Interdepartment Working Group

- City Manager’s Office
- Community Development
- Inspectional Services
- Law
- Public Health
- Police
- Traffic, Parking and Transportation
- Weights and Measures
Warning: This presentation is about zoning

• Land use controls for establishments that produce or sell cannabis
  • Allowed locations
  • Development standards for buildings, parking, etc.
  • Development review process

• Not discussed:
  • Types of cannabis products
  • How/where cannabis products may be used
  • Health risks/benefits
  • Ownership and business practices
Cannabis in Cambridge
### History

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
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<tbody>
<tr>
<td>November, 2012</td>
<td>Medical marijuana approved by Massachusetts ballot initiative</td>
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<tr>
<td>May, 2013</td>
<td>State regulations promulgated for Registered Marijuana Dispensaries (RMDs)</td>
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<tr>
<td>December, 2013</td>
<td>Cambridge adopts zoning for RMDs</td>
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<tr>
<td>August, 2016</td>
<td>First RMD permitted by Cambridge Planning Board</td>
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<tr>
<td>November, 2016</td>
<td>Non-medical (“adult-use”) marijuana approved by ballot initiative</td>
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<tr>
<td>February, 2017</td>
<td>City Council amends medical marijuana zoning citywide</td>
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<tr>
<td>March, 2017</td>
<td>First RMD opens in Cambridge (1001 Massachusetts Ave.)</td>
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<tr>
<td>July, 2017</td>
<td>State Legislature amends marijuana laws</td>
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<tr>
<td>March, 2018</td>
<td>State regulations promulgated by Cannabis Control Commission</td>
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<tr>
<td>April, 2018</td>
<td>Cannabis Control Commission begins receiving license applications</td>
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<tr>
<td>April-June, 2018</td>
<td>City Council discussions</td>
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<tr>
<td>July, 2018</td>
<td>Zoning petition referred by City Council</td>
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Today

- 38 RMDs approved for sale statewide (through July 31, 2018)
- Four RMDs permitted in Cambridge
  (Three completed, one in development)
- Many more proposed
# Cannabis in Massachusetts

<table>
<thead>
<tr>
<th>Medical</th>
<th>“Non-Medical” / “Adult Use” / “Recreational”</th>
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</thead>
<tbody>
<tr>
<td>Vertically-integrated RMDs responsible for cultivation, processing, transportation, retail sales</td>
<td>Separately licensed cultivators, manufacturers, transporters, retailers</td>
</tr>
<tr>
<td>Not-for-profit, non-taxable</td>
<td>17% state sales tax + up to 3% local option</td>
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<tr>
<td>Allows local controls by zoning and other ordinances</td>
<td>Allows local controls, but requires local vote to prohibit or limit retailers to less than 20% of package store liquor licenses where majority voted for 2016 initiative</td>
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<tr>
<td>“Letter of non-opposition” required</td>
<td>“Host community agreement” required</td>
</tr>
<tr>
<td>500-foot buffer from schools or “facilities where children commonly congregate,” except municipalities may specify reduced distance</td>
<td>500-foot buffer from K-12 schools only, except municipality may specify other distance</td>
</tr>
<tr>
<td>Registration with Mass. Dept. of Public Health</td>
<td>Licensed by Cannabis Control Commission</td>
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Cannabis in Massachusetts

Separate laws for medical and non-medical, but ...

• RMDs may be licensed to produce/sell for non-medical use ("co-location") and receive priority in permitting process

• Regulation of RMDs transitions to Cannabis Control Commission in the future
Cannabis in Massachusetts

**Economic Empowerment Applicants (State-Certified)**
- Experience in or business practices that promote economic empowerment in areas of disproportionate impact
- Eligibility criteria based on owners’ residence, racial/ethnic background, past experience, and hiring practices
- Receive priority in licensing process, some fee waivers

**Social Equity Program**
- Training and technical assistance for eligible applicants
- Licensees get recognition and some fee waivers for contributing funds or education

**Social Consumption Establishments and Delivery Services**
- Not allowed yet, but might be in the future
City Council Discussions

April-June, 2018: Council Special Meeting, Public Safety Committee, Neighborhood and Long-Term Planning Committee, Economic Development and University Relations Committee

Themes:

• Don’t want to be too restrictive, but mindful of unforeseen issues
• Promote distribution throughout city
• Encourage social equity, avoid policies that exclude disadvantaged populations
• Continue to provide medical cannabis as much as possible to benefit the public
Zoning Petition Overview
Overall Approach

• Use existing base zoning
• Sales in retail districts
• Cultivation/manufacturing in industrial districts
• Dimensional, parking, signage standards per base zoning
• Change “Medical Marijuana” section to “Cannabis Uses”
• Planning Board special permit
  (including current RMDs seeking non-medical license)
Types of Uses

State License Categories:

• Marijuana Establishment
  • Marijuana Cultivator
    • Craft Marijuana Cooperative
    • Microbusiness
  • Marijuana Product Manufacturer
    • Microbusiness
  • Marijuana Retailer
  • Independent Testing Laboratory
  • Marijuana Research Facility
  • Marijuana Transporter
• Medical Marijuana Treatment Center or Registered Marijuana Dispensary or RMD

Proposed Zoning Use Categories:

• Cannabis Retail Store
  (medical and/or non-medical)
• Cannabis Production Facility
  (medical and/or non-medical)

Research and Testing Laboratories regulated using existing zoning for research facilities
Location-based Standards

• Allowed zoning districts
• Separation between establishments
• Buffers from schools, playgrounds, public youth-oriented facilities
Districts

- Retail: All base districts that allow retail use
- Production: Industry B-2 (IB-2) district, up to 5,000 square feet per establishment

(IB-2 is the “manufacturing” district of the City)

Ongoing discussion:

- Petition could be amended to include a subset of retail districts

(Currently, RMDs not allowed in BA-1, BA-2, or BA-3)
Separation

• 1,800 feet between retail stores (current standard for medical marijuana dispensaries)
• Up to two retailers allowed within 1,800 feet of each other in core areas (Kendall, Central, Harvard, Porter, Alewife)
• Separation not required for Economic Empowerment Applicants

Ongoing discussion:

• Is 1,800 feet an appropriate distance to promote distribution without being overly restrictive?
• Are there other circumstances where flexibility is appropriate?
• What is the process for simultaneous applications that are within 1,800 feet of each other?
Cannabis Establishments: Selected Base Zoning Districts and Buffers

Cambridge, Massachusetts
Buffers

• 500 feet from K-12 schools (parallels state requirement)
• 500 feet from public youth facilities – playgrounds, playing fields, rec centers
• Planning Board may reduce buffer through case-by-case review

Ongoing discussion:

• Is 500 feet an appropriate buffer distance or could it be reduced?

(Planning Board recommended 300 feet)

• Clarification on how buffer distance is measured
• What are the specific issues that need to be controlled for?
Cannabis Establishments: Selected Base Zoning Districts and Buffers
Cambridge, Massachusetts

Registered Marijuana Dispensaries
- Permitted
- 1800' Buffer of Dispensaries

Key Facilities with 500'-Foot Buffers
- School, Playground, Playing Field, or Youth Center
- 500' Buffer of Key Facilities

Selected Base Zoning Districts
- BA Business A
- BA1 Business A-1
- BA2 Business A-2
- BA3 Business A-3
- BA4 Business A-4
- BB Business B
- BB1 Business B-1
- BB2 Business B-2
- BB3 Business B-3
- BC Business C
- IA1 Industry A-1
- IB Industry B-1
- IB1 Industry B-2
- IB2 Industry B-3
- SD-8 Special District-15

Other Selected Districts
- Other Districts Allowing Expanded Retail Use
Cannabis Establishments: Selected Base Zoning Districts and Buffers
Cambridge, Massachusetts
Cannabis Establishments:
Selected Base Zoning Districts and Buffers
Cambridge, Massachusetts
Packaging

• Generally not allowed within retail stores

• Concern about controlling odors if products are packaged on-site

• Could be allowed in a “stand-alone” building that is separated from residential, institutional, office, or other retail use

Ongoing discussion:

• Are there cases where this could be modified?
Special permits are normally granted unless found not to be in the public interest because:

• Zoning Ordinance requirements cannot be met
• Traffic, access, or egress would cause congestion, hazard, change in character
• Operation of adjacent uses would be adversely affected
• Nuisance or hazard would be created
• Would impair the integrity of the district or derogate from the intent and purpose of the Zoning Ordinance
• Inconsistent with citywide urban design objectives
Specific Criteria

- Access/egress is convenient, safe, secure
- Loading, refuse, and service are appropriately managed *(logistics plan reviewed by TP&T)*
- Design is compatible with the area, aesthetic impacts of security requirements are mitigated
- Availability of medical cannabis will not be reduced

Removed from current zoning:
- Must serve an area that is not already served (difference between original medical marijuana law and new adult-use law)
- Transportation analysis (not typically required for retail or small-scale manufacturing)

New required information:
- Status of host community agreement
Design Considerations
Additional Planning Board Considerations

**Modifications to petition:**
- Clarify design intent – ground-floor transparency is preferred, but could be mitigated by public art or other measures.
- How will the Planning Board consider impacts on medical cannabis availability?
- Clarify restrictions on home deliveries.

**Future considerations:**
- Can this be regulated as-of-right?
- Are mobile facilities possible?
- Will parking be adequate?
Other (Non-Zoning) Considerations

• Host community agreements
• Public health & public safety
• Local social equity programs
• Local tax
More Information

• Massachusetts Cannabis Control Commission
  https://mass-cannabis-control.com/

• Medical Use of Marijuana Program (Mass. Dept. of Public Health)
  https://www.mass.gov/medical-use-of-marijuana-program

• Cambridge Cannabis Zoning
  https://www.cambridgema.gov/CDD/Projects/Zoning/Cannabis
Thank You