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ADAMS & RAFFERTY
ATTORNEYS AT LAW
187 CONCORD AVENUE
CAMBRIDGE, MASSACHUSETTS 02138

ALEXANDRE A. ADAMS
JAMES J. RAFFERTY

TELEPHONE 617/492-4100
TELECOPIER 617/492-3131

November 13, 2003

Margaret Drury
City Clerk
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

**Re: G Street Associates d/b/a Grafton Street Pub & Grille
One Bow Street (1230 Massachusetts Ave.), Cambridge
All Alcoholic and Entertainment License
Application for Increase in Hours to 2:00 A.M.**

Dear Ms. Drury:

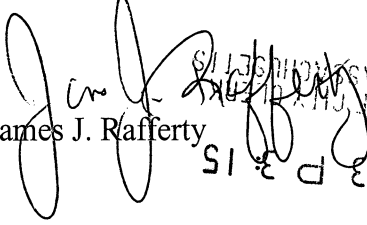
Please be advised that G Street Associates d/b/a Grafton Street Pub & Grille, will be filing the attached application with the Cambridge License Commission for an increase in hours on its all-alcoholic beverages and entertainment licenses at the above-captioned location from 1:00 a.m. to 2:00 a.m. on Thursdays, Fridays, Saturdays and Sundays before a holiday.

The establishment is located in Cap Area 1. Pursuant to Addendum D (2)(b) of the License Commission's Rules and Regulations (the so-called Cap Policy), before the License Commission can act favorably upon this application, the licensee must first make a request to the City Council for an exception.

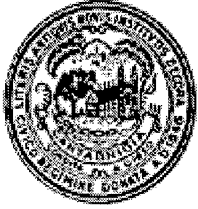
Please accept this correspondence on behalf of the licensee, as a formal request for the City Council to authorize the License Commission to act favorably upon the licensee's application, subject to such conditions, limitations or restrictions that the Commission deems appropriate.

Should you require any additional information, please do not hesitate to contact me.
Thank you for your cooperation and assistance with this matter.

Very truly yours,


James J. Rafferty
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
2003 NOV 13 P 3 15

JJR: keb
license.grafton.citycouncil12nov03



City of Cambridge

Applications & Petitions #3

IN CITY COUNCIL

~~November 17, 2003~~

November 24, 2003

WHEREAS: G Street Associates d/b/a Grafton Street Pub & Grille, One Bow Street (1230 Massachusetts Avenue) is applying to the License Commission to increase the hours on its all-alcoholic beverages and entertainment licenses from 1:00 a.m. to 2:00 a.m. on Thursdays, Fridays, Saturdays, and Sundays before a holiday; and

WHEREAS: The establishment is located in Cap Area 1. Pursuant to Addendum D (2) (b) of the Rules and Regulations of the License Commission, (ATT A) such increases would require that the License Commission grant an exception to the "Cap Policy" which otherwise prohibits an increases; and

WHEREAS: Addendum D (2) (b) provides in part "if the license application, after a rigorous, searching and detailed examination, passes scrutiny by the Commission and if there is a consensus among local residents, local businesses, and the Commission that the new license to be granted fulfills an extraordinary public need for the particular kind of enterprise to be licensed, that the license applicant has made adequate provisions to verify that unreasonable noise from within the premises to be licensed or by the license applicant's patrons outside will not be audible from residential premise; and generally that the new license to be granted significantly furthers the common good of the City of Cambridge. No license will be granted under this section 2 (b) unless the license applicant agrees to accept Addendum A to the Rules and Regulations of the Cambridge Board of License Commissioners Relating to Alcoholic Beverages"; and

WHEREAS: Addendum D (2) (b) further states the License Commission's reluctance to grant an exception in Cap Area 1 in the absence of a City Council Resolution favorable to granting the exception; and

WHEREAS: The License Commission's procedures require the Council resolution prior to its making the "rigorous, searching and detailed examination" required in the process for application for an exception now therefore be it

ORDERED: That the License Commission is authorized to act favorably upon the request of G Street Associates d/b/a Grafton Street Pub & Grille, One Bow Street (1230 Massachusetts Avenue) provided that the License Commission decides, after a

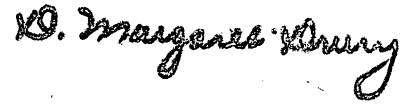
rigorous, searching and detailed examination, that said exception is warranted, and further provided, that said exception shall be subject to such conditions, limitations or restrictions that the License Commission deems appropriate.

In City Council November 17, 2003

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk

A true copy;

A handwritten signature in cursive script, appearing to read "D. Margaret Drury".

ATTEST:-

D. Margaret Drury, City Clerk

NOVEMBER 24, 2003 RECONSIDERATION FAILED 0-9-0 ACTION TAKEN ON NOVEMBER 17, 2003 ADOPTING THE ORDER STANDS.

