

BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In Re: Appeal by

TreePAC Environmental Impact Review  
(TEIR) and Greenwood Exceptional  
Trees (GET)

of the November 15, 2021 Determination of  
Non-Significance by Brennon Staley, Office  
of Planning and Community Development.

NOTICE OF APPEAL

Non-Project Action Amending Seattle  
Municipal Code (SMC), including  
multiple changes to development  
standards in the land use code intended  
to support the development of  
townhouses and rowhouses.

**I. INTRODUCTION**

The Appellants, TreePAC Environmental Impact Review (TEIR) and Greenwood Exceptional Trees (GET), are public interest and community-based organizations in Seattle. TreePAC actively works with the City of Seattle to both improve the health, stewardship and future of trees and the urban forest tree canopy within Seattle as well as increase urban density goals established by the Comprehensive Plan. Our organizations understand and have recognized and noted the execution of good planning principles that accommodate residential dwelling demands while concurrently both conserving and restoring of the City's urban forest which includes individual mature trees which provide essential ecosystem value, groves of trees, and the cumulative and equitably dispersed quantity and quality of Seattle's tree canopy.

The Office of Planning and Community Development (OPCD) is proposing changes to the Land Use Code to further the development of townhouses and rowhouses, primarily unaffordable for most Seattle residents and should be measured in terms of our dwelling vacancy rates. The proposed changes by OPCD would modify density limits in Lowrise 1 (LR1) zones, amend bicycle parking requirements, and update various standards within Lowrise and Neighborhood Residential (formerly Single-Family) zones relating to parking location and parking stall size. Yet the scope of the proposed changes have omitted the impacts and remediation to Seattle's diminishing tree canopy cover.

The City has proposed a change in the land use code regarding townhouses and rowhouses and has determined the proposal does not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c). Accordingly, the appeal is submitted to the Office of the Hearing Examiner relative to Environmental Determinations (SMC 25.05.680) where it is administered by any City department as lead agency. Determinations of Non-Significance (DNS) or that no EIS is required (SMC 25.05.340) are within the jurisdiction of the Examiner.

1 Each appellant will be adversely impacted by OPCD's decision to issue a Determination of  
2 Non-Significance such that the proposed changes will not likely to have any significant adverse  
3 environmental impacts. According to the OPCD, there are over 5,000 Lowrise 1 zoned properties  
4 within Seattle, and many more Neighborhood Residential zoned properties. Together the interests of  
5 the appellants may very well represent many thousands of Seattle residents who will be significantly  
6 and adversely impacted by the proposed Non-Project Action amending Seattle Municipal Code  
7 (SMC), including multiple changes to development standards in the land use code intended to support  
8 the development of townhouses and rowhouses.

9 The Appellants believe that the lack of an adequate environmental and capacity analysis  
10 regarding trees and the tree canopy associated with increasing lot density by approximately 1 to 2  
11 more townhomes/rowhouses per lot, while simultaneously concluding there is no significance to  
12 designated environmental issues is spurious and without evidence. We collectively, including Seattle,  
13 are experiencing a climate change crisis, with record summer (and late fall) temperatures and record  
14 seasonal rains with stormwater flooding runoff impacts, subsequent landslides and delivery of toxins,  
15 sediments and other pollutants into local streams and then into Puget Sound. Accordingly, OPCD must  
16 properly evaluate short- and long-term impacts to reducing its tree and tree canopy by this decision.

17 Seattle's current townhouse development standard already fails to accommodate urban canopy  
18 objectives since the 2019 legislation increased the allowed dwellings count to one townhouse for every  
19 1,300 square feet (sq.ft.) of land area (approximately a 33 percent increase in dwelling count at that  
20 time) while also increasing the floor area allowance (by roughly an additional 20 to 25 percent). With  
21 the 2019 dwelling and floor area increase, there was no stipulation for how increased the density would  
22 also accommodate the tree canopy needed to combat regional urban heat island effects<sup>1</sup>.

23 Just two years later, the new proposal from the Seattle Office of Planning and Community  
24 Development seeks to further increase the allowed townhouse dwelling count, once again without an  
25 environmental impact study that uses a tree inventory and loss data compiled by the Seattle  
26 Department of Construction and Inspections (SDCI) as well as tree loss and planting data available  
from the Seattle Department of Transportation (SDOT). The urban tree canopy and mature trees  
provide the only land-based means for Seattle to sequester carbon and offset urban heat islands<sup>2</sup> in  
addition to additional benefits of providing for existing natural habitats. The relevant environmental  
impacts of plants and natural habitats for animals has been arbitrarily deemed inconsequential by the  
OPCD.

## 27 II. APPELLANT INFORMATION

28 1. TreePAC Environmental Impact Review: It is the mission of the TreePAC Environmental Impact  
29 Review (TEIR) committee is to further increased density along with sufficient study. We support  
30 townhouse development in combination with measures to assure Seattle established canopy goals  
31 will be achieved. The TEIR supports TreePAC's mission to adopt legislation that would

<sup>1</sup> Referencing the City of Seattle 2016 Tree Canopy Assessment that shows LiDAR maps of both tree canopy  
and local urban heat islands. This comparison provided evidence that the tree canopy cover directly offset impacts of heat  
islands by resulting cooler surface temperatures.

<sup>2</sup> <https://www.climatecentral.org/wgts/UHI/index.html>

1 accomplish the goals of tree retention, tree protection and tree replacement that would maintain  
2 all the things that make Seattle an essential for a livable community, habitat for nature, and  
adequate urban forest to mitigate peak stormwater loads and urban heat island effects.

3 Representative: Richard Ellison, TEIR chair and TreePAC vice-president, PO Box #, Seattle WA  
98113, [treesandpeople@pacificwest.com](mailto:treesandpeople@pacificwest.com), (206) 661-4195.

- 4
- 5 2. Greenwood Exceptional Trees, The Greenwood Exceptional Tree group organized in 2017 to save  
a 104-year-old red cedar on our street, and after our dedicated work we were successful. Our aim  
6 as residents of Seattle is to join together with our neighbors and neighborhood groups to protect  
urban trees and forests; prevent urban deforestation from short-sighted residential development,  
7 and to organize political action for change in tree policy at the level of local government to  
maximize protections against climate change and heat islands in the City's urban planning.  
8 Representative: Ivy Durslag, Greenwood Exceptional Trees, 512 N. 82nd Street, Seattle, WA  
98103, [IVYHALEY@msn.com](mailto:IVYHALEY@msn.com), (206) 353-7265.

10 All of the appellants' representatives prefer to receive communications from the Office of Hearing  
Examiner by email attachment at the indicated addresses.

11 In this appeal, the above entities are referred to collectively as "Appellants."

### 12 III. DECISION BEING APPEALED

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14 **1. Decision Appealed:** Appellants appeal the City of Seattle Office of Planning and Community  
Development's Determination of Non-Significance (DNS) with Notice dated November 15, 2021  
15 pursuant to SMC 25.05.340 and WAC 197-11-340<sup>3</sup>. The Office of Planning and Community  
Development (OPCD) is proposing changes to the Land Use Code to support the development of  
16 townhouses and rowhouses. The proposed changes would modify density limits in Lowrise 1 (LR1)  
zones, amend bicycle parking requirements, and update within LR1 and Single-Family (SF) zones  
17 various standards relating to parking location, parking stall size, and measurements. Regarding the  
environmental determination, the OPCD has determined that the amendment as summarized will not  
18 have a significant adverse environmental impact and has issued a Determination of Non-  
Significance (no Environmental Impact Statement required).

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20 **2. Property address of decision being appealed:** The proposal is applicable to all lowrise 1  
residential zones in the City, as well as Single-Family zones parking provisions.

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22 <sup>3</sup> 1. The requirements of the WAC 197-11-444 apply in this proposal to change the density requirements  
within low-rise multifamily zones and the Washington State Environmental Policy Act (SEPA). The Determination of  
23 nonsignificance (DNS) is to determine at least the following inside all portions of the affected Seattle study area including  
the Natural environment: (a) Earth Unique physical features, (b) Air; (c) Water Surface water movement/quantity/quality  
24 and Runoff/absorption and Groundwater movement/quantity/quality; (d) Plants (tree canopy) and animals Habitat for and  
numbers or diversity of species of plants, fish, or other wildlife; and (e) Energy and natural resources with Amount  
25 required/rate of use/efficiency and Source/availability. In addition, the Determination of nonsignificance (DNS) was to  
consider the Built environment: (a) Environmental health with Noise; (b) Land use including (i) Relationship to existing  
26 land use plans and to estimated population; (ii) Housing; (vi) Historic and cultural preservation; (c) Transportation  
including Vehicular traffic and Parking; and (d) Public services and utilities; including Fire, Water/stormwater, and  
Sewer/solid waste.

### 3. Elements of decision being appealed:

- ☒ Adequacy of conditions  
☒ EIS not required  
☒ Other (as set forth in more detail in Section V below)

#### IV. BACKGROUND

Without current citywide public engagement or any form of tailored public engagement to those most likely to be impacted within and adjacent to Lowrise multifamily residential zones, the OCPD has moved to increase density within LR1 zones from the pre-MHA (April 2019) one dwelling per 1,600 sq.ft. of lot area and subsequently increased to the current density of one dwelling per 1,300 sq.ft., to a newly proposed one townhouse/row-house dwelling per 1,150 sq.ft. of lot area. Table 1 (below) summarized the dwelling density increases within LR1 zones since 2015.

