



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: March 9, 2021

Re: Special Permit **PB #376, Blue Enterprises HSMA, LLC. Cannabis Retail Store at 57 JFK Street** (parcel address – 80-90 Winthrop Street)

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Overview

Submission Type: Special Permit Application

Applicant: Blue Enterprises HSMA, LLC

Zoning District(s): Business B District (BB); Harvard Square Overlay District

Proposal Summary: Repurpose a portion of the first floor of the existing building to operate a cannabis retail store. The proposal includes renovation of 3,037 square feet of the existing building to use the first floor for the sales area and the basement to accommodate storage, bicycle parking, and break room for the employees. It also includes 4 long-term bicycle parking spaces.

Special Permits Requested: Cannabis retail store use (Section 11.800).

A summary of the applicable special permit findings is listed on the following page. Applicable sections of the zoning are provided in an appendix.

Other City Permits Needed: Cannabis business permit.

Planning Board Action: Grant or deny requested special permits.

Memo Contents: Review of area planning and zoning, comments on proposal addressing planning, zoning, and urban design.

Other Staff Reports: Traffic, Parking and Transportation Dept. (TP+T)

Requested Special Permits	Required Planning Board Findings (Summary) <i>(see Criteria for zoning text excerpts)</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 Criteria).

Area Planning and Zoning

The base zoning for the site is Business B (BB) and it is in the Harvard Square Overlay District, requiring review by the Harvard Square Advisory Committee, whose report is attached to this memo. The building is not a contributing structure in the Harvard Square National Register District. This project is in the Harvard Square Conservation District. Cambridge Historical Commission (CHC) staff have reviewed the proposal and concluded that CHC review will not be required as long as the signage is zoning-compliant. The base zoning district allows a broad range of residential and commercial uses, including retail. Cannabis retail stores are allowed under current zoning by special permit from the Planning Board.

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).

Harvard Square

The Harvard Square Overlay District (HSOD) was created in 1986, following a planning study that established development goals and guidelines for the area. The HSOD is identified as an “Area of Special Planning Concern,” where development is subject to additional scrutiny. In the case of Harvard Square, a standing community advisory committee conducts non-binding review of projects subject to development consultation procedures, and makes comments to the Planning Board or Board of Zoning Appeal on cases requiring special permits or variances. The [zoning for HSOD](#) was recently amended in 2020.

The Harvard Square Overlay District provides special design standards and greater scrutiny for development projects to advance the planning goals for the area. The specific design guidelines for Harvard Square are included in the appendix, and include encouraging strong retail frontage, providing visual interest and pedestrian orientation in storefront design, and taking advantage of existing public transportation.

So far, one medical retail cannabis dispensary (i.e. Registered Marijuana Dispensary or “RMD”) has received a special permit in Harvard Square, at 98 Winthrop Street. The dispensary is currently non-

operational due to change of ownership. In addition, a cannabis retail store that received a special permit at 31 Church Street is not yet operational. Additional cannabis retail stores would only be allowed in the vicinity if they are Economic Empowerment or Social Equity applicants.

Comments on Proposal

Consistency with Planning and Zoning

This is the twelfth special permit application for a cannabis retail store made after the City Council adopted amendments to cannabis zoning that address both medical and non-medical cannabis establishments within the city. The application mentions that the applicant team Blue Enterprises HSMA, LLC consists of a majority ownership (51%) by 100 Percent Pure, LLC, an Economic Empowerment Applicant.

The existing building was granted a Planning Board special permit to add upper stories (PB-296, amended in 2019), but the proposed cannabis retail store will occupy existing space in the two lowest stories. The space was formerly a retail stationery store. The proposed establishment will be a cannabis retail store with separate building entrance on Winthrop Street and exit on JFK Street. The store will be operational between 8 am and 10 pm daily. The application does not indicate the location from which the products will be supplied. It also does not suggest limiting service to scheduled appointments for initial operations. The application indicates that police details will be employed for the first month of operation. The summary form included in the Logistics Plan indicates that the maximum capacity is 60 including customers and employees.

