

Table of Potential Amendments to CBs 120534 and 120535
(updated April 25, 2023 v2)

A. Development Capacity and Development Standard Modifications		
No.	Description	Sponsor(s)
A1	For the public interest in public health and safety, authorize SDCI to reduce allowed building size by: (1) up to 20 percent to retain existing Tier 1, Tier 2, and Tier 3 trees on-site and/or (2) up to 5 percent to allow for required setback to retain existing Tier 1 trees and trees located in the right-of-way (in consultation with SDOT Director).	Pedersen
A2	Allow for 100 percent lot coverage for development in MR, commercial, and SM zones. (25.11.070)	Strauss
A3	Increase modifications to standards in LR, MR, commercial, and SM zones for development that preserves Tier 2 trees (25.11.070.B.2.a) for setbacks and separations, amenity areas, landscaping and screening, and structure width, depth, and façade length limits. Affordable housing development (60% AMI rental and 80% AMI ownership) would have complete flexibility for these standards and market rate development would be provided with up to 75 percent reduction in setbacks, amenity areas, and landscaping and screening, and up to 30 percent increase in structure width, depth, and façade length limits. CB 120354 would allow reductions of up to 50 percent for setbacks, 10 percent for amenity areas, and 25 percent for landscaping and screening, and an increase of up to 10 percent for structure width, depth, and façade length limits.	Strauss
A4	Clarify that for the purposes of the 85 percent lot coverage calculation in 25.11.070.B.1, the basic tree protection area cannot be modified.	Strauss
A5	Clarify that a Tier 2 tree may be removed if its required tree protection area results in a portion of a structure containing a dwelling unit or accessory dwelling unit to be less than 15 feet wide in NR zones. CB 120354 includes reference to a "portion of a dwelling unit" and does not include accessory dwelling units. (25.11.070.A.1.b)	Strauss
A6	Remove 85 percent lot coverage standard in LR, MR, commercial and SM zones and continue use of current FAR standard.	Pedersen
A7	Require (1) a 20 percent allowance for a tree preservation and planting area in LR, MR, SM, and commercial zones and (2) a 40 percent allowance for a tree preservation and planting area in NR zones.	Pedersen

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B. Urban Forestry Programs and Budget		
No.	Description	Sponsor(s)
B1	Add to CB 120535 1.0 FTE Civil Engineering Specialist, Senior and \$100,000 Transportation Fund to the Seattle Department of Transportation for street tree review. This additional position was mistakenly left out of the transmitted bill.	Strauss
B2	Authorize SDCI to (1) reduce or waive fees associated tree removal outside of development for applicants who are at or below 80 percent AMI and (2) coordinate with Seattle Public Utilities to provide replacement trees to such applicants, if replacement is required. Request that the Seattle Department of Construction and <u>Inspections (SDCI) identify options to reduce the financial impact of the costs associated with removal of hazardous trees outside of development for applicants whose household income is at or below 80 percent of area median income (AMI).</u>	Pedersen Strauss
B3	<u>Expand access to the Heritage Tree program and state Council's intent to provide future funding to (1) expand Seattle Public Utilities' Trees for Neighborhoods program and (2) add more code enforcement staff to the Seattle Department of Construction and Inspections.</u>	Strauss
B4	Add to reporting requirement and specify that reports be prepared in consultation with the Director of the Office of Sustainability and Environment's <u>City Urban Forester and the Urban Forestry Commission</u> : (1) use of development modifications to preserve trees and related considerations; (2) detailed information on replacement trees; (3) role and responsibility of City Urban Forester position in regard to regulation of trees on private property and efforts to improve coordination of interdepartmental urban forest management; (4) unintended consequences associated with implementation of regulations, with a focus on racial equity impacts; (5) how regulations will support the strategies of the forthcoming tree canopy equity and resilience assessment and plan; (6) impacts of climate change on Seattle's urban forest, including pests, pathogens, and insects; and (7) analysis of available tree removal data (e.g., permits, tree work notices) for both public and private property. <u>The initial report will also include information regarding how the City Urban Forester position has interfaced with these regulations, recommendations for improvement, and analysis of how the ordinance relates to the strategies of the Tree Canopy Equity and Resilience Plan.</u>	Pedersen

