



City of Somerville

PLANNING BOARD

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

TO: Planning Board
FROM: Planning & Zoning Staff
DATE: April 9, 2021
RE: 255 Elm Street, CZC20-000085

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 255 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 11, 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

The Harvest Club proposes to establish a Cannabis Retail Sales use in the Commercial Core district which requires a Special Permit.

SUMMARY OF PROPOSAL

The Harvest Club is proposing to establish a Cannabis Retail Sales principal use which will serve recreational customers. The proposed development will produce 8 short-term bicycle parking spaces.

ADDITIONAL REVIEW NECESSARY

255 Elm Street is located on a Pedestrian Street and in the 0.25mi Transit Area in the Commercial Core 4 (CC-4) zoning district in the Davis Square neighborhood represented by Ward 6 Councilor Lance Davis. The proposed signage and storefront require Minor Site Plan Approval, approval of which the Planning Board has delegated to the Director of Planning & Zoning.

BACKGROUND

As part of their second round of reviews, the Mayor's Marijuana Advisory Committee (MAC) issued a recommendation on this proposal.¹ The MAC liked the Applicant's idea of including a rotating display of local art in the storefront, and felt that the space was large enough to accommodate the proposal. 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

At the neighborhood meeting Councilor Davis expressed some concern about the possibility of this space feeling closed off to a passerby if the storefront is filled by a "merchandise display" rather than providing visual access into the store. While the Applicant is permitted by the Ordinance to provide a display case which is at least four (4) feet deep rather than providing unobstructed visual access into the waiting area, Staff understands the Councilor's concerns but defers to the Board for any guidance they may wish to provide the Applicant on this point.

The Applicant is proposing either 8, 10, or 18 bicycle parking spaces, depending on the documents being reviewed: the Transportation Access Plan (TAP) indicates that 8 short-term bicycle parking spaces will be installed along Elm Street in close proximity to the principal entrance (see Figure C-102); the floor plans indicate that 5 "customer bicycle parking" spaces will be provided in the "vestibule/waiting" area and 5 "employee bicycle parking" spaces will be provided in the staff-only "conference" area towards the rear of the space (see pages CR1.1 and A1.1). While additional bicycle parking is always encouraged, no bicycle 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. The Mobility Division addresses the Applicant's proposals for bicycle parking in more detail in its memo, attached to the end of this document. Staff notes that any bicycle parking provided must comply with the siting and design requirements of SZO Section 11.1 Bicycle Parking which may require minor changes to the design shown in the Applicant's floor plans.

The Mobility Division has reviewed the Applicant's submitted TIS and TAP, and have included extensive comments in an attached memo. The Mobility Division's memo also includes a number of recommended conditions based on the information provided by the Applicant. These recommended conditions have been incorporated into this memo.

CONSIDERATIONS & FINDINGS

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>

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.
- Support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here and stay here.

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

The proposal is consistent with the intent of the CC4 zoning district which is, in part: "To create, maintain, and enhance areas appropriate for moderately-scaled single- and multi-use commercial buildings; neighborhood-, community-, and region-serving uses; and a wide variety of employment opportunities."

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 400 feet of the Davis Square Red Line Station) and is not providing any motor vehicle parking. The establishment will be appointment-only, so no queuing on public ways is anticipated. Ten bicycle parking spaces are proposed within the building, five each for customers and employees. These

bicycle parking spaces, along with the Transportation Demand Management strategies proposed by the Applicant in their TIS and recommend by Mobility in their memo are expected to prevent any negative impacts on traffic and circulation patterns in the neighborhood.

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

This location is highly visible to pedestrians on Elm Street, but the signage for the entrance is unobtrusive. The principal entrance opens into a waiting area, permitting the Applicant to comply with the storefront requirements either by providing a maintained display area or by providing an unobstructed view of the interior space.

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 The Harvest Club and is not transferable to any successor in interest.
- This permit is valid subject to The Harvest Club 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 Building Permit.

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 TIAS must be approved by the Director of Mobility.
- Product details and design specifications for a minimum of ten (10) short-term bicycle parking spaces within the building must be submitted to confirm compliance with Section 11.1 Bicycle Parking of the Somerville Zoning Ordinance.
- The Harvest Club 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.
- The Harvest Club 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.

Subject: 255 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.

Transportation Impact Study

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). 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. Additionally, as approved by the Mobility Division, the Applicant collected new traffic counts from the study area in December 2020. This data was submitted to the City.

