

## **Emails sent by Seattle residents regarding the tree protection ordinance through September 3, 2020.**

From: will.brendan@everyactioncustom.com <will.brendan@everyactioncustom.com>  
Sent: Monday, August 17, 2020 9:01 PM  
To: Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
Subject: Support of the Urban Tree Commission in regards to DR 13-2020 Relating to Tree Protection

CAUTION: External Email

Dear Urban Forestry Policy Advisor Sandra Pinto de Bader,

Trees are so important to all of us. I beg you to protect Seattle's urban forest. Trees provide essential services to people and support over 100 local bird species. Both people and birds need a healthy, growing, and equitably distributed urban forest to thrive in our city.

Thank you for your work on proposed Director's Rule 13-2020. It offers some immediate improvements for tree protection, including expanding protections for big trees, emphasizing tree retention during land division, registering arborists, and by beginning to track trees on private property.

The proposed rule can be strengthened in the following ways:

- Please accurately communicate the existing code's intent to maximize tree retention throughout the development process, not just during land division, and not just for Exceptional trees. For example, SMC 23.22 requires applicants during the platting process to indicate the species and location of all trees greater than 6" in diameter on the site to maximize their retention. This requirement makes no sense if after platting, SDCI is no longer concerned about the fate of the smaller, non-exceptional trees.
- Protect red alders, black cottonwoods, and bitter cherries. These native trees provide important resources to birds and other wildlife and contribute to our sense of place in Seattle. Following the "right tree, right place" philosophy, these native trees can safely thrive and should be protected like other species.
- Expand the definition of tree groves to stands of six or more trees at least six inches in diameter, including street trees. Tree groves provide important habitat for birds and are becoming less common outside of parks and natural areas. We must do more to protect them and there is also no ecological reason why street trees should not be allowed to contribute to or be protected as part of a grove.
- Require public notice postings on development site and online for removal of Exceptional trees, even when hazardous, to ensure community members know when and where legal tree removal is occurring.
- Require replacement for trees removed from groves and removed hazard trees.
- Align SDCI's proposed Tree Care Provider Acknowledgement with SDOT's Tree Service Provider Registration. Do not automatically renew this form annually. It should be updated each year. Reduce the

number of infractions tree service providers can incur in a year before they are removed from the City's list to do business from more than three infractions to more than two infractions.

- Section 4: Preference for planting off-site replacement trees on public property is restrictive. The Director should be able to allow replacement trees not only on public property, but also on private property, where desired by the property owner, in order to meet the City's goals and objectives of race and social justice under Seattle's Equity and Environment Initiative.

The most important thing we can do for Seattle's urban forest is to protect the trees we already have. Please strengthen and implement this Director's Rule now and continue working with the Urban Forestry Commission, Seattle communities, and our elected officials to update the City's tree protection ordinance.

Sincerely,

William Nolan

6504 4th Ave NE Apt 2 Seattle, WA 98115-6494 [will.brendan@gmail.com](mailto:will.brendan@gmail.com)

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**From:** hta@ups.edu <hta@ups.edu>

**Sent:** Monday, August 17, 2020 9:06 PM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

Please adopt, with amendments, SDCI's Director's Rule 13-2020 - Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements.

Seattle must move forward now, without the delay urged by some, in adopting this updated Director's Rule with the amendments proposed below. This process of increasing protection for our urban forest was first proposed by the Seattle City Council 11 years ago and is long overdue.

The following updates as proposed in the draft Director's Rule are great steps forward:

- Reducing the upper threshold on exceptional trees to 24 inches in diameter at standard height (DSH) from 30 inches
- Designating trees 6 inches DSH and larger as protected trees, starting in the platting and short platting process
- Requiring Tree Care Providers to register with the City as the Seattle Dept. of

Transportation already requires

- Continuing protection of tree groves as exceptional trees, even if a tree is removed from the grove
- Making clear that all exceptional trees removed during development must be replaced per SMC 25.11.090
- Tightening tree removal requirements for exceptional trees as hazard trees

The following changes to the draft Director's Rule are needed:

- Change Subject Title to remove words "land division" and replace with "Development"
- PURPOSE AND BACKGROUND. add "SMC 23 requires that all trees 6 inches DSH and larger must be indicated on all site plans throughout the platting and sub-platting process, and that projects must be designed to maximize the retention of existing trees. This requirement continues throughout any subsequent development on all lots in all zones in the city."
- SECTION 1. Reduce the number of trees and sizes required to be a tree grove. Kirkland, Woodinville, and Duvall all define a tree grove as "a group of 3 or more significant trees with overlapping or touching crowns." Include street trees in groves.
- Add "Significant trees may become exceptional as they grow in size. They are future replacements in the urban forest for exceptional trees when they die. Development projects must be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages."
- Add "All replacement trees regardless of size are protected trees and can't be removed."
- SECTION 2. Change the heading to "TREE PROTECTION". Remove references to "Exceptional Trees" only and change to "Trees". e.g., change "Exceptional Tree Protection Areas" to "Tree Protection Areas".
- SECTION 4. Add "The Director shall have the authority to allow replacement trees on both public and private property to meet the goals and objectives of race and social justice under Seattle's Equity and Environment Initiative."
- Under SMC 25.11.090 the Director has the authority to require "one or more trees" to be planted as replacement trees for removed exceptional trees during development. The number of trees required should increase with the size of the tree removed, with a goal to achieve equivalent canopy area and volume in 25 years. Any in-lieu fee must also rise as the size of the removed tree increases. The city can not wait 80 years to replace an 80-year-old western

red cedar tree and expect to maintain its canopy goals as large exceptional trees are removed during development.

- SECTION 5. SEPA requirements under SMC 25.05.675 N are for protecting special habitats and need to be considered at the beginning of the development process. The language of this SEPA code section should be included in the Director's Rule to be certain that the code is complied with.
- SECTION 6. SDCI should adopt SDOT's registration process and requirements to assist Tree Care Providers in complying with city code and regulations. Reduce the number of citations that will remove a Tree Care Provider from being registered with the city to no more than 2 per year. Require annual registration same as Seattle business licenses require. Require that Tree Care Provider companies have a WA State contractor's license to ensure they have workers' compensation. Require they have a certificate of insurance that lists the city as an additional insured so the city cannot be sued. Require that all jobs either have a certified arborist on the work site or that they have visited the site and officially sign off on the specific work being done.

Thank you for protecting our urban forest.

[hta@ups.edu](mailto:hta@ups.edu)

[Honglta01@gmail.com](mailto:Honglta01@gmail.com)

Renton, Washington 98055

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**From:** David Moehring <dmoehring@consultant.com>  
**Sent:** Monday, August 17, 2020 9:32 PM  
**To:** PRC <PRC@seattle.gov>; DOT\_LA <DOT\_LA@seattle.gov>  
**Cc:** Treepac <Treepac@groups.outlook.com>; Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Ten more trees at risk or gone at 12315 14TH AVE NE

**CAUTION: External Email**

Dear PRC,

Here is another example of a functionally-related development of 5 rowhouses along the street and 2 detached homes in back at **12315 14TH AVE NE...**

which is already contrary to Seattle rowhouse development rule [SMC 23.84A.032.R.21.f.]

With five unit lots already in the development for the rowhouses, there should not be a notice of providing two more.

If possible, please put an end to this questionable and likely fraudulent permitting policy that is not specifically supported by the Seattle land use code - especially with the use of "historical" lot boundary adjustments to create two or more taxable lots from one property. This act of lot segregation for the purposes of increasing the allowed zoning density is specifically prohibited by Title 19 of the King County code. King County records all land subdivisions. The approved plan set (link below) clearly shows that the two historical lots were covered by the same structure... meaning there were not two historical lots that could both be built on originally. This should not have been an LBA, but a discretionary Type II Short Plat decision that people are notified on.

The developers I have spoke with call this a 'loophole'. I call it making more revenue on a lot sized 75 ft by 110 ft lot zoned LR1(M) which could otherwise only accommodate 6 townhomes or 6 rowhouses based on the density limits for the zone. SDCI calls it a win-win... as more homes are erected in a city crying for more market-rate townhouses and rowhouses as the answer to get people out of tents and their vehicles.

The [Seattle GIS](http://web6.seattle.gov/dpd/ParcelData/Parcel.aspx?pin=2926049210) shows a large street tree where a driveway is planned.  
<http://web6.seattle.gov/dpd/ParcelData/Parcel.aspx?pin=2926049210>

Plan set shows just the rowhouses with the LBA.

[Approved Plan Set - Land Use](#) 8 MB 07/01/19 [3030631-LU](#) Master Use Permit

Project:3036751-LU

Area: Northeast

Notice Date:8/17/2020

Land Use Application to subdivide one development site into two unit lots. The construction of residential units is under Project #6735850-CN. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots.

Thank you for taking comments submitted through 08/31/2020

Sincerely

David Moehring  
312-965-0634

July 2018 Note from Director Torgelson on Lot Boundary Adjustments and creating lots to bypass rowhouse requirements on the parent lot.

**A. Declaration:**

*The manner which the Department is recently manipulating lot Boundary Adjustments (LBA) is wrong. Leveraging Lot Boundary Adjustments to create two development lots from one is clearly NOT the intent of the code, and very well might be considered illegal. Mr. Torgelson is suggesting that this developer had purchased two separate properties. In fact, the attached King County records clearly indicates that this developer, Isola Real Estate, has purchased just one property of 6,496 square-foot with just one address. (King County Parcel number 682110-2320.)*

*The Seattle Municipal Code title 23 allows Lot Boundary Adjustments for minor Lot line changes. The Seattle Municipal Code specifically does not allow the use of a LBS to create additional lot. Yet that is what has happened here via a Type I decision by the Director of the SDCI.*

**B. Code Reference by Witness and commentary:**

**SMC 23.28.030 - Criteria for approval [ LOT BOUNDARY ADJUSTMENTS ]**

**A. The Director shall approve an application for a lot boundary adjustment if it is determined that:**

**1. No additional lot, tract, parcel, site, or division is created by the proposed adjustment;**

*This recent and evermore frequent practice has not been challenged in the Office of the Hearing Examiner because LBA's are considered a Type I decision which cannot be appealed. The Department is abusing its authority of making non-discretionary acts of lot boundary adjustments for the sole purpose of creating additional lots which violates the referenced code section. This act should at least be considered discretionary and may be appealed as a Type II decision.*

*If the Department is suggesting that the LBA are simple manipulations of the historical parcels used to describe a Lot, and that the LBA is modify the historical parcel line, then it follows that permission would also be required of the property owners to the south and to the north who share a portion of those historical parcels. Only 13 feet of the south historical parcel existed on the purchased lot. the remaining portion of the historical parcel was on the properties to the south. If the Department is assuming that by manipulating the historical parcel line that one may create two taxable lots, then others must be an portion of the code or an official challengeable code interpretation that defines that this act is permitted.*

*In the meantime, this act proceeds hush-hush with the hope that no one notices or objects to it.*

*As Mr. McGuire points out, King County explicitly prohibits the use of property segregation for the purposes of increasing density. In what is responded to below by the Director, Seattle appears to be relying on LBA and Short Plats to specifically increase the number of allowable dwellings and upzone a property from its LR1 designation. The Seattle Municipal Code does not explicitly allow this act.*

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2. Note: The SMC refers to Historic Lot Exceptions:

*"The historic lot exception may be applied to allow separate development of lots already in existence if the lot has an area of at least 2,500 square feet, and was established as a separate building site in the public records of the county or City prior to July 24, 1957."*

July 2018 Note from Director Torgelson on Lot Boundary Adjustments and creating lots to bypass rowhouse requirements on the parent lot.

in the case of the LBA at 3015 30th Ave West, the 13' x 119' historical lot is only 1,500 square feet. This area is shy of a Single Family legal lot by 1,000 square feet. I am not certain if that argument may apply to an LBA within a LR1-zoned lot.

**C. Director of Department correspondence with Deputy Mayor**

----- Forwarded Message -----

**Subject:**RE: Illegal Dwelling Units Behind Rowhouses 3011 & 3015 30th Ave West  
**Date:**Mon, 23 Jul 2018 22:25:54 +0000  
**From:**Torgelson, Nathan <[Nathan.Torgelson@seattle.gov](mailto:Nathan.Torgelson@seattle.gov)>  
**To:**Hank McGuire <[hankmcguire@seanet.com](mailto:hankmcguire@seanet.com)>  
**CC:**Moseley, David <[David.Moseley@seattle.gov](mailto:David.Moseley@seattle.gov)>, Whitworth, Allison <[Allison.Whitworth@seattle.gov](mailto:Allison.Whitworth@seattle.gov)>, Lofstedt, Emily <[Emily.Lofstedt@seattle.gov](mailto:Emily.Lofstedt@seattle.gov)>

Hi Mr. McGuire:

David Moseley asked me to respond to your email about this development proposal in Magnolia.

Density is applied to each multifamily zoned lot per the Multifamily section of the Land Use Code (Table A, footnote 7, SMC 23.45.512). The Rowhouses (3 proposed) (3015 30<sup>th</sup> Ave W and 3,534 square feet) have no density limit when the square footage of the lot is greater than 3,000 square feet. In addition, they can qualify for a higher Floor Area Ratio (FAR) in SMC 23.45.510.C.

The townhouses (2 proposed) (3011 30<sup>th</sup> Ave W and 2,962 square feet) have a 1 unit per 1,600 square feet density when they qualify for the higher FAR in SMC 23.45.510.C. When the density calculation results in a fraction of a unit, any fraction over 0.85 constitutes one additional unit (foot note 2 of Table A of SMC 23.45.512.B). To qualify for the higher FAR you must meet the green building standard, alley improvements, parking location and access to parking.

It appears that these proposals will meet these requirements.

The proposal is also currently under review for potential adverse land use impacts under the State Environmental Policy Act (SEPA), which gives you the opportunity to appeal the decision to the City's Hearing Examiner.

