



ORDINANCE COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Tuesday, June 27, 2023

12:30 PM

Sullivan Chamber
795 Massachusetts Avenue
Cambridge, MA 02139

- I. The Ordinance Committee will hold a public hearing on the City Council Petition to Amend Article 4.30 and Article 11.800 of the Zoning Ordinances. At this meeting, CDD and the Law Dept will also discuss possible changes to the Cannabis Business Permitting Ordinance, Chapter 5.50 of the Municipal Code, with the Ordinance Committee.

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Dennis J. Carlone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	12:55 PM
Paul F. Toner	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	12:59 PM
Quinton Zondervan	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Sumbul Siddiqui	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	

A public meeting of the Cambridge City Council's Ordinance Committee was held on Tuesday, June 27, 2023. The meeting was Called to Order at 12:30 p.m. by the Chair, Councillor Zondervan. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation. This public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2nd Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via Zoom.

Clerk of Committees Erwin called the roll.

Councillor Azeem – Absent

Councillor Carlone – Absent

Vice Mayor Mallon – Present/In Sullivan Chamber

Councillor McGovern – Present/Remote

Councillor Nolan – Present/In Sullivan Chamber

Councillor Simmons – Absent*

Councillor Toner – Absent*

Councillor Zondervan – Present/Remote

Mayor Siddiqui – Present/Remote

Present – 5, Absent – 4. Quorum established.

***Councillor Simmons was marked present and remote at 12:55 p.m.**

***Councillor Toner was marked present and remote at 12:59 p.m.**

The Chair, Councillor Zondervan offered opening remarks and noted that the call of the meeting was to discuss the City Council Petition to amend Article 4.30 and Article 11.800 of the Zoning

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Ordinance. Councillor Zondervan shared that the Community Development Department (CDD) and the Law Department will also discuss possible changes to the Cannabis Business Permitting Ordinance, Chapter 5.50 of the Municipal Code. The Chair introduced Daniel Messplay, Acting Director, Zoning and Development for CDD who noted that he was joined by Iram Farooq, Assistant City Manager for CDD, Christina DiLisio, Economic Development Specialist for CDD, and Megan Bayer, Assistant City Solicitor. Daniel Messplay shared that team members from CDD participating via Zoom included Swaathi Joseph, Zoning Project Planner, and Pardis Saffari, Director of Economic Development.

The Chair, Councillor Zondervan recognized Daniel Messplay who gave a presentation titled “Removing the Retail Cannabis Special Permit”. This presentation was provided to the public in advance of the meeting as part of the agenda packet. The presentation offered a background and history of cannabis use in Cambridge as well as where cannabis retail stores are located within the City. Daniel Messplay reviewed the current zoning and approval process for Cannabis retail stores and introduced the proposed zoning and changes to Articles 4.30 and 11.800. To conclude the presentation, Daniel Messplay gave an overview of the Planning Board meeting decision and their recommended actions. This decision was provided in advance of the meeting as part of the agenda packet.

The Chair, Councillor Zondervan asked if the Law Department had any proposed changes or recommendations to the Ordinance. Megan Bayer was available to respond and noted that there was nothing currently before the Committee, but shared that going forward, the Law Department would like to work with Council members on amending the Cannabis Business Permitting Ordinance to possibly remove the Cambridge resident requirement for social equity applicants or propose an alternative requirement for social equity applicants. Megan Bayer noted that by amending the Ordinance it would help with the 1800-foot buffer that is required for some cannabis retail locations, but not all, depending on the applicant. Councillor Nolan thanked Megan Bayer for bringing those concerns forward and shared that she would be available to work with the Law Department and CDD moving forward.

The Chair, Councillor Zondervan recognized Councillor McGovern who thanked CDD for their thorough and straight forward presentation. Councillor McGovern shared that he would be offering his support to move the proposed amendments and petition forward.

The Chair, Councillor Zondervan made a motion to amend the City Council Zoning Petition relative to Article 4.30 and Article 11.800 of the Zoning Ordinance by substitution with the revised language provided by CDD, provided as part of the agenda packet in advance of the meeting.

Clerk of Committees Erwin called the roll.

Councillor Azeem – Absent

Councillor Carlone – Absent

Vice Mayor Mallon – Yes

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Yes

Councillor Toner – Yes

Councillor Zondervan – Yes

Mayor Siddiqui – Yes

Yes – 7, No – 0, Absent – 2. Motion passed.

The Chair, Councillor Zondervan recognized Councillor McGovern who made a motion to forward the City Council Zoning Petition relative to Article 4.30 and Article 11.800 of the Zoning Ordinance, as amended to the full City Council with a favorable recommendation to Pass to a Second Reading. Copy Attached.

