

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the City of Cambridge are hereby amended in Section 11.30 entitled "Fast Order Food Establishments" and in Article 2.000 entitled "Definitions" which reads as follows:

Definitions

Fast Order Food. Food which is (a) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, (b) available upon a short waiting time, and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast Order Food Establishment.

A SPECIFIC operation SEPARATE AND DISTINCT FROM ANY OTHER OPERATION IN THE LOCATION OCCUPIED AND IN THE KIND OF FAST ORDER FOOD SOLD, AND WHICH:

(a) HAS AS ITS PRIMARY BUSINESS THE sale to the public OF Fast Order Food for consumption on or off the premises, and

(b) does not meet all of the following conditions:

(1) provision of nondisposable plates, cups and utensils to all patrons,

(2) availability OF printed individual menus for all patrons,

(3) provision of at least seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and

(4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on the premises.

Section 11.30

Fast Order Food Establishments

11.31

In considering applications for special permits for Fast Order Food Establishments and Automobile Oriented Fast Order Food Establishments, the Board of Zoning Appeal shall FIND, in addition to the other criteria specified in Section 10.40, THAT the following REQUIREMENTS ARE MET:

(a) The OPERATION OF THE establishment shall not:

(i) CREATE TRAFFIC PROBLEMS,

(ii) reduce available parking,

(iii) threaten the public safety in the streets and sidewalks, or

(iv) ENCOURAGE OR PRODUCE DOUBLE PARKING ON THE ADJACENT PUBLIC STREET(S).

- (b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location;
- (c) The establishment fulfills a need for such a service in the neighborhood or in the city;
- (d) The establishment will attract patrons primarily from walk-in trade as opposed to drive-in or automobile related trade; **HOWEVER, SHOULD THE BOARD SPECIFICALLY FIND THAT THE DISTRICT OR AREA WITHIN WHICH THE ESTABLISHMENT IS PROPOSED TO BE LOCATED DOES NOT HAVE SIGNIFICANT PEDESTRIAN TRAFFIC, THIS REQUIREMENT NEED NOT BE MET.**
- (e) The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for consumption thereof;
- (f) The establishment shall provide convenient, suitable and well marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils and other items provided with the sale of food; and
- (g) The establishment complies with all state and local requirements applicable to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.

Sections 11.32, 11.32.1, and 11.32.2 as in current ordinance.

11.33

A special permit issued for a fast order food establishment hereunder may be utilized only by the owner or operator of such

establishment AS DESCRIBED IN THE APPLICATION DOCUMENTS OR AS THOSE DOCUMENTS MAY BE MODIFIED BY THE CONDITIONS OF THE SPECIAL PERMIT AS GRANTED.

IN GRANTING A SPECIAL PERMIT UNDER THIS SECTION 11.30 THE BOARD SHALL SPECIFICALLY DETAIL IN ITS DECISION THE KIND OF FAST ORDER FOOD FOR WHICH THE PERMIT IS GRANTED AND SHALL ALSO IDENTIFY THOSE OTHER ASPECTS OF THE ESTABLISHMENT AS OUTLINED IN THE APPLICATION DOCUMENTS FOR WHICH ALTERATIONS WILL REQUIRE THE ISSUANCE OF A NEW SPECIAL PERMIT.

In City Council September 14, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 6; Nays 0;
Absent 1; Present 2.

Robert W. Healy, City Manager.

ATTEST:-

D. Margaret Drury
City Clerk



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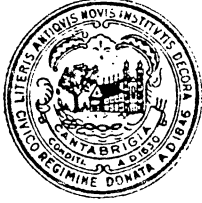
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D. Margaret Drury
City Clerk



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In City Council September 14, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 6; Nays 0;
Absent 1; Present 2.

Robert W. Healy, City Manager.

ATTEST:-

D. Margaret Drury
City Clerk

964
2400

PETITION OF Councilman Duchay,

re East Order Road Establishment

Petition filed with the City Clerk June 8, 1992

(all hearings to be completed 65 days from In City Council date)

30 days June
31 days July
4 days Aug

65 days = Aug 4, 1992.

In City Council June 8, 1992

Referred to the Planning Board for report June 8, 1992

Planning Board Hearing _____

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be Sept. 28, 1992.)

31 days July
31 days Aug
28 days Sept

90 days = September 28, 1992

City Council hearing published Tab on June 15 edition comes out June 16th (dated)
Chronicle and June 24, 1992

Hearing before the Ordinance Committee June 30, 1992 @ 5:30 p.m.

Reported to the City Council Aug 3, 1992

Passed to a second reading on Aug 3, 1992

published in Chronicle on Aug. 13, 1992

Planning Board report received on Sept. 14, 1992

Ready for ordination on Sept. 14, 1992

Passed to be ordained on Sept. 14, 1992

published in Chronicle on Sept. 17, 1992

COMPLETION DATE September 28, 1992

Copy sent to: DCA, City Solicitor, Law Dept, Community Development, Inspectional Services 9/17/92 (C)



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

September 17, 1992

Department of Community Affairs
Commonwealth of Massachusetts
100 Cambridge Street
Room 904
Boston, MA 02202

Dear Sir:

Enclosed you will find a copy of a proposed amendment to the Zoning Ordinances of the City of Cambridge which was passed to be ordained as amended at the City Council meeting held on September 14, 1992 to amend Fast Order Food Establishments.

This amendment is being sent to you pursuant to the provisions of Chapter 808 of the Acts of 1975.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dl

Enc. Ordinance # 1143

c.c. Les Barber
Office of the Attorney General



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

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In City Council September 14, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 6; Nays 0; Absent 1; Présent 2.

Robert W. Healy, City Manager.

ATTEST:-

D. Margaret Drury
City Clerk



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

September 17, 1992

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find a copy of a proposed amendment to the Zoning Ordinances of the City of Cambridge which was passed to be ordained as amended at the City Council meeting held on September 14, 1992 to amend Fast Order Food Establishments.

Would you kindly review this amendment and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

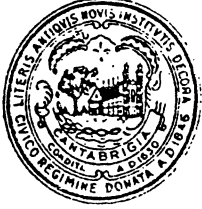
D. Margaret Drury

D. Margaret Drury
City Clerk

DMD/dl

Enc. Ordinance # 1143

c.c. Councillor Wolf, Chair, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

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Robert W. Healy, City Manager.

ATTEST:-

D. Margaret Drury
City Clerk



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

August 10, 1992

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find copies of two proposed amendments to the Municipal Code of the City of Cambridge which were passed to be ordained as amended at the City Council meeting held on August 3, 1992 as follows:

1. Enforcement of the State Sanitary Code.
2. Street Performers.

Enclosed you will find also a proposed amendment to the Municipal Code which was passed to a second reading at the City Council meeting of August 3, 1992 relative to Domestic Partnerships.

Enclosed also are copies of two proposed amendments to the Zoning Ordinances which were also passed to a second reading at the City Council meeting of August 3, 1992 as follows:

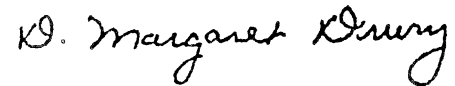
1. Fast Order Food Establishments.
2. Kendall Square zoning amendment.

Finally, enclosed is a copy of the Kendall Square Plan Amendment # 3 which was also passed to a second as amended at the City Council meeting of August 3, 1992.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury
Temporary City Clerk

DMD/dl

Encs. (6) Ordinance # 1141, 1142, First publication # 2598, 2597, 2600 & 2599.

c.c. Councillor Wolf, Chair, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

Sections

- 8.60.010 Declaration of Emergency
- 8.60.020 Definitions
- 8.60.030 Administrative Citations; Issuance
- 8.60.040 Repairs
- 8.60.050 Extensions
- 8.60.060 Fines for Failure to Repair
- 8.60.070 Appeals of Fines
- 8.60.080 Failure to Pay Fine
- 8.60.090 Effect of Fines in Subsequent Actions
- 8.60.100 Revenues Generated
- 8.60.110 Regulations
- 8.60.120 Construction
- 8.60.130 Severability
- 8.60.140 Effective Date

8.60.010 Declaration of Emergency

A serious public emergency exists in the City of Cambridge with respect to residential premises which are in violation of the State Sanitary Code, causing many citizens to live in unsafe conditions. The legal remedies available to the Inspectional Services Department in enforcing this code, as well as other applicable state laws and regulations, are insufficient to encourage timely repair of rental properties. Owners often avoid repairing sub-standard properties, thereby endangering the lives, safety, and property of tenants and severely limiting the ability of many people to remain in their homes safely.

In order to provide the Inspectional Services Department with the remedies necessary to effectively carry out its mandate under state law, to guarantee tenants of the City of Cambridge housing which complies with the State Sanitary Code and other applicable laws and regulations, and to encourage owners to maintain the buildings they own in compliance with this code, laws and regulations, the Cambridge City Council, in the exercise of its powers under Section 6 of the Home Rule Amendment, hereby enacts this ordinance under which administrative citations are issued to owners who violate the State Sanitary Code.

8.60.020 Definitions

(A) "Administrative Citation" means a notice issued to an owner by the Inspectional Services Department, pursuant to this Chapter, which provides a statement of the terms under which the owner may be fined for failure to remedy violations of the State

Sanitary Code and a statement of the owner's right to appeal the issuance of the administrative citation and/or fine.

(B) "Dwelling" means every building or shelter including but not limited to rooming houses and temporary housing used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to effect noncompliance with the provisions of 105 CMR 410.000.

(C) "Dwelling Unit" means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

(D) "Inspectional Services Department" means the legally designated health authority for the City of Cambridge, authorized by Chapter 84 of the Acts and Resolves of 1983, to enforce the State Sanitary Code through the inspection of rental units for violations of the code and the implementation of mechanisms to ensure compliance with repair orders.

(E) "Occupant" means every person over one year of age living or sleeping in a dwelling or dwelling unit.

(F) "Owner" means every person who alone or severally with others (a) has legal title to any rental unit, or parcel of land, vacant or otherwise, including a mobile home park; or (b) has care, charge or control of any dwelling, rental unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent,

executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession; or (d) agent, trustee or other person appointed by the courts; (e) any officer or trustee of the association of unit owners of a condominium; (f) a bank or other lending institution in possession as a result of foreclosure; or (g) any person who operates a rooming house. The term "owner" includes landlords and lessors.

(G) "State Sanitary Code" means the State Sanitary Code, Code of Massachusetts Regulations codified at 105 CMR 400.00 - 419.00, adopted under the authority of Massachusetts General Laws, Chapter 111, §3 and §127A as it may be amended from time to time.

8.60.030 Administrative Citations; Issuance

(A) Whenever the Inspectional Services Department finds any violation of any provision of the State Sanitary Code it shall issue, in addition to its order to make repairs, an administrative citation against the owner according to the procedures set out in this Chapter.

