

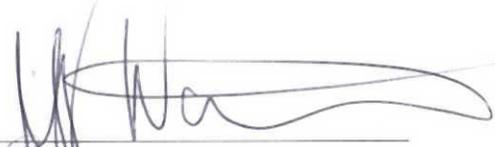
Drafted by	City Clerk/City Solicitor
Sponsored by/Referred by	City Clerk/City Solicitor
Introduced on	N/A
Advertised on	N/A

**RESOLUTION NO. 88 2015**

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

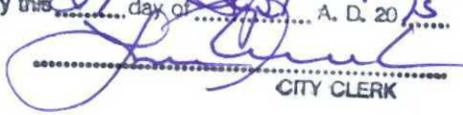
DENYING the transfer of the liquor license from Robesonia into the City of Reading as per the application submitted by Ms. Mariangela Coyle for 2101 Howard Boulevard, Reading, PA, as attached.

Adopted by Council Sept 28, 2015

  
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 President of Council

Attest:

  
 \_\_\_\_\_  
 Linda A. Kelleher CMC  
 City Clerk

I, **LINDA A. KELLEHER**, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Resolution, passed by the Council of the City of Reading, on the 28 day of Sept, A. D. 2015. Witness my hand and seal of the said City this 29 day of Sept, A. D. 2015.  
  
 \_\_\_\_\_  
 CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL  
MARIANGELA COYLE :  
FOR THE TRANSFER OF A : OF THE CITY OF READING,  
LIQUOR LICENSE FROM :  
ROBESONIA TO READING : PENNSYLVANIA  
FOR 2101 HOWARD BLVD., :  
READING, BERKS COUNTY, PA :

**DECISION OF THE CITY OF READING  
CITY COUNCIL ON A CONDITIONAL USE APPLICATION**

**AND NOW**, this 28<sup>th</sup> day of September, 2015, after a hearing held on September 14, 2015, upon the application of Ms. Mariangela Coyle, 99 Santa Maria Drive, Reading PA 19606 (applicant), notice of such hearing having been first sent, posted and advertised in accordance with the provisions of 47 P.S. §4-461(b.3), the City of Reading City Council (hereinafter "Council") renders the following decision:

**FINDINGS OF FACT**

City Council finds the following facts:

1. The applicant is Ms. Mariangela Coyle, 99 Santa Maria Drive, Reading PA 19606 (hereinafter Applicant).
2. Applicant is the tenant at 2101 Howard Blvd., Reading PA (hereinafter Subject Property), at the time of application and at the time of the hearing.
3. The Subject Property is located in the R1-A zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, and the terms of 47 P.S. §4-461(b.3).
4. Applicant is seeking permission to transfer a liquor license into the City of Reading from Robesonia.
5. At the hearing, the Applicant verified that the testimony presented by her attorney, John DiGiamberardino, Esq. was accurate. In summary he stated:
  - Ms. Coyle began the process to open a restaurant and incorporate in August 2015 as a tenant. He explained that 2101 Howard Blvd. is the former Arner's Restaurant, which was sold to the current owner in March 2015.
  - Ms. Coyle intends to operate a family style restaurant at this location. He stated that the original Arner's had a liquor license. The license continued at the property until it was sold by the previous property owner.
  - Ms. Coyle has planned operational hours, but she is willing to modify the operating hours to comply with the City and LCB.

