

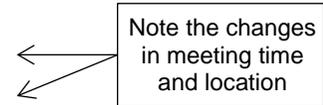


AGENDA

MEETING: Public Hearings

TIME: Wednesday, September 6, 2017, 5:00 p.m.

LOCATION: Asia Pacific Cultural Center – Auditorium
4851 South Tacoma Way, Tacoma, WA 98409



A. Call to Order and Quorum Call

B. Approval of Agenda and Minutes (Minutes of August 2, 2017 and August 16, 2017)

C. Public Comments (N/A)

D. Discussion Items – Public Hearings

1. Marijuana Use Buffers Code Amendment

Conduct a public hearing and keep the record open through Monday, September 11, 2017 to receive written comments.

(See "Agenda Item D-1"; Lihuang Wung, 253-591-5682, lwung@cityoftacoma.org)

2. Tacoma Mall Neighborhood Subarea Plan and EIS

Conduct a public hearing and keep the record open through Friday, September 15, 2017 to receive written comments.

(See "Agenda Item D-2"; Elliott Barnett, 253-591-5389, elliott.barnett@cityoftacoma.org)

E. Communication Items & Other Business

(1) The next two meetings of the Planning Commission are scheduled as follows:

- Public Hearing – Tidelands Interim Regulations; Wednesday, September 13, 2017, 6:00 p.m., at the Greater Tacoma Convention and Trade Center, Exhibition Hall A, 1500 Commerce Street
- Regular Meeting, Wednesday, September 20, 2017, at 4:00 p.m., in Room 16; tentative agenda (subject to change) includes: Tidelands Interim Regulations; Emergency Temporary Shelters Interim Regulations; Marijuana Use Buffers Code Amendment; and Tacoma Mall Neighborhood Subarea Plan.

(2) The next Infrastructure, Planning and Sustainability Committee meeting is scheduled for September 13, 2017, at 4:30 p.m.; the agenda includes: Touring of the Tacoma Mall Neighborhood Area; the meeting point is yet to be determined.

F. Adjournment





MINUTES (Draft)

TIME: Wednesday, August 2, 2017, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402
PRESENT: Stephen Wamback (Vice-Chair), Carolyn Edmonds, Jeff McInnis, Anna Petersen,
Brett Santhuff, Andrew Strobel, Dorian Waller, Jeremy Woolley,
ABSENT: Chris Beale (Chair)

A. CALL TO ORDER AND QUORUM CALL

Vice-Chair Wamback called the meeting to order at 4:03 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES OF JULY 19, 2017

The agenda was approved. The minutes of the regular meeting on July 19, 2017 were reviewed and approved as submitted.

C. PUBLIC COMMENTS

Vice-Chair Wamback invited citizens to provide comments on items related to the agenda. The following citizens provided comments:

- 1) Valerie Fyalka-Munoz:
Ms. Fyalka-Munoz commented that the owners of Michael's Plaza were opposed to the road going through their property proposed in the Tacoma Mall Neighborhood Subarea Plan, adding that they had participated in various meetings and nothing had changed on the maps.
- 2) Eleanor Brekke:
Ms. Brekke commented that they appreciated the opportunity to participate in the process, but ongoing concerns regarding the proposed 37th Street and connectivity requirements were still not being addressed. They had hopes that research being conducted would address economic impacts the proposed alignment would have, but it was not included as a research topic. She expressed concern that including it in the subarea plan would negatively impact and bind them until it happens. She reported that the property owners in the northwest quadrant were asking the Planning Commission to make sure the issue was fully addressed in the final EIS.
- 3) John Brekke:
Mr. Brekke commented that the proposed 37th Street alignment was impractical, cutting through private property, limiting development options, and leaving unusable portions of parcels. They were asking that the EIS include a review of practical alignments and options that would include existing connections and not be restricted to the current 200-foot corridor. He commented that the private sector was going to be required to participate financially in Tier 2 streets and the 37th street alignment would be very expensive. He commented that alternatives should provide the greatest public benefit with the least impact on private property owners.
- 4) Beverley Bowen-Bennett:
Ms. Bowen-Bennett commented that the Brekkes were good neighbors and that she too opposed the 37th Street alignment because she did not see a benefit to it. She commented that she was also opposed to the loop road. She expressed concern about the lack of parks and that there were too many townhomes without accessible units for people of all ages.

- 5) Dakota Case, Puyallup Tribe of Indians:
Mr. Case requested that a formal meeting invitation be sent out to the Tribal representatives for future meetings, noting that the Land Claims Settlement included stipulations that they were to be consulted with on environment issues and land use issues.
- 6) John Burkhalter:
Mr. Burkhalter commented that he was concerned about the costs associated with the construction of roads, which would be much higher than people were anticipating. He asked how the City would come up with the money when other streets were not being maintained. He commented that the current zoning was not being used to its highest potential and the proposed increase in allowable building height would not be used for the foreseeable future either.

D. DISCUSSION ITEMS

1. Tideflats Area Land Use Interim Regulations

Stephen Atkinson, Planning Services Division, provided a review of draft findings of fact and the initial concept and options for the interim regulations. He discussed how the City Council had adopted the resolution initiating the Tideflats subarea planning process and directed the Planning Commission to begin deliberation on the need for interim regulations. He reviewed having briefed the Commission on June 21 and noted that they had continued to receive written comments from the public, which they had provided to the Commission at the meeting. Mr. Atkinson discussed guiding parameters, reviewing that they did not want to predetermine the outcomes or preempt the subarea plan. He commented that they wanted to pause the potential development that could happen and take a balanced approach to do the plan right.

The draft findings of fact and recommendations report concerning the need for interim regulations was discussed. Mr. Atkinson reviewed findings including recognition of the industrial center status and presence of industrial lands; presence of critical areas; encroachment issues; transportation studies including emergency response issues; issues related to impacts from climate change; and other emergency ordinances with overlap on issues in the Tideflats. Findings would not include findings that were expressive of what uses should be allowed long term in the Port Tideflats.

The staff concepts for potential interim regulations were discussed. Mr. Atkinson noted that the first concept was based on industrial lands retention, to prevent new non-industrial uses or uses that would have a very large footprint like golf courses, schools, or agricultural uses.

Commissioner Petersen asked why housing was not on the proposed list of prohibited uses. Mr. Atkinson responded that it was because they were largely already prohibited, though there was some overlap with correctional facilities and group homes. Commissioner Petersen commented that she did not want those uses allowed there.

Commissioner Strobel asked if hospital uses might be added to the list of prohibited uses. Mr. Atkinson responded that they could add uses to the list, though hospitals were prohibited in the Port Maritime & Industrial District (PMI), which was the majority of the zoning for the Tideflats area.

The next staff concept was to prohibit new high risk or high impact uses such as coal terminals, bulk chemical storage, and the surface mining. Mr. Atkinson commented that they weren't doing a blanket prohibition on all fossil fuels, which would have prevented people from getting fuel that serves uses in the Tideflats. He commented that the listed uses were proposed as a blanket prohibition on new uses, while accommodating the existing uses.

Commissioner Waller asked why they had used a blanket approach. Mr. Atkinson responded that it was so that there would be pause on significant development projects during the planning process.

Commissioner Edmonds asked if there were any existing permits for the listed uses. Mr. Atkinson responded that the Liquefied Natural Gas (LNG) facility was currently being constructed and the interim regulations would not have impact on current permits.

Commissioner Strobel asked why storage and transport of LNG was not included on the list of uses proposed for prohibition. Mr. Atkinson responded that it was because they currently had no coal terminal or storage but they did have significant transport of liquid and natural gas through pipelines. Commissioner Strobel asked if the list included loading facilities which shift between different modes of transport for those types of uses. Mr. Atkinson responded that it did not as it was more about limiting bulk storage and processing.

Commissioner Waller asked about the purpose for option 2 on the table of interim regulation options that had been included in the meeting packet. Mr. Atkinson responded that the second option would, instead of outright prohibiting the uses, allow them with a conditional use permit (CUP).

Commissioner Edmonds asked if allowing CUPs would give them information about the impacts of those businesses that they do not currently have. Brian Boudet, Planning Services Division Manager, responded that the CUP process would give them more discretion, but not necessarily more information.

The next staff concept concerned distinguishing between new and existing uses, recognizing that the uses were legally permitted and providing some distinction to accommodate those uses. The proposal would follow the standards for nonconforming uses which would allow up to 10% expansion. Mr. Atkinson reported that staff were also proposing to also allow up to 20% expansion with a CUP.

Commissioner Edmonds asked if there would be exceptions for businesses doing environmental improvements that expand beyond 20%. Mr. Atkinson responded that they could include exceptions, though maintenance would not be considered expansion.

Commissioner Edmonds asked if prohibiting residential uses on the slopes would be considered a taking. Mr. Atkinson responded that they had broad discretion for temporary interim regulations.

Commissioner Strobel asked if staff had considered allowing a CUP for new residential development on the slopes above Marine View Drive instead of allowing one residential unit per parcel. Mr. Atkinson responded the CUP process would allow more units by not preventing subdivision of the parcels.

Mr. Atkinson discussed expanded notification, reviewing that they had received a lot of feedback about people not getting notification of projects in the Tidelands. He reported that they would be proposing a new notification range of 2500 feet from the Manufacturing/Industrial Center (MIC) boundary for any project within the Tidelands.

For unlisted uses, the staff recommendation was to prohibit any uses specifically not listed in the table and allow the Planning and Development Services Director authority to determine an approximate use.

Mr. Atkinson reported that there were many uses that would still be allowed despite the interim regulations such as container shipping, wood products, marine supply, machining, and wholesalers. He commented that they also wanted to provide flexibility for expansion of existing facilities in the interim while providing some limitations to maintain the integrity of the planning process. Mr. Atkinson suggested other approaches that could be considered by the Commission such as being more restrictive in limiting expansion, prohibiting additional uses, reducing the number of uses subject to prohibition.

Vice-Chair Wambach suggested they go through table of Interim Regulation Options provided in the meeting packet and provide feedback row by row for the Commission's preferences.

For non-industrial uses, Mr. Atkinson clarified that Option 3 would be more prohibitive with a broader set of uses prohibited in the interim. Commissioners concurred with preferring Option 3 with the inclusion of group homes, hospitals, and unlisted residential uses. Commissioner Santhuff commented that clearer definitions of the uses already listed would be helpful.

For new high risk/high impact uses, Commissioners concurred with preferring Option 1 to prohibit the uses per the staff recommendation. Commissioner McInnis and Vice-Chair Wambach expressed concern about having a list of specific uses for the category.

Commissioners discussed interim regulation options addressing encroachment of non-compatible uses. Commissioner Edmonds expressed support for Option 3, to prohibit new residential development and platting. Commissioner McInnis commented that he preferred Option 1 as it would be difficult to tell a

parcel owner that they can't build a home on their property. Commissioner Santhuff requested a map identifying the parcels being impacted and their development potential.

For the expansion of existing high risk/high impact uses, Commissioner Petersen expressed support for Option 1 as the alternative approaches introduced uncertainty. Commissioner Edmonds requested clearer definitions of what kind of expansions were being allowed.

