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## CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: CDD Staff

Date: November 4, 2019

Re: **Special Permit PB #339 Amendment 1, Revolutionary Clinics II, Inc.  
Cannabis Retail Store at 541 Massachusetts Avenue**

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This memo contains an overview of the proposed project at 541 Massachusetts Avenue, the special permits being requested, and related comments.

### Summary of Proposal

Revolutionary Clinics II, Inc. is proposing to co-locate a retail cannabis store at 541 Massachusetts Avenue, where a Registered Medical Dispensary (RMD) was approved in January 2019 (PB-339). The RMD that includes a separate wellness retail space at the corner of Massachusetts Avenue and Norfolk Street has been constructed and is anticipated to start operations soon.

The site is within the Central Square Overlay District and in the Central Square National Register District, but the building is not a contributing structure. No exterior changes are proposed from the originally approved design. The Central Square Advisory Committee (CSAC) reviewed the proposal for the RMD last year, but the proposed non-medical establishment has not yet been reviewed by CSAC.

### Requested Special Permits

The project is located in the Business B (BB) District and requires a Special Permit to allow a cannabis retail store per Section 11.800. Applicable sections of the zoning are provided in an appendix.

Last year, the City Council amended Section 11.800 to include provisions for non-medical or "adult use" cannabis establishments in addition to medical cannabis establishments. Per the current zoning requirements, cannabis retail stores may include sales of cannabis products for medical and/or adult use, but a previously issued special permit for an RMD must be amended to authorize the conversion to or co-location of a non-medical cannabis use.

Earlier this year, the City Council adopted a Cannabis Business Permitting Ordinance that contains requirements separate from the Zoning Ordinance. The Zoning Ordinance requires that special permits be conditioned on compliance with all applicable state and local regulations, and does not allow a building permit or certificate of occupancy to be issued for a Cannabis Use that is not properly licensed and/or registered with the applicable state and local agencies.

<b>Requested Special Permits</b>	<b>Summarized Findings</b> <i>(detailed zoning text on following pages)</i>
Cannabis Retail Store (Sections 11.800)	<p>Complies with Zoning Requirements:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Located in a permanent building.</li> <li>• 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.</li> <li>• 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.</li> <li>• No packaging or re-packaging of cannabis products will occur on-site.</li> </ul> <p>Meets Special Permit Criteria:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Location and design of cannabis use will not detract from the sense of activity with opaque, unwelcoming façade at ground floor in retail areas.</li> <li>• Loading, refuse and service areas are designed to be secure and shielded from abutting uses.</li> <li>• 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.</li> <li>• The facility will provide programs to assist qualifying patients in obtaining services under Massachusetts Medical Use of Marijuana Program.</li> </ul>
General Special Permit Criteria (Section 10.43)	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 (see appendix).

## **Comments on Proposal**

### *Consistency with Planning and Zoning*

As per the current zoning regulations for cannabis uses, a Registered Marijuana Dispensary (RMD) that has previously received a special permit from the Planning Board is required to amend the special permit to authorize the conversion to or co-location of a non-medical cannabis use.

This is the first special permit amendment proposing a non-medical cannabis establishment to be co-located with an approved RMD. The RMD was approved to be operational between 9 am and 9 pm. The retail use is proposed to be operational from 9 am to 11 pm. The revised plans show that the maximum capacity of the sales area is 65 and since there is no designated waiting area, queuing will occur in the sales area. For the initial 6 months, the applicant suggests limiting service to on-line pre-purchase and scheduled appointments to facilitate efficient operations and reduce impact on the public realm. The application Cover Sheet denotes the applicant as CAS Foundation. The applicant in the original special permit is Revolutionary Clinics II, Inc.

### *Location*

The site is within the BB district, where cannabis retail stores are allowed under current zoning by special permit from the Planning Board. This site is within 1,800 feet from the permitted cannabis retail stores at 580 Massachusetts Avenue and 567 Massachusetts Avenue, which were permissible within the 1,800-foot distance because they applied as state-certified Economic Empowerment Applicants. The project narrative materials indicate that the site is not within 300 feet of Henry Buckner School, which is located at 85 Bishop Allen Drive, or any other K-12 school or public youth recreation facility.

### *Transportation, Loading and Service*

The application includes a transportation logistics plan by Howard Stein Hudson Engineers + Planners. The Traffic, Parking and Transportation (TP&T) Department is reviewing the analysis. The key considerations for the Planning Board will be whether or not the proposed co-location of an adult-use cannabis retail store might have substantially different transportation impacts than a comparably-sized retail establishment.

Under the current zoning, an establishment of this size would be required to have at least three, but no more than five, off-street parking spaces, one long-term bicycle parking space, and four short-term bicycle parking spaces. However, as this is an existing building, parking requirements are waived by the provisions of the Central Square Overlay District, and no new bicycle parking is required because the change in use does not cause an increase in the required number of spaces. The previously approved plans for the RMD include four long-term bicycle parking spaces and a contribution to the City's Public Bicycle Parking fund for six short-term bicycle parking spaces. The amendment does not propose any changes to bicycle parking spaces.

## **Continuing Review**

The following is a summary of issues that staff recommends should be further studied by the Applicant, either in preparing revised materials if the Planning Board continues the hearing to a future date, or as conditions for ongoing design review by staff if the Board decides to grant the special permit:

- Provide revised Cover Sheet with corrected information regarding the applicant.
- Confirm that there will be no queuing in the vestibule.