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B. Urban Forestry Programs and Budget (continued)		
No.	Description	Sponsor(s)
B5	(1) Add recitals related to the key findings of the 2021 Tree Canopy Assessment, including the ongoing issue of inequitable tree canopy cover distribution throughout Seattle; (2) specify that revenues generated from the in-lieu fee for replacement trees be directed to planting new trees in neighborhoods with tree canopy cover of 25 percent or less; and (3) Request that the Seattle Department of Construction and Inspections, <u>in consultation with the Office of Sustainability and Environment and Department of Neighborhoods</u>, develop a culturally- and linguistically-appropriate plan to inform residents <u>and tree service providers</u> of the updated tree regulations, particularly in regard to tree removal limits outside of development.	Morales
B6	Request that the Executive propose strategies, including cost estimates, to improve maintenance to prevent tree loss and increase tree canopy coverage on City-owned property in response to the findings of the 2021 Tree Canopy Assessment. <u>Request that the Executive identify causes of tree loss and propose potential improvements to the City's efforts to increase tree canopy and to maintain existing trees on City-owned property as part of the Mayor's 2024 Proposed Budget. The proposed improvements would be informed by the recommendations of the City of Seattle 2021 Tree Canopy Assessment Final Report.</u>	Nelson
B7	Request that the City Budget Office submit legislation with the 2024 Proposed Budget that would establish a fund to receive in-lieu fees, revenue from penalties issued for violations of Chapter 25.11 , donations, and grants.	Pedersen
B8	Add funding to expand Seattle Public Utilities' Trees for Neighborhoods program.	Strauss
B9	Add funding to Seattle Department of Construction and Inspections for code enforcement staff.	Strauss
B10	<u>Request that the Executive explore creating within the Seattle Department of Construction and Inspections (or another department as appropriate) an Urban Forestry Division with dedicated staff and/or assigning responsibility for urban forestry oversight to the Office of Sustainability and Environment.</u>	<u>Strauss</u>

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C. Permit Review Process		
No.	Description	Sponsor(s)
C1	Add a new section to request that SDCI modify its practices to consider trees at the beginning of the permit review process.	Pedersen Strauss
C2	(1) Create a definition for Major Development Project (i.e., large-scale project with Tier 1 or Tier 2 trees or at least three Tier 3 trees); (2) tree retention and tree protection areas for Major Development Projects are Type I decisions with notice requirement; and (3) require a tree protection report for all Major Development Projects.	Pedersen
C3	Require that Seattle Department of Construction and Inspections approve tree protection areas prior to approving subdivision and lot line adjustments.	Pedersen
C4	Require permit applicants to engage a certified arborist throughout the development process when Tier 1, Tier 2 or Tier 3 trees are located on the property.	Pedersen
C5	Require Seattle Department of Construction and Inspections staff arborist to ensure that tree protection plan is implemented as proposed.	Strauss

D. Tree Removals Outside of Development		
No.	Description	Sponsor(s)
D1	Include "pathogens" as a cause for tree removal and require replacement.	Strauss
D2	Increase removal limit for Tier 4 trees from two to three in a three-year period in NR, LR, MR, commercial, and SM zones. Allow for removal of regulated trees for specific reasons, to be determined by Director's Rule.	Pedersen
D3	Allow removal of additional Tier 3 and Tier 4 trees outside of development in case of conflicts with infrastructure and building foundations and thinning necessary to ensure the health of remaining trees. CB 120354 would only allow removal of up to two Tier 4 trees in a three-year period in NR, LR, MR, commercial, and SM zones.	Strauss
D4	Authorize SDCI to promulgate rules related to specifying invasive tree species and pests, pathogens, and insects.	Pedersen
D5	Exempt dead trees from full hazard tree removal permit requirement.	Strauss
D6	Exempt removal of invasive or problematic tree species (as defined by the Director) from tree removal limits.	Strauss
<u>D7</u>	<u>Allow removal of additional Tier 3 and Tier 4 trees outside of development if, after such removal, the remaining canopy on the subject property would have 40 percent or greater tree canopy cover.</u>	<u>Strauss</u>
<u>D8</u>	<u>Modify exemption 25.11.020.H (tree removal to comply with the Americans with Disabilities Act) to include reference to "improving access for the elderly or disabled."</u>	<u>Strauss</u>

