

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

Michael Gardner, Chairman
Robert C. Hass, Police Commissioner

STAFF:

Elizabeth Lint, Executive Director

--Held At--

Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts

Tuesday, July 24, 2012

6:12 P.M.

Application: Fuji Group, Inc. d/b/a International Sports Hub, Tony Liang, Manager, has applied for a new all alcoholic beverages as a restaurant license at 1 Rogers Street. The proposed capacity is 71 seats inside and 68 seats on a seasonal outdoor patio. The hours of operation would be 11:00 A.M. to 1: A.M. seven days per week.

Michael Gardner: Come forward please and state and spell your name for the record.

Tony Liang: My name is Tony Liang and I am representing the Fuji Group. We have four restaurants in Quincy. Three have all alcoholic licenses and one has wine and malt. Fuji has been open in Kendall Square for the past seven months and has an all alcoholic license. It has exceeded all expectations.

Jimmy Liang: I'm Jimmy Liang and I am a partner and Tony's cousin. The company was founded in 1998. We want to thank you for being so supportive. We've been in operation since December and there has been overwhelming support from the neighborhood. We believe there is room for another restaurant.

MG: Will it be different from the first?

JL: Yes- it will be a noodle and dumpling shop which is a new concept. These are up and coming foods. The only noodle and dumpling shops are in Chinatown. We want to put out a product the neighborhood can be proud of. We are working with CBT, a design group. The décor of the restaurant is in keeping with the menu.

MG: Where is this street?

TL: It is the street behind the mall. It is on the corner of Bent and First. Pega systems is uptop and there is a garden area in the back.

MG: Are all of the patio seats on private property?

TL: yes- and we want to reduce the amount of seats to 40 outside. There are four points of access/egress but only one for the patio. The building is fully sprinkled.

JL: We want to do this the same as Fuji. We will open for the first year without the patio and then focus on the patio afterward. It's a great spot and I think it will be very successful.

MG: What is the price point?

JL: 8-10 dollars for appetizers and 8-12/13 for noodles and dumplings.

MG: How necessary is it to have a full bar?

JL: We believe that the all alcoholic license is vital to the business plan in order to make the necessary profit margin. But, our main focus is food and always has been.

MG: The application is amended to 71 seats inside and 40 on the outside patio. Do you have experience with control of sales on an outside patio?

TL: One of the restaurants in Quincy has a patio. There is only one way in and out and it is roped off, as would be here.

MG: You had a problem in Quincy at one of your restaurants for drinking after hours. What did you learn?

TL: We had our license suspended. We learned to adhere to rules.

JL: We took full responsibility and took action with the staff members involved. We are running a tighter ship. We meet with the managers on a weekly basis and check each restaurant daily.

MG: Ms. Lint, have there been any issues with Fuji?

EL: None.

JL: Tony will be the manager of record. As an owner, he is more invested in the business. It's better than hiring someone as he will have more oversight and accountability.

MG: How much work time will you put in?

TL: 45 hours. Matthew Smith is the manager at Fuji.

MG: And do you have experience as a manager of record?

TL: I have managed 4 restaurants with alcohol and I am TIPS certified. I managed Quincy Fuji since 2004; then Shabu for 6 months. I am Matt's partner at Fuji.

MG: What about trash pick-up and deliveries?

TL: There are dumpsters there and we plan on using the existing disposal company.

JL: We built the kitchen around one of the entry doors for delivery purposes.

RH: There are four doors? One for the restaurant, one for customers, and the others are for emergency?

TL: Yes

RH: Did you try to purchase a license?

JL: We looked around and we couldn't find one. We spoke to the owner of Om, but I don't really think it was for sale.

MG: Is there anything else you would like to add?

TL: I think it will survive and add to the neighborhood.

MG: I understand there is a daycare there. Do you see any issues with this?

TL: not at all.

MG: Would any members of the public like to be heard?

