



PLANNING COMMISSION PUBLIC HEARING MEETING AGENDA

Thursday, July 6, 2017
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Ave N
Seattle, WA 98122

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00
2. ROLL CALL	7:02
3. APPROVAL OF AGENDA	7:05
4. APPROVAL OF MINUTES	7:08
a. June 1, 2017 Draft Minutes	

Public Comment and Testimony at Planning Commission

During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. In all cases, speakers are asked to come to the podium to have their comments recorded, state their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. When representing the official position of an agency or City-recognized organization, a speaker will be given 5 minutes. Questions for staff will be directed to staff through the Commission.

5. GENERAL PUBLIC COMMENT	7:10
6. PUBLIC HEARING	7:15
a. Abatement Development Code Amendment	
- Staff Presentation	
- Public Testimony	
7. STUDY SESSION	7:45
a. Transportation Master Street Plan	
- Staff Presentation	
- Public Comment	
b. Wireless Telecom. Facilities Development Code Amendment	
- Staff Presentation	
- Public Comment	
8. DIRECTOR'S REPORT	8:30
9. UNFINISHED BUSINESS	8:35
10. NEW BUSINESS	8:36

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| 11. REPORTS OF COMMITTEES &
COMMISSIONERS/ANNOUNCEMENTS | 8:37 |
| 12. AGENDA FOR JULY 20, 2017 | 8:38 |
| 13. ADJOURNMENT | 8:40 |

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236

The City of Shoreline Notice of Public Hearing of the Planning Commission

Description of Proposal: The City of Shoreline is proposing changes to the Shoreline Development Code that apply citywide. The non-project action to amend the Development Code includes amending the City's civil penalties and abatement code. Staff is proposing to broaden the use of the civil penalties collected and abatement funds to include other activities to support the code enforcement program. These activities could include education, additional inspection, hiring of specialized resources (ex. hiring of noise expert), training (ex. how to use a sound level meter) and outside legal assistance in addition to abatement activities.

This may be your only opportunity to submit written comments. Written comments must be received at the address listed below before **5:00 p.m. July 6, 2017**. Please mail, fax (206) 801-2788 or deliver comments to the City of Shoreline, Attn: Steven Szafran 17500 Midvale Avenue N, Shoreline, WA 98133 or email to sszafran@shorelinewa.gov.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for Thursday, July 6, 2017 at 7:00 p.m. in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

Copies of the proposal and applicable codes are available for review at the City Hall, 17500 Midvale Avenue N.

Questions or More Information: Please contact Steven Szafran, Planning & Community Development at (206) 801-2512.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

NOTICE OF DISCLOSURE

The City of Shoreline will enter all comments received into the public record and may make these comments, and any attachments or other supporting materials, available unchanged, including any business or personal information (name, email address, phone, etc.) that you provide available for public review. This information may be released on the City's website. Comments received are part of the public record and subject to disclosure under the Public Records Act, RCW 42.56. Do not include any information in your comment or supporting materials that you do not wish to be made public, including name and contact information.

DRAFT
CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

June 1, 2017
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Craft
Vice Chair Montero
Commissioner Chang
Commissioner Maul
Commissioner Malek
Commissioner Thomas

Staff Present

Paul Cohen, Planning Manager, Planning and Community Development
Steve Szafran, Senior Planner, Planning and Community Development
Carla Hoekzema, Planning Commission Clerk

Commissioners Absent

Commissioner Mork

CALL TO ORDER

Chair Craft called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by Ms. Hoekzema the following Commissioners were present: Chair Craft, Vice Chair Montero, and Commissioners Chang, Malek, Maul and Thomas. Commissioner Mork was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of April 6, 2017 and May 18, 2017 were approved as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: ABATEMENT DEVELOPMENT CODE

Staff Presentation

Mr. Cohen explained that the Development Code (SMC 20.30.775.A) states that civil penalties and abatement funds must be used for abatement of code violations. The City typically budgets \$100,000 a year for the abatement fund, and the funds can only be used to resolve public nuisances on private and public property. Typical abatement projects include boarding up vacant nuisance structures, removing accumulated refuse in extreme cases, payment of relocation assistance funds to displaced tenants, and removal of junk vehicles.

Mr. Cohen advised that, over the past five years, the City has spent about \$27,246 annually on abatement, and the remaining money is passed on to the next year. At the end of 2016, the abatement fund contained \$167,938. Staff is recommending that the provision be amended to expand the potential use of the fund to include other code enforcement activities in support of the City's enforcement program. These other activities could include education, additional inspection, hiring of specialized resources, training, and outside legal assistance.

Mr. Cohen referred to Attachment A of the Staff Report, which outlines the proposed changes to SMC 20.30.775. He explained that the proposed amendment would change Item A to read,

“All monies collected from the assessment of civil penalties, costs, and for abatement reimbursements recovered from violators resulting from code enforcement action shall be deposited in a code enforcement/abatement fund and utilized for future code enforcement action expenses. Eligible expenses shall include, but not be limited to, all costs for abatement whether or not the responsible party is identified, education and outreach, and one-time expenses associated with a specific case necessary for obtaining code compliance.”

Mr. Cohen recommended that the Commission approve the proposed amendment, which would broaden the use of the civil penalties collected and abatement funds to include other activities to support the code enforcement program.

Commissioner Malek asked Mr. Cohen to elaborate on the other projects mentioned earlier. Mr. Cohen suggested this is something the Code Enforcement Officer could explain further at the public hearing in July. It was suggested that Board Members forward their questions to the Code Enforcement Officer prior to the hearing.

Mr. Cohen explained that code enforcement is handled by just one person, and she has an endless workload. Issues come up that are beyond her scope and she needs additional training and sometimes it is necessary for her to hire an expert to assist in the appropriate solution. He provided a number of examples, and noted that there is currently no money set aside specifically for this purpose.

