

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to tree regulations, amending Sections 10.52.010, 22.900C.010, 23.41.004, 23.42.126, 23.44.008, 23.44.022, 23.45.524, 23.47A.010, 23.47A.014, 23.47A.016, 23.47A.028, 23.50.034, 23.50.36, 23.50.038, 23.69.030, 23.74.010, 23.84A.038, 23.86.019, 25.11.010, 25.11.020, 25.11.030, 25.11.040 and 25.11.100, adding Sections 23.44.017, 23.50.035, 23.53.040, and 23.86.038, and repealing Sections 25.11.050, 25.11.060, 25.11.070, 25.11.080, and 25.11.090 of the Seattle Municipal Code to update regulations relating to trees on private property.

WHEREAS, ...; and

WHEREAS, ...; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 10.52.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 121276, is amended as follows:

10.52.010 Definitions(=)

D. "Health hazard" means vegetation or refuse providing a harborage for rats or other rodents, excluding squirrels, rodent runs and habitats, and vegetation which is poisonous or noxious, including but not limited to poison ivy, poison oak, poison hemlock, poison sumac, and nightshade, or which creates a danger of contamination or disease to humans or adjacent vegetation.

Section 2. Table C-1 of Section 22.900C.010 of the Seattle Municipal Code, which section was last amended by Ordinance XXX, is amended as follows:

22.900C.010 Land Use Fees

Table C-1 -- LAND USE FEES
A. MASTER USE PERMIT, ENVIRONMENTAL CRITICAL AREAS, CITY COUNCIL and HEARING EXAMINER APPROVALS
Hours worked beyond those covered by minimum will be charged the Land Use hourly rate, unless otherwise noted, and are payable at time of invoice.

Type of Land Use Review	Minimum Fee
General - first 10 hours of review	Land use Hourly x 10
Low-Income Housing - first 24 hours of review ¹	Land use Hourly x 10
1. Administrative conditional uses (ACUs) ACUs for community centers, child care centers, adult care centers, private schools, religious facilities and public and private libraries in single family and multi-family zones shall be charged a minimum fee of \$1,620 for the first 20 hours. Additional hours shall be charged at the rate of \$250 per hour. This exception applies when the application is for an ACU only, or an ACU combined with a variance application.	
2. Design Review The minimum fee for Administrative Design Review and Streamlined Design Review is \$2,500. The minimum fee for full Design Review is \$5,000, which covers the first 20 hours of review. Refer to Table C-1 #15 for fees related to Design Review for Tree Protection.	
3. Environmental reviews (SEPA), including projects with more than one addressed site	
4. Environmentally critical areas (ECA)	
a. Environmentally Critical Areas variance ²	
b. ECA Exception	
c. Environmentally Critical Areas Administrative Conditional Use	
5. Shoreline permits	
a. Substantial development permits	
b. Variances ² and conditional uses	
6. Short subdivisions ³ ; refer to Table D-2 #10 for additional fees that may apply to this permit type	
7. Special exceptions	
8. Variances ² Variances for community centers, child care centers, adult care centers, private schools, religious facilities and public and private libraries in single family and multi-family zones shall be charged a minimum fee of \$1,620 for the first 20 hours. Additional hours shall be charged at the rate of \$250 per hour. This exception applies when the application is for a variance only, or a variance combined only with an ACU application.	
9. Type II land use approvals such as, but not limited to, planned community/ residential development, major phased developments and other Type II approvals that are not categorized otherwise in Table C-1.	
10. The minimum fee for Council conditional uses, Rezones, Public Projects and all other Type IV and Type V land use approvals shall be \$5,000, which covers the first 20 hours of review.	
11. Full subdivisions ⁴ ; refer to Table D-2 #10 for additional fees that may apply to this permit type	
12. Reserved	
13. Reserved	
B. MISCELLANEOUS HOURLY LAND USE REVIEWS, RESEARCH, AND OTHER SERVICES	
Hours worked beyond those covered by minimum will be charged the Land Use hourly rate, unless otherwise noted, and payable at time of invoice.	
Type of Land Use Review	Minimum Land Use Review Fee
14. Concurrency	Reserved
((15. Design Review for Tree Protection⁵	
a. Design review required by SMC 25.11.070 or 25.11.080 to protect exceptional tree when no other land use reviews are required	Land Use Hourly x 10

1	b. Design review elected by applicant for tree protection	Land Use Hourly x 10))
2	((16))15. Early design guidance	Land Use Hourly x 10
3	((17))16. Establishing use for the record: Refer to Table D-2 #9 for additional fees that may apply to this permit type	Land Use Hourly x 2
4	((18))17. Land Use Code Interpretations⁶	Land Use Hourly x 10
5	((19))18. Letters for detailed zoning analysis or permit research	Land Use Hourly x 4
6	((20))19. Lot Boundary Adjustment, Temporary Use > 4 weeks; refer to Table D-2 #10 for additional fees that may apply to this permit type	Land Use Hourly x 5
7	((21))20. Major Institution - review of annual plan	Land Use Hourly x 6
8	((22))21. Major phased development permit - minor amendment	Land Use Hourly x 2
9	((23))22. Neighborhood planning	Reserved
10	((24))23. Noise survey review and variance	See Table D-2 and Section 22.900F.020
11	((25))24. Open space remainder lots and surplus state property	Land Use Hourly x 4
12	((26))25. Pre-application conference⁷	Land Use Hourly x 2
13	((27))26. Public benefit feature review	Land Use Hourly x 2
14	((28))27. Renewals including shoreline renewals	Land Use Hourly x 2
15	((29))28. Revisions other than shoreline revisions	Land Use Hourly x 1
16	((30))29. School use and school development advisory committee reviews	Land Use Hourly x 10
17	((31))30. Shoreline exemptions	Land Use Hourly x 1
18	((32))31. Shoreline permit revisions not due to required conditions	Land Use Hourly x 2
19	((33))32. Special accommodation	Land Use Hourly x 2
20	((34))33. Structural building overhangs and areaways as a separate component	Land Use Hourly x 2
21	((35))34. Tree and Vegetation Restoration Review in ECA above minimum threshold where SEPA is not required other than for the restoration (25.09.320A3c(2)(b))	Land Use Hourly x 2
22	((36))35. Street Improvement Exceptions on a Land Use permit	Land Use Hourly x 2
23	C. NON-HOURLY LAND USE FEES	
24	Type of Land Use Review	Fee
25	((37))36. Curb cuts as a separate component	
26	a. Single-family residential	\$72 each
27	b. Other than single-family residential	\$143
28	((38))37. Intake appointments for land use reviews; fee is charged for each occurrence	DPD Base Fee x 1

1	((39)) 38. Notice. All notice is charged based upon type for each occurrence. ⁸	
2	a. Land use information bulletin (GMR notice)	DPD Base Fee x 1
3	b. Posting large sign or placards	\$109
4	c. Mailed notice	DPD Base Fee x 1
5	d. DJC decision publication	\$171
6	e. Neighborhood newspaper decision publication	\$171
7	f. Public meeting room rental	\$110
8	((40)) 39. Rebuild Letters	
9	a. With Research	DPD Base Fee x 1
10	b. Without Research	\$37
11	((41)) 40. Records research by the Public Resource Center	DPD Base Fee x 1
12	((42)) 41. Recording Fees, for LBA, Short Subdivision	Rate charged by King County ⁹
13	42. Tree Removal Review outside ECA	<u>DPD Base Fee x 1</u>

Notes to Table C-1:

1. For purposes of these land use fees, low-income housing is housing that both (1) satisfies the definition of "low-income housing" in SMC 23.84.024; and (2) where at least 50 percent of the total gross floor area of each structure on the site is committed to low-income housing use for at least 20 years.

2. The single variance fee shall be applicable whether the project requires one or multiple variances.

3. Includes short subdivisions in environmentally critical areas.

4. Includes full subdivisions in environmentally critical areas.

5. This fee applies when design review is initiated only for tree protection and the application has no other review under Items 1 -- 14.

6. The fees for interpretations of SMC Chapters 25.12, 25.20, 25.21, 25.22, and 25.24 shall be collected by the Director of the Department of Neighborhoods.

7. The pre-application conference fee covers a one hour conference and one hour of research and/or follow-up review time that normally occurs, for a total of two hours.

1 Additional pre-application review time will be charged at the Land Use hourly rate. See also
2 Section 22.900C.010.E.

3 8. Additional notice may be given in circumstances including but not limited to
4 the following: reinstallation of environmental review signs, reposting of the land use review or
5 environmental signs, new component reviews added subsequent to the original notice, revised
6 decisions, and changes to the scope of the project.

7 9. Recording fees will be charged the current rate as established and charged by
8 King County at the time of document recording.

9 Section 3. Subsection A of section 23.41.004 of the Seattle Municipal Code, which
10 section was last amended by Ordinance 123649, is amended as follows:

11 **23.41.004 Applicability**

12 A. Design review required.

13 1. Design review is required for any new multifamily, commercial, or industrial
14 development proposal that exceeds one of the following thresholds in Table A for 23.41.004:

15

16 **Table A for 23.41.004: Thresholds for Design Review**

	Zone	Threshold
17 a.	Lowrise (LR3)	8 dwelling units
18 b.	Midrise (MR)	20 dwelling units
19 c.	Highrise (HR)	20 dwelling units
20 d.	Neighborhood Commercial (NC1, 2, 3)	4 dwelling units or 4,000 square feet of nonresidential gross floor area
21 e.	Commercial (C1, C2)	Four dwelling units or 12,000 square feet of nonresidential gross floor area, located on a lot in an urban center or urban village ¹ , or on a lot that abuts or is 22 across a street or alley from a lot zoned 23 single family, or on a lot located in the 24 area bounded by: NE 95 th St., NE 145 th

25
26
27
28

		St., 15 th Ave. NE, and Lake Washington
f.	Seattle Mixed (SM)	20 units or 12,000 square feet of nonresidential gross floor area
g.	Industrial Commercial (IC) zone within all designated urban villages and centers	12,000 square feet of nonresidential gross floor area

Footnote to Table A for 23.41.004

¹Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

2. Design review is required for all new Major Institution development proposals that exceed any applicable threshold listed in this subsection 23.41.004.A, unless the structure is located within a Major Institution Overlay (MIO) district.

3. Design review is required for all new development proposals located in the following Downtown zones that exceed any of the following thresholds:

DOC 1, DOC 2 or DMC Zones	
Use	Threshold
Nonresidential	50,000 square feet of gross floor area
Residential	20 dwelling units

DRC, DMR, DH1 or DH2 Zones, or PMM zone outside the Pike Market Historical District	
Use	Threshold
Nonresidential	20,000 square feet of gross floor area
Residential	20 dwelling units

4. Design review is required for all new development proposals exceeding 120 feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in Map A for 23.74.004, and all new development proposals exceeding 12,000 square feet

1 of nonresidential gross floor area and electing to add extra floor area above the base FAR that are
2 located in an IC 85-160 zone.

