

APPLICATION FOR MODIFICATION TO A SPECIAL PERMIT
GRANTED ON JULY 14, 2020

Location of Premises: 1686 Massachusetts Avenue, Cambridge, MA 02138

Zoning District: Business A-2 (BA-2)

Applicant Name: Budega, Inc.

Applicant Address: 1 Park Lane, Unit 703, Boston, MA 02210

Contact Information: Tel No. 773-818-4678
Email: Arish.Halani@gmail.com

Planning Board Case No.: PB-355

Status: Special Permit Granted, July 14, 2020

REQUEST FOR MODIFICATION OF THE SPECIAL PERMIT

Budega, Inc. (“Budega” or the “Applicant”), respectfully requests a modification to the special permit decision PB # 355 which was granted to it on November 5, 2020. A copy of the Special Permit Decision is attached hereto and incorporated herein by references as “Attachment A.”

On January 12, 2021, Budega advised the Commissioner of Inspectional Services Department that the ownership of Budega was to be changed from 51% for Ricardo Acevedo and 49% for Arish Halani to 10% for Acevedo and 90% for Halani. The Applicant had reported the change, and requested an opinion from the Commissioner pursuant to criteria 3 of the Special Permit Decision, which states in part, “Any change in ownership of the Cannabis Retail Store from the original application, including without limitation a takeover, merger, sale of assets and equity interest, shall be reported to the Commissioner of Inspectional Services Department (“ISD”) for purpose of determining whether the change in ownership requires a new special permit or modification of the existing permit for the successor owner of the Cannabis Retail Store.”

This request to modify the special permit is being made as a result of an Opinion Letter that the Applicant received from the Commissioner of Inspectional Services, a copy of which is attached hereto and incorporated herein by reference as “Attachment B.” The Commissioner states, “If Mr. Acevedo no longer owns more than 50% equity in Budega, Budega is no longer an EE Applicant. According, if Mr. Acevedo no longer owns more than 50% of equity in Budega, Budega will need to apply to amend its special permit”.

Although the Applicant does not believe that the City's Zoning Ordinance requires that it apply for a modification of the Special Permit due to the proposed change does not change who the owners of Budega and that a finding that the Applicant is an EE Applicant does not need to be found, since the location is not within 1,800 feet of another retail store , it requesting such modification to ensure its Special Permit remains in force whether or not the Board's new approval is required.

The Applicant requests that Criteria 2 (e). "General Criteria for issuance of a special permit" of the "Findings" on Page 8 of 16 be stricken ¹ and in place thereof the following language be added:

The site is located within the Business A-2 District, which allows cannabis Retail Stores, as authorized in a zoning amendment adopted by the city council in 2018.

The Applicant requests that Criteria 3 of the Special Permit "Decision" on Page 10 of 16 be stricken ² and in place thereof the following language be added:

"This Special Permit shall be valid only for the approved 1686 Massachusetts Avenue site. Furthermore, the special permit shall only be valid for the original permittee, Budega, Inc. and shall expire on the date the permittee either ceases operation of a Cannabis Retail Store, or the permittee's License or Certificate of registration expires or is terminated by the CCC. Any change in the ownership of the Cannabis Retail Store from the original or amended application, including without limitation a takeover, merger, sale of asset and equity, or sale to another entity resulting in the individuals initially disclosed under 935 CMR 500.002 as Persons or Entities Having Direct Control failing to maintain a controlling equity interest, shall be reported to the Commissioner of Inspectional Services Department ("ISD") for purposes of determining whether the change in ownership requires a new special permit or modification of the existing permit for the succeeding owner of the cannabis retail store."

As grounds for this request, the Applicant states as follows:

1. The Zoning Ordinance does not require that the Planning Board find that the Applicant is an Economic Empowerment Applicant. It is true that Sections 11.803.1(a) and 11.803.1(b) of the Zoning Ordinance do require such a finding, but only if the proposed location is within Business A-1 District or, if the proposed location is within 1,800 feet of another Cannabis Retail Store. In the Special Permit Decision, the Board already made a finding that 1686 Massachusetts Avenue is located within Business A-2 District, and that the location is not within 1,800 feet of another Cannabis Retail Store. Therefore, the Applicant's EE status is irrelevant to the granting of a Special Permit.
2. Ricardo Acevedo and Arish Halani own 100% of Budega. Both Mr. Acevedo and Mr. Halani are minorities under the Cambridge ordinances, the CCC regulations and the rules

of the Commonwealth's Supplier Diversity Office ("SDO"). After the changes, 100% of Budega will still be owned by those same minorities, Ricardo Acevedo and Arish Halani. The only change is that the split of the percentage of ownership between Ricardo Acevedo and Arish Halani will change. The modification of ownership will have Mr. Halani owning 90% of Budega and Mr. Acevedo owning 10% of Budega.

