

REBUTTAL TO THE TECHNICAL COMMITTEE REPORT TO THE PLANNING COMMISSION

Project File LAND-2015-02282

Technical Report Recommendation for Approval is NOT SUPPORTED by the Data Provided

1. No Public Participation as per RCW 36.70A.140

- a. Property Owners and Business Owners in the area have the biggest financial investment and stand to suffer the biggest losses by this rezone. These **PRIMARY STAKEHOLDERS** were **NOT** included in the decision making process. They should have been the first ones consulted. Instead it would appear they were deliberately not notified. This is NOT a minor change but a Major and Controversial Change in zoning that dramatically affects **Traffic, Parking, Security and Business Retention**. It shows **NO Good Faith** from the City and No City effort to put the issue out in the open as evidenced by:
 - i. **NO NOTICE to Property and Business owners EARLY in the Planning Process.** Early notice is usually given even for small changes in land use.
 - ii. **NO NEIGHBORHOOD MEETING** on an issue of significant impact and controversy
 - iii. **NO "PROPOSED CHANGE OF USE SIGNS" POSTED** in the Affected area. Again normally signs are posted for even insignificant projects.
 - iv. Technical Report claims public involvement based on a meeting held December 10, 2015 at City Hall. Apparently there was no public notice of this meeting on a very controversial subject. Six people attended and seem to be from the marijuana industry. Based on turnout in opposition at the Public Hearing, there would have been a big turnout if it was a publicized "public meeting." Six people primarily from one side of the issue hardly constitute public opinion. **This meeting should NOT be used to claim the requirement of GMA for Public Involvement was met.**
 - v. For the only other public involvement the Report uses the results of an online survey buried on the Planning Commission Page and not on the City of Redmond Home Page. Unless the public knew, they would not know to look for this survey. This survey had 291 responses at the writing of the Technical Report recommendation. The Technical Report only seems to use data from the meeting with six people at City Hall described above and ignores or disregards this survey. The number of respondents to the survey is now nearly 1300 after public notice was given for the Public Hearing. **Overwhelmingly the response to this survey both before the Technical Report and since the Public Hearing is keep retail marijuana out of Redmond and the LEAST DESIRABLE place to locate it is Industrial.** Flying in the face of the only true "Public Involvement", the Technical Report recommends allowing retail marijuana stores and recommends placing them in an Industrial (MP Zone). Exactly the opposite of

Public Opinion. As of 1/27 nearly **68.69%** said it should be nowhere in the City and only **7.23%** thought it should be in industrial.

- vi. **NOTICE FOR PUBLIC HEARING NOT GIVEN IN A TIMELY MANNER.** There was a Public Hearing on 1-27-16. The notice for this Hearing was the **VERY FIRST and ONLY NOTIFICATION PRIMARY STAKEHOLDERS**, the affected property owners and business owners, and most Redmond residents had received of the proposal. This was **AFTER the recommendation had been made. Stakeholders WERE DENIED ANY IMPUT** in the initial planning process. **IT IS NOT PUBLIC INVOLVEMENT IF THE PUBLIC DOES NOT KNOW.** The Notice for the public Hearing was dated 1-6-16 but the letter that was sent to property and business owners in the area was dated 1-13-16 and the postmark was 1-15-16. It was **received on 1-19-16 for a meeting on 1-27-16.** NO time for any opposition and certainly not in the spirit of public involvement.
 - b. **Property owners bought property in this area and businesses established their location in this part of Redmond in good faith based on the current use. They will be the most profoundly affected and should have been the first and most heavily consulted in the decision making process.** Their opinion should have been given **TOP PRIORITY.** Instead it would appear that they were deliberately kept out of the discussion
2. This proposed rezone has the potential to bring a huge increase in traffic.
- a. A **TRAFFIC STUDY** should have been done.
 - b. **The ITE trip generation rate for marijuana stores is 400 daily and 63 peak per 1000** square feet of store space. A rezone could potentially allow 4 stores. The average store size is 750 to 2500 square feet. (As per the Technical Report) This could generate anywhere from **1200 to 4000 trips per day** if the four stores allowed for Redmond are all to be put in the same tiny area.
 - c. The traffic for even one store is huge. **By ITE estimate 10 times specialty retail.** Retail **has always been denied in this zone.** Traffic has been named as one of the reasons for denial. **Now the City is proposing to allow ONLY retail that generates 10X the traffic of other retail while CONTINUING to DENY other retail with less traffic and parking needs.**
 - d. The area being considered for rezone is a very small area (only a few square blocks) and extremely congested already. **It is a maze. There are two access points through which all traffic must pass and one of them does NOT have a traffic signal.** There are two east-west streets. 95th and 92nd. Both of these streets dead end at the Sammamish River. There is one street that connects the two North to South- 151st. This street has **no traffic signal at either end. During peak morning and evening hours this street is completely gridlocked between 90th and 95th.** Lake Washington School District buses are stored on 95th All these buses make several round trips a day and there is a smaller noon rush of both school buses and employees mostly heading toward downtown. The drivers for all these school buses also commute into the area as well as do contractors coming into wholesale suppliers for goods. It is possibly one of the most congested areas in the City already and certainly the most congested MP area.
 - e. **Businesses in this area already find traffic very disruptive to their business. It impacts employees, customers and deliveries.**
 - f. This area has always been considered inappropriate for retail by the City due to:

- i. Increased Traffic from Retail with no infrastructure to handle it
 - ii. Buildings built with limited parking 1-3 parking spaces per 1000 square feet floor
 - iii. Heavy industrial and manufacturing traffic -semi trucks etc.
 - iv. No sidewalks
 - v. Incompatibility with neighboring manufacturing and distribution.
- g. It makes no sense to now suggest that this is the place to put up to 4 retail marijuana stores. Incredibly the City is now recommending that marijuana retail be added to a tiny gridlocked maze with limited access. This new retail produces 10X the traffic and greatly expanded parking needs of low use retail that has the City has previously denied. Each of these **proposed retail stores is equivalent to a Convenience store traffic and parking.**
- h. If this area is going to be rezoned for a SINGLE RETAIL USE, it should be rezoned for **ALL RETAIL USE**. This screams favoritism to a single industry.

3. PARKING

- a. According to the Technical Report marijuana retail needs 25-30 parking spaces during peak time per 1000 square feet of floor space.
- b. Typical current parking in MP Zone is 1-3 spaces per 1000.
- c. Where will the others park?
 - i. They will encroach on neighboring properties and businesses.
 - ii. This will drive out neighboring businesses
 - iii. This will create confrontation
 - iv. Who will police this problem?
 - v. Who will clean up the mess left in the neighboring parking lots after the weekend. Will neighboring properties be forced to put up gates and fences?
- d. Currently at nearly all businesses the lots are full and the on street parking is occupied during the week.

4. SECURITY

- a. Dark Streets with no streetlights
- b. Deserted area at night and on the weekends
 - i. Security problem for marijuana store in a cash business
 - ii. Security Problem for neighboring businesses
- c. Security of employees of neighborhood businesses who work at night
- d. No sidewalks
- e. Marijuana industry says that a well lighted area is best for them for security
- f. Technical Report ignores entire security issue

5. EXISTING BUSINESS TENDS TO RELOCATE WHEN MARIJUANA MOVES IN

- a. Data from City of Redmond Technical Report cites:
 - i. Traffic
 - ii. Odor
 - iii. Infringement on Neighboring Properties
 - iv. Safety and Security Concerns
 - v. Customers of existing businesses unwilling to come into area. Especially those businesses catering to families or children.
 - vi. Existing businesses opposed to use

