

**CITY OF ISSAQUAH  
DEVELOPMENT SERVICES DEPARTMENT  
ADMINISTRATIVE REVIEW**

**NOTICE OF DECISION**

**TO:** Victoria Robinson  
PO Box 171  
Fall City, WA 98024

David Wagner  
801 23<sup>rd</sup> Avenue South, Suite 201  
Seattle, WA 98144

**SUBJECT:** **The Peaceful Choice**  
**File No. ASDP13-00009**

**DECISION DATE:** September 6, 2013

**REQUEST:** An Administrative Site Development Permit (ASDP) application for a medical marijuana collective garden for the purpose of dispensing medical cannabis to qualified Washington State medical patients as defined in state law, Chapter 69.51A RCW; bills of the 2011-12 legislative session, SB 5073; and City Ordinance #2633, including IMC 18.07.515. The proposal would provide retail sales of herbal remedies, massage oils and lotions, apparel, and candles; wellness services such as massage and acupuncture; and access to cannabis sold in all state legal forms. No growing of marijuana would occur in this space. The use is proposed to locate within the existing suite C of the building with minor modifications.

In accordance with IMC 18.07.515, the collective garden proposes to be located entirely within an enclosed structure and no delivery of cannabis would be visible to the public. Prior to approval to begin operation, the applicant would pass a criminal background check and the collective garden would have installed an operational security system and a security camera system and receive approval of a Collective Garden Safety License.

The proposal would be located in the existing 1,412 square foot Suite C. No changes to the building exterior are proposed. The project would utilize a minimum of three (3) parking spaces in the building's parking garage.

**LOCATION:** 175 1<sup>st</sup> Place Northwest, Suite C  
See Vicinity Map, Exhibit No. 2

**DECISION MADE:** On September 6, 2013, the Development Services Department denied the Administrative Site Development Permit for the above proposal.

**REASONS FOR DECISION:**

1. On April 29, 2011, the Governor signed ESSB 5073, subject to vetoes of several sections of the bill,

the “Act”. Under the Act, cities may adopt and enforce zoning requirements and health and safety requirements pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction. Issaquah implemented codes consistent with this state direction under Ordinance #2633, passed by the City Council on December 5, 2011 and effective December 19, 2011. The ordinance added new code sections including IMC 18.07.515 Collective Gardens and Chapter 5.18 IMC Collective Garden Safety Licenses that are addressed in this decision.

2. The City of Issaquah Land Use Code, Table of Permitted Land Uses, IMC 18.06.130, as amended by Ordinance #2633, authorizes this project to be reviewed as a Level 2 Administrative Site Development Permit (ASDP).
3. The Comprehensive Plan designation of the site is “Retail.” The project site is located within the Olde Town Subarea of the Comprehensive Plan. The zoning designation of “CBD”, Cultural and Business District, is consistent with the Comprehensive Plan designation of “Retail”. A Collective Garden is shown as a permitted use on the Table of Permitted Land Uses, IMC 18.06.130 as amended by Ordinance #2633. The project is consistent with the zoning and Comprehensive Plan designations.
4. A Notice of Application was mailed to all property owners within 300 feet of the site on July 15, 2013. A revised Notice of Application was mailed to all property owners within 300 feet of the site on July 25, 2013, to correct the address of the proposal shown on the Notice. Because of the revised Notice of Application, the comment period was extended and expired on August 8, 2013. The City received thirty seven (37) written comments regarding this application. The comments addressed several subjects, including:
  - The desirability of locating a collective garden in a mixed-use building;
  - The potential impact on youth activities in the immediate vicinity;
  - Whether one or several nearby land uses would meet the definition of “community center” and hence require a 1,000-foot buffer;
  - Parking in the building and on adjacent streets;

*Response: The City took the public comments into account. Based on the public comments, the City analyzed the noted land uses to determine if one or several of the nearby land uses met the definition of “community center.” See Reason For Decision #8, below, for further discussion.*
5. The project proposes to move into existing commercial space within the building. The use is proposed to locate within Suite C of the existing mixed use building with little or no change to the existing building. Although the applicant indicates that little or no changes will be made to the interior or exterior, such changes are permitted provided they remain consistent with the existing development. If the applicant chooses to make changes they must apply for and receive any construction permits that may be required.
6. The proposal is exempt from State Environmental Policy Act (SEPA) review. The proposal is for a tenant improvement of an existing commercial structure. No building addition or exterior modification is proposed, no change in existing commercial use.
7. The project proposes no changes or impacts to development standards associated with the “CBD” zone that applies to this site such as impervious surfaces, parking, landscaping, building changes, etc. Consistent with IMC 18.04.390 Approval Criteria, this project also proposes no changes or impacts in relation to the Design Criteria Checklist and other applicable approval criteria.