3. The requested modification does not change the findings that the Board made in the granting of the Special Permit pursuant to Section 11.800 and Section 10.43 of the Zoning Ordinance.
4. The modification to the Special Permit is de minimus revision of said Special Permit, since the only changes being made are to the percentage of ownership between the owners and whether the Applicant remains an Economic Empowerment Applicant, which is not a finding the Board is required to find or permitted to require prior to the granting of the Special Permit.

Based on the aforementioned reasons, the Applicant requests the Board grant the modification of the special permit.

Respectfully submitted,

Ricardo Acevedo

Arish Halani

Date:

Date:

- Additional Enclosures
 - Attachment A: Copy of the Special Permit Decision issued to Budega, Inc.
 - Attachment B: Opinion Letter that the Applicant received from the Commissioner of Inspectional Services
 - Attachment C: Revised version of ownership information. (Pages 34-35: Cannabis Commission form)
 - Attachment D: Special Permit Cover Sheet denoting the same special permits & modification for ownership with no changes to the approved design. (Page 3 of attachment)

¹ Criteria 2 (e) reads as follows: “for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this ordinance, and...The site is located within the Business A-2 District, which allows cannabis Retail Stores, as authorized in a zoning amendment adopted by the city council in 2018. The applicant is also an economic empower applicant, which the zoning is indented to support.”

² Criteria 3 reads as follows: “This Special Permit shall be valid only for the approved 1686 Massachusetts Avenue site. Furthermore, the special permit shall only be valid for the original Permittee and the original Economic Empowerment Applicant (“EEA Applicant”) and shall expire on the date the Permittee either ceases operation of a cannabis retail store or the Permittee’s License or Certificate of Registration expires or is terminated by the CCC. Any change in the ownership of the Cannabis Retail Store from the original application including without limitation a takeover merger sale of asset and equity or sale to another entity resulting in the individuals initially disclosed under 935 CMR 500.002 as persons of Entities Having Direct Control failing to maintain a controlling equity interest shall be reported to the Commissioner of Inspectional Services Department for purposes of determining whether the change in ownership requires a new special permit or modification of the existing permit for the succeeding owner of the cannabis retail store. “Criteria 3 reads as follows: “This Special Permit shall be valid only for the approved 1686 Massachusetts Avenue site. Furthermore, the special permit shall only be valid for the original Permittee and the original Economic Empowerment Applicant (“EEA Applicant”) and shall expire on the date the Permittee either ceases operation of a cannabis retail store or the Permittee’s License or Certificate of Registration expires or is terminated by the CCC. Any change in the ownership of the Cannabis Retail Store from the original application including without limitation a takeover merger sale of asset and equity or sale to another entity resulting in the individuals initially disclosed under 935 CMR 500.002 as persons of Entities Having Direct Control failing to maintain a controlling equity interest shall be reported to the Commissioner of Inspectional Services Department for purposes of determining whether the change in ownership requires a new special permit or modification of the existing permit for the succeeding owner of the cannabis retail store.”

“Attachment A”



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
2020 NOV -5 AM 8:34

NOTICE OF DECISION

Case Number:	355
Address:	1686 Massachusetts Avenue
Zoning:	Business A-2 District (BA-2)/ Massachusetts Avenue Overlay District/ Basement Housing Overlay District
Applicant:	Budega, Inc. 1 Park Lane, Unit 703, Boston, MA
Owner:	Stamatakis, Michael TR. 1706 Massachusetts Avenue, Cambridge, MA
Application Date:	October 18, 2019
Date of Planning Board Public Hearing:	December 10, 2019; July 14, 2020
Date of Planning Board Decision:	July 14, 2020
Date of Filing Planning Board Decision:	November 5, 2020
Application:	Request for special permit for Budega, Inc., to operate a cannabis retail store pursuant to Sections 11.800 and 10.43 of the Zoning Ordinance occupying approximately 2,316 square feet in the first floor and basement of the existing building at 1686 Massachusetts Avenue.
Decision:	GRANTED, with Conditions.

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after filing of the above referenced decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Swaathi Joseph

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Application submitted on 10/18/2019, including, *inter alia*, Application Forms, Project Narrative, Description of Activities, Transportation Logistics Plan prepared by Hayes Engineering, Inc., dated 8/12/2019, Community Outreach Summary, Dimensional Form, plan set prepared by Helicon Design Group, Inc., dated 4/17/2019 and revised through 9/30/2019.
2. Presentation slides shown to Planning Board on 12/10/2019.
3. Supplement to Special Permit Application dated 2/4/2020, including responses to questions from the Planning Board, revised narrative materials, and revised plan set prepared by Helicon Design Group, Inc., dated 4/17/2019 and revised through 1/17/2020.
4. Supplement to Special Permit Application dated 3/16/2020, including revised narrative materials, and revised plan set prepared by Helicon Design Group, Inc., dated 4/17/20219 and revised through 3/5/2020.
5. Presentation slides shown to the Planning Board on 7/14/2020.

City of Cambridge Documents

6. Memorandum from Joseph E. Barr, Director of Traffic, Parking and Transportation, dated 10/31/2019.
7. Memorandum from Community Development Department (CDD) staff dated 12/3/2019.
8. Memorandum from Community Development Department (CDD) staff dated 2/19/2020.

