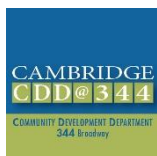


City of Cambridge  
Community Development Department

# Retail Land Use Zoning Recommendations

July 2020

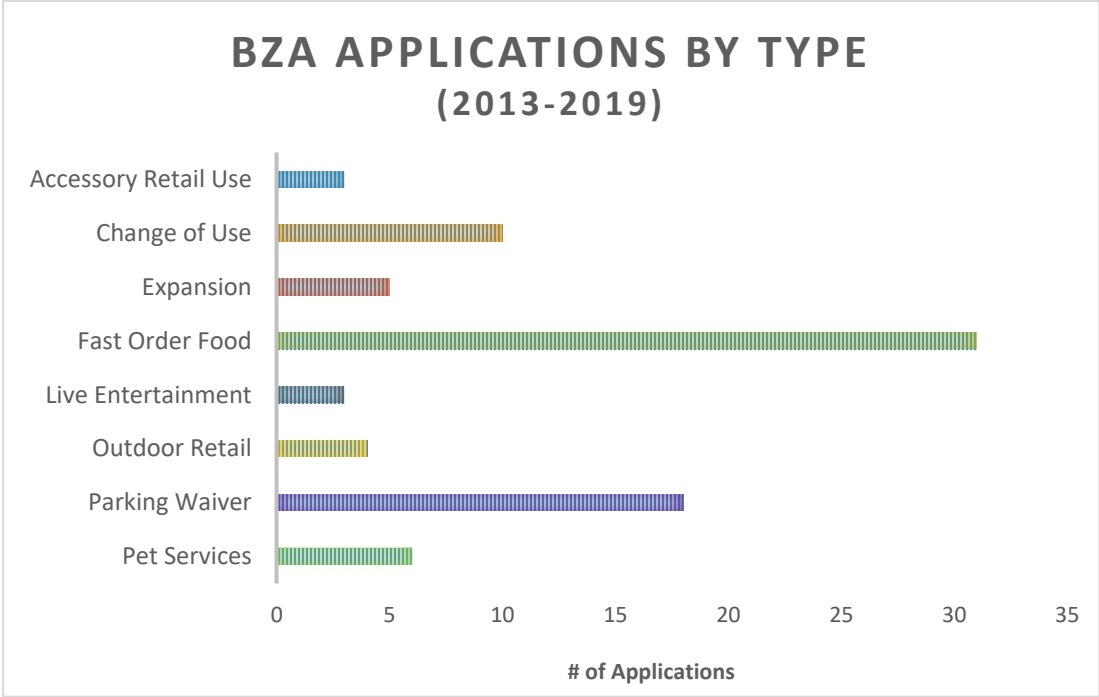




# Project Background

- 2015: CDD engaged with planning consulting firm Community Opportunity Group, Inc. to develop the *Commercial Land Use Classification Study*, providing recommendations to the City on ways to update, consolidate, and clarify commercial classifications in the Zoning Ordinance
- 2017: In the Retail Strategy Plan, the City's consultants recommended that the City incorporate recommendations from the 2015 study to allow for more flexible and new retail uses
- 2019: In *Envision Cambridge* a near term action item is to revise the commercial land use classification to allow for more flexible retail formats and business models

# Retail Business Permitting (2013-2019)



Map by Community Opportunities Group, Inc. Data Source: City of Cambridge, CDD. Basemap & Encoding: Google Maps. Last Updated: 6/28/2019.

# Examples



Honeycomb Creamery  
(1702 Mass. Ave.)  
Classified as Fast Food  
Required Variance



Curio Spice Co.  
(2254 Mass. Ave.)  
Required a SP for Light  
Manufacturing/Assembly



Lamplighter Brewing Co.  
284 Broadway  
No classification  
Required Variance

# Examples



Formaggio Kitchen Annex  
(67 Smith Place)  
Required SP to make a portion of  
the space a classroom



Loyal Nine  
(660 Cambridge St.)  
Required a Parking Waiver for  
Additional Seats



Black Sheep Bagel  
(56 JFK St.)  
Classified Fast Food  
Required SP



# Impact on Business

- **Most Common BZA requests:**

- Parking Waivers (SP and Variances)
- Fast Order Food Permits
- Variances for non-defined uses or mixed of uses
- Current uses are not clearly defined

- **Time and Costs:**

- Average legal costs for SP/Variances: \$3,000
- Average delay in opening due to SP/Variances: 3-6 months



# Feedback from Business Outreach

- Use table complicated to read – too many footnotes, too many categories, definitions not up-to-date
- Food entrepreneurs face difficulties – e.g., commercial kitchens, fast order food requirements
- Too much time to resolve zoning issues and obtain variances, costly for small businesses having to carry rent
- Parking requirements
- Non-conforming uses
- Allowing mixed uses in one space, different revenue streams



# Objectives of Retail Zoning Initiative

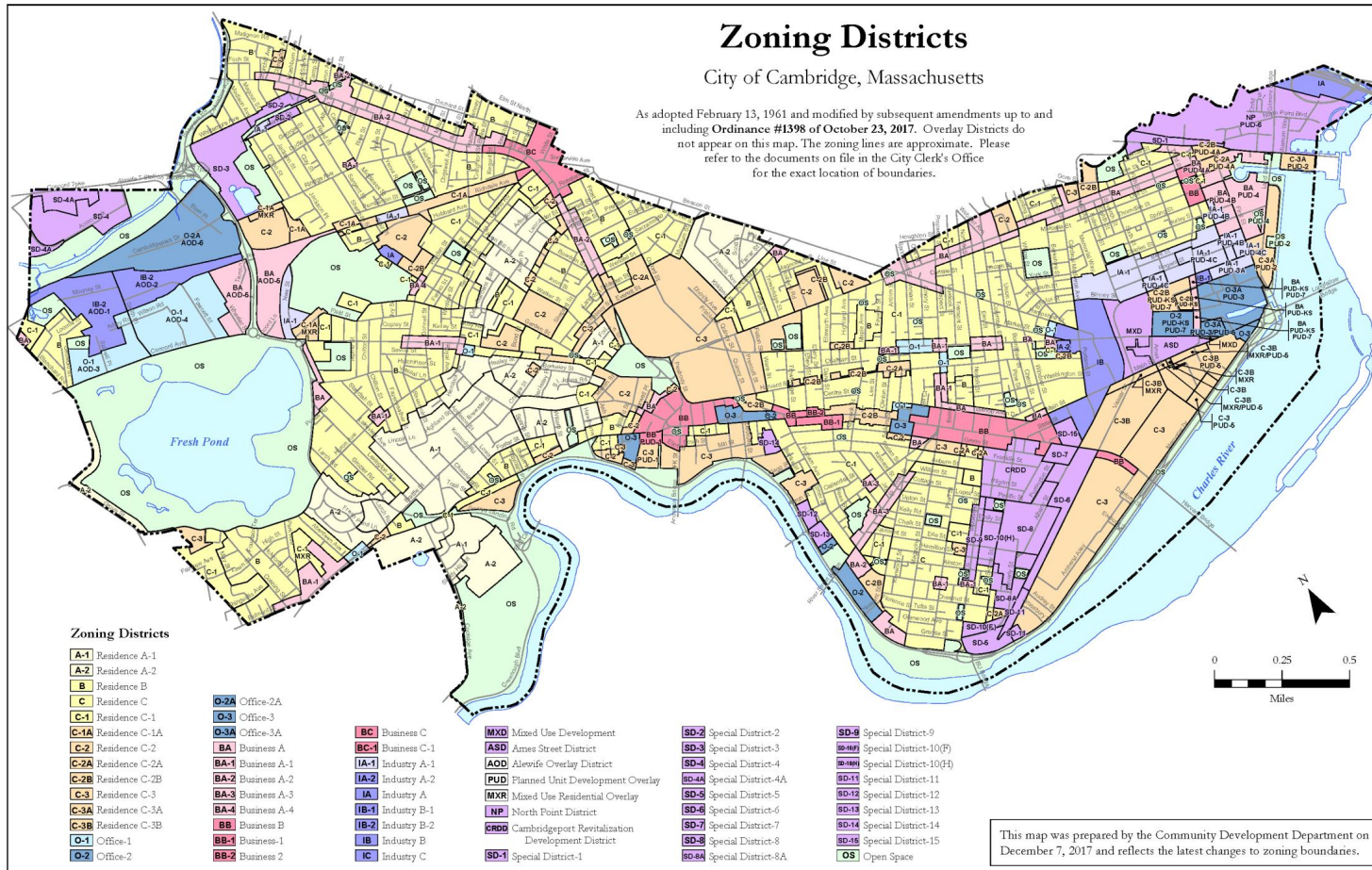
1. Consistently define all retail use types
2. Add use types that are not listed
3. Regulate “hybrid” activities
4. Plan for unforeseen use types
5. Consider relaxing some requirements (parking, change of use, & etc.)
6. Home-based businesses





