



AGENDA

MEETING: Regular Meeting

TIME: Wednesday, November 19, 2014, 4:00 p.m.

LOCATION: 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 November 5, 2014

D. Discussion Items

1. Mixed-Use Centers Review (Annual Amendment Application #2015-02)

Review the status and expected outcomes of the project, as well as how it relates to the City's overall growth strategy and vision.

(See "Agenda Item D-1"; Stephen Atkinson, 591-5531, satkinson@cityoftacoma.org)

2. Recreational Marijuana Regulations

Review and modify as appropriate the draft regulations; authorize the distribution of the draft regulations, as may be modified, for public review; and set December 3, 2014 as the date for a public hearing.

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

E. Communication Items & Other Business

- 1) Infrastructure, Planning and Sustainability Committee's meeting on November 26, 2014 has been canceled.
- 2) Planning Commission regular meeting and public hearing, December 3, 2014, 4:00 p.m., Council Chambers; agenda includes: Land Use Designations Phase 2, and Recreational Marijuana Regulations (public hearing).

F. Adjournment





City of Tacoma
Planning and Development Services

TO: Marijuana Interested Parties
FROM: Elliott Barnett, Associate Planner
Planning and Development Services Department
DATE: November 13, 2014
SUBJECT: Recreational Marijuana Permanent Regulations

Why Are You Receiving This Memo?

You have been identified as one of the Marijuana Interested Parties, primarily because of your application for recreational marijuana business licenses within the City of Tacoma.

What Is This About?

We would like to ensure that you are aware that the City Council has initiated in October 2014 a process to develop permanent land use regulations concerning the production, processing, and retail sale of recreational marijuana. The permanent regulations are intended to replace the current Recreational Marijuana Interim Regulations and are expected to become effective in January-February 2015.

What Is Happening Now and Next?

The City Council has requested for the Planning Commission to develop recommendations on the proposed permanent regulations. The Commission spent the last two meetings on October 15 and November 5 reviewing the perimeters of the subject and deciding on key provisions to be incorporated in the permanent regulations. The Commission is expected to complete the draft regulations at the next meeting on November 19, conduct a public hearing on December 3 to receive public comments, and make its recommendations on December 17. The Council is scheduled to conduct its review, including a public hearing on January 6, 2015, before adopting the permanent regulations by the end of January.

Attached on the back side of this memo for your information is the Planning Commission's agenda for November 19, 2014. You will receive a notice for the Commission's public hearing on December 3, 2014 and the Council's public hearing on January 6, 2015.

Where to Get More Information?

We encourage you to stay tuned and/or get involved in the process for developing the marijuana permanent regulations. For more information, please visit the Planning Services Division's home page at www.cityoftacoma.org/planning, and from that page, click on the following three links:

1. **"Recreational Marijuana Interim Regulations"** (for background information regarding the current interim regulations);
2. **"Recreational Marijuana Permanent Regulations"** (for the status of the development of the permanent regulations); and
3. **"Planning Commission", and then "Agendas and Minutes"** (to view the Planning Commission's agendas, minutes, and meeting recordings).

Who to Contact?

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



MINUTES (Draft)

TIME: Wednesday, November 5, 2014, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402
PRESENT: Scott Winship (Vice-Chair), Chris Beale, Donald Erickson, Benjamin Fields, Tina Lee, Stephen Wamback
ABSENT: Sean Gaffney (Chair), Erle Thompson

A. CALL TO ORDER

Vice-Chair Winship called the meeting to order at 4:01 p.m.

B. QUORUM CALL

A quorum was declared.

C. APPROVAL OF MINUTES

The minutes of the regular meeting and public hearing on October 1, 2014 were reviewed. Commissioner Erickson provided a correction to the Quorum Call section, where Vice-Chair Winship's district should be "No. 1", not "No. 2." The minutes were approved as amended. The minutes of the regular meeting on October 15, 2014 were also reviewed, and approved as submitted.

D. DISCUSSION ITEMS

1. Historic Preservation Program Update

Reuben McKnight, Historic Preservation Officer, introduced Lauren Hoogkamer, the newly hired Historic Preservation Coordinator, and provided an update of the Historic Preservation Program. He mentioned that the program is undergoing expansion and enhancement, which is an outgrowth of the work of the Planning Commission during the comprehensive planning process to establish the Historic Preservation Plan element in the Comprehensive Plan.