Charlie Marquardt: 10 Rogers Street; I am a member of the East Cambridge Planning team- you should have a letter of support.

EL: It's right here.

CM: We support the concept. It will be a great addition to the neighborhood and we look forward to having another place to go. Also, as an abutter, I am very supportive of the concept.

MG: So the hours will be 11 AM to 1 AM seven days per week. Serving a lunch or brunch and dinner in the evening? When will the kitchen close?

JL: We will serve food all night. Last call would be at 12:30.

MG: Are you making major renovations? When do you anticipate opening?

JL: We anticipate a 2-3 month build out and plan on opening in November.

RH: I make a motion to approve the amended application with 21 proof training.

EL: We should probably explain that we are reviewing the new license fees and it may be going up.

MG: I would second the motion but add a 6 month review as I am worried that they may be spreading themselves too thin.

Application approved 2-0 as stated above.

Application: Boston Food Cooperative, Inc. d/b/a Harvest Co-op Market, Marc Cutler, manager, holder of an all alcoholic beverages as a package store license at 581 Massachusetts Avenue has applied for a change of location to 580 Massachusetts Avenue. Applicant is also applying for an alteration of premise description.

Marc Cutler: I am the manager. We have been at this location for 20 years and are now moving across the street. We couldn't renegotiate the lease. We will be in a smaller space with lower overhead so we can open another location in Jamaica Plain. We carry basic wines and microbrews. We will have the same staffing.

MG: What about deliveries?

MC: There is a loading zone in the back. There's a nice receiving area. It's better than what we have now. We're working with Save That Stuff.

MG: (to EL) Any problems?

EL: None

RH: What about parking?

MC: We didn't have any before. We rely on the municipal lot or bike racks. We anticipate opening in August.

Motion by RH to approve with the reduction of about 4,000 sq. ft. Motion seconded and approved 2-0.

Application: Uno Restaurants, LLC d/b/a Uno Chicago grill, Jacquelyn Connelly, manager, holder of an all alcoholic beverages as a restaurant license at 22 JFK Street has applied for a change of manager to Thomas Carnavale.

Thomas Carnavale- I'm the new manager and have been there for a few months.

MG: What is your experience in the restaurant business?

TC: I have been in the business for 25 years and have had licenses in my name in New York and Massachusetts. I was at my prior job for 21 years. I have been with UNO for 10 months. I have TIPS training and serve safe. All staff are trained.

Motion to approve application seconded, approved 2-0 with 21 proof training.

Application: Massachusetts Institute of Technology has applied for a lodging house license for 46 rooms with 54 occupants at 405 Memorial Drive. Applicant is also applying for an exemption from the requirement of having a resident manager.

Dennis Collins- I'm the director of housing at MIT. This is a former fraternity and is now to be used as a resident hall for students. The building has undergone significant renovations and was fully sprinkled. It meets all building and fire codes and is ADA compliant.

MG: Have you had inspections?

DC: I have all the sign-offs and can get the Certificate of Occupancy after the result of tonight's hearing.

RH: Why is there no resident manager?

DC: We have an RA couple in the building, and it is fully staffed. There is a housekeeper and maintenance staff who will maintain the building.

MG: Is there an age mix? What about parties?

DC: We put the building out to bid and a sorority took it. It is a dry sorority. They signed a contract with the corporation. They can't even have parties there.

Motion to approve made by Commissioner Haas and seconded by Chairman Gardner: approved 2-0.

Sunset Café, Inc.: continued until August 14.

Application: Lanes and Games, Inc. d/b/a Lanes and Games, C. Anthony Martignetti, manager, holder of an all alcoholic beverages as a restaurant license at 195 Concord Turnpike has applied for an alteration of premise to relocate the bar.

C. Anthony Martignetti and Anthony Galluccio representing him.

AM- this is just a change of the point of sale- moving the bar from one side to another.

