



AGENDA

MEETING: Regular Meeting
TIME: Wednesday, August 7, 2013, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402

A. CALL TO ORDER

B. QUORUM CALL

C. APPROVAL OF MINUTES – Regular Meeting on July 17, 2013

D. DISCUSSION ITEMS

1. South Downtown Subarea Plan and EIS

- Review the status of the project.
- See “Agenda Item D-1” / Ian Munce, 573-2478, imunce@cityoftacoma.org

2. Recreational Marijuana

- Review options for possibly regulating the production, processing, and retail of recreational marijuana as authorized by Initiative 502.
- See “Agenda Item D-2” / Lihuang Wung, 591-5682, lwung@cityoftacoma.org

E. COMMUNICATION ITEMS & OTHER BUSINESS

1. North Downtown Subarea Plan & EIS Steering Committee meeting, Wed., August 7, 2013, 5:00 p.m., Bates College Downtown Campus, Main Building Auditorium, 1101 S. Yakima Avenue.
2. Tentative Agenda for the August 21, 2013 Meeting:
 - Transportation Commission
 - 2015 Comprehensive Plan Update
 - Recreational Marijuana

F. ADJOURNMENT





MINUTES (draft)

Time: Wednesday, July 17, 2013, 4:00 p.m.
Location: Room 16, Tacoma Municipal Building North
Present: Sean Gaffney (Chair), Donald Erickson, Tina Lee (arrived at 4:25), Alexandria Teague, Erle Thompson, Stephen Wamback, Scott Winship
Absent: Benjamin Fields, Mark Lawlis

CALL TO ORDER

Chair Gaffney called the meeting to order at 4:05 p.m. and declared a quorum present. The Commissioners welcomed Commissioner Teague (representing the Environmental Community) and Commissioner Wamback (representing District No. 4) who had been appointed by the City Council on July 9, 2013. Chair Gaffney (representing the Architecture, Urban Design and Historic Preservation) also had been reappointed on the same day. They were sworn in by the City Clerk prior to the meeting.

APPROVAL OF MINUTES

The minutes of the meeting on June 19, 2013 were approved as submitted.

DISCUSSION ITEMS

The Commission suspended the rules and considered the discuss items on the agenda in the following order: (1) Hilltop Subarea Plan and EIS; (2) 2014 Annual Amendment; and (3) Election of Vice-Chair.

1. Hilltop Subarea Plan and EIS

Brian Boudet, Manager of Planning Services Division, provided a status report on the Hilltop Subarea Plan and EIS (formerly referred to as the "MLK Subarea Plan and EIS"). He provided an overview of the project's scope, schedule, and community outreach efforts. He also reviewed the key aspects of the implementation strategies, including community organization, educational effectiveness/reputation, dense mixed-income housing growth, preserving key historic resources, supporting live/work and work/live, recreational opportunities, complete streets, LINK Light Rail, district-wide utility plan, and refinements to zoning and standards.

2. 2014 Annual Amendment

Lihuang Wung, Planning Services Division, provided an overview of the background, process and timeline, key issues, and outreach efforts concerning the 2014 Annual Amendment to the Comprehensive Plan and the Land Use Regulatory Code. Mr. Wung and Mr. Boudet provided more details on the following subjects that could potentially be included in the 2014 Annual Amendment package: Comprehensive Review of Growth Strategies and Mixed-Use Centers, Mixed-Use Centers Zoning Code Review, Affordable Housing Policies and Regulations, Development Intensity Designations, Open Space Habitat and Recreation Element, Sustainability Code, Urban Forestry Code, and Plan/Code Clean-up.

