to any private sidewalks within the subdivision and to existing sidewalks contiguous to the subdivision.*

As part of the preliminary plat review process, a Street Improvement Plan was reviewed and approved by SDOT (Attachment 5 Yesler Terrace Redevelopment Preliminary Plat Street Improvement Plans dated 2/6/2013). The Street Improvement Plan includes permanent sidewalks for each street segment within the Plat of Yesler Terrace Community. All new sidewalks have been reviewed for continuity with existing sidewalks contiguous to the subdivision.

Sidewalks will be installed after final plat recording as specified in a final phasing plan and covenant approved by SDOT in connection with the final plat. Until permanent sidewalks and pedestrian pathways are installed, interim sidewalks and interim pathways will be provided, as described in the draft Phasing Plan and Covenant (Attachment 27: Draft Phasing Document and Covenant). Provision of interim sidewalks and interim pathways will be included in the final phasing plan and covenant. The Owners Maintenance Corporation will have maintenance responsibility for the interim sidewalks and interim pathways. The phasing plan and recordable covenant will be required prior to final plat approval, as specified in SMC 23.22.070 E (discussed in detail on Page 34 of this document).

D. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be provided. Access from a dedicated street shall be required, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

The FEIS includes the preferred circulation alternative for The Plat of Yesler Terrace Community (Attachment 3, FEIS, Page 2-23 and figure 2-9). The preferred alternative shows a combination of required streets, access drives and pedestrian pathways to satisfy circulation and access needs throughout the plat area. This concept and associated street network has been adopted by the Seattle City Council through the Land Use Code text amendments and rezone, the Planned Action Ordinance and the approval of the Street Vacation.

The proposed Plat of Yesler Terrace Community will include a combination of private access easements and public access easements in addition to all required street dedications approved by City Council (Attachment 25 Street Vacation and Dedication). Each lot within the plat will be accessed by either a street or a permanent private vehicle access easement, and either a private or public access pathway easement as shown on the Preliminary Plat Sheet G1.1.

The Plat of Yesler Terrace Community will provide three access drives in easements on Blocks 5 and 6 to service lots without street frontage (Preliminary Plat Sheets G1.1 and G1.3). These easements are required by SMC 23.53.005 and SMC 23.53.025. The proposed 34-foot wide easements will include a 20-foot roadway with a 6-foot pedestrian pathway. Block 5 will include a public pathway easement while Block 6 will include a private walkway. The easement on Block 5 will connect 10th Avenue S to 12th Ave S at the center of proposed Block 5. The easement on Block 6 connects the intersection of 10th Avenue S and S Main Street to the midpoint to new S Washington Street. The easement bends at a right angle near the Interstate 5 east boundary at the center of proposed Block 6.

Block 7 also includes an access drive easement. Although not required by the Land Use Code, it is being required as part of the plat review process. The proposed 32-foot wide easement will include a 20-foot roadway with a 6-foot public pedestrian path. This easement on Block 7 connects Alder Street to Yesler Way.

The provided easements serve multiple functions including providing pedestrian and vehicle access to interior lots within the blocks, dividing larger blocks into smaller sections, and also serving as part of the neighborhood's circulation and open space network. Designed in the spirit of a woonerf, the access drives are intended to provide shared space for pedestrians, cyclists and vehicles to move slowly (5 miles per hour), and safely in close proximity to one another. Specific design standards have been developed within the Yesler Terrace Design Guidelines (Attachment 23 Exhibit B Yesler Terrace Design Guidelines) adopted as part of the Yesler Terrace Rezone Ordinance 123963.

An analysis detailing how these easements address the subdivision criteria for access is provided below.

- 1. Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and*

The intent of the access easement as a woonerf design is to function as a form of open space where pedestrian and recreational users have equal opportunity to use the space. The area is intended to incorporate small gathering and play areas, outdoor seating, bike racks, planting areas and limited parking (Attachment 23 Exhibit B Yesler Terrace Design Guidelines page 13-15). The easement area will provide opportunities for light, air and usable open space similar to dedicated street right-of-way while minimizing traffic impacts. In light of the analysis above, the

goals of the Land Use Code to provide adequate light, air and usable open space between structures would not be compromised by allowing access by easement.

2. *The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and*

Public utility easements for water, sewer and electrical utilities will be provided within separate utility easements recorded with the final plat, or provided as a condition to a Master Use Permit or building permit to ensure adequate utility service. Storm drainage facilities have been or will be designed to be accommodated within the street rights-of-way. The Seattle Fire Department has provided approval for the preliminary plat access easement design.

3. *The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and*

Studies of parking supply and demand were conducted as part of the EIS process. The vast majority of the parking to be developed is off-street parking. On-street parking has been incorporated into the new street segments approved as part of the Street Vacation concept approval (Attachment 25 Street Vacation and Dedication Exhibit A) and Street Improvement Plan review (Attachment 5 Yesler Terrace Redevelopment Preliminary Plat Street Improvement Plans). Limited parking on access drives is also allowed per the approved Yesler Terrace Design Guidelines (Attachment 23 Land Use Code Amendments, Exhibit B Yesler Terrace Design Guidelines Page 13-15) adopted as part of the rezone process. There has been no indication that additional streets are needed to provide more on-street parking. As a result of the provided off-street parking, right-of-way parking, and easement parking, DPD in conjunction with SDOT find the Plat of Yesler Terrace Community will supply adequate on-street parking and additional street dedication is not necessary or desirable in order to provide on-street parking for overflow.

4. *No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and*

The Master Planned Community-Yesler Terrace zoning (MPC-YT) SMC 23.75.180 I2, Planned Action Ordinance (Attachment 25: Planned Action Ordinance Exhibit B, Page 7) and the Yesler Terrace Design Guidelines specify a 6 foot clear pedestrian pathway shall be provided with the access drives (Attachment 23 Exhibit B Yesler Terrace Design Guidelines Page 13-15). While the proposed easement area will not include a standard roadway design with curbs and a separated walk, a number of features have been identified in the Design Guidelines to clearly distinguish pedestrian pathways from the vehicle access including bollards, planters, tactile surfaces, and water runnels. Each access drive and driveway will be reviewed in conjunction with these Guidelines through the permitting process, and safety features and visibility can be incorporated on a case by case basis, if needed. As a result this condition is satisfied.

5. *There is identifiable access for the public and for emergency vehicles; and*

Identifiable public and emergency vehicle access would be provided as the vehicle access drives will have defined access points from public streets. Signage will be provided at those access points identifying the addresses served by the access drives. As a result this condition is satisfied.

6. *There is no potential for extending the street system.*

The appropriate street system at Yesler Terrace has already been established through the Street Vacation and Dedication (Attachment 25 Street Vacation and Dedication). No further need for extension of the street system was identified through this subdivision review. As a result this condition is satisfied.

E. Roads not dedicated to the public must be clearly marked on the face of the plat.

All proposed private access drive easements and all dedications have been labeled on the face of the plat.