Commissioner Malek suggested that funds for education, communication and marketing could be used to give curtesy notices to builders in the area about concerns that come up. Mr. Cohen said they already

4a. Draft Minutes from Thursday, June 1, 2017

have a handout available, and staff has a lot of experience that allows them to provide early warning to developers. The intent is to head off future problems for both the developers and the City.

Chair Craft asked if the fund would be used to pay for inside counsel from the City Attorney or if it would be used to obtain outside counsel to represent the City in an enforcement issue. Mr. Cohen said it would be used when outside counsel is needed. For example, he shared that there were huge violations associated with a development at the higher part of Richmond Beach, as a result of illegal cutting that occurred in a critical area despite the City's best attempts to control it. So far, they are handling the situation, but it is a big problem that could balloon in terms of demand on staff time. It would be helpful to have funding for education to warn developers that the City would be vigil in enforcing the code. Commissioner Malek said a communication piece to people living within a certain distance of the project could be done to notify and advise them on how the City is addressing the situation. This could help diffuse some of the tension between community members and builders.

Mr. Cohen commented that trees are a big issue in the City and the City staff is doing its best with enforcement. Fines have been levied in many situations, but the community is still concerned. It is always a shock when trees are removed. However, it is important to understand that the City only has two building inspectors and there are approximately 100 construction projects going on at the same time. It is difficult to be at the sites every moment. This is an ongoing issue that may turn up as a discussion topic for the Council and Commission at some point in the future. Chair Craft commended City staff for the way they handled the situation that occurred on property across the street from the Seattle Golf Course. The problem was taken care of effectively, and perhaps it would be good to share this success with the community. Mr. Cohen agreed that, as a small agency, the City staff is very responsive and tries to deal with issues as quickly and as best they can. However, sometimes outside help is needed.

Commissioner Thomas asked how code enforcement work is currently being funded, and Mr. Cohen said it comes from the Planning and Community Development department's budget. Board Member Thomas asked how many code enforcement cases occur each year, and Mr. Cohen said he did not have the information. Mr. Cohen said the Code Enforcement Officer's work is endless, and she must follow procedures exactly.

Commissioner Chang voiced concern that the Code Enforcement Officer is overworked. Mr. Cohen agreed that there is an endless supply of cases that require follow up, and they all overlap with each other. He recalled that staff previously provided a presentation to the Commission about what the Code Enforcement Officer does. He noted that the workload continually increases as more development occurs. Chair Craft suggested that perhaps the Commission should recommend to the City Council that they fund another Code Enforcement Officer.

Vice Chair Montero noted the clause about assessments and penalties and the ability to place a lien on the property if the fee is not paid right away. He asked about the City's success rate of recouping the money spent on abatement. Perhaps the City's success in this regard is also a cause of the fund increasing. Chair Craft said there are also constraints on how the fund can be used, and the proposed amendment would expand upon how the money could be used rather than being specific to abatement.

4a. Draft Minutes from Thursday, June 1, 2017

Public Comment

There were no public comments.

Chair Craft encouraged Commissioners to forward their additional questions and concerns to Mr. Cohen.

DIRECTOR'S REPORT

Mr. Cohen provided a report on development activity in the City.

- Staff met with the Shoreline School District regarding projects that will be funded by the recent levy between 2016 and 2021. This includes renovating North City Elementary, updating the Early Learning Center on Meridian Avenue, redesigning Parkwood Elementary School and rebuilding Einstein and Kellogg Middle Schools. These projects will require a lot of staff time.
- Sound Transit activity is building up, and will also require a lot of staff time.
- There are a number of field replacement projects (turf).
- Staff has conducted a number of pre-application meetings with property owners in the MUR-70' zones. Although the projects are very conceptual at this time, the biggest issue is fitting all of the required parking on the small lots. A lot of the MUR-70' zoned properties are being purchased and consolidated, and staff is speculating that the developers are holding them until closer to when the stations open.
- There are a number of short plat applications, as well as applications for two storage buildings.
- The owners of the post office site are starting to get very serious about redevelopment, and staff is working with them to prepare the application materials.
- Staff has had a number of pre-application meetings with people who want to develop the Westminster Triangle, but they are currently waiting for the new design to be ready for review.
- The Sears property will be up for sale soon.

Commissioner Malek recalled that the Economic Development Director recently reported that the permit dollars have increased from \$1 million per year to \$2 million per year over the past five years. Mr. Cohen added that the City has exceeded its projections on development permit monies for the past two years.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

DRAFT

4a. Draft Minutes from Thursday, June 1, 2017

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports from committees or Commissioners.

AGENDA FOR NEXT MEETING

Mr. Cohen advised that the June 15th meeting was cancelled, and the public hearing on the abatement development code amendment is scheduled for July 6th, if a quorum is available. Also in July, the Commission will consider an amendment to the Transportation Master Plan regarding a discrepancy between the 185th Street Subarea Plan and the Master Plan Cross Section. Another item that will be scheduled on future agendas will be amendments to the Wireless Telecommunication Facility Code to bring the City's code into compliance with the FCC's 2016 ruling. A batch of development code amendments will be presented in August, as well as an update on the Storm and Surface Water Master Plans.

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Easton Craft
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission

DRAFT

6a. Staff Report - Abatement Dev. Code Amendment

Planning Commission Meeting Date: July 6, 2017

Agenda Item 6a.

PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Abatement Development Code Amendment to Expand Use of Civil Penalties

DEPARTMENT: Planning & Community Development

PRESENTED BY: Paul Cohen, Planning Manager
Steven Szafran, AICP, Senior Planner

Public Hearing
 Discussion

Study Session
 Update

Recommendation Only
 Other

BACKGROUND

Planning Commission held a study session on June 1 to discuss the proposed amendments. Tonight's meeting is a public hearing which has been publically noticed.