3. Election of Vice-Chair for 2013-2014

The Commission continued the election process for the Vice-Chair position from the last meeting on June 19, 2013, where the two nominees, current Vice-Chair Lee and Commissioner Thompson, received a 3-3 tie vote. Vice-Chair Lee announced that she would withdraw from the election, due to the increased workload at work that may limit her time serving as the Vice-Chair, if re-elected. Commissioner Erickson noted that in accordance with the Robert's Rules of Order the Commission may reopen the nomination by a majority vote; he suggested that the Commission should consider opening up to new nominations for this important position. Chair Gaffney concurred with the proposition and entertained a motion to that effect. Commissioner Erickson made the motion, which was seconded by Vice-Chair Lee, and the motion was passed unanimously. Commissioner Erickson nominated Commissioner Winship, and the nomination was accepted. Chair Gaffney called for the vote. Commissioner Winship received five votes and Commissioner Thompson received two votes. Commissioner Winship was elected the Vice-Chair for 2013-2014, effective immediately.

COMMUNICATION ITEMS AND OTHER BUSINESS

- (a) The Commission acknowledged that:
- Applications for amending the Comprehensive Plan and/or Land Use Regulatory Code for 2014 are due August 1, 2013.
 - The tentative agenda for the next meeting on August 7, 2013 include Transportation Commission, and 2014 Annual Amendment.
- (b) Mr. Boudet informed the Commission that the City Council is considering initiating interim zoning regulations concerning marijuana-related uses, in response to Initiative 502 approved by Washington State voters in November 2012. The Washington State Liquor Control Board is developing administrative rules for implementing I-502, which would involve local jurisdictions in the review process for license applications for marijuana production, processing and retails that are located within the respective jurisdictions. Such reviews are expected to begin in September 2013. The interim regulations, if imposed, would provide the City an effective tool and policy and regulatory guidance for reviewing such applications. More information will be provided to the Commission at the next meeting, Mr. Boudet indicated.
- (c) Mr. Wung announced that an orientation session will be conducted for Commissioners Teague and Wamback immediately after the adjournment of this meeting.

ADJOURNMENT

The meeting was adjourned at 5:40 p.m.



City of Tacoma
Planning and Development Services

**Agenda Item
D-1**

To: Planning Commission
From: Ian Munce, AICP, Planning Services Division
Subject: **South Downtown Subarea Plan and EIS – Status Update**
Meeting Date: August 7, 2013
Memo Date: July 31, 2013

At the Planning Commission's next meeting on August 7, 2013, staff will provide an update on the South Downtown Subarea Plan and Environmental Impact Statement (EIS) project. This will include an overview of the project's schedule, community outreach done to date, and the next steps.

The City of Tacoma was selected to participate in the U.S. Department of Housing and Urban Development's Sustainable Communities Regional Planning Grant Program. Coordinated by the Puget Sound Regional Council, the City of Tacoma has received \$500,000 to develop a long-range Subarea Plan and area-wide State Environmental Policy Act EIS addressing future development standards and incentives and coordinated infrastructure investments in South Downtown. As the second largest city in the Puget Sound region, Tacoma is the most important business center in the South Sound region and the South Downtown Subarea Plan and EIS hope to capitalize on this potential and plan for expected future growth.

As shown on the attached map, the project area encompasses 600 acres of historic industrial and commercial land in the southern half of Tacoma's downtown and includes five distinct districts: the Dome District, Brewery District, UWT/Museum District, Thea Foss Waterway and Shoreline, and the Hillside District. The unique characteristics of the area represent an unmatched opportunity to absorb growth and transform into a transit-oriented community which is expected to absorb more than 30,000 new residents and 40,000 new jobs over the next 20 years.