ADDENDUM D TO THE ALCOHOLIC BEVERAGES RULES AND REGULATIONS

WRITTEN POLICY ON LIQUOR AND ENTERTAINMENT LICENSES IN HARVARD SQUARE, CENTRAL SQUARE AND MASSACHUSETTS AVENUE BETWEEN SAID SQUARES

Passed April 11, 1986

The License Commission hereby affirms the following policy:

1. The Commission is creating three (3) areas where neither new annual all alcoholic beverage restaurant licenses, nor new annual all alcoholic beverage package store licenses, nor new annual beer and wine restaurant license, nor new annual beer and wine package store licenses will be granted. The geographic boundaries of each area is marked on the map attached.
2. Exceptions to the policy outlined in paragraph 1 above will be as follows:
 - (a) if the new license to be granted is by way of a transfer of the same kind of license from within the same bounded area, or
 - (b) if the license application, after a rigorous, searching and detailed examination, passes scrutiny by the Commission and if there is a consensus among local residents, local businesses, and the Commission that the new license to be granted fulfills an extraordinary public need for the particular kind of enterprise to be licensed, that the license applicant has made adequate provisions to verify that unreasonable noise from within the premises to be licensed or by the license applicant's patrons outside will not be audible from residential premises; and generally that the new license to be granted significantly furthers the common good of the City of Cambridge. No license will be granted under this section 2(b) unless the license applicant agrees to accept Addendum A to the Rules and Regulations of the Cambridge Board of License Commissioners Relating to Alcoholic Beverages. Further, since "Cap Area 1" is so overwhelmed by and saturated with liquor licenses, the Commission hereby formally states its reluctance to grant an exception for "Cap Area 1", which is centered at the Harvard Square Kiosk, in the absence of a City Council Resolution favorable to the granting of the license application as an exception.

3. To facilitate the determination whether there is such a consensus as described in 2(b), the Commission Chair shall send a conspicuous notice concerning an application subject to this policy to the appropriate civic groups and business associations, to the extent such are in existence and known.
4. The following kinds of applications by existing liquor licensees in the three (3) bounded areas shall be the subject of an advertised public hearing and shall be denied unless an exception is warranted under section 2(b) above:
 - a. for a year-round indoor extension of premises;
 - b. for an upgrading from a beer and wine license to an all alcoholic beverage license;
 - c. for an extension of hours to operate beyond 1:00 a.m. or for an extension of days to operate seven (7) days a week;
 - d. for an increase in capacity;
 - e. for an annual entertainment license allowing dancing by patrons or, on premises which are not soundproofed and vibration-proofed, amplified sound equipment.
5. Applications for one-day licenses and warm-weather, outdoor extensions of premises shall generally be reviewed in an ordinary fashion and not with rigorous, searching and detailed examination. The Commission acknowledges that one-day liquor and entertainment licenses and seasonal outdoor extensions of premises generally fulfill an extraordinary public need not otherwise fulfilled.
6. The basis for the Commission's policy is its public hearings on licensing policy and findings:
 - a. that there are in each bounded area an adequate number of ordinary places at which the public may buy alcoholic beverages;
 - b. that ordinary public need is therefore not served by the addition of further liquor licenses in the three (3) bounded areas; and
 - c. that the additional liquor licenses in the three (3) bounded areas would ordinarily not protect the common good due to an increase in illegal parking and due to an increase in the number of unreasonably noisy patrons in residential areas and due to an increase in music-noise and vibrations emanating from licensed premise and perceptible on residential premises.
7. The Commission hereby publicly states that it presently is not in possession of sufficient evidence whether in any or all of the three (3) bounded areas there should be a licensing cap on non-alcoholic beverage restaurants or so-called "juice bars" or on entertainment facilities where alcoholic beverages are not served.

The Commission will further investigate and will keep under advisement for a period not to exceed one year the question whether a licensing cap is warranted in any or all of three (3) bounded areas relative to non-alcoholic beverage facilities providing food, soft drinks, or entertainment.

8. As announced orally at the Commission hearing on September 10, 1985, the policy contained in this Addendum D is applicable in the three (3) designated areas to all liquor license applications received after said September 10, 1985 and to all entertainment license applications received after the date of this Addendum for dancing by patrons or for amplified sound equipment to be allowed on premises where alcoholic beverages are served.

CAP AREAS

NOTE: Map in the License Commission Office gives exact locations and overrules any discrepancies in the descriptions below.