Currently, the Development Code SMC 20.30.775 (A) states that civil penalties and abatement funds must be used for abatement of code violations. Staff recommends that the code be amended to expand potential uses of this fund to include other code enforcement activities in support of Shoreline's code enforcement program. The City's abatement fund contains more money than is required to address abatement needs annually and could be used in support of these other code enforcement activities.

The Code defines "Abate" as:

To repair, replace, remove, destroy or otherwise remedy a condition which constitutes a Code Violation by such means, in such a manner, and to such an extent as the Director determines is necessary in the interest of the general health, safety and welfare of the community and the environment. (Ord. 406 § 1, 2006).

DISCUSSION

The City typically budgets \$100,000 a year for the abatement fund. The City may expend these funds to resolve public nuisances on private or public property. These funds expended by the City to address public nuisances on private property are billed to the property owner. Typical abatement projects include: boarding up of vacant nuisance structures; removal of accumulated refuse in extreme cases; payment of relocation assistance funds to tenants displaced by code violations; and removal of junk vehicles from private property. In some cases, the property owner pays the abatement

Approved By:

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Project Manager *PLC*

Planning Director *PLC for RM*

6a. Staff Report - Abatement Dev. Code Amendment

bill from the City upon receipt. If the property owner does not pay the bill for the abatement, the City instructs the County Assessor to recoup the abatement costs by an assessment against the real property to be collected as taxes by the King County Treasury. Eventually, the cost of abatement is repaid to the City and deposited back into the abatement fund.

Civil penalties are separate from abatement costs. The City collects civil penalties as described in SMC 20.30.770:

D. Civil Penalties.

1. *A civil penalty for violation of the terms and conditions of a notice and order shall be imposed in the amount of \$500.00. The total initial penalties assessed for notice and orders and stop work orders pursuant to this section shall apply for the first 14-day period following the violation of the order, if no appeal is filed. The penalties for the next 14-day period shall be 150 percent of the initial penalties, and the penalties for the next 14-day period and each such period or portion thereafter shall be double the amount of the initial penalties.*

2. *Any responsible party who has committed a violation of the provisions of Chapter [20.50](#) SMC, General Development Standards (tree conservation, land clearing and site grading standards), or Chapter [20.80](#) SMC, Critical Areas, will not only be required to restore unlawfully removed trees or damaged critical areas, insofar as that is possible and beneficial, as determined by the Director, but will also be required to pay civil penalties in addition to penalties under subsection (D)(1) of this section, for the redress of ecological, recreation, and economic values lost or damaged due to the violation. Civil penalties will be assessed according to the following factors:*

a. For violations within critical areas and required buffers, an amount determined pursuant to SMC [20.80.130](#)(E); or

b. For violations not located within critical areas and required buffers, an amount determined to be equivalent to the economic benefit that the responsible party derives from the violation measured as the total of:

i. The resulting increase in market value of the property; and

ii. The value received by the responsible party; and

6a. Staff Report - Abatement Dev. Code Amendment

- iii. *The savings of construction costs realized by the responsible party as a result of performing any act in violation of the chapter; and*
 - c. *A penalty of \$2,000 if the violation has severe ecological impacts, including temporary or permanent loss of resource values or functions.*
 - 3. *An additional penalty of \$2,000 if the violation was deliberate, the result of knowingly false information submitted by the property owner, agent, or contractor, or the result of reckless disregard on the part of the property owner, agent, or their contractor. The property owner shall assume the burden of proof for demonstrating that the violation was not deliberate.*
 - 4. *A repeat violation means a violation of the same regulation in any location within the City by the same responsible party, for which voluntary compliance previously has been sought or any enforcement action taken, within the immediate preceding 24-consecutive-month period, and will incur double the civil penalties set forth above.*
 - 5. *Under RCW [59.18.085](#), if, after 60 days from the date that the City first advanced relocation assistance funds to displaced tenants, the landlord does not repay the amount of relocation assistance advanced by the City, the City shall assess civil penalties in the amount of \$50.00 per day for each tenant to whom the City has advanced a relocation assistance payment.*
 - 6. *The responsible parties have a duty to notify the Director of any actions taken to achieve compliance with the notice and order. For purposes of assessing civil penalties, a violation shall be considered ongoing until the responsible party has come into compliance with the notice and order and has notified the Director of this compliance, and an official inspection has verified compliance and all assessed penalties and costs have been paid to the City.*
 - 7.
 - a. *Civil penalties will be waived by the Director or will be reimbursed to the payer by the Director, with the concurrence of the Administrative Services Director, under the following documented circumstances:*
 - i. *The notice and order were issued in error; or*
 - ii. *The civil penalties were assessed in error; or*

6a. Staff Report - Abatement Dev. Code Amendment

iii. *Notice failed to reach the property owner due to unusual circumstances.*

b. *Civil penalties accrued under subsection (D)(1) of this section will be reduced by the Director to 20 percent of accrued penalties if voluntary compliance is achieved and the City is reimbursed its reasonable staff and professional costs incurred in enforcing the notice and order.*

8. *Deep Green Incentive Program.*

a. *Failure to submit the supplemental reports required by SMC [20.50.630\(F\)](#) by the date required – within six months and two years of issuance of the certificate of occupancy – is subject to civil penalties as specified in subsections (D)(1) and (D)(4) of this section.*

b. *If the project does not meet the requirements after two years of occupancy as detailed under SMC [20.50.630\(F\)\(6\)\(a\)](#) through (c), the applicant or owner will be required to pay the following:*

i. *Failure to demonstrate compliance with the provisions contained in SMC [20.50.630\(F\)\(6\)\(a\)](#) through (c) is subject to a maximum penalty of five percent of the construction value set forth in the building permit for the structure. This fee may be reduced at the discretion of the Director based on the extent of noncompliance.*

ii. *In addition, the applicant or owner shall pay any permit or other fees that were waived by the City.*

Civil penalties are a tool used by the City to provide incentive to property owners and other responsible parties (ex. tenants) to voluntarily correct code violations in a timely fashion. Civil penalties are also used to penalize certain actions that are particularly egregious such as illegal tree removal; damage to critical areas or critical area buffers (See SMC 20.80.130.E); deliberate violations; repeat violations.

