City of Seattle
Edward B. Murray, 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: 3016456

Applicant Name: Judy Pickens

Address of Proposal: 4320 SW Brace Point

SUMMARY OF PROPOSAL

Land Use Application to weed and revegetate 59,000 sq. ft. area to restore native habitat along a portion of Fauntleroy Creek in an environmentally critical area. Project includes vegetation management plan.

The following approval is required:

SEPA Environmental Threshold Determination (SMC Chapter 25.05)

DPD SEPA DETERMINATION:

Determination of Non-significance

☒ No mitigating conditions of approval are imposed.

☐ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

BACKGROUND

As described in the applicant's Environmental Checklist, the goal of the project is to achieve full forest restoration in the Kilbourne ravine by eradicating invasive plants and revegetating with beneficial native species suited to the soil, light, and slope conditions. Clematis vitalba (wild clematis or old man's beard), Himalayan blackberry, and English ivy are the primary invasive species that have choked out most native plants in the ravine. Of the approximately 2.5 acres in the ravine, 0.72 (29 %) are city-owned, undeveloped Kilbourne Park. Another approximate 0.32 acres (13 %) are city-owned, undeveloped SW Barton Street right-of-way. Privately owned slopes comprise the remaining 1.46 acres (58 %) of the ravine. Seattle Parks and Recreation has committed to restoring the 0.72 acres comprising Kilbourne Park and the portion of undeveloped right-of-way that bisects it (approximately 0.90 acres). This project proposal will restore the 1.46 acres of privately owned slope property and the portion of undeveloped right-of-way that bisects it (approximately 1.60 acres in total). A street use permit from the Seattle Department of Transportation will be required to conduct the portion of work within their right-of-way.

SITE AND VICINITY

Site Location: 9212 45th Ave SW; 9131 California Ave SW; 4402 SW Brace Point Drive; 4330 SW Brace Point Drive; 4320 SW Brace Point Drive; 4324 SW Brace Point Drive; 9144 45th Ave SW;
Zoning: Single-family 5,000 (SF 5000)
Existing Use: Single family residential
ECA: Landslide-prone areas; riparian corridors, wetland

PROJECT DESCRIPTION:

As mentioned above, the proposal will remove invasive vegetation in the Kilbourne ravine and install site-appropriate native vegetation. The applicant has provided a detailed plan set (revised March 5th, 2014). Plan sheets include a project overview and site plan showing existing conditions, a clearing grubbing plan (i.e., invasive plant removal), an erosion and sediment control plan, and a detailed revegetation plan showing a plant schedule with more than 1,400 native plants. The objectives of the proposed project are to:

- improve water quality by controlling erosion, filtering runoff, and holding rain in the restored canopy.
- reclaim the ravine as wildlife habitat.
- stop the spread of invasive plants into the neighborhood.
- enlist property owners and the community in keeping invasive plants out of the landscapes.

PUBLIC COMMENT:

The public comment period ended on February 5, 2014. No comments were received.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908); thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is 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.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in

the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and Regulations for Environmentally Critical Areas (SMC 25.09).

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 and 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

In order to meet the project's objectives, approximately 1.6 acres will be cleared and grubbed in preparation for installation of native vegetation. The applicant has submitted an Environmentally Critical Area revegetation plan conforming to requirements in SMC 25.09.320. This revegetation plan specifies planting approximately 1,400 native trees, shrubs, and ground cover plants within the environmentally critical areas.

Site preparation for planting native vegetation is expected to cause minimal temporary impacts of the identified environmentally critical areas. This activity may expose soil leading to increased soil erosion and sedimentation until the new vegetation is adequately established on site. However, installation of erosion control measures, such as mulch and jute netting over exposed soil will mitigate the risk of adverse environmental impacts from soil erosion. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794).

Several adopted City codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Environmentally Critical Areas Regulations; the Stormwater Code, Grading Code; the City Energy Code; and the Land Use Code, which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts. Therefore, no further conditioning is warranted by SEPA policies.

Long Term Impacts

Long-term impacts from the vegetation removal activities are anticipated to be limited to temporary loss of non-native vegetative cover. After the clearing and grubbing, there will be an increased potential for erosion until new vegetation is established. However, all applicable temporary erosion and sedimentation control best management practices, as specified in the approved plans, will be employed to ensure that erosion potential is minimized until new vegetation cover is established. After the revegetation and other site work are completed, the potential for long-term significant adverse environmental impacts is not expected. The applicant's plan specifies that the site be maintained for three years after the plants are installed

to ensure they are properly cared for and competition from undesirable non-native vegetation is minimized. Successful implementation of the project is expected to have beneficial effects on the environment by restoring native habitat in the Kilbourne ravine. As possible long-term impacts are expected to be adequately mitigated through compliance with the Environmentally Critical Area regulations, as depicted on the approved plans, no further conditioning is warranted.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible 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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

REQUIREMENTS

A Street Use Permit from the Seattle Department of Transportation must be obtained prior to conducting any work within this agency's jurisdiction.

CONDITIONS – SEPA

None.

Signature: (signature on file) Date: June 12, 2014
Seth Amrhein, Land Use Planner
Department of Planning and Development

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