



AGENDA

MEETING: Regular Meeting

TIME: Wednesday, February 3, 2016, 4:00 p.m.

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

A. Call to Order and Quorum Call

B. Approval of Agenda and Minutes of January 20, 2016

C. Public Comments

Comments must be pertaining to items on the agenda and limited to up to three minutes per speaker.

D. Discussion Items

1. Marijuana Moratorium

Review key issues and potential changes to the Land Use Regulatory Code concerning marijuana retail uses and marijuana cooperatives.

(See "Agenda Item D-1"; Molly Harris, 591-5383, mharris@cityoftacoma.org)

2. Tacoma Mall Neighborhood Subarea Plan

Review the status of the Tacoma Mall Neighborhood Subarea Plan and Environmental Impact Statement (EIS) project, and provide direction for the next phase of the planning effort.

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

E. Communication Items & Other Business

- (1) Infrastructure, Planning and Sustainability Committee meeting, February 10, 2016, 4:30 p.m., Room 16; agenda includes: Sustainable Materials Management Plan; and Traffic Model Ordinance Update.
- (2) Planning Commission meeting, February 17, 2016, 4:00 p.m., Room 335; agenda includes: Marijuana Regulations; Development and Permitting Activities; Short-Term Rentals; and Wireless Communication Facilities.

F. Adjournment





MINUTES (Draft)

TIME: Wednesday, January 20, 2016, 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), Donald Erickson, Jeff McInnis,
Meredith Neal, Anna Petersen, Brett Santhuff
ABSENT: Dorian Waller, Scott Winship

A. CALL TO ORDER AND QUORUM CALL

Chair Beale called the meeting to order at 4:07 p.m. A quorum was declared. The Commission welcomed Commissioner Jeff McInnis, who was appointed by the City Council on January 12, 2016, to serve the unexpired term of the "Development Community" position through June 30, 2017.

B. APPROVAL OF AGENDA AND MINUTES OF JANUARY 6, 2016

The agenda was approved.

The minutes of the regular meeting on January 6, 2016 were reviewed and approved as submitted.

C. PUBLIC COMMENTS

Chair Beale opened the floor for public comments. The following citizens provided comments:

1) Phillip Dawdy:

Mr. Dawdy reported that he was representing SMP Company, which was on the verge of being licensed the previous week when the marijuana moratorium was enacted. Mr. Dawdy noted that Seattle had cut the buffers down to 250 feet in Belltown and reduced non-school, non-playground buffers to 500 feet elsewhere. He encouraged Commissioners to consider reducing buffers in parts of town where it makes sense and commented that his clients would be fine with moving, but they needed some open territory with commercial strips to move to.

2) Brian Caldwell, Operator and Managing Member of the Triple C Cannabis Club:

Mr. Caldwell reported that his store shares a common wall with one recreational marijuana store and is within 900 feet of another. He encouraged the Commission to consider a 100 foot buffer between stores. He commented that there was a lot of open real estate on the waterfront but not much traffic and that some areas in Downtown were unavailable due to buffers from parks. He expressed support for dispersion of stores and increasing the cap.

D. DISCUSSION ITEMS

1. Marijuana Moratorium

Molly Harris, Planning Services Division, facilitated a discussion to review and finalize the findings of fact and recommendation letter concerning the emergency moratorium on new marijuana retail uses and the establishment of marijuana cooperatives enacted by the City Council on January 12, 2016, per Substitute Ordinance No. 28343. Ms. Harris reviewed that the State's draft rules would allow additional marijuana retailers to operate in the City and that the City Council had passed the 6 month moratorium to allow time for the legislative process to move forward before any new retail stores or cooperatives could open. Some themes from the Council included expediting the process, ensuring access to citizens, and ensuring that the spirit of the law matches the letter of the law. Ms. Harris reviewed that at the Council's public hearing

on January 12, one of the concerns had been that the limited time for medical stores to obtain their licenses could potentially limit access. Ms. Harris reported that the City Council had suggested a number of issues for the Commission to consider such as whether there should be dispersion; whether there should be an additional cap; whether they should require new retail stores to have a medicinal endorsement to ensure access; and whether they should enact State standards into City regulations for things like signage and hours of operation.

Chair Beale commented that the language in the substitute ordinance did not plainly state the reason for a moratorium on cooperatives. Vice-Chair Wamback expressed concern that the language in Section 2 of the ordinance could potentially be used to claim that cooperatives are an exception to the rule. Brian Boudet, Planning Services Division Manager, commented that cooperatives would not be able to register until July and that the language in the ordinance addressing cooperatives was intended to recognize that they are a new use and would be incorporated into the discussion of new regulations. Commissioner Santhuff suggested that they would need to discuss concerns relating to how cooperatives might impact multifamily properties.

