



City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Planning Board
FROM: Planning & Zoning Staff
DATE: April 8, 2021
RE: 240 Elm Street, CZC20-000073

RECOMMENDATION: Approve with Conditions (SP)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from the Planning & Zoning staff to the Review Board members.

This memo summarizes the development review application submitted for 240 Elm Street, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on March 2, 2021 and is scheduled for a public hearing on April 15, 2021. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

Sira Naturals, Inc. proposes to establish a Cannabis Retail Sales use in the Mid-Rise 4 district which requires a Special Permit.

SUMMARY OF PROPOSAL

Sira Naturals, Inc. is proposing to establish a Cannabis Retail Sales principal use which will serve both medical and recreational customers. Sira Naturals received a special permit for and currently operates a medical-only dispensary at this location.

ADDITIONAL REVIEW NECESSARY

240 Elm Street is located on a Pedestrian Street and in the 0.25mi Transit Area in the Mid-Rise 4 (MR4) zoning district in the Davis Square neighborhood represented by Ward 6 Councilor Lance Davis.

BACKGROUND

In March 2017 the Applicant received a Special Permit from the Zoning Board of Appeals to establish a Medical Marijuana Facility at this location (ZBA 2016-143). This approval was explicitly for a Medical Marijuana Facility (SZO §7.15) as Recreational Marijuana Facilities (SZO §7.16) were not permitted by the Ordinance at that time. The addition of recreational sales to an existing medical sales location would have required

a Special Permit under SZO §7.16, as medical and recreational facilities were regulated as distinct uses under that Ordinance.

On December 12, 2019, the Somerville Zoning Ordinance governing the previously issued Special Permit was repealed and replaced by an entirely new ordinance. Under this new ordinance, marijuana retail facilities are not distinguished based on whether they sell medical or recreational products.

Therefore, to add recreational sales at this location the Applicant must apply for a new Special Permit under the current zoning ordinance. If granted, the Cannabis Retail Sales Special Permit will encompass both medical and recreational sales at the location, without the Applicant needing to rely on the Special Permit from 2017. If that permit is no longer utilized, the Applicant will not be bound by the conditions of approval included there. Therefore, Staff has reviewed ZBA 2016-143 to determine which conditions may still be relevant to how the use operates at this site, and have recommended a selection of conditions from that permit that the Board may wish to impose on this approval. (Some of the conditions have been revised for clarity.)

As part of their second round of reviews, the Mayor's Marijuana Advisory Committee (MAC) issued a recommendation on this proposal.¹ The MAC's recommendation noted that the existing medical operation is safe, clean, and organized, and it is anticipated that adding recreational to the existing medical sales will not create any new issues. The proposal before the Planning Board is reasonably consistent with the information presented to the MAC as part of the Host Community Agreement process.

The Applicant has entered into a Host Community Agreement with the City and has received a recreational cannabis retail license from the Somerville Licensing Commission. The Licensing Commission granted the license with the condition that it be appointment only for 6 months after commencement of operations.

ANALYSIS

As noted above, the Applicant was approved for medical cannabis sales at this location in 2017 and they have operated here without any significant issues since shortly thereafter. The current proposal would permit the Applicant to sell cannabis to an expanded customer base but does not include any major changes to operations. Staff did not hear any significant concerns expressed regarding the existing or proposed operations, design, or impact on traffic at the Licensing Commission hearing or at the required neighborhood meeting.

At the neighborhood meeting some individuals expressed concerns regarding the potential for queuing outside, but the Applicant stated that they will be appointment only for the foreseeable future, and that they have sufficient space inside to accommodate

¹ The MAC's Round 2 Recommendation can be found here: <https://s3.amazonaws.com/ifa.somervillema.gov/documents/planning/MAC%20Round%20%20Recommendation.pdf>

queues. Staff have recommended a condition requiring the Applicant to continue to operate on an appointment-only basis; if the Applicant wishes to permit walk-in customers in the future, they are able to request a revision from this Board to do so. As part of that revision request, the Applicant would need to submit a new Transportation Impact Statement (TIS) with a scope approved by the Mobility Division.

The Applicant also suggested at their neighborhood meeting and in their Transportation Access Plan (TAP) that they will be installing new bicycle parking, but none is proposed on the Transportation Elements Plan (Figure C-101 of the TAP). While additional bicycle parking is always encouraged, no new parking is required by the Ordinance as the use is both within an existing non-residential building and has a leasable floor area of less than 5,000sf. If bicycle parking is provided in the future, it will need to comply with the design and siting requirements of SZO Section 11.1 Bicycle Parking.