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E. In-Lieu Fees and Tree Replacement Requirements		
No.	Description	Sponsor(s)
E1	Clarify that replacement trees planted to mitigate for removal of Tier 2 or Tier 3 trees for development count towards Green Factor. (25.11.090)	Strauss
E2	Establish the minimum in-lieu fee amount for any Tier 2 tree below 24 inches DSH to be equal to the fee for a 24 inch DSH tree. (25.11.110)	Strauss
E3	Authorize SDCI to promulgate rule to specify requirements, including "watering as needed," for ensuring long-term health and survival of replacement trees and require that replacement trees be native and/or culturally significant and resilient to climate change.	Herbold Pedersen Strauss
E4	Change requirement for Tier 1, Tier 2, and Tier 3 tree removal to an inch-for-inch replacement (i.e., if a 30 inch DSH tree is removed, 30 inches of replacement trees must be planted).	Pedersen
E5	Require that if a replacement tree cannot be planted on-site or in the adjacent right-of-way, it should be planted on public land in Census tracts with 25 percent or less tree canopy cover, as determined by the 2021 Tree Canopy Assessment, or successor assessment.	Pedersen
E6	Codify minimum in-lieu fee to be \$2,833 \$4,000 per tree for Tier 3 trees and or \$17.87 per square inch removed for Tier 1 and Tier 2 trees, whichever is higher. For Tier 1 or Tier 2 trees that are below 24 inches DSH, the fee will be equal to the fee for a 24 inch DSH tree. (25.11.110)	Pedersen
E7	Require that maintenance of relocated and replacement trees include "watering as needed"	Strauss
E8	Require replacement of failed replacement trees for the life of the project.	Pedersen
E9	Require that an active notice of violation for illegal tree removal associated with a property be resolved before the Seattle Department of Construction and Inspections will accept an application for development of that property.	Pedersen Strauss
E10	<u>Add recitals related to the key findings of the 2021 Tree Canopy Assessment, including the ongoing issue of inequitable tree canopy cover distribution throughout Seattle and specify that revenues generated from the in-lieu fee for replacement trees be directed to planting new trees in census tracts with tree canopy cover of 25 percent or less, prioritizing planting in the public place.</u>	<u>Morales</u>
E11	Require that the Seattle Department of Construction and Inspections make information about replacement tree locations publicly available via an online map.	Strauss

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F. Tree Service Providers		
No.	Description	Sponsor(s)
F1	Exempt <u>hedge pruning and</u> fruit tree pruning for trees cultivated for fruit production from definition of "reportable work."	Strauss
F2	Establish additional penalties for unregistered tree service providers performing commercial tree work, such as loss of business license or significant fines.	Strauss
F3	<u>Specify that a tree service provider that is issued two notices of violation for illegal removal of two Tier 1 or Tier 2 tree within a 12-month period will be removed from the City's registry for a year.</u>	Strauss
F4	<u>Amend definition of "reportable work" from removal of 15 percent or greater canopy area and branches 2 inches in diameter or greater to 25 percent canopy are and branches 4 inches in diameter and greater.</u>	Strauss

G. Tree Protections During Development		
No.	Description	Sponsor(s)
G1	Change exception for street tree requirements for expansion of a structure by 1,000 square feet or less to 500 square feet or less in subsection 23.47A.016.B.2.b. This would require that street trees be planted when any expansion of 500 square feet or larger is planned for an existing structure (i.e., additions 500 square feet or more would not be exempt from street tree requirements).	Pedersen
G2	Require use of the ANSI A300 trunk diameter method (which accounts for irregular shapes) to determine tree protection areas instead of proposed drip line method.	Pedersen
G3	Remove ability for Seattle Department of Construction and Inspections to temporarily reduce the tree protection area for construction activities.	Pedersen
G4	Require consideration of tree protection areas for trees located on abutting properties.	Strauss

H. Other Substantive Amendments		
No.	Description	Sponsor(s)
H1	Require removal of invasive vegetation during development and prohibit planting of invasive species with new development.	Pedersen Strauss
H2	Amend purpose and intent section to add to "address climate resiliency and reduce heat island impacts across the city," as recommended by the Urban Forestry Commission. (25.11.010)	Strauss
H3	Add a new section to CB 120534 with findings to support tree regulations.	Pedersen
H4	<u>Add a new section to authorize the Seattle Department of Construction and Inspections to modify mitigation and Tier 1 tree removal restrictions.</u>	Strauss

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I. Non-Substantive Technical Amendments		
No.	Description	Sponsor(s)
11	Amend the definition of "tree grove" to specify that each individual tree within a tree grove shall be regulated as a Tier 2 tree.	Pedersen Strauss
12	Amend whole bill to use one term such as "Qualified Tree Professional."	Strauss
13	Amend all references to hazard tree, tree risk assessment to reach consistent language and amend chapter definitions accordingly. <u>Align definition of "emergency action" with the definition for "hazardous tree."</u>	Strauss
<u>14</u>	<u>Amend definition of "commercial tree work" to align with new tree tier nomenclature and clarify requirements for tree service providers that conduct risk assessments.</u>	<u>Strauss</u>