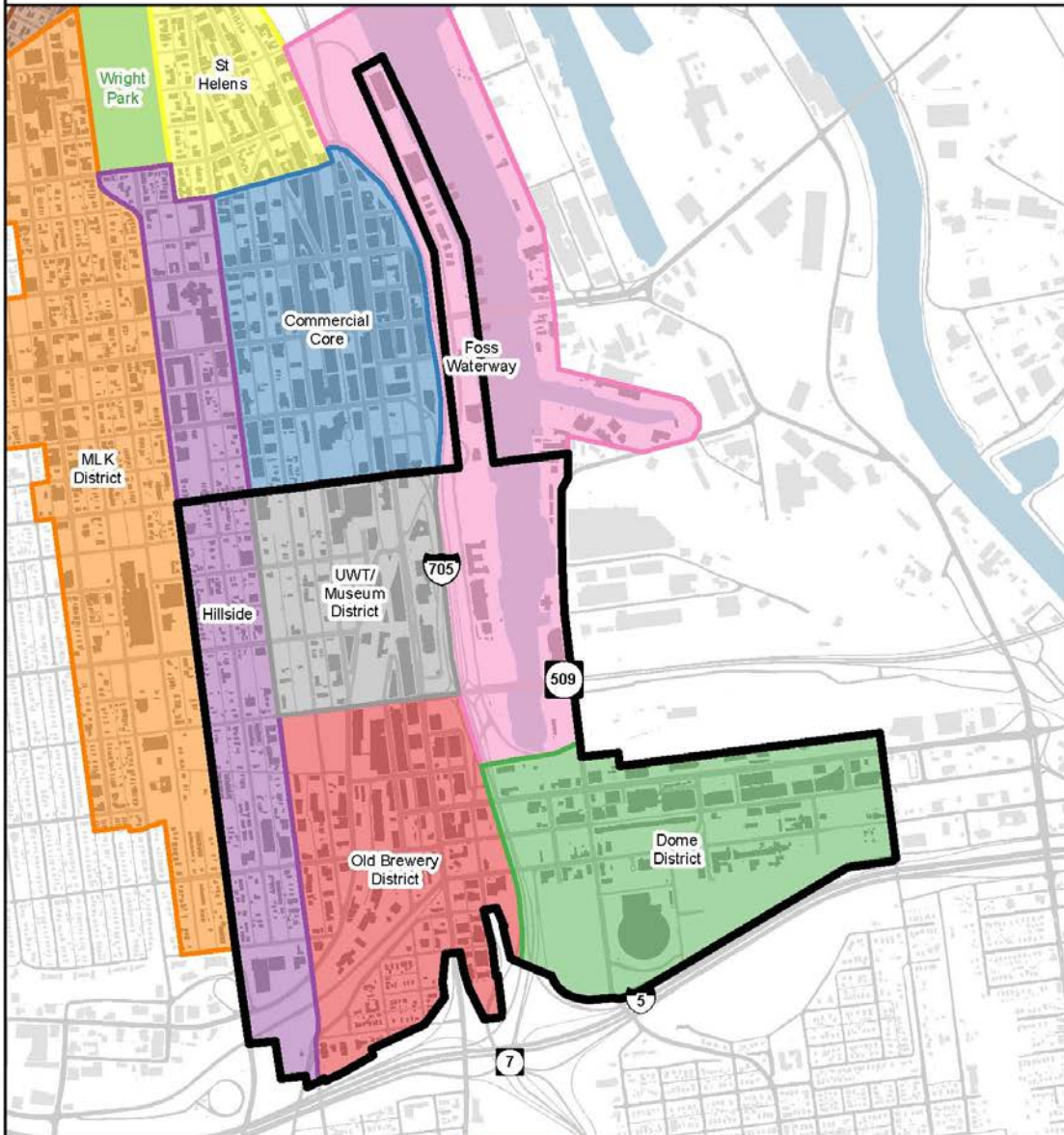
The Draft South Downtown Subarea Plan and EIS were released for the formal 30-day public comment period in March 2013. Staff is currently in the process of incorporating the comments received into the Final Plan and EIS as well as drafting regulatory code changes as recommended by stakeholders. The Final Plan and EIS are expected to be reviewed by the Planning Commission in September and then forwarded to the City Council for review and adoption at the end of the year.


This project has been closely coordinated with the planning efforts for the Hilltop Subarea Plan & EIS and the North Downtown Subarea Plan & EIS. For more information about this project, please visit: www.cityoftacoma.org/planning and click on "South Downtown Subarea Plan & EIS". If you have any questions, please contact me at (253) 573-2478 or imunce@cityoftacoma.org.

