



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: September 10, 2019

Re: **Special Permit PB #352, Charles River Remedies LLC Cannabis Retail Store at 31 Church Street**

IRAM FAROOQ
Assistant City Manager for
Community Development

SANDRA CLARKE
Deputy Director
Chief of Administration

KHALIL MOGASSABI
Deputy Director
Chief of Planning

This memo contains an overview of the proposed project at 31 Church Street, the special permits being requested, and related comments.

Summary of Proposal

Charles River Remedies LLC is proposing to repurpose the first floor of the existing building that is mostly located on parcel 31 Church Street to operate a retail cannabis store. The proposal includes renovation of 1,366 square feet of the existing building's first floor to include sales space, storage, and office for the retail cannabis store.

The site is within the Harvard Square Overlay District, requiring review by the Harvard Square Advisory Committee, whose report is attached to this memo. The building is not a contributing structure in the Harvard Square National Register District. Since the site is located in Old Cambridge Historic District, the exterior alterations fall under the purview of the Cambridge Historical Commission (CHC). CHC staff has reviewed the project and has communicated some comments to CDD staff, which are included below.

Requested Special Permits

The project is located in the Business A (BA) 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. The Council is currently considering a "Cannabis Business Permitting Ordinance" which, if adopted, could apply to this use.

| 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). |

Area Planning and Zoning

The base zoning for the site is Business A (BA) and it is in the Harvard Square Overlay District. The district allows a broad range of residential and commercial uses, including retail.

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).

Harvard Square

The Harvard Square Overlay District (HSOD) was created in 1986, following a planning study that established development goals and guidelines for the area. The HSOD is identified as an “Area of Special Planning Concern,” where development is subject to additional scrutiny. In the case of Harvard Square, a standing community advisory committee conducts non-binding review of projects subject to development consultation procedures, and makes comments to the Planning Board or Board of Zoning Appeal on cases requiring special permits or variances.

In 2000, another study of Harvard Square resulted in some zoning changes, a set of development guidelines, and the establishment of a historic Neighborhood Conservation District (NCD), requiring new buildings or alterations to existing buildings to undergo review by the Cambridge Historical Commission (CHC). A study of the Harvard Square Development Guidelines, led by the CHC, is underway.

The Harvard 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 Harvard Square are included in the appendix, and include encouraging strong retail frontage, providing visual interest and pedestrian orientation in storefront design, 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 Harvard Square, at 98 Winthrop Street. The dispensary is currently non-

operational due to change of ownership. Additional cannabis retail stores would only be allowed in the vicinity if they are Economic Empowerment or Social Equity applicants.

Comments on Proposal

Consistency with Planning and Zoning

This is the third 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 proposal is to renovate the entire first floor of the existing building, which is currently non-conforming with regard to dimensional requirements and contains 1,100 square feet of retail area. No dimensional changes are proposed. The proposed establishment will be a cannabis retail store with its main entrance and handicap access on Church Street. The store will be operational between 9 am and 10 pm all days of the week. The application does not indicate the location from which the products will be supplied. The application mentions that the applicant Charles River Remedies LLC is an Economic Empowerment Applicant with license number EE202142. The attached report from the Cannabis Control Commission, identifies Leah Samura as E202142. The application mentions her as the director with 51% of business control. The summary form included in the Logistics Plan mentions that the maximum capacity of the sales area is 14 and the maximum capacity of the waiting area is 8.

Location

The site is within the BA district, where cannabis retail stores are allowed under current zoning by special permit from the Planning Board. This site is within 1,800 feet from the permitted medical cannabis dispensary at 98 Winthrop Street (the Locus Map in the application materials also indicates that the permitted dispensary at 1001 Massachusetts Avenue is within 1,800 feet, but that map appears to be at an incorrect scale). However, since the applicant is an Economic Empowerment Applicant, the 1,800-foot separation requirement does not apply. The project narrative does not indicate whether the site is 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 Vanasse & Associates, Inc. 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 one, but no more than two, off-street parking spaces and one short-term bicycle parking space. However, as this is a change of use in an existing building, parking requirements are waived by the provisions of the Harvard 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 does not propose any off-street parking spaces or bicycle parking spaces. Loading is proposed to utilize the existing loading zone area on Church Street.

Urban Design

There appears to be no façade alterations proposed, so the historic fabric of the existing building remains intact. While the intention to creatively screen the interior is stated in the Applicant's narrative, the specifics of the proposed storefront window display are not shown. It would be helpful if a street-level perspective rendering and a proposed front elevation were provided. In addition, further details regarding the proposed art display, and how it will achieve a visually engaging frontage and be managed/curated over time are needed.