8. The proposal must meet the Collective Garden requirements outlined in IMC 18.07.515. The proposal **does not** meet the requirements as follows:

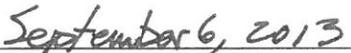
18.07.515.D. Separation Requirements:

1. No collective garden shall be permitted within one-thousand (1,000) feet of any other collective garden.
2. Only one (1) collective garden is permitted on any one site.
3. The growing functions of a collective garden shall be separated from where the cannabis or cannabis products are processed and delivered to the qualifying patients of a collective garden by at least one-thousand (1,000) feet.
4. No collective garden shall be permitted within one-thousand (1,000) feet of any community center or school.
5. No collective garden shall be permitted within five hundred (500) feet of any park, preschool, or daycare.
6. Measurement: The measurement shall be taken in a straight line from the point on the property line of the uses specified in this section closest to the collective garden to the nearest physical point of the tenant space or structure housing a collective garden.
7. A use specified in this subsection shall not benefit from the separation requirements of this subsection if the use chooses to locate within the required separation distance from a lawfully located collective garden. A collective garden is lawfully located if it has located within the City in accordance with the requirements of this section.

*Response: The proposed Collective Garden would be located within 1,000 feet of the Issaquah Senior Center, which is considered to be a "community center" under the definitions in the Land Use Code. The definition states: "A facility owned and operated by a public agency or nonprofit corporation; provided, that the principal use of the facility is for public assistance, recreation, community improvement, or public assembly." (see IMC 18.02.050 Definitions – C). The Senior Center is owned by the City of Issaquah and is operated by Issaquah Valley Seniors, a non-profit corporation registered in the State of Washington, and its principal use is recreation. Therefore it meets the definition of "community center" and a collective garden must be located at least 1,000 feet away. See Exhibit 4 for a map showing the distance from the Issaquah Senior Center.*

9. The application was routed to other City departments and those comments are incorporated into this decision.

  
\_\_\_\_\_  
Jason Rogers, Associate Planner

  
\_\_\_\_\_  
Date/Signed

JR/

**EXHIBIT LIST**

1. File and application ASDP13-00009, received June 13, 2013
2. Vicinity Map
3. Site Plan, received June 13, 2013
4. Map showing Issaquah Senior Center and proposed collective garden location

# LAND USE PERMIT APPLICATION



CITY OF  
**ISSAQUAH**  
DEVELOPMENT SERVICES

1775 - 12<sup>th</sup> Ave. NW | P.O. Box 1307  
Issaquah, WA 98027  
425-837-3100  
issaquahwa.gov

This Section For Staff Use Only	
Permit Number: <u>ASDP13-00009</u>	Date Received: <u>RECEIVED</u>
Staff Contact: <u>Jason Rogers</u>	<u>JUN 13 2013</u>

Type of Application: Collective Garden City of Issaquah

## PROJECT INFORMATION

Name of Project (if applicable): The Peaceful Choice  
Project Site Address: 175 first place NW unit C Issaquah, wa 98027  
Parcel Number: C

## OWNER

Name: David Wagner Management  
Address: 801-23rd Ave S. suite 201 Seattle wa 98144  
Phone: 206 568 7181 Email: dauid@wagnermanagement.com

## APPLICANT

Name: Victoria M. Robinson  
Address: Po Box 171 fall city wa 98024  
Phone: 720 271 9997 Email: Victoria@greeneradio.org

## CONTACT

Name: " same as above "  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## PROPOSED PROJECT DESCRIPTION

Please provide a brief description of the project. (Use an additional sheet of paper, if necessary.)

I certify (or declare) under penalty of perjury under the laws of the State of Washington that all application information, including plans and reports, are true and complete to the best of my knowledge. I understand the lead agency is relying on them to make its decision.

Signature: Victoria M. Robinson Date: 6/1/13

## The Peaceful Choice, Holistic Wellness Center

1. Design concept is a "Medical Office Feel".
  - a.) Prior tenant, ears, nose & throat MD (see floor plan).
  - b.) Front reception check-in, only allowing Washington State Medical Marijuana Patients into dispensing room(s).
  - c.) Intergraded Multi-Camera system with DVR (7 Cameras total).
  - d.) ADA compliance/accessibility.
  