# Zoning for Retail – Overview

# How does zoning affect retail?



- How are different types of retail categorized?
- Where are different types of retail allowed?
- What standards must be met (e.g., parking, signage)
- What review process might be required?

# Past – How did we get to where are now?

- Most retail use zoning dates back to 1961
- Retail was mostly in concentrated shopping centers, car-oriented
- Parking, trash, and noise were major concerns



# Today – Where are we?

- Retail and other amenities are a part of an active street life
- Builds a sense of community
- Active ground floor uses are key to a mixed use neighborhood



# Future – Where are we going?

- How we purchase items and services is changing – *in unpredictable ways*
- Desire for items made local is increasing (especially pre-packaged food/beverage)
- Businesses are making creative use of unconventional spaces
- Experiences are an increasing part of retail (travel, shows, classes)



# Recommendations Overview

Part	Approach	Objective
1	<b>Revise retail use definitions</b> for clarity and consistency	Business owners, residents, and the City can readily determine where a particular business fits in zoning
2	<b>Revise regulations</b> for what retail uses are allowed where	Regulation follows a logical pattern aligned with current City goals
3	Relax especially <b>onerous requirements (parking)</b>	New businesses are not routinely forced to seek relief from the BZA



# Part 1: Retail Land Use Definitions

# Retail Use Types – Current Zoning

## 4.35 Retail Business and Consumer Service Establishments

- a. Store for retail sale of merchandise <sup>23</sup>
  1. Establishment providing convenience goods such as drug stores, food stores, tobacco, newspaper and magazine stores, variety stores, and liquor stores <sup>24</sup>
  2. Other retail establishments
- b. Place for the manufacturing, assembly or packaging of consumer goods <sup>25</sup>
- c. Barber shop, beauty shop, laundry and dry cleaning pickup agency, shoe repair, self-service laundry or other similar establishment
- d. Hand laundry, dry cleaning or tailoring shop <sup>26</sup>
- e. Lunchroom, restaurant, cafeteria <sup>27</sup>
- f. Establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided:
  1. Lunchroom, restaurant, cafeteria
  2. Bar, saloon, or other establishment serving alcoholic beverages but which is not licensed to prepare or serve food
- g. Bar or other establishment where alcoholic beverages are sold and consumed and where dancing and entertainment is provided. Dance hall or similar place of entertainment
- h. Theatre or hall for public gatherings
- i. Commercial recreation
- j. Mortuary, undertaking or funeral establishment
- k. Printing shop, photographer's studio
- l. Veterinary establishment, kennel, pet shop or similar establishment <sup>29</sup>
- m. Sales place for new and used car, rental agency for autos, trailers and motorcycles <sup>30</sup>
- n. Office including display or sales space of a wholesale, jobbing or similar establishment <sup>31</sup>
- o. Fast Order Food Establishment
- p. Deleted
- q. Art/Craft Studio
- r. Bakery, Retail
- s. Cannabis Retail Store

## 4.36 Open Air or Drive In Retail & Service

- a. Sales place for flowers, garden supplies agricultural produce conducted partly or wholly outdoors; commercial greenhouse or garden
- b. Automobile oriented fast order food service establishment
- c. Drive in bank and other retail or consumer service establishment where motorist does not have to leave his or her car
- d. Outdoor amusement park, outdoor sports facility conducted for profit
- e. Open air or drive in theatre or other open air place of entertainment
- f. Sale of new or used cars conducted partly or wholly on open lots, or rental agency for automobiles, trailer, motorcycles, conducted partly or wholly outdoors
- g. Automobile service station where no major repairs are made <sup>32</sup>
- h. Car washing establishment using mechanical equipment for the purpose of cleaning automobiles and other vehicles
- i. Place for exhibition, lettering or sale of gravestones





# Overall Objectives

- Each use has a clear, consistent definition (reduce footnotes)
- System for categorizing establishments that combine different use types
- “Other” designation for new retail types that do not fit an existing category



# Retail Use Types – At a Glance

## 4.35 Retail Business and Consumer Service Establishments

Retail Stores

Personal Services

Food and Beverage Service

Entertainment and Recreation

Art Studios

Special Retail and Service

## 4.36 Open Air or Drive In Retail & Service

# Retail Stores

Current Use Type (summarized)		Issues/Recommendations
4.35-a1	Convenience Store	Add/refine definition. <b>Currently limited to 2,500 SF – change?</b>
4.35-a2	General Merchandise (“Other”)	Add definition
4.35-b	Retail Store with Assembly/Manufacturing	<b>Remove limitation that ≥50% of merchandise is sold on premises</b>
4.35-r	Retail Bakery (for use at home)	Keep as-is, or combine with more general definition
new	<b>Grocery Store</b>	<b>Create as new use</b>

# Personal Services

	Current Use Type (summarized)	Issues/Recommendations
4.35-c	Barber shop, beauty shop, dry cleaning pickup, shoe repair, self-service laundry, “other similar”	<b>Consolidate into “Personal Service,” encompass other modern services (e.g., electronics repair, bicycle repair, copying)</b>
4.35-d	Hand laundry, dry cleaning, tailoring	
4.35-k	Printing shop, photographer’s studio	

