

PETITION OF City Council

re: fast foods

Petition filed with the City Clerk March 18, 1991

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

13 days March

30 days April

22 days May

65 days = May 22, 1991 = all hearings

In City Council March 18, 1991

Referred to the Planning Board for report March 18, 1991

Planning Board Hearing May 7, 1991

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be Aug 20, 1991.)

9 days May

30 days June

31 days July

20 days Aug

90 days = Aug 20, 1991

City Council hearing published Chronicle on April 25, 1991

and May 2, 1991

Hearing before the Ordinance Committee May 22, 1991 at 5:30 p.m.

Reported to the City Council \_\_\_\_\_

Passed to a second reading on \_\_\_\_\_

published in \_\_\_\_\_ on \_\_\_\_\_

Planning Board report received on \_\_\_\_\_

Ready for ordination on \_\_\_\_\_

Passed to be ordained on \_\_\_\_\_

published in \_\_\_\_\_ on \_\_\_\_\_

COMPLETION DATE Aug. 20, 1991

8/21/91 Placed on file due to expiration of time limit

CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

July 16, 1991

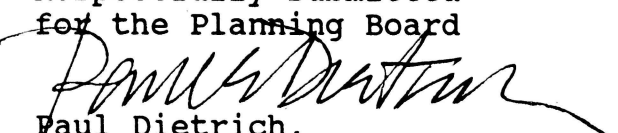
To the Honorable, the City Council:

SUBJECT: City Council Rezoning Petition to Amend the Fast Order  
Food Establishment Regulations in the Zoning Ordinance

Recommendation

The Planning Board has reviewed the proposed changes to the Fast Order Food Establishment regulations. For the most part the changes proposed, i.e. elimination of the use category of Automobile Oriented Fast Order Food Establishment, institution of a parking requirement for the first time, minor wording changes, are technical in nature and designed to clarify the regulations and make them internally consistent. The Board supports those alterations. The Board continues to be undecided, however, with regard to the major policy issue presented by the proposal, namely the reinstatement of an exemption from the special permit process for fast order food establishments of 1000 s.f. or less. As it appears that the petition must be refiled before it can be acted upon, the Board recommends that the exemption provision be retained in the refiling so that its appropriateness may be further analyzed.

Respectfully submitted  
for the Planning Board

  
Paul Dietrich,  
Chairman

16.



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

August 7, 1991  
XXXXXXXXXXXXXXX  
July 29, 1991

To The Honorable, The City Council:

Attached, please find for your consideration a Planning Board recommendation on the City Council Rezoning Petition to amend the Fast Order Food Establishment Regulations in the Zoning Ordinance.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mev  
attachment

0-34  
CONSENT AGENDA ITEM # 16

Recommendation from Planning Board to amend  
the Fast Order Food Establishment Regulations  
in the Zoning Ordinance.

In City Council,

August 7, 1991

*Referred to the  
petition*

SPEAKERS LIST

FAST FOOD ORDINANCE

IN FAVOR

NAME

ADDRESS

## Committee on Ordinances

Present Councillor Francis Dwyer

5/22/91

5:35 P.M.

- ① C. Russell
- ② C. Dwyer
- ③ C. Sullivan 6:42 P.M.
- ④ C. Cyr 6:45 P.M.

Chair -

Outlined procedure  
for ordinance

Les Barber  
Community Dev.

outlined text, and  
it's purpose. most of  
which are technical in  
nature. we eliminate  
automobile category w/in  
ordinance.

a special permit will  
be revised in future  
for Bus A-1, A-2

Article 6 establishes parking requirements

C. Durbay

Que. parking, out B.Z.A. language.

Laura Yager

Usually ~~Planning Board~~ <sup>BZA automatically</sup> handles S.P.

Don Drisdell

Will re-vist this prior to adoption

C. Durbay

11.31 (b) word should remain

Que. solid waste ~~number~~ <sup>being</sup> generated

Tough issue for applicant and enforcement agency

Don Drisdell

We did put in language on minimum parking

C. Durbay

Que. exception of small sites & food establishments. (under 1000 sq. ft.)

C. J. Dehaeg

Wants # of fast-food permits issue over the past few years

C. Sullivan

Remain in Committee

- 1 V

no speakers.

C. Russell

July 5<sup>th</sup> 5:58 P.M.