Mr. McKnight highlighted some of the program enhancements, including the Historic Properties Maintenance Code, the Historic Property Rehabilitation Loan, and the increased emphasis on outreach efforts and community partnerships. Ms. Hoogkamer elaborated on the community outreach efforts and mentioned some of the upcoming events, including the Adaptive Reuse Open House and Harmon Brewery Tour, the Winter Fundraiser at the Foss Waterway Seaport, and the February Tacoma Heritage Mixer. She also discussed her work to get the *Eyes of the Totem* film produced in 1927 back to Tacoma.

Mr. McKnight also briefly discussed some of the recent historic building designations including the City Shop and Stables, the J.E. Aubry Wagon & Auto Works, the Hunt-Mottet Warehouse, the McKinley Hill Elementary School, the Oakland Elementary School, the Hoyt Elementary School, the Shaw Residence, and the pending Point Defiance Streetcar Station ("Pagoda").

With respect to upcoming business items, Mr. McKnight spoke of the West Slope Conservation District application, which was submitted to the City late last year and is currently under review by the Landmarks Preservation Commission (LPC). He discussed the scope, intent, issues and neighborhood involvement

associated with the application. He anticipated bringing a recommendation from the LPC to the Planning Commission early in 2015 to review both on the Conservation District standards and the compatibility with general land use code and the Comprehensive Plan.

2. Recreational Marijuana Regulations

Elliott Barnett, Planning Services Division, began the presentation with an updated map that showed the marijuana industry locations, including 56 currently known medical marijuana locations, 5 existing and 3 pending recreational retail locations, and 4 existing and 21 pending recreational production/processing locations. In terms of medical marijuana enforcement, he noted that since 2012, Code Enforcement Group had investigated 163 complaints for 79 locations, resulting in 48 investigations with no actions taken, and 31 investigations that resulted in enforcement actions. Of the 31 locations with formal actions taken, 23 had closed or moved and 8 were still in enforcement action.

Concerning the development of recreational marijuana permanent regulations, Mr. Barnett facilitated the Commission's review and discussion of the following potential changes to the current interim regulations:

- 1) Changes proposed for location – including adding homeless shelters to the current buffers list, limiting retailers to one per Mixed-Use Center or one per major business center, and adding a buffering requirement between retailers;
- 2) Changes proposed for process – including clarifying that the regulatory requirements would apply to all new marijuana businesses, creating a new review process to supplement the state's license review, and adding a requirement for public notification;
- 3) Changes proposed for standards – including limiting the hours of operation, and prohibiting "bad operators" who have a history of not complying with the code;
- 4) Other issues – including limiting production/processing to ensure adequate industrial capacity for major employers to expand, allowing production/processing in M-1 and WR zones, and the need to submit to the Department of Ecology the prohibition of marijuana in Shoreline districts as an amendment to the Shoreline Master Program.

Discussion ensued. The Commissioners raised some comments and questions, such as the following:

- Consider substituting the term "collective garden" that has multiple definitions and is a point of contention with a more ambiguous term like "medical location".
- Are there any known plans to address the medical marijuana retailers? (Lisa Wojtanowicz, Manager of the Code Enforcement Group, responded that the first step taken to address this was to survey and identify the locations. Next, on December 2nd the City Council will consider different options that will be presented.)
- How is the 600-foot buffer applied in response to complaints? (Ms. Wojtanowicz: They first looked at the location on a map to identify any sensitive uses within the buffer area. If the location is not clearly selling and is outside of the buffer, formal action has not been taken. The focus has been on locations inside of the buffer, which are easily upheld to appeal.)
- Why would a homeless shelter be considered for a buffer? (Lihuang Wung indicated that Commissioner Thompson made the original suggestion, concerned that children can be present at homeless shelters.)
- A high density of bars is allowed and often celebrated and limiting the closeness of retailers does not make sense. (Mr. Barnett: Following prohibition, alcohol made a slow path to legality most recently with the state relinquishing control of liquor sales.)
- Liquor stores used to have to post notices, which might provide precedent. (Mr. Barnett: In that case the state determined the requirement, but they don't require the posting of a notice with marijuana retailers.)