F. If the Hearing Examiner concludes that the public interest will be served, the Hearing Examiner may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of filing a final plat for approval, supply the Director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision, that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The City Attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The Hearing Examiner may impose other conditions as he or she deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

In lieu of dedication SHA proposes to establish an Owners Non-Profit Maintenance Corporation for the ownership and long term maintenance of the pocket parks (Block 3 Tract A, Block 5 Tract A and Block 7 Tract A), public multi-use trail (Block 5 Tract B), and public access pathway (Tract A, Block 2) as shown on Preliminary Plat, Page G1.1 and G1.3. The Owners Maintenance Corporation will also be responsible for the maintenance of the private access easements and public access easements and facilities thereon, Easement 5.2, 6.5, 6.4, 6.2, 7.1, as well as interim sidewalks and interim pathways described in the Phasing Plan and Phasing Covenant. SMC 23.22.052 F states that prior to the time of filing a final plat for approval, the applicant shall supply the Director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey to the Maintenance Corporation.

SHA will redevelop Yesler Terrace in phases over the course of years. Existing housing units will remain in place until time of redevelopment. In many instances the location of existing housing units and accessory structures will be located within tracts to be conveyed to the Owners Maintenance Corporation. Due to the HUD Deed of Trust on the property, SHA is unable to convey land with existing housing units at time of final plat to the Owner's Corporation.

An Owners Maintenance Corporation shall be established prior to final plat approval to carry out the maintenance of the public access pathways, public multi-use trail, and pocket parks, as well as private access drive easement areas, non-publicly accessible portions of Tracts and easements, and interim sidewalks and interim pathways. At final plat, the Corporation's Articles of Incorporation and Bylaws shall be submitted for City review. In addition, a document or documents shall be recorded in connection with final plat approval to ensure maintenance of these areas, to impose on owners of lots within the plat the obligation to pay assessments to the Owners Maintenance Corporation, and to authorize imposition of a lien for unpaid assessments on the lots of the non-paying owners.

As previously noted, perpetual maintenance of the areas referenced above will be an obligation of the property within the final plat. At final plat, an agreement containing that obligation shall be recorded that binds the property within the plat (exclusive of property dedicated to the City and the Neighborhood Park) and runs with the land. The City may require that the maintenance obligations be addressed in a single document notwithstanding that some of those facilities are required by the conditions of the Street Vacation and Dedication and some are recommended conditions of preliminary plat approval. SHA and the Owners Maintenance Corporation shall be parties to the document(s). The City shall also be a party to the foregoing document(s) and shall have the power to enforce the obligations therein.

Existing codes and ordinances establish requirements for the construction of each feature in the plat. The Street Vacation approval states specific conditions for the improvement and long term maintenance of the pocket parks and multiuse trail (Attachment 25 Street Vacation and Dedication, Page 5). The public access pathways in Blocks 2, 5, 6, and 7 and the access drive in Block 7 will be improved pursuant to a recommended condition of approval referenced in the Dedication section of the preliminary plat recommendation. Access drives will be improved according the requirements of the Land Use Code. In addition, SHA has provided a phasing plan for the improvements of access drives and public access pathways (as well as other facilities and improvements) as required by SMC 23.22.070 E (Attachment 27: Draft Phasing Document and Covenant). The final Phasing Plan and Phasing Covenant will incorporate all improvement requirements and the timing of each infrastructure improvement within the Plat of Yesler Terrace. At the time of final plat, a covenant approved by SDOT will be recorded, as required by SMC 23.22.070 E, against each lot within the plat to specifying the specific improvement requirements for each infrastructure element.

DPD recommends approval of the preliminary plat with establishment of an Owners Maintenance Corporation subject to the terms and requirements above with the following conditions (in addition to those already referenced in preceding sections).

1. Prior to final plat approval, SHA shall supply the Director of Transportation with copies of articles of incorporation and bylaws of the grantee organization, Owners Maintenance Corporation. In addition to the articles of incorporation and bylaws a document or documents that run with the land and bind the lots in the plat (but not the area in Block 1) shall be recorded in connection with final plat approval to ensure maintenance of the private access drive easement areas, public access pathways, public multi-use trail, pocket parks, and non-publicly accessible portions of Tracts and Easements by the owners of the lots within the final plat. The document(s) shall also ensure reconstruction or replacement by the owners of the lots within the plat, as directed by SDOT in its sole discretion, of interim sidewalks and interim pathways installed pursuant to the covenant required under SMC 23.22.070.E that become damaged or deteriorated. The document(s) shall allow and provide for the lot owners to carry out the foregoing obligations through an Owners Maintenance Corporation (while ensuring that the ultimate responsibility for performance of these obligations remains with the lot owners), shall impose on owners of lots within the plat the obligation to pay assessments to the Owners Maintenance Corporation for that purpose, and shall require imposition of a lien for unpaid assessments on the lots of the non-paying owners. The Owners Maintenance Corporation shall be a party to the foregoing document(s). The City shall also be a party to the foregoing document(s) for purposes of having the power to enforce the obligations

therein that relate to maintenance, reconstruction and replacement of publicly-accessible areas and facilities. Executed copies of the foregoing documents, signed by SHA for itself and its successors and assigns as owners of the lots within the plat, shall be provided prior to final plat approval.

F. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quitclaim deed to the donee or donees, grantee or grantees, for his, her or their use for the purpose intended by the donors or grantors.

The plat incorporates the required street and utility dedications.

G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Street Improvement Manual. Easements shall meet the requirements of Section 23.53.025.

The preliminary plat shows streets and easements to be dedicated meeting requirements of applicable code Chapter and Sections. Subsequent permit review will ensure the street and easements are improved with at least the minimum requirements of SMC 23.53 and SMC 23.53.025. In addition the requirements of the Street Vacation have been met.

SMC 23.22.054 Public use and interest.

A. The Hearing Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing Examiner shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, is designed to maximize the retention of existing trees, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

The Plat of Yesler Terrace Community and associated future development provides opportunities to replace existing sub-standard low income housing with increased housing density and new housing for multiple income levels, and new nonresidential uses.

The plat will provide approximately 1.7 acres of land to development of public open space in a Neighborhood Park and a total of one acre of land for the three smaller pocket parks. Per the Street Vacation and Dedication, the design and programming of the pocket parks is to accommodate a variety of spaces, including active play areas focused on children. (Attachment 25: Street Vacation and Dedication, page 6.) New rights-of-way constructed will incorporate green pedestrian elements to create a pedestrian friendly green street loop as required by the Street Vacation. A new pedestrian hill climb will be added to the 10th Avenue S right-of-way area to connect Yesler Terrace to the Little Saigon Neighborhood as required by the Street

Vacation approval. These features will add benefits of open space and connectivity within the new development and between the new development and surrounding neighborhoods.

Each public street in the Plat of Yesler Terrace Community will include curbs, gutters, sidewalks, planter strips and street trees designed to City standards. The plat includes new water mains, sewer mains, stormwater treatment, power infrastructure, transit bus stops, and bike lanes. The project will be served by the public water and sewer systems, which have adequate capacity once the new infrastructure is added.