- vii. Marijuana customers using product in the area
 - viii. **It is deeply troubling that City of Redmond is willing to KNOWINGLY SACRIFICE** existing businesses in favor of preferential treatment for a single industry.
- b. WHY would the CITY deliberately create a financial burden on neighboring businesses and property owners. Businesses can move although at great expense. Property Owners cannot move. Is the City going to compensate them for their losses?
 - c. What is the City's justification for driving out existing business that is thriving in order to accommodate a single special interest and by the City's own admission, probably leave empty buildings? **Vacancy rates are currently very low. We have a thriving business community. Why destroy that?** This is **NOT a GOAL of the GMA- to run out existing businesses.** Yet the City says they know that surrounding business leaves. Why is it acceptable for MP business to leave, but not for Urban Center businesses to leave? The Matrix says that the City doesn't want to locate Marijuana sales in the Urban Center because business will leave. It should be the same for the Sammamish Valley Overlay. What makes a small shop in the Urban Center more important to the City of Redmond than a manufacturing or distribution business in the MP Zone? More importantly why would the City of Redmond want any business to leave to accommodate a business that only creates problems **and expense for the City**
 - d. **Has the City done an inventory or study of the existing businesses in the area and the effect on them with a rezone?** Once again primarily Traffic & Parking. Once again has the City actively involved these businesses?
 - e. With grandfather rules, once a marijuana retailer moves in, they will have priority. Incoming new tenants in neighboring buildings will have to meet buffer rules for marijuana use. Thus there will be a reduced number of new prospective tenants for landlords. This creates more economic hardship for the landlord. It is a downward spiral.
6. Technical Committee seems to ignore that retail marijuana is still a violation of Federal Law. It is classified as a **CLASS 1 DRUG with serious mental and health issues** There are many problems.
 - a. Many questions are answered at <http://whitehouse.gov/oncp> **FAQS**. This site provides answers to Health and Safety questions as well as the increased demand on public resources which creates additional City expense.
 - b. There seem to be many undocumented claims in support of this rezone. This website from President Obama provides many factual based answers.
 7. Regarding the Additional Analysis beginning on Page 14 of the Technical Report there seems to be little validity to the claims made by the authors that it supports Goals of the Comprehensive Plan.
 - a. Technical Report Claims their recommendation provides Consistency with Growth Management Act.
 - i. But there was NO meaningful Public Outreach
 - ii. It is doubtful that this rezone would "encourage business development and economic vibrancy and sustainability" as the City's Technical Report claims. More likely by their own findings that it would cause nearby businesses to leave as it has in Kirkland and other areas.

- b. Technical Report says Comp Plan Goal is “To maintain a strong and diverse economy and to provide a business climate that retains and attracts locally owned companies” To provide opportunities to live a healthy lifestyle.” By the City’s own statement existing businesses tend to move out and **NO ONE** can say that Marijuana promotes a healthy lifestyle. Once again <http://whitehouse.gov/oncp> for documentation. There are a lot of businesses currently in the Sammamish Valley proposed rezone that DO promote a healthy lifestyle. What will happen to them?
 - c. There seems to be no data to support most of the other claims in this section of the Technical Report. Most particularly the TRAFFIC section. There is NO indication of City accommodation for either increased traffic or parking in an already gridlocked maze.
 - d. The <http://whitehouse.gov/oncp> also **dispels many of the myths** in this Technical Report regarding general impacts to public facilities. It gives statistics for the effects on public health, crime, addiction and treatment needs. Among other statistics 39% of all emergency room visits for ALL drug problems are for marijuana.
 - e. This Technical Report claims that general economic impacts would be minimized by placing retail marijuana sales in this area. **THERE IS ABSOLUTELY NO INDICATION THAT IT WOULD HAVE ANY LESS IMPACT ON THIS AREA THAN ANY OTHER AREA.** That is merely an unsupported opinion and **NOT** one shared by the Stakeholders. The fact is marijuana sales **will HAVE SEVERE ECONOMIC IMPACT TO EXISTING BUSINESSES AND PROPERTY OWNERS WHEREVER IT IS PLACED IN REDMOND.**
 - f. **MARIJUANA RETAIL SALES ARE LIKELY TO HAVE GREATER ECONOMIC IMPACT ON THE WILLOWS/SAMMAMISH VALLEY OVERLAY AREA** than they would in a retail zone. This small area with very limited access and already **inordinately high traffic** cannot accommodate the influx of traffic and parking needs and **NO traffic study** has been done. This is a busy working MP business area. Security is also of greater concern here. Local business has NOT been consulted.
8. In the Planning Commission Issues Matrix Page 8 the potential impacts of retail marijuana stores on Urban Centers is discussed. The reasons listed below refer to the reasons why the City Matrix says marijuana stores should **NOT** be in the Urban Center. These are the **exact same** reasons these stores should **NOT** be in the Sammamish Valley (Willows Business Park) area.
- a. “Marijuana stores lead to increased public use of marijuana in the area. Marijuana use could detract from people’s comfort”. The exact same problem will apply to MP Zone. What company wants their employees and customers exposed to marijuana smoke during the work day. Employees and customers will leave and then the businesses will leave. There are several fitness oriented facilities as well as an indoor soccer facility and a ballroom that cater to both children and adults. Existing business that have invested in their location. The City should want to keep these businesses rather than drive them out. These are businesses that do promote a Healthy Lifestyle which is touted to be a City of Redmond Goal.
 - b. “Retail marijuana may require large amounts of parking.” Discussed earlier.
 - c. The City says this use should not be in the Urban Center because of “Potential for retail marijuana to negatively impact neighboring businesses through increased public use of marijuana, traffic and parking. These factors could cause a reduction in opportunity for businesses, or cause businesses to choose to relocate or not come to the Urban Center.”

