

May 3, 2023

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By Email Only

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Re: Proposed Amendments to Tree Protection Ordinance
Council Bill 120534

Dear Chairperson Strauss and Members of the Land Use Committee:

Our firm represents the Master Builders Association of King and Snohomish Counties (“MBAKS”) and Legacy Group Capital, LLC; Blueprint Capital Services, LLC; Ashworth Homes LLC; Blackwood Builders Group; and Build Sound, LLC (collectively, “Developers” and together with MBAKS, “our clients”). This letter is submitted by and on behalf of our clients. MBAKS, the nation’s oldest and largest local homebuilders’ association is a membership organization that represents the interests of its members related to land use and development regulations, among other issues. Many of its members, including the Developers, develop residential and other types of projects in Seattle.

First, our clients would like to applaud the efforts of Chairperson Strauss and Land Use Committee Members in your efforts to revise and improve Seattle’s tree regulations. Our clients understand that there are many voices, some with radically divergent opinions, about how to move Seattle toward a more resilient, equitable and livable city with housing opportunities for people at all income levels. Your job, as our clients see it, is not so much to balance the views of those interested in this issue, but rather to listen to all and then craft regulations that best support the future of the city and its residents.

Some see the question of how to regulate trees as “trees versus housing.” Our clients do not. Rather, providing diverse housing opportunities and a healthy tree canopy are both

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achievable with well thought-out regulations. Our clients, and other members of the design and development community, have been working to help you create such an ordinance.

In this regard, our clients generally support City Council's proposed tree protection ordinance, with the clarifications noted below. While the Council's proposal contains provisions which will make development more difficult and increase housing costs, it also provides benefits to our clients' community. Essentially, the proposed ordinance is itself a balance between preservation of the existing tree canopy and providing housing opportunities along with creating equivalent, or greater, tree canopy moving forward. The most important clarification is to remove any possible ambiguity in SMC 25.11.070 that the determination regarding whether a Tier 2 tree may be removed in Neighborhood Residential, Lowrise, Midrise, Commercial and Seattle Mixed Zones is based on the basic tree protection area, without any modifications.¹ Proposed amendment A4 will accomplish this for Lowrise, Midrise, Commercial and Seattle Mixed Zones, but SMC 25.11.070.A also needs to be amended to accomplish this for Neighborhood Residential Zones.

Our clients are also very concerned about some of the amendments proposed by various committee members. While our clients support some of the proposed amendments because they clarify and solidify this balance, others would compromise and completely destroy this balance.²

Specifically, our clients object to, and strongly encourage you to reject, the following proposed amendments:³

1. A6 (which would eliminate the 85% lot coverage standard);
2. B3 (which would expand access to the heritage tree program. In this regard, there are serious legal and constitutional problems with this program, given the regulation of heritage

¹ MBAKS provided this clarification and other proposed clarifications to Council Central Staff several weeks ago. A copy is attached to this letter as **Exhibit A**.

² This list was initially prepared based on the matrix of the proposed amendments, before the full text of the proposed amendments (which run, including commentary by staff, approximately 115 pages) became available on Tuesday, May 2, 2023. Time should be provided for our clients and other members of the public to analyze the proposed amendment and provide full comments before Land Use Committee action is taken on the proposed ordinance. Please also note that, based on the matrix, our clients also object to proposed amendments A1, A7 and C5, which do not appear in the final list of proposed amendments.

³ The alpha-numeric references are to the Table of Potential Amendments produced by Council Central Staff.

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(Tier 1) trees in the proposed ordinance, especially if the program ever became a non-voluntary program);

3. C2 (which would create a new category of “Major Development Projects” and apply specific tree protection requirements to those projects);

4. C3 (which would require SDCI to approve tree protection areas as part of any subdivision or lot boundary adjustment);

5. C4 (which would require a certified arborist be involved throughout development on many projects);

6. E4 (which would substantially and unreasonably increase the number of trees required to be planted to replace a removed tree);

7. E6 (which would increase the in-lieu fees for tree replacement);

8. E8 (which would require replacement of failed replacement for ten years);

9. E9 (which would require that any alleged tree violation on a lot be resolved before SDCI can accept an application for development of that lot);

10. G1 (which would require planting street trees when there is very minor expansion of existing structures);

11. G2 (which would serve to create more uncertainty in determining the tree protection area. Measuring the dripline is a simpler and more predictable way to determine the tree protection area); and

