

VIRTUAL MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY, JULY 14, 2021
7:30 PM

<https://zoom.us/j/111656967> or dial: 877-853-5247 Toll-Free, Meeting Code: 111656967

- A. Roll Call
- B. Review and Approval of the Minutes of the regular meeting of **June 23, 2021**
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Special Land Use Permit Reviews
 - 1. **300 & 394 S. Old Woodward, and portions of 294 E. Brown – New Construction (Capital Title/Lutz & Frank's Shoe Service, portions of Coldwell Banker Weir Manual parking lot)**, Request for a Special Land Use Permit to consider approval of a new 4 story building, including a request to operate a restaurant using an Economic Development Liquor License.
- F. Final Site Plan & Design Review
 - 1. **300 & 394 S. Old Woodward, and portions of 294 E. Brown – New Construction (Capital Title/Lutz & Frank's Shoe Service, portions of Coldwell Banker Weir Manual parking lot)**, Preliminary Site Plan Review to consider approval of a new 4 story building, including a request to operate a restaurant using an Economic Development Liquor License.
 - 2. **135 Pierce Street, Planthropie** – Request for Final Site Plan & Design Review for a new outdoor dining platform.
- G. Study Session Items

Rules of Procedure for Study Sessions: Site Plan and Design Review, Special Land Use Permit Review and other review decisions will not be made during study sessions; Each person (member of the public) will be allowed to speak at the end of the study session; Each person will be allowed to speak only once; The length of time for each person to speak will be decided by the Chairman at the beginning of the meeting; Board members may seek information from the public at any time during the meeting.

 - 1. **Public Notice Signs**
 - 2. **Outdoor Dining**
- H. Miscellaneous Business and Communications:
 - 1. Communications
 - 2. Administrative Approval Correspondence
 - 3. Draft Agenda for the next Regular Planning Board Meeting (**July 28, 2021**)
 - 4. Other Business
- I. Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from tonight's meeting
- J. Adjournment

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(Title VI of the Civil Rights Act of 1964).

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, June 23, 2021

Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 23, 2021.
Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Nasseem Ramin; Student Representative Daniel Murphy

All located in Birmingham, MI.

Absent: Alternate Board Members Jason Emerine; Student Representative Jane Wineman

Administration: Jana Ecker, Planning Director ("PD")
Nick Dupuis, City Planner ("CP")
Laura Eichenhorn, City Transcriptionist

06-082-21

B. Approval Of The Minutes Of The Regular Planning Board Meeting of June 9, 2021

Motion by Mr. Boyle

Seconded by Mr. Share to approve the minutes of the Regular Planning Board Meeting of June 9, 2021 as submitted.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Boyle, Share, Koseck, Jeffares, Whipple-Boyce, Williams, Clein

Nays: None

06-083-21

C. Chair's Comments

Chair Clein welcomed everyone to the virtual meeting and reviewed the meeting's procedures.

06-084-21

D. Review Of The Agenda

Given that the majority of the items on the published agenda were to be rescheduled, the Chair recommended the Board consider holding a study session regarding the June 21, 2021 PB-CC joint meeting at the end of the evening's agenda.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to implement the Chair's recommendation under Miscellaneous Business and Communications, Other Business.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Williams, Whipple-Boyce, Clein, Boyle, Share, Koseck, Jeffares

Nays: None

06-085-21

E. Special Land Use Permit Review and Final Site Plan and Design Review

1. 300 & 394 S. Old Woodward, and portions of 294 E. Brown – New Construction (Capital Title & Frank's Shoe Service, portions of Coldwell Banker Weir Manual parking lot), Request for a Special Land Use Permit request to consider approval of a new four story building, including a request to operate a restaurant using an Economic Development Liquor License. (Matter to be rescheduled to July 14, 2021)

Chair Clein recused himself at 7:36 p.m. from this item due to a potential conflict stemming from a business association he had through his company.

Vice-Chair Williams assumed facilitation of the meeting at 7:36 p.m.

Ms. Ramin participated in place of Chair Clein in the discussion of, and vote on, this item.

Ms. Whipple-Boyce and Mr. Share stated they would not be present at the July 14, 2021 meeting.

Vice-Chair Williams noted that the Chair would also be absent from discussion of the item.

Since the Board has two alternates, PD Ecker recommended that the Board reschedule the item to July 14, 2021 and postpone again at that time if necessary.

Motion by Mr. Boyle

Seconded by Mr. Koseck to amend the rules of procedure for the July 14, 2021 meeting to allow for the Special Land Use Permit review and Final Site plan and Design review for 300 & 394 S. Old Woodward and portions of 294 E. Brown.

Public Comment

David Bloom said he believed that additional noticing requirements on the part of he applicant may have been violated and asked if the Planning Board would investigate.

Vice-Chair Williams said that was outside the Board's purview and recommended Mr. Bloom raise the item with the Commission at their June 28, 2021 meeting or with City Manager Markus.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Boyle, Koseck, Jeffares, Williams, Whipple-Boyce, Ramin, Share

Nays: None

Motion by Mr. Boyle

Seconded by Mr. Koseck to schedule the Special Land Use Permit review and Final Site Plan and Design review for 300 & 394 S. Old Woodward and portions of 294 E. Brown for the Board's the July 14, 2021 meeting.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Boyle, Koseck, Jeffares, Williams, Whipple-Boyce, Ramin, Share

Nays: None

06-086-21

F. Final Site Plan and Design Review

1. 35001 Woodward (Parking lot & Hunter House), Request for Final Site Plan and Design Review to consider approval of a new 5 story mixed use building.

Chair Clein resumed facilitation of the meeting at 7:44 p.m.

PD Ecker reviewed the item.

Mr. Williams echoed Mr. Jeffares' comment from a previous meeting that City departments need to provide comments on applications in a timely manner. He noted that this is the second time recently that the Engineering Department has failed to provide comments. He exhorted the City to resolve whatever issue was preventing timely comments from being offered, stated that a lack of comment is unacceptable on a continuing basis, and said that the City Manager should be made aware of the issue.

Chair Clein asked the City Transcriptionist to make sure Mr. Williams' comments were minuted.

Mr. Williams noted that changing this building to residential will result in less of a strain on parking in the area since more onsite parking will be provided, and that the plans moved the entry to the underground parking away from the traffic bottleneck of Maple and big Woodward. He said both of those were significant improvements from prior iterations of the plans for this site.

In reply to Mr. Koseck, PD Ecker confirmed that the City would need more information to ensure that the plans for the roof comply with both building codes and zoning requirements.

Mr. Koseck said that while the materials and building were high-quality, he said did not feel that the building had sufficient verticality in its facade openings as required by the architectural standards for the overlay district.

Mr. Williams asked if more horizontality made sense in this case since floors three and four are residential, as opposed to the Greenleaf Trust building where those floors are office uses.

Mr. Koseck said that the ordinance does not specify that the requirements for verticality are dependent either on the length of a building or on the uses for different floors. He stated the requirement for verticality made sense to him and that there was a reason the overlay standards were written as they were.

Kevin Biddison, architect, spoke on behalf of the project. He stated the project would use the standard City bike racks and would meet the clear glazing standards. He said he would also provide the City with information on roof access and would work on that with the Planning Department. He explained that the light elements proposed were previously approved and used at 100 Woodward. He noted that the lighting for those is so indirect that the light cast on the ground cannot be calculated for a photometric plan.

Regarding Mr. Koseck's comments about verticality, Mr. Biddison noted that 35001 Woodward would be about double the length of the Greenleaf Trust building, inherently leading it to seem more horizontal in comparison. He listed a number of elements included in the composition intended to increase verticality. He noted that the materials used comply with the ordinance requirements, and opined that it is positive for the City to have a variety of architectural styles.

In reply to Mr. Share, Mr. Biddison confirmed that pages 68 and 69 of the plans most accurately represent what the windows would look like. He noted they would have vertical mullions and would not be wide, single panes of glass.

In reply to Mr. Boyle, Mr. Biddison said the roof would be used to provide quiet green space for residents.

Public Comment

Mr. Bloom raised concerns about the development's potential impact on parking. He said he wanted to see an homage to Hunter House Hamburgers featured in the plans in some way, and said that while he understood the building looked high-end he found it to be lacking in character.

Kelly Cobb, owner of Hunter House Hamburgers, reiterated his statement from previous meetings that this development remained in violation of his rights per the deed restrictions on the Hunter House Property. He acknowledged the City has stated the issue is a civil matter regarding the contractual obligation between himself and the developer.

Seeing no further public comment, Chair Clein returned discussion to the Board.

Mr. Jeffares concurred with Mr. Koseck's comments, saying that he found the proposed building to be insufficiently complementary to the surrounding architecture. He said that while he agreed with Mr. Biddison's comments on the value of a variety of architectural styles, he said that these plans did not represent the kind of variety the City needed.

Mr. Koseck noted that the Daxton had a more horizontal elevation and added enough vertical elements to meet the standards of the architectural overlay. He said that the majority of the plans were superlative and that he was only recommending tweaks to the design. He agreed with Mr. Jeffares that while he supported architectural variety, this building had a noticeably horizontal bias and that the ordinance sought to promote more verticality.

Ms. Whipple-Boyce said she understood her Board colleagues' concerns but stated she liked the building. She expressed appreciation that the building was not overly ornamented. She noted that the color palette of the elevation did not accurately reflect the materials shown in the materials board. She explained that if the rendering of the elevation better matched the materials to be used the horizontal bias would be less pronounced.

Mr. Share and Chair Clein both addressed the Hunter House issue, reiterating the City's ongoing stance that the Board's actions should in no way be interpreted to reflect on the private dispute between the owner of Hunter House Hamburgers and the developer of this property.

Mr. Share said that a number of elements of the building's facade seemed to draw the eye vertically and not horizontally. He said he was untroubled by the building's design. He also noted that complementary architecture can be broadly defined in terms of scale, massing, and materials and that this building need not fully mirror the Greenleaf Trust building to be complementary to it.

Mr. Boyle said it was positive that this development had come this far and that it met many if not all of the conditions for the area. He noted this remains a significant location in southeast Michigan and said he would like to see it occupied. He said he would be in favor of moving this project forward.

Mr. Jeffares said that because this was an important site the Board could afford to take a bit longer to ensure the design was one the City was proud of.

Chair Clein noted that the City has been seeking small residential units downtown. He said he could not remember a project since he had been on the Board that had offered that, and that this one does. He said while he respected Messrs. Koseck's and Jeffares' concerns, he said he was persuaded by Ms. Whipple-Boyce's and Mr. Biddison's comments that the rendering sells the building short in terms of verticality and that the building complies with the spirit and intent of the ordinance. As a result, he continued that he would support a motion to move the item forward with no disrespect for those Board members inclined to vote otherwise.

Regarding Mr. Bloom's parking concerns, Chair Clein noted that the Commission is currently reviewing parking issues in the Parking Assessment District and stated that all concerns regarding that topic would be most appropriately addressed to the Commission.

Motion by Mr. Boyle

Seconded by Mr. Williams to approve the Final Site Plan and Design for 35001 & 35075 Woodward – The Maple – with the following conditions: 1. The City Commission approves a lease agreement with the applicant to use public property; 2. The applicant lower the height of the rooftop screening to 10' or obtain a variance from the Board of Zoning Appeals; 3. The applicant correct the plans to show at least one of the loading spaces to be 12' in width, or obtain a variance from the Board of Zoning Appeals; 4. The applicant increase the height of junipers screening the transformer and fuse box to 6', and select another type of daylily; 5. The applicant correct the photometric plan and elevations for accuracy and consistency to show all proposed light fixtures and the corresponding light levels; 6. The applicant provide dimensions for the proposed utility sized brick, and further specifications on the clear glazing and obtain administrative approval for same; 7. The Planning Board approves the 2' projection for the steel canopies marked on the plans; and, 8. The applicant comply with the requests of all City Departments.

Public Comment

David Bloom said the City could request changes to the development since the project requires a lease of City property. He also expressed concern about the legal dispute between the owner of Hunter House Hamburgers and the developer in terms of potential legal implications for the City.

Motion carried, 5-2.

ROLL CALL VOTE

Yeas: Boyle, Williams, Whipple-Boyce, Clein, Share

Nays: Koseck, Jeffares

2. 34745 Woodward Avenue – Jax Car Wash, Request for Final Site Plan & Design Review for circulation and layout changes to the existing car wash site. (Request by applicant to postpone to July 28, 2021)

After brief discussion, the Board agreed it would be most appropriate to postpone this item without a date certain given the number of previous postponements requested by the applicant.

Mr. Koseck noted that the site could still use improvements, and said he did not want the postponement to be seen as an endorsement of the site's current conditions.

Motion by Mr. Share

Seconded by Mr. Koseck to postpone the Final Site Plan and Design review for 34745 Woodward Avenue – Jax Car Wash indefinitely.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Share, Koseck, Jeffares, Boyle, Williams, Whipple-Boyce, Clein

Nays: None

06-087-21

G. Miscellaneous Business and Communications

a. Communications - Live meetings starting in July 2021

b. Administrative Approval Correspondence

PD Ecker notified the Board that the HDC requested changes to Bloom Bistro's plans. She asked whether the Board wanted to review the updated plans once available.

After brief Board discussion, it was decided that the Planning Board would only review the project again if the updated plans included changes to the site plan.

c. Draft Agenda for next meeting

d. Other Business

Chair Clein summarized his understanding of the directives from the Commission regarding outdoor dining and parking standards.

The Board agreed that the goals of the outdoor dining review would be to:

- Incentivize outdoor off-season dining;
- Review the placement of decks and enclosures;
- Ensure that additional outdoor off-season dining does not become an extension of the indoor space;
- Solicit feedback from restauranteurs of all types in the City;
- Seek possible ideas from local, national and international examples;
- Review the current ordinance for issues;
- Review tickets that were given out to temporary outdoor dining operations;
- Review photos of the variety of temporary outdoor dining structures that were used around the City;
- Explore options for maintaining permanent aspects of outdoor dining structures even if the parts of the structures come down in different seasons;
- Discuss potential differences in policy for outdoor dining on public versus private property;
- Solicit feedback from Public Services and the BSD;
- Review agreements from temporary outdoor dining to see if any of the temporary policies might be worth integrating;
- Consider aspects like sidewalk widths and snow clearing in writing the policy;
- Maintain the current seating allowances for differently-sized establishments and maintain the differences for establishments holding different kinds of licenses for alcoholic beverage service; and,
- Recommend a permanent solution so that restauranteurs do not have to continue to adapt to changing policies.

Public Comment

Joe Bongiovanni expressed optimism about the upcoming review of outdoor dining and said he looked forward to participating in the discussions. He said that in terms of his restaurants, Market North End and Luxe might both be good case studies in that the outdoor dining at Luxe might be appropriate for longer-term whereas the outdoor dining at Market North End would be less so.

In terms of timing, the Board concurred that outdoor dining would be the second priority after the master plan second draft and that study sessions in July and August would focus on outdoor dining. The aim would be to have new ordinances in place for the 2021-2022 fall/winter dining season.

The Board agreed that the goals of the parking standards review would be to determine whether the City's current zoning requires too many spaces for certain types of uses or in certain contexts. They agreed that they would compare Birmingham's standards to other municipalities to see how those issues are addressed elsewhere.

Mr. Boyle recommended the City consider hiring a consultant to help guide the review of the parking standards, stating that it is an enormous and serious topic that should not be addressed on the fly.

Chair Clein said the Board could start to get a broad idea of the topic, and could concurrently discuss with PD Ecker and CM Markus whether there is a need, willingness, or budget to bring on a consultant to guide the process.

Mr. Williams asked Chair Clein to communicate the Board's understanding of these two charges to make sure there are no misunderstandings from the outset.

Mr. Share stated that the parking issue would be best guided by the master plan, and recommended that the Board's studies of the issue do not get excessively in-depth until the master plan's recommendations on parking are more clear.

Mr. Boyle concurred with Mr. Share and suggested that parking could be discussed as part of the review of the second master plan draft.

The Board concurred that this would be the third priority on their action list.

Chair Clein said that the Board and Staff should begin familiarizing themselves with the factors that go into devising parking standards as preparation for the Board's review of the subject.

Public Comment

Mr. Bloom said that parking is the largest issue facing Birmingham aside from unimproved streets and encouraged the Board to face the task of reviewing parking standards accordingly.

06-088-21

H. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

06-089-21

I. Adjournment

No further business being evident, the Chair adjourned the meeting at 10:10 p.m.

Jana L. Ecker

Planning Director

DRAFT

Date: July 7, 2021

To: Planning Board Members

From: Jana L. Ecker, Planning Director

Re: 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street – New Mixed Use 4 story Building, Final Site Plan and Design Review

The subject site includes the properties known as 300 – 394 S. Old Woodward, and portions of the property located at 294 E. Brown. These properties are currently occupied by Capital Title/Lutz, Roche Bobois/Frank's Shoe Service and Coldwell Banker Weir Manual. The entire property has a total land area of 54,052.96 sq.ft. or 1.24 acres. It is located on the west side of S. Old Woodward, including the entire block of S. Old Woodward from Brown Street south to Daines Street and all parcels are zoned B2 General Business and D-3 in the Downtown Birmingham Overlay District.

The applicant applied for and obtained approval to rearrange the parcel lines for the above three properties to create two new parcels through the lot split and combination process. The applicant was approved to split off the westernmost portion of the 300 S. Old Woodward (currently parking lot) and combine this portion with the parcel at 294 E. Brown Street. In addition, the applicant was approved to split off the easternmost portion of the L-shaped parcel at 294 E. Brown and combine this with the parcel at 394 S. Old Woodward. Finally, the applicant was approved to combine the new parcels at 300 and 394 S. Old Woodward to create one large new parcel that will run from Brown south to Daines.

Both existing buildings (currently 300 and 394 S. Old Woodward) on the lot that was newly created are proposed to be demolished to construct a new 4 story mixed use building with retail and design uses on the first 3 floors, and a restaurant on the fourth floor. One level of underground parking is proposed to house 24 cars. As the building is located within the Parking Assessment District, no on-site parking is required for the proposed commercial uses.

In order to permit the use of a restaurant on the fourth floor, the applicant is also proposing a rezoning of the new parcel encompassing 300 – 394 S. Old Woodward from D-3 to D-4 in the Overlay District. In addition, the applicant will be proposing zoning amendments to the B2 zoning district to allow the use of economic development liquor licenses with a Special Land Use Permit on this site, which will include an application for an amendment to Exhibit 1, Appendix C, to add the properties at 300 – 394 S. Old Woodward to this map. Both of these applications have been made and will be considered by the City Commission on

July 12, 2021.

The new 4 story building is proposed to be 49,624 sq.ft. in size (not including the underground parking level), thus requiring the applicant to prepare a Community Impact Study in accordance with Article 7, section 7.27(E) of the Zoning Ordinance as they are proposing a new building containing more than 20,000 square feet of gross floor area.

On March 26, 2021, the Planning Board conducted a detailed review of the applicant's CIS. After much discussion, the board voted to postpone the CIS until April 28, 2021 to allow the applicant to address the issues noted in the report below. The main issue to be resolved was the traffic analysis method used by Rowe Engineering. The applicant agreed to meet with the City's traffic engineers to agree upon a methodology and resolve all traffic issues. Mr. Emerine was asked to meet with the traffic experts and City staff to assist in resolving the issues to the satisfaction of the Planning Board.

On April 28, 2021, the Planning Board unanimously accepted the Community Impact Study as provided by the applicant for the proposed development at 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street with the following conditions:

1. The applicant is required to provide information on all life safety issues and Fire Dept. approval;
2. The applicant is required to provide information on the proposed security system for approval by the Police Department; and,
3. The applicant shall add the bicycle racks in accordance with the Fleis and Vandenbrink letter dated April 26, 2021.

On April 28, 2021, the Planning Board also unanimously approved the Preliminary Site Plan for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street subject to the following conditions:

1. The applicant is required to obtain approval of the City Commission for the proposed lot splits and lot combination to create the new lot that is the subject of this application and shown on the site plan;
2. The applicant obtain a variance for the use of the fourth floor as a restaurant, or obtain approval of a rezoning of the property to D-4 in the Downtown Overlay;
3. The applicant obtain a variance for the use of an Economic Development license on the site, or obtain approval of a zoning amendment to alter the map contained in Appendix C, Exhibit 1 of the Zoning Ordinance to include the subject property;
4. The applicant reduce the height of the proposed building to 68' and 3 stories and the eave height to 34' maximum, or obtain the requested rezoning of the site from D-3 to D-4 in the Downtown Overlay District, or obtain a variance from the Board of Zoning Appeals;

5. The applicant update the landscape plan to provide species and size details on all proposed plantings, and provide material specifications on hardscape items at the time of Final Site Plan Review;
6. The applicant is required to receive separate Planning approval for all landscaping changes proposed for the adjacent site, as they are not included in this site plan review approval;
7. The applicant must submit a complete streetscape plan, including detail on hanging planters, at the time of Final Site Plan review;
8. All streetscape elements on S. Old Woodward will be required to be consistent with the enhanced streetscape design planned by the City for future construction;
9. The applicant must obtain approval of the Police Department and/or City Commission for any valet operation proposed;
10. The applicant must submit all light fixture specification sheets and material and color samples at Final Site Plan Review;
11. Compliance with the requirements of all departments; and,
12. The applicant provide all material samples, specifications and colors at the time of Final Site Plan Review.

At this time, the applicant is requesting approval of the Special Land Use Permit and Final Site Plan and Design Review for RH.

1.0 Land Use and Zoning

- 1.1. Existing Land Use – The existing land uses on the site include Capital Title/Lutz and Coldwell Banker Weir Manual real estate services, as well as Roche Bobois' retail use and Frank's Shoe Repair Services. The existing Capital Title/Lutz and Frank's Shoe Repair building are proposed to demolished to allow construction of the proposed four story mixed use building.
- 1.2 Zoning – The property is zoned B2 General Business, and D-3 in the Downtown Overlay District. The proposed retail, gallery, design services and restaurant use and surrounding uses appear to conform to the permitted uses of the zoning district. **However, the use of the fourth floor as a restaurant is not permitted in the D-3 zoning district, which allows a fourth floor only when used for residential units. Thus, the applicant must obtain a variance for this use, or obtain the requested rezoning from D-3 to D-4 in the Downtown Overlay District. The applicant has submitted a rezoning application which will be considered by the City Commission on July 12, 2021.**

In addition, the applicant is proposing that the restaurant on the fourth floor serve alcoholic liquors, thus requiring a liquor license and a Special Land Use Permit. The applicant has advised that they wish to seek an Economic Development liquor license for use on this site

given the significant investment in the redevelopment of the site. **However, Economic Development liquor licenses are not permitted for use on the site, as none of the properties involved in this application are included on the map contained in Appendix C, Exhibit 1, of the Zoning Ordinance. Thus, the applicant will be required to obtain a variance for the use of an Economic Development license on the site, or obtain approval of a zoning amendment to alter the map contained in Appendix C, Exhibit 1 of the Zoning Ordinance to include the subject property. The applicant has submitted a request for an amendment to the Zoning Ordinance to amend Appendix C, Exhibit 1 to include the subject site, which will be considered by the City Commission on July 12, 2021.**

- 1.3 Summary of Adjacent Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site, including the 2016 Regulating Plan.

