Legislation Details (With Text)

File #:	2017-1885 **Version:** 2		
Type:	Resolution	**Status:**	Passed Finally
File created:	9/11/2017	**In control:**	Committee on Intergovernmental Affairs
On agenda:	9/12/2017	**Final action:**	10/10/2017
Enactment date:	10/10/2017	**Enactment #:**	616
Effective date:	10/10/2017		

Title: Resolution amending Resolution No. 137 of 2015, entitled, “Resolution requesting the approval of an inter-municipal transfer of restaurant liquor license, License No. R-14437, LID-59576 from 1313 Saloon, Inc., 1313 Kennedy Avenue, Duquesne, PA 15110 to the Applicant, The CocoRico Corp., 139 41st Street, Pittsburgh, PA 15201 for the premises located at 3718-20 Butler Street, Pittsburgh, PA 15201, restaurant known as "Round Corner Cantina", pursuant to amended Pennsylvania Liquor Code, Section 4-461,” so as to amend Section 5, Mutual Community Agreement among Lawrenceville Community (Lawrenceville United / Lawrenceville Corporation), and CocoRico Corp. (the “Parties”) by making various changes in the MCA.
(Public Hearing Held, October 3, 2017)

Sponsors: Deborah L. Gross, Bruce A. Kraus

Indexes: INTER-MUNICIPAL TRANSFER

Code sections:

Attachments: 1. 2017-1885 signed agreement

Date	Ver.	Action By	Action	Result
10/10/2017	2	City Council	Passed Finally	Pass
10/4/2017	2	Standing Committees	Affirmatively Recommended as Amended	Pass
10/4/2017	2	Standing Committees	AMENDED	Pass
10/3/2017	1	Committee on Hearings	Public Hearing Held	
9/13/2017	1	Standing Committees	Held for Cablecast Public Hearing	Pass
9/12/2017	1	City Council	Waived under Rule 8	Pass
9/12/2017	1	City Council	Read and referred	

Resolution amending Resolution No. 137 of 2015, entitled, “Resolution requesting the approval of an inter-municipal transfer of restaurant liquor license, License No. R-14437, LID-59576 from 1313 Saloon, Inc., 1313 Kennedy Avenue, Duquesne, PA 15110 to the Applicant, The CocoRico Corp., 139 41st Street, Pittsburgh, PA 15201 for the premises located at 3718-20 Butler Street, Pittsburgh, PA 15201, restaurant known as "Round Corner Cantina", pursuant to amended Pennsylvania Liquor Code, Section 4-461,” so as to amend *Section 5, Mutual Community Agreement* among Lawrenceville Community (Lawrenceville United / Lawrenceville Corporation), and CocoRico Corp. (the “Parties”) by making various changes in the MCA.
(Public Hearing Held, October 3, 2017)

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Council of the City of Pittsburgh hereby endorses the request for approval of an inter-municipal transfer of a restaurant liquor license, License No. R-14437, LID 59576 from 1313 Saloon, Inc.,

1313 Kennedy Avenue, Duquesne, PA 15110 to the Applicant, The CocoRico, Corp., for the premises located at 3718-20 Butler Street, Pittsburgh, PA 15201, known as “Round Corner Cantina”, restaurant pursuant to amended Pennsylvania Liquor Code, §4-461.

Section 2. Request for Approval

The CocoRico, Corp., which has a mailing address of 139 41st Street, Pittsburgh, PA. 15201, submitted a request for approval of an inter-municipal transfer of a restaurant liquor license, License No. R-14437. LID-59576 , which is currently registered to 1313 Saloon, Inc., 1313 Kennedy Avenue, Duquesne, PA 15110. The CocoRico Corp., - desires to place a restaurant liquor license into premises known as “Round Corner Cantina” and numbered 3718-20 Butler Street, Pittsburgh, PA 15201. The proposed interior of the premises will comprise of approximately 4,200 Square Feet of floor area.

Section 3. Public Hearing

City Council shall set a date for Public Hearing for the purpose of receiving comments and recommendations of interested individuals residing in the City of Pittsburgh concerning intent to transfer the above restaurant liquor license.

Section 4. Approval or Denial of Request

After the Public Hearing, which was held 3/5/2015, and within 45 days of the introduction of this Resolution, City Council shall render a decision to approve or disapprove The request for inter-municipal transfer of a restaurant liquor license. City Council must approve Round Corner Cantina’s request unless it finds that approval would adversely affect the welfare, health, peace and morals of the City of Pittsburgh or its residents.

Section 5. Attached Mutual Community Agreement

1. CocoRico Corp. shall, within (90) days of approval of this Agreement, become compliant with and remain compliant with the responsible alcohol management provisions of the Liquor Code including, but not limited to:

a. New employee orientation;

b. Training for alcohol service personnel;

c. Manager/ owner training;

d. Displaying of responsible alcohol service signage; and

e. Certification of compliance by the Board's Bureau of Alcohol Education.

