

SEATTLE URBAN FORESTRY COMMISSION

Weston Brinkley (Position #3 – University), Chair • Sandra Whiting (Position #2 – Urban Ecologist) Vice-Chair
Steve Zemke (Position #1 – Wildlife Biologist) • Sarah Rehder (Position #4 – Hydrologist)
Stuart Niven (Position #5 – Arborist – ISA) • Michael Walton (Position #6 – Landscape Architect – ISA)
Joanna Nelson de Flores (Position #7 – NGO) • Andrew Zellers (Position #8 – Development)
Craig Johnson (Position #9 – Economist) • Bonnie Lei (Position #10 – Get Engaged)
Whit Bouton (Position #11 – Environmental Justice) • Jessica Jones (Position #12 – Public Health)
Shari Selch (Position #13 – Community/Neighborhood)

The Urban Forestry Commission was established to advise the Mayor and City Council concerning the establishment of policy and regulations governing the protection, management, and conservation of trees and vegetation in the City of Seattle

March 6, 2019

Meeting Notes

Seattle Municipal Tower, Room 2750 (27th floor)
700 5th Avenue, Seattle

Attending

Commissioners

Weston Brinkley – Chair
Sandra Whiting – Vice-Chair
Whit Bouton
Craig Johnson
Jessica Jones
Bonnie Lei
Joanna Nelson de Flores
Stuart Niven
Sarah Rehder
Shari Selch
Michael Walton
Steve Zemke

Staff

Sandra Pinto de Bader - OSE
Brennon Staley (OPCD)

Guests

Elijah Selch

Public

Elizabeth Archambault
Joyce Moty

Absent- Excused

Andrew Zellers

NOTE: Meeting notes are not exhaustive. For more details, listen to the digital recording of the meeting at: <http://www.seattle.gov/urbanforestrycommission/meetingdocs.htm>

Call to order

Weston called the meeting to order

Public comment

None

Adoption of February 6 meeting notes

ACTION: A motion to approve the February 6 meeting notes as amended was made, seconded, and approved.

OPCD briefing - Brennon Staley gave an overview of OPCD's role and priorities.

OPCD's mission:

OPCD leads collaborative planning, advances equitable development and creates great places.

OPCD's vision:

An inspiring city, in harmony with nature, where everyone thrives.

They do inter-departmental visioning for projects that take place across the city. They steward the City's Comprehensive Plan, making sure the Comp Plan is integrated across City policies.

Areas of work:

- Comprehensive and Regional planning
- Citywide initiatives
- Community planning
- Equitable Development Initiative
- Placemaking
- Planning Commission
- Design Commission

The Comp Plan is the document that helps Seattle manage its growth. It has four primary themes:

- Housing affordability
- Race and Social Equity
- Growing sustainably
- Livability

The Comp Plan has high level goals for canopy cover and trees in general. The Comp Plan calculates that between 2015 and 2035 Seattle will have 120,000 more people and 115,000 more jobs.

Seattle is growing in an unaffordable way

- Rents have increased 35% over 5 years
- Home prices have increased 50% over 5 years
- Average price of a non-condo home is \$900,000. This is considered affordable to a 4-person household making 180% of Area Median Income
- We are not producing a diversity of housing options

UFC question: Is the Comp Plan looking at optimal levels of growth?

Response: The Comp Plan looks at how to make the city livable based on the growth it is experiencing. It doesn't determine what the optimal level of growth is.

UFC question: Are you doing analysis around what type of people live in Seattle? Different people have different needs. How does your knowledge of who lives here influence OPCD's thinking around trees?

Response: Our city has been growing with younger populations. Household size is also becoming smaller (these are nation-wide trends as well). There is a macro shift back to cities in general. Cities are becoming more desirable and more expensive. In terms of trends, a huge portion of housing growth is apartments that are smaller. But one of the major issues is that there are not middle of the road, family-size housing. Looking at building more condos, town houses, with some yard space. People in general want to have a bit of outdoor space and a building they can call their own.

UFC comment: If large yards are going away, how do we "future-proof" Seattle to find places for the big trees?

NOTE: Meeting notes are not meant to capture the whole conversation. For more details, listen to the digital recording of the meeting at: <http://www.seattle.gov/urbanforestrycommission/meetingdocs.htm>

Urban Village Strategy:

The City has an urban village strategy that includes the following areas: Northgate, University District, South Lake Union, Capitol Hill/First Hill, Uptown, and Downtown. The idea is to promote growth and investment in those areas that are growing.

Some people believe there is a problem with very high-density apartments and very expensive single-family homes. People are also concerned about equity. There has to be a balance between providing people with home ownership opportunities and focusing growth in areas that can accommodate it.

