



CITY OF SEATAC

PLANNING COMMISSION MEETING

Riverton Room, SeaTac City Hall, 4800 S. 188th Street
January 5, 2016, 5:30 p.m.

MEETING AGENDA

- 1) Call to Order/Roll Call – 5:30 p.m.
- 2) Approve Minutes of December 15, 2015 Planning Commission meeting (Exhibit A)
- 3) Public Comment: Public comment will be accepted on items not scheduled for a public hearing
- 4) Briefing on GMA Consistency Amendments (Exhibit B)
- 5) Briefing on Wireless Communication Facilities Amendments (Exhibit C)
- 6) CED Director's Report
- 7) Planning Commission Comments (including suggestions for next meeting agenda)
- 8) Adjournment

The Planning Commission consists of five members appointed by the Mayor and confirmed by the City Council. The Commission primarily considers plans and regulations relating to the physical development of the city, plus other matters as assigned. The Commission is an advisory body to the City Council.

All Commission meetings are open to the public and comments are welcome. Please be sure to be recognized by the Chair prior to speaking.

**CITY OF SEATAC
PLANNING COMMISSION
Minutes of December 15, 2015
Regular Meeting**

Members present: Joe Adamack, Roxie Chapin, Robert Scully, Jim Todd
Members absent: Tom Dantzler (excused)
Staff present: Steve Pilcher, Planning Manager; Jeff Robinson, Economic Development Manager; Justin Rowland, Planning Intern

1. Call to Order

Chair Adamack called the meeting to order at 5:30 p.m.

2. Approval of minutes

Moved and seconded to approve the minutes of the December 1, 2015 meeting as presented.

Passed 4-0.

3. Presentation by Seattle Southside Regional Tourism Authority

Economic Development Manager Jeff Robinson introduced Ashley Comar, Marketing Communications Manager for Seattle Southside, which includes the cities of SeaTac, Des Moines and Tukwila. Ms. Comar noted they are in the process of developing a strategic plan and are encouraging the participation of Planning Commission members. She asked the Commissioners to sign up to participate in a survey.

Mr. Robinson explained the foundation of the Tourism Promotion Authority and how revenues are generated. Seattle Southside works under a charter approved by the City Council.

Ms. Comar stated that the strategic plan is intended to be issued in May 2016.

Mr. Robinson noted that the City still has a Hotel/Motel Advisory Committee, which is involved with decisions regarding the expenditure of lodging taxes.

4. Wireless Communication Facilities regulations

Planning Manager Steve Pilcher gave a brief presentation to follow-up on the discussion from the previous meeting. He indicated staff has not been able to draft suggested amendment language at this time and is still exploring actions taken by other jurisdictions in the area. He noted that citizens in the City of Olympia apparently had concerns over potential public health impacts of wireless facilities. The Commission indicated this is not a concern for them.

Mr. Pilcher passed out portions of a presentation made by Sea-Tac Airport staff regarding the concern of birds nesting near the airport and actions that may be necessary to eliminate cell towers as potential nesting sites. Staff has not been contacted directly by airport staff; instead, it received this information from a representative from AT&T. It is possible that the City's wireless regulations may need to be amended to allow for "bird nest excluders" to be added to the top of wireless towers.

Staff will be coordinating with industry representatives as it works through this process.

6. Code Amendments

Mr. Pilcher reviewed a memo that outlined the various code amendment projects that will proceed in the 2016. He noted that consideration of the "sharing economy" (i.e., AirBnb, VRBO, Uber, Lyft, etc.) is an area to watch and inquired of the Commission's interest in engaging on this topic. Commissioners indicated that the City should prepare regulations in advance of a potential increase of these types of activities.

All other amendments included in the list were also determined to be worthy of consideration.

7. CED Directors' Report

CED Director was not able to attend the meeting. Mr. Pilcher noted that one of the department's Code Compliance Program Coordinators has resigned and recruitment has begun for a replacement.

8. Adjournment

Moved and seconded to adjourn. Motion passed 4-0. The meeting adjourned at 6:42 p.m.