Other Documents

9. Email communication from Margaret R. Higonnet, dated 12/9/2019.
10. Letter from Nick Christophilos, dated 12/9/2019.
11. Email communication from Eric Cosman, dated 12/9/2019.
12. Email communication from David Whelan, dated 12/10/2019.
13. Email communication from Jatinder Pabla, dated 12/23/2019.
14. Email communication from Kathleen Gallery, dated 12/26/2019.
15. Email communication from Michael Pagliarini and Pamela Ralston, dated 2/24/2020.
16. Email communication from Marie Taylor, dated 6/29/2020.
17. Email communication from John L Clark, Jr., dated 6/29/2020.
18. Email communication from Erin Angela Sawyer, dated 6/30/2020.
19. Email communication from Dallas Foster, dated 6/30/2020.
20. Email communication from Paul Gunderman, dated 7/5/2020.
21. Email communication from Jon Ressler, dated 7/13/2020.

22. Letter from Rick McLaughlin, dated 7/13/2020.
23. Letter from Nick Christophilos, dated 7/14/2020.
24. Email communication from Kenneth Gross, dated 7/14/2020.
25. Email communication from Jon Pollack, dated 7/14/2020.
26. Letter from Matthew Starr, undated.

APPLICATION SUMMARY

The Applicant, Budega, Inc., (the “Applicant”), is proposing to operate a cannabis retail store at 1686 Massachusetts Avenue. The Applicant has received approval from the Cannabis Control Commission as an Economic Empowerment Applicant, pursuant to Application Number EEA202069. No cultivation, processing or packaging will occur on site. The Applicant proposes to renovate 2,316 square feet on the first floor and basement of the existing building to include sales space, storage, office, and two long-term bicycle parking spaces. The site is in the Business A-2 Zoning District. The proposed facility will be designed and operated in accordance with state and local regulations for Cannabis Retail Stores and will be subject to oversight by the Massachusetts Cannabis Control Commission. Loading and deliveries are proposed to be provided by secure vehicles through the existing loading zone area on Massachusetts Avenue.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Approval of a Cannabis Retail Store (Section 11.800)

The proposed site is located within the Business A-2 District (BA-2). The Planning Board may grant a special permit approving a Cannabis Retail Store within this district upon finding that the proposal meets the criteria set forth in Section 11.800. The Board finds that these criteria are met, for the reasons set forth below.

11.803 Location Standards.

11.803.1 Cannabis Retail Stores.

(a) Cannabis Retail Stores shall be allowed only by Planning Board Special Permit within the following districts: Business A (BA), Business A-1 (BA-1), Business A-2 (BA-2), Business A-3 (BA-3), Business B (BB), Business B-1 (BB-1), Business B-2 (BB-2), Business C (BC), Industry A-1 (IA-1), Industry B (IB), Industry B-1 (IB-1), and Industry B-2 (IB-2) districts, and special districts and overlay districts whose use regulations are based on those of any of the aforementioned districts, subject to any limitations set forth in the regulations of those districts. In the Business A-1 district, only applicants that have been designed as Economic Empowerment Applicants or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission may be permitted and it shall be made a condition of the special permit that such designation or eligibility shall be maintained.

The site is within the Business A-2 district, where Cannabis Retail Stores are allowed under current zoning.

(b) A Cannabis Retail Store shall not be permitted within one thousand and eight hundred (1,800) feet of another Cannabis Retail Store, except if the applicant has been designated as an Economic Empowerment Applicant or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission and it is made a condition of the special permit that such designation or eligibility shall be maintained.

This site is not within 1,800 feet from the other permitted Cannabis Retail Stores in the city. Also, since the applicant is an Economic Empowerment Applicant, the 1,800-foot separation requirement does not apply.

(c) All products offered to consumers shall be pre-packaged off-site, and no packaging or repackaging of cannabis or marijuana products shall take place on the premises of a Cannabis Retail Store unless it is also meets the requirements for a Cannabis Production Facility.

All products are pre-packaged at the cultivation facility. No cultivation, packaging, or re-packaging is proposed at the Cannabis Retail Store.

11.803.3 Buffer Zones.

(a) A Cannabis Retail Store or Cannabis Production Facility shall not be permitted within 300 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, except where the Planning Board, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.

The Application Documents indicate that there are no public or private K-12 schools within 300 feet of the proposed location.

(b) A Cannabis Retail Store or Cannabis Production Facility shall not be permitted within 300 feet of a pre-existing public children's playground, public youth athletic field, or public youth recreation facility, except where the Planning Board, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.

The Application Documents indicate that there are no public children's playgrounds, public youth athletic fields, or public youth recreation facilities within 300 feet of the proposed location.

11.805 Special Permit Criteria. In granting a special permit for a Cannabis Retail Store or Cannabis Production Facility, in addition to the general criteria for issuance of a special permit as set forth in Section 10.43 of this Zoning Ordinance, the Planning Board shall find that the following criteria are met:

(a) The site is designed such that it provides convenient, safe and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.