	North	South	East	West
Existing Land Use	Retail/ Commercial / Hotel	Retail/ Commercial & Residential	Retail/ Commercial/ Residential	Commercial/ Parking
Existing Zoning District	B-4 Business Residential	B-2B General Business	B-2 General Business & B-3 Office- Residential	B-2 General Business
Overlay Zoning District	D-4	D-2	D-3& D-4	D-3

2.0 Economic Development License Requirements

At this time, the applicant is also requesting approval of a SLUP to allow the use of an Economic Development Liquor License on the top floor of the proposed story RH building.

Chapter 126, Article 3, section 3.04(C)(11) Building Use, states that:

Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development, are permitted with a valid Special Land Use Permit only on those parcels on Woodward Avenue identified in Map 3.1.

The proposed location for the use of the Economic Development Liquor License at 300 – 394 S. Old Woodward and a portion of 294 E. Brown Street is not currently one of the parcels on Woodward Avenue identified in Map 3.1. **In order to permit the use of a restaurant on the fourth floor, the applicant is proposing an ordinance amendment to Exhibit 1, Appendix C, to add the subject property to this map. If this application is approved by the City Commission on July 12, 2021, the City Commission will be permitted to issue a SLUP to RH to allow the use of an Economic Development License on this site to permit the service of alcoholic liquors in the top floor restaurant.**

3.0 Setback and Height Requirements

Please see the attached Zoning Compliance Summary Sheet for detailed zoning compliance information. The proposed four story building meets all of the setback and placement requirements of the D-3 zoning district, and most of the height, scale and mass development standards. **However, the applicant will be required to reduce the height of the proposed building to 68' and 3 stories and the eave height to 34' maximum, or obtain the requested rezoning of the site from D-3 to D-4 in the Downtown Overlay District, or obtain a variance from the Board of Zoning Appeals.**

4.0 Screening and Landscaping

- 4.1 Dumpster Screening – The applicant is proposing to store all trash in containers in two back of house rooms located towards the center of the building on each floor. All trash rooms will be air conditioned. The rooms have no windows and are fully screened within the building on all levels.
- 4.2 Parking Lot Screening – The applicant is proposing 24 parking spaces in the underground parking level, including one barrier-free parking space. The underground parking area is fully enclosed, with a 21' wide vehicular entrance off of Daines. Five public parking spaces are also located on S. Old Woodward, including 1 barrier-free space.
- 4.3 Mechanical Equipment Screening –The applicant has provided detail on the proposed rooftop mechanical equipment, which includes two energy recovery units, one make-up air unit, eight condensing units and eight exhaust fans. A roof plan has now been

provided, along with dimensions of the units. **However, the height of the units has not been provided, and is required to determine if all units will be fully screened by the proposed mechanical screen wall system.** The applicant is also proposing a ground-mounted transformer to be located along the north elevation of the building on E. Brown. The transformer is proposed to be screened by Green Velvet Boxwoods on the east side, Emerald Green Arborvitae on the south side, and **additional plantings are shown on the north and west sides of the transformer, but no species type or size is indicated at this time. Details regarding the height of all mechanical equipment and associated screening must be provided to ensure full screening is proposed.**

- 4.4 Landscaping –A detailed landscape plan has been provided which shows extensive plantings surrounding the building, and on the rooftop terrace space adjacent to the fourth floor restaurant.

The only landscaping requirements that apply to the proposed development are the street tree standards, and mechanical equipment screening. The Downtown Overlay District requires that one street tree be provided for every 40' of street frontage. Thus, 5 street trees are required along S. Old Woodward, and 8 Kindred Spirit Columnar Oak street trees are proposed. Three street trees are required along both E. Brown and Daines Street. Four Hybrid Elm street trees are proposed along E. Brown, but space is not available for the addition of street trees along Daines, as a minimum 5' wide sidewalk would not remain. **The applicant must obtain a waiver of the street tree requirement from the City's Arborist on Daines.** The applicant has however proposed 3 Green Vase Zelkovia trees on private property along the sidewalk edge that will function as street trees along Daines Street.

As stated, extensive landscaping is proposed surrounding the building on all sides. In the right-of-way along S. Old Woodward, All Gold Japanese Grass is proposed in large raised planters between street trees. This design may change as the plans for the improvements to S. Old Woodward between Brown Street and Lincoln progress. **All plantings along S. Old Woodward will be required to be consistent with the enhanced streetscape design planned by the City for future construction.**

On the E. Brown frontage, Green Velvet Boxwoods are proposed to line the sidewalk, with Little Quick Fire Hydrangea and Slender Silhouette Sweetgum trees mixed in, and Green Carpet Pachysandra proposed as groundcover. Additional landscaping is

proposed to screen the transformer as discussed above. On the Daines Street frontage, the applicant is proposing a landscaped outdoor courtyard, to be surrounded on three sides by a masonry and metal picket screen wall, with All Gold Japanese Grass planted on the outside of the wall, and three Green Vase Zelkovia trees lining the street on the inside of the wall. Within the courtyard area and flanking the building entrances, Green Velvet Boxwood and Slender Silhouette Sweetgum trees and Little Quick Fire Hydrangea shrubs are also proposed. **Six additional shrubs are located in the courtyard area, but no species information has been provided at this time.**

Along the western elevation of the building, the applicant is proposing to create a pedestrian via lined on both sides by extensive landscaping and punctuated by several outdoor seating areas. The pedestrian via proposed is 5' wide, and is lined to the east with Green Velvet Boxwood, Bobo Hydrangea and K. Forester Feather Grass, with Little Quick Fire Hydrangea shrubs in planters at the western building entry. **Six additional shrubs are located along the western elevation of the building, but no species information has been provided at this time.**

The proposed via is also lined to the west with a clipped evergreen hedge of Hatfield Yews and Limelight Hydrangea shrubs on the subject site. In addition, the applicant is proposing landscaping improvements extending onto the property to the west at 294 E. Brown Street. Plantings proposed on the adjacent property include Hatfield Yews, Bobo Hydrangeas, Incrediball Hydrangea, Frans Fontaine Hornbeam trees and Limelight Hydrangea shrubs. **All landscaping changes proposed for the adjacent site must receive separate Planning approval and are not included in this site plan review approval.**

4.5 Streetscape Elements

In accordance with Downtown Streetscape Standards, the following streetscape standards must be met.

- Provide Sidewalks - Based on the drawings submitted the sidewalk along S. Old Woodward is proposed to be 14.5' in width, with an 8' pedestrian path at its narrowest, and street trees and planting beds in the furnishing zone closer to the curbline. The existing sidewalk along Daines Street will remain at 6.6' in width. While this does not permit space for street trees, the applicant is proposing 3 trees on their property that will act in lieu of street trees. The sidewalk

proposed along E. Brown is proposed to be 12.3' in width, with a 7.5' pedestrian path and street trees in tree wells lining the roadway.

- Exposed aggregate along curb with broom finish in pedestrian path – The applicant has provided the standard sidewalk design with a broom finish pedestrian path and exposed aggregate between the pedestrian path and the curb on S. Old Woodward and E. Brown. The applicant will be required to replace all existing sidewalk to provide the exposed aggregate sections in the furniture zone along S. Old Woodward, and to use the required joint pattern. **All streetscape elements on S. Old Woodward will be required to be consistent with the enhanced streetscape design planned by the City for future construction.**
- Pedestrian level street lighting along all sidewalks with hanging planters. Plans submitted indicate the required pedestrian scale street lights are in place along S. Old Woodward and E. Brown Street, spaced 40' on center as required. Pedestrian scale lighting is not required along Daines Street. **No details have been provided regarding the existence or installation of hanging planters.**
- Benches and trash receptacles in park and plaza areas and along adjoining sidewalks where pedestrian activity will benefit as determined by the Planning Board. The applicant is proposing to add a City bench, trash receptacle and a bicycle rack along E. Brown Street, adjacent to the new via. All furniture proposed must be the City approved standard design for the Downtown Overlay District. Along S. Old Woodward, there is an existing granite bench near the corner of E. Brown Street, and the applicant has added bicycle parking at two locations on S. Old Woodward. The Planning Board may wish to recommend the addition of benches and/or trash receptacles along S. Old Woodward. **However, all streetscape elements on S. Old Woodward will be required to be consistent with the enhanced streetscape design planned by the City for future construction.**

The proposed 6.5' sidewalk along Daines is not wide enough to allow room for street furniture. However, as noted above the proposed courtyard area on private property will provide an enhanced pedestrian experience along Daines.

The applicant has now submitted a complete streetscape plan that meets each of the streetscape standards listed above. The plan also includes an enlarged valet parking drop off and pick up area to the south end of the block along S. Old Woodward. **The valet**

operation must be reviewed and approved by the Police Department and/or City Commission.

5.0 Parking, Loading and Circulation

- 5.1 Parking –No on-site parking is required for the proposed retail or commercial uses as the site is located within the Parking Assessment District. However, the applicant is proposing 24 parking spaces on site in an underground parking level. All parking spaces meet the minimum size requirement of 180 square feet, and are not located within the first floor storefronts. Five public right-of-way parking spaces are proposed along the S. Old Woodward frontage at this time, in addition to the valet operation noted above.
- 5.2 Loading – In accordance with Article 4, section 4.22 of the Zoning Ordinance, two loading spaces are required for the proposed development as the building is 49,624 sq.ft. in size. The applicant is proposing two loading spaces on the entry drive to the underground parking level, which is fully screened within the building. One portion of a loading space extends outside of the building, but landscaping materials assist in screening on both the east and west sides of this drive should this loading space be needed.
- 5.3 Vehicular Circulation and Access – The proposed development includes the removal of one curb cut on S. Old Woodward, and one curb cut on E. Brown Street. The existing curb cut on Daines will be relocated to the west to provide vehicular access to the underground parking level. Vehicles entering the site from Daines do so via a 21' wide entrance to park under the building. With regards to internal circulation on the site, a 21.5' side two way drive has been provided through most of the parking level, with a 13.5 drive in one area. The proposed drive widths on the interior of the site are adequate for proper maneuvering within the site.
- 5.4 Pedestrian Circulation and Access – As discussed above, the applicant has provided pedestrian entrances on all sides of the building. The main entrances are located on the east and west elevations of the building, directly across from the other, leading to a great room in the center of the building. Smaller entrances are also located on E. Brown, and off of the courtyard area on Daines. All entrances are directly accessible from a City sidewalk or the new pedestrian via which connects the City sidewalks on E. Brown and Daines.

6.0 Lighting

The applicant has submitted a photometric plan, which includes specification sheets for one of the proposed styles of fixtures. Specification sheets will be required for all proposed light fixtures.

The photometric plan and building elevations show two large lantern style light fixtures at all entrances on each of the four building elevations, to be mounted at 9' above grade. **Specification sheets have not been provided for these custom fixtures, and are required. The photometric plan also shows an illustration of pole mounted double head fixtures, but it does not indicate where these are proposed or if they are included in the calculated light levels.** The photometric plan also shows 26 Bega 17 watt LED in-grade floodlights (non-cut off fixtures) proposed around the entire building to enhance the architecture of the building.

Article 4, Section 4.21 (D)(1) requires all luminaries to be full cutoff or cutoff, as defined in Section 9.02, and positioned in a manner that does not unreasonably invade abutting or adjacent properties. Exception to cutoff luminaries can be made at the discretion of the Planning Board under any of the following conditions:

- a. The distribution of upward light is controlled by means of refractors or shielding to the effect that it be used solely for the purpose of decorative enhancement of the luminaire itself and does not expel undue ambient light into the nighttime environment.
- b. The luminaire is neither obtrusive nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety, with appropriate methods used to eliminate undesirable glare and/or reflections.
- c. The luminaire is consistent with the intent of the Master Plan, Urban Design Plan(s), Triangle district plan, Rail District plan and/or Downtown Birmingham 2016 Report, as applicable.
- d. The scale, color, design or material of the luminaire will enhance the site on which it is located, as well as be compatible with the surrounding buildings or neighborhood.
- e. Lighting designed for architectural enhancement of building features (i.e. architectural enhancement lighting). Appropriate methods shall be used to minimize reflection and glare.
- f. The site lighting meets all requirements set forth in this ordinance including, but not limited to, light trespass and nuisance violations.

The Planning Board may wish to approve the in-grade lighting proposed to highlight and enhance the architecture of the building.

Furthermore, Section 4.21 (E) states that the intensity of light on a site shall not exceed one and one half (1.5) maintained foot-candles at any property line for non-residentially zoned property. The light intensity shall be measured at 6 ft. above ground level on a vertical plane. Additionally, the intensity of light on a site which provides a front setback of less than 5' shall be measured from 5' beyond the front property line. The photometric plan submitted shows illuminance levels that do not exceed the requirements of the Zoning Ordinance.

The photometric plan submitted shows illumination levels exceeding 1.5 maintained foot candles on both the S. Old Woodward and Brown Street elevations. The light intensity is as high as 4.2 at roughly 5' beyond the front property line near the main building entrance. However, it appears as though the photometric plan may include the light output from the City streetlights, which are not required to be included. **The applicant must submit a revised photometric plan that meets required light levels, or obtain a variance from the Board of Zoning Appeals.**

7.0 Departmental Reports

7.1 Engineering Division – The Engineering Department will provide comments prior to the Planning Board meeting on July 14, 2021.

7.2 Department of Public Services – The Department of Public Services will provide comments prior to the Planning Board meeting on July 14, 2021.

7.3 Fire Department – The Fire Department has provided the following comments:

- A fire command center is required on the first floor per IFC '15 ed., section 508.1, 508.1.1, 508.1.2, 508.1.3, 508.1.4, 508.1.5, 508.1.6
- Full fire suppression installation per fire code and approval of submitted drawings.
- Fire pump installation.
- Emergency generator installation.
- Full fire alarm system installation per fire code. Drawings submitted to AHJ for approval.
- CO gas detection system per fire code in the parking garage(s)
- Emergency responder radio amplification system installation if necessary. The determination for this device shall be made after walls are installed and poured. Usually this issue is discovered after near final completion of the building project. Refer to

- IFC'15 for code referencing.
- Stair case to roof access (not roof hatch).
- Knox box installation
- Construction phase of project install standpipe system with access of all floors during entire construction phase.
- Fire hydrant within 100 feet of Fire Department Connection FDC
- Roof top garden/landscaped roofs. Refer to IFC '15 ed. Section 317 and 905.3.8 for all requirements.
- Install Knox Remote Power Box 4500 Series for emergency power shut off for First Responder use. Ensure that life safety systems are still energized (elevators, generators, egress lighting, etc.).

The plans submitted for Final Site Plan Review now include the Fire Command Room and Fire Department water connection as previously requested by the Fire Department.

7.3 Police Department – The Police Department has no concerns with the proposed building.

7.4 Building Division – The Building Division has examined the plans for the proposed project. The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the Building Department has no concerns with the building as proposed.

8.0 Design Review

At this time, the applicant has provided elevations and renderings of the proposed building. Contextual renderings have also been provided to show the existing S. Old Woodward streetscape and skyline. The applicant is proposing to utilize the following materials for the construction of the four story, mixed use building:

- Slate Grey Velour architectural brick by Norman brick for the main body of the building;
- Basaltina Basalt Stone to highlight vertical portions of the building at each of the entrances;
- Hope steel windows and doors in black with sunscreens on all windows;
- Stucco to match the Basaltina Stone on portions of the upper level parapet and rooftop mechanical screen walls;
- Black metal awnings and railings; and
- Clear glazing on all windows, tinted glazing on the rooftop of the restaurant conservatory.

The applicant has provided color renderings of some of the proposed building materials.

Article 3, section 3.04(E), Downtown Overlay District, of the Zoning Ordinance contains architectural and design standards that will apply to this building, including specific requirements for the design and relief of front façades, glazing requirements, window and door standards and proportions, roof design, building materials, awnings and other pedestrian scaled architectural features.

The proposed building appears to meet most of the architectural standards set out in Article 3, Downtown Birmingham Overlay District, of the Zoning Ordinance as the first floor storefronts are directly accessible from the sidewalk, the storefront windows are vertically proportioned, no blank walls face a public street, balconies and railings are made of metal, and the main entries incorporate canopy features to add architectural interest on a pedestrian scale. In addition at least 90% of the exterior finish of the building is brick, stone and glass, the storefront windows have mullion systems, and the required storefront glazing minimum appears to have been met. **However, the applicant is required to provide detailed glazing calculations for the north, south and west elevations of the building prior to hearing at the City Commission.**

The proposed development implements the recommendations contained in the Downtown Birmingham 2016 Master Plan ("2016 Plan") as the applicant is proposing a mixed use building with first floor retail space, and the applicant has proposed high quality materials and provided architectural elements to provide a pedestrian scale on all sides of the proposed building. The proposed four story building provides for significant massing at this important corner of Brown and S. Old Woodward, and provides a transition from the five story Daxton Hotel to the north and the three story Forefront building to the south.

In addition, the proposed development and uses relate to the pedestrian, as the building is located at the property line and was designed with human scale detailing on the first floor, including canopies, large windows, and pedestrian entrances on S. Old Woodward, Daines and Brown streets. The 2016 Plan encourages proper building mass and scale to create an environment that is more comfortable to pedestrians creating a walkable downtown. The proposed development will help improve the visual appearance of the area, by creating a denser, more compact development with enough height to create a street wall along both S. Old Woodward, E. Brown and Daines.

Signage

The only signage proposed for the new building includes the letters "RH" engraved in the stone of the building. The RH engravings are located on the third floor sign band areas on both the east and west elevations of the building, and on the second floor sign band areas on both the north and south elevations of the building. Signage is permitted above the first floor sign band for building identification

signage. The proposed signage is 1.75' in height by 2.5' in length, for a total of 4.375 sq.ft. per elevation, and total signage of 17.5 sq.ft. This is well below the permitted maximum signage of 166 sq.ft. for the proposed building. No details have been provided on signage materials or mounting. However, if the signage is engraved into the stone as it appears, all signage requirements have been met. **If the applicant is proposing another material to be mounted to the building, further detail must be provided. Building identification signage is not permitted to be lit.**

9.0 Selection Criteria for Economic Development Licenses

As noted above, Article 3, section 3.04(C)(11) Building Use, of the Zoning Ordinance permits the use of Economic Development Licenses in the Overlay District on certain parcels, if approved as a SLUP by the City Commission. In determining whether to grant approval of a SLUP for an Economic Development License, Chapter 10, Alcoholic Liquors, section 10-61 establishes the following criteria:

Selection criteria. In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in section 10-61, the commission shall consider the following non-exclusive list of criteria to assist in the determination of whether any economic development licenses should be approved:

- a) Whether the amount of investment by the applicant in the proposed development involves a substantial investment in the City. **The city deems projects resulting in a 500 percent increase in assessed value post-development over the pre-development assessed value of the parcel and/or projects with an investment of more than \$10,000,000.00, whichever is less, to be substantial. However, special circumstances may warrant flexibility on the minimum investment at the sole discretion of the city commission.**
- b) The applicant's **demonstrated ability to finance** the proposed project.
- c) The applicant's **track record with the city** including responding to city and/or citizen concerns.
- d) Whether the applicant has an **adequate site plan** to handle the proposed liquor license activities.
- e) Whether the applicant has **adequate health and sanitary facilities.**
- f) The **establishment's location in relation to the determined interest in development.**
- g) The **extent that the cuisine offered by applicant is represented in the city.**

- h) The **percentage of proceeds from the sale of food products as compared to the sale of alcoholic beverages.**
- i) Whether the applicant has **outstanding obligations to the city** (i.e. property taxes paid, utilities paid, etc.).

The selection criteria provided above must be considered to provide a recommendation to the City Commission as to whether or not to approve the operation of an Economic Development License for the proposed RH restaurant.

The applicant has submitted a detailed application package, which includes an economic impact statement contained in a letter from Mr. Rattner dated February 24, 2021. This letter is attached for your review. The economic impact statement contained in the application states that the proposed 4 story building will involve a substantial investment in the City of at least \$25,000,000.00. This clearly meets the “substantial investment” requirement of greater than \$10,000,000.00 as required by section 10-61 (a). In addition, the applicant has advised that the proposed development will create 130 new, permanent positions between the retail and restaurant operations. Further, the construction of the proposed building will create several hundred construction jobs during the two year construction period.

The applicant has stated that RH is a publicly traded company, with a demonstrated ability to finance the project internally.

Although RH is a newcomer to the City of Birmingham, the applicant’s track record working with the city including responding to City and/or citizens’ concerns during the entitlement application process has been exemplary. All information required has been provided and any concerns have been immediately addressed.

The complete site plan analysis detailed above, and the previously accepted Community Impact Study, have demonstrated an adequate site plan to handle the proposed liquor license activities for the restaurant on the fourth floor, with adequate health and sanitary facilities. All of the facilities at the premises will be in compliance with local, state and federal laws. The applicant has a long history of successfully operating similar facilities across the country.

The proposed RH restaurant is located within the Downtown Birmingham Overlay District, which is one of the areas in the City where there is a determined interest in mixed use, compact, pedestrian-oriented development as outlined in Article 3 of the Zoning Ordinance and in the Downtown Birmingham 2016 Plan.

The applicant has provided a menu outlining the type of cuisine offered, and the applicant specifically notes that the unique concept of a large retail establishment with on site dining and the ability to stroll through RH retail galleries with a

beverage of choice does not now exist within the City, and will provide a new experience-based retail destination.

The application further states that the percentage of proceeds from the sale of food products as compared to the sale of alcoholic beverages will be roughly equivalent (50%-50%, and will be minimal compared to the revenue generated from the retail sales in the RH gallery.

The applicant has no known outstanding obligations to the City.

10.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development seeking Final Site Plan and Design Review approval must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the **City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed** for the site described in the application of amendment.

