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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: CDD Staff

Date: January 13, 2020

Re: **Special Permit PB #357, Advessa MA, Inc. Cannabis Retail Store at 966 Cambridge Street**

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This memo contains an overview of the proposed project at 966 Cambridge Street, the special permits being requested, and related comments.

## Summary of Proposal

Advessa MA, Inc. is proposing to repurpose the first floor and second floor of the existing building located at 966 Cambridge Street to operate a cannabis retail store. The proposal includes renovation of 2,133 square feet of the existing building to include sales space, storage, office, and long-term bicycle parking for the cannabis retail store. One existing loading bay will be retained.

## Requested Special Permits

The project is located in the Business A (BA) 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.

In 2018, 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. 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.

Requested Special Permits	Summarized Findings <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).

## **Area Planning and Zoning**

The site is located within the Wellington-Harrington neighborhood and in the East Cambridge Commercial District along Cambridge Street. The base zoning district BA allows a broad range of residential and commercial uses, including retail.

### *Cannabis Retail Stores*

Cannabis retail stores are generally allowed in districts where other retail uses are allowed. The pertinent planning and zoning considerations for cannabis retail stores are their location relative to other cannabis retail stores and relative to schools and youth-oriented public facilities, their operational characteristics in terms of transportation for customers, employees, and products, and their façade design in relation to the character of other retail storefronts in the area. The zoning provides greater flexibility for applicants with an “Economic Empowerment” or “Social Equity” designation from the state Cannabis Control Commission to promote greater participation in the cannabis industry from communities that have been disproportionately affected by past drug enforcement policies. Cannabis retail stores are subject to the same dimensional, parking, and signage requirements as comparable retail uses within a given zoning district.

In addition to meeting the zoning requirements and special permit criteria summarized on the preceding page, cannabis retail stores must be properly licensed by the state Cannabis Control Commission. A host community agreement is required under state regulations for both medical and non-medical cannabis establishments. Special permits are unique to a particular cannabis retail store (i.e., not transferrable to a different operator).

## **Comments on Proposal**

### *Consistency with Planning and Zoning*

This is the eighth special permit application for a cannabis retail store made after the City Council adopted amendments to cannabis zoning in 2018 that address both medical and non-medical cannabis establishments within the city.

The proposal is to renovate the existing building, which is currently non-conforming with regard to dimensional requirements and contains an existing loading bay. Since the length of the loading bay is less than 30 feet, it is non-conforming. No dimensional changes are proposed. The proposed establishment will be a cannabis retail store with its main entrance on Cambridge Street and service access on Windsor Street. It is unclear from the floor plans whether the customers are exiting the facility through the service door on Windsor Street. The plan suggests that the access to the sales counters are through a door from the service corridor. Two ATM machines are proposed to be located in the retail area. The store will be operational between 8 am and 8 pm all days of the week and will not conduct sales during hours in the morning and afternoon when students are travelling to and from the nearby King Open School. The specific hours when the sales will not be conducted is unclear. This Applicant has submitted an application for a Cannabis Business Permit. All six members of Advessa’s leadership team are Economic Empowerment Applicants and jointly control 90% of the business. The maximum capacity of the sales area is unclear as the application states 60 and the logistics plan states 51; the maximum

capacity of the waiting area is 49 according to both. For the opening time (period unspecified), the applicant suggests limiting service to scheduled appointments to facilitate efficient operations and reduce impact on the public realm. There is no mention of using a customer waiting system to mitigate customer overflow.

#### *Location*

The site is within the BA district, where cannabis retail stores are allowed under current zoning by special permit from the Planning Board. There no other permitted cannabis retail stores within 1,800 feet of this site. Since the applicant is an Economic Empowerment Applicant, the 1,800-foot separation requirement would not apply. The project narrative records that the site is 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. The newly reconstructed King Open School is a little over 300 feet from the proposed location.

#### *Transportation, Loading and Service*

The application includes a transportation logistics plan by Howard Stein Hudson. 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 cannabis retail store might have substantially different transportation impacts than a comparably-sized retail establishment.