(B) The administrative citation shall incorporate by reference the order to make repairs and shall contain the following information:

- (1) the date of the inspection;
- (2) the amount of fine which shall be assessed against the owner if the violation or violations are not remedied within the time set out in the order to make repairs as well as the rate

at which the fine shall escalate pursuant to Section 8.60.080 (B) of this Chapter;

(3) the manner in which the owner may pay any fine assessed in accordance with the provisions of this Chapter; and

(4) a description of the owner's appeal rights with respect to the issuance of the administrative citation and of any fine.

(C) The administrative citation shall be served on the owner, along with any orders to make repairs, in accordance with the provisions of the State Sanitary Code;

(D) A copy of the administrative citation shall also be served on the occupants of the dwelling or dwelling unit in which violations have been found and shall be posted in the common areas of the dwelling. If violations of the State Sanitary Code are found in the common areas of any dwelling, a copy of the administrative citation shall be served on each and every tenant of the dwelling.

(E) The Inspectional Services Department shall send a copy of the administrative citation to the mortgagee of the property. The City shall request that the mortgagee seek to cure, through all applicable provisions of its mortgage, except through foreclosure or increase in interest rates, any and all violations of Article II of the State Sanitary Code of which it has been so notified.

(F) A copy of the administrative citation shall be retained by the Inspectional Services Department and be available for public inspection and copying.

8.60.040 Repairs

(A) An owner shall make any and all repairs necessary to remedy any violations found by the Inspectional Services Department within the time stated on the order to make repairs, unless he or she requests a hearing pursuant to the hearing regulations of the State Sanitary Code.

(B) The Inspectional Services Department shall, within five days after the dates for compliance specified in an order to repair issued pursuant to 105 CMR 410.830, make an on-site inspection to determine whether there has been compliance with its order. This inspection shall be made within 24 hours of the dates for compliance specified in an order, however, if one or more of the violations or conditions cited in the order to repair are determined to be conditions which may endanger the health or safety, and well being of the occupant(s) as defined in 105 CMR 410.750. An inspection under 105 CMR 410.830 shall comply with the requirements of 105 CMR 410.822.

(C) If, upon re-inspection, it is determined that the Owner has remedied the violations cited in the order to make repairs, the administrative citation shall note this finding and shall be filed with the Inspectional Services Department.

(D) Copies of the administrative citation indicating that the violation has been remedied and no fine has been assessed shall be served on the same individuals who received notice of the initial administrative citation. This notice shall be served within five days of the re-inspection.

(E) If, upon re-inspection, it is determined that the owner has failed to remedy the violations cited, this shall be noted on the administrative citation and a fine shall be assessed against the owner in accordance with the terms of Section 8.60.060. of this Chapter.

(F) Copies of the administrative citation noting the assessment of a fine for failure to remedy the violations cited shall be served on the same individuals who received notice of the initial administrative citation within five days of the fine being assessed against the owner.

8.60.050 Extensions

(A) An owner who has made a good faith effort to remedy any violations cited in an order to make repairs and an administrative citation may apply to the Inspectional Services Department for an extension of the time set for making repairs by requesting a hearing under the hearing provisions of the State Sanitary Code.

(B) A good faith effort shall be found to exist only if the owner provides evidence that the repairs cannot be completed within the required time. Such evidence shall be in the form of at least two written estimates from outside professionals, one of which the owner has accepted in writing, stating when the repairs will be made.

(C) In any case where an extension has been granted for the remedying of any violation, a new date shall be set by the Inspectional Services Department by which the owner shall remedy the violation and a re-inspection shall take place in accordance

with Section 8.60.040 (C) through (F) of this Chapter.

(D) No extensions shall be granted in any case where an owner has received a fine for the same or similar violations in the same unit within the twelve month period immediately preceding issuance of the current administrative citation except where the owner has been granted an extension pursuant to this Section 8.60.050 for any such current administrative citation.

(E) In no event shall the time frame for repairs including any extensions be greater than ninety days from the date of issuance of the order to make repairs except where the owner has been granted an extension pursuant to this 8.60.050.

8.60.060 Fines for Failure to Repair

(A) If an owner fails to remedy a violation cited in an order to make repairs within the allotted time, or fails to remedy the violation within the time set out in any extension granted under Section 8.60.050 of this Chapter, or fails to file a timely appeal, a fine shall be assessed against the owner.

(B) Notice of the assessment of a fine shall be served on the owner in accordance with the notice provisions of the State Sanitary Code.

(C) Notice of the fine shall be served on the same individuals who received notice of the initial administrative citation.

(D) The amount of the fine shall be set according to the following schedule:

(1) \$100.00 per day for each violation referred to in

105 CMR 410.830 (A) and required to be corrected within twenty-four hours; or

(2) \$10.00 per day for each violation referred to in 105 CMR 401.830 (B) and required to be repaired in an amount of time determined by the Inspectional Service Department but, in any event, no more than thirty days.

(E) If a court with either civil or criminal jurisdiction determines that an extension of time for making repairs is appropriate and so orders pursuant to Section 8.60.050, then during the time of the extension, no fines or other penalties under this Chapter shall accrue.

8.60.070 Appeals of Fines

(A) An owner or occupant who is aggrieved by the issuance of a fine or by the failure of the Inspectional Services Department to fine an owner pursuant to this Chapter may appeal to the Inspectional Services Department according to the following procedures:

(1) An appeal shall be filed within ten days of the date of the action appealed from;

(2) The appeal shall be in writing and shall state, in detail, the grounds for the appeal;

(B) The filing of a timely appeal shall stay the effect of the fine but shall not stay the owner's obligation to repair any violations cited.

(C) A hearing shall be held on the appeal following the same procedures available in an appeal of the issuance of an order to

make repairs which are set out in 105 CMR §§ 410.850 and 410.860, except that any appeal to court shall be governed by the provisions of Massachusetts General Laws, Chapter 30A.

(D) Nothing in this section shall be construed to affect or impair the right to appeal the issuance of an order to make repairs.

8.60.080 Failure to Pay Fines

(A) Notice of a fine which has been issued pursuant to Section 8.60.060 of this Chapter shall be served on the owner and on the occupants who receive notice of the initial administrative citation.

(B) In addition, the owner shall be given notice that the fine shall automatically double if any violation cited in the administrative citation is not remedied within two weeks of service of the notice of the fine and shall automatically triple if any violation is not remedied within one month of service of the notice of the fine.

(C) Any person aggrieved by the failure of the City of Cambridge to take such enforcement action, may seek injunctive relief in the district or superior court pursuant to Massachusetts General Laws, Chapter 214 and 218, §19C to require action by the City of Cambridge in accordance with its enforcement obligations under this section.

8.60.090 Effect of Fine In Subsequent Court Actions

(A) A copy of the administrative citation indicating that a fine has been issued as a result of the owner's failure to remedy

a violation cited in the administrative citation shall be prima facie evidence of a violation of Massachusetts General Laws, Chapter 111, §127A et seq. and Chapter 239, §8A in any legal action by or against the owner.

8.60.100 Revenues Generated

(A) Each fiscal year the City Manager shall determine an accounting of the revenues generated by the implementation of this ordinance in excess of the cost of administration and shall make a recommendation in the budget presented to the City Council for an appropriation of said funds to the appropriate city department or agency so that said revenues will be directed toward the repair or rehabilitation of deteriorated dwellings or dwelling units in the city.

8.60.110 Regulations

The Commissioner of Inspectional Services shall promulgate regulations consistent with the terms of this Chapter and any applicable state laws and regulations.

8.60.120 Construction

Nothing in this Chapter shall be construed to conflict with the provisions of Massachusetts General Laws, Chapter 111, § 127A, et seq. governing the authority and conduct of the Inspectional Services Department or with any other law or regulation governing the rights and obligations of owners and tenants in the Commonwealth Of Massachusetts.

8.60.130 Severability

The provisions of this Chapter are severable. If any section

or sections are declared invalid by a court of competent jurisdiction, the invalidity shall not affect the validity of any remaining section or sections.

8.60.140 Effective Date

The provisions of this Chapter shall take effect three months from the date of its enactment.

In City Council August 3, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 5;
Nays 3; Absent 0. Present 1.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

Section 12.16.170 entitled "Street Performers" of the Municipal Code is hereby amended as follows:

That Paragraph E. entitled "Permitted Performances, subparagraph 3. is amended to read as follows:

- 3(a) No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90} .
- 3(b) Drums shall be inaudible at a distance of 150 feet.

In City Council August 3, 1992.

Passed to be ordained as amended by a ye and nay vote:- Yeas 5; Nays 3; Absent 0; Present 1.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.119 entitled "Domestic Partnerships" which reads as follows:

CHAPTER 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them:

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

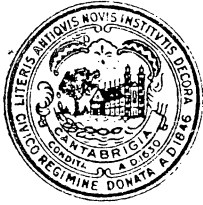
D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

Passed to a second reading at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the City of Cambridge are hereby amended in Section 11.30 entitled "Fast Order Food Establishments" and in Article 2.000 entitled "Definitions" which reads as follows:

11.30 FAST ORDER FOOD ESTABLISHMENTS

11.31 (revised) In considering applications for special permits for Fast Order Food Establishments and Automobile Oriented Fast Order Food Establishments, the Board of Zoning Appeal shall give consideration, in addition to the other criteria specified in Section 10.40, to the following criteria:

- (a) The operation of the establishment shall not (i) increase motor vehicle traffic in the area, (ii) reduce available parking, or (iii) threaten the public safety in the streets and sidewalks;
- (b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location;
- (c) the establishment fulfills a need for such a service in the neighborhood or in the city;
- (d) The establishment will attract patrons primarily from walk-in trade as opposed to drive-in or automobile related trade;
- (e) The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for the consumption thereof;
- (f) The establishment shall provide convenient, suitable and well-marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils and other items provided with the sale of food; and
- (g) The established complies with all State and local requirements applicable to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.

11.32 }

11.32.1 } same as current zoning

11.32.2 }

11.32.3 A special permit issued for a fast order food establishment hereunder may be utilized only by the owner or operator of such establishment as described in the application document, and any successor owner or operators of that establishment. No rights

under such special permit may be transferred, assigned or otherwise conveyed to the owner or operator of a different fast order food establishment, regardless of where it is located.

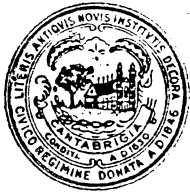
ARTICLE 2.000 - DEFINITIONS [revised]

Fast Order Food. Food which is (a) cooked on the premises or maintained thereon in a heated condition, (b) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, (c) available upon a short waiting time, and (d) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast Order Food Establishment. An operation in a building, including all adjoining and contiguous areas in the same building, used for the primary purpose of offering for sale to the public Fast Order Food for consumption on or off the premises, which operation does not meet all of the following conditions: (1) provision of non-disposable plates, cups and utensils to all patrons, (2) availability to printed individual menus for all patrons, (3) provision of at least seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and (4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on the premises.