- The notification requirement could be good because there's an educational component, providing an opportunity to provide additional information to concerned neighbors.
- The notification requirement could be a concern, specifically that without a comment period and an appeal process, it serves no purpose and potentially leaves people more upset and frustrated with the government's process.
- Is there a policy of prohibiting bad operators in situations other than marijuana? (Mr. Barnett: Not currently. Code enforcement is not currently covered by the business license process.)
- Restricting hours of operations wouldn't be a problem with just retail, but if medical marijuana goes away in the future it could limit access to patients who might need access in off hours.
- Is Tacoma limited to the number of recreational retail locations by the state? (Mr. Barnett: Yes, Tacoma is currently limited to 8 retailers, but in the future they could move or be replaced should some close down.)
- Are there any distribution requirements for other businesses? (Mr. Barnett: Adult Uses is one that has distribution requirement and buffers as well.)
- Is there any precedent for limiting so called "bad operators"? (Mr. Barnett: There was a case, where there were grounds for concern, but no avenue to take action.)

Upon concluding the discussions, the Commission decided that the homeless shelters would not be considered for buffering, for the existing list of buffered facilities is adequate, and that the "one per center" concept would not be considered, for the concern would be addressed through the distribution requirement. The Commission also suggested that a distribution requirement be considered such that no new retail marijuana establishment would be allowed within 1,000 feet of an existing retail marijuana business; that a 400-foot public notification of proposed retail marijuana businesses be considered, allowing for public input on consistency with administrative standards; and that further limiting the hours of operation be considered. Concerning "bad operators", the Commission was reluctant to add code language to clarify City authority to deny a marijuana business application based on a pattern of noncompliance with City code; rather, the Commission suggested staff to conduct benchmarking research on the issue, and consult with the City Attorney's Office and the Risk Management Office.

The Commission directed staff to prepare draft code amendments according to the Commission's comments, suggestions, and decisions for its review at the next meeting on November 19, 2014.

Mr. Barnett noted that a tour of the Spinning Heads production and processing facility is being arranged for the Governor's Office on December 4, 2014 (tentatively). Several Commissioners showed interest and suggested that perhaps multiple tours be arranged to accommodate more Commissioners.

3. Land Use Designations – Phase 2 (Annual Amendment Application #2015-04)

Stephen Atkinson, Planning Services Division, following on the Commission's discussion on August 20, 2014, provided a "big picture" presentation on the subject, focusing on the following topics: purpose and use of the Generalized Land Use Map, corresponding zoning and maintaining use flexibility, general principles for applying the new designation system, and overview of the scope of changes being considered.

Mr. Atkinson introduced the challenge of taking the complexities of the city (diversity of use, diversity of conditions, etc.) and how they can be obscured through the generalizations of maps. How do we accommodate that complexity and how we use these maps to balance the way we represent the community we are today and the community we are trying to become? Mr. Atkinson indicated that currently a generalized land use map is used to express what the future intent is for land use, within which there is a relationship between intensities and zonings, where the intensities drive which kind of zoning is appropriate. Zonings can change frequently. The broad spectrum of zonings and the intensity concept make it difficult to relate to individual citizens how it can affect their community.

Mr. Atkinson next discussed the transition from the existing development intensity concept to the new land use designation framework adopted by the City Council in 2013. He showed a new map that demonstrates the distinctions between designations. The next phase will fully implement the new designations at the Comprehensive Plan level.

Moving on to addressing inconsistencies, Mr. Atkinson reviewed a map that took the existing zoning in the city and applied the related land use designation that has been proposed, overlaid with a map that shows the inconsistencies. He next laid out some of the objectives and recommended a path forward: finding where zonings and intensities are consistent and basing the new designation on the zoning, and finding where there are inconsistencies and erring on the side of the Comprehensive Plan intent. He also showed examples of unique circumstances, where zoning and intensities are mismatched.

Mr. Atkinson moved on to another web based map that showed Portland, and discussed the need for a way to communicate with the community proposed changes in zoning classifications.