LR1 Zones	Allowed density (RH=rowhouse)	<5,000 sq.ft. lot dwellings	<6,000 sq.ft. lot dwellings	Increase from April 2019 (baseline)
<b>2015-2019</b>	1 dwelling per 2,200 SF (1,600 RH) lot area	2 townhouses or 3 rowhouses	2 townhouses or 3 rowhouses	
<b>2019-current</b>	1 dwelling per 1,300 sq.ft. lot area	3 townhouses or rowhouses	4 townhouses or rowhouses	200% or 133% rowhouses
<b>Proposed with OPCD action</b>	1 dwelling per 1,150 sq.ft. lot area	4 townhouses or rowhouses	5 townhouses or rowhouses	250% or 166% rowhouses

**Table 1 (above) – Comparison of Lowrise Residential Multifamily zone LR1 since 2015.**

Rounding up at 0.85 per Seattle Municipal Code. This comparison excludes the impacts of increased floor area ratio (FAR) from 2015 to 2019; and the above table excludes corner properties within LR1 zones 3,000 sq.ft. or more that are permitted to have as many rowhouses along the long dimension of the lot that will physically accommodate side-to-side rowhouse dwellings<sup>4</sup>.

The proposed cumulative number of rowhouse and townhouse dwellings within a property has been proposed without an adequate evaluation by OPCD to reach the SEPA determination on non-significance. The OPCD deliberately seeks to thwart accurate environmental analysis of significant negative environmental impacts. None of the reports include an analytical review of the impacts to the urban forest and urban canopy cover. Infrastructure capacity within the city has been ignored.

<sup>4</sup> Sources to Table 1:

<http://www.seattle.gov/opcd/vault/multifamily>

[http://www.seattle.gov/dpd/cms/groups/pan/@pan/documents/web\\_informational/dpds021571.pdf](http://www.seattle.gov/dpd/cms/groups/pan/@pan/documents/web_informational/dpds021571.pdf)

<http://www.seattle.gov/Documents/Departments/SDCI/Codes/MultifamilyZoningSummary.pdf>

<https://council.seattle.gov/2015/06/18/lowrise-multifamily-code-updates-balancing-design-and-density/>

<https://www.seattlemet.com/news-and-city-life/2015/07/white-single-family-neighborhoods-diversity-in-urban-villages>

1 Ultimately, Seattle's townhouse and other developments will only thrive in healthy communities  
2 which retain large trees and provide sufficient onsite and, where available, street right-of-way  
3 growth area for trees. According to the Office of Planning and Community Development's notice of  
4 11/15/2021, the proposed Land Use Code Amendment would support denser developments of  
5 townhouses on Lowrise multifamily-zoned land.

6 Increased density cannot be considered holistically without considering the legislative adjustments  
7 needed in tree protections and replacement provisions. For decades the Seattle City Council has  
8 considered proposals to amend Seattle's Land Use and Zoning Code and Tree Protection Code to  
9 update regulations dealing with tree preservation, removal, and related regulations. The failure of the  
10 current regulations—both in their content and as implemented—was documented in a “tree  
11 regulations research project” concluding with a final report and internal City presentation on March  
12 27, 2017. The current effort leading to the appealed DNS was initiated by Mayor Tim Burgess's  
13 [Executive Order 2017-11](#) <sup>5</sup>issued on October 13, 2017.

14 The specific decision to issue a Determination of Non-Significance (the ‘Decision’) being  
15 reviewed—and the subject of the DNS—is not explicitly cited in either the DNS or the referenced  
16 SEPA Checklist.

## 17 V. APPEAL INFORMATION

### 18 1. What is your interest in this decision?

19 Appellants are community and neighborhood organizations who represent thousands of Seattle  
20 residents who will be significantly and adversely impacted by the proposed revisions to the tree  
21 ordinance. Their respective interests in the conservation of Seattle's urban forest are enumerated in  
22 the Appellant Information section above.

23 The TreePAC Environmental Impact Review team supports efforts by OPCD to promote increased  
24 access to housing in our growing city. However, these efforts should proceed with adequate attention  
25 given to the impact that they have, including environmental impact. Members of Appellants live,  
26 own property, and work in Seattle and will be directly and indirectly affected by the impacts of  
reduced tree canopy and loss of individual (“Exceptional”) trees and groves as defined and protected  
under current SMC Chapter 25.11. These impacts are likely to be adverse and significant within  
low-rise multifamily zones, and will increasingly reduce the livability of Seattle's neighborhoods as  
more property is upzoned from low-density residential to multifamily residential zones. These  
impacts will also result in an increase in public expenditures for energy and stormwater utilities, an  
expense born by all taxpaying residents of Seattle, and in moving Seattle away from its stated goals  
of environmental justice and equity and away from carbon neutrality. The provision of denser living  
environments and reduction of vehicle parking provisions does not combat climate change without  
considering the accommodations of plants, habitats, stormwater, and displacement patterns.

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<sup>5</sup> Executive Order 2017-11: Tree Protection, An Executive Order directing City Departments to improve  
departmental coordination, strengthen enforcement, and adopt new rules and regulations to improve and expand  
protections for Seattle's urban trees and canopy coverage. [Executive-Order-2017-11-Tree-Protection.docx](#)



Contrary to city goals as demonstrated herein and with the proceedings of appeal hearings, the proposal contrasts LU 5.6 to “Establish setbacks in residential areas as needed to allow for adequate light, air, and ground-level open space; help provide privacy; promote compatibility with the existing development pattern; and separate residential uses from more intensive uses.” Increased number of ground floor dwellings results in reduced access to daylight, air and ground-level open space. Code-compliant development pattern for LR1, as indicated within Table 1 above, has increased recently from one dwelling for every 2,200 sq.ft. of lot area to one dwelling for every 1,300 sq.ft., a pattern which was rejected by Seattle through legislation initiated by former City Council member Sally Clark. That increase in dwellings is just beginning to be manifested through the code-compliant permit applications from April 2019. Therefore, additional dwellings proposed by OPCD including its environmental impacts are yet to be concluded.

## 2. What are your objections to the decision?

Comprehensive planning that includes an adequate analysis of the decision is being overlooked by the OPCD. The public interests to both improve the urban forest tree canopy as well as increase urban density goals has not been collectively satisfied. With haste, OPCD has issued a DNS even before the City of Seattle has completed updating the city’s Comprehensive Plan. OPCD simply relied on limited and selective engagement to arbitrarily conclude with a Determination of Non-Significance to the environment impacts instead of relying upon qualitative and science-based analysis. Within one week over 350 Seattleites have signed a petition<sup>6</sup> that favors an environmental impact study regarding this decision. The constituents of the appellants are alarmed about this decision to increase LR1 density while concluding that there will be no significant impact to the natural environment and people’s relationship with that environment. Air quality, flooding, habitat, heat and livability are all affected by the needless removal of trees for the accommodating of only market rate townhouses and rowhouses. The decision is also at odds with the City’s climate change strategy and the recognition that mature trees are needed to sequester carbon, particularly in the next ten years.

**Rowhouse**



Rowhouses are attached side by side along common walls. Each rowhouse directly faces the street with no other principal housing units behind the rowhouses. Rowhouses occupy the space from the ground to the roof. Units can not be stacked.

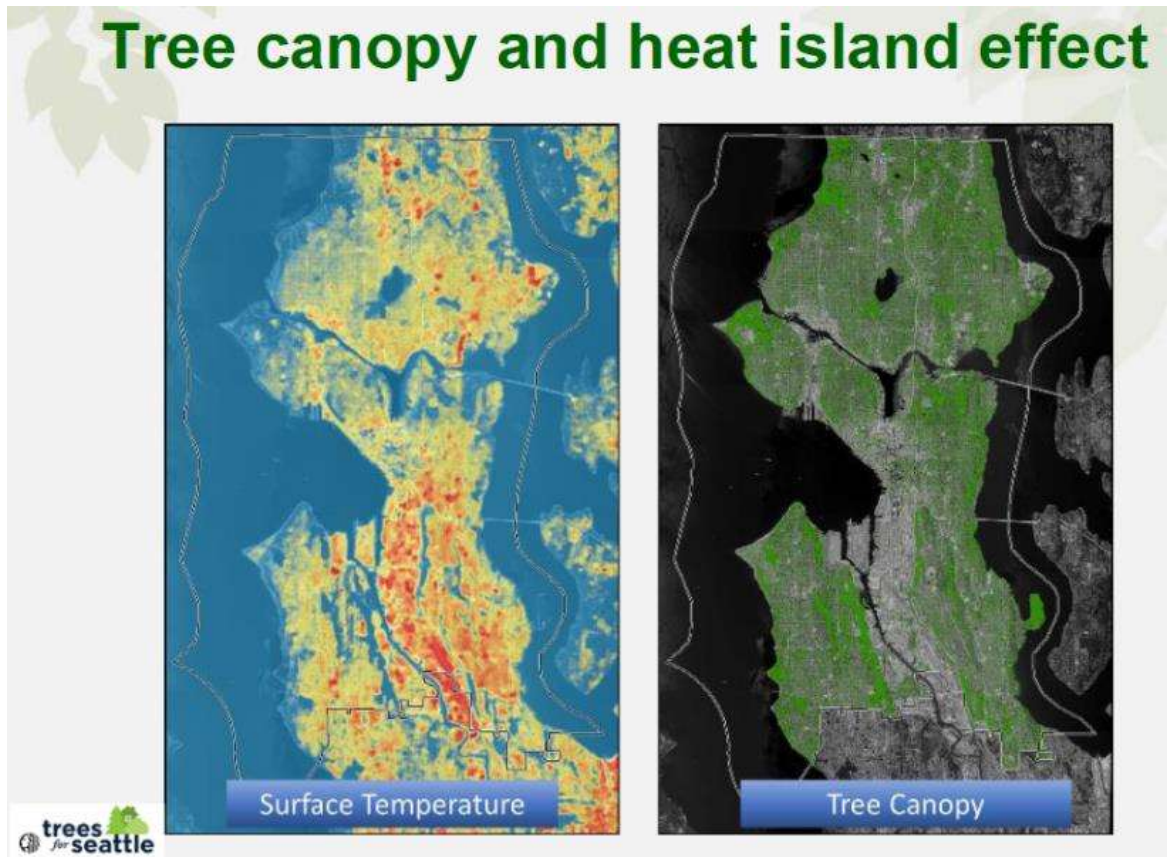
**Townhouse**



Townhouses are attached along common walls and occupy the space from the ground to the roof. Units can not be stacked. Townhouses may be located behind other townhouses as seen from the street.