THIS IS EXACTLY THE SAME THING THAT WILL HAPPEN IN THE MP Zone. Businesses located in the Willows /Sammamish Valley should be NO LESS important than businesses in the Urban Center. The SAME EFFORT should be made to retain businesses in the MP Zone. By locating retail marijuana sales in the Sammamish Valley MP Zone the City is saying that they know that retail marijuana sales have a negative impact on surrounding business, but the existing businesses located in Willows don't matter to us. We don't care if you are impacted. We need to keep our downtown looking good, but are willing to sacrifice the businesses in Willows. They can move.

- d. An important point to remember is that **marijuana retail is already available just down Willows Road** in Kirkland right on the City line between Redmond and Kirkland. This is only **4 minutes away from the Willows Business Park (Sammamish Valley Overlay) area.** There is **NOT a marketing need for stores in the Willows area. They already exist.** The neighboring tenants of the building on Willows in Kirkland have already moved out.

CONCLUSION:

The Technical Report is gravely flawed. **It did not include the most important Stakeholders the current business owners and property owners in the process** and nearly all of its conclusions are **NOT** supported by the facts that are presented or by **the facts that should have been provided, but were omitted in the report.** The very reasons that are used to justify placing marijuana sales in the MP Zone are the reasons that should be used to keep it out. The conclusions seem to be totally opposite of the facts. Much of this report is simply an unsupported opinion

None of the issues that are critical to the area as discussed above have been addressed including **TRAFFIC, PARKING, SECURITY and EXISTING BUSINESS RETENTION**

This report fails to say that if the actual public opinion that was provided had been considered, and if the facts they present were analyzed, that the only logical choice would be the option of **NO MARIJUANA SALES IN THE CITY OF REDMOND to meet the stated GOALS of the Redmond Comprehensive Plan.** Redmond prides itself on being a Healthy environment and even has a description as such on the King County web site. The decision to bring retail marijuana stores to Redmond would not promote those goals.

THERE SHOULD BE NO DECISION TO REZONE THIS AREA WITHOUT A COMPREHENSIVE INVOLVEMENT OF ALL THE STAKEHOLDERS. THE EXISTING PROPERTY OWNERS AND BUSINESS OWNERS SHOULD BE THE MOST IMPORTANT ASPECT OF THIS WHOLE PROCESS. Studies need to be done on the effect of this rezone on traffic etc. Stakeholder involvement should take place at a reasonable time with reasonable notice and not during July and August when many people are on vacation.

The absolutely best solution would be for the City of Redmond to take the High Road and Continue to Ban Retail Marijuana Sales in the City.