# Food and Beverage Service

	Current Use Type (summarized)	Issues/Recommendations
4.35-e	Restaurant – no alcohol	Add definition <b>or consolidate?</b>
4.35-f1	Restaurant – with alcohol	Add definition <b>or consolidate?</b>
4.35-f2	Bar – without food	Add definition <b>or consolidate?</b>
4.35-o	Fast Order Food Establishment	<b>Revise definition – remove strict standards re: table seating, amount of dine in vs. takeout</b>
new	<b>Food Stand/Kiosk</b>	<b>Define as new use</b>
new	<b>Food Hall</b>	<b>Define as new use</b>
new	<b>Craft Beverage Establishment</b>	<b>Define as new use</b>



# Retail Use Types: Fast Order Food

## **“Fast Order Food” is:**

- primarily intended for immediate consumption rather than for use as an ingredient in or component of meals;
- available upon a short waiting time; and
- packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

## **Considered a Fast Order Food Establishment if any of the following are true:**

1. no non-disposable plates, cups and utensils to all patrons
2. no printed individual menus for all patrons
3. less than 75% percent of seating is free standing tables rather than counters
4. less than 80% of revenue is food consumed on premises

# Entertainment and Recreation

Current Use Type (summarized)	Issues/Recommendations
4.35-g “Dance Hall”	<b>Add/revise definition – currently includes anything with “alcohol” and “entertainment”</b>
4.35-h Theater	Add definition
4.35-i Commercial Recreation	Refine definition
<b>new Fitness Center</b>	<b>Define as new use</b>



# Art Studios

	Current Use Type (summarized)	Issues/Recommendations
4.35-q	Art/Craft Studio	No change
New	<b>Performing Arts Studio</b>	<b>Define as new use</b>



# Special Retail and Service

	Current Use Type (summarized)	Issues/Recommendations
4.35-j	Funeral Home/Mortuary	Needs definition
4.35-l	Pet Service (vet, kennel, pet shop)	Needs definition
4.35-m	Auto Sales (indoor)	Needs definition
4.35-n	Office with wholesale sales/display, “jobbing”	<b>Recommend deleting</b>
4.35-s	Cannabis Retail Store	No change

# Open Air/Drive In Retail and Service

	Current Use Type (summarized)	Issues/Recommendations
4.36-a	Agricultural/Greenhouse	<i>To be part of Urban Agriculture</i>
4.36-b	Auto-oriented Fast Order Food	Needs definition – <b>specify “drive-in”</b>
4.36-c	Drive-in bank or retail	Needs definition
4.36-d	Amusement park, sports facility	Needs definition
4.35-e	Open-air/drive-in theater	Needs definition – <b>specify “drive-in”</b>
4.35-f	Auto Sales (open lot)	Needs definition
4.35-g	Auto Service Station	Needs definition
4.35-h	Auto Wash	Needs definition
4.35-i	Gravestone exhibition	<b>Recommend deleting</b>



# Open Air/Drive In Retail and Service

	Current Use Type (summarized)	Issues/Recommendations
new	<b>Outdoor Entertainment/Recreation</b>	<b>Define as new use – distinct from “drive-in”</b>
new	<b>Temporary Outdoor Retail</b>	<b>Define as new use</b>



# Defining “Other”

**“Retail or Consumer Service Establishment (not otherwise defined)”**

**Add General Definition**  
**Include: retail stores, personal services, entertainment, recreation**

**“Outdoor Retail or Consumer Service Establishment (not otherwise defined)”**

**Add General Definition**



# Alternative Approaches

## Consolidation

- e.g., “Food and Beverage Establishment” in place of separate uses

## Define by size/intensity

- e.g., Small (<2,500 SF),  
Medium (2,500-10,000 SF),  
Large (>10,000 SF) Establishments



# Example: Berkeley, CA – 2018 Amendment

Previous Uses	New Use
Carry Out Food Store	Food Service Establishment
Quick Service Restaurant	
Full Service Restaurant	

# Defining “Accessory Retail” Uses

**Accessory uses** are subordinate and incidental to the principal use. (Section 4.21 defines limitations.)

Potential Accessory Uses	Examples
<b>Programming</b>	Classes/workshops on items sold at a Retail Store
<b>Food Service</b>	Bar/concession at a Theater
<b>Entertainment</b>	Performances up to 2 nights/week at a Restaurant
<b>Recreation</b>	Game tables at a restaurant
<b>Outdoor Activities</b>	Outdoor sales area, restaurant seating



