



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

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To: Planning Board

From: Swaathi Joseph, Associate Zoning Planner
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Re: Special Permit **PB #325, Healthy Pharms, Inc. Registered Marijuana
Dispensary at 98 Winthrop Street**

This memo contains an overview of the proposed project at 98 Winthrop Street, the special permits being requested, and related comments.

Summary of Proposal

The applicant is proposing to renovate a portion of the existing building at 98 Winthrop Street to operate a registered medical marijuana dispensary (RMD). The project does not propose adding any parking or bicycle parking spaces. The proposed RMD will be within a historically significant building in the Harvard Square Historic District, and as such the proposed exterior alterations were reviewed by the Cambridge Historical Commission, which issued a Certificate of Appropriateness on December 22, 2016.

Requested Special Permits

The project is located in Business B District (BB) and requires a Special Permit to allow a registered medical marijuana dispensary use per Section 11.800. Applicable sections of the zoning are provided in an appendix.

Requested Special Permits	Summarized Findings <i>(see appendix for zoning text excerpts)</i>
Medical Marijuana Dispensary Use in Business B District (Sections 11.800)	<ul style="list-style-type: none"> • Location shall serve an area that currently does not have reasonable access to medical marijuana. • 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. • 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. • Traffic generated shall not create a substantial adverse impact on nearby residential uses. • 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. <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 <i>(see appendix)</i> .

Area Planning and Zoning

At the time this application was submitted, it was located within Medical Marijuana Overlay District 4 (MMD-4), which was created last year as one of the districts in which Registered Marijuana Dispensaries (RMDs) could be located with a special permit from the Planning Board and subject to all other state and local regulations pertaining to RMDs. In the intervening time, the City Council adopted a comprehensive amendment to the medical marijuana zoning provisions, removing the system of overlay zoning districts in Section 20.700 and allowing RMDs 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 pursuant to a new Section 11.800.

The requirements and special permit criteria in Section 11.800 are virtually the same as in 20.700, with some exceptions. First, Section 11.800 does not include the provisions unique to MMD-4, including the requirement that only retail dispensaries are allowed and that the size must not exceed 10,000 square feet. The new zoning also does not include the provision in MMD-4 reducing the “buffer distance” from schools and other facilities where children commonly congregate from 500 feet to 250 feet. However, the Planning Board may still reduce the required distance if it finds that the facility is otherwise suitably buffered from such uses.

The new Section 11.800 does include an additional requirement that an RMD may not be allowed within 1,800 feet of another RMD. In the statement of purpose, Section 11.800 also includes the following text: “It is the intent of this ordinance, subject to state regulations, that any approved medicinal marijuana facility shall not physically incorporate a future recreational marijuana facility within the same location to the extent permitted by law.”

The base zoning for the site is Business B (BB), which is modified by the Harvard Square Overlay District zoning. 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, only 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 (e.g., FAR, height, setbacks) requirements 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.
- Zoning signage requirements apply to RMDs and additional restrictions may be imposed on signage as appropriate to mitigate any aesthetic impacts.
- RMDs are allowed only by Planning Board special permit within Business A, Business B, Business B-1, Business B-2, Business C, Industry A-1, Industry B-1 and Industry B-2 districts and not within 1,800 feet of another RMD.

Comments on Proposal

Consistency with Planning and Zoning

The proposal is to renovate and reuse the rear portion of the existing restaurant building on the lot, which is currently conforming with regard to dimensional requirements and use. The proposed RMD will be a 1,250 square foot retail dispensary, with all cultivation and processing occurring at another registered facility in Georgetown, MA. The location reflects the commercial nature of the district with

superior access to public transit and highly accessible for pedestrians and bicyclists. There is a strong ground-floor retail presence throughout Harvard Square, and the proposal places the proposed RMD behind an active restaurant frontage with only a modest entrance onto Winthrop Street, minimizing any interruption in the streetscape.

This is the first RMD proposed within Harvard Square Overlay District and, if approved, would be the third permitted RMD in the city. Sage Cannabis has received a special permit from the Planning Board to operate a RMD at 1001 Massachusetts Avenue and Cardiac Arrhythmia Syndromes Foundation has received a special permit from the Planning Board to operate a RMD at 110 Fawcett Street. Both locations are more than 1,800 feet from the proposed site.

Location

The site is within the BB district, where RMDs are now generally allowed, and the Harvard Square Overlay District, which is one of the highest-density commercial zones in Cambridge with access to various modes of transportation.

Under the current 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 both other approved RMDs in Cambridge.

The context map provided in the Applicant's supplemental materials indicate that no school or facility that is primarily dedicated to providing programs for children is located within a 500-foot buffer of the site. Winthrop Square, a public park, is located within that buffer but does not contain play features or other uses that are exclusively for children. In conducting outreach associated with last year's rezoning process, the Applicant noted that the University Lutheran Church at 66 Winthrop Street, located about 300 feet away, has a Sunday school program. The church location is on the opposite side of JFK Street from the proposed RMD, across a busy thoroughfare and on the interior of the Harvard University campus, so it is unlikely that children attending Sunday school would routinely encounter RMD clients or staff. The church also provided a letter of support to the Applicant during last year's MMD-4 rezoning process. Cambridge's zoning allows the Planning Board to reduce the required buffer distance if it finds that there are site-specific reasons why the RMD will not adversely impact the operation of such a facility.

Transportation, Loading and Service

The transportation analysis provided by Hayes Engineering, Inc. projects a nominal increase in trips to the proposed RMD compared to those generated by the existing restaurant. The project is not proposing a loading bay as the size and scope of marijuana deliveries will not necessitate one. The project is not proposing any parking since the RMD will be located in a major retail/commercial area with ample vehicular and bicycle parking in addition to four parking garages in proximity, as well as metered parking. The applicant has proposed a Transportation Demand Management (TDM) plan to provide traffic mitigation and monitoring measures to protect against any potential traffic impacts. The applicant has also proposed to submit a loading and service management for approval by Traffic, Parking and Transportation (TP&T) Department.

Building and Site Design

While the plans and elevations are a little unclear, the proposed RMD being located at the side and rear of The Red House, with minimal exterior alterations to the building proposed, will have negligible urban design impacts. The entrance to the facility is appropriately set back from the street, and subtle signage will be used to identify the front door. Additionally, all design details associated with the proposed security cameras, new chimney, doors, gates, and changes to the front patio area have been reviewed by staff at the Cambridge Historical Commission and a Certificate of Appropriateness has been issued.

Continuing Review

The following is a list of some key issues that staff recommends should be addressed further as the building and site designs advance. Additional comments from the Planning Board are welcome.

- 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 utilize appropriate design measures to mitigate light pollution and trespass.
- Review of the loading and service management plan by TP&T.