



**TECHNICAL COMMITTEE REPORT
TO THE PLANNING COMMISSION**

To: Planning Commission

From: Technical Committee

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Project File Number: LAND-2015-02282

Project Name: Amendments to Comprehensive Plan and Zoning Code for Retail Marijuana

Related File Numbers: SEPA-2015-02285

Applicant: The Grass is Always Greener, LLC

**Recommendation and
Reasons:**

The Technical Committee recommends amending the Comprehensive Plan and Zoning Code to allow retail marijuana stores in a portion of the Manufacturing Park zone in the Sammamish Valley neighborhood because:

- The proposal is consistent with the Comprehensive Plan, because it will provide opportunities for a land use - marijuana retail stores - better suited for locations outside of Downtown and Overlake due to characteristics described below, consistent with policy LU-62;
- The proposal will provide for sufficient area to locate retail marijuana stores and provide access to legal marijuana and marijuana products within Redmond;
- The proposal will reduce the potential for impacts of retail marijuana stores upon surrounding businesses and properties, support public safety, and support compatibility with other land uses and services within the City; and

- Use of an overlay approach within the Manufacturing Park (MP) zone reduces the impact to land supply for more typical MP uses compared to allowing the use in the entire zone.

I. APPLICANT PROPOSAL

The applicant requested an amendment to the Zoning Code to allow retail marijuana stores in Redmond. No specific amendment was identified by the applicant at the time of application in Spring 2014, however it was anticipated the applicant would work with staff to identify a detailed proposed amendment. At that time, marijuana uses were required by state law to be a minimum of 1,000 feet from sensitive land uses and as a result of this minimum together with Redmond's zoning for retail uses there were no locations for retail marijuana. As a consequence, this application was docketed as Zoning Code and associated Comprehensive Plan amendments.

II. RECOMMENDATION

The Technical Committee recommends that the Comprehensive Plan and Zoning Code be amended to allow retail marijuana stores in a portion of the Manufacturing Park zone in the Sammamish Valley neighborhood, specific criteria for marijuana retail stores including parking requirements be added, and the current buffers not be changed (1,000 feet).

Specifically, the Technical Committee recommends that the Land Use Element of the Comprehensive Plan be amended to include:

- A. Revisions to policy LU-62 to add a reference to the proposed Manufacturing Park Overlay in the Sammamish Valley neighborhood.

The Technical Committee also recommends that the Zoning Code be amended to include:

- A. Revisions to the Zoning Map to create an overlay in the Manufacturing Park zone north of NE 90th Street, east of Willows Road, and west of the Sammamish River.
- B. Revisions to RZC 21.04.030 Comprehensive Allowed Uses Chart to show Retail Marijuana is allowed in the MP zone, subject to restrictions and allowed in the GC zone; and not allowed in mixed-use zones and the RR zone.
- C. Revisions to RZC 21.04.030 Comprehensive Allowed Uses Chart to show Marijuana Production is not allowed in the BCDD1 zone.
- D. Revisions to RZC 21.14.020 General Commercial to add Retail Marijuana stores as a permitted use in the GC zone, and set parking standards for Retail Marijuana stores.
- E. Revisions to RZC 21.14.040 Manufacturing Park to change text referring to the *Manufacturing Park Overlay* to now refer to the *Southeast Redmond Manufacturing Park Overlay*, add Retail Marijuana stores as permitted uses in the MP zone restricted to the new *Sammamish Valley Manufacturing Park Overlay*, and set parking standards for Retail Marijuana stores.

- F. Revisions to Map 14.1 (in RZC 21.14.040) to rename the map *Southeast Redmond Manufacturing Park Overlay*.
- G. Addition of a new Map 14.2 (in RZC 21.14.040) titled *Sammamish Valley Manufacturing Park Overlay*.
- H. Revisions to RZC 21.41 Marijuana-Related Uses to update the section to conform to recent changes in state law concerning marijuana.

Exhibit A shows the Technical Committee recommended amendments to the Comprehensive Plan. Exhibit B shows the Technical Committee recommended amendments to the Zoning Code.