<sup>6</sup> Change.org “Upzone Needs Environmental Review to Save Trees”

- 1 A. **Increased lot coverage resulting from more unstacked townhouse units.** The DNS  
2 fails to adequately assess how this decision will impact the coverage of the property by  
3 structures and impermeable surfaces within multifamily LR zoned lots. Increased coverage  
4 resulting from additional ground-level dwelling significantly impacts the remaining open  
5 space for retention and planting of trees and vegetation following the incorporation of  
6 increased building footings and overhangs, increased driveways, increased sidewalks,  
7 increased vehicle and bicycle parking and maneuvering space, emergency vehicle access  
8 when applicable, increased underground and overhead utilities, and increased stormwater  
9 retention structures. Reference the endnote at the end of the appeal to demonstrate the  
10 study needed from the OPCD in opposition to the DNS.<sup>1</sup>
- 11 B. **Decreased area for tree canopy.** There are numerous impacts to the urban forest and  
12 environmental significance of tree canopy. The DNS fails to consider a range of  
13 alternatives that specifically consider the impacts to preserving and expanding Seattle's  
14 tree canopy.



24 *Figure 1 Seattle 2016 LiDAR Canopy Cover Assessment by Seattle's Urban Forestry Team (May 8, 2017)*  
25 *<http://www.seattle.gov/trees/docs/2016SeattleLiDARCanopyCoverWebinarFINAL050817.pdf>*  
26

- 1 a. The City of Seattle studied in 2016 the decreasing amount of tree canopy city-wide  
2 resulting in increased heat island effect (Figure 1). Located at the end of the appeal  
3 are additional figures from the City of Seattle of relevance to why a DNS relative  
4 to trees and the natural habitats within LR-zones and SF-zones is erroneous and  
5 irresponsible from a city agenda assigned with planning both for density and to  
6 achieve sustainable goals of at least 30-percent canopy cover within the next fifteen  
7 years (by 2037.)
- 8 • Figures 2 and 3– color-coded map showing where the eleven percent of  
9 Seattle’s land area is zoned as LR multifamily residential. Those LR-zoned  
10 areas parallel locations of reduced tree canopy and increased heat island  
11 effect as shown in Figure 1. On average, only 10 to 13 percent existing  
12 canopy cover compares to targeted goal of 20 percent coverage.<sup>7</sup>
  - 13 • Figures 4 and 5 - As addressed in section ‘C’ below, the map for each of  
14 Seattle’s neighborhoods strongly suggests that environmental injustice to  
15 underserved regions of Seattle are ignored by this DNS.
  - 16 • Figures 4 and 5 – The 2007 Tree Canopy Cover by management unit was  
17 established at 20% for LR zones within 11% of Seattle’s land mass. This  
18 canopy cover excludes 24% goal targeted for the public right-of-way lands.
- 19 b. The DNS provides no numbers of expected trees to be removed or cut down or  
20 expected replacement values. This proposal makes it easier for developers to  
21 remove trees and there is no evaluation of development impacts on tree and canopy  
22 removal by increasing density within a city zoning area or measuring the actual  
23 impacts of recent land use decisions like the 2019 ADU and MHA ordinances.
- 24 c. Without assessment to impacts on open space, the proposal “could also result in  
25 more overhangs or canopy coverage of surface parking areas, which could have  
26 negative or positive effects on design quality of new developments.” The decision  
fails to consider that more building overhang and canopy results in reduced area of  
tree canopy. Building canopies are not environmentally equitable to the tree  
canopy they would replace given lot size limitations.
- d. Low-rise residential zones shall not be exempt from the need for healthy residential  
communities, especially the growing need and significance for multifamily zones  
within a densifying city. Multifamily residential zones – especially as afforded by  
lowrise 1 multifamily zones – must do their part in balancing density along with  
accommodating adequate canopy cover. According to Office of Planning and  
Community Development study from five years ago, 67% of Seattle’s tree canopy  
is located on private property. They reported that between 2010 and 2015, Seattle

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<sup>7</sup> Using canopy goals in the 2013 Urban Forest Stewardship Plan (UFMP) would result in lower goals than actual canopy cover measured in 2016 LIDAR Study in 2 zones. Institutional canopy cover measured in 2016 was 25%, UFSP goal is 20%. Multifamily canopy cover measured in 2016 was 23%, UFSP goal is 20%. LiDAR study also showed higher canopy cover in Developed Parks and Parks Natural Areas than listed as canopy goals. Single Family (SF) zones have 72% of Seattle’s tree canopy distributed on 135,000 lots (reference culminative impacts from the 2019 legislation).



lost approximately 2% of its tree canopy, which is thousands of trees removed without equitable replacement each year. That rate of loss has only increased with the rapid development Seattle has seen in the last six years, including a 2019 reduction of tree retention and planting requirements within Single-Family<sup>8</sup> zoned properties (that have at least one accessory dwelling unit).

- e. There has been no considerations with this DNS that may support important native bird species, such as the Great Blue Heron nesting within a LR1 and LR2 zone.<sup>9</sup>
- f. The DNS does not adequately discuss reasonable mitigation measures that would significantly mitigate the tree canopy impacts of the proposal. Given the unknown impacts on tree canopy documented above in opposition to the DNS, OPCD must consider development standard amendments as mitigation to avoid probable, significant, adverse impacts from the loss of tree canopy coverage.

**C. Compounds Environmental Injustice within Underserved Multifamily Neighborhoods.** The OPCD proposal fails to consider the environmental justice relevance and increased impacts of the changes to the demographic of those living within lowrise zones. These multifamily zones are distributed throughout the city, but in many cases are overlaid in the economically challenged/ethnically diverse areas (including South Park, Georgetown, Beacon Hill, North Rainier, Rainier Beach, the Central area, and Westwood areas, to reference a few).

- a. Within Seattle's Georgetown multifamily residential neighborhoods, the environmental injustice impacts are evident resulting from recent OPCD land-use decisions augmented by SDCI permitting more townhouse unit lots than are allowed per SMC 23.24, 23.45 and 23.84A. Figures 7 to 10
- b. The Berk report<sup>10</sup> clearly identified that these types of Seattle communities can't afford typical townhouse and rowhouse developments. The reduced size of rowhouses (where more dwellings are on a lot) has demonstrated only marginal or effectively no reduction in sales cost as evident when comparing property sales within an area via MLS Online<sup>11</sup>. Seattle middle-wage workers cannot afford monthly mortgage and insurance and property tax payments with these townhouses and rowhouses which would mean greater gentrification and displacement from those communities.

<sup>8</sup> Recently, Single-Family zones have been renamed to Neighborhood Residential zones.

<sup>9</sup> The Heron Habitat Helpers ([www.heron.helpers.org](http://www.heron.helpers.org)), which has worked in and protected Kiwanis Memorial Park Preserve since 2001, to restore and protect trees within a defined developable private land near sanctuaries.

<sup>10</sup> Berk report. [Seattle Market Rate Housing Needs and Supply Analysis](http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/HousingChoices/SeattleMarketRateHousingNeedsAndSupplyAnalysis2021.pdf)  
<http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/HousingChoices/SeattleMarketRateHousingNeedsAndSupplyAnalysis2021.pdf>

<sup>11</sup> Townhouses and Rowhouses in Seattle start about \$600,000 for small two-bedroom dwellings and range over \$1,000,000 for three and four-bedroom dwellings. For example, nine rowhouses at 3801 to 3805 23<sup>rd</sup> Ave W including 2302 to 2312 W Emerson Street where only two-bedrooms ranged in 2021 sales price from \$565,000 (754 sq.ft.; \$2,500/month) to \$725,000 (1,160 sq.ft., \$3,150/month). Standard apartments and cottages on this area, on the other hand, are considerably less expensive and equitably sized.

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- c. OPCD fails to substantiate with this decision the environmental justification to provide incentives for exclusively townhouse and rowhouse (and detached residence) dwelling types which provide no benefits to the underserved and displaced populations within the City of Seattle. In fact, the OPCD decision ignores the incentives to more affordable housing options such as cottages and apartments<sup>12</sup> that are also allowed within low-rise multifamily zones. Seattle's actual and perceived housing crisis is only compounded by creating more incentives to townhouses and rowhouses and detached multifamily dwellings accommodating the limited higher-cost sales market. The OPCD proposal states that "Impacts would be experienced by displaced tenants, while the proposal would also provide benefits of increased housing opportunities for other seekers of housing. Developments would be required to contribute to affordable housing through Mandatory Housing Affordability requirements, which would partially offset the impact of housing units demolished through redevelopment." The SEPA checklist fails to numerate that at the low fees MHA paid (averaging about \$13 per sq.ft.) provide very little cashflow to fund affordable dwelling options.
  - d. The DNS fails to consider a range of alternatives that specifically consider the geographic, topographic, and locational differentiation within the City of Seattle. The unique qualities, historical and cultural identities, property size variations, mobility limitations, open space and tree canopy variations, parking availability and local restrictions were all ignored as the OPCD proposed a 'one-size-fits-all' application across all of our diverse communities and neighborhoods.

#### **D. Transportation Access.**

Not all areas of Seattle are equitably able to rely on bicycles and transit. The Seattle Times reported that a typical neighborhood outside of Downtown has an average of 80% of households owning at least one vehicle. Although increased density is desired, the occupying households result in a significant transportation impact including emergency vehicle response time, vehicle parking accommodation, and subsequent pollution within the neighborhood. These provisions on site or along street rights-of-way reduced land area for the protection and retention of Exceptional trees and tree groves.