# Part 2: Retail Use Regulation



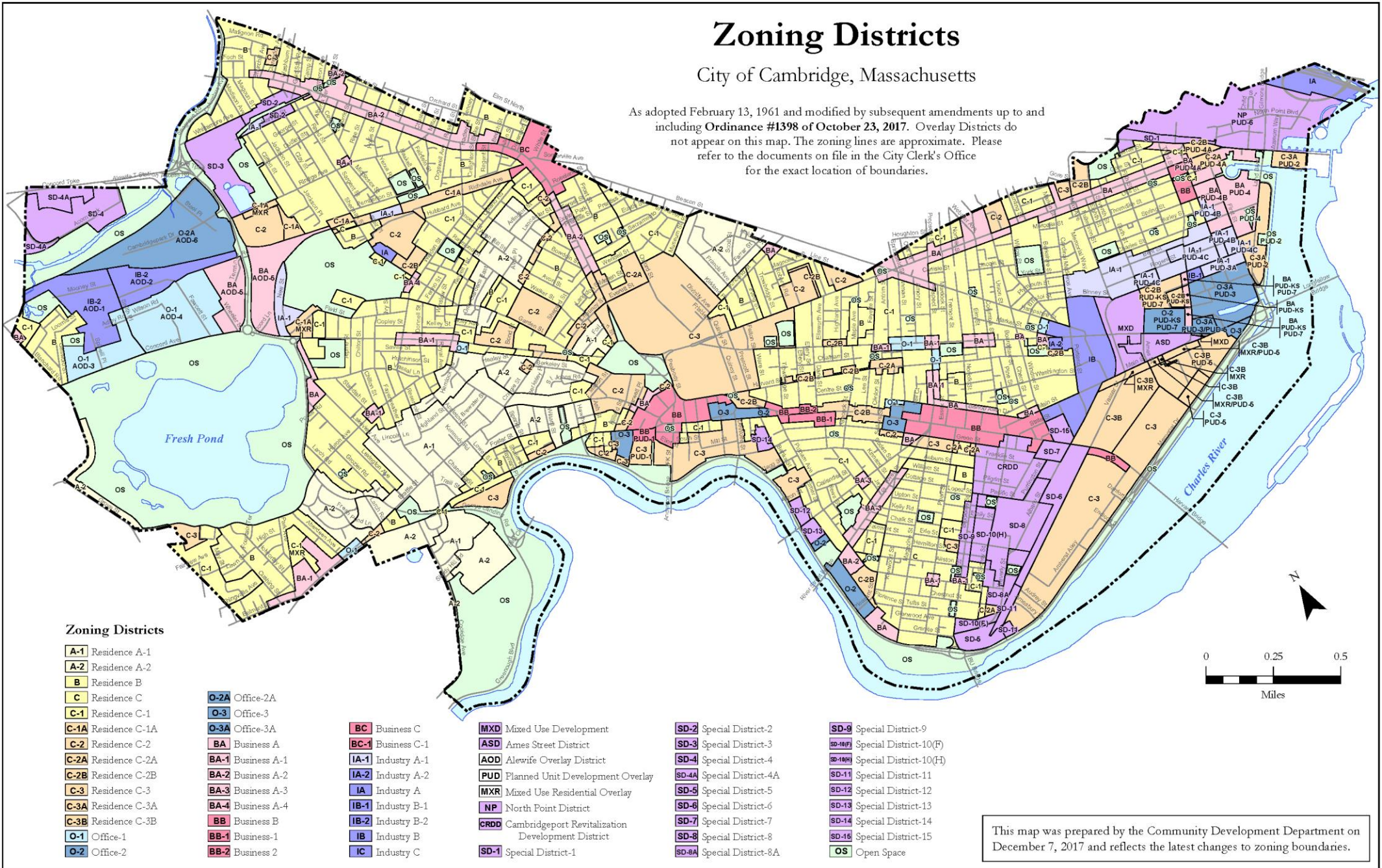
# Ways to Regulate Use Types

	Zoning District 1	Zoning District 2
Use Type 1	<p><b>Yes</b> “permitted” “as-of-right”</p>	<p><b>Yes<sup>1</sup></b> “permitted, with limitations” “as-of-right, with limitations”</p>
Use Type 2	<p><b>SP</b> “special permit” “conditional”</p>	<p><b>No</b> “not permitted” “prohibited” “variance”*</p>

# Zoning Districts

City of Cambridge, Massachusetts

As adopted February 13, 1961 and modified by subsequent amendments up to and including Ordinance #1398 of October 23, 2017. Overlay Districts do not appear on this map. The zoning lines are approximate. Please refer to the documents on file in the City Clerk's Office for the exact location of boundaries.



## Zoning Districts

<b>A-1</b> Residence A-1	<b>O-2A</b> Office-2A	<b>BC</b> Business C	<b>MXD</b> Mixed Use Development	<b>SD-2</b> Special District-2	<b>SD-9</b> Special District-9
<b>A-2</b> Residence A-2	<b>O-3</b> Office-3	<b>BC-1</b> Business C-1	<b>ASD</b> Ames Street District	<b>SD-3</b> Special District-3	<b>SD-10(F)</b> Special District-10(F)
<b>B</b> Residence B	<b>O-3A</b> Office-3A	<b>IA-1</b> Industry A-1	<b>AOD</b> Alewife Overlay District	<b>SD-4</b> Special District-4	<b>SD-10(H)</b> Special District-10(H)
<b>C</b> Residence C	<b>BA</b> Business A	<b>IA-2</b> Industry A-2	<b>PUD</b> Planned Unit Development Overlay	<b>SD-5</b> Special District-5	<b>SD-11</b> Special District-11
<b>C-1</b> Residence C-1	<b>BA-1</b> Business A-1	<b>IB-1</b> Industry B-1	<b>MXR</b> Mixed Use Residential Overlay	<b>SD-6</b> Special District-6	<b>SD-12</b> Special District-12
<b>C-1A</b> Residence C-1A	<b>BA-2</b> Business A-2	<b>IB-2</b> Industry B-2	<b>NP</b> North Point District	<b>SD-7</b> Special District-7	<b>SD-13</b> Special District-13
<b>C-2</b> Residence C-2	<b>BA-3</b> Business A-3	<b>IB</b> Industry B	<b>CRDD</b> Cambridgeport Revitalization Development District	<b>SD-8</b> Special District-8	<b>SD-14</b> Special District-14
<b>C-2A</b> Residence C-2A	<b>BA-4</b> Business A-4	<b>IC</b> Industry C	<b>SD-1</b> Special District-1	<b>SD-8A</b> Special District-8A	<b>SD-15</b> Special District-15
<b>C-2B</b> Residence C-2B	<b>BB</b> Business B				<b>OS</b> Open Space
<b>C-3</b> Residence C-3	<b>BB-1</b> Business-1				
<b>C-3A</b> Residence C-3A	<b>BB-2</b> Business 2				
<b>C-3B</b> Residence C-3B					
<b>O-1</b> Office-1					
<b>O-2</b> Office-2					

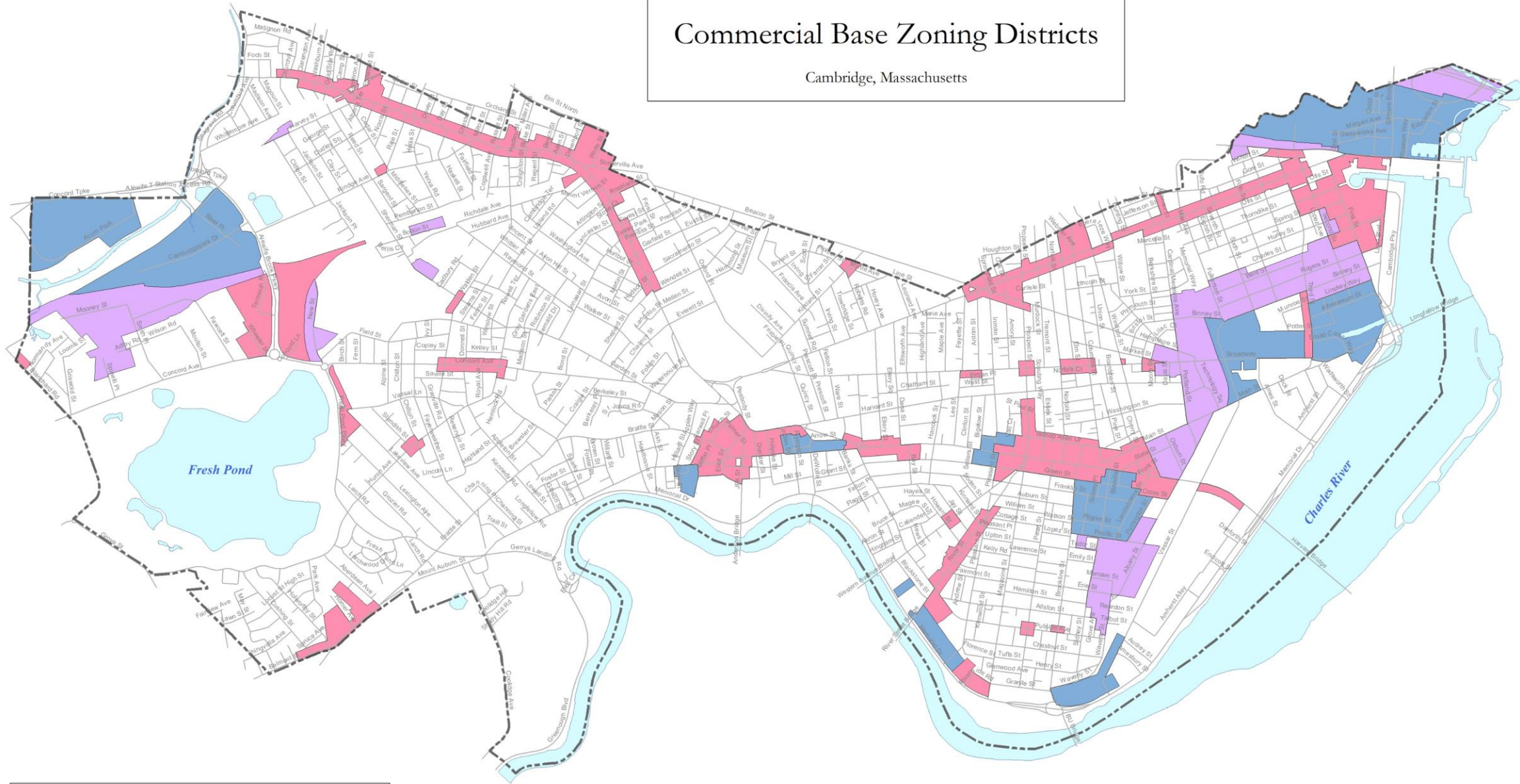
This map was prepared by the Community Development Department on December 7, 2017 and reflects the latest changes to zoning boundaries.