The Commissioners had some comments and questions, such as considering a specific designation for publicly owned areas like schools or city hall. Mr. Atkinson responded that currently the approach has been to allow them to blend into their surroundings; for example, UPS is a mixture of R-2 and R-3 and is designated medium intensity. One Commissioner advised caution for zoning schools, commenting that schools are frequently replaced, expanded, or decommissioned and it is simpler to have a code deviation and departures process. There was also a comment that Portland is using a corridor based approach for the city's growth strategy, and we need clarity on what we are calling our approach.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Mr. Wung provided the following information: agenda for the Infrastructure, Planning and Sustainability (IPS) Committee's meeting on November 12, 2014, and agenda for the Planning Commission's meeting on November 19, 2014. He indicated that part of the IPS's meeting will include interviews of six candidates for the two vacant positions on the Planning Commission.

Brian Boudet, Planning Division Manager, reported that the City Council is currently going through its budget review process and individual departments are presenting their budget proposals at Council study sessions through early December; the Planning and Development Services Department's budget presentation will be on November 18, 2014. He also expressed his appreciation for Vice-Chair Winship's involvement in the consultant interviews for the 2015 GMA Update process and for Commissioner Beale's involvement in the Tacoma Mall Subarea Plan.

Commissioner Wambach provided an update of the Billboard Community Working Group; group members have been given homework assignment asking for what they would consider an ideal solution. He also indicated that the group has a website at www.cityoftacoma.org/planning (and click on "Billboard Community Working Group").

F. ADJOURNMENT:

At 6:17 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: Stephen Atkinson, Associate Planner, Planning Services Division
Subject: **Mixed Use Centers Review**
Meeting Date: November 19, 2014
Memo Date: November 13, 2014

In accordance with the State Growth Management Act (GMA) and the Puget Sound Regional Council's VISION 2040, the City of Tacoma is required to plan for 60,000 new jobs and 70,000 new residents by 2030. The City's Comprehensive Plan calls for accommodating a significant share of this future population and employment growth within compact, complete and well-connected mixed-use centers.

On November 19, John Owen of Makers Architecture and Urban Design will be presenting an overview of the mixed-use center study they are undertaking with City staff as part of the 2015 Comprehensive Plan Update. This study is expected to provide the basis for updates to the Growth Strategy and Generalized Land Use Elements. While the presentation will focus on a high level overview of the study process and anticipated outcomes, staff will be seeking concurrence from the Planning Commission for the following:

1. That the purpose of the study is not to create a litmus test for reducing the number of centers, but rather, to better focus the City's resources and investments to stimulate the envisioned development pattern;
2. That mixed-use centers do not require vertical mixed-use (i.e. ground floor commercial with residential above) to achieve the goals of the Comprehensive Plan;
3. That the City's vision of accommodating growth through the development of compact, complete centers and connective corridors remains sound and is integral to realizing the City's goals for sustainability, public health, and economic vitality.

Expected outcomes from the study include:

- A profile of the existing conditions for each center, as compared to the City's policies for the centers;
- Differentiation of the centers by form and function rather than service area;
- Individual profiles and implementation strategies for each center;
- Prioritization of implementation actions;
- Performance measures and targets.

Following the presentation by John Owen, staff will continue the discussion focusing on the City's overall urban design framework and the relationship between the mixed-use centers review, the land use designation update, and the Transportation Master Plan.

If you have any questions, please contact me at (253) 591-5531 or satkinson@cityoftacoma.org.

c. Peter Huffman, Director



City of Tacoma
Planning and Development Services

Agenda Item
D-2

To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: **Marijuana Regulations (Permanent)**
Meeting Date: November 19, 2014
Memo Date: November 13, 2014

At the next meeting on November 19, 2014, the Planning Commission will review draft code for permanent land use regulations concerning the production, processing and retail sale of marijuana. The City Council has directed staff and the Planning Commission to develop recommendations to replace the existing interim regulations. The Commission will consider releasing the proposed changes for public review and setting a public hearing date of December 3, 2014.

