



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: February 8, 2023

Re: Special Permit **PB-394, 1730 Massachusetts Avenue**

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Overview

Submission Type:	Special Permit Application
Applicant:	1730 Mass Ave, Inc. DBA The Boston Garden
Zoning District(s):	Business A-2 (small portion in Residence B); Massachusetts Avenue Overlay District
Proposal Summary:	Repurpose part of the existing building to operate a cannabis retail store.
Special Permits Requested:	Cannabis Retail Store Use (Section 11.800)
Other City Permits Needed:	Cannabis Business Permit
Planning Board Action:	Grant or deny requested special permits.
Memo Contents:	CDD Zoning Report & Urban Design Report
Other Staff Reports:	Parking and Transportation Dept. (TP+T), in separate document.

Zoning Section	Required Planning Board Findings <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"> • 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. • Located in a permanent building. • 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. • 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. • No packaging or re-packaging of cannabis products will occur on-site. <p>Meets Special Permit Criteria:</p> <ul style="list-style-type: none"> • 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. • Location and design of cannabis use will not detract from the sense of activity with opaque, unwelcoming façade at ground floor in retail areas. • Loading, refuse and service areas are designed to be secure and shielded from abutting uses. • 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. • The facility will provide programs to assist qualifying patients in obtaining services under Massachusetts Medical Use of Marijuana Program.
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

Zoning Section	Required Planning Board Findings <i>(Summary - see appendix for zoning text excerpts)</i>
	<p>public interest due to one of the criteria enumerated in Section 10.43:</p> <ul style="list-style-type: none">(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.