SPEAKER'S LIST

FAST FOOD ORDINANCE

IN OPPOSITION

NAME

ADDRESS



**PUBLIC NOTICE  
RELATIVE TO ZONING  
CITY OF CAMBRIDGE  
MASSACHUSETTS  
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 Wednesday, May 22, 1991 at 5:30 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by the City Council to amend the text of the Zoning Ordinance of the City of Cambridge relating to fast order food and automobile oriented fast order food establishments by doing the following: Hererences to Automobile Oriented Fast Order Food Service Establishment in Article 2.000 - Definitions; in Section 4.36(b) - Table of Use Regulations; and in Section 6.366(b) - Parking and Loading Requirements, are deleted. Section 11.31 is amended to read as follows:

In determining whether to grant special permits for Fast Order Food Establishments, a special permit granting authority shall consider the following in addition to the criteria set forth in Section 10.40:

- (a) **Impact on traffic and parking,**
- (b) **Physical characteristics of the particular location;**
- (c) **Fulfillment of a need in the neighborhood or in the city;**
- (d) **Whether Establishment provides food and delivery service to patrons; and**
- (e) **Any other relevant factors.**

Fast Order Food Establishments are allowed by special permit from the Board of Zoning Appeal in the Business A-1 and A-2 Districts. Section 11.30 is amended to allow this use without a special permit if the gross floor area does not exceed 1,000 square feet, nor provide off-premise food delivery service, nor have more than 20 seats. Parking requirements (Section 6.35) are established for fast order food establishments.

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 Francis H. Duehay,  
Chairman



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For the Committee,  
Councillor Francis H. Duehay,  
Chairman

May 22, 1991

COUNCIL ORDER NO. 5 - FAST FOOD ORDINANCE

ARTICLE 2.000            DEFINITIONS

~~AUTOMOBILE ORIENTED FAST FOOD SERVICE ESTABLISHMENTS.~~

~~A fast order food service establishment which provides a greater number of parking spaces than is required by the zoning ordinance.~~

ARTICLE 4.000            USE REGULATIONS

SECTION 4.36            OPEN AIR OR DRIVE IN RETAIL OR SERVICE

~~b. Automobile fast order food service establishment~~

ARTICLE 6.000            OFF STREET PARKING AND LOADING REQUIREMENTS

SECTION 6.36.6            OPEN AIR OR DRIVE IN RETAIL OR SERVICE

~~b. Automobile fast order food service establishment~~

ARTICLE 11.000            SPECIAL REGULATIONS

11.30                      FAST ORDER FOOD ESTABLISHMENTS

11.31

~~In considering determining whether to grant special permits for fast order food establishments and automobile oriented fast order food service establishments, the Board of Zoning Appeal a special permit granting authority shall give consideration, in addition to the criteria specified in section 10.40, to the following :~~

- ~~a) Impact on traffic and parking;~~
- ~~b) Sensitivity to the visual and physical characteristics of the particular location;~~
- ~~c) Fulfillment of a need of the neighborhood or in the city;~~
- ~~d) Reliance on walk in trade as opposed to drive in or automobile related trade.~~
- ~~d) Whether the establishment provides food delivery service to patrons; and~~

e) Any other relevant factors.

11.32

Establishments seeking to relocate their operations inside the boundary line of the zoning district in which the establishment is located shall not be required to obtain a special permit if both of the following conditions will be met.

11.32-1 a)

The new site shall be within five hundred feet of the original site of the establishment.

11.32-2 b)

There will be no increase of the gross floor area of the establishment at the new site.

11.33

Where a special permit is otherwise required under Zoning Ordinance section 4.35(o), a Fast Order Food Establishment which meets all of the following conditions is exempt from seeking relief from a special permit granting authority: a) Gross floor area shall not exceed One Thousand (1000) square feet; b) Establishment shall not provide off-premise food delivery service to patrons; and c) Establishment shall not have more than twenty (20) seats. THIS EXEMPTION SHALL NOT APPLY TO ESTABLISHMENTS IN BA-1 ZONED DISTRICTS.

NOTE : FAST ORDER FOOD ESTABLISHMENTS WHICH MEET THE EXCEPTIONS HEREIN MUST COMPLY WITH ALL OTHER PERTINENT PROVISIONS OF THE ZONING ORDINANCE.