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 36 per hour and the Applicant anticipates having a maximum of 14 employees on-site at any given time. Based on Census Tract data, the TIS assumes that 40% of customers and employees will arrive by private motor vehicle. Based on the customer, employee, and service/delivery trips, the Applicant anticipates that the Marijuana Retailer facility would generate approximately 332 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 the commitment to timing employee hours and deliveries outside of traditional peak travel times. The Mobility Division 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.

Transportation Demand Management

The applicant's TIS states that all employees of the proposed facility will be provided a 100% subsidy for MBTA transit passes and fully subsidized BlueBike memberships. The Mobility Division applauds this commitment to workforce mobility. Transit and bike share benefits are recognized as a legitimate and effective TDM measure. Other TDM measures committed to in the TIS include offering discounts to customers who arrive via non-single occupant vehicle (SOV) modes and posting information about non-SOV modes on the website and in the store.

The TIS also notes that, if approved by the Cannabis Control Commission, the Applicant will offer discounts to customers who can prove they took non-vehicular transportation to the site. The Mobility Division approves of this practice as a TDM measure and 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.

Transportation Access Plan

Bicycle Parking

The TAP states that the Applicant will provide eight short term bicycle parking spaces and proposes to site them on the sidewalk on Elm Street. This location on the Elm Street sidewalk does not maintain adequate space for pedestrians. The Mobility Division does not approve of the placement of this bicycle rack.

The floor plans included in the Project Narrative show five customer bike parking spaces inside the front entrance of the building and five employee bike parking spaces in the back of the building near the staff breakroom. The Mobility Division encourages the Applicant to provide this bike parking as additional encouragement for both

customers and employees to use sustainable modes of transportation. The Mobility Division further notes that bicycle racks, as dictated in the Ordinance, consist of two bike parking spaces, so the design and placement of these proposed racks should accommodate parking for up to six bicycles. The Mobility Division would direct the applicant to Article 11 of the Ordinance for specific requirements for the placement, dimensions, and layout of bicycle parking.

Motor Vehicle Movement

The TAP shows delivery and rideshare pick-up and drop-off happening on Elm Street directly in front of 255 Elm Street. The Mobility Division notes that this area is converted seasonally to outdoor dining for the neighboring restaurants in Davis Square. Since this change to the street was implemented, the loading and delivery parking space that should be used by the proposed business is across the street, in front of 250 Elm Street.

Recommended Conditions

Based on the above analysis, the Mobility Division recommends the following conditions for the development proposed at 255 Elm Street.

- The Applicant shall implement the Transportation Demand Management strategies identified in the submitted Transportation Impact Statement. These include the following commitments:
 - 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.

- In addition to the TDM measures stated in the Applicant's TIS, the Mobility Division recommends the following conditions:
 - 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 provide at least 10 short-term bicycle parking spaces inside the building (5 for customers and 5 for employees), per the site

plans in the Applicant's project narrative. Bike parking shall be compliant with City of Somerville Bike Parking Design Guidelines.

- The Applicant shall install bike parking signage (such as MUTCD standard sign D4-3) to alert customers to the presence of bike parking inside the front entrance.
- 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: 255 Elm Street Neighborhood Meeting

This memo summarizes the neighborhood meeting for establishing a Cannabis Retail Sales use at 255 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: Anne Vigorito (attorney), Christopher Vining (co-manager), Alexander Coons (co-manager), Stephen Siragusa (traffic consultants), Daniel Quaile (architect), Paul Verruto (security).

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 which began at 7:25pm. The applicant team presented on their proposal for a Cannabis Retail Sales use in the CC4 zoning district. The

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

Use

- Asked whether two dispensaries within a block of each other is excessive. Applicant team said the industry is large enough to allow differentiation, and the customer focus of the two dispensaries is different.
- Retail space is ~4,800sf; large enough to avoid having lines on sidewalk, as entry vestibule and sales floor can accommodate lines.
- Will initially open as appointment only.
- Will be open 10am-9pm Monday-Saturday, and 11am-5pm on Sunday.
- Will comply with all Cannabis Control Commission (CCC) regulations.

Community Relations

- Chris Vining is part of the CCC Social Equity Program. Discussion about equity impacts of the Social Equity Program.
- Will have ~500sf community room available to be reserved for events during business hours; still working to understand what exactly will be permitted there due to CCC regulations. Only individuals 21 or older would be permitted in community room due to its location and CCC regulations.

Design

- Windows onto Elm Street will have local art displays (not related to cannabis). Councilor Davis wants it to feel engaging to pedestrians, not closed to the public.

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	