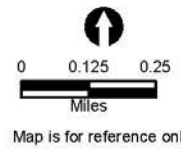
Attachment (Map of Project Area)

c. Peter Huffman, Interim Director

South Downtown Subarea Boundaries



 Downtown (South) Sub-Area Plan





City of Tacoma
Planning and Development Services

**Agenda Item
D-2**

To: Planning Commission
From: Lihuang Wung, Planning Services Division
Subject: **Recreational Marijuana**
Meeting Date: August 7, 2013
Memo Date: July 31, 2013

Initiative 502 approved by Washington voters in November 2012 would license and regulate the production, processing, and retail of recreational marijuana. The Washington State Liquor Control Board (WSLCB) is tasked with establishing rules implementing Initiative 502 and for determining a “maximum number of retail outlets that may be licensed in each county.” According to the *Proposed Rules* issued on July 3, 2013, the WSLCB would begin accepting applications for all license types on September 16, 2013.

The City’s options in terms of land use actions may include “do nothing”; prohibiting recreational marijuana producers, processors and retailers from locating within the City, on an interim or permanent basis; and regulating such uses within the City, on an interim or permanent basis.

At the next meeting on August 7, 2013, the Planning Commission will review background information concerning Initiative 502, its impacts to local jurisdictions, and potential land use action(s) that may be taken by the Planning Commission and the City Council.

Attached are two documents produced by the WSLCB concerning the *Proposed Rules: a Highlight and a Frequently Asked Questions*. If you have questions about this information, please contact me at 591-5682 or lwung@cityoftacoma.org.

Attachments (2)

c: Peter Huffman, Interim Director



Washington State Liquor Control Board

Proposed Rules Highlights

July 3, 2013

LCB Rulemaking Objective

- Creating a tightly controlled and regulated marijuana market;
- Including strict controls to prevent diversion, illegal sales, and sales to minors; and
- Providing reasonable access to products to mitigate the illicit market.

LCB Role and Responsibility

- Ensuring public safety is the top priority;
- Creating a three-tier regulatory system for marijuana;
- Creating licenses for producers, processors, and retailers;
- Enforcing laws and rules pertaining to licensees; and
- Collecting and distributing taxes.

Timeline

December 6, 2012	Effective date of new law
May 16, 2013	Draft rules sent to stakeholders for input and vetting
July 03 2013	Proposed rules filed with Code Reviser (CR 102)
August 6-8, 2013	Public hearings on proposed rules
August 14, 2013	Rules adopted
September 16, 2013	Rules become effective
September 16, 2013	Begin accepting applications for all three licenses (30-day window)
December 1, 2013	Rules are complete (as mandated by law)
Dec. 2013 / Jan. 2014	Begin issuing producer, processor and retailer licenses

Proposed Rules Highlights

License Requirements

- **30 day window**
 - The LCB will open registration for all license types for a 30 calendar day window (mid-September)
 - LCB may extend the time or reopen application window at its discretion
- **State Residency Requirement**
 - I-502 requires a three month state residency requirement (all license structure types)
- **Background Checks**
 - Personal criminal history form with license forfeiture if incomplete or incorrect
 - Fingerprinting of all potential licensees
 - Background checks of license applicants and financiers
- **Point System**
 - The LCB will apply a disqualifying point system similar to liquor
 - Rules allow exceptions for two misdemeanor convictions of possession w/in three years

July 03, 2013

- **Costs and Fees**
 - \$250 application fee
 - \$1,000 annual renewal fee
 - Additional fees for background check and filing for local business license
- **Taxes**
 - License applicants must submit a signed attestation that they are current on taxes owed to the Washington State Department of Revenue.

