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## CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: CDD Staff

Date: August 11, 2020

Re: **Special Permit PB #365, GreenSoul Organics, LLC. Cannabis Retail Store at 759 Massachusetts Avenue** (parcel address -757 Massachusetts Ave)

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### Overview

Submission Type: Special Permit application

Applicant: GreenSoul Organics, LLC

Zoning District: Business B (BB), Central Square Overlay

Proposal Summary: Repurpose a portion of the first floor and basement of the existing building to operate a cannabis retail store. The proposal includes renovation of 1,365 square feet of the existing building's first floor to include sales space and 2 long-term bicycle parking spaces in addition to employee area, storage and office space in the basement. No off-street parking for automobiles is proposed.

Permits Requested: Special Permit to allow a cannabis retail store (Section 11.800)

Other Permits Needed: Certificate of Appropriateness from Cambridge Historical Commission (CHC) for alterations to a designated landmark

Planning Board Action: Grant or denial of requested special permit

Memo Contents: Review of area planning and zoning; comments on proposal addressing planning, zoning, and urban design

Other Staff Reports: Traffic, Parking, and Transportation (TP&T)

### Introduction

The applicant is seeking a use special permit from the Planning Board for locating a cannabis retail store in an existing retail space. Per the current zoning requirements, cannabis retail stores may include sales of cannabis products for medical and/or adult use. The current proposal is for an adult use, non-medical establishment. Storefront changes will include addition of a new door along Massachusetts Avenue.

The site is within the Central Square Overlay District, requiring review by the Central Square Advisory Committee, whose report is attached to this memo. The building is a contributing structure in the Central Square National Register District and a designated landmark subject to review by the CHC; an application is pending.

A summary of the applicable special permit findings is listed on the following page. Applicable sections of the zoning are provided in an appendix (Criteria).

Requested Special Permits	Summarized Findings <i>(see Criteria for zoning text excerpts)</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 Criteria).

## **Area Planning and Zoning**

The base zoning for the site is Business B (BB) and it is in the Central Square Overlay District. The district allows a broad range of residential and commercial uses, including retail. Cannabis retail stores are allowed under current zoning by special permit from the Planning Board.

### *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).

### *Central Square*

The Central Square Overlay District provides special design standards and greater scrutiny for development projects to advance the planning goals for the area. The specific design guidelines for Central Square are included in the appendix, and include encouraging strong retail frontage for Massachusetts Ave., providing visual interest and pedestrian orientation in storefront design, preventing disruption of parking and service facilities on pedestrians and residences, and taking advantage of existing public transportation.

So far, one medical retail cannabis dispensary (i.e. Registered Marijuana Dispensary or “RMD”) has received a special permit in Central Square, at 541 Massachusetts Ave. It has also been approved to collocate a cannabis retail store. The dispensary is currently under construction. Additional cannabis retail stores would only be allowed in the vicinity if they are Economic Empowerment or Social Equity applicants. In addition to the current application, the Planning Board has granted special permits for two additional cannabis retail stores by other Economic Empowerment Applicants in Central Square, at 580 Massachusetts Avenue and 567 Massachusetts Avenue.

## **Comments on Proposal**

### *Consistency with Planning and Zoning*

This is the tenth special permit application for a cannabis retail store made after the City Council adopted amendments to cannabis zoning last year that address both medical and non-medical cannabis

establishments within the city. The application mentions that the applicant GreenSoul Organics, LLC is an Economic Empowerment Applicant with license number EEA202243.

The existing building is currently conforming with regard to dimensional requirements and no dimensional changes are proposed. The retail space is currently a hair salon. The proposed establishment will be a cannabis retail store with its main entrance on Massachusetts Avenue and service access from the alley behind the building that connects to Inman Street. The store will be operational between 9 am and 10 pm on Monday to Friday, 10 am to 11 pm on Saturday, and 11 am to 8 pm on Sunday. The application does not indicate the location from which the products will be supplied. For the initial 6 months, the applicant suggests limiting service to scheduled appointments and utilizing queue management system to facilitate efficient operations and reduce impact on the public realm.

The basement area is not recorded in the application materials and it counts toward the total Gross Floor Area (GFA) of this proposal. The summary form included in the Logistics Plan mentions that the maximum capacity of the sales area is 22 and the maximum capacity of the waiting area is 11 (the narrative records it as 11 for waiting area and 11 for the sales area). The summary form records maximum number of employees on-site at a time as 24, whereas the narrative indicates that it the total number of employees in various shifts. The narrative records that the maximum occupancy is 46.

