



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

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To: Planning Board

From: Jeff Roberts, Senior Manager for Zoning and Development
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Re: Special Permit **PB #331, Commonwealth Alternative Care, Inc.**
Registered Marijuana Dispensary at 1381 Cambridge Street

This memo contains an overview of the proposed project at 1385 Cambridge Street, the special permits being requested, and related comments.

Summary of Proposal

Commonwealth Alternative Care, Inc. is proposing to renovate a portion of the existing building at 1385 Cambridge to operate a registered medical marijuana dispensary (RMD). The project does not propose adding any parking or bicycle parking spaces. The proposal includes renovation of an area of 3,214 square feet in the first floor of the existing building and storage in the basement in addition to building out 300 square feet of sub-tenant space for active street frontage. The applicant is proposing to locate its corporate offices on the second and third floors of the same building.

The site is within the Mid Cambridge Neighborhood Conversation District and on the National Register. The Conservation District Commission has reviewed and approved the exterior alterations, and the National Register status did not trigger any additional reviews.

Requested Special Permits

The project is located in the Business A (BA) District and requires a Special Permit to allow a RMD use per Section 11.800. Applicable sections of the zoning are provided in an appendix.

Requested Special Permits	Summarized Findings <i>(see appendix for zoning text excerpts)</i>
Medical Marijuana Dispensary Use in Business B District (Sections 11.800)	<ul style="list-style-type: none"> • Location shall serve an area that currently does not have reasonable access to medical marijuana. • The location is at least five hundred feet from a school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate, or if not located at such a distance, it is sufficiently buffered from such facilities such that its users will not be adversely impacted by its operation. • Site design provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users. • Traffic generated shall not create a substantial adverse impact on nearby residential uses. • Loading, refuse and service areas are designed to be secure and shielded from abutting uses. • Building and site are designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior. <p><i>(See full criteria in appendix)</i></p>
General Special Permit Criteria (Section 10.43)	Special permits will be normally granted if the zoning requirements are met, unless it is found not to be in the public interest due to one of the criteria enumerated in Section 10.43 (see appendix).

Area Planning and Zoning

Pursuant to Section 11.800, RMDs are allowed in Business A, Business B, Business B-1, Business B-2, Business C, Industry A-1, Industry B-1 and Industry B-2 districts in the city with a Planning Board Special Permit. The base zoning for the site located in Inman Square is Business A (BA). No dimensional changes are proposed and therefore the dimensional standards of the district are not pertinent to this application.

Summary of requirements for a RMD:

- RMDs are only allowed to operate, notwithstanding the use limitations of the base zoning district or any overlay zoning district, with a special permit by the Planning Board.

- Permitted RMDs must be properly registered at the state level.
- Special permits are unique to a particular RMD (i.e., not transferrable to a different operator).
- RMDs must operate within a building.
- District dimensional requirements (e.g., FAR, height, setbacks) for non-residential uses apply to RMDs.
- Vehicle parking and bicycle parking (both long-term and short-term) spaces and the required number of loading bays shall be determined by the Planning Board based on the transportation analysis and other information related to operations and security of the RMDs.
- Normal signage requirements (Article 7.000 of the Zoning Ordinance) apply to RMDs, and additional restrictions may be imposed on signage as appropriate to mitigate any aesthetic impacts.
- An RMD is not allowed within 1,800 feet of another RMD.

This is the first RMD application made after the City Council adopted amendments to the medical marijuana zoning earlier this year. These amendments expanded the areas where RMDs are allowed to commercial districts throughout the city (such as Inman Square) but instituted a 1,800-foot separation to prevent “clustering” in certain areas. At that time, the Planning Board expressed concern about how the RMD system would be affected by the non-medical marijuana law that was adopted through a ballot initiative in 2016. The potential co-location of medical and non-medical marijuana establishments was also a concern raised by members of the City Council. Some of the uncertainty around the regulation of medical and non-medical marijuana has been clarified by actions taken since that time.

