

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to Mandatory Housing Affordability (MHA); rezoning certain land and modifying development standards throughout the City, implementing MHA requirements, and modifying existing development standards to improve livability; amending Chapter 23.32 of the Seattle Municipal Code (SMC) at pages 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 143, 144, 145, 146, 147, 149, 150, 151, 152, 155, 156, 157, 158, 159, 160, 161, 163, 164, 165, 166, 167, 168, 170, 172, 173, 174, 175, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 197, 198, 200, 203, 205, 206, 208, 215, 216, 217, 218, and 219 of the Official Land Use Map; amending Sections 23.30.010, 23.34.008, 23.34.010, 23.34.011, 23.34.012, 23.34.024, 23.44.002, 23.44.006, 23.44.008, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.022, 23.44.024, 23.44.034, 23.44.041, 23.44.042, 23.45.502, 23.45.508, 23.45.509, 23.45.510, 23.45.512, 23.45.514, 23.45.516, 23.45.517, 23.45.518, 23.45.520, 23.45.522, 23.45.529, 23.45.536, 23.45.545, 23.47A.002, 23.47A.005, 23.47A.008, 23.47A.009, 23.47A.012, 23.47A.013, 23.47A.014, 23.47A.017, 23.48.002, 23.48.021, 23.48.025, 23.48.040, 23.48.055, 23.48.300, 23.48.320, 23.48.325, 23.48.400, 23.48.420, 23.48.421, 23.48.620, 23.48.623, 23.48.627, 23.48.635, 23.48.640, 23.48.645, 23.48.646, 23.48.650, 23.50.020, 23.50.026, 23.50.028, 23.50.053, 23.50.055, 23.53.006, 23.53.025, 23.54.015, 23.54.040, 23.58A.002, 23.58A.014, 23.58B.040, 23.58B.050, 23.58C.040, 23.58C.050, 23.58D.002, 23.58D.006, 23.71.030, 23.73.009, 23.73.010, 23.73.014, 23.73.024, 23.74.010, 23.76.060, 23.84A.002, 23.84A.048, 23.86.002, 23.86.007, 23.86.012, 23.86.014, 23.86.015, 23.86.016, 23.86.019, 23.91.002, and 25.11.060 of the SMC; adding Sections 23.34.006, 23.44.009, 23.44.011, 23.44.017, 23.44.018, 23.44.019, 23.44.020, 23.45.530, 23.48.050, 23.48.340, 23.48.345, 23.48.445, 23.48.900, 23.48.905, 23.48.920, 23.48.940, and 23.48.945 to the SMC; repealing Sections 23.34.026, 23.43.006, 23.43.008, 23.43.010, 23.43.012, 23.43.040, 23.48.425, 23.48.621, 23.48.721, 23.58A.025, 23.58A.026, 23.58A.028, and 23.71.040 of the SMC; recodifying Section 23.44.018 of the SMC as Section 23.44.021; and amending the titles of Chapter 23.45 and Subchapter IV of Chapter 23.58A of the SMC.

..body

WHEREAS, in September 2014, the City Council adopted Resolution 31546, in which the Council and Mayor proposed that a Seattle Housing Affordability and Livability Agenda

1 centers, community programs for the elderly, or similar uses, in each case in existing or former
2 public schools.

3 2. Other non-school uses in existing or former public schools, if permitted
4 pursuant to procedures established in Chapter 23.78.

5 3. Additions to existing public schools only when the proposed use of the
6 addition is a public school;

7 ((G)) I. Nursing ((Homes)) homes. Nursing homes meeting the development standards
8 of this Chapter 23.44, and limited to eight or fewer residents;

9 ((H)) J. Adult ((Family Homes)) family homes. Adult family homes, as defined and
10 licensed by the state of Washington;

11 ((I)) K. Commercially operating horse farms in existence before July 1, 2000, on lots
12 greater than ((10)) ten acres, conforming to the limits on the number and location of farm
13 animals and structures containing them set forth in Section 23.42.052.

14 Section 13. Subsection 23.44.008.I of the Seattle Municipal Code, which section was last
15 amended by Ordinance 124105, is amended as follows:

16 **23.44.008 Development standards for uses permitted outright**

17 * * *

18 ~~((I. Tree Requirements.~~

19 ~~1. Trees are required when single-family dwelling units are constructed. The~~
20 ~~minimum number of caliper inches of tree required per lot may be met by using either the tree~~
21 ~~preservation option or tree planting option described in subsections 23.44.008.I.1.a. or I.1.b., or~~
22 ~~by a combination of preservation and planting. This requirement may be met by planting or~~

~~preserving street trees in the public right of way. Submerged land shall not be included in
calculating lot area for purposes of either the tree preservation option or tree planting option.~~

