



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date: March 23, 2021

Subject: Retail Uses Zoning Petition and Home Occupations Zoning Petition

Recommendation: The Planning Board **RECOMMENDS ADOPTION** of both petitions, with comments for further consideration.

To the Honorable, the City Council,

On March 9, 2021, the Planning Board (the “Board”) held a public hearing to discuss the City Council Zoning Petition to amend various Articles of the Zoning Ordinance to revise definitions and use regulations for Retail or Consumer Service Establishments, and the City Council Zoning Petition to amend Section 4.21 of the Zoning Ordinance to revise regulations for permitted accessory Home Occupations (together, the “Petitions”). Staff from the City’s Community Development Department (CDD), who developed both Petitions in consultation with the City’s Law Department, provided an overview of both Petitions and answered questions from the Board. There were two commenters from the public.

The Board had previously heard these Petitions on December 1, 2020, at which time the Board received a full presentation from CDD staff and raised several comments, questions, and suggestions for further discussion. Both Petitions were later refiled in their original versions. Prior to the March 9 hearing, CDD provided a memo (dated March 4, 2021) that was prepared in consultation with the Law Department and addressed the issues raised at the December hearing, with suggested improvements to some parts of the zoning text. The Board hereby commends the suggestions in that CDD memo, which is attached to this recommendation.

Following deliberation, Board members expressed broad support for both Petitions, emphasizing their main objectives of modernizing outdated aspects of the Zoning Ordinance and making regulations easier for retail businesses and home occupations. Retail is a vital part of the urban fabric, and while retail faces many economic struggles (some of which have been worsened by the COVID-19 pandemic), it is important to take timely action that will reduce regulatory burdens on businesses that are desired in Cambridge.

Board members acknowledged that the Petitions may not be perfect and that some aspects may benefit from further consideration, but recognized that improving the basic framework of the Zoning Ordinance is an important step that may lead to other substantive changes. If the Petitions are adopted in their current form and additional substantive zoning changes are desired, either in the near term or as the City’s understanding of retail continues to evolve, then the Board would encourage such changes to be addressed as they arise without needing to wait for another major overhaul to the zoning.

Board members raised the following specific issues for consideration:

- Further consolidation and simplification of retail use types in the Zoning Ordinance might help advance the goal of allowing more retail.
- Reconsider if it is necessary to refer to alcoholic beverages “served with meals” as part of the definition of Restaurant, given the tendency for some restaurants to have bars that people can patronize without being required to have meals, and for some bars to serve different types of food.
- How does the 1,250 square-foot size limit for Food Stands or Kiosks correspond to the typical sizes found in existing Food Halls, such as Time Out Market in Boston?
- The “Additional Allowed Retail” section could better clarify what is allowed or not allowed, although the suggested revisions in the attached CDD memo are helpful. It is also uncertain how the limitation on some additional retail uses of 25% of the hours of operation will be enforced.
- The proposed special permit considerations in Section 10.43.1 should be revisited to ensure there is a clear public objective. If the intent is for a use to be viewed more positively if it is identified in a City or neighborhood plan, that should be made clearer so that it is not viewed as a negative consideration. The façade design considerations should also be evaluated carefully for potential conflicts in how they would be applied, such as when considering a retail use that is allowed by special permit in a residential district that might not have an established retail character, and recognizing that such considerations would not be imposed on a retail use that is allowed as-of-right.

At the conclusion of the hearing, the Board voted unanimously (6-0) to transmit a favorable recommendation with the above comments.

Respectfully submitted for the Planning Board,

Catherine Preston Connolly

Catherine Preston Connolly, Chair.