

ORDINANCE NUMBER 1382

Final Publication Number 3403. First Publication in the Chronicle on April 7, 2016.

City of Cambridge

In the Year Two Thousand and Sixteen

AN ORDINANCE

In amendment to the Ordinance entitled “Zoning Ordinances of the City of Cambridge”

Be it ordained by the City Council of the City of Cambridge that the Zoning Ordinances of the City of Cambridge be amended as follows:

Amend the zoning map and ordinance by adoption of the following:

1. Amend the Zoning Map to create an additional Medical Marijuana Overlay District (MMD-3) coterminous with the BB-2 base zoning district boundaries.
2. Add a new section 20.705.1 to include additional planning board special permit criteria applicable to the proposed MMD-3.

20.705.1 Additional Special Permit Criteria for MMD-3: In granting a special permit for a Registered Marijuana Dispensary in the MMD-3 the Planning Board shall find that the criteria in 20.705 are met as well as the criteria in 20.705.1

- (a) Use Limitations: The RMD facility shall be retail only with no cultivation activities on site.
- (b) Siting: The RMD facility must be located either below grade or above the street level at the second story or above and be appropriately shielded from the public view.
- (c) Size: The RMD facility size shall be less than 10,000 square feet and at least 70% of the square footage shall be used for patient services and the remainder shall be devoted to administrative support, storage and security.
- (d) Access to Public transit: Areas with access to pedestrian and public transportation would be preferred.

The Petition was passed to be ordained as amended incorporating the Letter of Commitment dated April 20, 2016 including Attachment “A” to said Letter of Commitment by Sage Cannabis, Inc., shall be

incorporated by reference into the Zoning Ordinance and shall be binding upon Sage Cannabis, Inc., its successors and assigns.

In City Council April 25, 2016.

Passed to be ordained as amended by a yeas and nays vote:-

Yeas 8; Nays 0; Absent 1; Present 0.

Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-

Donna P. Lopez
City Clerk



Michael Dundas
Chief Executive Officer
Sage Cannabis, Inc.
13 Commercial Way
Milford, MA 01757

Cambridge City Council
City of Cambridge, City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

April 20, 2016

RE: Proposed Sage Cannabis, Inc., Letter of Commitment for Operation of Medical Marijuana Dispensary in MMD-3 District

Dear Mayor Simmons, Vice Mayor McGovern, Councilors Carlone, Cheung, Devereux, Kelley, Maher, Mazen, and Toomey:

As petitioner to amend the provisions of the Medical Marijuana Overlay district section 20.700 for the Cambridge Zoning Ordinance by creating an additional Medical Marijuana Overlay District (MMD-3) Sage Cannabis, Inc. hereby agrees that if the petition is passed, it will adhere to the commitments as articulated in the letter submitted by Councilor Kelley to the City Council dated April 4, 2016, and attached hereto as EXHIBIT A.

All the best,

A handwritten signature in blue ink, appearing to read "Michael Dundas", with a long horizontal flourish extending to the right.

Michael Dundas
Chief Executive Officer
Sage Cannabis, Inc.

April 4, 2016

RE: Proposed Sage Cannabis, Inc., Letter of Commitment for Operation of Medical Marijuana Dispensary in MMD-3 District

Dear Mayor Simmons, Vice Mayor McGovern, Councillors Carlone, Cheung, Devereux, Kelley, Maher, Mazen, and Toomey:

The purpose of this letter is to describe commitments and benefits which Sage Cannabis, Inc., is prepared to offer the City of Cambridge, to facilitate and enable Sage Cannabis to operate a medical marijuana dispensary in the proposed MMD-3 District, subject to the "Conditions" set forth below.

A. Sage Cannabis' Commitments

- 1) Prior to the initiation of operations at the facility, Sage Cannabis will develop a data collection and reporting program to provide the City of Cambridge with information specific to the operation of a medicinal marijuana dispensary facility in a dense urban environment, of genuine public interest, and which maintains the privacy of patients. Sage Cannabis further agrees to provide the details of its data collection program to the City for review.
- 2) The data collected by Sage Cannabis and reported to the City of Cambridge will include, but not be limited to, the following information:
 - i. The number of persons that visit Sage Cannabis per day, not to include employees, whether or not they are patients;
 - ii. The number of patients that are denied service during the reporting period;
 - iii. The patients' city of residence;
 - iv. A report of the times of the day patients visit the dispensary, averaged over the course of the reporting period; and
 - v. The patient's method of travel to the Sage Cannabis dispensary.
- 3) That such information, and any other information that the Public Health Department deems to be of genuine public interest, will be provided to the city for a period of three (3) years following the opening of operations, on a biannual schedule, in January and July.
- 4) For the first three (3) years of operation, Sage Cannabis will contribute \$25,000.00 annually to the City of Cambridge.

B. Conditions to Sage Cannabis' Commitment

For the purposes of clarification, Sage Cannabis commitments set forth above are offered if the following conditions (the "Conditions") are met:

Attachment: Sage Cannabis, Inc. letter of commitment (COF 2016 #20 : Sage Cannabis, Inc. letter of commitment)

- 1) The amendments to the Cambridge Zoning Ordinance set forth in the new MMD-3 District, Section 20.700 Medical Marijuana Overlay District (Attachment A) are duly adopted in the form attached hereto as Attachment A.
- 2) Sage Cannabis' application to operate a medical marijuana dispensary within the new MMD-3 District is granted by appropriate city departments.

In addition to requirements and conditions of any required permits for the project, Sage Cannabis, Inc., is making these payments to provide the city with resources should it become necessary to mitigate any impacts which might result from the dispensary which it will operate in MMD-3 District as a result of the rezoning and permitting of the dispensary. Should such impacts arise, these payments will enable the city to make appropriate steps to mitigate those impacts in the manner and at the times deemed most appropriate by the city.

Attachment: Sage Cannabis, Inc. letter of commitment (COF 2016 #20 : Sage Cannabis, Inc. letter of commitment)