The Mobility Division has reviewed and commented on the Applicant's submitted TIS and TAP in an attached memo. The Mobility Division's memo also includes a number of recommended conditions based on the information provided by the Applicant. Included in these recommended conditions are a number of Transportation Demand Management (TDM) strategies which the Applicant proposed in their TIS, although they may not have been specifically identified as TDM strategies. The Mobility Division's recommended conditions have been incorporated here.

CONSIDERATIONS & FINDINGS

The Planning Board is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

Special Permit Considerations

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
4. Location, visibility, and design of the principal entrance.

Information relative to the required considerations is provided below:

Special Permit

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The proposal will help to achieve the following goals from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Promote municipal financial self-determination and reduce fiscal dependence on state aid and residential taxes and fees.
- Make Somerville a regional employment center with a mix of diverse and high-quality jobs.

2. *The intent of the zoning district where the property is located.*

The proposal is consistent with the intent of the MR4 zoning district which is, in part: “To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving uses.”

3. *Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.*

The location is within a Transit Area (it is within 600 feet of the Davis Square Red Line Station) and is not creating any new motor vehicle or bicycle parking spaces. The Applicant will implement several Transportation Demand Management strategies as recommended by the Mobility Division that will prevent any significant negative impacts on traffic and circulation patterns in the neighborhood for all transportation modes. It will be appointment-only so no queuing on public ways is anticipated.

4. *Location, visibility, and design of the principal entrance.*

The use is located in the basement of the building and has entrances on both Elm and Chester Streets, although the principal entrance is on Elm Street. As Sira Naturals already operates there, the existing signage and design are not expected to change due to the new use. The existing signage includes a window and sidewalk sign on Elm Street. The Chester Street entrance has an awning sign.

PERMIT CONDITIONS

Should the Board approve the required *Special Permit to establish a Cannabis Retail Sales use*, Planning & Zoning Staff recommends the following conditions:

Validity

- Approval is limited to Sira Naturals, Inc. and is not transferable to any successor in interest.
- This permit is valid subject to Sira Naturals, Inc. having a fully executed and active Host Community Agreement with the City of Somerville.
- This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Certificate of Occupancy.

Public Record

- A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.

Mobility

- Retail sales to walk-in customers are prohibited. Customer visits must be by appointment only.
- Any change to the means of sales requires a new Transportation Impact Study (TIS). The scope of the TIS must be approved by the Director of Mobility.
- Sira Naturals shall implement the following Transportation Demand Management programs and services:
 - Provide employees 100% subsidized MBTA passes, or up to the federal maximum Qualified Transportation Fringe benefits per current U.S. Internal Revenue Code (\$270 per month in 2021), subject to annual increases.
 - Provide employees 100% subsidized bike share memberships, subject to annual rate increases.
 - Post information regarding non-vehicular services available in the area on their website and in materials available at the store.
 - Provide discounts or other incentives to customers who take non-vehicular or public transportation modes to the site.
 - Provide real time transit information consisting of a connected TransitScreen display (or equivalent service) in the building lobby or another area visible to customers displaying real time MBTA and bike share information.
- Sira Naturals shall commit to annual monitoring and reporting of the appointment-only recreational cannabis operations model. The annual report shall include at least the following information:
 - A statistically valid travel surveys of employees and customers.
 - A status update on the implementation of all TDM measures.

Relevant Conditions of Approval from ZBA 2016-143

- Sira Naturals shall direct all delivery trucks to travel out of the area via Chester Street to Massachusetts Avenue.

Subject: 240 Elm St. TIS and TAP Review

This memo outlines preliminary comments from the Mobility Division regarding the applicant's Transportation Impact Study (TIS) and Transportation Access Plan (TAP) for the above-referenced property. It is the Mobility Division's intent to provide as much comment as possible at this time in order to help inform stakeholder dialogue.

Public Transportation, Walking, and Bicycling

The location is a short walk from the Davis Square Red Line Station and six MBTA bus lines (route 87, 88, 89, 90, 94, and 96). These bus routes make key connections to from Arlington and Medford to Somerville/the red line in Davis Square and from Davis Square to the green and orange lines at Lechmere and Sullivan Square. The City works closely with the MBTA to preserve and enhance bus service, and relies on businesses to help make transit an easy choice for employees and customers. In 2019, two bus queue jump lanes were added to Holland and College in Davis Square to enhance bus mobility through the square. Additional bus mobility improvements are planned in the upcoming Holland St. and College Ave. Reconstruction project. Improved bus mobility is a key element to reaching the City's climate and Vision Zero goals and the Mobility Division is committed to working with businesses to help achieve those goals.

