



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: December 3, 2019

Re: Special Permit **PB #353, Bhari Inc. Cannabis Retail Store at 45-51 New Street – Continued Hearing**

IRAM FAROOQ
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Community Development

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Update

The last public hearing got continued as per the request of the applicant without taking any public comments or discussion from the Board. Following that the Applicant submitted revised materials. This memo comments on the revised materials. See the earlier memo (attached) for more information about the proposal and required findings.

Staff Comments on Revised Materials

The business hours have changed from 10 am - 11 pm to 2 pm - 11pm in the revised materials. The revised materials also indicate that one off-street space is for employee parking. No information has been provided regarding the status of the existing parking spaces or whether a small Parking and Transportation Demand Management (PTDM) Plan has been approved for this project. In the revised material, the applicant intends to use 5 off-street parking spaces at 26 New Street for this business; however, it is unclear whether these are actually registered parking spaces, and it is not clear if they are accessory parking spaces for the warehouse located on that parcel. Creating new registered parking spaces may require compliance with the City's PTDM Ordinance. Under that Ordinance, the project cannot be granted a permit from the Planning Board until the PTDM plan is approved.

Danehy Park, one of the City's major public facilities for youth and adult recreation, is located across New Street within 300 feet of the project site. The revised materials do not include any clarification regarding mitigating measures for this project to show that the retail cannabis store will not adversely impact the operation of the park.

In general, the revised materials do not respond to the issues that were identified in the CDD memo dated 9/17/2019 (attached) and so those comments are still relevant. In addition to those comments, staff suggests the following considerations:

- Increasing the amount of permeable paving.
- Retaining the existing windows, removing the glass block and substituting clear glazing, rather than filling them with brick.
- Improving the appearance of the existing trash enclosure next to the employee parking space.



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: September 17, 2019

Re: Special Permit **PB #353, Bhari Inc. Cannabis Retail Store at 45-51 New Street**

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This memo contains an overview of the proposed project at 45-51 New Street, the special permits being requested, and related comments.

Summary of Proposal

Bhari, Inc. is proposing to repurpose a portion of the existing building that is mostly located on parcel 47 New Street and a small southern portion located on parcel 43 New Street to operate a retail cannabis store. The proposal includes renovation of 3,167 square feet of the existing building to include sales space, storage, and office for the retail cannabis store. The project also includes 4 off-street parking spaces, 7 long-term bicycle spaces, and 8 short term bicycle spaces

Requested Special Permits

The project is located in the Industry A-1 (IA-1) 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 IA-1 that allows residential, institutional, office, laboratory, and limited light industrial and retail uses. The IA-1 district as a whole is characterized by surface parking and low-scale buildings containing a variety of non-residential uses, though two sites have been converted to four-story multifamily apartment buildings (one built, one in construction) providing a total of 147 housing units on the street. The character of the area has been evolving to a more mixed-use character since Danehy Park, formerly a City landfill, was created in the 1990s. The site is within the study area for the Envision Alewife planning process that anticipates continued growth of residential uses in this portion of the area, with amenities such as ground-floor retail and improved public connections.

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).

Comments on Proposal

Consistency with Planning and Zoning

This is the fourth 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 a portion of the existing building, which is currently conforming with regard to dimensional requirements and contains 1,343 square feet of retail area. No dimensional changes are proposed. The proposed establishment will be a cannabis retail store with separate customer entrance and exit as well as employee access on New Street. The store will be operational between 10am and 11 pm all days of the week. The application does not indicate the location from which the products will be supplied. The applicant is not an Economic Empowerment Applicant. The summary form included in the Logistics Plan mentions that the maximum capacity of the sales area is 18 and the maximum capacity of the waiting area is 20.

Location

The site is within the IA-1 district, where cannabis retail stores are allowed under current zoning by special permit from the Planning Board. This site is more than 1,800 feet from the nearest permitted medical cannabis dispensary at 110 Fawcett Street. 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. In fact, Danehy Park is one of the City's major public facilities for youth and adult recreation and is located across New Street within 300 feet of the project site. Cambridge's current zoning allows the Planning Board to reduce the required buffer distance if it finds that there are site-specific reasons why the cannabis retail store will not adversely impact the operation of the playground or if it finds there are acceptable mitigating measures agreed to in writing by the owner and made conditions of the special permit. The Board would need to carefully consider whether there are mitigating factors that are sufficient to justify a waiver of the required buffer from public athletic and recreation facilities that are used by children.

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 3, but no more than 6, off-street parking spaces, one long-term bicycle parking space, and two short-term bicycle parking spaces. The project proposes 7 long-term bicycle parking spaces, exceeding the minimum requirements. There is inconsistency in the proposed number of short-term bicycle parking spaces. The application narrative, dimensional form, and transportation logistics plan record 7 short-term bicycle parking spaces. But the site plan (Sheet A-022) and bike plan (Sheet A-101) show 8 short-term bicycle parking spaces.

The application proposes 4 off-street parking spaces for the proposed use and another 4 spaces for the existing autobody use (Sheet A-022). But it is unclear whether the off-street parking spaces are registered parking spaces from previous auto repair use or whether they are newly created. A Parking and Transportation Demand Management Plan (PTDM) is required for creating more than 4 off-street parking spaces, including the use of existing unregistered off-street parking within the site. Under the City's PTDM Ordinance, the project cannot be granted a permit from the Planning Board until the PTDM plan is approved. Loading is proposed to utilize the existing loading access behind the building with a separate door for delivery.

Urban Design

The proposed project is located in the southern portion of the New Street, currently a service road dominated by automotive uses. This street, and the Alewife area in general, is undergoing transformation, into a mixed-use residential and retail neighborhood. The City's urban planning efforts

support this change in character. The Envision Cambridge comprehensive plan recommends that the form, use, and design of development help create an active public realm; the Alewife Planning Study undertaken as part of the Envision Cambridge process stresses the role of architectural and landscape design in creating a pedestrian friendly environment. The quality of the sidewalk experience will be increasingly important as the number of residences in Alewife continues to grow.

Staff suggests that the proposal's design could be improved to better respond to the design objectives for the area and to help bring about Alewife's transformation into a pedestrian friendly neighborhood by:

- Exploring opportunities to increase the amount of planting to create a more gracious pedestrian experience, and also to address the urban heat island effect and reduce stormwater runoff. The triangular area between the street and the building façade could be treated as an inviting landscaped forecourt. If the parking along the front of Hi-Tech Autobody can be reduced, additional planting could be located there.
- Giving consideration to retaining more of the façade's existing openings.
- Allowing visibility into the proposed waiting area. As the plans show a wall at the rear of the waiting area, the large existing garage door opening could be transparently glazed without exposing merchandise to public view.

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.
- Confirm the proposed total number of short-term bicycle parking spaces.
- Provide accurate information regarding the existing off-street parking spaces on the site and clarify whether a small PTDM plan is required for this project.
- Provide clarification whether the off-street parking is only for customers.
- Provide accurate information regarding distance from the project site to Danehy Park.
- Provide information regarding site lighting and fixtures.
- Provide information regarding landscape planting.
- Confirm the compatibility of the proposed permeable pavers compatible with wheelchair use.
- Confirm the functionality of the handicapped parking place as there are two utility poles located in the sidewalk roughly in front of Hi-Tech Autobody's trash enclosure.

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 all exterior materials, colors, façade alterations and details.
- 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.