This past summer, the Massachusetts Legislature enacted an amended version of the non-medical marijuana law. The law establishes a statewide Cannabis Control Commission (CCC) to oversee the licensing of “marijuana establishments,” including cultivators, product manufacturers, and retailers of marijuana for non-medical purposes. The CCC is required to promulgate regulations for the licensing of marijuana establishments by March 15, 2018, to begin accepting applications by April 1, 2018, and to begin issuing licenses on or after June 1, 2018. Existing RMDs must be “prioritized” by the CCC when issuing licenses for retail, manufacture, and cultivation of marijuana for non-medical purposes. While the medical marijuana law still exists, oversight of RMDs would eventually transition from the Massachusetts Department of Public Health to the CCC.

The state law, in its current form, allows for local control of marijuana establishments through mechanisms including zoning ordinances and host agreements. However, local controls may not do the following (except, in the case of the latter three points, if approved directly by voters):

- Prevent the conversion of an RMD licensed or registered not later than July 1, 2017 to a marijuana establishment engaged in the same type of activity.
- Prohibit the operation of 1 or more types of marijuana establishments within the city or town.
- Limit the number of marijuana retailers to fewer than 20% of the number of “package store” alcoholic beverage licenses issued within the city or town.
- Limit the number of any type of marijuana establishment to fewer than the number of RMDs registered to engage in the same type of activity in the city or town.

Cambridge’s current zoning only allows medical marijuana dispensaries, and zoning regulations for non-medical marijuana establishments will need to be considered in the future. In the meantime, the

Planning Board should be conscious of the potential impacts of the state law when considering applications for RMDs. Under current zoning, any special permit issued by the Planning Board for an RMD would be conditioned on its continued operation as a medical marijuana dispensary. Therefore, while the future conversion of RMDs to non-medical marijuana retailers is enabled by state law, such a conversion would require amending the conditions of the special permit, as well as compliance with other zoning requirements and local regulations that may be enacted for non-medical marijuana retailers in the future.

Comments on Proposal

Consistency with Planning and Zoning

The proposal is to renovate the first floor of the existing building on the lot, which is currently non-conforming with regard to dimensional requirements. The proposed RMD will be a retail dispensary with its main entrance on Springfield Street and exit on Cambridge Street. All cultivation and processing will occur at another registered facility in Taunton, MA. The location reflects the commercial nature of the district with superior access to public transit and is highly accessible for pedestrians and bicyclists. There is a strong ground-floor retail presence in Inman Square, and the proposal places additional sub-tenant space at the corner of the two streets with only an exit from the RMD onto Cambridge Street, minimizing any interruption in the streetscape.

This is the first RMD proposed in Inman Square and, if approved, would be the fourth permitted RMD in the city. Sage Cannabis is currently operating an RMD at 1001 Massachusetts Avenue, between Central Square and Harvard Square, and Healthy Pharms has received a special permit from the Planning Board to operate a RMD at 98 Winthrop Street in Harvard Square. Both locations are more than 1,800 feet from the proposed site. The third approved RMD, which is currently in the development phase, is much further away at 110 Fawcett Street in the Fresh Pond/Alewife area.

Location

The site is within the BA district, where RMDs are now generally allowed, and with access to various modes of transportation.

Under the current zoning, the two key locational considerations for an RMD are the distance from other RMDs and the distance from facilities where children commonly congregate. As noted above, the proposed site is more than 1,800 feet from other approved RMDs in Cambridge.

The context map provided in the Applicant's supplemental materials indicate that the Little Folks Fellowship Nursery School is located within a 500-foot buffer of the site. Cambridge's zoning allows the Planning Board to reduce the required buffer distance if it finds that there are site-specific reasons why the RMD will not adversely impact the operation of such a facility.

Transportation, Loading and Service

The application included a transportation analysis by Hayes Engineering, Inc., and TP&T has reviewed the analysis and is providing comments in a separate memo. The key considerations for the Planning

Board will be whether or not the proposed RMD might have substantially different transportation impacts than a comparably-sized retail establishment, and whether the use can be reasonably accommodated with no off-street parking or loading since none is proposed.

Urban Design

Many aspects of RMD design are strictly regulated at the state level. For instance, entrances and exits must be designed so that only registered patients or staff can enter the facility, and even visual access to the interior of the RMD must be prevented. At the perimeter of the facility, there are requirements for video surveillance and lighting.