Each private access easement will also be served by pedestrian walkways and provide additional opportunities for outdoor recreation.

The Fire Department has reviewed and given conceptual approval to the subdivision.

The proposed redevelopment will be adequately served by existing schools, including Bailey Gatzert Elementary School, which is located immediately adjacent to the development, Washington Middle School, and Garfield High School. Safe walking conditions for students who walk to school or bus stops are provided on each street. On the south side of E Yesler between 10th Avenue and Boren Avenue, a separate multi-use trail is provided to enhance the safety of school students traveling from Yesler Terrace to Baily Gatzert.

Existing trees will be retained to the extent practical. Trees to be retained have been identified through the rezone ordinance and associated PAO (Attachment 26 Planned Action Ordinance Exhibit C Tree Protection Plan).

Trees were evaluated and reviewed as part of the FEIS and the PAO. SHA and City Staff have evaluated the siting, grading conditions, structure, vigor and species value of each tree. Buildings, roads and sidewalk alignments were modified to ensure preservation would occur where valuable trees were present. This list was cross-checked for exceptional tree designation. A draft plan was submitted to DPD and SDOT. The result is a Tiered system, where Tier 1 includes exceptional or valuable trees in locations that can clearly be preserved during the course of redevelopment. Tier 1 trees must be preserved, (see PAO for limited possibilities for relocation of Tier 1 trees and for extenuating circumstance mitigation for any loss of Tier 1 trees).

Tier 2 trees are unhealthy, of poor value (based on vigor, structure, and risk of failure) or in a location that clearly cannot be protected due to grade changes, road alignment or building footprints. Tier 2 trees have been authorized for removal. Exhibit C to the PAO requires mitigation for removal of Tier 2 trees: each Tier 2 tree removed shall be replaced by one replacement tree, per the terms of Exhibit C.

Tier 1 trees have been incorporated and accounted for in the right-of-way design conceptually approved by SDOT. Street trees are to be provided consistent with City standards. Accordingly, these criteria are met.

The Director finds the public use and interest will be served by the proposed subdivision. The proposed plat makes appropriate provision for the public health, safety and general welfare, and all of the items referenced in SMC 23.22.054.A.

SMC 23.22.056 Flood Control Zone.

The Plat of Yesler Terrace Community is not located in a flood control zone.

SMC 23.22.058 Environmentally critical areas.

No plat shall be approved by the Hearing Examiner covering any land situated in a riparian corridor buffer, wetland and wetland buffer, or steep slope and steep slope buffer unless in compliance with the applicable provisions of SMC Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas.

The Plat of Yesler Terrace Community contains the following mapped Environmentally Critical Areas (ECA): steep slope, potential slide, known slide and wetland areas.

Steep slope, potential and known slide ECAs have been identified on the southern part of the Yesler Terrace plat within Block 6 (Preliminary Plat, Page C1.1). A DPD geotechnical engineer reviewed the slope location, characteristics and history and determined that the entirety of the Yesler Terrace site is eligible for an exemption from ECA Steep Slope restrictions on development (Attachment 20 ECA Steep Slope Development Allowance Decision). The existing ECA areas were created through previous legal grading activities associated with site development and street improvements. The exemption letter documents conditions of approval for future building permit applications. Future permits for Yesler Terrace development will need to show compliance with ECA regulations listed in SMC 25.09 where structure and grading design will be reviewed to provide slope stability. These ECAs will not be hazardous upon redevelopment of the site as the development will be required to comply with SMC 25.09 regulations for Environmentally Critical Areas. The provisions of SMC 25.09.240 have been satisfied.

In addition to the steep slope areas identified, the land in the Plat of Yesler Terrace Community includes two wetlands as identified by the Draft Environmental Impact Statement (Attachment 4 DEIS, Page 3.4-2 through 3.4-5). Wetland A was documented as 645 square feet, Category IV pallustrine emergent wetland immediately down slope of an irrigation pipe. The DEIS goes on to state that the wetland may have been caused by discharged water from a leaking irrigation pipe, since repaired. A subsequent investigation completed by Landau Associates on March 2 and March 18, 2011 (Attachment 3 Yesler Terrace FEIS Page 3.4-1) confirmed the location of the two wetlands. In January 2013 a subsequent site inspection was completed by the DPD Wetland Biologist who was unable to locate a wetland at the identified Wetland A delineation location. The DPD Wetland Biologist then confirmed the identified wetland was due to the leaking irrigation pipe. A wetland created solely by artificial means, such as a leaking irrigation pipe, does not meet the definition of a wetland area regulated by the ECA ordinance per SMC 25.09.020 C and is not subject to the requirements of SMC 25.09.240.

Wetland B is 38 square feet in area and is a Category IV paullustrine emergent wetland. Environmentally Critical Areas code SMC 25.09.160 states development is limited or prohibited on all wetlands over 100 square feet in size or with a habitat value greater than Category IV. The existing wetland is under the size threshold for regulation and is not subject to the requirements of SMC 25.09.240.

Although there are no wetlands on the site regulated by City ECA regulations, SHA may be required to obtain permits from other City, state and federal agencies if those agencies determine there are wetlands on site.

23.22.060 Transportation Concurrency

Proposed subdivisions shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

A detailed Transportation Concurrency analysis was performed, and is presented in the Transportation Technical Report (Attachment 4, DEIS, Appendix N). The DEIS determined that the highest-volume alternative—Alternative 3—would pass the City of Seattle’s Concurrency requirements. Therefore, the Preferred Alternative, which would generate fewer trips than Alternative 3 and is the Alternative allowed by the Rezone and which guided development of the plat would also pass Concurrency. The proposed preliminary plat will meet requirements of Transportation concurrency level-of-service standards stated in SMC 23.22.060.

SMC 23. 22.070 Director’s action on a final plat

E. In the case of any final plat of property in the MPC-YT zone, whether or not multiple final plats are used, if there are facilities and improvements required by the preliminary plat approval as conditions to development of all or part of the subdivided property, but not as conditions to final plat approval, that have not been completed at the time final plat approval is sought and the subdivider will not provide a bond or other security for completion of those improvements as set forth in subsections 23.22.070.C and 23.22.070.D, then:

- 1. the subdivider has submitted to the Director of Transportation and the Director of Transportation has approved a phasing plan that designates the particular facilities and improvements that must be completed as conditions to specified types or levels of development within particular areas of the final plat, consistent with the preliminary plat approval; and*
- 2. each owner of any property where development is to be conditioned under the phasing plan has executed and delivered in recordable form a covenant against that property in favor of the City, to be recorded upon final plat approval, by which the owner agrees, on behalf of itself and its successors in interest and assigns, to construct the facilities and improvements required by the preliminary plat approval as conditions related to development on that property and not to construct any structure unless the facilities and improvements required by the preliminary plat approval have been completed to the extent required for such structure by the phasing plan approved by the Director of Transportation pursuant to subsection 23.22.070.E.1;*

SHA proposes to submit one final plat for recording. In lieu of providing plat infrastructure improvements or financial security prior to final plat recording as required by SMC 23.22.070 C, SHA proposes to utilize the process set forth in SMC 23.22.070 E to phase installation of infrastructure following final plat approval, and SHA has submitted a draft phasing plan and covenant for approval by the Director of Transportation. This draft phasing plan and covenant (Attachment 27 Draft Phasing Plan and Covenant) have been reviewed and revised by various

City departments, and has then been conceptually approved by the Director of Transportation. As required by SMC 23.33.070.E, a final phasing plan and covenant will be provided for SDOT approval as part of the final plat.