It is unclear how queuing inside the facility will function. An office is shown in a highly unlikely location for being able to accommodate overflow patrons. In addition, since the narrative logistic description is not specific to this project, there is no description of where the overflow patrons will be directed to for outdoor queuing.

Historical

The building at 31 Church Street is a former police station built in 1864 that was converted to a workshop in 1882 and then into a retail store in 1949. It is located in the Old Cambridge Historic District, so exterior alterations are subject to CHC jurisdiction. In the proposal as shown, almost all alterations will take place on the interior, which is not subject to CHC jurisdiction. CHC staff have not yet reviewed an exterior sign package, but are not concerned with graphics as long as existing signs remain. After receiving an application for a Certificate of Appropriateness, CHC will determine the level of review required.

Continuing Review

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

- Confirm the total customer capacity of the facility. Provide clarification whether customers are admitted only with scheduled appointments for the first 6 months of operation.
- Provide additional information on how customers with disabilities will be subject to ID checking with the proposed separate door access.
- Provide accurate information regarding crowd and customer management logistics as the application materials mentions Pearl Street & Central Square while the project is located on Church Street in Harvard Square.
- Provide a proposed front elevation and a street-level perspective rendering.

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 window display, 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.

Harvard Square Advisory Committee

c/o Cambridge Community Development Department

344 Broadway

Cambridge, MA 02139

617/349-4647

Case: 31 Church Street

Applicant: Charles River Remedies LLC

Proposal and Zoning Issues: Planning Board special permit application for a Retail Dispensary pursuant to Section 11.800 as a Minority Business.

Harvard Square Advisory Committee: May 6, 2019

Summary: Sean Hope, Cia Samura and Leah Samura presented the elevations, floor plans and business operation plan for a retail marijuana establishment, outlining their classification as Economic Empowerment Applicants with priority State licensing.

The existing sign band will be used, new business name is to be determined and a projecting sign will be installed. The Church Street windows will be screened so no product is visible as required by the State regulations. The hours of operation will be from 10 am to 10 pm 6 or 7 days a week. Sunday hours are being considered. A reservation beeper system will control and prevent potential customers from lining up along the street. Pre-ordering will be available. Live-monitoring security will be in place to prevent diversion of product and provide accountability. Overall capacity of the space is 42, of which 8 will be staff.

HSAC comments: The committee discussed and reviewed the deliveries and loading zone. A great deal of discussion centered on possible window treatments that would provide activity along the sidewalk while meeting the state prohibition of showing the product. Overall, the committee supports an active display that focuses on community activism that is dynamic and has an engaging public appeal.

A motion was made and seconded to support the application for the special permit for retail sales of marijuana with suggested conditions; to be open as many hours as possible, to emphasize the T accessibility, and to provide an active store front. The committee is greatly interested in seeing the ongoing idea development for the store front. All members in attendance voted in support.

Committee Members in Attendance: Kari Kuelzer, Alexandra Offiong, Frank Kramer, John DiGiovanni, Matt Simitis, Lauren Curry and Gladys Gifford.

