



City of Seattle

Gregory J. Nickels, 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: 3003613
Applicant Name: Christopher Toly
Address of Proposal: 2301 West Newton Street

SUMMARY OF PROPOSED ACTION

Land Use Permit to trim 13 trees, remove one tree and revegetate a 750 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
 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 south side of West Newton Street.

Zoning: Lowrise 2 (L-2) and Industrial Buffer (IB U/45’).

Parcel Size(s): The parcel size for this property is 20,220 square feet (sq. ft.).

Existing Use: This property is currently developed with two single family residences and a detached accessory structure.

Zoning in the Vicinity: The zoning in the vicinity is L-2, IB U/45' and General Industrial 1 (IG 1 U/45').

Use in the Vicinity: The development in the vicinity consists of single family residences and multi-family buildings.

Proposal

This proposal is for the removal of one (1) tree in an environmentally critical area that has been topped by the property owner. Per the owner, the tree topping was done for view improvement. Additionally, approximately seven (7) Bigleaf Maple trees have been topped. This activity occurred primarily in the southeasterly area of the subject property.

The project includes specific recommendations from Scott D. Baker and Ann Hirschi, Certified Arborists on the work to be performed. Per the Arborist Report and identified plans, the project should be completed within three (3) phases. Each phase includes the following activity:

Phase I (Tree Removal Approach)

- Remove one (1) Bigleaf Maple tree.
- Keep seven (7) tagged Bigleaf Maple in place and continue to manage by coppicing. The arborist explains Coppicing as a pruning method where certain species of trees are cut to low stumps. As the stump produces new sprouts, it is grown for two (2) or more years and then the largest sprouts are removed, leaving the smaller new stems. This process is then repeated to allow maintenance of a root system and a low rounded tree composed of several stems.
- Remove identified invasive species-Bindweed, Blackberry, etc-during clearing operations.
- Utilize bioengineering techniques (sheet mulching with cardboard, jute matting, arborist chips, downed wood) as necessary.
- Prune four (4) Bigleaf Maples for view enhancement following ANSI A-300 pruning standards, removing no more than 25% at a time.

Phase II (Revegetation Approach)

- Plant a minimum of sixteen (16) trees, (2 for 1) as detailed in the restoration plan with the intent to choose "species genetically programmed not to grow into the view-shed at maturity".
- Replant prepared areas with native under-story as detailed in the arborist report, to encourage slope stabilization and sustainable forest regeneration.

Phase III (Site Maintenance Approach)

- Adhere to a maintenance plan to monitor the plantings.

Public Comments

The required public comment period ended on December 7, 2005. DPD received no written comments regarding this proposal.

Additional Information

DPD has issued a Notice of Violation (File Number #1001616) for the topping and/or cutting trees of greater than a 6" caliper, measured 3' above the ground in an environmentally critical area without a tree vegetation and removal permit.

ANALYSIS - SEPA

The proposal site is located in an environmentally critical area-potential landslide and steep slope-thus 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.

Pursuant to SMC 25.09.320.E, the ECA ordinance states, "*The Director shall consider the following circumstances and conditions in rendering a decision on a vegetation and tree removal*

permit: 1) The applicant shall justify the need for tree and/or vegetation removal; 2) The applicant shall demonstrate that any tree and/or vegetation removal shall not adversely affect stability, erosion potential, existing drainage conditions, and/or fish and wildlife habitat areas on-site, on adjacent sites, or within the drainage basin; 3) The applicant shall demonstrate that the activity shall not be a precursor of a later development proposal, unless a plan is approved by the Director for public safety reasons and/or except to conduct soil testing subject to DPD's Director's Rule for Investigative Field Work in Environmentally Critical Areas; and 4) The Director may require a vegetation and tree removal and replacement plan and may otherwise condition the permit to protect the public health and safety and prevent harm to the affected environmentally critical area."

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 14, 2005. 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 Arborist report. Technical assistance was provided by an SDOT City Forester. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant provided recommendations made by the applicant's Arborist are followed.

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: vegetation removal (including removal of one (1) tree and partial removal of seven (7) mature trees); increased soil erosion and sedimentation during tree removal and following until vegetation is adequately established on site, and increased runoff. 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 initiated 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:

- An arborist report prepared by Scott D. Baker and Ann Hirschi, dated October 13, 2005. The report includes an inventory of the existing trees that were removed from the site and provides recommendations for tree/vegetation restoration and tree/vegetation management.

This report and associated plans have been reviewed by DPD’s geotechnical experts and an SDOT City Forester. It was determined that coppicing is not an appropriate practice that should be utilized for ECA restoration because it is considered a short-term solution and requires intensive maintenance that may not be pursued by future owners of this property. ECA Steep Slope restoration should provide long-term, low-maintenance native vegetation that benefits the property owner and enhances slope stability. Therefore, the proposal will be conditioned for the arborist report to include the following recommendations from the City Forester:

- Provide a long-term, low maintenance revegetation plan that includes a rotation plan for tree removal and new tree establishment. The revegetation plan should incorporate some large-scale native conifers, selectively sited to frame views.

They have concluded that, as conditioned, the proposed tree and vegetation removal and restoration may proceed. The tree and vegetation removal plans, including erosion control techniques, restoration plans and monitoring plans will be reviewed by DPD. Applicable codes and ordinances provide extensive conditioning authority and prescriptive methodology for tree and vegetation removal. Therefore, no additional conditioning beyond the previously mentioned condition is warranted pursuant to SEPA policies.

Long-term Impacts

A possible long-term impact anticipated as a result of this proposal would be adverse impacts with regards to slope stability or soil erosion control if the tree restoration plan is not continually monitored per the arborist requirements.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code. Unfortunately, these codes don't provide specify the manner in which the restoration plan should be monitored and how frequent this planting monitoring should occur. Therefore, a condition has been added to address this requirement.

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 MUP Issuance

1. The applicant must provide a revised Arborist report and tree restoration plan that includes the following recommendations:
 - Provide a long-term, low maintenance revegetation plan that includes a rotation plan for tree removal and new tree establishment. The revegetation plan should incorporate some large-scale native conifers, selectively sited to frame views.

These revisions must be approved by the SDOT City Forester.