For unlisted uses, Commissioners concurred with the staff recommendation. Commissioner Santhuff commented that they needed to be clear in materials provided to the public that there is a path forward for uses not identified in the table. Commissioner Strobel suggested discussing unlisted uses that came up in applications as they went through the process. Vice-Chair Wamback concurred, suggesting that they include a specific finding of fact requesting that the Planning Commission receive notification for every development application within the MIC.

Vice-Chair Wamback asked how the Commission could message that the public wants the subarea plan sooner than later. Mr. Boudet commented that they could include it in their recommendations back to the City Council. Discussion ensued on the possibility of recommending the package directly to the City Council without a public hearing.

Vice-Chair Wamback recessed the meeting at 5:54 p.m. The meeting resumed at 6:06 p.m.

2. Tacoma Mall Neighborhood Subarea Plan

Elliott Barnett, Planning Services Division, facilitated a discussion to authorize the distribution of the final draft plan and associated documents for public review and set a public hearing date. He reviewed the timeline of the subarea plan which had been under development for two years, including a great deal of public engagement and creation of technical supporting documents.

Mr. Barnett discussed changes made since the preliminary draft. He reviewed that they had created a package that included progress on issues such as townhouses on alleys, accessibility, parks, and schools. Mr. Barnett noted that the Commission had strengthened housing affordability policies to broaden the focus and monitor affordability for lower income levels. The biggest change made to the draft was to make the message less prescriptive and communicate that the long term vision would take a great deal of time. Mr. Barnett noted that in the Madison district they were presenting two zoning alternatives for the public to evaluate. For the street network they had calibrated the proposal to tie street connections to major redevelopment. They also had built in flexibility for alternative connections that still meet the intent of the district. In response to comments made concerning costs for Tier 2 street connections, Mr. Barnett reported that they would work with the Public Works Department to get some cost estimates.

Mr. Barnett discussed the technical information that was being communicated in the draft plan. He noted that in the Code Changes Appendix they had provided where changes would be found in the Code and the policy background and intent for each. They were also working on some additional streetscape view graphics.

Mr. Barnett reviewed the contents of the package, which included the Draft Subarea Plan, with code changes and street designs, and the Draft Environmental Impact Statement (EIS). The future package would include additional graphics, EIS appendices, and Comprehensive Plan consistency updates.

The market study was discussed. Mr. Barnett noted that they had not had time to do an extensive cost/benefit analysis. He reported that they had looked at case studies of how connectivity proposals had worked in other communities and what it would mean for property owners in terms of value.

Commissioner Waller asked how they would measure success in public participation. Mr. Barnett responded that it would be important that all stakeholders are informed and have the opportunity to comment. He commented that he was also willing to go to people and answer questions.

Commissioner Strobel encouraged Mr. Barnett to go to the Bicycle Pedestrian Technical Advisory Group (BPTAG) and the Transportation Commission for a recommendation on the proposed 37th street alignment. Vice-Chair Wamback suggested that they encourage both organizations to participate in the September 6 public hearing.

Mr. Barnett noted a second bus tour on Sept 13 for Infrastructure, Planning, and Sustainability Committee and asked if there were any additional Commissioners that wished to attend. Commissioner McInnis and Commissioner Edmonds indicated that they would attend.

Commissioner Santhuff noted that there were inconsistencies with the maps as earlier versions were being shown in Appendix 4, the Subarea Plan, and the EIS.

Commissioner Santhuff asked how they would inform the public of the reach and impact of changes that would affect other mixed-use centers. Mr. Barnett responded that they would start messaging to make it clear that they were proposing some generally applicable changes across MUCs.

Commissioner McInnis commented that the Tacoma Mall Boulevard relocation seemed like a new component. Mr. Barnett responded that they had discussed a few concepts regarding the Tacoma Mall Boulevard relocation, but only as a potential future discussion, which was the intention of its inclusion.

Commissioner Petersen recommended being clear in photo citations as to why the pictures are there.

Vice-Chair Wamback commented that they would need an understanding of what they would be sacrificing if they affected the connectivity concepts. He asked if allowing significantly intense development would make connectivity more possible.

Commissioner Petersen motioned to authorize staff to send out the revised Tacoma Mall Subarea Plan and EIS for public review and set a public hearing date for September 6th. The motion was seconded by Commissioner McInnis. The motion was approved unanimously.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Mr. Boudet noted an invitation to the Connecting to Our Community Workshop on August 7.

Mr. Boudet reported that at the City Council public hearing on July 25 for Emergency Temporary Shelter Interim Regulations no one had testified and the Council maintained the interim regulations.

F. ADJOURNMENT

At 7:02 p.m., the meeting of the Planning Commission was concluded.



MINUTES (Draft)

TIME: Wednesday, August 16, 2017, 4:00 p.m.

PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402

PRESENT: Chris Beale (Chair), Stephen Wamback (Vice-Chair), Jeff McInnis, Anna Petersen, Brett Santhuff, Jeremy Woolley, Andrew Strobel, Carolyn Edmonds

ABSENT: Dorian Waller

A. CALL TO ORDER AND QUORUM CALL

Vice-Chair Wamback called the meeting to order at 4:06 p.m. A quorum was declared. Chair Chris Beale announced that he would be stepping down as Chair. As the Acting Chair, Vice-Chair Wamback continued to preside over the meeting.

B. APPROVAL OF AGENDA

The agenda was approved. The agenda was later amended to include election of new officers.

C. PUBLIC COMMENTS

Vice-Chair Wamback invited citizens to provide comments on items related to the agenda. No citizens came forward to provide comments.

D. DISCUSSION ITEMS

1. Tideflats Area Land Use Interim Regulations

Stephen Atkinson, Planning Services Division, facilitated a discussion to authorize distribution of draft interim regulations for public review and set a date for the public hearing. Mr. Atkinson reviewed that at the previous meeting there had been questions about high risk/high impact use terminology and the possibility of expediting the timeline. He reviewed potential alternative timelines based on whether or not the Commission held a public hearing that could potentially move the final reading up by one month. Mr. Atkinson reviewed that the interim regulation process had been initiated under Amended Resolution No. 39723 based on multiple factors: a Council Consideration Request concerning high impact/high risk uses and the presence of significant non-industrial uses; the Northeast Tacoma Buffer Zone Application to the annual amendment which requested a downzone of the area; the Director's Rule on Expanded Notification for Large Industrial Projects which indicated that more notification was needed; and recent development applications that had generated a great deal of public comment. Mr. Atkinson reported that code changes through interim regulations would be difficult as the concepts affected many different sections of code.

Mr. Atkinson discussed the expanded notification concept. He reviewed that it would expand the notification distance for large industrial uses and require an early community meeting for any discretionary permit or SEPA determination. Commissioner McInnis asked if the proposal would be affected by internal notifications for the Port of Tacoma. Mr. Atkinson responded that Port of Tacoma projects would also be included in the expanded notification.

Non-industrial use interim regulations were discussed. Mr. Atkinson reviewed that the concept would prohibit new non-industrial uses in the Port of Tacoma Manufacturing/Industrial Center (M/IC) and prohibit a list of uses consistent with the South Tacoma M/IC. He noted that existing uses would be allowed with

limited expansion. Mr. Atkinson reviewed that Commissioners had previously indicated that they wished to include correctional facilities on the list of prohibited uses. He suggested keeping the issues separate and waiting until correctional facility regulations came before the Commission in Fall.

Commissioner Petersen requested that work release centers be included in the prohibited uses table.

Residential Encroachment was discussed. Mr. Atkinson reported that the intent of interim regulations was to limit the development of new residential uses in an area above Marine View Drive. Mr. Atkinson discussed a map of properties in the area with development potential, reporting that there were roughly 270 acres of unimproved private land that could accommodate between 150 and 450 units. Mr. Atkinson reviewed that the staff concept would limit development to one unit per parcel, place a hold on new platting, and clarify that it would not be applicable to existing residences. He commented that the recommendation of allowing one unit per parcel was to provide for reasonable economic use of property.

Commissioner Strobel asked how the limit of one unit per parcel would impact current policy for accessory dwelling units (ADU). Mr. Atkinson responded that it would restrict ADUs as no new residential units would be allowed.

Commissioner Beale commented that if they considered residential encroachment on the core to be in conflict with Comprehensive Plan policies, it might be reasonable to consider a moratorium while the Tidelands Subarea Plan was developed. Mr. Atkinson responded that the Commission could consider a moratorium, with careful considerations, in the findings. He recommended allowing the building permits to proceed for the parcels that had gone through the platting process and were already vested.

High risk/high impact uses were discussed. Mr. Atkinson reviewed that the concept for interim regulations was to prohibit new development for a list of high risk/high impact uses in all industrial zoning districts. He reviewed that the existing uses would not be considered non-conforming and could expand up to 10%. Expansion would be subject to a conditional use permit (CUP) and there would be exceptions for certain activities such as maintenance or meeting building code. Mr. Atkinson noted that current code identified the listed uses, but did not define them, so staff was recommending using the North American Industry Classification System definitions.

Commissioner Edmonds asked if there was a situation where one of the high risk/high impact uses could, through changes or improvements, be no longer considered a high impact/high risk use. Mr. Atkinson responded that it could be evaluated through a CUP.

Commissioner Edmonds asked how they had determined which uses to include on the list. Mr. Atkinson responded that it came from previous City ordinances which had identified uses that should be limited to the Port Maritime & Industrial zone (PMI) due to their impact.

Commissioner Petersen asked if they were trying to send the message that they were considering eliminating those uses from the City entirely, since they were currently limited to the PMI. Mr. Atkinson responded that the intent was not to send a message that the uses were incompatible with the City, but to create a pause on significant new projects and allow the subarea planning process to make refinements if needed.

Commissioner Strobel suggested that the list of high risk/high impact uses could be separated into three different tiers with different levels of restriction for each. Mr. Atkinson responded that it could be a viable option to recommend, though the level of analysis might be more appropriate for the subarea plan.

Commissioner Beale reviewed that one piece of the Council Consideration Request that had been the basis for interim regulations was the need for consistency with the community's vision for the area. He encouraged staff to consider that the community was more focused on fossil fuel uses, which would be the focus of future community input and the City Council action. Mr. Atkinson responded that part of his job was to include voices that were not present at the meetings, noting that industrial uses near the shoreline were a concern that had also been expressed by the community.

Vice-Chair Wambach asked if a business that converted used vegetable oil into biofuel would be prohibited in the Port of Tacoma under the proposed regulations. Mr. Atkinson responded that he would have to research it further.

At the conclusion of the discussion, the Commission began to decide whether to release the draft interim regulations for public review. Vice-Chair Wamback suggested that they first establish if there was concurrence from the Commission that there was a basis for interim regulations. Commissioner Beale motioned that there was a need for interim regulations. Commissioner Strobel seconded. Commissioner McInnis commented that he liked some of the things in the interim regulations, but there was not enough to justify preempting the subarea planning process. The motion was approved by a 7-1 vote with Commissioner McInnis voting against.

