

## **CONDITIONAL LICENSING AGREEMENT (R-9716-1)**

This Conditional Licensing Agreement (“Agreement”) is made between the Commonwealth of Pennsylvania, Pennsylvania Liquor Control Board (“Board”), located at Capital and Forster Streets, Harrisburg, Pennsylvania 17124, and Fifty First Street, LLC (“Fifty First Street”), applicant for transfer of Restaurant Liquor License No. R-9716 (LID 70577), for use by it at premises located at 242 51<sup>st</sup> Street, Pittsburgh, Pennsylvania 15201-0000. The Board and Fifty First Street stipulate to the following:

1. Fifty First Street is the applicant for the transfer of Restaurant Liquor License No. R-9716 (LID 70577), for use by it at premises located at 242 51<sup>st</sup> Street, Pittsburgh, Pennsylvania 15201-0000.
2. The license is currently held by Palmieri’s Restaurant, Inc. (LID 13962), for use by it at premises located at 101 Penn Plaza, Turtle Creek, Pennsylvania 15145-1913.
3. The currently licensed premises is located in the Borough of Turtle Creek; the proposed premises is located in the City of Pittsburgh.

4. Pursuant to section 461(b.3) of the Liquor Code [47 P.S. § 4-461(b.3)], the Board could not have accepted this application for an inter-municipal transfer of the license unless the receiving municipality first approved Fifty First Street's request to transfer the license into the municipality.
  
5. By Resolution No. 635, approved October 14, 2014, the Council of the City of Pittsburgh approved the inter-municipal transfer of Restaurant Liquor License No. R-9716, subject to Fifty First Street's agreement to impose certain conditions on both the license and the premises.
  
6. Fifty First Street wishes to have the license transfer approved and therefore both the Board and Fifty First Street agree that the following additional conditions be placed on both Restaurant Liquor License No. R-9716 as well as the premises:
  - a. Fifty First Street shall, within ninety (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:

- i. New employee orientation;
- ii. Training for alcohol service personnel;
- iii. Manager/owner training;
- iv. Displaying of responsible alcohol service signage; and
- v. Certification of compliance by the Board's Bureau of Alcohol Education;

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

- b. All new "alcohol service personnel," as that term is defined in the Liquor Code, shall become certified as having successfully completed alcohol beverage servers training, as that term is used in the Liquor Code, within ninety (90) days of hire. In addition, at least one (1) employee who is certified as having manager/owner training, as that term is defined in the Liquor Code, shall be present at the licensed premises at all times;
- c. Fifty First Street shall not sell alcohol in glass containers for off-premises consumption;

- d. Fifty First Street shall not sell malt or brewed beverages in single containers that are forty (40) ounce or larger in size;
- e. Fifty First Street's Outdoor Patio Serving Area ("Outside Serving Area") along 50<sup>th</sup> Street shall only sell and serve alcohol until 10:30 p.m. and all guests must vacate the premises by 11:00 p.m. Sundays through Thursdays; and shall only sell and serve alcohol until 11:30 p.m. and all guests must vacate the premises by 12:00 midnight Fridays and Saturdays;
- f. Fifty First Street shall not permit amplified sound on the patio after 10:00 p.m. in the Outside Serving Area;
- g. Employees of Fifty First Street working in the first (1<sup>st</sup>) floor serving area shall use a "transaction scan device," as that term is defined in the Liquor Code, to scan the identification of all patrons thirty-five (35) years of age or younger purchasing alcoholic beverages, unless the patron's identification has been previously scanned and Fifty First Street has retained the data obtained from such scan. Information obtained from the transaction scan device shall be provided upon

request of the Board, or any local, state or Federal law enforcement agency, including the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“Bureau”);

- h. Employees of Fifty First Street working in the first (1st) floor serving area shall record occupancy and notate the occasions when capacity is reached. Records of occupancy shall be maintained as business records shall be subject to section 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;
- i. Fifty First Street shall utilize security during any event that takes place in the portion of the licensed premises known as Spirit Hall, which is the upstairs hall used for special and private events, in the ratio of one (1) security officer for every one hundred (100) patrons. All security shall be clothed in such a way as to make his/her status as security readily apparent;

- j. The rear emergency exit door of the Spirit Hall shall be closed at all times unless there is an emergency, and will not be used for loading or unloading after 10:00 p.m. or prior to 7:00 a.m.;
  
- k. Fifty First Street's principal shall, upon his/her own initiative, meet with the chief or another designated officer of the Pittsburgh Police Department on a quarterly basis to discuss and solicit suggestions concerning the safe operation of the licensed premises. Records of these meetings shall be maintained as business records, shall be subject to section 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;
  
- l. No amplified music may be played at the licensed premises between 2:00 a.m. and 7:00 a.m.; and
  
- m. Spirit Hall (Upstairs hall used for special and private events) must be closed between 1:00 a.m. and 7:00 a.m., Sundays through Wednesdays and between 2:00 a.m. and 7:00 a.m. Thursdays through Sundays, however the premises may remain open until 2:00 a.m. on

any Monday through Thursday that is a holiday as that term is defined in the Liquor Code. Further, all patrons must vacate the premises within one-half hour of the time the premises must cease operation.

7. Failure to adhere to the terms of this Agreement may result in citation by the Bureau and/or nonrenewal of this license by the Board.
8. These terms will remain in effect both on the license and on the premises unless and until a subsequent agreement is reached with the Board rescinding these restrictions.
9. This Agreement is intended to create legally binding obligations, is entered into in Pennsylvania and shall be construed in accordance with the laws of the Commonwealth of Pennsylvania.
10. 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 of the Agreement and their enforceability shall remain unaffected thereby.

IN WITNESS WHEREOF, the parties hereby have caused this Agreement to be executed pursuant to due legal action authorizing same. This Agreement will not be fully executed and binding on the parties unless and until all signatures are affixed hereto and unless and until the Board approves the underlying application.

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THOMAS R. BARR  
MEMBER  
FIFTY FIRST STREET, LLC

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DATE

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TISHA ALBERT, DIRECTOR DATE  
BUREAU OF LICENSING  
PENNSYLVANIA LIQUOR  
CONTROL BOARD