12. G3 (which would eliminate the ability of SDCI to reduce the tree protection area during construction).

If a combination of these problematic amendments is adopted or if the clarification noted above is not incorporated into the ordinance, developers will lose the predictability they need to build housing. In this event, our clients would object to many of the provisions in the proposed

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ordinance. This includes, without limitation, the following provisions of Council Bill 120534 as currently drafted:

1. SMC 25.11.020.D. City agencies currently are exempt from SMC 25.11.020.D. The City should be a leading example for increasing the tree canopy and should not be exempt from this requirement in meeting the city’s tree canopy goals.⁴ This exemption of the city from the requirements of the tree ordinance is especially ironic considering the recent tree canopy survey, which documents the tremendous loss of tree canopy in rights-of way and city owned land. The bill should remove this exemption.
2. SMC 25.11.040. The city should not require that hazard trees be replaced. This requirement will lead to no permits or action being taken, when necessary, which could endanger people and property in proximity to the hazard tree. If a tree is naturally at the end of its life, homeowners and developers should not be required to replace the tree. This and other provisions that require replacement of Tier 1, Tier 2 and Tier 3 trees will add to the cost of housing.
3. SMC 25.11.050.A.3. This and other provisions, prohibiting removing a Tier 1 tree unless there is an emergency or it is hazardous. This could make many lots unbuildable and reduce the amount of housing created.
4. SMC 25.11.060.A.3. This and other provisions which can be read to allow SDCI to increase the tree protection area beyond the basic tree protection area. This will cause substantial uncertainty about what can be built on a lot and lead to less housing production.
5. SMC 25.11.060.A.5. The city should not require a prescriptive type of fencing, signage, and other safety requirements in all cases. There should be flexibility since lesser forms of tree projection are appropriate in certain circumstances.
6. SMC 25.11.060.D. This and other provisions which require a tree protection covenant to be recorded on every lot with a required tree protection area. The covenant will, among other things, prohibit any use of the affected area other than as a tree protection area. The covenant will last for many years.⁵ This inappropriately limits the ability of homeowners far into

⁴ See Seattle’s Comprehensive Plan Policy T 4.2: “Enhance the public street tree canopy and landscaping in the street right-of-way.”

⁵ The draft provision is ambiguous on its duration. It states: “Required covenants shall run with the land and shall be recorded in the King County Recorder’s Office for the remainder of the life of the building or for the

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the future to use their property as they desire and will create enforcement nightmares for the City and the public.

7. SMC 25.11.080. The proposed tree protection ordinance that regulates Major Institutions remains mostly unchanged from the existing ordinance. Major Institutions should be held to the same standard as other development and should not have a far lower bar to remove Tier 3 trees. If the city is going to meet its tree canopy goals, the tree protection ordinance should apply equally to Major Institutions and zones where housing is created.

8. SMC 25.11.090. This and other provisions require monitoring of replacement trees for five years. This will place undue burdens on homeowners and monitoring responsibilities on SDCI and will lead to enforcement action against unwitting homeowners.

9. SMC 25.11.095.A.3. Tree removal when approved under a Master Use Permit or Building Permit, requiring a registered tree service provider under SMC 25.11.095.A.3. When trees are approved to be removed by Master Use Permit or Building permits, the tree removal should not be required to be performed by a registered tree care provider. This requirement is unnecessary and punitive.

10. SMC 25.11.100.C. The notice and posting requirements of SMC 25.11.100.C for projects that are reviewed and issued under Master Use Permits or Building Permits. Master Use Permit and Building Permits that have been through a full review, approval and issuance should not be required to provide public notice or on site posting. This directly conflicts with SMC 23.76.012 and will only serve to promote conflicts over a permit that has already been approved.

11. SMC 25.11.130. This contains the definition of “Tier 2 trees.” Reducing the default diameter from 30-inches to 24-inches for a tree to be considered a Tier 2 tree will mean more trees will be subject to the rigorous protection provided to exceptional trees. This will substantially increase the cost of developing the lots with these trees. Because of this and the inherent risk of the discretionary nature of SDCI’s authority to protect these trees, many fewer lots will be developed and less housing will be created.

To comply with the Growth Management Act, a development regulation must generally conform to a city’s comprehensive plan. RCW 36.70A.040(3)(d), (4)(d), (5)(d),

remainder of the life of the tree.” It does not specify whether the covenant will terminate on the sooner or later of these events.