11.34

When granting a special permit, the special permit granting authority may impose appropriate restrictions and conditions.

ARTICLE 4.000

TABLE OF USE REGULATIONS

4.35 (o)

Fast Order Food Establishment

BUS. A-1, A-2

NO SP

ARTICLE 6.000

SCHEDULE OF PARKING AND LOADING REQUIREMENTS

6.36.5(o) Fast Order Food Establishment

Open Space,  
Res. A-1, A-2,  
Res. B

Res. C, C-1, Off 1,  
Bus A, A-1, A-2,  
Ind A-1, Ind C

Bus. C, C-1, Ind A  
Off 2, Res. C-2, C-2A  
Res C-2B, Ind B-2,  
Bus A

n/a

~~n/a-6~~

~~n/a-6~~

1 per 500 sq. ft.

or

1 per 5 seats (14)

1 per 700 sq. ft.

or

1 per 10 seats (14)

Ind. B-1, Res. C-3,  
C-3A, Off 3-A, 3,  
Bus B, Ind A-2,  
Ind B, Bus B-1,  
B-2

1 per 1000 sq. ft.

or

1 per 15 seats (14)

---

14 whichever is greater

May 22, 1991

COUNCIL ORDER NO. 5 - FAST FOOD ORDINANCE

ARTICLE 2.000                    DEFINITIONS

~~AUTOMOBILE ORIENTED FAST FOOD SERVICE ESTABLISHMENTS.  
A fast order food service establishment which provides a greater  
number of parking spaces than is required by the zoning ordinance.~~

ARTICLE 4.000                    USE REGULATIONS

SECTION 4.36                    OPEN AIR OR DRIVE IN RETAIL OR SERVICE

~~b. Automobile fast order food service establishment~~

ARTICLE 6.000                    OFF STREET PARKING AND LOADING REQUIREMENTS

SECTION 6.36.6                    OPEN AIR OR DRIVE IN RETAIL OR SERVICE

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11.30                                FAST ORDER FOOD ESTABLISHMENTS

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- a) Impact on traffic and parking;
- b) ~~Sensitivity to the visual and physical characteristics of the particular location;~~
- c) Fulfillment of a need of the neighborhood or in the city;
- d) ~~Reliance on walk in trade as opposed to drive in or automobile related trade.~~
- d) ~~Whether the establishment provides food delivery service to patrons; and~~

e) Any other relevant factors.

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4.35 (o)

Fast Order Food Establishment

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NO SP

ARTICLE 6.000

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Fast Order Food Establishment

Open Space,  
Res. A-1, A-2,  
Res. B

Res. C, C-1, Off 1,  
Bus A, A-1, A-2,  
Ind A-1, Ind C

Bus. C, C-1, Ind A  
Off 2, Res. C-2, C-2A  
Res C-2B, Ind B-2,  
Bus A

n/a

n/a 6

n/a 6

1 per 500 sq. ft.

or

1 per 5 seats (14)

1 per 700 sq. ft.

or

1 per 10 seats (14)

Ind. B-1, Res. C-3,  
C-3A, Off 3-A, 3,  
Bus B, Ind A-2,  
Ind B, Bus B-1,  
B-2

1 per 1000 sq. ft.

or

1 per 15 seats (14)

---

14 whichever is greater

May 22, 1991

COUNCIL ORDER NO. 5 - FAST FOOD ORDINANCE

ARTICLE 2.000                    DEFINITIONS

~~AUTOMOBILE ORIENTED FAST FOOD~~  
~~A fast order food service es-~~  
~~number of parking spaces than~~

Don,  
21 copies of  
revisions to

greater  
nance.

ARTICLE 4.000                    USE REGULATIONS

SECTION 4.36                    OPEN AIR

~~b. Automobile fast order food~~

Fast ORDER  
FOOD ORD.

for tomorrow's  
Hearing. Laura

ARTICLE 6.000                    OFF STREET

SECTION 6.36.6                    OPEN AIR OR DRIVE IN RETAIL OR SERVICE

~~b. Automobile fast order food service establishment~~

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- d) ~~Reliance on walk-in trade as opposed to drive-in or automobile related trade.~~
- d) Whether the establishment provides food delivery service to patrons; and

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11.32-2 b) There will be no increase of the gross floor area of the establishment at the new site.

