



MINUTES (Approved on 11-19-14)

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.