

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF REDMOND**

In the Matter of the Appeal of)	No. APL LAND-_____
)	
)	
Andorra Ventures LLC)	
)	
Of the April 10, 2020 approval of)	CONSOLIDATED ORDER RULING
BLDG-2020-01804 which authorized tenant)	ON DISPOSITIVE MOTIONS TO
improvements to an existing commercial)	DISMISS
space addressed as)	
<u>7829 Leary Way, Suite 100, Redmond</u>)	

The appeal filed by Andorra Ventures LLC (Appellant) challenged the April 10, 2020 approval of BLDG-2020-01804, which authorized the construction of a new demising wall in an existing building to create retail tenant space and upgrade the restroom for ADA compliance. No exterior building or site improvements were included. The appeal alleged the following errors.

- A. The Decision violates RZC 20D.130.10-030(6) and RZC 21.40.010.E(6), which prohibit vehicles exiting from parking facilities from backing into streets. The applicant’s parking facility is designed such that to exit, vehicles must back into Cleveland Street – a very busy thoroughfare.

- B. The City failed to follow the criteria and requirements of RZC 21.10.030C(8) and 20D.130.10-010(4) because the traffic that will be generated by the change in use of the building to marijuana sales will generate far greater volumes than the prior use, and the existing parking is not sufficient to accommodate such volumes.

- C. The City’s allowed use of the site for retail marijuana sales violates the buffer requirements under RZC 21.41.040.C. The site is within the required 1000’ park-with-playground buffer (per google maps 479’) from the Downtown Redmond Park and Splash Pad Play Area (which, per the City’s website, is “Fun for the kids!”)

The Appellant requested the following relief:

Reverse the City’s decision to approve the application and remand the same for processing consistent with applicable codes, including without limitation parking requirements and retail marijuana buffer requirements.

Consistent with the schedule established in the May 22, 2020 scheduling order following pre-hearing conference, as modified by subsequent June 26, 2020 order, the parties submitted and the undersigned reviewed the following documents in consideration of dispositive pre-hearing motions in this matter.

- City's Motion to Dismiss, dated June 22, 2020
- Plausible Products, LLC, D/B/A Hashtag Cannabis's Summary Judgment Motion, dated June 22, 2020
- Declaration of Duncan E. Manville In Support of Plausible Products, LLC, D/B/A Hashtag Cannabis's Motion for Summary Judgment, dated June 22, 2020, with three attachments
- Declaration of Logan Bowers in Support of Plausible Products, LLC, D/B/A Hashtag Cannabis's Motion for Summary Judgment dated June 22, 2020, with five attachments
- Appellant's Omnibus Response to Dispositive Motions, dated July 10, 2020
- Declaration of Dean Williams In Support of Omnibus Response, dated July 2, 2020, with two attachments
- City's Reply to Appellant's Omnibus Response, dated July 7, 2020
- Plausible Products, LLC, D/B/A Hashtag Cannabis's Reply in Support of Motion for Summary Judgment, dated July 7, 2020
- Reply Declaration of Logan Bowers in Support of Plausible Products, LLC, D/B/A Hashtag Cannabis's Motion for Summary Judgment, dated July 6, 2020

Having considered the errors alleged in the appeal and the arguments submitted in the materials listed above, the undersigned is persuaded that the scope of the instant appeal is properly limited pursuant to RMC 15.08.050(6) and RMC 15.08.055(2) to consideration of whether the Building Official's approval of the requested building permit is consistent with the International Building Code and/or International Existing Building Codes.

The permit issued authorized interior tenant improvements to an existing retail space, including adding one demising wall to segregate space within the structure and upgrading an existing restroom to comply with the requirements of the Americans with Disabilities Act (ADA). No exterior site improvements were included in the permit, and no change of building occupancy for purposes of the International Building Code was approved.

The errors alleged included violation of 1) RZC 20D.130.10-030(6) (sic)¹ and RZC 21.40.010.E(6), related to parking, 2) RZC 21.10.030.C(8) and 20D.130.10-010(4) (sic), related to parking requirements specific to marijuana retail sales uses, and RZC 21.41.040.C, related to retail marijuana use proximity to playground. None of the errors alleged relate to the City Building Official's interpretation or application of the Building Codes, and thus they are outside the scope of the City Hearing Examiner's subject matter jurisdiction as relates to the issued permit. Whether or not there may be valid challenges to be made to the compliance of the retail marijuana use with the cited parking and playground-proximity provisions of the Redmond

¹ There is no Title 20D of the Redmond Zoning Code.

Zoning Code, the issuance of a building permit for internal tenant improvements in an existing retail space does not open the door to review of compliance with non-building codes.

ORDER

Lacking authority to hear the appeal, the undersigned must grant the motions to dismiss. The remaining pre-hearing exchange schedule and the July 27, 2020 virtual hearing are stricken.

Ordered July 10, 2020.

By:



Sharon A. Rice
Redmond Hearing Examiner

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7829 Leary Way, Suite 100, Redmond

NO. APL LAND-2020-00449

Hashtag Cannabis Permit Appeal

CERTIFICATE OF SERVICE

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11 CERTIFICATE OF SERVICE

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13 I HEREBY CERTIFY that on this 10th day of JULY, 2020, a true and correct copy of the ORDER
14 DISMISSING APPEAL in the Matter of the Appeal of Andorra Ventures LLC, of the Hashtag Cannabis
15 Permit was sent via email to the Parties to the Appeal.

16
17
18
19 July 10, 2020

20 Date

21
22 *Cheryl Xanthos*

23
24 _____
25 Cheryl Xanthos, MMC
26 City Clerk
27 City of Redmond, Washington