III. BACKGROUND, FACTORS CONSIDERED, AND ALTERNATIVES

A. BACKGROUND AND REASON FOR THE PROPOSAL

Initiative 502 was approved by the voters at the November 6, 2012, general election. I-502 provided for a legal recreational marijuana market including a 3-tier system of producers (growers), processors, and retailers, similar to the system in place for liquor at the time, applied taxes for marijuana production, processing, and retailing, and made it legal for adults to possess up to one ounce of marijuana. I-502 also mandated that the state Liquor Control Board adopt rules to implement and enforce the provisions of I-502.

I-502 places significant restrictions on the recreational marijuana industry and on the location of recreational marijuana businesses. In particular, I-502 mandated that any recreational marijuana facility be at least 1,000 feet away from several land uses.

In addition, I-502 stipulated that marijuana producers and processors cannot have any interest, financial or otherwise, in marijuana retailers and cannot co-locate with them; this is an attempt to maintain a competitive marketplace by banning vertical integration. Furthermore, marijuana retailers cannot sell other types of merchandise.

Rules adopted by the state Liquor Control Board (now the Liquor and Cannabis Board) in 2013 also limited the total square footage of space allocated for marijuana production on a statewide basis, and limited the number of retail outlets to 334. LCB allocated these licenses to cities and counties based on population; Redmond was allocated two retail licenses. Due to the high demand for licenses, LCB conducted a lottery in jurisdictions where there were more applicants than licenses available, including for Redmond.

The City Council adopted Ordinance 2744 in June 2014, which sets Redmond's regulations regarding marijuana uses in general and retail marijuana stores in particular. In summary, retail marijuana stores are allowed in Redmond's commercial and mixed use zones provided they are 1,000 feet from schools, parks, daycares, etc. Retail marijuana stores are not allowed in manufacturing

and industrial zones, or in residential zones due principally to zoning limits. In practice, this has meant that no retail marijuana stores can locate in Redmond due to the combination of where commercial and mixed-use zones are located combined with the large number of uses requiring the 1,000 foot buffer. Recent examination of the map of uses requiring a buffer indicates the East Lake Sammamish Trail should not be included as a park, which would allow a retail marijuana store on one property in Redmond under the current zoning. Re-examination of the map of uses occurs any time a site is proposed as some uses requiring a buffer, such as daycares, can change locations.

Following adoption of Ordinance 2744, one of the license lottery winners, The Grass is Always Greener, LLC, applied for a Zoning Code amendment to amend Redmond's regulations to allow space for at least one retail marijuana store, and possibly more, in Redmond. The City Council agreed to consider the application and placed it on the 2014-2015 Annual Comprehensive Plan Amendment Package ("Docket"); see Ordinance 2749. City Council discussed whether the timing was appropriate to include this proposal on the 2014-15 docket since Council had recently adopted regulations regarding marijuana uses. Ultimately, Council's direction was to include the proposal as part of the 2014-15 docket and to time the start of review toward the end of the docket year, which is the 3rd quarter of 2015. This topic was carried forward to the 2015-16 docket for completion via Ordinance 2805 and Council confirmed that potential amendments to the Zoning Code and Comprehensive Plan should be included for consideration.

During implementation of I-502, several issues were noted by interested parties, including the restrictiveness of the 1,000 foot buffers, limited number of retail stores, taxation system and distribution of tax receipts to local governments, and integration with Washington's medical marijuana system. While efforts to amend I-502 and also change the medical marijuana system failed in the 2014 session, during the 2015 session the state legislature made significant changes to Washington's marijuana system. The relevant changes for local governments include distribution of marijuana tax revenues to help pay for public safety, changes to buffer requirements, and changes to the number of retail store licenses.

Specifically, the new law now allows local governments the option of reducing buffers from some uses down to a minimum of 100 feet. These uses include parks (without playgrounds), transit centers, daycares, recreation centers, and arcades. Buffers from schools and playgrounds must remain 1,000 feet without exception. The change to the number of retail store licenses effectively doubles the number, from 334 to 556; cities and counties with bans/moratoriums in place did not have their license allocation changed, while cities and counties which allow retail marijuana stores had their license allocation doubled in most cases. Redmond is now allocated 4 licenses. The increase is intended to provide access to medical marijuana since the legislature also banned collective gardens (and previously banned dispensaries).

