

Requested Special Permits	Summarized Findings <i>(detailed zoning text on following pages)</i>
Cannabis Retail Store (Sections 11.800)	<p>Complies with Zoning Requirements:</p> <ul style="list-style-type: none"> <li>• Located in a BA, BA-2, BA-3, BB, BB-1, BB-2, BC, IA-1, IB, IB-1, or IB-2 district, or a BA-1 district only if it is designated by the Cannabis Control Commission as an Economic Empowerment Applicant or as qualifying for its Social Equity Program.</li> <li>• Located in a permanent building.</li> <li>• Not within 1,800 feet of another Cannabis Retail Store, unless it is designated by the Cannabis Control Commission as an Economic Empowerment Applicant or as qualifying for its Social Equity Program.</li> <li>• Not within 300 feet of an existing public or private K-12 school or within 300 feet of a public children’s playground, public youth athletic field, or public youth recreation facility, otherwise the Planning Board finds that it is sufficiently buffered such that users of such facilities will not be adversely impacted by its operation.</li> <li>• No packaging or re-packaging of cannabis products will occur on-site.</li> </ul> <p>Meets Special Permit Criteria:</p> <ul style="list-style-type: none"> <li>• Site design provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.</li> <li>• Location and design of cannabis use will not detract from the sense of activity with opaque, unwelcoming façade at ground floor in retail areas.</li> <li>• Loading, refuse and service areas are designed to be secure and shielded from abutting uses.</li> <li>• Building and site are designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building’s interior.</li> <li>• The facility will provide programs to assist qualifying patients in obtaining services under Massachusetts Medical Use of Marijuana Program.</li> </ul>
General Special Permit Criteria (Section 10.43)	Special permits will be normally granted if the zoning requirements are met, unless it is found not to be in the public interest due to one of the criteria enumerated in Section 10.43 (see appendix).

## Special Permit for Retail Cannabis Establishment Use in Business B District

**11.801** Statement of Purpose. The purpose of this section is to provide for the limited establishment of Registered Marijuana Dispensaries for the medical use of cannabis products and Cannabis Establishments for the non-medical use of cannabis products, as they are authorized pursuant to applicable state laws and regulations.

**11.802** General Requirements

**11.802 .1** Allowed Cannabis Uses.

(a) Cannabis Retail Stores and Cannabis Production Facilities shall be allowed only after the granting of a special permit by the Planning Board, subject to the requirements set forth in this Section 11.800, et seq.

(b) Either Cannabis Retail Stores or Cannabis Production Facilities, as defined in Article 2.000 of this Zoning Ordinance, may be established to provide cannabis products for medical or non-medical use, or both, in accordance with applicable state laws and regulations.

(c) A Cannabis Retail Store or Cannabis Production Facility that has previously received a special permit from the Planning Board only to authorize a Registered Marijuana Dispensary shall be required to amend its previously issued special permit to authorize the conversion to or co-location of a Cannabis Establishment for the non-medical use of cannabis or marijuana.

**11.802.2** Licenses and Registration. A special permit issued pursuant to this Section shall be conditioned on the Permittee maintaining all required state and local licenses and/or registrations and complying with all applicable state and local public health regulations and all other applicable laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Cannabis Use that is not properly licensed and/or registered with the applicable state and local agencies.

**11.802.3** Limitation of Approval. A special permit authorizing the establishment of a Cannabis Retail Store or Cannabis Production Facility shall be valid only for the licensed or registered entity to which the special permit was issued, and only for the site on which the Cannabis Retail Store or Cannabis Production Facility has been authorized by special permit. If the license or registration for a Cannabis Use has not been renewed or has been revoked, transferred to another controlling entity, or relocated to a different site, a new special permit shall be required prior to issuance of a Certificate of Occupancy.

**11.802.4** Building. A Cannabis Retail Store or Cannabis Production Facility shall be located only in a permanent building and not within any mobile facility. All sales, cultivation, manufacturing, and other related activities shall be conducted within the building, except in cases where home deliveries are authorized to serve qualified medical marijuana patients pursuant to applicable state and local regulations.

**11.802.5** Cannabis Research and Testing Facilities. A Cannabis Establishment that is licensed as a Cannabis Independent Testing Laboratory or Cannabis Research Facility pursuant to applicable state laws and regulations, but is not authorized to sell or otherwise transfer Cannabis Products to consumers or to cultivate, manufacture, or otherwise produce Cannabis Products that are intended to be sold or otherwise transferred to consumers, shall be regulated within the Table of Use Regulations in Section 4.30 of this Zoning Ordinance as a Technical Office (Section 4.34, Item “f.”) or, if such establishment is noncommercial, a Noncommercial Research Facility (Section 4.33, Item “c.”). Such establishment shall comply with all state and local laws and regulations, including regulations promulgated by the Cambridge Public Health Department, where applicable.