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

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

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

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

Section 14. A new Section 23.44.009 of the Seattle Municipal Code is added as follows:

23.44.009 Mandatory Housing Affordability in RSL zones

RSL zones that have a mandatory housing affordability suffix are subject to the provisions of
Chapters 23.58B and 23.58C.

b. Above-grade GSI features larger than what is allowed in subsection
~~((23.44.014.D.17.a))~~ 23.44.014.C.17.a are allowed within a required yard if:

1) Above-grade GSI features do not exceed ten percent coverage
of any one yard area;

2) No portion of an above-grade GSI feature is located closer
than 3 feet from a side lot line;

3) No portion of an above-grade GSI feature is located closer
than 20 feet from a rear lot line or centerline of an alley abutting the rear lot line; and

4) No portion of an above-grade GSI feature is located closer
than 15 feet from the front lot line.

~~((18. If the side yard of a lot borders on an alley, a single family structure may
be located in the required side yard, provided that no portion of the structure may cross the side
lot line.~~

19)) 18. A structure may be permitted to extend into front and rear yards as
necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section
25.11.060.

~~((E))~~ D. Additional ~~((Standards for Structures if Allowed in Required Yards))~~ standards
for structures if allowed in required yards. Structures in required yards shall comply with the
following:

1. Accessory structures, attached garages, and portions of a principal structure
shall not exceed a maximum combined coverage of 40 percent of the required rear yard. In the
case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline
of the alley.

Section 23. A new Section 23.44.019 of the Seattle Municipal Code is added is added to Subchapter I of Chapter 23.44 as follows:

23.44.019 Design standards in RSL zones

In RSL zones, the following provisions apply:

A. Pedestrian access at least 3 feet in width shall be provided between each dwelling unit and the street. This access may be over a driveway and may cross any required yards or interior separation. The pedestrian access may be part of a driveway, provided that the pathway is differentiated from the driveway by pavement color, texture, or similar technique.

B. Each dwelling unit with a street-facing facade that is located within 40 feet of a street lot line shall have a pedestrian entry on such street-facing facade with a covered stoop, porch, or other similar architectural entry feature.

Section 24. A new Section 23.44.020 of the Seattle Municipal Code is added to Subchapter I of Chapter 23.44 as follows:

23.44.020 Tree requirements

A. Tree requirements in SF 5000, SF 7200, and SF 9600 zones

1. When a single-family dwelling unit is constructed on a lot in a SF 5000, SF 7200, or SF 9600 zone, a minimum number of caliper inches of tree must be provided on the lot as follows:

a. For lots over 3,000 square feet, at least 2 caliper inches of tree per 1,000 square feet of lot area.

b. On lots that are 3,000 square feet or smaller, at least 3 caliper inches of tree.

1 2. The minimum number of caliper inches of tree required may be met by
2 preserving existing trees, planting new trees, or by a combination of preservation and planting.
3 The preservation or planting of trees in the right-of-way may be counted, provided that they
4 are approved by the Director of Transportation.

5 3. Submerged land shall not be included in calculating lot area for purposes of
6 either the tree preservation option or tree planting option.

7 4. Tree measurements. Trees planted to meet the requirements in this subsection
8 23.44.020.A shall be at least 1.5 inches in diameter. The diameter of new trees shall be
9 measured (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5
10 feet above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts
11 as 1 inch toward meeting the tree requirements in this subsection 23.44.020.A. When an
12 existing tree is more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches
13 shall count as 3 inches toward meeting the tree requirement.

14 5. Tree preservation plans. If the tree preservation option is chosen, a tree
15 preservation plan must be submitted and approved. Tree preservation plans shall provide for
16 protection of trees during construction according to standards promulgated by the Director.

17 B. Tree requirements in RSL zones

18 1. Trees sufficient to achieve one point, according to Table A for 23.44.020, per
19 750 square feet of lot area shall be provided for any development:

- 20 a. Containing one or more new dwelling units;
21 b. Containing more than 4,000 square feet of non-residential uses in either
22 a new structure or an addition to an existing structure; or

c. Expanding surface area parking by more than 20 parking spaces for automobiles.

2. Individual trees preserved during construction or planted after construction count toward the tree score according to Table A for 23.44.020. All required trees shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, spacing of plants, depth, and quality of soil, access to light and air, and protection practices during construction.