#### **E. Access to Diverse and Fair Housing.**

The decision by OPCD states that the "proposal is likely to encourage the production of more townhouses and rowhouses. Resultant townhouse or rowhouse units are likely to be smaller and less expensive compared to the absence of the proposal." Erroneously, the decision states that "this would be likely to make units comparatively more affordable to a wider range of households, including some with slightly lower incomes. This result would be consistent with stated City policies and goals calling for increased access to housing, and therefore the affect

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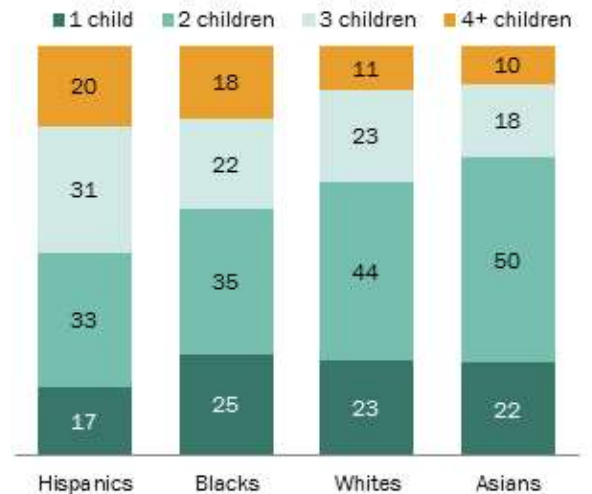
<sup>12</sup> LU 8.9 states to "Establish lowrise multifamily zones to accommodate various housing choices in the low- to moderate-density range suitable for a broad array of households and incomes, including walk-up apartments, town houses, row houses, duplexes, triplexes, and cottage housing."

would be positive.” The OPCD has not support evidence to their conclusion. Even if affordability may not be typically considered, providing access to fair housing is of concern.

- a. The OPCD’s objective of providing smaller three-story townhouses and rowhouses does not provide an option to households seeking appropriately sized and configured dwellings. Unlike the LR-zoned cottages and apartment buildings, the OCPD has decided – possibly under advisement from the investor market-based community – to focus on townhouses within multifamily zones. The OPCD has erroneously ignored, without study or fair housing reason, the promotion of equitable housing opportunities that will not discriminate access based upon familial status or physical disability.
- b. The Fair Housing Act, with some exceptions, prohibits discrimination in housing against families with children under 18. Three-story townhouse and rowhouses featuring comparatively large areas of unoccupiable stairs and less space for bedrooms (as proposed by the OPCD) statistically discriminates against black and Hispanic populations who tend to have larger families than whites and Asians.<sup>13</sup> The OPCD has failed to consider promoting smaller townhouses and rowhouses over apartments and cottages is an outright denial of housing to families with children and to those with disabilities. The Fair Housing Act discourages landlords locating families with children in any single portion of a complex or to place an unreasonable restriction on *the total number of persons* who may reside in a dwelling, or limit their access to recreational services provided to other tenants. In most instances, the amended Fair Housing Act prohibits a housing provider from refusing to rent or sell to families with children.<sup>14</sup>

### Among Hispanics, Big Families are the Norm

% of mothers ages 40 to 44 with ...



Note: Blacks, whites and Asians include only non-Hispanics. Hispanics are of any race. Figures may not add to 100% due to rounding.

Source: Pew Research Center analysis of 2012 and 2014 Current Population Survey June Supplements

PEW RESEARCH CENTER

<sup>13</sup> Image and text Source: PEW RESEARCH CENTER, MAY 7, 2015, “[CHILDLESSNESS FALLS, FAMILY SIZE GROWS AMONG HIGHLY EDUCATED WOMEN, Among Hispanics, Big Families are the Norm.](#)”

<sup>14</sup> [www.justice.gov/crt/fair-housing-act-1](http://www.justice.gov/crt/fair-housing-act-1)

- 1 c. The OPCD has failed to evaluate the insignificant contributions of townhouses and  
2 rowhouses participating in Seattle’s MFTE, MHA and IZ programs<sup>15</sup> compared to  
3 apartment buildings that offer first-time home buyers an opportunity to live or rent  
4 privately-owned buildings with the help of the Seattle Office of Housing “Find  
5 Housing” website. Indirectly, the OPCD decision promotes real estate investment  
6 potential and ignores local or Department of Housing and Urban Development  
7 (HUD) regulations and guidance to fair housing within LR1 multifamily zones.  
8  
9 d. The Fair Housing Act prohibits discrimination to persons with a including mental  
10 or physical impairments that substantially limit one or more *major life activities*<sup>16</sup>.  
11 The term mental or physical impairment may include conditions such as blindness,  
12 hearing impairment, mobility impairment, HIV infection, mental retardation,  
13 alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and  
14 mental illness. The OPCD has deliberately ignored other housing types available  
15 to LR1 zones and published a DNS to promote townhouses which are almost  
16 exclusively three-story walk-up dwellings.
- 17 e. The DNS is contrary to affordable housing opportunity needs, the decision states  
18 “The proposal could slightly encourage the development of townhouses and  
19 rowhouses in comparison to apartments or detached homes.” No data is provided  
20 that specifically demonstrates newer units would be affordable to middle- or lower-  
21 income households.
- 22 f. The decision is contrary to city goals, this proposal is in contrast to LU 8.7 to  
23 “Encourage multifamily developments with units that have direct access to  
24 residential amenities, such as ground-level open space, to increase their appeal for  
25 families with children.”

17 **F. Increased city infrastructure demands for stormwater and sanitary.**

18 The proposal erroneously states that “*existing regulations requiring improvements to utilities*  
19 *at the time of development would not be altered by this proposal. Required utility work*  
20 *associated with potential future development projects under the proposal would likely be*  
21 *sufficient to address any localized needs for utility improvement. The range of potential*  
22 *impacts on emergency services, compared to those estimated as part of past studies, are not*  
23 *like to be discernably altered. No more than a minor impact on emergency services or utilities*  
24 *would result.”* To the contrary, the cumulative city infrastructure impacts are significant and  
25 have been erroneously ignored by the OPCD’s DNS decision.

- 23 a. Regarding storm water, an adequate urban forest within lowrise multifamily zones  
24 is essential for mitigating the region’s seasonally extensive rainfall. Throughout

25 <sup>15</sup> Seattle Office of Housing monitors multifamily properties with commitments through the Multifamily Tax  
26 Exemption (MFTE), Mandatory Housing Affordability (MHA) and Incentive Zoning (IZ or Housing Bonus) programs,  
Source <http://www.seattle.gov/housing/property-managers/mfte-and-iz-compliance>

<sup>16</sup> The term ‘major life activity’ may include seeing, hearing, walking, breathing, performing manual tasks,  
caring for one’s self, learning, speaking, or working.



the city are mostly combined sewers built in the early 1900's which don't have the capacity for increased density as they are undersized at six- and eight-inches diameter pipes. Some of the existing systems are still made of wood verses a more reliable material. Increased dwellings results in increased lot coverage which results in decreased permeable surfaces with vegetation to absorb and dispense stormwater naturally. The more townhouse and rowhouse dwellings per lot results in more toilets and lavatories being used per lot proportionately increasing the storm and sanitary loads on an undersized city utility system. The DNS does not condition the increased density to just those lowrise zones that have been checked for adequate capacity. Reference City permit forms in Figure 6 below and endnotes that elaborate on this issue.<sup>ii</sup>

**G. OPCD erroneously advocates reduced review times over the purpose of codes which is the safety and welfare of the occupants and public.** Building reviews protect the health, safety, and welfare of those occupying the townhouse and rowhouse structures. The Seattle area is considered to have a high frequency of damaging earthquakes compared to the majority of United States<sup>17</sup> that calls for an analysis of density relative to building collapse and fire response times. Erroneously, the decision states that the “changes would update the density limit in Lowrise 1 zones to reduce unnecessary permit process” and make “minor modifications and clarifications to code provisions to increase clarity and expedite review times.” OPCD has included only objectives to reduce codes protecting residents whereas there is evidence to suggest the OPCD should evaluate the effectiveness of the existing codes to planning objectives compromised during enforcement<sup>18</sup>.

**H. Misrepresents the intent and purpose and density of townhouse development.** Erroneously, the decision claims that “the incremental increase would be compatible with the context of other existing and future multifamily development and would be consistent with the intent and purpose of the underlying zones. Therefore, the degree of adverse impact is not more than minor.”

a. The developments of Seattle townhouses and rowhouses within a parent / original property are typically burdened by a developers’ interest in circumventing rowhouse development rules and density limits. Without explicit authorization by the Code, the Seattle Department of Construction and Inspections prolongs the

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<sup>17</sup> <https://www.usgs.gov/media/images/frequency-damaging-earthquake-shaking-around-us>

<sup>18</sup> •Tree current code requires that developer explore all possible alternatives or the tree may not be removed. (SMC 25.11.070A.2). A review of developed properties with trees clearly demonstrates the lack of tree retention through the exploration of alternatives.

•The current code requires the developer must either modify the project so that Streamlined Design Review (hereinafter “SDR”) departures will save the tree, or the developer must enter Administrative Design Review (hereinafter “ADR”) and look at permissible departures under SMC 2341.012 and go through community consensus gathering under SMC 23.41.018.B.3. A review of developed properties clearly demonstrate the lack of tree retention due to inadequate departures or community gatherings.

•The current tree protection code requires consideration of urban wildlife and of significant and large trees serving wildlife travelways per SMC 25.05.675.N.2.c.

