Legislation Details (With Text)

File #:	2020-0779 **Version:** 2		
Type:	Resolution	**Status:**	Passed Finally
File created:	10/5/2020	**In control:**	Committee on Intergovernmental Affairs
On agenda:	10/6/2020	**Final action:**	1/19/2021
Enactment date:	1/19/2021	**Enactment #:**	10
Effective date:	1/19/2021		

Title: Resolution requesting the approval of an inter-municipal transfer of liquor license, License No. R-12796, from Affolder Enterprises, Inc., c/o Susan Affolder, 8026 Edwood Road, Pittsburgh, PA 15237 to the Applicant, Cabaret LLC, for the premises located at 7928 Frankstown Avenue, Pittsburgh, PA 15221, known as “Cabaret, LLC”, pursuant to amended Pennsylvania Liquor Code, §4-461. (Public Hearing held 10/27/20)

Sponsors:

Indexes: INTER-MUNICIPAL TRANSFER

Code sections:

Attachments: 1. 2020-0779 Liquor License - CABARET, LLC

Date	Ver.	Action By	Action	Result
1/20/2021	2	Mayor	Passed pursuant to 47 P.S. Sec. 4-461	
1/19/2021	2	City Council	AMENDED	Pass
1/19/2021	2	City Council	Passed Finally, As Amended	Pass
1/13/2021	1	Standing Committees	Affirmatively Recommended	Pass
10/27/2020	1	Committee on Hearings	Public Hearing Held	
10/14/2020	1	Standing Committees	Held for Cablecast Public Hearing	Pass
10/6/2020	1	City Council	Read and referred	

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(Public Hearing held 10/27/20)

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

Section 1. The Council of the City of Pittsburgh hereby endorses**, subject to the conditions in Section 5,** the request for approval of an inter-municipal transfer of a liquor license, License No. R-12796, from Affolder Enterprises, Inc., c/o Susan Affolder, 8026 Edwood Road, Pittsburgh, PA 15237 to the Applicant, Cabaret LLC, for the premises located at 7928 Frankstown Avenue, Pittsburgh, PA 15221, known as “Cabaret, LLC”, pursuant to amended Pennsylvania Liquor Code, §4-461.

Section 2. Request for Approval. Cabaret, LLC, which has a mailing address of 7928 Fransktown Avenue, Pittsburgh, PA 15221, submitted a request for approval of an inter-municipal transfer of a liquor license,

License No. R-12796, which is currently registered to Affolder Enterprises, INC., 8026 Edwood Road, Pittsburgh, PA 15237 - desires to place a liquor license into premises known as "Cabaret, LLC" and numbered 7928 Frankstown Avenue, Pittsburgh, PA 15221. The proposed interior of the premises will comprise of approximately 2,000 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 liquor license.

Section 4. Approval or Denial of Request. After the Public Hearing, which was held October 27, 2020, 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 liquor license. City Council must approve Cabaret'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. Conditions. Cabaret, LLC agrees to the following conditions:

1. Hours of Operation. Cabaret, LLC's current business model is to operate a catering and event venue, which means that specific events will be scheduled by appointment, with a discrete number of guests for a specific date and a defined period of time. There will days on which one event could be scheduled to encompass and utilize all available spaces of the venue for a stated period of time. There are also possible days on which the venue could be utilized by two or more different scheduled events for two different groups of people, with the same or overlapping time periods. That all having been said, Cabaret, LLC will initially make its facility available for scheduling event(s) seven days a week for hours between 11 AM and 1 AM.

2. Capacity. Initially, the self-imposed maximum capacity for the venue, whether speaking of one event on both floors or multiple separate events throughout the venue, will be 150 persons. At the time of booking of each event, the sponsor will be required to sign a catering event service and rental agreement, which will stipulate, among other things: (1) the total maximum number of patrons that may attend the event; (2) the date and set hours of the event (start and ending times); (3) the designated entrance location (door) for gaining access to the event; (4) required use of valet (free of charge) parking and/or remote parking and courtesy van transportation to and from the venue; (5) prohibition of any outside alcohol being brought onto the premises; (6) required adherence to Cabaret, LLC's House Rules by the event sponsor and all guests; and (7) the event sponsor's assumption of responsibility for his/her and all guests' adherence to the foregoing and indemnification obligations with respect thereto. A procedure will be developed that will establish occupancy control at the point of the valet parking and at the shuttle lot(s) and again at the entrance for each event to ensure that the stated maximum occupancy limit is enforced for each respective event, as per the respective contracts. (For more information, see "Security," below).