A public meeting is being held on these projects tomorrow evening (July 24) at 6pm at the Magnolia Library (2801 34<sup>th</sup> Ave W)

July 2018 Note from Director Torgelson on Lot Boundary Adjustments and creating lots to bypass rowhouse requirements on the parent lot.

During the last several years, the questions you have raised about platting smaller lots and various configurations have been contemplated by City staff and the City Council and some changes to the code have been made. I appreciate that the City's Land Use Code is very complex. The Seattle Comprehensive Plan anticipates the need to absorb more housing as the city and the region grows. Much of that housing is planned to occur in Multifamily and Neighborhood commercial zones (and not in single family zones), and City staff and our civic leaders try hard to balance the need to support the creation of more housing while also recognizing that new denser development is changing our neighborhoods.

Sincerely,

Nathan

Nathan Torgelson

Director

[Seattle Department of Construction and Inspections](#)

O: 206-684-0343 | M: 206-255-2911 | [nathan.torgelson@seattle.gov](mailto:nathan.torgelson@seattle.gov)

[Facebook](#) | [Twitter](#) | [Blog](#)

*As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety, and health in our communities.*

From: Hank McGuire <[hankmcguire@seanet.com](mailto:hankmcguire@seanet.com)>

Sent: Friday, July 13, 2018 2:38 PM

To: Durkan, Jenny <[Jenny.Durkan@seattle.gov](mailto:Jenny.Durkan@seattle.gov)>; Johnson, Rob <[Rob.Johnson@seattle.gov](mailto:Rob.Johnson@seattle.gov)>; O'Brien, Mike <[Mike.O'Brien@seattle.gov](mailto:Mike.O'Brien@seattle.gov)>; Herbold, Lisa <[Lisa.Herbold@seattle.gov](mailto:Lisa.Herbold@seattle.gov)>; Harrell, Bruce <[Bruce.Harrell@seattle.gov](mailto:Bruce.Harrell@seattle.gov)>; Bagshaw, Sally <[Sally.Bagshaw@seattle.gov](mailto:Sally.Bagshaw@seattle.gov)>; Juarez, Debora <[Debora.Juarez@seattle.gov](mailto:Debora.Juarez@seattle.gov)>; Mosqueda, Teresa <[Teresa.Mosqueda@seattle.gov](mailto:Teresa.Mosqueda@seattle.gov)>; Sawant, Kshama <[Kshama.Sawant@seattle.gov](mailto:Kshama.Sawant@seattle.gov)>; Torgelson, Nathan <[Nathan.Torgelson@seattle.gov](mailto:Nathan.Torgelson@seattle.gov)>; Danny Westneat <[dwestneat@seattletimes.com](mailto:dwestneat@seattletimes.com)>; Harmston, Katelyn <[Katelyn.Harmston@seattle.gov](mailto:Katelyn.Harmston@seattle.gov)>; Joe3 Veyera <[qamagnews@nwlink.com](mailto:qamagnews@nwlink.com)>; P-I City Desk <[citydesk@seattlepi.com](mailto:citydesk@seattlepi.com)>; shsieh@thestranger.com; John Fox <[jvf4119@gmail.com](mailto:jvf4119@gmail.com)>; Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>; Nicole Kiro Radio <[nthompson@bonneville.com](mailto:nthompson@bonneville.com)>; bdudley@seattletimes.com; sfg@seattlefairgrowth.com; David Moehring <[dmoehring@consultant.com](mailto:dmoehring@consultant.com)>; Moseley, David <[David.Moseley@seattle.gov](mailto:David.Moseley@seattle.gov)>; KUOW <[newsroom@kuow.org](mailto:newsroom@kuow.org)>; Komo Radio <[tips@komonews.com](mailto:tips@komonews.com)>; Kimo Hunter <[kimo@windermere.com](mailto:kimo@windermere.com)>; Strauss, Daniel <[Daniel.Strauss@seattle.gov](mailto:Daniel.Strauss@seattle.gov)>; Baker, Roberta <[Roberta.Baker@seattle.gov](mailto:Roberta.Baker@seattle.gov)>; Clardy, Alex <[Alex.Clardy@seattle.gov](mailto:Alex.Clardy@seattle.gov)>; Levy, Susie <[Susie.Levy@seattle.gov](mailto:Susie.Levy@seattle.gov)>; Williams, Spencer <[Spencer.Williams@seattle.gov](mailto:Spencer.Williams@seattle.gov)>; Michael Stewart <[mbstewart@yahoo.com](mailto:mbstewart@yahoo.com)>; Kate

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July 2018 Note from Director Torgelson on Lot Boundary Adjustments and creating lots to bypass rowhouse requirements on the parent lot.

[<kngbrown@seanet.com>](mailto:kngbrown@seanet.com); Reiter, Cody [<Cody.Reiter@seattle.gov>](mailto:Cody.Reiter@seattle.gov); Noel Frame [<noel.frame@leg.wa.gov>](mailto:noel.frame@leg.wa.gov)

**Subject:** Re: Illegal Dwelling Units Behind Rowhouses 3011 & 3015 30th Ave West

Thanks David. I can't imagine what Director Torgelson will say. I pasted the letter he sent to me April 4 2018 where he explains exactly how his Department is breaking the law with LBA's with respect to dwelling units behind rowhouses at 1829 11th Ave W. Also attached is a letter from Roberta Baker of 4/10/18 explaining in greater detail how the Zoning Code is being circumvented by applying the Blind Eye Protocol.

It has been pointed out to me that allowing dwelling units behind rowhouses has been brought before Hearing Examiners and can not be appealed because it is a Type I decision. Type I decisions are totally under the discretion of the SDCI Director. Nathan Torgelson.

I look forward to his call and hearing his more detailed explanation of what is going on.

Thanks again David for your prompt action on this important issue facing the City's Administration.

Hank

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On 7/13/18 12:54 PM, Moseley, David wrote:

Thank you Hank. I will ask Nathan Torgelson to be in contact with you about this. David

Sent from my iPhone

On Jul 13, 2018, at 12:08 PM, Hank McGuire [<hankmcguire@seanet.com>](mailto:hankmcguire@seanet.com) wrote:

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Dear Mr. McGuire,

Thank you for your emails about the proposed development at 1829 and 1831 11<sup>th</sup> Avenue West in Queen Anne.

Your emails mentioned your opposition to variances that would allow increased development on the subject sites. The applicant has not requested any variances or upzones from the development standards of the underlying Lowrise 1 (LR1) zoning. The proposals must meet the Land Use Code. We have written to the applicant and requested changes and clarifications to the proposal in order to comply with the Code. We are waiting for the applicant to revise their application to show how they meet code requirements.

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July 2018 Note from Director Torgelson on Lot Boundary Adjustments and creating lots to bypass rowhouse requirements on the parent lot.

The proposal is also currently under review for potential adverse land use impacts under the State Environmental Policy Act (SEPA), which was the subject of last week's public meeting. The overall proposal includes a lot boundary adjustment (LBA) to reconfigure the two existing legal lots. If the LBA is approved, the Seattle Land Use Code will allow development of rowhouses along 11<sup>th</sup> Avenue West on one lot and a single-family residence on the other lot along the alley. This is allowed in the Lowrise 1 (LR1) zoning district which is a multifamily zone and has been the zoning designation for this property for many years.

In reference to your comment about the rights of residents, the Code includes opportunities for public comment and discussion, and SDCI values the information and insight garnered from public meetings held at public request and from letters and emails. Your comment letters will be added to the record and considered.

If you have further concerns about the proposed projects, feel free to contact the SDCI project planner Charles Benson ([Charles.Benson@Seattle.gov](mailto:Charles.Benson@Seattle.gov)) or his supervisor, Jerry Suder ([Jerry.Suder@Seattle.gov](mailto:Jerry.Suder@Seattle.gov)). Thank you for reaching out to us and expressing your passion for your neighborhood and the City.

Sincerely,

Nathan Torgelson

Nathan Torgelson

Director

[Seattle Department of Construction and Inspections](#)

O: 206-684-0343 | M: 206-255-2911 | [nathan.torgelson@seattle.gov](mailto:nathan.torgelson@seattle.gov)

[Facebook](#) | [Twitter](#) | [Blog](#)

*As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety, and health in our communities.*

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On 4/10/18 11:01 AM, Baker, Roberta wrote:

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July 2018 Note from Director Torgelson on Lot Boundary Adjustments and creating lots to bypass rowhouse requirements on the parent lot.

Mr. McGuire,

Nathan Torgelson is currently out of the office, so I am responding to the email you sent to him on Monday, April 9<sup>th</sup>, 2018. I'm sorry to hear that you perceive that the City is conspiring with the developer to defraud a property owner, as this is not the case. I also want you to know that Director Torgelson's response was not intended to take advantage of you in any way. His intent was to share general information about the project in question and to answer the key questions you were asking, as he understood them.

SDCI has a responsibility to review permit applications to ensure that developers follow the development regulations that are in place at the time they apply for permits. The regulations we enforce encompass construction codes that provide standards for life safety, as well as land use regulations that govern the use and size of development private property. Property owners have a right to develop land if that development complies with applicable regulations.

As mentioned before, this permit application is currently under review by department staff. Staff are responsible for checking to ensure that what is being proposed meets the applicable codes. I understand that some plan corrections have already been requested, however, if plans are eventually resubmitted, and reflect compliance with all codes that our department enforces, we will have a legal obligation to grant approval for the development, by issuing the requested permit.

Through the questions you have raised in your last email, the primary concern appears to be whether our regulations, as they are currently written, allow developers to gain more density on a piece of property by using Short Plats or Lot Boundary Adjustments (LBA's) to reconfigure land. The single family zones are the only zones that have code language that governs a minimum lot size – all other zones allow a piece of land to be subdivided into smaller parcels with no codified limit on how small the parcel can be. In this case, because it is a multifamily zone, reconfiguring the existing land is allowed, and a back-lot configuration is also allowed. Once a separate parcel is created, development standards are applied to that parcel alone, and if a proposed development can demonstrate that it meets all the regulations on that parcel, then it can be approved. Since two legal lots already existed as part of the original parcel for this project, a lot boundary adjustment was the mechanism to reconfigure their size and orientation.

The existing Lowrise 1 zone is meant to act as a transition between the single family zone to more intense multifamily and commercial zoning to the north. Our Land Use Code applies development standards to manage the scale and form of new development, while limiting height to what's currently allowed in the Single Family zone (30-feet) to the south.

In addition, during the last several years, the questions you have raised about platting smaller lots and various configurations have been contemplated by City staff and the City Council and some changes to the code have been made. The Seattle Comprehensive Plan anticipates the need to absorb more housing as the city and the region grows. Much of that housing is planned to occur in Multifamily and Neighborhood commercial zones, and City staff and our civic leaders try hard to balance the need to

July 2018 Note from Director Torgelson on Lot Boundary Adjustments and creating lots to bypass rowhouse requirements on the parent lot.

support the creation of more housing while also recognizing that new denser development is also changing our neighborhoods.

Respectfully,

Roberta Baker

Land Use Division Director

City of Seattle [Department of Construction and Inspections](#)

P.O. Box 34019, Seattle, WA 98124-4019

P: 206.684.8195 | [roberta.baker@seattle.gov](mailto:roberta.baker@seattle.gov)

*"As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety and health in our communities."*

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**From:** Patricia Stordeur <[info@email.actionnetwork.org](mailto:info@email.actionnetwork.org)>  
**Sent:** Monday, August 17, 2020 9:34 PM  
**To:** Pinto de Bader, Sandra <[Sandra.Pinto\\_de\\_Bader@Seattle.gov](mailto:Sandra.Pinto_de_Bader@Seattle.gov)>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

Please adopt, with amendments, SDCI's Director's Rule 13-2020 - Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements.

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The following updates as proposed in the draft Director's Rule are great steps forward:

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- Under SMC 25.11.090 the Director has the authority to require "one or more trees" to be planted as replacement trees for removed exceptional trees during development. The number of trees required should increase with the size of the tree removed, with a goal to achieve equivalent canopy area and volume in 25 years. Any in-lieu fee must also rise as the size of the removed tree increases. The city can not wait 80 years to replace an 80-year-old western

red cedar tree and expect to maintain its canopy goals as large exceptional trees are removed during development.

- SECTION 5. SEPA requirements under SMC 25.05.675 N are for protecting special habitats and need to be considered at the beginning of the development process. The language of this SEPA code section should be included in the Director's Rule to be certain that the code is complied with.
- SECTION 6. SDCI should adopt SDOT's registration process and requirements to assist Tree Care Providers in complying with city code and regulations. Reduce the number of citations that will remove a Tree Care Provider from being registered with the city to no more than 2 per year. Require annual registration same as Seattle business licenses require. Require that Tree Care Provider companies have a WA State contractor's license to ensure they have workers' compensation. Require they have a certificate of insurance that lists the city as an additional insured so the city cannot be sued. Require that all jobs either have a certified arborist on the work site or that they have visited the site and officially sign off on the specific work being done.

Thank you for protecting our urban forest.

We need our trees now more than ever!

Patricia Stordeur

[pstordeur1969@gmail.com](mailto:pstordeur1969@gmail.com)

13712 Corliss Ave N

Seattle, Washington 98133

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**From:** Uyen Tran <info@email.actionnetwork.org>

**Sent:** Monday, August 17, 2020 9:49 PM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

Please adopt, with amendments, SDCI's Director's Rule 13-2020 - Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements.

Seattle must move forward now, without the delay urged by some, in adopting this updated Director's Rule with the amendments proposed below. This process of increasing protection for our urban forest was first proposed by the Seattle City Council 11 years ago and is long overdue.