CONCLUSION

In the past five years, the most the City spent annually on abatement was \$27,246. Because each year the City passes the remaining fund into the next year, the annual fund has increased. At the end of 2016, the abatement fund contained \$167,938. It would be beneficial to the code enforcement program to broaden the ability to use these

6a. Staff Report - Abatement Dev. Code Amendment

funds to include more than just abatement. Staff recommends broadening the use of the civil penalties collected and abatement funds to include other activities to support the code enforcement program. These activities could include education, additional inspection, hiring of specialized resources (ex. hiring of noise expert), training (ex. how to use a sound level meter) and outside legal assistance in addition to abatement activities.

1. The amendment is in accordance with the Comprehensive Plan;
2. The amendment will not adversely affect the public health, safety, or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

RECOMMENDATION

Staff recommends that the Commission make recommendations to the City Council to discuss and adopt the proposed amendments in Attachment A.

TIMING AND SCHEDULE

City Council Study Session – July 31
City Council Decision – August 14

ATTACHMENT

Attachment A – Proposed Amendment to SMC 20.30.775 Collection of penalties and costs.

Abatement Dev. Code Amendment - Attachment A

20.30.775 Collection of penalties and costs.

A. All monies collected from the assessment of civil penalties, costs, and for abatement reimbursements recovered from violators resulting from code enforcement actions and work shall be allocated to support expenditures for abatement, and shall be accounted for through either creation of a fund or other appropriate accounting mechanism in the Department issuing the notice and order under which the abatement occurred shall be deposited in a code enforcement/abatement fund and utilized for future code enforcement action expenses. Eligible expenses shall include, but not be limited to, all costs for abatement whether or not the responsible party is identified, education and outreach, and one-time expenses associated with a specific case necessary for obtaining code compliance.

B. The amount of cost of repairs, alterations or improvements; or vacating and closing; or removal or demolition by the Director shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. For the purposes of this section, the cost of vacating and closing shall include (1) the amount of relocation assistance payments advanced to the tenants under RCW [59.18.085](#) that a property owner has not repaid to the City, and (2) all penalties and interest that accrue as a result of the failure of the property owner to timely repay the amount of these relocation assistance payments under RCW [59.18.085](#).

Upon certification by the City Finance Director of the assessment amount being due and owing, the County Treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW [84.56.020](#), as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the City.

If the dwelling, building, structure, or premises is removed or demolished by the Director, the Director shall, if possible, sell the materials from such dwelling, building, structure, or premises and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the Director, after deducting the costs incident thereto.

The assessment shall constitute a lien against the property, which shall be of equal rank with State, county and municipal taxes.

C. In addition to, or in lieu of, the provisions set forth in this subchapter, the City may commence a civil action in any court of competent jurisdiction to collect for any such charges incurred by the City to obtain

Abatement Dev. Code Amendment - Attachment A

compliance pursuant to this chapter and/or to collect any penalties that have been assessed. (Ord. 466 § 4, 2007; Ord. 391 § 4, 2005; Ord. 238 Ch. III § 10(f), 2000).

7a. Staff Report - Transportation Master Street Plan

Planning Commission Meeting Date: July 6, 2017

Agenda Item 7a

PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Transportation Master Street Plan - 2017 Comprehensive Plan Amendment
DEPARTMENT: Planning & Community Development
PRESENTED BY: Nora Daley-Peng, Senior Transportation Planner
Paul Cohen, Planning Manager
Steven Szafran, AICP, Senior Planner

Public Hearing Study Session Recommendation Only
 Discussion Update Other

INTRODUCTION

During the April 6, 2017 Planning Commission Meeting, City staff requested the Planning Commission's feedback on the draft language for the following proposed amendments to 2017 Comprehensive Plan – Master Street Plan Update within the Transportation Master Plan (TMP) per the 2017 Comprehensive Plan Docket (**Attachment A**):

Amendment #1 - Proposed amendment to the TMP's Master Street Plan to include the consideration of amenity zones on bridges and identify appropriate design elements within amenity zones along bridges.

Amendment #2 - Proposed amendment to the TMP's Master Street Plan to include the consideration of the 185th Street Multimodal Corridor Strategy when determining required right-of-way and planned curb-to-curb width along 185th Street. In addition, the proposed amendments would remove language that currently exempts the 185th Street Bridge over I-5 from required amenity zones.

Based on the Planning Commission's feedback, coordination with the Sound Transit, and discussions with the City Manager's Office, this staff report provides follow up information and revised recommendations to Amendment #1 and #2.

BACKGROUND

In 2011, the City Council adopted the Transportation Master Plan (TMP), which was then adopted into Shoreline's 2012 Comprehensive Plan.

The 2012 Comprehensive Plan articulated goals and policies to encourage mixed-use residential and commercial development that maximizes multi-modal access to the 185th Street and 145th Street future light rail stations.

Approved By:

Project Manager NDP Planning Director PLC¹ - TCM

7a. Staff Report - Transportation Master Street Plan

In 2015 and 2016, City Council adopted the 185th Street and 145th Street Station Subarea Plans with zoning for a higher concentration of mixed-use residential and commercial development that supports walkable communities around the 185th Street and 145th Street future light rail stations.