Davis Square is a vibrant pedestrian environment with a number of pedestrian safety and traffic calming measures that have been implemented in recent years as well as several that are planned this year and in the next few years. Among these are the closure of the Highland Ave. slip lane onto Elm Street (implemented in 2020); the reduction of Elm Street from Holland Street to Grove Street from 2 travel lanes to 1 travel lane (implemented in 2020); the reconstruction of sidewalks and crosswalks throughout the square (planned for 2022); and, the upgrading and retiming of signal equipment throughout the square to eliminate existing conflicts between vehicles and pedestrians (planned for 2021/22).

New dedicated bicycle facilities leading to the square are also planned in the coming years. Additionally, the Community Path is located approximately 0.20 miles from the Project site. The Mobility Division notes that public bike share is an increasingly important part of Somerville's public transit ecosystem. In 2019 Somerville added eight bike share stations across the city. September 2019 was Somerville's most successful month on record, with more than 20,000 trips starting in Somerville. In January 2020, there were 7,500 trips beginning in Somerville, compared with only 3,000 trip-starts in January 2019. As noted in the TIS, a BlueBikes Station is located in Davis Square, approximately 0.15 miles northwest of the Project, adjacent to the Davis Square MBTA station.

Mobility Division staff believe that the existing and planned safe bicycle and pedestrian facilities serving Davis Square will reduce auto-dependence among the applicant's customers and workforce.

Traffic Data and Modelling

As noted in the TIS, the applicant coordinated with the Mobility Division to establish an appropriate background rate of change for motor vehicle traffic volumes. The Mobility Division maintains historical databases of motor vehicle volumes for many streets in Somerville. Recent data collection has indicated stable (or declining) background traffic at nearby study sites. As a result, the applicant's inclusion of a modest growth rate of 0.25% per year should be considered extremely conservative.

As approved by the Mobility Division, traffic data used for the TIS was collected in 2017 and increased to assumed 2020 levels using the 0.25% growth rate.

Trip Generation

The applicant's TIS states that the proposed facility's operating hours will begin at 10:00am on weekdays. Although this restriction on business hours is not explicitly described as a Transportation Demand Management (TDM) measure, it will offer some similar benefits by reducing the number of site-generated trips during peak morning commute times on weekdays.

The TIS describes that the proposed facility will initially operate as an "appointment only" facility that effectively limits customers to 40 per hour. The TIS assumes that 25% of customers will arrive by private motor vehicle. Based on the customer, employee, and service/delivery trips, the Marijuana Retailer facility is expected to generate zero (0) vehicle-trips during the Weekday AM peak hour, 20 vehicle-trips during the Weekday PM peak hour, and approximately 224 vehicle-trips on an average weekday.

Although not explicitly described as a Transportation Demand Management measure, the appointment-only operating model will serve to limit traffic and parking impacts of the proposed facility. Additionally, given the operating hours of the proposed facility, there is anticipated to be zero employee or service/delivery vehicle trips during peak hours. The Mobility Division applauds the applicant's proposed appointment only operating strategy, and recommends that detailed data be collected during any startup period to help evaluate effectiveness of this model.

The Mobility Division notes that in the case that the applicant would like to change the operating model to walk-in, the impact analysis in the current TIS is not sufficient to account for, understand, and mitigate potential impacts to the roadway network and traffic safety in the neighborhood. If the applicant wants to switch to a walk-in model, the Mobility Division will review a revised TIS submittal presenting data from the first period of operation and accounting for the additional trips and impact on the roadway network under the proposed new operations model.

Parking

The proposed project is not constructing any on-site vehicle parking. Given the proximity to transit, bicycling, and walking infrastructure, the Mobility Division agrees with not constructing new parking for customers or employees. A lack of dedicated

parking has been proven to be the most effective measure to encourage the use of alternative modes of transportation.

The Applicant states in the Transportation Access Plan (TAP) that they will provide one short term bicycle parking space. Specific bicycle racks approved by the City come with two parking spaces per rack. This proposed bicycle parking is not shown on the Transportation Elements Plan in the TAP. The Mobility Division is in favor of the addition of short-term bicycle parking to encourage mode shift among employees and customers, and would work with the Applicant to select a location for a new bike rack.

Transportation Demand Management

The Applicant's TIS does not include a separate section detailing the Transportation Demand Management (TDM) measures that they are committing to. For employees, the TIS states that the Applicant will provide a 65% subsidy for MBTA transit passes and a 100% subsidy for Bluebikes memberships. The Mobility Division applauds this commitment to workforce mobility. Transit and bike share benefits are recognized as a legitimate and effective TDM measure.

The Mobility Division notes that similar appointment-only cannabis retail establishments reviewed in the City of Somerville have proposed to control parking and transportation through an online appointment process. Customers are asked to state their mode of transportation to the site and non-vehicular or public transportation modes are connected to a coupon for their purchase. While there are some unknowns about how this process is tracked and reported, the Mobility Division supports this as a TDM measure.

