

DPD

Director's Rule 32-2006

Applicant: City of Seattle Department of Planning and Development	Page 1 of 3	Supersedes: 3-97
	Publication: 12/7/06	Effective:
Subject: Requirements for a Letter of Certification in Environmentally Critical Areas	Code and Section Reference: Seattle Environmentally Critical Areas Ordinance SMC 25.09	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Environmentally Critical Areas	Approved	Date
<hr/> Diane M. Sugimura, Director, DPD		

PURPOSE

The purpose of this rule is to clarify and interpret the requirements for a Letter of Certification as detailed in SMC 25.09.080. The intent of the ECA regulations and this Director's Rule is to protect the public health, safety and welfare, promote safe development through the use of the best possible planning and engineering techniques, and prevent harm to the environment.

Geotechnical inspections and subsequent report documentation are sometimes completed a significant period of time prior to development permit application. This increases the risk, particularly during the wet winter months, of site conditions changing making the original report out of date. In addition, not all construction projects begin immediately after the Department issues permits. Normally, these time lapses are not an issue, however in landslide-prone areas physical changes may occur over time, creating a situation that warrants another look not only by DPD, but also by those wishing to undertake development in these areas. This section of the ECA regulations is aimed at verifying that physical changes have not occurred at a site or the surrounding area that would render any prior site analysis and/or project design out-of-date. If changes have occurred, the intent is to ensure that the development proposal

addresses those changes. The mechanism for addressing these issues is a Letter of Certification (LC) written by the geotechnical engineer of record. The LC must reference the date the plans were reviewed and the date on which the geotechnical engineer provided inspection to verify site conditions.

When the LC May Be Required

The LC may be required when a project site is in a landslide-prone area (as described in SMC Section 25.09.020.A.3) under the following permit situations:

- During the processing of Master Use Permit (MUP) and building permit applications;
- After issuance of building permits -- up to the time of the first inspection by DPD of either setbacks or foundation installation; and
- When applicants are seeking to renew a building permit for new or additional development.

The Director may impose conditions or require revisions to plans based upon review of the LC and any other information or plans required.

1) Rule: If a project has been granted an exemption by the Department under 25.09.045, the project is exempt from the requirements of the ECA Ordinance, including the requirements for Letters of Certification discussed here.

Contents of the Letter of Certification

2) Rule: The LC shall:

- Reference the date upon which the geotechnical inspection occurred to verify the existence of any changed site conditions.
- If **no significant geotechnical conditions have changed**, the LC shall state this fact, shall include an attached copy of the geotechnical conclusions and recommendations, and further state that the original geotechnical conclusions and recommendations have been integrated into the project design.
- If **significant geotechnical changes have occurred**, the LC shall include an attached copy of the geotechnical conclusions and recommendations, an amendment to the original geotechnical report and, when necessary, revised plans; the LC shall also state that the new conclusions and recommendations have been incorporated into the overall project design.. (If the plans are revised it may be necessary to update the minimum risk statement and any other requirements to satisfy the responsibilities of geotechnical engineers as defined in the ECA Ordinance, this Director's Rule and Director's Rule 33-2006).

Geotechnical Engineer's Site Inspection

3) Rule: The geotechnical engineer's site inspection must have taken place within the 60 day period counted back from, and including, the date the LC is received by the Department. The geotechnical inspection must take into consideration all known slide

activity or other signs of instability on the site and surrounding area. The geotechnical site inspection shall be conducted by or under the direction of the geotechnical engineer of record. The inspection shall be conducted with the intent of determining significant changes in the conditions of the site and/or surrounding area since the original investigation was completed.

LCs Required for Issued Permits

The Department periodically reviews sites associated with issued building permits where there is reasonable grounds to consider the possibility of changed site conditions, and notifies applicants where an LC will be required.

4) Rule: For issued permits in landslide prone areas, the LC may be required up to the time of the first inspection by DPD of either setbacks or foundation installation. If the project has excavation and foundation related inspection assigned to special inspectors, the LC may be required up to the time of such special inspections, as indicated on inspection reports submitted to the Department. For these situations, the Director will notify by letter or other reasonable means the owner and/or responsible party that the permit has been suspended until the LC is submitted and the standards of SMC Section 23.09.080 are satisfied.