DISCUSSION

Context for Amendment #1 Revisions

Sound Transit is in the design and permitting phase of Lynnwood Link Extension (LLE), which will include the 185th and 145th Street light rail stations. The 185th Street light rail station will be located east of Interstate 5 (I-5) at the intersection of NE 185th Street and 8th Avenue NE. The 185th Street light rail parking garage will be located west of I-5 at the intersection of NE 185th Street and 5th Avenue NE. Sound Transit is developing a rechannelization plan for the 185th Street bridge that includes improved sidewalks and bike facilities.

The City is reviewing the 185th Street Bridge channelization and pedestrian improvements as part of Shoreline's Special Use Permit (SUP) process for Sound Transit's LLE 200. Any design deviations from the City's Development Code will be considered through the SUP process.

Currently, the Master Street Plan exempts the 185th Street Bridge from required amenity zones. This exemption from including amenity zones on bridges was to waive the need to incorporate landscaping on bridges that would add weight and have to be sustained with a permanent irrigation system. Review of Sound Transit's design plans for the 185th Street Bridge has identified the need to update the Master Street Plan to more clearly require non-landscaped amenity zones on bridges for streetscape amenities such as hard surface design treatments, light poles, and/or signage.

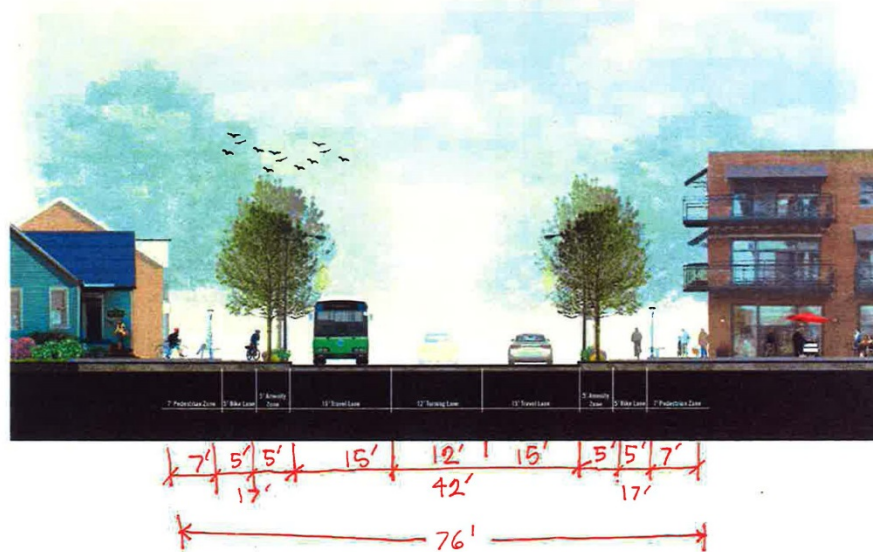
On April 6, 2017, the Planning Commission provided feedback to City staff that supports requiring non-landscaped amenity zones on bridges and suggested additional elements such as wind screens and public art elements that could be added to the list of possible streetscape amenities.

Context for Amendment #2 Revisions

The adopted 185th Street Subarea Plan included the following conceptual cross-section for the 185th Street corridor based on projected land use and transportation needs.

7a. Staff Report - Transportation Master Street Plan

Figure 3.3-14 Conceptual Cross Section for N-NE 185th Street



The above conceptual cross section for motorized travel does fit the 185th Street roadway improvements within the current Master Street Plan’s *curb-to-curb* width of 42’. However, it exceeds the Master Street Plan’s overall 66’ *cross-section* which includes non-motorized improvements by 10’. The extra 10’ is proposed in an effort to achieve “Transit-Oriented Community” goals and policies, which encourage mixed-use residential and commercial development that maximizes multi-modal access to the 185th Street future light rail station.

The City’s next step to plan for the expected land use and transportation needs that will come with the completion of the 185th Street Light Rail Station is to develop the 185th Street Multimodal Corridor Strategy (expected to begin in late 2017). Existing and future building setbacks will be studied with the development of alternative cross-sections in order to evaluate the tradeoffs of alternatives, and identify a preferred design for phased implementation.

During the April 6, 2017 Planning Commission Meeting, City staff recommended resolving the 10’ difference between the Master Street Plan and the 185th Street Subarea Plan’s conceptual 185th Street cross section by including in the “Notes” column of the Master Street Plan the consideration of the 185th Street Multimodal Corridor Strategy when determining required right-of-way and planned curb-to-curb width along 185th Street. Upon further discussion with the City Manager’s Office, City staff has been advised that since the conceptual cross-section for the 185th Street

7a. Staff Report - Transportation Master Street Plan

corridor was part of the adopted 185th Street Subarea Plan, it governs over the Master Street Plan and therefore there is no need to amend the Master Street Plan.

2017 Comprehensive Plan Amendments

The 2017 Comprehensive Plan docket is included as Attachment A. Comprehensive Plan Amendments take two forms: Privately-initiated amendments and City-initiated amendments. Pursuant to SMC 20.30.340, all Comprehensive Plan Amendments, except those proposed by City Council, must be submitted by December 1st and there is no fee for general text or map amendments. Of the City-initiated amendments, the following two amendments are proposed changes to the TMP's Master Street Plan.

RECOMMENDATION

Amendment #1

Based on the Planning Commission's feedback on April 6, 2017, the following proposed amendment to TMP's Master Street Plan has been revised to identify a wider range of appropriate design elements within amenity zones along bridges.