Passed to a second reading as amended at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:
That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

1. Article 14.00 of the Zoning Ordinance of the City of Cambridge is hereby amended by deleting clause (5) of Section 14.32.2 and by substituting in lieu thereof the following:

"(5) Entertainment, recreational, institutional, transportation, communication and utility uses permitted by Sections 14.21.5, 14.21.6 and 14.21.7 and additional development of industrial, office, retail, consumer service and hotel/motel uses exceeding the foregoing cumulative GFA limitations of paragraphs (1), (2), (3), and (4b) above: Cumulative GFA=1,473,000 square feet."

Nothing herein shall affect or increase the maximum aggregate GFA of development in the District stated in Section 14.32.1.

2. Article 14.00 of the Zoning Ordinances of the City of Cambridge is hereby further amended by adding to "Table 2: Open Space Substitutions for Constructing Pedestrian Ways" in Section 14.45.1 thereof, the following:

"Roof-top Pedestrian Deck"	"50 sq. ft. or 2.5 sq. ft. for each 1 sq. ft. of total area provided, whichever is greater"
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3. Article 14.00 of the Zoning Ordinances of the City of Cambridge is hereby further amended by deleting the first two lines of Section 14.45.2 and substituting therefor the following:

"The pedestrian ways listed in Table 2 shall be designed to provide for public access (except in the case of a roof-top pedestrian deck) and shall have the following meanings:"

4. Article 14.00 of the Zoning Ordinances of the City of Cambridge is hereby further amended by adding to the list of meanings in Section 14.45.2, the following:

"(8) A roof-top pedestrian deck is a continuous, open platform at least twenty (20) feet in width which is at least fifteen (15) feet above the mean elevation of the lot and which is built in whole or in part on or over the roof of a structure providing any of the uses as permitted by Section 14.21. Such roof-top pedestrian deck may also extend in part over a street, pedestrian way, access or service road or open space within a lot or between two adjacent lots. It shall have pedestrian access from one or more abutting buildings, either directly from the buildings or otherwise, shall provide seating facilities, and shall be landscaped with appropriate materials which shall include plantings."

5. Article 14.00 of the Zoning Ordinance of the City of Cambridge is hereby further amended by deleting Section 14.60 in its entirety and by substituting in lieu thereof the following:

"14.60 - Signs

"During the life of the Kendall Square Urban Renewal Plan, as amended, the sign regulations of Section 7.10 shall not be applicable in the MXD District."

Passed to a second reading at the City Council meeting of August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk

City of Cambridge

PROPOSED AMENDMENT TO KENDALL SQUARE URBAN RENEWAL PLAN

WHEREAS: Cambridge Redevelopment Authority desires to modify, as hereinafter set forth, certain provisions of the urban renewal plan known as the Urban Renewal Plan, Kendall Square Urban Renewal Area, Project No. Mass R-107", as heretofore amended; now therefore be it

RESOLVED: That said Plan is hereby further modified as follows:

1. Section 402(a) of the Plan is hereby amended by deleting the seventh paragraph thereof and by substituting in lieu thereof the following:

"Entertainment, recreational, institutional, transportation, communication and utility uses permitted by Sections 401(5), 401(6) and 401(7) and additional development of industrial, office, retail, consumer service and hotel/motel uses exceeding the foregoing cumulative GFA limitations: Cumulative GFA=973,000 s.f. for buildings which are located or are being constructed or may be constructed at any location within the MXD District, plus an additional 500,000 s.f. for buildings which may be constructed within the MXD District north of Broadway."

Nothing herein shall affect or increase the maximum aggregate GFA stated in the first paragraph of said Section 402(a) of the Plan.

2. Section 403 of the Plan is hereby amended by (a) deleting the fifth and sixth lines on pages 22-35 and substituting therefor the following:

"The pedestrian ways listed in Exhibit E shall be designed to provide for public access (except in the case of a roof-top pedestrian deck) and shall have the following meanings:"

and (b) by adding a new paragraph at the end thereof to read as follows:

(8) A roof-top pedestrian deck is a continuous, open platform at least twenty (20) feet in width which is at least fifteen (15) feet above the mean elevation of the lot and which is built in whole or in part on or over the roof of a structure providing any of the uses as permitted by Section 14.21. Such roof-top pedestrian deck may also extend in part over a street, pedestrian way, access or service road or open space within a lot or between two adjacent lots. It shall have pedestrian access from one or more abutting buildings, either directly from the buildings or otherwise shall provide seating facilities, and shall be landscaped with appropriated materials which shall include plantings.

3. Exhibit E to Section 403 of the Plan is hereby amended by adding the following at the end thereof:

"Roof-Top Pedestrian Deck"	50 sq. ft. or 2.5 sq. ft. for each sq. ft. of total area provided, whichever is greater"
----------------------------	--

4. Section 803 of the Plan is hereby amended by revising the reference in the second line thereof from "thirty (30) years" to "forty-five (45) years".

Passed to a second reading as amended at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on adoption.

ATTEST:- D. Margaret Drury
Temporary City Clerk

City of Cambridge

MASSACHUSETTS

Unfinished #12
Fast Food Ord.

In City Council

9/14

1992

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓		✓		
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan				✓	
Mr. Timothy J. Toomey, Jr.				✓	
Mr. William H. Walsh	✓				
Ms. Alice K. Wolf	✓				
Mayor Kenneth E. Reeves	✓				

6

0

1

2

FD Susp UV/9-0

Revised UV/9-0 not recorded



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the City of Cambridge are hereby amended in Section 11.30 entitled "Fast Order Food Establishments" and in Article 2.000 entitled "Definitions" which reads as follows:

Definitions

Fast Order Food. Food which is (a) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, (b) available upon a short waiting time, and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast Order Food Establishment.

A **SPECIFIC** operation **SEPARATE AND DISTINCT FROM ANY OTHER OPERATION IN THE LOCATION OCCUPIED AND IN THE KIND OF FAST ORDER FOOD SOLD, AND WHICH:**

(a) **HAS AS ITS PRIMARY BUSINESS THE** sale to the public **OF** Fast Order Food for consumption on or off the premises, and

(b) does not meet all of the following conditions:

(1) provision of nondisposable plates, cups and utensils to all patrons,

(2) availability **OF** printed individual menus for all patrons,

(3) provision of at least seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and

(4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on the premises.

Section 11.30

Fast Order Food Establishments

11.31

In considering applications for special permits for Fast Order Food Establishments and Automobile Oriented Fast Order Food Establishments, the Board of Zoning Appeal shall **FIND**, in addition to the other criteria specified in Section 10.40, **THAT** the following **REQUIREMENTS ARE MET:**

(a) The **OPERATION OF THE** establishment shall not:

(i) **CREATE TRAFFIC PROBLEMS,**

- (ii) reduce available parking,
 - (iii) threaten the public safety in the streets and sidewalks, or
 - (iv) ENCOURAGE OR PRODUCE DOUBLE PARKING ON THE ADJACENT PUBLIC STREET(S).**
- (b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location;
 - (c) The establishment fulfills a need for such a service in the neighborhood or in the city;
 - (d) The establishment will attract patrons primarily from walk-in trade as opposed to drive-in or automobile related trade; **HOWEVER, SHOULD THE BOARD SPECIFICALLY FIND THAT THE DISTRICT OR AREA WITHIN WHICH THE ESTABLISHMENT IS PROPOSED TO BE LOCATED DOES NOT HAVE SIGNIFICANT PEDESTRIAN TRAFFIC, THIS REQUIREMENT NEED NOT BE MET.**
 - (e) The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for consumption thereof;
 - (f) The establishment shall provide convenient, suitable and well marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils and other items provided with the sale of food; and
 - (g) The establishment complies with all state and local requirements applicable to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.

Sections 11.32, 11.32.1, and 11.32.2 as in current ordinance.

11.33

A special permit issued for a fast order food establishment hereunder may be utilized only by the owner or operator of such

establishment AS DESCRIBED IN THE APPLICATION DOCUMENTS OR AS THOSE DOCUMENTS MAY BE MODIFIED BY THE CONDITIONS OF THE SPECIAL PERMIT AS GRANTED.

IN GRANTING A SPECIAL PERMIT UNDER THIS SECTION 11.30 THE BOARD SHALL SPECIFICALLY DETAIL IN ITS DECISION THE KIND OF FAST ORDER FOOD FOR WHICH THE PERMIT IS GRANTED AND SHALL ALSO IDENTIFY THOSE OTHER ASPECTS OF THE ESTABLISHMENT AS OUTLINED IN THE APPLICATION DOCUMENTS FOR WHICH ALTERATIONS WILL REQUIRE THE ISSUANCE OF A NEW SPECIAL PERMIT.

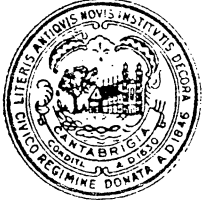
In City Council September 14, 1992.

Passed to be ordained as amended by a yeas and nays vote:- Yeas 6; Nays 0;
Absent 1; Present 2.

Robert W. Healy, City Manager.

ATTEST:-

D. Margaret Drury
City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

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In City Council September 14, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 6; Nays 0; Absent 1; Présent 2.

Robert W. Healy, City Manager.

ATTEST:-

D. Margaret Drury
City Clerk



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

September 1, 1992

To the Honorable, the City Council:

SUBJECT: Planning Board Recommendation on the City Council
Petition to Modify the Fast Order Food Establishment Regulations,
Section 11.30.

Recommendation

The Planning Board recommends adoption of the petition with modifications. The new language will provide additional precision and clarity to the City's regulation of fast order food establishments, consistent with the intent and administration of the current ordinance.

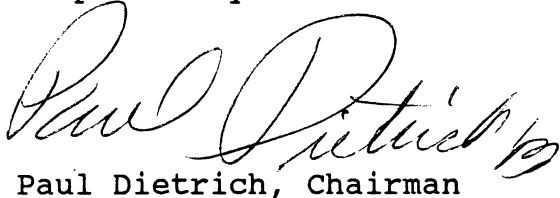
Findings

1. The changes proposed will have two principal effects: (1) to make clear that any fast order food special permit issued is very specific as to the operation being authorized and to limit severely the scope of any changes to the operation after the permit is issued, and (2) to expand, and define as requirements rather than as merely considerations, a set of findings that must be made before issuance of the special permit. The Board believes that both changes reflect the intent of the current ordinance and make clear the requirements of that ordinance as it has generally been administered by the Board of Zoning Appeal in the past.
2. In introducing significant new language the petition not only clarified former ambiguities but also introduced some new ones which the Planning Board has attempted to correct with its recommended changes. What follows is a brief explanation of the major changes proposed by the Board. The changes recommended by the Board are incorporated in a revised text which is attached to this recommendation; changed language is highlighted in bold but deletions are not noted
 - a. In the definition of Fast Order Food the petition introduced a new subparagraph (a) which reads: "cooked

(as along O'Brien Highway or Alewife Brook Parkway).