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36.70A.130(1)(d); WAC 365–196–805(1). *See Spokane Cnty. v. E. Washington Growth Mgmt. Hearings Bd.*, 176 Wn. App. 555, 309 P.3d 673 (2013). One of the central aims of Seattle’s 2015-2035 Comprehensive Plan (the “Plan”) is to give Seattle residents better access to diverse and affordable housing. If certainty is removed from the proposed tree protection ordinance, or if some or all of the above proposed amendments are passed, the tree protection ordinance would not comply with many of the Plan’s goals and policies related to housing. These housing goals and policies, include, but are not limited to those goals and policies identified in **Exhibit B** to this letter.

Again, our clients appreciate the Land Use Committee’s time and effort to establish a tree protection ordinance that appropriately provides for an increase tree canopy over time, while providing certainty for developers and not unnecessarily increasing the cost of housing through burdensome and unnecessary regulations.

Very truly yours,

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Exhibit A

MBAKS Proposed Ordinance Amendments

25.11.060 Determination of adjustable tree protection areas for retained Tier 1, Tier 2, and Tier 3 trees, ((including tree protection area delineation)) – covenants.

A. The basic tree protection area may not be modified.

B. Adjustable Tree protection area

1. An **adjustable** tree protection area is required for all existing Tier 1, Tier 2, and Tier 3 trees that are not removed during development, as well as any tree relocated offsite if on private property or any tree planted onsite as part of required mitigation pursuant to this Chapter 25.11.

2. The **adjustable** tree protection area for Tier 1, Tier 2, and Tier 3 trees **not removed during development** shall be determined by the Director pursuant to this subsection 25.11.060.A and any rules promulgated by the Director. **To determine the adjustable tree protection area, the Director shall start with the drip line of the tree and then make any appropriate modifications and reductions pursuant the provisions of this subsection 25.11.060.A.**

3. The **Director may modify the adjustable** tree protection area ((~~may be modified from the basic tree protection area~~)) based on species tolerance; expected impacts of construction activities; tree size, age, and health; and soil conditions not to exceed the area of

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the feeder root zone. The Director may require Master Use Permits or building permits to include measures to protect tree(s) during construction, including within the feeder root zone.

4. The **director may reduce the adjustable** tree protection area (~~may be reduced by the Director pursuant to the provisions of Title 23 and this Chapter 25.11,~~) as follows:

a. Any new encroachment into the **adjustable** tree protection area may not be closer than one half of the tree protection radius. Existing encroachments closer than one half of the tree protection radius may remain or be replaced if no appreciable damage to the tree will result.

b. The **adjustable** tree protection area shall not be reduced more than 35 percent unless an alternative tree protection area or construction method will provide equal or greater tree protection and result in long-term retention and viability of the tree as determined by a certified arborist.

c. Existing encroachments do not count toward the reduction.

~~((e))~~ 5. The **adjustable** tree protection area may be temporarily reduced in size during a specific construction activity that is not likely to cause appreciable damage to the tree. Appropriate mitigation measures shall be implemented per ANSI A300

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standards or their successor, and the tree protection area shall be returned to its permanent size after the specific construction activity is complete.

((5)) 6. The **adjustable** tree protection area is required to include fencing, signage, and other safety requirements as required in the Seattle Department of Construction and Inspections Tree and Vegetation Protection Detail.

B. Site plan requirements

1. Tier 1, Tier 2, and Tier 3 trees are required to be documented on all plan review sheets within a plan set submitted for a Master Use Permit or building permit, **including Tier 2 trees that will be removed as allowed under subsection 25.11.070 and Tier 3 trees that will be removed during construction.**

2. **Adjustable** ((F))tree protection areas ((as determined by subsection 25.11.060.A)) for all Tier 1, Tier 2, and Tier 3 trees **that will not be removed during development shall** ((are required to)) be identified on site plans. Tree protection fencing and signage **for all retained Tier 1, Tier 2, and Tier 3 trees** are required to be shown on all plan review sheets within a plan set submitted for a Master Use Permit or building permit.

3. Any **proposed** development standard modifications pursuant to the provisions of Title 23 and this Chapter 25.11 to avoid development within an ((designated)) **adjustable**

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tree protection area of a Tier 1, Tier 2, or Tier 3 trees that will not be removed during development are required to be identified on site plans.