The Director recommends that construction of the facilities and improvements required in connection with final plat approval and final Street Vacation approval be required as conditions to development of the subdivided property, but not as conditions to final plat approval, subject to compliance with the requirements of SMC 23.22.070.E. These facilities and improvements include, but are not limited to: roadways (including but not limited to grading, pavement, surface drainage, curbs, channelization and signage, street lighting, and bus roadway pads); public utilities (including but not limited to electrical, water, sanitary sewer, and stormwater facilities within the street right of way and on private property); fire hydrants within the right of way; sidewalks; street trees; landscaping; street furniture; standard bus zone amenities; Seattle City Light distribution facilities; private access drives and related frontage improvements, and public access pathways, pocket parks, and multi-use trail.

RECOMMENDED CONDITIONS – SUBDIVISION

The following items should not be included on the final plat itself, but must be addressed to the satisfaction of the City Departments prior to final plat approval.

Recommended Conditions Prior to Final Plat Approval

1. Prior to filing the Final Plat for approval, SHA shall submit a Final Plat Street Improvement Plan to SDOT, SCL, SPU, Parks and Metro for review and approval. The required Street Improvement Plan shall include resolution of the following City Department conditions of approval:
 - a) The existing Seattle City Light infrastructure (vault) in Block 6 must be located. All existing infrastructure to be rerouted must be designed to an acceptable 60% Street Improvement Plan level of detail.
 - b) SPU water mains and sewer mains shall be extended to abut all properties to the satisfaction of SPU and a public utility easement (water and sewer) granted.
 - c) Drainage report shall provide peak flow discharge restrictions for each parcel or block to the satisfaction of SPU.
 - d) Geotechnical report to support the drainage design that meets requirements of the stormwater code shall be submitted to the City.
 - e) Street Improvement Plan and Drainage Report shall demonstrate the green stormwater infrastructure (GSI) bioretention planter design shall meet drainage control function to the satisfaction of SPU.
 - The applicant shall demonstrate the adequacy of the GSI function for flow control and plant support, and;

- Provide a detailed model incorporating the information from the geotechnical report and design change with cell by cell reporting on soil saturation and ponding;
 - The drainage design within the ROW shall meet the peak flow control requirements with both alternative detention design and GSI to the Maximum Extent Feasible.
 - The hydraulic model of the project site shall be upgraded to incorporate the ROW GSI modeling detail.
 - The GSI bioretention planter walls, curbs, railings and other structures shall meet the requirements of the COS Interdepartmental Team on GSI in the ROW.
 - Agreement shall be completed between SHA, SDOT and SPU resolving any outstanding ownership and maintenance issues of the GSI bioretention planters.
- f) Seattle Housing Authority shall complete a reimbursement agreement with King County Metro to cover all costs for design, construction, and implementation of changes to trolley bus infrastructure associated with the slip lane removal at existing S Washington Street intersection with Boren Ave.
- g) The proposed sidewalk along the west side of Boren Ave from E Fir Street to 12th Avenue must be designed with the following guidance. At intersections, the existing sidewalk may remain adjacent to the curb line to preserve existing trees. At mid-block locations where tree preservation is not required, a planting strip and a 6-foot sidewalk must be supplied and designed as approved by SDOT.
- h) Yesler Way street channelization shall be revised to address specific SDOT comments. SDOT and King County METRO will work with the applicant to revise the design of the bicycle facilities along Yesler Way.
2. In conjunction with the filing of the final plat for approval, the subdivider shall submit a phasing plan and covenant as required by SMC 23.22.070.E, to be approved by the Director of Transportation, that designates the particular facilities and improvements that must be completed as conditions to specified types or levels of development within particular areas of the final plat, consistent with the preliminary plat approval. The phasing plan and covenant shall include timing and requirements for construction of all of the facilities and improvements that would otherwise be required prior to final plat approval. The City may also require the phasing plan and covenant to address timing and requirements for the public multi-use trail, pocket parks, and other public benefit elements even though the obligation to construct those facilities derives from the street vacation approval.
3. Prior to the final plat approval, each owner of any property where development is to be conditioned under the phasing plan shall execute and deliver in recordable form a covenant against that property in favor of the City, to be recorded upon final plat approval, by which the owner agrees, on behalf of itself and its successors in interest and assigns, to construct the facilities and improvements required by the preliminary plat approval as conditions related to development on that property and not to occupy

- any structure unless the facilities and improvements required by the preliminary plat approval have been completed to the extent required for such structure by the phasing plan and covenant approved by the Director of Transportation pursuant to subsection 23.22.070.E.1.
4. The Phasing Plan and Covenant submitted in conjunction with the final plat shall be updated to include the following City Department conditions of approval:
 - a) The existing SCL infrastructure (overhead distribution lines and pole(s) in Block 1 shall be removed and relocated to the public right-of-way in 8th Ave. prior to SHA transferring title to the Block 1 property to the City for a new park. If easements on private property are required for the relocation, SHA shall grant to, or obtain such easements for SCL prior to construction.'
 - b) Prior to final certificate of occupancy for a building permit for Lots 1, 2, 10 and 11 within Block 7 the existing private combined sewer between Alder and Yesler shall be replaced to the satisfaction of SPU in a location that better meets the need of providing sewer service to Block 7 and the existing pipe shall be abandoned. A public utility easement must be granted at the time the pipe is constructed
 - c) Construction of public access pathways within Tract A Block 2 and within the areas designated Easements 5.2, 6.4, and 7.1, as well as the private access drive in Block 7 shall be required to ensure adequate circulation and access within the subdivided property.
 5. Prior to final plat approval the final plat shall include known location for all subterranean drainage tunnels abandoned by Seattle Public Utilities.
 6. Prior to final plat approval, SHA shall enter into a Cooperative Agreement for Yesler Terrace Plat through which the City is ensured of SHA's responsibility for the maintenance of, liability for, relocation of tenants from, and demolition of structures and physical appurtenances located in newly dedicated rights of way.
 7. In a separate document to be recorded in connection with the final plat (but not shown on the final plat), easements for the benefit of the public, shall be granted to the City, ensuring public access within Tract A Block 2, Easements 5.2, 6.4 and 7.1, and Tract B Block 5. The easement documents shall provide that they will be partially released to establish public access over the pathways and trail constructed within the Tracts or Easements, in lieu of the entire Tract or Easement, all as described above. Appropriate documents shall be provided prior to final plat approval.
 8. In connection with final plat approval, SHA shall provide a binding commitment to convey Tract A Block 2, Tract A Block 3, Tract A and B Block 5 and Tract A Block 7 to the Owners Maintenance Corporation no later than the time of completion of construction of the publicly-accessible facilities in each tract. This commitment shall be contained in a covenant or other agreement as determined by the City, to be recorded at final plat. Appropriate documents shall be provided prior to final plat approval.
 9. A Property Use and Development Agreement (PUDA) (or other mechanism that runs with the land), shall be approved by SDOT and recorded in connection with final plat

