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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: CDD Staff

Date: September 1, 2020

Re: Special Permit **PB #366, Nuestra, LLC. Cannabis Retail Store at 200 Monsignor O'Brien Highway** (parcel address -757 Massachusetts Ave)

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## Overview

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Submission Type: Special Permit Application

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Applicant: Nuestra, LLC

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Zoning District(s): Business A District (BA); Eastern Cambridge Housing Overlay (ECHO) District

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Proposal Summary: Repurpose the existing building to operate a cannabis retail store. The proposal includes renovation of 5,212 square feet of the existing building to use the first floor for the sales area and the second floor to accommodate a security vault, office area, and break room for the employees. It also includes 5 off-street parking spaces, 2 long-term bicycle parking spaces and 10 short-term bicycle parking spaces.

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Special Permits Requested: Cannabis retail store use (Section 11.800).  
*A summary of the applicable special permit findings is listed on the following page. Applicable sections of the zoning are provided in an appendix.*

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Other City Permits Needed: Updates to previously approved PTDM plan; Board of Zoning Appeal special permit to locate off-street parking spaces within five feet of side property lines.

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Planning Board Action: Grant or deny requested special permits.

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Memo Contents: Review of area planning and zoning, comments on proposal addressing planning, zoning, and urban design.

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Other Staff Reports: Traffic, Parking and Transportation Dept. (TP+T)

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Requested Special Permits	Summarized Findings <i>(see Criteria for zoning text excerpts)</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 Criteria).

## **Area Planning and Zoning**

The base zoning for the site is Business A (BA) and it is in the ECHO District. The base zoning district allows a broad range of residential and commercial uses, including retail. Cannabis retail stores are allowed under current zoning by special permit from the Planning Board.

### *Cannabis Retail Stores*

Cannabis retail stores are generally allowed in districts where other retail uses are allowed. The pertinent planning and zoning considerations for cannabis retail stores are their location relative to other cannabis retail stores and relative to schools and youth-oriented public facilities, their operational characteristics in terms of transportation for customers, employees, and products, and their façade design in relation to the character of other retail storefronts in the area. The zoning provides greater flexibility for applicants with an “Economic Empowerment” or “Social Equity” designation from the state Cannabis Control Commission to promote greater participation in the cannabis industry from communities that have been disproportionately affected by past drug enforcement policies. Cannabis retail stores are subject to the same dimensional, parking, and signage requirements as comparable retail uses within a given zoning district.

In addition to meeting the zoning requirements and special permit criteria summarized on the preceding page, cannabis retail stores must be properly licensed by the state Cannabis Control Commission. A host community agreement is required under state regulations for both medical and non-medical cannabis establishments. Special permits are unique to a particular cannabis retail store (i.e., not transferrable to a different operator).

## **Comments on Proposal**

### *Consistency with Planning and Zoning*

This is the eleventh special permit application for a cannabis retail store made after the City Council adopted amendments to cannabis zoning that address both medical and non-medical cannabis establishments within the city. The application mentions that the applicant Nuestra, LLC is an Economic Empowerment Applicant. The Board previously granted a special permit for a Registered Marijuana Dispensary (RMD) as a medical establishment at this location for another applicant (Ascend Mass, LLC) in February, 2019, but that special permit has not been acted upon. This new proposal is for an adult use, non-medical establishment.

The existing building is currently conforming with regard to dimensional requirements and no dimensional changes are proposed. The building was formerly a retail carpet store with associated office space above. The proposed establishment will be a cannabis retail store with separate building entrance and exit on Monsignor O’Brien Highway. The store will be operational between 10 am and 9 pm on Monday to Saturday and 12 pm to 8 pm on Sunday. The application does not indicate the location from which the products will be supplied. For initial operations, the applicant suggests limiting service to scheduled appointments and utilizing a queue management system to facilitate efficient operations and reduce impact on the public realm. The Logistics Plan indicates that police details will be employed for the first month of operation. It is unclear for how many months appointment-only service is proposed when the facility is operational.

The summary form included in the Logistics Plan and floor plans indicate that the maximum capacity of the sales area is 40 and the maximum capacity of the waiting area is 10. The summary form records maximum number of employees on-site at a time as 8, whereas the plans show a higher number with 8 sales counters and additional staff for security.

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***Additional Information Requested:***

- Confirm that the proposed cannabis retail store shall not be used as a distribution point for home deliveries.
  - Confirm the number of months proposed for appointment-only service when the facility is operational.
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*Location*

This site is not within 1,800 feet from other permitted cannabis establishments. The project narrative materials indicate that the site is 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.

*Transportation, Loading and Service*

The application includes a transportation logistics plan by Hayes Engineering, Inc. The Traffic, Parking and Transportation (TP&T) Department is reviewing the analysis and comments are provided in a separate memo. The key considerations for the Planning Board will be whether or not the proposed cannabis retail store might have substantially different transportation impacts than a comparably-sized retail establishment.