4. Site plans that include proposed modifications to development standards pursuant to the provisions of Title 23 and this Chapter 25.11 to avoid development within a ((designated)) adjustable tree protection area of a Tier 1, Tier 2, or Tier 3 trees that will not be removed during development are required to be reviewed and approved by a certified arborist to determine that the development shown would protect applicable trees.

5. Site plans are required to include any existing tree and its tree protection area, if applicable, that is documented by the Seattle Department of Construction and Inspections to be retained by a previous Master Use Permit or building permit.

C. The Director may require a tree protection report prepared by a certified arborist to confirm accuracy of applicant's classification of trees and to assist the Director in determining adjustable ((of the)) tree protection areas. The report must use ANSI A300 standards or their successor and be prepared by a certified arborist. Tree protection evaluation and requirements may include but are not limited to the following:

1. A tree evaluation with respect to its size, age, general health, damage, danger of falling, species tolerance to construction impacts, location of structural roots, existing soil

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conditions, proximity to existing or proposed structures, extent of proposed grade changes (e.g., soil cut and fill), and/or utility services;

2. An evaluation of the anticipated effects of proposed construction on the viability of the tree;

3. A hazardous tree risk assessment, if applicable;

4. A plan that documents required tree protection or tree replacement measures including payment in lieu pursuant to Section 25.11.110;

5. A plan that describes post-construction site inspection and evaluation measures;

6. A certified arborist's description of the method(s) selected to determine ~~((the))~~ a proposed adjustable tree protection area, if applicable. Methodologies may include exploratory root excavations for individual trees together with a case-by-case description; and

~~((7))~~D. The life expectancy of regulated trees shall be determined by the Director pursuant to this subsection 25.11.060.C and any rules promulgated by the Director. The Director shall determine the likelihood that a tree will live to maturity due to factors including but not limited to:

a. Health and physical condition;

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b. Development site constraints such as proximity to existing or proposed development, access and utilities, soil conditions, and exposure to sunlight; and

c. Environmental conditions external to the development site such as the likely occurrence of a disease or an insect infestation, a landslide, or presence of a high water table.

~~((D))~~**E. Trees protected by covenant**

1. A covenant shall be required prior to the issuance of any permit or approval that includes modification to development standards to avoid development within a ~~((designated))~~ **adjustable** tree protection area for the following trees:

a. Tier 1 trees that are not determined to be hazardous or in need of emergency action;

b. Tier 2 trees that are not removed pursuant to Sections 25.11.070 or 25.11.080; and

c. Tier 3 trees that are not proposed to be removed.

2. A covenant shall describe the ~~((required))~~ **adjustable** tree protection areas, include a survey, if one has been prepared, and include documentation that acknowledges that development is prohibited on and within any of the **adjustable** tree protection areas, including any disturbance

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of the **adjustable** tree protection area that is inconsistent with the provisions of this Chapter 25.11.

3. Required covenants shall run with the land and, **upon issuance of the applicable permit or approval**, shall be recorded in the King County Recorder's Office for the remainder of the life of the building or for the remainder of the life of the tree, **whichever is shorter.**

25.11.070 Tree protection on sites undergoing development in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones

A. Neighborhood Residential zones

1. Tier 2 trees may be removed only if:

a. The maximum lot coverage permitted on the site pursuant to Title 23 cannot be achieved without extending into ~~((the))~~ a basic tree protection area ~~((more than is allowed pursuant to Section 25.11.060))~~ or into a required front and/or rear yard to an extent greater than provided for in subsection 25.11.070.A.~~((2))~~**5**;

b. Avoiding development in the basic tree protection area ~~((including reductions to the tree protection area allowed by subsection 25.11.060.A))~~ would result in a portion of a dwelling unit being less than 15 feet in width; or

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c. Tree removal is necessary for the construction of new structures, vehicle and pedestrian access, utilities, retaining wall, or other similar improvements associated with development.

2. For Tier 2 and 3 trees that will not be removed as part of the development, the Director may allow reductions to the adjustable tree protection area pursuant to subsection 25.11.060.B.4.

3. When multiple Tier 2 trees are located on a lot, the applicant may select the trees to be removed to achieve maximum lot coverage.

4. If, after submitting the application, the Director increases an adjustable tree protection area beyond the drip line of the tree and the increased area does not allow for maximum lot coverage to be achieved without extending into the adjusted tree protections areas, the applicant may remove one or more Tier 2 trees to achieve the maximum lot coverage.