For the purposes of this section, days in which the license is in safekeeping shall not be counted against the ninety (90) day dealine;

2. CocoRico Corp. shall not sell alcohol in glass containers for off-premises consumption.

3. CocoRico Corp. shall not sell malt or brewed beverages in single containers that are forty (40) ounce or larger in size.

4. **CocoRico Corp. shall not utilize any loudspeaker or similar device that emits amplified sound in any outside serving area. The term outside serving area does not include any area with a roof capable of being fully enclosed.**

5. employees. **CocoRico Corp. shall not permit any live music or other live entertainment in any outside serving area at any time.**

6. **CocoRico Corp. shall only permit live entertainment to occur on the first floor of the licensed premises on Thursday through Saturday, unless the express written consent of both Lawrenceville United and Lawrenceville Corporation is obtained to have live entertainment for a special event occurring Sunday through Wednesday. Said written consent shall be maintained by CocoRico Corp. as a business record subject to Section 493(12) of the Liquor Code, and shall be made available upon request to any local, state, or federal law enforcement officials, as well as the Board, its employees, the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“Bureau”), and its employees.**

7.

powered by Legistar™

8.

9.**CocoRico Corp. shall maintain incident reports (using Board-published incident documentation forms or other similar forms) indicating the date and substance of all matters involving the following on the premises: weapons or violence, ejection of a patron from the licensed premises, and any incident involving the local police. Such reports shall be maintained by CocoRico Corp. as a business subject to Section 493(12) of the Liquor Code, and shall be made available upon request to any local, state, or federal law enforcement officials, as well as the Board, its employees, the Bureau, and its employees.**

10. **CocoRico Corp. shall install and maintain in good working order, a video security/surveillance system at the licensed premises consisting of at least three (3) cameras. At least two (2) cameras shall be located on the exterior of the premises, and at least one (1) camera shall be located inside the licensed premises. CocoRico Corp. shall ensure that one (1) or more of the exterior cameras are positioned so as to monitor both 38th Street and Butler Street. All such cameras shall continuously record during all operating hours. Recordings shall be maintained for not less than two (2) weeks, and all recordings from the system shall be available upon request by the Board, its employees, the Bureau, its employees, and to any local state or federal law enforcement authorities.**

11. **CocoRico Corp. shall employ at least one (1) security personnel who will be present and working at the licensed premises on all Thursday, Friday, and Saturday nights, from 9:00 p.m. until one half (1/2) hour after all patrons are required to vacate the premises. Security personnel shall be clothed in such a way as to make his/her status as security personnel readily apparent.**

12. **The licensed portions of the second and third floors of the premises shall have limited hours of operation as follows: Sunday from 10:00 a.m. until 10:00 p.m.; Monday through Thursday from 11:00 a.m. until 12:00 a.m.; Friday and Saturday from 11:00 a.m. until 2:00 a.m. the following day. When open, the licensed portions of the second and third floors of the premises shall offer a full kitchen menu from opening time until at least 12:00 a.m.**

13.

14. CocoRico Corp. shall not permit patrons to leave licensed premises with open containers of alcohol beverages.

15.. **CocoRico Corp. shall prevent littering and loitering in front of its premises on both 38th Street and Butler Street during all hours of operation. For purposes of this section, "loitering" is defined as being present outside the licensed premises, without a legitimate business purpose, for a period of time of ten (10) minutes or more.**

16. **CocoRico Corp. shall not permit any dancing, assembly events, or live entertainment (excluding disk jockeys), to occur or be held in the licensed portions of the second and third floors of the premises.**

17. CocoRico Corp. will identify two parking spaces within 1,000 ft. of the property to use for the licensed premises and will present a lease identifying and confirming use of the spaces as part of the City of Pittsburgh's Zoning Process.

CocoRico Corp. understands that failure to adhere to this agreement, should the terms be accepted by the Pennsylvanian Liquor Control Board, and City of Pittsburgh Zoning Department, may result in citations by the Pennsylvania Liquor Control Enforcement Agency and/ or City of Pittsburgh Department of Permits, Licenses, and Inspections.

CocoRico understands that these terms could remain in effect on the license and on certificates of occupancy at the licenses premises unless and until a subsequent agreement is reached.

In the event that any provision of this Agreement is determined to be legally invalid, the affected provision shall be stricken from the Agreement and the remaining terms shall remain unaffected.

Lawrenceville United and Lawrenceville Corporation will support the liquor license and zoning approvals necessary for the business to open and operate with these conditions and in terms of agreement attached as part of a Conditional License Agreement.

By signing below, I certify that I have read this agreement, that I know and understand the meaning and intent of this agreement, and that I am entering this agreement knowingly and voluntarily.

CocoRico Corp. (Principal): Date:

10/3/17

powered by Legistar™

Lawrenceville United (Executive Director): Date:

10/3/17

Lawrenceville Corporation (Executive Director): Date:

10/3/17

powered by Legistar™