

June 25, 1999  
Mercedes Sanchez  
3<sup>rd</sup> & Girard, Inc.  
1176 N. Third Street  
Philadelphia, PA 19123

**RE: Airport Restaurant Liquor License No. AR-61**

Dear Mr. Sanchez:

**ISSUE:** This is in response to your letter dated June 7, 1999 and follow-up conversation with this office on June 16, 1999 in which you request an opinion as to the legality of reconfiguring the extension of premises of your airport restaurant liquor license. The license covers the primary licensed premises located in terminal D, upper level, and an extension of premises area in terminal C. You propose to remove the restaurant portion of the licensed premises area from the terminal C, extension of premises location, leaving only a bar area without food service. The primary licensed premises in terminal D will continue to serve food and fulfill Board requirements for an airport restaurant. You seek the Board's advice for separating the bar area from the restaurant.

**OPINION:** Section 461(d) of the Liquor Code [47 P.S. Section 461(d)] provides that an airport restaurant is not subject to the seating requirements or to the square footage requirements under the definition of 'restaurant' in section 102 of the Liquor Code [47 P.S. Section 1-102]. An airport restaurant may have unlimited extensions of service areas provided all extended service areas are inside the airport terminal building or buildings, notwithstanding any intervening thoroughfares. However, section 3.52 of the Board's regulations [40 Pa. Code Section 3.52] prohibits a licensed premises from having an inside passage or communication to or with any business conducted by the licensee or other persons, unless approved by the Board. Therefore, it would be permissible for 3<sup>rd</sup> & Girard, Inc. to reconfigure the extension of premises area in terminal C to eliminate the restaurant portion of the premises so long as no inside passage or communication exists with any other business, or unless you receive permission from the Board to have an inside passage with another business. Additionally, the modified extension of premises area in terminal C may or may not offer food prepared at the primary licensed premises in terminal D.

Should you wish to proceed with the above-mentioned reconfiguration of the extension of premises area, please contact the Bureau of Licensing at (717) 783-8250 to obtain the necessary application(s).

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Bureau of Liquor Control Enforcement,  
Pennsylvania State Police  
D. Martin

Refer to: (717) 783-9454  
Fax: (717) 787-8820

Advisory Opinion No. 99-225