Location

This site is within 1,800 feet of other permitted cannabis establishments, an RMD at 98 Winthrop Street (which has ceased operation) and a cannabis retail store at 31 Church Street. However, since the applicant is an Economic Empowerment Applicant, the 1,800-foot separation requirement does not apply. The project narrative materials indicate 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. It is located adjacent to Winthrop Square, a public open space.

Transportation, Loading and Service

The application includes a transportation logistics plan by VHB. The Traffic, Parking and Transportation (TP&T) Department is reviewing the analysis and comments are provided in a separate memo. 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 two, but no more than three 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 of the Harvard Square Overlay District, and no new bicycle parking is required because the change in use does not cause an increase in the required number of spaces. The project is proposing 4 long-term bicycle parking spaces in the basement and payment into City's Public Bicycle Parking Fund for 2 short-term

bicycle parking spaces. The project does not propose any off-street parking spaces. Loading is proposed to utilize the existing loading zone area on Winthrop Street and JFK Street.

Urban Design

The proposed cannabis business will occupy an important site at the corner of JFK Street and the pedestrian-oriented Winthrop Street, and will face into Winthrop Square. The applicant met with staff as the design developed, and responded to recommendations for improvements.

Due to the building's floor-to ceiling glass walls and the expansion of the retail space out to the JFK street sidewalk (made possible by the elimination of the existing ramp), the business will play a significant role in the pedestrian experience in Harvard Square. The addition of a street entrance directly from Winthrop Street will help activate the street. The proposal includes ample indoor queuing space, visible from the adjoining streets. Its large sales floor is screened from public view by interior walls and art displays. The applicant will work with local groups to develop a system for the curation of the art. The design will comply with the Draft Outdoor Lighting Ordinance, and no new exterior lighting will be added.

In addition to the proposed cannabis retail store, which is the subject of this memorandum, a special permit was granted for the renovation and expansion of the building (PB-296). This renovation and expansion is taking place in phases. The elimination of the existing ramp along the building's JFK Street façade and the expansion of the retail space into the area currently occupied by the ramp was shown in the previously approved plans, and is undergoing building permit review. In response to staff questions, the applicant has clarified the relative scopes of the two projects.

Potential Design Improvements:

As the design for the cannabis retail store is developed, several aspects of its design should be addressed:

- The proposed entry door on Winthrop Street is flush with the façade, and swings out into the pedestrian sidewalk. Consideration could be given to recessing it, both to eliminate intrusion into the public zone, and to provide additional shelter at the entrance.
- The proposed Winthrop Street entrance should be carefully evaluated for ADA accessibility.
- The ADA accessible route to exit the business should be clarified. Will it use the exit to the JFK Street side of the building, or the Winthrop Street entrance? If it uses the JFK Street side exit, will entry be possible into the building's main lobby during all business hours?
- The arrangement of the queuing barriers in the Check-In / Flex Space should be clarified.
- Consideration should be given to moving the signage on the Winthrop Street façade to above the store's entrance.
- As the building's floor-to ceiling glass façade fully exposes the Check-In / Flex Space to view from Winthrop Street and Winthrop Park, consideration could be given to reducing the amount of the blue color (related to the business' branding standards) proposed in the design of this space, and to avoiding lighting with an excessively cool color temperature.
- For the angled wall by the JFK Street entrance to the building's main lobby, consideration could be given to other alternatives besides a glass wall with an applied opaque film, such as a solid wall or some kind of art display.

- A storefront display of locally designed jewelry is proposed, but it is not clear where on the plan it will be located. Sightlines and distance from passers-by should be evaluated, and larger-scale art could also be included.
- The difference between the way the customer exit to JFK Street and the adjoining art wall is shown on the plan and on the renderings should be resolved.

Suggested Conditions / Continuing Review

The following additional information is requested to clarify operational aspects of the proposal:

- Clarify whether the proposed cannabis retail store will be used as a distribution point for home deliveries in future.
- Clarify whether appointment-only service is being considered when the facility is initially operational.

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

- Review of ADA accessible entrance and exit routes.
- Review of the size and location of signage.
- Review of locations and types of art.
- Review of lighting for art.
- Review of lighting and colors in the Check-In / Flex Space.
- Review of the new column covers proposed along the business' JFK Street elevation.
- Review of the design for the angled wall by the building entrance from JFK Street.

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 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.