



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: February 19, 2020

Re: **Special Permit PB #355, Budega, Inc. Cannabis Retail Store at 1686
Massachusetts Avenue – Continued Hearing**

IRAM FAROOQ
*Assistant City Manager for
Community Development*

SANDRA CLARKE
*Deputy Director
Chief of Administration*

KHALIL MOGASSABI
*Deputy Director
Chief of Planning*

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

Budega, Inc. is proposing to repurpose the first floor and basement of the existing building located at 1686 Massachusetts Avenue to operate a cannabis retail store. The proposal includes renovation of 2,332 square feet of the existing building to include sales space, storage, and office for the cannabis retail store.

The project is located in the Business A-2 (BA-2) district, where cannabis retail stores are allowed under current zoning by special permit from the Planning Board per Section 11.800. Applicable sections of the zoning are provided in an appendix.

In 2018, the City Council amended Section 11.800 to include provisions for non-medical or "adult use" cannabis establishments in addition to medical cannabis establishments. Last 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.

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).

Planning Board Comments from First Hearing

The following summarizes some of the key comments made by the Planning Board at the December 10, 2019 hearing. The Applicant has provided responses in the submitted materials.

- Review and respond to comments regarding traffic and parking issues.
- Consider alternative options for bicycle parking.
- Provide detailed information regarding trash collection and loading.
- Consider retaining the historic façade and revitalizing the storefront.
- Conduct outreach to the adjacent businesses and neighborhood associations.
- Provide additional information regarding online order & pick-up provisions.
- Consider extending the appointment only service beyond just the first month.
- Provide information whether the door in the back side is an egress and provides access to a public right of way.
- Update the plan set to show details of the site, ADA accessibility, queuing, and bicycle parking.

Staff Comments on New Materials

In response to the Board's comments, the Applicant has provided clarifications and additional information. The revised site plan shows access from the rear door to Bowdoin Street via a proposed 5 feet access easement on adjacent 10 Bowdoin Street parcel. The applicant has confirmed that the maximum occupancy of the business will not exceed 49, including customers and employees. A new storefront is proposed with the entrance located to one side to accommodate accessibility and increase queuing capacity in the waiting area. The storefront will have clear glass and the Applicant has indicated that visibility could be provided into the waiting area, while also noting that it could be screened by a public art display. In addition to the new storefront, a new sales counter has been added to the sales area. However, information has not been provided about the maximum capacity of the rearranged waiting area and sales area. Instead of considering alternative bicycle parking options for the employees, the applicant has removed all bicycle parking and it is not clear what provision is being made.

In the December 3, 2019 memo to the Planning Board, staff expressed a preference to retain and restore the existing storefront if possible. Its mullion system and marble base contribute aesthetically to the streetscape and to a sense of history. Its recessed entrance provides shelter to pedestrians. The depth of the bay window-like areas on either side of the entrance and the diagonal views they offer create appealing areas for display. Since then, staff has discussed the existing storefront with the Cambridge Historical Commission, who noted that the store's façade retains significant details worthy of preservation, including its original recessed entrances, veined marble knee walls, plate glass windows, and aluminum mullions and trim, and that the recessed entrances give a pleasing irregularity to the streetscape and should be retained.

Staff continues to recommend that the existing storefront be preserved if possible. If it can't be preserved in its entirety, the portions that line the sidewalk should preferably be preserved. If the entire existing storefront must be replaced, staff recommends that a recessed entrance be incorporated in the new one. If the width of the recessed entrance space is inadequate to accommodate compliant entry door width and push/pull clearances, alternatives to the complete replacement of the shopfront

system should be considered. Additional width could be obtained by reducing the taper of the entrance's sidewalls, or by reducing moving the door closer to the sidewalk. Both alternatives would allow the preservation of the majority of the existing storefront façade.

In any case, the recessed doorway, and the resulting bay windows, are welcome components of the streetscape. If the existing shopfront façade cannot be preserved, these features should be incorporated in the replacement.

Continuing Review

The following is a summary of issues that staff recommends should be further studied by the Applicant, either in preparing revised materials if the Planning Board continues the hearing to a future date, or as conditions for ongoing design review by staff if the Board decides to grant the special permit:

- Provide information about the maximum capacity of the rearranged waiting area and sales area.
- Review of the design and details of the storefront, including lighting.
- Review of the provisions for the administration and curation of art displays, if any.
- If the storefront is to be replaced, review of specifications for glazing transparency and reflectivity, and review of colors and materials of other components of the storefront system.
- Review of any proposed mechanical equipment on the rooftop, façade, or exterior of the building, and of any screening that may be needed for it.
- 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 Massachusetts Cannabis Control Commission 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.
- Pursuant to Section 11.802.3, the special permit shall be valid only for the original Applicant and the original Economic Empowerment 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 majority 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 a majority of the individuals initially disclosed under 935 CMR 500.002 as Controlling Persons 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.