Public Safety

- **Producer Structures**
 - Rules allow producer operations in secure: indoor and outdoor grows as well as greenhouses
- **Traceability**
 - LCB will employ a robust and comprehensive traceability system (software) that will trace product from seed/clone to sale.
 - LCB enforcement can match records to actual product on hand.
- **Background Checks**
 - Personal criminal history form
 - Fingerprinting of all potential licensees
 - WSP and FBI back background checks of licensees and financiers
- **Point System**
 - LCB will apply a disqualifying point system similar to liquor (exceptions for possession)
- **Violation Guidelines / Standard Administrative Procedures Act Guidelines**
 - \$1,000 criminal penalty for sales to a minor
 - Sets strict tiered system of violation record over a three year period
 - Group 1 public safety:
 - First violation: 10 day suspension or \$2,500
 - Second violation: 30 day suspension
 - Third violation: license cancellation
- **Child Resistant Packaging**
 - Specific requirements for marijuana and marijuana-infused products in solid and liquid forms
- **Security and Safeguards**
 - Alarm and surveillance video camera requirements (including minimum pixels and lockbox encasement)
 - Strict transportation and record keeping requirements (no third party transport of product)
 - Hours of operation limited to 8:00 a.m. to 12:00 a.m.
- **Advertising Restrictions**
 - Law restricts advertising within 1,000 feet of schools, public parks, transit centers, arcades, and other areas where children are present.

- May not contain statements or illustrations that: is false or misleading, promotes over consumption, represents that the use of marijuana has curative or therapeutic effects, depicts a child or may be appealing to children.
- **Limits on Retail Stores**
 - LCB to provide advance notice to local authority
 - Per I-502, LCB to determine number of retail outlets per county
 - LCB to hold county-by-county lottery accounting for population distribution
 - BOTEK Analysis Corporation determining county consumption levels.
 - Consumption will drive number of retail outlets.

Consumer Safety

- **Behind the counter storage**
 - No open containers or handling of product
 - Sniff jars with sealed, screened-top lids allowed
- **Strict packaging and label requirements**
 - Limited servings and concentration per package
 - Lot number
 - Warning label
 - Net weight
 - Concentration of THC and five other cannabinoids
 - Usage warnings (specific warning for ingestible foods/liquids about effect delays)
 - Upon request
 - Third party lab that tested lot and results
 - All pesticides, herbicides, fungicides found in product
- **Defined Serving Size**
 - Defined serving sizes on marijuana-infused product label
 - 10 mg of THC per serving
 - 100 mg of THC per product
- **Lab Tested and Approved (monograph)**
 - All lots will be tested by independent accredited labs
 - Established and uniform testing standards
- **Store Signage and Product Warnings**
 - No minors allowed in stores
 - Required product and usage signs within stores

For more information regarding Initiative 502, please visit the Liquor Control Board website at www.liq.wa.gov.

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Washington State Liquor Control Board

Frequently Asked Questions about the I-502 Proposed Rules

Topic: Initiative 502

Date: July 3, 2013

Licensing

When can I get my license?

We will begin accepting applications for all three license types (producer, processor and retailer) for 30 days on September 16, 2013 and expect to begin issuing licenses, at the earliest, in December 2013. Due to the anticipated turnout and rush to obtain a license it is possible that the process may take longer than the projected 90 days. The best way to stay up to date on the implementation process and when the applications become available is to register for [email notifications](#) on the WSLCB website.

Why are you only accepting applications for 30 days?

Opening up the licensing window for 30 days affords anyone who is qualified to apply for a license the opportunity to do so. Whether you are a small grower or larger company you will be given the same opportunity to get a license. Closing the window after 30 days allows the Board the opportunity to assess the market and see what changes, if any, are needed regarding the number of licenses. The Board may also reopen the window at its discretion.

How many producer and processor licenses will be issued?

Presently the WSLCB does not intend to limit the amount of producer or processor licenses it will issue. The LCB will open a 30 day window in September where anyone can apply, and qualified applicants will receive licenses.

How many retail licenses will be issued?

The number of retail locations will be determined using a formula that distributes the number of locations proportionate to the most populous cities within each county. Locations not assigned to a specific city will be at large. Once the number of locations per city and at-large have been identified, the specific locations will be selected by lottery in the event the number of applications exceeds the allotted amount for the cities and county.

How will the lottery work?

WSLCB staff are developing the guidelines for the retail license lottery. As more information becomes available we will notify stakeholders via the [I-502 Listserv](#).

If the local authority objects to my proposed location after filing my application can I move my location without refiling?

