



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: 2501788
Applicant Name: Jim Jarvie
Address of Proposal: 9521 31st Avenue Northwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to remove six big leaf maples (all under 16 inches in diameter) in an environmentally critical area. Project includes vegetation restoration plan.

The following approval is required:

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

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS
[X] 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 north side of 31st Avenue Northwest.

Zoning: Single Family 7200 (SF 7200).

Parcel Size(s): The parcel size for this property is 8,590 square feet (sq. ft.).

Existing Use: This property is currently developed with a single family residence.

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

This proposal is for the removal of six trees in an environmentally critical area that have been repeatedly topped by the property owners. Per the owners, the tree topping was done for view improvement. Approximately two Bigleaf Maple trees have been recently topped. This activity occurred primarily in the northwestern area of the subject property.

The project includes specific recommendations from Favero Greenforest, Certified Arborist on the work to be performed. Per the Arborist Report and identified plans, the project should be completed within three (3) phases and all work will be performed primarily in the northwestern area of the subject property. Each phase includes the following activity:

Phase I (Tree Removal Approach)

- Remove a total of six (6) Bigleaf Maple trees
- Remove identified invasive species-Blackberry, etc-during clearing operations.

Phase II (Revegetation Approach)

- Plant a minimum of twelve (12) trees, (2 for 1) as detailed in the restoration plan with the intent of selecting “slow growth trees...that grow well on steep slopes”.
- 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. This also includes trimming or topping the Bigleaf Maple trees to provide continued sunlight until the new trees are established. Ultimately, the Bigleaf Maple trees would be killed after approximately five (5) years.

Public Comments

The required public comment period ended on November 2, 2005. DPD received two written comments regarding this proposal. The neighbors expressed concerns regarding inaccurate/incomplete information in the environmental checklist, the revegetation approach and questioned the erosion prevention methodology.

Additional Information

DPD has an outstanding case (File Number #1004591) filed against the property owner regarding the activity detrimental to two (2) trees in an environmentally critical area without a tree vegetation and removal permit.

ANALYSIS - SEPA

The proposal site is located in an environmentally critical area-steep slope, potential and known landslide and wildlife (Heron) habitat-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 September 27, 2005. The information in the checklist, public comment 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 and the soils 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 and Geotechnical reports 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 partial removal of six (6) 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 reports:

- Arborist reports prepared by Favero Greenforest, dated September 9, 2005 and June 6, 2005. The reports include an inventory of the existing trees that were removed from the site and provide recommendations for tree/vegetation restoration and tree/vegetation management.
- A geotechnical slope assessment report prepared by Paul L. Stoltenberg, P.E. dated September 15, 2005. The report evaluates the soil and site conditions and provides recommendations with regards to the proposed vegetation restoration planting plan.

These reports and associated plans have been reviewed by DPD's geotechnical experts and an SDOT City Forester, who have concluded that the tree restoration may proceed as long as the recommendations noted in the soils report are adhered to. Therefore the proposal will be conditioned for such recommendations be included the vegetation restoration plans. 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.