The current interim regulations were enacted in November 2013, effective for one year through November 2014, in response to the voter approved Initiative 502. The intent of adopting interim regulations was to allow adequate time for the City to evaluate the operations and impacts of the licensed marijuana businesses and for the State to rectify the outstanding problems with the existing, largely unregulated medical marijuana system. However, the state has not addressed the medical marijuana facilities and the recreational marijuana system is still in its infancy. The City Council recently extended the interim regulations for six months, through May 2015 (per Ordinance No. 28250, adopted on September 30, 2014), but expressed the imminent need and desire to replace the interim regulations with enhanced, permanent regulatory provisions.

At the November 5th meeting, the Commission provided direction on a package of code changes to be included in a public review document. Attached are a summary of the changes proposed, and a draft of proposed code language. Staff will request direction on any refinements to this package to prepare it for public review.

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

Attachments

c: Peter Huffman, Director

Recreational Marijuana Land Use Regulations Summary of proposed code changes

November 19th, 2014

SCOPE OF WORK: Develop permanent land use regulations governing Recreational Marijuana uses.

CURRENT INTERIM REGULATIONS: Effective November 2013 to May 2015

Purposes, Key Provisions & Licensing Status: SEE OCTOBER 15TH PACKET

KEY ISSUES:

Through discussions to date, the Planning Commission has indicated the following:

- Most pressing issues relate to medical marijuana as opposed to recreational marijuana
- The Interim Marijuana Businesses code governing marijuana production, processing and retail generally achieves its intent as is
 - It is still early to identify substantial changes, given that the first marijuana facilities have only recently been licensed and begun to operate
 - Additional changes could be considered once any potential impacts or concerns are identified
- While recognizing that state law and prior Council actions direct that marijuana uses will be regulated in a specific manner, the Commission in general holds that it is the will of the voters to normalize marijuana-related uses, treating them generally consistently to other similar land uses
- It is important that the City's permanent regulations are in place and are well-founded, in preparation for potential state action on medical marijuana activities
- Several issues have been identified through public discussions to date which could be addressed through code changes, including:
 - Clarifying that City code applies to all new marijuana businesses
 - Addressing potential neighborhood impacts by further limiting the hours of operation of retail marijuana businesses
 - Preventing the concentration of multiple retail marijuana businesses within a single area through creation of a distribution requirement
 - Establishing a clear City review process for proposed marijuana businesses
 - Providing public notification to neighbors of proposed retail marijuana businesses
 - Providing the City with the authority to consider a pattern of noncompliance with City code when reviewing proposed marijuana business applications

SUMMARY OF PROPOSED CHANGES:

On November 5th the Planning Commission directed staff to prepare draft code changes intended to address those issues through the actions summarized below. These actions have been incorporated as proposed code language in Attachment 2:

1. Add language to further clarify that all new marijuana uses must comply with City requirements
2. Further limit retail hours of operation to those of former state-run liquor stores
3. Add a distribution requirement such that no new retail marijuana establishment would be allowed within 1,000 feet of an existing retail marijuana business
4. Create a new City administrative review process designed to coordinate the City's review of marijuana businesses and to clearly grant the City authority to regulate based on local standards
5. Require a 400 foot public notification of proposed retail marijuana businesses, allowing for public input on consistency with administrative standards
6. Add language clarifying City authority to deny a marijuana business application based on a pattern of noncompliance with City code

Note: Some of the proposed actions would establish an administrative process similar in character to a regulatory license process. They could potentially be added to either the Land Use Regulatory Code, or to the License Code.



Marijuana Businesses – Permanent Land Use Regulations
Replacement of Interim Marijuana Code

DRAFT LAND USE REGULATORY CODE CHANGES

November 19, 2014

These proposed amendments include modifications to the following section of **Title 13, Land Use Regulatory Code***:

Chapter 13.06 – Zoning

13.05.565 – Marijuana Businesses

Note: These amendments show proposed changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

** Certain provisions, as indicated herein, could ultimately be contained within a different TMC title (e.g., Title 6B License Code).*

13.06.565 Marijuana Businesses.

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. 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 marijuana businesses licensed by the City after (adoption date) must fully comply with the provisions of this Section.

1. No use that purports to be a marijuana producer, processor or retailer, as defined and regulated herein and in WAC 314-55, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

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

C. Standards.

1. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) shall only be permitted as allowed under RCW 69.50 and WAC 314-55.