A transportation logistics plan prepared by Hayes Engineering, Inc. has been provided with the Application, and has been reviewed by the Traffic, Parking and Transportation Department ("TP&T"). While there is limited data about traffic generated by a Cannabis Retail Store, the expectation is that the traffic will not be significantly greater than that of a typical retail establishment of similar size and should have minimal impacts on transportation in the neighborhood. The proposed Cannabis Retail Store is located in a predominantly commercial district that supports retail establishments of this scale. The Applicant has committed to submitting an operations plan for approval by TP&T staff and to implementing both transportation demand management (TDM) measures and a monitoring program of employee and customer visits as well as loading and pick-up activities of this project to mitigate any unexpected transportation impacts. The Applicant has also proposed

programmatic strategies, including an appointment system, to reduce the potential for queueing. The Applicant has agreed to the mitigation measures recommended by TP&T in their memorandum dated October 31, 2019, which will be made Conditions of this Special Permit Decision.

(b) On-site loading, refuse and service areas are designed to be secure and shielded from abutting uses.

Loading and trash management are proposed to be in the service area inside the building and accessed through the existing loading zone area on Massachusetts Avenue. This provides adequate security and minimizes impact on abutting uses.

(c) The building and site have been 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 Cannabis Retail Store will be sited in the existing building. The proposed storefront design will have a transparent window and door treatment providing visibility into the reception area. The Board discussed the need to retain the central location of the door for the new storefront to be compatible with the neighborhood characteristics and to align better with the character of existing retail storefronts in the Massachusetts Avenue Overlay District, which will be subject to continuing review by CDD staff. The proposed signage and treatment of the doors and windows with awnings will provide interesting street frontage while meeting the state's security requirements.

(d) In retail areas, the location and design of the Cannabis Use will not detract from the sense of activity with opaque, unwelcoming façades at the ground floor. Where interior activities must be screened from public view, such areas should be screened by transparent, publicly accessible active business uses where possible. Opaque façades should be minimized, and where they are necessary they should include changing public art displays or other measures to provide visual interest to the public.

The customer entry door and windows in the waiting room will incorporate a substantial amount of glazing and will be well lit, both as an aesthetic contribution to the street, and for improved security.

(e) If the proposed Cannabis Retail Store or Cannabis Production Facility is not proposed to include a Medical Marijuana Treatment Center, it will nevertheless provide programs to assist qualifying patients within the city or neighborhood who are registered through the Massachusetts Medical Use of Marijuana Program in obtaining services under that program.

The proposed Cannabis Retail Store will not include a Medical Marijuana Treatment Center. However, it will assist registered medical patients to access services through the Massachusetts Medical Use of Marijuana Program.

2. General Criteria for Issuance of a Special Permit (10.43)

The Planning Board finds that the proposal meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

(a) It appears that requirements of this Ordinance cannot or will not be met, or ...

With the requested special permit, the requirements of the Ordinance will be met.

(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...

As set forth above in these findings, the proposed use is not expected to adversely impact traffic patterns or the character of the area in general.

(c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...

The proposed Cannabis Retail Store is allowed in the district. It will be operated in accordance with applicable state and local regulations, and will generate pedestrian and vehicular traffic comparable to that generated by a similarly sized allowed retail use. Therefore, the proposed use and location will not adversely impact adjacent uses.

(d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or ...

The proposed Cannabis Retail Store will be operated in accordance with applicable health and safety regulations, as well as state and local regulations particular to cannabis retail stores, which are specifically intended to prevent nuisance or hazard.

(e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and ...

The site is located within the Business A-2 District, which allows Cannabis Retail Stores, as authorized in a zoning amendment adopted by the City Council in 2018. The Applicant is also an Economic Empowerment Applicant, which the zoning is intended to support.

(f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

The proposed new use will minimally impact the design of the building, and all exterior alterations will be conducted in accordance with applicable zoning and other regulations for Cannabis Retail Stores. No new exterior mechanical systems are proposed. The proposal is subject to continued design review to include door and window treatments that activate street frontage and promote transparency as much as possible. All exterior alterations will be subject to ongoing review by Community Development Department (“CDD”) staff, where applicable. Therefore, the Board finds no inconsistency with applicable urban design objectives.

DECISION

Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby GRANTS the requested Special Permit, subject to the following conditions and limitations.

