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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: CDD Staff

Date: October 11, 2022

Re: **Special Permit PB-355 Amendment 2, 1686 Massachusetts Avenue**

**IRAM FAROOQ**  
Assistant City Manager for  
Community Development

**SANDRA CLARKE**  
Deputy Director  
Chief of Administration

**KHALIL MOGASSABI**  
Deputy Director  
Chief of Planning

## Overview

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Submission Type:	Special Permit Application
Applicant:	Budega, Inc.
Zoning District(s):	Business A-2 District (BA-2)/ Massachusetts Avenue Overlay District/ Basement Housing Overlay District
Proposal Summary:	Amendment to the previously granted special permit (PB-355) to allow delivery of products from the permitted Cannabis Retail Store to customers. No other changes are proposed.
Special Permits Requested:	Cannabis Retail Store Use (Section 11.800)
Other City Permits Needed:	Cannabis Business Permit
Planning Board Action:	Grant or deny requested special permits.
Memo Contents:	Overview of the proposed changes to the project, the amendments being requested for the Special Permit PB-355, and related comments. (Note: No urban design report is provided as no changes to the design are proposed.)
Other Staff Reports:	Traffic, Parking and Transportation Dept. (TP+T) in separate document.

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Requested Special Permits	Required Planning Board Findings (Summary - see appendix for zoning text excerpts)
Cannabis Retail Store Special Permit (Section 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:

	<p>(a) It appears that requirements of this Ordinance cannot or will not be met, or</p> <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>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>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>
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**Summary of Proposal**

In November 2020, the Board approved a proposal at 1686 Massachusetts Avenue to operate a cannabis retail store occupying approximately 2,316 square feet in the first floor and basement of the existing building. The proposal received a Special Permit per Section 11.800. The Board approved an amendment

in January 2022 to authorize a change in the controlling interest of the operator of the permitted cannabis retail store, with no other changes to the approved use or design.

### **Requested Amendment**

Under the current proposal, the applicant is requesting modification of Condition 14 from the special permit decision of PB-355 with no changes to the approved use or design for this project.

Condition 14 in approved special permit: “The Cannabis Retail Store at 1686 Massachusetts Avenue shall not be used as a distribution point for home deliveries, so it may not provide cannabis or cannabis products to a cannabis delivery licensee for deliveries.”

Condition 14 in proposed modification: “The Cannabis Retail Store at 1686 Massachusetts Avenue shall be used as a distribution point for home deliveries, so it may provide cannabis or cannabis products to a cannabis delivery licensee for deliveries, subject to the approval of Cambridge Parking and Traffic Department and the Cambridge Police Department pursuant to Section 11.804(e).”

With the proposed modification, the applicant is proposing that Cambridge Traffic, Parking and Transportation Department and the Cambridge Police Department make the determination regarding delivery of products from the cannabis retail store to the consumers as delivery of cannabis to consumers is allowed under current zoning. The required Planning Board findings and action to grant the requested amendment are the same as for granting a new special permit, summarized in the table above.

### **Comments on Proposed Amendment**

In order to make home deliveries, a cannabis retail store would either need to seek a cannabis courier license to operate delivery vehicles from the site, or need to engage a third-party licensed cannabis courier that is located elsewhere in Massachusetts to make deliveries. Attachment C of the Application Materials, Supplemental Transportation Logistics Plan, indicates that home deliveries are proposed to be done by third-party courier vehicles. There is no parking of delivery vehicles proposed on-site.

TP+T staff reviewed the proposed revisions and has transmitted comments regarding the proposed change and recommended conditions in a separate memo.

### **Special Permit Conditions**

The following is a summary of recommended as conditions if the Board decides to grant the special permit:

- The project shall continue to be subject to the all Conditions set forth in the original Special Permit Decision (PB-355) dated November 5, 2020, and amendment dated January 11, 2022 except as provided below.
- Condition #14 would be revised to indicate that cannabis products may be delivered from the cannabis retail store to customers’ homes by a licensed cannabis courier that is based off-site, subject to the approval of an Operations and Logistics Plan by the Cambridge Traffic, Parking and

Transportation Department and the Cambridge Police Department, and ongoing compliance with such plan by the Permittee. Any additional recommendations in the TP+T memo would also be included. Note that the Applicant has provided suggested condition language for modifying Condition #14, but staff's recommendation is that the Planning Board direct staff, in consultation with the City's Law Department, to draft the revised condition to be consistent with applicable City policies for Cannabis Uses.