Applicants will be able to change the location of a potential license if the local authority objects, as long as the application is still in the processing stage, without filing a new application.

Will a criminal record impact my ability to get a license?

The WSLCB will employ a disqualifying criminal history point system similar to liquor. An exception would be allowed for two misdemeanor convictions of possession within three years. A felony conviction will prohibit you from obtaining a marijuana license if the conviction was in the last 10 years.

How do I prove three months residency?

There are many ways to prove residency. Some examples include:

- Get a Washington State driver's license or ID card, which has an issue date on it
- Present three months worth of utility bills, pay stubs, etc.
- Register to vote

You can find out more about state residency requirements at [Access Washington](#).

How do I show I'm current on my taxes?

Prospective licensees will be required to sign an attestation that they are current on their taxes. Failure to do so or misrepresentation of the status of your taxes is grounds to deny the application.

Can I get my \$250 application fee back?

Marijuana application fees are non-refundable.

Is it true that the WSLCB is just going to license current medical marijuana outlets to retail marijuana?

No. Retail licenses will be issued to qualified applicants who meet the licensing criteria. A medical marijuana outlet that wants to convert to a recreational outlet will have to go through the same application process as any other potential applicant. If they were to obtain a retail license they would only be allowed to sell marijuana purchased from the recreational system, they would not be allowed to comingle medical and recreational marijuana.

Can local jurisdictions prevent me from opening a location?

The LCB has no authority to dictate zoning requirements to local governments. Municipalities could conceivably zone marijuana/related businesses out of their geographical area, check with your local authority to understand their requirements.

Since there are a limited number of retail licenses available can I apply for a retail license and a processor and/or producer license at the same time to ensure that I'm not left out and then withdraw the processor and/or producer license application in the event that I get the retail license?

No. Applicants must decide ahead of time which license type they are pursuing. If an applicant applies for a retail license in addition to one of the other two license types all of the applications will be rejected.

Can I be a processor and a producer?

Yes. Licensees may hold a both a producer and processor license together.

Is there a producer/processor license?

No. Applicants must apply for, and obtain, both licenses separately and must pay the application and renewal fees on both licenses.

Do I have to pay the 25% tax on sales between producer and processor if I hold both licenses?

No. If you hold a producer/processor license you avoid the 25% tax that would be applied to a producer to processor sale.

Do I have to provide proof from my landlord that they are aware of how their property is being used?

No. The provision requiring an applicant to provide a signed affidavit showing their landlord is aware of the marijuana related business using their property has been removed.

There is a bus stop in front of my location; will that disqualify me from getting a license?

The rules define "public transit center" as a facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge.

Can I have multiple locations?

Yes. However each location must be licensed separately and the licensee must meet the previously mentioned requirements on license types.

How will the WSLCB measure distance from a restricted area to a potential marijuana location?

I-502 directs the WLCB to measure, in a straight line, from the perimeter of a restricted area to the perimeter of a potential location.

If I'm providing financial backing do I have to be a resident?

Yes. Financiers will be required have three months Washington state residency and to pass the same criminal background checks as a licensee.

Testing**How can I get my laboratory certified to test marijuana?**

The LCB will contract (via the request for proposals process) with a firm who will be responsible for accrediting labs.

How will I get my products tested?

The LCB will furnish a list, via our website, of accredited labs for producers to contract with for testing services.

Traceability/Product**What is the traceability system?**

A robust and comprehensive traceability software system will that will trace product from start to sale. Licensees will have to use tracking software that is compatible with LCB's traceability system and allows the LCB to monitor and track any plant at any time.

When do my plants need to be entered into the traceability system?

Prior to reaching eight inches in height or width each plant must be tagged and tracked individually

How do I obtain startup inventory?

Within fifteen days of starting production operations a producer must have all non-flowering marijuana plants physically on the licensed premises and recorded into the traceability system. No flowering marijuana plants may be brought into the facility during this fifteen day timeframe. After the 15 days pass, a producer may only start plants from seed or create clones from a marijuana plant located physically on their licensed premises, or purchase marijuana seeds, clones, or plants from another licensed producer.