B. FACTORS CONSIDERED AND POLICY BASIS

This section summarizes several factors and the policy basis that staff considered in the process of analyzing this request and developing the recommended amendments.

Factors considered

1. What was the input from community outreach for this topic?

Staff gathered input from the community at a workshop held on December 10, 2015 attended by 6 people; via an online survey accessed from the City of Redmond web site and completed by 291 people (as of January 5); and from several email and phone comments to staff. A full summary of public feedback can be found in Exhibit D. Public feedback can be summarized as follows:

- a) Locations: There was a wide range of input regarding locations. Responses can be generally noted as falling into four categories. Survey percentages are noted as well:
 - i. Locate stores in retail areas only – 25.1%
 - ii. Locate stores in industrial (e.g. Manufacturing Park and Business Park-zoned) areas only – 18.6%
 - iii. Locate stores anywhere in Redmond provided they meet state standards – 21.3%
 - iv. Locate stores nowhere in Redmond (ban retail marijuana stores) – 35.0%

Some responses indicated that retail marijuana stores should be restricted to only certain geographic areas in Redmond, in particular the downtown retail area, Southeast Redmond, and the Willows Road area.

- b) Buffers: Public input regarding buffer distances shows those who responded prefer either very large (1,000+ feet) or very small (350 feet or less) buffers (over 95%), with almost no respondents preferring a middle buffer distance (see table below). Some respondents indicated a need to provide the largest possible area for retail marijuana stores to locate which means small buffers.

Buffer distance	Percent
1 or less than 1 football field (about 350 feet or less)	31.6%
2 football fields (about 700 feet)	4.5%
3 or more than 3 football fields (about 1,000 feet or more)	63.9%

- c) Separation: Staff specifically sought input also on whether retail marijuana stores should be separated from each other. Workshop attendees preferred to have separation to limit the number of stores in Redmond. Survey respondents are somewhat evenly split, with a small majority preferring separation.
 - d) Security: Marijuana businesses in general do not have direct access to the banking system because marijuana remains illegal under federal law. Therefore these businesses operate on a cash basis, which can make the stores attractive targets for thieves. Workshop attendees commented that security could be enhanced by placing stores in accessible and visible locations.
 - e) Parking: Workshop attendees included two participants who operate a marijuana retail store and two prospective marijuana retail business owners. Attendees commented that marijuana retail stores are high-turnover businesses that can be very busy at peak times, which are early evenings and Friday afternoons. For example, The Higher Leaf located on Willows Rd. in Kirkland has a peak parking demand of approximately 25-30 spaces, and customers typically spend less than 15 minutes in the store. The store is approximately 900 square feet, which translates to a very high peak parking demand.
 - f) Public Use: While public use of marijuana is illegal, in practice this does not prevent all public use. In particular, dense areas with many apartment buildings may not provide private space to consume marijuana, leading to the potential for increased public use through a combination of higher population density and residential use restrictions (e.g. indoor smoking bans). Workshop attendees and survey participants spoke to this issue.
2. How many and where are properties that would be allowed based on zoning for retail marijuana under different buffer distance scenarios?

Under current regulations, one property could accommodate a retail marijuana store, located near Redmond Way/SR 520, pending review of sites which require a buffer. The estimated number of properties that would be allowed for this use under representative alternative buffers is as follows:

Buffer distance	Downtown – Historic Core	Downtown – Bella Bottega	Downtown – Bear Creek Pkwy/159 th Ave.	Overlake Village	Avondale near Union Hill Rd.	Redmond Way/SR 520	Leary Way/W. Lk. Samm. Pkwy	TOTAL
1,000 ft.	0	0	0	0	0	1	0	1

Buffer distance	Downtown – Historic Core	Downtown – Bella Bottega	Downtown – Bear Creek Pkwy/159 th Ave.	Overlake Village	Avondale near Union Hill Rd.	Redmond Way/SR 520	Leary Way/W. Lk. Samm. Pkwy	TOTAL
750 ft.	0	6	0	1	0	2	0	9
500 ft.	0	7	0	4	1	4	1	17
250 ft.	0	8	0	10	3	5	2	28
100 ft.	8	8	6	16	5	8	2	53

3. What are the various uses requiring a buffer under state law and how are they distributed throughout Redmond?

There are approximately 40 different uses located in Redmond which require a buffer from marijuana uses under state law. This includes schools, playgrounds, daycares, recreation centers, parks, transit centers, and arcades. Many of these uses are located in residential areas; however there is a significant concentration in the downtown also. The number of uses in the downtown results in large areas where a retail marijuana store cannot locate, even if buffer distances were reduced to the minimum of 100 feet.