1. This special permit shall authorize only Budega, Inc, as it has been identified in detail in its application materials (the “Permittee”) to establish and operate a Cannabis Retail Store at 1686 Massachusetts Avenue, Cambridge, in substantial conformance with the Application Documents and supplemental documents and information submitted by the Permittee to the Planning Board as referenced above. The Permittee is permitted to operate this Cannabis Retail Store only as a Cannabis Retailer. No other type of cannabis establishment is hereby permitted. Any activity that involves the cultivation, processing, manufacturing, packaging, storage, transportation, or use of cannabis products shall require an amendment to this special permit, and shall require compliance with all applicable state and local regulations for such activity.
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. The Permittee shall execute a Host Community Agreement with the City of Cambridge pursuant to the regulations of the Massachusetts Cannabis Control Commission (“CCC”) and shall have received a Cannabis Business Permit pursuant to the Cambridge Cannabis Business Permitting Ordinance prior to the issuance of a Certificate of Occupancy.
3. This special permit shall be valid only for the approved 1686 Massachusetts Avenue site. Furthermore, the special permit shall only be valid for the original Permittee and the original Economic Empowerment Applicant (“EE Applicant”) and shall expire on the date the Permittee either ceases operation of a Cannabis Retail Store, or the Permittee’s License or Certificate of Registration expires or is terminated by the CCC. Any change in the ownership of the Cannabis Retail Store from the original application, including without limitation a takeover, merger, sale of assets and equity, or sale to another entity resulting in the individuals initially disclosed under 935 CMR 500.002 as Persons or Entities Having Direct Control failing to maintain a controlling equity interest, shall be reported to the Commissioner of Inspectional Services Department (“ISD”) for purposes of determining whether the change in ownership requires a new special permit or modification of the existing permit for the succeeding owner of the Cannabis Retail Store.
4. Alterations to the building shall occur in substantial conformance with the building plan set prepared by Helicon Design Group, Inc., and the presentation to the Planning Board on 7/14/2020 with modifications to locate the door at the center of the storefront. The project shall be subject to continuing design review by the Community Development Department (“CDD”). Before issuance of each Building Permit for the project, CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Decision. As part of CDD’s administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD

may present any design changes made subsequent to this Decision to the Planning Board for its review and comment.

5. The Permittee shall provide a complete revised plan set including the revisions presented to the Board on 7/14/2020 with modifications to locate the door at the center of the storefront for review and approval by CDD staff prior to the issuance of a Building Permit.
6. The Permittee shall address the following design comments through the continuing design review process set forth above. Each of the below items shall be subject to CDD review and approval of the final design details prior to issuance of a Building Permit:
 - a. All exterior materials, colors, façade alterations, and details.
 - b. Final design of storefront windows and entry door, including proposed lighting.
 - c. Location and screening of any mechanical equipment on the rooftop, façade, or exterior of the building.
 - d. All exterior signage, lighting, and other security features that may be required by state regulations. To the extent possible, any proposed outdoor lighting shall be designed to conform to the guidelines recommended in the proposed Cambridge Outdoor Lighting Ordinance.
7. The Permittee shall coordinate with the Department of Public Works regarding any planned reconstruction of public spaces adjacent to the site.
8. The permitted operating hours of the approved Cannabis Retail Store shall be between 10:00 AM and 10:00 PM daily.
9. The Permittee shall submit an operations plan to Traffic, Parking and Transportation Department (“TP&T”) and Cambridge Police Department for approval prior to issuance of a Building Permit. This plan should address in detail how the Applicant is intending to manage bicycle lane infringement and sidewalk crowding in a manner that maintains safety and access to adjacent buildings, transit, and any other key uses. In addition, there should be a specific plan for the initial opening period, including how the Permittee will identify and respond to any unexpected situations (i.e., sidewalk crowding, blocking bike lanes, or other safety issues). The Permittee shall ensure in the operations plan that at no time shall transport vehicles stop on Massachusetts Avenue or any public streets in a way that blocks bicycle lanes or impedes the flow of traffic. If required by TP&T in the course of approving an operations plan, the Permittee shall commit to use an on-line pre-purchase and appointment only scheduling system for operations for an initial period that will be determined by TP&T during review of the operations plan, to manage traffic impacts and prevent queuing on the public sidewalk, and shall extend the commitment beyond that period if it is deemed by the City to minimize transportation impacts.

10. The Permittee shall make a contribution to the City's Bicycle Parking Fund equivalent to the amount necessary to provide two (2) bicycle parking spaces or one (1) rack. Such contribution shall be made prior to the issuance of a Certificate of Occupancy.
11. The Permittee shall contribute \$35,000 to the City toward transportation, parking, transit and/or bicycle improvements to support non-automobile travel modes for employees and customers and to mitigate the Project's traffic and parking impacts on the surrounding area. Half of this contribution shall be made prior to the issuance of a Building Permit and the other half of the contribution shall be made prior to the issuance of a Certificate of Occupancy.
12. The Permittee shall provide a loading and service delivery management plan that includes all delivery activities to TP&T for approval prior to issuance of a Building Permit.
13. The Permittee shall be required to implement a transportation demand management (TDM) program and a transportation monitoring and reporting program including, at a minimum, the following measures, which shall be certified by the TP&T and CDD prior to issuance of a Certificate of Occupancy for the approved Cannabis Retail Store.
 - a. Provide 100% MBTA T-Pass subsidies to all employees (may be pro-rated for part-time employees). The program shall be administered by the employer through the MBTA Corporate Pass/Perq Program.
 - b. Offer all employees Gold Level "Bluebikes" Public Bicycle Sharing System membership; to be administered through the Bluebikes Corporate Program by the employer.
 - c. Provide lockers for employees that walk or bike to work.
 - d. Have available an air pump and bicycle repair tools for employees and customers to use when needed.
 - e. Designate an employee of the facility as a Transportation Coordinator (TC) to manage the implementation of the TDM measures and a transportation monitoring program. The TC shall:
 - i. Post in a central and visible location (i.e., lobby for customers, break room for employees) information on available non-automobile services in the area, including, but not limited to:
 1. Available pedestrian and bicycle facilities in the vicinity of the Project site.
 2. MBTA maps, schedules and fares.
 3. "Getting Around in Cambridge" map (available from CDD).
 4. Locations of bicycle parking.
 5. Bluebikes regional Public Bicycle Sharing system.
 6. Carpool-matching programs.

