



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: 10/19/2021

Re: Special Permit **PB-384, 98 Winthrop Street**

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Overview

Submission Type:	Special Permit Application
Applicant:	Western Front, LLC
Zoning District(s):	Business B; Harvard Square Overlay District
Proposal Summary:	Repurpose 1,589 square feet of the first floor 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:	Traffic, Parking and Transportation Dept. (TP+T) in separate document.

Requested Special Permits	Required Planning Board Findings (Summary - see appendix for zoning text excerpts)
Cannabis Retail Store Special Permit (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)	<p>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:</p> <p>(a) It appears that requirements of this Ordinance cannot or will not be met, or</p>

	<p>(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or</p> <p>(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</p> <p>(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</p> <p>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</p> <p>the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.</p> <p>Where a special permit is required for a Retail or Consumer Service Establishment listed in Section 4.35 or 4.36 of this Zoning Ordinance, the special permit granting authority shall consider the following factors when evaluating the criteria in Section 10.43:</p> <p>(a) Anticipated delivery and loading operations, their potential impacts on neighboring uses and the overall neighborhood, and the extent to which those impacts are mitigated;</p> <p>(b) The extent to which neighboring uses would be impacted by environmental nuisance such as dust, fumes, odors, smoke, vapors, noise, vibration, flashing, light trespass, or glare, and the extent to which those impacts are mitigated;</p> <p>(c) The extent to which storefronts and other elements of the façade visible to the public are compatible with the visual character of the surrounding area and conform to the City’s urban design objectives for retail uses in the area; and</p> <p>(d) Where citywide or neighborhood plans have been published by the City that identify types of retail uses that are preferred or desirable in the area, such plans may be considered in support of such identified uses where they are proposed.</p>
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Zoning Report: **PB-384, 98 Winthrop Street**

Area Planning and Zoning

Site Context

This site is located in Harvard Square between JFK Street and Eliot Street, near Winthrop Park (see Figure 1). The area is comprised of a mix of retail and office uses with many restaurants, including both quick-service and sit-down establishments. This section of Winthrop Street is a “shared street,” meaning that pedestrians have the right-of-way, the sidewalk and curb are flush with the roadway, and the street is closed to vehicles from 11 a.m.-2 a.m.



Figure 1. Aerial photograph of the area surrounding 98 Winthrop Street. (Source: Nearmap, March 27, 2021)

Site Zoning

The base zoning for the site is Business B (BB), which allows a broad range of residential and commercial uses, including Cannabis Retail Stores by Planning Board special permit. The site is also in the Harvard Square Overlay District (HSOD), which modifies the base zoning and requires review of special permits by the Harvard Square Advisory Committee, whose report is attached to this memo. The site is also in the Harvard Square Conservation District, which is administered by the Cambridge Historical Commission (CHC) and is subject to regulations outside of the Zoning Ordinance.

Area Plans and Studies

The Harvard Square Overlay District (HSOD) was created in 1986, following a planning study that established development goals and guidelines for the area. The HSOD is identified as an “Area of Special Planning Concern,” where development is subject to additional scrutiny. The zoning for HSOD was recently amended in 2020, concurrent with a study of the Harvard Square Conservation District that was conducted by the CHC.

The specific design guidelines for Harvard Square are included in the appendix, and include encouraging strong retail frontage, providing visual interest and pedestrian orientation in storefront design, and taking advantage of existing public transportation. This site is located in Subdistrict D: Winthrop Square/JFK Street. For this subdistrict, the Final Report of the Harvard Square Conservation District Study Committee states, “New proposals for signage should follow the general design guidelines for the district, but it would not be out of character for signs in this subdistrict to be more dynamic than in the quieter subdistricts of the Square such as the Gold Coast.” The report also notes, “The important 18th and 19th century houses at 96, 98, and 106 Winthrop Street are underdeveloped but are largely protected as individual landmarks or through preservation restrictions. Further development of these sites should be sensitive to the limitations of the small, wood-frame houses.”

Comments on Proposal

Project Description

The applicant proposes to operate a Cannabis Retail Store in the vacant retail space in the rear of 98 Winthrop Street. This space formerly housed Healthy Pharms, a Registered Marijuana Dispensary, which received a special permit from the Planning Board in 2017 ([PB-325](#)). The applicant does not propose to make any physical alterations to the building besides installing signage and lighting. The other use located in the building, The Red House restaurant, will continue operation. The same applicant received a special permit from the Planning Board in 2019 to operate a Cannabis Retail Store at 567 Massachusetts Avenue ([PB-351](#)).

The applicant does not propose to cultivate or process cannabis products on site. They do not currently plan on offering home delivery, though they would like flexibility to do so in the future. To that end, the applicant requests that the Planning Board allow the Traffic, Parking, and Transportation Department (TP&T) to administratively review any future proposals to the Transportation Logistics Plan to include home delivery.

The Cannabis Retail Store will have a separate building entrance off the side of the building that is set back approximately 20 feet from Winthrop Street and distinct from the entrance for The Red House. Since store operations will take place behind the restaurant space, the restaurant frontage will effectively screen the Cannabis Retail Store.