The following updates as proposed in the draft Director's Rule are great steps forward:

- Reducing the upper threshold on exceptional trees to 24 inches in diameter at standard height (DSH) from 30 inches
- Designating trees 6 inches DSH and larger as protected trees, starting in the platting and short platting process
- Requiring Tree Care Providers to register with the City as the Seattle Dept. of Transportation already requires
- Continuing protection of tree groves as exceptional trees, even if a tree is removed from the grove
- Making clear that all exceptional trees removed during development must be replaced per SMC 25.11.090
- Tightening tree removal requirements for exceptional trees as hazard trees

The following changes to the draft Director's Rule are needed:

- Change Subject Title to remove words "land division" and replace with "Development"
- PURPOSE AND BACKGROUND. add "SMC 23 requires that all trees 6 inches DSH and larger must be indicated on all site plans throughout the platting and sub-platting process, and that projects must be designed to maximize the retention of existing trees. This requirement continues throughout any subsequent development on all lots in all zones in the city."
- SECTION 1. Reduce the number of trees and sizes required to be a tree grove. Kirkland, Woodinville, and Duvall all define a tree grove as "a group of 3 or more significant trees with overlapping or touching crowns." Include street trees in groves.
- Add "Significant trees may become exceptional as they grow in size. They are future

replacements in the urban forest for exceptional trees when they die. Development projects must be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages.”

- Add “All replacement trees regardless of size are protected trees and can’t be removed.”
- SECTION 2. Change the heading to “TREE PROTECTION”. Remove references to “Exceptional Trees” only and change to “Trees”. e.g., change “Exceptional Tree Protection Areas” to “Tree Protection Areas”.
- SECTION 4. Add “The Director shall have the authority to allow replacement trees on both public and private property to meet the goals and objectives of race and social justice under Seattle’s Equity and Environment Initiative.”
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Thank you for protecting our urban forest.



Uyen Tran

[uyent99@gmail.com](mailto:uyent99@gmail.com)

4710 University Way NE

Seattle, Washington 98105

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**From:** Carol Curtis <info@email.actionnetwork.org>  
**Sent:** Monday, August 17, 2020 9:57 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

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SMC 25.11.090

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Thank you for protecting our urban forest.

Carol Curtis

[desireepurchase@gmail.com](mailto:desireepurchase@gmail.com)

4839 37th Ne

seattle, Washington 98105

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**From:** Tracy Rekart <tracy@mccarthyconsulting.net>  
**Sent:** Monday, August 17, 2020 9:59 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Save Our Trees!

**CAUTION: External Email**

Sandra Pinto de Bader,

Seattle is not called the emerald city because we are rich in shiny jewels, but because of our trees. When I leave Seattle and return, it is not the skyline that excites me to be home, but the green trees that line the highway and streets.

Seattle's trees and urban forest are vital to keeping our city healthy and livable. Trees and the urban forest comprise a vital green infrastructure. Trees reduce air pollution, storm water runoff and climate impacts like heat island effects, while providing essential habitat for birds and other wildlife. They are important for the physical and mental health of our residents.

Seattle's rapid growth and an outdated tree ordinance are reducing these beneficial effects as trees are removed and not replaced. It is urgent to act now to stop this continued loss of trees, particularly large mature trees and tree groves. It is important to promote environmental equity as trees are replaced.

Please update Seattle's Tree Protection Ordinance as recommended in the latest draft by the Seattle Urban Forestry Commission.

Here are the key provisions that need to be in the updated tree ordinance:

1. Expand the existing Tree Removal and Replacement Permit Program, including 2-week public notice and posting on-site, as used by the Seattle Department of Transportation (SDOT) – to cover all Significant Trees (6" and larger diameter at breast height (DBH)) on private property in all land use zones, both during development and outside development.
2. Require the replacement of all Significant trees removed with trees that in 25 years will reach equivalent canopy volume – either on site or pay a replacement fee into a City Tree Replacement and Preservation Fund. Allow the Fund to also accept fines, donations, grants and set up easements.
3. Retain current protections for Exceptional Trees and reduce the upper threshold for Exceptional Trees to 24" DBH, protect tree groves and prohibit Significant Trees being removed on undeveloped lots.
4. Allow removal of no more than 2 Significant non-Exceptional Trees in 3 years per lot outside development
5. Establish one citywide database for applying for Tree Removal and Replacement Permits and to track changes in the tree canopy.
6. Post online all permit requests and permit approvals for public viewing.
7. Expand SDOT's existing tree service provider's registration and certification to register all Tree Service Providers (arborists) working on trees in Seattle.
8. Provide adequate funding in the budget to implement and enforce the updated ordinance.

Tracy Rekart  
[tracy@mccarthyconsulting.net](mailto:tracy@mccarthyconsulting.net)  
3204 NE 97th St.  
Seattle , Washington 98115

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**From:** Anjali Grant <anjali@agrantedesign.com>  
**Sent:** Monday, August 17, 2020 10:13 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

Please adopt, with amendments, SDCI's Director's Rule 13-2020 - Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements.

Seattle must move forward now, without the delay urged by some, in adopting this updated Director's Rule with the amendments proposed below. This process of increasing protection for our urban forest was first proposed by the Seattle City Council 11 years ago and is long overdue.

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SMC 25.11.090

- Tightening tree removal requirements for exceptional trees as hazard trees

The following changes to the draft Director's Rule are needed:

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- PURPOSE AND BACKGROUND. add "SMC 23 requires that all trees 6 inches DSH and larger must be indicated on all site plans throughout the platting and sub-platting process, and that projects must be designed to maximize the retention of existing trees. This requirement continues throughout any subsequent development on all lots in all zones in the city."
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As an Architect, I would additionally ask that language about exceptional trees be added to the SMC setbacks & lot coverage sections, to make it clear that tree location may affect lot development. Consistent enforcement and clear language will reduce risk and uncertainty.

Thank you for protecting our urban forest.

Anjali Grant

[anjali@agrantedesign.com](mailto:anjali@agrantedesign.com)

3427 Beacon Ave S

Seattle, Washington 98144

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From: zap555@everyactioncustom.com <zap555@everyactioncustom.com>

Sent: Monday, August 17, 2020 10:32 PM

To: Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

Subject: Proposed Director's Rule 13-2020 Relating to Tree Protection

CAUTION: External Email

Dear Urban Forestry Policy Advisor Sandra Pinto de Bader,

As a supporter of Seattle Audubon, protecting Seattle's urban forest is important to me. Trees provide essential services to people and support over 100 local bird species. Both people and birds need a healthy, growing, and equitably distributed urban forest to thrive in our city.

Thank you for your work on proposed Director's Rule 13-2020. It offers some immediate improvements for tree protection, including expanding protections for big trees, emphasizing tree retention during land division, registering arborists, and by beginning to track trees on private property.

The proposed rule can be strengthened in the following ways:

- Please accurately communicate the existing code's intent to maximize tree retention throughout the development process, not just during land division, and not just for Exceptional trees. For example, SMC 23.22 requires applicants during the platting process to indicate the species and location of all trees greater than 6" in diameter on the site to maximize their retention. This requirement makes no sense if after platting, SDCI is no longer concerned about the fate of the smaller, non-exceptional trees.
- Protect red alders, black cottonwoods, and bitter cherries. These native trees provide important resources to birds and other wildlife and contribute to our sense of place in Seattle. Following the "right tree, right place" philosophy, these native trees can safely thrive and should be protected like other species.
- Expand the definition of tree groves to stands of six or more trees at least six inches in diameter, including street trees. Tree groves provide important habitat for birds and are becoming less common outside of parks and natural areas. We must do more to protect them and there is also no ecological reason why street trees should not be allowed to contribute to or be protected as part of a grove.
- Require public notice postings on development site and online for removal of Exceptional trees, even when hazardous, to ensure community members know when and where legal tree removal is occurring.
- Require replacement for trees removed from groves and removed hazard trees.
- Align SDCI's proposed Tree Care Provider Acknowledgement with SDOT's Tree Service Provider Registration. Do not automatically renew this form annually. It should be updated each year. Reduce the number of infractions tree service providers can incur in a year before they are removed from the City's list to do business from more than three infractions to more than two infractions.
- Section 4: Preference for planting off-site replacement trees on public property is restrictive. The Director should be able to allow replacement trees not only on public property, but also on private property, where desired by the property owner, in order to meet the City's goals and objectives of race and social justice under Seattle's Equity and Environment Initiative.

The most important thing we can do for Seattle's urban forest is to protect the trees we already have. Please strengthen and implement this Director's Rule now and continue working with the Urban Forestry Commission, Seattle communities, and our elected officials to update the City's tree protection ordinance.

Sincerely,  
Jason Dougherty  
4402 NE 60th St Seattle, WA 98115-7604  
[zap555@comcast.net](mailto:zap555@comcast.net)

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**From:** Steve Zemke <stevezemke@friends.urbanforests.org>  
**Sent:** Monday, August 17, 2020 11:22 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

Thank you for moving forward on adopting more protections for trees.

Please adopt, with all amendments as recommended by the Seattle Urban Forestry Commission, SDCI's Director's Rule 13-2020 - Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements.

Seattle must move forward now, without the delay urged by some, in adopting this updated Director's Rule with the amendments proposed below. This process of increasing protection for our urban forest was first proposed by the Seattle City Council 11 years ago and is long overdue.

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and that projects must be designed to maximize the retention of existing trees. This requirement continues throughout any subsequent development on all lots in all zones in the city.”

- SECTION 1. Reduce the number of trees and sizes required to be a tree grove. Kirkland, Woodinville, and Duvall all define a tree grove as “a group of 3 or more significant trees with overlapping or touching crowns.” Include street trees in groves.
- Add “Significant trees may become exceptional as they grow in size. They are future replacements in the urban forest for exceptional trees when they die. Development projects must be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages.”
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Thank you for protecting our urban forest.

Steve Zemke

[stevezemke@friends.urbanforests.org](mailto:stevezemke@friends.urbanforests.org)

2131 N 132nd St

Seattle, Washington WA

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**From:** Katy Griffith <katygr@msn.com>

**Sent:** Tuesday, August 18, 2020 12:21 AM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

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Thank you for protecting our urban forest.

Katy Griffith

[katygr@msn.com](mailto:katygr@msn.com)

2131 N 132nd St

Seattle, Washington 98133

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**From:** Cara Sandahl <info@email.actionnetwork.org>  
**Sent:** Tuesday, August 18, 2020 2:56 AM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI’s Director’s Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

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- SECTION 4. Add “The Director shall have the authority to allow replacement trees on both public and private property to meet the goals and objectives of race and social justice under Seattle’s Equity and Environment Initiative.”
- Under SMC 25.11.090 the Director has the authority to require “one or more trees” to be planted as replacement trees for removed exceptional trees during development. The number of trees required should increase with the size of the tree removed, with a goal to achieve equivalent canopy area and volume in 25 years. Any in-lieu fee must also rise as the size of the removed tree increases. The city can not wait 80 years to replace an 80-year-old western red cedar tree and expect to maintain its canopy goals as large exceptional trees are removed during development.
- SECTION 5. SEPA requirements under SMC 25.05.675 N are for protecting special habitats and need to be considered at the beginning of the development process. The language of this SEPA code section should be included in the Director’s Rule to be certain that the code is complied with.
- SECTION 6. SDCI should adopt SDOT’s registration process and requirements to assist Tree Care Providers in complying with city code and regulations. Reduce the number of citations that will remove a Tree Care Provider from being registered with the city to no more than 2 per year. Require annual registration same as Seattle business licenses require. Require that Tree Care Provider companies have a WA State contractor’s license to ensure they have workers’ compensation. Require they have a certificate of insurance that lists the city as an additional insured so the city cannot be sued. Require that all jobs either have a certified arborist on the work site or that they have visited the site and officially sign off on the specific work being done.

Thank you for protecting our urban forest.

Cara Sandahl

[musemama1964@gmail.com](mailto:musemama1964@gmail.com)

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**From:** Aimee Olivier <info@email.actionnetwork.org>  
**Sent:** Tuesday, August 18, 2020 6:48 AM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

Please adopt, with the amendments recommended by the Seattle Urban Forestry Commission, SDCI's Director's Rule 13-2020 (Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements).

Seattle must move forward now, without the delay urged by some, in adopting this updated Director's Rule with the amendments proposed below. This process of increasing protection for our urban forest was first proposed by the Seattle City Council 11 years ago and is long overdue.

The following updates as proposed in the draft Director's Rule are great steps forward:

- Reducing the upper threshold on exceptional trees to 24 inches in diameter at standard height (DSH) from 30 inches
- Designating trees 6 inches DSH and larger as protected trees, starting in the platting and short platting process
- Requiring Tree Care Providers to register with the City as the Seattle Dept. of Transportation already requires
- Continuing protection of tree groves as exceptional trees, even if a tree is removed from the grove
- Making clear that all exceptional trees removed during development must be replaced per



## SMC 25.11.090

- Tightening tree removal requirements for exceptional trees as hazard trees

The following changes to the draft Director's Rule are needed:

- Change Subject Title to remove words "land division" and replace with "Development"
- PURPOSE AND BACKGROUND. add "SMC 23 requires that all trees 6 inches DSH and larger must be indicated on all site plans throughout the platting and sub-platting process, and that projects must be designed to maximize the retention of existing trees. This requirement continues throughout any subsequent development on all lots in all zones in the city."
- SECTION 1. Reduce the number of trees and sizes required to be a tree grove. Kirkland, Woodinville, and Duvall all define a tree grove as "a group of 3 or more significant trees with overlapping or touching crowns." Include street trees in groves.
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Thank you for protecting our urban forest.

Aimee Olivier

[aimeeolivier@gmail.com](mailto:aimeeolivier@gmail.com)

3505 burke Ave n

Seattle, Washington 98103

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**From:** Sue Eriksen <info@email.actionnetwork.org>  
**Sent:** Tuesday, August 18, 2020 6:56 AM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

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Thank you for protecting our urban forest.

