



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

**Application Number:** 3010790  
**Applicants Name:** Chad Armour  
**Address of the Proposal:** 2214 East Highland Drive

**SUMMARY OF PROPOSED ACTION**

Land Use Application to re-vegetate a 1,500 sq. ft. area to mitigate for the topping and limbing of trees in an environmentally critical area. Project includes vegetation restoration plan.

The following approval is required:

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

**SEPA DETERMINATION:** [ ] Exempt [X] DNS [ ] MDNS [ ] EIS  
[ ] 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 along the north side of E Highland Dr.  
Zoning: Single Family 5000 (SF 5000).  
Parcel Size(s): The parcel size for this property is 15,270 square feet.  
Existing Use: This property is currently developed with a single family residence.  
Zoning in the Vicinity: The zoning in the vicinity is SF 5000.  
Use in the Vicinity: The development in the vicinity consists of single family residences.

Proposal

Land use application to plant 64 native shrubs in approximately 1,500 square feet of impacted area to mitigate for the topping and limbing of trees in an environmentally critical area. Project includes planting 32 oceanspray (*Holodiscus discolor*) and 32 snowberry (*Symphoricarpus albus*) shrubs. Plant spacing will average five feet on-center and plant stock will be one gallon minimum size. Project is related to violation case file 1017390.

Public Comments

Notice of application was sent on January 11<sup>th</sup>, 2010. The 14 day public comment period was extended by two weeks until February 7<sup>th</sup>, 2010, in response to a comment period extension request from a member of the public. No public comments were received through the public notice process.

**ANALYSIS - SEPA**

The proposal site is located in landslide-prone critical area and therefore 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.

SMC 25.09.080.B.3 of the SMC 25.09, Regulations for Environmentally Critical Areas, states, "*Removal of, clearing, or any action detrimental to trees or vegetation in landslide prone critical areas is prohibited, except as provided in this section and Section 25.09.320.*" SMC 25.09.320.A.2 states, "*Tree topping is prohibited.*" In order to mitigate for unauthorized tree topping addressed in Critical Area Notice of Violation file number 1017390, the applicant has submitted an Environmentally Critical Area Restoration plan conforming to requirements in SMC 25.09.320.A

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated October 6<sup>th</sup>, 2009. The information in the checklist 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, specifically the geotechnical report submitted pursuant to SMC 25.09.320.B2, and determined that this action will not result in significant 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 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: site preparation for planting may expose soil leading to increased soil erosion and sedimentation during planting activities and following plant installation until the new vegetation is adequately established on site. 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 in place for the duration of the tree and vegetation removal. The ECA ordinance regulates activity within designated ECA areas. 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.

### 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 technical report:

- A geotechnical report prepared by Bo McFadden, PE, LEG, dated December 1<sup>st</sup>, 2009. The report evaluates the suitability of the planting plan to protect the stability of the slope and reduce erosion. The report also provides recommendations for minimizing surface erosion during and following the proposed planting activities.

This report and associated plans have been reviewed by a DPD geotechnical expert and an ISA Certified Arborist, who have concluded that the proposed tree and vegetation removal and restoration may proceed. The tree and vegetation removal, restoration and maintenance plans have been submitted using DPD's Environmentally Critical Areas Standard Mitigation Plan, which incorporates approved best management practices and plant installation and maintenance techniques selected to minimize site disturbance and promote plant establishment. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

No further topping of existing trees in the landslide prone area is authorized. Any future pruning of these trees shall be limited to the removal of co-dominant tops and removal of any diseased or weakened limbs in order to make the canopies and the trees themselves more stable. All pruning will be performed to ISA 300 standards. If any tree in the landslide prone area is found to be unstable where it was previously topped, a hazard tree evaluation by a qualified professional and approval from DPD is required prior to removal.

The applicant or designated contact person must schedule an inspection with the DPD Senior Environmental Analyst (Seth Amrhein) after the planting has been completed.

### Long-term Impacts

A possible long-term impact anticipated as a result of this proposal would be adverse impacts from slope failure or soil erosion control if the tree restoration plan is not continually maintained as prescribed on DPD's standard Environmentally Critical Areas Standard Mitigation Plan. This standard plan requires plants to be watered and weeded to ensure optimum survival and growth.

The standard plan further specifies that after three years from plant installation, there must be at least 50 % survivability of plants. Replacement plants are required to maintain this level of survival.

Following the prescriptive best management practices and plant installation and maintenance techniques in DPD's standard Environmentally Critical Areas Standard Mitigation Plan is expected to ensure long-term plant survival and minimize the potential for any long-term impacts. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

**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.

- [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 43.21C.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**

None required.

Signature: \_\_\_\_\_ (signature on file) Date: March 25, 2010  
Seth Amrhein, Senior Environmental Analyst  
Department of Planning & Development

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