Transportation Master Plan, Appendix D: Master Street Plan, p. 253, 5th paragraph, 2nd bullet:

The amenity zone should be developed in a manner that is appropriate and complementary to the adjacent land uses and use of the street. The minimum width for amenity zones is five feet. Amenity zones should generally be landscaped and, where possible, utilized for stormwater management purposes. Amenity zones adjacent to roadways that do not have off-street parking shall be landscaped as much as possible. In areas where a wide pedestrian walking surface is desired, such as commercial areas, the amenity zone may be a hard surface treatment with trees in pits. Amenity zones that are adjacent to on-street parking areas should be landscaped as much as possible but may include limited hard surface areas for drivers or passengers existing vehicles. Amenity zones that are along bridges do not need to include landscaping, but can include streetscape amenities such as hard surface design treatments, light poles, banners, wind screens, public art elements, and/or signage.

Amendment #2

Based on discussions with the City Manager's Office following the April 6, 2017 Planning Commission Meeting, City Staff has determined that no changes are necessary to the *Transportation Master Plan, Appendix D: Master Street Plan, p. 262 & 263, table*. Therefore, City staff is recommending the denial of the proposed Amendment #2.

TIMING AND SCHEDULE

7a. Staff Report - Transportation Master Street Plan

- Council Study Session on Proposed Comprehensive Plan Amendments – September/October 2017
- Council adoption of the 2017 Comprehensive Plan Amendments – November/December 2017

ATTACHMENT

Attachment A – 2017 Comprehensive Plan Docket



2017 COMPREHNSIVE PLAN AMENDMENT DOCKET

The State Growth Management Act generally limits the City to amending its Comprehensive Plan once a year and requires that it create a Docket (or list) of the amendments to be reviewed.

2017 Comprehensive Plan Amendments

1. Amend the Comprehensive Plan for 145th Street annexation and all applicable maps.
2. Consider amendments to the Point Wells Subarea Plan and other elements of the Comprehensive Plan that may have applicability to reflect the outcomes of the Richmond Beach Transportation Corridor Study as described in Policy PW-9. Also, consider amendments to the Comprehensive Plan that could result from the development of Interlocal Agreements as described in Policy PW-13.
3. Consider amendments to the Parks, Recreation, and Open Space Element Goals and Policies and update of the Parks, Recreation, and Open Space Master Plan.
4. Consider amendments to the Capital Facilities Element Goals and Policies and update of the Surface Water Master Plan.
5. Consider amendments to the Master Street Plan of the Transportation Master Plan.
6. 185th Street Station Subarea Plan – Delete duplicate utility policy; “Consider the use of alternative energy in all new government facilities”.
7. Change Ronald Wastewater District to City of Shoreline throughout the Comprehensive Plan as the City’s wastewater provider.
8. Update the Comprehensive Plan by amending the Capital Facilities Element to incorporate by reference the Shoreline Fire District’s Capital Facilities and Equipment Plan so as to support the imposition of fire impact fees as authorized by RCW 82.02.

Estimated timeframe for Council review/adoption: December 2017.

7b. Staff Report - WTF Development Code Amendment

Planning Commission Meeting Date: July 6, 2017

Agenda Item 7b

PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Wireless Telecommunication Facilities - Development Code Amendment, Proposed Ordinance No. 782
DEPARTMENT: Planning & Community Development
PRESENTED BY: Julie Ainsworth-Taylor, Assistant City Attorney

Public Hearing
 Discussion

Study Session
 Update

Recommendation Only
 Other

BACKGROUND

In 2012, the United States Congress passed the "Middle Class Tax Relief and Jobs Creation Act" ("Spectrum Act") contains provisions that expedite the availability of spectrum for commercial mobile broadband. Section 6409(a) of the Spectrum Act imposes substantive and procedural limitations upon local government authority to regulate modifications of existing wireless antenna support structures and base stations. The Federal Communication Commissions (FCC) subsequently issued implementing regulations in 2015, codified at 47 CFR §1.40001, which became effective in April 2015.

Given that the enactment of the implementing federal regulations, the City's development regulations related to wireless facilities must be amended to bring them into compliance with the mandate imposed by Congress in Section 6409(a) of the Spectrum Act and the FCC regulations contained in 47 CFR §1.40001.

DISCUSSION

The siting of wireless telecommunication facilities is largely regulated by the federal government. Federal requirements for local processing of applications for wireless facilities derive from two primary pieces of legislation. First, the Telecommunications Act of 1996, while preserving most local zoning authority in the siting of wireless facilities, preempted certain exercises of such authority in order to balance local concerns with a growing need for deployment of new facilities.

Most recently, Section 6409(a) of the "Middle Class Tax Relief and Jobs Creation Act" ("Spectrum Act"), codified at 47 USC §1455(a), was passed in 2012. The Spectrum Act provides that state and local authorities cannot deny and must approve qualifying requests for modifications to eligible facilities. The intent of the Spectrum Act was to accelerate the speed of the collocation application approval process.

Approved By:

Project Manager 

Planning Director 

7b. Staff Report - WTF Development Code Amendment

The FCC was tasked with developing implementing regulations which became effective in April 2015 and are codified at 47 CFR Subpart CC §1.40001. These rules, address “Eligible Facilities Modifications” and provide clarification to terms and phrases used in the Spectrum Act, such as “wireless tower,” “base station,” “modification,” and “substantial change.” In regard to “substantial change,” this was defined in relationship to changes in the physical dimension of the tower or base station and the rules set criteria for such things as height and width modifications. The FCC rules do allow the City to condition approval on compliances with building and other structural/safety codes along with federal regulations. The FCC rules state that the City may only ask for information reasonable to establish whether the application qualifies under Section 6409(a) and not other types of information, such as justification to support the project’s need. The FCC rules also establish timeframes for issuing a decision on an application, commonly referred to as the “shot clock.” Under the FCC rules, the City must act on an application within 60 days of submittal, allowing for tolling of that time, or the application is deemed approved.