Growing**Where can I grow?**

- **Indoors/Greenhouse**

Fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.

- **Outdoor**

Outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083.

Can a current farm just convert its crop to marijuana?

Converting a crop to marijuana would require a producer license and the farm would have to meet all of the guidelines set forth in the rules pertaining to outdoor growing.

Can I grow in my personal residence?

No. The rules state that “the Board will not approve a license for any location where law enforcement access, without notice or cause, is limited. This includes personal residences.” Private residences are afforded a degree of privacy under the 4th amendment of the U.S. Constitution that is incompatible with the regulatory requirements of I-502.

Are there any limits on how much marijuana I can produce or keep on hand?

Presently the LCB does not plan to limit the amount of marijuana on hand at licensed locations. All marijuana products must be tracked through the traceability software.

How many plants can I grow? Are there any size restrictions on growing operations?

Presently the WSLCB is not capping the number of plants that a producer can grow or how large of a production facility they operate. However producers will have to track and trace every plant and grant access to that information upon request of the WSLCB.

How can I get my marijuana certified as organic?

Marijuana may not be labeled as organic unless permitted by the United States Department of Agriculture in accordance with the Organic Foods Production Act.

Processing

Why can't I advertize marijuana's medical benefits?

The WSLCB is regulating the recreational marijuana market and does not evaluate the medical claims of a recreational product. Prospective licensees who want to produce/market marijuana for medical purposes should research Washington's medical marijuana laws.

How will you prevent children from accidentally ingesting marijuana products?

Marijuana infused products must be packaged in child resistant packaging in accordance with Title 16 CFR 1700 of the Poison Prevention Packaging Act.

What happened to the “Produced in Washington” icon?

During the public comment period the WSLCB heard a variety of comments on the icon and ultimately decided to remove it from the rules. The intent of the icon was to provide parents, teachers, etc with a visual aid that helped them readily identify a product as marijuana. Many of the comments were positive and appreciated the WSLCB's work on this issue, while others were concerned that the icon may be seen

as promotional. The Board does reserve the ability to require an icon be included on packaging in the future for public safety purposes if they deem it necessary.

Why does the Board want to ban concentrates?

The Board's analysis believes that the definition of usable marijuana or infused product in I-502 does not cover concentrates. While the Board was willing to allow concentrates they are not inclined to break the law to do so.

Does hash qualify as usable marijuana?

No. Under the definitions of I-502 hash does not qualify as usable marijuana.

Can I infuse concentrates with an inert oil, or similar substance, and sell it?

Yes. This would qualify as a marijuana infused product.

What is the minimum level of added marijuana for a product to be considered a marijuana infused product?

The Board has not set minimum thresholds for what constitutes an "infused" product.

Retail

Can I run a retail delivery business?

No. Third party delivery is not allowed. All retail sales must take place in a licensed retail establishment.

Can a medical marijuana outlet and a retail outlet share the same space?

No. The two operations would have to be separate. Retail outlets are only allowed to sell marijuana that comes from a licensed processor and licensed processors are not allowed to sell to unlicensed entities, such as a medical marijuana outlet.

Are there any restrictions on retail hours of operation?

Retail marijuana operations may take place between the hours of 8:00AM and 12:00AM.

Why can't I hold the marijuana before purchase?

I-502 is very clear that there can be no open containers of marijuana, or consumption of marijuana at licensed locations. The WSLCB cannot write rules that contradict the law.

Why can't I smell the marijuana before purchase?

Retail licensees are allowed to provide a sample jar with a plastic or metal mesh screen to allow customers the ability to smell the product before purchasing. Opened marijuana products are not allowed inside a licensed retail outlet.

Miscellaneous

Will the WSLCB be setting prices?

No. The WSLCB will not set prices but licensees are not allowed to sell marijuana products below their acquisition cost.

Can I provide samples?

Producers are allowed to provide samples to a processor and processors are allowed to provide samples to a retailer. Retailers are not allowed to supply samples to the public.