1 permit and MUP process by employing policies that use Lot Boundary  
2 Adjustments and other permit segregation processes to convert a property into two  
3 or more permit applications. This permit process without a tangible or visible  
4 outcome adds valuable time and fees to the permit process yet is deemed by OPCD  
and SDCI to be a legitimate maneuver to provide dwellings behind rowhouses  
when this practice is specifically prohibited by SMC 23.84A.032.R(22).<sup>19</sup>

5 I. **Limiting solar access.** Without assessment to the environmental impacts, the proposal  
6 “encourages a faster pace or increased amount of townhouse development compared to  
7 the absence of the proposal, some bulk and aesthetic impacts could result such as blocked  
8 views, creation of new views, creation of new shadows, or changes in the aesthetic or  
architectural character of some blocks or local neighborhood areas.” Yet, renewable  
energy is a right to property owners that must not be overlooked by the OPCD as being  
inconsequential.

9 J. **Historic Preservation and Cultural Resources.** Within the approximate 5,000 properties  
10 that are estimated to be within the lowrise multifamily zone and potentially impacted if the  
11 DNS is pursued, the SEPA checklist summarizes an *“analysis of sites in lowrise  
12 multifamily zones that contain landmark buildings including 11 parcels in the LR1 zone  
13 and notes the lowrise zoning in historic districts including the Harvard-Belmont District  
14 and Columbia City. There are also likely to be other buildings that might be eligible for  
15 designation but have not yet been designated. The proposal would not modify existing  
16 protections for historic landmarks. Existing landmarks would continue to be subject to  
17 regulations limiting modification or demolition. Development pressure on sites with  
18 landmarks would be similar with and without the proposed changes to development  
19 standards. However, if the proposal incrementally increases the pace or number of  
20 townhouse development compared to no action, there could be an incremental impact on  
the likelihood of development proposals for sites with historic resources.”* This assessment  
is woefully understated. Since 1973, Seattle has designated more than 400 individual sites,  
buildings, vehicles, vessels, and street clocks as landmarks subject to protection by city  
ordinance.<sup>20</sup> An environmental impact study must be conducted not only to review the  
OPCD suggested number of landmark structures for all of Seattle with the Landmarks  
Preservation Board, but it must review the number of properties recorded as historical sites  
by the Seattle Department of Neighborhoods.<sup>21</sup> One of recent examples of demolition with

21 <sup>19</sup> ““Rowhouse development” means a multifamily residential use in which all principal dwelling units on the lot  
meet the following conditions:

- 22 a. Each dwelling unit occupies the space from the ground to the roof of the structure in which it is located;  
23 b. No portion of a dwelling unit, except for an accessory dwelling unit or shared parking garage, occupies  
space above or below another dwelling unit;  
24 c. Each dwelling unit is attached along at least one common wall to at least one other dwelling unit, with  
habitable interior space on both sides of the common wall, or abuts another dwelling unit on a common lot line;  
25 d. The front of each dwelling unit faces a street lot line;  
e. Each dwelling unit provides pedestrian access directly to the street that it faces; and  
26 f. No portion of any other dwelling unit, except for an attached accessory dwelling unit, is located between any  
dwelling unit and the street faced by the front of that unit.”

<sup>20</sup> [Landmarks - Neighborhoods | seattle.gov](https://landmarks-neighborhoods.seattle.gov)

<sup>21</sup> [Seattle Historical Sites Search - Department of Neighborhoods \(DON\)](https://web6.seattle.gov/DPD/HistoricalSite/default.aspx) is online at  
<https://web6.seattle.gov/DPD/HistoricalSite/default.aspx>

1 LR zones is DON historical site is 1831 11th Ave (SDCI land use action 3028403 and  
2 3030042).

3 **K. Failed to consider the public interests.** Comprehensive planning that includes an  
4 adequate analysis of the decision is being overlooked by the OPCD. The public interests  
5 to both improve the urban forest tree canopy as well as increase urban density goals have  
6 not been collectively satisfied. With haste, OPCD has issued a DNS even before the City  
7 of Seattle has completed updating the city's Comprehensive Plan. OPCD simply relied  
8 on limited and selective engagement to arbitrarily conclude with a Determination of  
9 Non-Significance to the environmental impacts instead of relying upon qualitative and  
science-based analysis. Within one week, Mr. Staley of OPCD has been the recipient of  
over 350 Seattleite petition responses that favor an environmental impact study regarding  
the OPCD DNS decision. The constituents of the appellants are alarmed that such  
decision to increase LR1 density concludes without study that there will be no significant  
impact to the natural and built environments.

10 **L. Cumulative Impacts.** The City approved in 2019 two major land use decision stemming  
11 from the HALA (housing affordability and livability) committee report:

- 12 a. AADU/DADU: Following the FEIS, the final August 2019 legislation increased  
13 the number and size of attached and detached accessory dwelling units (ADU)  
14 while, at the same time, decreased the required tree retention / planting  
15 requirements within SF-zoned properties by 80-percent<sup>22</sup>. This reduction in tree  
16 provisions was arbitrarily determined without being included within the  
17 Environmental Impact Study to assess the long-term impact to Seattle urban forest  
objective, which is to increase the 2016 canopy cover from 28-percent to 30-  
percent by the year 2037<sup>23</sup>. With the 2019 ADU legislation, an unannounced new  
code section 23.44.020 was created without an FEIS or assessment to impacts on  
the Seattle Tree canopy.

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18 <sup>22</sup> Formerly, the minimum tree planting required of at least two-inches of tree caliper for every 1,000 sq.ft. of lot  
19 area was included under provisions since removed from SMC 23.44.008. The code SMC 23.44.008 states "Trees are  
20 required when single-family dwelling units are constructed. The minimum number of caliper inches of tree required per  
21 lot may be met by using either the tree preservation option or tree planting option described in subsections  
22 23.44.008.I.1.a". This code section was removed in 2019 and replaced with a new code section 23.44.020,2 which states:  
23 "*Trees sufficient to meet the following requirements shall be provided when a new structure, or an addition to an existing  
24 structure, containing an accessory dwelling unit is constructed: (a) For lots that do not contain the minimum number of  
25 caliper inches of tree required by subsection 23.44.020.A.1 at the time a permit application is submitted for any number  
of accessory dwelling units, at least 2 caliper inches of tree shall be planted.*" The DNS is flawed in removing this  
requirement without measuring the environmental impacts of recently passed legislation. In early October 2018, the  
OPCD released the Accessory Dwelling Unit (ADU) Final Environment Impact Statement (FEIS) which stipulated no  
reduction in tree retention or planting requirements with SF-zones. The since removed section 23.44.008 stated "*Trees  
are required when single-family dwelling units are constructed. The minimum number of caliper inches of tree required  
per lot may be met by e. using either the tree preservation option or tree planting option described in subsections  
23.44.008.I.1.a*"; which was: "*Preserve or plant 2 caliper inches/1,000 sq.ft for lots over 3,000 sq.ft.; Preserve or plant  
3 caliper inches for lots under 3,000 sq.ft..*"

26 <sup>23</sup> An analysis from 2015, (<http://www.seattle.gov/trees/canopycover.htm> ), suggests Seattle may be losing trees,  
with an estimated canopy cover loss of 2% between 2010 and 2015. The city understands that the presence of trees can  
reduce surface temperatures and mitigate extreme heat impacts.

- 1
- 2 b. MHA: Without changes to tree protection and planting provisions, the final April
- 3 2019 legislation expanded the land area of multi-family zones while increasing the
- 4 number of dwellings allowed per lot and increasing the total allowable floor area
- 5 per lot.
- 6 c. The cumulative environmental effects of these two significant and recent decisions
- 7 are yet to be addressed by a city agency.<sup>24</sup> This current OPCD decision only
- 8 exacerbates the lack of adequate planning for the concurrent needs of density and
- 9 supporting and increasing the Seattle urban forest. Only recently, by City Council
- 10 resolution, has city agencies been required to track tree loss and planting data from
- 11 private property<sup>25</sup>. This data collection is currently in progress. An April 2021
- 12 sampling of tree loss data from SDCI indicated an average of eleven trees lost per
- 13 building permit, including Exceptional trees as large as 70-inches diameter
- 14 measured at standard/breast height.
- 15 d. The City's method of segmenting specific HALA recommendations for
- 16 implementation (e.g., enacting them into City ordinances) into separate decision
- 17 processes leads to an avoidance of consideration of the cumulative impacts of the
- 18 various pieces on urban forest resources.

### 19 3. Relief Requested

20 The proposed OPCD changes would potentially increase the number of townhouses/rowhouses

21 within a typical 5,000 sq.ft. property from 3 to now 4 townhouses per lot; and on a typical 6,000

22 sq.ft. property there would be an increase from 4 to now 5 townhouses per lot. In essence, this would

23 functionally remove any infiltration capability, covering the lot in largely impervious surfaces.

24 Given the pattern and practice of tree removal coincident with redevelopment, we will continue to

25 see a clear cutting, soil compaction and hardening of these lots across the City. Such an increase of

26 density would, with certainty, impact existing trees on these lots and the existing tree canopy and

available urban greenspace in a significantly negative way.

We therefore ask that the OPCD retract their decision that these changes do not need to consider the

environmental implications. This follows a pattern and practice of blithely determining that virtually

any action taken by this City does not cause an environmental impact when in fact, every decision

to increase impervious surface and removes trees involves an impact<sup>26</sup>.

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<sup>24</sup> The City's own Tree Regulations Research Project (second phase completed on March 31, 2017) concludes that the current code is not ensuring tree protection. They also concluded that the high value and high functioning conifers and large trees are being replaced by deciduous and dwarf species. This habitat and functional downsizing of tree types will reduce, over time, the benefits conferred by large species and conifers in particular.

<sup>25</sup> Former Mayor Burgess's Executive Order 27-2017 Tree Protection last year ordered the city to track tree loss and replacement: "SDCI will require consistent documentation for required tree review on private property, including mitigating canopy cover loss of trees removed and monitoring of planted trees for survival".