2. Marijuana uses shall only be allowed within the City of Tacoma if ~~appropriately~~ licensed by the State of Washington and the City of Tacoma, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements and standards.

3. Marijuana uses shall only be allowed in those zoning districts where it is specifically identified as an allowed use (see the zoning district use tables, Sections 13.06.100, -.200, -.300, and -.400 and Chapter 13.06A).

4. Marijuana uses shall be designed to include controls and features to prevent odors from travelling off-site and being detected from a public place, the public right-of-way, or properties owned or leased by another person or entity.

5. Marijuana retail uses shall not include drive-throughs, exterior, or off-site sales.

6. ~~In accordance with WAC 314-55-147, marijuana retail uses shall not be open to the public between the hours of 12 a.m. and 8 a.m.~~ Marijuana retail uses shall not be open to the public between the hours of 9 p.m. and 10 a.m. Sunday through Thursday, or 10 p.m. and 10 a.m. on Fridays and Saturdays.

7. Signage and advertising shall be allowed only in accordance with the standards set forth in TMC Sections 13.06.520 - .522, the additional standards set forth in WAC 314-55, and any other applicable standards or requirements.

8. Displays against or adjacent to exterior windows shall not include marijuana or marijuana paraphernalia.

9. Location requirements.

a. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana uses shall not be allowed to locate within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.

b. Marijuana retail uses shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers.

c. Marijuana retail uses shall be a minimum distance of 1,000 feet from any existing state-licensed marijuana retail use(s).

d. The methodology for measuring the buffers outlined above in subsections 9.a., ~~and~~ 9.b. and 9.c. shall be as provided in WAC 314-55.

e. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers outlined above in subsections 9.a., ~~and~~ 9.b. and 9.c.

f. An existing nonconforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential district, shall not be allowed to convert to a marijuana use.

** NOTE: The following provisions could be contained with TMC 13.06.565, or could be combined with similar provisions in another chapter of the TMC (e.g., TMC 6B License Code).*

10. Certificate of Approval.

a. It is unlawful for any person to engage in a marijuana business without first obtaining a Certificate of Approval from the City, the purpose of which is to ensure marijuana businesses are operated consistent with all applicable State and City requirements. To initiate this process, a complete application for a Certificate of Approval shall be submitted to the Department for City review, along with the application fee. The Department shall prescribe the form and content for a complete application.

b. Criteria. A Certificate of Approval for a marijuana business shall only be approved upon finding that the applicant has provided sufficient information to demonstrate consistency with the following criteria:

1. The applicant has an approved, active marijuana license from the State.

2. The applicant has demonstrated consistency with all applicable provisions of TMC Title 13, and any other applicable TMC requirements.

3. The applicant has obtained and fully complied with all applicable City development or other permits, and has procured a City business license.

4. The applicant does not have a consistent pattern of non-compliance with City code provisions in the development and operation of any commercial enterprise(s) located within the City of Tacoma.

c. Notification. For retail marijuana business applications, public notification shall be issued to property owners within 400 feet of the proposed marijuana retail business location, to the applicable Neighborhood Council, and to any business district or other identified stakeholder within 400 feet of the site. The purpose of this notification shall be to inform neighbors of the application, to provide the neighbors information about the standards by which such application will be reviewed, and to solicit input. Parties receiving notice of application shall be given 14 days from the date of mailing to provide comments on the proposed project to the Department.

d. Decision. Based on the criteria outlined above, the Director shall issue a decision on the proposed Certificate of Approval within 30 days of submittal of a complete application. The decision shall include any conditions of approval, and may require recertification on an annual or other basis, along with an applicable fee. The Director's decision on a Certificate of Approval should be mailed to the applicant and the property owner, if different than the applicant, by first class mail, and provided to any person who submits written comments during the comment period.

e. This Certificate of Approval shall be processed as an Administrative Determination, subject to the specific provisions outlined herein and the applicable procedural requirements contained in Chapter 13.05, including appeals, enforcement, revocation and other administrative provisions. The Director shall have the authority to suspend and/or revoke a Certificate of Approval in cases where the business is not operated consistent with the standards of this section or the operator does not maintain their required State and City licenses in good standing.