2. Dispensing Medical Cannabis based on the following "criteria".
  - a.) Person must be a valid resident of WA & must obtain a recommendation for the use of medical cannabis under RCW 69.51A.
  - b.) Reception desk & storefront retail open-to-public to allow for patient check-in & retail sales of homeopathic remedies, body lotions & gift shop goods.
  - c.) Dispensing room(s) permitted for patients only after reception verifies a valid Washington ID or Driver's License and a valid recommendation use within the calendar year prior to expiration.
  - d.) Cannabis sold in all state legal forms; raw plant, edibles, tinctures, keef hash, etc.
  
3. Business Hour of Operations
  - a.) Normal business hours; Tuesday-through Saturday 11-7pm, Sunday 12noon-6pm, Monday Closed.
  - b.) Hours of operations may vary based on municipality jurisdiction and/or business retention rate.
  - c.) Security System implemented for non-business hours with DVR recording.
  
4. Employees
  - a.) All employees must be 21 years of age.
  - b.) All employees must obtain a valid WA ID & Medical Recommendation.
  - c.) All employees must be wearing The Peaceful Choice name badges and/or T-shirts/sweatshirts during their shift.
  - d.) All employees will be given an "end of shift" bag check and/or have personal belongings kept in employee locker or employee back room.
  - e.) 1 manager or owner must be onsite at all times during business hours.
  
5. Retail goods sold & Services Offered
  - a.) Open-to-the public will have retail sales of Chinese herbal remedies, massage oils, massage lotions, gift shop items, apparel and candles. This retail environment will create an open environment in the front of the building where the receptionist desk is for patient check-in.
  - b.) Services under the wellness umbrella include but are not limited to Massage, reiki, and acupuncture.

b1.) The Peaceful choice LLC has assumed full responsibility for the rental agreement and will not be subletting spaces. The Peaceful Choice may contract a licensed technician as an employee for the Wellness Center or come to agreed terms with the landlord for subletting a space for services.

6. No Consumption On-Site

- a.) No smoking on premises.
- b.) No consuming cannabis edibles or baked goods onsite.
- c.) No vaporizing onsite.

7. Security

- a.) 7 cameras onsite with DVR
- b.) Security System Service such as ADT
- c.) 5 ton safe used as a daily procedure to lock cannabis at night after business hours.
- d.) All cannabis locked in safe with initial'd inventory sheet by owner or manager.

8. Business neighborhood integration

- a.) The Peaceful Choice LLC is determined to enter the Issaquah market with the utmost respect for the community.
- b.) The Peaceful Choice will have signage that is discrete because we know that marketing loud is not a competitive advantage in our business. We will have our font size for any window decals pre-approved by landlord and city. No display of cannabis to public is permitted.
- c.) Our business model is based on compliance of the laws and compliance with our landlord/tenant agreement. This combination will aid us to integrate appropriately.

The Peaceful Choice LLC is dedicated to the patients of Washington by providing safe & legal Access to Medical Cannabis,