3 5. ~~((Streamlined administrative design review to protect trees. As provided in~~
4 ~~Sections 25.11.070 and 25.11.080, streamlined administrative design review pursuant to Section~~
5 ~~23.41.018 is required for new multifamily and commercial development proposals in Lowrise,~~
6 ~~Midrise, and commercial zones if an exceptional tree, as defined in Section 25.11.020, is located~~
7 ~~on the lot and is not proposed to be preserved, if design review would not otherwise be required~~
8 ~~by this subsection 23.41.004.A.~~

9 6.))New multifamily or commercial development proposals in the zones listed in
10 this subsection 23.41.004.A, that are subject to SEPA solely as a result of the provisions of
11 Section 25.05.908, Environmentally Critical Areas, are exempt from design review~~((except as~~
12 ~~set forth in subsection 23.41.004.A.5)).~~

13 ~~((7))~~6. Design review pursuant to Section 23.41.014 is required for projects that
14 are eligible for design review under any provision of this section 23.41.004 and that are
15 participating in the Living Building Pilot Program authorized by Section 23.40.060.

16 ~~((8))~~7. Streamlined administrative design review (SDR) pursuant to Section
17 23.41.018 is required for all new townhouse developments that include at least three townhouse
18 units, if design review is not otherwise required by this subsection 23.41.004.A.

19 ***

20 Section 4. Subsection I of section 23.42.126 of the Seattle Municipal Code, which
21 section was last amended by Ordinance 122311, is amended as follows:

22 **23.42.126 Outdoor storage areas nonconformity.**

23 A. An outdoor storage area nonconforming as to screening and landscaping shall be
24 required to be screened and landscaped at the time of any structural alteration or expansion of the
25 outdoor storage area or the structure with which it is associated according to the provisions of:

1 ~~calculating lot area for purposes of either the tree preservation option or tree planting option.~~

2 ~~a. Tree Preservation Option. For lots over 3,000 square feet, at least 2~~
3 ~~caliper inches of existing tree per 1,000 square feet of lot area must be preserved. On lots that are~~
4 ~~3,000 square feet or smaller, at least 3 caliper inches of existing tree must be preserved per lot.~~
5 ~~When this option is used, a tree preservation plan is required.~~

6 ~~b. Tree Planting Option. For lots over 3,000 square feet, at least 2 caliper~~
7 ~~inches of tree per 1,000 square feet of lot area must be planted. On lots that are 3,000 square feet~~
8 ~~or smaller, at least 3 caliper inches of tree must be planted per lot.~~

9 ~~2. Tree Measurements. Trees planted to meet the requirements in subsection~~
10 ~~23.44.008.I.1 shall be at least 1.5 inches in diameter. The diameter of new trees shall be~~
11 ~~measured (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5 feet~~
12 ~~above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as 1~~
13 ~~inch toward meeting the tree requirements in subsection 23.44.008.I.1. When an existing tree is~~
14 ~~more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count as 3~~
15 ~~inches toward meeting the tree requirement.~~

16 ~~3. Tree Preservation Plans. If the tree preservation option is chosen, a tree~~
17 ~~preservation plan must be submitted and approved. Tree preservation plans shall provide for~~
18 ~~protection of trees during construction according to standards promulgated by the Director.-))~~

19 Section 6. A new Section 23.44.017 of the Seattle Municipal Code is added as follows:

20 **23.44.017 Tree Requirements**

21 A. Tree Retention Requirements. Trees 24 inches in diameter or greater that could not
22 otherwise be removed under Chapter 25.09 may not be removed as part of an issued building or
23 grading permit unless:

1 1. the maximum lot coverage permitted on the site according to section 23.44.010
2 cannot be achieved without extending into the tree protection area, as determined in section
3 23.86.038; or

4 2. avoiding development in the tree protection area, as determined in section
5 23.86.038, would result in a portion of the principal structure being less than 15 feet in width.

6 B. Tree Density Requirements.

7 1. A tree density equal to one point per 200 square feet of lot, excluding the first
8 2000 square feet, is required is required for any development:

9 a. containing one or more new dwelling units;

10 b. containing more than 4,000 new square feet of nonresidential uses in
11 either a new structure or an addition to an existing structure; or

12 c. expanding surface area parking by more than 20 parking spaces for
13 automobiles.

14 2. All required trees shall meet standards promulgated by the Director to provide
15 for the long-term health, viability, and coverage of plantings. These standards may include, but
16 are not limited to, the type and size of plants, spacing of plants, depth and quality of soil, and
17 access to light and air for plants. Individual trees preserved during construction or planted after
18 construction count toward the tree score according to Table A for 23.44.017.

**Table A for Section 23.44.017
 Tree Density Calculation**

Type of Tree	Points for non-conifer trees	Points for conifer trees
Small tree planted after construction	1 point	1.25 point
Small/medium tree planted after construction	2 points	2.5 points
Medium/large tree planted after construction	3 points	3.75 points
Large tree planted after construction	4 points	5 points
Trees 6 inches in diameter or greater that are preserved during construction	1 point per inch of diameter	1.25 point per inch of diameter

3. In lieu of up to 50% of the tree density requirement, an applicant may pay to the City \$200 per tree density point. Payments shall be made prior to issuance and as a condition of any permit for any construction activity other than excavation and shoring. Payments in lieu of trees shall be deposited in a reserve account established solely to support tree planting and establishment. Earnings on balances in the special account shall accrue to that account.

C. Street tree requirements.

1. Street trees are required, pursuant to Section 23.53.040, for any development:

- a. containing one or more new dwelling units;
- b. containing more than 1,000 new square feet of nonresidential uses in either a new structure or an addition to an existing structure; or
- c. expanding surface area parking by more than 10 parking spaces for automobiles.

D. Modifications to Development Standards.

1. The Director may modify development standards to permit extension into a front or rear yard if the maximum lot coverage permitted on the site cannot be achieved while preserving a tree 24 inches in diameter or greater. Any extension into a required front or rear yard shall be limited to an area equal to the amount of the tree protection area not located within required yards and shall never be more than 50 percent of the yard requirement. If the maximum lot coverage permitted on the site can be achieved without extending into the tree protection area

1 impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to reduce
2 the appearance of bulk of the institution.

3 Landscaping plant materials shall be species compatible with surrounding flora. Existing
4 plant material may be required to be retained. Maintenance of landscaped areas shall be the
5 continuing responsibility of the owner.

6 ***

7
8 Section 8. Section 23.45.524 of the Seattle Municipal Code, which section was last
9 amended by Ordinance 123495, is amended as follows:

10 **23.45.524 Landscaping standards**

11 A. Landscaping requirements.

12 1. ~~((Standards. All landscaping provided to meet requirements under this Section~~
13 ~~23.45.524 shall meet standards promulgated by the Director to provide for the long-term health,~~
14 ~~viability, and coverage of plantings. These standards may include, but are not limited to, the type~~
15 ~~and size of plants, number of plants, spacing of plants, depth and quality of soil, use of drought-~~
16 ~~tolerant plants, and access to light and air for plants.~~

17 2. ~~Green Factor requirement.~~

18 a. ~~1.))~~In Lowrise zones, landscaping that achieves a Green Factor score of 0.6 or
19 greater, ~~((determined as set forth in-))~~ pursuant to Section 23.86.019, is required for any ~~((not~~
20 ~~with))~~development: ~~((containing more than one dwelling unit in Lowrise zones. Vegetated walls~~
21 ~~may not count towards more than 25 percent of a lot's Green Factor score.))~~

22 a. containing one or more new dwelling units; or

23 b. containing more than 4,000 new square feet of nonresidential uses in
24 either a new structure or an addition to an existing structure; or

25 c. expanding surface area parking by more than 20 parking spaces for
26 automobiles.

1 ~~((b.L))~~2. In Midrise and Highrise zones, landscaping that achieves a Green Factor
2 score of 0.5 or greater, ((determined as set forth in)) pursuant to Section 23.86.019, is required
3 for any ((lot with))development: ((containing more than one dwelling unit in Midrise and
4 Highrise zones.))

- 5 a. containing one or more new dwelling units; or
- 6 b. containing more than 4,000 new square feet of nonresidential uses in
- 7 either a new structure or an addition to an existing structure; or
- 8 c. expanding surface area parking by more than 20 parking spaces for
- 9 automobiles.

10 B. Street tree requirements.

- 11 1. Street trees are required, pursuant to Section 23.53.040, for any development:
 - 12 a. containing one or more new dwelling units;
 - 13 b. containing more than 1,000 new square feet of nonresidential uses in
 - 14 either a new structure or an addition to an existing structure; or
 - 15 c. expanding surface area parking by more than 10 parking spaces for
 - 16 automobiles.

17 ~~((if any type of development is proposed, except as provided in subsection~~
18 ~~23.45.524.B.2 and B.3 below and Section 23.53.015. Existing street trees shall be retained unless~~
19 ~~the Director of the Seattle Department of Transportation approves their removal. The Director, in~~
20 ~~consultation with the Director of the Seattle Department of Transportation, shall determine the~~
21 ~~number, type, and placement of additional street trees to be provided in order to:~~

- 22 ~~a. improve public safety;~~
- 23 ~~b. promote compatibility with existing street trees;~~
- 24 ~~c. match trees to the available space in the planting strip;~~
- 25 ~~d. maintain and expand the urban forest canopy;~~

1 e. ~~encourage healthy growth through appropriate spacing;~~

2 f. ~~protect utilities; and~~

3 g. ~~allow access to the street, buildings and lot.~~

4 2. ~~Exceptions to street tree requirements.~~

5 a. ~~If a lot borders an unopened right of way, the Director may reduce or~~
6 ~~waive the street tree requirement along that right of way as a Type I decision if, after~~
7 ~~consultation with the Director of the Seattle Department of Transportation, the Director~~
8 ~~determines that the right of way is unlikely to be opened or improved.~~

9 b. ~~Street trees are not required for any of the following:~~

10 1) ~~changing a use~~

11 2) ~~expanding a structure by 1,000 square feet or less;~~

12 3) ~~expanding surface parking by less than 10 percent in area and~~
13 ~~less than 10 percent in number of spaces; or~~

14 4) ~~establishing a temporary or intermittent use pursuant to Section~~
15 ~~23.42.040.~~

16 c. ~~If an existing structure is proposed to be expanded by more than 1,000~~
17 ~~square feet, one street tree is required for each 500 square feet over the first 1,000 square feet of~~
18 ~~additional structure, up to the maximum number of trees that would be required for new~~
19 ~~construction.~~

20 3. ~~If it is not feasible to plant street trees in a right of way planting strip, a 5 foot~~
21 ~~setback shall be planted with street trees along the street lot line, or landscaping other than trees~~
22 ~~shall be provided in the planting strip, subject to approval by the Director of the Seattle~~
23 ~~Department of Transportation. If, according to the Director of the Department of Transportation,~~
24 ~~a 5 foot setback or landscaped planting strip is not feasible, the Director may reduce or waive~~
25 ~~this requirement as a Type I decision.--))~~

1 C. Tree Retention Requirements. Trees 24 inches in diameter or greater that could not
2 otherwise be removed under Chapter 25.09 may not be removed as part of an issued building or
3 grading permit unless the location of proposed principle structure(s) would not allow an adequate
4 tree protection area as determined in Section 23.86.038.

5 D. Modifications to Development Standards.

6 1. The Director may modify development standards in order to preserve a tree 24
7 inches in diameter or greater if the maximum lot coverage or floor area permitted on the site
8 could not otherwise be achieved:

9 a. for a principal structure with a base height limit of 40 feet that is subject
10 to the pitched roof provisions of subsection 23.45.514.D, the ridge of a pitched roof with a
11 minimum slope of 6:12 may be allowed up to a height of 50 feet if the increase is needed to
12 accommodate, on an additional story, the amount of floor area lost by avoiding development
13 within the tree protection area and the amount of floor area on the additional story is limited to
14 the amount of floor area lost by avoiding development within the tree protection area.