Zoning & Development Staff Report

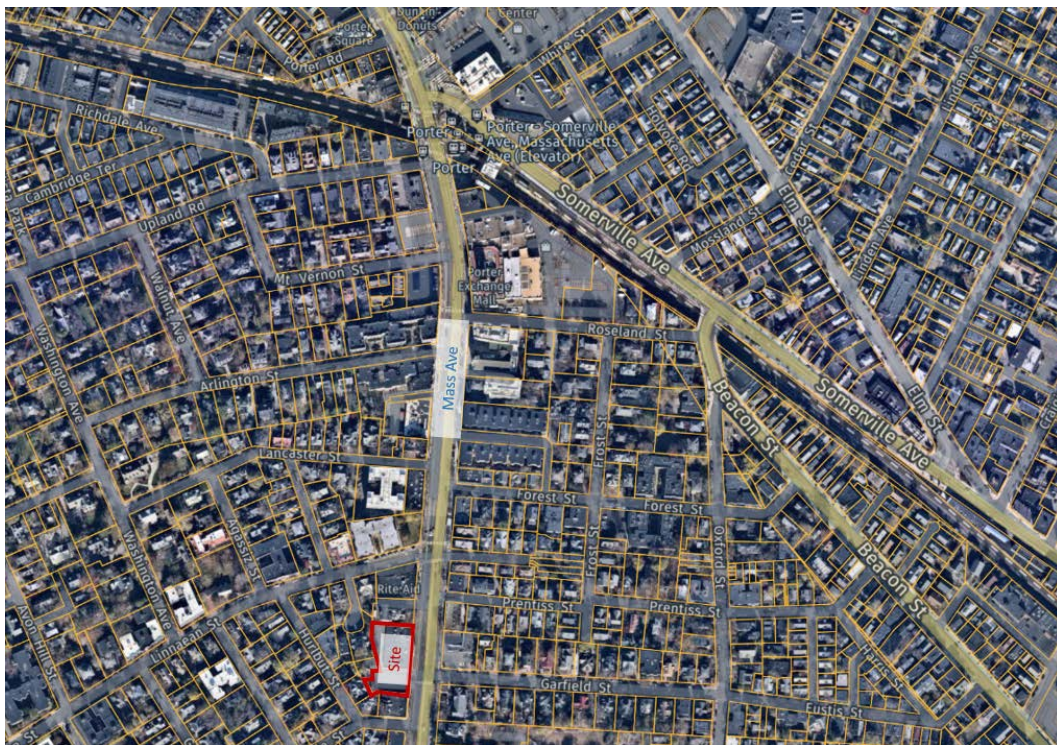
Area Planning and Zoning

Site Context

Neighborhood/Area: Porter Square

Development Patterns: The project is located on Mass Ave south of Porter Square, across from the intersection of Mass Ave and Garfield Street. The project is located within the Business A-2 (BA-2) and Residence B zoning districts and the Mass Ave Overlay District and Basement Housing Overlay District. Recent permitted and built projects in this area include other retail cannabis stories (1908 Mass Ave, 1960 Mass Ave, and 1686 Mass Ave), and the conversion of basement area into multifamily residential uses at 3-5 Linnaean Street (PB-329). This section of Mass Ave contains primarily low-density commercial development and mid-rise residential development which scales down to lower-density residential neighborhoods to the east and west of the corridor.

Nearby Features: This site is approx. 0.3 miles south of the Porter Square MBTA station and the Porter Square Shopping Center. Regular MBTA bus service is provided along Mass Ave, for which a stop serving the 77 and 96 bus is located approx. 150 feet north of the site.

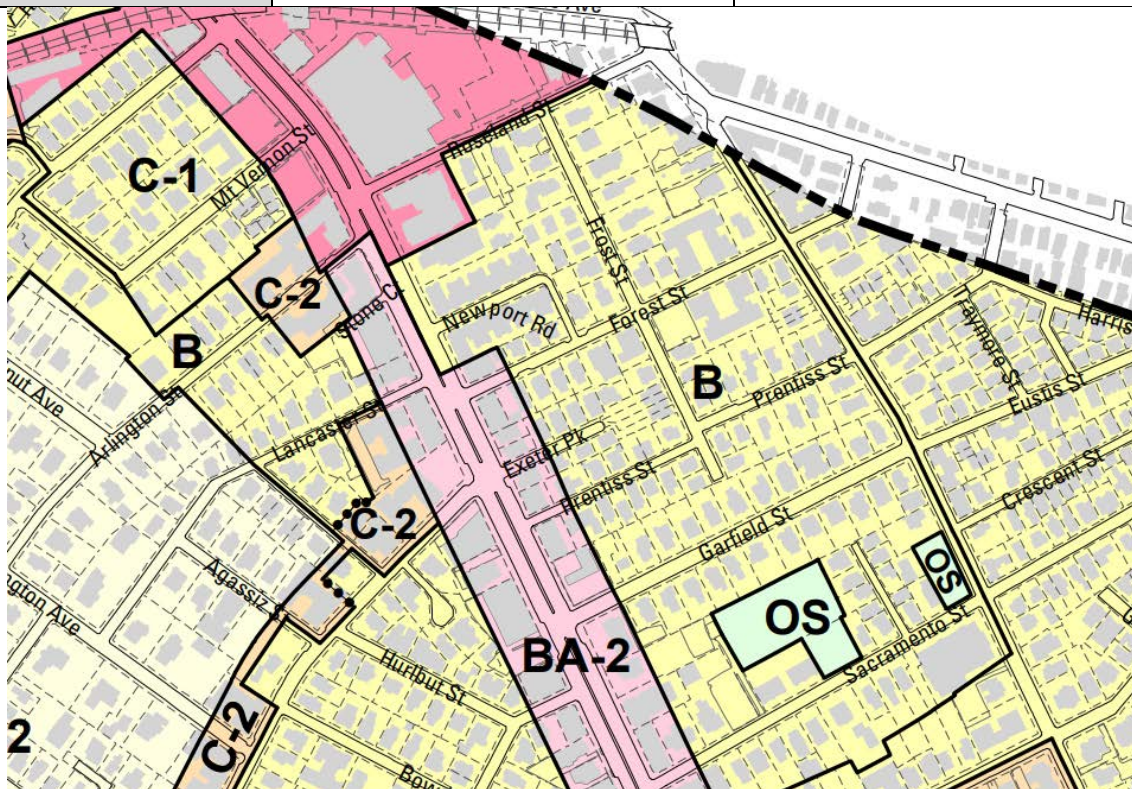


Site Context Map. Source: Nearmap, 2023.