- CAP AREA 1. Passed April 11, 1986. Harvard Square. Quincy Street to Cambridge Common to Waterhouse Street to Radcliffe College to Brattle Street to Story Street to Mt. Auburn Street. to John F. Kennedy Street to Dunster Street to Massachusetts Avenue at Prescott Street.
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City of Cambridge

MASSACHUSETTS

In City Council Nov 24, 2003

Reconsideration

YEA	NAY	ABSENT	PRESENT	
	✓			Vice Mayor Henrietta Davis
	✓			Ms. Marjorie C. Decker
	✓			Mr. Anthony D. Galluccio
	✓			Mr. David P. Maher
	✓			Mr. Brian Murphy
	✓			Mr. Kenneth E. Reeves
	✓			Ms. Denise Simmons
	✓			Mr. Timothy J. Toomey, Jr.
	✓			Mayor Michael A. Sullivan

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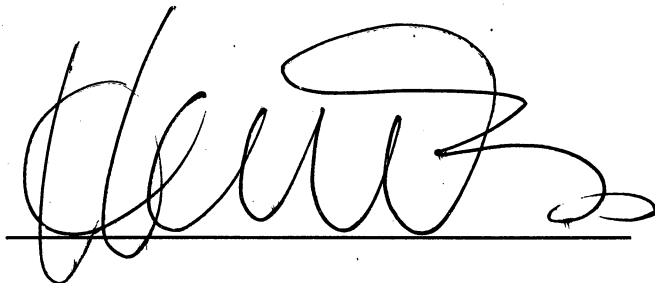
MOTION FOR RECONSIDERATION

SUBMITTED BY COUNCILLOR

DAN/15

DATE: 11/17/03 - Applications & Petitions #3

re: petition of Grafton Street Pub & Grill
to increase hours from 1 AM to 2 AM.

A handwritten signature in black ink, appearing to be 'DAN', written over a horizontal line.

Signature

ADAMS & RAFFERTY
ATTORNEYS AT LAW
187 CONCORD AVENUE
CAMBRIDGE, MASSACHUSETTS 02138

ALEXANDRE A. ADAMS
JAMES J. RAFFERTY

TELEPHONE 617/492-4100
TELECOPIER 617/492-3131

November 13, 2003

Richard V. Scali, Executive Officer
Cambridge License Commission
831 Massachusetts Avenue
Cambridge, MA 02139

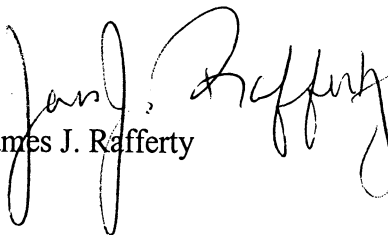
**Re: G Street Associates d/b/a Grafton Street Pub & Grille
One Bow Street (1230 Massachusetts Ave.), Cambridge, MA
All Alcoholic and Entertainment License
Application for Increase in Hours to 2:00 A.M.**

Dear Mr. Scali:

Please regard this correspondence as an application on behalf of the licensee to increase the hours of operation on its above-captioned licenses to 2:00 a.m. on Thursdays, Fridays, Saturdays and Sundays before a holiday.

Should you require any additional information, please do not hesitate to contact me.
Thank you for your cooperation and assistance.

Very truly yours,


James J. Rafferty

JJR:keb
license.grafton.increaseinhoursletter.

ADDENDUM D TO THE ALCOHOLIC BEVERAGES RULES AND REGULATIONS

WRITTEN POLICY ON LIQUOR AND ENTERTAINMENT LICENSES IN HARVARD SQUARE, CENTRAL SQUARE AND MASSACHUSETTS AVENUE BETWEEN SAID SQUARES

Passed April 11, 1986

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1. The Commission is creating three (3) areas where neither new annual all alcoholic beverage restaurant licenses, nor new annual all alcoholic beverage package store licenses, nor new annual beer and wine restaurant license, nor new annual beer and wine package store licenses will be granted. The geographic boundaries of each area is marked on the map attached.
2. Exceptions to the policy outlined in paragraph 1 above will be as follows:
 - (a) if the new license to be granted is by way of a transfer of the same kind of license from within the same bounded area, or
 - (b) if the license application, after a rigorous, searching and detailed examination, passes scrutiny by the Commission and if there is a consensus among local residents, local businesses, and the Commission that the new license to be granted fulfills an extraordinary public need for the particular kind of enterprise to be licensed, that the license applicant has made adequate provisions to verify that unreasonable noise from within the premises to be licensed or by the license applicant's patrons outside will not be audible from residential premises; and generally that the new license to be granted significantly furthers the common good of the City of Cambridge. No license will be granted under this section 2(b) unless the license applicant agrees to accept Addendum A to the Rules and Regulations of the Cambridge Board of License Commissioners Relating to Alcoholic Beverages. Further, since "Cap Area 1" is so overwhelmed by and saturated with liquor licenses, the Commission hereby formally states its reluctance to grant an exception for "Cap Area 1", which is centered at the Harvard Square Kiosk, in the absence of a City Council Resolution favorable to the granting of the license application as an exception.