The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

11.0 Recommendation

Final Site Plan and Design:

Based on a review of the site plan submitted, the Planning Division finds that all of the requirements of section 7.27 of the Zoning Ordinance have been met and thus recommends that the Planning Board recommend APPROVAL of the Final Site Plan and Design Review for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street to the City Commission with the following conditions:

- (1) The applicant obtain a variance for the use of the fourth floor as a restaurant and 1' of additional height, or obtain approval of a rezoning of the property to D-4 in the Downtown Overlay;
- (2) The applicant obtain a variance for the use of an Economic Development license on the site, or obtain approval of a zoning amendment to alter the map contained in Appendix C, Exhibit 1 of the Zoning Ordinance to include the subject property;
- (3) The applicant update the landscape plan to provide species and size details on all proposed plantings, provide material specifications on hardscape items and obtain a waiver for the required street trees on Daines prior to City Commission review;
- (4) The applicant is required to receive separate Planning approval for all landscaping changes proposed for the adjacent site;
- (5) All streetscape elements on S. Old Woodward will be required to be consistent with the enhanced streetscape design planned by the City for future construction;
- (6) The applicant must obtain approval of the Police Department and / or City Commission for any valet operation proposed;
- (7) The applicant must submit all light fixture and mechanical equipment specification sheets and a revised photometric plan that meets all lighting requirements prior to City Commission review;
- (8) The Planning Board approves the use of non-cut off fixtures to enhance the architecture of the building; and
- (9) The applicant must comply with the requirements of all

departments.

Special Land Use Permit:

Based on a review of the plans submitted, the Planning Division finds that all of the requirements of section 7.34 of the Zoning Ordinance have been met and thus recommends that the Planning Board recommend APPROVAL of the Special Land Use Permit for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street to the City Commission for the use of an economic development license with the following conditions:

- (1) The applicant obtain a variance for the use of the fourth floor as a restaurant and 1' of additional height, or obtain approval of a rezoning of the property to D-4 in the Downtown Overlay;
- (2) The applicant obtain a variance for the use of an Economic Development license on the site, or obtain approval of a zoning amendment to alter the map contained in Appendix C, Exhibit 1 of the Zoning Ordinance to include the subject property;
- (3) The applicant must comply with the requests of all departments; and
- (4) The applicant is required to execute an agreement with the City for the use of an economic development liquor license with a Special Land Use Permit.

10.0 Sample Motion Language

Final Site Plan and Design:

The Planning Board finds that all of the requirements of section 7.27 of the Zoning Ordinance have been met and thus recommends APPROVAL of the Final Site Plan and Design Review for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street to the City Commission with the following conditions:

- (1) The applicant obtain a variance for the use of the fourth floor as a restaurant and 1' of additional height, or obtain approval of a rezoning of the property to D-4 in the Downtown Overlay;
- (2) The applicant obtain a variance for the use of an Economic Development license on the site, or obtain approval of a zoning amendment to alter the map contained in Appendix C, Exhibit 1 of the Zoning Ordinance to include the subject property;
- (3) The applicant update the landscape plan to provide species and size details on all proposed plantings, provide material specifications on hardscape items and obtain a waiver for the required street trees on Daines prior to City Commission review;
- (4) The applicant is required to receive separate Planning approval for all landscaping changes proposed for the adjacent site;
- (5) All streetscape elements on S. Old Woodward will be required to be consistent with the enhanced streetscape design planned by the City

- for future construction;
- (6) The applicant must obtain approval of the Police Department and / or City Commission for any valet operation proposed;
 - (7) The applicant must submit all light fixture and mechanical equipment specification sheets and a revised photometric plan that meets all lighting requirements prior to City Commission review;
 - (8) The Planning Board approves the use of non-cut off fixtures to enhance the architecture of the building; and
 - (9) The applicant must comply with the requirements of all departments.

AND

Special Land Use Permit:

The Planning Board finds that all of the requirements of section 7.34 of the Zoning Ordinance have been met and thus recommends APPROVAL of the Special Land Use Permit for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street to the City Commission for the use of an economic development license with the following conditions:

- (5) The applicant obtain a variance for the use of the fourth floor as a restaurant and 1' of additional height, or obtain approval of a rezoning of the property to D-4 in the Downtown Overlay;
- (6) The applicant obtain a variance for the use of an Economic Development license on the site, or obtain approval of a zoning amendment to alter the map contained in Appendix C, Exhibit 1 of the Zoning Ordinance to include the subject property;
- (7) The applicant must comply with the requests of all departments; and
- (8) The applicant is required to execute an agreement with the City for the use of an economic development liquor license with a Special Land Use Permit.

OR

Motion to POSTPONE the Final Site Plan and Design Review and SLUP for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street for the following reasons:

OR

Motion to recommend the DENIAL of the Final Site Plan and Design Review and SLUP for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street for the following reasons:

**Planning Board Minutes
March 26, 2021**

F. Community Impact Study Review

1. **300 & 394 S. Old Woodward, and portions of 294 E. Brown** – New Construction (Capital Title/Lutz & Frank's Shoe Service, portions of Coldwell Banker Weir Manual parking lot), Community Impact Study to consider approval of a new 4 story building, including a request to operate a restaurant using an Economic Development Liquor License.

Chair Klein said he would be recusing himself from the Board's considerations regarding 300 & 394 S. Old Woodward and portions of 294 E. Brown. While he said he and the City Attorney determined he had no conflict-of-interest, he was concerned that existing business relationships between his company and parties affiliated with the applicants could lead to the public impression of a conflict-of-interest. The Chair said that if it became clear in the future that his participation in these discussions would not result in the public impression of a conflict-of-interest, he would rejoin deliberations regarding 300 & 394 S. Old Woodward and portions of 294 E. Brown at that time.

The Chair recused himself and left the meeting at 8:06 p.m.

Mr. Emerine filled the Board vacancy stemming from the Chair's recusal and Vice-Chair Williams commenced facilitation of the meeting.

PD Ecker presented the CIS.

Victor Saroki, architect, Richard Rattner, attorney, Dave Stanchak, President of RH, Paul O'Meara, engineer, and Mike Kulka, **Environmental Engineer**, were present on behalf of the application.

Ms. Kroll reported she had met with the applicant team and they confirmed they would get her the additional traffic information she had requested.

In reply to Mr. Share, Ms. Kroll explained that the Multi-Modal Transportation Board had recently updated the transportation impact study requirements for the City, and that adding crash analyses was one of the updates. She said that there were no accident mitigation measures beyond signage recommended for the intersection of S. Old Woodward and Brown since the majority of the accidents resulted from parking issues and inattentive drivers. She confirmed some of the parking in front of the building may be eliminated to make room for the valet, and that if that were to occur it may reduce some of the parking accidents.

In reply to a request from Vice-Chair Williams, Mr. Emerine said he could work as the Board's representative with Ms. Kroll and Mr. O'Meara regarding the site's

traffic impact.

In reply to Mr. Emerine, Ms. Kroll explained she wanted to produce a conservative traffic analysis to make sure that the site could handle the peak amount of likely traffic. She said that would better ensure that severe issues with traffic around the site do not ensue from the proposed uses.

The Board was advised by the applicant team that furniture loading and unloading would occur infrequently since RH is a showroom only and furniture purchases would be coming from off-site. Vice-Chair Williams and Mr. Boyle asked that furniture delivery trucks still be addressed in upcoming discussions of this item since the pieces in the showroom would likely be refreshed from time to time.

Mr. Saroki stated that the applicant team would resolve all issues raised by City departments and by Ms. Kroll's comments on the traffic study.

Mr. Kulka stated that the site had no more significant environmental issues than similar urban sites. He said any issues found in the environmental study would be remediated.

In reply to Mr. Share, Mr. Kulka committed the applicant team to environmentally remediating the site to residential criteria.

Public Comment

Mr. Reagan said he was concerned about there being insufficient parking proposed and in the area to support the site. He said he was also concerned about the impact of the project on nearby residences.

In reply to a question from David Bloom, Mr. Saroki said one area of the site would gain three parking spaces and another area would lose 11, leading to a net loss of eight parking spaces from the current number available. He also stated that RH paid for the CIS.

Mr. Share complimented the applicant team on their work thus far.

Motion by Mr. Share

Seconded by Mr. Emerine to postpone action on the Community Impact Study as provided by the applicant to April 28, 2021 for the proposed development at 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street, allowing the applicant the opportunity to address the issues raised by the Planning Department in its review of the CIS.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Share, Emerine, Williams, Whipple-Boyce, Koseck, Boyle, Ramin
Nays: None

03-045-21

G. Preliminary Site Plan Review

1. 300 & 394 S. Old Woodward, and portions of 294 E. Brown – New Construction

(Capital Title/Lutz & Frank's Shoe Service, portions of Coldwell Banker Weir Manual parking lot), Preliminary Site Plan Review to consider approval of a new 4 story building, including a request to operate a restaurant using an Economic Development Liquor License.

PD Ecker reviewed the item.

In reply to Mr. Share, PD Ecker said she would speak with the Engineering Department regarding possible options for additional sidewalk lighting on Daines.

Mr. Saroki explained that the landscaping off of Daines would be on the Coldwell Banker site with the consent of the property's owner. He stated that RH would be paying for the landscaping.

Mr. Stanchak provided a brief overview of the design inspiration for the Birmingham site and showed a rendering of RH Birmingham.

Jim Arpin, President of the Condo Association at Birmingham Place, said he appreciated what he had seen of the plans so far. Mr. Arpin invited the applicants to meet with the Condo Association.

Vice-Chair Williams encouraged the applicants to take Mr. Arpin up on his invitation.

Mr. Share asked if the applicant team had considered doing a three-story building without the need for a liquor license, since pursuing a four-story building with a liquor license adds complexity.

Mr. Stanchak said the restaurant and alcohol service were integral to creating the hospitable, appealing atmosphere of RH.

Mr. Koseck said he thought the applicant team had gone above and beyond to address site issues. He commended them on designing the building in context, on the attention paid to the aesthetics of all sides of the building, and on the

landscaping and hardscaping. He said he thought the designs for the building and grounds would fit well in the neighborhood's context.

There was Board consensus to postpone voting on the item until April 28, 2021 in order to consider the CIS, Preliminary Site Plan, Rezoning Request and Economic Development License for 300 & 394 S. Old Woodward and portions of 294 E. Brown during the same meeting.

Motion by Mr. Boyle

Seconded by Mr. Koseck to postpone the Preliminary Site Plan for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street pending receipt of an updated CIS addressing all issues noted in the CIS review above and setting the date for reconsideration to be April 28, 2021.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Boyle, Koseck, Ramin, Share, Emerine, Whipple-Boyce, Williams

Nays: None

**Planning Board Minutes
April 28, 2021**

H. Community Impact Study Review

1. 300 & 394 S. Old Woodward, and portions of 294 E. Brown – New Construction (Capital Title/Lutz & Frank's Shoe Service, portions of Coldwell Banker Weir Manual parking lot), Community Impact Study to consider approval of a new 4 story building, including a request to operate a restaurant using an Economic Development Liquor License (Continued from March 26, 2021).

PD Ecker introduced the item. She noted that the only outstanding comment from Ms. Kroll was that the applicant consider adding more bicycle parking onsite.

Mr. Emerine was the Board liaison to the meeting between the City, Ms. Kroll and the applicant's traffic consultants regarding the transportation impact study. Mr. Emerine reported that the applicant addressed every issue raised by Ms. Kroll in her March 17, 2021 letter, with the exception of some possible additional bicycle parking, to Ms. Kroll's satisfaction. He stated that the applicant also shifted the proposed valet south in response to a request from the Police Department.

Ms. Kroll concurred with Mr. Emerine's summary.

Mr. Saroki said he would be happy to add additional bicycle racks, noting that there would be a bicycle rack provided for employees as well. He continued that while peak demand on the City's parking system is weekdays during business hours, the demand for parking from visitors to RH would be Saturdays and Sundays. He said, consequently, that RH would add little strain to the City's parking system. He said that during any shift there would be approximately 50 employees working and that they would park in the City's parking decks.

Motion by Mr. Emerine

Seconded by Ms. Whipple-Boyce to accept the Community Impact Study as provided by the applicant for the proposed development at 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street with the following conditions:

- 1. The applicant is required to provide information on all life safety issues and Fire Dept. approval;**
- 2. The applicant is required to provide information on the proposed security system for approval by the Police Department; and,**
- 3. The applicant shall add the bicycle racks in accordance with the Fleis and Vandenbrink letter dated April 26, 2021.**

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Emerine, Whipple-Boyce, Share, Boyle, Jeffares, Koseck, Williams

Nays: None

I. Preliminary Site Plan Review

1. 300 & 394 S. Old Woodward, and portions of 294 E. Brown – New Construction (Capital Title/Lutz & Frank's Shoe Service, portions of Coldwell Banker Weir Manual parking lot), Preliminary Site Plan Review to consider approval of a new 4 story building, including a request to operate a restaurant using an Economic Development Liquor License (Continued from March 26, 2021).

PD Ecker summarized the item.

Vice-Chair Williams said that the applicant's offer to have a zoning with limitations consistent with the preliminary site plan would need the review of the City Attorney to make sure the rezoning, if authorized by the Commission, occurs in a way that is consistent with Michigan law.

In reply to Mr. Boyle, Mr. Saroki stated the building would be very adaptable for other uses in the future should the need arise.

Mr. Koseck concurred with Mr. Saroki. He expressed his support for the plans thus far, and recommended that the applicant consider an exterior building color that would contrast with the grey exterior of the Daxton instead of looking like an extension of it.

Messrs. Koseck and Emerine noted that RH would be a regional attraction.

Mr. Emerine spoke positively about previously living two blocks from the RH in Chicago. He also spoke about the positive impact the proposed development would have on the retail community in Birmingham. He said he was in support of the plan.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Jeffares to approve the Preliminary Site Plan for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street subject to the following conditions:

- 1. The applicant is required to obtain approval of the City Commission for the proposed lot splits and lot combination to create the new lot that is the subject of this application and shown on the site plan;**
- 2. The applicant obtain a variance for the use of the fourth floor as a restaurant, or obtain approval of a rezoning of the property to D-4 in the Downtown Overlay;**
- 3. The applicant obtain a variance for the use of an Economic Development license on the site, or obtain approval of a zoning amendment to alter the map contained in Appendix C, Exhibit 1 of the Zoning Ordinance to include the subject property;**
- 4. The applicant reduce the height of the proposed building to 68' and 3 stories and the eave height to 34' maximum, or obtain the requested rezoning of the site from D-3 to D-4 in the Downtown Overlay District, or obtain a**

variance from the Board of Zoning Appeals;

5. The applicant update the landscape plan to provide species and size details on all proposed plantings, and provide material specifications on hardscape items at the time of Final Site Plan Review;

6. The applicant is required to receive separate Planning approval for all landscaping changes proposed for the adjacent site, as they are not included in this site plan review approval;

7. The applicant must submit a complete streetscape plan, including detail on hanging planters, at the time of Final Site Plan review;

8. All streetscape elements on S. Old Woodward will be required to be consistent with the enhanced streetscape design planned by the City for future construction;

9. The applicant must obtain approval of the Police Department and/or City Commission for any valet operation proposed;

10. The applicant must submit all light fixture specification sheets and material and color samples at Final Site Plan Review;

11. Compliance with the requirements of all departments; and,

12. The applicant provide all material samples, specifications and colors at the time of Final Site Plan Review.

Vice-Chair Williams said he was in favor of the plan, especially since all outstanding issues from the transportation impact study had been resolved and since the applicant voluntarily offered to accept a rezoning with conditions.

Public Comment

Richard Astrein, who has been a merchant in Birmingham for 50 years, spoke of the positive impact RH would have on the Birmingham retail business community.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Whipple-Boyce, Jeffares, Emerine, Share, Boyle, Koseck, Williams

Nays: None

Vice-Chair Williams thanked the applicant team and Ms. Kroll for their work.

Zoning Compliance Summary Sheet
SLUP and Final Site Plan and Design Review
300 and 394 S. Old Woodward, portions of 294 E. Brown – Mixed Use Building

Existing Site:

Zoning: B-2, General Business, D-3 (**Proposed for rezoning to D-4, thus D-4 requirements are in blue type for comparison purposes**)
Land Use: Lutz/Capital Title, Frank's Shoe Repair & portion of Coldwell Banker Weir Manual parking lot

Existing Land Use and Zoning of Adjacent Properties:

	North	South	East	West
Existing Land Use	Retail/ Commercial	Retail/ Commercial & Residential	Retail/ Commercial /Residential	Commercial/ Parking
Existing Zoning District	B-4 Business Residential	B-2B General Business	B-2 General Business & B-3 Office- Residential	B-2 General Business
Overlay Zoning District	D-4	D-2	D-3 & D-4	D-3

Land Area: existing: 54,052.96 sq.ft. or 1.24 acres (total of all parcels prior to lot splits / combination)
proposed: 20,380 sq.ft. (new lot created after splits / combination)

Minimum Lot Area: required: N/A
proposed: N/A

Minimum Floor Area Per Unit: required: N/A as no residential use is proposed
proposed: N/A

Maximum Total Floor Area: required: N/A
proposed: N/A

Minimum Open Space:	required:	N/A
	Proposed:	N/A
Maximum Lot Coverage:	required:	N/A
	proposed:	N/A
Front Setback:	required:	0', building facades at the first story must be located at the frontage line (on or within 3' of the frontage line), Planning Board may adjust to average setback.
	proposed:	0 – 1' along S. Old Woodward
Side Setbacks:	required:	0'
	proposed:	3.58' on Brown, 15.5 – 30.41' on Daines
Rear Setback:	required:	10' from midpoint of alley or equal to that of adjacent building (7' – Forefront Building)
	proposed:	10.83' (no alley)
Max. Bldg. Height:	permitted:	D-3 – 68' overall (including mechanical), 34' maximum eave height, 4 stories (if 4th floor is used for residential and is set back 10' or on a 45 degree or less plane from the eaveline).
		D-4 – 80' overall (including mechanical), 58' maximum eave height, 5 stories (if 5th floor is used for residential and is set back 10' or on a 45 degree or less plane from the eave line).
	proposed:	69' overall height at tallest point including mechanical equipment and screening, 51' to the eave line, 4 stories.

The height of the proposed building must be reduced to 68' and 3 stories, and the eave height reduced to 34' maximum, or the applicant must obtain the requested rezoning of the site from D-3 to D-4 in the Downtown Overlay District.

Minimum Eave Height:	required:	20'.
	proposed:	51'
Floor to Ceiling Height:	required:	10' in height between finished floor and finished ceiling on the first level.
	proposed:	18'

Front Entry:	required:	Principal pedestrian entrances must be on the frontage line (S. Old Woodward).
	proposed:	Main entry 3' off frontage line on S. Old Woodward

The City Attorney deemed this section to be invalid as it is in conflict with the Building Code, thus the applicant is not required to comply with this provision.

Absence of Building Façade:	required:	Screen wall along all frontage lines where there is no building façade to provide a continuous street wall.
	proposed:	Building provides continuous street wall on S. Old Woodward, with the exception of the southernmost 30.4' of frontage next to Daines Street. This area is enclosed with a 3.5' high masonry screen wall with open portions of black steel picket fencing

The Planning Board may wish to consider the number and width of openings in the masonry screen wall that are accented with steel picket fencing. Openings are permitted to allow for pedestrian and vehicle access.

Opening Width:	required:	Maximum 25' wide opening.
	proposed:	One 21' wide opening on Daines is proposed for vehicular access to the underground parking level.

Parking:	required:	None as property is located in the Parking Assessment District.
	proposed:	24 parking spaces in underground parking level, plus bicycle parking

Parking in Frontage:	required:	No parking in front open space or within 20' of building frontage
	proposed:	None

Loading Area:	required:	2 loading spaces (building is less than 50,000 sq.ft. in size), must be 12' by 40' by 14' in height.
	proposed:	2 loading spaces, enclosed within the building at vehicular entry (12' by 40' by 18' in height)

Screening:

Parking: required: Minimum 32" high masonry wall with stone cap.
 proposed: All parking is proposed within the building.

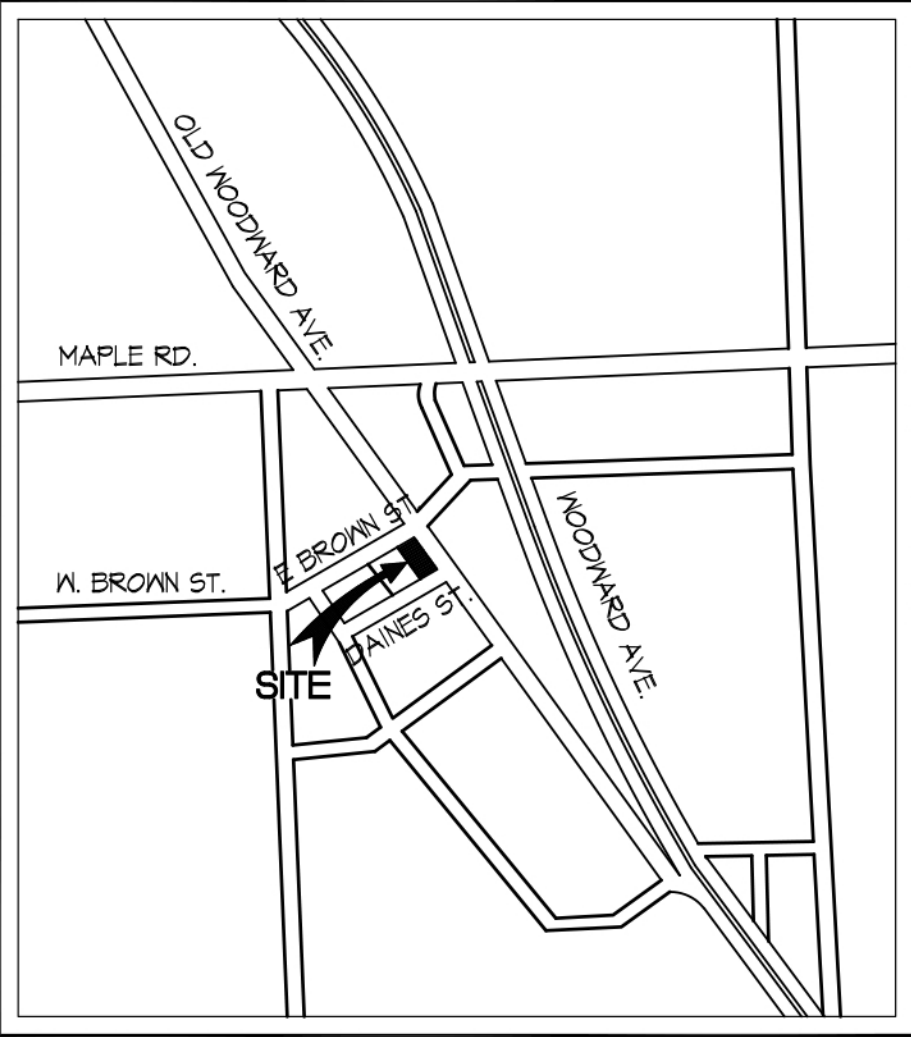
Loading: required: Minimum 6' screening where open to public view
 proposed: Loading spaces are primarily proposed within
 the building.