Site Zoning

General description: Base zoning permits a wide range of residential, institutional, and commercial uses at lower densities (1.0 for non-residential and 1.75 for residential) and buildings up to 45 feet in height, with lower height requirements proximate to neighboring residential districts. The Mass Ave Overlay District applies additional design and development standards for building facades facing Mass Ave, in order to create a pleasant and inviting pedestrian environment while still encouraging compatibility with the adjacent residential neighborhoods.

	Base District	Overlay District(s)
District(s):	Business A-2, Residence B	Mass Ave Overlay District, Basement Housing Overlay District
Allowed Uses:	Residential, institutional, office/lab, retail and consumer service uses.	Same as base zoning
Max. Building Height	45'	Same as base zoning
Max. FAR/GFA	1.0 nonresidential / 1.75 residential	Same as base zoning
Required Setbacks	5' front, 10' side, 20' rear	Same as base zoning
Required Open Space	none	Same as base zoning
Other District Standards or Requirements	N/A	Building façade design standards apply to buildings fronting Mass Ave.



Base zoning map of the site. Source: City of Cambridge, 2023.

Development Plans and Guidelines

Massachusetts Avenue Overlay District

The intent of the Mass Ave Overlay District is:

- to create a more harmonious and consistent image for the development of Mass. Avenue, adjacent areas, and abutting neighborhoods;
- to encourage good building design and site development, which enhances the pedestrian amenities;
- to ensure that changes along the Avenue are compatible with the scale and character of abutting neighborhoods;
- to encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods; and
- to discourage new development inappropriate in both scale and design.

Design standards associated with building facades apply based on the need to enhance the visual quality of the District, create a pleasant and inviting pedestrian environment, and be compatible with the residential neighborhoods. Specifically, principal building entrances must face Mass. Ave, and front facades must consist of at least 25 percent clear glass.

Cannabis Retail Stores

The following planning and zoning considerations apply to Cannabis Retail Stores:

- Location of Use: Generally, Cannabis Retail Stores are permitted by Planning Board Special Permit in business and some industrial districts.
- Distance Requirements: Cannabis Retail Stores shall not be located within 1,800 feet of another Cannabis Retail Store, or within 300 feet of a pre-existing K-12 public or private school, public children’s playground, or public youth athletic field/recreation facility.
 - The 1,800 feet requirement is waived for licensed Economic Empowerment Applicants (EEA’s) or Social Equity Applicants (SEA’s) by the Cannabis Control Commission.
 - The 300 feet requirement may be modified by Planning Board Special Permit upon finding that the location will not cause substantial adverse impact due to site-specific factors or other mitigating efforts.
- Operations & Logistics: All cannabis-related uses must submit an Operations & Logistics Plan to TP+T and the Police Department, subject to approval prior to issuance of a Certificate of Occupancy. Such a plan describes, among other elements, anticipated hours of operation, expected loading and delivery requirements, circulation routes for customers and employees, and location of vehicle/bicycle parking areas on the site.

Apart from zoning, the City Council adopted a [Cannabis Business Permitting Ordinance](#) in 2019. This ordinance sets standards for the composition and activities of a cannabis business in Cambridge, including a preference period for certain types of applicants. According to the current ordinance, until September 23, 2022, a Cannabis Business Permit can only be issued to an entity that is certified as: An Economic Empowerment Applicant certified as such by the Commonwealth's Cannabis Control Commission; or a Social Equity Program Applicant certified as such by the Commonwealth's Cannabis Control Commission who is also a Cambridge resident and has been for at least the previous three years; or Women or Minority Owned business as certified by the Commonwealth and /or by the City; or a Cambridge resident for at least the three previous years prior to application earning less than fifty percent (50%) of Area Median Income (AMI) in the three previous tax years prior to application.

Current Proposal

Overview

The proposal includes the reuse of an existing tenant space in a one-story, multi-tenant commercial building into a cannabis retail store, with no physical changes to the site or current development program. The proponent is Boston Garden, LLC, a minority-owned Economic Empowerment Applicant certified by the Cannabis Control Commission (CCC).

