



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: October 10, 2018

Re: **Special Permit PB #339, Revolutionary Clinics II, Inc. Registered
Marijuana Dispensary at 541 Massachusetts Avenue**

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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 repurpose the existing building at 541 Massachusetts Avenue to operate a registered medical marijuana dispensary (RMD). The project does not propose adding any off-street parking. The proposal includes renovation of the 6,025 square feet existing building and includes a community engagement space at the corner of Massachusetts Avenue and Norfolk Street for active street frontage.

The site is within the Central Square Overlay District and in the Central Square National Register District, but the building is not a contributing structure. Cambridge Historical Commission has reviewed and approved the exterior alterations, and the National Register status did not trigger any additional reviews. The report from Central Square Advisory Committee is attached to this memo.

Requested Special Permits

The project is located in the Business B (BB) 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 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 (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 Central Square is Business B (BB). 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 second 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 (such as Inman Square) but instituted a 1,800-foot separation to prevent “clustering” in certain 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) are yet to enact zoning for such establishments. RMDs continue to be allowed pursuant to 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, 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 B District)
Minimum Off-Street Parking	1 space per 1,800 square feet
Maximum Off-Street Parking	1 space per 1,200 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 6,025, square feet of gross floor area (GFA). The proposed RMD will be a retail dispensary with its main entrance on Massachusetts Avenue and service access on Norfolk Street. All cultivation and processing will occur at another registered facility in Fitchburg, 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 is the first RMD proposed in Central Square and, if approved, would be the fifth permitted RMD in the city. Sira Naturals is the closet RMD operating at 1001 Massachusetts Avenue and is more than 1,800 feet from the proposed site. The other four approved RMD locations are much farther from the site.

Location

The site is within the BB district, where RMDs are allowed under current and proposed zoning, and with access to various modes of transportation.

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 Henry Bucker School, a private facility that provides early childhood learning and care for children from infancy to first grade, is located within a 500-foot distance of the site. Cambridge’s current and proposed zoning allow 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 application included a transportation analysis by Howard Stein Hudson and 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 no off-street parking or loading since none is proposed.

Under the proposed new zoning, an establishment of this size would be required to have at least four off-street parking spaces, one long-term bicycle parking space, and four short-term bicycle parking spaces. However, 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 no new off-street parking spaces, 4 long-term bicycle parking spaces, and contribution to the City Public Bike fund for 6 short-term bicycle parking spaces.

Urban Design

The building is located in one of Cambridge's most important pedestrian areas where there is a strong retail presence; it is important that its street facades engage the sidewalk and street despite the limitations on visibility into the interior. Staff appreciates the use of clear glass, and the incorporation of window displays. The proposed community events space, which will display public art also provides opportunities for street activation. It is recommended that a direct access be provided into this space at the main entrance on Massachusetts Avenue so that the space can be used for additional community programs if the internal access gets secured. The mural on the building's east wall should be protected from damage during the renovation of the building.

Signage would have to comply with the requirements in Article 7.000 of the Zoning Ordinance. It is also recommended that the lighting fixtures comply with the recommended standards of the Draft Outdoor Lighting Ordinance provided to the City Council by the City's Lighting Task Force.

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:

- Additional detail on the proposed hours of operation for the dispensary as the supplemental materials mentions that only for the cultivation facility.
- Provide a loading and service delivery management plan to be approved by TP&T.
- 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.

- Review of specifications for window glass and colors of exterior materials.
- Review of rooftop mechanical equipment and whether visual/acoustical screening will be needed.
- Consider a direct access into the public engagement space at the main entrance and secure the internal access into this space. Provide additional information on how public access/use will be administered for this space.
- Provide information regarding the curation of window displays on the western portion of the Massachusetts Avenue frontage and clarification whether they will be available for displays sponsored by the public.