The proposed amendment to SMC Chapter 20.40 will create a new section, SMC 20.40.605, expressly addressing Eligible Facilities Modifications under the Spectrum Act and the FCC implementing rules. The new SMC provisions set forth the definitions established by the FCC, establish a review process that conforms to the “shot clock,” ensures application building and safety regulations continue to apply, and sets forth an appeal process for any decision of the City in regard to Eligible Facilities Modification applications.

In addition, two sections SMC 20.40.600, the current Wireless Telecommunication Facilities regulations, are amended to provide clarifications as to the applicable review process for Eligible Facilities Modifications. A new provision is added to SMC 20.40.600(A) Exemptions, denoting that Eligible Facilities Modifications are exempt from review under SMC 20.40.600. And, SMC 20.40.600(H) Modification is also amended to denote Eligible Facilities Modifications are not reviewed under this sub-section.

Pursuant to SMC 20.30.070, amendments to SMC Title 20, the City’s Unified Development Code, are legislative decisions for which the Planning Commission is the reviewing authority and tasked with conducting a public hearing.

CONCLUSION

The City’s current wireless facilities regulations do not contain provisions reflecting the Spectrum Act and its implementing rules. The City’s development regulations related to wireless facilities must be amended to bring them into compliance with the mandate imposed by Congress in Section 6409(a) of the Spectrum Act and the FCC implementing regulations.

As provided in SMC 20.30.350, amendments to SMC Title 20 may only be approved if:

1. The amendment is in accordance with the Comprehensive Plan;
2. The amendment will not adversely affect the public health, safety, or general welfare; and

7b. Staff Report - WTF Development Code Amendment

3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

As noted above, the amendment to the SMC Title 20 is mandated by the Federal Government's passage of the Spectrum Act and the FCC implementing rules. However, the City's Comprehensive Plan (Utilities Element) does contain three policies related to wireless communication facilities, U-19, U-20, and U-21, which do speak to facilitating access to reliable services throughout the City and managing the placement of these facilities so as to promote efficient service delivery. In addition, since the FCC rules permit the City to condition Eligible Facilities Modifications on compliance with building, structural, and similar safety regulations, these amendments should not have an adverse effect on the public health, safety, of welfare. Lastly, the intent of the Spectrum Act is to satisfy the growing need for wireless communications and, therefore, this amendment is in the best interests of the citizens of Shoreline.

RECOMMENDATION

Staff recommends that the Planning Commission recommend the proposed amendments for adoption.

TIMING AND SCHEDULE

Planning Commission Public Hearing – August 3, 2017
City Council Study Session – TBA
City Council Decision – TBA

ATTACHMENT

Attachment A – Ordinance No. 782

Exhibit A to Attachment A - Proposed Amendment to Chapter 20.40, SMC, adding a new section, SMC 20.40.605 Wireless Telecommunication Facilities – Eligible Facilities Modifications and providing minor associated amendments to SMC 20.40.600 for clarification as to the applicable review process.

Wireless Telecom. Facilities Dev. Code Amendment - Att. A

ORDINANCE NO. 782

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON ADOPTING AMENDMENTS TO SHORELINE MUNICIPAL CODE CHAPTER 20.40 FOR COMPLIANCE WITH THE SPECTRUM ACT AND FCC IMPLEMENTING RULES RELATED TO ELIGIBLE FACILITIES MODIFICATIONS.

WHEREAS, in 2012, the United States Congress passed the Middle Class Tax Relief and Jobs Creation Act (“Spectrum Act”) setting forth provisions to expedite the availability of spectrum for commercial mobile broadband; and

WHEREAS, Section 6409(a) of the Spectrum Act imposed substantive and procedural limitations on local government authority to regulate modifications to existing wireless antenna support structures and base stations; and

WHEREAS, to implement the Spectrum Act, the Federal Communications Commission (FCC) adopted rules, codified at 47 CFR §1.40001, which became effective in April 2015; and

WHEREAS, the FCC rules set forth the procedures for the review of applications for Eligible Facilities Modification; and

WHEREAS, the City’s development regulations pertaining to wireless telecommunication facilities are set forth in Shoreline Municipal Code (SMC) 20.40.600 and do not address eligible facilities modifications; and

WHEREAS, a new section of the SMC will be added to SMC Chapter 20.40 to achieve compliance with the Spectrum Act and the FCC’s implementing rules; and

WHEREAS, on [REDACTED], the City of Shoreline Planning Commission held a study session on the proposed amendments;

WHEREAS, on [REDACTED], the City of Shoreline Planning Commission held a properly noticed public hearing on the proposed amendments so as to receive public testimony; and

WHEREAS, at the conclusion of the public hearing the City of Shoreline Planning Commission voted to recommend approval of the proposed amendments as presented by staff; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and considered the proposed amendments at its regularly scheduled meetings on [REDACTED];

Wireless Telecom. Facilities Dev. Code Amendment - Att. A

WHEREAS, the City Council has determined that the proposed amendments are consistent with the Growth Management Act and in accordance with the Comprehensive Plan, and meets the criteria set forth in SMC 20.30.350; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the proposed amendments to SMC Chapter 20.40, and

WHEREAS, the environmental impacts of the proposed amendments resulted in the issuance of a Determination of Non-Significance (DNS) on _____ and

WHEREAS, the City provided public notice of the amendments and the public meetings and hearing as provided in SMC 20.30.070 and have provided adequate opportunities for public review and comment;

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment to Chapter 20.40 Zoning and Use Provisions. A new section, Section 20.40.605 *Wireless Telecommunication Facilities – Eligible Facilities Modification*, is added to Chapter 20.40 as set forth in Exhibit A to this Ordinance.