Rooftop Mechanical: required: Full screening to compliment the building.
 proposed: All rooftop mechanical appears to be screened
 by a screening system matching the building.

**The applicant will be required to provide all mechanical specification sheets
and screening details at Final Site Plan Review.**

Elect. Transformer: required: Fully screened from public view.
 proposed: One transformer location is noted along the north
 elevation of the building on S. Brown Street, fully
 screened by plantings.

Dumpster: required: 6' high capped masonry wall with wooden gates
 proposed: All trash and recyclable storage is proposed
 within the structure, with access from the
 southern elevation along Daines.



site location map:



LEGAL DESCRIPTION - SWAP PARCEL 1
LAND SITUATED IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:
PART OF LOT 12 OF BROWN'S ADDITION SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS; BEING DESCRIBED AS: BEGINNING AT A POINT DISTANT 5.62°00'00"W. 119.37 FEET FROM THE NORTHEAST CORNER OF LOT 13 OF SAID BROWN'S ADDITION SUBDIVISION; THENCE S.35°35'52"E. 100.00 FEET; THENCE S.62°00'00"W. 30.76 FEET; THENCE N.36°14'00"W. 100.15 FEET; THENCE N.62°00'00"E. 31.88 FEET TO THE POINT OF BEGINNING. CONTAINING: 3,104 SQUARE FEET OR 0.07 ACRES OF LAND

LEGAL DESCRIPTION - SWAP PARCEL 2
LAND SITUATED IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:
PART OF LOT 15 OF ADDITION TO WILLIAM BROWN'S ADDITION NO. 1 ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS; BEING DESCRIBED AS: BEGINNING AT A POINT DISTANT 5.62°00'00"W. 119.37 FEET AND 5.35°35'52"E. 100.00 FEET FROM THE NORTHEAST CORNER OF LOT 13 OF BROWN'S ADDITION SUBDIVISION AS RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS; THENCE N.62°00'00"E. 19.24 FEET; THENCE S.35°14'00"E. 100.15 FEET; THENCE S.62°00'00"W. 20.36 FEET; THENCE N.35°35'52"W. 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING: 1,963 SQUARE FEET OR 0.04 ACRES OF LAND

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ARCHITECTURE

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F. 248.258.5515

SarokiArchitecture.com

Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

Date: **Issued For:**

- 03-16-2021 Preliminary Site Plan App.
- 04-26-2021 Preliminary Site Plan App.
- 05-06-2021 Final Site Plan App.

BUILDING SQUARE FOOTAGE TOTALS	
FIRST LEVEL:	13,451 SF
SECOND LEVEL:	13,958 SF
THIRD LEVEL:	13,679 SF
FOURTH LEVEL:	8,536 SF
TOTAL:	49,624 SF
LOWER PARKING LEVEL: 15,092 SF (24 PARKING SPACES)	

Sheet No.:

SP01
Architectural Site Plan



Architectural Site Plan

SCALE: 3/32" = 1'-0"

A
B
C
D
E
F
G
H

BROWN STREET

OLD WOODWARD AVENUE

DAINES STREET

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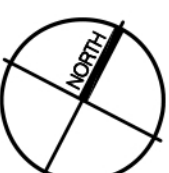

04-28-2021 Preliminary Site Plan App.

05-06-2021 Final Site Plan App.

Sheet No.:

A100

Lower Parking Level Floor Plan

  **Parking Level Floor Plan**
SCALE: 3/32" = 1'-0"

1 2 3 4 5 6 7 8 9 10

A
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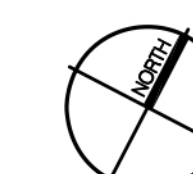
BROWN STREET

OLD WOODWARD AVENUE

DAINES STREET

90' x 166'
13,958 sf / floor

90'



Second Level Floor Plan

SCALE: 3/32" = 1'-0"

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Date: Issued For:

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Sheet No.:

A120

Second Level Floor Plan

A
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C
D
E
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G
H

1 2 3 4 5 6 7 8 9 10

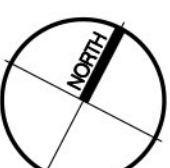



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Sheet No.:
A140
Fourth Level Floor Plan

  **Fourth Level Floor Plan**
SCALE: 3/32" = 1'-0"

A
B
C
D
E
F
G
H

1 2 3 4 5 6 7 8 9 10

BROWN STREET

OLD WOODWARD AVENUE

DAINES STREET

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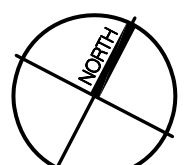

04-26-2021 Preliminary Site Plan App.

05-06-2021 Final Site Plan App.

Sheet No.:

A150

Roof Plan

  **Roof Plan**
SCALE: 3/32" = 1'-0"

A

B

C

D

E

F

G

H

Top of Mech Screen
+2'-0" (60'-0" Overall)
Top of Greenhouse
+18'-0" (60'-0" Overall)

4th FL. FF.
+18'-0" (60'-0" Overall)

3rd FL. FF.
+18'-0" (60'-0" Overall)

2nd FL. FF.
+18'-0"

1st FL. FF.
(Proposed)



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Birmingham, MI 48009

Date: **Issued For:**
02-24-2021 Preliminary Site Plan App.
04-28-2021 Preliminary Site Plan App.
05-06-2021 Final Site Plan App.

Sheet No.:
A210
EXTERIOR ELEVATION

H9
A210
East Exterior Elevation
SCALE: 1/8" = 1'-0"

1 2 3 4 5 6 7 8 9 10

A

B

C

D

E

F

G

H

Top of Mech Screen
+2'-0" (62'-0" Overall)

Top of Greenhouse
+18'-0" (67'-0" Overall)

4th FL. FF.
+18'-0" (67'-0" Overall)

3rd FL. FF.
+16'-0" (64'-0" Overall)

2nd FL. FF.
+14'-0"

1st FL. FF.
(Proposed)



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Date: Issued For:

02-24-2021 Preliminary Site Plan App.

04-28-2021 Preliminary Site Plan App.

05-06-2021 Final Site Plan App.

Sheet No.:

A212
EXTERIOR ELEVATION

H9
A212
West Exterior Elevation
SCALE: 1/8" = 1'-0"

1 2 3 4 5 6 7 8 9 10

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Date: **Issued For:**

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04-28-2021 Preliminary Site Plan App.
05-06-2021 Final Site Plan App.

Sheet No.:
A214
EXTERIOR ELEVATION

H9
A214
North Exterior Elevation
SCALE: 1/8" = 1'-0"

A

B

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Birmingham, MI 48009

Date: **Issued For:**

02-24-2021 Preliminary Site Plan App.
04-28-2021 Preliminary Site Plan App.
05-06-2021 Final Site Plan App.

Sheet No.:
A216
EXTERIOR ELEVATION

H9
A216
South Exterior Elevation
SCALE: 1/8" = 1'-0"

B

C

D

E

F

G

H



H9
A218

430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
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Date: **Issued For:**

02-24-2021 Preliminary Site Plan App.

04-26-2021 Preliminary Site Plan App.

05-06-2021 Final Site Plan App.

Sheet No.:

Abstract

A218

EXTERIOR ELEVATION

1

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10

Sheet No.:

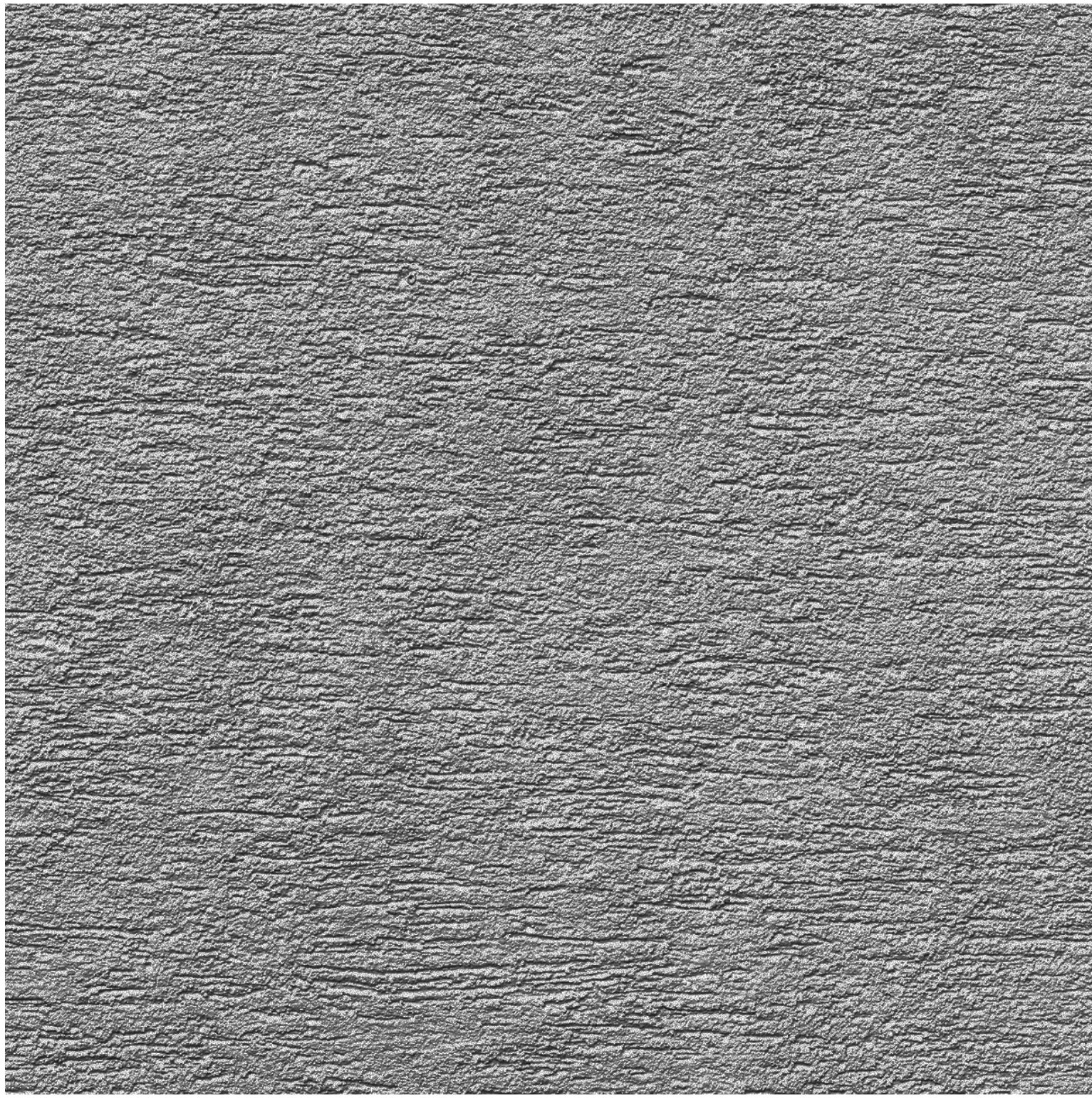
A218

EXTERIOR ELEVATION

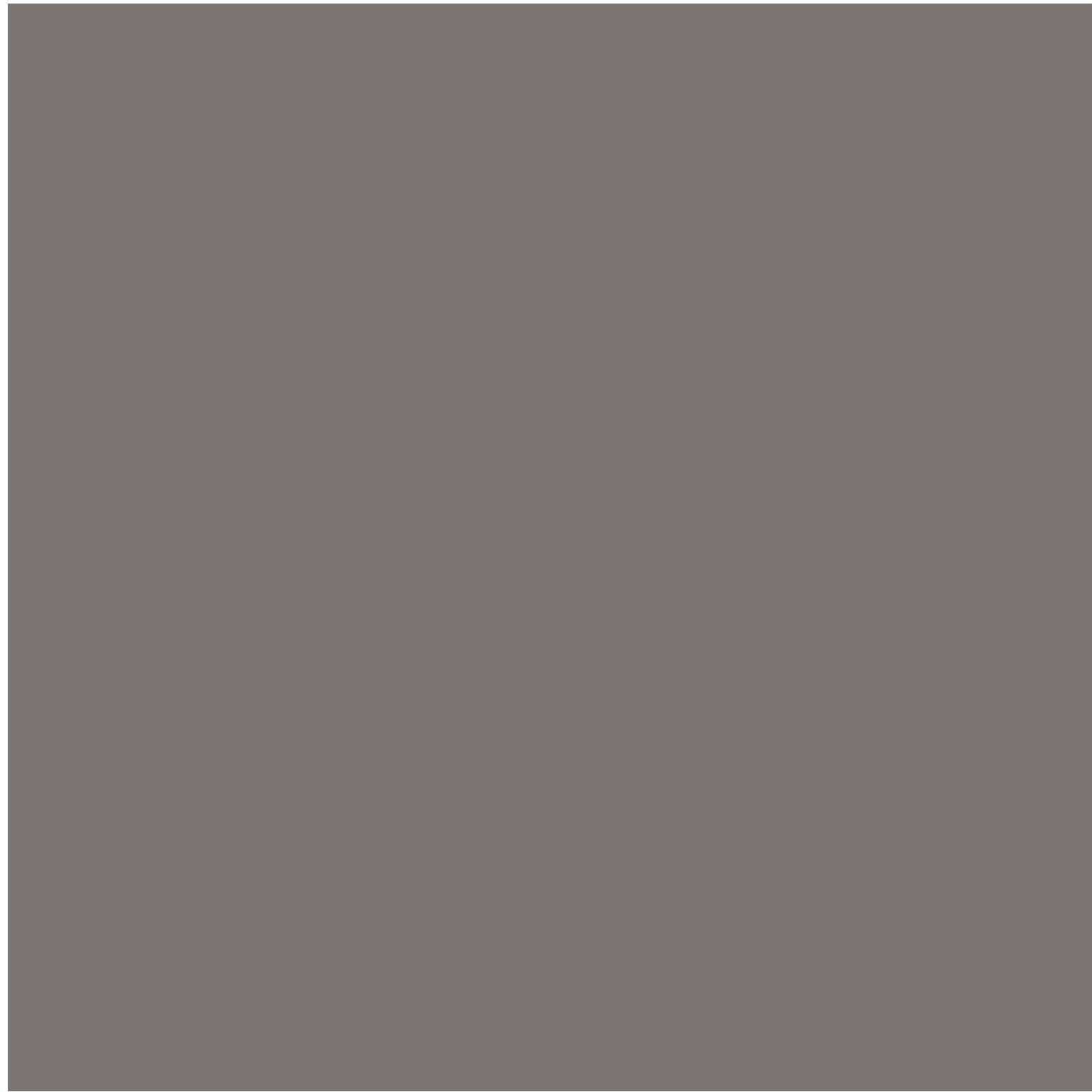
A
B
C
D
E
F
G
H



Architectural Brick
Mora - Gris Grey
Norman Brick (3" x 12")



Stucco



Stucco Paint Color
Benjamin Moore - Gray Mountain



Hope's Steel Windows & Doors



Exterior Light Fixtures & Steel Canopies



Steel and Glass Rooftop Restaurant

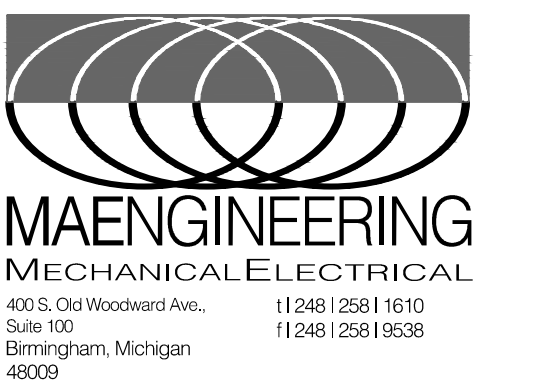
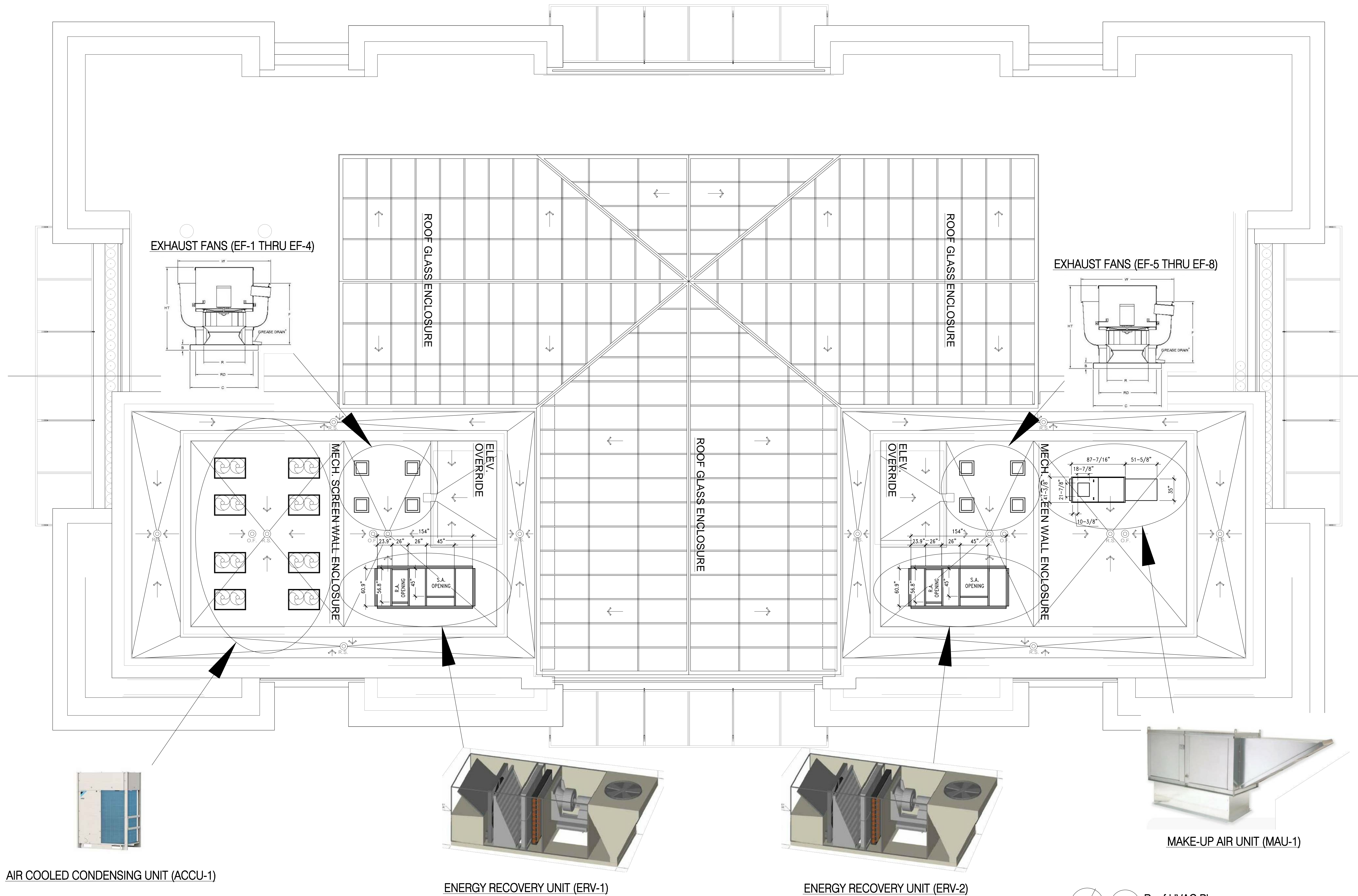
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Date: Issued For:
03-16-2021 Preliminary Site Plan App.
04-26-2021 Preliminary Site Plan App.
05-06-2021 Final Site Plan App.

Sheet No.:
A900
Exterior Material Board

H:\ACAD\FILES\75\75091-Restoration Hardware\CAD\MECH\75091-M250-HVAC ROOF LEVEL.dwg Wed, 21 Apr 2021 - 10:16am



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Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

Date: 03-16-2021 Issued For:
Preliminary Site Plan App.

Sheet No.:
M150
Roof HVAC Plan

Roof HVAC Plan
SCALE: 3/16" = 1'-0"
M250

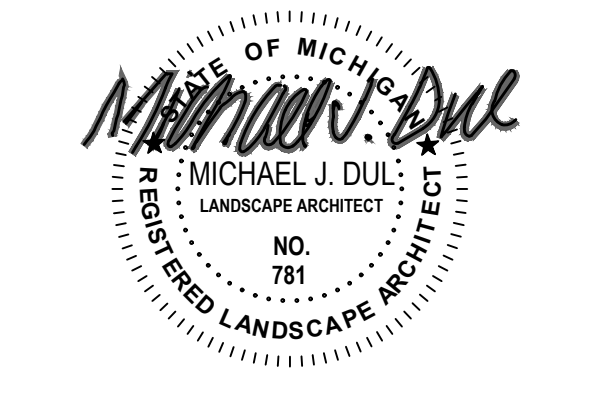


LANDSCAPE
ARCHITECTURE

MICHAEL J. DUL
& ASSOCIATES, INC.

212 DAINES STREET
BIRMINGHAM
MICHIGAN 48009

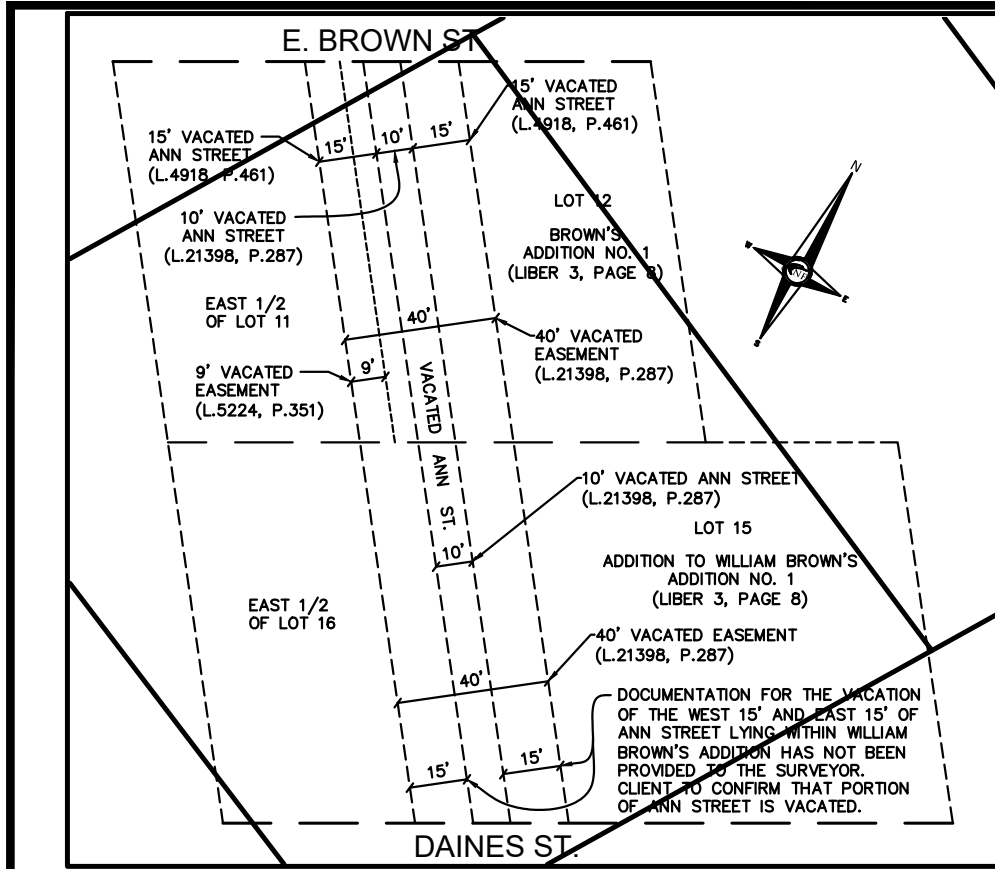
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F 248 644 0819



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Birmingham, MI 48009
Issued For:
Date: 02-24-2021 Preliminary Site Plan App.
05-26-2021 Final Site Plan App.

