



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: 3008077
Applicant Name: Charlie Page
Address of Proposal: 3519 East Conover Court

SUMMARY OF PROPOSED ACTION

Land Use Application to allow removal of 17 hazard trees (7-Big Leaf Maple, 9-Madrone, 1 Bitter Cherry) and 21,145 square feet invasive plants in an environmentally critical area. Project includes vegetation management plan and maintenance pruning. Seattle Department of Transportation will oversee removal of one Big Leaf Maple in the 36th Street right of way.

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code).

SEPA DETERMINATION: [] Exempt [] DNS [] MDNS [] EIS
[X] DNS with conditions
[] DNS involving non exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site Location: The site is a residential property located at 3519 East Conover Court near Leschi. 36th Avenue East runs along the bottom of the slope. East Conover Court is a street end at the top of the slope

Zoning: The site is zoned Single-family 5000 (SF 5000).

Parcel Size(s): The parcel size for this property is approximately 25,374 square feet (sq. ft.).

Existing Use: This property is developed with a single family residence.

Zoning in the Vicinity: The zoning in the vicinity is Single Family 5000.

Use in the Vicinity: The development in the vicinity consists of single family residences.

Proposal

This proposal is for the removal of trees and plants in an environmentally critical area. The property will be replanted with native species.

Public Comments

One comment letter was received during the official public comment period which ended August 5, 2008.

ANALYSIS - SEPA

The proposal site is located in an environmentally critical area-steep slope 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.

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.*"

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 3, 2007. 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 the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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 certain 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 impacts on the identified critical areas are expected: vegetation removal (including removal of one mature tree); increased soil erosion and sedimentation during tree removal and following until vegetation is adequately established on site; increased runoff; and noise associated with diesel or gas combustion equipment. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code require that soil erosion control techniques be initiated for the duration of the tree and vegetation removal. The ECA ordinance regulates activity within designated ECA areas. The Noise Ordinance regulates noise impacts due to equipment operations. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted. Construction activities including construction worker commutes, truck trips, operating construction equipment and machinery result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Long-term Impacts

A possible long-term impact anticipated as a result of this proposal would be adverse impacts with regards to slope stability or soil erosion control if the tree restoration plan is not continually monitored.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code. These codes don't provide specify the manner in which the restoration plan should be monitored and how frequent this planting monitoring should occur. Therefore, a condition has been added to address this requirement.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the 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.

- 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 43.21C.030(2)(C).
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

Prior to Final inspection

1. The following trees will be modified as wildlife snags: #16, 18, 19, 7, 13, 4, 33, 35, & 36 per the International Society of Arboriculture standards.

For the Life of the Project

2. The applicant must monitor the health of the plants installed during the revegetation. Any declining or dead plants must be replaced with like species.

Signature: _____ (signature on file) Date: October 20, 2008

Holly J. Godard, Land Use Planner
Department of Planning and Development

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