



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 3003767

Applicant Name: Moira Haughian

Address of Proposal: 3211 Perkins Ln W

SUMMARY OF PROPOSED ACTIONS

Land Use Application to construct a 17,173 square foot single-family residence with attached garage in an environmentally critical area, the existing single-family residence will be demolished.

The following approval is required:

SEPA - Environmental Determination pursuant to SMC 25.05

SEPA DETERMINATION: Exempt DNS MDNS EIS

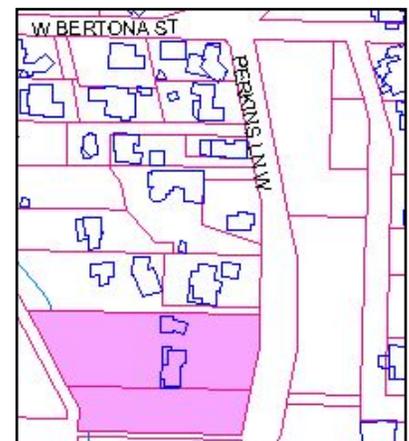
DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The subject site is on the western block front of the 3200 block of Perkins Ln W, in the Magnolia Neighborhood. The irregular shaped site is approx. 200' wide and has a depth that varies from 282' to 399'. The site encompasses a land area of 66,998 square feet, located in a Single-Family 7200 zone (SF7200). West of the existing structure is a mapped steep slope area (over forty percent) subject to the regulations for Environmentally Critical Areas.



Existing Development and Future Construction

The development site currently contains an existing single-family structure on the site and a detached accessory structure that will be demolished. Proposed on the site is a three-story, single-family residence with an attached garage for at least three vehicles and surface parking for at least two additional vehicles.

Public Notice and Comment Period

Public notice of the project application was given on December 29, 2005 and the comment period ended on January 11, 2006. On March 15, 2006, DPD received a written comment from the northern adjacent property owner's agent, concerning the preservation private views and the protection of two redwood trees located just south of the proposals northern property line. A copy of the comment letter can be found in the Master Use Permit file, available for the Public Resource Center (<http://www.seattle.gov/dpd/prc/>) located at 700 Fifth Ave, Suite 2000.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 3, 2005 and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated. Thus, a more detailed discussion of the short-term impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: during site preparation/excavation/construction—temporary soil erosion/sedimentation and increase runoff is expected to occur until drainage control and vegetation is established on site; and increased vibration from construction operations and equipment. Additionally two northern mature trees will potentially be impacted by site preparation/excavation/construction; With the exception of the mature tree impacts, the other impacts are not considered significant because they are temporary in nature and/or minor in scope (SMC 25.05.794). Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable SEPA policies.

Pursuant to SMC 25.09.320.E, the ECA ordinance states, *“The Director shall consider the following circumstances and conditions in rendering a decision on a vegetation and tree removal permit: 1) The applicant shall justify the need for tree and/or vegetation removal; 2) The applicant shall demonstrate that any tree and/or vegetation removal shall not adversely affect stability, erosion potential, existing drainage conditions, and/or fish and wildlife habitat areas on-site, on adjacent sites, or within the drainage basin; 3) The applicant shall demonstrate that the activity shall not be a precursor of a later development proposal, unless a plan is approved by the Director for public safety reasons and/or except to conduct soil testing subject to DPD's Director's Rule for Investigative Field Work in Environmentally Critical Areas; and 4) The Director may require a vegetation and tree removal and replacement plan and may otherwise condition the permit to protect the public health and safety and prevent harm to the affected environmentally critical area.”*

Earth

The ECA Ordinance requires submission of technical reports to detail soils, geological, hydrological, drainage, plant ecology and botany, vegetation and other pertinent site information. Pursuant to this requirement the applicant submitted the following:

An arborist report prepared by Thomas M. Corno, ISA Certified Arborists #PN-5594A, dated June 23, 2006; that includes a visual assessment of the existing trees and states the following:

- “If construction holds true to the plans, 12’ off the property line on the north boarder will not have an adverse impact on the root system of the two Sequoias. If excavation into the drip line exceeds 40% of the canopy a further study will be required to determine root health and buttress root integrity.”
- “When excavation around the root zone is to occur, a certified arborist should be on site to determine any critical damage to the roots of the trees and make recommendations to avoid serious damage.”
- “Fill required inside the root zone should not exceed 40% of the canopy and no more than a depth of 1 foot. Compaction should be avoided if possible. If compaction should occur, vertical mulching may be required to maintain proper air and water to the roots.”
- “Prior to working around the trees, the trees should have the deadwood removed. After the excavation is complete, a mycorrhize injection around the root zones to stimulate nutrient and water uptake should be performed. The injections should be done as close to the completion of the excavation as possible.”

Based on the above and the review of the associated plans by DPD's geotechnical experts; they have concluded that (as conditioned below) the proposed site preparation, excavation and construction may proceed.

Applicable codes and ordinances provide extensive conditioning authority and prescriptive methodology for tree protection/preservation. Therefore, no additional conditioning beyond the conditions noted below is warranted pursuant to SEPA policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(C).

CONDITIONS – SEPA

During Construction (includes site preparation and excavation) - (Non-appealable ECA Conditions)

1. The applicant shall provide a tree retention/protection plan by a Licensed Arborist for the northern two trees that share the common property line between the subject property and the property to the north. At a minimum the plan shall address the following:
 - Develop a tree protection zone. Erect a physical barrier to keep the root system of the trees in tact. This barrier can be a chain link or other type of fencing.
 - Communicate the tree protection plan to everyone involved in the project. That includes architects, landscape architects, builders, contractors, carpenters, plumbers, electricians, and anyone else who will be on site. Reinforce the tree protection intentions by writing damage clauses into any service contract's to provide financial penalties to any contractor who damages the trees.
 - Monitor the impacts of construction activities. A Certified Arborist or their appointee shall prevent incursions into the root zone and re-establish the protection zone if necessary. If roots have been cut, make sure they weren't damaged by construction activity. Broken roots should be cut cleanly with a saw. Don't allow contractors to park under the trees and the root zones shall be protected from pollutants that have the potential of contaminating the soil around the trees.
 - Correct any damage to the root system. A Certified Arborist or their appointee shall be reasonable for any root cuts, making sure they are cut cleanly with a saw and not ripped with a backhoe. If damage is severe, seek the services of a Certified Arborist to obtain an assessment of the situation.

- After the excavation is complete, a mycorrhize injection around the root zones to stimulate nutrient and water uptake should be performed. The injections should be done as close to the completion of the excavation as possible.
 - Fill required inside the root zone should not exceed 40% of the canopy and no more than a depth of 1 foot. Compaction should be avoided if possible. If compaction should occur, vertical mulching may be required to maintain proper air and water to the roots.”
2. The arborist conducting the work must attend an on-site pre-construction conference with DPD’s Site Inspector, SDOT Urban Forester (Bill Ames) liaison with DPD, and DPD’s Biologist (Rob Knable) to discuss protection/retention control measures and monitoring methodology prior to the start of work.
 3. The arborist conducting the work must schedule an inspection with SDOT Urban Forester (Bill Ames) liaison with DPD and DPD’s biologist (Rob Knable) prior to termination of the tree retention/protection plan.
 4. A monitoring report shall be produced annually for a minimum of 5 years unless the Director of DPD determines the protection/retention plan is a success, and then monitoring may be discontinued after 3 years. The report shall be prepared by a qualified firm and will include photos of the protection/retention area and percent cover, survival rates of plant stock and any contingency plans if necessary. This report should be provided to DPD Site Team after the growing season but no later than October 31st of each year.

Signature: (signature on file)
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

Date: September 11, 2006