4. How might landlord/property manager willingness to lease/sell space to marijuana retailers affect the number of potential spaces?

Based on feedback from the applicant and from workshop participants, some landlords/property managers are reluctant to lease space or sell property to marijuana proprietors due to general opposition to marijuana or drugs, or due to federal marijuana restrictions which might negatively impact bank financing. This effect is most pronounced when considering large shopping center-type locations. Therefore, the number of potential locations for a retail marijuana store is often lower in practice than it is in theory.

5. How large are typical retail marijuana stores?

Based on analysis of retail marijuana store sizes in the Puget Sound region, stores are typically between approximately 750 and 2,500 square feet in size.

6. How and where might people consume marijuana and marijuana products?

State law prohibits the consumption of marijuana or marijuana products “in view of the general public.” This includes a prohibition on consumption at retail and other marijuana businesses. Violation of this law is a civil infraction, similar to a parking ticket; it is not a criminal offense. A complication is that multifamily buildings often have smoking restrictions or

other restrictions in the lease which effectively prohibit marijuana use. The experience in other cities, and a concern expressed through public input, is that this could result in public use in parks and other community gathering areas, notwithstanding state law.

7. What security concerns do proprietors for retail marijuana stores face?

Store proprietors have expressed several security concerns. The most significant by far is the large amount of cash on hand. Since marijuana remains illegal under federal law, marijuana businesses generally do not have direct access to the banking system and must operate on a cash basis. Stores might have between \$10,000 and \$50,000 cash on hand at any one time. This can make retail marijuana stores an attractive target for theft. The other two primary concerns are ensuring compliance with state laws prohibiting minors on the premises and prohibiting use of marijuana and marijuana products on the premises.

8. Do retail marijuana stores affect nearby businesses?

Retail marijuana stores may affect nearby businesses in several ways. Since they can be well-patronized, this can create parking and traffic (access) impacts. As noted, public use near retail marijuana stores could have an impact on nearby businesses due to people using marijuana. Similar to the landlord/manager issue discussed earlier, some nearby business owners may have personal objections to marijuana sales and/or drugs in general, which could cause them to reconsider the location of their business.

Through public feedback by one of the marijuana business owners, staff heard anecdotal reports of nearby businesses vacating when retail marijuana stores opened in some cases, but this is not conclusive in general. Staff does not have sufficient information to indicate whether this effect is prevalent.

Preliminary information from the Institute of Transportation Engineers (ITE) shows that retail marijuana stores may have daily trip generation rates approximately 10 times higher than specialty retail (ITE Code 826) and approximately 4 times higher than pharmacies (ITE Code 880/881). It is important to note that these are based on national surveys, transportation and land use patterns vary somewhat throughout the country, and this is preliminary data from ITE. However it appears that marijuana stores could potentially have some traffic impacts.

9. What are the parking needs for retail marijuana stores?

As noted above under public feedback, the parking demands for retail marijuana stores can be high. For example, The Higher Leaf in Kirkland is a 900 square foot store with a peak parking demand of 25-30 spaces, yielding a parking ratio of 27-33 spaces per 1,000 square feet of store area. While this may be an extreme example, these stores have a high turnover of customers and are therefore similar in parking needs to other businesses like convenience stores or bars.

10. What regulations have other communities put in place for retail marijuana stores?

On the Eastside, Bellevue, Kirkland, and Issaquah have ordinances which allow retail marijuana stores; Woodinville and Sammamish have banned retail marijuana stores; and Mercer Island has taken no action due to not having any commercial property further than 1,000 feet from schools, parks, etc.