Table A for 23.44.020		
Tree points		
Type of tree	Points for non-conifer trees	Points for conifer trees
Small tree planted after construction	1 point	1.25 point
Small/medium tree planted after construction	2 points	2.5 points
Medium/large tree planted after construction	3 points	3.75 points
Large tree planted after construction	4 points	5 points
Trees 6 inches in diameter or greater that are preserved during construction	1 point per inch of diameter	1.25 point per inch of diameter

3. Tree protection areas shall be designated for all trees that are proposed to be preserved to receive points under this subsection 23.49.020.B. No excavation, fill, placing of materials or equipment, or vehicle operation shall be allowed during construction within a tree protection area. Tree protection areas shall be an area equal to the outer extent of the dripline of the tree, except that they may be reduced if the following conditions are met:

a. The alternative tree protection area is prepared by an arborist who has visited the site and examined the specific tree's size, location, and extent of root cover, evaluated

1 the tree's tolerance to construction impact based on its species and health, and identified any past
2 impacts that have occurred within the root zone; and

3 b. The arborist has prepared a plan providing the rationale used to
4 demonstrate that the alternate method provides an adequate level of protection.

5 C. Street tree requirements in RSL zones

6 1. Street trees are required in RSL zones for development that would add one or
7 more principal dwelling units on a lot, except as provided in subsection 23.43.020.C.2 and
8 Section 23.53.015. Existing street trees shall be retained unless the Director of Transportation
9 approves their removal. The Director, in consultation with the Director of Transportation, shall
10 determine the number, type, and placement of additional street trees to be provided in order to:

- 11 a. Improve public safety;
- 12 b. Promote compatibility with existing street trees;
- 13 c. Match trees to the available space in the planting strip;
- 14 d. Maintain and expand the urban forest canopy;
- 15 e. Encourage healthy growth through appropriate spacing;
- 16 f. Protect utilities; and
- 17 g. Allow access to the street, buildings, and lot.

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

22 Section 25. Subsection 23.44.022.D of the Seattle Municipal Code, which section was
23 last amended by Ordinance 125272, is amended as follows:

Section 118. Section 23.86.019 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.86.019 Green Factor measurement

A. Development standards for certain areas require landscaping that meets a minimum Green Factor score. All required landscaping shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, spacing of plants, depth, and quality of soil, use of drought-tolerant plants, and access to light and air for plants. The Green Factor score shall be calculated as follows:

1. Identify all proposed landscape elements, sorted into the categories presented in Table A for ((Section)) 23.86.019.

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

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

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

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

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

e. For vegetated walls, use the square footage of the portion of the wall covered by vegetation. All vegetated wall structures, including fences counted as vegetated walls, shall be constructed of durable materials, provide adequate planting area for plant health, and provide appropriate surfaces or structures that enable plant coverage.

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

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

3. Add together all the products calculated under subsection 23.86.019.A.2 to determine the Green Factor numerator.

4. Divide the Green Factor numerator by the lot area to determine the Green Factor score.

~~((Table A for Section 23.86.019: Green Factor Landscape Elements))~~

Table A for 23.86.019	
Green Factor landscape elements	
Green Factor ((Landscape Elements)) landscape elements	Multiplier
A. Planted ((Areas)) areas (choose one of the following for each planting area)	
((1. Planted areas with a soil depth of less than 24 inches	0.1))
((2)) 1. Planted areas with a soil depth of 24 inches or more:	0.6
((3)) 2. Bioretention facilities meeting standards of the Stormwater Code, Title 22, Subtitle VIII ((of the Seattle Municipal Code))	1.0
B. Plants	
1. Mulch, ground covers, or other plants normally expected to be less than 2 feet tall at maturity ((:))	0.1

Table A for 23.86.019

Green Factor landscape elements

Green Factor ((Landscape Elements)) landscape elements	Multiplier
2. ((Large)) <u>Medium shrubs or other perennials at least 2 feet tall, but less than 4 feet tall, at maturity</u>	0.3
3. <u>Large shrubs or other perennials at least 4 feet tall at maturity</u>	<u>0.3</u>
((3)) 4. Small trees	0.3
((4)) 5. Small/medium trees	((0.3)) <u>0.5</u>
((5)) 6. Medium/large trees	((0.4)) <u>0.7</u>
((6)) 7. Large trees	((0.4)) <u>0.9</u>
((7)) 8. Preservation of existing ((large)) trees at least 6 inches in diameter at breast height	((0.8)) <u>1.0</u>
C. Green roofs	
1. Planted over at least 2 inches but less than 4 inches of growth medium	0.4
2. Planted over at least 4 inches <u>but less than 8 inches</u> of growth medium	((0.7)) <u>0.6</u>
3. Planted over at least 8 inches of <u>growth medium</u>	<u>0.8</u>
D. Vegetated walls <u>in C and NC zones only</u>	((0.7)) <u>0.4</u>
((E. Water features using harvested rainwater and under water at least six months per year	0.7))
((F)) E. Permeable paving	
1. Installed over at least 6 inches and less than 24 inches of soil and/or gravel	0.2
2. Installed over at least 24 inches of soil and/or gravel	0.5
((G)) F. Structural soil	((0.2)) <u>0.5</u>
((H)) G. Bonuses applied to Green Factor landscape elements:	
1. Landscaping that consists entirely of drought- tolerant or native plant species	0.1
2. Landscaping that receives at least 50 percent of its irrigation through the use of harvested rainwater	0.2
3. Landscaping visible from adjacent rights-of-way or public open space	((0.1)) <u>0.2</u>
4. Landscaping in food cultivation	0.1

