



City of Seattle

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: 3012457 & 3012458

Contact Person: Paul Broadhurst

Address of Proposal: 8623 41st Ave SW and 4018 SW Donovan St

SUMMARY OF PROPOSED ACTION

Land Use Application for tree and vegetation removal (already done) and restoration of a 2,600 sq. ft area. Environmental Review includes a small portion of the adjacent site (approximately 864 sq. ft.) at 4018 SW Donovan St - Project #3012458.

The following approval is required:

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

SEPA DETERMINATION: Exempt 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 at 6765 41st Ave SW.

Zoning: Single Family 7200 (SF 7200).

Parcel Size(s): 8623 41st Ave SW is 28,862 square feet and 4018 SW Donovan St is 8,400 square feet.

Existing Use: Both properties are developed with single family residences.

Zoning in the Vicinity: The zoning in the vicinity is SF 7200.

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

Proposal

The applicant is proposing to revegetate approximately 2,600 square feet of landslide-prone Environmentally Critical Area with native trees and shrubs. The owner of 8623 41st Ave SW recently completed construction of a new single family residence. Soon after completion, the owner cleared vegetation in the Environmentally Critical Areas (ECA) without the appropriate permits or approvals from the Seattle Department of Planning and Development as was issued a Notice of Violation (Case # 1025020). The clearing activity also contravened an ECA Covenant (King Co. Recording No. 20101027000391). Approximately 864 square feet of this clearing action inadvertently occurred in landslide-prone area on the abutting parcel at 4018 SW Donovan St. Subsequent to clearing, jute netting and mulch was installed to suppress weeds and erosion. The applicant is now seeking required permits and approvals from Seattle DPD to approve work already done and complete the revegetation work on both parcels.

Public Comments

Notice of application was sent on July 14, 2011. The extended comment period ended on August 10th, 2011. Comments were received from one party, who is also the resident of 4018 SW Donovan St. These comments provided background information about the history of the development of the subject site and surrounding properties.

ANALYSIS - SEPA

The proposal is located in a landslide-prone Environmentally 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 to 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 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."* In order to mitigate for unauthorized vegetation removal addressed in Notice of Violation file number

1025020, 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 prepared on April 28th, 2011. 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, including a geotechnical report and revegetation plan, 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

In order to mitigate for unauthorized vegetation removal (primarily the invasive non-native blackberry) in the environmentally critical area, the applicant has submitted an Environmentally Critical Area revegetation plan conforming to requirements in SMC 25.09.320. This revegetation plan specifies planting approximately 138 native shrubs within the landslide-prone area. Also, pursuant to SMC 25.09.320.B.2, the applicant submitted a geotechnical report prepared by Gary A. Flowers, PLLC, dated April 7th, 2011. This report evaluates the geologic conditions and stability of the landslide-prone area in light of the unauthorized clearing activity and proposed revegetation, and provides recommendations to protect the steep slope. This report and associated plans have been reviewed by a DPD staff geotechnical engineer who has concurred with the information and conclusions in the geotechnical report. The geotechnical report opines that the unauthorized vegetation removal has not adversely affected the slope area and recommends installation of erosion control measures prior to planting the new vegetation.

Site preparation for planting native vegetation is expected to cause minimal temporary impacts on the identified environmentally critical area. This activity may expose soil leading to increased soil erosion and sedimentation until the new vegetation is adequately established on site. However, installation of jute netting and mulch, as recommended by the geotechnical engineer, are expected to minimize potential erosion. Due to the temporary nature and very limited scope of these impacts, they are not considered significant (SMC Section 25.05.794).

Several adopted codes provide mitigation for the identified impacts. The Stormwater, Grading and Drainage Control Code (SMC Chapter 22.800) requires that soil erosion control techniques

be in place for the duration of the land disturbing activities. The Regulations for Environmentally Critical Areas (SMC Chapter 25.09) provide development standards within designated ECA areas in order to minimize adverse impacts. Compliance with these applicable codes will reduce or eliminate these short-term impacts to the environment. Therefore, no further conditioning pursuant to SEPA policies is warranted.

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 if vegetative cover is not continually protected. SMC 25.09.080 B.3 prohibits removal of, clearing, or any action detrimental to trees or vegetation in landslide prone critical areas unless done in accordance with a revegetation plan, as provided in Section 25.09.320. Further, an Environmentally Critical Areas Covenant prohibiting development (including vegetation removal) has been recorded with the King County Recorder. In order to provide further assurance that the newly installed vegetation has an adequate survival rate, conditions regarding inspection of completed work and maintenance have been added to this approval. Adherence to these conditions, along with the regulatory protection of the vegetation, is expected to eliminate possible long-term impacts related to the proposed revegetation activity on the on the landslide-prone area.

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

During Construction

- 1) Once plant installation work is complete, the DPD Planner shall be contacted to arrange a final inspection. Call 206-386-1981 to arrange this inspection.

- 2) All installed plants shall be watered by hand on a weekly basis for two growing seasons. This is a general guideline and more or less water may be necessary depending on weather conditions.

For the Life of the Project

- 3) All irrigation of installed plants shall be done using hand watering techniques. Automated irrigation in the landslide-prone area is not permitted.
- 4) Maintenance of the plantings is required. Weeding around the plants should be done at least twice a year in the early and late spring. More frequent weeding may be required if noxious or invasive weeds are present. Mulch should be replaced as needed after weeding.
- 5) If the number of surviving trees or shrubs or small plants drops below 50% of the number installed within the first three years, replacements must be added to maintain this level of plants.

Signature: _____ (Signature on File)
Seth Amrhein
Environmental Analyst, Sr.
Department of Planning & Development

Date: October 31, 2011

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