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Code Amendments to Implement the 2015 Comprehensive Plan



SeaTac Planning Commission

January 5, 2016

Background

- The Growth Management Act (GMA) requires:
 1. That certain development regulations are consistent with other state laws
 - E.g., critical areas regulations, and
 2. That development regulations implement the Comprehensive Plan's policies

Overview

Code amendments identified to implement the 2015 Comprehensive Plan come from 3 sources:

1. WA Department of Ecology (ECY) correspondence regarding critical areas regulations
2. WA Department of Commerce Growth Management Services (GMS) checklist
 - a) To assist cities in meeting all state requirements
3. Implementation strategies in adopted Comprehensive Plan

Current Focus

Nine code amendments identified through:

1. WA Department of Ecology (ECY) correspondence regarding critical areas regulations , AND
2. WA Department of Commerce Growth Management Services (GMS) checklist

Due to June 30, 2016 statutory adoption deadline, staff will bring these forward first.

Tonight's Review

Review Drafts of the first 4 of those 9 amendments:

1. Specify that Critical Area Special Studies must be based on Best Available Science consistent with RCW 36.70A.172(1):
 - Updates terminology
“environmentally sensitive area” to more common, GMA compatible “critical area” (SMC section 15.700.110)
 - More explicitly requires use of best available science per GMA

Tonight's Review

2. Amend SMC 15.700.370 to:

- specifically include “anadromous fisheries” in Habitat Conservation Areas consistent with RCW 36.70A.172(1); AND
- update definition of Habitat Conservation Area to specify what is not included under that term; AND
- move regulatory language out of definition and into Authority and Application section

Tonight's Review

3. Amend SMC 15.700.015 for reference to current wetland delineation resources consistent with WAC 173-22-035
4. Amend definition of “isolated wetland” (SMC 15.700.015) for consistency with Dept. of Ecology guidance; AND
 - “Add definition of wetland mosaic”

Next Steps

Next Planning Commission meeting, Jan 19

- Review amendments to definition of “wetland;”
and
- Review amendments to wetland buffers and setbacks

DRAFT Schedule

For the Critical Areas regulation amendments
which must be adopted by 6/30/16*

All dates in 2016

| | |
|--|-----------------|
| Planning Commission Review | January – April |
| 1 st Council Review | March 8 |
| Public Hearing | April 19 |
| Planning Commission Recommendation | May 3 |
| Council Review..... | May 10 |
| CSS | May 24 |
| Council Action | June 14 |

* Council action may occur earlier if work is completed

END OF PRESENTATION

Questions? Comments?



SeaTac Planning Commission

January 5, 2016

DRAFT Code Amendments 1-4

Implementing the 2015 Comprehensive Plan

| Amendment | Source |
|---|----------------------------------|
| Amendment # 1 | GMS¹ Checklist |
| SMC 15.700.110 Contents of Sensitive Area Special Study | |
| A. The sensitive area special study <u>shall be based on the best available science as codified at WAC 365-195-900 through 925 and shall be conducted by a qualified professional(s).</u> | |
| B. <u>The sensitive area special study</u> shall be in the form of a written report and shall containing the following: | |
| 1. Identification and characterization of all sensitive areas on or encompassing the development proposal site; | |
| 2. Assessment of the impacts of any alteration proposed for a sensitive area or buffer, as applicable, assessment of the impacts of any alteration on the development proposal, other properties and the environment; | |
| 3. Studies which propose adequate mitigation, maintenance, monitoring and contingency plans and bonding measures; | |
| 4. A scale map of the development proposal site; and | |
| 5. Detailed studies, as required by the City. | |
| C.B. A sensitive area special study may be combined with any studies required by other laws and regulations. | |

¹ Washington Dept of Commerce-Growth Management Services

SMC 15.700.370 Fish and Wildlife Habitat Conservation Areas

A. Purpose. Fish and wildlife habitat conservation means land management for maintaining species in a wild state in suitable habitats within their natural geographic distribution so that isolated sub-populations are not created. This does not mean maintaining all individuals of all species at all times. It does mean that cooperative and coordinated land use planning is critically important among counties and cities in a region. In some cases, it may be sufficient to assure that a species will usually be found in certain regions across the State. In other cases, it may be necessary to assure protection to each individual species. Protection needs to be species specific and goal-oriented. Fish and wildlife habitat conservation areas include:

1. Areas with which endangered, threatened, and sensitive species, including anadromous fisheries, have a primary association;
2. Habitats and species of local importance (i.e., herons);
3. Naturally occurring lakes or ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat;
4. Waters of the State;
5. Lakes, ponds, and streams planted with game fish by a governmental or tribal entity.