- c. Finally, the new paragraph, which is identified in the petition as Section 11.32.3, is recommended by the Planning Board to be given a new designation 11.33 as it is not related to the issue of transference of an operational permit within a limited geographic area as described in Section 11.32. In addition new language is proposed to make it more easily determined administratively those characteristics of the fast order food operation for which a permit is being granted and the changes, if made subsequently, for which the issuance of a new special permit would be required.

Respectfully submitted for the Planning Board,

A handwritten signature in cursive script, appearing to read "Paul Dietrich". The signature is written in dark ink and is positioned above the printed name.

Paul Dietrich, Chairman

Section 11.30

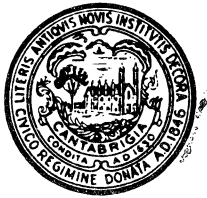
Fast Order Food Establishments

11.31

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- (b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location;
- (c) The establishment fulfills a need for such a service in the neighborhood or in the city;
- (d) The establishment will attract patrons primarily from walk-in trade as opposed to drive-in or automobile related trade; **HOWEVER, SHOULD THE BOARD SPECIFICALLY FIND THAT THE DISTRICT OR AREA WITHIN WHICH THE ESTABLISHMENT IS PROPOSED TO BE LOCATED DOES NOT HAVE SIGNIFICANT PEDESTRIAN TRAFFIC, THIS REQUIREMENT NEED NOT BE MET.**
- (e) The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for consumption thereof;
- (f) The establishment shall provide convenient, suitable and well marked

15.



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

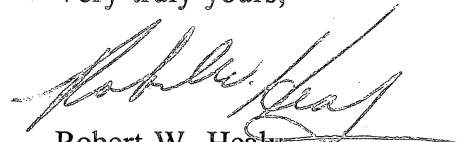
RICHARD C. ROSSI
Deputy City Manager

September 14, 1992

To The Honorable, The City Council:

I am hereby transmitting the Planning Board's recommendation on the City Council Petition to Modify the Fast Order Food Establishment Regulations, Section 11.30 for your consideration.

Very truly yours,



Robert W. Healy
City Manager

RWH/mev
attachment



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the City of Cambridge are hereby amended in Section 11.30 entitled "Fast Order Food Establishments" and in Article 2.000 entitled "Definitions" which reads as follows:

11.30 FAST ORDER FOOD ESTABLISHMENTS

11.31 (revised) In considering applications for special permits for Fast Order Food Establishments and Automobile Oriented Fast Order Food Establishments, the Board of Zoning Appeal shall give consideration, in addition to the other criteria specified in Section 10.40, to the following criteria:

- (a) The operation of the establishment shall not (i) increase motor vehicle traffic in the area, (ii) reduce available parking, or (iii) threaten the public safety in the streets and sidewalks;
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- (g) The established complies with all State and local requirements applicable to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.

11.32 }

11.32.1 } same as current zoning

11.32.2 }

11.32.3 A special permit issued for a fast order food establishment hereunder may be utilized only by the owner or operator of such establishment as described in the application document, and any successor owner or operators of that establishment. No rights

under such special permit may be transferred, assigned or otherwise conveyed to the owner or operator of a different fast order food establishment, regardless of where it is located.

ARTICLE 2.000 - DEFINITIONS [revised]

Fast Order Food. Food which is (a) cooked on the premises or maintained thereon in a heated condition, (b) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, (c) available upon a short waiting time, and (d) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast Order Food Establishment.

An operation in a building, including all adjoining and contiguous areas in the same building, used for the primary purpose of offering for sale to the public Fast Order Food for consumption on or off the premises, which operation does not meet all of the following conditions: (1) provision of non-disposable plates, cups and utensils to all patrons, (2) availability to printed individual menus for all patrons, (3) provision of at least seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and (4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on the premises.

Passed to a second reading as amended at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

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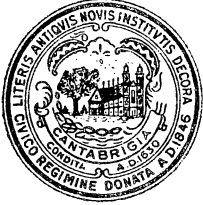
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ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

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ATTEST:- D. Margaret Drury
Temporary City Clerk

City of Cambridge

The Ordinance Committee conducted a public hearing on Tuesday, June 30, 1992 beginning at 5:30 p.m. in the Ackermann Room, City Hall.¹

Councillor Alice K. Wolf, Chair of the Ordinance Committee, called the hearing to order. Present at the hearing was Councillor Francis H. Duehay. Councillor Wolf requested that the City Clerk state the purpose of the hearing. Acting City Clerk Margaret Drury announced that the purpose of the hearing was to consider proposed changes to the zoning ordinances of the City of Cambridge regarding fast food establishments.

Councillor Duehay described the proposed amendments, which were sponsored by him and Vice Mayor Cyr, and were referred by the City Council on June 8, 1992 to the Ordinance Committee. He explained that the proposed amendments would add specificity to the current language and pointed out that a new section is proposed to limit the transfer of fast food special permits.

Councillor Wolf opened the hearing to public comments from those in favor of the proposed amendments.

John Moot, 44 Coolidge Hill Road, stated that the Harvard Square Defense Fund would like to be recorded in favor of the proposed amendments.

Gladys Gifford, 85 Sparks Street, President of the Harvard Square Defense Fund also spoke in favor of the proposed amendments. She said that the amendments clarify the existing ordinance. She added that the emphasis on traffic and parking concerns is vital, as is the last provision forbidding transfers.

Councillor Wolf asked whether there was any testimony in opposition to the proposed amendments. There was none.

Councillor Duehay asked whether the City Solicitor's Office had any comments on the proposed changes. Laura Yager, Legal Counsel, pointed out a typographical error and noted that the standard set forth in Sec. 11.31(a) could be a fairly restrictive provision.

There was further discussion of amendments required to correct the typographical error pointed out by Ms. Yager in Sec. 11.32.3

¹Due to the climate, the hearing was moved from the Sullivan Chamber to the Ackermann Room. Notice of the room change was posted on the doors of both the Sullivan Chamber and the Ackermann Room.

and to make a grammatical correction to Sec. 11.31(a). Further clarification of the meaning of Sec. 11.32.3 was suggested by Lester Barber, Community Development Department, which clarification is reflected the amendments set forth below.

Councillor Duehay moved:

1. That the first sentence of Section 11.31(a) be amended by adding as the first three words of the sentence "The operation of"; and
2. That the first sentence of the proposed new Section 11.32.3, be stricken and replaced with the following: "A special permit issued for a fast order food establishment hereunder may be utilized only by the owner or operator of such establishment as described in the application document, and any successor owner or operators of that establishment."

The motion carried on a voice vote.

Councillor Duehay moved:

That the proposed amendments, as amended, be referred to the City Council with the Ordinance Committee's favorable recommendation.

The motion carried on a voice vote.

The hearing was adjourned at 5:45 p.m.

For the Committee,



City Councillor Alice K. Wolf
Chair

And Committee
6/30/92

C to O 5:30

AW FD

AW C to O

FD you introduced
printed out new specifically

After down wld move away

AW opened floor to him
Thurs - June

John Moot
44 Crosby Hill rd
1st Sq. Defense Fund

wld like to be
recorded in June

Opposed

No testimony

Laura Yager
Law Dept

11. 32. 3 11^{at}

FD ^{moved} amended 11. 32. 3 UU/2-0

Should say "eng"

Les Barber 11:31 (a) estab direct theater

FD "operational"

FD moved adopt of amend

Laura 'lager - in 11-31 (a) "shall not" may be difficult
for Bd to determine
- could be a v. restrictive phrase

FD moved adopt of amend
VV/20

Additional text

Gladys Gifford

85 Sparks St

Pres. Harv Sq. Defense Fund

Very much in

support

Clarifies the ord.

Shows it do what estab
comes under

Emph. on parking vital
as is last provision for
no transfers

FD moved referred to ~~the~~ C C w/ rem for approval
VV/20

FID on agone 5:45 p.m.

11.32 }

11.32.1 } same as current zoning

11.32.2 }

11.32.3 [New] A special permit issued for a fast order food establishment hereunder may be utilized only by the owner or operator of such establishment and ~~may successor owner or operators thereof. No rights~~

as described in the application document, and

under such special permit may be transferred, assigned or otherwise conveyed to the owner or operator of a different fast order food establishment, regardless of where it is located. *Any successor owner or operators of that establishment.*

ARTICLE 2.000 - DEFINITIONS [revised]

Fast Order Food. Food which is (a) cooked on the premises or maintained thereon in a heated condition, (b) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, (c) available upon a short waiting time, and (d) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast Order Food Establishment. An operation in a building, including all adjoining and contiguous areas in the same building, used for the primary purpose of offering for sale to the public Fast Order Food for consumption on or off the premises, which operation does not meet all of the following conditions: (1) provision of non-disposable plates, cups and utensils to all patrons, (2) availability to printed individual menus for all patrons, (3) provision of at least seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and (4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on the premises.

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All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Alice K. Wolf
Chair

PUBLIC NOTICE

RELATIVE TO ZONING.

City of Cambridge

MASSACHUSETTS

Office of the City Clerk

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11.31 (revised) In considering applications for special permits for Fast Order Food Establishments and Automobile Oriented Fast Order Food Establishments, the Board of Zoning Appeal shall give consideration, in addition to the other criteria specified in Section 10.40, to the following criteria:

- (a) *The operation of* The establishment shall not (i) increase motor vehicle traffic in the area, (ii) reduce available parking, or (iii) threaten the public safety in the streets and sidewalks;
- (b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location;
- (c) the establishment fulfills a need for such a service in the neighborhood or in the city;
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*F. D. moved
around
UV/2-0*

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any

as described in the applicant's demand

*F.D. moved
11/12-0
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anyway

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For the Committee,

Councillor Alice K. Wolf
Chair

City of Cambridge

- 2 -

Tuesday, June 30, 1992

5:30 P. M. The Ordinance Committee will conduct a public hearing to discuss the following:

Proposed amendment to the Zoning Ordinances of the City of Cambridge regarding Fast Food Establishments. (Sullivan Chamber)

Whether, if the City of Cambridge declares available for disposition an easement under Ames Street, as proposed by Massachusetts Institute of Technology, for construction of a tunnel, the disposition process shall be diminished pursuant to Section 2.110.010 (g) of the Municipal Code. (Sullivan Chamber)
(EASEMENT HEARING TO BE RESCHEDULED AT A LATER DATE.)

