

Removing the Retail Cannabis Special Permit

Presentation for the
Ordinance Committee

June 27, 2023

**Community
Development
Department**

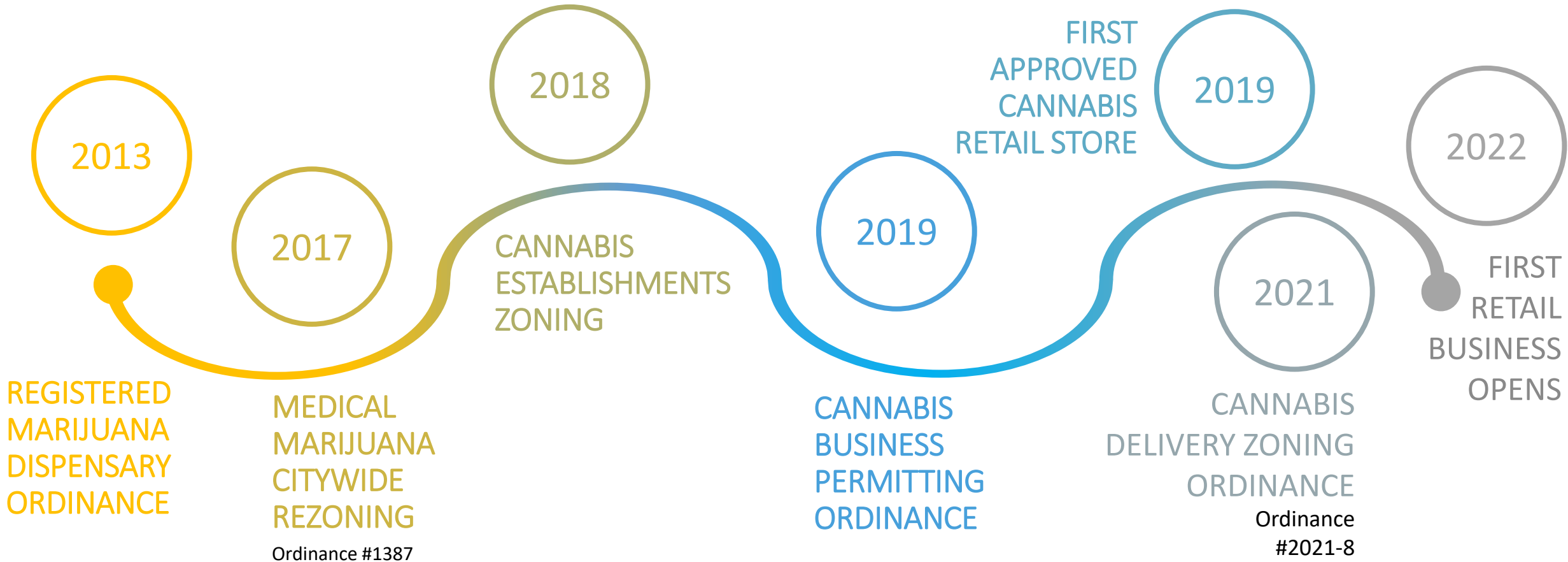
CAMBRIDGE
CDD@344
COMMUNITY DEVELOPMENT DEPARTMENT
344 Broadway





