

Applicant: City of Seattle Department of Construction and Inspections	Page 1 of 2	Supersedes:
	Publication: 8/13/18	Effective: 1/14/19
Subject: Existence of Major Marijuana Activities Including Retail Sales for Purposes of Dispersion Standards	Code and Section Reference: SMC 23.42.058.C.5	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: City of Seattle Land Use Code	Approved	Date
	(signature on file) Nathan Torgelson, Director, SDCI	1/9/19

BACKGROUND

SMC 23.42.058.C.5 provides dispersion requirements limiting the concentration in any single neighborhood of major marijuana activities that include the retail sale of marijuana:

No more than two properties with major marijuana activity that includes the retail sale of marijuana products are allowed within 1000 feet of each other; where any lot lines of two properties with *existing* major marijuana activity that includes the retail sale of marijuana products are located within 1000 feet of each other, any lot line of another property with a new major marijuana activity that includes the retail sale of marijuana products must be 1000 feet or more from the closest lot line of the property containing existing major marijuana activity that includes the retail sale of marijuana products.... (emphasis added)

The purpose of this Rule is to clarify when a major marijuana activity is *existing* for purposes of the dispersion standards in SMC 23.42.058.C.5.

RULE

Major marijuana activity is *existing* and counts toward the dispersion standards in SMC 23.42.058.C.5 under the following circumstances:

1. New Applications. When the Washington State Liquor and Cannabis Board (LCB) issues a Notice of Marijuana Application for a retail store to the City of Seattle.
 - a. The *existing* status remains in effect for as long as the application is pending at the LCB.
 - b. If LCB denies the application, the *existing* status remains until all appeals have concluded.
2. Valid License. When the applicant possesses a valid LCB retail marijuana license for a specific location, the *existing* status remains in effect even if the retail store is not open or the site has a “closed, temporary” status with LCB.
3. Change of Location Application. When the owner of a valid LCB retail marijuana license applies to LCB for permission to move to a new location and LCB issues a notice of Change of Location to the City. The Change of Location notice establishes *existing* major marijuana activity in the proposed new location if the new location meets the standards in SMC 23.42.058, subject to the following:
 - a. While the Change of Location application is pending, and until appeals of any denial of the application are concluded, both the old location and the proposed new location are *existing* major marijuana activities.
 - b. The proposed new location may be within the old location’s own dispersion area.
 - c. If LCB grants permission to relocate, the *existing* major marijuana activity at the old location, for purposes of allowing new applications to be considered by the City, shall end one week from the issuance of the license to relocate.
 - d. At no time shall a major marijuana activity operate two locations under the same license.
4. License Suspension. If a valid retail marijuana license is suspended by LCB pursuant to WAC 314-55-506, the business will remain an *existing* major marijuana activity for dispersion purposes until the conclusion of all appeals.