Prepared By

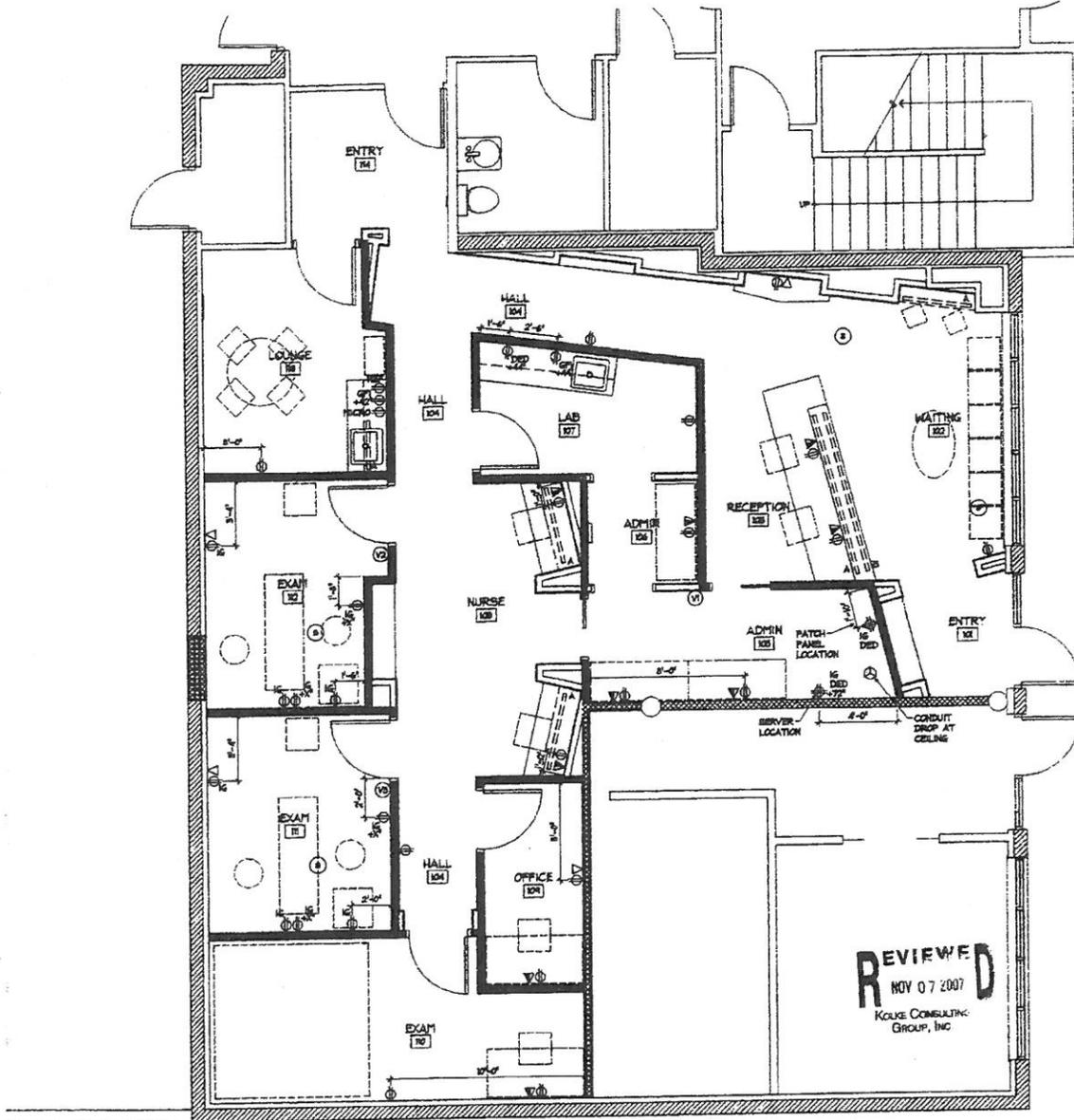
Victoria Robinson

RECEIVED  
JUN 13 2013  
City of Issaquah





REVISIONS	DATE	DESCRIPTION	BY	CHK



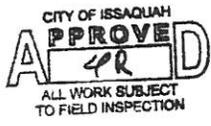
**REVIEWED**  
 NOV 07 2007  
 KOUBE CONSULTING  
 GROUP, INC

