

Requested Special Permits	Required Planning Board Findings <i>(Summary - see appendix for zoning text excerpts)</i>
Cannabis Retail Store Special Permit (Section 11.800)	<p>Complies with Zoning Requirements:</p> <ul style="list-style-type: none"> • Located in a BA, BA-2, BA-3, BB, BB-1, BB-2, BC, IA-1, IB, IB-1, or IB-2 district, or a BA-1 district only if it is designated by the Cannabis Control Commission as an Economic Empowerment Applicant or as qualifying for its Social Equity Program. • Located in a permanent building. • Not within 1,800 feet of another Cannabis Retail Store, unless it is designated by the Cannabis Control Commission as an Economic Empowerment Applicant or as qualifying for its Social Equity Program. • Not within 300 feet of an existing public or private K-12 school or within 300 feet of a public children’s playground, public youth athletic field, or public youth recreation facility, otherwise the Planning Board finds that it is sufficiently buffered such that users of such facilities will not be adversely impacted by its operation. • No packaging or re-packaging of cannabis products will occur on-site. <p>Meets Special Permit Criteria:</p> <ul style="list-style-type: none"> • 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. • Location and design of cannabis use will not detract from the sense of activity with opaque, unwelcoming façade at ground floor in retail areas. • 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. • The facility will provide programs to assist qualifying patients in obtaining services under Massachusetts Medical Use of Marijuana Program.
General Special Permit Criteria (Section 10.43)	<p>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:</p> <p>(a) It appears that requirements of this Ordinance cannot or will not be met, or</p>

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	<p>(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.</p> <p>Where a special permit is required for a Retail or Consumer Service Establishment listed in Section 4.35 or 4.36 of this Zoning Ordinance, the special permit granting authority shall consider the following factors when evaluating the criteria in Section 10.43:</p> <p>(a) Anticipated delivery and loading operations, their potential impacts on neighboring uses and the overall neighborhood, and the extent to which those impacts are mitigated;</p> <p>(b) The extent to which neighboring uses would be impacted by environmental nuisance such as dust, fumes, odors, smoke, vapors, noise, vibration, flashing, light trespass, or glare, and the extent to which those impacts are mitigated;</p> <p>(c) The extent to which storefronts and other elements of the façade visible to the public are compatible with the visual character of the surrounding area and conform to the City’s urban design objectives for retail uses in the area; and</p> <p>(d) Where citywide or neighborhood plans have been published by the City that identify types of retail uses that are preferred or desirable in the area, such plans may be considered in support of such identified uses where they are proposed.</p>

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

Special Permit for Cannabis Retail Stores

11.801 Statement of Purpose. The purpose of this section is to provide for the limited establishment of Registered Marijuana Dispensaries for the medical use of cannabis products and Cannabis Establishments for the non-medical use of cannabis products, as they are authorized pursuant to applicable state laws and regulations.

11.802 General Requirements

11.802 .1 Allowed Cannabis Uses.

(a) Cannabis Retail Stores and Cannabis Production Facilities shall be allowed only after the granting of a special permit by the Planning Board, subject to the requirements set forth in this Section 11.800, et seq.

(b) Either Cannabis Retail Stores or Cannabis Production Facilities, as defined in Article 2.000 of this Zoning Ordinance, may be established to provide cannabis products for medical or non-medical use, or both, in accordance with applicable state laws and regulations.

(c) A Cannabis Retail Store or Cannabis Production Facility that has previously received a special permit from the Planning Board only to authorize a Registered Marijuana Dispensary shall be required to amend its previously issued special permit to authorize the conversion to or co-location of a Cannabis Establishment for the non-medical use of cannabis or marijuana.

11.802.2 Licenses and Registration. A special permit issued pursuant to this Section shall be conditioned on the Permittee maintaining all required state and local licenses and/or registrations and complying with all applicable state and local public health regulations and all other applicable laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Cannabis Use that is not properly licensed and/or registered with the applicable state and local agencies.

11.802.3 Limitation of Approval. A special permit authorizing the establishment of a Cannabis Retail Store or Cannabis Production Facility shall be valid only for the licensed or registered entity to which the special permit was issued, and only for the site on which the Cannabis Retail Store or Cannabis Production Facility has been authorized by special permit. If the license or registration for a Cannabis Use has not been renewed or has been revoked, transferred to another controlling entity, or relocated to a different site, a new special permit shall be required prior to issuance of a Certificate of Occupancy.

11.802.4 Building. A Cannabis Retail Store or Cannabis Production Facility shall be located only in a permanent building and not within any mobile facility. All sales, cultivation, manufacturing, and other related activities shall be conducted within the building, except in cases where home deliveries are authorized to serve qualified medical marijuana patients pursuant to applicable state and local regulations.