3. Parking. With a total initial proposed maximum occupancy for any date and time on the premises of 150, Cabaret, LLC will furnish parking spaces equal to 50% of the total occupancy or 75 spaces when maximum occupancy is projected. Cabaret, LLC has twenty 20 parking spaces available in its back lot behind the building (21-23 S. Wheeler Street), which will be used toward the 75-space requirement. The remaining 55 spaces will be provided through a combination of: (a) the lease of use of nearby

vacant lots or parking lots from other property owners; and/or (b) Cabaret, LLC's acquisition of nearby vacant lots for valet parking and/or park-yourself-and-take-a-courtesy-shuttle to the venue arrangements. In the future, as venue/event occupancy increases above 150 persons to the level of , but not to exceed, maximum occupancy under Cabaret, LLC's City of Pittsburgh Occupancy Permit, Cabaret will ensure that parking spaces equal to 50% of the total projected event(s) occupancy will be available through the one or both of the foregoing arrangements. The only areas that Cabaret, LLC will initially seek to have licensed for serving as part of the transfer approval application submitted to the PLCB will be interior spaces. Under PLCB regulations, for each such event (defined by date and duration), Cabaret, LLC will be required to apply to the PLCB to have either a temporary extension of premises or a special occasion permit, either of which requires PLCB approval and both of which requires that the premises be posted (Orange Placard) to place the public on notice of the proposed plans and provide an opportunity to the community for input/objection. We point this out to make it clear to all parties concerned that: (1) such events will be dealt with on an ad hoc basis; and (2) as part of any such PLCB application, Cabaret, LLC will reach out to the community leaders to discuss the proposal and present plans for the conduct of the event, including, without limitation, adequate parking, additional security, and garbage collection arrangements, etc., with the aim of establishing an agreement which would be required for the PLCB approval process to proceed. "Pop-up" outdoor events, at which no liquor will be sold or consumed, ("NA Pop-Up Event"), will be periodically scheduled, as they have in the past, with the same commitment to making arrangements for substituting parking for the 20 parking places lost as a result of the temporary use. (See also "Garbage Collection/Waste Removal," below.) PLCB approval for NA Pop-Up Events is not required.

4. Security. For an initial period of one year from the commencement of operation of the License: For any event over 50 people: Cabaret, LLC will employ Off-Duty Certified (Act 235) Police Officers as follows: One Officer will be stationed outside the venue premises and will patrol the perimeter (Frankstown Avenue and S. Wheeler Street) around the venue to prevent loitering and littering of patrons arriving to or leaving the venue, and to generally maintain the peace surrounding the venue for the benefit and security of the community/neighbors and the venue's patrons and staff. One Officer will be stationed at the designated venue entrance (event-specific, as per the terms of the respective catering/event contract; see discussion under "Parking," above), that is in use, to enforce photo id carding procedures and to monitor and enforce maximum event occupancy limits (see discussion "Parking," above). One officer will patrol the remote park and shuttle lot(s).

5. Review and Modification. This initial plan will be reviewed by Cabaret, LLC at the end of the one-year period, at which time, Cabaret, LLC will seek input and comment from the community, for purposes of deciding, in its discretion, how to structure its security plan/protocol going forward.

6. Operating Procedures. In addition to the foregoing, Cabaret, LLC, in its discretion, will employ in-house security staff as needed for each event to assist in enforcement of the House Rules. Cabaret, LLC will establish standard operating procedures for handling of various types of security issues/occurrences, which Cabaret, LLC's management will periodically review along with the House

Rules with all in-house and 235 Officer security, Cabaret, LLC servers and other staff members.

7. Garbage Collection/Waste Removal. Prior garbage collection issues with Cabaret, LLC's service provider, Big's Sanitation, Inc., have been resolved by establishing a clearly defined approved location and placement of Cabaret, LLC's dumpster, and a reliable weekly pick-up schedule. Cabaret, LLC anticipates no repeat issues as in the prior isolated incidents when the garbage was not timely collected by the waste removal service. In addition, Cabaret, LLC has made arrangements for the availability of extra pick-ups in addition to the regularly scheduled dates which can be implemented on an ad hoc, as-needed basis. A standard operating procedure will be implemented to review each scheduled catered event and/or NA Pop-Up Event, at the time the catered event contract is executed/NA Pop-Up Event is planned, to determine whether, based on timing, duration, occupancy, and/or the nature of the event, excessive rubbish may be generated that would require an additional pick-up to be scheduled to prevent unsightly overflows. In such cases, arrangements will be made at least 24 hours in advance for the additional pick-up for the next available business date.

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