AG- As you come up the stairs, which is in the middle, the bowling alleys are in the middle; Keno is at the bar on the right; there is no alcohol there. Downstairs is candlepin bowling and upstairs is league. Giving the property a facelift and more competitive with food and alcohol.

Michael Muehe- Are there going to be any efforts to address ADA requirements?

AG- The upstairs is not accessible. Food and alcohol are served throughout the entire building. It is too big an investment to make the entire building accessible. This is going to be a \$50,000 renovation.

AM- I serve thousands of handicapped adults and kids and have a 30 year history of doing this. I have never had issues. I work with Belmont-Watertown Rec. Department, Perkins School for the Blind, Special Olympics, all for free.

MG- Are there any other issues?

MM- The building had a one step entrance. Has this been fixed?

AM- It's never been an issue. It's a 2-3" step.

MM- That is a violation. It is a barrier to accessibility. It is an achievable measure.

MG- There is no change in linear feet? Same numbers?

AG- Yes, the same.

AM- I explored making a renovation to the step. I will look in to getting a ramp. I have a portable wooden ramp which I use when needed.

AG- Please give us six months to look in to this, and how it may affect parking, without impeding approval for tonight's hearing.

MG- Motion to approve alteration of interior; I request that the licensee report back to the Executive Director within six months as to the status of removing the accessibility barriers. Seconded by Commissioner Haas. Approved 2-0.

Application Yoki of Cambridge, LLC d/b/a Yoki Japanese Restaurant and Sushi Bar, Harry Vu Nguyen, Manager, holder of a common victualer license at 485 Massachusetts Avenue has applied for a new all alcoholic beverages as a restaurant license at said address. Hours of operation would be 11:00 AM to 1:00 AM seven days per week with a capacity of 106 seats inside, 10 standing and 6 outdoor patio seats without service of alcohol.

Attorney Galluccio; Harry Nguyen, manager of record, Justin Tong.

AG- They operate a restaurant in Station's landing in Medford. They have 160 seats. They opened one week ago at the former Floating Rock site. They are concerned about the ability to succeed without an alcohol license. The prior operation did have an alcohol license but experienced difficulties. They couldn't meet the rent. Right now they are busy at lunch but struggle at night. They have a petition here of which 25% of the signatures are from Cambridge residents. The Central Square Business Association wants to make this area more full service and less fast food. There are a number of new licenses in the area. The menu is reasonable with appetizers from \$5-8 and lunch from \$8-10; dinner is \$10-20 and is Asian Fusion. The owners have serve safe and TIPS training and I have encouraged them to do 21 proof training.

MG- Are there any changes from the original application?

AG- There is no change in seating capacity from the prior operation. We are waiting for a final site review for the outside seats. There will not be alcohol service in the patio area.

MG- I am concerned about the lease provision that the lease would be terminated if they did not receive an alcohol license within 90 days of opening. This was not transparent.

AG- I told the Commission at the outset that we would be applying for an alcohol license in the future. We had hoped to wait six months but we can't. I wasn't the attorney for the lease. That clause just gave them a way out, which they say they would not have taken.

RH- I was in a quandary when you didn't apply right away. I had concerns about the viability of the business.

MG- The space is challenging due to the physical layout with the bar being a significant presence in the front of the restaurant.

HN- We redesigned the restaurant with a better flow.

AG- Central Square has retail, banks and is in transition from Burger King, McDonald's, etc. But it is not considered a destination yet. Rendezvous started this change. Central Square is still deficient in new housing for young professionals. We need to create a destination like Harvard Square and Inman Square.

MG- I just want to clarify that the operation is a restaurant that serves alcohol and not a bar that sells food.

HN- yes

MG- Did you inquire into the viability of buying a license?

AG- We talked to OM but I'm not sure it was really for sale. We couldn't find others.

EL- Some housekeeping issues need to be addressed. Manager questions need to be filled out completely and on page 29 of the lease agreement there is a reference to "liquor lease." What is meant by that?