**11.803** Location Standards.

**11.803.1** Cannabis Retail Stores.

(a) Cannabis Retail Stores shall be allowed only by Planning Board Special Permit within the following districts: Business A (BA), Business A-1 (BA-1), Business A-2 (BA-2), Business A-3 (BA-3), Business B (BB), Business B-1 (BB-1), Business B-2 (BB-2), Business C (BC), Industry A-1 (IA-1), Industry B (IB), Industry B-1 (IB-1), and Industry B-2 (IB-2) districts, and special districts and overlay districts whose use regulations are based on those of any of the aforementioned districts, subject to any limitations set forth in the regulations of those districts. In the Business A-1 district, only applicants that have been designated as Economic Empowerment Applicants or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission may be permitted and it shall be made a condition of the special permit that such designation or eligibility shall be maintained.

(b) A Cannabis Retail Store shall not be permitted within one thousand and eight hundred (1,800) feet of another Cannabis Retail Store, except if the applicant has been designated as an Economic Empowerment Applicant or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission and it is made a condition of the special permit that such designation or eligibility shall be maintained.

(c) All products offered to consumers shall be pre-packaged off-site, and no packaging or repackaging of cannabis or marijuana products shall take place on the premises of a Cannabis Retail Store unless it also meets the requirements for a Cannabis Production Facility.

**11.803.2** Cannabis Production Facilities shall be allowed only by Planning Board Special Permit in the Industry B-2 (IB-2) district, provided that the establishment is not greater than 10,000 square feet in Gross Floor Area.

**11.803.3** Buffer Zones.

(a) A Cannabis Retail Store or Cannabis Production Facility shall not be permitted within 300 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, except where the Planning Board, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due

to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.

(b) A Cannabis Retail Store or Cannabis Production Facility shall not be permitted within 300 feet of a pre-existing public children’s playground, public youth athletic field, or public youth recreation facility, except where the Planning Board, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.

**11.804** Application Requirements. An application to the Planning Board shall contain, at a minimum, the following information:

(a) Description of Activities: a narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of Cannabis Products, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.

(b) Context Map: A map identifying, at a minimum, the location of the proposed establishment, the locations of all other Cannabis Uses in the vicinity, the locations of all public or private schools providing education in kindergarten or any of grades one through 12, and the locations of all children’s playgrounds, youth athletic fields, or other youth recreation facilities, with measured distances provided to demonstrate whether the location complies with the standards of Section 11.803 above.

(c) Site Plan: A plan or plans depicting all existing and proposed development on the property, including the dimensions of the building, the detailed layout of automobile and bicycle parking, the location of pedestrian, bicycle and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design.

(d) Building Elevations and Signage: Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties are recommended but not required.

(e) Logistics Plan: A plan identifying the on-site or off-site locations where deliveries and loading functions will take place and a narrative describing how deliveries to the site, loading, and other service functions will be conducted, as well as a plan and narrative identifying the transportation options for customers and employees, including public transportation services, on-site and off-site parking facilities, and bicycle facilities.

(f) License or Registration Materials: Copies of all materials submitted to applicable state and local agencies for the purpose of licensing and/or registration, and any certification or license issued by any such agency, excluding any information required by law to be kept confidential.

(g) Host Community Agreement: A narrative describing progress that has been made at the time of application toward establishing a host community agreement with the City of Cambridge.

**11.805** Special Permit Criteria. In granting a special permit for a Cannabis Retail Store or Cannabis Production Facility, in addition to the general criteria for issuance of a special permit as set forth in Section 10.43 of this Zoning Ordinance, the Planning Board shall find that the following criteria are met:

(a) The site is designed such that it provides convenient, safe and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.

(b) On-site loading, refuse and service areas are designed to be secure and shielded from abutting uses.

(c) The building and site have been 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.

(d) In retail areas, the location and design of the Cannabis Use will not detract from the sense of activity with opaque, unwelcoming façades at the ground floor. Where interior activities must be screened from public view, such areas should be screened by transparent, publicly accessible active business uses where possible. Opaque façades should be minimized, and where they are necessary they should include changing public art displays or other measures to provide visual interest to the public.