- He stated that she is currently working with the Building Trades office on improvements to the interior of the property. A Certificate of Occupancy has not yet been issued. He stated that the restaurant will seat 130 plus seating for 19 at the seating bar. He stated that there is an off street parking lot for 60 cars.
  - He stated that Ms. Coyle plans to sell take out beer, in addition to inside sales and Sunday sales. He stated that Ms. Coyle also plans to apply for an Amusement Permit that will allow only music through an intercom for the restaurant. Bands and DJs (live acts) will not be permitted. He stated that Ms. Coyle plans to comply with the PaLCB RAMP (Responsible Alcohol Management Program) regulations for herself and her employees.
  - Mr. DiGiamberardino expressed the belief that this license was at one time transferred out of Reading. He explained that before approaching the owner of the Robesonia license, they did make an effort to contact the four (4) retail licenses that are in safekeeping within Reading but the licenses were unavailable. He explained that the area that the restaurant is located in is primarily commercial.
  - Ms. Coyle has no criminal history and she is not a public official.
6. Lt. Paul Reilly, from the Reading Police Department, stated that the Reading Police Department is concerned about adding an additional liquor license as the number of active licenses greatly exceeds the amount allowed by the PaLCB quota. He stated that the number of active liquor licenses creates a burden on the Police Department, due to the low manning level of the Department. He stated that when the Department was fully staffed with 215 officers, officers could be deployed to bars to diffuse quality of life and criminal issues at bar closing times. However, that is no longer possible with manning levels at 168. He stated that the Department could support the license if it was one of the licenses that are in safekeeping.
7. Lt. Reilly stated that the Reading Police cannot rely on the assistance of Central Berks Regional Police Department, as they too have coverage problems due to low manning issues.
8. Lt. Reilly stated that he has never heard of problems when the Arner's liquor license was in use; however, he noted that Arner's closed much earlier in the evening than the time proposed by Ms. Coyle.
9. Lt. Reilly described quality of life problems at other establishments with a liquor licenses and the Department's struggle to respond effectively due to manning problems. He also testified that the City has a total of 117 liquor licenses within Reading.
10. The zoning administrator provided a case report, in summary:
- The applicant purchased the subject property in April, 2015 and was granted zoning permit, # 2015-1819, as a transfer of a lawful non-conforming use to operate the Francesca's Restaurant and Pizzeria.
  - The days and hours of operation are Sunday through Saturday, 10:00 AM to 11:00 PM, prevailing time and will have ten employees.

- The subject property has 16 parking spaces; an additional 21 parking spaces are available on parcel 16531607688522, which is also owned by the applicant.
  - The applicant submitted a plan review and supplied a Certificate of Occupancy from PA Licenses and Inspection from 1970. These plans were granted approval; City licensed contractors were hired and have had the required rough-in inspections. Since the structure is under construction; a final inspection has not been performed.
11. The zoning administrator recommends approving the transfer of the license.

## DISCUSSION

The Applicant is seeking permission to transfer a liquor license into the City of Reading. The license is a tavern license from Robesonia. The license will be used at 2101 Howard Blvd., Reading PA.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 2101 Howard Street is located in the R1-A Zoning District.
2. Hearing was held on September 14, 2015.
3. Applicant requests permission to transfer a liquor license into the City of Reading. The license is a tavern license from Robesonia.
4. City of Reading City Council is permitted to approve or deny the request to transfer a liquor license into Reading as per 47 P.S. §4-461(b.3) based on the affect the transfer will have on the welfare, health, peace and morals of the municipality or its residents.
5. The PaLCB quota for the City of Reading is 29 licenses. There are currently 61 retail licenses active within the City; of those, there are a total of 7 licenses in safekeeping and 4 of those are retail licenses. City Council must make a decision to approve or deny the transfer within 45 days after the request to transfer is made.
7. Lt. Reilly from the Reading Police Department described quality of life problems at other establishments with liquor licenses and the Department's struggle to respond effectively due to manning problems. He also testified that the City has a total of 117 liquor licenses within Reading and that the Department could support the request if a license already within Reading would be used.
8. Lt. Reilly stated that the Reading Police cannot rely on the assistance of Central Berks Police Department, headquartered approximately one block away from the restaurant, as they too have coverage problems due to low manning issues.
9. Lt. Reilly stated that he did not know of problems associated with the use of the liquor license by Arner's; however, he noted that Arner's closed much earlier than that proposed by Ms. Coyle.

10. Mr. DiGiamberardino stated that Ms. Coyle is willing to meet any conditions defined by the City. He stated that this will be a family restaurant, not a bar which will eliminate the concerns expressed by Lt. Reilly.
11. The Applicant is not seeking relief from any other City requirements.

### DECISION

After reviewing the Applicant's request in detail, City Council enters the following decision:

As per 47 P.S. §4-461(b.3) , City Council has the authority to approve or deny the transfer of a liquor license into the City of Reading based on the affect the transfer will have on the welfare, health, peace and morals of the municipality or its residents. The application of Ms. Mariangela Coyle, 99 Santa Maria Drive, Reading PA 19606, to transfer a liquor license from Robesonia into the City of Reading is hereby DENIED due to the following:

- A. The number of active retail liquor licenses in the City of Reading greatly exceeds the quota of 29 licenses established by the PaLCB. There are currently 4 of those retail licenses in safekeeping within the City of Reading.
- B. The undue burden the additional license would place on the Reading Police Department through the increased quality of life issues associated with the consumption of alcoholic beverages

This is the decision of the City of Reading City Council by a vote of 7 to 0.