

Retail Marijuana Amendments

Planning Commission Issues Matrix for January 27, 2016

Issue	Discussion Notes	Status
<p>1. Confirm the Technical Committee’s Recommendation would not allow retail marijuana stores in Urban Centers. (Biethan)</p>	<p><u>Planning Commission Discussion</u> (1/20) Commissioners discussed whether the Technical Committee’s recommendation would allow retail marijuana stores in the Urban Centers as an allowed use, even if retaining 1,000 foot buffers would effectively preclude the siting of a store in those areas.</p> <p><u>Staff Response/Recommendation</u> (1/22) The Technical Committee’s recommendation is to not allow retail marijuana stores in the mixed use zones including Redmond’s two Urban Centers. The Technical Committee’s reasoning is that retail marijuana stores may detract from the Urban Centers by impacting nearby businesses; increasing the potential for marijuana use in public parks, trails and other public locations; and detracting from the vision of the urban centers as destinations that provide a comfortable atmosphere for a diversity of people. In addition, since no sites would be available in mixed use zones unless buffers are changed, having retail marijuana as an allowed use is confusing and unnecessary.</p> <p><u>Public Comment</u> To be summarized</p>	<p>Opened 1/20</p>
<p>2. Is there information available regarding a change in unregulated (black market) marijuana sales? (Miller)</p>	<p><u>Planning Commission Discussion</u> (1/20) Commissioners discussed whether the creation of a legal means to purchase marijuana has affected black market sales, especially to minors. Commissioners noted that marijuana sales outside of the state licensed system have been and remain illegal.</p> <p><u>Staff Response/Recommendation</u> (1/22) Staff is checking with Redmond Police on this question and will provide more information prior the next Planning Commission meeting.</p> <p><u>Public Comment</u> To be summarized</p>	<p>Opened 1/20</p>
<p>3. Why treat different parts of the Manufacturing Park zone</p>	<p><u>Planning Commission Discussion</u> (1/20) Commissioners discussed whether it is appropriate to treat areas which are zoned the same (e.g. the Manufacturing Park zone) differently for different geographical locations.</p>	<p>Opened 1/20</p>

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<p>differently? (Miller)</p>	<p><u>Staff Response/Recommendation</u> (1/22) Different areas in the city have different characteristics, and while zoning designations are applied to areas with similar general characteristics or that are intended for the same land uses and development pattern in accordance with Map LU-1 Comprehensive Land Use Plan in the Comprehensive Plan, this does not mean that all areas zoned the same are exactly the same.</p> <p>The City has evaluated and allowed some differences in allowed uses for various locations zoned Manufacturing Park (MP). Examples include:</p> <ul style="list-style-type: none"> • In SE Redmond, overlay for property adjacent to Redmond Way to allow additional commercial uses and allowance for membership wholesale/retail warehouses provided specific regulations are met • In the Sammamish Valley neighborhood, allowance for auto sales in conjunction with repair or as stand-alone businesses on properties zoned MP with frontage on NE 90th Street between Willows Road and 152nd Avenue NE, NE 95th Street between Willows Road and 151st Avenue NE, and 151st Avenue NE between NE 90th Street and NE 95th Street <p>In general, overlay zoning is used when there is a specific objective that isn't met by the conventional zoning in that area. It includes mapped locations with provisions more or less permissive than the underlying zoning.</p> <p>Specific to retail marijuana stores and the Technical Committee's recommendation, the Sammamish Valley portion of the Manufacturing Park zone has different characteristics compared to the Southeast Redmond portion of the Manufacturing Park zone. These include different access, different size of parcels and buildings generally, and the number and proximity of uses which require a buffer for marijuana uses.</p> <p><u>Public Comment</u> To be summarized</p>	
<p>4. How could reduced buffers affect the number of properties potentially</p>	<p><u>Planning Commission Discussion</u> (1/20) Commissioners discussed whether reducing buffers for marijuana uses in the Manufacturing Park (MP) zone would allow more potential sites for retail marijuana stores. Commissioners were also interested in the number of potential sites at different buffer distances.</p>	<p>Opened 1/20</p>

