



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

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Community Development

To: Planning Board
From: Jeff Roberts, Land Use and Zoning Planner
Date: March 8, 2016
Re: **Sage Cannabis, Inc., Zoning Petition**

Overview

A group of residents has petitioned to establish a new Medical Marijuana Overlay District (MMD-3) coterminous with the Business B-2 (BB-2) district, an existing zoning district that encompasses one block along Massachusetts Avenue about halfway between Central Square and Harvard Square (see map on following page). The petition would also establish special permit criteria particular to a Registered Marijuana Dispensary (RMD) in the MMD-3 district, including limitations on use, size, and siting. The organizer of the petition is Sage Cannabis, Inc., a Massachusetts RMD operator.

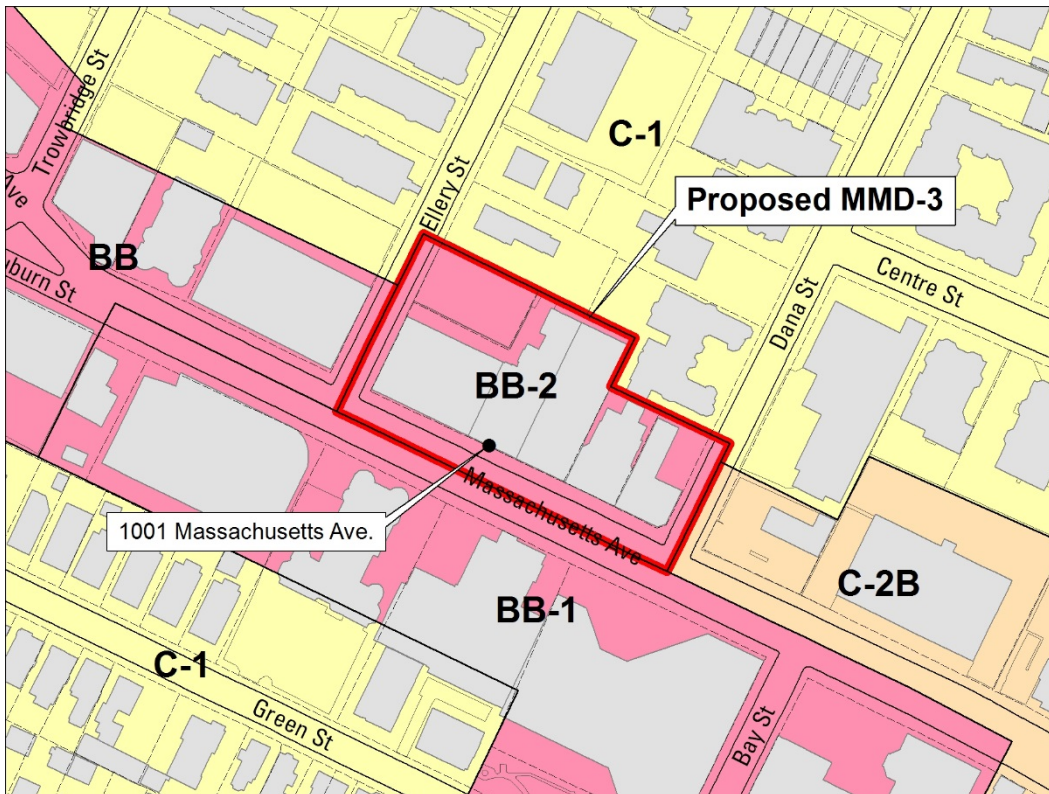
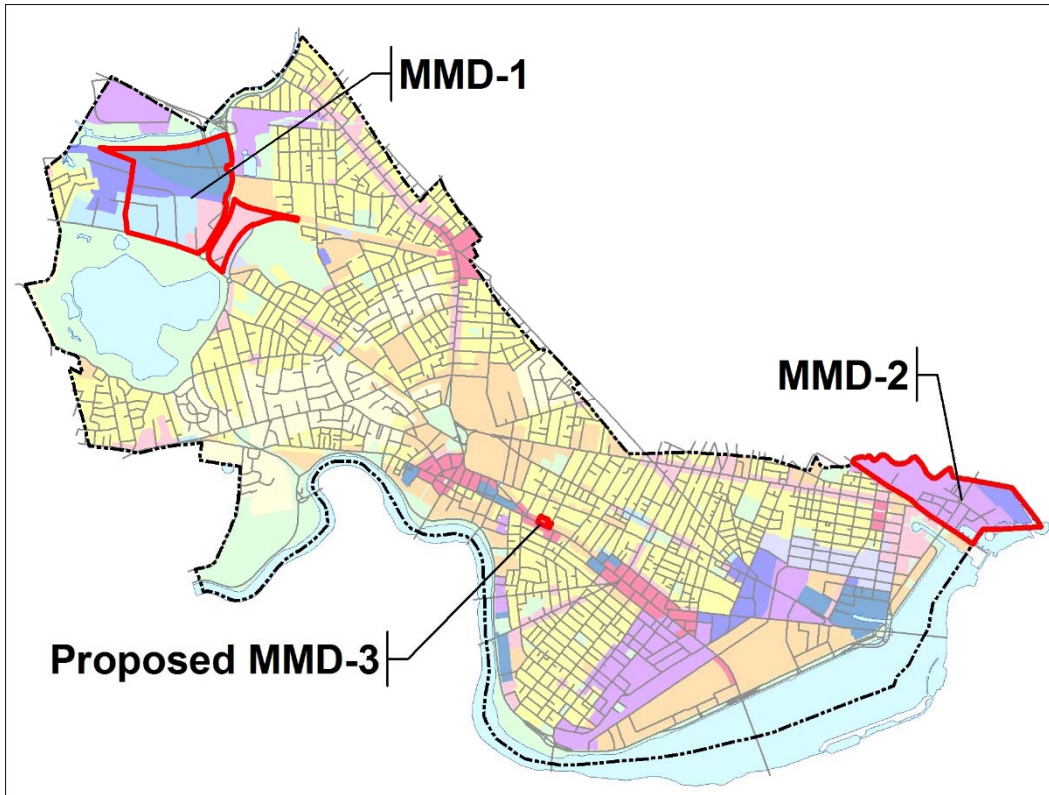
Background