Council has asked OPCD to do an equity analysis and they will probably undertake it as part of the Comp Plan update process.

UFC question: Is the City looking at rules that can be changed, maybe with setbacks, to discourage building McMansions which tend to be less affordable?

Response: one response is the City's support for Accessory Dwelling Units (ADU) structures. In Residential Small Lots the City has put in place requirements to limit house size discourage tearing down existing structures.

UFC comment: the UFC would be interested in partnering up with the City to look at measures that accomplish win-win outcomes with more affordable housing, growth and trees.

Growth with Affordability

The Housing Affordability and Livability Agenda began with a steering committee that produced 65 recommendations. The goal is to produce 30,000 new market-rate homes and 20,000 affordable homes.

The Mandatory Housing Affordability (MHA) - MHA establishes that all new development must build or pay for affordable housing. It provides additional development capacity to partially offset the cost of these requirements (zoning changes) and increases housing choices

Comp Plan (Seattle 2035) equity themes:

- Prioritize marginalized populations
- Race and social equity lens
- Address displacement
- Distribute the benefits and burdens of growth equitably
- Increase opportunities for low-income households

Outside Citywide is another citywide initiative, interdepartmental in nature, that aims to create a more integrated, equitable and complete public space network that supports communities to thrive in place. It's neighborhood-based, implementation-focused and encourages learning by doing.

Area planning that OPCD is doing includes the Duwamish Valley Program which focuses on environmental justice and equitable development. Some of the objectives of the program are:

- Clean-up to remove pollution
- Create programs to support healthy levels of fish consumption
- Help provide a river environment that supports a healthy community
- Incorporate jobs and education programs

- Support sustained industrial/manufacturing activity
- Improve the environmental determinants of health
- Climate resilience
- Support strong communities
- Align investments to create a neighborhood that supports a healthy community

Other places OPCD is working on is Chinatown-International District, Crown Hill, 130th and 145th Station area planning.

Lid I-5: is an interdepartmental conversation that OPCD is coordinating. They issued an RFP and assigned a contract to do a feasibility study. There will be a public process over a long period of time (probably 10 years).

Letter RE: Discovery Park – discussion begins

The UFC discussed and amended the draft letter commending the Friends of Discovery Park vegetation management platform.

ACTION: A motion to approve the letter as amended was made, seconded, and approved.

Letter RE: Cheasty pedestrian and mountain bike pilot project – discussion begins

The UFC discussed and amended the draft letter with recommendations for monitoring the Cheasty Mountain Bike and Pedestrian Trail Pilot Project.

ACTION: A motion to approve the letter as amended was made, seconded, and approved.

2019 UFC work plan

This item was moved to the next meeting.

Public comment

None

New Business

None

Adjourn

Public input:

From: Toby Thaler <fremont@louploup.net>

Sent: Thursday, March 07, 2019 6:54 PM

To: Landry, David <David.Landry@seattle.gov>

Cc: Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>; Steve Zemke <stevezemke@msn.com>

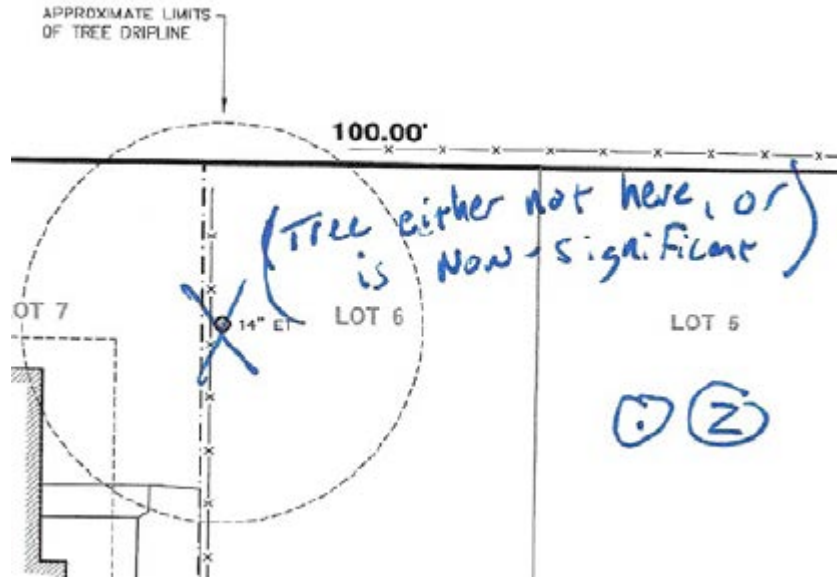
Subject: MUP 3032733, N. 43rd and Linden Ave N.

