

October 29, 2010

Mayor Mike McGinn
Council President Richard Conlin
600 Fourth Avenue
Seattle, WA 98104



Dear Mayor McGinn and Council President Richard Conlin:

The Maple Leaf Community Council Executive Board is elected to represent the nearly 4,000 homes and businesses in the Maple Leaf neighborhood of north Seattle. We are writing today in a specific appeal to both of you, because you are the two people inside City Hall who can most easily prevent the significant harm to Seattle's environment, economy, and livability represented by the Department of Planning and Development's (DPD) proposed Urban Forest Ordinance.

In the last decade, scientists have made great strides in understanding the unique role urban trees play in reducing the environmental impact of dense urban areas. Dense urban areas are not *inherently* environmentally friendly. Congestion, heat sink effects, the high CO₂ aspect of concrete, and nearly everything connected with creating and running a dense urban area is bad for the environment. However, science also tells us collecting people in one area balances out the negatives from the deforestation necessary if everyone had 40 acres and a mule.

But it is a balance. Too little urban forest infrastructure exacerbates the inherent harms of the dense urban form and overwhelms the density benefit. Seattleites don't want to live in an area without trees so fewer urban trees contributes to sprawl. Science is proving urban forest infrastructure at the "point of pollution" has special benefits. Canopy over impermeable surfaces reduces runoff to our salmon streams. Canopy over blacktop reduces the heat sink effect. Canopy filters particulates generated by the buses and delivery vehicles necessary for the urban form. Canopy, of course, absorbs CO₂. Just this month, scientists proved trees uptake VOCs (volatile organic compounds) that contribute to atmospheric problems including greenhouse effects.

Trees have transitioned from being "pretty-pretty green things" connected "only" with benefits to livability, property value, retail spending, and reduced crime. Science has elevated trees to the level of infrastructure, performing public works responsibilities just like our stormwater, road, and public building infrastructure.

While paying lip service to the term "urban forest infrastructure," DPD's July 2010 proposal ignores virtually all the science behind trees as infrastructure. Most importantly, it does not protect existing trees. It has no requirements for planting new trees where most development occurs. Passage in its current form would result in Seattle having weaker environmental protections for trees than any neighboring city with a tree code.

This is unacceptable for a city that bills itself as The Emerald City.

We strongly urge you to take two immediate actions:

- 1. Delay the current timeline for the land use side of the urban forest ordinance**
- 2. Reorganize the parties involved in producing the land use urban forest ordinance**

We explain the rationale for both actions below.

1. Delay the current timeline for the land use urban forest ordinance

DPD's proposal to essentially deregulate the protection of Seattle's urban forest infrastructure needs significant reworking. This reworking needs to be based on science and a broader discussion among stakeholders than can happen between now and when the code is actually drafted starting in December. We would like the process for the land use portion of the code to be postponed so that a vote on an ordinance occurs in 2012 instead of 2011.

We cannot just stand still in terms of protecting our urban forest infrastructure, however. For this reason, **we strongly believe you both should make a priority of advancing and passing, in early 2011, SDOT's street tree ordinance update as described in September by SDOT arborist Nolan Rundquist.** Assuming for a moment the recent satellite-based canopy survey is accurate, 67% of the claimed canopy gain occurred on Seattle's right-of-ways. Therefore, it is essential to update the 40+ year old street tree ordinance without delay.

DPD has not been properly responsive to Public Disclosure Requests (PDRs) for baseline information concerning Seattle's tree canopy. The baseline satellite canopy scan, and particularly DPD's public presentation of the data, is not accurate according to the data we have received via PDR thus far. More data need to be collected, and community members need more time to fill in missing data so we actually understand what we are trying to protect.

The independent Urban Forestry Commission (UFC) also needs additional time. We are happy with what they have been able to accomplish thus far, and endorse their unanimous opposition to DPD's proposal.

2. Reorganize the parties involved in producing the land use urban forest ordinance

DPD estimates only 0.5% of the acreage in Seattle is under development in any one year. This means only 0.5% of Seattle's acreage is subject to DPD review. Parks and SDOT both have responsibility for dramatically more urban forest canopy acreage in any given year.

From 2002 → 2007, DPD interacted with 948 acres of Seattle land. Parks manages almost 4,600 acres and SDOT manages over 14,600 acres. In terms of specific canopy cover, DPD interacted with 125 acres, Parks 2,413 acres, and SDOT 2,537 acres. However you look at the hard data, DPD has less responsibility for trees than Parks or SDOT.

It makes very little sense for the agency with the least connection with Seattle's urban forest to lead the development of Seattle's new approach to urban forest infrastructure management.

To be sure, where DPD interacts with trees is crucial. But by their own admission, they do not enforce the existing rules. This leads to numbers like 70% canopy loss in redeveloped multi-family zones and 41% canopy loss in redeveloped single family zones. We also acknowledge where DPD interacts with trees is where the most potential for controversy to exist. We are not saying they should have no role in this process. That would be as inadvisable as having them continue to lead the process.