11.802.5 Cannabis Research and Testing Facilities. A Cannabis Establishment that is licensed as a Cannabis Independent Testing Laboratory or Cannabis Research Facility pursuant to applicable state laws and regulations, but is not authorized to sell or otherwise transfer Cannabis

Products to consumers or to cultivate, manufacture, or otherwise produce Cannabis Products that are intended to be sold or otherwise transferred to consumers, shall be regulated within the Table of Use Regulations in Section 4.30 of this Zoning Ordinance as a Technical Office (Section 4.34, Item “f.”) or, if such establishment is noncommercial, a Noncommercial Research Facility (Section 4.33, Item “c.”). Such establishment shall comply with all state and local laws and regulations, including regulations promulgated by the Cambridge Public Health Department, where applicable.

11.803 Location Standards.

11.803.1 Cannabis Retail Stores.

(a) Cannabis Retail Stores shall be allowed only by Planning Board Special Permit within the following districts: Business A (BA), Business A-1 (BA-1), Business A-2 (BA-2), Business A-3 (BA-3), Business B (BB), Business B-1 (BB-1), Business B-2 (BB-2), Business C (BC), Industry A-1 (IA-1), Industry B (IB), Industry B-1 (IB-1), and Industry B-2 (IB-2) districts, and special districts and overlay districts whose use regulations are based on those of any of the aforementioned districts, subject to any limitations set forth in the regulations of those districts. In the Business A-1 district, only applicants that have been designated as Economic Empowerment Applicants or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission may be permitted and it shall be made a condition of the special permit that such designation or eligibility shall be maintained.

(b) A Cannabis Retail Store shall not be permitted within one thousand and eight hundred (1,800) feet of another Cannabis Retail Store, except if the applicant has been designated as an Economic Empowerment Applicant or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission and it is made a condition of the special permit that such designation or eligibility shall be maintained.

(c) All products offered to consumers shall be pre-packaged off-site, and no packaging or repackaging of cannabis or marijuana products shall take place on the premises of a Cannabis Retail Store unless it also meets the requirements for a Cannabis Production Facility.

11.803.2 Cannabis Delivery Operator Establishments shall be allowed only by Planning Board Special Permit and only in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) and special districts and overlay districts whose use regulations are based on those districts, subject to any limitations set forth in the regulations of those districts and provided that the establishment is not greater than 10,000 square feet in Gross Floor Area and that no packaging or repackaging of cannabis or marijuana products shall take place on the premises.

11.803.3 Cannabis Production Facilities shall be allowed only by Planning Board Special Permit in the Industry B-2 (IB-2) district, provided that the establishment is not greater than 10,000 square feet in Gross Floor Area.

11.803.4 Buffer Zones.

(a) A Cannabis Retail Store or Cannabis Production Facility shall not be permitted within 300 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, except where the Planning Board, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.

(b) A Cannabis Retail Store or Cannabis Production Facility shall not be permitted within 300 feet of a pre-existing public children’s playground, public youth athletic field, or public youth recreation facility, except where the Planning Board, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.

11.804 Parking and Transportation.

(a) Off-street parking for employees and customers shall be regulated by Article 6.000 of this Zoning Ordinance. Provisions set forth in Article 6.000 that allow for a reduction or waiver of required off-street parking shall apply except that required off-street parking for delivery vehicles may not be waived, as set forth below.

(b) Cannabis Courier Establishment, Cannabis Delivery Operator Establishment, or other Cannabis Establishment shall park and store all delivery vehicles off-street. Such requirement may not be reduced or waived. Delivery vehicles shall not be parked on-street except for authorized active loading/unloading activities. Delivery vehicles may be parked in facilities that are accessory to the Cannabis Use or in authorized principal use parking facilities.

(c) All parking spaces to be used by customers, employees, visitors, or delivery vehicles shall be registered with the Cambridge Traffic, Parking and Transportation Department (TPTD), including a parking layout plan, in accordance with Chapter 10.18 of the City of Cambridge Code of Ordinances, and shall comply with all other applicable state or local laws, regulations, and ordinances.

(d) All Cannabis Retail Stores, Cannabis Courier Establishments, Cannabis Delivery Operator Establishments, and Cannabis Production Facilities shall submit an Operations and Logistics Plan to the Cambridge TPTD and Cambridge Police Department before applying for a special permit, building permit, or certificate of occupancy, whichever occurs sooner. Such plan shall include the following information using narratives and graphics:

- (1) hours of operation and anticipated numbers of employees and consumers onsite during operating hours;
- (2) expected frequency of loading/unloading trips by delivery and service vehicles;
- (3) access and egress routes for customers and employees;
- (4) locations of parking and bicycle parking areas for customers and employees;
- (5) number of delivery vehicles, where applicable, and locations where they will be stored on-site;
- (6) locations where loading/unloading and service activities will take place and a description of how such activities will be conducted;