15 b. the parking quantity required by Section 23.54.015 and the standards of
16 Section 23.54.030 may be reduced to the minimum extent necessary to avoid the tree protection
17 area.

18 2. If development standards have been modified according to the provisions of
19 this Chapter 23.45 to avoid development within a designated tree protection area, that area shall
20 remain undeveloped for the remainder of the life of the building, and a permanent covenant
21 stating this requirement shall be recorded in the King County Office of Records and Elections.

22 E. Tree Protection Reports. The Director may require a tree protection report by a
23 qualified tree care professional that provides the following information:

24 1. Tree evaluation with respect to its general health, damage, danger of falling,
25 proximity to existing or proposed structures and or utility services;

1 **23.47A.014 Setback requirements**

2 ***

3 D. Mobile Home Parks. A minimum five (~~((5))~~) foot setback is required along all street
4 lot lines of a mobile home park. The setback (~~((must))~~) shall be landscaped according to the
5 provisions of Section 23.47A.016(~~((D2))~~).C.

6 ***

7 Section 11. Section 23.47A.016 of the Seattle Municipal Code, which section was last
8 amended by Ordinance 123649, is amended as follows:

9 **23.47A.016 Landscaping and screening standards.**

10 A. Landscaping requirements.

11 ~~((1. The Director shall promulgate rules to foster the long term health, viability,~~
12 ~~and coverage of plantings. The rules shall address, at a minimum, the type and size of plants,~~
13 ~~spacing of plants, use of drought-tolerant plants, and access to light and air for plants. All~~
14 ~~landscaping provided to meet the requirements of this section shall comply with these rules.~~

15 2.)Landscaping that achieves a Green Factor score of .30 or greater, pursuant to
16 Section 23.86.019, is required for any ((lot with))development:

17 a. ~~((development))~~ containing ~~((more than four))~~ one or more new
18 dwelling units; or

19 b. ~~((development, either a new structure or an addition to an existing~~
20 ~~structure,))~~ containing more than 4,000 new square feet of nonresidential uses in either a new
21 structure or an addition to an existing structure; or

22 c. ~~((any parking lot containing))~~ expanding surface area parking by more
23 than 20 ((new-))parking spaces for automobiles.

24 B. Street tree requirements. Street trees are required, pursuant to Section 23.53.040, for
25 any development:

1 1. containing one or more new dwelling units;

2 2. containing more than 1,000 new square feet of nonresidential uses in either a
3 new structure or an addition to an existing structure; or

4 3. expanding surface area parking by more than 10 parking spaces for
5 automobiles.

6 ~~((1. Street trees are required when any development is proposed, except as~~
7 ~~provided in subsection 23.47A.016.B.2 and Section 23.53.015. Existing street trees shall be~~
8 ~~retained unless the Director of Transportation approves their removal. The Director, in~~
9 ~~consultation with the Director of Transportation, will determine the number, type and placement~~
10 ~~of street trees to be provided:~~

11 ~~a. to improve public safety;~~

12 ~~b. to promote compatibility with existing street trees;~~

13 ~~c. to match trees to the available space in the planting strip;~~

14 ~~d. to maintain and expand the urban forest canopy;~~

15 ~~e. to encourage healthy growth through appropriate spacing;~~

16 ~~f. to protect utilities; and~~

17 ~~g. to allow access to the street, buildings and lot.~~

18 ~~2. Exceptions to street tree requirements.~~

19 ~~a. If a lot borders an unopened right of way, the Director may reduce or~~
20 ~~waive the street tree requirement along that street if, after consultation with the Director of~~
21 ~~Transportation, the Director determines that the street is unlikely to be opened or improved.~~

22 ~~b. Street trees are not required for any of the following:~~

23 ~~1) establishing, constructing or modifying single family dwelling~~
24 ~~units; or~~

25 ~~2) changing a use, or establishing a temporary use or intermittent~~

1 use; or

2 3) ~~expanding a structure by 1,000 square feet or less; or~~

3 4) ~~expanding surface area parking by less than 10 percent in area~~
4 ~~and less than 10 percent in number of spaces.~~

5 3. ~~When an existing structure is proposed to be expanded by more than 1,000~~
6 ~~square feet, one street tree is required for each 500 square feet over the first 1,000 square feet of~~
7 ~~additional structure, up to the maximum number of trees that would be required for new~~
8 ~~construction.~~

9 4. ~~If it is not feasible to plant street trees in a right-of-way planting strip, a 5-foot~~
10 ~~setback shall be planted with street trees along the street property line or landscaping other than~~
11 ~~trees shall be provided in the planting strip, subject to approval by the Director of Transportation.~~
12 ~~If, according to the Director of Transportation, a 5-foot setback or landscaped planting strip is~~
13 ~~not feasible, the Director of Planning and Development may reduce or waive this requirement.~~)

14 C. Screening and landscaping requirements for specific uses.

15 1. General standards.

16 ((1))a. Screening shall consist of fences, walls, or landscaped areas
17 ~~((hedges, or landscaped berms))~~. Any type of screening shall be at least as tall as the height
18 specified in subsection 23.47A.016.~~((D))~~C.

19 ((2))b. ~~((Landscaped areas and berms required under subsection~~
20 ~~23.47A.016.D must meet rules promulgated by the Director pursuant to subsection~~
21 ~~23.47A.016.A.1. Decorative f))~~Features such as decorative pavers, sculptures, ~~((or))~~fountains,
22 or pedestrian access meeting the Seattle Building Code~~((;))~~ Chapter 11~~((;))~~ may cover a
23 maximum of 30 percent of each landscaped area ~~((or berm))~~used to satisfy requirements under
24 subsection 23.47A.016.~~((D))~~C.

25 c. Breaks in required screening are permitted to provide pedestrian and

1 vehicular access. Breaks in required screening for vehicular access shall not exceed the width of
 2 permitted curb cuts.

3 ~~D. Screening and landscaping requirements for specific uses.~~ d. When there is more than
 4 one use that requires screening or landscaping, the requirement that results in the greater amount
 5 applies.

6 e. On lots within the Shoreline District where view corridors are required,
 7 the Director may reduce the required height of screening and may modify the location and type
 8 of required landscaping so that views are not obstructed.

9 f. When one of the specific uses listed in this subsection 23.47A.016.C is
 10 proposed for expansion, the applicable requirements for that use must be met. The Director may
 11 reduce or waive the requirements where they are physically infeasible due to the location of
 12 existing structures or required parking.

13 ((+))2. Surface parking areas.

14 a. Landscaping requirements for surface parking areas are summarized in
 15 Table C for 23.47A.016.

Table C for 23.47A.016	
Number of Parking Spaces	
	Required Landscaped Area
20 to 50	18 square feet/parking space
51 to 99	25 square feet/parking space
100 or more	35 square feet/parking space

20
 21 1) Each landscaped area shall be no smaller than 100 square feet
 22 and must be enclosed by permanent curbs or structural barriers.

23 2) No part of a landscaped area shall be less than ((4))four feet in
 24 width or length except those parts of landscaped areas created by turning radii or angles of
 25 parking spaces.

26 3) No parking space shall be more than 60 feet from a required

1 landscaped area.

2 b. Trees in surface parking areas.

3 1) One tree is required for every ten parking spaces.

4 2) Trees shall be selected in consultation with the Director of

5 Transportation.

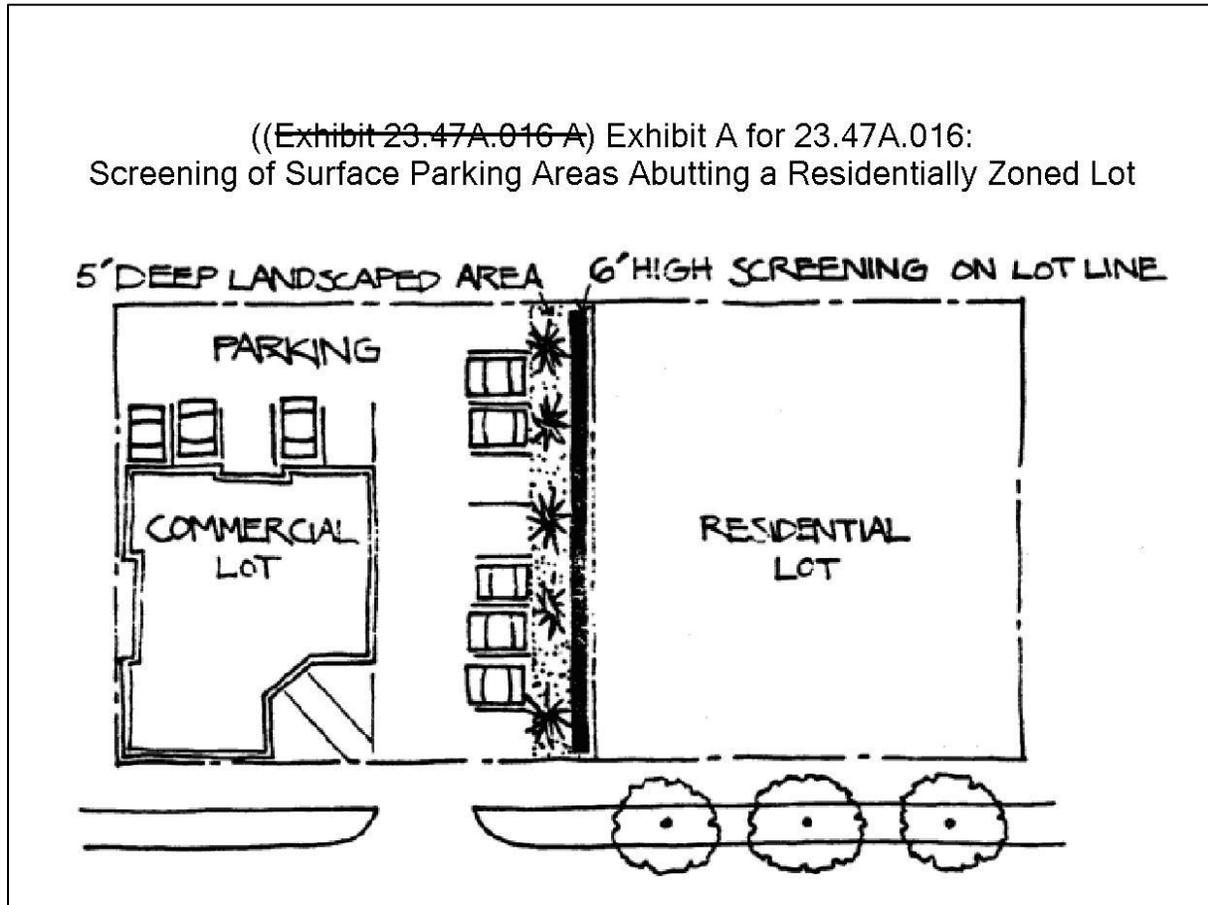
6 c. Screening of surface parking areas.

7 1) Three-foot-high screening is required along street lot lines.

8 2) Surface parking abutting or across an alley from a lot in a

9 residential zone must have ~~((6))~~six-foot-high screening along the abutting lot line and a ~~((5))~~five-
10 foot-deep landscaped area inside the screening (see Exhibit A for 23.47A.016).