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<p>available in the Manufacturing Park zone? (O'Hara)</p>	<p><u>Staff Response/Recommendation</u> (1/22) The number of potential parcels in the Manufacturing Park zone under different scenarios is as follows:</p> <ul style="list-style-type: none"> • Technical Committee Recommendation: 57 • 1,000 feet: 99 <ul style="list-style-type: none"> ○ 57 in the proposed overlay ○ 18 in the remaining MP-zoned areas near Willows Rd. ○ 24 in SE Redmond • 750 feet: 122 <ul style="list-style-type: none"> ○ 58 in the proposed overlay ○ 30 in the remaining MP-zoned areas near Willows Rd. ○ 34 in SE Redmond • 500 feet: 147 <ul style="list-style-type: none"> ○ 59 in the proposed overlay ○ 38 in the remaining MP-zoned areas near Willows Rd. ○ 50 in SE Redmond • 250 feet: 173 <ul style="list-style-type: none"> ○ 60 in the proposed overlay ○ 50 in the remaining MP-zoned areas near Willows Rd. ○ 63 in SE Redmond • 100 feet: 179 <ul style="list-style-type: none"> ○ 60 in the proposed overlay ○ 53 the remaining MP-zoned areas near Willows Rd. ○ 66 in SE Redmond <p>Maps showing the effect of reducing buffers will be available prior to next Planning Commission meeting.</p> <p><u>Public Comment</u> To be summarized</p>	
<p>5. Should the size of retail marijuana</p>	<p><u>Planning Commission Discussion</u> (1/20) Commissioners discussed the size of retail marijuana stores and whether it would be appropriate</p>	<p>Opened 1/20</p>

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<p>stores be restricted? (Biethan)</p>	<p>or necessary to place limits on store size. Different store sizes may affect parking requirements.</p> <p>Staff Response/Recommendation (1/22) The Technical Committee’s recommendation is to establish a maximum Floor Area ratio (FAR) in a manner similar to that for any other allowed use in a zone. This is for consistency within the Zoning Code. As most stores in the area are between approximately 750 and 2,500 square feet, there appears to be a low likelihood of large stores opening in Redmond due to market conditions.</p> <p>Should the Commission desire, it is possible to place an outright restriction on the size of a retail marijuana store, separate from the FAR limit generally in place.</p> <p>Public Comment No public comments have been received concerning this issue to date.</p>																	
<p>6. Is a trip generation rate available for marijuana stores? (Miller)</p>	<p>Planning Commission Discussion (1/20) Commissioners asked if the Institute of Transportation Engineers (ITE) has determined vehicular trip generation rates for marijuana stores, and if that information could be provided.</p> <p>Staff Response/Recommendation (1/22) Preliminary trip generation figures for marijuana stores indicate that trip generation rates are as follows:</p> <table border="1" data-bbox="453 1052 1688 1239"> <thead> <tr> <th></th> <th>Retail Marijuana</th> <th>Pharmacy w/ Drive Thru</th> <th>Specialty Retail</th> </tr> </thead> <tbody> <tr> <td>Daily</td> <td>400</td> <td>90</td> <td>44</td> </tr> <tr> <td>PM Peak Hour</td> <td>63</td> <td>11</td> <td>5</td> </tr> <tr> <td colspan="4">*All figures are per thousand square feet of building area</td> </tr> </tbody> </table> <p>Staff cautions Commissioners that this is preliminary data based on a limited number of surveys conducted mostly in Colorado, and that Colorado’s legal environment concerning marijuana and land use is somewhat different than in Washington.</p>		Retail Marijuana	Pharmacy w/ Drive Thru	Specialty Retail	Daily	400	90	44	PM Peak Hour	63	11	5	*All figures are per thousand square feet of building area				<p>Opened 1/20</p>
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<p>7. Should there be a separation between retail marijuana stores? (Miller)</p>	<p>Planning Commission Discussion (1/20) Commissioners discussed whether a separation requirement should be used to avoid creating a “marijuana district.” Separation could be used to disperse retail marijuana stores in order to minimize impacts. Commissioners also discussed whether other cities used separation requirements and asked staff to confirm the regulations for other cities.</p> <p>Staff Response/Recommendation (1/22) Separation could be generally useful for two reasons. The first is to disperse retail marijuana stores throughout the city, as opposed to concentrating them in one area. The second is to indirectly limit the number of stores by effectively reducing the available supply of potential sites.</p> <p>When the public workshop was held, available information indicated that the number of retail store licenses was potentially unlimited. Staff sought public perspective on separation primarily as a means to limit the number of retail stores indirectly, as an outright local limit on the number of stores may not have been feasible. When the state Liquor and Cannabis Board decided to increase Redmond’s retail license allocation to 4 instead of unlimited, this reduced the need to use separation as means to indirectly limit the number of stores.</p> <p>Other eastside cities require separation between stores. Issaquah requires 1,000 feet; this was done to effect dispersion of retail marijuana stores and as “future proofing” against increased state license allocations by indirectly limited the total number of stores possible to locate in Issaquah (the theoretical maximum is 5 or 6 stores with perfect distribution; the practical maximum is 3 or 4). Bellevue requires 1,000 feet separation and wrote specific language regarding procedures in the event of a conflict. Two stores desired to open on Main Street in downtown Bellevue within close proximity, and only one was permitted. Kirkland does not require separation. Seattle’s recently updated regulations require 500 feet of separation between retail stores.</p> <p>In considering alternatives, requiring a separation may be counter to the objective of providing a particular area for potential retail marijuana stores. Alternatively, requiring a separation could support some amount of dispersal even in a particular geographic area.</p>	<p>Opened 1/20</p>