Recommended Conditions

Based on the above analysis, the Mobility Division recommends the following conditions for the development proposed at 240 Elm Street.

- Provide employees 100% subsidized MBTA passes, or up to the federal maximum Qualified Transportation Fringe benefits per current U.S. Internal Revenue Code (\$270 per month in 2021), subject to annual increases.
- Provide employees 100% subsidized bike share memberships, subject to annual rate increases.
- Information on available non-vehicular services in the area will be posted on the website and available in materials posted at the store.
- Provide discounts or other incentives to customers who take non-vehicular or public transportation modes to the site.
- Delivery trucks shall travel out of the area via Chester Street to Massachusetts Avenue.

- The Applicant shall provide real time transit information consisting of a connected TransitScreen display (or equivalent service) in the building lobby displaying real time MBTA and bike share information.
- The Applicant shall commit to annual monitoring and reporting of the appointment-only recreational marijuana operations model. Data collection shall include statistically valid travel surveys of employees and customers, and a status update on the implementation of TDM measures.



City of Somerville

PLANNING & ZONING DIVISION

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Planning Board
FROM: Planning & Zoning Staff
DATE: January 22, 2021
RE: 240 Elm Street Neighborhood Meeting

This memo summarizes the neighborhood meeting for establishing a Cannabis Retail Sales use at 240 Elm Street that is required by the Somerville Zoning Ordinance.

This neighborhood meeting was held on January 7, 2021 at 6pm. The meeting was held virtually using GoToMeeting. The following individuals from the applicant team were present: Jefferson Smith, Nolan Carrier, David Rosenberg (President of Sira), Louis Karger, Dwan Packnett, Michelle Foley.

ADDITIONAL INFORMATION

In addition to minutes, the Director of Planning & Zoning shall keep a public record of the neighborhood meeting that includes, but may not be limited to:

- Copies of all materials provided by the applicant at the meeting
- A list of those persons and organizations contacted about the meeting and the manner and date of contact
- A roster or signature sheet of attendees at the meeting (see attendees below)

MINUTES

Councilor Davis hosted a virtual neighborhood meeting to introduce two retail cannabis dispensaries, one at 240 Elm Street and one at 255 Elm Street. The neighborhood meeting for 240 Elm Street was held first, immediately followed by the neighborhood meeting for 255 Elm Street. The applicant team presented on their proposal for a Cannabis Retail Sales use in the MR4 zoning district. The team is already using the location as a medical cannabis dispensary, and is proposing to establish a collocated medical and recreational cannabis dispensary.

The following comments, questions, and concerns were discussed at the meeting:

Use

- Sira is already operating as appointment only and has no immediate plans to change that, even after the COVID pandemic.
- Will be open 10am-8pm 7 days/week.
- All cannabis products are stored in a restricted access area. Currently 50% of order are express orders (customers order online and pay/pick-up in store).
- Will not have lines outside the building. If necessary, could use interior hallway for queueing, but don't expect that to happen.

- Will comply with all Cannabis Control Commission (CCC) regulations.

Community Relations

- Sira has partnered with CAAS in the past and will continue to do so in the future. The Acting Executive Director of CAAS attested to Sira being a good partner.
- Discussion about Sira ownership and leadership team membership.
- Local 1445 union members from other communities attested to Sira having a good relationship with their union.
- Asked about Sira’s position on ongoing lawsuit in Cambridge by Revolutionary Clinics. Sira said they strongly disagree with that approach; they are trying to promote equity and inclusion.
- Linda Champion said ran for political office, David Rosenberg supported her rather than doubting her.

Transportation

- Already completed traffic study. Will be providing additional bicycle parking for customers.
- Sira does not expect customers to park in nearby private parking lots. If they do, Michelle Foley (store manager) is best person to contact.

Other

- Location is in the basement, with entrances on Elm and Chester Streets.
- Sira is known by the CCC as the gold standard for security and operations.
- Have third-party security personnel on-site that does interior and exterior sweeps of the site to monitor for issues. So far there have been none.

ATTENDEES

Chris Allen	Tanisha DeLeon	Derrick Rice
Gregg Nolan	J Jasper	Jess Liborio
John Fernandes	Karen Rinaldi	Larry Yu
Lincoln Taggart	Linda Champion	Lisa Honan
M	Mark Niedergang	Mark Shu
Yvette Wilks	Richard Glanz	Robert Gorin
RP Thompson	SafeBeat Initiative	Sean ODonovan
Shaun Murphy	Steven Kwong	Andrew C. Matses
C Graziano	11 phone callers	