



CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 499-6140

JAMES THADDEUS McDAVITT
Commission Chairman

ANTHONY G. PAOLILLO
Chief-of-Police Department
Commission Member

THOMAS V. SCOTT
Chief-of-Fire Department
Commission Member

RICHARD V. SCALI
Commission Executive Officer

TO: Robert W. Healy, City Manager
FROM: James T. McDavitt, License Commission Chair
RE: Pocket License Report
DATE: December 18, 1989

James T. McDavitt

I have received through your office the City Council's request for a report on pocket liquor licenses. Enclosed please find a list of all unexercised liquor licenses. Each license falls into one of the following (5) categories:

- A. Approved Pocket License, subject to the requirement that it be exercised within a (4) year period.
- B. License is awaiting state approval.
- C. License application is awaiting public hearing of the Commission.
- D. License is approved for premises to be constructed or renovated, subject to the requirement that the License be exercised within a specified period of time, normally 1-4 years from the time of application, depending on the circumstances.
- E. An out-of-court settlement has contractually bound the License Commission to allow a hearing for a license at a specified location.

It should be noted that the pocket license policy is applicable where the liquor licensee cannot exercise the license due to a fire, loss of lease, ill health, or bankruptcy. (By common perception, the license is therefore in the licensee's "pocket" instead of being posted on a wall). The Commission's decision to allow a pocket license to be kept for up to four years without being exercised represents a balanced approach - give the licensee four years to re-open or sell the license, but protect local residents from having to oppose the re-activation of forgotten pocket licenses, which have gone unexercised for more than four years.

We have yet to cancel a pocket license for failure to be reactivated within the four year period.

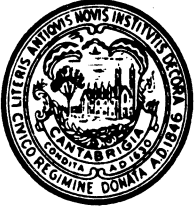
However, the State Alcoholic Beverages Control Commission (ABCC) during 1989 enacted a rule that requires a "pocket licensee" to own or control the underlying licensed premises. The ABCC has stated it will not approve annual renewal of any pocket license if the licensee does not own or control the premises underlying the license. Therefore, pocket licensees not owning or controlling the underlying premises may be having problems on account of the ABCC's rule, but the Cambridge License Commission is without power to overrule the ABCC. In June of this year, all pocket licensees were apprised of this new rule of the ABCC.

Please advise if there are comments or questions.

JTM:lvk

- Broadway After Dark (restaurant) 279 Broadway - pocket license approved May 1988 but now in process of reopening.
- Forest City Development (restaurant) 23 Sidney Street - transfer of license from Latino's, approved by ABCC April 1989 and awaiting construction of premises. License is required to be exercised by April 1993.
- Barrister's (restaurant) 187-191 Cambridge Street - pocket license approved, August 1987.
- Hunan Cafe (restaurant) - previously a pocket license at 621 Concord Avenue - Under process of transfer to 315 Webster Avenue, approved by License Commission - now at ABCC. License is required to be exercised by December 1990.
- Cormier's Market (package store) - previously a pocket license approved January 1987 at 75 Dudley Street - awaiting zoning variance and awaiting license hearing to move to Columbia Street Market.
- Roka Restaurant (restaurant) 18 Eliot Street - pocket license approved January 1989 - had fire - still have lease for premises - not open yet.
- Loretta's (restaurant) 111-113 Harvard Street - previously Tyrone's - awaiting ABCC approval - not open yet.
- Changsho (restaurant) - previously at 1720 Massachusetts Avenue - under process of transfer to Black Forest Cafe - awaiting ABCC approval.
- My Cousin's Place (restaurant) - previously at 2431 Massachusetts Avenue - application denied to Andiamo at 2020 Massachusetts Avenue - awaiting possible appeal to ABCC - vote taken but written decision not yet issued by License Commission.
- Modern Continental (restaurant) to Marino's - 2473 Massachusetts Avenue - awaiting ABCC approval.
- Oliver Sudd's (restaurant) - formerly at 493 Massachusetts Avenue - never opened - under process of transfer to George Rothman at 580 Massachusetts Avenue - written decision has not gone out yet - then will go to ABCC for approval.
- Popover's (restaurant) - formerly Rod's Lounge, 233 Portland Street, - awaiting ABCC approval.
- Night and Day (restaurant) 1172-1176 Cambridge Street - currently not open - undergoing renovations - approved as pocket license June 1988.

- Bigelow Restaurant (restaurant) - formerly at 991 Massachusetts Avenue - approved to go to House of Peking at 1105 Massachusetts Avenue; at ABCC for approval.
- 1369 Jazz Club (restaurant) - transferred to Cambridgeside Galleria at 43 Commercial Street as approved by License Commission - awaiting premises to be constructed and to open; awaiting ABCC approval.
- Mediterranean Gourmet (package store) 65 John F. Kennedy Street - Louis DiGiovanni - pocket license approved July 1987 - currently not open - licensee still has control of premises.
- Varsity Liquors (package store) - formerly at 1388 Massachusetts Avenue - currently under transfer to Eliot Street - awaiting ABCC approval.
- Jack's (restaurant) 950 Massachusetts Avenue - currently in bankruptcy - auction by Bankruptcy Court pending.
- Mandalay Restaurant (restaurant) 143 First Street - currently in bankruptcy - awaiting ABCC approval to Buoniconti's at same location.
- Le Pli Club (restaurant) at Charles Hotel Bennett Street - currently not operational - awaiting ABCC approval of transfer to Charles Square Hotel Health Club.
- The Fishery (restaurant) 724 Massachusetts Avenue - currently awaiting renovations to open - approval by ABCC granted January 1988.
- OKS Diner (restaurant) One Kendall Square
OKS Beer and Wine (package store) One Kendall Square
- currently awaiting opening and renovating of premises - ABCC approved Diner in October 1987 and Package Store in September 1987.
- Pizzeria Uno (restaurant) One Porter Arcade - awaiting renovations to open - ABCC approved October 1989.
- Bertucci's (restaurant) One Alewife Place - MBTA Station - awaiting renovations to open - ABCC approved September 1989.
- License at 1815 Massachusetts Avenue - by out of court agreement dated October 1987 - Commitment to allow application for one additional license there.
- License at One Porter Arcade - by out of court agreement dated January 1988 - one more license to be applied for at this location.
- 660 Package Store - 660 Cambridge Street (fire in September 1989), pocket license temporarily approved; Hearing on long-term pocket license pending. Only temporary approval given as licensee is a tenant and owner of destroyed building was out of the Country at time of fire.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI

Deputy City Manager

December 18, 1989

To the Honorable, the City Council:

As per the City Council request, attached is a report from the License Commission Chair relative to the Pocket License Issue. The source of primary concern is a 1989 regulation of the State Alcoholic Beverage Control Commission that requires a "pocket license" to own or control the underlying licensed premise. This regulation is not within the provisions of the License Commission.

Very truly yours,

Robert W. Healy
City Manager

RWH/dls
enclosure

Agenda # 6

S-868

Report from the License Commission
relative to the Pocket License Issue.

In City Council,

Dec. 18, 1989

Placed on file