



## LAWRENCEVILLE UNITED

A Resident Driven Organization

April 24, 2012

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

Re: Petition to Intervene in the Liquor License Double Transfer to Dave's Son's Holdings, Inc (Owner: Bradley Brubach), License #R-5705; LID 66483; at 146 44<sup>th</sup> St., 2<sup>nd</sup> Floor.

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 through organizing, advocacy, community restoration and beautification, and through planning and development. We write to you today to formally petition to intervene in the liquor license transfer application for Dave's Son's Holdings, Inc (Owner: Bradley Brubach), License #R-5705; LID 66483; at 146 44<sup>th</sup> St., 2<sup>nd</sup> Floor within the 30 day protest period that was initiated with the posting of a placard on March 26, 2012. Lawrenceville United represents all residents of Lawrenceville, and counts among their 800 members at least 25 residents within 500 ft. of the location of the pending location.

On April 16, 2012, Lawrenceville United met with the attorney, Mark F. Flaherty, representing Dave Son's Holdings, in addition to the owners of the currently licensed establishment at this location (146 44<sup>th</sup> Street), Cattivo, owned by Frank Malta. During this meeting, Mr. Flaherty explained the planned use of the pending license. It is our understanding that this license is being acquired and transferred from another establishment and to this location, however according to the plans; this license would never technically operate at this location. If granted a preliminary approval, this license would exist at the location, the owners of Cattivo would build a 2<sup>nd</sup> floor expansion of their current establishment (if granted necessary zoning approvals), but once the owner would receive a final approval, the liquor license would serve out a 60 day suspension that was placed upon it by the Allegheny County District Attorney's Office as part of a closure agreement when it's previous location was closed, and then the owner would put the license into safekeeping and would seek to find a new location for it. At that time the owners of Cattivo, who currently operate under LID 33158 would file for an extension of premises for their current license so that they could utilize the new space.

Lawrenceville United held a public community meeting to share this plan with residents on April 23, 2012. More than 45 residents were in attendance at the meeting and many were within the 500 ft. radius of 146 44<sup>th</sup> Street. (Minutes from the meeting and an audio file are available for your review). Petitions were circulated at the close of the meeting for those who were either in support or were opposed to the overall business plan and liquor license transfer. We have attached those petitions for your files (we have highlighted those on the petition who live within the 500 ft. radius of the establishment).

Many residents voiced concerns over the impact they currently experience from Cattivo and felt these issues may be exacerbated with the expansion of the business. Primary concerns were related to increased traffic, parking, noise, disruptive behavior and litter. Some residents stated they already park blocks from their home in evenings because of the current parking issues at this location. Many told stories of being woken up at 2:30 am to the sound of shouting, fighting, and laughter. The current establishment is much larger than any establishment that is located in our



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commercial district, let alone the residential district. Some residents expressed frustration over having experienced vandalism and destruction to their private property in this area and felt that the activity is coming from 146 44<sup>th</sup> Street. The majority of attendees last night had concerns with the expansion of a non-conforming use in a residential district. As per the City of Pittsburgh's Zoning code, this expansion is not legal unless the owners are granted a special exception or variances through the Zoning Board of Approval's approval process.

Residents were also concerned with the fact that Cattivo may not be currently in compliance with existing conditions that had been placed on the operations of the business in 1994 by the City of Pittsburgh Zoning Board of Approval which called for 20 off-site parking stalls for the business, no live music after 1:00 am, and other conditions. To our knowledge, these conditions have not been implemented.

Many residents have questions regarding this pending liquor license transfer and are concerned with the potential expansion of Cattivo. The owners of Cattivo and their attorney have offered to meet at a later date to attempt to create a legal agreement that may help address some of the concerns, and the community looks forward to that meeting, but in the event that an agreement cannot be reached, the community organization would like to reserve their right to voice their concern over what is being proposed by filing this precautionary petition to intervene and request for a public hearing.

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. 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. This process has yielded significant progress over the past year and half. We have supported new liquor licenses unconditionally who have worked well with the community and have presented responsible business and operational plans that would have little negative impact on the community, we have negotiated with others to create conditions and terms that address the concerns of both the applicants and residents, and have had success in working with our public safety partners to keep nuisance bars out of the neighborhood.

We respectfully and formally request that you investigate this application and schedule a public hearing for the proposed liquor license transfer to Dave's Son's Holdings, Inc (Owner: Bradley Brubach), License #R-5705; LID 66483; at 146 44<sup>th</sup> St., 2<sup>nd</sup> Floor to ensure the community has a voice and an opportunity to engage in a public process around a potential expansion of a space that is against local code, but that could negatively impact interested and invested residents.

Sincerely,

Lauren Byrne  
Executive Director, Lawrenceville United

Cc: Mark F. Flaherty; Frank Malta; Dave's Sons Holdings (Bradley Brubach)