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<p>8. Is any data available concerning security incidents at retail stores? (Nichols)</p>	<p>Planning Commission Discussion (1/20) The Commission discussed whether there is any data about break-ins, robberies, or other security incidents at retail marijuana stores. Commissioners suggested other eastside cities or Seattle may have data.</p> <p>Staff Response/Recommendation (1/22) The Redmond Police Department indicates that in communicating with other law enforcement agencies in the Puget Sound region and state as a whole, there has not been a change in reported incidents. That is, retail marijuana stores do not report break-ins, robberies, or other criminal incidents at an abnormal rate compared to other retail businesses.</p> <p>Law enforcement agencies remain concerned that there is the potential for a larger number of unreported incidents, however no data would exist for unreported incidents.</p> <p>The City of Seattle publishes crime statistics on their website, http://www.seattle.gov/seattle-police-department/crime-data/crime-dashboard. Seattle’s overall data for property crimes shows that property crimes increased in 2014, when the first retail stores opened, compared to 2012, when marijuana was legalized. However, property crimes went down in 2015 compared to 2014. It is not possible to determine why property crime increased in from 2012-14, then decreased from 2014-15; legal marijuana may be one of many factors or it may be a major factor, but there is insufficient data to draw any conclusions.</p> <p>The state Liquor and Cannabis Board publishes lists of inspections of all licensed marijuana facilities including producers, processors, and retail stores, and also publishes a list of license violations and the general penalty (fine, written warning, etc.). These are available on their website, http://lcb.wa.gov/records/frequently-requested-lists.</p> <p>Public Comment To be summarized</p>	<p>Opened 1/20</p>

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<p>9. What are the code requirements for bars and liquor stores? (Captain/Haverkamp via email)</p>	<p><u>Planning Commission Discussion</u> (1/20) Commissioners discussed whether bars might have similar effects to retail marijuana stores on the surrounding area. Commissioners also discussed whether the zoning regulations for liquor stores may be useful when discussing retail marijuana.</p> <p><u>Staff Response/Recommendation</u> (1/22) Bars and drinking places are allowed in mixed use and commercial zones. They are also allowed in the Manufacturing Park zone with some restrictions that include seating capacity limits, gross floor area limits, and limited hours of operation (6 am to midnight).</p> <p>Liquor stores are allowed in mixed use and commercial zones; they are not allowed in the Manufacturing Park zone. Liquor stores are considered General Sales or Service, and there are no additional restrictions on their location. State law requires that stores selling spirits must be a minimum of 10,000 sq. ft., except for former state and contract liquor stores.</p> <p><u>Public Comment</u> To be summarized</p>	<p>Opened 1/20</p>
<p>10. Highlight questions received through public comment. (Biethan)</p>	<p><u>Planning Commission Discussion</u> (1/20) Commissioners discussed public comments received to date and would like responses to questions raised by public comments.</p> <p><u>Staff Response/Recommendation</u> (1/22) Questions from public comments, along with staff responses, are as follows:</p> <ul style="list-style-type: none"> • <i>Q: Is the East Lake Sammamish Trail considered a park?</i> A: No. Rules adopted by the state Liquor and Cannabis Board specifically state that trails are not public parks. • <i>Q: Is Arena Sports (9040 Willows Rd.) considered a recreation center?</i> A: No. Rules adopted by the state Liquor and Cannabis Board specifically state that recreation centers must be owned by a government agency or a charitable non-profit. • <i>Q: How many medical marijuana dispensaries are in Redmond, and would any of them convert to a licensed retail marijuana store?</i> 	<p>Opened 1/20</p>