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

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

B. Lowrise, Midrise, commercial and Seattle Mixed zones.

1. Tier 2 trees may be removed if an otherwise allowable development area of 85 percent cannot be achieved without extending into the basic tree protection area ~~more than~~ ~~allowed pursuant to subsection 25.11.060.A~~), as follows:

a. Calculate the basic tree protection area on the lot;
b. Subtract the basic tree protection area and the area of any portions of the lot between a property line and basic tree protection area when the portion of the lot is 15 feet or less measured from a lot line to a basic tree protection area from the lot area. If this number is less than 85 percent of the total lot area, Tier 2 trees may be removed.

c. When multiple Tier 2 trees are located on a lot, **the applicant may select** ~~((the minimum number of))~~ **trees to be removed** ~~((needed))~~ ~~to ((reach))~~ **achieve 85 percent development area pursuant to subsection 25.11.070.B.1** ~~((may be removed in accordance with subsection 25.11.060.C))~~.

d. When the **basic** tree protection area of an off-site Tier 2 tree is located on the lot, this area may be included in accordance with subsection 25.11.070.B.

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e. If, after submitting an application, the Director increases the adjustable tree protection area beyond the drip line of the tree and the increased area does not allow for 85 percent developable area to be achieved without extending into adjustable tree protection areas, the applicant may elect to remove one or more Tier 2 tree in order to achieve the 85 percent developable area.

2. For Tier 2 and 3 trees that will not be removed as part of the development((If an applicant chooses to retain Tier 2 trees that would otherwise be allowed to be removed under subsection 25.11.070.B.1,)) he Director may allow reductions to the adjustable tree protection area pursuant to subsection 25.11.060.B.4 and, for Tier 2 trees to be retained, the following modifications to development standards are allowed as follows:

a. For development not subject to design review, the following Type I modifications to standards:

- 1) Setbacks and separation requirements, if applicable, may be reduced by a maximum of 50 percent;**
- 2) Amenity areas may be reduced by a maximum of ten percent;**
- 3) Landscaping and screening may be reduced by a maximum of 25 percent; and**

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4) Structure width, structure depth, and facade length limits, if applicable, may be increased by a maximum of ten percent.

b. For development subject to design review, the departures permitted in Section 23.41.012.

c. Parking reduction. A reduction in the parking quantity required by Section 23.54.015 and the modification of standards for safe access of any required parking of Section 23.54.030 may be permitted in order to protect a Tier 2 tree, if the reduction would result in a project that would avoid the tree protection area.

d. In Lowrise zones, for a principal structure with a base height limit of 40 feet that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50 feet if the increase is needed to accommodate, on an additional story, the amount of floor area lost by avoiding development within the tree protection area and the amount of floor area on the additional story is limited to the amount of floor area lost by avoiding development within the tree protection area.

3. Tree removal required for development to achieve the allowable development area according to subsection 25.11.070.B.1 or height limits of the applicable zone includes, but is not limited to, the construction of new structures, vehicles and pedestrian access, utilities, retaining wall, or other similar improvement

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25.11.090 Tree replacement, maintenance, and site restoration

A. ~~((Each exceptional tree and tree over 2 feet in diameter that is))~~ Tier 1, Tier 2, and Tier 3 trees including hazardous trees removed in association with development in all zones shall be replaced by one or more new trees, the size and species of which shall be determined by the Director; the tree replacement required shall be designed to result, upon maturity, in a canopy cover that is ~~((at least equal))~~ roughly proportional to the canopy cover prior to tree removal. ~~((Preference shall be given to on site replacement. When on site replacement cannot be achieved, or is not appropriate as determined by the Director, preference for off site replacement shall be on public property.))~~ When off-site replacement is selected by the applicant, preference for the location shall be on public property.

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

B. For each relocated or required replacement tree, maintenance and monitoring is required for a five-year period. The period begins when the replacement tree is planted. Maintenance and monitoring shall include the following:

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1. Sufficient maintenance actions to ensure survival of the replacement tree:

a. When more than one replacement tree is required, 80 percent survival of new trees planted at the end of five years;

b. When one replacement tree is required, 100 percent survival of the new tree planted at the end of five years;

2. Replacement and replanting of ~~((failed))~~ replacement trees **that die within the five-year maintenance and monitoring period;** and

3. Photographic documentation of planting success retained for the five-year period. Submission of documentation to the Seattle Department of Construction and Inspections is not required unless requested by the Department.