I have a few observations and concerns about this project:

- Today, you issued a decision under MUP 3032733 permitting a short subdivision. In the EDMS files I found Chadwick & Winters survey dated 10-10-18. On sheet 3 of 7 I noticed a tree labeled 14" ET. Whether that means "exceptional tree" or not is not clear since there is no other indication on the survey regarding that or any other trees on the site. In the same file I also found a "Proposed Parcel Layout" dated 7-20-18. This one page drawing shows the entire original two lots with the same tree indicated (18" ET).
- As is frequently the case, I noticed that today's action in 3023733 was preceded by a prior action on the pre-existing two lots. In this instance, today's permitted subdivision is of the north half of two lots that were previously subjected to a lot boundary adjustment (LBA-3029914). In the EDMS 3029914 file for that prior

action I found another survey by Chadwick & Winters, dated 1-3-18. On sheet 3 of 4, there are two trees indicated, numbered 1 and 2. There is no tree on the drawing where the 3032733 survey shows 14" ET.

- Also in the 3029914 file there is an arborist report, dated 3/7/18. Page 5 of that report is labeled Appendix A-Tree Location Map. The base map appears to be a cut and paste of the base survey map that appears in the 3032733 file. The arborist has added in blue ink the location of the trees numbered 1 and 2 in the 3029914 survey map, and added a mark where the 14" ET tree is indicated on the 3023733 survey map. The text says "Tree either not here, or is non-significant"; here is a screen shot of that portion of the arborist report, page 5:



- The foregoing led me to investigate further. I went to google map/earth and took screen shots from both the Linden Avenue side and the 43rd Street side of the lots. Google's history function allowed me to capture images going back to 2007 and 2008. It was easy to determine that there was in fact a large tree in the location indicated, perhaps 25 feet tall with a fairly broad canopy as indicated in the 3032733 survey. The google aerials shows the tree very clearly. In both of the most recent ground level images, dated June 2018, the tree is gone. If you wish, I can provide the captured images, but they are easy to find using google maps/earth.

- My concerns regard the apparent segmenting of the subdivision processes, as well as the possible illegal removal of an exceptional tree, in order to facilitate the subdivision without having to comply with the tree conservation provisions of SMC Chapter 25.11. I would appreciate it if you would make inquiry of the developer regarding this matter and let me know what you learn.

Thank you for your attention,

Toby Thaler

President, Fremont Neighborhood Council

<http://fremontneighborhoodcouncil.org/>

fremont@louplop.net

206 697-4043

From: David Moehring <dmoehring@consultant.com>

Sent: Wednesday, February 13, 2019 12:23 AM

To: An, Noah <Noah.An@seattle.gov>

Cc: Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>; 'Steve Zemke' <stevezemke@msn.com>; Josh Morris <joshm@seattleaudubon.org>

Subject: Re: Avoid unnecessary Exceptional tree and tree groves to be lost with rowhouse and townhouse developments

Thank you, Mr. An,

I have read through the 7 or 8 pages that mention some measures for trees. Many of these measures are not explicit or they are unenforceable as limited-duration development transitions responsibilities for the tree canopy to others in an uncharted conceptual abyss.

'Targeted tree canopies', as one example, are not enforceable, especially when deemed subjective.

Other than the existing single family zones' direct and immediate measures for tree protection within development (page 60), I guess that we are missing entirely where tree retention has been 'strengthened'. Please elaborate if you may. The measures and incentives to maintain the benefits for the environment and natural habitats resulting from the retention of large trees has been overlooked in this ordinance as it was in the proposed tree ordinance of last year. It certainly 'waters down' existing mature trees within developments -- mixing them with other plants and other landscape features- especially within the new RSL areas.

People weep when a 40 foot tall cedar or grove is chopped up and mulched. On the other hand, a 4-foot bush may be uprooted without notice. So why are these largely different landscape elements being combined within the same point system?

Heavy urban forest MHA up-zoned areas where former SF-zoned lots are being significantly converted to RSL or LR zones are the first to be noticeably impacted. Wallingford is Seattle's next urban heat island blemish to appear as a vast number of SF properties with tree canopy are being converted to RSL and LR with their weaker - not stronger- tree retention requirements. Why reduce the lot space for trees from 750 to 500 sq ft, for example?

I'd love to work with the Council to strengthen tree retention while allowing density to increase. So far, it's not evolving within the MHA code revisions and amendments proposed.