11 **Exhibit A for 23.47A.016: Screening of Surface Parking Areas Abutting a Residentially**
12 **Zoned Lot**



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d. The Director may waive or reduce the requirements of this subsection

23.47A.016.((D-F))C.2:

- 1) to improve safety;
- 2) to provide adequate maneuvering room for service vehicles;
- 3) when it would not otherwise be feasible to provide the required

number of spaces; or

- 4) when required parking can only be provided at the rear lot line

and access to individual parking spaces can only be provided directly from the alley.

e. In deciding whether and to what extent to waive or reduce the landscaping and screening requirements, the Director shall consider whether:

1 1) the lot width and depth permit alternative workable site plans
 2 that would allow screening and landscaping;

3 2) the character of uses across the alley, such as a parking garage
 4 accessory to a multifamily structure, makes the screening and landscaping less necessary;

5 3) the lot is in a location where access to parking from the street is
 6 not permitted; and

7 4) a topographic break between the alley and the residential zone
 8 makes screening less necessary.

9 ~~((2))~~3. Utility services uses. Fences or free-standing walls associated with utility
 10 services uses may obstruct or allow views to the interior of a site. Where site dimensions and site
 11 conditions allow, applicants are encouraged to provide both a landscaped setback between the
 12 fence or wall and the right-of-way, and a fence or wall that provides visual interest facing the
 13 street lot line, through the height, design or construction of the fence or wall, including the use of
 14 materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar
 15 features. Any fence or free-standing wall for a utility services use must provide either:

16 a. ~~((1))~~ A ~~((5))~~five-foot-deep landscaped area between the wall or fence
 17 and the street lot line; or

18 b. ~~((1))~~ Architectural detailing, artwork, vegetated trellises, decorative
 19 fencing, or similar features to provide visual interest facing the street lot line, as approved by the
 20 Director.

21 ~~((3))~~4. Other uses or circumstances. Screening and landscaping is required
 22 according to Table D for 23.47A.016.

Table D for 23.47A.016	
Use or Circumstance	Minimum Requirement
a. Drive-in businesses abutting or across an alley from a lot in a residential zone	6-foot-high screening along the abutting or alley lot lines; and A 5-foot-deep landscaped area inside the screening, when a drive-in lane or queuing lane abuts a lot in a residential zone

Table D for 23.47A.016

Use or Circumstance	Minimum Requirement
b. Drive-in businesses, other than gas stations, in which the drive-in lane or queuing lanes are across the street from a lot in a residential zone	3-foot-high screening
c. Garbage cans in NC1, NC2, or NC3 zones, or associated with a structure containing a residential use in C1 or C2 zones	3-foot-high screening along areas where garbage cans are located
d. Garbage dumpsters in NC1, NC2, or NC3 zones, or associated with structures containing a residential use in C1 or C2 zones	6-foot-high screening
e. Gas stations in NC1, NC2 and NC3 zones or, in C1 and C2 zones, across the street from a lot in a residential zone	3-foot-high screening along street lot lines
f. Mobile home parks	6-foot-high screening along all lot lines that are not street lot lines; and Along all street lot lines, a 5-foot-deep landscaped area or a 5-foot-deep planting strip with street trees
g. Outdoor sales and outdoor display of rental equipment, abutting or across an alley from a lot in a residential zone	6-foot-high screening along the abutting or alley lot lines
h. Outdoor sales and outdoor display of rental equipment across the street from a lot in a residential zone	3-foot-high screening along the street lot line
i. Outdoor storage in a C1 zone; or Outdoor dry boat storage in NC2, NC3 or C1 zones in the Shoreline District	Screened from all lot lines by the facade of the structure or by 6-foot- high screening; and 5-foot-deep landscaped area between all street lot lines and the 6-foot-high screening (Exhibit C for 23.47A.016)
j. Outdoor storage in a C2 zone abutting a lot in a residential zone; or Outdoor dry boat storage in a C2 zone in the Shoreline District, abutting a lot in a residential zone	50-foot setback from the lot lines of the abutting lot in a residential zone and screened from those lot lines by the facade of the structure or by 6-foot-high screening (Exhibit D for 23.47A.016)
k. Outdoor storage in a C2 zone across the street from a lot in a residential zone; or Outdoor dry boat storage, in a C2 zone in the Shoreline District, across the street from a lot in a residential zone	Screened from the street by the facade of a structure, or by 6-foot-high screening
l. Parking garage occupying any portion of the street-level street-facing facade between 5 and 8 feet above sidewalk grade	A 5-foot-deep landscaped area along the street lot line; or Screening by the exterior wall of the structure; or 6-foot-high screening between the structure and the landscaped area (Exhibit B for 23.47A.016)
m. Unenclosed parking garage on lots abutting a lot in a residential zone	A 5-foot-deep landscaped area and 6- foot-high screening along each shared lot line
n. Parking garage that is 8 feet or more above	3.5-foot screening along the perimeter of each floor of

Table D for 23.47A.016

Use or Circumstance	Minimum Requirement
grade	parking
o. Outdoor areas associated with pet daycare centers	Screened from all property lines by the facade of the structure or by 6-foot-high screening between the outdoor area and all property lines

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**Exhibit B for 23.47A.016:
Screening of parking within or under a structure**

~~((Exhibit 23.47A.016-B))~~ Exhibit B for 23.47A.016:
Screening of ~~((p))~~ Parking ~~((w))~~ Within or ~~((u))~~ Under a ~~((s))~~ Structure

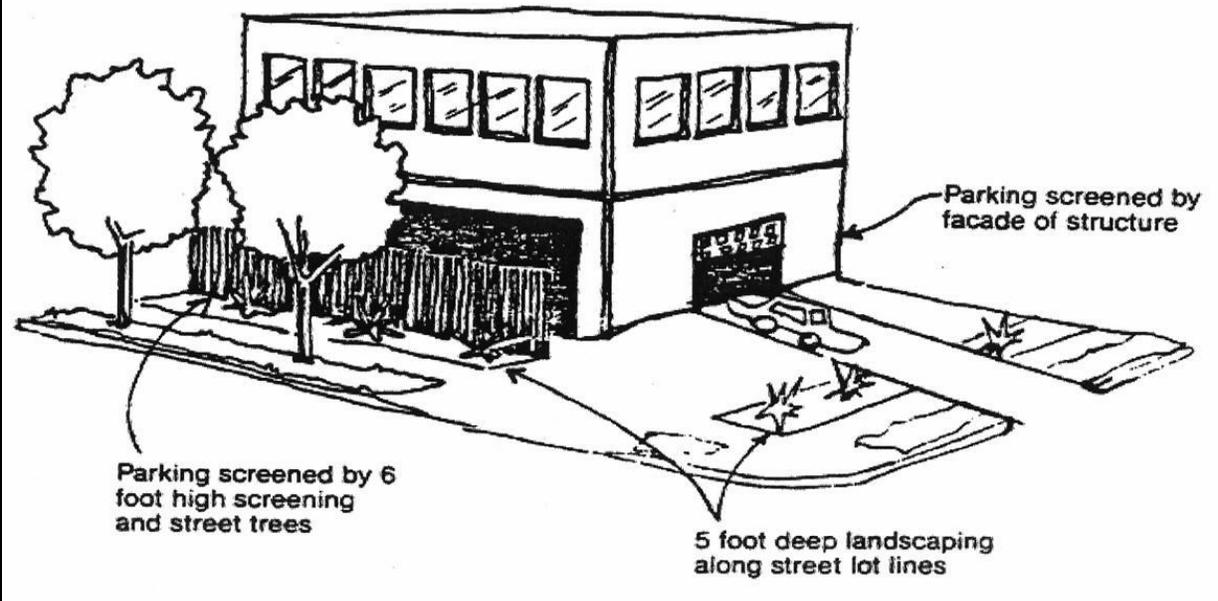
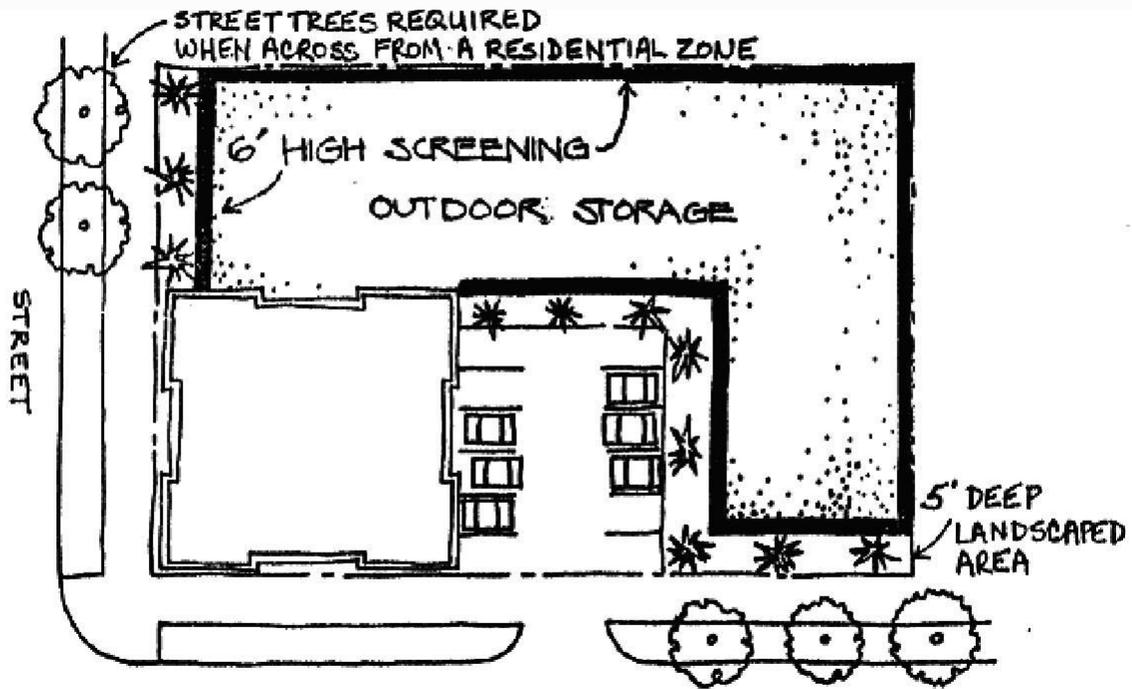


Exhibit C for 23.47A.016:

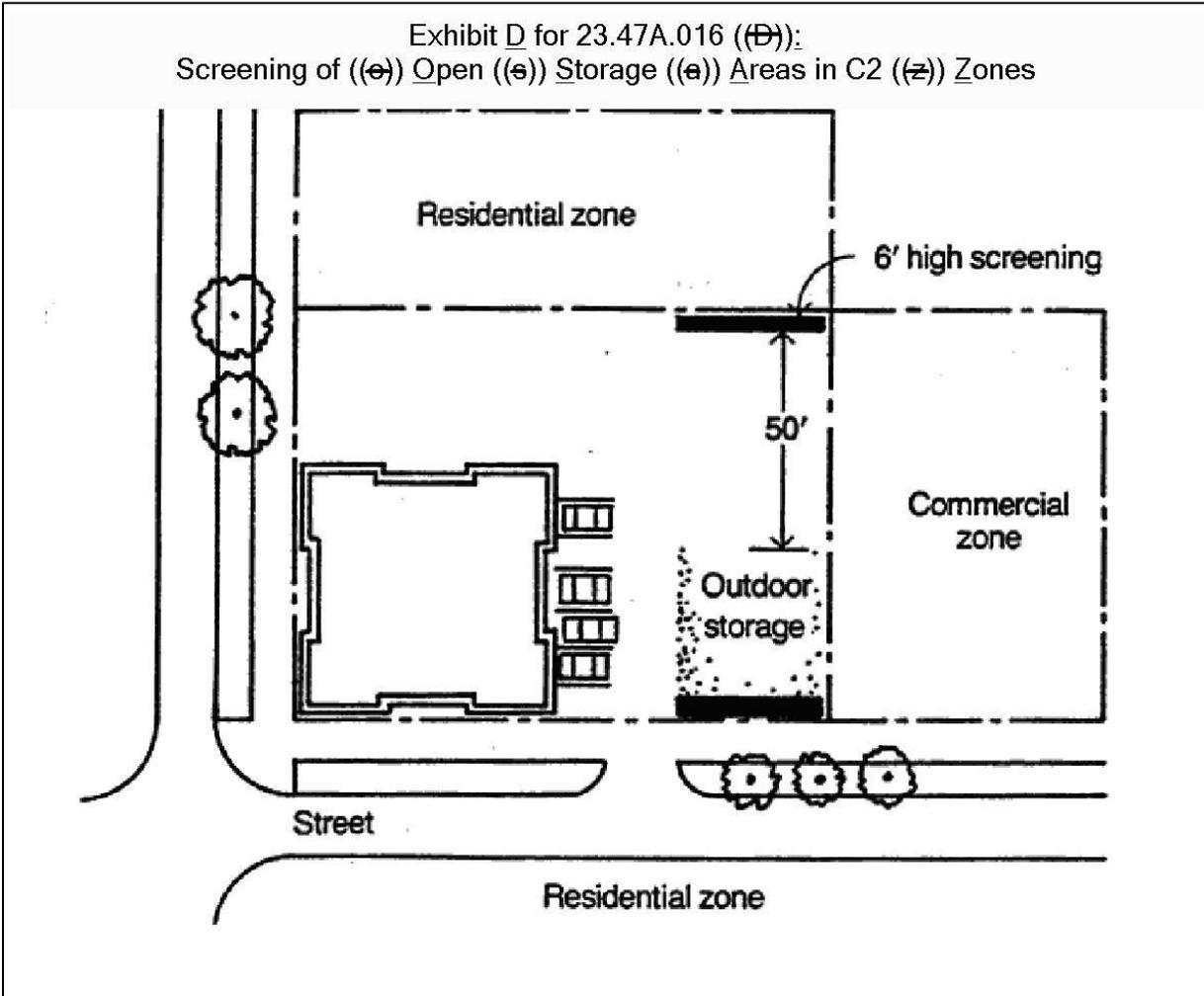
Screening of open storage areas in C1 zones

Exhibit C for 23.47A.016 ((☉));
Screening of ((☉)) Open ((☉)) Storage ((☉)) Areas in C1 ((☉)) Zones



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Exhibit D for 23.47A.016: ((-)) Screening of open storage areas in C2 zones



1 ~~(([4]3. On lots within the Shoreline District where view corridors are required,~~
2 ~~the Director may reduce the required height of screening and may modify the location and type~~
3 ~~of required landscaping so that views are not obstructed.~~

4 ~~[5]4. When one of the specific uses listed in this subsection 23.47A.016.D is~~
5 ~~proposed for expansion, the applicable requirements for that use must be met. The Director may~~
6 ~~reduce or waive the requirements where they are physically infeasible due to the location of~~
7 ~~existing structures or required parking.~~

8 ~~E. Breaks in required screening are permitted to provide pedestrian and vehicular access.~~
9 ~~Breaks in required screening for vehicular access shall not exceed the width of permitted curb~~
10 ~~cuts.--))~~

11 D. Tree Retention Requirements. Trees 24 inches in diameter or greater that could not
12 otherwise be removed under Chapter 25.11 may not be removed as part of an issued building or
13 grading permit unless the location of proposed principle structures would not allow an adequate
14 tree protection area as determined in Section 23.86.038.

15 E. Modifications to Development Standards.

16 1. The Director may modify development standards to permit a reduction in the
17 quantity of parking required by Sections 23.54.015 and 23.54.030 if the maximum lot coverage
18 or floor area permitted on the site cannot be achieved while preserving a tree 24 inches in
19 diameter or greater. The reduction in parking quantity shall be the minimum extent necessary to
20 avoid the tree protection area.

21 2. If development standards have been modified according to the provisions of
22 this Chapter 23.47A to avoid development within a designated tree protection area, that area
23 shall remain undeveloped for the remainder of the life of the building, and a permanent covenant
24 stating this requirement shall be recorded in the King County Office of Records and Elections.

25 F. Tree Protection Reports. The Director may require a tree protection report by a
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1 qualified tree care professional that provides the following information:

2 1. Tree evaluation with respect to its general health, damage, danger of falling,
3 proximity to existing or proposed structures and or utility services;

4 2. A tree risk assessment, if applicable;

5 3. Evaluation of the anticipated effects of proposed construction on the viability
6 of the tree;

7 4. Plans for implementing tree protection measures;

8 5. Plans for supervising, and/or monitoring implementation of tree protection; and

9 6. Plans for conducting post-construction site inspection and evaluation.

10 Section 12. Subsection E of Section 23.47A.028 of the Seattle Municipal Code, which
11 section was last amended by Ordinance 122311, is amended as follows:

12 **23.47A.028 Standards for drive-in businesses(~~(-)~~)**

13 ***

14 E. Screening and landscaping of drive-in businesses is required in accordance with
15 subsection 23.47A.016.~~C~~~~((D2))~~.

16
17 Section 13. Section 23.50.028 of the Seattle Municipal Code, which section was last
18 amended by Ordinance 123547, is amended as follows:

19 **23.50.034 - Screening and landscaping general standards**

20 ~~((The following types of screening and landscaping may be required according to the provisions~~
21 ~~of Sections 23.50.034, 23.50.036, 23.50.038, and 23.50.040:))~~

22 A. ~~((Three-foot (3') High Screening.))~~ Three-foot ~~((3'))~~ high screening may be either:

23 1. A fence or wall at least three feet ~~((3'))~~ in height; or

24 2. A hedge or landscaped berm at least three feet ~~((3'))~~ in height.

25 B. ~~((View-obscuring Screening.))~~ View-obscuring screening may be either:

- 1 1. A fence or wall six feet (~~((6'))~~) in height; or
- 2 2. A landscaped berm at least five feet (~~((5'))~~) in height; or
- 3 3. A hedge which would achieve a height of at least five feet (~~((5'))~~) within three
- 4 ~~((3))~~ years of planting; or
- 5 4. Any combination of the features listed above which achieves a height of at least
- 6 five feet (~~((5'))~~) within three ~~((3))~~ years of planting.

7 C. Landscaped ~~((A))~~ areas ~~((and Berms. Each area or berm required to be landscaped))~~
8 shall be areas planted with trees, shrubs and grass, or evergreen ground cover, in a manner that
9 the total required setback, excluding driveways, will be covered in three ~~((3))~~ years. Features
10 such as ~~((walkways,))~~ decorative paving, sculptures, ~~((or))~~ fountains, or pedestrian access
11 meeting the Seattle Building Code Chapter 11 may cover a maximum of ~~((thirty percent~~
12 ~~))30((%))~~ percent of each required landscaped area ~~((or berm))~~ used to satisfy requirements
13 under subsection 23.50.034.C.

14 D. ~~((Street Trees. When required by this Code, street trees shall be provided in the~~
15 ~~planting strip according to Seattle Department of Transportation Tree Planting Standards. If it is~~
16 ~~not feasible to plant street trees in the planting strip according to City standards, they shall be~~
17 ~~planted in the five foot (5') deep landscaped setback area along the street property line. Trees~~
18 ~~planted in this setback area shall be at least two feet (2') from the street lot line.~~

19 E.) Combinations of Screening and Landscaping Requirements.

20 1. When there is more than one ~~((1))~~ type of use which requires screening or
21 landscaping, the requirement which results in the greater amount of screening and landscaping
22 shall be followed.

23 2. Different types of screening or landscaping may be combined on one ~~((1))~~ lot.

24 ~~((F. Landscaping meeting Seattle Green Factor standards, pursuant to Section~~
25 ~~23.86.019.))~~

1 Section 14. A new Section 23.50.035 of the Seattle Municipal Code is added as follows:

2 **23.50.035 All Industrial Zones – Screening and landscaping**

3 A. Landscaping that achieves a Green Factor score of .30 or greater, pursuant to Section
4 23.86.019, is required for any development:

5 1. containing more than 4,000 new square feet of commercial uses in either a new
6 structure or an addition to an existing structure, excluding the following uses:

- 7 a. food processing and craft work;
8 b. sales and service, automobile;
9 c. sales and service, heavy; and
10 d. sales and service, marine; or

11 2. expanding surface area parking by more than 20 parking spaces for
12 automobiles.

13 Section 15. Section 23.50.036 of the Seattle Municipal Code, which section was last
14 amended by Ordinance 123547, is amended as follows:

15 **23.50.036 Industrial Buffer -- Screening and Landscaping**

16 A. Screening and Landscaping Requirements for All Uses.

17 1. Street Trees. Street trees are required, pursuant to Section 23.53.040, for any
18 development directly across a street 80 feet or less in width from a lot in a residential or
19 commercial zone:

- 20 a. containing one or more new dwelling units;
21 b. containing more than 1,000 new square feet of nonresidential uses in
22 either a new structure or an addition to an existing structure; or
23 c. expanding surface area parking by more than 10 parking spaces for
24 automobiles.

1 ~~viability and coverage of plantings. The standards may include, but are not limited to, the type~~
2 ~~and size of plants, number of plants, concentration of plants, depths of soil, use of low water use~~
3 ~~plants and access to light and air for plants.~~

4 ~~3. All uses shall provide street trees, unless it is determined by the Director to be~~
5 ~~infeasible. If it is not feasible to plant street trees in the planting strip, then they shall be provided~~
6 ~~in the required 5-foot deep landscaped area along street lot lines.))B. Treatment of blank facades.~~

7 1. Blank facade limits apply to the area of the facade between 2 and 8 feet above
8 the sidewalk.

9 a. Any portion of a facade that is not transparent shall be considered to be
10 a blank facade. Clear or lightly tinted glass in windows, doors and display windows shall be
11 considered transparent. Transparent areas shall allow views into the structure or into display
12 windows from the outside.

13 b. Portions of a facade of a structure that are separated by transparent areas
14 of at least 2 feet in width shall be considered separate facade segments for the purposes of this
15 subsection 23.50.038.B.

16 c. Except as provided for in subsection 23.50.038.C.6, blank segments of
17 facades that are 60 feet wide and greater, and within 20 feet of the street lot line shall be screened
18 by one of the following:

19 1) A hedge that will achieve a height of at least 5 feet within 3
20 years of planting and a height of at least 10 feet at full maturity; or

21 2) Trellises and vining plants attached to the wall up to a minimum
22 height of 10 feet; or

23 3) A landscaped area meeting subsection 23.50.034.C (~~(~~
24 ~~landscaped areas or berms)~~)).