John & Roberta Sacks
PO Box 2406
Redmond WA 98073

Property Owner 30 years
Willows Manufacturing Park

151st Between NE 95th and NE 90th Sammamish Valley Overlay



(Noon) 12:48 pm on February 3, 2016

Traffic is much higher volume than this During Morning and Evening Commute

Note: This is one of only two ways out of the area and both back up with total congestion between 90th and 95th during the morning and evening commute.

There is NO Traffic signal at NE 90th and much of the traffic turns left toward downtown Redmond or for access to SR 520. The wait can be long.



Jodi L. Daub

From: Yong Lee <yonglinguini@hotmail.com>
Sent: Saturday, February 06, 2016 4:47 PM
To: Jason Rogers
Subject: Marijuana stores in Redmond

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Rogers,

As a resident in Redmond, I would like to say no to marijuana stores in Redmond. I have a five year old son and do not believe this would be a good addition to our neighborhood. Thank you for your time.

Sincerely

Gloria Lee

Jodi L. Daub

From: Zhen Zhang <zhenzz@gmail.com>
Sent: Saturday, February 06, 2016 12:21 PM
To: Jason Rogers; Planning Commission
Subject: Data against opening marijuana stores in Redmond city

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Redmond Planning Commissioners and Jason,

Thanks for holding the public hearing and listening to our voice! I am impressed by your effort and time spent on this topic. I also appreciate the philosophy of data-driven decision-making. I looked at the issue metrics and I noticed there are several open questions there, so I did some research and would like to share with you. Hope it helps.

1. Could legal marijuana stores reduce demand for illegal marijuana?

From [1], "data show that Colorado residents and visitors will consume an estimated 130.3 metric tons of marijuana in 2014, but only about 77 metric tons will come from legal medical or recreational outlets."

2. What are other cities experiences with licensed marijuana facilities, including for production and processing in addition to retailing? Specifically focus on crime, traffic, and impacts to neighboring businesses.

From [2], Page 1 -5 is the summary.

In 2014, when retail marijuana businesses began operating, there was a **32 percent increase** in marijuana-related **traffic deaths** in just one year from 2013.

A 2015 survey of school resource officers and school counselors revealed similar results about increased school marijuana issues since the legalization of recreational marijuana.

In 2014, when retail marijuana businesses began operating, there was a **38 percent increase** in the number of marijuana-related **hospitalizations** in only one year.

Children's Hospital Colorado reported **2** marijuana ingestions among children under 12 in 2009 compared to **16** in 2014.

Young children (ages 0 to 5) marijuana-related exposures in Colorado: During the years 2013 – 2014, the average number of children exposed was 31 per year. This is a **138 percent increase** from the medical marijuana commercialization years (2009 – 2012) average which was a **225 percent increase** from pre-commercialization years (2006 – 2008).

3. What do Redmond citizens want? Is a statistically valid measure available?

From the public hearing and the public comments, we can see most of Redmond residents are against having pot store in Redmond city. I manually counted emails one by one, here is what I found:

There are totally 78 emails (saw some duplicates from forwarding), 62 against, and 16 support. Within 16 supporters, **4 are owners or CEO of companies, 4 are frequent users of marijuana**, 1 has friends working at pot store, 1 not tried in 15 years, 1 from Sammamish 1 from Issaquah (Above data are purely from what they said inside their email). So isn't this clear?

We can also look at the survey result and also the petition <https://www.change.org/p/redmond-city-council-say-no-to-marijuana-stores-in-redmond-41681b1c-58bb-42bf-a441-db03d06f8f61>.

Can we put this on ballot for vote this November?

From [3], “not in my backyard” (NIMBY) responses to MMD sitings persist in places such as Washington, DC (Opfer, 2013), New Jersey (Farley, 2012), and Los Angeles (Kudler, 2014; Walker, 2013), all of which approved legalization ballot measures by high margins. A recent poll showed that 73% of adults support making medical marijuana legal, but 44% would be “somewhat or very concerned if a dispensary opened near their home” (Pew Research, 2010). Even as 80% of Californians support medical marijuana (Greenberg Quinlan Rosner Research, 2012), only 55 towns and counties have developed MMD ordinances and 213 localities have banned medical marijuana altogether, many due to pressure from concerned residents (Americans for Safe Access, 2013).

