



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 Number: 3004292
Applicant Name: Peggy Gaynor for Seattle Parks Department
Address of Proposal: 800 Lake Washington Boulevard

SUMMARY OF PROPOSED ACTION

Land Use Application to daylight and restore 1,200 lineal feet of underground creek channel (Madrona Park Creek). A Determination of Non-Significance was prepared by the Seattle Parks and Recreation Department.

The following approval is required:

SEPA - to impose conditions. Chapter 25.05, Seattle Municipal Code.
(DNS prepared by Seattle Department of Parks and Recreation December 9, 2005)

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 Location and Description

The proposal site is the 31.2 acre Madrona Park located at 800 Lake Washington Boulevard. Madrona Creek in the park flows from the ravine area to the west of the intersection of 38th Avenue East and East Spring Street eastward and parallel to East Spring Street, beneath Lake Washington Boulevard and into Lake Washington.

Beginning west of 38th Avenue East / East Spring Street the creek is in an underground pipe and culvert system that is a part of the City storm drain system. From the ravine to Lake Washington Boulevard, the creek bed extends through a forested area. On the east side of Lake Washington Boulevard, the creek bed extends beneath a lawn area and empties into the lake via an outfall in a shoreline concrete retaining wall.

The site and vicinity zoning is Single-Family 5000 (SF 5000). The project area is in the Conservancy Recreation (CR) environment and partially in the Urban Residential (UR) Shoreline environment.



Proposal Description

This is a community initiated project to daylight and restores the creek in its existing channel by recreating a natural creek bed with native plantings through the ravine to the lake. The current lawn area at the lake shoreline will be replaced with a 4,800 square foot wetland cove. Three new creek culverts will be installed beneath 38th Avenue East, Lake Washington Boulevard, and a pedestrian trail in the wooded ravine between 38th Avenue and the Boulevard. A crushed rock pedestrian trail along the lakeshore and around the wetland cove will be added, along with four new creek crossing bridges, one in the wetland area and three in the ravine

Although the site is in a shoreline district, the proposed restoration work does not require a shoreline substantial development permit because the development is a public project with the primary purpose of improving fish habitat and is therefore exempt under SMC 23.60.020.C.16. However per SMC 23.60.016 and SMC 23.60.020.B.2, even where an exemption is granted, all use within the Shoreline District must be consistent with the Shoreline Management and the Seattle Shoreline Master Program. Per the City of Seattle's Shoreline Master Program (SMP) (23.60.020 B.5) conditions may be attached to the approval of exemptions as necessary to assure consistency of the project with the Shoreline Management Act (SMA) and the City's SMP.

This project is a stream day-lighting project which will benefit the shoreline environment but there are potential shoreline and environmental impacts that may occur during construction. Consequently, the exemption includes the following non-appealable conditions during construction and for the life of the project:

Shoreline Exemptions during Construction

1. Appropriate best management practices (BMPs) shall be employed to minimize the amount of erosion at the site caused by storage, staging of material for the proposed work and construction. These BMPs shall include the installation of a silt fence between the staging areas for the proposed work and Lake Washington.

2. Appropriate BMPs shall be employed during the proposed work to prevent toxic materials, petrochemicals and other pollutants from entering any surface water during the proposed work.
3. If any deleterious material enters the water during proposed work this material shall be removed immediately and disposed of in an appropriate upland facility.
4. The landscaping that is planted within the shoreline environment area shall be native vegetation exclusively, and shall be monitored and maintained to ensure 80% survival after a period of five years from the time of planting.
5. Non-native invasive species such as Scot's broom (*Cytisus scoparius*), Himalayan and evergreen (*Rubus procerus* and *R. laciniatus*), purple loostrife (*Lythrum salicaria*), English holly (*Ilex aquifolium*), Japanese knotweed (*Polygonum cuspidatum*), giant knotweed (*Polygonum sachalinense*) and English ivy (*Hedera helix*) shall be removed from the shoreline environment. These species shall be removed manually or mechanically.
6. No herbicides, pesticides or chemical fertilizers shall be used in the aquatic environment or adjacent (within 50-ft) to the newly day lit stream or the shoreline area of Lake Washington during the life of the project.
7. No treated decking is allowed for the bridge structure, due to leaching of metals into the aquatic environment.
8. Once the creek channel is constructed and the creek is allowed to flow through the new channel the flow shall be monitored to ensure that adequate depths are achieved throughout the channel. If it is observed that inadequate water depths exist, adjustments to the stream channel shall be made in order to achieve adequate depths.
9. Refer to the Hydraulic Project Approval Permit from Washington Department of Fish and Wildlife for allowed timing of the work.

Public Comment

No public comments were received during the comment period that ended on April 5, 2006.

Environmental Critical Areas

New potential slide, shoreline habitat buffer, riparian corridor, wetland, steep slope and fish and wildlife conservation areas, all designated environmental critical areas and regulated under SMC 25.09, are present on the site. Critical area review was conducted and the project will comply with the pertinent chapters of SMC 25.09.