“Fish and wildlife habitat conservation areas” does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

~~The provisions of this of this chapter do not apply to any habitat areas which come under the jurisdiction of the Shoreline Management Program.~~ [This provision moved to 15.700.010 Authority and Application [15.30.020 under un-reformatted Zoning Code]

B. Fish and wildlife habitat conservation areas may, and probably will, include one (1) or more of other sensitive areas identified in this chapter. The following classification system is based on the presence of one (1) or more of these sensitive areas as well as species identified as endangered, threatened, sensitive, or priority, the area’s proximity to developed areas, and the area’s existing use.

1. Category 1 habitat is classified as including any wetland or stream or their buffer areas or any area identified as habitat for endangered, threatened, sensitive or priority species by the State Department of Wildlife (DOW) or heron, and which is characterized by agricultural or low density residential use (one (1) unit or less per acre) and which is not within two hundred (200) feet of more intense land uses.
2. Category 2 habitat is classified as including any wetland or stream or their buffer areas or any area identified as habitat for endangered, threatened, sensitive, or priority species by the DOW and which is characterized by residential uses of greater density than one (1) unit per acre or which lies within two hundred (200) feet of more intense land uses.
3. Category 3 habitat is classified as an area which does not include a wetland or stream or their buffer areas or any area identified as habitat for endangered, threatened, sensitive or priority species by the DOW and which is characterized by single-family residential areas immediately adjacent to multifamily or nonresidential land uses.

4. Category 4 habitat is classified as an area which does not include a wetland or stream or their buffer areas or any area identified as habitat for endangered, threatened, sensitive, or priority species by the DOW and which is characterized by nonresidential land uses.
- C. Buffers. For any fish and wildlife habitat conservation areas which include other sensitive areas as identified and regulated in this chapter, the buffer for those sensitive areas shall apply except where species identified by the DOW as endangered, threatened, sensitive, or priority, or where herons are found to have a primary association. If such species are present, the applicant shall provide a special study identifying such species, their required habitat, and recommend appropriate buffers based on the DOW priority habitat and species management recommendations as well as any other proposed mitigation measures considered appropriate to the protection of said species and habitat.

SMC 15.700.010 Authority and Application

- A. The provisions of this chapter shall apply to all land uses in the City and property owners within the City shall comply with the requirements of this chapter;
 - B. The City shall not approve any permit or issue any authorization to alter the condition of any land, water or vegetation or to construct any structure or improvement without first assuring compliance with the requirements of this chapter; and
 - C. The provisions of this chapter do not apply to any habitat areas which come under the jurisdiction of the Shoreline Management Program.
- ED. When any provision of any other chapter of the SeaTac Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision which provides more protection to environmentally sensitive areas shall apply unless specifically provided otherwise in this chapter or unless such provision conflicts with Federal or State laws or regulations. (Ord. 92-1041 § 1)

Amendment #3ECY² Communication

SMC 15.700.015 Wetland Edge

The line delineating the outer edge of a wetland established in accordance with the approved federal wetland delineation manual and applicable regional supplements. by using the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual in conjunction with the Washington Regional Guidance on the 1987 Wetland Delineation Manual dated May 23, 1994.

Amendment #4 ECY Communication

SMC 15.700.015 Wetland, Isolated

All Category III and IV wetlands less than 1,000 square feet that:

- a. Are not associated with riparian areas or buffers
- b. Are not part of a wetland mosaic
- c. Do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife or species of local importance identified in this Chapter.