<sup>26</sup> [https://kingcd.org/wp-content/uploads/2019/03/iTree-Hydro-Technical-Report\\_Contents\\_Revised.pdf](https://kingcd.org/wp-content/uploads/2019/03/iTree-Hydro-Technical-Report_Contents_Revised.pdf)



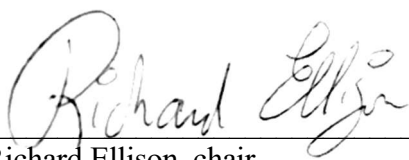
1 This decision cannot be made without consulting the native indigenous peoples of Seattle, the  
2 BIPOC communities, and natural resource professionals in the field including the Urban Forestry  
3 Commission of Seattle. While we, the Appellants, firmly support the development of affordable  
4 (less than \$500,000 multiple bedroom) homes in Seattle, we cannot support the evident investor-  
5 driven interests that subsequently destroy vital urban greenspace and tree canopy without  
6 environmental inventory, assessment, and proposed remediation. OCPD's decision would  
discriminatorily reduce the quality and sustainability of Seattle's health and well-being within  
lowrise residential multifamily zones.

7 The Appellants request that the Hearing Examiner vacate the Determination of Non-Significance  
8 with instructions to OPCD to prepare an Environmental Impact Statement EIS to adequately address  
9 the environmental impacts and mitigation for a reasonable range of alternatives to meet the objective  
of conserving and increasing Seattle's urban forest and associated ecosystem services. Within the  
jurisdiction of the Hearing Examiner, we request the following:

- 10 a. The DNS must be remanded to the OPCD to examine the decision and demonstrate  
11 its full compliance with SEPA.
- 12 b. We suggest an accurately completed SEPA checklist and Environmental Impact  
13 Statement to be prepared that offers an attestable study to the potentially significant  
14 impacts proposed with the OPCD revisions to lowrise multifamily zoning and  
parking provisions in all residential zones.
- 15 c. With the preparation of the Draft EIS, direction that OPCD conduct a public notice  
16 for public education and engagement relative to the proposal.
- 17 d. In addition, direction that OPCD conduct a targeted education and engagement to  
18 residents residing within and adjacent to LR-zones, including special consideration  
19 and attention to Black, Indigenous, and People of Color communities.
- 20 e. In addition, following the Hearing Examiner's precedent established with W-17-  
21 006, et. Al, direction that OPCD that districts and sites of historical significance be  
22 considered for their value to Seattle's heritage, and that OPCD engage the  
23 Department of Neighborhoods and the Seattle Landmarks Preservation Board.
- 24 f. In accordance with SMC 25.05.340.C request that OPCD withdraw the DNS  
25 given there are substantial changes to a proposal to mitigate the significant adverse  
environmental impacts and that the DNS was procured by misrepresentation or  
lack of material disclosure. Direct OPCD to make a new threshold determination  
and notify other City agencies with jurisdiction of the withdrawal and new  
threshold determination; and refund appeal fees paid by the appellants.
- g. Other actions as the Office of the Hearing Examiner has jurisdiction pursuant to  
SMC 25.05.070 (limitations on actions during SEPA process).

26 Filed on behalf of the TreePAC Environmental Impact Review, et. Al., and Greenwood  
Exceptional Trees this 6<sup>th</sup> day of December, 2021.

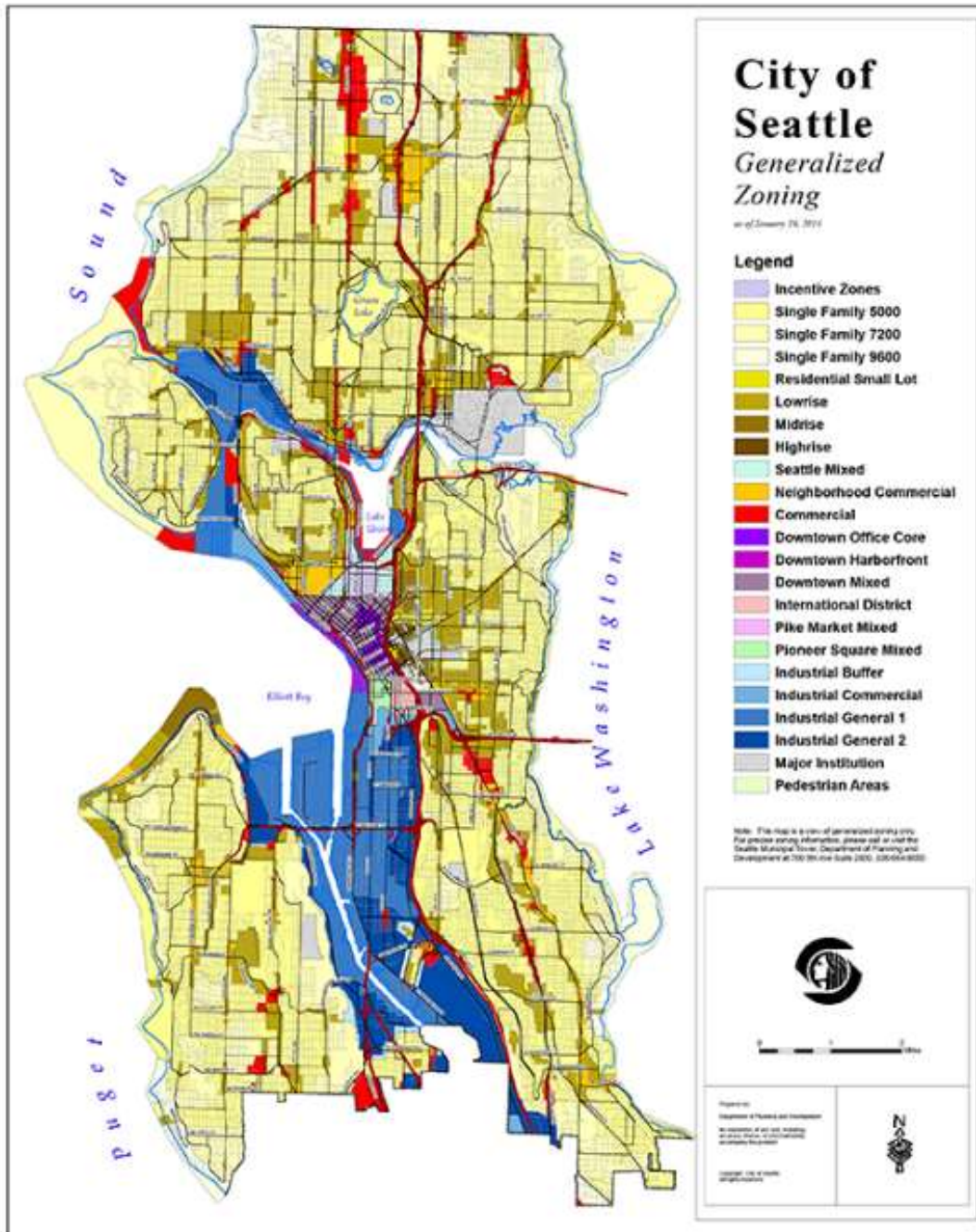
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By:   
Richard Ellison, chair,  
TreePAC Environmental Impact Review  
and Vice President of TreePAC  
Pro se appellant representative

And by: \_\_\_\_\_  
Ivy Durslag,  
Greenwood Exceptional Trees,  
512 N. 82nd Street Seattle, WA 98103  
Pro se co-appellant representative

Digitally uploaded this day to the Office of the Hearing Examiner website and  
Mailed the appeal to:  
Office of Hearing Examiner  
P.O. Box 94729  
Seattle, Washington 98124-4729

1 ADDITIONAL FIGURES 2 through 10



23 Figure 2- Seattle current landuse map – generalized zoning; multifamily includes LR1, LR2 and LR3 zones. Seattle  
24 Zoning Map showing gold-tone color for Lowrise Multifamily Zones impacted at the time of appeal, recognizing that  
the Comprehensive Plan update issued in 2022 will expand the area of multifamily zoning within the next 5 years.



Figure 4 - 2016 Existing Tree Canopy Cover Map for each of Seattle's neighborhoods from Figure 9 of the assessment.  
<http://www.seattle.gov/Documents/Departments/Trees/Mangement/Canopy/Seattle2016CCAFinalReportFINAL.pdf>

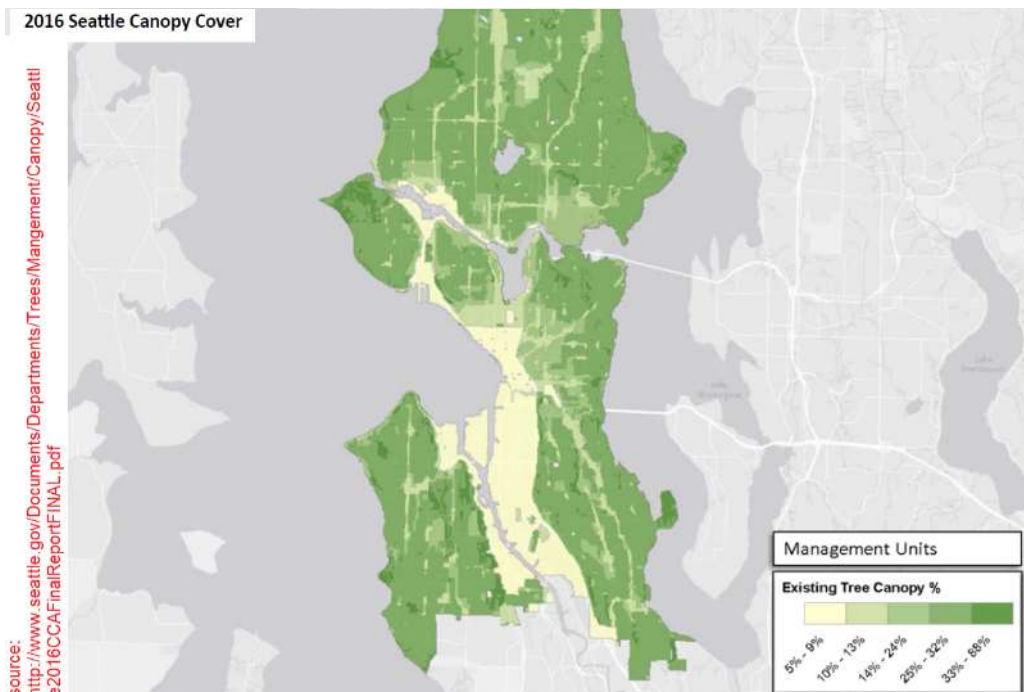


Figure 3- 2016 Tree Canopy Cover Map by Urban Forest Stewardship management unit from Fig 24  
<http://www.seattle.gov/Documents/Departments/Trees/Mangement/Canopy/Seattle2016CCAFinalReportFINAL.pdf>



individual land area was determined and the tree canopy percent in each MU was calculated. Tree canopy was computed both in terms of total area and as a percentage of the land area within each MU.