(e) If the proposed Cannabis Retail Store or Cannabis Production Facility is not proposed to include a Medical Marijuana Treatment Center, it will nevertheless provide programs to assist qualifying patients within the city or neighborhood who are registered through the Massachusetts Medical Use of Marijuana Program in obtaining services under that program.

## General Criteria for Issuance of a Special Permit

**10.43** *Criteria.* Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

- (a) It appears that requirements of this Ordinance cannot or will not be met, or
- (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
- (c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or
- (d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or
- (e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and
- (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30. **[SEE FOLLOWING PAGE]**

**19.30 Citywide Urban Design Objectives [SUMMARIZED]**

Objective	Indicators
New projects should be responsive to the existing or anticipated pattern of development.	<ul style="list-style-type: none"> <li>• Transition to lower-scale neighborhoods</li> <li>• Consistency with established streetscape</li> <li>• Compatibility with adjacent uses</li> <li>• Consideration of nearby historic buildings</li> </ul>
Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.	<ul style="list-style-type: none"> <li>• Inhabited ground floor spaces</li> <li>• Discouraged ground-floor parking</li> <li>• Windows on ground floor</li> <li>• Orienting entries to pedestrian pathways</li> <li>• Safe and convenient bicycle and pedestrian access</li> </ul>
The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.	<ul style="list-style-type: none"> <li>• Location/impact of mechanical equipment</li> <li>• Location/impact of loading and trash handling</li> <li>• Stormwater management</li> <li>• Shadow impacts</li> <li>• Retaining walls, if provided</li> <li>• Building scale and wall treatment</li> <li>• Outdoor lighting</li> <li>• Tree protection (requires plan approved by City Arborist)</li> </ul>
Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.	<ul style="list-style-type: none"> <li>• Water-conserving plumbing, stormwater management</li> <li>• Capacity/condition of water and wastewater service</li> <li>• Efficient design (LEED standards)</li> </ul>
New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.	<ul style="list-style-type: none"> <li>• Institutional use focused on existing campuses</li> <li>• Mixed-use development (including retail) encouraged where allowed</li> <li>• Preservation of historic structures and environment</li> <li>• Provision of space for start-up companies, manufacturing activities</li> </ul>
Expansion of the inventory of housing in the city is encouraged.	<ul style="list-style-type: none"> <li>• Housing as a component of large, multi-building development</li> <li>• Affordable units exceeding zoning requirements, targeting units for middle-income families</li> </ul>
Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.	<ul style="list-style-type: none"> <li>• Publicly beneficial open space provided in large-parcel commercial development</li> <li>• Enhance/expand existing open space, complement existing pedestrian/bicycle networks</li> <li>• Provide wider range of activities</li> </ul>

## Central Square Action Plan and Development Guidelines, 1987 – Summary of Relevant Design Principles and Guidelines

<p><u>Land Use</u></p> <ul style="list-style-type: none"><li>▪ Encourage strong retail frontage for Massachusetts Ave. and Main Street.</li><li>▪ Create a focal point or "anchor" at Lafayette Square that will strengthen pedestrian and retail activity.</li></ul>
<p><u>Building height</u></p> <ul style="list-style-type: none"><li>▪ Height of buildings should be consistent within the overall context of surrounding properties.</li><li>▪ Whenever possible, the greatest height and bulk of the building should be placed on Massachusetts Avenue with a diminution in height and bulk as the project approaches the lower residential uses in abutting areas.</li><li>▪ Height and bulk should also be arranged to protect sight lines of significant historic structures.</li><li>▪ In street wall situations, it is desirable to relate architectural elements of new construction to the significant architectural elements including cornice heights on adjacent buildings.</li></ul>
<p><u>Building scale</u></p> <ul style="list-style-type: none"><li>▪ The heavy pedestrian activity in the Square must be recognized in renovations and new construction projects.</li><li>▪ Treatment of the ground floor plane should relate to the human dimension and be rich in detail to enhance the pedestrian experience.</li></ul>
<p><u>Building massing</u></p> <ul style="list-style-type: none"><li>▪ Continuation of a strong, unbroken linear retail frontage on Massachusetts Ave. and Main Street is critical to preserving the strength and historic character of the commercial district.</li><li>▪ Adjacent structures should build to a common party wall; alleyways between buildings are not encouraged.</li></ul>
<p><u>Streetwalls and Setbacks</u></p> <ul style="list-style-type: none"><li>▪ Building walls along Massachusetts Ave. and Main Street should be maintained at the property line with alcoves minimized so as not to create unsupervised areas, which encourage loitering.</li><li>▪ Setbacks along narrow side streets are encouraged to provide non-continuous building surfaces to avoid the creation of "canyons" and expanded sidewalk widths; a minimum of eight feet is desirable to allow the planting of street trees.</li></ul>
<p><u>Stores and Storefronts</u></p> <ul style="list-style-type: none"><li>▪ Storefronts should be oriented to the pedestrian and provide visual interest both day and night along Massachusetts Avenue and Main Street.</li><li>▪ Pedestrians should be encouraged to window shop by the provision of varied and interesting display areas.</li><li>▪ Every effort should be made to facilitate access into the store and to create an individual building or store identity.</li></ul>