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NOTE : FAST ORDER FOOD ESTABLISHMENTS WHICH MEET THE EXCEPTIONS HEREIN MUST COMPLY WITH ALL OTHER PERTINENT PROVISIONS OF THE ZONING ORDINANCE.

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Off 2, Res. C-2, C-2A  
Res C-2B, Ind B-2,  
Bus A

n/a

~~n/a 6~~ ~~n/a 6~~

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NO SP

ARTICLE 6.000

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Bus. C, C-1, Ind A  
Off 2, Res. C-2, C-2A  
Res C-2B, Ind B-2,  
Bus A

n/a

~~n/a 6~~ ~~n/a 6~~

~~1 per 500 sq. ft.~~

~~1 per 700 sq. ft.~~

~~or~~

~~or~~

~~1 per 5 seats (14)~~

~~1 per 10 seats (14)~~

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C-3A, Off 3-A, 3,  
Bus B, Ind A-2,  
Ind B, Bus B-1,  
B-2

~~n/a 6~~

~~1 per 1000 sq. ft.~~

~~or~~

~~1 per 15 seats (14)~~

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~~14 whichever is greater~~

# Central Square Advisory Committee

57 Inman Street, Cambridge, Massachusetts 02139

May 7, 1991

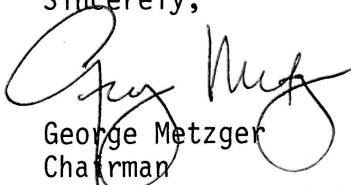
Cambridge City Council, Committee on Ordinances  
City Hall - 795 Massachusetts Avenue  
Cambridge, Massachusetts 02139

To the Honorable, The Committee on Ordinances:

On Wednesday, May 1, 1991, the Central Square Advisory Committee (CSAC) met to discuss the proposed changes to the Fast Food Ordinance. The CSAC acknowledges the ambiguity in the present ordinance and supports the proposed amendment with one exception: the CSAC requests that the exemption proposed in Section 11.33 which would exclude some fast food establishments from the Special Permit review process not be applicable in the Central Square Overlay District.

Many of the existing fast food establishments presently in Central Square would qualify under the exemption. The CSAC would like the opportunity to review all requests as part of the Special Permit process. As you are aware the proliferation of fast food establishments has been a concern in Central Square and was the impetus behind establishing a fast food cap. The CSAC continues to be concerned due to the number of inquiries from fast food businesses for a Central Square location, and therefore requests that the Central Square Overlay District be excluded from the exemption proposed in Section 11.33.

Sincerely,



George Metzger  
Chairman  
Central Square Advisory Committee

GM:c1

12



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

May 13, 1991

To the Honorable, the City Council:

Attached please find a letter from the Central Square Advisory Committee regarding the proposed changes to the Fast Food Ordinance.

Very truly yours,

Robert W. Healy  
City Manager

RWH/dls

CONSENT AGENDA # 12

Comm relative to a letter from the Central  
Square Advisory Committee regarding the  
proposed changes to Fast Food Ordinance.

In City Council,

May 13, 1991

*Referred to the  
Petition*

PUBLIC NOTICE  
RELATIVE TO ZONING**City of Cambridge**

MASSACHUSETTS

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 Wednesday, May 22, 1991 at 5:30 p. m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by the City Council to amend the text of the Zoning Ordinance of the City of Cambridge relating to fast order food and automobile oriented fast order food establishments by doing the following: References to Automobile Oriented Fast Order Food Service Establishment in Article 2.000 - Definitions; in Section 4.36(b) - Table of Use Regulations; and in Section 6.366(b) - Parking and Loading Requirements, are deleted. Section 11.31 is amended to read as follows:

In determining whether to grant special permits for Fast Order Food Establishments, a special permit granting authority shall consider the following in addition to the criteria set forth in Section 10.40:

- (a) Impact on traffic and parking,
- (b) Physical characteristics of the particular location;
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and
- (e) Any other relevant factors.

Fast Order Food Establishments are allowed by special permit from the Board of Zoning Appeal in the Business A-1 and A-2 Districts. Section 11.30 is amended to allow this use without a special permit if the gross floor area does not exceed 1,000 square feet, nor provide off premise food delivery service, nor have more than 20 seats. Parking requirements (Section 6.35) are established for fast order food establishments.