# District Types

District Types	Retail Uses (Generally)
<b>Central Business</b>	<b>More permissive</b>
<b>Neighborhood Business</b>	↓
<b>Industry</b>	↓
<b>High-Intensity Office</b>	↓
<b>Low-Intensity Office</b>	↓
<b>Residential (multifamily/institutional)</b>	↓
<b>Residential (single/two-family)</b>	<b>More restrictive</b>

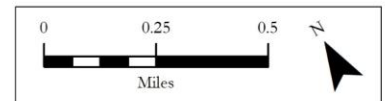
# Commercial Base Zoning Districts

Cambridge, Massachusetts



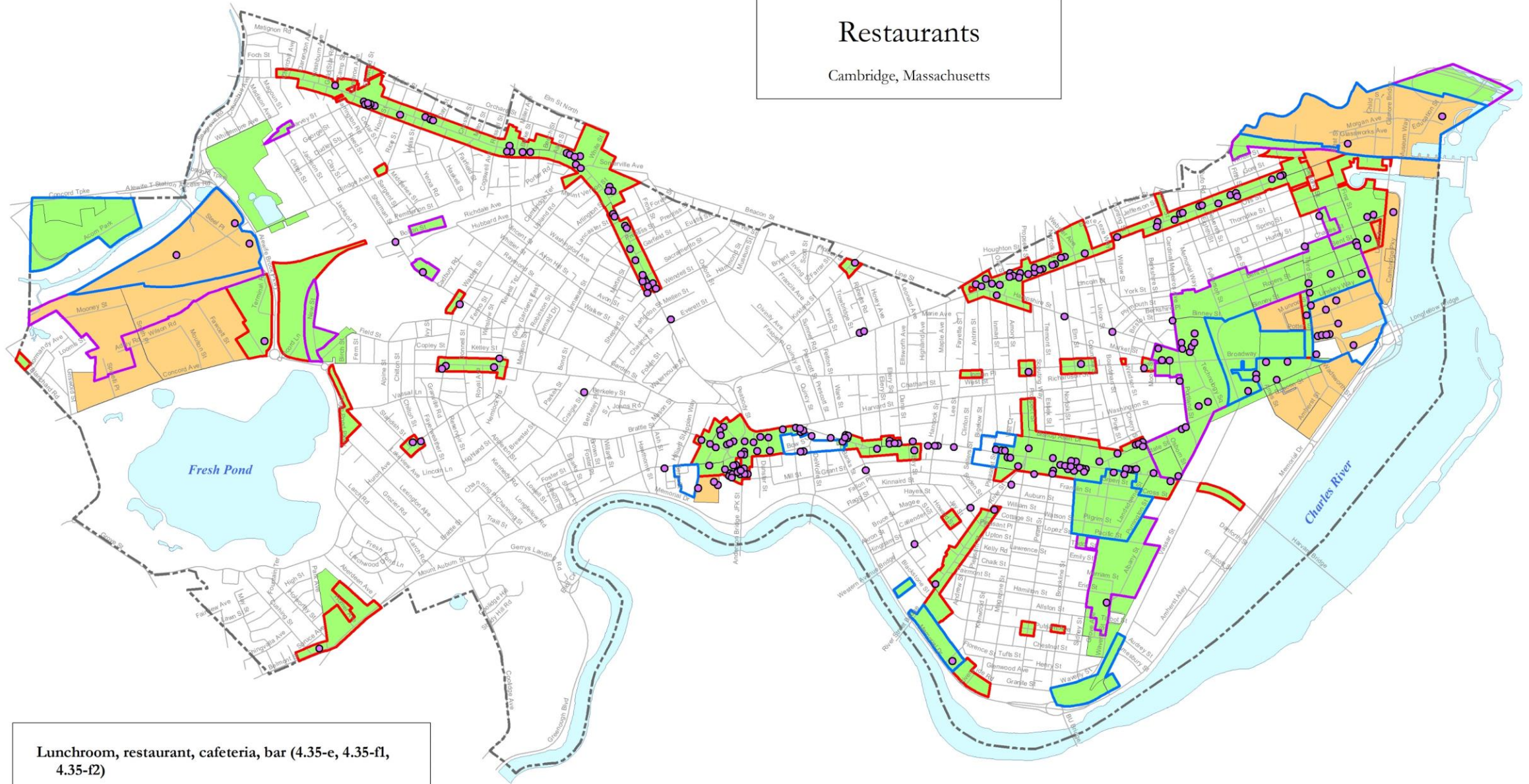
## Commercial Base Zoning Districts

- Business Base Districts
- Higher-Scale Mixed-Use Office Base Districts
- Industrial Base Districts



# Restaurants

Cambridge, Massachusetts



Lunchroom, restaurant, cafeteria, bar (4.35-e, 4.35-f1, 4.35-f2)

- Allowed As-of-Right in Base Zone or PUD
- Allowed by Special Permit in Zoning Overlay or PUD

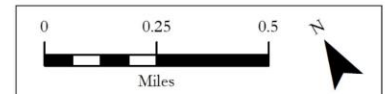
● Sit-Down Restaurant Locations

Source: Food Permits and CDD Economic Development Division assessment

## Commercial Base Zoning Districts

- Business Base Districts
- Higher-Scale Mixed-Use Office Base Districts
- Industrial Base Districts

NOTE: All locations approximate. Maps are intended to provide a general overview of business locations across the city and are not guaranteed to show every instance of a particular retail use type.