Section 2. Amendment to Section 20.40.600. Amendments to SMC 20.40.600 *Wireless telecommunication facilities/satellite dish and antennas* as set forth in Exhibit A to this Ordinance.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON _____, 2017

Wireless Telecom. Facilities Dev. Code Amendment - Att. A

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2017
Effective Date: , 2017

EXHIBIT A - Proposed language for ORDINANCE 782

Amending SMC 20.40, adding a new section, SMC 20.40.605, for compliance with Spectrum Act and FCC Implementing Rules related to Eligible Facilities Modifications, and providing minor associated amendments to SMC 20.40.600(A) and .600(H) for clarification as to the applicable review process for these modifications.

SMC 20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

A. Exemptions. The following are exemptions from the provisions of this chapter and shall be permitted in all zones.

1. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC).
2. Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys.
3. The storage, shipment or display for sale of antenna(s) and related equipment.
4. Radar systems for military and civilian communication and navigation.
5. Handheld, mobile, marine and portable radio transmitters and/or receivers.
6. Wireless radio utilized for temporary emergency communications in the event of a disaster.
7. Licensed amateur (ham) radio stations and citizen band stations.
8. Earth station antenna(s) one meter or less in diameter and located in any zone.
9. Earth station antenna(s) two meters or less in diameter and located in the NB, CB, MB or TC-1, 2, or 3 zones.
10. Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when an accessory use of a property.
11. Maintenance or repair of a communication facility, antenna and related equipment, transmission structure, or transmission equipment enclosures; provided, that compliance with the standards of this chapter is maintained.
12. Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a facility until 30 days after the completion of such emergency activity.
13. A modification that has been determined to be an Eligible Facilities Modification pursuant to SMC 20.40.605.

H. Modification. Excluding modifications subject to SMC 20.40.605 and “in-kind” replacements, modifications to existing sites, including the addition of new antennas to existing structures and building-mounted facilities, shall meet all requirements of this section.

1. Additions to existing facilities shall incorporate stealth techniques to limit visual impacts.

2. The antennas shall be counted as close to the pole as possible.
3. The diameter of the existing facility may not be increased by adding larger frames or arms.

SMC 20.40.605 Wireless Telecommunication Facilities – Eligible Facilities Modifications

- A. Terms used in this section shall have the following meanings. If a term is not expressly defined in this section than the definitions contained in chapter 20.20 SMC or its usual meaning shall apply. Where the same term is also defined in chapter 20.20 SMC, the definitions below shall control for the application of this chapter.
1. Base station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower. The term *base station* includes, but is not limited to:
 - a. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
 - c. Any structure other than a tower that, at the time a complete application is filed with City under this section, supports or houses equipment described in paragraphs (A)(1)(a) and (A)(1)(b) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another government regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
 - d. The term does not include any structure that, at the time a complete application is filed with the City under this section, does not support or house equipment described in paragraphs (A)(1)(a)-(b) of this section.
 2. Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
 3. Eligible facilities modification application. Any request for modification of an existing eligible support structure that does not substantially change the physical dimensions of such tower or base station, involving:
 - a. Collocation of new transmission equipment;
 - b. Removal of transmission equipment; or

WTF Development Code Amend. - Exhibit A

- c. Replacement of transmission equipment.
4. Eligible support structure. Any tower or base station as defined in this section, provided that is existing at the time a complete application is filed with the City under this section.
5. Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another government regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
6. FCC. The Federal Communications Commission.
7. Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
8. Spectrum Act. Title VI of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47 USC 1455.
9. Substantial change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater;
 - i. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
 - b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
 - c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base

stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;

- d. It entails any excavation or deployment outside the current site;
- e. It would defeat the concealment elements of the eligible support structure;
or
- f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in 20.40.605(A)(9)(a)-(d).

- 10. Transmission equipment. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- 11. Tower. Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

B. Review of applications.

- 1. Documentation requirement for review. As provided for in SMC 20.30.100(C), the Director shall specify submittal requirements for a complete eligible facilities modification application. The applicant shall provide the required documentation, along with the applicable application fee, so as to ensure that the City has all information and documentation that is reasonably necessary to determine if the applicant's proposed facilities modification will substantially change the physical dimensions of an eligible support structure. The applicant will not be required to provide documentation of a needs analysis or other justification for the modification.

WTF Development Code Amend. - Exhibit A

2. Timeframe for review. Within 60 days of the date of submittal of an eligible facilities modification application filed with the City under this section, less any time period excluded under (B)(3) of this section, the City shall approve the application unless it determines that the application is not covered by this section.
3. Tolling of the timeframe for review. The 60-day period begins to run when a complete eligible facilities modification application is filed, and may be tolled only by mutual agreement or in cases where the City determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
 - a. To toll the timeframe for incompleteness, the City will provide written notice to the applicant within 30 days of receipt of the complete eligible facilities modification application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (B)(1) of this section.
 - b. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.
 - c. Following a supplemental submission, the City will have ten days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (B)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
4. Approval of an eligible facilities modification applications does not relieve the applicant of compliance with any other applicable building, structural, electrical, and safety regulations and with other laws codifying objective standards reasonably related to health and safety, including but not limited to those set forth in chapter SMC 15.05 Construction and Building Codes and SMC 20.40.600.
5. Denial of an eligible facilities modification application. An eligible facilities modification application shall be denied upon a determination by the City that the proposed facilities modification is not subject to this section or will substantially change the physical dimensions of an eligible support structure. The City will notify the applicant in writing of the basis for the denial.

6. Failure to act. In the event the City fails to approve or deny a request seeking approval of an eligible facilities modification application under this section within the timeframe for review (accounting for any tolling), the application shall be deemed granted. The deemed grant does not become effective until the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

C. Appeals

1. Notwithstanding any other provision of Title 20, no administrative appeal is provided for review of a decision to condition, deny, or approve an eligible facilities modification application. Any appeals must be brought pursuant to the Land Use Petition Act, chapter 36.70C RCW. However, the City and the applicant retain all remedies provided for under the Spectrum Act and its implementing rules.

DRAFT