Sue Eriksen

[sueeriksen@outlook.com](mailto:sueeriksen@outlook.com)

7103 34th Ave NW  
Seattle, Washington 98117

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**From:** [michael.yadrick@gmail.com](mailto:michael.yadrick@gmail.com) <[michael.yadrick@gmail.com](mailto:michael.yadrick@gmail.com)>  
**Sent:** Monday, August 17, 2020 10:21 PM  
**To:** SCI\_DRulesComments <[SCI\\_DRulesComments@seattle.gov](mailto:SCI_DRulesComments@seattle.gov)>  
**Cc:** Emery, Chanda <[Chanda.Emery@Seattle.gov](mailto:Chanda.Emery@Seattle.gov)>; TreesforSeattle <[TreesforSeattle@seattle.gov](mailto:TreesforSeattle@seattle.gov)>  
**Subject:** Tacoma Tree Foundation comments on SDCI Director's Rule 13-2020

**CAUTION: External Email**

Thank you for your efforts to strengthen Seattle tree code with Director's Rule 13-2020.

The Tacoma Tree Foundation focuses on educating, empowering, and supporting community greening efforts in the Greater Tacoma area, Pierce County, and the watersheds of the Puget Sound. Puget Sound's urban canopy has been steadily declining with rapid development, and the community desire for healthy urban forests is clear. Cities without big trees are more susceptible to the impacts of climate change, community culture is lost with exceptional tree removal, and the water of quality of our local waters and Puget Sound suffer without a healthy urban forest.

There are challenges for retaining, protecting and planting trees on private property in cities. While everyone benefits from trees, private ownership of trees and their unequal distribution in private spaces contributes to justice and equity issues in our communities. Rule 13-2020 helps define and provide guidance for exceptional trees and culturally relevant and significant trees. It also has incredible potential to define tree protection requirements for landowners, developers and community members alike.

Tacoma Tree Foundation

# Tacoma Tree Foundation

August 17, 2020

Nathan Torgelson, Director  
Seattle Department of Construction and Inspections  
700 5th Ave. Suite 2000  
P.O. Box 34019  
Seattle, WA

RE: Tacoma Tree Foundation comments on SDCI Director's Rule 13-2020

Dear Mr. Torgelson:

Thank you for your efforts to strengthen Seattle tree code with Director's Rule 13-2020.

The Tacoma Tree Foundation focuses on educating, empowering, and supporting community greening efforts in the Greater Tacoma area, Pierce County, and the watersheds of the Puget Sound. Puget Sound's urban canopy has been steadily declining with rapid development, and the community desire for healthy urban forests is clear. Cities without big trees are more susceptible to the impacts of climate change, community culture is lost with exceptional tree removal, and the water of quality of our local waters and Puget Sound suffer.

There are challenges for retaining, protecting and planting trees on private property in cities. While everyone benefits from trees, private ownership of trees and their unequal distribution in private spaces contributes to justice and equity issues in our communities. Rule 13-2020 helps define and provide guidance for exceptional trees and culturally relevant and significant trees. It also has incredible potential to define tree protection requirements for landowners, developers and community members alike.

We appreciate the inclusion of the following elements in the new Rule:

- Expanding the scope of the Director's Rule to include more protections and clarity
- Reducing the upper threshold on exceptional trees to 24 inches in Diameter at Standard Height (DSH) from 30 inches
- Designating certain trees 6 inches DSH and larger as Selected Specimen Trees, starting in the platting and short platting process
- Clarifying the definition of a significant tree to include Selected Specimen Trees, City Heritage Trees, trees in groves, and trees of 24 inches or greater
- Continuing tree grove protection even if a tree is removed from a grove
- Acknowledging that exceptional trees removed during development must be replaced
- Strengthening requirements for removal of exceptional trees identified as hazard trees to meet International Society of Arboriculture industry standards

Tacoma Tree Foundation | [tacomatreefoundation.org](http://tacomatreefoundation.org)

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- Reinforcing tree care provider registration with the City
- Developing a tree tracking worksheet for permit processes

The most substantial shortcomings of Rule 13-2020 are that it does address climate-readiness for current or projected higher temperatures in our urban areas. Additionally, it does not include actions to counteract racism and dismantle systemic bias in the City in support of Seattle's Equity and Environment Initiative. The Rule can be strengthened in the following ways:

#### SUBJECT TITLE

- Replace "land division" with "land division, demolition and construction activities." Significant trees may become exceptional as they grow over time. This element helps ensure protection beyond land division to include a range of land disturbance activities.

#### PURPOSE AND BACKGROUND

- Please accurately communicate the existing code's intent to maximize tree retention throughout the development process, not just during land division, and not just for Exceptional trees. Trees of varying ages must be protected to replace those that are lost to old age in order to maintain current and future canopy cover goals.
  - For example, SMC 23.22 requires applicants during the platting process to indicate the species and location of all trees greater than 6 inches in diameter on the site to maximize their retention. After platting, this no longer allows the City to protect the smaller "non-exceptional" trees.
- Add that all trees 6 inches DSH and larger must be indicated on all site plans throughout the platting and sub-platting process, and projects shall be designed to maximize the retention of existing trees. This requirement continues throughout any subsequent development projects on all lots in all zones in the City.
- Add "Significant trees may become exceptional as they grow in size. Projects shall be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages."
- Add "All replacement trees regardless of size are protected trees and shall not be removed."

#### SECTION 1: DEFINITIONS

- Add a definition for "Tree" using the International Society of Arboriculture's definition: "Tree" means a woody perennial usually having one dominant trunk and a mature height greater than 5 meters (16 feet). Some trees develop more than one stem or trunk. Desirable Trees do not include any species which appear on the King County Noxious Weeds or Weeds of Concern list.
- Amend "hazard tree" language in "Trees not considered exceptional...." Instead of "have defects or damage that now or in the foreseeable future will result in increased poor health condition and/or limited life expectancy" consider using proper Tree Risk Assessment language such as "permanent damage" and "continued declining health" or similar language codified by the International Society of Arboriculture.
- Modify the definition of tree groves to stands of six or more trees at least six inches in diameter. Include trees found in the Right of Way. Street trees are often planted and maintained by adjacent property owners or unidentified as street trees. While the last Seattle canopy cover assessment

defined groves as a “minimum of eight trees, each with a 12- inch minimum DBH and forming a contiguous canopy (excluding street trees)” for the purpose of that analysis, the Cities of Kirkland, Woodinville, and Duvall all define a tree grove as “a group of 3 or more significant trees with overlapping or touching crowns.”

- Remove the provision “Red alders, black cottonwoods and bitter cherries shall not be considered exceptional trees, regardless of the size measured at DSH, unless those tree species are part of a tree grove.” These native trees should be protected like other species. Sitka alder is also named in Table 1 as a Selected Specimen Exceptional Tree, which contradicts the statement excluding alder from consideration.

#### SECTION 2: EXCEPTIONAL TREE PROTECTION

- Change the heading to “TREE PROTECTION”. Remove references to “Exceptional Trees” only and change to “Trees”. e.g., change “Exceptional Tree Protection Areas” to “Tree Protection Areas”. Each of these protections listed apply to all trees six inches DSH and larger.
- Modify “All trees and groves shall be identified on both the SDCI Tree Tracker Worksheet and on the plans submitted to SDCI when applying for a permit.”

#### SECTION 3: EXCEPTIONAL TREE REMOVAL

- Require public notice postings on development site and online for removal of Exceptional trees even when hazardous, to ensure community members know when and where legal tree removal is occurring.

#### SECTION 4: REQUIRED MITIGATION FOR ALLOWED TREE REMOVAL

- Seattle is a city historically segregated by race. Formerly redlined communities have the lowest canopy cover and are most susceptible to urban heat. The current Rule does not center the critical issues of race, social justice and systemic racism. Removal of exceptional and significant trees or off-site replacement to already forested public land means neighborhoods lose the service and function of big trees where it is needed most. More should be done to protect exceptional and significant trees using the Race and Social Equity Index Lowest/Second Lowest Disadvantage Areas and Equity and Environment Initiative communities as a guide. If not explicitly called out in the Rule, then please consider a blanket provision to be employed at the Director’s discretion:
  - Add “The Director shall have the authority to allow replacement trees on both public and private property to meet the goals and objectives of race and social justice under Seattle’s Equity and Environment Initiative.”
- Amend “When on-site replacement ~~cannot be achieved, or~~ is not feasible as determined by the Director, preference for off-site replacement shall be on public property.” By removing the ambiguity in the provision, the Director will determine if on site replacement is not feasible.
- The provision for replacement seems weak and the process ill-defined in the Rule and SMC 25.11.090. We feel this is a huge escape clause to circumvent the protections against removal and even the on-site replacement.
  - For example, SDCI probes other Departments like Seattle Parks and Recreation for off-site replacement for development losses. This continues to create systemic inequities in the canopy and leaves neighborhoods susceptible to urban heat and other issues.



- Under SMC 25.11.090 the Director has the authority to require “one or more trees” to be planted as replacement trees for removed exceptional trees during development. The number of trees required should increase with the size of the tree removed, with a goal to achieve equivalent canopy area and volume in 25 years. Any in-lieu fee must also rise as the size of the removed tree increases.
- Install a timeframe for tree replacement to take place.
- All replacement trees, regardless of their size, are protected trees. Preference for replacement trees shall be selected from a City list of comparable native trees or trees that meet future climate criteria. Evergreen trees shall have preference over deciduous trees.
- When planted on development sites trees must be maintained by the property owner, or designee for the life of the project (to be consistent with Director’s Rule 11-2020: Landscaping Standards and Green Factor). To help ensure survival and proper establishment of replacement trees wherever they are planted, they shall be watered during the summer months for a minimum of 5 years. If replacement trees die or are removed, they must be replaced. This is consistent with other City climate and tree management policy and planning documents.
- Adapt Table 1: Size Thresholds for Selected Specimen Exceptional Trees. Some of the tree guides referenced are more focused on “natural areas” out of city limits where species specimens are generally larger – namely *Plants of the Pacific Northwest Coast*, 2016, by Jim Pojar, Andy MacKinnon and; *Champion Trees of Washington State* 1996 by Robert Van Pelt. One would be hard pressed to find certain species named at 8 - 12” DSH in the city, so we recommended lowering the threshold to 6”.

Exceptional Tree Species 6” DSH or greater up to 24” DSH	
CASCARA – <i>Rhamnus purshiana</i>	from 8” to 6”
MAPLE, Vine – <i>Acer circinatum</i>	from 8” to 6”
PINE, Shore – <i>Pinus contorta ‘contorta’</i>	from 12” to 6”
WILLOW (All native species) – <i>Salix</i> sp.	from 8” to 6”

- We name several OR and CA species that should be considered Exceptional based on their capacity for drought tolerance and adaptability in a changing climate. They also add diversity to, are common and thriving in Seattle’s urban ecosystem. Reference *Conifers of the Pacific Slope: California, Oregon, and Washington* by Michael Edward Kauffmann.

Exceptional Tree Species 6” DSH or greater up to 24” DSH	
INCENSE CEDAR - <i>Calocedrus decurrens</i>	6”
COAST REDWOOD – <i>Sequoia sempervirens</i>	6”
GIANT SEQUOIA - <i>Sequoiadendron giganteum</i>	6”

- The Director could consider adopting a climate-adapted framework for tree management such as the following reference in absence of a Puget Sound-based plan:
  - Needoba, Amelia & Porter, Edward & Lefrançois, Camille B. & Dobbs, Cynnaron & Allen, J. & Cox, Trevor & Coulthard, Mike. (2017). [Urban Forest Climate Adaptation Framework for Tree Species Selection, Planting and Management](#). Metro Vancouver.

SECTION 5: USE OF THIS RULE IN THE APPLICATION OF SEPA

- Insert the SEPA requirements as enumerated in SMC 25.05.675 N. These requirements are for protecting special habitats and should be considered at the beginning of the process. The policy language calls for the City to protect special habitats. The specific language should be included, as in

previous drafts of this Director's Rule, to leave no ambiguity and give protection to trees and vegetation that comprise special or unique habitat, including tree groves.

SECTION 6: TREE CARE PROVIDER ACKNOWLEDGMENT

- SDCI should adopt SDOT's registration process and requirements to assist Tree Care Providers in complying with city code and regulations. Reduce the number of citations that will remove a Tree Care Provider from being registered with the city to no more than 2 per year. Require annual registration same as Seattle business licenses require. Require that all projects either have a Certified Arborist on the work site or that they have visited the site and officially sign off on the specific work being done.

Please do not delay adopting the Director's Rule and continue to work with the community, Seattle's Urban Forestry Commission, and the City Urban Forestry Interdepartmental Team on strengthening Seattle code related to tree protection.

Thank you for the opportunity to comment. We appreciate your willingness to engage with a wide range of stakeholders to protect and maintain Seattle's trees.

Sincerely,



Board of Directors of Tacoma Tree Foundation

Jessica Stone | Michael Yadrick | Patrick West | Donna Thompson | Tim Olsen | Ricky Clousing

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**From:** Cassie Sundberg <info@email.actionnetwork.org>  
**Sent:** Tuesday, August 18, 2020 9:11 AM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

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Cassie Sundberg

[cassiesundbergtwo@gmail.com](mailto:cassiesundbergtwo@gmail.com)

6923 31st pl s

seattle, Washington 98108

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**From:** Julia Kerr <[info@email.actionnetwork.org](mailto:info@email.actionnetwork.org)>

**Sent:** Tuesday, August 18, 2020 9:15 AM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

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- SECTION 6. SDCI should adopt SDOT’s registration process and requirements to assist Tree Care Providers in complying with city code and regulations. Reduce the number of citations that will remove a Tree Care Provider from being registered with the city to no more than 2 per year. Require annual registration same as Seattle business licenses require. Require that Tree Care Provider companies have a WA State contractor’s license to ensure they have workers’ compensation. Require they have a certificate of insurance that lists the city as an additional insured so the city cannot be sued. Require that all jobs either have a

certified arborist on the work site or that they have visited the site and officially sign off on the specific work being done.

Thank you for protecting our urban forest.

Julia Kerr

[juliaferr@gmail.com](mailto:juliaferr@gmail.com)

11020 Dayton Ave N

Seattle, Washington 98133

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**From:** Samantha Kiely <info@email.actionnetwork.org>

**Sent:** Tuesday, August 18, 2020 10:05 AM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

Please adopt, with the amendments recommended by the Seattle Urban Forestry Commission, SDCI's Director's Rule 13-2020 (Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements).

