

February 9, 2011

Pennsylvania Liquor Control Board  
Bureau of Licensing  
PO Box 8940  
Harrisburg, PA 17105 -8940

Re: License Transfer to Tim Linz, Daniell Walker-Viszlay, David Vizslay/ LVW, Inc., ID# 8-7703 at 4305 Butler Street – Request for Public Hearing

Dear PA Liquor Control Board:

Lawrenceville United (LU) is a non-profit, resident-driven, community-based organization that works to protect and improve the quality of life of all residents and stakeholders in Upper, Central, and Lower Lawrenceville. We write to you today to request that a Public Hearing be scheduled regarding the liquor license transfer to Tim Linz, Daniell Walker-Viszlay, David Vizslay/ LVW, Inc., ID# 8-7703 at 4305 Butler Street .

On January 27<sup>th</sup>, LU hosted a community-wide public meeting regarding the proposed business planned for 4305 Butler Street – *Industry Grille*, following a series of informal meetings between the business owners (Danielle Walker Vizslay, Tim Linz, David Vizslay,) representatives from the community based organizations, and elected officials. As the proposed business presents a change of use for the site, and a liquor license , the meeting was held to inform the 200 + residents and business owners in attendance and to understand any concerns or issues residents might have with it. (Minutes, an audio file, and a video of the meeting are available for your review). Petitions were circulated at the close of the meeting for those who were opposed to the overall business plan and wanted to oppose the liquor license. We have attached minutes from the meeting (A-1) and those petitions for your files – and have highlighted those who live within 500 ft. radius of the establishment. (A-2)

The plan for the Industry Grille, as presented on January 27<sup>th</sup>, raised a number of concerns from adjacent residents and businesses. We are requesting that the PLCB hold a public hearing for these residents to share their concerns with the plan and pending license. Some of the concerns and issues raised by residents include but are not limited to the following:

- **Public Safety and Quality of Life Concerns:** Residents and adjacent business owners voiced concern over the current businesses managed by the license applicants: Tim Linz, Daniell Walker Vizslay, David Vizslay. This includes two bars: 1311, Elixir; but also David Vizslay's residential real estate portfolio in Lawrenceville which currently serves as the only properties currently owned and operated by any of the applicants. We have attached a list of 9-1-1 calls/

3-1-1 records and incidents incidents, and LCB violations that have been pulled from public record, and/or reported by Pittsburgh Police. (A-3)

- **Occupancy:** The space is 3400 sq. ft but the owners are applying for an occupancy of 99. Concerns relative to enforcement of this occupancy in such a large space were questioned. Tim Linz of LVW, Inc. currently owns and manages 1311 on the Southside. 1311 has an occupancy of 50 including employees. During the community meeting, Mr. Linz indicated that he has not violated any occupancy regulations. We have attached pictures that residents pulled from 1311's Facebook page that indicate a crowd larger than 50 inside the establishment. (A-4)
- **Dancing/ Live Entertainment:** Although the group presented a plan to the community 1/27/11 that did not include providing live entertainment or music; they clearly indicated on their liquor license application that they are seeking an amusement permit and have checked yes in response to permitting dancing, providing floor entertainment, and any other entertainment (A5). Residents are concerned with noise and occupancy issues relative to live entertainment, and there are concerns regarding the discrepancy between the application and the presentation.
- **Trash/ Dumpster issues** - Residents are concerned with the amount of trash that could accumulate due to increased pedestrian traffic – especially trash accumulating in the form of bottles, cigarettes. Additionally, the owners have secured 5-8 spaces in the rear of the business for employee parking, but have not indicated where a dumpster may be placed or what the waste hauling plans are.
- **Parking issues:** The owners indicated that they were exploring parking options but have not specifically indicated plans to provide parking for patrons. Residents will be negatively impacted by an influx of cars on the residential streets and noise will become an issue for adjacent residents due to sidestreet parking. Parking is already an issue due to existing establishments.
- **Noise:** Noise associated with a bar is of concern to adjacent residents. Patrons traveling to and from their cars around 2 am will have an impact of residents in this area, as could noise associated with live entertainment, and any lines that may accumulate along the front of the property while patrons wait to get into the establishment. This is already an issue with many of the existing licensed establishments.
- **Saturation:** There are a number of existing licenses and liquor-serving establishments within the 500 ft. radius of 4305 Butler Street. There are currently four bar/restaurants in the 500 ft. radius, and 2 BYOB restaurants. Residents are concerned that with a new, very large, liquor-serving establishment – Lawrenceville positions itself to become a destination location for drinking.
- **Fire suppression/safety:** The owners indicated that they have no plans to install a sprinkler system for the building. Given the use, zoning, occupancy – residents have concern for this establishment operating with a liquor license but without a fire suppression system in place.
- **Exhaust vents:** With the installation of a full kitchen, residents are concerned with the placement of exterior exhaust/ ventilation systems.
- **Percentage of income of food sales vs. liquor sales:** Despite presenting this business as a restaurant to the community, the site plan shows a large bar, bench seating, and a few high-top

café tables around the central bar. The owners plan to hire two part-time cooks. The owners indicated during the public meeting that they plan to receive a higher percentage of revenue in liquor sales.

- **Placement of Liquor License Placard during application process:** The Liquor License Placard was posted on January 18<sup>th</sup>, though it was at times covered during work on the exterior of 4305 Butler Street. (A6) Residents are concerns with the business owners and whether or not they have followed the guidelines and rules as part of the liquor license application process.

Over the past 10 years, Lawrenceville has experienced a significant decrease in crime (almost 60% decrease), increased real estate appreciation values, and a growing population of new residents and families. Lawrenceville has become ripe for development: we continue to see new businesses moving into our commercial districts; increased private investments in residential and commercial properties; and an infectious sense of pride and optimism among neighborhood residents and business owners. As new businesses open in Lawrenceville, Lawrenceville United is committed to creating a clean and safe neighborhood in which businesses and residents can thrive and coexist.

Residents and existing business owners have become well aware of the similarities that many identify between Pittsburgh's South Side neighborhood and Lawrenceville. The South Side is surely one of Pittsburgh's great neighborhoods: rich in character, tradition, and history. However, it is no secret that the Southside is dealing with serious quality of life issues in light of their booming nighttime and entertainment district. In working to stay in front of the issues that accompany business districts, but can negatively affect surrounding businesses and residents, Lawrenceville United has created community processes specific to new businesses opening, new liquor license application / transfer processes, and has created a strategy of working with existing businesses to help keep a healthy balance and level of productivity and a high quality of life for residents and business owners.

We respectfully and formally request that you schedule a public hearing for the proposed liquor license transfer to Tim Linz, Daniell Walker-Viszlay, David Vizlay/ LVW, Inc., ID# 8-7703 at 4305 Butler Street to ensure the community has a voice and an opportunity to engage in a public process around this change of use for a large, centrally located space, and a new liquor-serving establishment in a community with more than 11,000 interested and invested residents.

Sincerely,

Lauren Byrne

Executive Director, Lawrenceville United

Cc: PA State Senator James Ferlo; PA State Representative Adam Ravenstahl; City of Pittsburgh Mayor Luke Ravenstahl; Pittsburgh City Councilperson Patrick Dowd; City of Pittsburgh Bureau of Building Inspection; City of Pittsburgh Department of City Planning