# Fast Order Food

Cambridge, Massachusetts



### Fast Order Food Establishment (4.35-o)

Allowed by Special Permit in Base Zone or PUD

Quick-Service Food Locations

Source: Food Permits and CDD Economic Development Division assessment

### Commercial Base Zoning Districts

Business Base Districts

Higher-Scale Mixed-Use Office Base Districts

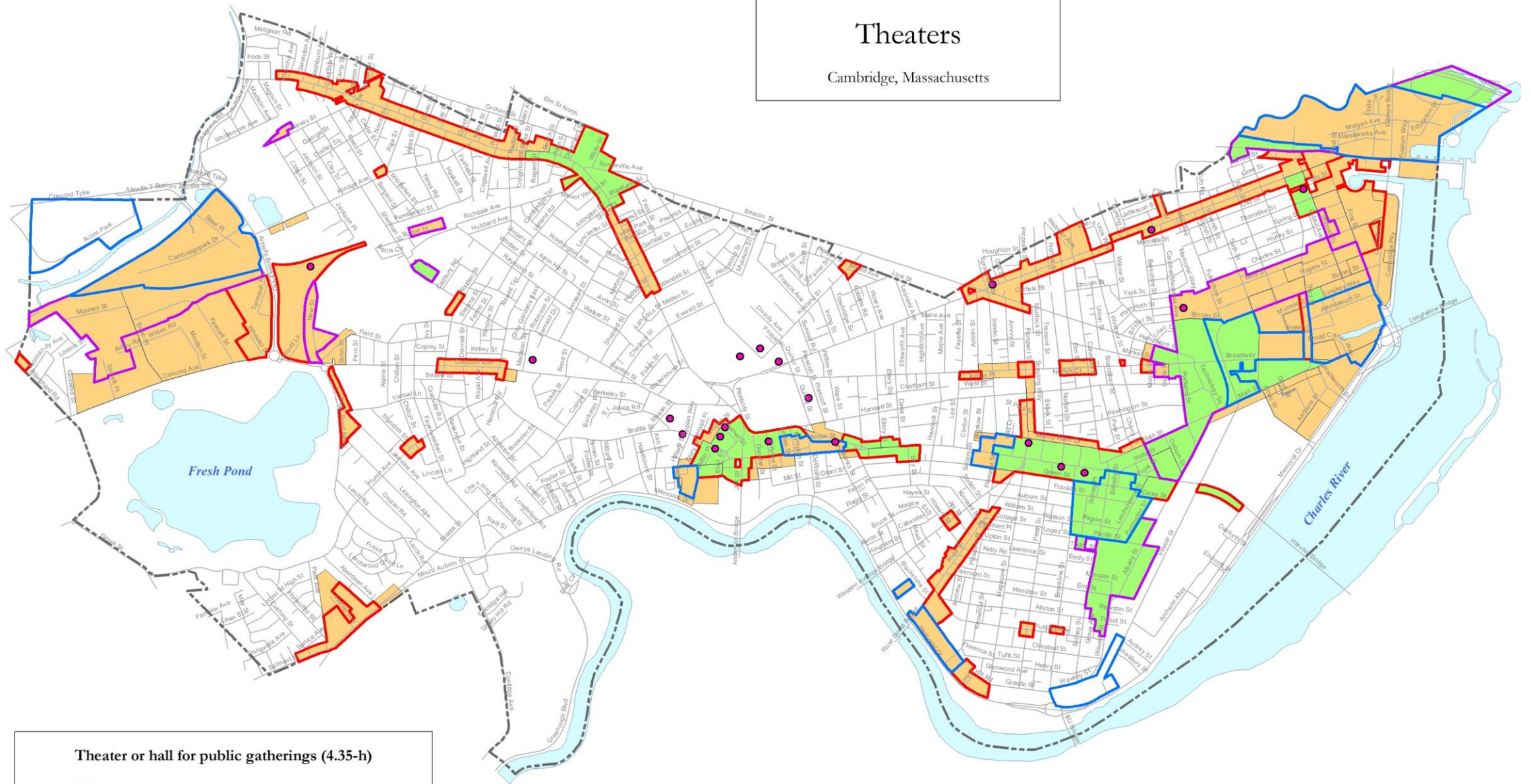
Industrial Base Districts

NOTE: All locations approximate. Maps are intended to provide a general overview of business locations across the city and are not guaranteed to show every instance of a particular retail use type.



# Theaters

Cambridge, Massachusetts



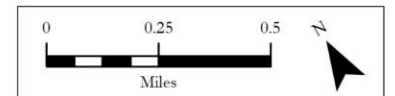
## Theater or hall for public gatherings (4.35-h)

- Allowed As-of-Right in Base Zone
- Allowed by Special Permit in Base Zone, Zoning Overlay, or PUD
- Licensed Theaters, Halls, and Music Venues  
Source: License Commission data

## Commercial Base Zoning Districts

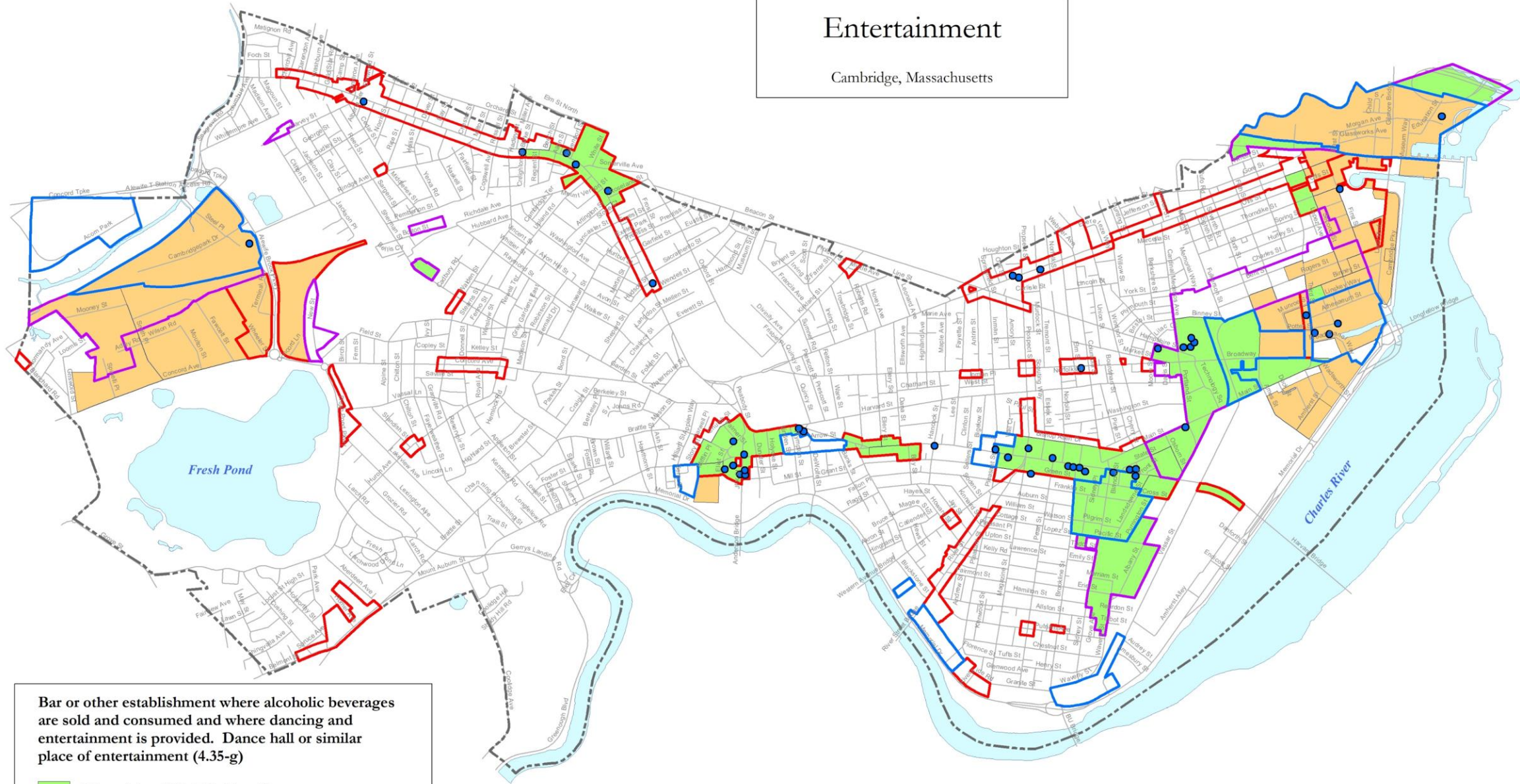
- Business Base Districts
- Higher-Scale Mixed-Use Office Base Districts
- Industrial Base Districts

NOTE: All locations approximate. Maps are intended to provide a general overview of business locations across the city and are not guaranteed to show every instance of a particular retail use type.