Seattle must move forward now, without the delay urged by some, in adopting this updated Director's Rule with the amendments proposed below. This process of increasing protection for our urban forest was first proposed by the Seattle City Council 11 years ago and is long overdue.

The following updates as proposed in the draft Director's Rule are great steps forward:

- Reducing the upper threshold on exceptional trees to 24 inches in diameter at standard height (DSH) from 30 inches
- Designating trees 6 inches DSH and larger as protected trees, starting in the platting and

short platting process

- Requiring Tree Care Providers to register with the City as the Seattle Dept. of Transportation already requires
- Continuing protection of tree groves as exceptional trees, even if a tree is removed from the grove
- Making clear that all exceptional trees removed during development must be replaced per SMC 25.11.090
- Tightening tree removal requirements for exceptional trees as hazard trees

The following changes to the draft Director's Rule are needed:

- Change Subject Title to remove words "land division" and replace with "Development"
- PURPOSE AND BACKGROUND. add "SMC 23 requires that all trees 6 inches DSH and larger must be indicated on all site plans throughout the platting and sub-platting process, and that projects must be designed to maximize the retention of existing trees. This requirement continues throughout any subsequent development on all lots in all zones in the city."
- SECTION 1. Reduce the number of trees and sizes required to be a tree grove. Kirkland, Woodinville, and Duvall all define a tree grove as "a group of 3 or more significant trees with overlapping or touching crowns." Include street trees in groves.
- Add "Significant trees may become exceptional as they grow in size. They are future replacements in the urban forest for exceptional trees when they die. Development projects must be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages."
- Add "All replacement trees regardless of size are protected trees and can't be removed."
- SECTION 2. Change the heading to "TREE PROTECTION". Remove references to "Exceptional Trees" only and change to "Trees". e.g., change "Exceptional Tree Protection Areas" to "Tree Protection Areas".
- SECTION 4. Add "The Director shall have the authority to allow replacement trees on both public and private property to meet the goals and objectives of race and social justice under Seattle's Equity and Environment Initiative."
- Under SMC 25.11.090 the Director has the authority to require "one or more trees" to be planted as replacement trees for removed exceptional trees during development. The number of trees required should increase with the size of the tree removed, with a goal to achieve



equivalent canopy area and volume in 25 years. Any in-lieu fee must also rise as the size of the removed tree increases. The city can not wait 80 years to replace an 80-year-old western red cedar tree and expect to maintain its canopy goals as large exceptional trees are removed during development.

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Thank you for protecting our urban forest.

Samantha Kiely

[samanthakiely@gmail.com](mailto:samanthakiely@gmail.com)

1816 27th Ave, Unit A

Seattle, Washington 98122

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**From:** Akalaitis.net <judy@akalaitis.net>

**Sent:** Tuesday, August 18, 2020 1:10 PM

**To:** PRC <PRC@seattle.gov>; Pedersen, Alex <Alex.Pedersen@seattle.gov>; DOT\_LA <DOT\_LA@seattle.gov>; Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Ten more trees at risk or gone at 12315 14TH AVE NE

**CAUTION: External Email**

Dear PRC,

Please take action to cease this type of permitting that David describes and the loss of more trees. A developer pushing through a loophole to make more revenue that result in market-rate homes will not help the people who really need housing.

As a parent of small children, I find it shameful that developers can get permitting pushed through so that they can make a profit and our city loses more trees.

Respectfully,  
Judy Akalaitis  
206-370-4176

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**From:** Judy Akalaitis <judy@akalaitis.net>  
**Sent:** Tuesday, August 18, 2020 1:37 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

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grove

- Making clear that all exceptional trees removed during development must be replaced per SMC 25.11.090

- Tightening tree removal requirements for exceptional trees as hazard trees

The following changes to the draft Director's Rule are needed:

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- PURPOSE AND BACKGROUND. add "SMC 23 requires that all trees 6 inches DSH and larger must be indicated on all site plans throughout the platting and sub-platting process, and that projects must be designed to maximize the retention of existing trees. This requirement continues throughout any subsequent development on all lots in all zones in the city."

- SECTION 1. Reduce the number of trees and sizes required to be a tree grove. Kirkland, Woodinville, and Duvall all define a tree grove as "a group of 3 or more significant trees with overlapping or touching crowns." Include street trees in groves.

- Add "Significant trees may become exceptional as they grow in size. They are future replacements in the urban forest for exceptional trees when they die. Development projects must be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages."

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- SECTION 2. Change the heading to "TREE PROTECTION". Remove references to "Exceptional Trees" only and change to "Trees". e.g., change "Exceptional Tree Protection Areas" to "Tree Protection Areas".

- SECTION 4. Add "The Director shall have the authority to allow replacement trees on both public and private property to meet the goals and objectives of race and social justice under Seattle's Equity and Environment Initiative."

- Under SMC 25.11.090 the Director has the authority to require "one or more trees" to be planted as replacement trees for removed exceptional trees during development. The number of trees required should increase with the size of the tree removed, with a goal to achieve equivalent canopy area and volume in 25 years. Any in-lieu fee must also rise as the size of the removed tree increases. The city can not wait 80 years to replace an 80-year-old western red cedar tree and expect to maintain its canopy goals as large exceptional trees are removed during development.

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Thank you for protecting our urban forest.

Judy Akalaitis

[judy@akalaitis.net](mailto:judy@akalaitis.net)

3116 NE 84th Street

Seattle, Washington 98115

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**From:** Sarah Lippek <info@email.actionnetwork.org>

**Sent:** Tuesday, August 18, 2020 3:02 PM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

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must be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages.”

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Thank you for protecting our urban forest.

Sarah Lippek  
[slippekg@gmail.com](mailto:slippekg@gmail.com)  
5610 2nd Ave S  
Seattle, Washington 98108

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**From:** Tracy Angulo <info@email.actionnetwork.org>  
**Sent:** Tuesday, August 18, 2020 3:29 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Save our Trees!

**CAUTION: External Email**

Sandra Pinto de Bader,

Seattle's trees and urban forest are vital to keeping our city healthy and livable. Trees and the urban forest comprise a vital green infrastructure. Trees reduce air pollution, storm water runoff and climate impacts like heat island effects, while providing essential habitat for birds and other wildlife. They are important for the physical and mental health of our residents.

Seattle's rapid growth and an outdated tree ordinance are reducing these beneficial effects as trees are removed and not replaced. It is urgent to act now to stop this continued loss of trees, particularly large mature trees and tree groves. It is important to promote environmental equity as trees are replaced.

Please update Seattle's Tree Protection Ordinance as recommended in the latest draft by the Seattle Urban Forestry Commission.

Here are the key provisions that need to be in the updated tree ordinance:

1. Expand the existing Tree Removal and Replacement Permit Program, including 2-week public notice and posting on-site, as used by the Seattle Department of Transportation (SDOT) – to cover all Significant Trees (6" and larger diameter at breast height (DBH)) on private property in all land use zones, both during development and outside development.

2. Require the replacement of all Significant trees removed with trees that in 25 years will reach equivalent canopy volume – either on site or pay a replacement fee into a City Tree Replacement and Preservation Fund. Allow the Fund to also accept fines, donations, grants and set up easements.
3. Retain current protections for Exceptional Trees and reduce the upper threshold for Exceptional Trees to 24” DBH, protect tree groves and prohibit Significant Trees being removed on undeveloped lots.
4. Allow removal of no more than 2 Significant non-Exceptional Trees in 3 years per lot outside development
5. Establish one citywide database for applying for Tree Removal and Replacement Permits and to track changes in the tree canopy.
6. Post online all permit requests and permit approvals for public viewing.
7. Expand SDOT’s existing tree service provider’s registration and certification to register all Tree Service Providers (arborists) working on trees in Seattle.
8. Provide adequate funding in the budget to implement and enforce the updated ordinance.

Tracy Angulo

[tanguloo@yahoo.com](mailto:tanguloo@yahoo.com)

901 NW 92nd St.

Seattle, Washington 98117

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**From:** Albin Morneault <info@email.actionnetwork.org>  
**Sent:** Tuesday, August 18, 2020 3:33 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI’s Director’s Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,



Please adopt, with the amendments recommended by the Seattle Urban Forestry Commission, SDCI's Director's Rule 13-2020 (Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements).

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The following changes to the draft Director's Rule are needed:

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Thank you for protecting our urban forest.

Albin Morneault  
[albinj2@hotmail.com](mailto:albinj2@hotmail.com)  
10710 Alton Ave NE  
Seattle, Washington 98125

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**From:** Lee Swedin <info@email.actionnetwork.org>  
**Sent:** Tuesday, August 18, 2020 5:43 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

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Thank you for protecting our urban forest.

Lee Swedin

[lswedin@gmail.com](mailto:lswedin@gmail.com)

4731 46th ave ne

Seattle, Washington 98105

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**From:** constance.mcbarron@gmail.com <info@email.actionnetwork.org>

**Sent:** Wednesday, August 19, 2020 8:43 PM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

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Thank you for protecting our urban forest.

[constance.mcbarron@gmail.com](mailto:constance.mcbarron@gmail.com)

7738 25th Ave nw

Seattle, Washington 98117

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**From:** Gretchen Harmon <info@email.actionnetwork.org>

**Sent:** Wednesday, August 19, 2020 9:50 PM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

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- Designating trees 6 inches DSH and larger as protected trees, starting in the platting and short platting process
- Requiring Tree Care Providers to register with the City as the Seattle Dept. of Transportation already requires
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SMC 25.11.090

- Tightening tree removal requirements for exceptional trees as hazard trees

The following changes to the draft Director's Rule are needed:

- Change Subject Title to remove words "land division" and replace with "Development"
- PURPOSE AND BACKGROUND. add "SMC 23 requires that all trees 6 inches DSH and larger must be indicated on all site plans throughout the platting and sub-platting process, and that projects must be designed to maximize the retention of existing trees. This requirement continues throughout any subsequent development on all lots in all zones in the city."
- SECTION 1. Reduce the number of trees and sizes required to be a tree grove. Kirkland, Woodinville, and Duvall all define a tree grove as "a group of 3 or more significant trees with overlapping or touching crowns." Include street trees in groves.
- Add "Significant trees may become exceptional as they grow in size. They are future replacements in the urban forest for exceptional trees when they die. Development projects must be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages."
- Add "All replacement trees regardless of size are protected trees and can't be removed."
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- Under SMC 25.11.090 the Director has the authority to require "one or more trees" to be planted as replacement trees for removed exceptional trees during development. The number of trees required should increase with the size of the tree removed, with a goal to achieve equivalent canopy area and volume in 25 years. Any in-lieu fee must also rise as the size of the removed tree increases. The city can not wait 80 years to replace an 80-year-old western red cedar tree and expect to maintain its canopy goals as large exceptional trees are removed during development.
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SEPA code section should be included in the Director's Rule to be certain that the code is complied with.

- SECTION 6. SDCI should adopt SDOT's registration process and requirements to assist Tree Care Providers in complying with city code and regulations. Reduce the number of citations that will remove a Tree Care Provider from being registered with the city to no more than 2 per year. Require annual registration same as Seattle business licenses require. Require that Tree Care Provider companies have a WA State contractor's license to ensure they have workers' compensation. Require they have a certificate of insurance that lists the city as an additional insured so the city cannot be sued. Require that all jobs either have a certified arborist on the work site or that they have visited the site and officially sign off on the specific work being done.

Thank you for protecting our urban forest.

Gretchen Harmon

[gretchen.harmon@gmail.com](mailto:gretchen.harmon@gmail.com)

1495 Shelton

Walla Walla, Washington 99362

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**From:** Jennifer Godfrey <info@email.actionnetwork.org>

**Sent:** Thursday, August 20, 2020 7:55 PM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

Please adopt, with the amendments recommended by the Seattle Urban Forestry Commission, SDCI's Director's Rule 13-2020 (Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree

service provider requirements).

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Thank you for protecting our urban forest.

Jennifer Godfrey

[plantkingdom1@gmail.com](mailto:plantkingdom1@gmail.com)

1900 W NICKERSON ST, STE 116 PMB 206  
Seattle, Washington 98119

---

**From:** Madeleine Sosin <info@email.actionnetwork.org>  
**Sent:** Thursday, August 20, 2020 9:33 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

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Thank you for protecting our urban forest.

Madeleine Sosin

[madeleinesosin@hotmail.com](mailto:madeleinesosin@hotmail.com)

6728 40th Ave SW

Seattle, Washington 98136

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**From:** Amarie Darvai <info@email.actionnetwork.org>  
**Sent:** Friday, August 21, 2020 6:56 AM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

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Thank you for protecting our urban forest.

Amarie Darvai

[PurrKuhMeow@gmail.com](mailto:PurrKuhMeow@gmail.com)

3219 Southwest Roxbury Street

Seattle, Washington 98126

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**From:** Stuart Niven <panorarbor@gmail.com>

**Sent:** Friday, August 21, 2020 1:48 PM

**To:** Rasmussen, Betty <Betty.Rasmussen@seattle.gov>

**Cc:** Torgelson, Nathan <Nathan.Torgelson@seattle.gov>; Lumsden, Faith <Faith.Lumsden@seattle.gov>; Khokhar, Jatinder <Jatinder.Khokhar@seattle.gov>; Emery, Chanda <Chanda.Emery@Seattle.gov>; Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>; Pederson, Art <Art.Pederson@seattle.gov>; McGarry, Deborah <Deborah.McGarry@seattle.gov>; LEG\_CouncilMembers <council@seattle.gov>; Durkan, Jenny <Jenny.Durkan@seattle.gov>

**Subject:** Re: 6851 40th AVE NE and 6850 39th AVE NE

**CAUTION: External Email**

Thank you Betty for your detailed response. I did not want to respond before I had been able to revisit the site and to check on the current situation regarding the tree protection of the neighbour's exceptional deodar cedar tree as well as to look for the Western red cedar being retained. I was able to do this yesterday morning and by chance I was able to meet the property owner who is developing the property, which was very interesting and informative on several levels.