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 Francis H. Duchay,  
Chairman

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For the Committee,  
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Chairman

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**City of Cambridge**

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Chairman

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RELATIVE TO ZONING

# City of Cambridge

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Chairman

CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

RECEIVED  
CITY CLERK

APR 10 PM 4:12

CAMBRIDGE, MASSACHUSETTS

NOTICE OF PUBLIC HEARING

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, May 7, 1990, at 7:30 p.m. at the Community Development Conference Room, third floor, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts on a petition by the City Council to amend the text of the Zoning Ordinance of the City of Cambridge relating to Fast order food and automobile oriented fast order food establishments by doing the following: References to Automobile Oriented Fast Order Food Service Establishment in Article 2.000 - Definitions; in Section 4.36(b) - Table of Use Regulations; and in Section 6.366(b) - Parking and Loading Requirements, are deleted. Section 11.31 is amended to read as follows:

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Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts. Questions concerning the petition may be addressed to Lester Barber or Liza Malenfant at 349-4600.

CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

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3



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

March 18, 1991

To The Honorable, The City Council:

Please find attached for your information, proposed amendments to the Fast Food Ordinance, received from Russell B. Higley, City Solicitor.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mev  
attachment



CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

(617) 498-9020

Russell B. Higley
City Solicitor
Donald A. Drisdell
Deputy City Solicitor
Michael C. Costello
Assistant City Solicitor
Birge Albright
Legal Counsel

RECEIVED
91 MAR 13 AM 8:53
OFFICE OF THE CITY MANAGER
Gail S. Gaudel
Legal Counsel
Joseph M. Kaigler
Legal Counsel
Diane Wynshaw-Boris
Legal Counsel
Edward J. O'Connell
Legal Counsel

MEMORANDUM

TO: ROBERT W. HEALY, City Manager
FROM: RUSSELL B. HIGLEY, City Solicitor
RE: COUNCIL ORDER NO. 5 - 2/26/90 - Fast Food Ordinance
DATE: March 11, 1991

Handwritten signature of Russell B. Higley

After having reviewed the Zoning Ordinances relative to Fast Order Food Establishments, we offer the following as a means of "strengthening" the Zoning Ordinance:

1. The category of "Automobile Oriented Fast Order Food Service Establishment" should be eliminated in its entirety. Therefore, its definition under Article 2.000 should be struck, §4.36(b) should be struck and §6.366(b) should be struck.

2. §11.31 should eliminate any reference to Automobile Oriented Fast Order Food Establishments.

3. §11.31 should be amended to read as follows:

In determining whether to grant special permits for Fast Order Food Establishments, a special permit granting authority shall consider the following in addition to the criteria set forth in §10.40:

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(d) Whether Establishment provides food delivery service to patrons; and
(e) Any other relevant factors.

4. The use table restrictions for Fast Order Food Establishments, §4.35(o), should be amended so that under BA-1 and BA-2 the letters "SP" are substituted for "NO."

5. §11.30 should be amended to include an exception for Fast Order Food Establishments as follows:

§11.33 Where a special permit is otherwise required under Zoning Ordinance 4.35(o), a Fast Order Food Establishment which meets all of the following conditions is exempt from seeking relief from a special permit granting authority: a) Gross floor area shall not exceed 1000 square feet, b) Establishment shall not provide off-premise food delivery service to patrons, and c) Establishment shall not have more than twenty (20) seats. THIS EXEMPTION SHALL NOT APPLY TO ESTABLISHMENTS IN BA-1 ZONED DISTRICTS.

NOTE: FAST ORDER FOOD ESTABLISHMENTS WHICH MEET THE EXCEPTIONS HEREIN MUST COMPLY WITH ALL OTHER PERTINENT PROVISIONS OF THE ZONING ORDINANCE.

6. §11.321 should be changed to §11.32(a).

7. §11.322 should be changed to §11.32(b).

8. A new section should be added to 11.30 to read:

§11.34 When granting a special permit, the special permit granting authority may impose appropriate restrictions or conditions.