One important consideration is that the RMD is proposed at one of the most highly visible corners of Inman Square, but will have limited foot traffic and no visibility into the interior (per state regulations). The retention of a small retail space on the building frontage is an important mitigating factor, but its success will depend on selecting an appropriate tenant and designing the storefronts to feel pedestrian-friendly. It is recommended that the applicant consult with the City's Economic Development Division (EDD) staff to discuss retail marketing efforts (if the intent is not to retain the existing convenience store use) and to ensure that the design and programming of the retail space will create an enlivening presence at the corner. The amount of retail frontage should also be maximized, possibly extending to the small display area located between the dispensary exit and the sub-tenant space.

The proposed façade improvements, including the new storefront windows, attractive signage and gooseneck lighting, are positive additions. Despite privacy measures, the frosted glass entrance on Springfield Street improves upon the existing condition, which is a boarded-up opening. While the floor to ceiling glazing proposed for Cambridge Street appears highly transparent in the renderings, it is unclear how accurate that will be given the RMD's privacy requirements. Visibility into the ground floor should be clarified so that the indoor/outdoor quality of the façade is maintained and remains compatible with the streetscape. The proposed small alcove between two columns should be avoided. Further, the applicant should consider adding more visual interest to the exit location and headquarters entrance along Cambridge Street. This might include awnings, colorful interior décor, furnishings and displays that add to the pedestrian experience. Opportunities to collaborate with the Cambridge Arts Council to add some public artwork to the windows should also be explored.

Signage would have to comply with the requirements in Article 7.000 of the Zoning Ordinance. It is also recommended that the lighting fixtures comply with the recommended standards of the Draft Outdoor Lighting Ordinance provided to the City Council by the City's Lighting Task Force. No information on the placement of new or existing mechanical equipment, including rooftop mechanicals, has been provided.

Continuing Review

The following is a summary of issues that staff recommends should be further studied by the Applicant, either in preparing revised materials if the Planning Board continues the hearing to a future date, or as conditions for ongoing design review by staff if the Board decides to grant the special permit:

- Additional detail on the proposed hours of operation for the dispensary as the supplemental materials mentions that only for the cultivation facility.

- Additional detail on the operational plan for vehicular loading and service, as well as trash and refuse storage.
- Additional detail on expected retail marketing and design efforts to activate of the streetscape along Cambridge Street, including clarification of storefront transparency.
- Review of any proposed mechanical equipment on the rooftop, façade or exterior of the building.
- Review of exterior signage, lighting, and other security features that may be required by state regulations. Any proposed outdoor lighting should be designed to conform to the guidelines recommended in the proposed Cambridge Outdoor Lighting Ordinance.
- Coordination with the Department of Public Works regarding planned reconstruction of public spaces adjacent to the site.

Special Permit for Registered Medical Marijuana Dispensary Use in Business A District

11.801 *Statement of Purpose.* The purpose of this section is to provide for the limited establishment of Registered Marijuana Dispensaries as they are authorized pursuant to state regulations set forth at 105 CMR 725.000, Implementation of an Act for the Humanitarian Medical Use of Marijuana. That it is the intent of this ordinance, subject to state regulations, that any approved medicinal marijuana facility shall not physically incorporate a future recreational marijuana facility within the same location to the extent permitted by law.

11.802 Requirements

11.802.1 *Use.* Notwithstanding the use limitations of the base zoning district or any other overlay zoning district, a Registered Marijuana Dispensary shall be allowed within the Medical Marijuana Overlay District upon the granting of a special permit by the Planning Board, subject to the requirements set forth in this Section.

11.802.2 *Registration.* All permitted Registered Marijuana Dispensaries shall be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.100 and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Registered Marijuana Dispensary that is not properly registered with the Massachusetts Department of Public Health.

11.802.3 *Limitation of Approval.* A special permit authorizing the establishment of a Registered Marijuana Dispensary shall be valid only for the registered entity to which the special permit was issued, and only for the site on which the Registered Marijuana Dispensary has been authorized by special permit. If the registration for a Registered Marijuana Dispensary has not been renewed or has been revoked, transferred to another controlling entity, or relocated to a different site within the Medical Marijuana Overlay Districts, a new special permit shall be required prior to issuance of a Certificate of Occupancy.

This ordinance will be reconsidered by the Ordinance Committee if upcoming recreational marijuana regulations created by the Commonwealth of Massachusetts impacts the location and desirability of medical marijuana facilities, in particular the possibility of having a joint location for both now allowed medicinal services and future recreational services.