Sheet No.:
L1.1
Landscape Plan



FLOOD HAZARD NOTE

THE PROPERTY DESCRIBED ON THIS SURVEY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE PROPERTY LIES WITHIN ZONE X OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS MAP NO. 28125C0537T BEARING AN EFFECTIVE DATE OF 09-29-2006.

MISS DIG / UTILITY DISCLAIMER NOTE

A MISS DIG TICKET NUMBER A033240501, PURSUANT TO MICHIGAN PUBLIC ACT 174 WAS ENTERED FOR THE SURVEYED PROPERTY. DUE TO THE EXTENDED REPORTING PERIOD FOR UNDERGROUND FACILITY OWNERS TO PROVIDE THEIR RECORDS, THE SURVEY MAY NOT REFLECT ALL THE UTILITIES AT THE TIME THE SURVEY WAS ISSUED ON DECEMBER 29, 2020. THE SURVEY ONLY REFLECTS THOSE UTILITIES WHICH COULD BE OBSERVED BY THE SURVEYOR IN THE FIELD OR AS DEPICTED BY THE UTILITY COMPANY RECORDS FURNISH PRIOR TO THE DATE THIS SURVEY WAS ISSUED. THE CLIENT AND/OR THEIR AUTHORIZED AGENT SHALL VERIFY WITH THE FACILITY OWNERS AND/OR THEIR AUTHORIZED AGENTS, THE COMPLETENESS AND EXACTNESS OF THE UTILITIES LOCATION.

TOPOGRAPHIC SURVEY NOTES

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.

UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.

ALTA SURVEY NOTES

THERE IS NO VISIBLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADJUSTMENTS.

THERE IS NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES AND THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR.

THERE IS NO VISIBLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

THERE IS NO VISIBLE EVIDENCE OF ANY WETLAND AREAS.

LOCATION OF UTILITIES EXISTING ON OR SERVING THE PROPERTY AS DETERMINED BY OBSERVED EVIDENCE OR EVIDENCE FROM PLANS REQUESTED BY THE SURVEYOR AND OBTAINED FROM UTILITY COMPANIES.

THE SUBJECT PROPERTY HAS ACCESS TO S. OLD WOODWARD AVENUE, E. BROWN STREET AND DAINES STREET, ALL BEING A PUBLICLY DEDICATED ROAD.

BASIS OF BEARING NOTE

ALL BEARINGS ARE IN RELATION TO THE PREVIOUSLY ESTABLISHED SOUTH RIGHT-OF-WAY LINE OF STREET (60' WIDE) (NOW KNOWN AS BROWN STREET) OF BROWN'S ADDITION AS RECORDED IN LIBER 3 OF PLATS, PAGE 8, OAKLAND COUNTY RECORDS. (N.62.1°)

DATUM NOTE

ALL ELEVATIONS SHOWN HEREON ARE ON THE CITY OF BIRMINGHAM'S VERTICAL DATUM, REFERENCED HEREON, IS ONE (1.00) FOOT HIGHER THAN THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. 88).

SURVEY DATA

SITE AREA:
PARCEL I: 13,818.22 SQUARE FEET OR 0.317 ACRES
PARCEL II: 18,892.08 SQUARE FEET OR 0.433 ACRES
PARCEL 2: 13,204.93 SQUARE FEET OR 0.303 ACRES
PARCEL 3: 8,157.75 SQUARE FEET OR 0.187 ACRES
TOTAL: 54,052.96 SQUARE FEET OR 1.24 ACRES

ZONED:
B2, GENERAL BUSINESS DISTRICT

PARKING SPACES:

PARCEL I: 9 REGULAR SPACES
PARCEL II: 46 REGULAR SPACES AND 3 BARRIER-FREE SPACES
PARCEL 2: 20 REGULAR SPACES AND 1 BARRIER-FREE SPACE
PARCEL 3: NO ON-SITE PARKING SPACES

A SURVEYOR CANNOT MAKE A CERTIFICATION ON THE BASIS OF AN INTERPRETATION OR OPINION OF ANOTHER PARTY. A ZONING ENDORSEMENT LETTER SHOULD BE OBTAINED FROM THE CITY OF BIRMINGHAM TO INSURE CONFORMITY AS WELL AS MAKE A FINAL DETERMINATION OF THE REQUIRED BUILDING SETBACK REQUIREMENTS.

DTE DISCLAIMER NOTE

PLEASE NOTE THAT DTE HAS NEW REGULATIONS THAT MAY IMPACT DEVELOPMENT OUTSIDE THEIR EASEMENT OR THE PUBLIC RIGHT OF WAY. CLIENT SHALL CONTACT DTE TO DETERMINE THE "NEW STRUCTURES AND POWER LINE" REQUIREMENTS AS THEY MAY APPLY TO ANY FUTURE BUILDING OR RENOVATION OF A STRUCTURE. DTE ENERGY CAN BE CONTACTED AT 800-477-4747

LEGAL DESCRIPTION - PARCEL 2 (PER TITLE COMMITMENT)

LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:

THE EASTERLY 50 FEET OF LOT 12, AND THE WESTERLY PART OF LOT 13, MEASURING 82.45 FEET ON THE NORTH LOT LINE AND 82.48 FEET ON THE SOUTH LOT LINE OF BROWN'S ADDITION SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS.

ADDRESS: 300 S. OLD WOODWARD AVENUE, BIRMINGHAM, MI 48009

TAX ID NUMBER: 19-36-204-006

TITLE REPORT NOTES - PARCEL 2

REFERENCE FIRST AMERICAN TITLE INSURANCE COMPANY FILE NUMBER: 910055, COMMITMENT DATE: DECEMBER 21, 2020, REVISION B.

SCHEDULE B, PART II, EXCEPTIONS:

EXCEPTIONS: 1, 4, 5, 6, 7, 8, 10, 11, 14 AND 15 REFER TO THE OWNERSHIP OF THE PROPERTY AND/OR ARE NOT PLOTTABLE.

2. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF OF THE LAND.

3. EASEMENTS, ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.

9. TERMS AND CONDITIONS CONTAINED IN RESOLUTION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 8715, PAGE 137. (NO EASEMENTS OR RESTRICTIONS WITHIN SAID DOCUMENT, NOT PLOTTED)

12. INTEREST, IF ANY, OF THE UNITED STATES, STATE OF MICHIGAN, OR ANY POLITICAL SUBDIVISION THEREOF, IN THE OIL, GAS AND MINERALS IN AND UNDER THAT MAY BE PRODUCED FROM THE CAPTIONED LAND.

13. RIGHTS OF TENANTS, IF ANY, UNDER ANY UNRECORDED LEASES.

LEGAL DESCRIPTION - PARCEL 3 (PER TITLE COMMITMENT)

LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:

LOT(S) 14, EXCEPT THAT PART TAKEN FOR WIDENING WOODWARD AVENUE OF ADDITION TO WILLIAM BROWN'S ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS.

ADDRESS: 394 S. OLD WOODWARD AVENUE, BIRMINGHAM, MI 48009

TAX ID NUMBER: 19-36-204-014

TITLE REPORT NOTES - PARCEL 3

REFERENCE FIRST AMERICAN TITLE INSURANCE COMPANY FILE NUMBER: 910145, COMMITMENT DATE: DECEMBER 21, 2020, REVISION: A.

SCHEDULE B, PART II, EXCEPTIONS:

EXCEPTIONS: 1, 4, 5, 6, 7, 8, 10, 13 AND 14 REFER TO THE OWNERSHIP OF THE PROPERTY AND/OR ARE NOT PLOTTABLE.

2. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF OF THE LAND.

3. EASEMENTS, ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.

8. TERMS AND CONDITIONS CONTAINED IN RESOLUTION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 8715, PAGE 137. (NO EASEMENTS OR RESTRICTIONS WITHIN SAID DOCUMENT, NOT PLOTTED)

11. INTEREST, IF ANY, OF THE UNITED STATES, STATE OF MICHIGAN, OR ANY POLITICAL SUBDIVISION THEREOF, IN THE OIL, GAS AND MINERALS IN AND UNDER THAT MAY BE PRODUCED FROM THE CAPTIONED LAND.

12. RIGHTS OF TENANTS, IF ANY, UNDER ANY UNRECORDED LEASES.

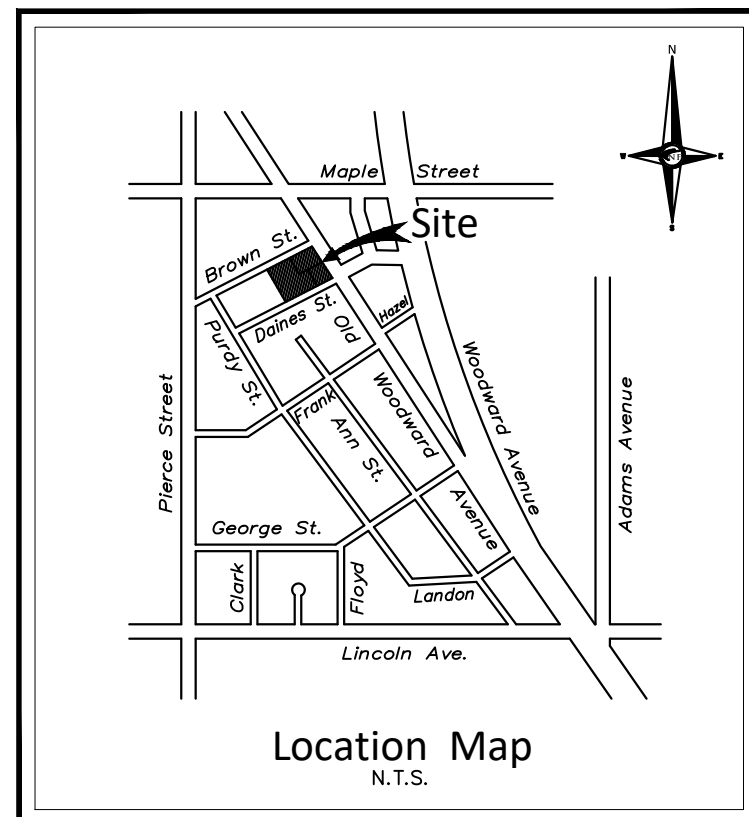
CERTIFICATE OF SURVEY

CERTIFIED TO:

-PURCHASER'S ASSIGNEE
-TROTTER PROPERTIES 294, LLC, A MICHIGAN LIMITED LIABILITY COMPANY, AS TO PARCEL 1
-BRB EQUITIES, L.L.C., AS TO PARCEL 2
-FRANK T. KONJAREVICH OR LOS H. KONJAREVICH (OR SUCCESSOR TRUSTEES) AS THE TRUSTEE FOR THE FRANK T. KONJAREVICH REVOCABLE LIVING TRUST DATED MAY 22, 1995, AS TO PARCEL 3
-FIRST AMERICAN TITLE INSURANCE COMPANY AND EACH OF THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDE ITEMS 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(c), 8, 9, 11, 13, 14, 16, 17, 18 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 16, 2020.

Kevin Navaroli
KEVIN NAVAROLI, P.S. NO. 4001053503 DATE 1-24-2021



LEGAL DESCRIPTION - PARCELS I & II (PER TITLE COMMITMENT)

LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:

PARCEL I: THE EAST 1/2 OF LOT(S) 11 OF BROWN'S ADDITION TO THE CITY OF BIRMINGHAM AND THE EAST 1/2 OF LOT 16 OF BROWN'S ADDITION NO. 1, IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS, INCLUDING THE VACATED WEST 20 FEET OF ANN STREET ADJOINING LOT 11 AND THE VACATED WEST 19 FEET OF ANN STREET ADJOINING LOT 16.

PARCEL II: THE WEST 1/2 OF LOT(S) 12 OF BROWN'S ADDITION TO THE VILLAGE (NOW CITY) OF BIRMINGHAM, OF PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, TOWNSHIP OF BLOOMFIELD (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS, ALSO LOT 15, ADDITION TO WILLIAM BROWN'S ADDITION NO. 1, BEING A PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST ACCORDING TO PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS, INCLUDING VACATED 20 FEET OF ANN STREET, ADJOINING THE WESTERLY SIDE OF LOT 12 AND VACATED 21 FEET OF ANN STREET ADJOINING THE WESTERLY SIDE OF LOT 15.

ADDRESS: 294 E. BROWN STREET, BIRMINGHAM, MI 48009

TAX ID NUMBER: 19-36-204-021

TITLE REPORT NOTES - PARCELS I & II

REFERENCE FIRST AMERICAN TITLE INSURANCE COMPANY FILE NUMBER: 915853, COMMITMENT DATE: DECEMBER 8, 2020.

SCHEDULE B, PART II, EXCEPTIONS:

EXCEPTIONS: 1, 4, 5, 6, 7, 8 AND 16 REFER TO THE OWNERSHIP OF THE PROPERTY AND/OR ARE NOT PLOTTABLE.

2. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF OF THE LAND.

3. EASEMENTS, ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.

9. TERMS AND CONDITIONS CONTAINED IN RESOLUTION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 8715, PAGE 137. (NO EASEMENTS OR RESTRICTIONS WITHIN SAID DOCUMENT, NOT PLOTTED)

10. TERMS AND CONDITIONS CONTAINED IN RESOLUTION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 5224, PAGE 351. (SAID VACATED EASEMENT IS PLOTTED HEREON)

11. EASEMENT FOR UTILITIES OVER THAT PORTION OF LAND INCLUDED IN THE VACATED ANN STREET AS EVIDENCED BY INSTRUMENT RECORDED IN LIBER 4918, PAGE 461 (SAID VACATED ANN STREET & RETAINED EASEMENT ARE PLOTTED HEREON) AND LIBER 21598, PAGE 287 (SIZE AND LOCATION OF DETROIT EDISON EASEMENT IS UNKNOWN, NOT PLOTTED).

12. EASEMENT(S), RESTRICTIONS AND/OR SETBACK LINES, IF ANY, AS DISCLOSED BY THE RECORDED PLAT.

13. INTEREST OF OTHERS IN OIL, GAS AND MINERAL RIGHTS, IF ANY, WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS.

14. INTEREST, IF ANY, OF THE UNITED STATES, STATE OF MICHIGAN, OR ANY POLITICAL SUBDIVISION THEREOF, IN THE OIL, GAS AND MINERALS IN AND UNDER THAT MAY BE PRODUCED FROM THE CAPTIONED LAND.

15. RIGHTS OF TENANTS, IF ANY, UNDER ANY UNRECORDED LEASES.

NOTE: DOCUMENTATION FOR THE VACATION OF THE WEST 15 FEET AND EAST 15 FEET OF ANN STREET LYING WITHIN WILLIAMS BROWN'S ADDITION HAS NOT BEEN PROVIDED TO THE SURVEYOR. CLIENT TO CONFIRM THAT PORTION OF ANN STREET IS VACATED.

LEGEND

MANHOLE(MH)	EXISTING SANITARY SEWER
CO	EXISTING SAN. CLEAN OUT
HYDRANT(HYD)	EXISTING WATER MAIN
GATE VALVE(GVW)	EXISTING STORM SEWER
MANHOLE(MH)	CATCH BASIN(CB)
CB	EX. BEEHIVE CATCH BASIN
UTILITY POLE	EX. UNDERGROUND (UG) CABLE
GUY WIRE	OVERHEAD (OH) LINES
LP	LIGHT POLE
↑	SIGN
ASPH.	EXISTING GAS MAIN
CONC.	ASPHALT
FD. / FND.	CONCRETE
RET. WALL	FOUND
R.O.W.	RETAINING WALL
SPK	RIGHT-OF-WAY
(TYP)	SET PK NAIL
(R)	TYPICAL
(M)	RECORD
C/L	MEASURED
PROPERTY LINE	CENTERLINE
GAS METER	PROPERTY LINE
ELECTRIC METER	LANDSCAPE
PARKING METER	
AIR CONDITIONING UNIT	
LANDSCAPE	



NOWAK & FRAUS ENGINEERS

CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL (248) 332-7931
FAX (248) 332-8257
WWW.NOWAKFRAUS.COM

SEAL

PROJECT

294 E. Brown St. and
300 & 394
S. Old Woodward Ave.
Birmingham, MI 48009

CLIENT

Saroki Architecture
430 N. Old Woodward Ave.
Birmingham, MI 48009

Contact: Victor Saroki

Phone: 248.258.5707

PROJECT LOCATION

Part of the NE 1/4
of Section 36,
T.2N., R.10E.,
City of Birmingham,
Oakland County, Michigan

SHEET

ALTA/NSPS Land Title /
Topographic Survey



Know what's below
Call before you dig.

DATE ISSUED/REVISED

00-00-00

DRAWN BY:

M. Carnaghi

DESIGNED BY:

APPROVED BY:

K. Navaroli

DATE:

February 24, 2021

SCALE: 1" = 20'

20 10 0 10 20 30

NFE JOB NO.

M106

SHEET NO.

SP-1

Drive-over LED in-grade floodlights

Enclosures: Outer housing of high tensile strength stainless steel; inner housing is factory sealed and fabricated of heavy gauge stainless steel. Reflector made of pure anodized aluminum.

Trim Ring: Heavy gauge, machined stainless steel secured to inner housing by five (5) stainless steel hex head fasteners. Trim is sealed in place using molded, one piece high temperature silicone gasket. Glass is clear tempered, 1/2" thick, machined flush to trim ring.

Electrical: 13.9W LED luminaire, 17 total system watts, -20° C start temperature, integral 120V through 277V electronic LED driver, 0-10V, TRIAC, and ELV dimmable. The LED module and driver are mounted on a removable inner assembly for easy replacement. Standard LED color temperature is 4000K with an 85 CRI. Available in 3000K (85 CRI); add suffix K3 to order.
Note: Due to the dynamic nature of LED technology, LED luminaire data on this sheet is subject to change at the discretion of BEGA-US. For the most current technical data, please refer to www.bega-us.com.

Finish: Machined #4 brushed stainless steel. Custom colors not available.
CSA: certified to U.S. and Canadian standards for wet locations. Protection class IP68.

Temperature caution: The column "T" in this chart indicates the temperature in degrees Celsius which is reached on the center of the glass surface during operation. Surface temperatures are for exterior applications. For interior applications add 10° C to temperatures shown.

Note: A foundation and proper drainage must be supplied by the customer. These luminaires are designed to bear pressure loads up to 4,400 lbs. from vehicles with pneumatic tires. The luminaires must not be used for traffic lanes where they are subject to horizontal pressure from vehicles braking, accelerating and changing direction.

Weight: 9.5 lbs.

Luminaire Lumens: 970



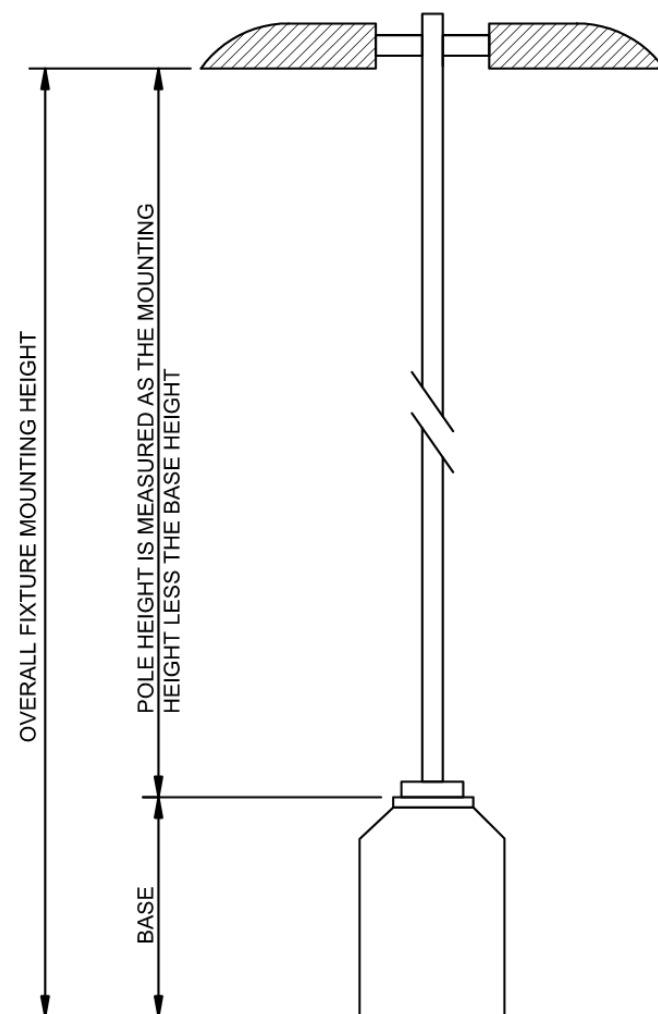
Symmetrical floodlights - clear safety glass

Lamp	B	T	A	B	C
77 007	13.9W LED	24"	25"	9 1/4"	12 1/4" 8 1/2"

Lower 8-Beam angle

1000 BEGA Way, Carpinteria, CA 93013 (805) 684-0533 FAX (805) 566-9474 www.bega-us.com
Copyright BEGA 2017 Updated 1/18

Type:
BEGA Product:
Project:
Voltage:
Color:
Options:
Modified:



Mounting Height Note

MOUNTING HEIGHT IS MEASURED FROM GRADE TO FACE OF FIXTURE. POLE HEIGHT SHOULD BE CALCULATED AS THE MOUNTING HEIGHT LESS BASE HEIGHT.

Drawing Note

THIS DRAWING WAS GENERATED FROM AN ELECTRONIC IMAGE FOR ESTIMATION PURPOSE ONLY. LAYOUT TO BE VERIFIED IN FIELD BY OTHERS.