HEARING RESCHEDULED TO JULY 22, 1992 AT 4:30 P. M.

Tuesday, July 14, 1992

5:30 P. M. The Rent Control Committee will conduct a public hearing to discuss the issue of high rents focusing on Market, Windsor and Harvard Streets. (Sullivan Chamber)

Monday, August 3, 1992

5:30 P. M. Special City Council meeting. (Sullivan Chamber)



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CITY OF CAMBRIDGE
MASSACHUSETTS
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(C)June25
#10398

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Chair

(C)June25
#10398



City of Cambridge

3.

IN CITY COUNCIL
June 8, 1992

COUNCILLOR DUEHAY

ORDERED: That the attached amendment to the zoning ordinances of the City of Cambridge and Section 11.30 entitled Fast Order Food establishments be referred to the Ordinance Committee and the Planning Board for a hearing and report.

11.30 FAST ORDER FOOD ESTABLISHMENTS

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AROUND TOWN

MUSIC



To go along with their newest album title, the multi-award-winning band, **The Wreckage**, presents an evening of "pop, rock and twang" when they come in from the road for an appearance at Harper's Ferry in Brighton on June 18. Info, 254-9743.

LISTINGS, from page 30
 June 22-23, noon-3 p.m.:
 Informal musical by Bill
 Bliss. Info, 282-8500, ext.
 231 or 391.
**ESCADA FASHION
 SHOW**, The Wang Center
 for the Performing Arts,
 Grand Lobby, 270 Tremont
 St., Bos. June 18, 6:30-9
 p.m. Presentations of the
 Fall 1992 Escada, Laurel
 and Escada Margaretha Le
 collections; music by the
 White Heat Swing
 Orchestra, champagne, hot
 omelettes and desserts.
 Proceeds benefit the
 Children's Hospital League.
 Tic: \$50. Info, 538-5382.

NEWMAN MARCUS, 5
 Copley Pl., Copley Station,
 Third Level, Bos. June 18-
 19, 7:30-10 p.m.
STABILITY PLATES Thru-
 Show. Info, 617-536-3600,
 ext. 2107.

BENEFITS

**THURSDAY NIGHT
 DINNER**, College Avenue
 United Methodist Church,
 Somerville, June 18, 5:15-
 6 p.m. A family style dinner
 where food and cash
 donations are taken from
 individuals and restaurants
 to benefit those with AIDS
 in need. Info, 666-4130.

CARNIVAL VENEZIA,
 Venezia Restaurant, 20
 Ericsson St., Bos. June 18,
 5 p.m. A recreation of the
 ambience of Venice. Lt. Gov.
 Paul Cellucci participated in
 the inaugural sailing of
 Carnival Venezia. All
 proceeds benefit Save
 Venice, an international
 organization for the raising
 of money and awareness for
 the restoration of art in Venice.
 Tic: \$10. Info, 692-9120.

**AMERICAN CANCER
 SOCIETY REGATTA**,
 Community Boating,
 The Esplanade, Hatch Shell,
 June 18, 9 a.m.-11 p.m.
 9 a.m.-11 p.m. An annual
 sailing competition open to
 corporations, business,
 groups and individuals.
 Proceeds benefit the Central
 Boston Office of the American
 Cancer Society. Tic: \$25 in
 advance, \$30 at door;
 includes recreational sailing
 gear and dining. Regatta
 entry: \$500. Info, 267-2550.

FOSTER CARE BENEFIT,
 Sheraton Boston & Towers,
 90 Dalton St., Bos. June 21,
 10 a.m.-2 p.m. A brunch and
 entertainment hosted by
 Coccus Productions, *The
 Young and the Restless*, to
 benefit the Foster Children's
 Care Fund. Tic: \$40.
 Info, 727-0000, ext. 545.

CHAMPAGNE BRUNCH,
 Back Bay Bistro, 556
 Bay St., Bos. June 21,
 11 a.m.-2 p.m. The Back
 Bay Bistro serves a lavish
 brunch featuring live music
 performed to benefit the
 Pine Street Inn food program.
 Tic: \$20. Info, 538-
 4477.

**1992 U.S. OLYMPIC PRIDE
 TORCH RUN**, Sign up to
 carry the official Olympic
 torch for one or more legs
 (200 yards) in this nine-day,
 N.E.-wide relay beginning
 June 25 in opening
 ceremonies at the State
 House. The run is in the
 Newton-Framingham area
 on June 28. Proceeds
 benefit the U.S. Olympic
 team headed for the
 Summer Games in
 Barcelona, Spain. Minimum
 pledge: \$35. Sponsor: Blue
 Cross & Blue Shield of
 Mass. Info, 956-3320.

FATHER'S DAY

**THE BLACK MAN: CLEAN
 ACTS**, Strand Theater, 543
 Columbia Rd., Dorchester,
 June 19 and 20, 7 p.m. FRST
 Academy hosts a variety
 show in honor of the Black
 man and Father's Day. Tic:
 \$1.50 in advance, \$15 at
 door. Info, 427-6588.

**FRST ANNUAL FATHERS'
 DAY BREAKFAST**,
 Brighton V.F.W. Post #2022,
 395 Federal St., Oak Sq.,
 Brighton, June 21, 9 a.m.-
 12:30 p.m. Concerned
 Fathers holds this breakfast
 with eggs, pancakes,
 sausages, bacon, juice, milk,
 coffee and donuts; downs,
 magic, door prizes. Tic:
 \$2.50; non-members, \$3.
 Kids under 12, \$1. Info, 366-
 2837 or 445-8181.

DANCE

KIROV BALLET, Wang
 Center, 270 Tremont St.,
 Boston, June 17, 8 p.m. The
 Kirov Ballet presents
 Rimsky-Korsakov's
Scheherazade, presented by
 Santa Arts International as
 part of the Bank of Boston
 Celebrates. Tic: \$39.
 965. Info, 482-2595.

**BALLET THEATRE OF
 BOSTON**, Emerson Music
 Theatre, 210 Tremont St.,
 Boston, June 18-20, 8 p.m.;
 June 21, 3 p.m. The Ballet Theatre
 of Boston presents *Essentially
 Dance*. The program
 choreographed by Aristo
 Demetriou at the Museo, is a
 collection of original works.
 Tic: \$14.50-\$22.50. Times &
 Info, 262-0961.

FESTIVALS & SALES

BACK BAY FESTIVAL,
 Copley Square, Bos. June
 20, 11 a.m.-7 p.m. June 21,
 21, noon-5 p.m. Celebrate
 the Back Bay with the
 traditional food and festival
 with the opening of the
 Boston Globe Jazz Festival.
 The food festival showcases
 some of the Back Bay's
 restaurants. They include:
 Turner Fisheries, Skipjack's,
 Hard Rock Cafe, Papa Razzi

and others. Sponsored by
 Back Bay Assoc., Boston
 Parks and Recreation Dept.
 and American Express Card.
 Food: 1x-\$4. Info,
 266-1991.

**ST. BOTOLPH'S STREET
 FAIR**, St. Botolph St.,
 South End, Boston, June
 20, 11 a.m.-5 p.m. One of
 the city's best flea markets
 with food, baked goods,
 and a raffle benefits a Boston
 public school graduate.
 Sponsor: St. Botolph
 Church Community, Inc.
 Raffle: tic \$1. Info, 266-7754.

LECTURES

**CONCERNS FOR
 ARMENIA**, NAASR Center
 for Armenian Studies, 305
 Concord St., Belmont, June
 18, 8 p.m. Dr. Yurk Sarian
 and Dr. Gaen Galstian,
 distinguished educators from
 Armenia discuss the need to
 train specialists capable of
 meeting the energy, economic,
 environmental and economic
 problems in their country.
 Free. Info, 489-1010.

INTERFACE FORUM, 55
 Wheeler St., Cam. June 22,
 7 p.m. The fourth in a series
 on "Improving Our
 Wholeness for Adult
 Children of Alcoholics and
 Dysfunctional Families."
 Interface presents Jim
 Knapik speaking on
 "Healing Shame." Tic: \$4.
 Info, 427-4020.

INQUIRIES SERIES, Loeb
 Drama Center, 64 Brattle St.,
 Cam. June 22, 8 p.m. The
 American Repertory Theatre
 presents the last season of
 their inquiries series with a
 panel discussion of *Boeing-
 Boeing*. Guest: Free. Info,
 485-2668.

NONE OF THE ABOVE

BOSTON SHOOTOUT,
 B.U.'s Walter Brown Arena,
 Bos. June 19, First round
 games, 7:30 p.m. Second-
 round round games, 10:30
 a.m. Boston Garden, 150
 Causeway St., Bos. June 21,
 20:00 p.m. Boston, June
 21, 8 p.m. champion's title
 game, 2:30 p.m. Eighty of
 the nation's top high school
 basketball all-stars compete
 as individuals and teams in
 Glenn Durkin and free-throw
 competitions. Tic: \$U, \$6;
 Boston Garden, \$8. Info,
 267-2296.

**CORLEY SQUARE CHESS
 FESTIVAL**, Copley Sq.,
 Park, Bos. June 19-28. The
 Games and Logic Chess
 Club makes K&S Smart hosts
 a variety of chess-related
 events for the project and the
 Boston Society of Architects
 have designed and
 constructed a giant chess
 board with lamppost Boston

buildings, new Boston vs. old
 Boston, June 19, 2 p.m.:
 Open Ceremony, 9 p.m.:
 Charming reply by the
 co-champs of the Boylston
 Chess Club, WYCA, 801 to 142
 Clarendon St., Bos. 6/19,
 7:30 p.m.: Talk by former
 USSR chess coach Mark K.
 Dvoretsky. Tic: \$10. Copley
 Sq. Park, June 20, 10 a.m.-7
 p.m.: Opening July, June 21,
 noon: Bobby Selzer, 16-
 year-old master, blindfolded,
 vs. the president of the
 Mass. Chess Assoc., 2nd
 Grand Master Patrick Wolf
 vs. national master Chris
 Chepts. Tic: \$2, 5.7 p.m.:
 Consultation match,
 South End Mass. Chess
 Club of New Bedford vs.
 Seawarke Braaks Chess Club
 of Weymouth. 7 p.m. Talk on
 "The Chess Mirror of the
 BPL." Copley Sq. Free. Info,
 493-3095.

ENCIAM NINE, 27 Rugg
 Rd., Allston, June 20, 1:30
 p.m.; Sun., 1-5 p.m. "Armed
 designed indoor museum
 golf course and revolving art
 show opens at new
 alternative art gallery. Many
 of the holes laid with current
 social issues like
 co-operation, urban
 violence & media
 manipulation. Donation: \$2.
 Info, 753-7101.