Bellevue allows retail marijuana stores in most commercial and industrial zones; some zones require a Conditional Use Permit. Bellevue also requires that stores be at least 1,000 feet from each other. The parking requirement is not specifically set for retail marijuana stores and is 5 spaces per 1,000 square feet of store area consistent with other retail uses. Kirkland allows retail marijuana stores in some heavy commercial/light industrial areas and prohibits them in most general commercial areas and on school walk routes. The parking requirement is set specifically for retail marijuana stores and is 3.3 spaces per 1,000 square feet of store area. Issaquah allows retail marijuana stores in most commercial and mixed use zones, and also requires that stores be at least 1,000 feet from each other. The parking requirement is not specifically set for retail marijuana stores and is 5 spaces per 1,000 square feet of store area consistent with other retail uses.

There are currently 3 stores open in Bellevue, 2 in Kirkland, and one in Issaquah. Staff from these cities state there have been no major issues with these stores to date. Bellevue had issues in the permitting phase due to their separation requirement; 2 retailers sought to open virtually next door to each other on Main Street, and only one would be permitted. Issaquah has had some minor confusion issues with their store since a medical marijuana collective garden was formerly located on a different floor of the same building; the medical marijuana facility has since closed. As noted earlier, one store in Kirkland has high parking demand which may have contributed to other tenants in the building choosing to leave.

11. Should any changes to allowances for marijuana processing or production be proposed?

The Zoning Code presently allows marijuana processing in the Manufacturing Park (MP), Business Park (BP), Industrial (I), and Regional Retail (RR) zones, and allows marijuana production (growing) in the Urban Recreation (UR) and Bear Creek Design District 1 (BCDD1) zones. To date, there have been no license applications with the state for a marijuana producer or processor to locate in Redmond. A state-certified testing lab for marijuana products is located in Redmond (in the MP zone). There has been no indication that a producer or processor is seeking to locate here, and sufficient areas exist to accommodate potential future requests. As part of this package of amendments, minor revisions are proposed as follows:

- a) Do not allow marijuana production in Performance Area 1 of the Bear Creek Design District (BCDD1) as this use is inconsistent with the

purpose of BCDD1 as a zone primarily for residential use (see RZC 21.14.070(A)).

Summary

Several key points associated with retail marijuana uses from these factors include high parking demand; safety, security and location concerns for both store proprietors and the general public; higher traffic and trip generation; and the effect of various buffer distances on the number of properties that might be available.

Policy basis

Relevant policies include those which discuss the purpose and intent of various zoning districts along with general guidance for Redmond's commercial areas. In particular, the following vision sections and policies are relevant:

1. *Future Vision for Redmond: Urban Centers ... Downtown is an outstanding place to work, shop, live and recreate and is a destination for many in Redmond and in the region. Attractive offices, stores, services and residential developments have contributed to a new level of vibrancy, while retaining a comfortable, connected feel that appeals to residents, businesses and visitors. ... Cleveland Street is a pleasant place to walk or sit, and people fill the street during the day and evening. The Redmond Central Connector (the former railroad right-of-way) has been transformed to an urban green space that people of all ages enjoy, that has convenient access to light rail, as well as places to stroll, gather and talk with others, celebrate, or stop and peek in store windows while walking to Old Town or Redmond Town Center.... Overlake has become a regional urban center that is the location of internationally known companies, corporate headquarters, high technology research and development companies, and many other businesses... Overlake has demonstrated that high technology uses can thrive in a sustainable urban setting that offers opportunities to live, work, shop and recreate for an increasingly diverse workforce.*

The Future Vision for Redmond's Urban Centers calls for creating vibrant places which are "destinations" for people to spend time in and support a variety of uses offering opportunities to live, work, shop, and recreate. The Future Vision implies a focus on complimentary uses which enhance the Urban Centers and promote vibrancy and vitality to both draw people in and keep them in the Urban Centers. As expressed through public comments, there is a concern that retail marijuana stores may not be compatible with the concepts of the Future Vision due to issues of public marijuana use, in particular marijuana smoke, and potential impacts to business vitality.

