



City of Somerville

# PLANNING BOARD

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**TO:** Planning Board  
**FROM:** OSPCD Staff  
**SUBJECT:** 620 Broadway, P&Z 21-145  
**POSTED:** March 10, 2023

**RECOMMENDATION:** Approve with Conditions (SP for Cannabis Retail Sales)  
Approve with Conditions (SPA)

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

This memo summarizes the development review application submitted for 620 Broadway, 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 January 5, 2023, and is scheduled for a public hearing on March 15, 2023. 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

620 Broadway, LLC proposes to develop a one (1) story Commercial Building and establish a Cannabis Retail Sales use in the Commercial Core 5 (CC-5) district, which requires Site Plan Approval and a Special Permit.

## SUMMARY OF PROPOSAL

620 Broadway, LLC is proposing to construct a 1-story Commercial Building. The proposed development will produce 6,961 square feet of commercial space, 0 motor vehicle parking spaces, 12 long-term bicycle parking spaces, 16 short-term bicycle parking spaces, and the proposed landscape will earn a Green Score of 0.28.

Although not named as part of the Applicant team, Botanica, LLC is the applicant for the Cannabis Retail Use Special Permit.

## BACKGROUND

620 Broadway is located in the 0.25mi Transit Area in the Commercial Core 5 (CC-5) zoning district in the Magoun Square neighborhood represented by Ward 5 Councilor Beatriz Gomez-Mouakad. Establishing a Commercial Building in the CC-5 district requires Site Plan Approval. Site Plan Approval is the administrative review and approval of conforming development to address any potential impacts as necessary.

Establishing a Cannabis Retail Sales use requires a Special Permit. The Planning Board is the decision-making authority for all (non-variance) discretionary or administrative permits required for the CC-5 zoning district.

As part of their third round of reviews, the Mayor's Marijuana Advisory Committee (MAC) issued a recommendation on this proposal which Mayor Curtatone accepted.<sup>1</sup> Botanica executed a Host Community Agreement with the City on April 26, 2021. After Botanica revised their proposal from including a new 3-5 story building to including a new 1 story building, the MAC reaffirmed their recommendation.<sup>2</sup>

The property was issued a Hardship Variance in 2021 to permit the building to be one (1) story, rather than the required minimum of three (3) stories; the variance was extended in 2022.

## NEIGHBORHOOD MEETINGS

The first neighborhood meeting was hosted by Ward 5 Councilor Beatriz Gomez-Mouakad and the applicant on March 7, 2022, via the Zoom meeting platform.

The second neighborhood meeting was hosted by Ward 5 Councilor Beatriz Gomez-Mouakad and the applicant on June 29, 2022, via the Zoom meeting platform.

## DESIGN REVIEW

The proposal was reviewed by Somerville Urban Design Commission via the GoToWebinar meeting platform on March 22, 2022. The Commission provided its official recommendation on April 6, 2022.

## ANALYSIS

While the proposed building and cannabis retail use have been conceptualized and often presented as one package throughout the development review process, they are distinct requests to the Board and will be discussed separately.

620 Broadway, LLC is listed in the application as the only applicant for both the building and the proposed Cannabis Retail Sales use, but the retail store will be operated by Botanica, a separate entity.

### *Proposed 1-story building*

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<sup>1</sup> The MAC's Round 3 Recommendation can be found here:  
<https://s3.amazonaws.com/ifa.somervillema.gov/documents/planning/Round%203%20MAC%20Recommendation%20%282021.03.01%29.pdf>

<sup>2</sup> The reaffirmed recommendation can be found here:  
<https://s3.amazonaws.com/ifa.somervillema.gov/documents/planning/MAC%20Recommendation%20regarding%20Botanica.pdf>

ISD Staff identified a few compliance issues that were shared with the Applicant on February 17<sup>th</sup>; the Applicant submitted updated drawings on March 6<sup>th</sup>, but as of the writing of this memo Staff have not had time to review and confirm that the drawings address the comments (primarily concerning the location of the transformer and the height of the storefront).

Beyond the items previously shared with the Applicant that must be addressed, Staff do not have any concerns about the building itself, as it appears to comply with zoning and there are no significant impacts anticipated from replacing an existing 1-story building and on-site parking with a larger 1-story building. However, Staff do have concerns about the mobility-related aspects of this building, and have included conditions to address these concerns.