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	<p>A: Redmond does not allow medical marijuana collective gardens or dispensaries. There are none operating in Redmond, and so none which may convert to a licensed retail marijuana store.</p> <p>Public Comment N/A</p>	
<p>11. What are the potential impacts of retail marijuana stores on the Urban Centers that should be minimized? (O’Hara/Miller)</p>	<p>Planning Commission Discussion (1/20) Commissioners discussed how Redmond’s Urban Centers, in particular Downtown, have changed over the last decade and how this change and contributed to vibrancy. Commissioners discussed how retail marijuana stores may impact the Urban Centers and the Technical Committee’s rationale for its recommendation.</p> <p>Staff Response/Recommendation (1/22) Retail marijuana stores would not be appropriate in the Urban Centers for several reasons. The Technical Committee Report identifies these reasons, which are summarized below:</p> <ul style="list-style-type: none"> • The potential for retail marijuana stores to lead to increased public use on sidewalks, parks and other public places. Public comments have identified concerns about smoke from marijuana products in public places which could negatively impact people’s enjoyment of and the vibrancy of the Urban Centers. Policy LU-51 speaks directly to this as it explicitly calls for creating “a comfortable atmosphere” in the Downtown Urban Center; marijuana smoke could detract from people’s comfort when they are Downtown. • The potential for retail marijuana stores to require large amounts of parking given the characteristics of the business. Some areas in Redmond generally have a sufficient supply of parking, while other areas, in particular Downtown, are parking constrained. The high trip generation rates (even if those rates are only preliminary) for retail marijuana stores suggest high parking demand, especially during peak times. Since Downtown is parking constrained, ensuring a retail marijuana store would have a sufficient amount of parking could be difficult and generally in opposition to policies DT-3 and DT-11 which call for the establishment of a pedestrian-oriented environment and development which contributes to a comfortable feel for pedestrians. • The potential for retail marijuana stores to negatively impact neighboring businesses through factors including increased public use, traffic, and parking. These factors could cause a 	<p>Opened 1/20</p>

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	<p>reduction in opportunity for businesses, or cause businesses to close or not come to the Urban Centers. Policies LU-38 and DT-27 speak directly to supporting the Urban Centers and Downtown especially as major retail and business areas and destinations and therefore supporting existing businesses and attracting new businesses compatible with the vision to these areas.</p> <p>In addition, considering policies LU-47 and LU-62, the Technical Committee Report notes “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” the General Commercial (GC) and Manufacturing Park (MP) zones. Taken together, the preceding factors combined with the policy language for the GC and MP zones indicate that allowing retail marijuana stores in the Urban Centers could result in impacts that Comprehensive Plan policies indicate should be avoided while providing a method of accommodating those uses which, while not appropriate for the Urban Centers, are still legal uses and/or should be accommodated in Redmond, and identifies the GC and MP zones as potential areas where those uses might be more appropriate.</p> <p>Public Comment To be summarized</p>	
<p>12. Provide details of the housekeeping amendments for production and processing. (Biethan)</p>	<p>Planning Commission Discussion (1/20) Commissioners discussed the housekeeping amendments and asked that they be specifically identified since they are not part of the Technical Committee Report.</p> <p>Staff Response/Recommendation (1/22) Redmond’s current regulations regarding marijuana are from ordinance 2744. Due to an oversight, the Comprehensive Use Chart (RZC 21.04.030) was updated to show the zones where marijuana uses are allowed, but the individual use charts for the various zones (in RZC 21.06 through 21.14) were not updated. Therefore a conflict exists in the Zoning Code since the Comprehensive Use Chart shows that marijuana uses are permitted, but no specific standards are set in the individual zones.</p> <p>The following sections would be updated: Marijuana production – Agriculture use</p>	<p>Opened 1/20</p>