- approval, to ensure public access to the pocket parks in Tract A Block 3, Tract A Block 5, and Tract A Block 7.
10. Prior to final plat approval, SHA shall supply the Director of Transportation with copies of articles of incorporation and bylaws of the grantee organization, Owners Maintenance Corporation. In addition to the articles of incorporation and bylaws a document or documents that run with the land and bind the lots in the plat (but not the area in Block 1) shall be recorded in connection with final plat approval to ensure maintenance of the private access drive easement areas, public access pathways, public multi-use trail, pocket parks, and non-publicly accessible portions of Tracts and Easements by the owners of the lots within the final plat. The document(s) shall also ensure reconstruction or replacement by the owners of the lots within the plat, as directed by SDOT in its sole discretion, of interim sidewalks and interim pathways installed pursuant to the covenant required under SMC 23.22.070.E that become damaged or deteriorated. The document(s) shall allow and provide for the lot owners to carry out the foregoing obligations through an Owners Maintenance Corporation (while ensuring that the ultimate responsibility for performance of these obligations remains with the lot owners), shall impose on owners of lots within the plat the obligation to pay assessments to the Owners Maintenance Corporation for that purpose, and shall require imposition of a lien for unpaid assessments on the lots of the non-paying owners. The Owners Maintenance Corporation shall be a party to the foregoing document(s). The City shall also be a party to the foregoing document(s) for purposes of having the power to enforce the obligations therein that relate to maintenance, reconstruction and replacement of publicly-accessible areas and facilities. Executed copies of the foregoing documents, signed by SHA for itself and its successors and assigns as owners of the lots within the plat, shall be provided prior to final plat approval.
 11. Prior to final plat approval a Lot Boundary Adjustment must be recorded between SHA and City of Seattle related to the dedication of the new S. Washington Street right-of-way.
 12. Prior to final plat approval SHA shall obtain the necessary endorsement from HUD (and release of the Declaration of Trust dated June 26, 1942, and the Modified Declaration of Trust dated November 21, 1958), with respect to the street dedications, utility easements in connection with the final plat as well as public access pathways, multi-use trail and pocket parks.
 13. Prior to final plat approval, SHA shall supply the Director of the Department of Transportation with copies of articles of incorporation and bylaws of the grantee organization, Owners Maintenance Corporation. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision, that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land.

The following items must be included on the face of the final plat:

Recommended Conditions Prior to submitting a Master Use Permit, Building Permit or Grading

14. Prior to submitting an application for a Master Use Permit, building permit or grading permit, an application for a block level water availability certification (WAC) shall be submitted and approved by SPU.

Recommended Conditions Prior to Issuance of a Building Permit

15. Prior to issuance of a Building Permit for any lot with the Plat of Yesler Terrace Community the applicant shall obtain a Street Improvement Permit for all required street improvements as specified within the Phasing Covenant.

Recommended Conditions Prior to Final Certificate of Occupancy for a Building Permit

16. Prior to Certificate of Occupancy for a structure on any lot within the Plat of Yesler Terrace Community, the facilities and improvements required by the preliminary plat approval have been completed to the extent required for such structure by the phasing plan approved by the Director of Transportation pursuant to subsection 23.22.070.E.1 and the covenant recorded against the property within the final plat to implement that subsection,
17. Prior to Final Certificate of Occupancy for a building permit for any Lot 1, 2, 10, and 11 within Block 7 the existing private combined sewer between Alder and Yesler shall be replaced to the satisfaction of SPU in a location that better meets the need of providing sewer service to block 7 and the existing pipe shall be abandoned. A public utility easement must be granted at the time the pipe is constructed.

Recommended Conditions for the Life of the Project

18. On the face of the final plat include a condition stating ‘installation or relocation of SCL facilities may be required in right-of-way areas to provide electrical service to lots and parcels within all blocks and lots within the platted area. Initial design is for installation of overhead distribution facilities. Design may be altered to require underground installation or relocation of SCL facilities at the Final Plat, MUP, Building Permit, or Certificate of Occupancy phases if required or needed for any particular development or building.’
19. On the face of the final plat include a condition stating ‘unless otherwise agreed to in a separate written agreement between SCL and SHA, all SCL installations, relocations and improvements shall be at the expense of SHA, its successors or assigns. SCL does not have system upgrades planned for the platted area at this time.’
20. On the face of the final plat include a condition stating ‘the existing SCL infrastructure (overhead distribution lines and pole(s) in Block 1 shall be removed and relocated to the public right-of-way in 8th Ave. prior to SHA transferring title to the Block 1 property to the City for a new park. If easements on private property are

- required for the relocation, SHA shall grant to, or obtain such easements for SCL prior to construction.’
21. On the face of the final plat include a condition stating ‘easements or other rights, if necessary in the sole judgment of SCL to provide electric service to blocks, lots, parcels, streets, alleys, or private drives within the platted area shall be granted to SCL by SHA or its successors in interest prior to construction or relocation of SCL facilities.’
22. On the face of the final plat include a condition stating ‘SCL shall have the right to review future construction design plans for all lots requiring electrical service at each permitting stage for development (MUP, building permit, and certificate of occupancy), and shall have the right to condition permit issuance on construction, installation or relocation of SCL facilities, whether within or outside the platted area, to meet the electrical service needs of any proposed development in the platted area, in SCL’s sole discretion.’
23. On the face of the final plat include a condition stating ‘all development shall comply with SCL guidelines, including but not limited to minimum clearance requirements between all buildings and SCL infrastructure. All SCL facilities shall be constructed and installed in accordance with SCL engineering best practices and to SCL construction standards.’
24. On the face of the final plat include a condition stating property owners shall provide access for maintenance and repair of existing public utility infrastructure within the vacated rights-of-way and on private property until redevelopment. During redevelopment existing infrastructure shall be removed or abandoned by the property owner.

ANALYSIS – SEPA

In October of 2010, the Draft Environmental Impact Statement (DEIS), and in April of 2011, the Final Environmental Impact Statement (FEIS), for the proposed Yesler Terrace Redevelopment were issued by SHA and the City of Seattle Human Services Department (City HSD) on behalf of the U.S. Department of Housing & Urban Development (HUD). The City HSD serves as Responsible Entity for proposal review under the National Environmental Policy Act (NEPA); SHA serves as the Lead Agency for review under the Washington State Environmental Policy Act (SEPA). The FEIS is a joint NEPA-SEPA document. The Director hereby incorporates by reference the October 2010 DEIS and the April 2011 FEIS.

