



LAWRENCEVILLE UNITED

A Resident Driven Organization

August 18, 2016

Attn: Zoning Board of Adjustments
City Planning
200 Ross Street, Fourth Floor
Pittsburgh, PA 15219

RE: Zoning Case 310 of 2016 – 3701 Charlotte Street

Dear Esteemed Members of the Zoning Board of Adjustment:

On behalf of the Board of Directors and staff of Lawrenceville United, I write this letter in support of the protest appeal of Eleventh Hour Brewery's zoning permit. In short, we believe this protest appeal has merit, but our position is that the formal adoption through the Zoning Board of conditions previously agreed to by Eleventh Hour (outlined below) would adequately mitigate negative impact to residents, and consequently would allow us to support the original occupancy permit—as it currently exists—without any further delay.

Lawrenceville United's mission is to improve and protect the quality of life for all Lawrenceville residents. As part of our work, and in partnership with the Lawrenceville Corporation, we have created a Responsible Hospitality process to help guide the growth of Lawrenceville's nighttime entertainment and hospitality district. The process includes providing a forum for residents and business owners to understand what is being proposed for the community in an effort to address any outstanding concerns prior to the business opening. On March 9, 2016, LU co-hosted an open and public meeting with our partners at LC regarding the proposed business plans for 3701 Charlotte Street, Eleventh Hour Brewing Company, following a series of informal meetings between Mr. McMahon and representatives from the community based organizations as part of a regular community process. As the proposed business is a change of use for the site and a new liquor license, the meeting was held to collect feedback from impacted residents and stakeholders. Notes from the meeting are attached to this letter as well as sign in sheets from the meeting showing the names and addresses of those in attendance.

The plan for Eleventh Hour Brewery Company's Tap Room and Brewpub as presented by Mr. McMahon and his partners on March 9, 2016 raised concerns from impacted residents. Since that meeting, Mr. McMahon agreed to make changes to his business plan to address those concerns and we had asked that these be formalized as part of a Conditional License Agreement attached to the liquor license through the Pennsylvania Liquor Control Board. However, Eleventh Hour withdrew their application for a Brew Pub License. Due to new state legislation adopted May 30, 2015, their remaining application for a Brewery License did not allow residents or community organizations to petition to intervene, making a Conditional License Agreement to formalize this agreement no longer possible through the PLCB.

The concerns of impacted residents remain relevant, however, especially since the proposed brewery is within a residential area, directly abutting private homes, and not within the business district. We feel that these concerns are reflected in this appeal, and based off our understanding of the zoning code around limits on accessory use in an Urban Industrial zone (specifically, language stating that accessory uses in the UI District shall not exceed 25% of the gross floor area of the primary use), we feel that the grounds of the protest appeal have merit. We believe that the negative impacts of the taproom are adequately addressed and mitigated by the terms of our original agreement with Eleventh Hour, and consequently, we respectfully request that the Zoning Board of Adjustment to formally adopt these as



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conditions to the project's zoning permit. If these conditions are applied to the ZBA's decision, we support Eleventh Hour's use of the space and the original occupancy permit proceeding as it was originally granted, without any further delay. The concerns raised by residents and the terms of our agreement are outlined as follows:

- **Hours of Operation:** Given its location in a residential area, residents are concerned with late-night activity and noise. Mr. McMahon has agreed that he will operate the brewpub Thursday – Sunday. On Thursdays and Fridays the brewpub would be open from 5:00PM – 10:30PM with last call at 10:00PM. On Saturdays, the brewpub would be open 12:00PM – 10:30PM with last call at 10:00PM, and on Sundays, it would open 12:00PM – 6:00PM with last call at 5:30 PM. We formally request that these hours be acknowledged and accepted through the zoning decision.
- **Noise:** Noise associated with the brewpub is of concern to adjacent residents. This business is not located along the main street or commercial corridor. The brewpub will be surrounded on three sides by residential properties. A few noise issues were outlined:
 - **Open windows/ garage doors:** Mr. McMahon has proposed garage door openings along Charlotte Street. The residents are concerned that these openings will allow sound to travel outside into the residential streets. Mr. McMahon has agreed to close windows by 9:00 PM daily.
 - **Outdoor seating:** Mr. McMahon is not planning any outdoor seating at this time, but the community formally requests that outdoor seating be prohibited given the adjacent residential district.
 - **Live entertainment or amplified sound:** Mr. McMahon has said that he will not have any external amplified sound and that there will be no amplified live entertainment. We request that this be formalized through the zoning decision.
 - **Sound attenuation plan:** Mr. McMahon has agreed to outline and implement a sound attenuation plan that shows how sound will be absorbed within the brewpub.
 - **Food trucks:** Mr. McMahon is proposing that Food Trucks be parked on site to provide food to patrons. The Food Trucks will undoubtedly attract people and will cause noise along the residential street. The community is formally requesting that no more than one food truck be parked on site daily, and that the food truck leave or close operations by 9:00 PM. For special events, Mr. McMahon has indicated that multiple food trucks would be on site, but the community requests that a two-week notice be given to residents within a one block radius of those special events, and that they occur no more than once per month.
- **Special Events:** Mr. McMahon has expressed an interest in hosting special and private events. The community requests that these events end by 10:30PM. If events require street closure permits or special liquor license permits, we ask that Mr. McMahon give residents in a one-block radius a 2-week notice of the event date and time.



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- **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, cups, cigarettes, and food waste wrappers. The community is requesting that Mr. McMahon have a trash receptacle and cigarette receptacle on site, and that they clean the sidewalk around the entire building daily. The community also requests that any loud recyclables or trash not be taken outside to trash after 11:00 PM or before 7:00 AM given the noise this can create. The community also requests that the owners work with their waste hauling company to have trash and recyclables picked up no later than 11:00PM and no earlier than 7:00AM.
 - **Parking issues:** The owners indicated that they were exploring parking options but have not yet confirmed plans to provide overflow parking for patrons. Residents will be negatively impacted by an influx of cars on the residential streets adjacent to the business. In addition, the increase in commercial parking on the residential/ side streets will add to the ambient noise of the neighborhood and thus causing a larger din and disruptive noise for residents at night. The community requests that Mr. McMahon continue to explore parking solutions, as well as indicate on his website that patrons are encouraged to park on site as well as along Butler Street (public parking metered spots), therefore deterring patrons from parking on already overused residential streets. Mr. McMahon will also clearly identify and mark his on-site spaces as patron and employee parking at the front and rear of the business.
 - **Loading and unloading:** Given the narrow and overused residential streets that sit adjacent to the business location, the community requests that all loading and unloading occur on-site at the rear of the building to prevent any road closures/blocking and unnecessary noise from idling trucks and loading.

Mr. McMahon has expressed his commitment to these terms and we appreciate his willingness to work with the community. We feel that these terms are essential to protecting quality of life for residents who are impacted by Eleventh Hour's proposed use of the site, and consequently believe that they must be formally adopted by any zoning decision. If this can occur, we see no reason to delay Eleventh Hour proceeding any longer, and support them moving forward. We sincerely appreciate the ZBA's consideration of our request to apply these specific conditions to any approval of the project.

Sincerely,

A handwritten signature in cursive script that reads "Dave Breingan". The signature is written in dark ink and is positioned above the printed name.

Dave Breingan
Executive Director, Lawrenceville United