Sincerely,

David Moehring AIA

-----Original Message-----

From: David Moehring <dmoehring@consultant.com>

Sent: Saturday, March 02, 2019 8:41 AM

To: ppceditor@nwlinc.com; PRC <PRC@seattle.gov>; Roberts, Ben <Ben.Roberts@seattle.gov>; Rundquist, Nolan <Nolan.Rundquist@seattle.gov>

Cc: DOT_SeattleTrees <Seattle.Trees@seattle.gov>; DOT_LA <DOT_LA@seattle.gov>; Pinto de Bader, Sandra <Sandra.Pinto_de_Bader@Seattle.gov>; O'Brien, Mike <Mike.O'Brien@seattle.gov>; Levy, Susie <Susie.Levy@seattle.gov>; Bonnie McDonald <bm_mcdonald@q.com>; barbara_bernard@yahoo.com; James Davis <jamesdavis1400@gmail.com>; Deb Alt <altdeborah@yahoo.com>

Subject: Another strike on public appeals to save trees

Below is the summary about last week's Hearing Examiner's Order on Motion for Reconsideration for 2300 w Emerson Street: MUP-18-022 (Moehring et al).

With the Hearing Examiner identifying at least six contentious issues relative to the SEPA Determination of Non-Significance—including trees –it is unfortunate that the Seattle Public Appeal process still yields no enforced protection of existing significant street trees.

Dismissal of Motion for Reconsideration (Feb 26, 2019)

1. Executive Summary:

* In property-specific appeals to a SEPA Determination of Non-Significance (DNS), do not request a Environmental Impact Study (EIS) as the remedy.
* If a Motion for Summary Judgement is filed on your case, you must provide through expert declaration evidence. You cannot wait to the final hearing.

2. Hearing Examiner (HE) indicated the single reason the case was dismissed was Moehring sought an Environmental Impact Study.

3. Moehring indicated that there was irregularity in the appeal proceedings.

1. Moehring noted the Hearing Examiner’s (HE) Order of Jan 11 identified that 6 of the 15 were valid and should not be denied under a Summary Judgement motion. “Moehring prevailed on some of those issues.”

2. HE stated that the only remedy sought {by Moehring} was not valid and the case was dismissed on that basis alone.

3. Moehring noted the Preliminary Hearing called by the HE unfairly allowed the developer’s attorney [Helsell Fettermen’s Gribben] to revise their motion to dismiss (in other words, legal advise) while not providing similar guidance to Moehring about their appeal.

4. Moehring indicated that there was clear mistake in the material fact.

1. Moehring echoed the HE Order of Jan 11 that a Summary Judgement should not be granted without evidence, and that the developer [Gribben] failed to provide evidence for a Summary Judgement while Moehring did.

2. The HE simply replied that Moehring fails to understand what a “clear mistake as to material fact” means.

5. Now what??? SDOT’s arborist Ben Roberts is now the only person who can enforce with the SDCI Planner the tree protection requirements so that the new building are shifted back and that the excavations do not encroach on the critical root zones of these 4 trees bordering the development of 9 market-rate rowhouses on a relatively small 7000 sq foot lot.

HE Links:

i. Order on Motion for Reconsideration
<<https://web6.seattle.gov/Examiner/case/document/11754>> (from Vancil) 2/26/2019 2:43:10 PM; or

<https://web6.seattle.gov/Examiner/case/document/11754>

Preceded by Order for Summary Judgment

i. Order on Motion for Summary Judgment
<<https://web6.seattle.gov/Examiner/case/document/11528>> (from Vancil) 1/11/2019 4:33:53 PM

i. Appellant Motion for Reconsideration
<<https://web6.seattle.gov/Examiner/case/document/11577>> (from Moehring) 1/21/2019
8:27:08 PM

ii. Applicant Response in Opposition to Motion
<<https://web6.seattle.gov/Examiner/case/document/11620>> (from Gribben) 1/29/2019
1:23:00 PM

Standing in for the trees,
David Moehring

Sent: Tuesday, February 26, 2019 at 2:42 PM
From: "Johnson, Alayna" <Alayna.Johnson@seattle.gov>
To: "'dmoehring@consultant.com'" <dmoehring@consultant.com>, "BRANDON GRIBBEN" <bgribben@helsell.com>, "Jacobs, Sam M." <SJacobs@helsell.com>, "King, Lindsay" <Lindsay.King@seattle.gov>
Subject: Order on Motion for Reconsideration: MUP-18-022 (Moehring et al)

Good afternoon,

Attached please find the Hearing Examiner's Order on Motion for Reconsideration for the above referenced appeal.

Thank you,

Alayna Johnson
Legal Assistant

City of Seattle Office of Hearing Examiner <<http://seattle.gov/examiner/>>
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