~~A wetland which has a total size less than two thousand five hundred (2,500) square feet excluding buffers, which is hydrologically isolated from other wetlands or streams, and which does not have permanent open water.~~

SMC 15.700.320 Wetlands – Limited Exemption

Isolated wetlands (defined at 15.700.015) ~~less than one thousand (1,000) square feet~~ may be exempted from the provisions of SMC 15.700.280 ~~15.30.290~~ through 15.700.310 ~~15.30.320~~ and may be altered by filling or dredging if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan. (Ord. 92-1041 § 1)

SMC 15.700.015, alphabetical listing, Wetland Mosaic

An area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than 100 feet from each other; and areas delineated as vegetated wetland are more than 50% of the total area of the entire mosaic, including uplands and open water

[Note: WA Dept. of Ecology definition]

² Washington Department of Ecology



MEMORANDUM

COMMUNITY & ECONOMIC DEVELOPMENT

Date: December 31, 2015
To: Planning Commission
From: Steve Pilcher, Planning Manager
Subject: Wireless Communication Facilities regulations

Over the past few meetings, we've discussed the changes in Federal law regarding local governments' ability to regulate wireless communication facilities (primarily cell phone technology). The changes were embedded in Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. 1455, the "Spectrum Act." It is evident from reading the Act and the subsequent interpretation promulgated by the Federal Communications Commission's (FCC) "Broadband Deployment Report and Order," that amendments to SeaTac's regulations are in order.

There are several major issues raised in the FCC rule that impact the City's current regulations. First, the rules provide a fairly broad exemption for modifications/upgrades to existing facilities. Local governments must approve (and may not deny) an Eligible Facilities Request that "does not result in a substantial change to the physical dimensions" of a tower or "base station." Eligible Facilities Requests include 1) collocation of new transmission equipment; 2) removal of transmission equipment; or 3) replacement of transmission equipment. A "substantial change" is one that: 1) increases the height of a tower by more than 10%, not to exceed 20 ft; 2) involves adding an appurtenance that protrudes more than 20 ft. from the edge of a tower or more than 6 ft. from other support structures (e.g., a water tower); and 3) other factors.

Staff is recommending following the approach of the City of Olympia, where they added a new chapter to their zoning code specifically to address "eligible wireless communication facilities modifications." This appears to be the quickest and simplest way to ensure SeaTac's regulations conform to the changes in federal law.

We noted earlier that while speaking with a representative from AT&T, he noted that various other portions of our code were perhaps outdated and do not reflect current technology needs of the industry. We are still waiting to hear what those areas might be.

In addition, we are aware of a concern of the Port of Seattle regarding adding an exemption for "Bird Safety/Exclusionary" devices. I have reached out to the appropriate individual from the Port, but that individual has not provided details beyond the PowerPoint slides shared earlier with the Commission.

Attachment: Draft of new Chapter 15.485

Chapter 15.485

Eligible Wireless Communication Facilities Modifications

15.485.005 Purpose

The purpose of this chapter is to implement § 6409 of the “Middle Class Tax Relief and Job Creation Act of 2012” (the “Spectrum Act”) (PL-112-96; codified at 47 U.S.C. § 1455(a)), as interpreted by the Federal Communications Commission’s Acceleration of Broadband Deployment Report & Order (“FCC Eligible Existing Wireless Facilities Request Rules”), which requires the City to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station. This chapter is also established to:

- A. Establish procedural requirements and substantive criteria applicable to review and approval or denial of applications for an eligible facilities modification;
- B. Exempt facilities modifications approved under this chapter as eligible facilities requests from zoning and development regulations that are inconsistent with or preempted by Section 6409 of the Spectrum Act;
- C. Preserve the City’s right to continue to enforce and condition approvals under this chapter on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety;
- D. Promote timely decisions under this chapter;
- E. Ensure that decisions are made consistently and predictably;
- F. Incorporate provisions of RCW 43.21C.0384 that exempt eligible facilities modifications from review under RCW 43.21C.030(2)(c), (State Environmental Policy Act);

15.485.010 Authority and Application

The provisions of this chapter shall apply to eligible wireless communications facilities modifications as defined in 15.480.020 Definitions, regardless of zoning.

15.485.015 Definitions

In addition to the land use definitions in SMC Ch. 15.110 Definitions, the terms used have the following meanings. Where the same term is also defined in SMC 15.480.020, the definitions below shall control for the application of this chapter.

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 herein or any equipment associated with a tower. Base Station includes, without limitation:

- 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 (“DAS”) and small-cell networks).
- c. Any structure other than a tower that, at the time the eligible facilities modification application is filed with the city under this chapter, supports or houses equipment described in paragraphs (a)-(b) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
- d. The term does not include any structure that, at the time the eligible facilities modification application is filed with the city under this chapter, does not support or house equipment described in (a)-(b) of this section.

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.