The Yesler Terrace Redevelopment EIS analyzes the following actions related to the Redevelopment:

- Zoning changes that would be necessary in order to accommodate the mixed use redevelopment, including a Land Use Code text amendment and a change to the Official Land Use Map (legislative rezone);
- Planned Action Ordinance adoption by City of Seattle;
- Possible Development Agreement between the City of Seattle and SHA;

- Preliminary and Final Plat approvals by City of Seattle;
- Street Vacation and dedication approvals by City of Seattle;
- Future local, state and federal permits and approvals that would be required for construction and development of the Yesler Terrace community;
- Release of Funds by HUD; and,
- Construction and operation of buildings and facilities within the Yesler Terrace community.

The Seattle City Council has approved Ordinance 123962 to designate certain types of projects implementing the redevelopment of Yesler Terrace as “Planned Actions” for purposes of SEPA. Planned Actions are development proposals, and preliminary and final plat approvals are separate from those proposals. SEPA review is thus required of the preliminary plat. However, as an EIS has already been prepared that adequately covers the impacts of the proposed division of land, and that EIS is incorporated by reference pursuant to SMC 25.05.600, the nature of the SEPA review is for conditioning only pursuant to SMC 25.05.660. In addition, the mitigation measures established in Exhibits B and C of the PAO apply to all projects at Yesler Terrace, whether or not those projects qualify as Planned Actions. (Attachment 24: SHA/City Cooperative Agreement, Section 16) The applicability of that mitigation has been taken into account in the SEPA analysis below.

The information in the EIS documents, and supplemental information and experience with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"[W]here City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) additional mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short - Term Impacts

The following short term construction-related impacts have been identified in the environmental documents.

- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.
- Increased dust caused by demolition and excavation activities and potential soil erosion and disturbance to subsurface soils during grading, excavation, and general site work;
- Increased traffic and demand for parking from demolition and excavation equipment and personnel;
- Conflicts with normal pedestrian and vehicular movement adjacent to the site;
- Increased noise and vibration;

- Tree removal;
- Consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

Drainage and Earth

Earth-related construction impacts are short-term impacts that could occur during the construction phase of site redevelopment, as described below. In general, before construction is allowed in or immediately adjacent to mapped geotechnical hazard areas, detailed geotechnical studies would be conducted as part of the permit process to address specific standards relating to site geology and soils, erosion, seismic hazards and facility design. Temporary erosion and sedimentation control measures would be implemented in accordance with City of Seattle regulations.

Any additional information that is required to verify conformance with applicable ordinances and codes (the Seattle Grading Code) would be required prior to issuance of any required demolition, grading or building permits. The Grading Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves grading of more than 100 cubic yards of material, and the applicant will be required to prepare a geotechnical report for the site prior to submitting for any grading permits. The Grading Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Site-specific analyses of development planned adjacent to or within the steep slope/slide-prone areas in the southern portion of the site would be conducted during the design and permitting phase. These analyses would identify appropriate methods of slope stabilization and other measures to prevent potential landslide impacts, therefore; no additional conditioning is warranted pursuant to SEPA policies.

Temporary shoring systems would be installed to address the potential for impacts associated with construction excavations. The design and construction of excavation shoring systems would include an evaluation of nearby adjacent structures and utilities (e.g. the I-5 retaining wall located along the west side of the site, adjacent building foundations, and/or existing drainage tunnels), and incorporate measures to limit impacts to these structures/utilities. No further mitigation is required.

Air Quality

Site preparation and construction could generate dust from: grading; excavation; building and infrastructure demolition; and, construction of new buildings and infrastructure. Such activities would contribute to temporary localized increases in ambient concentrations of suspended

particulate matter. Construction equipment and vehicles would emit air pollutants that would slightly and temporarily degrade local air quality, especially during earthwork activity. Standard construction measures would be implemented and no significant impacts would be expected. Some construction activities would temporarily cause odors, particularly during paving operations using tar and asphalt. Measures to provide reasonable controls of emissions of construction odors would be implemented and, construction activities would not be expected to impact air quality. The primary emissions generating activity associated with redevelopment would be increased traffic traveling to and from the site. Increased traffic would not be expected to result in any significant air quality impacts.

The potential exists for certain environmental related impacts to occur during construction including:

- Generating air pollutants as a result of dust from demolition, earthwork and/or emissions from construction vehicles;
- Accidental spills of construction-related chemicals; and/or,
- Exposure of asbestos-containing materials or lead-based paints.

Construction contractors would be required to comply with all relevant federal, state and local air quality rules. With implementation of required health and safety measures, no significant impacts would be expected. Measures to provide reasonable controls of emissions of dust would be implemented, and construction activities would not be expected to significantly impact air quality.

The indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. Therefore, additional air quality mitigation is not necessary.

Water

During construction, potential short-term impacts to water resources could occur due to the release of sediment from grading activities and pollutants from construction equipment. With implementation of required temporary erosion, sediment control, spill prevention, flow control measures, and best management practices, no significant impacts would be anticipated.

During construction, existing water mains and services would continue to service the site, or temporary bypass service would be implemented until the new water distribution system was complete and operational.

The City of Seattle Drainage code requires the following items during construction. These items will mitigate water quality impacts.

- Temporary erosion and sedimentation control measures and BMPs must be utilized during construction in accordance with the City of Seattle Drainage Code.
- A Stormwater Pollution Prevention Plan (SWPPP) would be prepared and implemented

as required by the City's Drainage Code.

A King County Waste Discharge permit would be required to discharge any dewatering water to the combined sewer. Monitoring of dewatering discharges would be necessary to determine whether physical and chemical parameters are within King County discharge limits. If parameters are outside acceptable limits, treatment would be necessary prior to discharging to combined sewer. If the combined sewer facilities, where construction de-watering would be discharged, are determined to be at capacity, additional construction de-watering storage with flow control could be provided. Therefore, additional water quality mitigation is not necessary.

Plants and Animals

The DEIS identifies two potential wetlands within the Plat of Yesler Terrace Community, described as Wetland A and Wetland B. Wetland A was documented as 645 square feet, Category IV pallustine emergent wetland immediately down slope of the irrigation pipe. The DEIS goes on to state that the wetland may have been caused by discharged water from the pipe. A subsequent investigation completed by Landau Associates on March 2 and March 18, 2011 confirmed the location of the two wetlands.

In January 2013, a subsequent site inspection was completed by the DPD Wetland Biologist. He was unable to locate a wetland at the identified Wetland A delineation location and he confirmed that the identified wetland was due to the leaking irrigation pipe. Wetlands created solely by artificial means, such as a leaking irrigation pipe, do not meet the definition of wetland area regulated by ECA ordinance per SMC 25.09.020 C and are not subject to the requirements of SMC 215.09.240. However, due to the federal funding utilized by Seattle Housing Authority additional permitting may be necessary by Department of Ecology and United States Army Corp of Engineers (USACE).