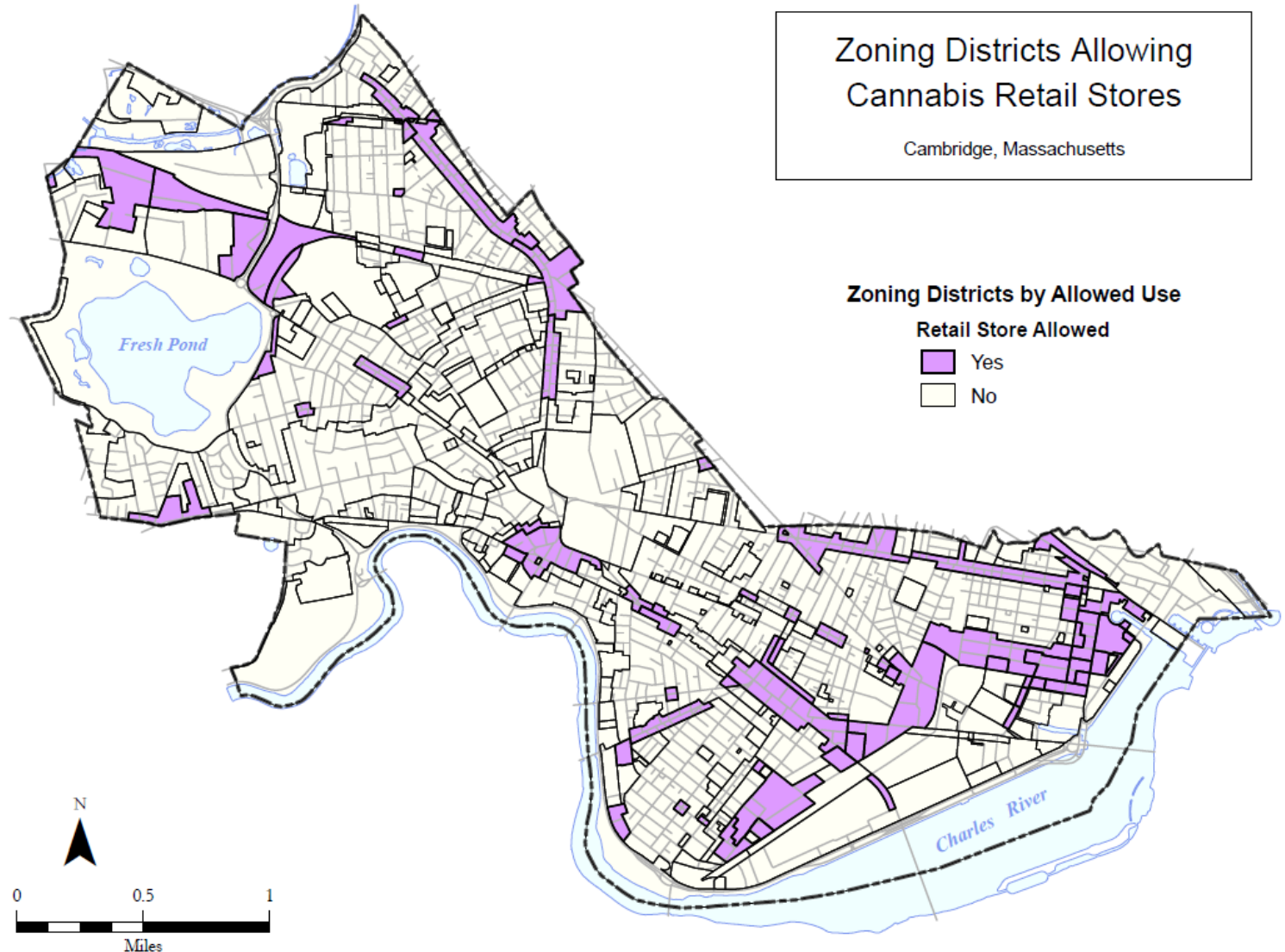
Background

History of Adult Use Cannabis in Cambridge



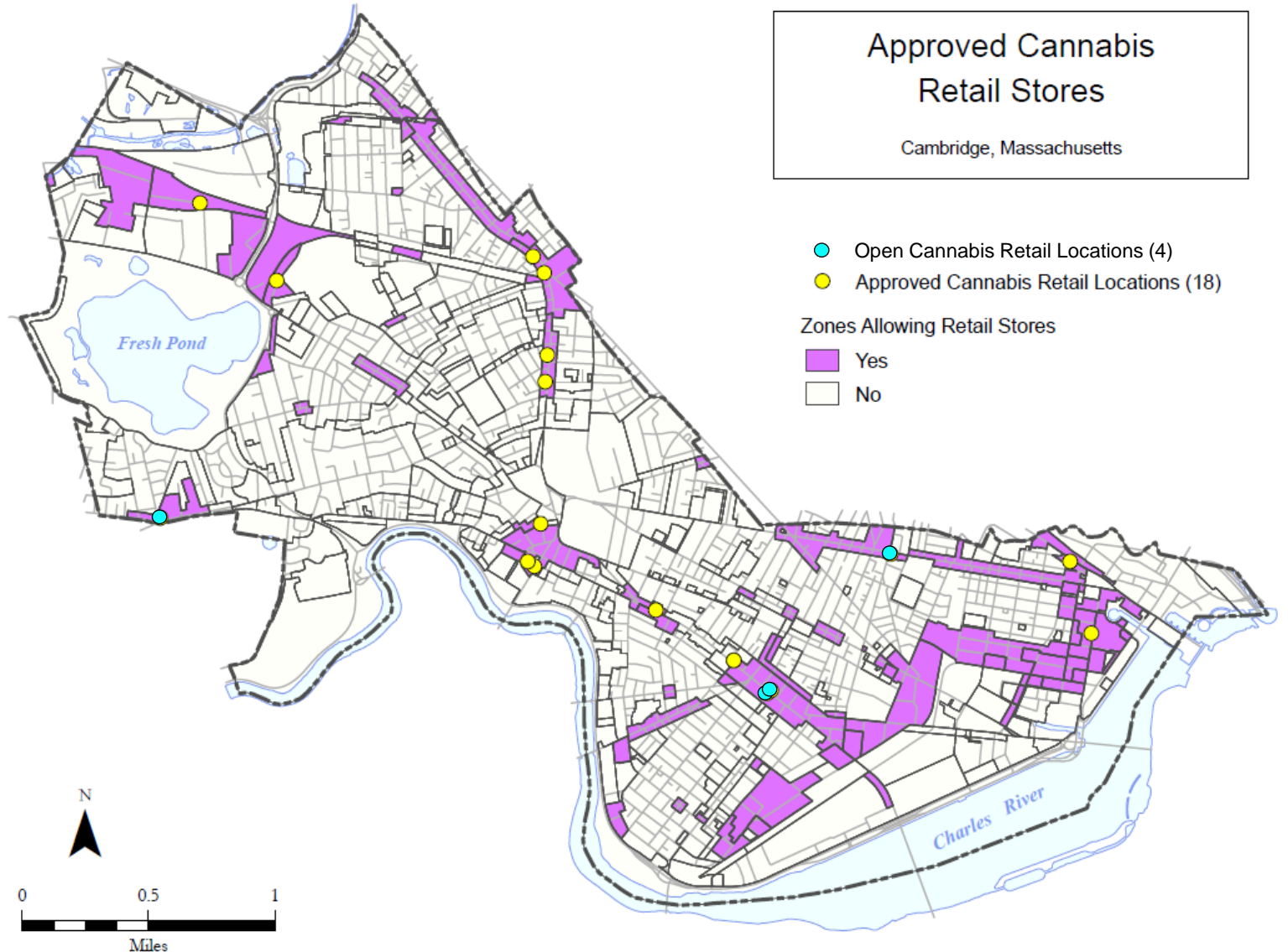
Where are Cannabis Retail Stores?

- **Cannabis Retail Stores** are permitted in all Business districts and in most Industrial districts **by Planning Board Special Permit**
- **Production Facilities** only permitted in Industry B-1, B-2 districts by Special Permit



Where are Cannabis Retail Stores?

- There are currently **18** approved Cannabis Retail Stores.
- The City is considering applications for **3** additional stores.





Typical Special Permit Conditions

- Typical approval conditions
 - Limits approval to Applicant Entity
 - Requires that construction be in conformance with approved plans from Special Permit
 - Continuing design review by Urban Design staff
 - Initial appointment-only period
 - Transportation Demand Management (TDM) Measures
 - TP+T and CPD review and approval of Transportation Operations Plan
 - One-time \$35,000 transportation impact mitigation



Current Zoning & Approval Process

Cannabis Retail Store Approval Process:

- **Obtain a Planning Board Special Permit:** Must comply with requirements of Article 11.800 *Special Regulations*
 - *Certify Priority A Applicant Status – must comply with Cannabis Business Permitting Ordinance Applicant Definitions*
- **Obtain a Host Community Agreement with City:** Must meet Statement of Interest criteria for best practices in public safety, traffic, storefront activation, customer management, and hiring
- **Obtain MA-CCC License:** Must prove any municipal conditions have been met and that no ownership changes of significance have occurred
- **Obtain Building Permit/Certificate of Occupancy:** Comply with local building codes and special permit conditions

Cannabis Retail Store Approval Process:

- Special permit process can add time, cost
- Key Questions:
 - What is the balance between an appropriate process and planning/neighborhood considerations?
 - Is the Special Permit process achieving its intended goals and outcomes? Are there other ways of achieving the same?