Under the current zoning, a new establishment of this size would be required to have at least two, but no more than four, off-street parking spaces and one long-term as well as two short-term bicycle parking spaces. However, as this is a change of use in an existing building, parking requirements are waived by the provisions for small business in a business district requiring no more than 4 spaces. And no new bicycle parking is required because the change in use from a retail store to a cannabis retail store does not cause an increase in the required number of spaces. The project does not propose any off-street parking spaces or short-term bicycle parking spaces. Two long-term bicycle parking spaces will be provided in the service area. Loading is proposed to take place in the existing loading bay within the building.

#### *Urban Design*

The existing building is an anomaly on Cambridge Street in terms of its height, materials, and colors. The proposed project presents the opportunity to improve the quality of the pedestrian experience by better complementing neighborhood retail buildings, adding activity to the street, and providing visual interest.

The proposed changes to the building’s exterior appearance are minimal, primarily consisting of new paint, the removal of overhead security grills, the installation of a “frost” film on the storefront windows, and the addition of an awning on the Cambridge Street façade and signage on the Windsor street facade. While the limited documentation provided in the application makes it difficult to fully evaluate the proposal, staff would like to make the following comments and suggestions:

- Consideration could be given to additional improvements to the facades to make their design, materials, and colors more compatible with those of the neighborhood.

- The proposed “frost” film on the Front Reception Area’s windows facing Cambridge Street and Windsor Street does not appear to be necessary and would detract from the appearance of the building. With past proposals, the Planning Board has preferred using clear retail glass with alternative design approaches where state regulations require limiting the visibility of cannabis products, such as interior screening walls within the store.
- Consideration should be given to extending the awning on Cambridge Street farther over the sidewalk, to provide more shelter to pedestrians and to relate to the awning of the adjoining building; this may require additional approvals from the City.
- Consideration could be given to providing a similar awning at the window facing Windsor Street.

### **Continuing Review**

The following is a summary of issues that staff recommends should be further studied by the Applicant:

- Clarify whether the customers will exit the facility through the service door on Windsor Street. If so, then the plan should be revised to show a door from the sales area into the service corridor.
- Clarify how the employees will access the space behind the sales counters.
- Confirm the total customer capacity of the sales and queueing areas.
- Provide additional information on when the business will not conduct sales during hours in the morning and afternoon.
- If the shopfront glazing is to be replaced, its specifications for transparency and reflectivity.
- Provide color versions of the elevations and the exterior and interior renderings to better inform the review process.
- Review egress requirements to ensure that they won’t necessitate changes to the proposed scheme.
- Study the location of exterior sconces relative to signage and the awning.

The following are additional recommendations for ongoing design review by staff if the Board decides to grant the special permit:

- Review of the window glazing and lighting.
- Review of any proposed mechanical equipment on the rooftop, façade, or exterior of the building, and visual/acoustical screening if needed.
- Review of exterior signage, lighting, and other security features that may be required by state regulations. Any proposed outdoor lighting should be designed to conform to the guidelines recommended in the proposed Cambridge Outdoor Lighting Ordinance.
- Review of colors of paint and other exterior materials.

In addition, if the Board decides to grant the special permit, it should be conditioned on the following requirements set forth in the Zoning Ordinance:

- Pursuant to Section 11.802.2, the Permittee shall maintain all required state and local licenses and/or registrations and comply with all applicable state and local public health regulations and all other applicable laws, rules and regulations at all times. In particular, the Permittee shall execute a

Host Community Agreement with the City of Cambridge pursuant to the regulations of the Cannabis Control Commission, and shall comply with a Cannabis Business Permitting Ordinance, if adopted, and other ordinances that may be adopted by the City Council.

- Pursuant to Section 11.802.3, the special permit shall be valid only for the licensed or registered entity to which the special permit was issued, and only for this site. If the Permittee's license or registration has not been renewed or has been revoked, transferred to another controlling entity, or relocated to a different site, a new special permit shall be required prior to issuance of a Certificate of Occupancy.