Vice-Chair Wamback asked for a motion on whether to hold a public hearing before making a recommendation to the City Council or to proceed without one. Commissioner Edmonds commented that after telling the public that they would listen to them, it was their duty to hold a public hearing. Following deliberation on a public hearing date, Commissioner Edmonds motioned to set the date for the public hearing as September 13, 2017. Commissioner Santhuff seconded. The motion was approved unanimously. It was noted by staff that the public hearing would be held at the Greater Tacoma Convention Center, starting at 6:00 p.m.

In determining the substance of the draft interim regulations to be released for public review, Vice-Chair Wamback suggested that the Commission vote on each category of potential code amendments as presented by staff.

Concerning the category of high risk/high impact heavy industrial uses, Commissioner McInnis motioned to prohibit unlisted uses. Commissioner Beale seconded. The motion was approved unanimously.

For the same category, Commissioner Beale motioned that for new high risk/high impact uses, the list of prohibited uses only include coal terminals and bulk storage facilities; oil or other liquefied fossil fuel terminals, bulk storage, manufacturing, production, processing or refining; bulk chemical storage, production or processing, including acid manufacture; and smelting. Commissioner Strobel seconded. Commissioners deliberated whether additional uses should be included on the list. Commissioner Santhuff reviewed that the broader list of uses addressed the concerns of Northeast Tacoma residents. Commissioner Strobel requested that mining and quarrying be included on the list. Commissioner Beale amended the motion to include mining and quarrying on the list of prohibited new uses. Commissioner Strobel seconded. Following discussion, the motion was approved by a vote of 6-2 with Commissioner Santhuff and Commissioner McInnis voting against.

Also for the same category, Vice-Chair Wamback asked for a motion on whether to limit, through the conditional use permit (CUP) process, the expansion of existing uses included on the list of prohibited high risk/high impact uses. There was no motion, which implied that existing facilities would be allowed to expand without limitation.

Concerning the category of non-industrial uses, Commissioner Petersen motioned to prohibit new non-industrial uses, as recommended by staff, with the addition of work release centers as a use that would not be allowed. Commissioner Edmonds seconded. The motion was approved unanimously.

For the same category, Vice-Chair Wamback asked for a motion on whether to allow expansion of existing non-industrial uses. Commissioner Beale motioned that uses already determined to not be permitted during interim regulations, as listed on page 5 of the packet, not be allowed to expand at all during the interim period. Commissioner Petersen seconded. Discussion ensued on whether correctional facilities should be included in uses that would not have expansion allowed. Vice-Chair Wamback commented that the motion on the table would not allow correctional facilities to expand as the use was listed on page 5 of the packet. The motion was approved by a vote of 7-1 with Commissioner McInnis voting against.

Concerning the category of expanded notification for heavy industrial uses, Commissioner Edmonds motioned to accept the staff recommendation on expanded notification. Commissioner McInnis seconded. The motion was approved unanimously.

Concerning the category of Marine View Drive residential development restrictions, Commissioner Edmonds motioned for a moratorium on new residential development in the area as defined in the staff packet, on the map of "Restrictions on Residential Encroachment: Area Applicability". Commissioner

Beale seconded. Commissioner Strobel recommended that if they moved forward with a moratorium, that limitations on platting be removed as some of the designations were based on zonings not related to residential development. Discussion ensued. It was clarified that the motion would be to prohibit all new residential development including residential platting and subdivision of land, Brian Boudet, Planning Services Division Manager, suggested clarifying in the wording that the intent was not to limit commercial platting. The motion was approved by a vote of 7-1 with Commissioner McInnis voting against.

Vice-Chair Wamback recessed the meeting at 6:34 p.m. The meeting resumed at 6:45 p.m.

2. Emergency Temporary Shelters Interim Regulations

Lauren Flemister, Planning Services Division, facilitated a discussion to begin the development of permanent regulations. She reviewed that the Commission had developed Findings of Fact and Recommendations for interim regulations on July 19 and that the regulations had been retained by the City Council on July 25 upon receiving no comment at a public hearing. Ms. Flemister reported that she was seeking concurrence on the scope of work for temporary homeless camps and emergency authority and response. She noted that the scope of work pertained to two ordinances: Ordinance No. 28432 and Ordinance No. 28216.

Ms. Flemister noted that the scope of work for Emergency Authority and Response would involve consulting with the Emergency Management Division and looking at the Comprehensive Emergency Management Plan (CEMP). They would need to address who would have authority over land use actions; coordination with federal and state guidelines; and land use regulations under emergencies where conditions might vary.

For temporary homeless camps and shelters, Ms. Flemister reviewed that the original ordinance was written to allow faith based organizations to host camps. In revising TMC Section 13.06, areas of review would include expansion from faith based organizations to also include governmental organizations; number of residents; site area; maximum duration of camp; recurrence of camps at specific sites; number of camps concurrently allowed; site requirements; age of camp inhabitants; facility and services provision; and other areas that create unnecessary constraints. Ms. Flemister reported that they would also need to review the use table, which didn't clearly define transitional or permanent supportive housing types.

The outreach strategy was discussed. Ms. Flemister reported that they were partnering with Neighborhood and Community Services, which had connections with faith based organizations, to analyze what was working and how to make it more palatable to them to host the camps. In collaboration with different service providers City of Tacoma staff would seek to understand best practices, complementary activities that could be supported, and the policy direction from the City Council and City Manager.

Commissioner Petersen asked why the City wasn't reaching out to the established nonprofits that work with the homeless. Ms. Flemister responded that they would work with nonprofits but the primary focus would be on the religious organizations who were the target of the original ordinance to find out why they did not utilize it.

Commissioner Petersen asked if individual religious organizations had to pay a \$1500 permit fee each time they hosted a camp. Ms. Flemister responded that they had a process for waivers, but needed to do more to spread awareness of it.

Commissioner Wooley asked if they would incorporate partnerships with organizations like Tacoma Housing Authority. Ms. Flemister confirmed that they had been trying to facilitate partnerships and create a community that could approach the issue from a lot of different angles.

Commissioner Edmonds asked if a private university or school would fall under the proposed regulations. Ms. Flemister responded that they had considered that educational institutions would be potential groups that host camps.

Commissioner Strobel suggested reviewing the maximum duration of camps, commenting there should be some programming to prevent winter transitions or extend permits.

Commissioner Edmonds reported that when Seattle had considered the issue one of the recommendations was that sites be located near public transportation. Ms. Flemister confirmed that it was one of the current provisions in the code. Commissioner Petersen commented that accessing public transportation was important, but a camp shouldn't be prevented because of it. Vice-Chair Wamback noted that there were parts of the City that did not get regular transit services, which had been previously considered in which areas were allowed to host sites.

Vice-Chair Wamback suggested that they consider other issues that could be limiting including the parking requirement, drug and alcohol use, allowing pets, and hosting safe injection sites.

Commissioner Strobel suggested that they consider the need for bike facilities as much of the population relied on bicycling. He discussed touring a stability site and noticing that 2nd Cycle was operating an on-site bike repair facility.

Commissioner Santhuff asked if the shelters would be allowed in any zone. Ms. Flemister responded that churches could exist in any zoning, so the allowance would be dictated more by use than zoning.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Lihuang Wung, Planning Services Division, provided the following updates:

- The public hearings for the Tacoma Mall Neighborhood Subarea Plan and for the Marijuana Use Code Buffers Amendment would be held on September 6, 2017, starting at 5 p.m., at the Asia Pacific Cultural Center.
- The public hearing for Tideflats Area Land Use Interim Regulations would be September 13, 2017 at an offsite location, tentatively the Greater Tacoma Convention and Trade Center.
- Since Commissioner Beale had resigned from being Chair, the Commission could immediately proceed with nomination and election of new leaders if they wished.

Vice-Chair Wamback noted they would need to modify the agenda if they wanted to hold the election for Commission leadership at the current meeting. Commissioner Petersen motioned to amend the agenda to include the nominations and elections of Chair and Vice-Chair. Commissioner Beale seconded. The motion was approved unanimously.

Commissioner Edmonds motioned to nominate Vice-Chair Wamback as the new Chair. Commissioner Beale seconded. Vice-Chair Wamback accepted the nomination and there were no further nominations. The motion was approved unanimously.

Chair Wamback motioned to nominate Commissioner Petersen for the Vice-Chair position. Commissioner Beale seconded. Commissioner Petersen accepted the nomination and there were no further nominations. The motion was approved unanimously.

Mr. Boudet discussed the need to disclose contacts made outside of meetings regarding the Tideflats. Chair Wamback suggested Commissioners formally disclose their contacts at a meeting following the public hearing.

Commissioner Strobel reported that at the next City Council Study Session on August 22, the Puyallup Tribe's lead attorney would be providing a presentation on the Puyallup Indian Tribal Land Claims Settlement Agreement.

F. ADJOURNMENT

At 7:38 p.m., the meeting of the Planning Commission was concluded.



City of Tacoma
Planning and Development Services

**Agenda Item
D-1**

To: Planning Commission
From: Lihuang Wung, Planning Services Division
Subject: **Marijuana Use Buffers Code Amendment**
Date of Hearing: September 6, 2017
Date of Memo: August 31, 2017

Action

The Planning Commission will conduct a public hearing on September 6, 2017, to receive testimony on the proposed code amendment concerning Marijuana Use Buffers, and keep the record open through September 11 to accept written comments.

Public Hearing Subject

The proposal would amend the Tacoma Municipal Code, Section 13.06.565 Marijuana Uses, by adding local definitions of “Playground” and “Recreation center or facility” and including “metropolitan parks district” in the ownership paradigm, in order to protect said facilities owned by Metro Parks Tacoma to the level of buffering intended by the state, but currently not covered by state definitions found at Washington Administrative Code (WAC) 314-55-010(24)-(27).

The proposal was initiated by the City Council on June 9, 2017, per Resolution No. 39742, as interim regulations to be adopted and remain effective until such time as the state modifies its definitions. The Commission, however, believes that this important and relatively straightforward matter should and can be accomplished in a more streamlined manner through the normal code amendment process, whereby the Commission would develop the final draft code amendment, conduct a public hearing, and forward it to the Council for consideration for adoption.

Public Review Document

Attached is the public review document packet that includes the public hearing notice, the complete text of the proposed code amendment, and the Planning Commission’s draft Findings of Fact and Recommendations Report. The draft report documents the Commission’s initial findings and recommendations, and is subject to change in response to the public comments.

Environmental Evaluation

The proposal entails text amendments to existing regulations resulting in no substantive changes respecting use or modification of the environment, and as such, environmental review for the proposal is exempt, per WAC 197-11-800(19)(b).

Taking

The City Attorney’s Office has reviewed the proposed code amendment pursuant to RCW 36.70A.370, and following the State Attorney General’s recommended checklist, to determine if the City Council’s adoption of the proposal might result in an unconstitutional taking of private property. Legal counsel has advised that the proposed regulations do not appear to do so.