Section 11.800 Requirements

Requirement	Standard
Cannabis Retail Store Buffer	<ul style="list-style-type: none"> No Cannabis Retail Store can be within 1,800 feet of another Cannabis Retail Store unless Applicant is an EEA/SEA
School/Youth Recreation Facility Buffer	<ul style="list-style-type: none"> Must not be within 300 feet of school or youth recreation facility Distance can be reduced by Planning Board Special Permit upon finding no substantial adverse impact due to site-specific factors or mitigation efforts
Transportation Logistics Plan	<ul style="list-style-type: none"> Reviewed and approved by TP+T and Police Department Must be submitted prior to special permit, and approved prior to C/O
Other Limitations	<ul style="list-style-type: none"> 10,000 square feet limit for Cannabis Production Facility and Cannabis Delivery Operator On-site, off-street storage of delivery vehicles for Cannabis Delivery uses No mobile facilities Only EEA/SEA permitted in BA-1 zoning district



Section 11.800 Special Permit Criteria

- Site must be designed to have **safe, secure access and egress** for customers and employees, regardless of mode of transportation
- Service functions should be appropriately **screened and secured** (trash, loading, etc.)
- Efforts should be made to the greatest extent to **enliven and activate the storefront and public realm**, within the state's regulations for screening of product.
- If a Medical Marijuana treatment center is not included, **programs are provided to assist qualifying patients who are registered to receive service under MMUMP.**



Proposed Zoning

Use Changes

Amend Article 4.30 of the Zoning Ordinance as follows:

	Open Space	Res A 1&2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A, 2, 3, 3A	Bus A-1, A-2, A-3 ¹	Bus A, A-4	Bus B, B-1, B-2	Bus C	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B
4.32 Transportation, Communication & Utility Uses													
I. Cannabis Courier Establishment	No	No	No	No	Yes ₅₈	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₅₈	Yes ₅₈	Yes ₅₈	Yes ₅₈
4.35 Retail or Consumer Service Establishments													
s. Cannabis Retail Store	No	No	No	No	No	pg ₅₈ <u>Yes</u> ₈ ⁵	pg ₅₈ <u>Yes</u> ₈ ⁵	pg ₅₈ <u>Yes</u> ₈ ⁵	pg ₅₈ <u>Yes</u> ₈ ⁵	pg ₅₈ <u>Yes</u> ₅₈	No	pg ₅₈ <u>Yes</u> ₅₈	pg ₅₈ <u>Yes</u> ₅₈
4.37 Light Industry, Wholesale Business and Storage													
n. Cannabis Production Facility	No	No	No	No	No	No	No	No	No	No	No	PB ₈ ⁵	No
o. Cannabis Delivery Operator Establishment	No	No	No	No	pg ₅₈ <u>Yes</u> ₅₈	pg ₅₈ <u>Yes</u> ₈ ⁵	pg ₅₈ <u>Yes</u> ₈ ⁵	pg ₅₈ <u>Yes</u> ₈ ⁵	pg ₅₈ <u>Yes</u> ₈ ⁵	pg ₅₈ <u>Yes</u> ₅₈	pg ₅₈ <u>Yes</u> ₅₈	pg ₅₈ <u>Yes</u> ₅₈	pg ₅₈ <u>Yes</u> ₅₈



Changes to Article 11.800

- Removes references to special permit; leaves in references to building permits and C/O requirements
- Retains references to maintaining licenses/registrations and meeting public health regulations and other applicable laws
- Maintains requirement that the approval is limited to the entity seeking the permit.
- Maintains buffer requirements – will be reviewed administratively as part of building permit review
- Leaves in special permit requirements and findings criteria as they might apply to a Cannabis Production Facility application



Summary

- Zoning petition is more about **process reform** than **changing standards**
- Many Article 11.800 requirements can be administratively reviewed
 - Maintains buffers
 - Maintains Host Community Agreement requirements/process
 - Maintains areas/districts of the City where use would be allowed
- Goal is to treat Cannabis Retail Stores like other types of retail



Planning Board Discussion



PB Report

- Expressed enthusiasm for the proposed change
- Already extensive permitting process in place between state requirements, HCA, building permit and C/O review
- Questions about how special permit conditions/requirements for approved projects are dealt with should the zoning be amended
- Importance of urban design guidance – how can this best live on in the new zoning?
- **Voted unanimously to forward a positive recommendation on the Petition**



Additional Text Edits



Proposed Text Changes

- 11.802.2 // 11.802.3 // 11.802.4
- Restore “special permit” and insert, “(where applicable)”
- Doesn’t make any substantive change - clarifies that Cannabis Product Manufacturer, which is still subject to a special permit, is required to obtain one



Questions & Discussion