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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: CDD Staff

Date: November 7, 2018

Re: **Special Permit PB #342, Ascend Mass, LLC Registered Marijuana Dispensary at 200 Monsignor O'Brien Highway**

This memo contains an overview of the proposed project at 200 Monsignor O'Brien Highway, the special permits being requested, and related comments.

## Summary of Proposal

Ascend Mass, LLC is proposing to repurpose the existing building at 200 Monsignor O'Brien Highway to operate a registered medical marijuana dispensary (RMD). The project has proposed a small Parking and Transportation Demand Management Plan (PTDM) to use the existing unregistered off-street parking within the site. The proposal includes renovation of the 5,212 square-foot existing building to use the first floor for the RMD and the second floor to accommodate a security vault, office area, and break room for the employees.

## Requested Special Permits

The project is located in the Business A (BA) District and requires a Special Permit to allow a RMD use per Section 11.800. Applicable sections of the zoning are provided in an appendix.

A petition to amend Section 11.800 is currently under consideration by the City Council in anticipation of non-medical or "adult use" cannabis establishments. The amendments are discussed further in this memo. If adopted, the proposed RMD would be required to meet the requirements in that petition. One requirement is that a permitted RMD would need to seek an additional special permit from the Planning Board to allow an adult-use cannabis retail establishment.

Requested Special Permits	Summarized Findings <i>(see appendix for zoning text excerpts)</i>
Medical Marijuana Dispensary Use in Business A District (Sections 11.800)	<ul style="list-style-type: none"> <li>• Location shall serve an area that currently does not have reasonable access to medical marijuana.</li> <li>• The location is at least five hundred feet from a school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate, or if not located at such a distance, it is sufficiently buffered from such facilities such that its users will not be adversely impacted by its operation.</li> <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>• Traffic generated shall not create a substantial adverse impact on nearby residential uses.</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> </ul> <p><i>(See full criteria in appendix)</i></p>
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**

Pursuant to Section 11.800, RMDs are allowed in Business A, Business B, Business B-1, Business B-2, Business C, Industry A-1, Industry B-1 and Industry B-2 districts in the city with a Planning Board Special Permit. The base zoning for the site located in East Cambridge is Business A (BA). The site is also in the Eastern Cambridge Housing Overlay (ECHO) district, which is intended to promote residential development but continues to support retail uses. No dimensional changes are proposed and therefore the dimensional standards of the district are not pertinent to this application.

Summary of requirements for a RMD:

- RMDs are only allowed to operate, notwithstanding the use limitations of the base zoning district or any overlay zoning district, with a special permit by the Planning Board.

- Permitted RMDs must be properly registered at the state level.
- Special permits are unique to a particular RMD (i.e., not transferrable to a different operator).
- RMDs must operate within a building.
- District dimensional requirements (e.g., FAR, height, setbacks) for non-residential uses apply to RMDs.
- Vehicle parking and bicycle parking (both long-term and short-term) spaces and the required number of loading bays shall be determined by the Planning Board based on the transportation analysis and other information related to operations and security of the RMDs.
- Normal signage requirements (Article 7.000 of the Zoning Ordinance) apply to RMDs, and additional restrictions may be imposed on signage as appropriate to mitigate any aesthetic impacts.
- An RMD is not allowed within 1,800 feet of another RMD.

This is the third RMD application made after the City Council adopted amendments to the medical marijuana zoning last year. These amendments expanded the areas where RMDs are allowed to commercial districts throughout the city but instituted a 1,800-foot separation between establishments to prevent “clustering” in areas.

### **Evolving Cannabis Regulations**

Legislation allowing “adult use” cannabis (i.e., the legal use of cannabis products by people age 21 or older for non-medical purposes) was finalized in 2017. That legislation established a statewide Cannabis Control Commission to oversee the licensing of “marijuana establishments,” including cultivators, manufacturers, and retailers of cannabis products. Regulations were promulgated in March, 2018 and the commission has begun the process of reviewing and issuing licenses. However, many communities (including Cambridge) have yet to enact zoning for such establishments. RMDs continue to follow the prior medical marijuana law. Under the non-medical marijuana law, existing RMDs may seek licenses for retail, manufacture, and cultivation of marijuana for non-medical purposes, and are given some priority in the licensing process. Oversight of RMDs will eventually transition from the Massachusetts Department of Public Health to the Cannabis Control Commission.

Cambridge’s current zoning only allows medical marijuana dispensaries, but there is a zoning petition currently under review that would allow cannabis establishments (retail as well as production facilities) to be permitted for medical use, non-medical use, or both. However, if adopted, the petition would require that an establishment that has received a special permit only for a medical RMD would need to amend its special permit to allow adult use cannabis sales or production.

The petition under review also makes several amendments that would apply to the current application. For example, parking and bicycle parking would be subject to specific requirements pursuant to Article 6.000, as with other retail uses. The required parking and bicycle ratios for this district are summarized below:

Requirement	Proposed Standards (Business A District)
Minimum Off-Street Parking	1 space per 1,000 square feet
Maximum Off-Street Parking	1 space per 500 square feet

Minimum Long-Term Bicycle Parking	0.10 space per 1,000 square feet
Minimum Short-Term Bicycle Parking	0.60 space per 1,000 square feet

Another requirement of the petition is that it must be agreed to in writing and made a condition of a special permit that no on-site packaging of cannabis products may occur within a retail store. If this is not agreed to, then the retail store must be in a separate building that is separated by at least 100 feet from residential, institutional, office, or other retail uses.