Notification

Notification for the public hearing has been conducted to reach a broad-based audience, through the following efforts that occurred in August 2017:

1. **Public Hearing Notices** – A notice announcing the public hearing was distributed during August 18-23, 2017, to the City Council, Neighborhood Councils, business district associations, civic organizations, environmental groups, the development community, the Puyallup Tribal Nation, adjacent jurisdictions, major employers and institutions, City and State departments, the Tacoma Public Library, and other known stakeholders. The stakeholders refer to owners of existing marijuana businesses (retails, processing and production) and applicants of prospective marijuana businesses.
2. **Library** – A request was made to the Tacoma Public Library to make the public review packet, including the public hearing notice, available for patrons' review at all eight branches.
3. **News Media** – An advertisement was placed on The News Tribune on August 23, 2017; and an e-mail news release, "Tacoma News", was issued through the City's Media and Communications Office on August 31, 2017.
4. **60-Day Notices** – A "Notice of Intent to Adopt Amendment 60 Days Prior to Adoption" was sent to the State Department of Commerce (per RCW 36.70A.106) on August 8, 2017. A similar notice was sent to Joint Base Lewis-McChord (per RCW 36.70A.530(4)) on August 22, 2017, asking for comments within 60 days of receipt of the notice.
5. **Website** – The public hearing notice and all information associated with the Marijuana Use Buffers Code Amendment are posted on the Planning Services Division's website at www.cityoftacoma.org/Planning, and linked to "Recent and Completed Projects" and then "Marijuana Regulations".

Next Steps

After the public hearing, the Planning Commission will review public comments received, consider modifications to the proposal as necessary and appropriate, and formulate its recommendations to the City Council. These actions are expected to take place at the subsequent meeting(s) on September 20 and/or October 4, 2017.

If you have any questions, please contact me at 591-5682 or lwung@cityoftacoma.org.

Attachment

c: Peter Huffman, Director



NOTICE OF PUBLIC HEARING

PLANNING COMMISSION PUBLIC HEARING

Subject: **Marijuana Use Buffers**
(Proposed Amendment to the Tacoma Municipal Code)

Date/Time: Wednesday, September 6, 2017, 5:00 p.m.

Location: Asia Pacific Cultural Center
4851 S. Tacoma Way
Tacoma, WA 98407

How to provide comments?

1. Testify at the hearing on September 6; and/or
2. Provide written comments by 5:00 p.m. on Monday, September 11, 2017, via:
 - E-mail: planning@cityoftacoma.org; or
 - Letter: Planning Commission
747 Market Street, Room 345
Tacoma, WA 98402

What is the proposal? (Also see the backside)

The proposal would amend the Tacoma Municipal Code, Section 13.06.565 Marijuana Uses, by adding local definitions of “Playground” and “Recreation center or facility” and including “metropolitan parks district” in the ownership paradigm, in order to protect said facilities owned by Metro Parks Tacoma to the level of buffering intended by the state, but currently not covered by state definitions found at Washington Administrative Code (WAC) 314-55-010(24)-(27).

What is the proposal intended to achieve?

The City has discovered a gap in the state’s marijuana regulations between the intent to require greater setback buffers for public playgrounds and recreational centers and facilities and the definitions for these sites. This gap arises from the state’s unintended omission of “metropolitan parks districts” from the ownership paradigm in the WAC definitions of “Playground” and “Recreation center or facility.” The City understands that the state intends to correct this omission in its definitions, but it may take some time to do so; in the meantime, adding local definitions into the City’s marijuana regulations for “Playground” and “Recreation center or facility” that include ownership by a metropolitan parks district will alleviate the problems that have arisen in permitting marijuana uses that appear to conform with the state definitions, but not with the state’s intent.

Environmental Review

The proposal entails text amendments to existing regulations resulting in no substantive changes respecting use or modification of the environment, and as such, environmental review for the proposal is exempt, per WAC 197-11-800(19)(b).

Website

For more background information, please visit www.cityoftacoma.org/Planning, and click on “Recent and Completed Projects” and then “Marijuana Regulations”.

Staff Contact

Lihuang Wung, Senior Planner, lwung@cityoftacoma.org, (253) 591-5682



The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the Planning and Development Services Department at (253) 591-5056 (voice) or (253) 591-5820 (TTY).

747 Market Street, Room 345 ■ Tacoma, WA 98402 ■ (253) 591-5682 ■ FAX (253) 591-5433 ■ <http://www.cityoftacoma.org/planning>

Text of the Proposed Amendment to the Tacoma Municipal Code, Section 13.06.565

(Deletions are shown in ~~red-strikethroughs~~
and additions shown in blue underlines)

* * * * *

13.06.565 Marijuana Uses.

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. In April 2015, the state Legislature enacted two laws, 2SSB 5052 and 2E2SHB 2136. The new laws establish regulations for the formerly unregulated aspects of the marijuana system, establish a “medical marijuana endorsement” that allows licensed marijuana retailers to sell medicinal marijuana to qualifying patients and designated providers, and attempt to align these changes with the existing recreational system.

Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma. Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district. All licensed marijuana uses are required to fully comply with the provisions of this Section.

1. No Marijuana use as regulated herein and in WAC 314-55, that existed prior to the enactment of Ordinance No. 28182 on November 5, 2013, shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. As of July 1, 2016, in accordance with state law, collective gardens are prohibited.

3. For purposes of this Section and the standards applicable to state-licensed marijuana uses, the terms and definitions provided in WAC 314-55 shall ~~generally apply unless the context clearly indicates otherwise~~ except for the following definitions:

(a) "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government, or a metropolitan parks district.

(b) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government, or a metropolitan parks district.

* * * * *



Marijuana Use Buffers

Proposed Amendment to the Tacoma Municipal Code

Planning Commission Findings of Fact and Recommendations Report

(Approved on July 19, 2017 for Distribution for Public Review)

A. Subject:

Proposed code amendment concerning marijuana use buffers.

B. Summary of the Proposal:

The proposal would amend the Tacoma Municipal Code (“TMC”), Section 13.06.565 Marijuana Uses, Subsection B.3, as follows (deletions shown in ~~red strikethroughs~~ and additions in blue underlines):

3. For purposes of this Section and the standards applicable to state-licensed marijuana uses, the terms and definitions provided in WAC 314-55 shall ~~generally apply unless the context clearly indicates otherwise~~ except for the following definitions:

(a) "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government, or a metropolitan parks district.

(b) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government, or a metropolitan parks district.

By adding local definitions of “Playground” and “Recreation center or facility” to the City’s zoning of marijuana uses and including “metropolitan parks district” in the ownership paradigm, the proposal would protect said facilities owned by Metro Parks Tacoma (“MPT”) to the level of buffering intended by the state, but currently not covered by state definitions found at Washington Administrative Code (“WAC”) 314-55-010(24)-(27).

The proposal was initiated by the City Council via Resolution No. 39742 (see Attachment “1”), adopted on June 6, 2017, whereby the Planning Commission was requested to consider recommending said code amendment to the City Council for adoption on an interim basis, i.e., as interim regulations, until such time as the state corrects its own definitions.

C. Findings of Fact:

1. Legislative Background:

- a. State Initiative 502 (“I-502”) was approved by Washington voters in November 2012, providing a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana.
- b. The Cannabis Patient Protection Act (“CPPA”) was enacted by the State Legislature in April 2015, establishing regulations for the formerly unregulated aspects of the marijuana system and aligning it with the recreational system.

- c. The Washington State Liquor and Cannabis Board (“LCB”) is the agency responsible for licensing and regulating marijuana. The LCB established the first set of marijuana related administrative procedures and standards in December 2013, began to issue marijuana licenses in March 2014, and has since been carrying out its rulemaking process on a periodic basis.
- d. In response to I-502, the CPPA, and applicable rules of the LCB, the City Council has taken the following legislative actions relating to marijuana uses:
 - Enacting interim regulations on November 5, 2013, effective for one year from November 17, 2013 to November 16, 2014, pending the results of the LCB’s first rulemaking (Substitute Ordinance No. 28182); and extending the interim regulations on September 30, 2014, for six months, through May 16, 2015 (Ordinance No. 28250);
 - Enacting permanent marijuana regulations on February 17, 2015, superseding the interim regulations (Amended Ordinance No. 28281);
 - Imposing a moratorium on permitting marijuana retail uses on January 12, 2016, for six months, through March 10, 2016, in response to the LCB’s expansion of the cap on retail marijuana stores in Tacoma (Substitute Ordinance No. 28343); and
 - Amending the Public Nuisances Code and the Land Use Regulatory Code concerning marijuana uses on May 24, 2016, and terminating the moratorium (Amended Ordinance No. 28361).

2. Initiation of the Proposed Code Amendment:

- a. The consideration for the proposed code amendment was initiated by the City Council on June 6, 2017, via Resolution No. 39742 (see Attachment “1”), which was prompted by an LCB-denied variance application for a marijuana production facility within 1,000 feet of an MPT-owned playground, as articulated in a memorandum from the City Attorney’s Office to the City Manager, dated May 1, 2017, that called out the issue and suggested the need for said code amendment (see Attachment “2”).
- b. The adoption of Resolution No. 39742 was also in response to the Council Consideration Request submitted by Deputy Mayor Robert Thoms on May 4, 2017, that urged the City Council “to amend the City of Tacoma’s marijuana regulation ordinance to include Metropolitan Park District parks, recreation centers, facilities, and playgrounds in the 1,000 foot buffer zone for marijuana uses” (see Attachment “3”).
- c. Resolution No. 39742 indicates that City staff has discovered a gap between the state’s intent to require greater setback buffers for public playgrounds and recreational centers and facilities and the state’s definitions for these sites. This gap arises from the state’s unintended omission of “metropolitan parks districts” from the ownership paradigm in the WAC definitions of “Playground” and “Recreation center or facility.” The City understands that the state intends to correct this omission in its definitions, but it may take some time to do so.
- d. Resolution No. 39742 suggests that the City can alleviate the problems that have arisen in permitting marijuana uses and prevent further conflicts from occurring, by adding these two definitions in the TMC on an interim basis, until such time as the state corrects its own definitions.
- e. Resolution No. 39742 also stipulates the text of the proposed code amendment, which is also mentioned above in the section of “Summary of the Proposal.” The text exemplifies the legislative intent of the City Council, does not deviate from the existing definitions of the WAC, and can be reasonably expected to be in compliance with the state’s definitions when corrected.

- f. Resolution No. 39742 does not declare an emergency for the matter, nor does it specify when the Planning Commission must provide its findings of fact and recommendations concerning the need for the interim regulations. Nevertheless, it is understood that the City Council intends to move forward with the proposed code amendment in a fairly swift manner.

