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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: CDD Staff

Date: March 10, 2020

Re: Special Permit **PB #360, The KG Collective, LLC Cannabis Retail Store at 701-703B Mt. Auburn Street**

This memo contains an overview of the proposed project at 701-703B Mt. Auburn Street, the special permits being requested, and related comments.

## Summary of Proposal

The KG Collective, LLC. is proposing to repurpose a portion of the existing building at 705 Mt. Auburn Street, formerly a dry-cleaning business, to operate a cannabis retail store. The proposal includes renovation of 3,991 square feet of the existing building to use the first floor for the store and the basement for storage and office area as well as parking spaces for 8 bicycles.

## Requested Special Permits

The project is located in the Business A-1 (BA-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.

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. Per the current zoning requirements, cannabis retail stores may include sales of cannabis products for medical and/or adult use. In 2019, 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"> <li>• Located in a BA, BA-2, BA-3, BB, BB-1, BB-2, BC, IA-1, IB, IB-1, or IB-2 district, or a BA-1 district only if it is designated by the Cannabis Control Commission as an Economic Empowerment Applicant or as qualifying for its Social Equity Program.</li> <li>• Located in a permanent building.</li> <li>• Not within 1,800 feet of another Cannabis Retail Store, unless it is designated by the Cannabis Control Commission as an Economic Empowerment Applicant or as qualifying for its Social Equity Program.</li> <li>• Not within 300 feet of an existing public or private K-12 school or within 300 feet of a public children’s playground, public youth athletic field, or public youth recreation facility, otherwise the Planning Board finds that it is sufficiently buffered such that users of such facilities will not be adversely impacted by its operation.</li> <li>• No packaging or re-packaging of cannabis products will occur on-site.</li> </ul> <p>Meets Special Permit Criteria:</p> <ul style="list-style-type: none"> <li>• Site design provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.</li> <li>• Location and design of cannabis use will not detract from the sense of activity with opaque, unwelcoming façade at ground floor in retail areas.</li> <li>• Loading, refuse and service areas are designed to be secure and shielded from abutting uses.</li> <li>• Building and site are designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building’s interior.</li> <li>• The facility will provide programs to assist qualifying patients in obtaining services under Massachusetts Medical Use of Marijuana Program.</li> </ul>
General Special Permit Criteria (Section 10.43)	Special permits will be normally granted if the zoning requirements are met, unless it is found not to be in the public interest due to one of the criteria enumerated in Section 10.43 (see appendix).

## **Area Planning and Zoning**

The site is located in the BA-1 District along Mt. Auburn Street where the city borders Belmont and Watertown. The base zoning district allows a broad range of residential and commercial uses, including retail. It is right across from Mt. Auburn Cemetery and is within the West Cambridge neighborhood, adjacent to the Strawberry Hill neighborhood. The Watertown-Cambridge Greenway, a multi-use pathway and greenway that is currently in construction phase, crosses from Watertown into Cambridge on the western edge of the site. This greenway will link the Charles River path system and the Minuteman Bikeway.

### *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” (EE) 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. In the BA-1 District, only EE applicants are permitted to establish cannabis retail stores and the EE designation must be maintained as long as the business exists. 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 ninth special permit application for a cannabis retail store made after the City Council adopted amendments to cannabis zoning in 2018 to allow non-medical or “adult-use” cannabis establishments within the city. This Applicant has submitted an application for a Cannabis Business Permit as an EE applicant with license number EE201964.

The proposal is to partially renovate the existing building, which is currently non-conforming with regard to dimensional requirements. No dimensional changes are proposed. The proposed establishment will be a cannabis retail store with its main entrance on Mt. Auburn Street. As per the narrative, the proposed business will contain 1,756 square feet of sales area in the first floor. The plans show that an existing partial basement story, not underneath the proposed cannabis sales space but underneath two adjoining storefronts, will be designed to accommodate accessory office and other back-of-house functions. The total GFA of the project is unclear as the narrative and plans record 3,991 square feet, the

dimensional form states 6,313 square feet, and the logistics plan states 3,668 square feet. It is also not clear whether the improvements to the basement will result in an increase to the total existing GFA on the site (this will require a determination from the Inspectional Services Department).