In 2013, Cambridge adopted zoning regulations for RMDs following the promulgation of statewide medical marijuana regulations by the Massachusetts Department of Public Health (MDPH). At the time, the MDPH regulations envisioned a system with a limited number of RMDs distributed geographically throughout the state to serve the patient population. Cambridge's planning considered which locations in the city would be best suited to host an RMD with the understanding that there would likely be one RMD, if any, serving patients within Cambridge and the surrounding area.

The zoning established two Medical Marijuana Overlay Districts in the city, MMD-1 in the Alewife area and MMD-2 in the North Point/Lechmere Area (see map on following page). The districts were chosen based on a number of planning factors that are described further in this memo. Within either MMD, an RMD would be allowed only after receiving the proper MDPH approval as well as a special permit from the Planning Board (after holding a public hearing) that would take into account site-specific issues such as transportation, urban design, and potential impacts on surrounding uses. The zoning was crafted such that new Medical Marijuana Districts could be established and their boundaries adjusted over time through the zoning amendment process.

Since 2013, there have been no proposals to establish an RMD within the MMD areas, although there have been petitions to expand the MMDs in order to allow RMDs in other locations. Based on discussions that have occurred in the intervening time, it seems to have been a particular challenge to identify property owners who are willing to accommodate an RMD, which was not among the planning factors discussed when the zoning districts were established.

Context Maps



Maps prepared by Brendan Monroe, CDD GIS.

Context Image



1001 Massachusetts Ave. Source: Google Street View

Medical Marijuana Overlay Districts

When the Medical Marijuana Overlay Districts were established in 2013, their locations were based on the following factors:

1. **Allowed Uses:** RMDs would only be allowed in districts that otherwise allow commercial uses.
2. **Transportation:** Areas with access to regional roadways and public transportation would be preferred.
3. **Public Safety:** Areas that are isolated and difficult to reach for emergency vehicles would be excluded.
4. **Urban Character:** State-imposed security regulations would require an RMD to be inaccessible, physically and visually, to the general public. This could be disruptive in areas with an active streetscape character, such as squares and retail corridors.
5. **Buffers from Sensitive Uses:** State regulations dictate that RMDs should be located at least 500 feet from schools or other facilities that have programming directed toward children. Municipalities are permitted to set their own distance standards. Federal enforcement may also be an issue where RMDs are proximate to such uses.