The approximately 25,656 site contains a 11,040 square foot building sited along Mass Ave at the western side of the intersection of Garfield Street, and an accessory parking lot in the rear of the site containing approximately 33 off-street parking spaces. Other tenants within the building include a bank with a drive-thru window, a veterinary clinic, general office uses, and food service uses. A portion of the accessory parking area is located in a Residence B zoning district, which is a common occurrence for portions of lots along Mass Ave. The site is accessed by a single entry-only curb cut along Mass Ave, and vehicles exit through the drive-thru window for the bank use. The Applicant is proposing to utilize seven of the existing off-street parking spaces as assigned spaces for the cannabis retail store; all of which are located within the BA-2 zone district. One designated off-street loading space is proposed to the south of the building entrance within the parking area, also located in BA-2 zone district.

The building will be accessed through an existing front entry along Mass Ave. Customers will be granted access into a secure entry vestibule and provide credentials to enter the sales floor, which is located just beyond the entry vestibule. Customers queue within the sales floor area and exit through a separate door in the entry vestibule. The Applicant states that because the proposed design of the interior space does not provide public visibility into the sales floor, no visual screening will be required on the storefront windows. The proposal includes a wall sign and window vinyl sign. All signage proposed will be required to obtain separate sign permits from Inspectional Services, and shall be reviewed against the requirements of the sign regulations in Article 7 of the Zoning Ordinance.

No information is provided as to the proposed hours of operation for the business. The Applicant is not proposing home delivery of cannabis products as part of this application, and no cultivation, manufacturing, or social consumption uses will occur on site.

Distance Requirements

The Application notes that the site is not located within 300 feet of a pre-existing K-12 public or private school, public children's playground, public youth athletic field, or public youth athletic recreation field. Further, the Application states that, per Section 11.803.1(b) of the Zoning Ordinance, the site is not located within 1,800 feet of another Cannabis Retail Store, but the 1,800 foot requirement does not apply to licensed Economic Empowerment Applicants (EEA). Over the past two years, the Planning Board has granted Cannabis Retail Store special permits to three other retailers in the vicinity: Budega, Inc. (an EEA) at 1686 Mass Ave ([PB-355](#)), Porter Square Remedies (a non-EEA) at 1908 Mass Ave ([PB-363](#)), and Healing Greene, an EEA located at 1960 Mass Ave ([PB-392](#)).

Operations & Logistics Planning

As discussed earlier in this memo, there are minimal site changes proposed as part of this project. Non-marijuana waste will be accommodated in an existing, locked trash receptacle in the rear of the building and picked up weekly. Marijuana waste will be quarantined within a separate portion of the building and returned to the cultivation or manufacturing facility and will not be disposed of on-site.

The Applicant is proposing the following traffic mitigation efforts to protect against any potential adverse impacts from the business:

- Provide 100% MBTA T-Pass subsidies, up to the federal fringe benefit, to all employees, with a pro-rated incentive for any part-time employees;
- Provide lockers in the break room for employees that walk or bike to work;
- Compile and provide to all employees, including during employee orientation, up to date transportation information explaining all commuter options;
- Provide employees a gold level Bluebikes membership to encourage employee use of alternatives to single-occupancy vehicles for commuting
- Provide customers with information regarding transportation options to access the facility;
- Provide and maintain information on the Applicant's website and other distributed material on how to access the facility by all modes of transportation, with an emphasis on non-automobile modes;
- Participate in transportation-related training offered by the City of Cambridge or a local Transportation Management Association; or
- Designate a Transportation Coordinator to develop and manage the implementation of a Transportation Demand Management plan.

The Applicant is proposing to install both long-term and short-term bicycle parking spaces at the site. One long term bicycle parking space is proposed within the first floor of the building, accessed by a rear entry. Four short-term bicycle parking spaces will be provided in the rear of the property. The final details of the location and dimensions of the proposed bicycle parking should be reviewed prior to issuance of a building permit.

Community Engagement

The Applicant held a pre-application community engagement meeting on October 25, 2022 on zoom, utilizing a neutral moderator to facilitate questions. Thirteen people attended the meeting and expressed concerns about the proximity of the business to residential neighbors and the loss of “essential businesses” in the neighborhood. A letter was submitted to the project team from a neighboring business expressing concern about the proximity of the business to other permitted retail cannabis and the business itself, which is a private healthcare practice.