25 d. The following limits on blank façade segments apply to lots in an IC
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1 85-160 zone:

2 1) For facades facing streets that bound the Downtown Urban
3 Center or streets shown on Map A for ((Section)) 23.50.016, blank facade segments shall not
4 exceed 15 feet in width, except that:

5 a) the width of a blank façade segment that includes a
6 garage door may exceed 15 feet but is limited to the width of the driveway plus 5 feet; and

7 b) the width of a blank facade segment may be increased to
8 up to 30 feet if the Director determines, as a Type I decision, that the facade is sufficiently
9 enhanced by architectural detailing, artwork, landscaping, or similar features that have visual
10 interest.

11 2) For all other street-level street-facing facades, if the street level
12 is occupied by uses other than parking, blank facade segments are limited to a width of 30 feet,
13 except that:

14 a) the width of a blank façade segment that includes a
15 garage door may exceed 30 feet but is limited to the width of the driveway plus 5 feet; and

16 b) the width of a blank façade segment may be increased to
17 up to 60 feet if the Director determines, as a Type I decision, that the facade is sufficiently
18 enhanced by architectural detailing, artwork, landscaping, or similar features that have visual
19 interest.

20 3) If the street level of the street-facing façade is occupied by
21 parking, subsection 23.50.038.C.6 applies.

22 ***

23 Section 17. A new Section 23.53.040 of the Seattle Municipal Code is added as follows:

24 **23.53.040 Street Trees**

25 The following standards shall be met when street trees are required for development.
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1 A. Existing street trees shall be retained unless the Director of Transportation approves
2 their removal.

3 B. The Director, in consultation with the Director of Transportation, will determine the
4 number, type and placement of street trees to be provided:

- 5 1. to improve public safety;
- 6 2. to promote compatibility with existing street trees;
- 7 3. to match trees to the available space in the planting strip;
- 8 4. to encourage healthy growth through appropriate spacing;
- 9 5. to protect utilities; and
- 10 6. to allow access to the street, buildings and lot.

11 C. If a lot borders an unopened right-of-way, the Director may reduce or waive the street
12 tree requirement along that street if, after consultation with the Director of Transportation, the
13 Director determines that the street is unlikely to be opened or improved.

14 D. When the floor area of an existing structure is proposed to be expanded by more than
15 1,000 square feet, one street tree is required for each 500 square feet over the first 1,000 square
16 feet of additional floor area, up to the maximum number of trees that would be required for new
17 construction.

18 E. If it is not feasible to plant street trees in a right-of-way planting strip, a ~~((five))~~ 5 foot
19 setback shall be planted with street trees along the street property line or landscaping other than
20 trees shall be provided in the planting strip, subject to approval by the Director of Transportation.
21 If, according to the Director of Transportation, a ~~((five))~~ 5 foot setback or landscaped planting
22 strip is not feasible, the Director ~~((of Planning and Development))~~ may reduce or waive this
23 requirement.

24 Section 18. Subsection C of Section 23.69.030 of the Seattle Municipal Code, which
25 section was last amended by Ordinance 123649, is amended as follows:

1 **23.69.030 Contents of a master plan**

2 ***

3 C. The development standards component of a master plan shall include the following:

4 1. Existing underlying zoning of the area within the boundaries of the MIO
5 District. If a change to the underlying zoning is proposed, the master plan shall identify the
6 proposed zone(s), and the master plan shall be subject to rezone approval according to the
7 procedures of Chapter 23.76, Procedures for Master Use Permits and Council Land Use
8 Decisions; and

9 2. If modifications to the underlying zone development standards are proposed,
10 the proposed modifications and reasons for the proposed modifications or for special standards
11 tailored to the specific institution; and

12 3. Standards in the master plan shall be defined for the following:

13 a. Structure setbacks along public rights-of-way and at the boundary of the
14 MIO District,

15 b. Height limits as provided for in Section 23.69.004,

16 c. Lot coverage for the entire MIO District,

17 d. Landscaping and Tree Retention,

18 e. Percentage of MIO District to remain in open space; and

19 4. The Major Institution may choose or the Director may require the Major
20 Institution to address the following:

21 a. Transition in height and scale between development within the MIO
22 District and development in the surrounding area,

23 b. Width and depth limits for structures or measures by which a reduction
24 in the apparent bulk of a structure may be achieved,

1 c. Setbacks between structures which are not located on a public right-of-
2 way or along the boundary of the MIO District,

3 d. Preservation of historic structures which are designated on federal, state
4 or local registers,

5 e. View corridors or other specific measures intended to mitigate the
6 impact of Major Institution development on the surrounding area,

7 f. Pedestrian circulation within and through the MIO District.

8 ***

9 Section 19. Section 23.74.010 of the Seattle Municipal Code, which section was last
10 amended by Ordinance 123589, is amended as follows:

11 **23.74.010 Development standards**

12 ***

13 C. The following development standards apply to each use and structure, except spectator
14 sports facilities, to the extent that the use or structure either is on a lot fronting on Railroad Way
15 South, First Avenue South, South Holgate between First Avenue South and Occidental Avenue
16 South, or Occidental Avenue South, or is within a 40 foot radius measured from any of the block
17 corners of First Avenue South or Occidental Avenue South intersecting with the following
18 streets: Railroad Way South, South Royal Brougham, South Atlantic, South Massachusetts,
19 South Holgate and any other streets intersecting with First Avenue or Occidental Avenue South
20 that may be established between South Holgate Street and Railroad Way South, as depicted in
21 Map A for 23.74.010. Railroad Way South, First Avenue South, South Holgate Street and
22 Occidental Avenue South within the Stadium Transition Area Overlay District, and all street
23 areas within a 40 foot radius of any of those block corners described above, are referred to in this
24 Section 23.74.010 as the "pedestrian environment," except that in applying this Section
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1 23.74.010 to a through lot abutting on Occidental Avenue South and on First Avenue South,
2 Occidental Avenue South is not considered part of the pedestrian environment.

3 1. Street Facade Requirements. The following requirements apply to facades or
4 portions thereof facing streets or portions of streets in the pedestrian environment:

5 a. Minimum Facade Height. Minimum facade height is 25 feet, but
6 minimum facade heights do not apply if all portions of the structure are lower than the elevation
7 of the required minimum facade height.

8 b. Facade Setback Limits.

9 1) Within the first 25 feet of height measured from sidewalk grade,
10 all building facades must be built to within 2 feet of the street property line for the entire facade
11 length. For purposes of this subsection 23.74.010.C.1.b, balcony railings and other nonstructural
12 features or nonstructural walls are not considered parts of the facade of the structure.

13 2) Above 25 feet measured from sidewalk grade, the maximum
14 setback is 10 feet, and no single setback area that is deeper than 2 feet shall be wider than 20
15 feet, measured parallel to the street property line.

16 3) The facade shall return to within 2 feet of the street property line
17 for a minimum of 10 feet, measured parallel to the street property line, between any two setback
18 areas that are deeper than 2 feet.

19 2. Outdoor Service Areas. Gas station pumps, service islands, queuing lanes, and
20 other service areas related to fueling are not allowed between any structure and the pedestrian
21 environment area described in this Section 23.74.010. Gas station pumps, service islands,
22 queuing lanes, and other service areas related to fueling must be located behind or to the side of a
23 gas station, as viewed from any street in such pedestrian environment and are not allowed
24 between any structure on the same lot and the pedestrian environment area described in this
25 Section 23.74.010.

1 3. Screening and Landscaping. The requirements of Sections 23.50.016,
2 23.50.034, and 23.50.038, including requirements contingent on location near a commercial
3 zone, apply to all new uses and structures. Requirements in Section 23.50.038 contingent on
4 location near a residential lot do not apply. In addition, the screening and landscaping
5 requirements for outdoor storage in subsection 23.47A.016.~~((D-2))~~C apply, with respect to street
6 lot lines abutting the pedestrian environment, to the following uses, where a principal or
7 accessory use is located outdoors: outdoor storage (except for outdoor storage associated with
8 florists and horticultural uses), sales and rental of motorized vehicles, towing services, sales and
9 rental of large boats, dry boat storage, heavy commercial sales except fuel sales, heavy
10 commercial services, outdoor sports and recreation, wholesale showrooms, mini-warehouse,
11 warehouse, transportation facilities except rail transit facilities, utilities (except for utility service
12 uses), and light and general manufacturing.

13 4. Blank Facades and Transparency Requirements. In addition to the blank facade
14 requirements of subsection 23.50.038.B, the blank facade limits and transparency and street tree
15 requirements of subsections [23.49.056](#).C, D, and E, and the screening of parking requirements of
16 subsection 23.49.019.B apply to facades or portions thereof facing streets in the pedestrian
17 environment, except that requirements for Class I Pedestrian Streets and designated green streets
18 do not apply.

19 5. Principal Pedestrian Entrances. A principal pedestrian entrance to a structure
20 having a facade along Railroad Way South, First Avenue South, or Occidental Avenue South
21 shall be located on Railroad Way South, First Avenue South, or Occidental Avenue South,
22 respectively. If the structure has facades along both First Avenue South and Occidental Avenue
23 South, a principal pedestrian entrance is required only on First Avenue South.

24 Section 20. Section 23.84A.038 of the Seattle Municipal Code, which section was last
25 amended by Ordinance 123729, is amended as follows:

1 **23.84A.038 "T"**

2 ***

3 "Tree" means a woody plant having a main trunk with the capacity to achieve a height of
4 15 feet or greater at maturity~~((plant defined as a tree in the Sunset Western Garden Book, 7th~~
5 ~~Edition, 2001)).~~

6 ***

7 ~~(("Tree, exceptional" means a tree designated as such per Chapter 25.11.))~~

8 ***

9 Section 21. Subsection A.2 of Section 23.86.019 of the Seattle Municipal Code, which
10 section was last amended by Ordinance 123495, is amended as follows:

11 **23.86.019 Green Factor measurement**

12 ***

13 2. Multiply the square feet, or equivalent square footage where applicable, of each
14 landscape element by the multiplier provided for that element in Table A for ~~((Section))~~
15 23.86.019, according to the following provisions:

16 a. If multiple elements listed on Table A for ~~((Section))~~ 23.86.019 occupy
17 the same area (for example, groundcover under a tree), count the full square footage or
18 equivalent square footage of each element.

19 b. Landscaping elements in the right-of-way between the lot line and the
20 roadway may be counted, provided that they are approved by the Director of the Department of
21 Transportation.

22 c. Elements listed in Table A for Section 23.86.019 that are provided to
23 satisfy any other requirements of this Code may be counted.

24 d. For trees, large shrubs, and large perennials, use the equivalent square
25 footage of each tree or shrub according to Table B for Section 23.86.019.

1 e. For vegetated walls, use the square footage of the portion of the wall
2 covered by vegetation. All vegetated wall structures, including fences counted as vegetated
3 walls, shall be constructed of durable materials, provide adequate planting area for plant health,
4 and provide appropriate surfaces or structures that enable plant coverage. Vegetated walls may
5 not count towards more than 25 percent of a lot's Green Factor score.

6 f. For all elements other than trees, large shrubs, large perennials, and
7 vegetated walls, square footage is determined by the area of the portion of a horizontal plane that
8 lies over or under the element.

9 g. All permeable paving and structural soil credits together may not count
10 for more than one third of the lot's Green Factor score.

