



CITY OF CAMBRIDGE

Community Development Department

To: Louis A. DePasquale, City Manager
From: Iram Farooq, Assistant City Manager for Community Development
Nancy E. Glowa, City Solicitor
Date: June 28, 2021
Re: **Cannabis Delivery Zoning Petition: Requests to Staff**

IRAM FAROOQ
Assistant City Manager for
Community Development

SANDRA CLARKE
Deputy Director
Chief of Administration

KHALIL MOGASSABI
Deputy Director
Chief of Planning

The Cannabis Delivery Zoning Petition (the "Petition"), which was drafted by CDD and Law Department staff, was heard by the Planning Board on May 18, 2021 and by the Ordinance Committee on May 12, 2021. Both voted to transmit positive recommendations to the full City Council, with comments and questions to be addressed by CDD and the Law Department. This memo provides responses to some of the substantive questions that were raised. Attached is an amended markup of the Petition text, for consideration and possible substitution by the City Council.

Comments by the Planning Board, as indicated in the Board's recommendation, were limited to clarifications regarding repackaging of cannabis products, the definition of "Cannabis Establishment," and parking requirements for delivery vehicles. The attached text includes proposed changes to the Petition text intended to provide greater clarity on these points as necessary.

The Ordinance Committee raised questions that were transmitted to staff as Policy Orders (summarized below), some of which relate to the Cannabis Business Permitting Ordinance, which is separate from the Petition's proposed amendments to the Zoning Ordinance relating to Cannabis Delivery. Staff's responses concerning the Petition are provided on the following pages. The Cannabis Business Permitting Ordinance remains with the Ordinance Committee and the Law Department will provide a response to the Policy Orders relating to that ordinance for an upcoming Council meeting, as the Law Department continues to analyze those issues.

- *That the City Manager be and hereby is requested to instruct the Law Department to provide a legal opinion to the City Council about whether eliminating or reducing the buffer zone would alter the fundamental character of the Cannabis Delivery Zoning Amendment.*
- *That the City Manager be and hereby is requested to instruct the Community Development Department to provide suggestions and implications for how to regulate cannabis courier and cannabis delivery businesses occupying retail storefront space.*

Will eliminating or removing the buffer zone for Cannabis Delivery Operator Establishments alter the fundamental character of the petition?

It was mistakenly reported at the Ordinance Committee hearing that the Petition would require a 300-foot buffer from schools and youth recreation facilities for Cannabis Delivery Operator Establishments. Staff respectfully requests to correct the record to note that the refiled Petition does not propose requiring buffers for either Cannabis Courier Establishments or Cannabis Delivery Operator Establishments.

Can staff provide suggestions and implications for how to regulate Cannabis Courier Establishments and Cannabis Delivery Operator Establishments occupying retail storefront space?

Recall that as currently proposed, Cannabis Courier Establishments (which do not store cannabis products on-site) are permitted as-of-right whereas Cannabis Delivery Operator Establishments (which do store cannabis products on-site) require a Planning Board special permit.

For Cannabis Delivery Operators, the Planning Board relies on the Special Permit Criteria set forth in 11.805 when granting a special permit. The current criteria include consideration of the impacts of “blank walls” on the retail character of the area, and the Planning Board can require mitigation of those impacts in their review. The attached text revisions are intended to further clarify that Cannabis Delivery Operator Establishments are also subject to these criteria, and that establishments that do not allow customer foot traffic could be a concern in retail areas.

For Cannabis Courier Establishments, the solutions are more complicated because they would be permitted as-of-right and therefore not subject to site-specific review. The location standards set forth in Section 11.803 could be further modified to include restrictions on the location and/or design of Cannabis Courier Establishments, but that might restrict the potential sites available for such a business or require them to seek zoning relief. The likely locations for a Cannabis Courier Establishment would be existing commercial buildings with off-street parking, which are atypical in Cambridge’s core retail areas. It may be difficult for a proposed establishment to meet additional requirements if their options are already limited and if they do not have the ability to make significant alterations to existing buildings or sites. The Planning Board discussed this issue and Board members opined that additional requirements were probably unnecessary because transportation businesses are unlikely to want to pay high rents for prime retail locations.

If additional requirements were included, potential options could include:

- In Business zoning districts, limit ground-story street frontage to 25 feet or less, or some other number, similar to limitations placed on financial institutions in the Central Square Overlay District and Harvard Square Overlay District. This could be modified by special permit.
- Restrict ground-story street frontage only along main retail corridors, such as Massachusetts Avenue, Main Street, Cambridge Street, and possibly others. This could also be modified by special permit.

Neither of these changes has been added to the attached markup text, but if the Council decides to pursue a specific option, staff can provide the necessary language to be considered prior to adoption.