3. Impacts of the Proposal:

- a. The proposed code amendment would not have any impact to existing marijuana businesses, including retailers, producers and processors. In staff's original analysis of the buffer zones as set forth in Amended Ordinance No. 28361 (adopted on May 24, 2016), playgrounds, for mapping purposes, were included and assumed to be in all parks, including those owned by MPT. As illustrated in an up-to-date map of the locations of current marijuana businesses (see Attachment "4"), all MPT-owned parks that contain playground equipment are already located within the mapped buffer zones. Adding definitions of "Playground" and "Recreation center or facility" to the code would not result in any additional facility being identified outside of existing buffered zones that could impact existing businesses; on the contrary, said code amendment should help ensure that all public playgrounds are buffered, as was intended.
- b. The proposed code amendment is not expected to have much, if any, impact to future marijuana businesses. As articulated in the memorandum from the City Attorney's Office (see Attachment "2"), it is highly unlikely that the LCB will grant licenses for prospective variance applications, if any, similar to the one that had prompted the consideration for the proposed code amendment, regardless of how the City handles those applications.

4. Interim Regulations Process vs. Code Amendment Process:

- a. The interim regulations process initiated by Resolution No. 39742 will be carried out through the following general steps, in accordance with TMC 13.02.055 and based on the situations associated with this particular issue :
 - The Planning Commission develops findings of fact and recommendations to help the City Council justify the imposition of the interim regulations. The Council subsequently enacts the interim regulations, with a public hearing.
 - The interim regulations can be effective for 6 months, or 12 months with a work plan for the development of permanent regulations. Since it is unknown when this matter will be included in the LCB's rulemaking schedule, it will be appropriate to set the interim regulations effective for 12 months.
 - Upon the expiration of the interim regulations, if the state has not corrected its definitions, the Council will need to extend the interim regulations for 6 months, with a public hearing. Further extensions of the interim regulations may be needed and shall be done in 6-month intervals, each with a public hearing held by the Council and supportive findings of fact.
 - Upon the state's correction of its definitions, the Commission will develop draft permanent regulations accordingly, conduct a public hearing, and make a recommendation to the Council. The Council will conduct a public hearing and adopt the permanent regulations, superseding the interim regulations.
- b. Alternatively, the proposal could be handled through the normal code amendment process in accordance with TMC 13.02.045, whereby the Planning Commission develops draft permanent regulations, conducts a public hearing, and makes a recommendation to the City Council, and the Council conducts a public hearing and adopts the permanent regulations. This process will

be repeated when the state's definitions are corrected, and if it is determined that the permanent regulations need to be amended accordingly.

- c. The normal code amendment process is more streamlined than the interim regulations process, but will achieve the same effects, primarily due to the fact that the proposed code amendment is relatively straightforward, uncontroversial, and of no impact to existing or future marijuana businesses. It is also a process less dependent on the uncertain rulemaking schedule of the LCB.
- d. Concerning the project timeline, the imposition of the interim regulations can be expected to occur in September 2017, while the code amendment process may not be completed until October 2017. However, more time will be needed for following up on the interim regulations process, i.e., developing permanent regulations or extending the interim regulations, depending on the progress of the state. The code amendment process, on the other hand, needs to be revisited only if necessary, which can be accomplished within a relatively short time frame.

D. Conclusions and Recommendations:

The City Council adopted Resolution No. 39742 on June 9, 2017 (see Attachment "1"), requesting the Planning Commission to consider adding local definitions of "Playground" and "Recreation center or facility" to the City's zoning of marijuana uses and including "metropolitan parks district" in the ownership paradigm, in order to protect said facilities owned by Metro Parks Tacoma to the level of buffering intended by the state, but currently not covered by state definitions found at Washington Administrative Code. By adopting the resolution, the City Council has initiated an interim regulations process, whereby the Planning Commission is requested to consider recommending said code amendment to the City Council for adoption on an interim basis, until such time as the state modifies its definitions.

The Planning Commission concurs with the City Council concerning the need for the proposed code amendment, but believes that this important and relatively straightforward matter should and can be accomplished in a more streamlined manner through the normal code amendment process, whereby the Planning Commission would develop the final draft code amendment, conduct a public hearing, and forward it to the City Council for consideration for adoption.

With this approach being recommended, the Planning Commission will proceed with scheduling a public hearing, tentatively for September 2017, to receive public comment on the proposed code amendment as depicted in "Section B. Summary of the Proposal," and subsequently formulate a recommendation to the City Council for its consideration.

E. Attachments:

1. Resolution No. 39742 Initiating the Consideration for Interim Regulations (June 6, 2017)
2. Memorandum from the City Attorney's Office to the City Manager (May 1, 2017)
3. Council Consideration Request from Deputy Mayor Robert Thoms (May 4, 2017)
4. Location Map of Current Marijuana Businesses (May 24, 2017)



RESOLUTION NO. 39742

1 BY REQUEST OF DEPUTY MAYOR THOMS

2 A RESOLUTION relating to interim zoning; requesting that the Planning
3 Commission consider amending Chapter 13.06 of the Tacoma Municipal
4 Code, relating to the zoning of marijuana uses, on an interim basis, by
5 adding local definitions of "Playground" and "Recreation center or facility,"
6 in order to protect Metro Parks Tacoma-owned playgrounds and
7 recreation centers and facilities to the level intended by the state, but
8 currently not covered by state definitions.

9 WHEREAS the City's marijuana land use regulations, as set forth in
10 Amended Ordinance No. 28361, adopted on May 24, 2016, and found at
11 Section 13.06.565 of the Tacoma Municipal Code, are barely a year old, and

12 WHEREAS Washington State's regulatory framework for licensing and
13 regulating the production, processing and retail sale of marijuana is also relatively
14 new, and

15 WHEREAS City staff has discovered a gap between the state's intent to
16 require greater setback buffers for public playgrounds and recreational centers and
17 facilities and the state's definitions for these sites, found at Washington
18 Administrative Code ("WAC") 314-55-010(24)-(27), and

19 WHEREAS this gap arises from the state's unintended omission of
20 "metropolitan parks districts" from the ownership paradigm in the WAC definitions
21 of "Playground" and "Recreation center or facility," and

22 WHEREAS the City understands that the state intends to correct this
23 omission in its definitions, but it may take some time to do so; in the meantime, the
24 City can prevent conflicts from arising in local permitting, as has already happened,
25 by adding these two definitions in the TMC on an interim basis, and
26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WHEREAS adding local definitions into the City's marijuana regulations for
“Playground” and “Recreation center or facility” that include ownership by a
metropolitan parks district will alleviate the problems that have arisen in permitting
marijuana uses that appear to conform with the state definitions, but not with the
state’s intent, until such time as the state corrects its own definitions; Now,
Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the City Council hereby requests that the Planning Commission
consider amending Chapter 13.06 of the Tacoma Municipal Code, relating to
Zoning, on an interim basis, by adding local definitions of “Playground” and
“Recreation center or facility” as shown in Exhibit “A” hereto, in order to protect
Metro Parks Tacoma-owned playgrounds and recreation centers and facilities to
the level intended by the state, but currently not covered by state definitions.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

13.06.565 Marijuana Uses.

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. In April 2015, the state Legislature enacted two laws, 2SSB 5052 and 2E2SHB 2136. The new laws establish regulations for the formerly unregulated aspects of the marijuana system, establish a "medical marijuana endorsement" that allows licensed marijuana retailers to sell medicinal marijuana to qualifying patients and designated providers, and attempt to align these changes with the existing recreational system.

Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma.

Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district. All licensed marijuana uses are required to fully comply with the provisions of this Section.

1. No Marijuana use as regulated herein and in WAC 314-55, that existed prior to the enactment of Ordinance No. 28182 on November 5, 2013, shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. As of July 1, 2016, in accordance with state law, collective gardens are prohibited.

3. For purposes of this Section and the standards applicable to state-licensed marijuana uses, the terms and definitions provided in WAC 314-55 shall ~~generally~~ apply ~~unless the context clearly indicates otherwise~~ except for the following definitions:

(a) "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government, or a metropolitan parks district.

(b) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government, or a metropolitan parks district.



TO: Interim City Manager, Elizabeth A. Pauli
PDS Director, Peter Huffman

FROM: Jeff Capell, Deputy City Attorney *JAC*
Bill Fosbre, Acting City Attorney *BF*

SUBJECT: Marijuana Regulation; "Playground" Definition

DATE: May 1, 2017

Given the relative newness of the State's marijuana regulations, there was bound to be some glitches and gaps in their implementation. The City has become well acquainted with one of these in the form of the Washington Administrative Code ("WAC") definition of "playground." By way of background, it is clear from applicable statutes and regulations¹ that the State Legislature and the Washington State Liquor and Cannabis Board (the "Board") intended public playgrounds to be in a class of uses having the highest level of buffer protection from marijuana uses. By comparison, the buffer for other uses, such as a public transit center or library, can be reduced by local ordinance anywhere from 999 feet down to a minimum of 100 feet potentially. It should also be noted that the State has very clear preemptive authority when it comes to marijuana regulation.²

The gap presently at issue arises from the State's failure to include playgrounds owned by a metropolitan park district in its definition of "playground" at WAC 314-55-010 (25). In contrast, the State's definition of "park" does account for ownership by a metropolitan park district ("MPD").³ The State does not consider parks and playgrounds to be mutually exclusive. In other words, a given facility could be both a park and a playground depending on whether facilities indicative of both are present.

In discussions with the Board and its legal counsel, the Board represented that its omission of MPDs from ownership in the "playground" definition was unintentional and that the Board will most likely correct that omission in its next round of rulemaking. This correction will likely not happen until sometime after the current legislative session is complete. In the meantime, by letter dated February 22, 2017, the Board has suggested that the City may want to submit a petition for amendment of the playground definition

¹ e.g. RCW 69.50.331(8) (a) and (b) and WAC 314-55-050(10)-(11).

² RCW 69.50.608, titled "State preemption."

³ WAC 314-55-010(24).

more formally under RCW 34.05.330 titled “Petition for adoption, amendment, repeal—Agency action—Appeal.”

On a more immediate stage, the City has had one variance application for a marijuana production facility within 1,000 feet of a MDS owned playground that was (1) first denied by the PDS Director for lack of authority, (2) then reversed by the Hearing Examiner, (3) thereafter granted by the PDS Director, only to (4) be denied for licensing by the State (all referred to as the “Gosselin App”). According to the variance applicant, Tim Gosselin, the State’s denial stated that the City has no authority to grant a variance for the subject location for marijuana production,⁴ which brought the Gosselin App full circle.⁵ The City now has another, similar variance application pending for a location within 1,000 feet of a MPD playground/park combo. It is unlikely that the State will grant a license for this location given the result in the Gosselin App, regardless of how the City handles the variance application.

In the Hearing Examiner decision on the Gosselin App, the Hearing Examiner recognized the Board’s admission that it inadvertently omitted MPDs from the playground definition, and the incongruity that omission created with the stated intent to provide greater protection to playgrounds. That notwithstanding, she concluded that she had to follow the language of the “playground” definition as written and reversed the PDS Director’s denial of the variance. She did suggest in her decision that the City could amend its own ordinance to include MPD playgrounds in the 1,000 foot buffer zone in advance of any amendment by the State. Given that the State has refused to license the marijuana use at Gosselin’s property, it would make sense to amend the TMC in this manner in order to not perpetuate the disconnect between the City and the Board’s approach that exists at present.

