



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: 3017958
Applicant Name: Wade Lassey
Address of Proposal: 502 Lake Washington Blvd E

SUMMARY OF PROPOSAL

Land Use Application to allow 2,966 sq. ft. of vegetation removal and revegetation in an environmentally critical area. Project includes upgrade to retaining walls, stairs, and walkways.

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

PROJECT DESCRIPTION

The proposal is to re-vegetate a previously disturbed area of approximately 2,966 square feet area in a steep slope environmentally critical area with a mix of native vegetation. Modifications to previously constructed retaining walls will also be made as shown on the provided plan. The proposed work will be done to resolve Seattle Department of Planning and Development Notice of Violation #1031724 that was issued for unauthorized vegetation removal and construction in the steep slope environmentally critical area.

Site and Vicinity

Site Location: 502 Lake Washington Blvd E

Zoning: Single-family 5,000 (SF 5000)

Existing Use: Single family residential

ECA: Landslide-prone areas (steep slope area, potential slide area)

Public Comment:

The public comment period ended on August 10, 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). Therefore, 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 and reviewed the project plans, 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), 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 1,016 trees, shrubs and ground cover plants will be installed in a 2,966-square-foot area. The applicant has submitted an Environmentally Critical Area revegetation plan conforming to requirements in SMC 25.09.320. The Regulations for Environmentally Critical Areas (SMC Chapter 25.09), with a stated purpose of avoiding adverse environmental impacts, regulate all activities on sites with environmentally critical areas. The applicant submitted a "Geotechnical Evaluation" prepared by Wade J. Lassey, L.E.G., and William Chang, P.E., of Geo Group Northwest, Inc., dated June 5th, 2014. The geotechnical report and the revegetation plans for the proposal have been reviewed by the DPD geotechnical reviewer and found to be in compliance with the City's standards for vegetation management projects on sites with geologic hazard 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 Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), and Regulations for Environmentally Critical Areas (SMC 25.09). 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 revegetation and other site work are completed, long-term significant adverse environmental impacts are not expected. Successful implementation of the project is expected to have beneficial effects on the environment by restoring a native plant community where non-native and some invasive plants previously existed. As possible long-term impacts are expected to be adequately mitigated through compliance with the Environmentally Critical Area regulations, 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.

CONDITIONS – SEPA

None.

Signature: Denise R. Minnerly for Date: March 19, 2015
Seth Amrhein, Land Use Planner
Department of Planning and Development

SA:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.