



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: November 4, 2019

Re: **Special Permit PB #322 Amendment 1, Revolutionary Clinics II, Inc.
Cannabis Retail Store at 110 Fawcett Street**

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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 110 Fawcett Street, where a Registered Medical Dispensary (RMD) was approved in February 2017 (PB-322). The RMD is currently in operation. No exterior changes are proposed from the originally approved design.

Requested Special Permits

The project is located in the Industry B-2 (IB-2) 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.

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"> • 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. • Located in a permanent building. • 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. • 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. • No packaging or re-packaging of cannabis products will occur on-site. <p>Meets Special Permit Criteria:</p> <ul style="list-style-type: none"> • 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. • Location and design of cannabis use will not detract from the sense of activity with opaque, unwelcoming façade at ground floor in retail areas. • Loading, refuse and service areas are designed to be secure and shielded from abutting uses. • 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. • The facility will provide programs to assist qualifying patients in obtaining services under Massachusetts Medical Use of Marijuana Program.
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 for the non-medical use of cannabis.

This is the second special permit amendment proposing a non-medical cannabis establishment to be co-located with an approved RMD. The retail use is proposed to be operational from 9 am to 11 pm. The RMD has been in operation but its hours of operation have not been included in the narrative. The revised plans show that the maximum capacity of the sales area is 26 and that of the waiting area is 22. For the initial 6 months, the applicant suggests that service can be limited to on-line pre-purchase and scheduled appointments to facilitate efficient operations and reduce impact on the public realm. The application Cover Sheet contains errors in the location, zoning district, and special permit number. It denotes the applicant as Revolutionary Clinics II, Inc., formerly known as CAS Foundation, Inc. The applicant in the original special permit is CAS Foundation, Inc.

Location

The site is within the IB-2 district, where cannabis retail stores are allowed under current zoning by special permit from the Planning Board. This site is not within 1,800 feet from other permitted cannabis establishments. The project narrative materials indicate that the site is not within 300 feet of a 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 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 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 five, but no more than ten, off-street parking spaces, one long-term bicycle parking space, and three short-term bicycle parking spaces. The RMD has 8 off-street parking spaces, four long-term bicycle parking spaces and six short-term bicycle parking spaces. The amendment does not propose any changes to existing 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.
- Measures to ensure that no parking by employees or customers shall occur on the adjacent MBTA owned lot.