In addition, a special permit review process is required to approve specific RMD proposals, so that the Planning Board can review the particulars of the proposal in order to assess site-specific impacts and require mitigation where appropriate. The review addresses issues including the extent of areas that would be served by the RMD, transportation and parking needs, loading and service activity, conformance with urban design objectives, and buffering from schools and other facilities with programs for children. The Planning Board may reduce the standard 500-foot buffer distance if such facilities are otherwise found to be adequately shielded from the operation of the proposed RMD.

In addition to zoning, Cambridge may control the operation of RMDs through regulations promulgated by the Cambridge Public Health Department. The Inspectional Services Department and Police Department would also be involved in permitting and monitoring the activity of an RMD.

Statewide RMD Process

Since the promulgation of the MDPH regulations in 2013, there have been some changes to the RMD registration process at the state level. Instead of controlling the distribution of RMDs through a centralized, competitive selection process, MDPH now has a “rolling” application process, and grants approvals based on whether or not a proposed RMD meets the criteria set forth in the MDPH regulations and whether the host municipality supports or opposes the location. This change allows municipalities to self-select as RMD host communities and to set the parameters by which an RMD would be acceptable to that community. In addition, there may be multiple RMD operators seeking a location in Cambridge, rather than a single operator that has been pre-selected at the state level.

Proposed MMD-3 and Review Criteria

The same considerations that guided the establishment of the current MMD zones and requirements could be applied to the BB-2 district and the proposed additional review criteria.

Use, Transportation, Public Safety

BB-2 is a district that allows commercial uses, though it is directly adjacent to residential districts. From a transportation standpoint, it may not be as well connected regionally as Alewife or Lechmere. However, it is on Massachusetts Ave., a regional route, and while not immediately adjacent to an MBTA subway station, it is along the #1 bus route and walkable to Central and Harvard Squares. Emergency vehicles would not have difficulty reaching the site.

The proposed additional criteria for MMD-3, which would limit RMD activity to dispensing only (not cultivation of products) and would limit the size to 10,000 square feet or less, could mitigate potential impacts related to the scale of activity, such as traffic and parking demand, or potentially disruptive activities associated with cultivating/processing of products. These are still issues that would be considered qualitatively in the Planning Board’s review of an RMD proposal.

Urban Character

Urban character is a more complicated consideration, because BB-2 is a retail area, and the character of an RMD is very different than a typical retail establishment. State regulations require an RMD to be completely secure, with strict monitoring of all entrances, no access by the general public and no advertisement of the products being sold. Only registered patients with proper identification would be allowed to enter the RMD.

While the BB-2 district may not have as strong an urban character as Central Square or Harvard Square, it is still an important retail spine linking the two, where a disruption in the retail fabric might have negative impacts. The proposed additional criteria for MMD-3, which would require an RMD to be

located either above or below street level, would help to prevent an RMD from having this type of disruptive impact on the retail character of the streetscape.