9. §6.35.5(o) should be amended as follows: all use districts except Open Space, Res. A-1, A-2, Res. B, should omit "n/a" and the footnote and substitute the following language:

<u>Res.C, C-1, etc.</u>	<u>Bus.C, C-1, etc.</u>	<u>Ind.B-1, etc.</u>
1 per 500 sq. ft.	1 per 700 sq. ft.	1 per 1000 sq. ft.
or	or	or
1 per 5 seats <sup>14</sup>	1 per 10 seats <sup>14</sup>	1 per 15 seats <sup>14</sup>

RBH/dwb

---

<sup>14</sup>Whichever is greater.

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CITY OF CAMBRIDGE

Office of the City Solicitor  
City Hall  
795 Massachusetts Avenue  
Cambridge, Massachusetts 02139

(617) 498-9020

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City Solicitor  
  
Donald A. Drisdell  
Deputy City Solicitor  
  
Michael C. Costello  
Assistant City Solicitor  
  
Birge Albright  
Legal Counsel

91 MAR 13 11 05 AM '91  
Joseph M. Kaigler  
Legal Counsel  
  
Diane Wynshaw-Borris  
Legal Counsel  
  
Edward J. O'Connell  
Legal Counsel

MEMORANDUM

TO: ROBERT W. HEALY, City Manager  
FROM: RUSSELL B. HIGLEY, City Solicitor  
RE: COUNCIL ORDER NO. 5 - 2/26/90 - Fast Food Ordinance  
DATE: March 11, 1991

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- 1. The category of "Automobile Oriented Fast Order Food Service Establishment" should be eliminated in its entirety. Therefore, its definition under Article 2.000 should be struck. §4.36(b) should be struck and §6.366(b) should be struck. *parking reqs.*
- 2. §11.31 should eliminate any reference to Automobile Oriented Fast Order Food Establishments.
- 3. §11.31 should be amended to read as follows:

*Table of Use  
New Section  
replacing  
existing  
11.31*

In determining whether to grant special permits for Fast Order Food Establishments, a special permit granting authority shall consider the following in addition to the criteria set forth in §10.40:

- (a) Impact on traffic and parking;
- (b) Physical characteristics of the particular location;
- (c) Fulfillment of a need in the neighborhood or in the city;
- (d) Whether Establishment provides food delivery service to patrons; and
- (e) Any other relevant factors.

- 4. The use table restrictions for Fast Order Food Establishments, §4.35(o), should be amended so that under BA-2 the letters "SP" are substituted for "NO."

*Table of Use Regulations: these districts allowed fast order food, auto oriented establishments; as that category was deleted, standard fast order food has been allowed in its place.*

- 5. §11.30 should be amended to include an exception for Fast Order Food Establishments as follows:

*New Section  
which  
does not  
exist now*

§11.33 Where a special permit is otherwise required under Zoning Ordinance 4.35(o), a Fast Order Food Establishment which meets all of the following conditions is exempt from seeking relief from a special permit granting authority: a) Gross floor area shall not exceed 1000 square feet, b) Establishment shall not provide off-premise food delivery service to patrons, and c) Establishment shall not have more than twenty (20) seats. THIS EXEMPTION SHALL NOT APPLY TO ESTABLISHMENTS IN BA-2 ZONED DISTRICTS.

NOTE: FAST ORDER FOOD ESTABLISHMENTS WHICH MEET THE EXCEPTIONS HEREIN MUST COMPLY WITH ALL OTHER PERTINENT PROVISIONS OF THE ZONING ORDINANCE.

- 6. §11.321 should be changed to §11.32(a).
- 7. §11.322 should be changed to §11.32(b).

*re lettering*

- 8. A new section should be added to 11.30 to read:

*another  
new section*

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- 9. §6.35.5(o) should be amended as follows: all use districts except Open Space, Res. A-1, A-2, Res. B, should omit "n/a" and the footnote and substitute the following language:

<u>Res. C, C-1, etc.</u>	<u>Bus. C, C-1, etc.</u>	<u>Ind. B-1, etc.</u>
1 per 500 sq. ft.	1 per 700 sq. ft.	1 per 1300 sq. ft.
or	or	or
1 per 5 seats <sup>14</sup>	1 per 10 seats <sup>14</sup>	1 per 15 seats <sup>14</sup>

RBH/dwb

*This adds a minimum parking requirement for fast food which does not exist now*

<sup>14</sup>Whichever is greater.  
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3