What DPD produced illustrates our argument for why they should not have the lead going forward. Despite the fact only 0.5% of land in Seattle is under development in any one year, DPD promulgated no regulations for the other 99.5% of Seattle's land. It is not surprising the regulators of development created a proposal that only covers the development process. It's what they know, after all. But this narrow focus is not supported by the science of urban forests or, indeed, what is happening on the ground in Seattle.

DPD is also used to a particular way of doing business. Aside from some advisory roles, DPD's fundamental business model is for nothing to happen until a fee is paid. Theirs is, appropriately, a completely reactive organization. Asking them to lead a process that urban forest science demands to be proactive is asking too much. Their proposal, which is 100% reactive in outlook, is proof of this point.

Who should take the lead on this effort going forward? That's a good question. Parks and Recreation and SDOT manage about the same acreage of urban forest canopy cover. Both have experience proactively managing urban forest infrastructure. SPU probably gains the most financially from our urban forest infrastructure since cost savings on stormwater control are directly proportional to the size of our urban forest canopy. City Light has infrastructure responsibility to both power lines and trees.

The Urban Forestry Commission, comprised of people from all points of expertise on Seattle's urban forest, is one logical choice. Empowering them to hold public hearings and take the lead on gathering information for a science-based recommendation is an attractive idea.

Our suggestion is to take the leadership of the UFC and place them at the head of a public process that includes one representative from Parks, SPU, SDOT, City Light, and DPD. Set DPD's proposal aside and allow this group, appropriately staffed from the Office of Sustainability and in full view of the public, to start over from scratch and develop a proactive, science-based approach to Seattle's urban forest infrastructure worthy of our role as a worldwide environmental leader and our adopted "Emerald City" moniker.

We would also encourage the inclusion of at least one member of the urban forest advocacy community on this group. Steve Zemke's Save the Trees-Seattle, Cheryl Trivison's Seattle Urban Forest Stakeholders group, or Cass Turnbull's Plant Amnesty are examples. Maple Leaf's own David Miller, who headed up the effort to save our Waldo Woods and is the head of the Legislative Committee for the umbrella community organization Save Our Urban Forest Infrastructure (SOUFI) is another possible choice.

We are aware people from the above-mentioned departments were consulted to develop DPD's proposal. We have also been told by city employees these departmental representatives held meetings where note taking was frowned upon, no agendas were created, and no notes were produced. This is not the way something this important to the future of Seattle should be created.

In addition to the two immediately actionable suggestions above, we have additional comments about the proposal.

Permit System

DPD commissioned a consultant to audit area permit systems and based their decision against considering a permit system partially on this report. Unfortunately, the consultant's report was incomplete and inaccurate.

The most glaring error in the consultant's report was not listing the fact Seattle already has two permit systems. SDOT maintains a street tree removal, planting, and pruning permit system that issued 1,600 permits in the last two years. DPD even has permit forms as part of CAM-331B for the removal of hazard exceptional trees and hazard trees in environmentally critical areas – though it is not clear DPD enforces their use.

Understanding how other cities handle permits is crucial. Atlanta generates a million dollars per year from their permitting system. Lake Forest park sees 60% first-pass compliance – which DPD derides as low but is to our minds pretty darn good. Medina has an "automatic" permit system which allows cutting of any tree if you pay the value and agree to mitigation.

Whether automatic or non-automatic, we need to have a permit system to handle the 99.5% of acreage in any one year not subject to development. It allows for education about the benefits of trees and generates crucial information on our urban forest and how to improve an urban forest infrastructure ordinance.

Balance for development

The King County Buildable Lands report shows Seattle has 3x the zoning necessary to handle 2024 population goals and 2.5x the zoning capacity needed for our 2024 employment goals. The bulk of this zoning is in our urban village and downtown areas. These are also the areas with the least trees by acreage density.

Single family areas hold the most canopy in the city, 2.5x as much as even our park system holds. Protections for urban forest in these areas are critical. It is therefore also critically important to not allow intra-urban sprawl to occur in single-family areas through inadvisable upzoning or code changes that can squeeze out trees.

After single family, right-of-way, and parks, multi-family zones have the next highest canopy cover acreage. Some preferential sensitivity to trees is necessary here. According to the last analysis, 60% of canopy in multi-family areas was lost if the parcel was redeveloped. Added strategies for replacement canopy and preservation are needed here.

Density is a stated goal for Seattle. The Buildable Lands report demonstrates we already have created the room for this density. Now we need to balance growth in these designated areas by being creative in finding room for trees in our higher density zones and preserving the bulk of our canopy that exists in lower density zones.

To claim we cannot have both density AND increases in our urban forest canopy cover is inaccurate and lazy. Finding the right balance will be difficult, but urban forest infrastructure and global climate change science clearly indicates we must try.