First, the Applicant has not indicated where loading will occur: the Transportation Impact Study (TIS) states that “[t]here will be a site-specific driveway on the northeast part of the site along Broadway”<sup>3</sup> but that driveway is not shown in the Transportation Access Plan (TAP), and is unlikely to be permitted given the protected bike lane directly in front of this property. Presumably, loading will occur on-street, but there is no obvious location along the frontage of this property that would allow loading without requiring vehicles to block a travel lane (either bike or vehicular). Additional coordination with Staff is required to identify a loading plan that is sufficient to serve the proposed uses.

Second, and more broadly, the Applicant commits to various transportation mitigation strategies in their TIS that, while generally supported by Staff, will require significantly more development of the specifics before they can be implemented. For example, the Applicant commits to “[n]ew ADA-compliant sidewalk along site frontage” but doesn’t provide detailed information about what is proposed. Any changes to the public realm will require approval by relevant City Divisions, and will need to account for existing City assets (like street trees or an on-street bike lane) and other changes the City has planned for the surrounding area.

### *Proposed cannabis retail sales use*

Cannabis Retail Sales is permitted by Special Permit in the CC-5 district. The Applicant is eligible to apply for a Special Permit for Cannabis Retail Sales because Botanica, LLC has received a Host Community Agreement for a recreational cannabis retail establishment at 620 Broadway.

A Special Permit is required to enable review boards to address concerns related to the suitability of the site for this use. Throughout the various neighborhood meetings and public hearings this application has been discussed at, Staff have not heard any significant or proposal-specific concerns regarding the proposed cannabis retail use from the public.

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<sup>3</sup> Page 2 of the TIS dated May 7, 2021 prepared by Wayne Keefner of DCI; the existence of an “on-site loading zone” is referenced multiple times throughout the TIS.

The Mobility Division has reviewed the submitted Transportation Impact Statement (TIS) and Transportation Access Plan (TAP) and has recommended a number of conditions to address their concerns; a memo from that Division is attached at the end of this memo.

## 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.

### Site Plan Approval 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. Mitigation proposed to alleviate any impacts attributable to the proposed development.

### Special Permit Considerations for a Cannabis Retail Sales Use

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:

### Site Plan Approval and Special Permit

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

Staff believes that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- Creates new commercial and ACE spaces to house new businesses and ACE uses.
- Has no on-site motor vehicle parking.

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

The intent of the CC zoning district 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.”

The intent of the Zoning Ordinance as a whole includes the following:

- To increase commercial tax base in support of the fiscal health of the City
- To increase accessibility to diverse employment opportunities within Somerville.
- To capture a fiscal return on investments made in transportation infrastructure by locating [...] employment opportunities, and a broad mix of uses along major corridors and within walking distance of transit stops.

#### Site Plan Approval Specific

3. *Mitigation proposed to alleviate any impacts attributable to the proposed development.*

Staff believes there are no negative impacts directly attributable to the proposed development of a 1-story building.

#### Cannabis Retail Sales Use Special Permit Specific

4. *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 less than 500 feet from the Ball Square Green Line Station). The property does not have any motor vehicle parking, but will be providing 12 long-term and 16 short-term bicycle parking spaces. Botanica, LLC will also need to identify an on-street loading zone that can serve the use without conflicting with the bike lane.

As conditioned, the proposal is not anticipated to have negative impacts on the traffic and circulation patterns in the surrounding neighborhood beyond the normal impacts expected for any commercial use.

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

The principal entrance is on the left side of the façade and will have separate entrances and exits. The sales floor will be hidden from the street through the use of a display window and entrance/exit vestibules.

### **PERMIT CONDITIONS**

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

### Mobility

- Botanica, LLC 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.
- 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.
- Botanica, LLC shall post information about non-vehicular services available in the area on the website and in materials posted at the store.
- Botanica, LLC shall provide a TransitScreen (or its substantial equivalent) displaying real time MBTA and bike share information within the commercial space in a location that is visible to customers.
- Botanica, LLC shall provide incentives to customers who take non-vehicular or public transportation modes to the site.
- Botanica, LLC shall provide employees 100% subsidized Bluebikes public bikeshare memberships, subject to annual rate increases.
- Botanica, LLC shall 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.
- Retail sales to walk-in customers are prohibited. Customer visits must be by appointment only.
- As voluntarily committed to in the Transportation Access Plan, the Applicant shall provide a minimum of twelve (12) long-term bicycle parking spaces.
- Botanica, LLC, shall direct all deliveries to occur outside of 7:30am to 9:30am on weekdays; 4:30pm to 6:30pm on weekdays; and 11am to 1pm on Saturdays to every extent practicable.
- The Applicant shall develop and implement a sign and pavement markings plan for Broadway between the Broadway bridge deck and the crosswalk at Winchester Street that enhances safety conditions and protection for people bicycling and reduces opportunities for illegal curbside parking and loading. Final design must be approved by relevant City Departments.