25.11.110 Off-site planting and voluntary payment in lieu

If tree removal is approved by the Director, the applicant may elect to make a voluntary payment in lieu of tree replacement on-site as specified in this Section 25.11.110.

A. **An applicant may select a** combination of planting trees on site, planting trees off-site and/or payment in lieu ~~((is allowed))~~, provided that the combination is consistent with the provisions of this Chapter 25.11 and the results shall be equivalent to or greater than the minimum requirements for on-site tree plantings.

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B. All payments shall be paid to the Seattle Department of Construction and Inspections before the issuance of a permit authorizing removal of trees pursuant to this Chapter 25.11.

C. Payments shall be calculated pursuant to a rule promulgated by the Director.

25.11.130 Definitions

...

“Invasive tree” means any tree species that is documented on the King County Noxious Weed Board’s Class A, Class B, or Class C Noxious Weed Lists. **Tier 1, 2, 3 or 4 trees do not include Invasive trees regardless of size.**

...

”Tree protection area, adjustable” means a tree protection area resulting from any adjustments to the drip line area pursuant to subsections 25.11.060.B.3 or .060.B.4

...

“Tier 2 tree” means any tree that is:

- 1) 24 inches in diameter at standard height or greater;~~((~~)
- 2) ~~((includes))~~ **Located in a tree grove**~~((s as well as))~~; or
- 3) **A specific tree species as deemed as such by the Director pursuant to** ~~((standards promulgated))~~ **a rule adopted by the Seattle Department of Construction and Inspections.**

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Exhibit B

Supply of Housing

GOAL

H G2 Help meet current and projected regional housing needs of all economic and demographic groups by increasing Seattle's housing supply.

POLICIES

H 2.1 Allow and promote innovative and nontraditional housing design and construction types to accommodate residential growth.

H 2.3 Consider Land Use Code and Building Code regulations that allow for flexible reuse of existing structures in order to maintain or increase housing supply, while maintaining life-safety standards.

H 2.4 Encourage use of vacant or underdeveloped land for housing and mixed-use development, and promote turning vacant housing back into safe places to live.

H 2.5 Monitor the supply of housing and encourage the replacement of housing that is demolished or converted to nonresidential or higher-cost residential use.

H 2.7 Evaluate the City's efforts to mitigate displacement of affordable housing.

Diversity of Housing

GOAL

H G3 Achieve a mix of housing types that provide opportunity and choice throughout Seattle for people of various ages, races, ethnicities, and cultural backgrounds and for a variety of household sizes, types, and incomes.

POLICIES

H 3.1 Identify and implement strategies, including development standards and design guidelines reflecting unique characteristics of each neighborhood, to accommodate an array of housing designs that meet the needs of Seattle's varied households.

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H 3.2 Allow and encourage housing for older adults and people with disabilities, including designs that allow for independent living, various degrees of assisted living, and/or skilled nursing care, in or near urban centers and urban villages where there is access to health care and other services and amenities.

H 3.3 Encourage the development of family-sized housing affordable for households with a broad range of incomes in areas with access to amenities and services.

H 3.4 Promote use of customizable modular designs and other flexible housing concepts to allow for households' changing needs, including in areas zoned for neighborhood residential use.

H 3.5 Allow additional housing types in neighborhood residential areas inside urban villages; respect general height and bulk development limits currently allowed while giving households access to transit hubs and the diversity of goods and services that those areas provide.

Housing Construction and Design

GOAL

H G4 Achieve healthy, safe, and environmentally sustainable housing that is adaptable to changing demographic conditions.

POLICIES

H 4.1 Provide programs, regulations, and enforcement to help ensure that all housing is healthy and safe and meets basic housing-maintenance requirements.

H 4.2 Encourage innovation in residential design, construction, and technology, and implement regulations to conserve water, energy, and materials; reduce greenhouse gas emissions; and otherwise limit environmental and health impacts.

H 4.3 Consider providing assistance for seismic retrofit of residential buildings, particularly those occupied by lower-income households, to reduce the risk of displacement after an earthquake.

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H 4.4 Increase housing opportunities for older adults and people with disabilities by promoting universal design features for new and renovated housing.

H 4.5 Promote opportunities to combine housing and historic preservation efforts by rehabilitating structures of historic value for residential use.

H 4.6 Promote access to public decision-making about housing for all Seattleites.

H 4.7 Promote housing for all Seattleites that is safe and free from environmental and health hazards.