7. Other pertinent transportation information.
 - Instead of or in addition to posting paper MBTA schedules, provide a real-time transportation display screen in a central location to help people decide which mode to choose for each trip.
 - ii. Compile up-to-date transportation information explaining all commuter options and provide to all employees. This information should also be distributed to all new employees as part of their orientation. Transportation information packets may be purchased from the CDD.
 - iii. Provide or describe to customers information on sustainable transportation options to access the site.
 - iv. Provide and maintain information on the project's website, newsletters, social media, etc., on how to access the site by all modes, with emphasis on sustainable modes.
 - v. Participate in any TC training offered by the City of Cambridge or a local Transportation Management Association.
 - vi. If requested by TP&T or CDD, the Permittee shall provide information on employees and customer travel modes and where they customarily park, as well as information on loading and service delivery operations. Surveys of employees and customers shall be designed and conducted in a manner approved by TP&T and CDD.
14. The Cannabis Retail Store at 1686 Massachusetts Avenue shall not be used as a distribution point for home deliveries, so it may not provide cannabis or cannabis products to a cannabis delivery licensee for deliveries.
15. Prior to issuance of a Certificate of Occupancy for the approved Cannabis Retail Store, CDD shall certify to the Superintendent of Buildings that all Conditions of this Special Permit Decision are met.
16. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).

Voting in the affirmative to GRANT the Special Permits were Planning Board Members Louis Bacci, Jr., Steven Cohen, H Theodore Cohen, Catherine Preston Connolly, Hugh Russell, Tom Sieniewicz, and Associate Member Nikolas Bowie, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



Representative to the Planning Board, authorized by Catherine Preston Connolly, Chair.

A copy of this decision PB #355 shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision has been filed on November 5, 2020 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:
_____ no appeal has been filed; or

_____ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk

Appendix I: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	2,332	None	No Change	No Change
Lot Width (ft)	24	None	No Change	No Change
Total GFA (sq ft)	2,316	2,332	2,316 ¹	2,316 ¹
Residential Base	n/a	n/a	n/a	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	2,316	2,332	2,316	
Inclusionary Bonus	n/a	n/a	n/a	
Total FAR	1.0	1.0	No Change	Consistent with Application Documents and applicable zoning requirements
Residential Base	n/a	1.75	No Change	
Non-Residential Base	1.0	1.0	No Change	
Inclusionary Bonus	n/a	n/a	n/a	
Total Dwelling Units	0	n/a	0	No Change
Base Units	n/a	n/a	n/a	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	n/a	n/a	n/a	
Base Lot Area / Unit (sq ft)	n/a	n/a	n/a	
Total Lot Area / Unit (sq ft)	n/a	n/a	n/a	
Height (ft)	13	45	No Change	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	0	5	No Change	
Side Setback (ft)	0/0	10	No Change	
Rear Setback (ft)	4.2	20	No Change	
Open Space (% of Lot Area)	17.8	None	No Change	Consistent with Application Documents and applicable zoning requirements
Private Open Space	17.8	None	No Change	
Permeable Open Space	17.8	None	No Change	
Off-Street Parking Spaces	0	2	0 ²	0 ²
Long-Term Bicycle Parking	0	0	2	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	0	1	0 ³	
Loading Bays	0	0	0	

¹ No change to the existing total GFA.

² Parking requirements waived for a small business requiring no more than 4 spaces.

³ Provided by making a contribution to the City's Public Bicycle Parking Fund for 1 bike rack.