The application indicates that the existing main entrance will be relocated to the western edge of the retail area. The proposal includes a new external door in the basement. It is unclear if it supposed to serve as a secondary exit and the plans do not show a path of egress from that door to the public sidewalk. If the intent is to egress via the new pedestrian/bicycle path, approval from the Mass. Department of Conservation and Recreation (DCR) will be required.

The summary form included in the Logistics Plan mentions that the maximum capacity of the sales area is 29 and the maximum capacity of the waiting area is 9. It also records that the maximum number of employees at any given time is 11. The store will be operational between 10 am and 8 pm all days of the week. For the first 6 months, the applicant suggests limiting service to scheduled appointments to facilitate efficient operations and reduce impact on the public realm. The application does not indicate whether a customer waiting system is proposed to be employed after the first 6 months to mitigate customer overflow. Both the narrative and logistics plan indicate that additional staff will manage the crowd outside the facility. In other cannabis retail store cases, it has been a main concern of the Planning Board to prevent customer queuing on the sidewalk outside the building.

#### *Location*

The site is within the BA-1 zoning district, where cannabis retail stores are allowed only for EE applicants by special permit from the Planning Board. There are no other permitted cannabis retail stores within 1,800 feet of this site. The project narrative and context map record 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.

#### *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, a new establishment of this size would be required to have at least four, but no more than eight, off-street parking spaces and two short-term bicycle parking spaces. 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 dry-cleaning business 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. The site plan has an area labeled for "4 long-term" and "4 short-term" bicycle parking spaces, but it is not clear if that number of spaces could be accommodated due to the requirements for spacing and layout. In addition, any long-term bicycle parking spaces would need to be accommodated within the building or another enclosed and secure area, such as a bicycle shed or bicycle lockers. Since the application indicates that the new greenway is being constructed in the vicinity and because no off-street parking spaces are included in the proposal, providing bicycle parking for both employees and

visitors is strongly recommended even though it is not required by zoning. The Applicant should review their bicycle parking plans with staff to determine the best way to accommodate bicycle parking on the site.

### *Urban Design*

The proposed wood rainscreen will enhance the appearance of the existing storefront, which is currently masonry. While relocated from the center, the new recessed entry maintains the traditional storefront character of this existing retail strip. The storefront itself is relatively well-handled with transparency maintained into the vestibule, and an art display proposed for the remaining frontage, which is set back from the existing windows and allows daylight into the store at transom height.

### **Continuing Review**

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

- Provide revised dimensional form showing the correct GFA (existing and proposed) and bicycle parking spaces.
- Provide additional information about proposed bicycle parking.
- Confirm that there will be no queuing outside the building.
- Provide information whether the proposed external door in the basement is an egress and provides access to a public right of way.
- Provide additional information about administration and curation of rotating art displays.
- If the shopfront glazing is to be replaced, provide the specifications for transparency and reflectivity.
- Consider making a stronger contribution to the pedestrian experience and streetscape appearance. Areas for further improvement include:
  - Reducing the height of the knee wall below the windows to match the adjoining storefronts and increase the amount of glazing.
  - Providing a splayed entrance, which would reduce the poor geometries associated with the proposed new entrance and the side wall.
  - Review of signage to consider a pedestrian projecting sign, rather than an additional sign within the signage band.
  - Providing a canopy along the façade and street trees along the sidewalk.

The following are additional recommendations for ongoing design review by staff if the Board decides to grant the special permit:

- Review of discrepancies in the height of the existing and adjoining storefronts shown in elevation.
- Review of storefront design details, including glass transparency and reflectivity, and how the wood rainscreen slats turn the corner.
- Review of the new entrance location, and impacts on the existing floor height and accessibility of the entrance.
- 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 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.