NOTE: ALL DIMENSIONS THIS DRAWING ARE CLEAR AND TO FACE OF FINISH

Power, Communications & Lighting Plan  
 1/4" = 1'-0" 1

**POWER, COMMUNICATION & LIGHTING LEGEND**

<ul style="list-style-type: none"> <li>⊕ NOTE: GREYED OBJECTS ARE EXISTING TO REMAIN</li> <li>⊕ OUTLET</li> <li>⊕ ISOLATED GROUND OUTLET</li> <li>⊕ GROUND FAULT INTERRUPT OUTLET</li> <li>⊕ DOUBLE DUPLEX OUTLET</li> <li>⊕ FLOOR OUTLET, MOUNT FLUSH WITH FLOOR FINISH</li> <li>⊕ CEILING OUTLET, MOUNT FLUSH WITH CEILING</li> <li>⊕ SWITCHED OUTLET</li> <li>⊕ EQUIPMENT CONNECTION</li> <li>⊕ DATA AND TELEPHONE OUTLET</li> <li>⊕ DATA OUTLET</li> <li>⊕ TELEPHONE OUTLET</li> <li>⊕ WIRELESS ACCESS POINT</li> <li>⊕ CABLE TV</li> <li>⊕ ACCESS CONTROL BUZZER W/ MIC</li> <li>⊕ THERMOSTAT</li> <li>⊕ VOLUME CONTROL / ZONE</li> <li>⊕ SPEAKER / ZONE</li> <li>⊕ CEILING MOUNTED CAMERA</li> </ul>	<ul style="list-style-type: none"> <li>===== A UNDER CABINET FLUORESCENT TASK LIGHT</li> <li>===== B FLUORESCENT TOE-LOCK LIGHTING</li> </ul>
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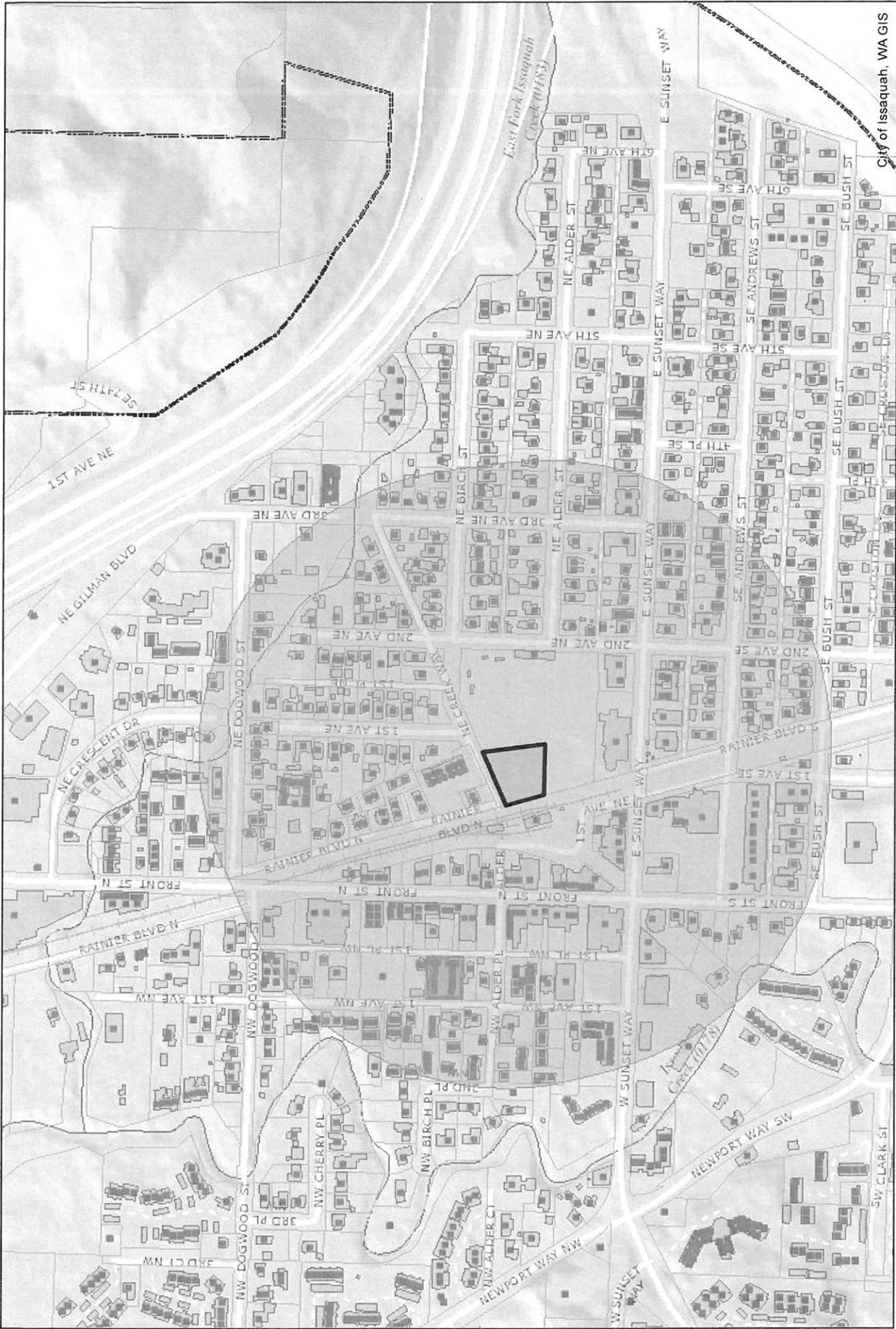
ALL WORK SUBJECT TO FIELD INSPECTION

**AKINETIC**  
 8006 Woodbank Drive NE  
 Burien, WA 98148  
 P: 360.297.5511 F: 360.297.5512  
 Email: contact@aknetic.com

Medical Offices for  
**Lisa Mulligan, M.D.**  
 Issaquah Court  
 175 1st Place NW  
 Issaquah, Washington

Power, Communications & Lighting Plan

TE-1



City of Issaquah, WA GIS



# Issaquah Senior Center - 1,000 feet