**THE BLACK ACEDIA
 CONVENTION IV**, Routhery
 Community College, 1234
 Columbus Ave., Roxbury,
 June 20, 6:30 a.m.-2:30 p.m.
 The Routhery Action
 Program & the William
 Trotter Institute at
 UMass Boston hold this
 event on the theme,
 "Economic Development in
 Communities of Color." Tic: \$1
 info, 446-8515.

FRANKLIN PARK ZOO,
 Bos. June 20-21, 10 a.m.-5
 p.m. Brach's Pex-A-Mix
 Family Week ends with kids
 participating in a
 proof-of-purchase of Brach's
 new pop-mix candy. On
 June 20, 10 a.m. Father's
 Day Bash includes meeting
 the zoo dash, signing the
 Great Father's Day Gift and
 cupcakes and candy. Tic &
 info, 442-2002.

**GREATER BOSTON
 BUSINESS COUNCIL
 MEETING**, Back Bay Hilton,
 40 Dalton St., Bos. June 24,
 7:30 a.m. Networking 6
 a.m. Registration 6:30 a.m.
 Reservations are
 due by June 22, noon for the
 meeting. Contact: John
 George, which promotes the
 Greater Boston Business
 and professional general
 Boston community. Info,
 267-2296.

**BUDDY PROGRAM
 ORIENTATION**, AIDS
 Action Committee, 131
 Cambridge St., Boston
 June 23, 7:30 p.m. Orientation
 and training for persons
 living with AIDS and
 volunteer to provide
 emotional and practical support
 to clients on a one-to-one
 basis. Tic: \$5. Info, 476-
 6200, ext. 450.

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The Restaurants at
 One Kendall Square
diverse/dynamic & delicious!
 Come by to dine, drink, dance -
 or just listen!
 At the corner of Broadway &
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FREE

- Tuesdays 5 to 5 pm
- June 23 Heavy Metal
 Horns
- June 30 John Lincoln
 Right & the Sour
 Mash Boys
- July 7 Courtyard Jazz
 with Myanna
- July 14 Reggae with The
 Mighty Charge
- July 21 Memphis
 Rockably
- July 28 Courtyard Jazz
 with Herman
 Jolimon



**Outdoor
 Patio
 Seating**



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL OFFICE OF THE CITY CLERK

Notice is hereby given that in accordance with the provisions of Chapter 40A, section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Tuesday, June 30, 1992 at 5:30 P.M. in the Sullivan Chamber of the City Hall, Cambridge, Massachusetts on a petition by the City Council to amend the Zoning Ordinances of the City of Cambridge in Section 11.30 entitled "Fast Order Food Establishments" and in Article 2.000 entitled "Definitions," which reads as follows:

- 11.30 FAST ORDER FOOD ESTABLISHMENTS**
 11.31 (revised) In considering applications for special permits for Fast Order Food Establishments and Automobile Oriented Fast Order Food Establishments, the Board of Zoning Appeal shall give consideration, in addition to the other criteria specified in Section 10.40, to the following criteria:
- (a) The establishment shall not (i) increase motor vehicle traffic in the area, (ii) reduce available parking, or (iii) threaten the public safety in the streets and sidewalks;
 - (b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular locality;
 - (c) The establishment fulfills a need such a service in the neighborhood or in the city;
 - (d) The establishment will attract patrons primarily from walk-in trade as opposed to drive-in or automobile related trade;
 - (e) The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food in the utensils and other items provided for the consumption thereof;
 - (f) The establishment shall provide convenient, suitable and well-marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils and other items provided with the sale of food; and
 - (g) The establishment complies with all State and local requirements applicable to ingress and use of all facilities on the premises for handicapped and disabled persons.
- same as current zoning

[New] A special permit issued for a fast order food establishment hereunder may be utilized only by the owner of such establishment and any successor owner or operators thereof. No rights under such special permit may be transferred, assigned or otherwise conveyed to the owner or operator of a different fast order food establishment, regardless of where it is located.

ARTICLE 2.000 - DEFINITIONS [revised]
Fast Order Food. Food which is (a) cooked on the premises or maintained therein in a heated condition, (b) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, (c) available upon a short waiting time, and (d) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

An operation in a building, including all adjoining and contiguous areas in the same building, used for the primary purpose of offering for sale to the public Fast Order Food for consumption on or off the premises, which operation does not meet all of the following conditions: (1) provision of non-disposable plates, cups and utensils to all patrons, (2) availability to provide individual meals for all patrons, (3) provision of at least seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and (4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on the premises.

Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts. All persons interested in this matter may appear at this time and be heard.

For the Committee,
 Councillor Alice K. Weil, Chair

Real Estate

To place your ad in the Real Estate display section, call 969-0340.



Chobee Hoy Associates has increased the size of its staff and expanded its sales area.

Chobee Hoy expands

Chobee Hoy (top row, third from left), is pleased to announce that since the inception of Chobee Hoy Associates in Brookline last September, the company has grown to include a staff of 19 skilled professional brokers, and has enlarged its sales area to Boston and the western suburbs.

Working with Hoy to serve the needs of buyers and sellers are: left to right, front row: Eileen Strong, Barbara Widett, Sami O'Reilly, Dixon Bain, Jayne Bennett-Friedberg, Kay Harrison, Sandra Berkowitz, and Patti Porter. Left to right, rear row: Ursula Hassman, Julie Mielczar, Hoy, Judith Ballantine, Saied Toobian, Ted Krasker, and Elaine Fine.

Not pictured: Ann Bromberg, William Crowley, Anita Klausen, and Grace Yee.

Sales associates cited

Hunnen & Company-Coldwell Banker recently held its annual awards ceremony at the Visa Hotel in Waltham to honor sales associates for achievements in residential sales in 1991. Pictured, left to right: Barbara Gore, Sylvia Goldstone, Moira Gault, Linda Berezin, Shirley Izem and Joyce Franklin, all with the Newton office of Hunnen & Company-Coldwell Banker, were awarded the company's Silver Circle for achievement in sales.

The company's more than 850 sales associates were invited to the breakfast and services fair. William E. Kiley



Congratulations to the sales associates at the Newton office of Hunnen & Company-Coldwell Banker!

Jr., president of Hunnen & Company-Coldwell Banker, presented the awards.

Hunnen & Company-Coldwell Banker sold more than \$1.1 billion of real estate in 1991, exceeding all company sales records. At the Coldwell Banker National Convention, Hunnen & Company-Coldwell Banker was named the "Number One Affiliate Company for Gross Commission Income."

Caney, Lewis honored

Carlson Real Estate in Newton recently held its Annual Awards Banquet at the Burlington Marriott in Burlington to recognize sales achievement in residential sales for 1991. Betsy Caney and Kathy Lewis of the Newton office were awarded membership in The Multi-million Dollar Club, which recognizes achieving listing and sales volume of \$2 million or more in closed transactions during 1991.

Carlson Real Estate is one of the largest independent residential real estate companies in Massachusetts, with 21 offices and more than 500 sales associates throughout Greater Boston. In addition to sales offices, Carlson Real Estate has an education division; a relocation division, which is a member of the Genesis Referral Network; and a fine homes division, which markets luxury and distinctive properties.



Betsy Caney (left) and Kathy Lewis of the Newton office of Carlson Real Estate were recently cited.

Auction upcoming

Jerome J. Manning & Company recently announced the upcoming auction sale of a luxury waterfront penthouse condominium at Thomas Graves' Landing in Cambridge on Wednesday, June 17 at 3 p.m. Situated on the eighth floor, the approximately 1,185 square foot condominium offers two bedrooms, two baths, a living room with a fireplace, a dining room, kitchen, balcony and many custom features.

Thomas Graves' Landing offers distinctive amenities such as concierge service, a health club, outdoor lap pool, garage parking and Charles River water views. The property is convenient to the Cambridge Galleria Mall, downtown Boston, major highways and public transportation.

For more information, contact Manning & Company at 1-800-521-0111.

All Kinds of Gifts for All Kinds of Dads!

We have gifts galore for neat Dads and sweet Dads. Pops who like to play ball and Pops who like a good book.

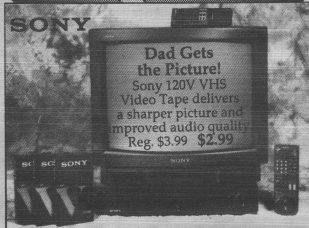
Plus prestige presents for musical, magical, whimsical, and un-typical Fathers of all ages.

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Always welcome: Smith Forester Arrow or Coop Label dress shirts in all cotton pinpoint & cotton blends. Our pure silk ties are by Liberty, J.S. Blank, Rivetz & our own Coop Label. Classic & contemporary styles.

Suited for Success at Savings of 15-30%!
Including: Hospel's classic 55 cotton/45 poly poplin, a \$250 value, now \$175. Also available selected wool & wool blend suits. FREE Alterations.



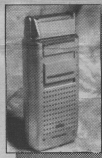
Keep Him Organized
With Car-ganizer™ by Talus. Sturdy nylon organizer straps behind car seat. Holds car accessories, umbrella, flash light, glasses, maps, ice scraper and more. \$15



Dad Gets the Picture!
Sony 19" Stereo Monitor/TV. With direct stereo audio input for virtually all home video equipment, interactive on-screen control system, and mirror-black picture tube. KV19TS20. Reg. \$399.99 \$379.99

Keep Him Entertained!
Sony 19" Stereo Monitor/TV. With direct stereo audio input for virtually all home video equipment, interactive on-screen control system, and mirror-black picture tube. KV19TS20. Reg. \$399.99 \$379.99

Easy Does It, Dad!
Sony HiFi Stereo Video Cassette Recorder. With easy to use dual mode shuttle control for simple operation. Plus dual Azimuth 4 head playback and crystal clear freeze frame. SLV595. Reg. \$499.99 \$469.99



Close Shave!
New Braun Flex Control, the first pivoting head electric shaver. Rechargeable. Travel case. Model 4525. Reg. \$150 \$129.99 Additional \$10 OFF with trade-in of your old shaver or razor.



Drink To His Health
With Krups' Vita Mini™ Juice Extractor. Extremely compact with powerful motor. Extracts vitamin and mineral rich juices from fruits and vegetables. Model 290. \$75



From the 3 B's to U-2, We're Playing His Song!
Whether Dad goes for Bach, Beethoven or Brahms or Black Crowes and Indigo Girls, the Coop has his kind of music, at your kind of prices.

Save 20%-25% Everyday on the Coop Top 200 CDs, \$10.99 Each.