11 ***

12 Section 22. A new Section 23.86.038 of the Seattle Municipal Code is created as
13 follows:

14 **23.86.038 Tree Protection Area**

15 The following standards must be met for any trees that are being retained during development to
16 meet the requirements of Title 23.

17 A. Tree protection areas shall be designated surrounding any tree that is proposed to be
18 retained during construction to meet development standards. No excavation, fill, placing of
19 materials or equipment, or vehicle operation shall be allowed during construction within an
20 established tree protection area.

21 B. The tree protection area shall be determined by the Director based on a report by a
22 qualified tree care professional using the following method:

23 1. The basic tree protection area shall be an area equal to the outer extent of the
24 dripline of the tree or a circle around the center of the base of the tree of one and a half feet in
25 diameter for each 1 inch in diameter of the tree trunk, whichever is greater;

1 2. In determining whether a tree is required to be retained, the basic tree
2 protection area for trees 24” or greater in diameter may be reduced if it would not significantly
3 reduce the likelihood of survival during construction provided that:

4 a. the area of reduction is less than 25 percent of the basic tree protection
5 area excluding areas where root growth has been prevented by buildings or other barriers; and

6 b. no reduction is allowed closer than half the radius distance of the basic
7 tree protection area.

8 3. In determining whether a tree may be voluntarily retained for credit under
9 screening and landscaping standards, the basic tree protection area may be reduced as described
10 in subsection 23.86.038.B.2 or may be reduced further provided that a qualified tree care
11 professional is present during the excavation and that an engineer approves the severance of
12 roots larger than two inches in diameter.

13 C. The Director may establish conditions for protecting the tree during construction
14 within the tree protection area.

15 D. Tree protection areas shall be identified on sites plans.

16 E. The Director may require third-party review when the opinions of multiple qualified
17 tree care professionals cannot be reconciled.

18 Section 23. Section 25.11.010 of the Seattle Municipal Code, which section was last
19 amended by Ordinance 120410, is amended as follows:

20 **25.11.010 - Purpose and intent((e))**

21 It is the purpose and intent of this ((e))Chapter 25.11.010 to:

22 A. Limit the removal of large trees that are deemed to provide substantial economic,
23 social, and environmental benefits including stormwater retention, habitat, pollution reduction,
24 climate change mitigation, erosion control, shading, wind protection, and aesthetic beauty.

25 B. Implement the goals and policies of Seattle's Comprehensive Plan, especially those in
26

1 the Environment Element dealing with protection of the urban forest;

2 ~~((B))~~C. To preserve ~~((and enhance))~~the ~~((C))~~city's physical and aesthetic character by
3 preventing untimely and indiscriminate removal or destruction of trees; and

4 ~~((C))~~D. To ~~((protect trees on undeveloped sites that are not undergoing development by~~
5 ~~not allowing tree removal except in hazardous situations, to))~~ prevent premature loss of trees so
6 their retention may be considered during the development review and approval process.;

7 ~~D. To reward tree protection efforts by granting flexibility for certain development~~
8 ~~standards, and to promote site planning and horticultural practices that are consistent with the~~
9 ~~reasonable use of property;~~

10 ~~E. To especially protect exceptional trees that because of their unique historical,~~
11 ~~ecological, or aesthetic value constitute an important community resource; to require flexibility~~
12 ~~in design to protect exceptional trees;~~

13 ~~F. To provide the option of modifying development standards to protect trees over two~~
14 ~~(2) feet in diameter in the same manner that modification of development standards is required~~
15 ~~for exceptional trees;~~

16 ~~G. To encourage retention of trees over six (6) inches in diameter through the design~~
17 ~~review and other processes for larger projects, through education concerning the value of~~
18 ~~retaining trees, and by not permitting their removal on undeveloped land prior to development~~
19 ~~permit review.))~~

20 Section 24. Section 25.11.020 of the Seattle Municipal Code, which section was last
21 amended by Ordinance 122919, is amended as follows:

22 **25.11.020 – Definitions((:))**

23 "Director" means the Director of the Department of Planning and Development.

24 ~~(("Drip line" means an area encircling the base of a tree, the minimum extent of which is~~
25 ~~delineated by a vertical line extending from the outer limit of a tree's branch tips down to the~~

1 ~~ground.~~

2 ~~"Exceptional tree" means a tree or group of trees that because of its unique historical,~~
3 ~~ecological, or aesthetic value constitutes an important community resource, and is deemed as~~
4 ~~such by the Director according to standards promulgated by the Department of Planning and~~
5 ~~Development.~~

6 ~~"Feeder root zone" means an area encircling the base of a tree equal to twice the diameter~~
7 ~~of the drip line.~~

8 ~~"Hazardous tree" means any tree or tree part that poses a high risk of damage to persons~~
9 ~~or property, and that is designated as such by the Director according to the tree hazard evaluation~~
10 ~~standards established by the International Society of Arboriculture.~~

11 ~~"Inner root zone" means an area encircling the base of a tree equal to one half (1/2) the~~
12 ~~diameter of the drip line.-))~~

13 "Topping" means the cutting back of limbs to stubs within the tree's crown, to such a
14 degree as to remove the normal canopy and disfigure the tree; or the cutting back of limbs or
15 branches to lateral branches that are less than one-half ((1/2)) of the diameter of the limb or
16 branch that is cut.

17 "Tree" means woody plant having a main trunk with the capacity to achieve a height of
18 15 feet or greater at maturity.

19 "Tree removal" means removal of a tree(((s))) or vegetation, through either direct or
20 indirect actions including, but not limited to, clearing, topping or cutting, causing irreversible
21 damage to roots or trunks; poisoning; destroying the structural integrity; and/or any filling,
22 excavation, grading, or trenching in the dripline area of a tree which has the potential to cause
23 irreversible damage to the tree, or relocation of an existing tree to a new planting location.

24 ~~((("Undeveloped lot" means a lot on which no buildings are located.-))~~

25 Section 25. Section 25.11.030 of the Seattle Municipal Code, which section was last
26
27

1 amended by Ordinance 122919, is amended as follows:

2 **25.11.030 - Exemptions.**

3 The following activities are exempt from the provisions of this ~~((e))~~Chapter 25.11.030:

4 A. Normal and routine pruning operations and maintenance;

5 B. ~~((Abatement of hazardous tree or tree part as approved by the Director;~~

6 ~~€--))~~Emergency activities necessary to remedy an immediate threat to public health,
7 safety, or welfare;

8 ~~((D))~~C. Tree removal ~~((undertaken as part of tree and vegetation management and
9 revegetation of))~~on public parkland and open spaces by responsible public agencies or
10 departments;

11 ~~((E))~~D. Tree removal regulated under Chapter 25.09, Regulations for Environmentally
12 Critical Areas~~((approved as part of an Environmentally Critical Area revegetation plan as
13 provided in Section 25.09.320)); and~~

14 ~~F. Tree removal shown as part of an issued building or grading permit as provided in
15 Sections 25.11.060, 25.11.070, and 25.11.080~~

16 ~~((G))~~E. Removal of street trees as regulated by Title 15 ~~((of the SMC; and~~

17 ~~H. Additions to existing structures, shown as part of an issued building or grading permit
18 as provided in Sections 25.11.060, 25.11.070 and 25.11.080)).~~

19 Section 26. Section 25.11.040 of the Seattle Municipal Code, which section was last
20 amended by Ordinance 123409, is amended as follows:

21 **25.11.040 - Restrictions on tree removal**~~((r))~~

22 No tree 24 inches in diameter or greater shall be removed or topped on a lot in a single-
23 family, lowrise, Midrise, or commercial zone unless the Director determines that the tree:

1 A. poses a high risk of damage to persons or property according to the tree hazard
2 evaluation standards established by the International Society of Arboriculture that cannot be
3 mitigated through routine maintenance or pruning of the crown or roots of the tree.

4 B. is causing structural damage to principal structures, garages, accessory dwelling units,
5 retaining walls necessary for slope stabilization, utility wires, or utility pipes that cannot be
6 mitigated through routine maintenance, pruning of the crown or roots of the tree, or minor
7 modifications to the site;

8 C. is one of the following species: black cottonwood, bitter cherry, European holly,
9 English laurel, European mountain ash, red alder, tree of heaven, or Lombardy poplar; or

10 D. is approved to be removed as part of an issued building or grading permit as provided
11 in Sections 23.44.017, 23.45.524, or 23.47A.016.

12 ~~((Tree removal or topping is prohibited in the following cases, except as provided in Section~~
13 ~~25.11.030, or where the tree removal is required for the construction of a new structure, retaining~~
14 ~~wall, rockery or other similar improvement that is approved as part of an issued building or~~
15 ~~grading permit as provided in Sections 25.11.060, 25.11.070, and 25.11.080~~

16 ~~1. All trees 6 inches or greater in diameter, measured 4.5 feet above the ground,~~
17 ~~on undeveloped lots;~~

18 ~~2. Exceptional trees on undeveloped lots; and~~

19 ~~3. Exceptional trees on lots in Lowrise, Midrise and Commercial zones or on lots~~
20 ~~5,000 square feet or greater in a Single family or Residential Small Lot zone.~~

21 ~~B. Limits on Tree Removal. In addition to the prohibitions in subsection 25.11.040.A, no~~
22 ~~more than three trees 6 inches or greater in diameter, measured 4.5 feet above the ground, may~~
23 ~~be removed in any one year period on lots in Lowrise, Midrise and Commercial zones or on lots~~
24 ~~5,000 square feet or greater in a Single family or Residential Small Lot zone, except when the~~
25 ~~tree removal is required for the construction of a new structure, retaining wall, rockery or other~~

1 similar improvement that is approved as part of an issued building or grading permit as provided
2 in Sections 25.11.060, 25.11.070, and 25.11.080.

3 ~~C. Tree removal in Environmentally Critical Areas shall comply with the provisions of~~
4 ~~Section 25.09.320.))~~

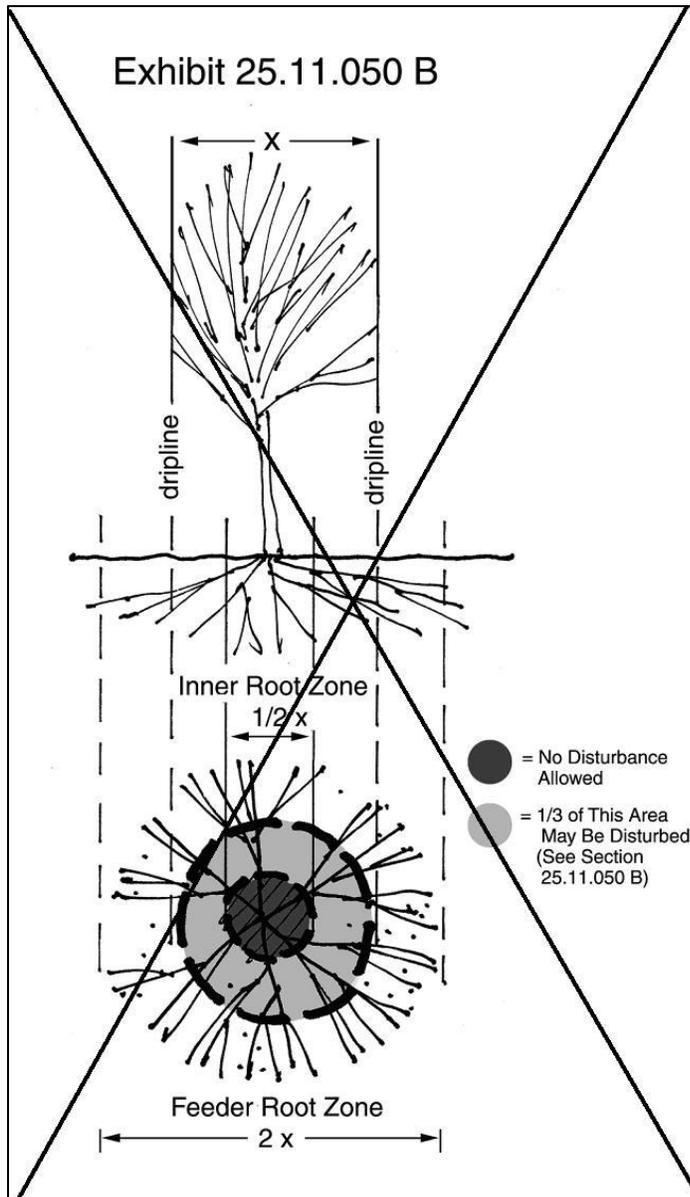
5 Section 27. Section 25.11.050 of the Seattle Municipal Code, which section was last
6 amended by Ordinance 121276 and which currently reads as follows, is repealed.