# Entertainment

Cambridge, Massachusetts



Bar or other establishment where alcoholic beverages are sold and consumed and where dancing and entertainment is provided. Dance hall or similar place of entertainment (4.35-g)

Allowed As-of-Right in Base Zone

Allowed by Special Permit in PUD

Establishments Licensed for Alcohol Service and Entertainment

Source: License Commission data

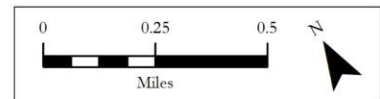
### Commercial Base Zoning Districts

Business Base Districts

Higher-Scale Mixed-Use Office Base Districts

Industrial Base Districts

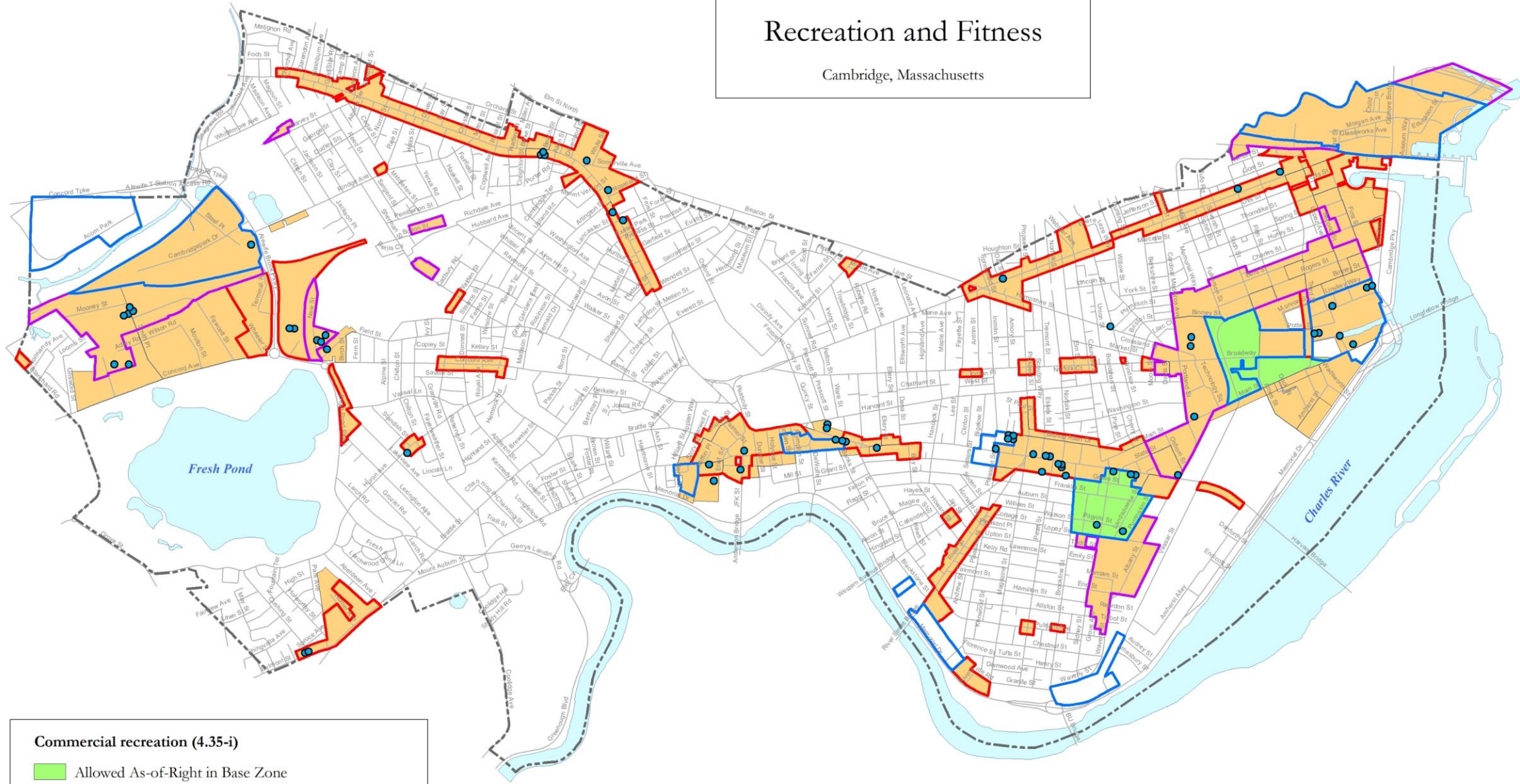
NOTE: All locations approximate. Maps are intended to provide a general overview of business locations across the city and are not guaranteed to show every instance of a particular retail use type.





# Recreation and Fitness

Cambridge, Massachusetts



## Commercial recreation (4.35-i)

- Allowed As-of-Right in Base Zone
- Allowed by Special Permit in Base Zone, Zoning Overlay, or PUD
- For-profit Recreation Locations