Special Permit Conditions

If the Board decides to grant the special permit, the following list summarizes the general categories of conditions recommended for this development based on the requested special permits:

1. **Approved Development:** Authorized development would need to conform with the submitted application materials. An Approved Dimensional Form would be attached as an Appendix.
2. **Permitted Uses:** The special permit would authorize only this Applicant to operate only a Cannabis Retail Store – it would not be transferrable to another operator without amending the special permit. Other types of Cannabis Uses have not been proposed and therefore would not be allowed. In part, this means that home deliveries would not be allowed from this site unless the Planning Board approves a Cannabis Courier to be co-located with the Cannabis Retail Store.
3. **Design Review:** CDD staff would review and approve design details at the construction documents phase, prior to issuance of a building permit, to certify that the plans conform to the Planning Board’s approval. Board members may cite specific areas of focus for detailed staff review, based on the Urban Design Report and Board discussion. It may also be helpful for the Board to describe in the special permit conditions what range of design changes could be authorized without the Planning Board needing to review and approve those changes.
 - a. For this proposal, continuing review would include review of the proposed bicycle parking design, review of signage and landscaping details, rooftop mechanical screening, and other items highlighted in the memo from Urban Design.
4. **Transportation and Infrastructure:** Work being done on City property would be subject to review and approval by appropriate City departments, including DPW, TP+T and CDD. Transportation mitigation measures, as recommended in the TP+T memo, would be included as conditions. Approval of a final Operations and Logistics Plan by TP+T and the Police Department, as required by zoning, would also be a condition.
5. **Other Permits and Regulations:** The special permit would be conditioned on ongoing compliance with the Cannabis Business Permitting Ordinance as well as other state and local regulations.

Appendix - Zoning Text Excerpts

Special Permit for Retail Cannabis Establishment Use in Business A-2 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) Cannabis Retail Stores, Cannabis Delivery Operator Establishments, 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, Cannabis Delivery Operator Establishment, or Cannabis Production Facility that has previously received a special permit from the Planning Board only to authorize another type of Cannabis Establishment (including, but not limited to, a Registered Marijuana Dispensary) shall be required to amend its previously issued special permit to authorize the conversion to or co-location of a new type of Cannabis Establishment for the non-medical use of cannabis or marijuana.

(d) Cannabis Courier Establishments shall be permitted as set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) without a special permit, provided that they conform to all other applicable requirements of this Section 11.800 and all other applicable state and local laws, regulations, and ordinances.

(e) 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.

11.802.2 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.

11.803 Location Standards.

11.803.1 Cannabis Retail Stores.

(a) Cannabis Retail Stores shall be allowed only by Planning Board Special Permit and only in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) and special districts and overlay districts whose use regulations are based on those districts, subject to any limitations set forth in the regulations of those districts. In the Business A-1 district, only applicants that have been designed 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 is also meets the requirements for a Cannabis Production Facility.

11.803.2 Cannabis Delivery Operator Establishments shall be allowed only by Planning Board Special Permit and only in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) and special districts and overlay districts whose use regulations are based on those districts, subject to any limitations set forth in the regulations of those districts and provided that the establishment is not greater than 10,000 square feet in Gross Floor Area and that no packaging or repackaging of cannabis or marijuana products shall take place on the premises.

11.803.3 Cannabis Production Facilities shall be allowed only by Planning Board Special Permit in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) and special districts and overlay districts whose use regulations are based on those districts, subject to any limitations set forth in the regulations of those districts and provided that the establishment is not greater than 10,000 square feet in Gross Floor Area.

11.803.4 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 Parking and Transportation

(a) Off-street parking for employees and customers shall be regulated by Article 6.000 of this Zoning Ordinance. Provisions set forth in Article 6.000 that allow for a reduction or waiver of required off-street parking shall apply except that required off-street parking for delivery vehicles may not be waived, as set forth below.

(b) Any Cannabis Courier Establishment, Cannabis Delivery Operator Establishment, or other Cannabis Establishment shall park and store all delivery vehicles off-street. Such requirement may not be reduced or waived. Delivery vehicles shall not be parked on-street except for authorized active loading/unloading activities. Delivery vehicles may be parked in facilities that are accessory to the Cannabis Use or in authorized principal use parking facilities.

(c) All parking spaces to be used by customers, employees, visitors, or delivery vehicles shall be registered with the Cambridge Traffic, Parking and Transportation Department (TPTD), including a parking layout plan, in accordance with Chapter 10.18 of the City of Cambridge Code of Ordinances, and shall comply with all other applicable state or local laws, regulations, and ordinances.