The following elements are encouraged:

- large window areas for display or for looking into a store with lighting to facilitate night viewing awnings and/or canopies
- signage which is attractively integrated into the window area, awnings, canopies and architecture of the building
- street grade entrances which continue a strong linear edge along Massachusetts Avenue and Main Street
- window boxes
- restoration of details in historically contributing or significant buildings
- retail businesses should provide rest room facilities for customers
- small projecting signs which are compatible with the architecture of the building

The following elements are discouraged:

- small window areas that do not promote or encourage viewing into the store
- overpowering signage
- alcoves or recesses in the building wall that encourage loitering
- loading docks along Massachusetts Avenue and Main Street
- parking entrances and exits along Massachusetts Avenue and Main Street
- below or above grade store entrances
- non-retail uses on Massachusetts Avenue

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### Exterior Treatments

#### Renovations

- Contributing and historically significant buildings should be renovated whenever possible.
- Materials should be consistent with the materials used when the structure was originally built.
- Original details should be preserved and restored whenever possible.

#### New Construction

- Pedestrian level treatments must be rich in detail and help to reinforce human scale through the use of architectural elements such as trim, sills, lintels, awnings and canopies.
- The use of durable materials, granite or limestone will help to add interest and variation to facades.
- Windows should be large and illuminated from within to create interesting display or viewing areas for retail space.
- New construction should be compatible and sensitive to adjacent historic structures with respect to scale and massing.
- Building materials to be compatible with the historic character of Central Square.
- Use of stucco, or stucco style panels and concrete blocks are discouraged.
- As a general rule, new buildings should be faced with wood or masonry with "punched operable windows to complement the older structures in the Square.
- Brick should be a full size brick with a color which is compatible to adjacent structures.
- The building walls above the ground floor should be articulated with bays, setbacks, cutouts, flower boxes, balconies, etc. to eliminate boxy type structures.

- Care should be taken to ensure that automobile headlights and street light glare are shielded from residential windows.
- Signs should be designed to fit on the building and be integrated with windows and awnings and not overlap or cover building details. Signage should be legible, unobtrusive and not overpowering.
- Use of color should be appropriate to the historic character of the Square, such as subtle highlighting of details on awnings, and trim, etc. Overpowering, gaudy, or trendy colors are discouraged.
- All mechanical penthouses and other projections should be integrated into the building form.

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Streets, Sidewalks and Open Space

- Continue MBTA and Central Square Enhancement improvements. Suggested improvements include:
  - Fill in private vaults within sidewalk areas
  - Street trees, bicycle racks
  - Trash containers, Kiosks
  - Washington Post lights or other fixture as approved by the City along Massachusetts Ave.
- Create pedestrian links between neighborhoods and Massachusetts Avenue wherever possible;
- Strengthen the tie between Lafayette Square and the "Heart" of Central Square;
- Widen sidewalk areas on side streets to a minimum of eight feet connecting Bishop Allen Drive and Green Street to Massachusetts Avenue and improve the condition of existing sidewalks.
- Upgrade lighting along Bishop Allen Drive, Green Street and the streets connecting them to Massachusetts Ave.
- The appearance of secondary public ways such as Green street, Bishop Allen Drive, Temple street, Norfolk Street, etc. should be improved by repairing sidewalks, signage, lighting and where possible provide new trees.

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Parking and Service Areas

- Service areas are to be located to allow vehicles access onto the site and off of the public ways and away from residential windows.
- Commercial tenants should take advantage of the area's good access to public transportation facilities and therefore reduce the need for on-site parking facilities.
- Entrances to both parking and service areas must be constructed to minimize disruption to adjacent uses. Entries should be kept away from street intersections as much as possible.