### Permit Validity

- Approval is limited to Botanica, LLC and is not transferable to any successor in interest.
- This permit is valid subject to Botanica, LLC having a fully executed and active Host Community Agreement with the City of Somerville.
- This Decision must be recorded with the Middlesex South Registry of Deeds.
- A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be provided to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

### Public Record

- One (1) digital copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted

in accordance with the document format standards of relevant Submittal Requirements.

- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.

Should the Board approve the required Site Plan Approval for the 1-story Commercial Building, Planning, Preservation & Zoning Staff recommends the following conditions:

#### Construction Documents

- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- Material specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
- An outdoor lighting plan and supplier cut sheet specifications of chosen lighting fixtures must be submitted to confirm compliance with Section 10.7 Outdoor Lighting of the Somerville Zoning Ordinance. The site photometric plan must include a keyed site plan identifying the location of all luminaires; total site lumen limit table (calculations from the SZO); lighting fixture schedule indicating the fixture type, description, lamp type, lumens, color temperature, color rendering index, BUG rating, mounting height, and wattage of all luminaires; and notation of any timing devices used to control the hours set for illumination.

#### Mobility

- Botanica, LLC shall submit an updated Transportation Access Plan (TAP), subject to review and approval by the Director of Mobility, which identifies a loading zone within three hundred (300) feet of 620 Broadway sufficient to serve the largest delivery vehicle type anticipated for this use.

#### Permit Validity

- This Decision must be recorded with the Middlesex South Registry of Deeds.

#### Public Improvements

- Modifications to any public thoroughfares require approval by appropriate City departments.

#### Public Record

- One (1) digital copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.

#### Site & Building Design

- Utility meters are not permitted on any facade or within the frontage area of the lot.

#### Trees

- The removal of any public shade trees or private trees is subject to the Tree Preservation Ordinance (Chapter 12, Article VI) of the Somerville Code of Ordinances.
- Detailed plans for protecting street trees intended to remain during construction must be submitted to the City Arborist for review and approval.
- The Project design, including the location of the transformer, must not preclude integration between the proposed open space on the west side of the site and the adjacent parcel of land currently owned by the MBTA (MBL 27-L-1).



## **Subject: 620 Broadway 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.

### **Transportation Impact Study**

#### Public Transportation, Walking and Bicycling

The property is approximately 0.1 miles from both the Ball Square Green Line station and 0.8 miles from the Davis Square Red Line Station. The property is approximately 0.1 miles from bus stops for the 80, 89, and 93 bus routes, 0.3 miles from stops for the 101 bus route, and 0.4 miles from stops for the 94 and 96 bus routes. 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 2022, the intersection of Broadway and Winchester/Albion was reconstructed to extend the sidewalk and create a curbed bumpout. This improved pedestrian safety by bending the Albion Street approach for vehicles into Winchester Street and significantly reducing the crossing distance across Winchester Street. The crosswalk across Broadway at Winchester Street was also updated to include a pedestrian refuge island.

Additional pedestrian safety improvements are being planned and implemented in coordination with the new Ball Square station. Planned improvements that will be constructed include:

- New crosswalk with curb bumpout on the western side of the intersection of Broadway and Boston Ave.
- New and retimed signal equipment at Broadway at Boston Ave. and Broadway at Willow Ave./Bristol Road.
- Reconstruction of the eastern part of the intersection of Broadway at Boston Ave. to close the existing right turn slip lane from Boston Ave. onto Broadway and to create additional accessible sidewalk area.

In addition to enhanced pedestrian conditions, the reconstructed Broadway Bridge has buffered bike lanes. Recently, the bike connection between Broadway at Winchester/Albion and Cedar was restriped to create sections of parking protected curbside bike lane and buffered bike lane for enhanced safety and mobility for cyclists. The property is approximately 0.1 miles from a Bluebikes bike share station in Ball Square and 0.2 miles from a Bluebikes station at Trum Field.

