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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: CDD Staff

Date: September 14, 2022

Re: Special Permit **PB-392, 1960 Massachusetts Avenue**

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## Overview

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Submission Type: Special Permit Application

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Applicant: Healing Greene Massachusetts LLC DBA Greene Street

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Zoning District(s): Business C (small portion in Residence B); Massachusetts Avenue Overlay District

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Proposal Summary: Repurpose the existing building to operate a cannabis retail store.

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Special Permits Requested: Cannabis Retail Store Use (Section 11.800)

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Other City Permits Needed: Cannabis Business Permit

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Planning Board Action: Grant or deny requested special permits.

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Memo Contents: CDD Zoning Report & Urban Design Report

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Other Staff Reports: None

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**IRAM FAROOQ**  
Assistant City Manager for  
Community Development

**SANDRA CLARKE**  
Deputy Director  
Chief of Administration

**KHALIL MOGASSABI**  
Deputy Director  
Chief of Planning

<b>Zoning Section</b>	<b>Required Planning Board Findings</b> <i>(Summary - see appendix for zoning text excerpts)</i>
Cannabis Retail Store (Section 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>

<b>Zoning Section</b>	<b>Required Planning Board Findings</b> <i>(Summary - see appendix for zoning text excerpts)</i>
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: <ul style="list-style-type: none"><li>(a) It appears that requirements of this Ordinance cannot or will not be met, or</li><li>(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or</li><li>(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</li><li>(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</li><li>(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</li><li>(f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.</li></ul>

## Zoning & Development Staff Report

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### Revised Proposal

#### Overview

On July 12, 2022, the Planning Board (“the Board”) held a public hearing on an application by Healing Greene Massachusetts LLC DBA Greene Street (the “Applicant”), a minority-owned Economic Empowerment Applicant (EEA) certified by the Cannabis Control Commission (CCC), to redevelop an existing 9,000 square-foot site at 1960 Massachusetts Avenue for a Cannabis Retail Store use. The redevelopment would consist of reusing an existing 1-story commercial building (previously a bank) with some minor modifications to the overall site, such as new parking lot striping, short-term bike parking, window displays, and signage.

At the public hearing, the Board was generally supportive of the use but identified that the site was split-zoned, with the majority of the site zoned Business C and a portion of the rear parking area zoned Residence B. The staff memo noted that this could present a zoning concern, given that the parking is accessory to a new use that is not permitted in a Residence B district and the Inspectional Services Department would need to determine if it can remain as a pre-existing nonconforming condition. Alternatively, the Applicant could redesign the site such that all of the proposed parking area was removed from the Residence B portion of the site; or seek a variance from the Board of Zoning Appeal to use the Residence B portion of the site for accessory parking for the Cannabis Retail Store use.

#### Key Revisions

Since the public hearing, the Applicant met with Inspectional Services and submitted revised site plans for the Board’s consideration. The Applicant has analyzed the floor plan of the existing building and determined that some of the basement area is exempt from the definition of Gross Floor Area under Article 2 of the Zoning Ordinance, thereby reducing the overall GFA of the building from 6,616 square feet to 5,600 square feet. The corresponding decrease in floor area reduces the overall parking requirement for the site (based on a 1 space per 1,400 square feet of floor area for this use in Business C) from five (5) spaces to four (4), which could qualify the project to waive all off-street parking requirements using the small business exemption in 6.32.1 of the Zoning Ordinance.

The site plan has been modified to redesign the rear parking area, such that all parking is located within the Business C district. The existing six (6) angled parking spaces have been redesigned into three (3) parallel parking spaces, with one space designated for loading operations before/after business hours, and ride-share during business hours. The revised narrative states that the area zoned Residence B is now shown as a landscaped area, which is shown on Sheet L1.1 in the revised plans. The revised plans do not fully comply with the design requirements in Article 6.40 *Design & Maintenance of Off-Street Parking Facilities* due to the varying aisle widths and proposed space dimensions and would therefore require relief from the Board of Zoning Appeal in order to proceed.

The Planning Board could approve the proposed project contingent upon the Applicant receiving the required relief from the BZA.

The Board requested additional information on the proposed window treatments, which is discussed further in the Urban Design memo.

## Urban Design Staff Report

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### Revised Proposal

#### Planning Board Comments

At the first hearing, Board members requested further review of the proposed window treatments, with support for maintaining transparency, and being able to see light and movement through the windows, expressed.

#### Urban Design Comments

In response to comments, several design changes have been made and additional materials provided.

- All windows facing Massachusetts Avenue and the rear of the site will now be completely transparent (as indicated by the drawing revision clouds). There will be no film or window displays on either of these façades.
- Window displays are proposed to be used along the Porter Road elevation and the side elevation, with the latter also including one frosted window. Although not rendered clearly, staff are satisfied with the conceptual images of the window displays and will follow through with the design details as part of the continuing review process. It is noted that there does not appear to be access provided to the window display cases on the building interior, which should be addressed to ensure adequate maintenance and curation of artworks.
- As noted in the Zoning & Development Report, that Site Plan has been reconfigured so that there are no parking spaces within the Residence B district at the rear of the site. The parking spaces will now run parallel to the driveway, and a landscaped area, comprising groundcover plantings, will be introduced.
- The specific details of the plantings, the bicycle parking paving, and access for passengers to parked vehicles, are unclear in the updated materials and will need to be addressed as part of the continuing review process. Staff suggest consideration of a combination of trees, shrubs, and groundcover for the landscaping. It would also be beneficial if the Applicant worked with the abutter to develop a successful landscape design outcome.

#### Continuing Review

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

1. Treatment of all windows and entry doors, including proposed lightbox/window display details, access to window displays, and options for the administration and curation of art displays. The windows on the Massachusetts Avenue and rear frontages are intended to remain completely transparent with no film or window displays.
2. Review of all landscaping details, including proposed plantings, hardscape, and screening treatments for the gas meters and trash receptible.
3. Review of exterior signage, lighting, and other security features that may be required by state regulations.