“Attachment B”

CITY OF CAMBRIDGE

INSPECTIONAL SERVICES DEPARTMENT 831 MASS. AVE.
CAMBRIDGE, MASSACHUSETTS 02139 (617) 349-6100

Ranjit Singanayagam
Commissioner

February 11, 2021

BY E-MAIL wsullivan@waltersullivanlaw.com

Walter J. Sullivan, Jr., Esq.
Law Office of Walter J. Sullivan, Jr.
33 Garrison Road
Hingham, MA 02043

Re: Budega, Inc. – Updated Response

Dear Mr. Sullivan,

This letter serves as an updated response to your request that I review a proposed change of ownership of Budega, Inc. (“Budega”). I responded to your request on January 12, 2021, and on January 12, 2021 you had a further question about whether Budega is required to seek a new special permit, or whether Budega can seek to amend its existing special permit. Although my January 12, 2021 letter states that Budega is required to seek a new special permit, I am revising my response to state that Budega is required to seek to amend its November 5, 2020 special permit. Both a new special permit and an amended special permit involve a duly noticed public hearing and require a vote and decision of the Board, and that is why I referred to requiring a new special permit, but since you have stated that no other aspects of Budega’s use are going to change, the relief Budega is seeking is more accurately described as an amendment to its special permit. Below is the updated response.

You requested that I review a proposed change of ownership of Budega and determine whether that change of ownership impacts Budega’s special permit. Budega received a Special Permit on November 5, 2020 to operate a cannabis retail store at 1686 Massachusetts Avenue. At the time Budega received its special permit it was owned by Ricardo Acevedo, who is certified as an Economic Empowerment Applicant by the Cannabis Control Commission and who owns 51% of the business, and Arish Halani, who owns 49% of the business. You have informed me that Budega is considering changing ownership and Mr. Acevedo would like to give up a portion of his equity interest to Mr. Halani, so Mr. Acevedo will own less than 51% of the business, and Mr. Halani will own 50% or more of the business.

The Special Permit contains the following condition:

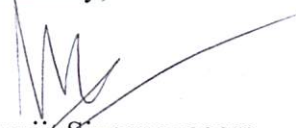
This special permit shall be valid only for the approved 1686 Massachusetts Avenue site. **Furthermore, the special permit shall only be valid for the original Permittee and the original Economic Empowerment Applicant (“EE Applicant”)** and shall expire on the date the Permittee either ceases operation of a Cannabis Retail Store, or the Permittee’s License or Certificate of Registration expires or is terminated by the CCC. Any change in the ownership of the Cannabis Retail Store from the original application, including without limitation a takeover, merger, sale of assets and equity, or sale to another entity resulting in the individuals initially disclosed under 935 CMR 500.002 as Persons or Entities Having Direct Control failing to maintain a controlling equity interest, shall be reported to the Commissioner of Inspectional Services Department (“ISD”) for purposes of determining whether the change in ownership requires a new special permit or modification of the existing permit for the succeeding owner of the Cannabis Retail Store.

Pursuant to this condition, the Special Permit shall only be valid for the original Economic Empowerment Applicant (“EE Applicant”). Budega qualified as an EE Applicant because Mr. Acevedo owned over 50% of the equity in Budega. Mr. Acevedo is certified by the Cannabis Control Commission (“CCC”) as an EE Applicant and is identified by the CCC as EE Applicant Number EEA202069, as referenced in the Special Permit Decision. If Mr. Acevedo no longer owns more than 50% of the equity in Budega, Budega is no longer an EE Applicant. Accordingly, if Mr. Acevedo no longer owns more than 50% of the equity in Budega, Budega will need to apply to amend its special permit.

Additionally, please note, that if Mr. Acevedo no longer owns more than 50% of the equity in Budega, Budega cannot receive its Cannabis Business Permit until after the two-year preference period for EE Applicants, pursuant to Municipal Code Section 5.50.040. Budega would also have to update its information in support of its application for a Cannabis Business Permit.

Also, please note, that if the Budega ownership changes so that Mr. Acevedo and Mr. Halani no longer maintain a controlling equity interest, Budega may be required to amend its special permit on that basis.

Sincerely,



Ranjit Singanayagam
Commissioner
Inspectional Services Department

Massachusetts Cannabis Industry Portal (MassCIP)

AH

Cannabis Control Commission > [My Licenses](#) > [Marijuana Retailer](#) > Marijuana Retailer - New Application



Application #: MRN281353

Persons with Direct or Indirect Authority

Provide demographic information for all executives, managers, or other persons having direct or indirect authority over the management, policies, security operations or cultivation operations of the Marijuana Establishment. You will need to provide additional information on individuals identified here in the Background Check packet.

To add another person click the "Add a Person" button at the bottom of the page.

All fields marked with an * are required.