AG- I will get the paperwork filled out and get it to you.

MG- What is your experience with alcohol?

HN- I was the manager at the other restaurant. I will be moving here. I was the manager for four years. There have been no problems there.

EI- letters of support from Councillor Cheung, Councillor Toomey, Councillor Reeves and the CSBA.

Motion to approve made by Commissioner Haas, seconded by Chairman Gardner, subject to 21 proof training. The license has no value and is not transferable. In addition, there will be a six month review. Approved 2-0.

MG- I recognize that this is important ofr the future of the square.

RH- I caution you not to become a bar and that the operation plan is to sell food as the central business.

HN- That is what we do- we spotlight our sushi skills with the horseshoe bar.

Application ARE-Tech Square, LLC has applied to amend their existing flammables license at 500 Technology Square. Applicant is currently licensed for "540 gallons of diesel aboveground, 2030 gallons of diesel for generator, 12000 cubic feet of flammable gasses, and 1440 gallons of combined flammable solvent aboveground." Applicant is seeking to amend the flammables license to total "3200 gallons of class 1, 3320 gallons of class II, 10 pounds of flammable solids and 13000 square feet of flammable gas."

Ted O'Leary- Senior Director Facility Services; with Jeremy Liebowitz, Fire protection Consultant.

JL- It should be standard cubic feet, not square.

TO- The large tenant in the building is making some changes in use of the space. RJA Associates were brought in to review the space. It's a lab building. MIT has half and there are two other small labs. We met with CFD and brought the plans in to adjust the permits to be in keeping with the proposed changes. Some of this if for the labs and some for life safety generators.

MG- Can you have more capacity per the code?

JL- We are not quite up to capacity. We met with the tenants to see what their need is. We mad charts to show the limits so you can see what the need is and what the actual allowed amounts are.

MG- What are the classes?

JL- The class breakdown is by flashpoint. We would have to go to a high hazard if we increase Class b anymore.

RH- This means?

JL- If you are going over the limit there would have to be more safeguards in place. CFD and ISD have signed off on this.

TO- The tenant met with CFD and ISD and explained what the plan is.

RH- Motion to approve made and seconded; application approved 2-0.

Application ARE-Tech Square, LLC has applied for a new flammables license at 400 Technology Square for 3272 gallons of class I, 1500 gallons of class II, and 2000 standard cubic feet of flammable gas.

TO- This is an office building that is being converted to lab space. The building has been completely gutted and we are making it a fully operational lab space. It should be complete in September and expect occupancy by tenants in December. We have 2 signed leases. We are applying for the needs of the prospective tenants. The building has a diesel permit. There are two generators in the building one for natural gas and one for safety. When the regulations changed in 2007 we no longer needed a license.

MG- Since the building has been gutted, what is the status with CFD and ISD?

JL- We met with them and showed them the plans. High Hazard is on the 5,6 and 7th floors. This allows for more flexibility for future tenants. Tenants will have to go to CFD for approvals.

TO- The tenants have to pull the permits and come back and apply for the actual amounts.

RH- Motion to approve, made and seconded- approved 2-0 subject to all sign-offs and approvals.

Application ARE-Tech Square, LLC has applied for a new flammables license at 300 Technology Square for 3220 gallons of class 1, 1500 gallon of class 11, and 6000 standard cubic feet of flammable gas.

The current tenant has moved out. There will be new operations with new companies who will be coming in with different needs. We have to come in line with changes to the code and bringing the building up to the limits where the new tenants will be comfortable.

JL- We will not be running at maximum levels.

MG- to EYL- Is there a history of stockpiling capacity?

EYL- Yes.

Motion to approve made and seconded- approved 2-0 subject to all approvals and sign-offs.

Policy The Board of license Commissioners will meet to discuss amendment to the Rules and regulations of Taxicabs with respect to service, training, operations, price disclosure, and any other matters that may address the standards of the Cambridge Taxi industry.