((Table B for Section 23.86.019

Equivalent square footage of trees and large shrubs))

Table B for 23.86.019

Equivalent square footage of trees and large shrubs

Landscape ((Elements)) elements	Equivalent ((Square-Feet)) square feet
Medium shrubs or other perennials at least 2 feet tall, but less than 4 feet tall, at maturity	<u>9 per plant</u>

Table B for 23.86.019

Equivalent square footage of trees and large shrubs

<u>Landscape ((Elements)) elements</u>	<u>Equivalent ((Square Feet)) square feet</u>
Large shrubs or ((large)) other perennials at least 4 feet tall at maturity	((12 square feet)) 36 per plant
Small trees	75 ((square feet)) per tree
Small/medium trees	150 ((square feet)) per tree
Medium/large trees	250 ((square feet)) per tree
Large trees	350 ((square feet)) per tree
Existing ((large)) trees	20 ((square feet)) per inch of trunk diameter 4.5 feet above grade

Section 119. Section 23.91.002 of the Seattle Municipal Code, last amended by Ordinance 125399, is amended as follows:

23.91.002 Scope of this Chapter 23.91

A. Violations of the following provisions of this Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones ~~((Chapter 23.43,))~~ (Chapter 23.44, Chapter 23.45, Chapter 23.46, Chapter 23.49 Subchapter IV, and Chapter 23.49 Subchapter VII), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A and a notice of violation has been issued requiring compliance with subsection 22.206.200.F;

2. Construction or maintenance of structures in required yards or setbacks in residential zones ~~((Chapter 23.43,))~~ (Chapter 23.44, Chapter 23.45, Chapter 23.46, Chapter 23.49 Subchapter IV, and Chapter 23.49 Subchapter VII);

3. Parking of vehicles in a single-family zone (Section 23.44.016), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A;

1 4. Keeping of animals (Section 23.42.052); and

2 [5. Reserved.]

3 6. The following violations of the Shoreline (~~((district))~~) District, Chapter 23.60A:

4 a. Discharging, leaking, or releasing solid or liquid waste and untreated
5 effluent, oil, chemicals, or hazardous materials into the water (subsection 23.60A.152.R);

6 b. Releasing debris and other waste materials from construction,
7 maintenance, repair, or in operation or management of a property, into any water body
8 (subsections 23.60A.152.H, 23.60A.152.I, 23.60A.152.T, and 23.60A.152.U);

9 c. Conducting activity in or over water outside the allowed work windows
10 (subsection 23.60A.152.J); and

11 d. Closing required public access (Section 23.60A.164).

12 B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect,
13 limit, or preclude any previous, pending, or subsequent enforcement action or proceeding taken
14 pursuant to Chapter 23.90.

15 Section 120. Section 25.11.060 of the Seattle Municipal Code, enacted by Ordinance
16 120410, is amended as follows:

17 **25.11.060 Tree protection on sites undergoing development in (~~((Single-family and~~**
18 **~~Residential-Small-Lot~~)) single-family zones ((~~;~~))**

19 A. Exceptional (~~((Trees:))~~) trees

20 1. The Director may permit a tree to be removed only if:

21 a. (~~((the))~~) The maximum lot coverage permitted on the site according to
22 (~~((SMC))~~) Title 23 (~~((; the Land Use Code;))~~) cannot be achieved without extending into the tree

1 protection area or into a required front and/or rear yard to an extent greater than provided for in
2 subsection ~~((A.2 of this section))~~ 25.11.060A.2; or

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

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

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

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

14 1)) B. Trees over ((two (2))) 2 feet in diameter measured 4.5 feet above the ground shall
15 be identified on site plans. ~~((2.))~~ In order to protect such trees, ~~((over two (2) feet in diameter))~~
16 an applicant may modify their development proposal to extend into front and/or rear yards in the
17 same manner as provided for exceptional trees in subsection 25.11.060.A ~~((of this section,~~
18 ~~above))~~.

19 ~~((C. The development shall meet the tree requirements of Section 23.44.008 I.))~~