Person with Direct or Indirect Authority 1 ✖

Percentage Of Ownership *	Percentage Of Control *				
<input type="text" value="90"/>	<input type="text" value="90"/>				
Role *	Other Role				
<input type="text" value="Owner / Partner"/>	<input type="text" value="If Other was selected for role"/>				
First Name *	Middle Name	Last Name *	Suffix	Former Last Name	
<input type="text" value="Arish"/>	<input type="text"/>	<input type="text" value="Halani"/>	<input type="text"/>	<input type="text" value="(e.g. maiden name)"/>	
Alias - 1	Alias - 2	Alias - 3			
<input type="text"/>	<input type="text"/>	<input type="text"/>			
Phone *	Email *				
<input type="text" value="773-818-4678"/>	<input type="text" value="arish.halani@gmail.com"/>				
Primary Address 1 *	Primary Address 2				
<input type="text" value="1 PARK LANE, UNIT 703"/>	<input type="text"/>				
City *	State *	Zip Code *			
<input type="text" value="Boston"/>	<input type="text" value="MA"/>	<input type="text" value="02210"/>			
Gender *	User Defined Gender				
<input type="text" value="Male"/>	<input type="text"/>				
What is this person's race or ethnicity? *					
<i>Mark all boxes that apply</i>					
<input type="checkbox"/> White (German, Irish, English, Italian, Polish, French)					
<input type="checkbox"/> Hispanic, Latino, or Spanish (Mexican or Mexican American, Puerto Rican, Cuban, Salvadoran, Dominican, Colombian)					
<input type="checkbox"/> Black or African American (of African Descent, African American, Nigerian, Jamaican, Ethiopian, Haitian, Somali)					
<input checked="" type="checkbox"/> Asian (Chinese, Filipino, Asian Indian, Vietnamese, Korean, Japanese)					
<input type="checkbox"/> American Indian or Alaska Native					
<input type="checkbox"/> Middle Eastern or North African (Lebanese, Iranian, Egyptian, Syrian, Moroccan, Algerian)					
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander (Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, Marshallese)					
<input type="checkbox"/> Some Other Race or Ethnicity					
<input type="checkbox"/> Decline to Answer					
Specify Race or Ethnicity					
<input type="text" value="Enter the specific race(s) or ethnicity(ies) the person identifies"/>					



Person with Direct or Indirect Authority 2

Percentage Of Ownership *

Percentage Of Control *

Role *

Other Role

First Name *

Middle Name

Last Name *

Suffix

Former Last Name

Alias - 1

Alias - 2

Alias - 3

Phone *

Email *

Primary Address 1 *

Primary Address 2

City *

State *

Zip Code *

Gender *

User Defined Gender

What is this person's race or ethnicity? *

Mark all boxes that apply

- White (German, Irish, English, Italian, Polish, French)
- Hispanic, Latino, or Spanish (Mexican or Mexican American, Puerto Rican, Cuban, Salvadoran, Dominican, Colombian)
- Black or African American (of African Descent, African American, Nigerian, Jamaican, Ethiopian, Haitian, Somali)
- Asian (Chinese, Filipino, Asian Indian, Vietnamese, Korean, Japanese)
- American Indian or Alaska Native
- Middle Eastern or North African (Lebanese, Iranian, Egyptian, Syrian, Moroccan, Algerian)
- Native Hawaiian or Other Pacific Islander (Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, Marshallese)
- Some Other Race or Ethnicity
- Decline to Answer

Specify Race or Ethnicity

Add a Person

<< Go To Previous Page

Save & Stay On This Page

Save & Go To Next Page >>

Exit

For assistance please call the Cannabis Control Commission at 774-415-0200 or email at Commission@CCCMass.com
MassCIP v.3.3.14

“Attachment D”



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

SPECIAL PERMIT APPLICATION • COVER SHEET

In accordance with the requirements of the City of Cambridge Zoning Ordinance, the undersigned hereby petitions the Planning Board for one or more Special Permits for the premises indicated below.

Location of Premises: 1686 Massachusetts Ave Cambridge, MA 02138
Zoning District: Business A-2 (BA-2)
Applicant Name: Budega, Inc.
Applicant Address: 1 Park Lane Unit 703 Boston, MA 02210
Contact Information: 773-818-4678 arish.halani@gmail.com N/A
Telephone # Email Address Fax #


List all requested special permit(s) (with reference to zoning section numbers) below. *Note that the Applicant is responsible for seeking all necessary special permits for the project. A special permit cannot be granted if it is not specifically requested in the Application.*

Special Permit from Planning board to permit a Cannabis Retail Store use in Business A-2 (BA-2) District of Porter Square Pursuant to 10.43 and 11.803.1 of the Cambridge Zoning Ordinance

NOTE: This application is for the same special permits & modification for ownership with no changes to the approved design.

List all submitted materials (include document titles and volume numbers where applicable) below.

Application Forms: Cover Sheet, Dimensional Form, Ownership Certificate, Fee Schedule
Other Agency Review: Certification of Receipt of Plans by Traffic, Parking and Transportation Dept., City Engineer, City Arborist, Water Dept.,
Project Narrative: Project Overview, Compliance with Zoning, Compliance with Criteria Specific to Special Permits Being Sought, Compliance with General Special Permit Criteria (Section 10.43)
Project Plans and Illustrations: Existing Conditions Map, Site Context Map, Proposed Site Plan, Proposed Floor Plans, Proposed Landscaping Plan, Proposed Elevations, Existing Condition Photographs, Proposed Perspective Renderings or Photo Simulations
Additional Special Permit Submission: Traffic Study, Summary of Public Outreach

Signature of Applicant: 

For the Planning Board, this application has been received by the Community Development Department (CDD) on the date specified below:

Date

Signature of CDD Staff