EYL- This has been an ongoing project over the past 4 years.

MG- I have been here for over one and one half years and have not been involved in this. Can you give us some highlights and history? Who worked on it?

Corey Pilz- We are building in guidelines that were developed as a result of the customer satisfaction survey. Price disclosure and public safety i.e. cell phone use, were issues. Now there are new stickers posted in all cabs. We are defining service standards, clarifying rules.

EYL- We have defined taxicabs, which had not really been done before. With the new virtual operations now encroaching on the industry, this will be an attempt to protect the industry from these ventures.

RH- Can you give me an understanding of Rules 1 and 2? How many times can a medallion be leased? Because with all of the levels, we need more owner accountability.

CP- The License Commission has more authority to audit companies.

RH- I have some questions/comments on some of them. Article 6- default by loan holder- is this like a deed?

CP- yes

RH- Article 9- Waybills-

CP- the drivers are supposed to keep good records and we retain the right to audit them.

RH- Rule 11- insert the word "rate". Also, License Commission needs to be added to be more clear. Page 26; 29 three times; 30 last paragraph.

Article 13- rights and obligations/ responsibilities- should this be together? Make it contiguous.

Article 15, rule 2, leave this up to the officer.

Page 36 f&g- consistent with Article 12 rule.

Page 4 rule 11 – "or"

Rule 12 insert "license"

Lease only?- What is this?

Pg 42- "G"

Page 44 rule 1 insert license

Rule 4 insert license

Article 20 rules 3 and 4 are the same- pick the better one to use.
47- medallions, not mediations
Rule 7 second sentence; owners of

MG- Page 11, I have a question about lease rates.

Public Comment:

John Robert Fleurissant- owner of 1 medallion:
Page 11- the drivers complain about the rates they pay. They should have more. Not all drivers pay this. I gave them a break.

RH- Would it make sense to set a rate and then say it can be raised within certain parameters if gas prices go up?

EYL- A surcharge might have been a better way to go than increasing the rates.

JRF-Page 15- Radio Service- we have 5 now. Tis says two-way radio and we Must have it.

CP- No- you can use your phone. There just has to be a way to get in touch with you.

JRF- We need another hackney officer. And there is a problem with the hotel liveries; and there are not enough stands.

Amir Sassine- I own 2 cabs. You need to license the radio services.

CP- There were rules passed before but ruled were never promulgated. This is our next project.

AS- The lease rates are like rent control. You should deregulate this. There should be a difference between hybrid and non-hybrid. There are many different cars. You can't have the same rates for all types. You should be giving incentive to hybrid owners so that it offsets cost as the driver is saving gas money. Weekend rates should be higher.

Abel Jean- Owner- we pay for repairs, insurance, etc. Should be deregulated. Should be between he owner and driver.

Tibor- I owned 12 medallions. Now I own Star Taxi. The lease rates are out of date. They should just be a guideline.

Jean Josselin- Owns one medallion- in Boston they pay 105 and in Somerville 90.

MG- Lease rates are complicated. What if we set a minimum hourly rate for drivers/ Would this cut in to their desire to hustle? They would pay the owners the fares.

Peter Sheinfeld- owns 3 Boston medallions- thinks this is unworkable. Boston uses a 20 mile meter; flat rates depending on the time of day. 20 miles around boundary- widens the meter rang. 1997 was the last lease rate raise. They get a shift premium of \$18 per shift per vehicle.

Matter taken under advisement- to be put back on the agenda after the staff can do more research in to this.

Policy The Board of License Commissioners will hold a policy hearing to create a new class of wine and malt beverages as a restaurant license with 2:00 AM closing time. The license fee will be \$2,475 for transferrable licenses and \$4,944.00 for city issued non-transferable licenses.

Voted 2-0 to defer until all three Commissioners are present.