The general standards of the ECA code applies to all projects located in environmental critical areas. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the ECA code and with best management practices for the construction of the proposed project. All projects within an ECA must meet the application submittal requirements, general requirements and development standards per SMC 25.09.060.

The proposed project as designed is consistent with the applicable general standards for development within ECAs and the project proponent has submitted all required material. The appropriate general development standards of SMC 25.09 to ensure impacts to the environmental critical areas during construction include the following:

ECA Conditions Prior to the Commencement of Construction

1. A construction activity schedule and mitigation plan shall be prepared to be approved by the Director prior to the start of construction. This schedule and mitigation plan shall include, but not be limited to, a schedule for compliance with project conditions, limits of construction and work activities, equipment to be used, start and duration of each phase, work sequencing, and shall include the design, implementation, maintenance, and monitoring of mitigation requirements to prevent erosion, siltation, and destruction of vegetation. This plan shall be reviewed with the owner's representative and approved by the Director at a pre-construction meeting prior to the start of construction.

ECA Conditions during Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. All disturbed areas on the site, including developmental coverage and construction activity areas, shall be managed in a manner sufficient to control drainage and prevent erosion during construction, and revegetated to promote drainage control and prevent erosion after construction. The Director has required a schedule and mitigation plan because erosion potential is severe. This plan shall be prepared and followed using best management practices. All revegetation shall consist of trees, shrubs, and ground cover that does not require permanent irrigation systems for long-term survival and is suitable for the location.
3. All sites shall be cleared in stages just prior to construction, and cleared areas shall only be as large as necessary for construction. Revegetation shall occur after the particular phase of construction is completed. When required by the Director, the vegetation removal and replacement plan shall establish a staged vegetation removal and replacement program which minimizes the amount of exposed soil during and after construction. In drier months, irrigation or temporary installation of intermediate plantings may be required until weather or seasonal conditions permit installation of the permanent plantings.

4. All construction activity on environmentally critical area sites shall follow best management practices, including the general development standards of SMC 25.09 for each Environmentally Critical Area. These practices include installation of siltation barriers to minimize erosion and pollutants entering the watercourse, as well as other methods such as diversion measures, slope drains, and structural and vegetative stabilization techniques.
5. All grading in environmentally critical areas shall be completed or stabilized by October 31st of each year unless demonstrated to the satisfaction of the Director based on approved technical analysis that no environmental harm or safety problems would result from grading between October 31st and April 1st.
6. The construction activity schedule and mitigation plan prepared prior to the commencement of construction shall be followed.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the Environmental Checklist dated November 17, 2005. The information in the checklist, supplemental information, and the experience of DPD reviewing similar projects form the basis for this analysis.

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 an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary increase in noise levels, increased levels of fugitive dust and toxic exhaust fumes from construction equipment, and disturbance of the Environmentally Critical Areas due to re-grading and re-vegetation activity and increased noise from the construction activities. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and, in some cases, mitigation may be warranted.

Several adopted codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Seattle Noise Ordinance (construction noise); Seattle Environmental Critical Areas Code (SMC 25.09); Seattle's Stormwater, Grading and Drainage Control Code (SMC 22.800); State Air Quality Codes administered by the Puget Sound Clean Air Agency (air

quality). In addition Federal and State regulations and permitting authority (Section 10 Permit, 404 Permit from the Army Corps and HPA permit from Washington Department of Fish and Wildlife) are effective to control short-term impacts on water quality and long term impacts of construction and implementation. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

No SEPA conditioning of potential short-term impacts appears to be warranted.

Long-term Impacts

Long-term or use related impacts are also anticipated from the proposal and include: access to the fish and wildlife conservation, steep slope and riparian corridor designated areas by humans. These long-term impacts are potentially significant; therefore, a detailed discussion of the impacts is appropriate.

The project proponent has designed paths and trails through the steep slope, fish and wildlife conservation and riparian corridor areas to limit the areas of access and to provide pathways that will reduce the amount of erosion that will occur as the result of humans accessing the area. This mitigation measure is believed to minimize impacts on the terrestrial and aquatic fish and wildlife habitat at the site and to minimize the impacts to the steep slope and liquefaction prone areas. Additionally, the riparian vegetation planted along the creek within the newly created riparian corridor buffer will increase the allocthonous input of insects and detritus to Madrona Creek food and nutrients for aquatic organisms. Furthermore, the revegetation of the steep slope areas with native vegetation increases the function of the Fish and Wildlife Conservation areas improving the habitat for terrestrial and avian wildlife species.

No SEPA conditioning of potential short-term impacts appears to be warranted.

CONDITIONS - SEPA

None.

Signature: _____ (signature on file) Date: October 16, 2006
Art Pederson, Land Use Planner
Department of Planning and Development