### Results

Table 1 identifies the percentage of the city's landmass, current canopy cover, targets by MU, as well as each MU's contribution to the city's overall canopy cover. Figure 8 shows MUs contribution to

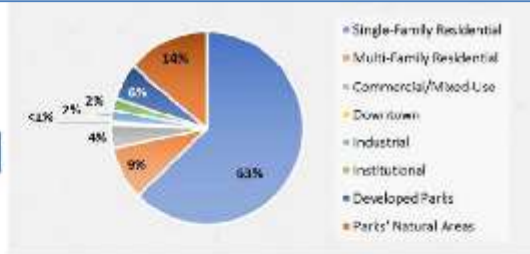


Figure 8. Contribution to the city's overall canopy cover by Management Unit.

Management Unit	Land area (% of city)	2016 canopy cover	2037 canopy goal (set in 2007)	% contribution to city's canopy cover
Single-Family Residential	56%	32%	33%	63%
Multi-family Residential	11%	23%	20%	9%
Commercial/Mixed-use	8%	14%	15%	4%
Downtown	1%	10%	12%	<1%
Industrial	11%	6%	10%	2%
Institutional	2%	25%	20%	2%
Developed Parks	4%	34%	25%	6%
Parks' Natural Areas	7%	89%	80%	14%
City total	100%	28%	30%	100%
Right-of-way (runs through all other MUs)	27%	23%	24%	22%

Table 1. Percentage of city's landmass, current canopy cover, targets by MU and MU contribution to city's canopy cover

Figure 5- 2016 Tree Canopy Cover Data by management unit from Table 1; LR zones to include 20% of canopy cover on 11% of Seattle land mass: <http://www.seattle.gov/Documents/Departments/Trees/Mangement/Canopy/Seattle2016CCAFinalReportFINAL.pdf>

Management Unit	# of acres	Land area (% of city)	% canopy cover	% contribution to city's canopy cover	% conifer contribution
Single-Family Residential	29,918	56%	32%	63%	52%
Multi-family Residential	5,646	11%	23%	9%	5%
Commercial/Mixed-use	4,522	8%	14%	4%	2%
Downtown	815	1%	10%	<1%	0.2%
Industrial	6,191	11%	6%	2%	1.3%
Institutional	1,101	2%	25%	2%	2%
Developed Parks	2,578	4%	34%	6%	7.5%
Parks' Natural Areas	2,356	7%	89%	14%	30%

Figure 6 - Tree Canopy Cover Table with conifer contribution from Multifamily Zones; source: <http://www.seattle.gov/Documents/Departments/Trees/Mangement/Canopy/Seattle2016CCAFinalReportFINAL.pdf>

## Residential Sewer Use Certification Sewage Treatment Capacity Charge



To be completed for all new sewer connections, reconnections, or change of use of existing connections.

**Please Print or Type** (to be filled out by owner/representative)

Property Street Address

City State ZIP

Owner's Name

Party To Be Billed (if different than owner)

Mailing Address

City State ZIP

Owner's Phone Number (with Area Code)

Property Contact Phone Number (with Area Code)

**Please check appropriate box: Residential Customer Equivalent (RCE)**

Single-family (free standing, detached only)

- ☐ Net square footage less than 1,500 Square Feet 0.81
- ☐ Net square footage 1,500 to 2,999 Square Feet 1.0
- ☐ Net square footage 3,000 Square Feet or greater 1.16
- ☐ Detached accessory dwelling unit (DADU) 0.59
- ☐ Attached accessory dwelling unit (ADU) 0.59

Multi-Family (including structures attached by common wall, breezeway, stairway, etc.):

- ☐ Duplex or any Single-Family + ADU (0.81 RCE per unit) 1.62
- ☐ 3-Plex (0.81 RCE per unit) 2.43
- ☐ 4-Plex (0.81 RCE per unit) 3.24
- ☐ 5 or more (0.63 RCE per unit)

No. of Units  x 0.63 =

- ☐ Mobile home space (1.0 RCE per space)
- No. of Spaces  x 1.0 =

If Multi-family, will units be sold individually? ☐ Yes ☐ No

If yes, will this property have a Homeowner's Association?

☐ Yes ☐ No

Pursuant to King County Code 28.84.050, all sewer customers who establish a new service which uses metropolitan sewage facilities shall be subject to a capacity charge. The amount of the charge is established annually by the Metropolitan King County Council at a rate per month, per residential customer or residential customer equivalent, for a period of fifteen years. The purpose of the charge is to recover costs of providing sewage treatment capacity for new sewer customers. All future billings can be prepaid at a discounted amount.

Questions regarding the capacity charge or this form should be referred to King County Wastewater Treatment Division at 206-477-5516.

I understand that the information given is correct. I understand that the capacity charge levied will be based on this information. I understand that any deviation may result in a revised capacity charge.

Signature of Owner/Representative

Date

Print Name of Owner/Representative

2009\_10273w\_res\_sewer\_cap\_chg\_10571.indd (Rev. 09/20)

**For King County Use Only**

Account #

No. of RCEs

Monthly Rate

**To be filled out by Sewer District**

Sewer District

Sewer or Building Permit Final Date

Side Sewer or Building Permit Number

**Required: Property Tax Parcel Number**

Subdivision Name

Subdivision Number

Lot Number

Block Number

Building Name

**Please report any demolitions of pre-existing structures on this property. Credit for a demolition may be given under some circumstances.**

(See King County Code 28.84.050, 0.5)

Demolition of pre-existing structure? ☐ Yes ☐ No

Was structure on sanitary sewer? ☐ Yes ☐ No

Was sewer connected before 2/1/90? ☐ Yes ☐ No

Sewer disconnect date:

Type of structure(s) demolished:

Address of demolition:

Demolition/Capping Permit Number:

Are multiple structures replacing the demolished structure?

☐ Yes ☐ No



KingCountyCapacityChargeResidentialSewerUse.pdf - Adobe Acrobat Reader DC (32-bit)

[source://www.seattle.gov/Documents/Departments/SDCI/Permits/KingCountyCapacityChargeResidentialSewerUse.pdf](http://www.seattle.gov/Documents/Departments/SDCI/Permits/KingCountyCapacityChargeResidentialSewerUse.pdf)

Figure 7- Increased infrastructure demand form used by the City of Seattle for sewer calculations.



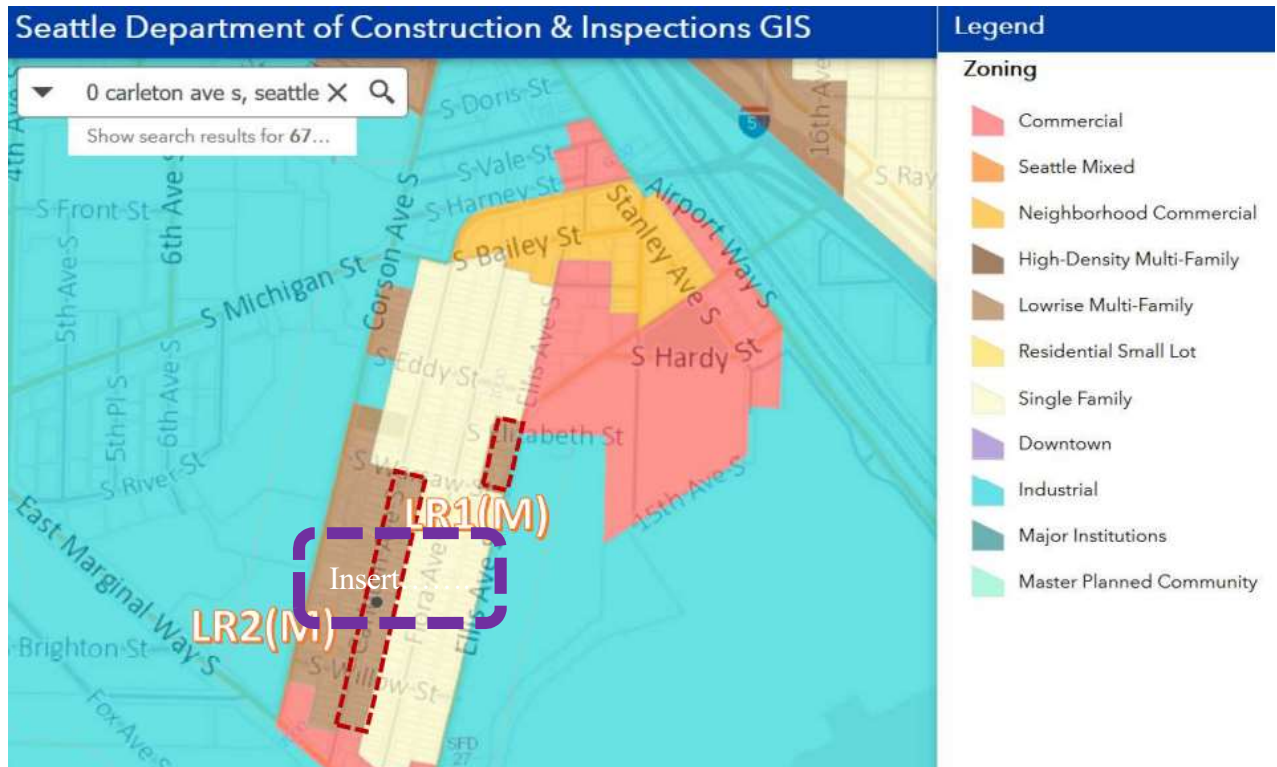


Figure 9- ststsy



Figure 8- 2019 Aerial view from SDCI GIS online map including the zoning and 2016 tree canopy layers.