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	<ul style="list-style-type: none"> • Table 21.06.010B – Urban Recreation (UR) zone <p>Marijuana processing – Manufacturing and Wholesale Trade use</p> <ul style="list-style-type: none"> • Table 21.12.210A – Overlake Business and Advanced Technology (OBAT) zone • Table 21.13.030A – Regional Retail (RR) zone • Table 21.14.030B – Business Park (BP) zone • Table 21.14.040C – Manufacturing Park (MP) zone <p>NOTE: In addition to changes to allow marijuana retail sales in the Samm Valley Overlay)</p> <ul style="list-style-type: none"> • Table 21.14.050C – Industrial (I) zone <p>Specific text amendments to the RZC will be distributed prior to the public hearing and next study session.</p> <p>Public Comment No public comments have been received concerning this issue to date.</p>	
<p>13. What if a use requiring a buffer moves in after a store opens? What does the state law say? (Miller/ Haverkamp via email)</p>	<p>Planning Commission Discussion (1/20) Commissioners discussed the procedure if a retail marijuana store opens in a compliant location, and then later a use requiring a buffer (a daycare, for example) opens within the buffer distance. Commissioners also requested to see the text of the state law concerning buffers.</p> <p>Staff Response/Recommendation (1/22) If a licensed marijuana facility is sited in accordance with state and local regulations when it opens, and then later a use which would make that site non-compliant opens, the licensed marijuana facility would be “grandfathered” in at its current location. This would be similar to a non-conforming use. Redmond could specifically provide for this in the Zoning Code for clarity. Other cities have provisions in their codes regarding this situation.</p> <p>The state law concerning buffers is contained in RCW 69.50.331 and is as follows: (8)(a) Except as provided in (b) through (d) of this subsection, the state liquor and cannabis board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.</p>	<p>Opened 1/20</p>

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	<p>(b) A city, county, or town may permit the licensing of premises within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.</p> <p>(c) A city, county, or town may permit the licensing of research premises allowed under RCW 69.50.372 within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.</p> <p>(d) The state liquor and cannabis board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within one thousand feet but not less than one hundred feet of an elementary school, secondary school, or playground in compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility:</p> <ul style="list-style-type: none"> (i) Meets a security standard exceeding that which applies to marijuana producer, processor, or retailer licensees; (ii) Is inaccessible to the public and no part of the operation of the facility is in view of the general public; and (iii) Bears no advertising or signage indicating that it is a marijuana research facility. <p><u>Public Comment</u> No public comments have been received concerning this issue to date.</p>	
<p>14. Would allowing this retail use in the Manufacturing Park zone potentially require the City to allow other retail uses as well? (Haverkamp via email)</p>	<p><u>Planning Commission Discussion</u> (1/20) Commissioners discussed whether allowing a particular retail use in the Manufacturing Park zone could potentially either require the city to allow others, or would set precedent for allowing further retail uses.</p> <p><u>Staff Response/Recommendation</u> (1/22) Regarding the legal issue, in general the City has authority under its inherent zoning powers to regulate where land uses locate within the City, so it is not likely there is an issue with other retail uses seeking to locate in the Manufacturing Park zone, even if the City were to allow retail marijuana stores</p>	<p>Opened 1/20</p>

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	<p>to locate there. RCW 35A.63.100 provides specific authority under state law for cities to adopt zoning regulations. Article XI, Section 11 of the state constitution also provides that cities have broad police powers, which are generally regarded to include the power to enact zoning.</p> <p>Redmond allows some limited retail uses in the Manufacturing Park zone today. The allowed uses are designed to provide services in the immediate vicinity of Redmond’s manufacturing and employment areas. For example, professional services are “Limited to research and development services and other uses that support another permitted use in the MP zone.” As previously noted, bars are also allowed but are restricted in size and scale. The Technical Committee analyzed whether allowing retail marijuana stores would have an impact on the availability of space for the uses primarily envisioned in the Manufacturing Park zone and determined that the probable maximum amount of area is approximately 10,000 square feet, which is not considered to be a significant impact.</p> <p>Public Comment No public comments have been received concerning this issue to date.</p>	