The DEIS and FEIS delineation identifies Wetland B as a 38 square foot, Category IV paulustine emergent wetland. Environmentally Critical Areas code SMC 25.09.160 states development is limited or prohibited on all wetlands over 100 square feet or with a habitat value greater than Category IV. The existing wetland is thus not regulated by SMC 25.09. No additional mitigation is necessary.

The existing Yesler Terrace Development includes a significant population of mature trees. In preparing the Yesler Terrace EIS, SHA and the City of Seattle conducted a thorough inventory and analysis of all trees at Yesler Terrace. 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" which 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.

As a result of the inventory, a Yesler Terrace Tree Protection Plan was developed. That Plan was adopted as Exhibit C to the PAO. The Director hereby incorporates by reference Planned Action Ordinance Exhibit C: Tree Protection Plan prepared by Department of Planning and Development. That Plan identifies those trees to be preserved, which are designated as Tier 1 trees.

Tier 1 trees have been shown on the preliminary plat and associated Street Improvement Plan. Street location and parcel boundaries have been designed to account for Tier 1 exceptional trees. The Street Improvement Plan submitted in association with the preliminary plat locates sidewalks, roads, streets, and other impervious hardscape elements such that they avoid trees and their critical root zone. The proposed overhead and underground utilities have been located to avoid removal of trees identified as Tier 1 trees.

During construction and design several adopted City codes and/or ordinances provide mitigation for impacts to the trees. Specifically these are the Street Use Ordinance (for all trees to be preserved within the right-of-way), SMC 25.11 Tree Protection Ordinance, Director's Rule 10-2011 Clarifying Landscape Standards, including Seattle Green Factor and Planned Action Ordinance (for trees to be preserved for all development actions proposed within the private property boundaries). Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the trees; therefore additional mitigation is not necessary.

Noise

Noise from demolition and construction activities for right-of-way and infrastructure development has the potential to impact nearby off-site receivers, particularly sensitive uses such as residences and the Harborview Medical Center. The temporary nature of construction coupled with restriction to daytime hours required per the Seattle Noise Control Ordinance (SMC Chapter 25.08) minimizes the potential for significant impacts from construction activities and equipment. As a result, no additional mitigation is necessary.

Traffic and Parking

The construction of Yesler Terrace rights-of-way and utilities could include increases in construction-related traffic, as well as temporary closures (full or partial) of street lanes or sidewalks adjacent to construction activities. The most noticeable construction-related traffic impacts are likely to occur during demolition of existing uses and major earthwork stages. Other major impacts could occur during large concrete pours when a continuous supply of concrete could be trucked to the site. Other materials, such as steel, lumber, and other building supplies are expected to be trucked to the site as needed, but would not typically arrive in fleet shipments like those required for earthwork and concrete. Construction employees would also generate traffic and parking demand, but this volume would be much less than the site would generate when occupied.

The Director hereby incorporates by reference the Mitigation of Construction Impacts described in the FEIS prepared by SHA and City HSD issued April of 2011, pages 3.13-20.

Construction impacts would occur in stages until all development at Yesler Terrace is complete. Prior to commencing construction SHA and/or its prime contractor(s) would prepare a Construction Management Plan. This plan would document the following:

- Truck haul routes to and from the site.
- Peak hour restrictions for construction truck traffic and how those restrictions would be communicated and enforced.
- Truck staging areas (e.g., locations where empty or full dump trucks would wait or stage prior to loading or unloading.)
- Construction employee parking areas.
- Measures to reduce construction worker trips such as rideshare, shuttles, carpool, transit passes or related programs.
- Road or lane closures that may be needed during utility construction or relocation, roadway construction, or building construction. If any arterial street is affected by a partial or full closure, the contractor should also prepare a Maintenance of Traffic Plan detailing temporary traffic control, channelization, and signage measures.
- Mechanism for notifying community if road or lane closures would be required.
- Sidewalk, bike lane, and/or bus stop closures and relocations. If any sidewalk or bike facility is affected by a partial or full closure, the contractor should also prepare a plan detailing temporary pedestrian detour and signage measures.
- Mechanism for notifying the community if sidewalk, bike lane, or bus stop closures would be required.

In order to ensure that the impacts of right-of-way and utility construction are addressed, the contractor will be required to develop and submit a Construction Management Plan to DPD and SDOT for review and approval, prior to commencing construction of right-of-way improvements required for the preliminary plat approval.

Long-term Impacts

The following long-term impacts have been identified in the FEIS: increased demand for utility service including water, sewer and drainage, and transportation impacts. Adopted codes and Ordinances and other Agency review, such as SMC 21 Utility Code, Stormwater Code, Street Use Ordinance will appropriately mitigate these and other adverse impacts created by the proposal. However, further analysis of some long-term impacts is warranted.

Water

SPU currently supplies water to the Yesler Terrace site through an existing 20-inch feeder pipeline on 12th Avenue and Yesler Way from the Lincoln reservoir. Some of the first cast iron public water mains in Yesler Terrace were installed over 100 years ago and have exceeded their design life expectancy. Most of the private water service is from the original Yesler Terrace development in the 1940s. The southern portion of the site does not have adequate fire hydrant coverage. The water service lines vary in condition; the older galvanized water service lines have corroded leading to reduced pressure and the potential to leak. The current water system is not sufficient to service future development and water distribution facilities will be required with redevelopment of Yesler Terrace.

The preliminary plat review includes street and utility improvements. New water mains will be located within the new public roadway network or easements, consistent with the City of Seattle public utilities regulations and design standards. Seattle Public Utilities has reviewed the proposed right-of-way and utility infrastructure design and provided conceptual approval with conditions on the preliminary plat.

Compliance with Land Use Code full subdivision criteria, Seattle Stormwater Code, Drainage Code and Street Use Code will reduce or eliminate utility infrastructure impacts for the subdivision and additional mitigation is not necessary.

Sewer and Drainage

SPU currently provides sanitary sewer service to residents in the Yesler Terrace development. The SPU sewer system conveys sewer flows to the King County Metro system, and includes pump systems, trunk lines, and combined sewer mains (pipes that convey both sanitary sewer and stormwater). Sewage is ultimately treated at the West Point Sewage Treatment Plant. During intense rainfall events, some of the combined sewer mains downstream of the site are at capacity and overflow. The lack of separation between sewer and stormwater and uncontrolled stormwater flows contribute to the downstream overflows.

City of Seattle records indicate that the existing public sewer system within the site was first installed in 1892. This system is a combined sewer system and collects both sanitary sewer flows and stormwater runoff from the site and public rights-of-way. Collected sewer flows from the site are conveyed to one of two public combined sewer basins: the West Conveyance Basin and the East Conveyance Basin. The West Conveyance Basin serves approximately 11.9 acres of the western portion of the Yesler Terrace site and drains to a 24-inch combined sewer main located at the end of 8th Avenue S, south of Yesler Way. From there, the flows are conveyed to the West Point Sewage Treatment. The East Conveyance Basin serves approximately 24.7 acres of the Yesler Terrace site and is generally located east of 9th Avenue. The area drains to the 12-inch combined sewer main that runs east along Yesler Way. From there, flows are conveyed to the West Point Sewage Treatment Plant. Both the East and West Conveyance Basins eventually connect to the King County Metro system for final treatment and disposal at the West Point treatment plant prior to discharge to Puget Sound.

