

## City of Seattle

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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:** 3012608  
**Applicant Name:** Neal Baker  
**Address of Proposal:** 2349 Harbor Ave SW / 2349 Fauntleroy Ave SW

#### **SUMMARY OF PROPOSED ACTION**

Land Use Application to allow removal of 16 trees and one hazardous tree and revegetation of a 3,912 sq. ft. area in an environmentally critical area.

The following approval is required:

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

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions

#### **BACKGROUND INFORMATION**

**Site Location:** The site is a residential property located at 2349 Fauntleroy Ave SW.

**Zoning:** Single Family 7200 (SF 7200)

**Parcel Size(s):** 309,111

**Existing Use:** Multi-family condominiums

**Zoning in the Vicinity:** The zoning of the surrounding properties is SF 7200.

**Use in the Vicinity:** The development in the vicinity is mostly single family residential with some multifamily and commercial activity.

### Proposal

The applicant is proposing to revegetate approximately 3,912 square feet of landslide-prone Environmentally Critical Area (ECA) with predominantly native trees and shrubs. A contractor employed by the condominium homeowners' association cleared vegetation in the ECA without the appropriate approval from the Seattle Department of Planning and Development. Some revegetation of this cleared area was also initiated. A Notice of Violation (Case # 1024207) was issued December 1<sup>st</sup>, 2010. The applicant is now seeking approval from Seattle DPD for work already done and to install additional trees and shrubs in the landslide-prone ECA to complete revegetation of the cleared area.

### Public Comments

Notice of application was sent on September 15<sup>th</sup>, 2011, and concluded September 28<sup>th</sup>, 2011. No comments were received.

### 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.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted to Seattle DPD on September 9th, 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 reviewed the environmental checklist submitted by the project applicant and the project 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 Impacts

In order to mitigate for unauthorized vegetation removal (primarily cutting of 16 red alder trees) 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 128 shrubs and 70 trees within the landslide-prone area. Site preparation 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 potential until the new vegetation is adequately established on site. However, because the site has already been heavily mulched and the actual area in which the work will occur is actually relatively flat, the risk of adverse environmental impacts from soil erosion is minimal. 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 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. In order to provide further assurance that the newly installed vegetation has an adequate survival rate, conditions requiring maintenance and inspection of completed work have been added to this determination. Adherence to these conditions, along with the regulatory protection of the vegetation, is expected to minimize 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**

Prior to Building Permit Final

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

For Life of Project

- 2) All installed plants shall be watered 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.
- 3) 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) Date: May 7, 2012  
Seth Amrhein, Senior Environmental Analyst  
Department of Planning & Development

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