CITY OF CAMBRIDGE  
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300  
FAX 349-4307

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

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(617) 498-9020

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

RECEIVED
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OFFICE OF THE CITY SOLICITOR
Gail S. Gabriel
Legal Counsel
Joseph M. Kaigler
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Edward J. O'Connell
Legal Counsel

MEMORANDUM

TO: ROBERT W. HEALY, City Manager
FROM: RUSSELL B. HIGLEY, City Solicitor
RE: COUNCIL ORDER NO. 5 - 2/26/90 - Fast Food Ordinance
DATE: March 11, 1991

Handwritten signature of Russell B. Higley

After having reviewed the Zoning Ordinances relative to Fast Order Food Establishments, we offer the following as a means of "strengthening" the Zoning Ordinance:

1. The category of "Automobile Oriented Fast Order Food Service Establishment" should be eliminated in its entirety. Therefore, its definition under Article 2.000 should be struck, §4.36(b) should be struck and §6.366(b) should be struck.

2. §11.31 should eliminate any reference to Automobile Oriented Fast Order Food Establishments.

3. §11.31 should be amended to read as follows:

In determining whether to grant special permits for Fast Order Food Establishments, a special permit granting authority shall consider the following in addition to the criteria set forth in §10.40:

- (a) Impact on traffic and parking;
(b) Physical characteristics of the particular location;
(c) Fulfillment of a need in the neighborhood or in the city;
(d) Whether Establishment provides food delivery service to patrons; and
(e) Any other relevant factors.

4. The use table restrictions for Fast Order Food Establishments, §4.35(o), should be amended so that under BA-1 and BA-2 the letters "SP" are substituted for "NO."

5. §11.30 should be amended to include an exception for Fast Order Food Establishments as follows:

§11.33 Where a special permit is otherwise required under Zoning Ordinance 4.35(o), a Fast Order Food Establishment which meets all of the following conditions is exempt from seeking relief from a special permit granting authority: a) Gross floor area shall not exceed 1000 square feet, b) Establishment shall not provide off-premise food delivery service to patrons, and c) Establishment shall not have more than twenty (20) seats. THIS EXEMPTION SHALL NOT APPLY TO ESTABLISHMENTS IN BA-1 ZONED DISTRICTS.

NOTE: FAST ORDER FOOD ESTABLISHMENTS WHICH MEET THE EXCEPTIONS HEREIN MUST COMPLY WITH ALL OTHER PERTINENT PROVISIONS OF THE ZONING ORDINANCE.

6. §11.321 should be changed to §11.32(a).

7. §11.322 should be changed to §11.32(b).

8. A new section should be added to 11.30 to read:

§11.34 When granting a special permit, the special permit granting authority may impose appropriate restrictions or conditions.

9. §6.35.5(o) should be amended as follows: all use districts except Open Space, Res. A-1, A-2, Res. B, should omit "n/a" and the footnote and substitute the following language:

<u>Res.C,C-1,etc.</u>	<u>Bus.C, C-1, etc.</u>	<u>Ind.B-1, etc.</u>
1 per 500 sq. ft.	1 per 700 sq. ft.	1 per 1000 sq. ft.
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1 per 5 seats <sup>14</sup>	1 per 10 seats <sup>14</sup>	1 per 15 seats <sup>14</sup>

RBH/dwb

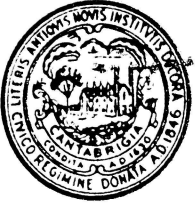
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CITY OF CAMBRIDGE  
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300  
FAX 349-4307

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

RICHARD C. ROSSI  
Deputy City Manager

March 18, 1991

To The Honorable, The City Council:

Please find attached for your information, proposed amendments to the Fast Food Ordinance, received from Russell B. Higley, City Solicitor.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mev  
attachment



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RBH/dwb

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Very truly yours,

Robert W. Healy  
City Manager

RWH/mev  
attachment

Consent Agenda # 3  
Amendments to strengthening the Fast Food Ordinance. 0-34

8/21/91 Placed on file  
due to expiration of  
time limit

In City Council,

March 18, 1991

Deferred to Planning  
Board and Ordinance

Committee

(copies sent to Liza Malenfant  
Community Development and  
Councilor Duehay 3/20/91  
pmc)