Source: CDD Economic Development Division assessment

## Commercial Base Zoning Districts

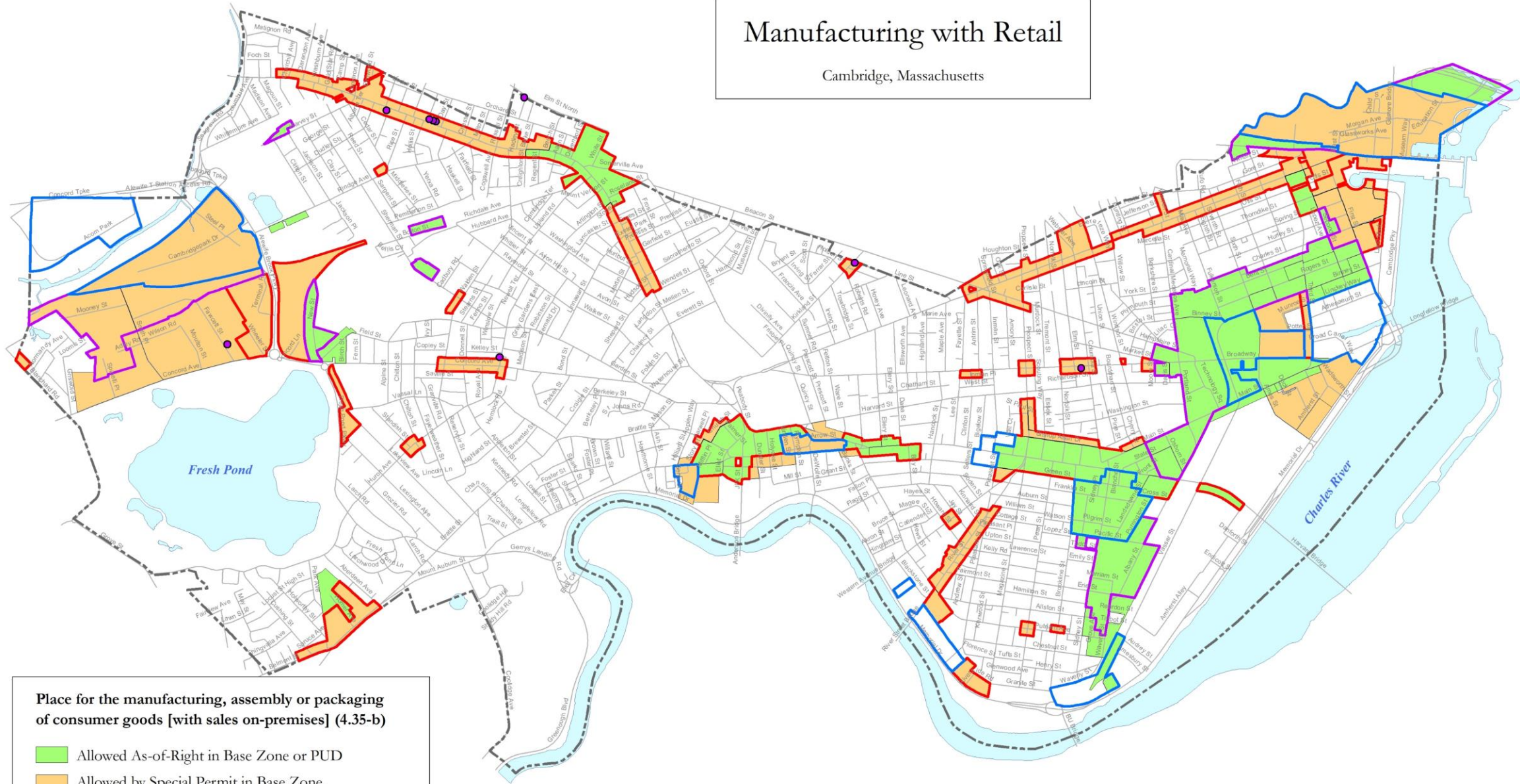
- Business Base Districts
- Higher-Scale Mixed-Use Office Base Districts
- Industrial Base Districts

NOTE: All locations approximate. Maps are intended to provide a general overview of business locations across the city and are not guaranteed to show every instance of a particular retail use type.



# Manufacturing with Retail

Cambridge, Massachusetts



**Place for the manufacturing, assembly or packaging of consumer goods [with sales on-premises] (4.35-b)**

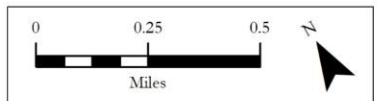
- Allowed As-of-Right in Base Zone or PUD
- Allowed by Special Permit in Base Zone, Zoning Overlay, or PUD
- Retail Food Locations with On-Site Manufacturing or Packaging

Source: Food Permits and CDD Economic Development Division assessment

**Commercial Base Zoning Districts**

- Business Base Districts
- Higher-Scale Mixed-Use Office Base Districts
- Industrial Base Districts

NOTE: All locations approximate. Maps are intended to provide a general overview of business locations across the city and are not guaranteed to show every instance of a particular retail use type.





# Overall Issues

Some **uses** are more **restricted** than others:

- Entertainment (limited areas)
- Commercial recreation (always requires a special permit)
- Fast order food (limited areas and always requires special permit)

Some **districts** are more **restrictive** than others:

- BA-1, BA-2, BA-3 (North Mass Ave, Western Ave, Observatory Hill, Huron Village)
- High-intensity office districts – little to no retail allowed (exception: art/craft studios)



# Overall Issues

Non-conforming retail in **residential districts**:

- Changes of use are not allowed – relies on variance process



# Zoning Principles

- Regulate “like” uses (e.g., food service, entertainment, recreation) in a more consistent way throughout City
- Fill “gaps” where retail is present or desired but is more restricted in zoning
- Recognize that retail has moved beyond “shops” – where activation is desired, it will require a broader range of uses

# Potential Changes to Regulations

Example Areas	Approach	Example Uses
Central Business (Central, Harvard, Porter)	Some "SP" → "Yes"	Fast Order Food, Commercial Recreation
Neighborhood Business (North Mass Ave, Western Ave, Observatory Hill, Huron Village)	Some "No" → "SP" or "Yes"	Fast Order Food, Commercial Recreation, Entertainment
High-Intensity Office (Kendall, Alewife, Memorial Drive)	Some "No" → "Yes" or "SP"	All types, potentially ground floor only
Residential, Institutional	Change of use: "SP"	Limited types, only in non-residential space



# Key Considerations

- More permissive regulations create opportunities for more businesses (easier to open)
- More restrictive regulations give the City and residents more control (hurdles to open)

# Special Permits

*Special permits will **normally be granted** where specific provisions of this Ordinance are met, **except** when **particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest** because:*

General SP Considerations (current)	Retail Considerations (proposed)
Zoning requirements	Delivery and loading operations
Congestion, hazard, or change in neighborhood character due to traffic	
Adverse effect on adjacent uses	Environmental nuisance to neighbors – dust, odors, smoke, noise, light
Nuisance or hazard to occupants or citizens	
Integrity of district, intent of zoning	Compatibility of façade with visual character of the area
Urban Design Objectives	





# Part 3: Regulatory Burdens (Parking)

# Parking Min/Max Varies by Use

Retail Use Types	Current Parking Requirements
General Retail, Personal Services	<b>Low min/max</b>
Specialty Retail and Services	↓
Restaurants, Theaters, Recreation	<b>High min/max</b>

# Simple Recommendation – Expand Relief

**Small business exemption** provides relief from parking requirements in many cases (Section 6.32.1).

Current Zoning	Recommended Change
Parking requirement waived for any non-residential use in office, business, or industrial district requiring up to 4 spaces, in a building with up to 10,000 square feet total non-residential use.	Additionally, do not require new parking for any non-residential use occupying space in an existing building.




# Recommendations Summary

## Category

## Summary of Recommendations

### 1. Retail Land Use Definitions

- Define all uses consistently (eliminate footnotes)
- Remove definitional limits on:
  - Retail with assembly/manufacturing (% sales)
  - Alcohol and entertainment
  - Fast order food (seating, % takeout)
- New uses: Grocery Store, Food Stand/Kiosk, Food Hall, Craft Beverage, Fitness, Performing Arts Studio, Outdoor Entertainment/Recreation, Temporary Outdoor Retail
- Define “Other Retail and Consumer Service”
- Allow certain accessory uses
  - Programming, Food Service, Entertainment, Recreation, Outdoor Activity



Category	Summary of Recommendations
2. Retail Use Regulations	<ul style="list-style-type: none"> <li>• Regulate more consistently by district type</li> <li>• Ease restrictions on some uses (e.g., fast order food, entertainment, recreation)</li> <li>• Ease restrictions in some districts (e.g., neighborhood business, high-intensity office)</li> </ul>
3. Regulatory Burdens (Parking)	<ul style="list-style-type: none"> <li>• Expand current exemption to waive new parking for any new use in an existing building</li> </ul>



## Next Steps

- Feedback from Economic Development Committee
- Continued interdepartment review of draft zoning language
- Continued work on home-based businesses