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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: CDD Staff

Date: November 25, 2019

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

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## Update

Since the last Planning Board meeting, the Applicant has worked with staff to respond to comments and questions raised in the initial review of the application. The Applicant's recent submission provides corrections and additional information regarding the project. This memo comments on these updates.

## Planning Board Action

Charles River Remedies LLC is proposing to repurpose the first floor of the existing building located at 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 area. Leah Samura is identified as the director with 51% of business control and is an Economic Empowerment Applicant with license number EE202142.

The project is located in the Business B (BB) District and within the Harvard Square Overlay District, where a cannabis retail store is allowed by Planning Board special permit 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. 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.

Since the site is located in the Old Cambridge Historic District, the exterior alterations fall under the purview of the Cambridge Historical Commission (CHC). After receiving an application for a Certificate of Appropriateness, CHC will determine the level of review required.

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

### **Planning Board Comments from First Hearing**

The following summarizes some of the key comments made by the Planning Board at the September 17, 2019 hearing. The Applicant has provided responses in the submitted materials.

- Update the narrative with correct project information details.
- Revise Logistics Plan to confirm hours of operation, hourly and daily rate of customer service, designated loading area, and georeferencing options to designate drop-off/pick-up area for ride share services.
- Provide detailed information about crowd management.
- Clarify how a disabled customer can access the business.
- Conduct outreach to nursery schools and daycares in Harvard Square.
- Explore opportunities to create positive impact on the community/youth programs.
- Confirm lighting requirements of the CCC, and any potential impacts on the Old Burial Ground.
- Update the plan set to show details of the bay window feature, correct door swing, ADA accessibility, lighting, and basement floor plan.

### **Recent Zoning Petition**

Since the initial application, a zoning petition has been advertised that proposes several changes to the requirements of the Harvard Square Overlay District in Section 20.500. Because the petition has been advertised, it would apply to this proposal if it is ultimately adopted. The stated intent of the proposed changes is to increase density, reduce parking, increase housing viability, foster a balance between local and formula retail, and give renewed vibrancy to Harvard Square as a retail destination. One change proposed in this petition would limit the street frontage allowed for cannabis retail stores to 20 feet to mitigate the impact of large expanses of visually inaccessible storefronts. Based on the dimensions recorded in the basement plan provided, the total frontage appears to be over 20 feet if the accessible lift entrance area is included as part of the store frontage and the stairs to the second floor are excluded as not being part of the store frontage. The Planning Board recently voted to support the petition overall, but recommended deleting the proposed limitations on cannabis retail store frontage. The City Council has yet to hold its hearing on the petition.

### **Staff Comments on New Materials**

In response to the Board's comments, the Applicant has provided clarifications and additional information. The store will be operational between 10 am and 11 pm all days of the week. For the initial 6 months, the applicant suggests limiting service to scheduled appointments to facilitate efficient operations and reduce impact on the public realm.

#### *Accessibility*

While it was explained at the last Planning Board meeting, ADA access, as noted in the narrative, remains unclear. The narrative should explain how staff will greet persons in need of the lift, whether the lift will always be operational and have the key in it, and how patrons will be checked upon entrance. Staff training should also include use of the lift and what to do in an emergency since the lift entrance is the only accessible entry and exit point.

Staff at the Cambridge Commission for Persons with Disabilities (CCPD) have advised that the proposed access arrangements may potentially require a variance from the Massachusetts Architectural Access Board. If that is the case, it would require a finding that making all entrances/exits accessible would be either technically infeasible or would cause an undue financial burden without substantial benefit for people with disabilities.

CCPD Staff have also suggested that the ideal access arrangement would be to have a ramp at both entrances, making one the entrance and other the exit. Alternatively, if the lift were removed and replaced with an internal, permanent ramp it could be the primary entrance, enabling the current exit/entrance door to be just the exit, improving overall customer circulation. Staff expressed concern that making the accessible entrance separate and in another part of the building would constitute a security risk.

#### *Queuing*

No changes are proposed to the layout to improve queuing; however, the applicant proposes to use “Q-Less,” which is an appointment scheduling and queue management system.

#### *Storefront design*

At the first public hearing, the Board asked for more details about the proposed storefront treatment. Additional renderings have been provided, and the floor plan has been updated to show the screen in the bay window. The details of the screen itself, including materials and transparency, are still a little unclear. Also, the floor plan does not show how access to the window display area will be provided.

The combination of the proposed signage branding and window screening appears to have a darkening effect in the renderings, which detracts from attempts to have an active street presence. Staff would prefer to see the screen lowered so that the upper portion of the window remains transparent and open into the dispensary. Thoughtful lighting will also be needed to offset the dark characteristics of the street frontage. If the above access recommendation to create a ramped primary entrance was adopted, then the “product information” shelf could be relocated to allow for open windows, or partial screening with active art.

### **Continuing Review**

The following is a list of recommended conditions for ongoing design review by staff if the Board decides to grant the special permit:

- Review of the design and details of the entry doors, and window display, including lighting and options for the administration and curation of displays.
- 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.

In addition, if the Board decides to grant the special permit, it should be conditioned on the following requirements set forth in the Zoning Ordinance:

- Pursuant to Section 11.802.2, the Permittee shall maintain all required state and local licenses and/or registrations and comply with all applicable state and local public health regulations and all other applicable laws, rules and regulations at all times. In particular, the Permittee shall execute a Host Community Agreement with the City of Cambridge pursuant to the regulations of the Cannabis Control Commission, and shall comply with a Cannabis Business Permitting Ordinance, if adopted, and other ordinances that may be adopted by the City Council.
- Pursuant to Section 11.802.3, the special permit shall be valid only for the licensed or registered entity to which the special permit was issued, and only for this site. If the Permittee's license or registration has not been renewed or has been revoked, transferred to another controlling entity, or relocated to a different site, a new special permit shall be required prior to issuance of a Certificate of Occupancy.