Commissioners discussed the draft letter that documented the Commission's findings of fact and recommendation in response to the Council's Resolution No. 39356 (adopted on January 5, initiating the moratorium process) and Substitute Ordinance No. 28343. Vice-Chair Wamback commented that the last paragraph of the first page expressed agreement with essentially everything outlined in the legal recitals of the resolution and the ordinance. He suggested that they consider whether the Commission is in agreement with the statement that the Council has been given all of the facts or properly measured all of the facts. Discussion ensued. Chair Beale commented that he felt that he could not completely concur that they had presented facts that cooperatives should not be allowed and suggested removing "concur" from the language. Commissioner Santhuff and Commissioner Petersen provided additional minor revisions.

Commissioner Petersen motioned to approve the letter with the edits provided by the Commission. Commissioner Erickson seconded. The motion was approved unanimously.

Ms. Harris reported that at the next Commission meeting staff would present draft regulations and a representative of the Association of Washington Cities would be present to discuss reasons for the most recent changes in the law. Vice-Chair Wamback requested that they invite representatives of a patient's rights organization or someone from an organization that represents the industry as a whole.

2. Subarea Plans Implementation

Lihuang Wung, Planning Services Division, reviewed that over six years earlier they began to respond to the requirement of the Growth Management Act to conduct subarea planning for regional growth centers designated by the Puget Sound Regional Council (PSRC). As the designated regional growth centers were relatively large, they decided to split Downtown into three areas and then pursued potential grant opportunities for resources to help them complete the subarea plans. In 2004 all three subarea plans were adopted by the City Council as new elements of the Comprehensive Plan. In 2015 the three subarea plans were submitted collectively as the Center Plan for the Downtown Tacoma Regional Growth Center which was certified by the PSRC, making projects listed in the plan eligible for regional transportation funding. The three subarea plans also won the PSRC's Vision 2040 award.

Ian Munce, Planning and Development Services Division, provided a review of implementation strategies and project activities associated with the three subarea plans. Mr. Munce commented that the narrative they had developed is that the regional vision is contrary to what had been occurring. He noted that they had provided a road map for how decentralization can occur by making it easier to develop in Tacoma. Mr. Munce reviewed that the subareas preapproved development using existing code language and allowed people to go directly to the building permit stage without further traffic studies or environmental review. Mr. Munce commented that subareas don't provide the opportunity for appeal on a project by project basis, but they do allow projects to move forward quickly. Mr. Munce reported that the subarea planning process and the right narrative had allowed things like the Federal Small Starts grant for the Link Light Rail Extension. He reported that they had also secured 2 million dollars to allow a proper design study for what M.L.K. Jr Way would look like. He noted that the subarea plans also provided leverage to

negotiate with partners in the State government. Chair Beale expressed interest in how they might incorporate Light Rail station design on MLK, noting the Commission had discussed having a stakeholders group that would consider station design elements.

Chair Beale asked if there were gaps in the planned action SEPA documents that were causing any issues as they were processing new development applications. Mr. Munce responded that it was a work in process and they did not have a lot of examples to point to as they were in a slow growth mode.

Chair Beale reviewed that the Transportation Master Plan (i.e., the Transportation Element of the recently updated Comprehensive Plan) talked a lot about traffic impact fee policy. He asked how it would affect the EIS's in the subarea plans if the City were to proceed with something like that. Mr. Munce responded that the subarea plans acknowledge adequate capacity in the existing transportation facilities and the recommendation in the plans is to postpone any impact fees until they get a significant increase in activity.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Mr. Boudet provided updates on the following items:

- The annual Planning Manager's Letter to the Community had been included in the Commission's packet. The letter provides the community information on major planning projects currently underway and what is being considered for the 2016 Annual Amendment process.
- The City Council had introduced a resolution to consider changes to their committee structure and were considering eliminating the Neighborhoods and Housing Committee and changing the name of the Public Safety, Human Services, and Education Committee to Community Vitality and Safety.
- Planning staff were still holding lunch meetings with Planning Commissioners and had three Commissioners remaining to be scheduled.

Mr. Wung discussed a letter from the Transportation Commission to the City Council's Infrastructure, Planning and Sustainability Committee that provided comments to Sound Transit regarding ST3. He noted that the Planning Commission had reviewed the ST3 issue in July 2015 and had decided not to send a letter to the City Council because a letter was already being drafted by the Transportation Commission at the time. Mr. Wung commented that this letter of January 2016 was consistent with the previous letter in July 2015. Vice-Chair Wamback commented on the letter's discussion and support of the future bus rapid transit system from Downtown Tacoma to Spanaway along the Pacific Avenue Corridor, expressing concern that extending urban infrastructure outside of the City boundaries was potentially promoting sprawl and was contradictory to City's growth management plans. He requested that the Transportation Commission send their comments to the Planning Commission first in future.

F. ADJOURNMENT

At 5:15 p.m., the meeting of the Planning Commission was concluded.