Firstly, I was happy to see the orange tree protection fence in place around the majority of the critical root zone of the 'exceptional' cedar tree. However, this was not fully protecting the root system as a considerable portion of this area already has foundations for the new house. This part is shocking as from my perspective the position of the foundation is most likely within the 'inner root zone' which according to SMC 25.11.050 cannot, under any circumstances be disturbed. This situation highlights a considerable problem within both the wording of the current tree 'protection' code, as well as the enforcement of it.

The property owner acknowledged that he was doing what he was permitted to do and understood that while I was claiming the position is a violation of the current code, if SDCI signed off on the location and permitted the project as proposed, then he was not doing anything wrong. I agreed with him as it is not fully his responsibility to understand the City code as it relates to trees and tree protection, as a certain degree of responsibility must lie with the site inspector, plan reviewer (sorry if these are the wrong descriptions of who looks at plans for proposed developments, the person who visits the property to look at things before, during and after construction, but hopefully you understand what I mean and I hope one day I can understand the exact process within SDCI of how properties are bought then developed, in terms of who exactly is part of the process as I still remain confused about who is involved and when) and arborist (both for the City and the independent one hired by the developer) when it comes to the allowed positioning of buildings as they relate to trees and their root zones that are meant to be protected. Given the excavation and preparation work that would have been required to lay the foundations where they are in relation to the tree, there is no physical way that heavy equipment and workers were not impacting the root system that is meant to be protected. Even if the foundations are exactly at the limit of the inner root zone, there would be some disturbance of this area towards the tree, as work has to go beyond the edges of foundations to be able to lay them.

Tree protection is not optional yet this is the 3rd site I have seen with non-existent tree protection which has required complaining to SDCI to result in fencing being erected. The worst situation I have seen recently is in Queen Anne where a small excavator was literally parked within a foot of the base of one exceptional Western red cedar and by the other tree of almost the same size on the same site, equipment was leaning against the tree and neither tree had any fencing erected or visible. I complained about this with numerous other concerned residents of the neighbourhood and following an inspection by SDCI, no violations or citations were filled as the contractor moved the offending items and equipment then installed the fences. This is ridiculous as the point of tree protection is that it is permanent and must exist from before any work starts until all work has been completed with no exceptions. It literally only takes one action to compromise the tree roots which could lead to either tree death or tree failure or both. If these cedar trees die, it will be the fault of both SDCI and the developer for inadequate enforcement of the tree protection code. The same will be true of the neighbouring cedar in this current discussion as obviously the tree protection was not in place until I complained about it and even yesterday, they only put up the fencing around the red cedar being retained because I was on site and invited to look more closely by the property owner, be even he claimed they have been doing their best to keep it up but have been moving it or taking it down for practical reasons during different aspects of their work.

SDCI may claim they care about trees but I am not seeing much that validates this. Saying something does not make it true, despite this becoming a trend in our current political 'leadership'. There have been internal audits that clearly highlight problems within SDCI that are leading to the loss of healthy trees; the Urban Forestry Commission has been pushing for a revised and updated tree protection ordinance for over 10 years; members of the public and experienced and knowledgeable environmental and tree experts have also been pushing for improved tree protection yet SDCI does not change any of its codes and cannot even manage to adequately enforce the already weak code, leading to immediate losses and eventual losses through decline and failures following poor or non-existent tree protection such as the one being discussed.

Developers follow codes (most anyway) and factor these into their planning and the costs of their work. SDCI could easily change codes to protect many many more trees and in the process, developers will follow them so that we can all benefit from a healthy urban canopy and thus a healthier population of people in the City. Trees are life and help in more ways than most people realise. Allowing the removal of healthy trees and not adequately protecting those we have as well as not encouraging and even forcing the planting of more trees all over the City is very shortsighted and we are feeling the effects which will only increase. The very recent UW and PNW-ISA Symposium on Climate Change clearly explained how globally we are in a very difficult era due to human (in)activity and so when this knowledge is out there to be digested and shared, it is bizarre to me that municipalities like the City of Seattle continues to operate in the dark ages, pushing development and allowing development to rule all and in the process increase the problem of drought, heat, excessive stormwater runoff, increased pollution in both air and water etc etc.

Please stop claiming you care about trees and actually do something proactive that will make a difference. The recent push for the new DR for Exceptional Trees is such a waste of time as it means nothing if the rest of the code is the same. Dishonest arborists will still find healthy trees 'hazardous' and the staff at SDCI will rubber stamp the removals, so regardless of size thresholds, the same volume of trees will be removed.

The situation is complicated but only if you make it so. The simple answer to helping our City is protect the trees we have, plant more trees and create codes that force developers to work with trees and leave them on the site to act as future proofing for these properties. There are also so many additional building code related changes that could be made to help trees and the environment such as all new buildings must have to have grey water tanks and rain water collection that can be used to irrigate gardens. The developer I spoke to told me new buildings have to have 'bioboxes' to act as drainage on site to reduce storm water going into the drain but in the process more of the site needs to be dug up for this, which could and likely does lead to tree removal. Given trees are the best natural way to help rain water filter, it is painfully ironic that trees are being removed to build artificial filtration systems.

Please stop patting yourself on the back and claiming things are great, when clearly they are not and let us all work together to make Seattle a City we can all be proud of and one other cities around the world look to for inspiration when designing and managing their own 'growth'.

Thank you and kind regards,

Stuart Niven, BA (Hons)

*PanorArborist*

[ISA Certified Arborist PN-7245A & Tree Risk Assessment Qualification \(TRAQ\)](#)

[Arborist on Seattle Audubon Society Conservation Committee](#)

[Arborist on Seattle's Urban Forestry Commission](#)

[Board Member of TreePAC](#)

Company Website [www.panorarbor.com](http://www.panorarbor.com) Tel/Text: 206 501 9659

[WA Lic# PANORL\\*852P1](#) (Click to link to WA L&I's Verify a Contractor Page)

On Fri, Aug 14, 2020 at 12:41 PM Rasmussen, Betty <[Betty.Rasmussen@seattle.gov](mailto:Betty.Rasmussen@seattle.gov)> wrote:

Dear Mr. Niven,

Thank you for bringing your concerns regarding the development of 6851 40<sup>th</sup> AVE NE and 6850 39<sup>th</sup> AVE NE to our attention. I assure you that SDCI is also passionate about tree protection in Seattle. We are committed to finding balance between tree preservation while allowing for the development of private property.

Tree protection has been installed for the Exceptional Deodar tree located on the adjacent property to the new development at 6851 40<sup>th</sup> AVE NE. The developer recognizes that this is an exceptional tree and is committed to protecting it. The consulting arborist is Doug Smith from Seattle Tree. The developer has also decided to retain a tree previously marked for removal, a Western Red Cedar, #10 in the arborist report.

SDCI will continue our efforts to implement and enforce the Tree Protection Code in Seattle. I have recently highlighted some of the challenges my colleagues and I face in tree protection enforcement to our code compliance leadership team. We are now renewing a focus on working with Inspection Services and our permit review divisions to emphasize tree protection requirements.

Thank you again for your interest.

Sincerely,



Betty Rasmussen  
Inspection Support Analyst

[Seattle Department of Construction and Inspections](#)  
O: 206-684-5839 | [betty.rasmussen@seattle.gov](mailto:betty.rasmussen@seattle.gov)

[Facebook](#) | [Twitter](#) | [Blog](#)

*Helping people build a safe, livable, and inclusive Seattle.*

*SDCI is working with our partners at [Public Health – Seattle & King County](#), [Washington State Department of Health](#), and the [Centers for Disease Control and Prevention](#) to help limit the spread of*

COVID-19 while doing our best to continue providing services to our customers. Visit the [SDCI website](#) and read our [Building Connections blog](#) for service change updates.

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**From:** Barbara Bernard <info@email.actionnetwork.org>  
**Sent:** Friday, August 21, 2020 8:11 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

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Thank you for protecting our urban forest.

Barbara Bernard

[barbara\\_bernard@yahoo.com](mailto:barbara_bernard@yahoo.com)

3010A 31st ave w

Seattle, Washington 98199

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**From:** Mary Migeon <info@email.actionnetwork.org>  
**Sent:** Friday, August 21, 2020 10:05 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

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- Making clear that all exceptional trees removed during development must be replaced per SMC 25.11.090
- Tightening tree removal requirements for exceptional trees as hazard trees

The following changes to the draft Director's Rule are needed:

- Change Subject Title to remove words "land division" and replace with "Development"
- PURPOSE AND BACKGROUND. add "SMC 23 requires that all trees 6 inches DSH and larger must be indicated on all site plans throughout the platting and sub-platting process, and that projects must be designed to maximize the retention of existing trees. This requirement continues throughout any subsequent development on all lots in all zones in the city."
- SECTION 1. Reduce the number of trees and sizes required to be a tree grove. Kirkland, Woodinville, and Duvall all define a tree grove as "a group of 3 or more significant trees with overlapping or touching crowns." Include street trees in groves.
- Add "Significant trees may become exceptional as they grow in size. They are future replacements in the urban forest for exceptional trees when they die. Development projects must be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages."
- Add "All replacement trees regardless of size are protected trees and can't be removed."
- SECTION 2. Change the heading to "TREE PROTECTION". Remove references to "Exceptional Trees" only and change to "Trees". e.g., change "Exceptional Tree Protection Areas" to "Tree Protection Areas".

- SECTION 4. Add “The Director shall have the authority to allow replacement trees on both public and private property to meet the goals and objectives of race and social justice under Seattle’s Equity and Environment Initiative.”
- Under SMC 25.11.090 the Director has the authority to require “one or more trees” to be planted as replacement trees for removed exceptional trees during development. The number of trees required should increase with the size of the tree removed, with a goal to achieve equivalent canopy area and volume in 25 years. Any in-lieu fee must also rise as the size of the removed tree increases. The city can not wait 80 years to replace an 80-year-old western red cedar tree and expect to maintain its canopy goals as large exceptional trees are removed during development.
- SECTION 5. SEPA requirements under SMC 25.05.675 N are for protecting special habitats and need to be considered at the beginning of the development process. The language of this SEPA code section should be included in the Director’s Rule to be certain that the code is complied with.
- SECTION 6. SDCI should adopt SDOT’s registration process and requirements to assist Tree Care Providers in complying with city code and regulations. Reduce the number of citations that will remove a Tree Care Provider from being registered with the city to no more than 2 per year. Require annual registration same as Seattle business licenses require. Require that Tree Care Provider companies have a WA State contractor’s license to ensure they have workers’ compensation. Require they have a certificate of insurance that lists the city as an additional insured so the city cannot be sued. Require that all jobs either have a certified arborist on the work site or that they have visited the site and officially sign off on the specific work being done.

Thank you for protecting our urban forest.

Mary Migeon

[mmigeon@gmail.com](mailto:mmigeon@gmail.com)

8801 Golden Gardens Drive NW

Seattle, Washington 98117

**From:** Al Vetrovs <avetrovs@gmail.com>  
**Sent:** Sunday, August 23, 2020 3:41 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Significant Trees 308 N 90th st. Subject to removal SDCI Project # 3036314-EG

**CAUTION: External Email**

Sandra,

I understand you are part of an interdepartmental team overseeing the urban forest issues for the City of Seattle. We live at 9007 Phinney Ave. N and are in the process of commenting on a proposed development (6 story apartment building almost the entire lot with impermeable surface) at 308 N 90th St., directly west of our home. I'd like you to be aware of this situation since we've seen too many significant trees go down in this Piper's Creek watershed area. Currently there is SFR on the proposed project lot and several trees. The trees we are most concerned about losing are the Cedar and Douglas Fir trees (please refer to the attached arborist report submitted by the developer. The specific trees of concern are #1,#8 and #9. We disagree that the Doug Firs are in "poor" shape and should be preserved. The Cedar is certainly a landmark tree for this location and should also be preserved. Several bird species we routinely observe use these trees as part of their habitat. Crows on their daily migration often land in these trees, we've seen Barred owls, Cooper's Hawks, Hummingbirds, Robins and numerous other bird and mammal species using this resource. These significant trees are on the slope which is part of the designated Piper's Creek Watershed and should be preserved. The other trees mentioned in the report are located mostly in the undeveloped ROW (alley) and provide slope stability, with their root systems and canopies, to the steep bank to the eastern side of the lot. They should also be left alone.

Please let us know your thoughts on this matter and if there is anything further we can do to prevent the loss of these resources.

Sincerely,

Al Vetrovs  
[avetrovs@gmail.com](mailto:avetrovs@gmail.com)

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**From:** David Powell <info@email.actionnetwork.org>  
**Sent:** Monday, August 24, 2020 2:32 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** From a concerned citizen - please adopt SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

Hello City of Seattle Parks.

I've been a citizen of this city for 35 years now, I feel that greater emphasis must be placed on protecting and growing our urban forest. A strong, healthy urban forest makes our city that much greater. Thank you for listening!

Towards this end, please adopt, with the amendments recommended by the Seattle Urban Forestry Commission, SDCI's Director's Rule 13-2020 (Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements).

Seattle must move forward now, without the delay urged by some, in adopting this updated Director's Rule with the amendments proposed below. This process of increasing protection for our urban forest was first proposed by the Seattle City Council 11 years ago and is long overdue.