General Note

- SEE SCHEDULE FOR LUMINAIRE MOUNTING HEIGHT.
- CALCULATIONS ARE SHOWN IN FOOTCANDLES AT: 0' - 0"

THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING / FUTURE FIELD CONDITIONS. THIS LIGHTING LAYOUT REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, AND OTHER VARIABLE FIELD CONDITIONS. MOUNTING HEIGHTS INDICATED ARE FROM GRADE AND/OR FLOOR UP.

THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING ANALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR ARCHITECT IS RESPONSIBLE TO REVIEW FOR MICHIGAN ENERGY CODE AND LIGHTING QUALITY COMPLIANCE.

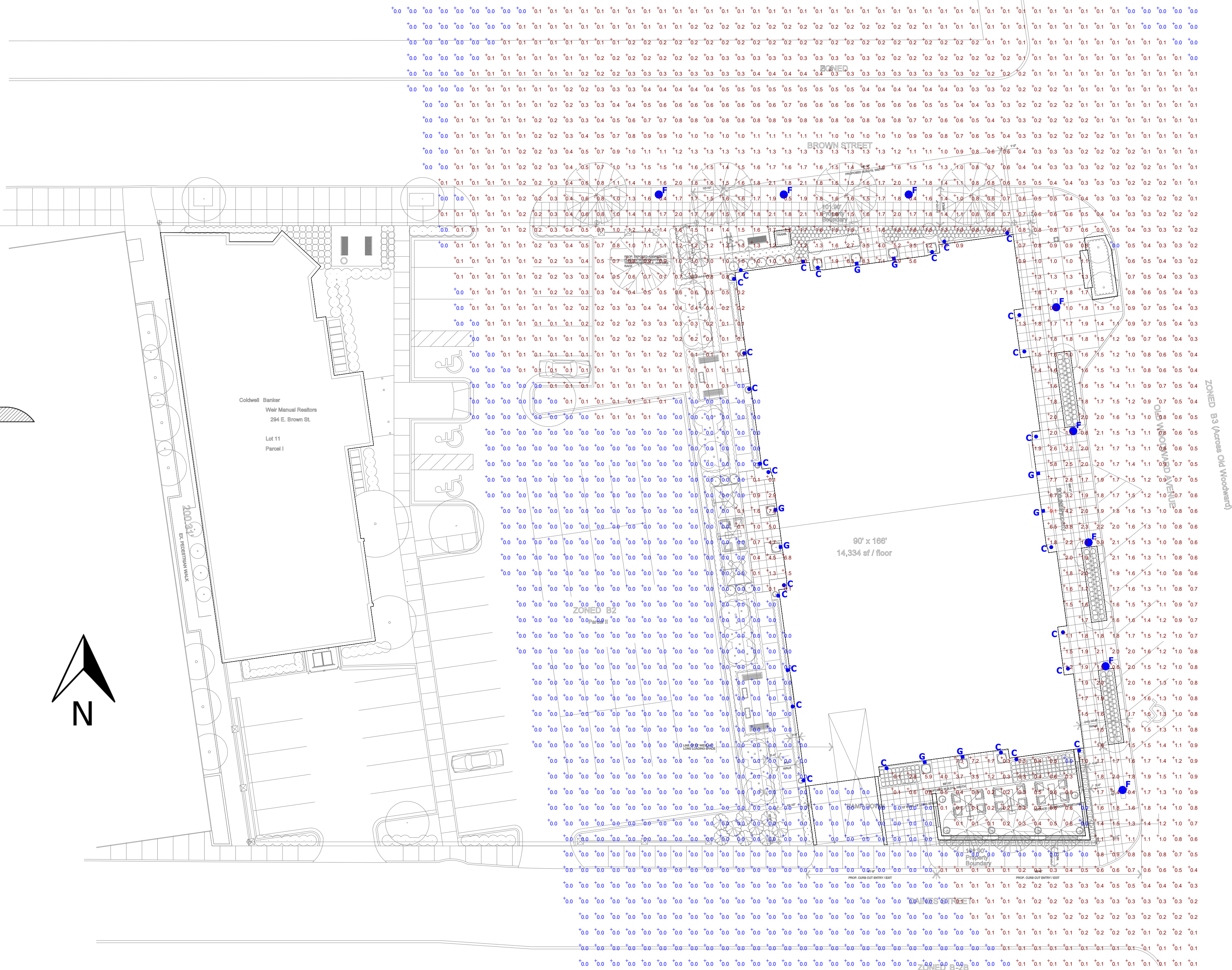
UNLESS EXEMPT, PROJECT MUST COMPLY WITH LIGHTING CONTROLS REQUIRMENTS DEFINED IN ASHRAE 90.1 2013. FOR SPECIFIC INFORMATION CONTACT GBA CONTROLS GROUP AT ASG@GASSERBUSH.COM OR 734-266-6705.

Ordering Note

FOR INQUIRIES CONTACT GASSER BUSH AT QUOTES@GASSERBUSH.COM OR 734-266-6705.

Alternates Note

THE USE OF FIXTURE ALTERNATES MUST BE RESUBMITTED TO THE CITY FOR APPROVAL.



Plan View

Scale - 1" = 20ft

Schedule									
Symbol	Label	QTY	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Lumens per Lamp	LLF
	C	26	BEGA	77007+K4	LED IN-GRADE FLOODLIGHT	LED	1	967	0.9
	F	8	UNKNOWN	SUPPLIED AND VERIFIED BY OTHERS	SUPPLIED AND VERIFIED BY OTHERS	SUPPLIED AND VERIFIED BY OTHERS	1	UNKNOWN	0.75
	G	8	LANTERN SUPPLIED BY RH	LANTERN SUPPLIED BY RH	LANTERN SUPPLIED BY RH	LANTERN SUPPLIED BY RH	1	UNKNOWN	0.9

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
OVERALL	+	0.5 fc	9.1 fc	0.0 fc	N/A	N/A



Special Land Use Permit Application – Economic Development License Planning Division

Form will not be processed until it is completely filled out.

1. Applicant

Name: RHF&B Michigan, LLC

Address: 15 Koch Road

Corte Madera, CA 94925

Phone Number: (415) 936-9642

Fax Number: N/A

Email address: ds@rh.com

2. Property Owner

Name: See attached Consent Form for each of the 3 property owners

Address: See Consent Form

Phone Number: See Consent Form

Fax Number: See Consent Form

Email address: See Consent Form

3. Applicant's Attorney/Contact Person

Name: Dave Stanchak, President

Address: 15 Koch Road

Corte Madera, CA 94925

Phone Number: (415) 936-9642

Fax Number: N/A

Email address: ds@rh.com

4. Project Designer/Developer

Name: Victor Saroki, FAIA

Address: 430 N. Old Woodward Ave., Fl. 3

Birmingham, MI 48009

Phone Number: (248) 258-5707

Fax Number: N/A

Email address: vsaroki@sarokiarchitecture.com

5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
 - i. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject sites property lines;
 - ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
 - iii. A certified Land Survey;
 - iv. Interior floor plans;
 - v. A Landscape Plan;
 - vi. A Photometric Plan;
 - vii. Colored elevation drawings for each building elevation;
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if the applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

6. Project Information

Address/Location of the property: 300-394 S. Old Woodward Ave. & part of 294 E Brown St (Southwest Corner of S. Old Woodward Ave. and E. Brown St.)

Name of development: RH Birmingham

Sidwell #: 19-36-204-006; 19-36-204-014; and 19-36-204-021

Current Use: Office and Retail

Proposed Use: Retail and Restaurant

Area of Site in Acres: .46 Acres

Current zoning: B2 General Business/D3 Overlay

Is the property located in the floodplain? No

Name of Historic District Site is Located in: N/A

Date of Historic District Commission Approval: N/A

Date of Application for Preliminary Site Plan: 02/19/21

Date of Preliminary Site Plan Approval:

Date of Application for Final Site Plan:

Date of Final Site Plan Approval:

Date of Application for Revised Final Site Plan:

Date of Revised Final Site Plan Approval:

Date of Design Review Board Approval:

Is there a current SLUP in effect for this site? No

Date of Application for SLUP: 02/24/21

Date of SLUP Approval:

Date of Last SLUP Amendment:

7. Details of the Proposed Development (attach separate sheet if necessary)

Commanding four levels and over 49,810 interior and exterior square feet, this innovative retail concept features artistic installations of home furnishings in a gallery setting, showcasing RH Interiors, RH Modern, and RH Outdoors. RH's seamlessly integrated culinary offering, the RH rooftop restaurant highlights an ingredient-driven menu. RH Birmingham will also include an interactive design atelier offering professional design services in a studio environment and a rooftop park. A SLUP is required for alcoholic beverage service for on-site consumption in the B2 Zone.

8. Buildings and Structures

Number of Buildings on Site: 1
Height of Buildings & # of Stories: 67 feet / 4 levels above grade

Use of Buildings: Retail and Restaurant
Height of Rooftop Mechanical Equipment: 69 feet

9. Floor Use and Area (in Square Feet)

Structures:

Restaurant Space: 3,500 square feet (not including kitchen & back of house)
Office Space: N/A
Retail Space: 43,088 square feet

Number of Residential Units: N/A
Rental or Condominium? N/A
Total Floor Area: 49,810 square feet

10. Proposed Restaurant Operation

Number of Indoor Seats: +/- 128 (subject to change)
Number of Outdoor Seats: +/- 42 (subject to change)
Entertainment Proposed: N/A
Previous LCC Complaints? None
Number of Tables along Street Façade: None
Type of Cuisine: See attached menu

Bar Area? TBD
Number of Seats at Bar: None
Full Service Kitchen? Yes
Percentage of Glazing Proposed: TBD
Years of Experience in Birmingham: 0
Years of Experience Outside Birmingham:

11. Proposed Setbacks

Required Front Setback: 0 feet
Required Rear Setback: 0 feet
Required Total Side Setback: Not Required

Proposed Front Setback: 0 feet
Proposed Rear Setback: 10.5 feet
Proposed Total Side Setback: 20 feet

12. Outdoor Dining Facility

Location (sidewalk right-of-way or on-street parking space): Rooftop
Hours of Operation:
Width of unobstructed sidewalk between door and café? (5 ft. required): N/A
Platform Proposed: N/A
Trash Receptacles: See Plan Drawings

Number of Tables/Chairs: 14 patio tables/no chairs
Material of Tables/Chairs: RH Furniture
Tables Umbrellas Height & Material:
Number and Location of Parking Spaces Utilized: 24
Below grade parking spaces
Screenwall Material: See Plan Drawings
Enclosure Material: See Plan Drawings

13. Required and Proposed Parking

Required number of parking spaces: N/A
Location of parking on site: Below Grade for 24 vehicles
Screenwall material: N/A

Shared Parking Agreement? N/A
Location of parking off site: Street
Height of screenwall: N/A

14. Landscaping

Location of landscape areas: Street trees along S. Old Woodward Ave. and E. Brown Street. New landscape plantings between streetscape and outdoor terrace along Daines Street. Trees and plantings on rooftop terrace.

Proposed landscape material: See Landscape Plan

15. Streetscape

Sidewalk width: 7.5 feet to 14 feet wide
Number of benches: 3 (2 proposed / 1 existing)
Number of planters: 6 (along S. Old Woodward Ave.)
Number of existing street trees: 6
Number of proposed street trees: 9
Streetscape plan submitted? Yes

Description of benches or planters: Per City Specifications

Species of existing trees: See Landscape Plan

Species of proposed trees: See Landscape Plan

16. Loading

Required number of loading spaces: 1
Typical angle of loading spaces: 90 degrees
Screenwall material: N/A
Location of loading spaces on site: Parking Garage Ramp

Proposed number of loading spaces: 1

Typical size of loading spaces: 12 feet wide x 40 feet long x 14 feet high

Height of screenwall: N/A

Typical time loading spaces are used: Early Morning

17. Exterior Waste Receptacles

Required number of waste receptacles: 2 part of streetscape-no exterior dumpster
Location of waste receptacles: 1 on Brown Street and 1 on Daines Street
Screenwall material: N/A

Proposed number of waste receptacles: 2

Size of waste receptacles: Per City Specifications

Height of screenwall: N/A - no exterior dumpster

18. Mechanical Equipment

Utilities and Transformers:

Number of ground mounted transformers: 1
Size of transformers (L•W•H): 4 feet x 4 feet (exact size TBD)
Number of utility easements: N/A
Screenwall material: See Plan Drawings

Location of all utilities & easements:

Height of screenwall: TBD

Ground Mounted Mechanical Equipment:

Number of ground mounted units: 0
Size of ground mounted units (L•W•H): N/A
Screenwall material: See Landscape Plan

Location of all ground mounted units: Southeast corner

Height of screenwall: See Landscape Plan

Rooftop Mechanical Equipment:

Number of rooftop units: 2
Type of rooftop units: 1 MAU and 1 VRF Condensing Unit
Screenwall material: Stucco
Location of screenwall: Fourth Floor Mechanical Well

Location of all rooftop units: Fourth Floor Mechanical Well

Size of rooftop units (L•W•H): TBD

Percentage of rooftop covered by mechanical units: Approx. 15%

Height of screenwall: 12 feet

Distance from rooftop units to all screenwalls: TBD

19. Accessory Buildings

Number of accessory buildings: N/A
Location of accessory buildings: N/A

Size of accessory buildings: N/A

Height of accessory buildings: N/A

20. Building Lighting

Number of light standards on building: See Photometric Plan
Size of light fixtures (L•W•H): Varies (See Photometric Plan)
Maximum wattage per fixture: Varies (See Photometric Plan)
Light level at each property line: See Photometric Plan

Type of light standards on building: Varies (See Photometric Plan)

Height from grade: Varies (See Photometric Plan)

Proposed wattage per fixture: Varies (See Photometric Plan)

21. Site Lighting

Number of light fixtures: See Photometric Plan
Size of light fixtures (L•W•H): See Photometric Plan
Maximum wattage per fixture: See Photometric Plan
Light level at each property line: See Photometric Plan

Type of light fixtures: See Photometric Plan

Height from grade: See Photometric Plan

Proposed wattage per fixture: See Photometric Plan

Holiday tree lighting receptacles: See Photometric Plan

22. Adjacent Properties

Number of properties within 200 ft.: 6

Property #1

Number of buildings on site: 1
Zoning district: B-4 (D-4 Overlay Zoning District)
Use type: Hotel
Square footage of principal building: 99,661 square feet
Square footage of accessory buildings: N/A
Number of parking spaces: 2 levels of below grade parking

Property #2

Number of buildings on site: 1
Zoning district: B-2B (D-2 Overlay Zoning District)
Use type: Office and residential condo/rental units
Square footage of principal building: 60,000 square feet
Square footage of accessory buildings: N/A
Number of parking spaces: Below grade parking

Property #3

Number of buildings on site: 1
Zoning district: B-2 (D-3 Overlay Zoning District)
Use type: Office
Square footage of principal building: 13,290 square feet
Square footage of accessory buildings: N/A
Number of parking spaces: 46 surface spaces

Property #4

Number of buildings on site: 1
Zoning district: B-2 (D-3 Overlay Zoning District)
Use type: Restaurant and office
Square footage of principal building: 8,912 square feet
Square footage of accessory buildings: N/A
Number of parking spaces: 0

Property #5

Number of buildings on site: 1
Zoning district: B-3 (D-3 Overlay Zoning District)
Use type: Retail and office
Square footage of principal building: 79,935 square feet
Square footage of accessory buildings: N/A
Number of parking spaces: Parking below on grade (within building)

Property #6

Number of buildings on site: 1
Zoning district: B-4 (D-4 Overlay Zoning District)
Use type: Retail and Office
Square footage of principal building: 69,222 square feet
Square footage of accessory buildings: N/A
Number of parking spaces: Below grade parking

Property Description: 298 S. Old Woodward Ave.
Daxton Hotel - 5-story hotel with ground floor restaurant

North, south, east or west of property? North

Property Description: 400 S. Old Woodward Ave.
The forefront
3-story mixed-use building

North, south, east or west of property? South

Property Description: 297 E. Brown Street
Coldwell Banker Weir Manuel
2-story office building

North, south, east or west of property? West

Property Description: 325 S. Old Woodward Ave.
Adachi restaurant and office
2-story mixed-use building

North, south, east or west of property? East

Property Description: 355 S. Old Woodward Ave.
2-story mixed-use building

North, south, east or west of property? East

Property Description: 255 S. Old Woodward Ave.
3-story mixed-use building

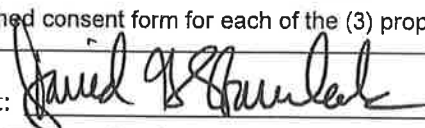
North, south, east or west of property? North

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for Site Plan Review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

By providing your e-mail to the City, you agree to receive news notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner: _____ Date: _____

Print Name: See attached consent form for each of the (3) property owners

Signature of Applicant:  _____ Date: 2.24.21

Print Name: Dave Stanchak, President

Signature of Architect:  _____ Date: 2.24.21

Print Name: Victor Saroki

Office Use Only

Application #: PSLU21-0003 Date Received: 3/4/21 Fee: \$1,600.00

Date of Approval: _____ Date of Denial: _____ Accepted by: _____



CONSENT OF PROPERTY OWNER

I, Frank T. Konjarevich or Lola H. Konjarevich, as Trustees for the Frank T. Konjarevich Rev. Liv. Trust dated 5/22/95
(Name of Property Owner), OF THE STATE OF Michigan AND
COUNTY OF Oakland STATE THE FOLLOWING:

1. That I am the owner of real estate located at 394 S. Old Woodward;
(Address of Affected Property)

2. That I have read and examined the Application for **SPECIAL LAND USE PERMIT-ECONOMIC DEVELOPMENT LICENSE** made to the City of

Birmingham by: RH F&B Michigan, LLC;
(Name of Applicant)

3. That I have no objections to, and consent to the request(s) described in the Application made to the City of
Birmingham.

Frank T. Konjarevich or Lola H. Konjarevich, as Trustees for the Frank T. Konjarevich Rev. Liv. Trust dated 5/22/95
Name of Owner (Printed): _____

Signature of Owner: Frank Konjarevich **Date:** 2/24/01



SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: RHF&B Michigan, LLC Case #: _____ Date: 02/17/21
Address: 15 Koch Road, Corte Madera, CA 94925 Project: RH Birmingham

All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24" x 36", and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation.

Site Plan for Special Land Use Permit

A full Site Plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ☒ 1. Name and address of applicant and proof of ownership;
- ☒ 2. Name of Development (if applicable);
- ☒ 3. Address of site and legal description of the real estate;
- ☒ 4. Name and address of the land surveyor;
- ☒ 5. Legend and notes, including a graphic scale, north point, and date;
- ☒ 6. A separate location map;
- ☒ 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- ☒ 8. Aerial photographs of the subject site and surrounding properties;
- ☒ 9. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
- ☒ 10. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject sites property lines;
- ☒ 11. Interior floor plans;
- ☒ 12. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, or the Historic District Commission ("HDC");

- ☒ 13. Existing and proposed layout of streets, open space and other basic elements of the plan;
- ☒ 14. Existing and proposed utilities and easements and their purpose;
- ☒ 15. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preserve-able trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
- ☒ 16. General description, location, and types of structures on site;
- ☒ 17. Location of sidewalks, curb cuts, and parking lots on subject site and all sites within 200 ft. of the property line;
- ☒ 18. Details of existing or proposed lighting, signage and other pertinent development features;
- ☒ 19. Elevation drawings showing proposed design;
- ☒ 20. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;
- ☒ 21. Location of all exterior lighting fixtures;
- ☒ 22. A Photometric Plan depicting proposed illuminance levels at all property lines;
- ☒ 23. A Landscape Plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
- ☒ 24. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

Elevation Drawings

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ☒ 25. Color elevation drawings showing the proposed design for each façade of the building;
- ☒ 26. List of all materials to be used for the building, marked on the elevation drawings;
- ☒ 27. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- ☒ 28. Details of existing or proposed lighting, signage and other pertinent development features;
- ☒ 29. A list of any requested design changes;
- ☒ 30. Itemized list and specification sheets of all materials, light fixtures and mechanical equipment to be used, including exact size specifications, color, style, and the name of the manufacturer;
- ☒ 31. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometric analysis of all exterior lighting fixtures showing light levels to all property lines; and
- ☒ 32. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

CONTRACT FOR TRANSFER OF A LIQUOR LICENSE
(ECONOMIC DEVELOPMENT)

This Contract is entered into this ____ day of _____ (month), 2021 (year), by and between RHF&B Michigan, LLC, whose address is 15 Koch Road, Corte Madera, CA 94925, (Licensee) and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48012 (City).

RECITALS:

WHEREAS, Licensee wishes to transfer the location of its liquor license from _____ to 300-394 S Old Woodward Ave, Birmingham, Michigan (Property); and

WHEREAS, local legislative approval is required by the **CITY OF BIRMINGHAM** for the transfer of a _____ liquor license pursuant to MCLA §436.1501 of the Michigan Liquor Control Code of 1998; and

WHEREAS, Licensee desires to enter into this Contract as an inducement to the **CITY OF BIRMINGHAM** to approve the request of the aforementioned transfer of the liquor license; and,

WHEREAS, the **CITY OF BIRMINGHAM** is relying upon this Contract in giving its approval to the transfer of the on-premises licenses as described herein.

NOW, THEREFORE, the parties agree as follows:

1. Licensee shall be permitted to transfer the location of its liquor license from _____ to the Property. Any transfer of the aforementioned license from the Property to any other location in the **CITY OF BIRMINGHAM** shall require the approval of the Birmingham City Commission in accordance with Section 10-83. In addition, any expansion of the building location at the Property shall also require the approval of the Birmingham City Commission.
2. Licensee does hereby agree that it shall establish as Economic Development, as defined in Birmingham City Code Chapter 126, Zoning, Article 9, section 9.02, at the Property.
3. Licensee further acknowledges that it must secure a Special Land Use Permit for Economic Development as required by the Birmingham City Code. It is further agreed that it shall comply with all provisions of the Special Land Use Permit, or any amendments thereto, as a condition of this contract. Licensee further acknowledges and agrees that a violation of any provision of the Special Land Use Permit or the Michigan Liquor Control Code is a violation of the terms of the contract entitling the City to exercise any or all of the remedies provided herein.
4. Licensee further agrees that it shall not apply or seek from the Michigan Liquor Control Commission any permit endorsements to its liquor license whether available in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without the prior approval of the Birmingham City Commission.
5. Licensee further agrees that it shall not seek any change in its license status/class whether such changes are available now in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without prior approval of the Birmingham City Commission.

6. Licensee agrees that it shall adhere to all Federal, State and Local laws currently in effect or as subsequently amended or enacted.