At the suggestion of the Board, the City has, by letter, already requested that the Board fix the definition of playground to include expressly those owned by Metro Parks Tacoma, our local MPD. Unless there is a valid reason to differentiate, the same fix should be requested for the definition of “Recreation center or facilities,” which also does not account for ownership by a MPD. Examples of “Recreation center or facilities” in Tacoma owned by Metro Parks Tacoma would include the Star Center, the Center at Norpoint, and the Portland Ave. Community Center.

Please feel free to call me with any questions or concerns.

⁴ The subject location is within 1,000 feet of MPD owned Irving Park, which according to the State, is both a park and a playground.

⁵ It is fairly apparent that the State does not believe a variance to be an appropriate vehicle for reducing buffers, as opposed to having an across-the-board reduction written into the local code.



**CITY OF TACOMA, WASHINGTON
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST (CCR)**

TO: Mayor & City Council
FROM: Deputy Mayor Thoms and Council Assistant Brad Forbes
COPIES TO: Elizabeth Pauli, Acting City Manager; Mark Lauzier, Assistant City Manager;
Bill Fosbre, Acting City Attorney; Executive Leadership Team; File
SUBJECT: Marijuana uses buffer
DATE: May 4, 2017

ITEM/ISSUE PROPOSED FOR COUNCIL CONSIDERATION:

I ask for your support for the inclusion of the following item on the agenda at the earliest available meeting of the Study Session:

I respectfully ask the City Council to amend the City of Tacoma's marijuana regulation ordinance to include Metropolitan Park District parks, recreation centers, facilities, and playgrounds in the 1,000 foot buffer zone for marijuana uses.

BRIEF BACKGROUND:

It is clear from the relevant statutes and regulations (RCW 69.50.331(8) (a) and (b) and WAC 314-55-050(10)-(11)) that the State Legislature and the Washington State Liquor and Cannabis Board intended public playgrounds to be in a class of uses having the highest level buffer from marijuana uses. The buffer for parks, recreation centers, and facilities can be reduced, but the City's ordinance is presently unclear about any such reduction. The gap for playgrounds arises from the State's failure to include playgrounds (and recreation centers and facilities) owned by a metropolitan parks district in its definitions.

FUNDING REQUESTED:

This action does not require any funding.

If you have any questions related to the Council Consideration Request, please contact Brad Forbes at 253-591-5166 or bforbes@cityoftacoma.org.

SUBMITTED FOR COUNCIL CONSIDERATION BY: _____
Deputy Mayor Thoms

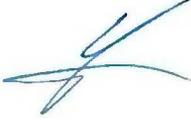
SUPPORTING COUNCILMEMBERS SIGNATURES (2 SIGNATURES ONLY)

(Signatures demonstrate support to initiate discussion and consideration of the subject matter by City Council for potential policy development and staff guidance/direction.)



1. _____

Mayor

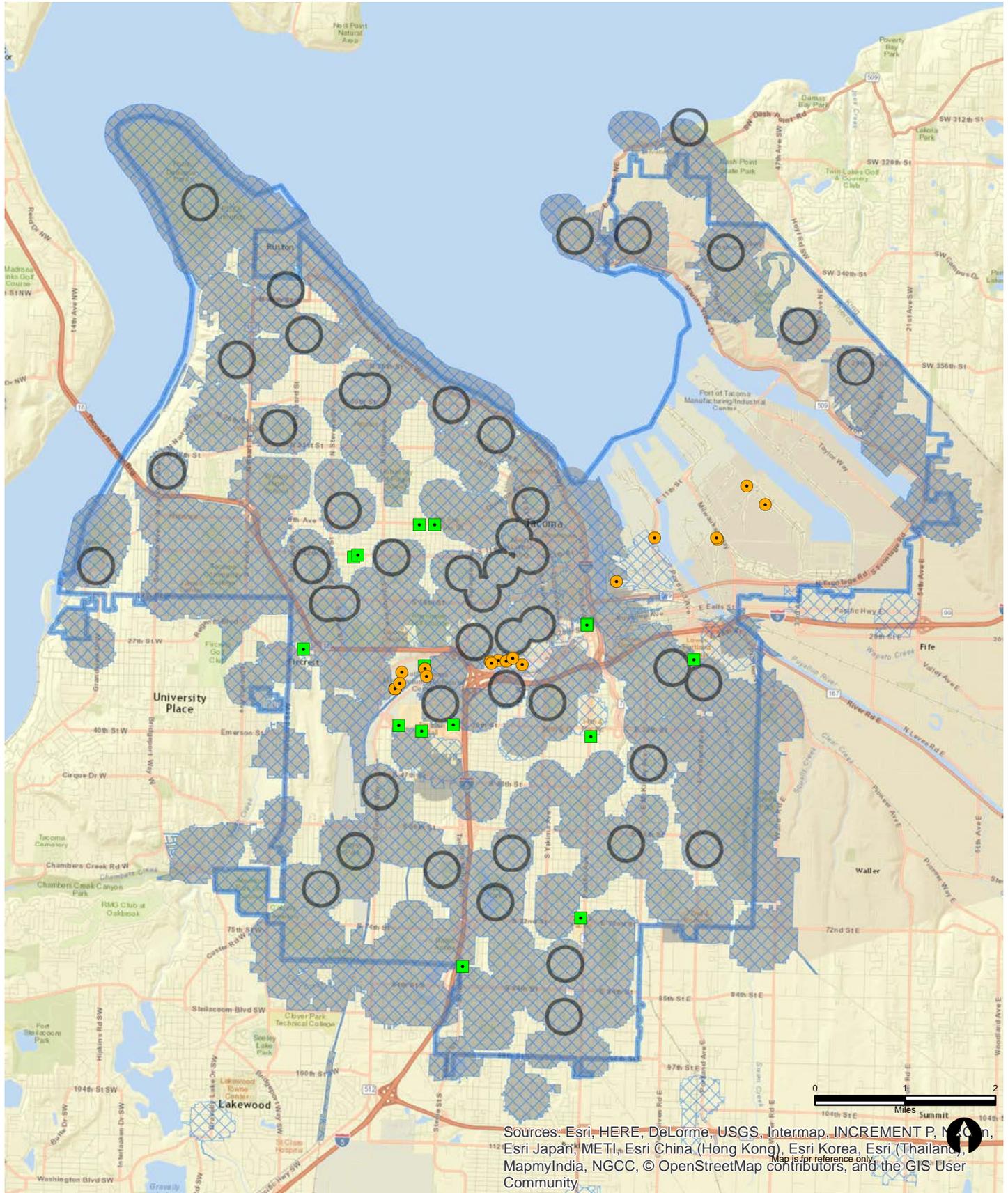


2. _____

POS# 7

Sensitive Use Buffers (As of May 24, 2017)

Locations of Current Marijuana Businesses



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NOAA, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

- Retailer
- Producers and/or Processors
- Metro Park Playground Buffer (approximate location)
- ▨ No Retail Buffer
- ▭ City Boundary
- ▨ No Production, Processing, or Research Buffer

© City of Tacoma, All Rights Reserved
Community & Economic Development Department
GIS Analysis & Data Service
5/30/2017





City of Tacoma
Planning and Development Services

Agenda Item
D-2

To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: **Public Hearing on the Tacoma Mall Neighborhood Subarea Plan & EIS**
Date of Hearing: September 6, 2017
Date of Memo: August 31, 2017

Action

The Planning Commission will conduct a public hearing on September 6, 2017, to receive testimony on the Proposed Tacoma Mall Neighborhood Subarea Plan, Subarea Plan Appendices and Draft Environmental Impact Statement ("Tacoma Mall Neighborhood Subarea Plan"). Upon conclusion of the hearing, the Commission will keep the record open through September 15 to accept written comments. The City will consider public comments on the Draft EIS concurrently and will finalize the EIS prior to final City Council action on the Tacoma Mall Neighborhood Subarea Plan.

Public Hearing Subject

The draft Tacoma Mall Neighborhood Subarea Plan includes the following components:

1. Tacoma Mall Neighborhood Subarea Plan;
2. Subarea Plan Appendices;
 - o Appendix LU-1: Code Changes Recommendations (overview)
 - o Appendix LU-2: Proposed Code Changes (text)
 - o Appendix T-1: Streetscape Corridor Concepts
3. Environmental Impact Statement and Appendices.

Public Review Document

The complete package has been made available to the Commissioners, posted on the project webpage www.tacomamallneighborhood.com and the Planning Services Division's website at www.cityoftacoma.org/Planning, is available at the Planning and Development Services Department and has been distributed to public libraries for public review.

Environmental Evaluation

As part of the subarea planning process, the City has prepared a non-project environmental impact statement (EIS) for the Tacoma Mall Neighborhood Subarea Plan under RCW 43.21C.420, RCW 43.21C.031 and RCW 43.21C.229. Completing a non-project EIS presents a cumulative impact analysis for the entire subarea, rather than piecemeal analysis of the environmental impacts and mitigation on a project-by-project basis. As a result, the environmental impacts and mitigation are comprehensively evaluated at the subarea-wide level. The non-project EIS also eliminates the need for subsequent environmental review associated with project-specific development proposals that meet the subarea's development regulations. The City issued a Determination of Significance on September 4, 2015, a Revised Determination of Significance on October 1, 2015, a Scoping Summary on January 19, 2016 and the Draft EIS on August 11, 2017. The City will finalize the EIS prior to final City Council action on the Tacoma Mall Neighborhood Subarea Plan.

Taking

The City Attorney's Office has reviewed the proposed subarea plan and the associated code amendment pursuant to RCW 36.70A.370, and following the State Attorney General's recommended checklist, to determine if the City Council's adoption of the proposal might result in an unconstitutional taking of private property. The legal counsel has advised that the proposed subarea plan and the associated code amendment do not appear to do so. However, the legal counsel also noted that the plans for Connected Streets (pages T-4, UF-16), Large Block Connections (page T-14), and Loop Road pages (T-10, UF-15) appear to contemplate the dedication of private property for public use, potentially as a condition of future major redevelopment. Such a condition would be subject to the well-established "nexus and proportionality" test to establish that the condition is reasonable, proportional and designed to mitigate adverse impacts of the proposed redevelopment.