The following updates as proposed in the draft Director's Rule are great steps forward:

- Reducing the upper threshold on exceptional trees to 24 inches in diameter at standard height (DSH) from 30 inches
- Designating trees 6 inches DSH and larger as protected trees, starting in the platting and short platting process
- Requiring Tree Care Providers to register with the City as the Seattle Dept. of Transportation already requires
- Continuing protection of tree groves as exceptional trees, even if a tree is removed from the grove
- Making clear that all exceptional trees removed during development must be replaced per SMC 25.11.090
- Tightening tree removal requirements for exceptional trees as hazard trees

The following changes to the draft Director's Rule are needed:

- Change Subject Title to remove words "land division" and replace with "Development"
- PURPOSE AND BACKGROUND. add "SMC 23 requires that all trees 6 inches DSH and larger must be indicated on all site plans throughout the platting and sub-platting process, and that projects must be designed to maximize the retention of existing trees. This

requirement continues throughout any subsequent development on all lots in all zones in the city.”

- SECTION 1. Reduce the number of trees and sizes required to be a tree grove. Kirkland, Woodinville, and Duvall all define a tree grove as “a group of 3 or more significant trees with overlapping or touching crowns.” Include street trees in groves.
- Add “Significant trees may become exceptional as they grow in size. They are future replacements in the urban forest for exceptional trees when they die. Development projects must be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages.”
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they have workers' compensation. Require they have a certificate of insurance that lists the city as an additional insured so the city cannot be sued. Require that all jobs either have a certified arborist on the work site or that they have visited the site and officially sign off on the specific work being done.

Thank you for protecting our urban forest.

David Powell

[davidpowell123@yahoo.com](mailto:davidpowell123@yahoo.com)

5815 Ann Arbor Ave NE

Seattle, Washington 98105

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**From:** Jennifer Godfrey <info@email.actionnetwork.org>

**Sent:** Thursday, August 20, 2020 7:55 PM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

Please adopt, with the amendments recommended by the Seattle Urban Forestry Commission, SDCI's Director's Rule 13-2020 (Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements).

Seattle must move forward now, without the delay urged by some, in adopting this updated Director's Rule with the amendments proposed below. This process of increasing protection for our urban forest was first proposed by the Seattle City Council 11 years ago and is long overdue.

The following updates as proposed in the draft Director's Rule are great steps forward:

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height (DSH) from 30 inches

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planted as replacement trees for removed exceptional trees during development. The number of trees required should increase with the size of the tree removed, with a goal to achieve equivalent canopy area and volume in 25 years. Any in-lieu fee must also rise as the size of the removed tree increases. The city can not wait 80 years to replace an 80-year-old western red cedar tree and expect to maintain its canopy goals as large exceptional trees are removed during development.

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Thank you for protecting our urban forest.

Jennifer Godfrey

[plantkingdom1@gmail.com](mailto:plantkingdom1@gmail.com)

1900 W NICKERSON ST, STE 116 PMB 206

Seattle, Washington 98119

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**From:** Marian Wineman <mwineman@comcast.net>

**Sent:** Tuesday, August 25, 2020 11:43 AM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**



Sandra Pinto de Bader,

I strongly urge you to adopt, with the amendments recommended by the Seattle Urban Forestry Commission, SDCI's Director's Rule 13-2020 (Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements).

Trees are critical for shade, reducing heat and allowing us to all breathe clean air! Now more than ever, we need as many trees as possible, the bigger, the better. Seattle must move forward now, without the delay urged by some, in adopting this updated Director's Rule with the amendments proposed below. This process of increasing protection for our urban forest was first proposed by the Seattle City Council 11 years ago and is long overdue.

The following updates as proposed in the draft Director's Rule are great steps forward:

- Reducing the upper threshold on exceptional trees to 24 inches in diameter at standard height (DSH) from 30 inches
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We've lost too many iconic and important trees! Thank you for protecting our urban forest.

Marian Wineman

[mwineman@comcast.net](mailto:mwineman@comcast.net)

3611 45th Ave W

Seattle, Washington 98199

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**From:** Livia Jackson <info@email.actionnetwork.org>  
**Sent:** Wednesday, August 26, 2020 4:43 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please Update Seattle's Tree Ordinance

**CAUTION: External Email**

Sandra Pinto de Bader,

I want to speak up for the incredible trees we have here in our city, and how sad I feel at the loss of more than half of our protective canopy in the last 20 years. With the further degradation of our climate, this will be a tragedy to lose even more of these mature conifers.

Just in my neighborhood I've seen the loss of huge, incredible trees for developers making room and a few to diseases perhaps brought on by drought stress. In one instance a wonderful group of trees was cut down by an unscrupulous company at odd hours. It felt truly awful to see these trees removed that would surely have been treasured and protected in other cities with sane ordinances, and with procedures in place to have been able to stop them when reported.

I urge you to protect what we have left with all speed possible and to set these requirements with strong enforcements. We shall not see the likes of these giant trees again, as the historic conditions of their growth are fast disappearing with the climate crisis.-----

Seattle's trees and urban forest are vital to keeping our city healthy and livable. Trees and the urban forest comprise a vital green infrastructure. Trees reduce air pollution, storm water runoff and climate impacts like heat island effects, while providing essential habitat for birds and other wildlife. They are important for the physical and mental health of our residents.

Seattle's rapid growth and an outdated tree ordinance are reducing these beneficial effects as trees are removed and not replaced. It is urgent to act now to stop this continued loss of trees, particularly large mature trees and tree groves. It is important to promote environmental equity as trees are replaced.

Please update Seattle's Tree Protection Ordinance as recommended in the latest draft by the Seattle Urban Forestry Commission.

Here are the key provisions that need to be in the updated tree ordinance:

1. Expand the existing Tree Removal and Replacement Permit Program, including 2-week public notice and posting on-site, as used by the Seattle Department of Transportation (SDOT) – to cover all Significant Trees (6" and larger diameter at breast height (DBH)) on private property in all land use zones, both during development and outside development.
2. Require the replacement of all Significant Trees removed with trees that in 25 years will reach equivalent canopy volume – either on site or pay a replacement fee into a City Tree Replacement and Preservation Fund. Allow the Fund to also accept fines, donations, grants and set up easements.
3. Retain current protections for Exceptional Trees and reduce the upper threshold for Exceptional Trees to 24" DBH, protect tree groves and prohibit Significant Trees being removed on undeveloped lots.
4. Allow removal of no more than 2 Significant non-Exceptional Trees in 3 years per lot outside development
5. Establish one citywide database for applying for Tree Removal and Replacement Permits and to track changes in the tree canopy.
6. Post online all permit requests and permit approvals for public viewing.
7. Expand SDOT's existing tree service provider's registration and certification to register all Tree Service Providers (arborists) working on trees in Seattle.
8. Provide adequate funding in the budget to implement and enforce the updated ordinance.

Livia Jackson

[lijac@mac.com](mailto:lijac@mac.com)

4305 NE 60th st.

Seattle, Washington 98115

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**From:** David Moehring <dmoehring@consultant.com>

**Sent:** Wednesday, August 26, 2020 10:19 PM

**To:** PRC <PRC@seattle.gov>; McGarry, Deborah <Deborah.McGarry@seattle.gov>

**Cc:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>; seattle-tree-ordinance-working-grouplists riseup. net <seattle-tree-ordinance-working-group@lists.riseup.net>; Strauss, Dan <Dan.Strauss@seattle.gov>; Pedersen, Alex <Alex.Pedersen@seattle.gov>; An, Noah <Noah.An@seattle.gov>; Thaler, Toby <Toby.Thaler@seattle.gov>

**Subject:** Kudos Deborah McGarry, Seattle Arborist on project at 11340, 11342, 11344, 11346, 11348 23RD AVE NE 3028516-LU et al.

**CAUTION: External Email**

Thank you to Seattle **Arborist Deborah McGarry** for continue to enforce the Seattle Tree Ordinances and Directors Rule on many projects, including notably at **11340 to 11348 23RD AVE NE** (recent comment below) from SDCI project 3028516-LU / 3026308-LU / et al.

David Moehring

TreePAC Board Member

[dmoehring@consultant.com](mailto:dmoehring@consultant.com)

*If only these 49 trees on this site could sing in a pitch recognized by the human ear...*

TREE INVENTORY SEPTEMBER 2017  
 BY: Zsafia Pasztor 425-210-5541  
 zs.pasztor2011@gmail.com

Tree#	Size "	Scientific name	Common name	Tree#	Size "	Scientific name	Common name
1	7	Magnolia liliflora	Saucer Magnolia	26	26	Thuja plicata	Western Red Cedar
2	6	Magnolia liliflora	Saucer Magnolia	27	28	Thuja plicata	Western Red Cedar
3	13.6	Cercidiphyllum japonicum	Katsura	28	10	Prunus laurocerasus	English Laurel
4	44.7	Cedrus deodara	Deodar Cedrus	29	12	Malus sp.	Apple
5	15	Pseudotsuga menziesii	Douglas Fir	30	17	Prunus laurocerasus	English Laurel
6	21	Pseudotsuga menziesii	Douglas Fir	31	28	Pseudotsuga menziesii	Douglas Fir
7	28	Thuja plicata	Western Red Cedar	32	29	Pinus monticola	Western White Pine
8	28	Pseudotsuga menziesii	Douglas Fir	33	10.5	Alnus oregona	Red Alder
9	40	Pseudotsuga menziesii	Douglas Fir	34	14	Alnus oregona	Red Alder
10	11	Thuja plicata	Western Red Cedar	35	21	Pseudotsuga menziesii	Douglas Fir
11	14	Calocedrus decurrens	Incense Cedar	36	42	Thuja plicata	Western Red Cedar
12	24	Thuja plicata	Western Red Cedar	37	26	Thuja plicata	Western Red Cedar
13	36	Thuja plicata	Western Red Cedar	38	27	Thuja plicata	Western Red Cedar
14	26	Pinus monticola	Western White Pine	39	24	Pseudotsuga menziesii	Douglas Fir
15	21	Chamaecyparis lawsoniana	Lawson Cypress	40	24	Tsuga heterophylla	Western Hemlock
16	71	Thuja plicata	Western Red Cedar	41	28	Thuja plicata	Western Red Cedar
17	31	Pinus monticola	Western White Pine	42	24	Pseudotsuga menziesii	Douglas Fir
18	33	Thuja plicata	Western Red Cedar	43	28	Pseudotsuga menziesii	Douglas Fir
19	10	Cornus kousa	Kousa Dogwood	44	28	Pseudotsuga menziesii	Douglas Fir
20	26	Pseudotsuga menziesii	Douglas Fir	45	30	Pseudotsuga menziesii	Douglas Fir
21	26	Thuja plicata	Western Red Cedar	46	10	Ilex aquifolium	English Holly
22	8	Cornus kousa	Kousa Dogwood	47	14	Ficus sp.	Fig
23	19	Thuja plicata	Western Red Cedar	48	8	Acer macrophyllum	Big Leaf Maple
24	28	Thuja plicata	Western Red Cedar	49	16	Aesculus hippocastanum	Horse Chestnut
25	11	Thuja plicata	Western Red Cedar				

EXISTING  
HOUSE  
#2301

VICTORY HEIGHTS ADD.  
VOL. 24/22

=====  
 Re: Project #6761539-CN  
 Correction Notice #2  
 Review Type TREE  
 Date August 13, 2020

Project Address 11348 23RD AVE NE  
 SEATTLE, WA 98125  
 Contact Phone (206) 459-2364

Contact Email [JULIE@LEDOUXCONSTRUCTION.COM](mailto:JULIE@LEDOUXCONSTRUCTION.COM) Address Seattle Department of Construction and  
 SDCI Reviewer Deborah McGarry Inspections  
 Email [deborah.mcgarry@seattle.gov](mailto:deborah.mcgarry@seattle.gov)  
 Owner BRUCE WALLACE P.O. Box 34019  
 Seattle, WA 98124-4019

"Dear Ms. LeDoux,  
 It appears that an updated arborist report is the correction response for my previous correction letter,  
 but not all questions were addressed. There are additional outstanding questions regarding trees in  
 the 8/3/2020 Zoning Correction Letter. This letter will refer to questions from the zoning correction  
 letter and brings up several new concerns. As noted in the Zoning Correction, please provide a  
 narrative response to each Correction item listed below. As there are multiple concerns with trees on  
 this site and the submitted documentation, there may be additional corrections in future review cycles.  
 Thank you.  
 Deborah McGarry"

=====  
 =====

SDCI document links

Existing site plan showing very large trees on lot proposed to be divided and developed:

[Approved Plan Set - Land Use](#) 1279 KB 07/25/18 [3030102-LU](#) Master Use Permit

Photos and correction comments:

<a href="#">Site Photos</a>	72 MB	12/04/19	<a href="#">005829-19PA</a>	Building & Land Use Pre-Application
<a href="#">Application</a>	630 KB	10/31/19	<a href="#">005829-19PA</a>	Building & Land Use Pre-Application
<a href="#">Correction Letter-Zoning-Cycle2</a>	533 KB	08/03/20	<a href="#">6761539-CN</a>	Construction Permit
<a href="#">Correction Letter-Zoning-Cycle1</a>	512 KB	03/06/20	<a href="#">6761539-CN</a>	Construction Permit
<a href="#">Correction Letter</a>	436 KB	07/21/20	<a href="#">6761539-CN</a>	Construction Permit
<a href="#">Correction Letter-Tree-Cycle2</a>	386 KB	08/13/20	<a href="#">6761539-CN</a>	Construction Permit

Many who care:

<a href="#">Public Comment</a>	89 KB	09/18/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	35 KB	09/18/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	13 KB	09/18/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	12 KB	09/18/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	15 KB	09/18/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	13 KB	09/18/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	14 KB	09/19/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	13 KB	09/19/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	1962 KB	09/19/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	13 KB	09/19/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	14 KB	09/19/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	37 KB	09/19/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	38 KB	09/19/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	13 KB	09/19/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	12 KB	09/19/17	<a href="#">3028516-LU</a>	Master Use Permit
<a href="#">Public Comment</a>	37 KB	09/19/17	<a href="#">3028516-LU</a>	Master Use Permit
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<a href="#">Public Comment: Songer 09/06/2018</a>	47 KB	09/07/18	<a href="#">3028516-LU</a>	Master Use Permit

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**From:** Melanie Audette <info@email.actionnetwork.org>

**Sent:** Thursday, August 27, 2020 4:08 PM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

**CAUTION: External Email**

Sandra Pinto de Bader,

Please adopt, with the amendments recommended by the Seattle Urban Forestry Commission, SDCI's Director's Rule 13-2020 (Designation of Exceptional and Significant Trees, Tree Protection, Retention, and Tree Removal during land division, including tree service provider requirements).

