

Exhibit A

Directors' Report and Recommendation Stormwater Implementation Amendments

July 17, 2015

Introduction

SPU and DPD updating the Stormwater Code to: 1) incorporate new Ecology requirements, 2) incorporate SPU and DPD policy changes, and 3) improve usability. As part of this process, DPD is also proposing related updates to the City's Building, Residential, Land Use, and Grading Codes to ensure that all City regulations meet the substantive requirements of the Washington State Department of Ecology (Ecology) for stormwater regulation. The requirements apply to the City of Seattle for its municipal stormwater discharges covered by the 2013-2018 Phase I Municipal Stormwater Permit that Ecology issued under federal Clean Water Act and state authority, as amended in the Municipal Separate Storm Sewer Systems (MS4) Permit). This Director's Report is associated with legislative process for the Building, Residential, Land Use, and Grading Codes updates that are directly tied to the 2016 Stormwater Code update. The amendments are proposed for transition to the 2016 updates to the Stormwater Code, in association with the target effective date of the 2016 Stormwater Code (January 1, 2016). The proposed changes specifically relate to the applicability of the Stormwater Code to construction project application dates and project start dates and are intended to ensure that all City regulations affecting these dates apply in the same way. See the "Modifications" section below for additional details.

Frequently Asked Questions

Why are we updating the Stormwater Code? The Stormwater Code is being updated in order to comply with the City's obligations under the MS4 Permit, incorporate SPU/DPD policy changes, and improve usability.

How does the proposed 2016 Stormwater Code update affect other codes? One of the sections of the City's MS4 Permit regards the applicability of Stormwater Code revisions in relation to construction project application dates and project start dates. For consistency across all City Codes, new MS4 Permit requirements must also be reflected in the Building, Residential, Land Use, and Grading Codes. See the "Modifications" section below for additional details.

What has been the extent of public participation for the Stormwater Code update? As part of the project to prepare the Stormwater Code legislation, there has been an ongoing series of public meetings and presentations made to specific stakeholders. A summary listing is provided in the table below.

| Date | Group |
|-------------------------|--|
| January 24, 2013 | Thornton Creek Alliance |
| March 18, 2013 | External User Stakeholders |
| May 8, 2013 | Master Builders Association of King and Snohomish Counties |
| May 9, 2013 | Fauntleroy Watershed Council |
| June 27, 2013 | Seattle Builders Council Master Builders Association |
| November 7, 2013 | Public Open House |
| November 19, 2013 | Thornton Creek Alliance |
| November 26, 2013 | North Seattle Industrial Association |
| December 17, 2013 | King County |
| June 3, 2014 | Public Meeting |
| June 5, 2014 | Seattle Builders Council Master Builders Association |
| June 11, 2014 | American Council of Engineering Companies (ACEC) |
| July 15, 2014 | Washington Society of Landscape Architects (WASLA) |
| July 16, 2014 | Master Builders Association (MBA) |
| July 17, 2014 | American Society of Civil Engineers (ASCE) |
| July 18, 2014 | American Public Works Association (APWA) |
| August 13, 2014 | Urban Forestry Commission |
| January 26, 2015 | Puget Soundkeeper Alliance (PSA) |
| February 24, 2015 | North Seattle Industrial Association |
| March 19, 2015 | SPU Developer Services Advisory Committee |
| June 3, 2015 | Urban Forestry Commission |
| June 10, 2015 | Public Meeting |

Modifications to Related Regulations

The modifications being proposed for the Building, Residential, Land Use, and Grading Codes are directly related to proposed modifications to the Seattle Stormwater Code to achieve equivalency with MS4 Permit requirements. In a parallel ordinance to amend the Seattle Stormwater Code (Chapters 22.800 – 22.808), the City proposes to add a new section to the Stormwater Code (SMC 22.800.100) for transition to the 2016 updates to that code. In association with its target effective date of January 1, 2016, the 2016 Stormwater Code update includes new language regarding the applicability of Code revisions in relation to specified project permit application and construction dates. The 2016 Stormwater Code update will apply to permit applications submitted on or after January 1, 2016. In addition, for projects considered under the current Stormwater Code before amendment, if construction has not started by June 30, 2020, the 2016 Stormwater Code update will apply. This revision was added to achieve equivalency with the MS4 Permit requirements (which apply to areas that discharge to the City’s

municipal stormwater system) and affects both building and master use permits (including short plats).

The modifications being proposed for the Building, Residential, Land Use and Grading Codes as part of this legislation are provided below.

1. Revised Land Use Code - Effect of preliminary plat approval (23.22.028): The proposed revision adds references to the new Stormwater Code Section 22.800.100, making the vesting language for preliminary full subdivision plat approvals subject to the new Stormwater Code as provided in Section 22.800.100.
2. Revised Land Use Code - Council determination of final plat (23.22.074): The proposed revision adds a reference to the new Stormwater Code Section 22.800.100 to Section 23.22.074.A, making Council determination of whether a full subdivision final plat meets the requirements of state law and the Seattle Municipal Code that were in effect at the time of preliminary plat approval subject to the new Stormwater Code as provided in Section 22.800.100.
3. Revised Land Use Code - Director's decision (23.24.050): For short subdivisions, the proposed revision adds a reference to the new Stormwater Code Section 22.800.100 to Section 23.54.050.C, which now says that short plats are deemed to meet the requirements of the Land Use Code for five years following the date of the Director's decision except as changed by the new Stormwater Code as provided in Section 22.800.100.
4. Revised Land Use Code - Expiration and renewal of Type I and II Master Use Permits (23.76.032): Section 23.76.032 generally says that a Master Use Permit expires three years from the date a permit is approved for issuance, with various exceptions. Those exceptions would now include a new exception in subsection 23.76.032.A.1.h for permits that may expire earlier pursuant to the new Stormwater Code as provided in Section 22.800.100.
5. Revised Building Code – Expiration of permits (106.9): The proposed revision states that expired permits are subject to Section 22.800.100 of the Stormwater Code.
6. Revised Building Code – Renewal of permits (106.10): The proposed revision provides that applications for renewal of building permits received on or after January 1, 2016 will be subject to the Stormwater Code in effect when the renewal application is received if construction hasn't begun.
7. Revised Building Code – Reestablishment of expired permits (106.11): The proposed revision provides that applications for reestablishment of permits that were expired for less than one year are subject to the Stormwater Code in effect when the renewal application is received if construction hasn't begun.
8. Revised Residential Code – Expiration of permits (R105.9): The proposed revision states that expired permits are subject to Section 22.800.100 of the Stormwater Code.
9. Revised Residential Code – Renewal of permits (R105.10): The proposed revision provides that applications for renewal of building permits received on or after January 1, 2016 will be subject to the Stormwater Code in effect when the renewal application is received if construction hasn't begun.
10. Revised Residential Code – Reestablishment of expired permits (R105.11): The proposed revision provides that applications for reestablishment of permits that were

expired for less than one year are subject to the Stormwater Code in effect when the renewal application is received if construction hasn't begun.

11. Revised Grading Code – Expiration and Renewal of Grading Permit (22.170.120): The proposed revision provides that applications for renewal of grading permits received on or after January 1, 2016 will be subject to the Stormwater Code in effect when the renewal application is received if construction hasn't begun.

Conclusion & Recommendation

The Director of SPU and the Director of DPD recommend that the proposed modifications to City regulations be adopted in order to ensure that all City regulations meet the substantive requirements of Ecology for stormwater regulation.