



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: December 3, 2019

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

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This memo contains an overview of the proposed project at 1686 Massachusetts Avenue, the special permits being requested, and related comments.

Summary of Proposal

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

Requested Special Permits

The project is located in the Business A-2 (BA-2) 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. 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.

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 site is located in the BA-2 District along Massachusetts Avenue and is also within the Massachusetts Avenue Overlay District and Basement Housing Overlay District (a small portion at the rear of the lot is in the Residence B District, but the entire building is in BA-2). The base zoning 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).

Massachusetts Avenue Overlay

The intent of the Massachusetts Avenue Overlay District is:

- to create a more harmonious and consistent image for the development of Mass. Avenue, adjacent areas, and abutting neighborhoods;
- to encourage good building design and site development, which enhances the pedestrian amenities;
- to ensure that changes along the Avenue are compatible with the scale and character of abutting neighborhoods.
- to encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods; and
- to discourage new development inappropriate in both scale and design.

Design standards associated with building facades apply based on the need to enhance the visual quality of the District, create a pleasant and inviting pedestrian environment, and be compatible with the residential neighborhoods. Specifically, principal building entrances must face Mass. Ave, and front facades must consist of at least 25 percent clear glass.

Comments on Proposal

Consistency with Planning and Zoning

This is the seventh 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 existing building, which is currently non-conforming with regard to dimensional requirements and contains 1,072 square feet of retail area. No dimensional changes are proposed. The proposed establishment will be a cannabis retail store with its main entrance on Massachusetts Avenue. The application indicates that the main entrance meets accessibility requirements. The store will be operational between 10 am and 10 pm all days of the week. This project has submitted an application for a Cannabis Business Permit. Ricardo Acevedo is an Economic Empowerment Applicant with license number EA202069 and controls 51% of the business. The summary form included in the Logistics Plan mentions that the maximum capacity of the sales area is 19 and the maximum capacity of the waiting area is 19 (the narrative records it as 16 for waiting area and 18 for the sales area). For the first month, the applicant suggests limiting service to scheduled appointments to facilitate efficient operations and reduce impact on the public realm. A customer waiting system is proposed to be employed after the first month to mitigate customer overflow.

Location

The site is within the BA-2 district, where cannabis retail stores are allowed under current zoning by special permit from the Planning Board. There no other permitted cannabis retail store within 1,800 feet of this site. Since the applicant is an Economic Empowerment Applicant, the 1,800-foot separation requirement would not apply. The project narrative records that the site is 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. (Note that Massachusetts Avenue is mislabeled as Cambridge Street in the site plan.)

Transportation, Loading and Service

The application includes a transportation logistics plan by Hayes Engineering, 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, a new establishment of this size would be required to have at least two, but no more than four, 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 for small business in a business district requiring no more than 4 spaces. And no new bicycle parking is required because the change in use from a retail store to a cannabis retail store does not cause an increase in the required number of spaces. The project does not propose any off-street parking spaces or short-term bicycle parking spaces. The dimensional form indicates that no long-term bicycle parking spaces will be provided. However, the basement plan shows three bike racks with no dimensions. Loading is proposed to take place in the existing loading zone area on Massachusetts Avenue.

Urban Design

Staff encourages the project to make a stronger contribution to the pedestrian experience on Massachusetts Avenue. The applicant should consider:

- Retaining and restoring the existing storefront. The existing mullion system and marble base contribute aesthetically to the streetscape and to a sense of history. The existing 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 art display.
- Providing a canopy along the façade.
- Using clear glass at the entrance door instead of the proposed opaque glazing film.
- Locating the long-term bicycle parking spaces in a more convenient place.

Continuing Review

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

- Consider locating the long-term bicycle parking spaces on the first floor and accessed through the emergency exit in the rear.
- Emergency exit access should not be through the consultation area as that door will be closed while being used for consultation.
- There should be direct access from the basement to the emergency exit without moving through the sales area.
- Confirm the total customer capacity of the facility, including waiting area and sales area.
- Provide additional information about administration and curation of art displays.
- If the shopfront glazing is to be replaced, its specifications for transparency and reflectivity.

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.

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.