Figure 11- 2009 aerial view of Georgetown; source: [King County Parcel Viewer https://gismaps.kingcounty.gov/parcelviewer2/](https://gismaps.kingcounty.gov/parcelviewer2/)



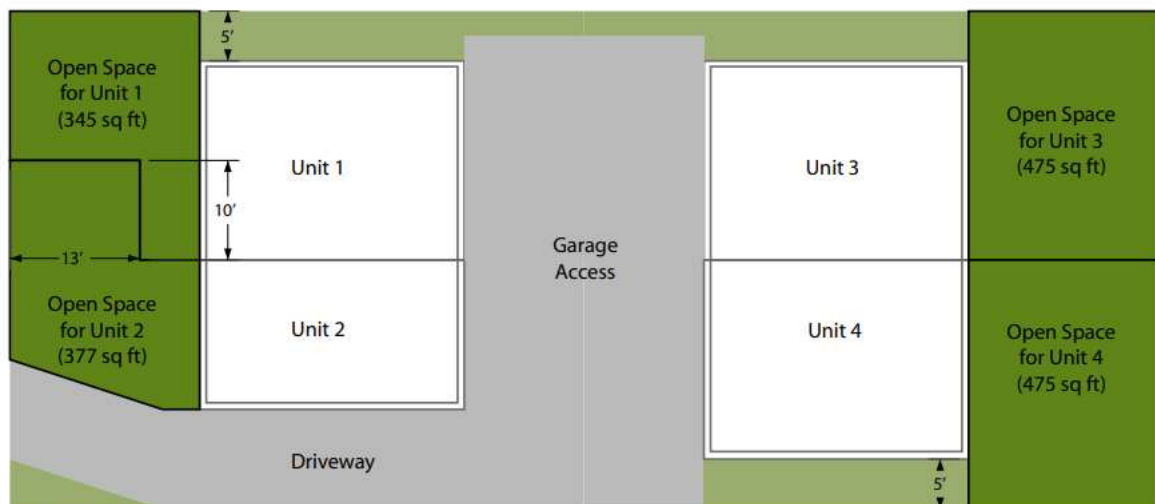
Figure 10 – 2019 same location aerial view of Georgetown lowrise LR multifamily zones. Source: [King County Parcel Viewer](https://gismaps.kingcounty.gov/parcelviewer2/)



<sup>i</sup> Endnote contextual exhibit demonstrating the existing lack of outdoor space for LR zones to achieve tree canopy and environmental goals.

Given code parameters:

- a. Current and proposed setbacks (all sides minimum 5 feet, average 7 feet)
- b. Current and Proposed FAR is 1.3 times property area.
- c. Current and Proposed Building width is maximum 60 feet.
- d. Current and Proposed minimum driveway width is 10 feet.
- e. Current vehicle maneuvering distance is 22 feet.
- f. Current and Proposed minimum exterior amenity area is 25% of lot area with up to 1/2 of the requirement on flat roof)



The above figure also illustrates how much of the lot is dedicated to driveway and garage access in the standard constructed townhouse configuration. In the above case, nearly one third of the lot is driveway and garage access. Another one third of the lot is required ground-level open space and/or front and rear setbacks from the property lines.

Jory Phillips/Dennis Meier  
April 10, 2006

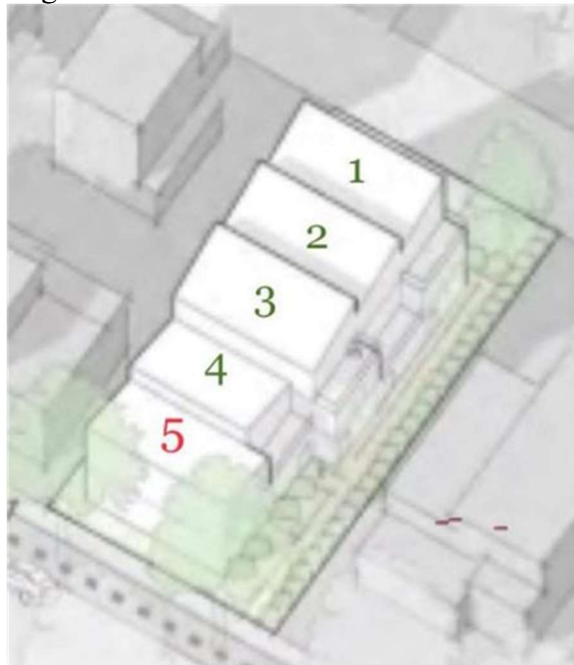
<http://www.seattle.gov/Documents/Departments/OPCD/Vault/Multifamily/TownhousesWhitePaper.pdf>

g. Illustration (above) – Open Space Assumed property of 6,000 sq.ft.:

- Assumed Lot dimension 50 x 125 feet..... 6,000 sq.ft.
- Setback areas: ... (1,800 sq.ft.)
  1. Front yard 50 x 7 feet (350 sq.ft.)
  2. Rear yard 50 x 7 feet (350 sq.ft.)
  3. Side yards (125-14)feet x (5x2)feet (1,110 sq. ft)
- Maximum FAR is 1.3 x 6,000 sq.ft. or 7,800 sq.ft. total
- Building Floor Area per Level (7,800 sq.ft./3) ... (2,600 sq.ft.)
- Vehicle maneuvering garage access 45 x 22 feet ... ( 990 sq.ft.)
- Vehicle access drive (less setback) (3 x 40) ... ( 120 sq.ft.)
- Exterior Amenity Areas (6,000 sq.ft. x 25%) / 2 ... ( 750 sq.ft.)
- Minimum Trash areas (6 @ 2 ft x 6 ft) ... ( 72 sq.ft.)

- Minimum Bike Parking / Other ... ( ~13 sq.ft.)
- Amount FAR exceeding ground area remaining ... ( 345 sq.ft.)
  1. Thus, 345 sq.ft. of ground area will be covered by overhangs
  2. Ave. size of 4 exterior amenity areas  $750/4 = 187.5$  sq.ft. each
  3. Ave. ground area needed for mature tree 350 – 400 sq.ft.
  4. With dispersed amenity area and top floor overhangs, there is insufficient ground floor area for one or more mature trees within the property.
- Average Floor Area for 4 homes ( $7,800 / 4 = 1,950$  sq.ft. per floor)
- Average Floor Area for 5 homes ( $7,800 / 5 = 1,560$  sq.ft. per floor)

- h. Borrowing a single-structure townhouse or rowhouse diagram from the City of Seattle's illustrative graphic, one property with four dwellings meeting the ground has less property coverage than five dwellings meeting the ground. When the amount of floor area relative to the site area, or FAR, remains unchanged, it is evident that the buildings are more horizontal than vertical when the number of allowed dwellings are increased.



- i. Erroneously, without a quantitative assessment, the OPCD proposal states that the “impacts described [ ] are minor, and would not alter the character, scale or pace of development enough to be considered significant adverse impacts.” Even without analysis, any layperson would respond positively to a fewer quantity of dwellings providing more open space around or between structures.
- j. In a similar manner, the decision states that the “changes would not increase allowable building height or total allowed floor area and would not substantially change the form of allowable development in zones”.

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ii Endnote of research that demonstrates that ‘vegetation influences urban environmental conditions and energy fluxes by selective reflection and absorption of solar radiation (Gallo et al, 1993) and by function of evapotranspiration (Owen et al, 1998). The presence and abundance of vegetation in urban areas has long been recognized as a strong influence on energy demand and development of the urban heat island (Oke, 1982; Huang et. al., 1987; Grossman-Clarke et al., 2005). Urban vegetation abundance may also influence air quality and human health (Wagrowski and Hites, 1997) because trees make their own food from carbon dioxide in the atmosphere, sunlight, water, and a small amounts of soil elements, and release oxygen in the process. They also provide surface area for sequestration of particulate matter and ozone. The loss of trees in our urban areas not only intensifies the urban heat island effect due to the loss of shade and evaporation, but we lose a principal absorber of carbon dioxide and trapper of other pollutant as well. A noticeable phenomenon that has arisen as a result of urbanization is that urban climates are warmer and more polluted than their rural environments (Lo et al., 1997; Weng, 2001; Lo and Quattrochi, 2003).<sup>ii</sup>

Urban development increases the amount of impervious surfaces in watersheds as farmland, forests, shrubs, rangeland, and meadows are converted into buildings, driveways, sidewalks, roads, and parking lots with virtually no ability to absorb storm water. The modification of the urban landscape influences the local (microscale), mesoscale, and even the macroscale climate (Brazel et al., 2000; Quattrochi et al., 2000; Voogt and Oke, 2003). It is well documented that escalating urbanization results in increased amount of impervious surfaces (Brabec et. al., 2002) and it consequently augments the intensity, volume, temperature, and duration of storm water runoff (Booth and Reinfelt, 1993; Schueler, 1994; U.S. EPA, 1997).<sup>iii</sup>

ii ‘Modeling Urban Impervious Surface Areas in Relation to Urban Heat Island Effects’ by Global Institute of Sustainability and Innovation. Global Institute of Sustainability and Innovation

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ii ditto.