Eligible Facilities Modification. Any proposed modification of an existing eligible support structure that does not substantially change the physical dimensions of that eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and which involves:

- a. Collocation of new transmission equipment;
- b. Removal of transmission equipment; or
- c. Replacement of transmission equipment.

Eligible support structure. Any tower or base station as defined in this chapter, provided that it is existing at the time the eligible facilities modification application is filed with the City under this chapter.

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 of the City, or under another State, county or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this chapter.

FCC Eligible Existing Wireless Facilities Request Rules. 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE), Subpart CC § 1.40001 as established pursuant to its Report and Order in, *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, or as may be thereafter amended.

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.

Spectrum Act The “Middle Class Tax Relief and Job Creation Act of 2012” (Public Law 112-96; codified at 47 U.S.C. § 1455(a)).

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 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- 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 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 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 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 paragraphs (a) – (d) of this section.
- g. For purposes of this section, 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. 47.

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.

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.

15.485.020 Applicability - Relationship to other Rules and Regulations.

A. Part of Permit Application. In the event that any part of an application to the City for project permit approval includes a proposed eligible facilities modification, the proposed eligible facilities modification portion of the application shall be reviewed under the provisions of this chapter.

B. Non-Assertion of Applicability. In the event that an application for project permit approval includes a proposal to modify an eligible support structure, and the applicant does not assert in the application that the proposal is subject to review under Section 6409 of the Spectrum Act, such proposal shall not be subject to review under this Chapter and may be subject to review under SMC Chapter 15.480 among other provisions of the City Code.

C. Non-conforming Structures. This chapter shall not apply to a proposed eligible facilities modification to an eligible support structure that is not a legal conforming, or legal non-conforming, structure at the time a completed eligible facilities modification application is filed with the City. To the extent that the non-conforming structures and use provisions of the City code would operate to prohibit or condition approval of a proposed eligible facilities modification application otherwise allowed under this chapter, such provisions are superseded by the provisions of this chapter and shall not apply.

D. Replacement of Eligible Support Structure. This chapter shall not apply to a proposed eligible facilities modification to an eligible support structure that will involve replacement of the tower or base station. Such proposed modification will be subject to OMC 18.44.

E. First Deployment; Base Station. This chapter shall not apply to a proposed eligible facilities modification to a structure, other than a tower, that does not, at the time of submittal of the application, already house or support transmission equipment lawfully installed to the structure.

F. SEPA Review. Unless otherwise provided by law or regulation, decisions pertaining to an eligible facilities modification application are not subject to, and are exempt from, the

requirements of RCW 43.21C.030(2)(c). The authority to condition or deny an application pursuant to Chapter 43.21 RCW is preempted, or otherwise supplanted, by Section 6409 of the Spectrum Act.

G. Reservation of Authority. Nothing herein is intended or shall operate to waive or limit the City's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

15.485.025 Application Review

- A. Application. The director shall prepare and make publicly available an application form which shall require the information necessary for the department to consider whether an application is an Eligible Facilities Modification request.
- B. Type of Review. Upon receipt of an application for an Eligible Facilities Modification pursuant to this Chapter, the director shall review such application to determine whether the application is complete and qualifies as an Eligible Facilities Modification application.
- C. Timeframe for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, less any time period that may be excluded under (d) of this section, the director shall approve the application unless the director determines that the application is not covered by this Chapter.
- D. Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed with the department, and may be tolled only by mutual agreement by the department and the applicant, or in cases where the director determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
 - 1. To toll the timeframe for incompleteness, the director must provide written notice to the applicant within 20 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - 2. The timeframe for review begins running again when the City receives the applicant's supplemental submission in response to the director's notice of incompleteness.
 - 3. Following a supplemental submission, the director will notify the applicant within 10 days 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 (d) of this section. Except as may be otherwise agreed by the applicant and the director, second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

- E. Failure to Act. In the event the director fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

Concurrent amendment to SMC 15.480, Wireless Communication Facilities:

15.480.010 Authority and Application

Except as provided in SMC 15.485, Eligible Wireless Communication Facilities Modifications, the provisions of this chapter shall apply to all WCFs and communication facilities as defined in SMC 15.480.020 Definitions, except as specifically exempted in SMC 15.480.015 Exemptions.....