4. What is the documented demand for marijuana and marijuana products among Redmond residents?

Based on the demographic character of Redmond city, [4][5], it should be clear that there are not much demand for marijuana among Redmond residents. You can see this lack of demand as well from the above paragraph and the data found from public comments.

5. What is the appropriate pace for increased opportunities for marijuana retail in Redmond in thinking about current conditions and future growth in the city?

From statistics and research results found below, it is obvious that the growth of marijuana retail comes with the cost of more people especially younger students become new users. Given the known impact on health of children, and added cost on hospital and urgent rooms caused by the usage, it seems not a good opportunities for the city to take.

[6]Marijuana use in the United States more than doubled between 2001 and 2013, ..., Marijuana-use disorders, which include problems with drug addiction and dependence, also rose, increasing from 1.5 percent of the adult population in 2001 to 2.9 percent in 2013, the study showed. The researchers speculated that changes in drug laws and a rise in more permissive attitudes toward marijuana are contributing to increased usage.

[6]a 2014 survey of more than 1,000 U.S. college students found that the percentage of students who smoked marijuana every day or nearly every day reached its highest level in more than 30 years. The researchers said they suspect the rise in marijuana use is linked with college students' perception of the drug as being less dangerous than other drugs, as well as the increasing number of states that have legalized the substance's use for medical or recreational purposes.

[7]Economists estimate that marijuana use will increase by 75% - 289% once legalized, or more if advertising is permitted. However, the higher end of this range is probably more accurate because current usage is underreported by 20%-40%. Inevitably, the increase in use will correspond to an uptick in incidents of dependence and abuse. If the number of new users is between 13.05 million and 47.85 million, then treatment admissions would likely increase from 1.3 million to 4.8 million respectively. These estimates assume a dependence rate of only 10%.

(Added myself) What are the potential impacts to city residential property values? City populations, and impacts on local business and economy?

From [3] "an important concern of developers and business organizations is the potential loss of revenue and trade from commercial businesses who do not want to locate in the immediate vicinity of an MMD (Steckler, 2006; Tilton, 2009). "

From [4], Housing unit in 2010 is 24,177, median value is \$453,900. The property tax from these properties is at 109.7 million. The opening of pot store could well drive down the property value by 5% easily, that is about 5.49 million every year. Note these numbers were for year 2010, and we know house market has seen significant growth since then.

From [2], page 1 -5 is the summary, there are other costs related such as hospitalization, urgent rooms, traffic, extra policing cost, etc.

In summary, I do not see it makes much sense even just considering money, not to mention the long term impact to children and culture and environment.

Thanks for reading and your consideration!

Zhen Zhang 10823 179th CT NE, Redmond, WA 98052

-
- [1]<http://inewsnetwork.org/2014/08/13/demand-for-marijuana-outpaces-legal-supply-black-market-filling-gap/>
 - [2]<http://www.rmhidta.org/html/2015%20FINAL%20LEGALIZATION%20OF%20MARIJUANA%20IN%20COLORADO%20THE%20IMPACT.pdf>
 - [3]http://www.americanbar.org/content/dam/aba/events/state_local_government/2014%20Fall%20Council%20Meeting/reefer-madness/NemethRoss.authcheckdam.pdf
 - [4]<http://quickfacts.census.gov/qfd/states/53/5357535.html>
 - [5]<https://www.redmond.gov/common/pages/UserFile.aspx?fileId=18399>
 - [6]<http://www.livescience.com/53218-top-marijuana-scientific-findings-2015.html>
 - [7]<http://www.globaldrugpolicy.org/Issues/Vol%207%20Issue%204/The%20Economic%20Impacts%20of%20Marijuana%20Legalization%20final%20for%20journal.pdf>
 - [8]http://www.lassencounty.org/govt/dept/planning_business/planning_division/documents/20100511152643.pdf is white paper on marijuana dispensaries by California Police Chief's task force

Click [here](#) to report this email as spam.