2. *LU-38 Maintain the Urban Centers (Downtown and Overlake) as the major retail, service, entertainment and cultural centers for the city and the greater*

Eastside. Ensure that other commercial areas in the city do not detract from the Urban Centers and help to meet other community commercial needs.

3. *DT-27 Actively support economic development measures that retain and promote existing businesses and attract new businesses compatible with the scale and vision for Old Town. Encourage a variety of economic activities, such as boutiques and other unique stores, restaurants, residences and offices, that promote Old Town as a destination and provide for active uses during the day and evening hours.*
4. *LU-51 Downtown Mixed-Use Designation Purpose. Encourage development of the Downtown as a place that:*
 - *Meets community needs for employment, shopping, recreation, civic activities, and cultural and night life opportunities;*
 - *Provides attractive and safe places to live close to amenities, such as restaurants and cafes, a wide selection of stores and services, frequent transit service, and plazas, parks and art; ...*
 - *Invites people to enjoy it, provides a comfortable atmosphere, and maintains and tangibly reminds people of Redmond's history and historic buildings.*
5. *LU-52 Overlake Mixed-Use Designation Purpose. Maintain and encourage Overlake as a place that:*
 - *Serves an important local and regional economic role as a center for advanced technology uses, research and development, corporate offices, distribution and compatible manufacturing; ...*
 - *Provides an intense commercial shopping district that supports and complements nearby employment and residential areas;*
 - *Includes primarily in Overlake Village mid-rise, mixed-use neighborhoods that provide attractive and safe places to live close to amenities, such as restaurants, frequent transit service, and a network of parks, sidewalks and trails; ...*

For the Technical Committee, maintaining and enhancing the viability and vibrancy of the Urban Centers is a primary policy consideration. This is supported by multiple policies. As expressed through public feedback at the workshop, directly to staff, and via the online survey, there is concern that retail marijuana stores may detract from the Urban Centers by impacting adjacent businesses and increasing the potential for marijuana use in public parks and trails. Allowing retail marijuana stores to locate outside of the Urban Centers would address this concern. Furthermore, the policies emphasize creating an environment in the Urban Centers which is conducive to and attracts activity during the day and evening by creating appealing and lively places within the greater context of the Urban Centers. Retail uses are

intended to be many and varied but ultimately complementary to each other and to other uses.

Another consideration with the urban center zones is the parking needs associated with retail marijuana, which is high demand and turnover. While Downtown has a surface lot for general use on a pay basis, parking in other portions of the Downtown is limited.

6. *LU-47 General Commercial Designation Purpose. Provide for retail and service businesses that serve community needs and are better suited for locations outside of the Urban Centers or Neighborhood Commercial zones. Examples of these businesses include retail uses that may have some adverse impacts if located close to primarily residential neighborhoods or other commercial uses, uses that are land extensive, uses that tend to attract vehicle trips from locations beyond surrounding neighborhoods, and activities that involve wholesale commercial uses.*
7. *LU-62 Manufacturing Park Designation Purpose. Provide locations for existing and future manufacturing and industrial uses, particularly those that require significant areas for storage of materials and equipment (both indoors and outdoors). Provide for manufacturing and other uses that are better suited for locations outside of the Downtown or Overlake due to site requirements, noise impacts, transportation needs or other considerations.*

The policies concerning the GC and MP zones specifically acknowledge that retail and other uses “that may have some adverse impacts” and/or “are better suited for locations outside of the Downtown or Overlake” Urban Centers should be located in these zones. Siting retail marijuana stores in these zones would conform to the Comprehensive Plan for the reasons described above.

C. ALTERNATIVES CONSIDERED

1. Create an Overlay in the Manufacturing Park Zone in the Sammamish Valley Neighborhood, and do not change buffers. This would create a zoning overlay in the MP zone in the Sammamish Valley Neighborhood north of NE 90th St., east of Willows Rd., and west of the Sammamish River and allow retail marijuana stores within that overlay. This alternative would not change buffers and would set specific development criteria, including parking standards of 10 spaces per one thousand square feet of store area, which is the same as for bars/drinking places. While there is potential for impacts of retail marijuana stores upon surrounding properties under this alternative also, since the MP zones are less intensively developed, the impact is likely less than Alternative 2. Use of a zoning overlay would also reduce the impact to land supply for more typical MP zone uses in contrast to allowing the use in any MP zone. This alternative is more responsive to public input, including

expressed concerns about public use of marijuana due to the limited number of heavily-trafficked public spaces in the MP zone generally, and the Sammamish Valley portion of the MP zone in particular. It is also more responsive to concerns about traffic and parking by having a development pattern and standards more conducive to addressing these issues compared to a more dense area. Finally this alternative more closely conforms to Comprehensive Plan policy guidance concerning the purpose and intent of the MP zone and the Urban Centers. The Technical Committee recommends this alternative.