#### *Location*

This site is within 1,800 feet from the permitted medical dispensary at 541 Massachusetts Avenue as well as the permitted cannabis stores at 580 Massachusetts Avenue and 567 Massachusetts Avenue. However, since the applicant is an Economic Empowerment Applicant, the 1,800-foot separation requirement does not apply. The project narrative materials indicate 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.

#### *Transportation, Loading and Service*

The application includes a transportation logistics plan by Greater Boston Survey and Engineering. The Traffic, Parking and Transportation (TP&T) Department is reviewing the analysis and comments are provided in a separate memo. 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.

As this is a change of use in 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 project proposes 2 long-term bicycle parking spaces, which is supported by staff. The proposed long-term bicycle parking spaces will allow the employees to secure their bikes in a weather protected location. The dimensional form inaccurately records existing public bicycle racks as proposed short-term bicycle parking spaces, which can be corrected but does not affect the proposal's conformance.

#### *Urban Design*

As described in the City's urban design objectives, the Central Square Action Plan, and relevant Central Square Design Guidelines, buildings should contribute to the public realm with pedestrian friendly ground floors, active uses and sufficiently transparent facades to offer visual interest and a sense of connection to building interiors.

The proposed facility will be located in the existing Romanesque Revival building (constructed in 1888) at 759 Massachusetts Avenue, and will replace an existing retail establishment. The only proposed change to the exterior of the building will be the replacement of the existing storefront. Its basic configuration and high percentage of glazed area will be maintained, but a new and more energy glazing system will be provided, and a second door will be added. It will be highly transparent, offering views into the interior of the waiting area, and of the art proposed for its side walls. The art will be created by local artists, and will be curated on a rotating, seasonal basis. The existing wood paneling framing the storefront opening will remain.

The proposed storefront mullions are black, a change from the aluminum color of the existing mullions. Consideration could be given to retaining the aluminum color, to harmonize with the aluminum colored mullions of the building's other retail storefronts and its entry lobby. Consideration could be given to emulating the slim profiles of the existing mullions.

Note that the soffit of the recessed entry is in poor condition; the renovation will present an opportunity to repair or replace it.

Note that the difference in elevation between the existing sidewalk and the existing floor level may present ADA access issues, which will be reviewed at the building permit stage. Push button door openers are recommended to facilitate access.

It would be preferable to use a clear finish rather than the proposed green colored finish on the wood paneling at the left and right sides of the storefront opening. A clear finish would match the natural wood appearance of the paneling framing the 1369 Coffee House's storefront and the building's entry lobby.

As with all cannabis retail store applications, the potential for queueing on the sidewalk is a potential issue. In this case, the sidewalks are relatively wide, but there are adjacent retail stores with frequent in-out pedestrian traffic and outdoor café seating on the sidewalk. As discussed further in the TP&T memo, any queueing should be reduced to the extent possible and managed so that it does not interfere with the operation of other stores and restaurants on the block.

Because the existing building is a designated landmark, the applicant still needs to apply for a Certificate of Appropriateness.

### **Continuing Review**

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

- Provide information about area of the basement and include that in total GFA in the dimensional form.
- Confirm the total capacity of the facility, including maximum number of customers in waiting area and sales area as well as maximum number of employees at a time.

- ADA requirements at entry and exit.

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

- Review of the design and details of the storefront, including lighting.
- Review of any proposed mechanical equipment on the rooftop, façade or exterior of the building.
- 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.

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 Massachusetts Cannabis Control Commission and shall have received a Cannabis Business Permit pursuant to the Cambridge Cannabis Business Permitting Ordinance prior to the issuance of a Certificate of Occupancy.
- Pursuant to Section 11.802.3, the special permit shall be valid only for the original Applicant and shall expire on the date the Permittee either ceases operation of a Cannabis Retail Store, or the Permittee's License or Certificate of Registration expires or is terminated by the CCC. Any change in the majority ownership of the Cannabis Retail Store from the original application, including without limitation a takeover, merger, sale of assets and equity, or sale to another entity resulting in a majority of the individuals initially disclosed under 935 CMR 500.002 as Controlling Persons failing to maintain a controlling equity interest, shall be reported to the Commissioner of Inspectional Services Department for purposes of determining whether the change in ownership requires a new special permit or modification of the existing permit for the succeeding owner of the Cannabis Retail Store.