- (7) a description of transportation options for customers and employees, including public transportation services, on-site and off-site parking facilities, transportation demand management measures to encourage and support sustainable forms of travel for employees and customers, and short-term and long-term bicycle facilities;
 - (8) specific measures that will be employed by the Cannabis Use to prevent adverse impacts on the public way including but not limited to sidewalk crowding, blocking of vehicular or bicycle travel lanes, potential safety hazards, and other issues identified by City departments; and
 - (9) a specific plan for the initial opening period that includes measures to identify and respond to unexpected impacts.
- (e) The Cambridge TPTD and Cambridge Police Department shall approve a final Operations and Logistics Plan prior to issuance of a certificate of occupancy for a Cannabis Use, and may require operational practices to prevent or correct adverse impacts of the operation of the Cannabis Use on the public way, including but not limited to crowding on the public sidewalk, blocking of travel lanes by vehicles, or hazardous conditions. Such practices may include, but are not limited to, restrictions on the use of the public way, required pre-purchase and/or appointment-only customer service for a period of time, restrictions on the location and/or timing of loading/unloading activities, or similar measures. When granting a special permit, where applicable, the Planning Board may also include conditions pertaining to the Operations and Logistics Plan.

11.805 Application Requirements. An application to the Planning Board shall contain, at a minimum, the following information:

- (a) Description of Activities: a narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of Cannabis Products, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.
- (b) Context Map: A map identifying, at a minimum, the location of the proposed establishment, the locations of all other Cannabis Uses in the vicinity, the locations of all public or private schools providing education in kindergarten or any of grades one through 12, and the locations of all children’s playgrounds, youth athletic fields, or other youth recreation facilities, with measured distances provided to demonstrate whether the location complies with the standards of Section 11.803 above.
- (c) Site Plan: A plan or plans depicting all existing and proposed development on the property, including the dimensions of the building, the detailed layout of automobile and bicycle parking, the location of pedestrian, bicycle and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design.
- (d) Building Elevations and Signage: Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties are recommended but not required.

- (e) Logistics Plan: A plan identifying the on-site or off-site locations where deliveries and loading functions will take place and a narrative describing how deliveries to the site, loading, and other service functions will be conducted, as well as a plan and narrative identifying the transportation options for customers and employees, including public transportation services, on-site and off-site parking facilities, and bicycle facilities.
- (f) License or Registration Materials: Copies of all materials submitted to applicable state and local agencies for the purpose of licensing and/or registration, and any certification or license issued by any such agency, excluding any information required by law to be kept confidential.

11.806 Special Permit Criteria. In granting a special permit for a Cannabis Use, in addition to the general criteria for issuance of a special permit as set forth in Section 10.43 of this Zoning Ordinance, the Planning Board shall find that the following criteria are met:

- (a) The site is designed such that it provides convenient, safe and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.
- (b) On-site loading, refuse and service areas are designed to be secure and shielded from abutting uses.
- (c) 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.
- (d) In retail areas, the location and design of the Cannabis Use will not detract from the sense of activity with opaque, unwelcoming façades at the ground floor. Cannabis Uses that are delivery- only and not permitted to operate a retail storefront should occupy minimal ground-story frontage along major retail streets and are encouraged to collocate with active uses to preserve a vibrant streetscape. Where interior activities must be screened from public view or where there is no access by customers, such areas should be screened by transparent, publicly accessible active business uses where possible. Opaque façades should be minimized, and where they are necessary they should include changing public art displays or other measures to provide visual interest to the public.
- (e) If the proposed Cannabis Retail Store or Cannabis Production Facility is not proposed to include a Medical Marijuana Treatment Center, it will nevertheless provide programs to assist qualifying patients within the city or neighborhood who are registered through the Massachusetts Medical Use of Marijuana Program in obtaining services under that program.

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.

10.43.1 *Conditional Retail or Consumer Service Establishments.* Where a special permit is required for a Retail or Consumer Service Establishment listed in Section 4.35 or 4.36 of this Zoning Ordinance, the special permit granting authority shall consider the following factors when evaluating the criteria in Section 10.43:

- (a) Anticipated delivery and loading operations, their potential impacts on neighboring uses and the overall neighborhood, and the extent to which those impacts are mitigated;
- (b) The extent to which neighboring uses would be impacted by environmental nuisance such as dust, fumes, odors, smoke, vapors, noise, vibration, flashing, light trespass, or glare, and the extent to which those impacts are mitigated;
- (c) The extent to which storefronts and other elements of the façade visible to the public are compatible with the visual character of the surrounding area and conform to the City's urban design objectives for retail uses in the area; and
- (d) Where citywide or neighborhood plans have been published by the City that identify types of retail uses that are preferred or desirable in the area, such plans may be considered in support of such identified uses where they are proposed.