7. Licensee agrees that its failure to follow any of the provisions herein shall be grounds for the Michigan Liquor Control Commission to suspend, revoke or not renew its liquor license and/or for the Birmingham City Commission to revoke the Special Land Use Permit, either of which would prohibit Licensee from operating the Economic Development. Licensee agrees that in addition to the City of Birmingham's right to seek suspension, revocation or non-renewal of its liquor license and/or revocation of the Special Land Use Permit, the City retains any and all rights to enforce this Contract that may be available to it in law or in equity. Licensee further agrees that it shall reimburse the City all of its costs and actual attorney fees incurred by the City in seeking the suspension, revocation or non-renewal of its liquor license and revocation of the Special Land Use Permit, as well as enforcing such other rights as may be available at law and/or in equity.

8. To the fullest extent permitted by law, Licensee and any entity or person for whom Licensee is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, including all costs and actual attorney fees, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury, death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with Licensee's operation of a Economic Development at the Property.

9. In the event Licensee fails to reimburse the City the costs and/or attorney fees as required herein, or any part thereof, then said amount could be transferred to the tax roll in accordance with Section 1-14 of the Birmingham City Code.

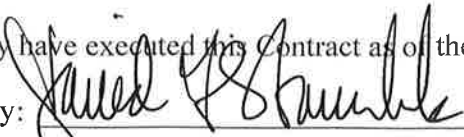
10. Any disputes arising under this Contract, not within the jurisdiction of the Michigan Liquor Control Commission, shall be settled either by commencement of a suit in Oakland County Circuit Court or by compulsory arbitration, at the election of the City. The Licensee shall notify the City of any dispute it has arising out of this Contract and shall demand that the City elect whether the dispute is to be resolved by submitting it to compulsory arbitration or by commencement of a suit in Oakland County Circuit Court. The City shall make its election in writing within thirty (30) days from the receipt of such notice. If the City elects to have the dispute resolved by compulsory arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan, with each of the parties appointing one arbitrator and the two thus appointed appointing a third. In the event the City fails to make such an election, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court.

11. This Contract shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan.

12. If any provision of this contract is declared invalid, illegal or unenforceable, such provision shall be severed from this contract and all other provisions shall remain in full force and effect.

13. This Contract shall be binding upon and apply and inure to the benefit of the parties hereto and their respective successors or assigns. The covenants, conditions, and the agreements herein contained are hereby declared binding on the CITY OF BIRMINGHAM and Licensee. It is further agreed that there shall be no change, modification, or alteration hereof, except in writing, signed by both of the parties hereto. Neither party shall assign any of the rights under this contract without prior approval, in writing, of the other. Any attempt at assignment without prior written consent shall be void and of no effect.

IN WITNESS WHEREOF, the parties hereby have executed this Contract as of the date set forth above.

By: 
Its: Dave Stanchak, President

Date: 2.24.21

CITY OF BIRMINGHAM

By: _____
, Mayor

Date: _____

By: _____
, Clerk

Date: _____



Notice Signs - Rental Application Community Development

1. Applicant

Name: RHF&B Michigan, LLC
Address: 15 Koch Road
Corte Madera, CA 94925
Phone Number: (415) 936-9642
Fax Number: N/A
Email address: ds@rh.com

Property Owner

Name: See attached Consent Form for each of the 3 property owners
Address: See Consent Form
Phone Number: See Consent Form
Fax Number: N/A
Email address: See Consent Form

2. Project Information

Address/Location of Property: 300-394 S. Old Woodward Ave.
Name of Development: RH Birmingham
Area in Acres: .46 acres

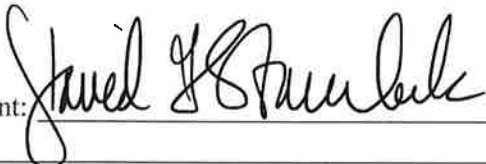
Name of Historic District site is in, if any: Not in any historic district
Current Use: Retail and Office
Current Zoning: D-3

3. Date of Board Review


Board of Building Trades Appeals: N/A
City Commission: TBD
Historic District Commission: N/A
Planning Board: 03/24/21

Board of Zoning Appeals: 300-394 S. Old Woodward Ave.
Design Review Board: N/A
Housing Board of Appeals: N/A

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant: 

Date: 2.24.21

Office Use Only		
Application #: <u>PSLU21-0003</u>	Date Received: <u>3/4/21</u>	Fee: <u></u>
Date of Approval: _____	Date of Denial: _____	Reviewed by: _____

RH

MORNINGS

- RH SCRAMBLE* Farm Eggs, Crème Fraîche, Avocado, Chives **20**
Add: Summer Truffles 15
- THICK CUT PORK BELLY BACON Maple Glazed, Black Pepper **12**
- AVOCADO TOAST* Charred Sourdough, Della Terra Aged Balsamic, Farm Egg **20**
- SMOKED SALMON* Cucumber, Pickled Onion, Fresh Cheese, Charred Sourdough **28**

FOR THE TABLE

- ARTISANAL PROSCIUTTO* Seasonal Fruit, Warm Baguette **24**
- DÉLICE DE BOURGOGNE CHEESE Strawberry Preserves, Warm Baguette **19**
- PROSCIUTTO AND DÉLICE BOARD* Seasonal Fruit, Strawberry Preserves, Warm Baguette **43**
- SHRIMP COCKTAIL Lemon, Dijonnaise, Cocktail Sauce **25**
- CRISPY ARTICHOKE* Potato, Rosemary, Aioli, Lemon **19**
- BURRATA Roasted Peppers, Della Terra Aged Balsamic, Basil, Charred Sourdough **23**

SALADS

- GEM LETTUCE Radish, Feta, Avocado, Buttermilk Herb Dressing **18**
- ARUGULA Fennel, Grapes, Sunflower Seeds, Parmigiano-Reggiano, Citrus Vinaigrette **18**
- SHAVED VEGETABLES Baby Greens, Pecans, Cider Vinaigrette **19**
- CAESAR* Romaine, Parmigiano-Reggiano, Sourdough Croutons **18**
Add: Chicken 9, Shrimp 13, Lobster 24, Salmon* 16, Avocado 4*

ENTRÉES

Served à la carte

- RH BURGER* Sharp American, Pickles, Onion, Dijonnaise **20**
Add: Avocado 4, Thick Cut Pork Belly Bacon 6
- SHAVED RIBEYE ON CHARRED GARLIC BREAD* Emmentaler Swiss, Cherry Peppers, Au Jus **28**
- TRUFFLED GRILLED CHEESE Artisan Sourdough **20**
- LOBSTER ROLL Drawn Butter, Mayonnaise, Old Bay **30**
- BROILED SALMON* Honey, Black Pepper, Brown Butter, Lemon **32**
- ROASTED HALF CHICKEN* Garlic Confit, Potato Purée, Natural Jus **34**
- 16OZ CHARRED RIBEYE STEAK* Prime Beef, Steak Salt **59**

SIDES

- FRENCH FRIES Garlic Aioli **10**
- TRUFFLED FRIES* Black Truffles, Parmigiano-Reggiano, Parsley, Truffle Aioli **18**
- SIMPLE GREEN SALAD Radish, Citrus Vinaigrette **9**
- POTATO PURÉE Yukon Gold Potatoes, Butter **9**
- CHARRED HEIRLOOM BROCCOLINI Lemon, Garlic Confit, Calabrian Chili **12**
- WILD MUSHROOMS Garlic, Thyme, Sherry Vinegar **12**

Items can be cooked to order. Please let us know if you have any allergies or dietary restrictions as not all ingredients are listed.
*Consuming raw or undercooked foods such as meats, poultry, seafood, shellfish, or eggs may increase risk of foodborne illness.
Individuals with certain underlying health conditions may be at higher risk.

RH BELLINI

Prosecco, Peach Purée 15

RH MIMOSA

Prosecco, Fresh Squeezed Orange Juice 15

WINE BY THE GLASS**SPARKLING**

BISOL Prosecco, Valdobbiadene, Italy 14 / 56

JUVÉ Y CAMPS Cava, Reserva de la Familia, Penedès, Spain 17 / 68

NICOLAS FEUILLATTE Brut Rosé, Champagne, France 35 / 140

DOMAINE CHANDON Brut, Étoile, Carneros, California 25 / 100

PIERRE SPARR Brut Rosé, Crémant d'Alsace, France 16 / 64

SCHRAMSBERG Brut Rosé, North Coast, California 22 / 88

ROEDERER ESTATE Brut Rosé, Mendocino, California 20 / 80

PIERRE GIMONNET Brut, Cuis 1er Cru, Champagne, France 30 / 120

PERRIER JOUËT Grand Brut, Champagne, France 35 / 140

VEUVE CLICQUOT Brut, Yellow Label, Champagne, France 32 / 128

WHITE

J&H SELBACH Riesling Kabinett, Mosel, Germany 18 / 72

SCARPETTA Pinot Grigio, Friuli, Italy 14 / 56

A TO Z Pinot Gris, Oregon 16 / 64

ALLAN SCOTT Sauvignon Blanc, Marlborough, New Zealand 15 / 60

MICHEL REDDE Sauvignon Blanc, Sancerre, France 25 / 100

TWOMEY Sauvignon Blanc, Napa Valley, California 20 / 80

DOMAINE FERRET Chardonnay, Pouilly-Fuissé, Burgundy, France 33 / 132

AERENA Chardonnay, Sonoma, California 17 / 68

CHATEAU MONTELENA Chardonnay, Napa Valley, California 35 / 140

HARTFORD COURT Chardonnay, Russian River Valley, Sonoma, California 20 / 80

WINE BY THE BOTTLE**SPARKLING & WHITE**

CHARLES HEIDSIECK Blanc des Millénaires, Champagne, France 2006 300

DOM PÉRIGNON Champagne, France 2010 320

DOMAINE LAROCHE Chardonnay, Les Blanchots, Chablis Grand Cru, France 2018 250

SONOMA-CUTRER Chardonnay, Les Pierres, Sonoma, California 2017 125

CAKEBREAD CELLARS Chardonnay, Reserve, Carneros, California 2018 155

PINOT NOIR

MAISON CHAMPY Le Rognet, Corton Grand Cru, Burgundy France 2016 280

GARY FARRELL Hallberg Vineyard, Russian River Valley, California 2017 140

PATZ & HALL Gap's Crown Vineyard, Sonoma Coast, California 2016 150

ZENA CROWN VINEYARD Slope, Eola-Amity Hills, Willamette Valley, Oregon 2016 160

KOSTA BROWNE Sonoma Coast, California 2019 210

ROSÉ

MIRAVAL Studio, Méditerranée, France 16 / 64

PUECH-HAUT Argali, Languedoc, France 18 / 72

CHÂTEAU D'ESCLANS Whispering Angel, Côtes de Provence, France 20 / 80

ESPRIT GASSIER Côtes de Provence, France 22 / 88

LA SPINETTA II Rosé di Casanova, Tuscany, Italy 14 / 56

DAOU Discovery Collection, Paso Robles, California 17 / 68

SCRIBE Pinot Noir, Sonoma, California 20 / 80

BLACKBIRD VINEYARDS Arriviste, Napa Valley, California 15 / 60

DOMAINES OTT Château Romassan, Bandol, France 30 / 120

CHÂTEAU D'AQUERIA Tavel, France 19 / 76

RED

LIOCO Pinot Noir, Mendocino County, California 17 / 68

GROS VENTRE CELLARS Pinot Noir, North Coast, California 22 / 88

BOUCHARD Pinot Noir, Beaune du Château 1er Cru, Burgundy, France 30 / 120

CATENA Malbec, Vista Flores, Mendoza, Argentina 15 / 60

ANTINORI Cabernet Sauvignon Blend, Il Bruciato, Tuscany, Italy 23 / 92

MARQUÉS DE CÁCERES Tempranillo, Reserva, Rioja, Spain 16 / 64

HOURGLASS Proprietary Blend, HGill, Napa Valley, California 20 / 80

SILVER OAK Cabernet Sauvignon, Alexander Valley, California 37 / 148

DUCKHORN Cabernet Sauvignon, Napa Valley, California 32 / 128

CAYMUS-SUISUN Petite Sirah, Grand Durif, Suisun Valley, California 25 / 100

RED VARIETALS

CHÂTEAU DE NALYS Grand Vin, Châteauneuf-du-Pape, France 2016 195

MICHELE CHIARLO Cerequio, Barolo, Italy 2016 250

MARCHESE ANTINORI Tignanello, Tuscany, Italy 2017 280

CHÂTEAU RAUZAN-SÉGLA Grand Cru Classé, Margaux, France 2017 390

PENFOLDS Shiraz, RWT Bin 798, Barossa Valley, Australia 2017 295

CABERNET SAUVIGNON

LAIL VINEYARDS Blueprint, Napa Valley, California 2018 180

THE MASCOT Napa Valley, California 2015 240

CAYMUS VINEYARDS Special Selection, Napa Valley, California 2016 350

SPOTTSWOOD St. Helena, Napa Valley, California 2017 395

SHAFFER Hillside Select, Stags Leap District, Napa Valley, California 2017 475

COFFEE

Drip 4

Espresso 4

Cortado 4.50

Cappuccino 5.50

Latte 7

Hot Chocolate 5

Cold Brew 6

TEA

Chai Latte 7

Matcha Latte 7

RH Breakfast 6

Lord Bergamot 6

Jasmine / Silver Tip 6

Meadow Chamomile 6

Peppermint Leaves 6

Unsweetened Iced Tea 4.50

JUICES & SODAS

Fresh Squeezed Lemonade 6

Fresh Squeezed Orange Juice 6

Coke 5

Diet Coke 5

Fentimans Rose Lemonade 7

Fentimans Ginger Beer 7

BEER

Stella Artois Belgian Pilsner 8

Kona Big Wave Golden Ale 8

Goose Island 312 Urban Wheat Ale 8

Elysian Space Dust IPA 8

RH

FOR THE TABLE

- ARTISANAL PROSCIUTTO* Seasonal Fruit, Warm Baguette **24**
- DÉLICE DE BOURGOGNE CHEESE Strawberry Preserves, Warm Baguette **19**
- PROSCIUTTO AND DÉLICE BOARD* Seasonal Fruit, Strawberry Preserves, Warm Baguette **43**
- SHRIMP COCKTAIL Lemon, Dijonnaise, Cocktail Sauce **25**
- CRISPY ARTICHOKE* Potato, Rosemary, Aioli, Lemon **19**
- BURRATA Roasted Peppers, Della Terra Aged Balsamic, Basil, Charred Sourdough **23**

SALADS

- GEM LETTUCE Radish, Feta, Avocado, Buttermilk Herb Dressing **18**
- ARUGULA Fennel, Grapes, Sunflower Seeds, Parmigiano-Reggiano, Citrus Vinaigrette **18**
- SHAVED VEGETABLES Baby Greens, Pecans, Cider Vinaigrette **19**
- CAESAR* Romaine, Parmigiano-Reggiano, Sourdough Croutons **18**

ENTRÉES

Served à la carte

- RH BURGER* Sharp American, Pickles, Onion, Dijonnaise **20**
Add: Avocado 4, Thick Cut Pork Belly Bacon 6
- SHAVED RIBEYE ON CHARRED GARLIC BREAD* Emmentaler Swiss, Cherry Peppers, Au Jus **28**
- LOBSTER ROLL Drawn Butter, Mayonnaise, Old Bay **30**
- BROILED SALMON* Honey, Black Pepper, Brown Butter, Lemon **32**
- ROASTED HALF CHICKEN* Garlic Confit, Potato Purée, Natural Jus **34**
- 16OZ CHARRED RIBEYE STEAK* Prime Beef, Steak Salt **59**

SIDES

- FRENCH FRIES Garlic Aioli **10**
- TRUFFLED FRIES* Black Truffles, Parmigiano-Reggiano, Parsley, Truffle Aioli **18**
- SIMPLE GREEN SALAD Radish, Citrus Vinaigrette **9**
- POTATO PURÉE Yukon Gold Potatoes, Butter **9**
- CHARRED HEIRLOOM BROCCOLINI Lemon, Garlic Confit, Calabrian Chili **12**
- WILD MUSHROOMS Garlic, Thyme, Sherry Vinegar **12**

Items can be cooked to order. Please let us know if you have any allergies or dietary restrictions as not all ingredients are listed.
*Consuming raw or undercooked foods such as meats, poultry, seafood, shellfish, or eggs may increase risk of foodborne illness.
Individuals with certain underlying health conditions may be at higher risk.

RH BELLINI

Prosecco, Peach Purée 15

RH MIMOSA

Prosecco, Fresh Squeezed Orange Juice 15

WINE BY THE GLASS**SPARKLING**

BISOL Prosecco, Valdobbiadene, Italy 14 / 56

JUVÉ Y CAMPS Cava, Reserva de la Familia, Penedès, Spain 17 / 68

NICOLAS FEUILLATTE Brut Rosé, Champagne, France 35 / 140

DOMAINE CHANDON Brut, Étoile, Carneros, California 25 / 100

PIERRE SPARR Brut Rosé, Crémant d'Alsace, France 16 / 64

SCHRAMSBERG Brut Rosé, North Coast, California 22 / 88

ROEDERER ESTATE Brut Rosé, Mendocino, California 20 / 80

PIERRE GIMONNET Brut, Cuis 1er Cru, Champagne, France 30 / 120

PERRIER JOUËT Grand Brut, Champagne, France 35 / 140

VEUVE CLICQUOT Brut, Yellow Label, Champagne, France 32 / 128

WHITE

J&H SELBACH Riesling Kabinett, Mosel, Germany 18 / 72

SCARPETTA Pinot Grigio, Friuli, Italy 14 / 56

A TO Z Pinot Gris, Oregon 16 / 64

ALLAN SCOTT Sauvignon Blanc, Marlborough, New Zealand 15 / 60

MICHEL REDDE Sauvignon Blanc, Sancerre, France 25 / 100

TWOMEY Sauvignon Blanc, Napa Valley, California 20 / 80

DOMAINE FERRET Chardonnay, Pouilly-Fuissé, Burgundy, France 33 / 132

AERENA Chardonnay, Sonoma, California 17 / 68

CHATEAU MONTELENA Chardonnay, Napa Valley, California 35 / 140

HARTFORD COURT Chardonnay, Russian River Valley, Sonoma, California 20 / 80

WINE BY THE BOTTLE**SPARKLING & WHITE**

CHARLES HEIDSIECK Blanc des Millénaires, Champagne, France 2006 300

DOM PÉRIGNON Champagne, France 2010 320

DOMAINE LAROCHE Chardonnay, Les Blanchots, Chablis Grand Cru, France 2018 250

SONOMA-CUTRER Chardonnay, Les Pierres, Sonoma, California 2017 125

CAKEBREAD CELLARS Chardonnay, Reserve, Carneros, California 2018 155

PINOT NOIR

MAISON CHAMPY Le Rognet, Corton Grand Cru, Burgundy France 2016 280

GARY FARRELL Hallberg Vineyard, Russian River Valley, California 2017 140

PATZ & HALL Gap's Crown Vineyard, Sonoma Coast, California 2016 150

ZENA CROWN VINEYARD Slope, Eola-Amity Hills, Willamette Valley, Oregon 2016 160

KOSTA BROWNE Sonoma Coast, California 2019 210

ROSÉ

MIRAVAL Studio, Méditerranée, France 16 / 64

PUECH-HAUT Argali, Languedoc, France 18 / 72

CHÂTEAU D'ESCLANS Whispering Angel, Côtes de Provence, France 20 / 80

ESPRIT GASSIER Côtes de Provence, France 22 / 88

LA SPINETTA II Rosé di Casanova, Tuscany, Italy 14 / 56

DAOU Discovery Collection, Paso Robles, California 17 / 68

SCRIBE Pinot Noir, Sonoma, California 20 / 80

BLACKBIRD VINEYARDS Arriviste, Napa Valley, California 15 / 60

DOMAINES OTT Château Romassan, Bandol, France 30 / 120

CHÂTEAU D'AQUERIA Tavel, France 19 / 76

RED

LIOCO Pinot Noir, Mendocino County, California 17 / 68

GROS VENTRE CELLARS Pinot Noir, North Coast, California 22 / 88

BOUCHARD Pinot Noir, Beaune du Château 1er Cru, Burgundy, France 30 / 120

CATENA Malbec, Vista Flores, Mendoza, Argentina 15 / 60

ANTINORI Cabernet Sauvignon Blend, Il Bruciato, Tuscany, Italy 23 / 92

MARQUÉS DE CÁCERES Tempranillo, Reserva, Rioja, Spain 16 / 64

HOURGLASS Proprietary Blend, HGill, Napa Valley, California 20 / 80

SILVER OAK Cabernet Sauvignon, Alexander Valley, California 37 / 148

DUCKHORN Cabernet Sauvignon, Napa Valley, California 32 / 128

CAYMUS-SUISUN Petite Sirah, Grand Durif, Suisun Valley, California 25 / 100

RED VARIETALS

CHÂTEAU DE NALYS Grand Vin, Châteauneuf-du-Pape, France 2016 195

MICHELE CHIARLO Cerequio, Barolo, Italy 2016 250

MARCHESE ANTINORI Tignanello, Tuscany, Italy 2017 280

CHÂTEAU RAUZAN-SÉGLA Grand Cru Classé, Margaux, France 2017 390

PENFOLDS Shiraz, RWT Bin 798, Barossa Valley, Australia 2017 295

CABERNET SAUVIGNON

LAIL VINEYARDS Blueprint, Napa Valley, California 2018 180

THE MASCOT Napa Valley, California 2015 240

CAYMUS VINEYARDS Special Selection, Napa Valley, California 2016 350

SPOTTSWOOD St. Helena, Napa Valley, California 2017 395

SHAFFER Hillside Select, Stags Leap District, Napa Valley, California 2017 475

COFFEE

Drip 4

Espresso 4

Cortado 4.50

Cappuccino 5.50

Latte 7

Hot Chocolate 5

Cold Brew 6

TEA

Chai Latte 7

Matcha Latte 7

RH Breakfast 6

Lord Bergamot 6

Jasmine / Silver Tip 6

Meadow Chamomile 6

Peppermint Leaves 6

Unsweetened Iced Tea 4.50

JUICES & SODAS

Fresh Squeezed Lemonade 6

Fresh Squeezed Orange Juice 6

Coke 5

Diet Coke 5

Fentimans Rose Lemonade 7

Fentimans Ginger Beer 7

BEER

Stella Artois Belgian Pilsner 8

Kona Big Wave Golden Ale 8

Goose Island 312 Urban Wheat Ale 8

Elysian Space Dust IPA 8



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February 24, 2021

Richard D. Rattner
rdr@wwrplaw.com

City Commission
Planning Board
City of Birmingham
151 Martin Street
Birmingham, MI 48009
Attn: Thomas Markus and Jana Ecker

Re: *Special Land Use Permit Application – Economic Development License (“SLUP-EDL”) for 300 and 394 S. Old Woodward and a portion of 294 E. Brown Street, Birmingham, Michigan (“Subject Property”) submitted by RHFBFB, LLC (“RH” or “Applicant”) and Special Land Use Permit for B2 on-premises consumption of alcoholic beverages for the Subject Property (“SLUP-B2”) submitted by Applicant (the SLUP-EDL and SLUP-B2 are sometimes referred to as the “Applications”)*

Dear Commissioners and Members of the Planning Board:

This letter accompanies the two Applications of the RHFB, LLC for a Special Land Use Permit - Economic Development License and Special Land Use Permit for B2 to operate an establishment with a liquor license to be obtained by Economic Development License in the B2/D4 district. The Applicant is requesting to transfer a liquor license (“License”) into the City pursuant to the Birmingham Code of Ordinances, Section 10-42 and Section 10-62.