The businesses in the Ball Square area are uniquely positioned to benefit from recent and forthcoming transit, bicycle, and pedestrian enhancements in the square. All of this, combined with the recommended conditions, should reduce auto-dependence among the Applicant's customers and workforce.

### Motor Vehicle 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.

### Traffic Data and Modelling

The Applicant uses a background growth rate of 0.25%. This is the same growth rate that has been approved for use in the transportation impact analysis of other recently approved cannabis retail developments. 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.

The Applicant collected data in April of 2022; this is within the Mobility Division's approved timeframe for data collection for TIS analyses.

### Trip Generation and Transportation Demand Management

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 48 per hour. The TIS assumes that 50% of customers and employees will arrive by private motor vehicle, with four daily service/delivery trips. Based on the customer, employee, and service/delivery trips, the facility is expected to generate zero (0) vehicle-trips during the Weekday AM peak hour, 48 vehicle-trips during the Weekday PM peak hour, and approximately 504 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.

The property will also have a Café and Arts Space. Based on the ITE trip generation rates, combined with the census data and taking credit for pass-by trips, it is estimated that the Café and Arts Space will

generate approximately 56 vehicle-trips during the Weekday AM peak hour, 20 vehicle-trips during the Weekday PM peak hour, and 34 vehicle-trips during the Saturday Midday peak hour.

#### Transportation Demand Management

The Applicant's TIS states that all full-time Botanica employees of the proposed facility will be provided a 100% subsidy for MBTA transit passes. The Mobility Division applauds this commitment to workforce mobility and recommends extending a 100% subsidy for MBTA transit passes to all employees of the facility. Transit benefits are recognized as a legitimate and effective TDM measure. Other TDM measures committed to in the TIS include:

- New ADA-compliant sidewalk along site frontage.
- New short-term bicycle parking in front of the site.
- New long-term bicycle parking for employees.
- Posting real time transit information.
- Annual Travel Surveys as defined in the Mobility Management Plan submittal requirements set forth by the City of Somerville.

#### **Transportation Access Plan**

##### Bicycle Parking

The TAP states that the Applicant will provide twelve short-term bicycle parking spaces with four bicycle racks located on the sidewalk along Broadway, two bicycle racks (one space each) located at the front of the site on the east side of the building, and two bicycle racks (one space each) located at the front of the site on the west side of the building.

The TAP also indicates that there will be twelve long-term bicycle parking spaces located at the rear the building. However, the spacing of the long-term bicycle parking as shown in the TAP does not fit twelve bike parking spaces. The Applicant will need to reconfigure the long-term bike parking to fit all spaces. The Applicant will also need to demonstrate how this long-term bicycle parking will comply with the requirements in the City of Somerville Zoning Ordinance, as this is not described in the TAP.

##### Loading and Deliveries

Recent pavement marking changes in front of the property required the Applicant to remove their originally proposed loading zone from the TAP. The Applicant must work with Mobility to identify loading and delivery needs and relocate the loading zone appropriately, prior to issuance of any Certificate of Occupancy.

#### **Recommended Conditions**

Based on the above analysis, in order to mitigate transportation impacts, the Mobility Division recommends the following conditions for the development proposed at 620 Broadway.

- Retail sales to walk-in customers are prohibited. Customer visits must be by appointment only.

- Deliveries must be scheduled during non-peak hours when there is less street activity.
- Provide all 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 any increases.
- Provide all employees 100% subsidized bike share memberships, subject to any 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. Identify incentives and discounts to the Director of Mobility prior to the issuance of any Certificate of Occupancy,
- The Applicant shall work with the Mobility Division to identify a loading zone location prior to the issuance of any Certificate of Occupancy.
- The Applicant shall revise their bicycle parking plan to accommodate twelve long-term bicycle parking spaces that meet Somerville Zoning Ordinance requirements, as described in the Applicant's TAP narrative, prior to the receipt of any building permit.
- 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.
- Prior to the issuance of any Certificate of Occupancy, the Applicant will develop and implement a sign and pavement markings plan for Broadway between the Broadway bridge deck and the crosswalk at Winchester Street that enhances safety conditions and protection for people bicycling and reduces opportunities for illegal curbside parking and loading. The plan must be approved by the Director of Mobility.
- The Project design, including the location of the transformer, shall not prohibit possible future integration between the proposed open space on the west side of the site and the adjacent parcel of land currently owned by the MBTA.
- 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.