7 ~~**25.11.050 – General Provisions for exceptional tree determination and tree protection area**~~
8 ~~**delineation in Single-family, Residential Small Lot, Lowrise, Midrise, and Commercial**~~
9 ~~**zones.**~~

10 ~~A. Exceptional trees and potential exceptional trees shall be identified on site plans and~~
11 ~~exceptional tree status shall be determined by the Director according to standards promulgated~~
12 ~~by the Department of Planning and Development.~~

13 ~~B. Tree protection areas for exceptional trees shall be identified on sites plans. Applicants~~
14 ~~seeking development standard waivers to protect other trees greater than two (2) feet in diameter~~
15 ~~measured four and one half (4.5) feet above the ground shall also indicate tree protection areas~~
16 ~~on site plans. The basic tree protection area shall be the area within the drip line of the tree. The~~
17 ~~tree protection area may be reduced if approved by the Director according to a plan prepared by~~
18 ~~a tree care professional. Such reduction shall be limited to one third of the area within the outer~~
19 ~~half of the area within the drip line. In no case shall the reduction occur within the inner root~~
20 ~~zone. In addition, the Director may establish conditions for protecting the tree during~~
21 ~~construction within the feeder root zone. (See Exhibit 25.11.050 B.)~~

Exhibit 25.11.050B



~~C. If development standards have been modified according to the provisions of this~~

1 ~~chapter to avoid development within a designated tree protection area, that area shall remain~~
2 ~~undeveloped for the remainder of the life of the building, and a permanent covenant stating this~~
3 ~~requirement shall be recorded in the King County Office of Records and Elections.~~

4 ~~D. The Director may require a tree protection report by a tree care professional that~~
5 ~~provides the following information:~~

6 ~~1. Tree evaluation with respect to its general health, damage, danger of falling,~~
7 ~~proximity to existing or proposed structures and or utility services;~~

8 ~~2. Evaluation of the anticipated effects of proposed construction on the viability~~
9 ~~of the tree;~~

10 ~~3. A hazardous tree assessment, if applicable;~~

11 ~~4. Plans for supervising, and/or monitoring implementation of any required tree~~
12 ~~protection or replacement measures; and~~

13 ~~5. Plans for conducting post construction site inspection and evaluation.~~

14 ~~E. The Director may condition Master Use Permits or Building Permits to include~~
15 ~~measures to protect tree(s) during construction, including within the feeder root zone.~~

16
17 Section 28. Section 25.11.060 of the Seattle Municipal Code, which section was last
18 amended by Ordinance 120410 and which currently reads as follows, is repealed.

19 **~~25.11.060 – Tree protection on sites undergoing development in Single-family and~~**
20 **~~Residential Small Lot zones.~~**

21 ~~A. Exceptional Trees.~~

22 ~~1. The Director may permit a tree to be removed only if:~~
23 ~~a. the maximum lot coverage permitted on the site according to SMC~~
24 ~~Title 23, the Land Use Code, cannot be achieved without extending into the tree protection area~~
25 ~~or into a required front and/or rear yard to an extent greater than provided for in subsection A2 of~~

1 ~~this section; or~~

2 ~~b. avoiding development in the tree protection area would result in a~~
3 ~~portion of the house being less than fifteen (15) feet in width.~~

4 ~~2. Permitted extension into front or rear yards shall be limited to an area equal to~~
5 ~~the amount of the tree protection area not located within required yards. The maximum~~
6 ~~projection into the required front or rear yard shall be fifty (50) percent of the yard requirement.~~

7 ~~3. If the maximum lot coverage permitted on the site can be achieved without~~
8 ~~extending into either the tree protection area or required front and/or rear yards then no such~~
9 ~~extension into required yards shall be permitted.~~

10 ~~B. Trees Over Two (2) Feet in Diameter Measured Four and One-half (4½) Feet Above~~
11 ~~the Ground.~~

12 ~~1. Trees over two (2) feet in diameter shall be identified on site plans.~~

13 ~~2. In order to protect trees over two (2) feet in diameter an applicant may modify~~
14 ~~their development proposal to extend into front and/or rear yards in the same manner as provided~~
15 ~~for exceptional trees in subsection A of this section, above.~~

16 ~~C. The development shall meet the tree requirements of Section 23.44.008 I.~~

17
18 Section 29. Section 25.11.070 of the Seattle Municipal Code, which section was last
19 amended by Ordinance 123495 and which currently reads as follows, is repealed.

20 **~~25.11.070 – Tree protection on sites undergoing development in Lowrise zones~~**

21 ~~The provisions in this Section 25.11.070 apply in Lowrise zones.~~

22 ~~A. Exceptional trees~~

23 ~~1. If the Director determines that there is an exceptional tree located on the lot of~~
24 ~~a proposed development and the tree is not proposed to be preserved, the development shall go~~
25 ~~through streamlined design review as provided in Section 23.41.018 if the project falls below the~~

1 ~~thresholds for design review established in Section 23.41.004.~~

2 2. ~~The Director may permit the exceptional tree to be removed only if the total~~
3 ~~floor area that could be achieved within the maximum permitted FAR and height limits of the~~
4 ~~applicable Lowrise zone according to SMC Title 23, the Land Use Code, cannot be achieved~~
5 ~~while avoiding the tree protection area through the following:~~

6 a. ~~Development standard adjustments permitted in Section 23.41.018 or~~
7 ~~the departures permitted in Section 23.41.012.~~

8 b. ~~An increase in the permitted height as follows under subsection~~
9 ~~25.11.070.A.3.~~

10 3. ~~In order to preserve an exceptional tree, for a principal structure with a base~~
11 ~~height limit of 40 feet that is subject to the pitched roof provisions of Section 23.45.514.D, the~~
12 ~~Director may permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a~~
13 ~~height of 50 feet if the increase is needed to accommodate, on an additional story, the amount of~~
14 ~~floor area lost by avoiding development within the tree protection area and the amount of floor~~
15 ~~area on the additional story is limited to the amount of floor area lost by avoiding development~~
16 ~~within the tree protection area.~~

17 c. ~~Parking Reduction. A reduction in the parking quantity required by~~
18 ~~Section 23.54.015 and the standards of Section 23.54.030 may be permitted in order to protect an~~
19 ~~exceptional tree if the reduction would result in a project that would avoid the tree protection~~
20 ~~area.~~

21 B. ~~Trees over 2 feet in diameter.~~

22 1. ~~Trees over 2 feet in diameter, measured 4.5 feet above the ground, shall be~~
23 ~~identified on site plans.~~

24 2. ~~In order to protect trees over 2 feet in diameter an applicant may request and~~
25 ~~the Director may allow modification of development standards in the same manner and to the~~

1 ~~same extent as provided for exceptional trees in subsection 25.11.070.A.~~

2
3 Section 30. Section 25.11.080 of the Seattle Municipal Code, which section was last
4 amended by Ordinance 123495 and which currently reads as follows, is repealed.

5 ~~**25.11.080 – Tree protection on sites undergoing development in Midrise and Commercial**~~
6 ~~**Zones**~~

7 ~~The standards in this Section 25.11.080 apply in Midrise and Commercial zones.~~

8 ~~A. Exceptional trees.~~

9 ~~1. If the Director determines that there is an exceptional tree located on the lot of~~
10 ~~a proposed project and the tree is not proposed to be preserved, the project shall go through~~
11 ~~streamlined design review as provided in Section 23.41.018 if the project falls below the~~
12 ~~thresholds for design review established in Section 23.41.004.~~

13 ~~2. The Director may permit an exceptional tree to be removed only if the applicant~~
14 ~~demonstrates that protecting the tree by avoiding development in the tree protection area could~~
15 ~~not be achieved through the development standard adjustments permitted in Section 23.41.018 or~~
16 ~~the departures permitted in Section 23.41.012, a reduction in the parking requirements of Section~~
17 ~~23.54.015, and/or a reduction in the standards of Section 23.54.030.~~

18 ~~B. Trees over 2 feet in diameter measured.~~

19 ~~1. Trees over 2 feet in diameter, measured 4.5 feet above the ground, shall be~~
20 ~~identified on site plans.~~

21 ~~2. In order to protect trees over 2 feet in diameter an applicant may request and~~
22 ~~the Director may permit modification of development standards in the same manner and to the~~
23 ~~same extent as provided for exceptional trees in subsection 25.11.080.A, above.~~

1 Section 31. Section 25.11.090 of the Seattle Municipal Code, which Section was last
2 amended by Ordinance 120410 and which currently reads as follows, is repealed.

3 ~~**25.11.090 – Tree replacement and site restoration.**~~

4 ~~A. Each exceptional tree and tree over two (2) feet in diameter that is removed in~~
5 ~~association with development in all zones shall be replaced by one or more new trees, the size~~
6 ~~and species of which shall be determined by the Director; the tree replacement required shall be~~
7 ~~designed to result, upon maturity, in a canopy cover that is at least equal to the canopy cover~~
8 ~~prior to tree removal. Preference shall be given to on site replacement. When on site replacement~~
9 ~~cannot be achieved, or is not appropriate as determined by the Director, preference for off site~~
10 ~~replacement shall be on public property.~~

11 ~~B. No tree replacement is required if the (1) tree is hazardous, dead, diseased, injured or~~
12 ~~in a declining condition with no reasonable assurance of regaining vigor as determined by a tree~~
13 ~~care professional, or (2) the tree is proposed to be relocated to another suitable planting site as~~
14 ~~approved by the Director.~~

15 Section 32. Section 25.11.100 of the Seattle Municipal Code, which section was last
16 amended by Ordinance 123633, is amended as follows:

17 **25.11.100 - Enforcement and penalties((,))**

18
19 *[DPD is currently assessing the impact of shifting our enforcement*
20 *procedure from a Notice of Violation approach to a Citation approach.*

21 *The section will be updated later based on the results of this analysis]*

22
23 Section 33. This ordinance shall take effect and be in force 30 days after its approval by
24 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
25 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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Passed by the City Council the ____ day of _____, 2012, and
signed by me in open session in authentication of its passage this
____ day of _____, 2012.

President _____ of the City Council

Approved by me this ____ day of _____, 2012.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

Monica Martinez Simmons, City Clerk

(Seal)