Some good things

DPD's proposal has some parts of it worth examining going forward.

The tree credit proposal connected with single family redevelopment is an intriguing idea. The credit system needs to be tightened by species and more oriented towards canopy cover than simple trunk diameter. For example, a homeowner could clear-cut a SF-5000 lot of exceptional trees and plant 14 dwarf evergreens to meet the tree credit as currently proposed. A more tightly constructed tree credit system, combined with protections for exceptional trees, should be investigated across all land use types.

Placing the entire urban forest infrastructure ordinance in the land use section of the Seattle Municipal Code is a good idea. Too few developers notice the code because it is located elsewhere.

The proposed bond to ensure planted trees survive for 2-3 years is a good idea. This should be extended to 5 years and also cover trees retained during construction.

The requirement for street trees in single-family redevelopments is welcome. The same is true for requiring institutions in single family zones to adhere to single family urban forest ordinance requirements.

We also like the idea of extending the Green Factor to certain commercial/retail developments in industrial zones. We have significant issues with Green Factor as part of an urban forest ordinance, however, primarily because you can satisfy Green Factor requirements without actually planting or retaining any trees.

The bad things

The Seattle City Council passed unanimously, and Mayor Nickels signed, key legislation over the last three years adding protections to Seattle's urban forest infrastructure. The Interim Tree Ordinance and a number of resolutions increased protections for exceptional trees, tree groves, and trees on undeveloped properties.

All this, plus all the urban forest infrastructure protections from the original legislation, disappear under DPD's proposal. This proposal is not regulatory, but deregulatory and is completely unacceptable.

Reliance on Green Factor for growth of our urban forest infrastructure doesn't work. Under the current Green Factor, you can meet the rules without preserving or planting a single tree. Preferably, the Green Factor should be reworked. In any case, it should not be used as the sole method of increasing our urban forest infrastructure.

As noted above, DPD’s proposal does not cover the 99.5% of acreage in Seattle that is not under development in any one year. Combined with essentially no control over urban forest canopy in the 0.5% of parcels that are under development, this proposal represents a disaster in the making for our urban forest canopy.

One side effect of DPD’s approach is the increased burden on City budgets. In the 2002/03 → 2007 period covered by the satellite canopy survey, 67% of the claimed canopy growth occurred on city-owned right-of-way. These are trees paid for and substantially maintained via City budget line items. They are the most expensive way for the City to meet its executive goal of 30% and Comprehensive Plan goal of 40% canopy cover. Under DPD’s proposal, meeting our urban forest canopy cover goals will come only via an increased burden on the city budget.

Council President Conlin, we briefed you in 2008 on some needed technical additions to the land use code concerning a requirement for existing and proposed canopy to be drawn to scale on all architectural plans and presentations submitted to DPD or Design Review Boards. Mayor McGinn, we’d be happy to brief you or your staff on this technical, but significantly important code addition. Despite urging DPD to make these changes, rule changes to enforce showing tree canopy to scale is absent from the proposal.

Waldo Woods test

We have thankfully secured the permanent preservation of Waldo Woods, but the widespread familiarity with the facts of this case make Waldo a good test for any proposed ordinance. Under DPD’s proposal, what would happen to Waldo Woods?

The short answer is Waldo Woods would disappear and the developer could develop the parcel with zero trees. Furthermore, the developer could clear-cut 100 trees on the parcel before ever entering the permitting process.

The table below provides a comparison between existing and proposed rules.

Waldo Woods Outcome Comparison		
	Current Rules	DPD Proposal
Before permit application	Interim ordinance prevents cutting of more than 3 trees, no trees in grove, and no exceptional trees	Owner can cut all 100 trees.
During permitting	DR 2008-16 specifies grove and 2 exceptional trees outside the grove <i>should</i> be retained. Remaining 2/3 of lot can be developed with height and setback variances	Owner can cut all 100 trees. Green Factor allows development with no new trees. Most likely outcome would be some replanting and net loss of canopy, particularly conifers.

Perhaps we buried the lead here, but this table neatly summarizes why DPD’s proposal should be abandoned and a new process created to generate an urban forest infrastructure ordinance worthy of Seattle and her citizens.

Thank you for the time you've taken to read this communication and for your consideration of the points we've made here. We are happy to work with you towards a more suitable, science-based proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Phillips", written in a cursive style.

Marc Phillips

President

Maple Leaf Community Council

cc: Councilmember Sally Clark, Chair, Committee on the Built Environment
Councilmember Tim Burgess, Vice-Chair, Committee on the Built Environment
Councilmember Sally Bagshaw, member, Committee on the Built Environment
Councilmember Mike O'Brien, Vice-Chair, Regional Development and Sustainability Committee
Councilmember Jean Godden, member, Regional Development and Sustainability Committee
Seattle Urban Forest Commission
Brennon Staley, DPD