Notification

Notification for the public hearing has been conducted to reach a broad-based audience, through the following efforts that occurred in August 2017:

1. **Public Hearing Notices** – A notice announcing the public hearing on September 6th and the informational meeting on August 30th was distributed to the City Council, Neighborhood Councils, business district associations, civic organizations, environmental groups, the development community, the Puyallup Tribal Nation, adjacent jurisdictions, major employers and institutions, City and State departments, the Tacoma Public Library, Tacoma Mall Neighborhood stakeholders and other known stakeholders and interested entities. The notice was also mailed to property owners and (when feasible) residents within 400 feet of the boundaries of the 601-acre proposed Subarea.
2. **Public Notice Signs** – Pursuant to TMC 13.02.057, ten public notice signs were installed in visible locations within the Tacoma Mall Neighborhood Subarea.
3. **Library** – A request was made to the Tacoma Public Library to make the public hearing notice and a CD of the Public Review Documents available for patrons' review at all eight branches.
4. **News Media** – An advertisement was placed on The News Tribune on August 23, 2017; a legal notice regarding the environmental determination was placed on the Tacoma Daily Index on August 17, 2017; a public announcement is being aired on TV Tacoma and will run August 31, 2017 through September 15, 2017; TV Tacoma staff interviews were aired on Tacoma Report and CityLine on August 26, 2017, and a press release was issued through the City's Media and Communications Office on August 16, 2017.
5. **60-Day Notices** – A "Notice of Intent to Adopt Amendment 60 Days Prior to Adoption" was sent to the State Department of Commerce (per RCW 36.70A.106), and Joint Base Lewis-McChord (per RCW 36.70A.530(4)). The "Center Plans Reporting Tool" as required by the Puget Sound Regional Council for the purpose of PSRC's review and certification of the Tacoma Mall Neighborhood Regional Growth Center Subarea Plan for consistency with VISION 2040 was submitted on August 14, 2017. Finally, the proposal was submitted to the Department of Ecology SEPA Register (per the requirements of RCW 43.21.C and WAC 197-10) on August 11, 2017. These notices were sent more than 60 days prior to the Council's scheduled action in November/December 2017, so that their comments, if any, can be addressed in a timely manner during the Planning Commission's review process.
6. **Informational Meeting** – A question-and-answer, informational session was held on August 30, 2017, at 5:00 p.m., at the Asia Pacific Cultural Center (4851 South Tacoma Way), to provide an opportunity for interested citizens to learn more about the proposed amendments.

7. **Website** – The public hearing notices and all information associated with the Tacoma Mall Neighborhood Subarea Plan are posted on the project webpage at www.tacomamallneighborhood.com and on Planning Services Division's website at www.cityoftacoma.org/Planning. A banner and link to the project webpage is posted on the City of Tacoma's home page through September 15, 2017. Event links for the informational meeting and the public hearing are being posted on the City's social media feeds in advance of those meetings.

Next Steps

The Planning Commission will conduct a public hearing on September 6, 2017 and keep the record open through September 15, 2017 to accept written comments. Commissioners are requested to bring their copies of the Tacoma Mall Neighborhood Subarea Plan, Plan Appendix and Draft EIS to the meeting.

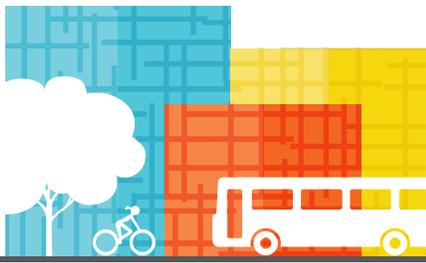
The City Council Infrastructure, Planning and Sustainability Committee will conduct a bus tour of the neighborhood starting at 4:30 p.m. on Wednesday, September 13, 2017. The meeting location and tour itinerary will be finalized soon. Several Planning Commissioners have expressed interest in attending the tour in order to participate in the discussion. Staff will reach out separately to confirm attendance.

The Commission will review public comments received and consider modifications to the proposal at upcoming meetings tentatively including September 20, 2017 and October 4, 2017, and consider making a recommendation to the City Council either on October 4, 2017 or October 18, 2017.

If you have any questions, please contact me at (253) 591-5389 or elliott.barnett@cityoftacoma.org.

Attachment: Draft Plan and EIS Availability and Meeting Notification Packet

c: Peter Huffman, Director



TACOMA MALL neighborhood

Help shape the future of the Tacoma Mall Neighborhood

SUBAREA PLAN INFORMATIONAL MEETING

Wednesday, Aug. 30, 5 - 7 pm

Asia Pacific Cultural Center
4851 S. Tacoma Way

PUBLIC HEARING

Wednesday, Sept. 6, 5 pm

Asia Pacific Cultural Center
4851 S. Tacoma Way

TacomaMallNeighborhood.com

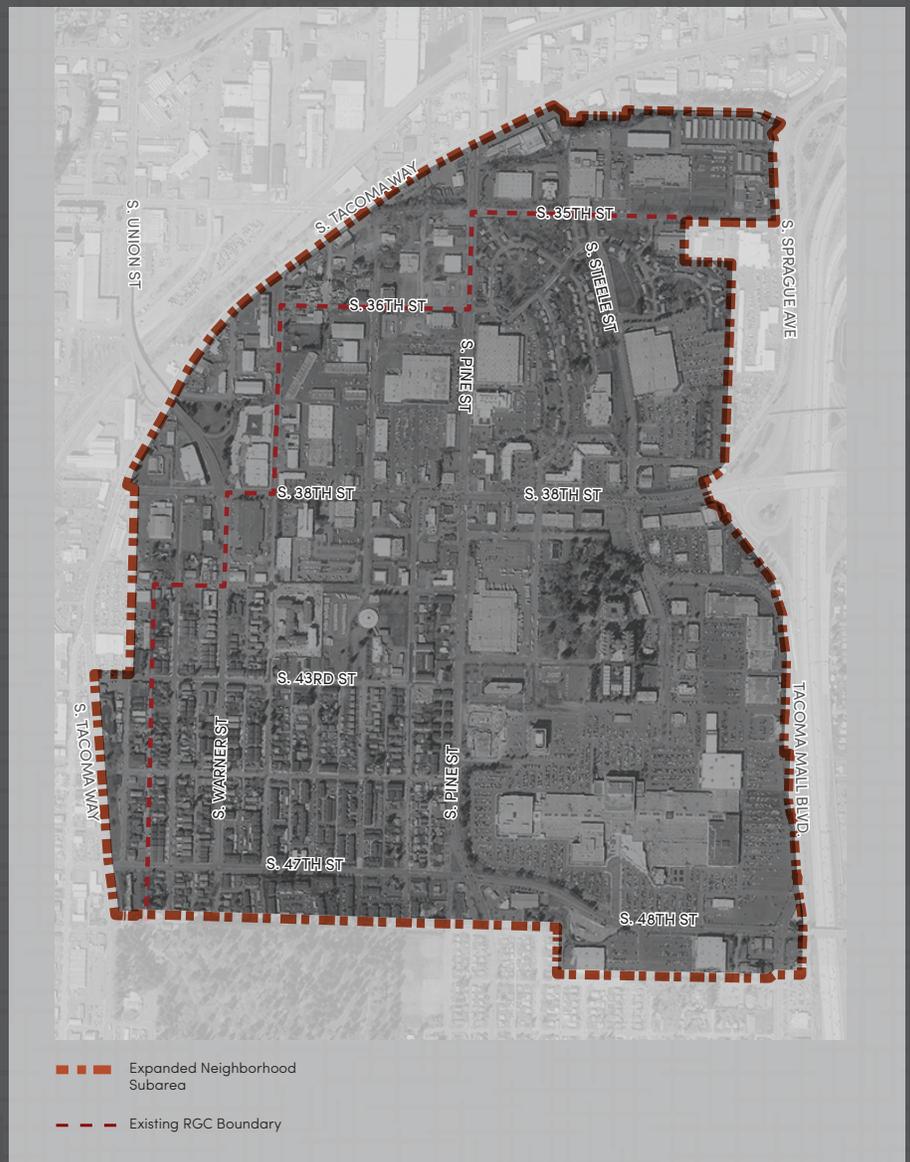
A package of proposed policy, zoning, development standards and infrastructure actions is available for comments through Sept. 15, 2017.

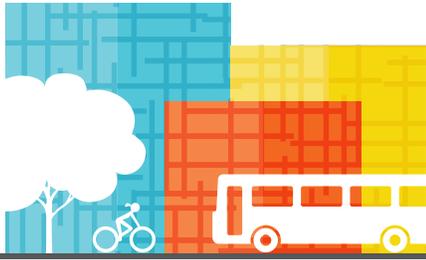
Once the review process is completed, future appeals of proposed development that are consistent with the plan will be limited.



Contacts

Elliott Barnett | 253 591 5389
TacMallNeighborhood@cityoftacoma.org





TACOMA MALL neighborhood

Help shape the future of the Tacoma Mall Neighborhood

Design rendering of
future vision for South
38th Street ▶



Intersection of South
38th and South
Lawrence streets ▼





City of Tacoma
Planning and Development Services



Tacoma Mall Neighborhood Subarea Plan and Environmental Impact Statement

Seeking feedback from the community

August 11, 2017

Greetings and happy summer!

Over the past two years, the City of Tacoma has worked in partnership with the community to re-envision the Tacoma Mall Neighborhood as a walkable, transit-oriented, vibrant, regional destination and community, and to identify actions to achieve that vision over time. The draft Plan, code changes and Draft Environmental Impact Statement (DEIS) are now ready for public review.

What is this project about?

The draft Plan is a vision, goals and actions to support positive growth and change in this 601-acre neighborhood. Key goals include promoting investment and job growth, providing transportation choices, improving livability and community health, enhancing environmental functions, and empowering stakeholders. Along with the plan, a package of zoning, development and large parcel connectivity standards are proposed. The associated EIS replaces project-level environmental review, now required for development proposals, with an upfront review of planned growth that identifies coordinated actions to address growth impacts.

We need your input! This is the community's plan. Please take this opportunity to help shape the future of this important neighborhood.

Comments are requested through September 15th, 2017

See the attached invitations to upcoming meetings where you can learn more and provide comments in person. Written comments are also welcome during the comment period.

Review the attached materials and visit tacomamallneighborhood.com to learn more.