H 4.8 Explore ways to reduce housing development costs.

Housing Affordability

GOAL

H G5 Make it possible for households of all income levels to live affordably in Seattle, and reduce over time the unmet housing needs of lower-income households in Seattle.

POLICIES

H 5.1 Pursue public and private funding sources for housing preservation and production to provide housing opportunities for lower-wage workers, people with special needs, and those who are homeless or at risk of being homeless.

H 5.2 Expand programs that preserve or produce affordable housing, preferably long term, for lower-income households, and continue to prioritize efforts that address the needs of Seattle's extremely low-income households.

H 5.3 Promote housing affordable to lower-income households in locations that help increase access to education, employment, and social opportunities, while supporting a more inclusive city and reducing displacement from Seattle neighborhoods or from the city as a whole.

H 5.4 Monitor regularly the supply, diversity, and affordability of housing for households by income level, and use this information to help evaluate whether changes to housing strategies

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and policies are needed to encourage more affordable housing or to advance racial and social equity.

H 5.5 Collaborate with King County and other jurisdictions in efforts to prevent and end homelessness and focus those efforts on providing permanent housing and supportive services and on securing the resources to do so.

H 5.6 Increase housing choice and opportunity for extremely low- and very low-income households in part by funding rent/income-restricted housing throughout Seattle, especially in areas where there is a high risk of displacement. Also increase housing choice in areas where lower-cost housing is less available but where there is high frequency transit service and other amenities, even if greater subsidies may be needed.

H 5.7 Consider that access to frequent transit may lower the combined housing and transportation costs for households when locating housing for lower-income households.

H 5.8 Strive for no net loss of rent/income-restricted housing citywide. Citywide Planning Housing Seattle 2035 105

H 5.9 Use strategies that will reduce the potential for displacement of marginalized populations when making decisions related to funding or locating rent/income restricted housing.

H 5.10 Encourage rental-housing owners to preserve, rehabilitate, or redevelop their properties in ways that limit housing displacement, maintain affordable, healthy, and safe living conditions for current residents, and consider cultural and economic needs of the surrounding neighborhood.

H 5.11 Require advance notice to all tenants and payment of relocation assistance to tenants with household incomes below established thresholds before issuing permits for housing demolition, change of use, or substantial rehabilitation or before removing use restrictions from rent/income-restricted housing.

H 5.12 Require culturally sensitive communication with the neighbors of proposed rent/income-restricted housing for extremely low- and very low-income households, with the goal of furthering fair housing.

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H 5.13 Seek to reduce cost burdens among Seattle households, especially lower-income households and households of color.

H 5.14 Encourage and advocate for new federal, state, and county laws, regulations, programs, and incentives that would increase the production and preservation of lower-income housing.

H 5.15 Encourage a shared responsibility between the private and public sectors for addressing affordable housing needs.

H 5.16 Consider implementing a broad array of affordable housing strategies in connection with new development, including but not limited to development regulations, inclusionary zoning, incentives, property tax exemptions, and permit fee reductions.

H 5.17 Consider using substantive authority available through the State Environmental Policy Act to require that new development mitigate adverse impacts on housing affordable for lower-income households.

H 5.18 Consider implementing programs that require affordable housing with new development, with or without rezones or changes to development standards that increase development capacity.

H 5.19 Consider requiring provision for housing, including rent/income-restricted housing, as part of major institution master plans and development agreements when such plans would lead to housing demolition or employment growth.

H 5.20 Implement strategies and programs to help ensure a range of housing opportunities affordable for Seattle's workforce.

H 5.21 Encourage major employers to fund local and regional affordable housing for lower income, moderate-income, and middle-income households.

H 5.22 Continue to promote best practices in use of green building materials, sustainability, and resiliency in policies for rent/income-restricted housing.

H 5.23 Support programs that enable Seattle's lower-income homeowners to remain safely and affordably housed.

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H 5.24 Support financially sustainable strategies to provide homeownership opportunities for low-, moderate-, and middle-income households, especially for families with children, in part to enable these households to have a path toward wealth accumulation.

H 5.25 Work to mitigate the potential demolition of housing units that are affordable to low-income households without subsidies.

H 5.26 Explore implementation of models that could provide opportunities for affordable homeownership, such as community land-trusts, down payment assistance, mixed income housing requirements and limited equity housing co-ops.

Urban Village

POLICIES

GS 1.5 Encourage infill development in underused sites, particularly in urban centers and villages.