11.802.4 *Building.* A Registered Marijuana Dispensary shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations.

11.802.5 *Dimensional Requirements.* Except where it is explicitly stated otherwise in this Section 20.700, a Registered Marijuana Dispensary shall conform to the dimensional requirements applicable to non-residential uses within the base and overlay zoning districts.

- 11.802.6** *Parking and Loading.* Notwithstanding anything to the contrary in Article 6.000 of this Ordinance, the required number of parking and bicycle parking (both long-term and short-term) spaces and the required number of loading bays for a Registered Marijuana Dispensary shall be determined by the Planning Board based on the transportation analysis and other information related to operational and security plans provided by the applicant. Except as set forth above, all parking, bicycle parking and loading facilities shall conform to the requirements set forth in Article 6.000.
- 11.802.7** *Signage.* All signage shall conform to the requirements of Article 7.000 of this Ordinance. The Planning Board may impose additional restrictions on signage as appropriate to mitigate any aesthetic impacts.
- 11.802.8** *Location.* Registered Marijuana Dispensaries shall be allowed only by Planning Board Special Permit within the Business A, Business B, Business B-1, Business B-2, Business C, Industry A-1, Industry B-1 and Industry B-2 districts. No Registered Marijuana Dispensaries shall be allowed within 1,800 feet of another Registered Marijuana Dispensary.
- 11.804** *Special Permit Criteria.* In granting a special permit for a Registered Marijuana Dispensary, in addition to the general criteria for issuance of a special permit as set forth in Section 10.43 of this Ordinance, the Planning Board shall find that the following criteria are met:
- (a) The Registered Marijuana Dispensary is located to serve an area that currently does not have reasonable access to medical marijuana, or if it is proposed to serve an area that is already served by other Registered Marijuana Dispensaries, it has been established by the Massachusetts Department of Public Health that supplemental service is needed.
 - (b) The site is located at least five hundred feet distant from a school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate or if not located at such a distance, it is determined by the Planning Board to be sufficiently buffered from such facilities such that its users will not be adversely impacted by the operation of the Registered Marijuana Dispensary.
 - (c) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.
 - (d) Traffic generated by client trips, employee trips, and deliveries to and from the Registered Marijuana Dispensary shall not create a substantial adverse impact on nearby residential uses.
 - (e) Loading, refuse and service areas are designed to be secure and shielded from abutting uses.
 - (f) The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.

General Criteria for Issuance of a Special Permit

10.43 *Criteria.* Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

- (a) It appears that requirements of this Ordinance cannot or will not be met, or
- (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
- (c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or
- (d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or
- (e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and
- (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30. **[SEE FOLLOWING PAGE]**

19.30 Citywide Urban Design Objectives [SUMMARIZED]

Objective	Indicators
New projects should be responsive to the existing or anticipated pattern of development.	<ul style="list-style-type: none"> • Transition to lower-scale neighborhoods • Consistency with established streetscape • Compatibility with adjacent uses • Consideration of nearby historic buildings
Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.	<ul style="list-style-type: none"> • Inhabited ground floor spaces • Discouraged ground-floor parking • Windows on ground floor • Orienting entries to pedestrian pathways • Safe and convenient bicycle and pedestrian access
The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.	<ul style="list-style-type: none"> • Location/impact of mechanical equipment • Location/impact of loading and trash handling • Stormwater management • Shadow impacts • Retaining walls, if provided • Building scale and wall treatment • Outdoor lighting • Tree protection (requires plan approved by City Arborist)
Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.	<ul style="list-style-type: none"> • Water-conserving plumbing, stormwater management • Capacity/condition of water and wastewater service • Efficient design (LEED standards)
New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.	<ul style="list-style-type: none"> • Institutional use focused on existing campuses • Mixed-use development (including retail) encouraged where allowed • Preservation of historic structures and environment • Provision of space for start-up companies, manufacturing activities
Expansion of the inventory of housing in the city is encouraged.	<ul style="list-style-type: none"> • Housing as a component of large, multi-building development • Affordable units exceeding zoning requirements, targeting units for middle-income families
Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.	<ul style="list-style-type: none"> • Publicly beneficial open space provided in large-parcel commercial development • Enhance/expand existing open space, complement existing pedestrian/bicycle networks • Provide wider range of activities