A preliminary analysis was performed by SPU on July 15, 2009 to evaluate the capacity of the City of Seattle downstream combined sewer system with higher density redevelopment at the Yesler Terrace site. SPU's preliminary analysis for both the East and West Conveyance Basins determined that the downstream combined sewer systems may have limited capacity to handle the proposed redevelopment at a few locations, and overflows could occur during heavy rainfall events. The FEIS stated a hydraulic analysis of drainage and wastewater systems would be completed during the design phase of the Yesler Terrace Redevelopment to determine if improvements are necessary to the City's drainage and wastewater infrastructure.

As part of the preliminary plat review process a comprehensive drainage report was provided for review and analysis by SPU as part of the Street Improvement Review Process. As a part of the Preliminary Plat review process it was found that existing combined sewer mains would be reused where existing mains have sufficient capacity. A new combined sewer main would be located in 9th Avenue through the Block 1 park, down 10th Avenue connecting to an existing main in S Main Street. An additional combined sewer main will travel through the Block 7

access easement to Yesler and down new S Washington Street. The two new combined sewer lines will provide service to the SW and SE Sectors of the Yesler Terrace site.

The redevelopment of Yesler Terrace right-of-way will include construction of public sanitary sewer systems and would comply with the City of Seattle standard plans and specifications for extensions and improvements to the City's sewer system. New sewer mains would be located within the new public roadway network or easements, consistent with the City of Seattle public utilities regulations and design standards.

In addition to a new sewer system, Yesler Terrace right-of-way improvement will include Green Stormwater Infrastructure where site conditions allow. Following redevelopment, impervious surface area onsite would increase relative to existing conditions (from approximately 58 percent to 74 percent impervious surfaces). A permanent stormwater control system would be installed per applicable regulations. Preliminary stormwater modeling indicates that it is feasible to control the stormwater runoff using comprehensive GSI facilities. If the extent of assumed GSI facilities is not feasible, then stormwater vaults/tanks could be used onsite. The design and construction of the permanent stormwater control system, including conveyance and green stormwater infrastructure flow control facilities, would be in accordance with the City's Drainage Code. Increases in impervious surface area would be mitigated by providing flow control for stormwater runoff. The flow control facilities would reduce the peak stormwater discharge from the site relative to existing conditions and could help reduce combined sewer overflows (CSOs), which can occur during heavy rainfall events.

SPU has reviewed the proposed right-of-way and utility infrastructure design and provided conceptual approval with conditions on the preliminary plat recommended approval. Compliance with Land Use Code full subdivision criteria, Seattle Stormwater Code, Drainage Code and Street Use Code will reduce or eliminate utility infrastructure impacts for the subdivision and additional mitigation is not necessary.

Transportation

The circulation infrastructure across the site would be comprehensively reconfigured to provide a more connected street grid network internally and to/from the surrounding community. In order to achieve the reconfiguration, certain street vacations and new street dedications have been approved.

Pedestrian facilities and connections would be improved throughout the site, and the circulation infrastructure across the site would be comprehensively reconfigured to provide a more connected street grid network internally and to/from the surrounding community. Extensive pedestrian and bicycle improvements would be made throughout the Yesler Terrace site, including street frontage improvements as well as connecting paths throughout the site. New connections would also be made to areas beyond Yesler Terrace, including south towards S Jackson Street, improving pedestrian access to the International District.

The FEIS shows the preferred circulation alternative for The Plat of Yesler Terrace Community (EIS, Page 2-23 and figure 2-9). The preferred alternative shows a combination of required streets, access drives and pedestrian pathways to satisfy circulation needs and access throughout the plat area. This concept and associated street network have been adopted by the Seattle City Council through the Land Use Code text amendments and rezone, adoption of the Planned

Action Ordinance and the approval of the street vacations and dedications. The proposed Plat of Yesler Terrace Community includes all required street dedications in the concept approval provided by City Council.

The Plat of Yesler Terrace Community will provide two access drives in three easements on Block 5 and 6 to service lots without street frontage. These easements are required by SMC 23.53.005 and SMC 23.53.025. The proposed 34 foot wide easement includes 20 foot curb to curb roadway with a 6 foot pedestrian pathway. The easement on Block 5 will connect 10th Avenue S to 12th Ave S at the center of proposed Block 5. The easement on Block 6 connects the intersection of 10th Avenue S and S Main Street to the midpoint to new S Washington Street. The easement bends at a right angle near Interstate 5 east boundary at the center of proposed Block 6.

These easements provide pedestrian pathways and vehicle access to interior lots within the block. An access drive easement is also provided in Block 7. The access drives divide larger blocks into smaller sections, and serve as part of neighborhood's circulation and open space network. Designed in the spirit of a woonerf, the access drives are intended to provide shared space for pedestrians, cyclist and vehicles to move slowly, 5 miles per hour, and safely in close proximity to one another. Specific design standards have been developed within the Yesler Terrace Design Guidelines adopted as part of the Yesler Terrace Rezone Ordinance.

SDOT has reviewed the proposed right-of-way design and provided conceptual approval with conditions on the preliminary plat recommended approval. Compliance with Land Use Code full subdivision criteria, Seattle Street Improvement Manual and Street Use Code will reduce or eliminate transportation infrastructure impacts for the subdivision, and additional mitigation, beyond that required herein, is not necessary.

DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the DEIS and FEIS. DPD has the authority to mitigate impacts pursuant to the City's SEPA policies and SMC 25.05.660. Therefore, the following is imposed as a SEPA condition on the preliminary plat.

The owner(s) and/or responsible party(s) shall:

Prior to submitting a 90% Street Improvement Plan to SDOT:

- 25) Submit to DPD/SDOT a Construction Management Plan for review and approval. This plan would document the following:
 - Truck haul routes to and from the site.
 - Peak hour restrictions for construction truck traffic and how those restrictions would be communicated and enforced.
 - Truck staging areas (e.g., locations where empty or full dump trucks would wait or stage prior to loading or unloading.)
 - Construction employee parking areas.

- Measures to reduce construction worker trips such as rideshare, shuttles, carpool, transit passes or related programs.
- Road or lane closures that may be needed during utility construction or relocation, roadway construction, or building construction. If any arterial street is affected by a partial or full closure, the contractor should also prepare a Maintenance of Traffic Plan detailing temporary traffic control, channelization, and signage measures.
- Mechanism for notifying community if road or lane closures would be required.
- Sidewalk, bike lane, and/or bus stop closures and relocations. If any sidewalk or bike facility is affected by a partial or full closure, the contractor should also prepare a plan detailing temporary pedestrian detour and signage measures.
- Mechanism for notifying community if sidewalk, bike lane, or bus stop closures would be required.

Signature: _____ (signature on file) Date: July 8, 2013

Lindsay King, Senior Land Use Planner
Department of Planning and Development

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