2. Reduce buffers from daycares, parks (without playgrounds), transit centers, recreation and community centers, and game arcades to 250 feet. This would continue to allow retail marijuana stores in Redmond's commercial and mixed-use zones while reducing the required buffer from 1,000 to 250 feet for the listed land uses. This would increase the number of potential properties from one to 28.

This alternative would allow retail marijuana uses in very visible locations, which some store proprietors may prefer, and in retail and other zones which a portion of questionnaire participants favored. This alternative is not consistent with Redmond's vision and policy as described above, the perspective of most of those who participated in the questionnaire regarding minimum buffers and appropriate locations and also those who expressed concerns about the potential for increased use of marijuana in public areas, including marijuana smoke in parks and on Downtown sidewalks. This alternative also may not address concerns about parking as portions of Downtown are parking constrained.

3. No change. This would maintain Redmond's existing regulations for retail marijuana stores, which provides for one site for a retail marijuana store located in a General Commercial zone at the intersection of SR 520 and Redmond Way. The likely result is that Redmond would continue to have either zero or possibly one retail marijuana store which does not increase availability for people who would like greater access. This alternative would provide access in a location that is intended for commercial uses though is not intended to be a major community gathering place like the Downtown and Overlake neighborhoods. This helps to reduce potential adverse impact to people who would like to frequent these locations and not be exposed to marijuana smoke.
4. Combination of Alternatives 1 and 2. This would both allow retail marijuana stores in a portion of the Manufacturing Park (MP) zone and reduce the buffers from 1,000 to 250 feet. This would greatly expand the number of potential properties. This alternative would treat retail marijuana both the same as regular retail uses (to the extent feasible under state law) while also treating it as a use requiring special allowance to locate in the MP zone, which is an unnecessary allowance when other alternatives exist which do not

require such an exceptional allowance. This alternative is both responsive and not responsive to expressed concerns about use of marijuana in public areas, including marijuana smoke in parks and on Downtown sidewalks. It is also both responsive and not responsive to expressed concerns about parking, traffic, and access in more dense areas such as Downtown and Overlake.

IV. ADDITIONAL SUPPORTING ANALYSIS

A. COMPLIANCE WITH CRITERIA FOR AMENDMENTS

Redmond Comprehensive Plan Policy PI-16 directs the City to take several considerations, as applicable, into account as part of decisions on proposed amendments to the Comprehensive Plan.

The following is an analysis of how this proposal complies with the requirements for amendments.

1. **Consistency with Growth Management Act (GMA), State of Washington Department of Commerce Procedural Criteria, VISION 2040 or its successor, and the King County Countywide Planning Policies.**

The proposed amendments take into account direction by the GMA, including encouraging business development and economic vibrancy and sustainability. The proposed amendments would ensure that retail marijuana stores are appropriately sited in Redmond and provide for access to purchasing marijuana. The GMA, the State of Washington Department of Commerce, VISION 2040, and King County Countywide Planning Policies also emphasize public involvement and notification. Staff conducted public outreach including holding a public workshop, soliciting direct feedback, and conducting an online survey.

2. **Consistency with Redmond's Comprehensive Plan, including the following sections as applicable:**

a. **Consistency with the goals contained in the Goals, Vision and Framework Policy Element.**

Two of the eight goals for Redmond contained in the Goals, Vision and Framework Policy Element are "To maintain a strong and diverse economy and to provide a business climate that retains and attracts locally owned companies, as well as internationally recognized corporations; and To provide opportunities to live a healthy lifestyle, enjoy a variety of community gathering places and celebrate diverse cultural opportunities." The proposed amendments support these goals and are consistent with other goals within this Element.

b. Consistency with the preferred land use pattern as described in the Land Use Element.