Other pertinent requirements include the submission of a logistics plan to describe delivery and loading functions around the site, to be reviewed by the Traffic, Parking and Transportation Department, and the inclusion of an update on progress toward establishing a host community agreement, which is required under new state regulations.

### **Comments on Proposal**

#### *Consistency with Planning and Zoning*

The proposal is to renovate the existing building on the lot, which is currently conforming with regard to dimensional requirements and contains 5,212 square feet of gross floor area (GFA). The proposed RMD will be a retail dispensary with its main entrance and service access on Monsignor O'Brien Highway operational between 9 am and 8 pm. All cultivation and processing will occur at another registered facility in Athol, MA. The location reflects the commercial nature of the district with easy access to public transit and is highly accessible for pedestrians and bicyclists

This RMD if approved, would be the fifth permitted RMD in the city. Commonwealth Alternative Care at 1385 Cambridge Street, which is more than 1,800 feet from the proposed site, will be the closest RMD once it becomes operational. The other three approved RMD locations are much farther from the site. Two other potential RMDs have indicated an intent to locate in Cambridge (by seeking and receiving letters of non-opposition from the City) at 229-231 Third Street and 259 Cambridge Street. The 200 Monsignor O'Brien site is a little over 1,800 feet from 229-231 Third Street and approximately 300 feet from 259 Cambridge Street.

#### *Location*

The site is within the BA district, where RMDs are allowed under current and proposed zoning, and with access to various modes of transportation. The Lechmere Station on Green Line is within walking distance from the site in addition to multiple MBTA bus routes along Monsignor O'Brien Highway.

Under the current and proposed zoning, the two key locational considerations for an RMD are the distance from other RMDs and the distance from facilities where children commonly congregate. As noted above, the proposed site is more than 1,800 feet from other approved RMDs in Cambridge.

The project narrative materials indicate that the proposed RMD is more than 500 feet from any school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate. The site is located a little over 600 feet from Silva Park and a little over 800 feet from Gold Star Mothers Park.

### *Transportation, Loading and Service*

The application included a transportation analysis by Hayes Engineering, Inc. The Traffic, Parking and Transportation (TP&T) Department has reviewed the analysis and is providing comments in a separate memo. The key considerations for the Planning Board will be whether or not the proposed RMD might have substantially different transportation impacts than a comparably-sized retail establishment, and whether the use can be reasonably accommodated with the proposed off-street parking. The project is proposing 5 off-street parking spaces for non-residential use, using the existing parking lot on the site. Because that parking lot is unregistered, the creation of spaces requires a small project PTDM plan. Under the City's PTDM Ordinance, the project cannot be granted a permit from the Planning Board until the PTDM plan is approved.

Under the proposed new zoning, an establishment of this size would be required to have at least six, but no more than twelve off-street parking spaces, two long-term bicycle parking spaces, and four short-term bicycle parking spaces. Currently, the building has a retail use in the first floor and office use in the second floor. Because the proposed conversion to RMD with retail use on first floor and office use on second floor will not create any change in the auto or bike parking requirements, requirements for new parking and bike parking would not be triggered. Nevertheless, there is a rationale for retaining existing parking to serve this use at this site, and staff is supportive of meeting bicycle parking requirements where they can be accommodated.

The project proposes five off-street parking spaces and 8 short-term bicycle parking spaces. For non-residential uses, up to 20% of the required long-term bicycle parking spaces or 4 spaces, whichever is greater, may be converted to short-term bicycle parking spaces. Hence, the project meets the bicycle parking requirements by providing all short-term spaces. The applicant has informed TP&T staff that 2 long-term bicycle parking spaces will be provided as lockers near the parking area. This will allow the employees to secure their bikes during in a weather protected and secure location. Additional comments related to proposed parking and bicycle parking are provided by TP&T.

### *Urban Design*

While currently a mixed-use area, as Monsignor O'Brien Highway continues to develop, the pedestrian experience along it will be increasingly important. To anticipate and further this transformation, staff recommends that:

- Window displays be provided at the storefront windows rather than a reflective film or other non-transparent treatment of the window glass.
- Consideration be given to incorporating a publicly engaging interior space on the storefront.
- Consideration be given to adjusting the public entrance to transparently engage the full width of the arched opening in the façade, rather than infilling the sides
- Opportunities to mitigate the visual impact of the parking lot be explored, such as:
  - Differentiated pavement at the pedestrian and bicycle areas.
  - Increasing the amount of green planted area in the parking lot, potentially including a new tree.
  - Locating the bicycle parking farther to the south.
  - Reducing the breadth of the curb cut.
- The option of providing vines on the façades be pursued.

- The option of providing a mural on the exterior be pursued.

### **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 details of long-term bicycle parking.
- Review of any proposed treatment of façade or exterior of the building, including specifications of storefront glazing, window displays, design of the infill at the existing large door on the east façade, etc.
- 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 rooftop mechanical equipment, and materials and details of the visual/acoustical screening.
- Provide information regarding the curation of window displays on street frontages and clarification whether they will be available for displays sponsored by the public.
- Review of landscape plan, including additional information regarding plant materials, details of planters, paving, location of trash and recycling, etc.