Sensitive Uses

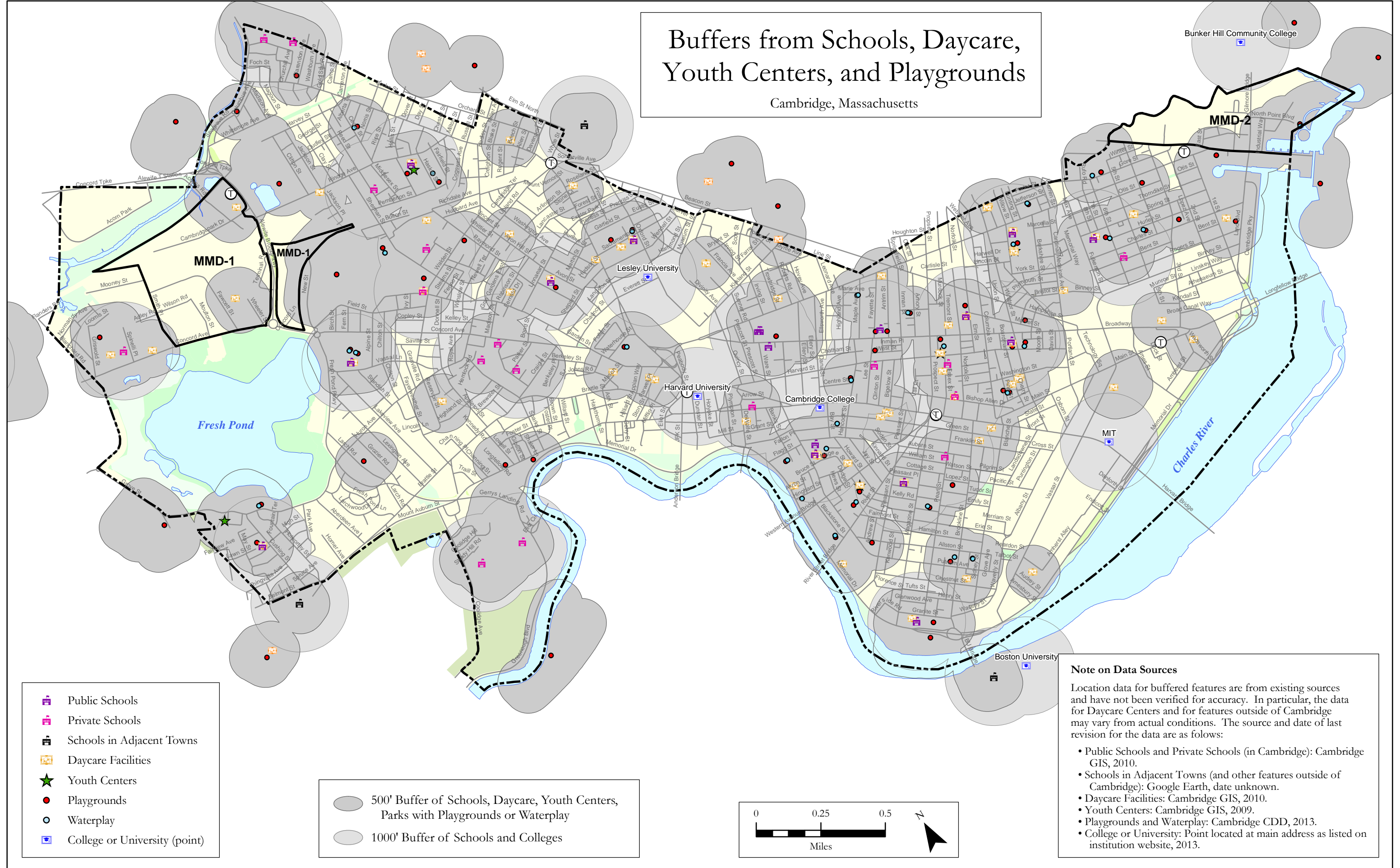
It is unknown for certain if there are proximate facilities that offer programming oriented toward children. According to analysis performed by CDD in 2013 (see attached map), aside from Cambridge College (which is directly across the street, but whose programming is oriented toward adults), the closest schools are the Martin Luther King, Jr. School, which is more than 700 feet away, and the Cambridge Rindge and Latin School, which is more than 1,000 feet away. Franklin Street Park, a small community park in the Riverside neighborhood, is just over 500 feet from 1001 Massachusetts Ave.

When seeking a special permit in an MMD zone, an RMD applicant would provide a map showing a 500 foot radius of the proposed location and identifying any sites that fall into that sensitive use category. If such uses are present, the applicant would need to demonstrate to the Planning Board that the site is adequately buffered from such uses so that the operation of the RMD would not conflict with the operation of that adjacent use.

All of these considerations, among others, may be evaluated and discussed further during the hearing process for this zoning petition.

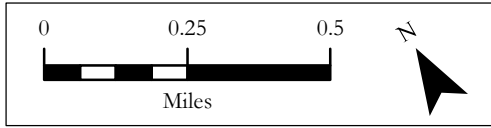
Buffers from Schools, Daycare, Youth Centers, and Playgrounds

Cambridge, Massachusetts



- Public Schools
- Private Schools
- Schools in Adjacent Towns
- Daycare Facilities
- Youth Centers
- Playgrounds
- Waterplay
- College or University (point)

- 500' Buffer of Schools, Daycare, Youth Centers, Parks with Playgrounds or Waterplay
- 1000' Buffer of Schools and Colleges



Note on Data Sources

Location data for buffered features are from existing sources and have not been verified for accuracy. In particular, the data for Daycare Centers and for features outside of Cambridge may vary from actual conditions. The source and date of last revision for the data are as follows:

- Public Schools and Private Schools (in Cambridge): Cambridge GIS, 2010.
- Schools in Adjacent Towns (and other features outside of Cambridge): Google Earth, date unknown.
- Daycare Facilities: Cambridge GIS, 2010.
- Youth Centers: Cambridge GIS, 2009.
- Playgrounds and Waterplay: Cambridge CDD, 2013.
- College or University: Point located at main address as listed on institution website, 2013.