Clerk of Committees Erwin called the roll.

Councillor Azeem – Absent

Councillor Carlone – Absent

Vice Mayor Mallon – Yes

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Yes

Councillor Toner – Yes

Councillor Zondervan – Yes

Mayor Siddiqui – Yes

Yes – 7, No – 0, Absent – 2. Motion passed.

Chair Zondervan noted that he needed to leave and the Chair was assumed by Councillor McGovern.

The Chair, Councillor McGovern recognized Councillor Nolan who made a motion to adjourn.

Clerk of Committees Erwin called the roll.

Councillor Azeem – Absent

Councillor Carlone – Absent

Vice Mayor Mallon – Yes

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Yes

Councillor Toner – Yes

Councillor Zondervan – Yes

Mayor Siddiqui – Yes

Yes – 7, No – 0, Absent – 2. Meeting adjourned.

Attachments:

Attachment A, Proposed Zoning Ordinance as amended in Committee on June 27, 2023, relative to amendments to Article 4.30 and Article 11.800 of the Zoning Ordinance.

Clerk's Note: The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record. The video for this meeting can be viewed at:

https://cambridgema.granicus.com/player/clip/533?view_id=1&redirect=true&h=3a722755ada160e002a385019667b11b

A Zoning Petition Has been received from the full City Council, regarding Amend Article 4.30 and Article 11.800 of the Zoning Ordinance.

A communication was received from Daniel Messplay, Acting Director, Zoning and Development, transmitting a presentation regarding removing the Retail Cannabis Special Permit.

A communication was received from Daniel Messplay, Acting Director, Zoning and Development, transmitting a report from the Planning Board with recommended actions.

A communication was received from Daniel Messplay, Acting Director, Zoning and Development, transmitting proposed amendments to Article 4.30 and Article 11.800 of the Zoning Ordinance.

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ATTACHMENT A:

City Council Zoning Petition relative to Article 4.30 and Article 11.800 of the Zoning Ordinance, as amended in Council on June 27, 2023, and voted out of Committee with a favorable recommendation to Pass to a Second Reading.

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													
l. 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	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₅₈	No	Yes ₅₈	Yes 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	Yes ₅₈	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₈ ⁵	Yes ₅₈	Yes ₅₈	Yes ₅₈	Yes ₅₈

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Amend Article 11.800 of the Zoning Ordinance as follows:

11.800 CANNABIS USES

11.801Statement 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.

11.802General Requirements

11.802.1Allowed Cannabis Uses.

- (a) Cannabis Retail Stores, Cannabis Delivery Operator Establishments, and Cannabis Production Facilities shall be allowed as set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance), subject to the requirements set forth in this Section 11.800, et seq.
- (b) Cannabis Retail Stores, Cannabis Delivery Operator Establishments, 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 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.

11.802.2Licenses and Registration. A Special Permit (where applicable), Building Permit or Certificate of Occupancy 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.

11.802.3Limitation of Approval. A Special Permit (where applicable), Building Permit or Certificate of Occupancy authorizing the establishment of a Cannabis Use shall be valid only for the licensed or registered entity to which the permit was issued, and only for the site on which the Cannabis Use has been permitted. 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 and/or building permit, where applicable, shall be required prior to issuance of a Certificate of Occupancy.

11.802.4Building. A Cannabis Establishment 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 in accordance with 935 CMR 500.000 and other applicable state and local regulations.

11.803Location Standards.

11.803.1Cannabis Retail Stores.

- (a) Cannabis Retail Stores shall be allowed 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. In the Business A-1 district, only applicants that have been designed 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 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 is also meets the requirements for a Cannabis Production Facility.

11.803.2 Cannabis Delivery Operator Establishments shall be allowed 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 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.

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) Any 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.
- (b) 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.
- (c) 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 (where applicable), building permit or certificate of occupancy. Such plan shall include the following information using narratives and graphics:

- (1) hours of operation and anticipated numbers of employees and consumers on-site 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.
- (d) 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 for a Cannabis Production Facility 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) Initial Operations and Logistics Plan: Containing the information set forth in Paragraph (d) of Section 11.804 above.
- (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 Production Facility 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 and/or from restrictions on direct access by consumers.
- (d) If the proposed 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.

(Ord. No. 2021-8 , 6-28-2021)

Editor's note(s)—Ord. No. 2021-8 , adopted June 28, 2021, repealed the former § 11.800, and enacted a new § 11.800 as set out herein. The former § 11.800 pertained to similar subject matter and derived from Ord. No. 1404 , adopted Dec. 17, 2018.