(d) All Cannabis Retail Stores, Cannabis Courier Establishments, Cannabis Delivery Operator Establishments, and Cannabis Production Facilities shall submit an Operations and Logistics Plan to the Cambridge TPTD and Cambridge Police Department before applying for a special permit, building permit, or certificate of occupancy, whichever occurs sooner. Such plan shall include the following information using narratives and graphics:

- (1) hours of operation and anticipated numbers of employees and consumers on-site during operating hours;
- (2) expected frequency of loading/unloading trips by delivery and service vehicles;
- (3) access and egress routes for customers and employees;
- (4) locations of parking and bicycle parking areas for customers and employees;
- (5) number of delivery vehicles, where applicable, and locations where they will be stored on-site;
- (6) locations where loading/unloading and service activities will take place and a description of how such activities will be conducted;
- (7) a description of transportation options for customers and employees, including public transportation services, on-site and off-site parking facilities, transportation demand management measures to encourage and support sustainable forms of travel for employees and customers, and short-term and long-term bicycle facilities;
- (8) specific measures that will be employed by the Cannabis Use to prevent adverse impacts on the public way including but not limited to sidewalk crowding, blocking of vehicular or bicycle travel lanes, potential safety hazards, and other issues identified by City departments; and
- (9) a specific plan for the initial opening period that includes measures to identify and respond to unexpected impacts.

(e) The Cambridge TPTD and Cambridge Police Department shall approve a final Operations and Logistics Plan prior to issuance of a certificate of occupancy for a Cannabis Use, and may require operational practices to prevent or correct adverse impacts of the operation of the Cannabis Use on the public way, including but not limited to crowding on the public sidewalk, blocking of travel lanes by vehicles, or hazardous conditions. Such practices may include, but are not limited to, restrictions on the use of the public way, required pre-purchase and/or appointment-only customer service for a period of time, restrictions on the location and/or timing of loading/unloading activities, or similar measures. When granting a special permit, where applicable, the Planning Board may also include conditions pertaining to the Operations and Logistics Plan.

11.805 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) Initial Operations and Logistics Plan: Containing the information set forth in Paragraph (d) of Section 11.804 above.

(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.

11.806 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 and/or from restrictions on direct access by consumers.

(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. Cannabis Uses that are delivery-only and not permitted to operate a retail storefront should occupy minimal ground-story frontage along major retail streets and are encouraged to collocate with active uses to preserve a vibrant streetscape. Where interior activities must be screened from public view or where there is no access by customers, 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
- (g) 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
- (h) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

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

Urban Design Staff Report

Urban Design Comments

The Boston Garden (TBG) cannabis store is proposed to be located in the northern two bays of the existing early 20th century one-story retail building at 1730 Massachusetts Avenue. It will occupy the space previously occupied by Coldwell Banker. The existing building's, diverse small tenants activate the street and serve the neighborhood; the details of its façade enrich the street.

Meetings with the Applicant

Staff's discussions with the applicant's design team addressed the cast stone street facade, the north facing brick wall, mechanical equipment screening, and signage. The applicant's design team has made good efforts to address those concerns. Staff anticipates that the remaining items discussed below are resolvable during continued design review.

The Building's Mass Ave Façade and its North Elevation

The building's front façade is clad with cast stone, capped with a modulated cast stone parapet, and adorned with architectural details including highly refined cornices, dentils, trim, pilasters, and relief. The cast stone is currently painted a tan color similar to that of limestone or cast stone. The storefronts have generous transparent glass windows with metal mullions.



1730 Mass Ave today

The Boston Garden's site

1730 Mass Ave in the 1960s - Courtesy CHC staff

The paint on the precast concrete is in poor condition, with chipping and peeling at several locations; the applicant proposes to strip it. CDD and Cambridge Historic Commission (CHC) staff recommend testing a small area to verify that the exposed cast stone would have an acceptable appearance.

- Care should be taken to ensure a crisp joint between the portion of the façade to be stripped and the remaining portion of the building's façade.
- Staff suggests that consideration be given to stripping the paint from the entire street façade, not just the two bays occupied by the Boston Garden.