The proposed amendment is consistent with the preferred land use pattern by providing for the siting of retail marijuana stores in an area where they would be most compatible and minimize adverse impacts to other land uses and the community.

c. Consistency with Redmond's community character objectives as described in the Community Character/Historic Preservation Element or elsewhere in the Comprehensive Plan.

The proposed amendment is consistent with policy CC-1, which reads "Maintain Redmond's vision for its size and character while balancing its regional role in meeting transportation needs, caring for the environment, and meeting the demands for growth."

d. Consistency with other sections including the Transportation Element as applicable.

The proposed amendment is consistent with policy TR-20, which reads "Establish minimum and maximum parking ratio requirements consistent with the transportation and land use objectives of the Comprehensive Plan, considering constraints imposed by financial institutions."

3. Potential general impacts to the natural environment, such as impacts to critical areas and other natural resources, including whether development will be directed away from environmentally critical areas and other natural resources.

The proposed amendment is not likely to impact the natural environment including impacts to critical areas and other natural resources.

4. Potential general impacts to the capacity of public facilities and services. For land use related amendments, whether public facilities and services can be provided cost-effectively and adequately at the proposed density/intensity.

The proposed amendment may increase the demand for police services, as security of the marijuana retail shops themselves is a concern expressed via public comment including store owners. This is related to the operating procedures of retail marijuana stores as cash businesses. However this impact is expected to be limited as the potential number of retail marijuana stores in Redmond is limited to four, and neighboring communities have reported no apparent increase in property crime resulting from the establishment of retail marijuana stores to date.

5. Potential general economic impacts, such as impacts for business, residents, property owners, or City Government.

The proposed amendment seeks to minimize adverse impacts to business, residents, and other property owners by creating an overlay in a portion of the MP zone, consistent with policy guidance for the MP zone.

6. For issues that have been considered within the last four annual updates, whether there has been a change in circumstances that makes the proposed amendment appropriate or whether the amendment is needed to remedy a mistake.

The amendment has not been considered within the last four annual updates, nor has there been a change in circumstances.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. AMENDMENT PROCESS

RZC Sections 21.76.070.AE and 21.76.050.K require that amendments to the Comprehensive Plan or Zoning Code (except zoning map amendments consistent with the Comprehensive Plan) be reviewed under the Type VI process. Under this process, the Planning Commission conducts a study session(s), an open record hearing(s) on the proposed amendment, and makes a recommendation to the City Council. The City Council is the decision-making body for this process.

B. SUBJECT MATTER JURISDICTION

The Redmond Planning Commission and the Redmond City Council have subject matter jurisdiction to hear and decide whether to adopt the proposed amendment.

C. WASHINGTON STATE ENVIRONMENTAL POLICY ACT (SEPA)

A Determination of Non-Significance and SEPA Checklist was issued for this non-project action on January 13, 2016.

D. 60-DAY STATE AGENCY REVIEW

State agencies will be sent 60-day notice of this proposed amendment no later than January 15, 2016.

E. PUBLIC INVOLVEMENT

The public has opportunities to comment on the proposed amendment through the Planning Commission review process and public hearing which will be held on January 27, 2016. Public notice of the public hearing was published in the Seattle Times on January 6, 2016. The public also had opportunities to provide input through a workshop and questionnaire.

F. APPEALS

RZC 21.76.070.J identifies Comprehensive Plan Amendments as a Type VI permit. Final action is by the City Council. The action of the City Council on a Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board pursuant to applicable requirements.

VI. LIST OF EXHIBITS

- Exhibit A: Recommended Amendments to the Comprehensive Plan Land Use Element
- Exhibit B: Recommended Amendments to the Zoning Code
- Exhibit C: SEPA Threshold Determination (to be provided)
- Exhibit D: Public Outreach Summary (as of January 5, 2016)

Conclusion in Support of Recommendation: The Technical Committee has found the proposal to be in compliance with the Redmond Zoning Code, Redmond Comprehensive Plan, Redmond Municipal Code, and State Environmental Policy Act (SEPA).



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