



Text File

Introduced: 2/3/2015

Bill No: 2015-1278, **Version:** 2

Committee: Committee on Intergovernmental Affairs

Status: Passed Finally

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, §4-461.

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

Community Agreement

Lawrenceville Community (Lawrenceville United/ Lawrenceville Corporation), and CocoRico Corp. (The Parties) submit the following community agreement and draft conditional license agreement / zoning conditions regarding the inter-municipal transfer of Liquor License No. R-14437 to 3718-3720 Butler Street.

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As part of the Lawrenceville Responsible Hospitality program and process, CocoRico Corp., and owner Derek Burnell, presented potential plans for the current Round Corner Cantina located at 3720 Butler Street, and The Ballroom proposed to open at 202 38th Street (The Ballroom is on the 3rd floor of the building that The Round Corner occupies on the first floor) to members of the Lawrenceville community.

Residents and stakeholders raised concerns and issues regarding the impact of the proposed plans on the adjacent community. Given the current and potential impact of the current and proposed impact on the immediately adjacent residential and commercial area, the community groups have worked with CocoRico Corp. to outline terms and conditions that could mitigate any negative impact of the business on the adjacent and existing community. Lawrenceville United (LU), Lawrenceville Corporation (LC), and CocoRico Corp., LLC agree to the following terms and conditions. All agree to work together to formalize this agreement and to pursue a Conditional License Agreement that would include these mutually agreed upon terms that would be attached to Liquor License No. R-14437. The community would like the conditions and terms to be attached to any approval or license sought and acquired by CocoRico Corp. for 3718-3720 Butler Street and 202 38th Street, Pittsburgh PA 15201 by the City of Pittsburgh and Pennsylvania Liquor Control Board.

The parties stipulate to the following:

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.

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 permit amplified sound on the patio after 11:00 pm in the Outside Serving Area, and there will be no live music or entertainment on the patio at any times.

5. Live entertainment shall be permitted within Round Corner Cantina (inside) Thursday -Saturday, unless for a special event in which the community and residents will be consulted.

6. CocoRico Corp. shall install sound attenuation for the licensed premises that limits any and all sound from emanating beyond the premises, to meet the PA liquor code. Specific soundproofing measures and plans will be shared with the community and the City of Pittsburgh's Zoning Department as part of site plan review. CocoRico commits to working regularly with the community to address sound issues as necessary.

7. Employees of CocoRico Corp. working at Round Corner Cantina and The Ballroom shall check the identification of all patrons thirty-five (35) years of age or younger purchasing alcohol beverages, unless the patron's identification has previously been verified and CocoRico has this information retained.

8. Employees of CocoRico Corp. working at Round Corner Cantina and The Ballroom shall record occupancy and notate the occasions when capacity is reached. Records of capacity shall be maintained as business records shall be subject to 493(12) of the Liquor Code, and shall be made available upon request to law enforcement officials, as well as the Board, its employees, the Bureau and its employees.

9. CocoRico Corp. shall maintain incident reports or other documentation (using a Board-published incident report form or similar form) indicating the date and substance of all matters involving weapons or violence; involving ejection of a

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patron from the licensed premises; or requiring involvement by local police to address any problems at the licensed premises. Such documentation will be maintained by CocoRico Corp for a period of two (2) years from the date of said incident and will be made available upon request to law enforcement officials.

10. CocoRico Corp. shall install and maintain surveillance cameras with view of 38th Street and Butler Street.

11. CocoRico Corp. shall utilize security for both The Round Corner Cantina and The Ballroom. Security shall be clothed in such a way to make his/ her status as security readily apparent. Two (2) Security Personnel will work Thursday - Saturday 9:00 pm - 2:30 am to manage crowd disbursement from both Round Corner Cantina and The Ballroom.

12. The hours of operation of The Ballroom shall be limited to Sunday and Wednesday 12:00 pm to 12:00 am, and Thursday - Saturday 12:00 pm to 2:00 am. The Ballroom will be closed on Mondays and Tuesdays. The Ballroom shall maintain regular kitchen hours with dedicated kitchen staff, offering a full restaurant menu, at a minimum from 12:00 pm to 12:00 am Wednesday through Sunday. Hours are subject to change and the community will be consulted before changes are made.

13. CocoRico Corp. shall discourage littering and loitering in front of its licensed premises on both 38th Street and Butler Street and shall install at least one receptacle for cigarettes and one for trash outside its premises.

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

15. CocoRico Corp. shall clean its sidewalk at the conclusion of each operating day.

16. There will be no live entertainment, no disc jockeys, no dancing, and no assembly events held in The Ballroom.

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 Pennsylvania 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

Lawrenceville United (Executive Director)

Date

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Lawrenceville Corporation (Executive Director)

Date