The building's brick north façade faces the adjoining Frederick Worcester House, a locally designated historic building currently used as an office building. It incorporates visually interesting details, and is a prominent element of the pedestrian experience due to the Worcester's building's front yard setback.

- Consideration could be given to repointing the masonry if conditions indicate.
- The north façade should remain clear of signage or paint.

Signage

The applicant proposes to replace the damaged existing sign band with a white aluminum composite material (ACM) panel extending across the width of the business's two bays, with pin-mounted black metal letters, halo lit by concealed lighting. Staff recommends:

- Continued design review of the signage to clarify its materials and methods of concealing the LED wiring and transformer.
- Exploring the alternative of two separate sign panels, one for each of the two façade bays, fitted within the depth of the cast stone wall relief panel, and separated by the existing cast stone pilaster. One sign panel could have the business's name, the other its logo.
- Using a darker color for the panel instead of white, to better relate to the color of the facade.

Storefront Windows and Entryway

The existing storefront window mullions appear to be in fair condition, and appear to be painted a light gray color to resemble clear anodized aluminum. The entry is through the existing exterior vestibule, which is recessed back from the building's front wall plane. The vestibule's flooring material appears to be ceramic tile and is slightly damaged at the edge. Staff recommends that:

- Options for improving the condition of the exterior vestibule flooring be explored, including replacing the existing flooring material and ensuring that the exterior vestibule space and flooring level is ADA/barrier free compliant for wheelchair approach and maneuvering.

Floor Plans

Interior

The proposed Boston Garden store has a generous lobby with a check-in and queuing area and well-positioned entry and exit points to and from the sales and customer pick-up areas. A wall separates the entry lobby from the sales floor, preventing views into the latter from the sidewalk. Staff recommends continued design review to address the appearance of the entry lobby as seen through the large storefront windows:

- The treatment of the entry lobby's walls, ceiling, and floor: elevations, plans, colors, and materials. Colorful themes could be explored, including music related images, artwork, or documentation of significant periods in the history of Mass Ave or Cambridge.

An indoor long-term bicycle storage area is provided in the rear of the business.

There is an indoor long-term bicycle storage area in the rear portion of the facility.

- It does not appear to meet Cambridge's clearance and dimensional standards.

Mechanical Equipment and Screening

The proposed mechanical screening for the new roof top HVAC units appears likely to be prominent: it is very close to the historic Frederick Worcester House and will probably be visible from the sidewalk due to the Worcester house's front setback.

- Staff recommends exploring options to reduce the visual impact of the mechanical equipment, including locating the equipment and its screening at least 8 feet away from the roof edge.
- Given the nearby residences and businesses, staff recommends that the mechanical screening provide acoustical absorption.

Site Plan

Parking spaces are located in the existing parking lot at the south end of the property. The parking area is accessed via the southernmost of two curb cuts on Massachusetts Avenue. (The northernmost curb cut is reserved for one-way exit traffic and access to the Cambridge Trust Company's drive-thru window.) An additional parking area wraps around the rear (west) side of the building, where the project's two service entry doors are located. The designated loading space is located in the south parking lot, and is somewhat remote from the service entry doors. The proposed short-term bicycle parking is at the northern end of the rear lot.

- The dimensions and clearances of the bicycle parking area should be checked against city standards.

There are two existing curbside street trees in front of the building, the northernmost one is in front of the storefront. A new street tree is proposed in front of the northern portion of the south parking lot.

- The difference in the caliper of the proposed tree as indicated in the narrative and on the site plan should be resolved.
- Unless there are conflicts with underground conditions or sightlines, consideration should be given to providing an additional curbside street tree in front of the southern portion of the parking lot.

There is a bed of low planting between the sidewalk and the south parking lot's northern parking zone.

- Consideration should be given to providing a corresponding planter in front of the southern parking zone, and to providing trees in both planters.

Continuing Review

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

- Possibility of stripping the paint from the precast concrete façade
- Location and screening of rooftop mechanical
- Design of signage
- Proposed tree and the possibility of additional trees and low planting, in consultation with the DPW
- Short- and long-term bicycle parking clearances and dimensions, provided on 1" = 10" scale plans
- Exterior lighting