



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LAW DEPARTMENT

EDWARD D. MCCARTHY
CITY SOLICITOR

ROWENA E. TAYLOR
ASSISTANT CITY SOLICITOR

CHARLES WATSON
LEGISLATIVE AGENT

RUSSELL B. HIGLEY
SPECIAL COUNSEL

April 10, 1975

Honorable City Councillors
City Hall
Cambridge, Massachusetts

Re: Lucky Gardens Restaurant
282 Concord Ave.

Dear Councillors:

The City Council as the Legislative Body of the City has no authority to appeal or override a determination made by a quasi judicial body of the City, namely the Board of Zoning Appeals. The Board of Appeal granted a conditional variance to the above restaurant. The conditions imposed are as follows:

PROVIDED THAT parking within the proposed layout on premises known as 380 WALDEN STREET, CAMBRIDGE, MASSACHUSETTS, is not excessive; and further, that the petitioner shall provide daily disposal services of all garbage and trash nightly;

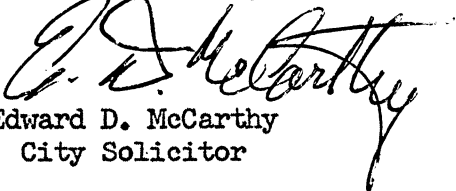
that the ventilation system shall be relocated so that cooking and hot air exhausts are directed away from abutting residence;

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that the petitioner is not to use the next door house, also owned by her, for any purpose related to the operation of the restaurant other than its present use as living quarters for a limited number of restaurant employees, and further, she shall be restricted from any expansion of this restaurant on these premises; and also, petitioner must provide installation of two lavatories, one for each sex, in the restaurant premises; and further, that the hours of operation of said restaurant shall not extend beyond 11:00 P. M.

If abutters object to this action by the Board of Appeal, their recourse is to appeal this decision to the appropriate Court. I might add that the time for filing this appeal runs out Monday, April 14, 1975.

Very truly yours,



Edward D. McCarthy
City Solicitor

EDMcC:cas



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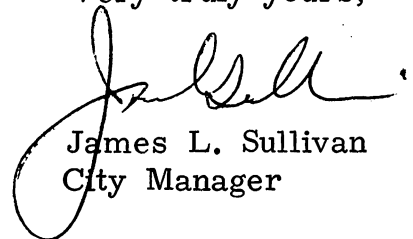
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

April 14, 1975

To the Honorable, the City Council:

I transmit herewith communication from Edward D.
McCarthy, City Solicitor, relating to Lucky Gardens Restaurant,
282 Concord Avenue, Cambridge.

Very truly yours,



James L. Sullivan
City Manager

JLS/b

Agenda # 10 145

Opinion from City Solicitor re: Lucky Gardens
Restaurant.

In City Council,
April 14, 1975

Placed on File -