3. To facilitate the determination whether there is such a consensus as described in 2(b), the Commission Chair shall send a conspicuous notice concerning an application subject to this policy to the appropriate civic groups and business associations, to the extent such are in existence and known.
4. The following kinds of applications by existing liquor licensees in the three (3) bounded areas shall be the subject of an advertised public hearing and shall be denied unless an exception is warranted under section 2(b) above:
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6. The basis for the Commission's policy is its public hearings on licensing policy and findings:
 - a. that there are in each bounded area an adequate number of ordinary places at which the public may buy alcoholic beverages;
 - b. that ordinary public need is therefore not served by the addition of further liquor licenses in the three (3) bounded areas; and
 - c. that the additional liquor licenses in the three (3) bounded areas would ordinarily not protect the common good due to an increase in illegal parking and due to an increase in the number of unreasonably noisy patrons in residential areas and due to an increase in music-noise and vibrations emanating from licensed premise and perceptible on residential premises.
7. The Commission hereby publicly states that it presently is not in possession of sufficient evidence whether in any or all of the three (3) bounded areas there should be a licensing cap on non-alcoholic beverage restaurants or so-called "juice bars" or on entertainment facilities where alcoholic beverages are not served.

The Commission will further investigate and will keep under advisement for a period not to exceed one year the question whether a licensing cap is warranted in any or all of three (3) bounded areas relative to non-alcoholic beverage facilities providing food, soft drinks, or entertainment.

8. As announced orally at the Commission hearing on September 10, 1985, the policy contained in this Addendum D is applicable in the three (3) designated areas to all liquor license applications received after said September 10, 1985 and to all entertainment license applications received after the date of this Addendum for dancing by patrons or for amplified sound equipment to be allowed on premises where alcoholic beverages are served.

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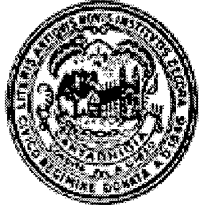
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City of Cambridge

Applications & Petitions #3
IN CITY COUNCIL
November 17, 2003

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WHEREAS: The establishment is located in Cap Area 1. Pursuant to Addendum D (2) (b) of the Rules and Regulations of the License Commission, (ATT A) such increases would require that the License Commission grant an exception to the "Cap Policy" which otherwise prohibits an increases; and

WHEREAS: Addendum D (2) (b) provides in part "if the license application, after a rigorous, searching and detailed examination, passes scrutiny by the Commission and if there is a consensus among local residents, local businesses, and the Commission that the new license to be granted fulfills an extraordinary public need for the particular kind of enterprise to be licensed, that the license applicant has made adequate provisions to verify that unreasonable noise from within the premises to be licensed or by the license applicant's patrons outside will not be audible from residential premise; and generally that the new license to be granted significantly furthers the common good of the City of Cambridge. No license will be granted under this section 2 (b) unless the license applicant agrees to accept Addendum A to the Rules and Regulations of the Cambridge Board of License Commissioners Relating to Alcoholic Beverages"; and

WHEREAS: Addendum D (2) (b) further states the License Commission's reluctance to grant an exception in Cap Area 1 in the absence of a City Council Resolution favorable to granting the exception; and

WHEREAS: The License Commission's procedures require the Council resolution prior to its making the "rigorous, searching and detailed examination" required in the process for application for an exception now therefore be it

ORDERED: That the License Commission is authorized to act favorably upon the request of G Street Associates d/b/a Grafton Street Pub & Grille, One Bow Street (1230 Massachusetts Avenue) provided that the License Commission decides, after a rigorous, searching and detailed examination, that said exception is warranted, and further provided, that said exception shall be subject to such conditions, limitations or restrictions that the License Commission deems appropriate.

165 H
Reconsideration #1

Applications & Petitions #3

An application was received from G Street Associates d/b/a Grafton Street Pub & Grille, One Bow Street (1230 Massachusetts Avenue), Cambridge, transmitting an All Alcoholic and Entertainment License Application for Increase in Hours to 2:00 A.M.

(A copy of Addendum D to the Alcoholic Beverages rules and regulations written Policy on Liquor and Entertainment Licenses in Harvard Square, Central Square and Massachusetts Avenue between said squares is attached.)

In City Council November 17, 2003

**RECONSIDERATION FILED BY
VICE MAYOR DAVIS ON ORDER
ADOPTED**

In City Council November 24, 2003

**ORDER ADOPTED AS OF
NOVEMBER 17, 2003 DUE TO
RECONSIDERATION FAILING
ON NOVEMBER 24, 2003**