Seattle must move forward now, without the delay urged by some, in adopting this updated Director's Rule with the amendments proposed below. This process of increasing protection for our urban forest was first proposed by the Seattle City Council 11 years ago and is long overdue.

The following updates as proposed in the draft Director's Rule are great steps forward:

- Reducing the upper threshold on exceptional trees to 24 inches in diameter at standard height (DSH) from 30 inches
- Designating trees 6 inches DSH and larger as protected trees, starting in the platting and short platting process
- Requiring Tree Care Providers to register with the City as the Seattle Dept. of Transportation already requires
- Continuing protection of tree groves as exceptional trees, even if a tree is removed from the grove
- Making clear that all exceptional trees removed during development must be replaced per SMC 25.11.090
- Tightening tree removal requirements for exceptional trees as hazard trees

The following changes to the draft Director's Rule are needed:

- Change Subject Title to remove words "land division" and replace with "Development"
- PURPOSE AND BACKGROUND. add "SMC 23 requires that all trees 6 inches DSH and larger must be indicated on all site plans throughout the platting and sub-platting process, and that projects must be designed to maximize the retention of existing trees. This requirement continues throughout any subsequent development on all lots in all zones in the city."
- SECTION 1. Reduce the number of trees and sizes required to be a tree grove. Kirkland, Woodinville, and Duvall all define a tree grove as "a group of 3 or more significant trees with overlapping or touching crowns." Include street trees in groves.
- Add "Significant trees may become exceptional as they grow in size. They are future replacements in the urban forest for exceptional trees when they die. Development projects must be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages."
- Add "All replacement trees regardless of size are protected trees and can't be removed."
- SECTION 2. Change the heading to "TREE PROTECTION". Remove references to

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**From:** David Moehring <dmoehring@consultant.com>

**Sent:** Saturday, August 29, 2020 8:11 PM

**To:** PRC <PRC@seattle.gov>; DOT\_LA <DOT\_LA@seattle.gov>; SDOT\_LA@seattle.gov; Williams, Jonathan - DOT <Jonathan.Williams@seattle.gov>

**Cc:** Jon Lisbin <me@jonlisbin.com>; Seattle Fair Growth <seattle-fair-growth@googlegroups.com>; Baker Street Community Group Steering Committee <baker-street-community-group-steering-committee@googlegroups.com>; fs.waterstrat@gmail.com; paige3lowe@gmail.com; Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>; maryjeanlord@hotmail.com; mwelcker@fredhutch.org; Buker, Gerald <Gerald.Buker@seattle.gov>

**Subject:** Another beautiful city tree coming down soon 1761 NW 57th St 3034783-LU and 6736387-CN

**Importance:** High

**CAUTION: External Email**

It appears there may be another beautiful city tree coming down soon...again in Ballard. The Icelandic Embassy along with two houses next to it will be demolished soon.

Five mature trees on the property on 20 Ave. will be cut down but, in addition, a beautiful mature linden tree on 57 Ave. will also be removed at the east end of the development in order to fit in a new wide driveway. The design plans appear to show that the easternmost linden is proposed for removal, while the other two street trees will be preserved. The trees on NW 57th St are in the right-of-way and are under jurisdiction of SDOT Landscape Architect's office. We understand that any questions or comments about these trees can go to [SDOT\\_LA@seattle.gov](mailto:SDOT_LA@seattle.gov).

Two questions:

1) I concur with the earlier Jan 2020 comment from Cameron Sparr and others. In the interest of density AND attempting to reach Seattle's tree canopy and resulting reduced heat island goals, cannot the 5 mature trees along 20th be preserved by simply setting back the west facade to the edge of the existing pavers? The building is in dire need of exterior amenity space (per Planner\* correction comment.) This better wider sidewalk street frontage could be offset - only if necessary - by an additional floor as a SEPA allowed design departure.

2) The linden tree along 57th is needlessly being taken out as the driveway to new parking is offset from the east property edge by about 7 feet. With the large multi-family structure to the east, there is no advantage to this proposed offset. It is wasted space on the ground floor inside the building, as well. The driveway should be located as close to the east property line as possible... and the linden tree should be retained.

3) If any existing building is an historical site, may it be reviewed with the Seattle Dept of Neighborhoods and moved off site?

Thank you,

David Moehring

for TreePAC and the folks up the street on 20th and 60th Ave W

\*Eddie Buker Reviewer Phone (206) 386-1246; [gerald.buker@seattle.gov](mailto:gerald.buker@seattle.gov)  
see below.



7. Amenity Area (SMC 23.47A.024)

Please provide dimensions on all proposed amenity areas in plans. SMC 23.47A.024.B.4 and B.5

regulate minimum dimensions for common and private amenity areas. Ensure these standards are met which require a minimum horizontal distance of 10' for common areas and 6' for private areas.

The Icelandic Embassy and the two small houses next to it will be demolished soon. Five mature trees on the property on 20 Ave....



[View on Nextdoor](#)



[Liz Cunningham, Ballard North](#)

The Icelandic Embassy and the two small houses next to it will be demolished soon. Five mature trees on the property on 20 Ave. will be cut down but, in addition, a beautiful mature linden tree on 57 Ave. will also be removed. This is a on city property. My question is why they can't access the... [See more](#)

[General · Jun 1 to 11 neighborhoods](#)



[Thank](#)



[Private message](#)

[View or Reply](#)

**From:** Melanie Audette <info@email.actionnetwork.org>

**Sent:** Thursday, August 27, 2020 4:08 PM

**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>

**Subject:** Please adopt, with amendments, SDCI's Director's Rule 13-2020

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Sandra Pinto de Bader,

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- Add "Significant trees may become exceptional as they grow in size. They are future replacements in the urban forest for exceptional trees when they die. Development projects must be designed to maximize the retention of both exceptional and significant trees to maintain a diversity of tree species and ages."
- Add "All replacement trees regardless of size are protected trees and can't be removed."
- SECTION 2. Change the heading to "TREE PROTECTION". Remove references to

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**From:** Katharine Rossitch <info@email.actionnetwork.org>  
**Sent:** Tuesday, September 1, 2020 7:59 PM  
**To:** Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>  
**Subject:** Please Strengthen Seattle's Tree Ordinance

**CAUTION: External Email**

Sandra Pinto de Bader,

Seattle's trees and urban forest are vital to keeping our city healthy and livable. Trees and the urban forest comprise a vital green infrastructure. Trees reduce air pollution, storm water runoff and climate impacts like heat island effects, while providing essential habitat for birds and other wildlife. They are important for the physical and mental health of our residents.

Seattle's rapid growth and an outdated tree ordinance are reducing these beneficial effects as trees are removed and not replaced. It is urgent to act now to stop this continued loss of trees, particularly large mature trees and tree groves. It is important to promote environmental equity as trees are replaced.

Please update Seattle's Tree Protection Ordinance as recommended in the latest draft by the Seattle Urban Forestry Commission.

Here are the key provisions that need to be in the updated tree ordinance:

1. Expand the existing Tree Removal and Replacement Permit Program, including 2-week public notice and posting on-site, as used by the Seattle Department of Transportation (SDOT) – to cover all Significant Trees (6" and larger diameter at breast height (DBH)) on private property in all land use zones, both during development and outside development.
2. Require the replacement of all Significant Trees removed with trees that in 25 years will reach equivalent canopy volume – either on site or pay a replacement fee into a City Tree Replacement and Preservation Fund. Allow the Fund to also accept fines, donations, grants and set up easements.
3. Retain current protections for Exceptional Trees and reduce the upper threshold for Exceptional Trees to 24" DBH, protect tree groves and prohibit Significant Trees being removed on undeveloped lots.



4. Allow removal of no more than 2 Significant non-Exceptional Trees in 3 years per lot outside development
5. Establish one citywide database for applying for Tree Removal and Replacement Permits and to track changes in the tree canopy.
6. Post online all permit requests and permit approvals for public viewing.
7. Expand SDOT's existing tree service provider's registration and certification to register all Tree Service Providers (arborists) working on trees in Seattle.
8. Provide adequate funding in the budget to implement and enforce the updated ordinance.

Katharine Rossitch

[krossitch@gmail.com](mailto:krossitch@gmail.com)

710 BELMONT PL E, APT 207

SEATTLE, Washington 98102-4450

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From: dmoehring@consultant.com <dmoehring@consultant.com>  
Sent: Thursday, September 3, 2020 7:00 AM  
To: Jeff Greiner <jeffgreiner9@hotmail.com>; Pinto de Bader, Sandra <Sandra.Pinto\_de\_Bader@Seattle.gov>; PRC <PRC@seattle.gov>  
Cc: mas@masarchitecture.net; TreesForNeighborhoods <TreesForNeighborhoods@seattle.gov>; Rich Ellison <climbwall@msn.com>; seattletreelossgooglegroups.com <seattletreeloss@googlegroups.com>; Kevin Orme (via treepac\_seattle Mailing List) <treepac\_seattle@lists.riseup.net>; deborahmcgarry@seattle.gov; seattle-tree-ordinance-working-grouplists.riseup.net <seattle-tree-ordinance-working-group@lists.riseup.net>  
Subject: 3212 and 3220 S Dawson St., SDCI project #6790908-CN and 004416-20PA

CAUTION: External Email

Thank you Jeff for be attentive to Seattle's tree canopy and environmental goals, as well as soil stabilization!

Dear PRC,

Please include me on any notices that may be issued for both of the above addresses.

These two sites are being cleared of many trees, including half of the critical root zones of the west edge Neighbor's Exceptional trees excluded from any arborist report. These trees are required to be protected by code using SMC prescribed code departures accepted during SEPA and design reviews. Please request that arborist reports include photos of their tree assessments- especially trees marked as not being exceptional or being hazardous.

It looks like there is not enough lot area at 3212 and the adjusted 3220 Lot for exterior amenity space. All that is being shown is 8 townhouses on 3212, 9 townhouses on 3220, walkways to entries, and the driveways. Other than narrow side yards, there does not appear to be places within each legal lot for outdoor activity, bicycles, trash containers, storm water, or planting of new trees to augment urban heat island effects. Moreover, will not the lot boundary adjustment of over 12 ft for the long length from the 3220 property reduced the allowed floor area and required exterior amenity areas at the nine 3220 townhouses? Finally, how many of the 8 plus 9 townhouses will be affordable dwellings with the Mandatory Housing Affordability zoning passed in April 2019? We don't need more \$700k+ homes for six-figure salaries, do we?

Note: the 2018 city photos of the 3220 property show at least two large trees that were cut down except for the bottom 10 feet. Were these exceptional trees that required permits?

Thank you,  
David Moehring  
TreePAC board member  
dmoehring@consultant.com

Sent using the mobile mail app

On 9/2/20 at 4:07 PM, Jeff Greiner wrote:

- > Hello Seth,
- > ... this is Jeff Greiner again, we chatted on the phone yesterday. I never heard from you regarding the arborist contact you guys were using. Could you please send me that?
- >
- > Also, is there a direct portal in your website to leave comments on the projects? I did not see that. Please consider this my comment if email is the only route.
- >
- > Looks like both of my trees are well above 30 inches in diameter and are on my property. The city arborist Deborah McGarry is aware of the situation. We plan to talk tomorrow. Please consider these trees exceptional protected and respect all regulations and courtesies around them. Including the slope underneath them which I believe is also on my land. And the root system which sits on your clients land. This is a pretty darn steep slope that sits on a clay bed so it could be very sensitive without these trees which would affect the The surrounding Hillside and Neighbours as well.
- >
- > The neighbors are aware of what's going on, although I'm not sure they understand the scope of it. I intend to speak with them but with summer vacation kind of wrapping up, it's taking a little longer than I had hoped to coordinate people. I do not believe the neighbors are aware of what's happening at 3220 and that there will be a adjustment to the property line.
- >
- > Those that I've spoken with so far Are quite concerned about the density proposed in this project, not having enough room for parking and too many people in a small area. It also obstructs the views of at least four or five houses here in this quaint neighborhood.
- >

> This neighborhood is already sensitive to flooding due to illegal cutting of trees that happened up the hill behind 30th Ave. S. and routinely floods my neighbors Yard, and driveway into the street above me. So we are pretty sensitive about trees being cut.

>

> That said, I am a reasonable person and here to speak kindly with all involved parties. I do consider these trees valuable for reasons more than structural as well keep the integrity and bounty of the neighborhood plentiful. Many of the large trees have already been chopped in this area. These trees provide much Needed shade and stabilize the hillside immensely. Not to mention, trees are just nice!

>

> Subsequently this shade allows other plants to grow in my yard that wouldn't with no trees. This adds value to my home, so removing any trees or harming them distinctly affects the value of my home. These other plants additionally stabilize the adjacent hillsides by the neighbors...

>

> In the proposed overview schematics for the development, apparently my trees have kind of been modeled in there interestingly, probably not true to where they really sit. So we should probably look into that, so that any proposed drawings are realistic

>

> Please keep me informed of any outreach meetings that may be happening coming soon, and again consider this my out reach to you guys, all concerned. I'm sure more people will be linked in soon. OK thanks for your help on all of this, all of you. Please let me know if I need to do more surrounding protection of these trees and or other key parties that may need to become involved. I'll be on a short vacation tmrw noon and back in the loop on Tuesday. Please extend any community outreach timelines based on Covid and everything taking longer, especially with summer vacation.

>

> I'm not always sure how all this works, but I know I'm passionate about protecting the valuable resource of these trees on this hillside.

>

> Sincerely,

> Jeff Greiner

> 5044 32nd Ave., S

> Seattle, WA 98118

> 206 300-4861

>

>

>

>

>

> Sent from my iPhone

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