Warm Regards,

Elliott Barnett, Planner
(253) 591-5389
tacmallneighborhood@cityoftacoma.org





Notice of Availability Draft Environmental Impact Statement (DEIS) Tacoma Mall Neighborhood Subarea Plan

Lead Agency

City of Tacoma
Planning and Development Services Dept.
747 Market Street, Room 345
Tacoma, WA 98402

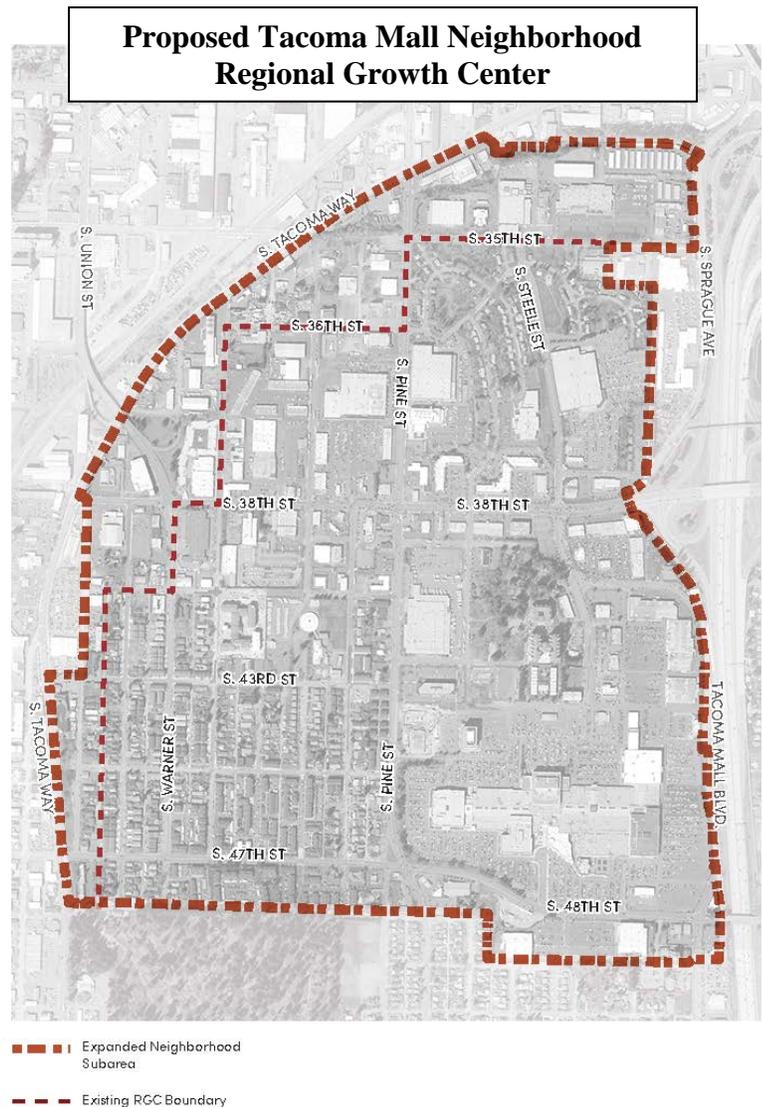
Project Name: Tacoma Mall Neighborhood Subarea Plan and Environmental Impact Statement (EIS)

Description of the Proposal

The purpose of the Tacoma Mall Neighborhood Subarea Plan is to anticipate, support, and guide long-term growth and change in the Mall Neighborhood. The proposed project involves development of an innovative area-wide subarea plan for the Tacoma Mall Regional Growth Center and potential expansion area (identified as the expanded Neighborhood Subarea on the accompanying map), which will become an optional element of the City's Comprehensive Plan. Together with the subarea plan, a non-project EIS is being prepared that will evaluate the probable adverse environmental impacts associated with two growth alternatives, and identify measures that will be used to mitigate the impacts identified.

Specifically, the EIS analyzes the impacts associated with future development in the Tacoma Mall Neighborhood Subarea, including additional development that is being planned to occur over approximately the next 20 years, as well as planned increases in employment and population. Growth targets for the area include 8,385 new jobs and 8,887 additional residents by 2040.

The goal of this EIS is to evaluate potential environmental impacts on an area-wide basis, thus eliminating the need for additional environmental analysis in conjunction with development and redevelopment that occurs on individual sites within the Tacoma Mall Neighborhood Subarea. This environmental review is intended to serve as a catalyst for redevelopment that is consistent with the



community’s vision for the neighborhood, and as an incentive for property owners and developers to favorably consider the Tacoma Mall Neighborhood Subarea when locating a business or investing in the community.

Location of the Proposal

The geographic area of the Tacoma Mall Neighborhood Subarea Plan is shown in the map on page one. This subarea is commonly known as the locally and regionally designated Tacoma Mall Regional Growth Center. The approximately 485-acre area encompasses major commercial destinations such as the Tacoma Mall; retail, commercial and quasi-industrial uses; residential areas; government offices; and public facilities, including the Madison School site. The recommended expansion of the Regional Growth Center shown on the map on page one consists of approximately 116 additional acres. The City of Tacoma intends to designate this Tacoma Mall Neighborhood Subarea as an environmentally reviewed subarea under the provisions of RCW 43.21C.420, or RCW 43.21C.031 and RCW 43.21C.229 if provisions in RCW 43.21C.420(5)(a) and (b) expire.

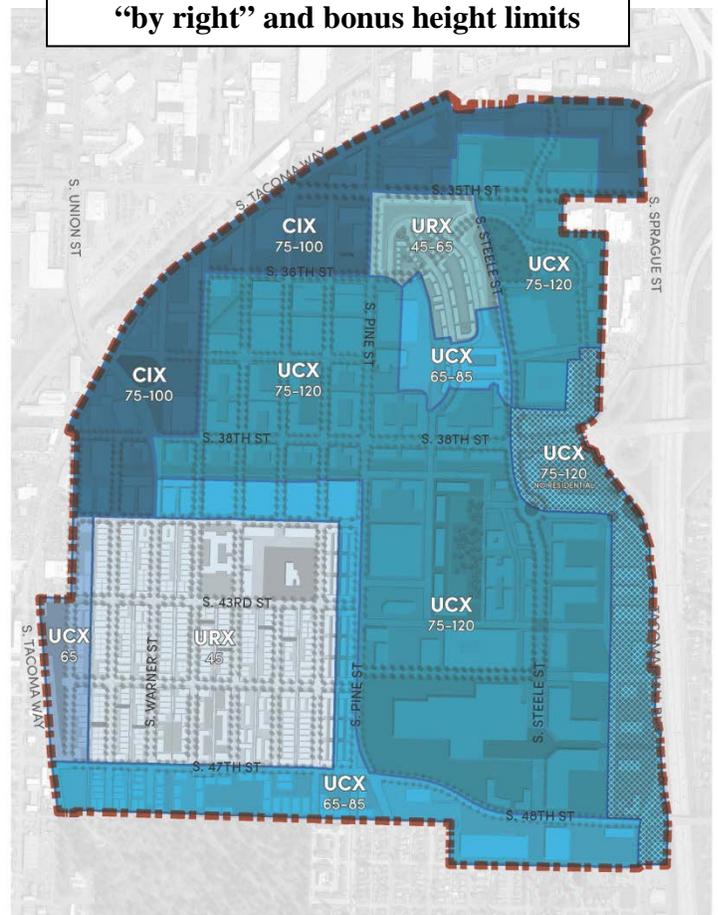
Alternatives

The EIS analyzes two alternatives for the subarea plan, a No Action Alternative and an Action Alternative. Under the No Action Alternative it is assumed that development will occur within the current Regional Growth Center boundaries based on existing zoning and development regulations. Any such development or redevelopment that is proposed within the Tacoma Mall Neighborhood Subarea in conjunction with the No Action Alternative would undergo environmental review on a project-by-project basis. Such projects would be subject to site-specific State Environmental Policy Act mitigation and appeal potential.

The Action Alternative considers growth that occurs within the study area under different development patterns based on the vision, goals and actions recommended in the Tacoma Mall Neighborhood Subarea Plan. The recommended Subarea Plan incorporates an additional 116 acres into the Regional Growth Center and includes a package of development regulation changes and other actions as developed through the subarea planning process. The proposed zoning districts and permitted heights are depicted in the map on this page. Another key change is the enactment of a large parcel connectivity requirement which would require that new streets and pedestrian connections be planned and potentially constructed when large scale development is proposed.

New development that is being planned within this study area may approximate as much as 7 million square feet of floor area. Detailed information and analysis of the plan and proposed code changes are included in the draft Subarea Plan and in Appendix LU-1.

Proposed Zoning Districts with “by right” and bonus height limits



Planned-Action Environmental Review

As part of the subarea planning process, the City has prepared a non-project environmental impact statement (EIS) for the Tacoma Mall Neighborhood Subarea Plan. Completing a non-project EIS presents a cumulative impact analysis for the entire subarea, rather than piecemeal analysis of the environmental impacts and mitigation on a project-by-project basis. As a result, the environmental impacts and mitigation are comprehensively evaluated at the subarea-wide level. The non-project EIS also eliminates the need for subsequent environmental review associated with project-specific development proposals that meet the subarea's development regulations. As such, the non-project EIS provides certainty and predictability for urban development proposals; thereby, streamlining the environmental review process within the subarea and implementing the State's Growth Management Act and the Regional Development Plan (Vision 2040).

The City has decided the non-project EIS will proceed under RCW 43.21C.420. Recognizing that RCW 43.21C.420(5)(a) and (b) include a sunset provision, the City wishes to also proceed under RCW 43.21C.031 (planned action) and RCW 43.21C.229 (infill exemption), providing the City with additional SEPA tools that the City may use if provisions in RCW 43.21C.420(5)(a) and (b) expire.

Appeal and Noticing

For a non-project EIS completed under RCW 43.21C.420, the SEPA-based appeal opportunity occurs only in conjunction with issuance of the non-project Final EIS. Consistent with RCW 43.21C.420, a proposed development will not be subject to project-specific SEPA-based administrative or judicial appeals if the proposed development is (1) proposed within 10 years of the issuance of the subarea Final EIS, (2) situated within the subarea, and (3) appropriately addresses the adopted subarea plan and development regulations. Similarly, there are no SEPA noticing requirements for subsequent, site-specific development or redevelopment within the subarea that appropriately addresses the subarea plan and development regulations.

This notice of availability is provided in accordance with the Washington State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C of the Revised Code of Washington (RCW), and SEPA Guidelines, Effective 16 January 1976, Chapter 197-10, Washington Administrative Code (WAC).

Proposed Date of Implementation

The Tacoma Mall Neighborhood Subarea Plan's planning period extends from 2017 to the year 2040. Implementation will commence beginning with the adoption of the Tacoma Mall Neighborhood Subarea Plan by the Tacoma City Council, which is expected to occur in December of 2017.

Date of Issuance of this Draft EIS

August 11, 2017

Public Hearing

A public hearing is being held at 5:00 pm on **Wednesday, September 6, 2017**, at the Asia Pacific Cultural Center (4851 South Tacoma Way). The purpose of the meeting is to provide an opportunity for community members to come and learn more about the draft plan and draft environmental documents and provide comments on the proposal. Testimony will begin no earlier than 5:00pm, at the conclusion of regularly scheduled discussion items.

Availability of the Draft EIS, Draft Subarea Plan, and Background Materials

The complete Tacoma Mall Neighborhood Subarea Plan, Draft Environmental Impact Statement (DEIS) and Appendices can be downloaded from the project website at www.tacomamallneighborhood.com or at www.cityoftacoma.org/planning by clicking on “Tacoma Mall Neighborhood Subarea Plan and EIS”.

Copies of these documents are also available for review at:

- The Planning and Development Services Department
747 Market Street, Room 345
Tacoma, WA 98402
- All branches of the Tacoma Public Library.

The document may also be acquired on CD from the Planning and Development Services Department at no charge. Physical copies can be acquired for the cost of reproduction from any reproduction or copy business by download from the city website or from a CD copy.

Draft EIS Comments

You may submit written comments on the Draft EIS no later than **September 15, 2017**. Comments may be submitted to the Project Manager via mail, fax or e-mail, as follows:

Project Manager: Elliott Barnett, Associate Planner

Address: City of Tacoma
Planning and Development Services Department
747 Market Street, Room 345
Tacoma, WA 98402

Phone #: 253.591.5389

Fax #: 253.591.5433

E-mail Address: elliott.barnett@cityoftacoma.org

Elliott Barnett, Associate Planner
Planning and Development Services
City of Tacoma
747 Market Street, Room 345
Tacoma, WA 98402