Under the current zoning, an establishment of this size would be required to have at least six, but no more than twelve off-street parking spaces, two long-term bicycle parking spaces, and four short-term bicycle parking spaces. Since the building had a retail use in the first floor and office use in the second floor, the proposed conversion to cannabis retail store with retail use on first floor and office use on second floor will not create any change in the auto or bike parking requirements, and therefore requirements for new parking and bike parking would not be triggered. Nevertheless, there is a rationale for retaining existing parking to serve this use at this site, and staff is supportive of meeting bicycle parking requirements where they can be accommodated. The project is proposing five off-street parking spaces, 2 long-term bicycle parking spaces and 10 short-term bicycle parking spaces as was approved for the RMD. Amendments to the previous PTDM plan were approved for this project on 7/24/2020.

*Urban Design*

While the existing building is unremarkable as architecture, its basic format is positive: it provides streetwalls along the sidewalk, has large ground floor windows, and frames the parking lot courtyard. The proposed changes to the building itself are minimal, but appear to be beneficial. The project’s improvements to the public sidewalks include new street trees and a shortened curb cut for the parking lot. The improvements to the parking lot – reduced pavement, a new tree and new areas of low plantings - and the proposed rotating art displays in the storefront windows will contribute to the

project's visual interest and pedestrian engagement. The applicant will coordinate with the ongoing improvements to Msgr O'Brien Highway, including the addition of a bike lane.

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**Potential Design Improvements:**

- To expand on the project's improvements to the site and sidewalks:
    - Additional opportunities could be considered to improve the parking lot area: treating it as an inviting shaded courtyard that happens to accommodate parked cars and bicycles. More trees and low plantings, permeable pavement in the vehicular and/or pedestrian portions of the parking area, seating, and more substantial planting to screen the parking lot from the sidewalk could be considered.
    - The planting beds between the sidewalk and the parking lot could be protected by raised curbs.
    - If possible, additional street trees could be considered.
    - The ivy growing on the building's south side seems a positive both from the street and for the adjoining residence. Could it be preserved when the south façade is painted, or allowed to regrow?
  - In the customer entrance and vestibule:
    - Changes to the location of doors and the security desk could be considered to simplify queuing and customer flow, and to enhance security.
    - Options should be studied to satisfy state requirements that sight lines from the sidewalk into the product display and purchase area be blocked.
    - Entry and exit routes should be checked for ADA compliance: widths, clearances, slopes, etc.
    - Push button activated entry and exit doors should be considered.
  - Signage on the north and west facades could be considered to enhance the site's retail character.
  - Consideration could be given to incorporating painted murals on one or more of the facades.
  - The proposed system for the curation of art displays and the frequency of exhibit rotation should be documented.
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**Suggested Conditions / Continuing Review**

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

- Review of the proposed treatment of the building's façades, including colors, specifications of storefront glazing, and the design of the infill at the existing large door on the east façade.
- Review of the design of the window display areas, lighting of the displays, and the design of the "inverted windows".
- Review of the design of the proposed entrance canopy.
- Review of any proposed mechanical equipment on the rooftop, façade or exterior of the building, and the height, material, and color of its screening.
- Review of exterior signage, lighting, and other security features that may be required by state regulations.

- Proposed outdoor lighting should be designed to conform to the guidelines recommended in the proposed Cambridge Outdoor Lighting Ordinance.
- Review by city staff of potential locations for additional street trees and trees in the parking area, and of tree planting standards.
- Coordination with city staff and Mass DOT on changes to Monsignor O'Brien Highway, including the construction of the bicycle lane, tree planting, locations of catch basins, etc.
- Review of dimensions and clearances at the bicycle parking racks.
- Review of the color of the bicycle storage containers.
- Review of tree species and planting standards, including the sizes of tree pits and gratings.

In addition, if the Board decides to grant the special permit, it should be conditioned on the following requirements set forth in the Zoning Ordinance:

- Pursuant to Section 11.802.2, the Permittee shall maintain all required state and local licenses and/or registrations and comply with all applicable state and local public health regulations and all other applicable laws, rules and regulations at all times. In particular, the Permittee shall execute a Host Community Agreement with the City of Cambridge pursuant to the regulations of the Massachusetts Cannabis Control Commission and shall have received a Cannabis Business Permit pursuant to the Cambridge Cannabis Business Permitting Ordinance prior to the issuance of a Certificate of Occupancy.
- Pursuant to Section 11.802.3, the special permit shall be valid only for the original Applicant and shall expire on the date the Permittee either ceases operation of a Cannabis Retail Store, or the Permittee's License or Certificate of Registration expires or is terminated by the CCC. Any change in the majority ownership of the Cannabis Retail Store from the original application, including without limitation a takeover, merger, sale of assets and equity, or sale to another entity resulting in a majority of the individuals initially disclosed under 935 CMR 500.002 as Controlling Persons failing to maintain a controlling equity interest, shall be reported to the Commissioner of Inspectional Services Department for purposes of determining whether the change in ownership requires a new special permit or modification of the existing permit for the succeeding owner of the Cannabis Retail Store.