Picture Dad at the Game!
Unique color photos of Boston's 3 top teams: Red Sox, Bruins or Celtics. All framed together with glass and Nielsen Gallery metal frame. Reg. \$58.90-\$66.90 \$45 Ea. Shown: Michael Lawton, Red Sox at Fenway Park. 12"X39"

If Dad's A Serious Reader,

We have a number of challenging paperbacks for him, including these National Bestsellers published by Harper Perennial
Dangerous Liaison: The Inside Story of the U.S.-Israeli Covert Relationship, by Andrew & Leslie Cockburn. Reg. \$13 Coop Price \$11.70
The Birth of the Modern: World Society 1815-1830, by Paul Johnson. Reg. \$16 Coop Price \$14.40

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Auctions

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MORTGAGEE'S SALE OF REAL ESTATE AT PUBLIC AUCTION

BACK BAY 1 BDRM CONDO W/PRKG

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UNIT 7, 82 COMMONWEALTH AVE., BOSTON
THURSDAY, JUNE 25, 1992 AT 10 AM
AN APPROX. 924 S.F., 3RD FLR CONDO UNIT HAVING FOYER, LIVING RM, KITCHEN, BATH, UNIT ALSO HAS 1 OPEN PRKG SPACE & 2 PPLCS. UNIT IS LOCATED IN A STORY BRICK/MASONRY BLDG HAVING INTRICATE BRICKWORK, FLOOR & OPEN PRKG. SITUATED IN THE DESIRABLE BACK BAY SECTION OF BOSTON. SEE ALL ADVERTISEMENTS. BK 14120 PG 316 SUFFOLK CO. REG. OF DEEDS.
TERMS OF SALE: A deposit of \$5,000 in cash, certified check or bank cashier's check will be required at time of sale. Balance due within 30 days. All other terms to be announced at sale. SUSAN L. GANNON, ESQ., 1010 WASHINGTON ST., W. NEWTON, MA, (603)931-

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Available now. Elders 55+, A/C, DW, W/W, elevator, laundry, parking, all utilities included. Near T and shopping. Refrigerator and disposal included. Quiet, safe and beautifully landscaped. Section 8 certificates welcome.

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Cambridge Court Apts.
411 Trenton Street, Cambridge

HUD PUBLISHER'S NOTICE

All real estate advertising in this newspaper is subject to the Federal Fair Housing Act of 1968 which makes it illegal to advertise "any preference, limitation or restriction based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or restriction."

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BACK BAY: Unique apartments with fireplaces, 4/4 lots, 2 levels, floor to ceiling windows, fireplace, saunas, heated rooftop pool, club room, barbecue deck, 24 hour concierge. Excellent location. 1 bedroom, \$740 197 2 bedrooms from \$1150. No fee. Available now. A must see! 12 Stone North Street. On site rental office open 7 days. 536-3536, anytime.

Real Estate Transactions

Every week as a service to its readers, the TAB publishes a listing of some of the real estate transactions in each of its communities. The sales from the towns catalogued below include the address of the property and its purchase price. The first name listed is the seller or owner of the property, and the second name is the buyer. The information is collected by and reprinted with the permission of County Data Corporation, Post Office Box 428 Winooski, VT 05404-0416.

Boston	
8-12 Battery St. U-2A, Anthony Godino, Mark Trifiro	\$ 73,000
177 Beacon St. U-3, David J. DeFilippo Tr. Claude Monette	\$340,000
116 Comm. Ave. U-B, Stephen J. Schneider, Randall L. Holton	\$220,000
144 Comm. Ave. U-10, Stuart M. Grosky, Dime Savings Bank of N...	\$ 80,000
308 Comm. Ave. U-G, John L. Moriarty, Becky P. McAdams	\$391,000
9 Concord Ave. Steven B. Walters, Northeast Svngs	\$ 95,000
19 Hancock St. U-3, Anne H. Barringer, Ralph Rogers	\$165,000
Louisburg Pl. U-32, Richard S. Dodd II, John P. Delmonico	\$163,000
378-87 Riverway U-378, Elie G. Haddad, Clotilde M...	\$ 54,000
308 Comm. Ave. U-8, Lester S. Shop, Stephen J. Jeney	\$330,000
Cambridge	
22 Concord Ave. U-22-9, Mary Krasko, James C. Beck	\$ 63,000
2-4 Goodman Rd. U-1, Virginia K. Donovan, Gary Edger	\$205,000
44 Hudson Pl. Wallace T. MacCaffrey, Warren G. Behr	\$331,000
21-23 Leonard Ave. U-23-2, Maria A. Kell, William B. Blanchard	\$190,000
1137 Mass. Ave., Richard Schneider Jr., Kevin Murphy	\$ 72,000
63 Sparks St. U-4, Jaye T. Tyler, Steven Kurtz	\$151,000

MORTGAGEE'S SALE OF REAL ESTATE AT PUBLIC AUCTION

CAMBRIDGE OFFICE CONDO W/PRKG

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44 WESTERN AVE., CAMBRIDGE, MA
WEDNESDAY, JUNE 24, 1992 AT 11 AM
AN APPROX. 935 S.F., 2 LEVEL COMM/ OFFICE CONDO HAVING 47 S.F. GRADE FLR AREA + 488 S.F. 1ST FLR AREA. UNIT CONSISTS OF 4 AREAS & 2 LAVATORIES AND HAS 2 OFF-STREET PRKG SPACES. PROPERTY HAS OUTSTANDING LIENS COMPLETELY REPAID IN EARLY 1980'S. LOCATED IN CENTRAL ST. BK 19035, 15500 PG 428 SUFFOLK CO. REG. OF DEEDS.
TERMS OF SALE: A deposit of \$5,000 in cash, certified check or bank cashier's check will be required at time of sale. Balance due within 30 days. All other terms to be announced at sale. STEVE KELLUM, ESQ., NELLEMA & KELLUM, 412 HANOVER ST., N. HULL, MA ATTORNEY FOR THE MORTGAGEE. (619)922-

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SAT 11:30-THUR 12:30

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Style

Making scents of Dad's Day

By Sally Stulman
TAB Fashion Editor

Commercial though it may be, most of us take a special delight in celebrating Father's Day each June. Role models vary as much as fathers' sizes in many cases. The typical dad is difficult to define in today's complex and often varied family make-up. The common thread, however, is the many unique contributions made by individual dads and the manner in which we all choose to take note of them.

So, whether you're nominating an idealistic Beaver-Cleaver father or a caring house-husband who happily picks up the kids at school and has dinner on the table when mom gets home from work, there are a myriad of ways to express your love and admiration for your beloved dad.

Here are a few thoughts from the male toiletry department, all of which bear looking into. "Fragrance will continue to be an important product for men in the '90s as they become increasingly comfortable wearing it as well as buying it for themselves," says Simon J. Critchell, president and CEO for Cartier Inc. Pasha de Cartier is a luxurious new fragrance for the modern man recently introduced. Pasha's uniqueness stems from the Golden Alyssum, a precious flower from the Comores Islands in the South Pacific.



Sport Rock, the natural deodorant. Available at Bloomingdale's.

It is available exclusively at Cartier boutiques. It includes refillable Eau de Toilette Natural Spray, a nonflammable Eau de Toilette Splash, a shaving gel, a soothing After-Shave and a stick deodorant.

Bloomingdale's boasts a deodorizing crystal from France. This completely natural body deodorant comes in the form of a crystal opalescent stone, which is made of natural mineral salts and is totally free of perfumes and chemicals. It is exceptionally effective at eliminating body odor, whether you're working out or just working hard. Hypoallergenic and environmentally safe, its nonstick, nonstaining quality is suggested for all skin types. Named Sport Rock, it lasts more than year, providing powerful protection day after day.

When moistened and rubbed over the skin, Sport Rock releases an invisible layer of mineral salts to fight odor-causing bacteria. It comes in its own travel pouch and has a suggested retail price of \$15.

Neiman Marcus recently welcomed Linda Silver to the men's fragrance department. Known as the Queen of the

Skin Trade, Silver markets a line of skin products for men that she has named for her husband, Roy. This unusual line consists of a six-part, by-the-numbers shaving system that, she assures every last customer, will end the nicks, bumps and burns so often, part of the shaving routine.

Silver's line includes a face wash, an after-shave, collagen cream, moisturizer, eye balm and pre-shave cream. She's got to be doing more than six things "right" because some of her satisfied clients include Jack Nicholson and Sydney Pollack.

Silver, though no shrinking violet, proudly is up front about the ingredients in her products. "There's no alcohol or fragrance, no wax and no preservatives," she insists.

All of the "Roy" line is available at Neiman Marcus for surprisingly less than one might think. "Sixteen dollars is the average cost of each of these soothing items," says this hard-working founder of a 10-year-old business that does just under \$2 million annually. □



A new fragrance for men: Pasha de Cartier Eau de Toilette. Available at Cartier boutiques.

A ROUND TOWN

MUSIC



To go along with their newest album title, the multi-award-winning band, T.H. and the Weckage, presents an evening of "pop, rock and twang" when they come in from the road for an appearance at Harper's Ferry in Brighton on June 18, 254-9743.

LISTINGS, from page 38

June 22-23, noon-3 p.m.: Informal modeling by Bill Black. Info, 282-8500, ext. 291 or 291.

ESCADAS FASHION SHOW, The Fair Center for the Performing Arts, Grand Lobby, 270 Tremont St., Bos. June 18, 8:30-9 p.m. Presentations of the Fall 1992 Escadas, Laurel and Escadas Margaretha Lyle collections, music by the White Heat Swing Orchestra, champagne, hors d'oeuvres and desserts. Proceeds benefit the Children's Hospital League. Ticket \$50. Info, 538-6360.

NEIMAN MARCUS 5, Copley Pl., Copley Station, Three Levels, Bos. June 16-19, Stanley Plaza, JFK-19 Show, info, 617-538-3660, ext. 2107.

FATHER'S DAY

THE BLACK MAN: CLEAN ACTS, Grand Theatre, 600 Columbia Rd., Dorchester, June 19 & 20, 7 p.m. FIRST Academy funds a variety show in honor of the black man and Father's Day. Ticket \$15.50. Non-members \$15 at door. Info, 427-1588.

BENEFITS

THURSDAY NIGHT DINNERS, College Avenue United Methodist Church, Somerville. June 18, 6:15 p.m. A family style dinner where food and cash donations are taken from individuals and restaurants to benefit those with AIDS in need. Info, 666-4130.

CARNIVAL VENEZIA, Venezia Restaurant, 20 Ericsson St., Bos. June 18, 5 p.m. A recreation of the ambiance of Venice. LL Gov. Paul Cellucci participates in the inaugural sailing of Gondola Venezia. All proceeds benefit Save Venice, an international organization for the raising of hope and awareness for the restoration of art in Venice. Ticket \$35. Info, 498-9120.