Respectfully submitted for the Committee,



Liza Paden, Community Development Department



ECONOMIC EMPOWERMENT PRIORITY APPLICANT APPROVALS

May 7, 2018

| # | APPLICATION NUMBER | FIRST NAME POINT OF CONTACT | LAST NAME POINT OF CONTACT | BUSINESS NAME (If Established) | THERE ARE NO KNOWN CONFLICTS OF INTEREST AT THIS TIME | AS CLAIMED BY APPLICANT | | | | | | DATE SUBMITTED |
|----|--------------------|-----------------------------|----------------------------|---------------------------------|---|-------------------------|-----------------|----------------|-----------------|-------------------------|----------------|------------------|
| | | | | | | FIRST CRITERIA | SECOND CRITERIA | THIRD CRITERIA | FOURTH CRITERIA | FIFTH CONDITION OR FACT | SIXTH CRITERIA | |
| 1 | EEA202219 | Cheryl | Crawford | NA | no | Applicable | Applicable | Applicable | Not Applicable | Applicable | Applicable | 4/13/18 7:57 AM |
| 2 | EEA202289 | Donald | Alexis | To be formed | no | Not Applicable | Applicable | Not Applicable | Not Applicable | Applicable | Applicable | 4/15/18 10:05 PM |
| 3 | EEA202273 | Ahmed | Lawal | One Hundred Percent Pure-Boston | no | Applicable | Applicable | Applicable | Not Applicable | Applicable | Applicable | 4/13/18 7:50 PM |
| 4 | EEA202193 | Clifton | Jones | | no | Applicable | Applicable | Not Applicable | Not Applicable | Applicable | Applicable | 4/27/18 5:12 PM |
| 5 | EEA202250 | Eric | Vincelette | | no | Not Applicable | Applicable | Applicable | Not Applicable | Not Applicable | Applicable | 5/2/18 11:24 PM |
| 6 | EEA202303 | Walter | Hill Jr. | Social Club Barbers Group Inc | no | Applicable | Applicable | Applicable | Applicable | Applicable | Applicable | 4/14/18 10:32 PM |
| 7 | EEA202367 | Brittany | Washum | | no | Not Applicable | Applicable | Applicable | Not Applicable | Applicable | Applicable | 4/15/18 9:46 AM |
| 8 | EEA202151 | Chauncy | Spencer | | no | Applicable | Not Applicable | Applicable | Applicable | Applicable | Not Applicable | 4/15/18 3:34 PM |
| 9 | EEA202181 | ELYSE | Auguste | | no | Applicable | Applicable | Applicable | Applicable | Applicable | Applicable | 4/15/18 11:27 PM |
| 10 | EEA202422 | Dishon | Laing | | no | Applicable | Applicable | Not Applicable | Not Applicable | Applicable | Applicable | 4/15/18 11:59 PM |
| 11 | EEA202180 | Daniel | Washington | | no | Applicable | Not Applicable | Not Applicable | Applicable | Applicable | Applicable | 4/15/18 9:42 PM |
| 12 | EEA202327 | Elise | Sutherland | | no | Applicable | Applicable | Applicable | Applicable | Applicable | Not Applicable | 4/15/18 12:11 PM |
| 13 | EEA202172 | Joseph | Iohnson | Community Growers Partnership | no | Applicable | Applicable | Applicable | Applicable | Applicable | Applicable | 4/18/18 2:09 PM |
| 14 | EEA201896 | Michael | Ortoll | Healing Calyx LLC | no | Not Applicable | Not Applicable | Applicable | Applicable | Applicable | Not Applicable | 4/23/18 9:46 PM |
| 15 | EEA202184 | Elleni | Moges | | no | Applicable | Not Applicable | Applicable | Not Applicable | Applicable | Not Applicable | 4/15/18 10:57 PM |
| 16 | EEA202142 | Leah | Samura | | no | Applicable | Applicable | Applicable | Not Applicable | Applicable | Applicable | 4/26/18 10:15 PM |
| 17 | EEA202237 | Eva | Mostoufi | Haverhill Canna | no | Applicable | Applicable | Applicable | Not Applicable | Applicable | Applicable | 4/27/18 4:44 PM |
| 18 | EEA201867 | Sean | Berte | | no | Not Applicable | Applicable | Not Applicable | Applicable | Applicable | Not Applicable | 4/25/18 12:16 PM |
| 19 | EEA202102 | Kevin | Pires | FINESSE A BAG LLC | no | Applicable | Not Applicable | Not Applicable | Applicable | Applicable | Not Applicable | 4/13/18 11:31 PM |
| 20 | EEA202417 | George | Magabe | Commonwealth Rehabilitation Inc | no | Applicable | Applicable | Applicable | Not Applicable | Applicable | Applicable | 4/15/18 11:34 PM |
| 21 | EEA202398 | Yonas | Tewolde | | no | Applicable | Not Applicable | Applicable | Not Applicable | Applicable | Applicable | 4/15/18 10:22 PM |
| 22 | EEA202419 | Raheem | McCoy | | no | Applicable | Not Applicable | Applicable | Not Applicable | Applicable | Not Applicable | 4/15/18 11:45 PM |
| 23 | EEA202256 | Albert | Montgomery | Preachers of Trees LLC | no | Applicable | Applicable | Applicable | Not Applicable | Applicable | Applicable | 4/13/18 7:38 PM |
| 24 | EEA202282 | allan | Kaigai | N/A | no | Applicable | Applicable | Applicable | Applicable | Applicable | Applicable | 4/15/18 2:56 PM |
| 25 | EEA202040 | Sharon | Dunn | | no | Applicable | Applicable | Applicable | Not Applicable | Applicable | Applicable | 4/11/18 11:07 PM |
| 26 | EEA202251 | Carolina | Nunez | | no | Applicable | Applicable | Applicable | Applicable | Applicable | Applicable | 4/15/18 9:28 PM |
| 27 | EEA202280 | Jeff | Similien | | no | Not Applicable | Applicable | Applicable | Not Applicable | Applicable | Applicable | 5/3/18 4:19 PM |