The store will be operational between 9 a.m. and 10 p.m. seven days a week. The applicant proposes to schedule deliveries to occur before 11 a.m. on randomized days three times a week. Deliveries will be conducted by two Registered Marijuana Agents, one of whom will remain in the vehicle while the other is escorted into the facility. Deliveries will occur on Winthrop Street in front of the store. Any refuse

containing cannabis- or marijuana-infused products will be stored securely onsite within the facility vault until it can be brought back to the cultivation facility for disposal.

The applicant proposes to allow customers to pre-order items online and to schedule appointments, though they do not suggest limiting service to scheduled appointments for initial operations. All customers will be required to review and sign a Community Norms Agreement, which will place an emphasis on respecting Winthrop Park. The applicant indicates that private security will be employed for the first month of operation.

Consistency with Planning and Zoning

Location

According to Section [11.803.1\(b\)](#) of the Zoning Ordinance, a Cannabis Retail Store is not allowed to be within 1,800 feet of another Cannabis Retail Store, unless 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. The Planning Board recently granted a special permit for a Cannabis Retail Store nearby at 57 JFK Street ([PB-376](#)). However, since the applicant is an Economic Empowerment Applicant, the 1,800-foot separation requirement between Cannabis Retail Stores does not apply.

Similarly, Section [11.803.3](#) of the Zoning Ordinance requires a Cannabis Retail Store to be sited at least 300 feet away from a pre-existing public or private school and a pre-existing public children's playground, public youth athletic field, or public youth recreation facility. The project narrative materials indicate that the site is not within 300 feet of an existing school or a public children's playground, youth athletic field, or youth recreation facility.

Transportation, Loading and Service

The application includes a transportation logistics plan prepared by the applicant. TP&T 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.

It is unclear if the applicant is proposing to provide off-street parking. The dimensional form shows that two off-street parking spaces will be provided; however, the application narrative indicates that there will be no off-street parking. Per [Section 6.32.1](#), a new business in an existing building is not required to create additional parking spaces.

The applicant proposes to create two long-term bicycle parking spaces inside the building and to make a contribution to the Public Bicycle Parking Fund per [Section 6.104.2](#) in lieu of providing short-term bicycle parking on site. According to Section [6.103.1\(c\)](#), the applicant is not required to provide bicycle parking because the use conversion will not increase the bicycle parking space requirement by 15% or more. Staff strongly encourages applicants to match the bicycle parking requirements as if it were a new construction project and try to be consistent with what other similar projects have done.

Continuing Review

The following is a summary of issues that may be addressed further at the public hearing, or may be incorporated into conditions for continuing design review by staff if the Board decides to grant the special permit:

- Revise the dimensional form to reflect the number of off-street parking spaces that will be provided.

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.



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Urban Design Report: **PB-384, 98 Winthrop Street**

Urban Design Comments

The original portion of the existing building—a small wooden gem that offers an intriguing contrast in scale and materials to the more recent buildings of Harvard Square and a visible connection to the Square’s history—is enveloped on its sides and rear by a one-story flat-roofed addition. In the front of the building an existing restaurant faces Winthrop Street; the proposed Cannabis Retail Store is in the rear. A narrow paved courtyard/walkway along the east side of the building leads from Winthrop Street to the facility’s entry door, which constitutes the entirety of its ground-floor street-facing facade. The proposed security check point is located just inside the entry door; from there a corridor continues back to the sales area. The business’s office space is proposed on the second floor of the original building, accessed by a stair from the entry corridor. Due to the setback of the entry door and the length of the corridor, it appears that the sales area will not be visible from Winthrop Street.

A Registered Marijuana Dispensary was approved and fitted out a few years ago in the rear portion of the building. The changes to the building’s exterior in the current application are limited to new identifying signage, lighting, and security cameras; the visual impact of the proposed facility will be minimal.

- The proposed location of the security checkpoint just inside the entry door severely limits the space available for customers to queue inside the buildings before they pass the security checkpoint. The applicant proposes that queuing instead take place between the security checkpoint and the sales floor. Additionally, they intend to use an interactive appointment software application to prevent lines from forming in the outdoor walkway and on Winthrop Street, and will also station an employee outside the building entrance to help manage customer traffic and prevent lines. Staff is concerned that the latter may be ineffective and difficult to maintain, especially during winter months. Consideration should be given to moving the security checkpoint deeper into the building so that the interior corridor could serve as pre-security queuing space.
- Two long-term bicycle parking spaces are provided for employees, the area and clearances provided do not appear to meet the city’s requirements.
- There appears to be existing rooftop mechanical equipment. It is not shown on the roof plan. The applicant should verify whether changes are proposed to it.

Continuing Review

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

- Review by the CDD and the Cambridge Historical Commission of any changes to the building exterior.

- Long term bicycle parking - review of a 1" = 10' plan.
- Signage.
- Exterior lighting, with reference to the standards in Cambridge's Draft Outdoor Lighting Ordinance to minimize light pollution and light trespass.
- Review of any changes needed to improve accessibility.
- Review of any changes to mechanical equipment, with particular attention to noise levels and visual and acoustical screening.