AMERICAN CANCER SOCIETY REGATTA, Community Boating, The Esplanade, Hatch Shell, June 18, Skipper's meeting, 5 p.m.; regatta, 6:30 p.m.-sunrise; a.m. dancing, sunset-11 p.m. An annual sailing competition open to corporation, business, groups and individuals. Proceeds benefit the Central Boston Unit of the American Cancer Society. Ticket \$25 in advance; \$30 at door, includes recreational sailing dinner and dancing. Regatta entry, \$500. Info, 287-2650.

DANCE

KIROV BALLET, Wang Center, 217 Tremont St., Bos. June 18, 7 p.m. The Kirov Ballet presents Lavrosky's version of Romeo and Juliet. Presented by Santa Arts International as part of the Bank of Boston Family Series. Ticket \$50-\$85. Info, 482-2595.

BALLET THEATRE OF BOSTON, Emerson Music Theatre, 219 Tremont St., June 18-20, 8 p.m.; June 21, 5 p.m. The Ballet Theatre of Boston presents *Essentially Dance*. The program choreographed by Artistic Director Josep Maso, is a collection of original works. Ticket \$14.50-\$22.50. Times & info, 282-0961.

FESTIVALS & SALES

BACK BAY FESTIVAL, Copley Square, Bos. June 19-20, 11 a.m.-7 p.m.; June 21, noon-5 p.m. Celebrate the Back Bay with the three-day music and food festival with the opening of the Boston Globe Jazz Festival. The food festival showcases some of the Back Bay's restaurants. They include: Turner Fisheries, Shipyard's, Hard Rock Cafe, Papa Razzi

and others. Sponsored by Back Bay Assoc., Boston Parks and Recreation Dept. and American Express Card. Food ticket \$1-\$4. Info, 266-1891.

ET. SCOTLPHYS STREET FAIR, St. Botolph St., between W. New & Abner Sts., Bos. June 20, 11 a.m.-5 p.m. One of the city's best flea markets with food, baked goods, and a raffle benefits a Boston public school graduate. Sponsor: St. Botolph Citizens Committee, Inc. Raffle ticket \$1. Info, 266-7754.

FOSTER CARE BENEFIT, Shattuck Station & Towers, 50 Dalton St., Bos. June 21, 10 a.m.-2 p.m. A brunch and entertainment hosted by Victoria Powell from The Young and the Restless, to benefit her Foster Childrens Fine Arts Fund. Ticket \$40. Info, 727-0900, ext. 545.

CHAMPAGNE BRUNCH, Back Bay 0880, 505 Boston St., Bos. June 21, 11 a.m.-2 p.m. The Back Bay Bistro serves a lavish brunch featuring live music showcasing some of the Back Bay's restaurants. They include: Turner Fisheries, Shipyard's, Hard Rock Cafe, Papa Razzi

GOEMON
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June 30 John Lincoln Right & The Sour Mash Boys

July 7 Courtyard Jazz with Myanna

July 14 Reggae with The Mighty Charge

July 21 Memphis Rockability

July 28 Courtyard Jazz with Herman Johnson

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CAMBRIDGE, MA.

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL OFFICE OF THE CITY CLERK

Notice is hereby given that in accordance with the provisions of Chapter 40A, section 5 of the General Laws, Tenthentary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Tuesday, June 30, 1992 at 5:30 PM, in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by the City Council to amend the Zoning Ordinances of the City of Cambridge in Section 11.30 entitled "Fast Order Food Establishments" and in Article 2.000 entitled "Definitions," which reads as follows:

- PAST ORDER FOOD ESTABLISHMENTS**
- 11.30 (revised) In considering applications for special permits for Fast Order Food Establishments and Automobile Oriented Fast Order Food Establishments, the Board of Zoning Appeal shall give consideration, in addition to the other criteria specified in Section 10.4.0, to the following criteria:
- The establishment shall not (i) increase motor vehicle traffic in the area, (ii) reduce available parking, or (iii) threaten the public safety in the streets and sidewalks;
 - The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular locality;
 - The establishment fulfills a need for such a service in the neighborhood or in the city;
 - The establishment will attract patrons primarily from walk-in trade as opposed to drive-in or automobile related trade;
 - The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for the consumption thereof;
 - The establishment shall provide convenient, suitable and well-marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils and other items provided with the sale of food; and
 - The establishment complies with all State and local requirements applicable to ingress, and use of all facilities on the premises for handicapped and disabled persons.

same as current zoning

[New] A special permit issued for a fast order food establishment hereunder may be utilized only by the owner of such establishment and any successor owner or operators thereof. No rights under such special permit may be transferred, assigned or otherwise conveyed to the owner or operator of a different fast order food establishment, regardless of where it is located.

ARTICLE 2.000 - DEFINITIONS [revised]

Fast Order Food. Food which is (a) cooked on the premises or maintained thereon in a heated container, (b) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, (c) available upon a short waiting time, and (d) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast Order Food Establishment.

An operation in a building, including all adjoining and contiguous areas in the same building, used for the primary purpose of offering for sale to the public Fast Order Food for consumption on or off the premises, which operation does not meet all of the following conditions: (1) provision of non-disposable plates, cups and utensils to all patrons; (2) availability to provide individual meals for all patrons; (3) provision of at least seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters; and (4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on the premises.

Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts. All persons interested in this matter may appear at this time and be heard.

For the Committee, Councilor Alice K. Wolf, Chair

A Matter Of HEALTH

"Save your life. Stop smoking."

— Ann MacDonnell

Ann MacDonnell, the mother of 10 children, was having chest pains and went to St. Elizabeth's Hospital of Boston thinking she was having a heart attack. The good news is she wasn't. But, at age 53, she had been smoking for 36 years, and doctors had bad news about what would happen to her if she didn't quit.

Smokers die. The U.S. Surgeon General estimates nearly 435,000 people across the country die each year from smoking-related diseases.

Ann can tell you quitting isn't easy. But the doctors at St. Elizabeth's told her that her lungs would recover from the effects of smoking even though she was older and had been smoking for many years.

And they gave her lots of good advice about how to quit.

If you're trying to quit, throw out all your cigarettes and get rid of any evidence of them. Exercise. Eat three meals a day. Instead of lighting up, substitute sugarless gum, apple slices, unbuttoned popcorn, carrot sticks and other healthy snacks.

Health information brought to you by

St. Elizabeth's Hospital

Member Hospital of Caritas Christi - A Catholic Health Care System
A Member of the American College of Surgeons
A University Medical Center of Tufts University School of Medicine

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- No points available
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City of Cambridge

MASSACHUSETTS

Office of the City Clerk

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11.30 FAST ORDER FOOD ESTABLISHMENTS

11.31 (revised) In considering applications for special permits for Fast Order Food Establishments and Automobile Oriented Fast Order Food Establishments, the Board of Zoning Appeal shall give consideration, in addition to the other criteria specified in Section 10.40, to the following criteria:

- (a) The establishment shall not (i) increase motor vehicle traffic in the area, (ii) reduce available parking, or (iii) threaten the public safety in the streets and sidewalks;
- (b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location;
- (c) the establishment fulfills a need for such a service in the neighborhood or in the city;
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- (g) The established complies with all State and local requirements applicable to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.

- 11.32 }
- 11.32.1 } same as current zoning
- 11.32.2 }
- 11.32.3 [New] A special permit issued for a fast order food establishment hereunder may be utilized only by the owner or operator of such establishment and nay successor owner or operators thereof. No rights

under such special permit may be transferred, assigned or otherwise conveyed to the owner or operator of a different fast order food establishment, regardless of were it is located.

ARTICLE 2.000 - DEFINITIONS [revised]

Fast Order Food. Food which is (a) cooked on the premises or maintained thereon in a heated condition, (b) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, (c) available upon a short waiting time, and (d) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast Order Food Establishment. An operation in a building, including all adjoining and contiguous areas in the same building, used for the primary purpose of offering for sale to the public Fast Order Food for consumption on or off the premises, which operation does not meet all of the following conditions: (1) provision of non-disposable plates, cups and utensils to all patrons, (2) availability to printed individual menus for all patrons, (3) provision of at least seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and (4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on the premises.

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All persons interested in this matter may appear at this time and be heard.

For the Committee,
Councillor Alice K. Wolf
Chair



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

CITY OF CAMBRIDGE
CITY HALL
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MA. 02139
TELEPHONE 349-4000
FAX # 349-4307

FAX COVER SHEET

TO: The Yab
Attn: Kathy Rhodes
LEGAL AD.

FROM: Donna Lopez to City Clerk's office
349-4257

NUMBER OF SHEETS, INCLUDING THIS COVER SHEET _____

REMARKS please confirm receipt of "Legal ad."
& bill City Clerk's office

IF THERE ARE PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL US AT
(617) 349-4300

PUBLIC NOTICE
RELATIVE TO ZONING.

City of Cambridge

MASSACHUSETTS

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For the Committee,
Councillor Alice K. Wolf
Chair

969

3302

Attn Kathy

Rhodes

DURATION	2m 26s
TRANSMITTER	EMBRIDGE CITY MANDR 617 268 1100
RECEIVER	
PAGES XMITTED	03
PAGES ERRORED	
RESULT	OK
COMM. MODE	03
RESOLUTION	NORMAL

1005501665



City of Cambridge

3.

IN CITY COUNCIL

June 8, 1992

COUNCILLOR DUEHAY
VICE MAYOR CYR

ORDERED: That the attached amendment to the zoning ordinances of the City of Cambridge and Section 11.30 entitled Fast Order Food establishments be referred to the Ordinance Committee and the Planning Board for a hearing and report.

In City Council June 8, 1992.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, Temporary City Clerk.

A true copy;

A handwritten signature in cursive script that reads "D. Margaret Drury".

ATTEST:-

D. Margaret Drury
Temporary City Clerk

11.30 FAST ORDER FOOD ESTABLISHMENTS

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Councillor Duehay

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City of Cambridge

3.

IN CITY COUNCIL
June 8, 1992

COUNCILLOR DUEHAY

ORDERED: That the attached amendment to the zoning ordinances of the City of Cambridge and Section 11.30 entitled Fast Order Food establishments be referred to the Ordinance Committee and the Planning Board for a hearing and report.

VMC
Councillor Duehay re: proposed amendment
to the Zoning Ordinance re: Fast Order
Food Establishments.

9/14/92 - Passed to be
ordained as amended
6-0-1-2

9/17/92 - Published - Chronicle

Copy sent to Planning
Board & Ordinance
Committee 6/10/92 @

In City Council,

June 8, 1992

Order adopted
Referred to Planning
Board & Ordinance
Committee for hearing
& report
Copy sent to Ord Committee &
Planning Board 6/10/92 @