This SLUP will allow the exciting new, unique mixed-use RH retail store to have a fourth-floor restaurant with alcoholic beverage sales for on premises consumption. The new RH store will include the first three floors of retail galleries and a top floor restaurant. It will attract Birmingham residents and will be a destination for visitors to the South Old Woodward area of the central business district (“CBD”), consistent with the 2016 Plan for Birmingham. The application for SLUP and all site plan requirements relevant to this presentation are submitted with this letter.

The following outline demonstrates that this new RH gallery store and restaurant fulfills all ordinance and planning requirements for a Special Land Use Permit for an Economic Development Liquor License, as well as the requirements to transfer a license into the city, plus the general requirements for a Special Land Use Permit in the B2 zone.

I. Requirements for Special Land Use Permit (Section 126, Article 7, Section 7.36(A)(1-6).

A. 7.336(A)(1). “The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.”

A review of the Applicant’s project clearly demonstrates that this newly proposed RH mixed-use gallery retail store and restaurant is consistent with and will promote the intent and purpose of the Zoning Ordinance.

First, with respect to the zoning district, the subject property is zoned B-2, General Business, and the Applicant has applied for a zoning change from D-3 to D-4 in the Downtown Overlay District in order to include a fourth-floor restaurant. The RH stand-alone retail store will be a new four-story structure located on the southwest corner of Brown Street and South Old Woodward Avenue, similar in mass and scale to the Daxton Hotel immediately to the north. The B-2 District specifically permits “alcoholic beverage sales with on premises consumption” pursuant to a special use permit.

Second, Section 7.36(A)(1) provides that a Special Land Use Permit shall be consistent with the “. . . intent and purpose . . .” of the zoning ordinance. The intent and purpose of the zoning ordinance of the City of Birmingham as set forth at Article 1, Section 1.04 of the Zoning Ordinance, is to “. . . guide the growth and development of the City in accordance with the goals, objectives and strategies stated within the Birmingham Master Plan and Downtown Birmingham 2016 Plan.”

1. Intent and goals of the Downtown Birmingham 2016 Plan (“2016 Plan”).

This area of the CBD is identified in the 2016 Plan as the “Retail 1” area and is discussed at pages 26-27 of the 2016 Plan (attached for your reference). The RH store/restaurant also is consistent with all the relevant recommendations and fits every one of the relevant bullet points set forth in the “Downtown Birmingham Vision Statement” discussed at page 181 of the 2016 Plan (attached for your reference).

a. Relevant recommendations of the 2016 Plan for the “Retail 1” South Woodward CBD.

- i. The first bullet point recommendation set forth at page 26 of the 2016 Plan, recommends that the City “enlarge the CBD shopping district area by merging it with the South Woodward... [area].”**

The new RH, with its first three floors of retail and fourth floor restaurant, will bring

significant patronage to the southern point of the CBD and will serve as a destination for residents and visitors to the City, helping to extend the CBD and pedestrian traffic south of Brown Street along South Old Woodward area.

- ii. The second relevant bullet point recommends that the City “connect all areas to each other by reducing apparent and actual physical barriers, by connecting discontinuous retail frontages, and, in some cases, by installing the recommended streetscape and signage improvements.”

The subject site consists of a single-story office building housing Lutz Capital, a surface parking lot, and the mostly single-story buildings housing Frank’s Shoe Repair and Roche Bobois. These buildings and surface lot were barriers to street-level retail and failed to inspire a pedestrian-friendly activated sidewalk, leaving a pedestrian “dead zone” south of Brown on S. Old Woodward. The new RH and its amenities will combine these frontages into one attractive, pedestrian-friendly structure with street-level retail galleries and a fourth-floor restaurant. The RH restaurant will provide the enjoyable experience of rooftop dining plus offer residents and visitors the unique experience of strolling through design galleries with one’s beverage of choice. The new RH is designed to fully comply with the standards of the B2 zone and Downtown Overlay District.

The presence of RH south of Brown Street will extend the CBD past Brown. The project is consistent with both goals for the Retail 1 area under the 2016 Plan. The RH retail store and restaurant will add economic vitality to the South Old Woodward corridor by serving residents and visitors as a retail destination. There are few eating establishments in this area of the City, as well, and the RH will include the welcome addition of a unique top floor eating establishment. These uses encourage pedestrian traffic, activate the sidewalk, and help to extend and connect the CBD with the South Woodward neighborhood. There is no other business in the CBD like the RH. The last time Birmingham enjoyed this type of retail development was during the days of Jacobson’s department store. RH’s Application encourages redevelopment of the southern CBD, south of Brown Street along the South Woodward corridor area while at the same time satisfies the planning amenities envisioned in the 2016 Plan.

- b. “The Downtown Birmingham Vision Statement” in the 2016 Plan.”

At Page 181 of the 2016 Plan (attached), 17 bullet points are identified as being a summary of the vision for downtown Birmingham. Again, the RH development has the advantage of being consistent with all the relevant bullet points presented in that 2016 Plan.

- i. “Ensure the economic viability of downtown business community.”

The development of the RH store/restaurant at this location continues the revitalization of

economic activity along South Old Woodward past Brown Street. It increases the availability of large shopping venues and restaurant experiences in this part of Downtown, providing amenities to residents and attracting visitors and to Downtown and the South Old Woodward corridor. RH's first floor retail space and sidewalk redesign – in accord with the South Old Woodward reconstruction plan --will extend the walkability of the CBD and provide pedestrian destinations south of Brown Street. A retail establishment the caliber of RH in a walkable cosmopolitan community, with its unique shopping experience of strolling through design galleries with a glass of wine or beverage of choice, cannot be executed without a liquor license.

Furthermore, there is no alternative to Downtown Birmingham for RH in southeastern Michigan for one of its flagship retail stores. RH understands the effects internet shopping has had on large shopping malls. It is transitioning from that uncertain business model to the development of stand-alone stores, with an attractive offering of a unique shopping and dining experience. Downtown Birmingham is a perfect fit for one of RH's select locations. It cannot offer the high-level experience associated with RH, however, without a liquor license and food/beverage service on premises. Birmingham historically has been known as a Downtown shopping destination. The Applicant's new four-story RH promotes and helps grow Downtown Birmingham as a shopping destination.

- ii. "New development should be designed for safety, comfort, convenience and enjoyment of pedestrians, rather than vehicular traffic."

The RH store/restaurant provides a unique experience for both Birmingham residents and visitors of Birmingham alike. The proposed plan includes an underground parking garage for customers and employees, although the Applicant anticipates use of the nearby Pierce Street garage. The building, primarily retail with a fourth-floor restaurant facility is designed to appeal to pedestrians walking from the CBD towards South Woodward. The RH can be accessed by pedestrians without use of a car. All the residents living in or near the south area of the CBD, including residents across Old Woodward at Birmingham Place and the 555 building, as well as across Daines Street at the Forefront and any other nearby residents, will be able to walk to the RH. This pedestrian-friendly location and use is particularly appropriate for the City of Birmingham and the "treasured heritage" of the City as a walkable community. The new, unique and attractive retail space and rooftop restaurant will extend the CBD and support the CBD as an integral part in the lives of Birmingham residents.

The streetscape design includes widened sidewalks with trees and raised planters, placed to enhance the pedestrian experience, as well as pedestrian-level lighting and hanging planters. The design also includes benches, receptacles, and bicycle racks to further encourage multi-modal traffic flow. The main entrance is welcoming and inviting to pedestrians, with large first floor windows and a canopied doorway at the corner of Brown and South Old Woodward.

- iii. “Strengthen the spatial and architectural character of the downtown area and ensure buildings are compatible, in mass and scale, with their immediate surroundings and the downtown’s traditional two- to four-story buildings.”

This new building is designed by the renowned Birmingham architecture firm, Saroki Architecture. The design meets the zoning criteria for the D-4 and Downtown Overlay Districts. The building is a 4-story mixed use building that is consistent with the mass and scale of the surrounding buildings and will complement the architecture of the Daxton Hotel and other buildings in Downtown. The subject site is currently occupied by a one-story office building, a surface parking lot, a shoe repair shop, and a boutique furniture store. The four-story RH building, with its mix of retail and restaurant uses, will significantly strengthen the architectural and spatial character of the current lot and structures.

- iv. “Ensure good land use transitions and structural compatibility in form and mass to the traditional, residential neighborhoods surrounding downtown.”

The location of the RH offers a unique opportunity for development which will be convenient to, and an amenity for, all the residents living in the residential single-family areas surrounding the CBD and South Woodward. One of the visions of the 2016 Plan is to extend the CBD into the South Woodward area to provide services needed by Birmingham residents, and the RH will provide a transition point which will extend the CBD beyond Brown Street into the South Woodward area. The RH is the continuation of such pedestrian-oriented development in this area, like the Daxton, and will bring more foot traffic south of Brown Street into the South Woodward area. The RH will offer these residents uses that will encourage increased social and retail activities in and around the southern area of the CBD.

- v. “Create and reinforce identifiable districts within the downtown to provide a sense of place and a variety of experiences.”

The redevelopment of the South Woodward retail area depends upon the development of new and exciting retail and restaurant uses. The redevelopment of the Subject Property works to increase the identifiability of the South Old Woodward corridor, as well as create and strengthen the Downtown as a shopping destination. Plus, RH will add a new and unique shopping and dining experience while extending the CBD the South Woodward retail area further to the south.

- vi. “Encourage a diverse mix of uses including retail, commercial, entertainment, cultural, civic, and especially residential.”

The RH is the epitome of a mixed-use retail space. It combines high-end, stand-alone retail with a unique top-floor restaurant, creating a unique strolling shopping experience and all built above underground parking in one building.

- vii. “Encourage first floor retail businesses, services, and other activities which are required for everyday living.”

The RH retail space will be located at street level through the third floor. The street level entrance is accessible from the sidewalk at the corner of Brown and Old Woodward, inviting pedestrians and creating the atmosphere and street activation encouraged by the 2016 Plan. The RH building will continue the ambiance of the northern part of the CBD and extend it south of Brown Street.

- viii. “Provide easily accessible, identifiable, and convenient parking in an amount to support downtown density and use.”

The proposed development is located within the Parking Assessment District, so no further on-site parking is required for commercial use. Nonetheless, the Applicant is in a unique position to offer easily accessible parking. The development includes an underground garage that will allow for approximately 30 cars. Further, RH desires to offer a valet service for customers, which will assist to ease any burden on parking. In addition, RH is exploring with the City the possibility of an arrangement for reserved parking spaces in the Pierce Street garage.

The foregoing is a discussion of several of the more relevant bullet points which are set forth in the Downtown Birmingham Vision Statement. As can be seen, the introduction of RH's restaurant (with alcoholic beverage consumption on premises) in this area complies with the 2016 Plan and its vision for Downtown Birmingham.

- B. 7.36(A)(2). “The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of the public services and facilities effected by the land use.”

As stated above, the mixed retail/restaurant uses of the RH store is compatible with adjacent uses of land and sets the stage for a more pedestrian-friendly and environmentally conscious streetscape south of Brown Street at the southern extension of the CBD. RH will not present any issues for added public services or facilities for the land use. All existing facilities and services in this area will easily serve the new building.

- C. 7.36(A)(3). “The use is consistent with public health, safety and welfare of the city.”

The use of an Economic Development liquor license for this exciting new mixed-use retail/restaurant development south of Brown Street is not only consistent with the health, safety and welfare of the community, but because of the services it provides, it is a benefit to the residents of this area and the City at large by adding a large retailer and a unique dining

establishment to the area where few restaurants are located. As stated above, the widened sidewalks, underground parking and proposed valet service are consistent with the health, safety and welfare of the residents of the City. The proposed RH development has been designed to result in no interference with traffic.

D. 7.36(A)(4). "The use is in compliance with all other requirements of the zoning ordinance."

The site plan and building plans presented demonstrate that the new RH building has been designed consistent with the standards of the Downtown Overlay and otherwise complies with the ordinances of the City of Birmingham, in addition to being clearly consistent with the 2016 Plan as set forth in this letter.

E. 7.36(A)(5). "The Use Will Not Be Injurious to the Surrounding Neighborhood."

There is no activity of RH which will be injurious to surrounding neighbors. In fact, this large retail space and top-floor restaurant, will be beneficial to its neighbors. This location is immediately adjacent to other commercial and office uses, including the Daxton Hotel directly to the north, the Forefront to the south, and Birmingham Place across the street. It offers a new retail concept to Downtown Birmingham, plus a new fourth-floor restaurant to which pedestrians can easily walk. It adds to the diversity of the uses in the neighborhood, which presently are dominated by offices, high rise multifamily, and single-story shops, with only two other restaurants south of Brown Street (former Triple Nickel and Phoenicia). Note that the Subject Property does not border on areas zoned single family residential.

F. 7.36(A)(6). "The RH establishment is not in violation of any State or Federal Statutes."

The RH and its restaurant are designed and will be operated in a manner which is intended to comply with all relevant laws and regulations of the local, state, and federal authorities.

II. Birmingham City Code

Two sections of the City Code are relevant to this SLUP proposal.

A. Sec. 10-61. - Request for transfer of license into city.

"Persons desiring to transfer a liquor license from outside the city limits into the city limits in excess of the city's quota licenses shall make an application to the city commission and pay the applicable theater liquor license transfer review fee as set forth in appendix A of

this Code. In addition to those items and conditions set forth in section 10-42¹, the application shall set forth in detail its proposed project, including, but not limited to”:

1. **10-61(1):** “Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.”

Applicant is proposing to transfer an existing license from outside the City of Birmingham under the City’s Economic Development license transfer Ordinance Section 10-62. The Applicant understands there are no quota licenses available to transfer to the Applicant available in the City.

With respect to escrow licenses, the following 6 liquor licenses are in escrow in Birmingham, but to the Applicant’s knowledge they are not available for purchase; they are controlled by landlords or are being transferred to future tenants of the buildings where they are held:

0261553 PEABODY OWNER, LLC
34965 Woodward Ave., Birmingham, MI 48009-0931

240015 WILLITS CO-LICENSE LLC / MITCHELL'S ENTERTAINMENT, INC.
115 Willits St., Birmingham, MI 48009-3317

238851 THE PALLADIUM OF BIRMINGHAM, LLC
201 Hamilton Row, Birmingham, MI 48009-3455

¹ Section 10-42:

1. **10-42(1):** “An applicant will be given consideration only if he proposes to provide and continues to provide for the service of meals to be consumed on the premises.” The RHFB will have a restaurant that will provide on-premises service to all its customers who desire it.
2. **10-42 (2):** “The location proposed, and methods of operation must not detrimentally and unreasonably impact nearby property owners, businesses and residents.” The location and methods of operation will benefit nearby property owners, businesses, and residents by increasing pedestrian traffic to the South Old Woodward area and extend the CBD south of Brown Street, plus it will provide residents with another unique shopping and dining experience that can be accessed without a car.
3. **10-42 (3):** “All applicable health and safety codes and ordinances, including zoning, must be met.” The Applicant plans to meet all safety codes and ordinances.
4. **10-42 (4):** “Applicants will be required to submit a detailed plan of proposed operation as part of their application for transfer, which shall include a plot plan of the site, a plan for any proposed change in exterior and interior design, lay-out of any proposed change to ancillary facilities and a general operational statements outlining the proposed manner in which the establishment will be operated, including a schedule of the hours of operation, crowd control plans, use of the facility, parking provisions and the estimated cost of any proposed improvements.” Please see the site plan submission made with this Application for Special Land Use Permit – Economic Development License.

233843 CRUSH, LLC /TRIPLE NICKEL
555 S. Old Woodward Ave., Birmingham, MI 48009-6658

0269104 ESSCO OF BIRMINGHAM, LLC
250-280 E. Merrill St., Birmingham, MI 48009

0270861 ESSCO OF BIRMINGHAM, LLC
210 S. Old Woodward, Ste. 100, Birmingham, MI 48009

2. **10-61(2):** “Proposed and/or existing site plan of the property, building floor plan and an operations floor plan.”

Please see the site plan submission made with this application for Special Land Use Permit – Economic Development License.

3. **10-61(3):** “An economic impact analysis.”

There is a significant positive economic impact on the City by the RH project. The City benefits economically by each of the following effects:

- i. Number of permanent new jobs created: 130 new, permanent positions will be created with the opening of the retail (50 employees) and restaurant operations (70 employees).
 - ii. Number of temporary construction and trade jobs: several hundred construction jobs are created by the project during the approximate two-year construction period.
 - iii. Almost all the construction and trade impact will be within 20 to 30 miles of the site.
 - iv. Total investment in the project: approximately \$25 Million Dollars.
 - v. Increase in assessed value for the City: the present assessed values of 300 and 394 S. Old Woodward together are approximately \$1.3 Million Dollars. The Applicant is planning to spend \$25 Million to develop the Subject Property; hence, the proposed project is a substantial economic development under either test set forth in Section 10-61 of the Ordinance.
4. **10-61(4):** “A copy of the special land use permit application and supporting documentation submitted by the applicant.”

Please see the Special Land Use application submitted with this letter.

5. **10-61(5):** "All documentation submitted to the MLCC requesting the transfer."

Applicant's MLCC application has been filed with the City Police Department.

6. **10-61(6):** "Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke or deny the non-renewal of said license and all other documentation setting forth the detail of the substantial economic development proposed by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created and other benefits to the city. The city deems projects resulting in a 500 percent increase in assessed value post-development over the pre-development assessed value or the parcel and/or projects with an investment of more than \$10,000,000.00, whichever is less, to be substantial. However, special circumstances may warrant flexibility on the minimum investment at the sole discretion of the city commission."

- a. Applicant has no identification and history pertaining to the license proposed to be transferred, and no complaints or other actions taken by any person or entity to suspend, revoke, deny or denial of renewal of said license.
- b. The applicant is investing approximately \$25 Million Dollars in the design, engineering, approval and construction of the interior (including kitchens) and exterior of this 50,750 square foot retail store and restaurant.
- c. Applicant expects to create approximately 130 permanent jobs, and approximately several hundred construction jobs at the site.

7. **10-61(7):** "Information detailing how the proposed operation will create or sustain development in the city consistent with the master plan."

See Section I of the Requirements for SLUP contained in this letter.

8. **10-61(8):** "Such other items deemed necessary by city administration."

The Applicant will provide further items deemed necessary by the City administration.

B. Sec. 10-62. - Application for transfer of liquor license into the city for economic development purposes.

“10-62(a) Selection criteria: In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in section 10-42², the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved”:

1. **10-62(1):** “The applicant's demonstrated ability to finance the proposed project.”

The Applicant is a publicly traded company, and the project is being financed internally.

2. **10-62(2):** “The applicant's track record with the City including responding to City and/or citizen concerns.”

RH and its developers commit to promptly and properly addressing the City's and citizen's concerns with all aspects of development. The Applicant intends to promptly respond to all the City and/or citizen concerns.

3. **10-62(3):** “Whether the applicant has an adequate site plan to handle the proposed liquor license activities.”

The attached site plan shows in detail that the restaurant facility is designed by restaurant professionals. There are adequate facilities, including parking, to handle vehicular outcomes of the business as well as the expected pedestrian traffic from the Birmingham residential clientele.

4. **10-62(4):** Whether the applicant has adequate health and sanitary facilities.

All the health and safety facilities at the premises will comply with local, state and federal laws.

5. **10-62(5):** “The establishment's location in relation to the determined interest in development.”

As set forth above, the development satisfies several goals of the City's 2016 Plan related to extension of the CBD further south along South Old Woodward. The Subject Property is presently in the D3 Overlay and Applicant is requesting a zoning change to D4. In either case, the Downtown Overlay encourages a three to four-story building at this site where presently there are single story buildings and a surface parking lot. The City has established in its master planning a determined interest in commercial development in the South Old Woodward corridor.

² Please see a discussion of the 10-42 requirements in Footnote 1.

6. **10-62(6)**: “The extent that cuisine offered by applicant is represented in the city.”

The unique concept of a large retail establishment with fourth floor dining, and the opportunity for strolling through the RH retail galleries with a beverage of choice, does not exist in the City of Birmingham and will be something new to the City.

7. **10-62(7)**: “The percentage of proceeds from the sale of food products as compared to the sale of alcoholic beverages.”

The Applicant predicts that food and beverage sales will be roughly equivalent, while the retail sales will far exceed the revenue generated by the restaurant.

8. **10-62(8)**: “Whether the applicant has outstanding obligation to the city (i.e. property taxes paid, utilities paid, etc.).”

The Applicant has not outstanding obligations to the City of Birmingham.

III. Conclusion

The foregoing sections of this letter have concentrated on the zoning ordinances, the Master Plan and 2016 Plan, and the ordinance requirements for Special Land Use Permits and the Economic Development License. This review clearly demonstrates that the RH’s proposed retail establishment and restaurant satisfy the requirements, guidelines, and goals established in the 2016 Plan and City ordinances. The location of the RH in the Retail 1 area, extending the CBD further south, makes this proposal especially attractive, since it will extend pedestrian interest and foot traffic into an area of the Downtown that presently is less activated than other CBD areas. In addition, it will greatly expand the retail and dining choices in the City, especially south of Brown Street, and offer the residents of Birmingham and visitors to the City a truly unique experience in all of Michigan, strengthening Birmingham as a retail destination.

Accordingly, the Applicant respectfully requests the Planning Board to favorably recommend this Application for Special Land Use Permit – Economic Development License to the City Commission, and the Special Land Use Permit for the B2 with the hope that the City Commission will grant the Applicant, RHFB, LLC, a Special Land Use Permit – Economic Development License.

City of Birmingham
February 24, 2021
Page 13

W|W|R|P

Should you have any further questions or comments regarding any of the above, please do not hesitate to call. With kind regards, I am,

Very truly yours,
WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.



Richard D. Rattner

RDR/cmc
Enclosure-SLUP Application

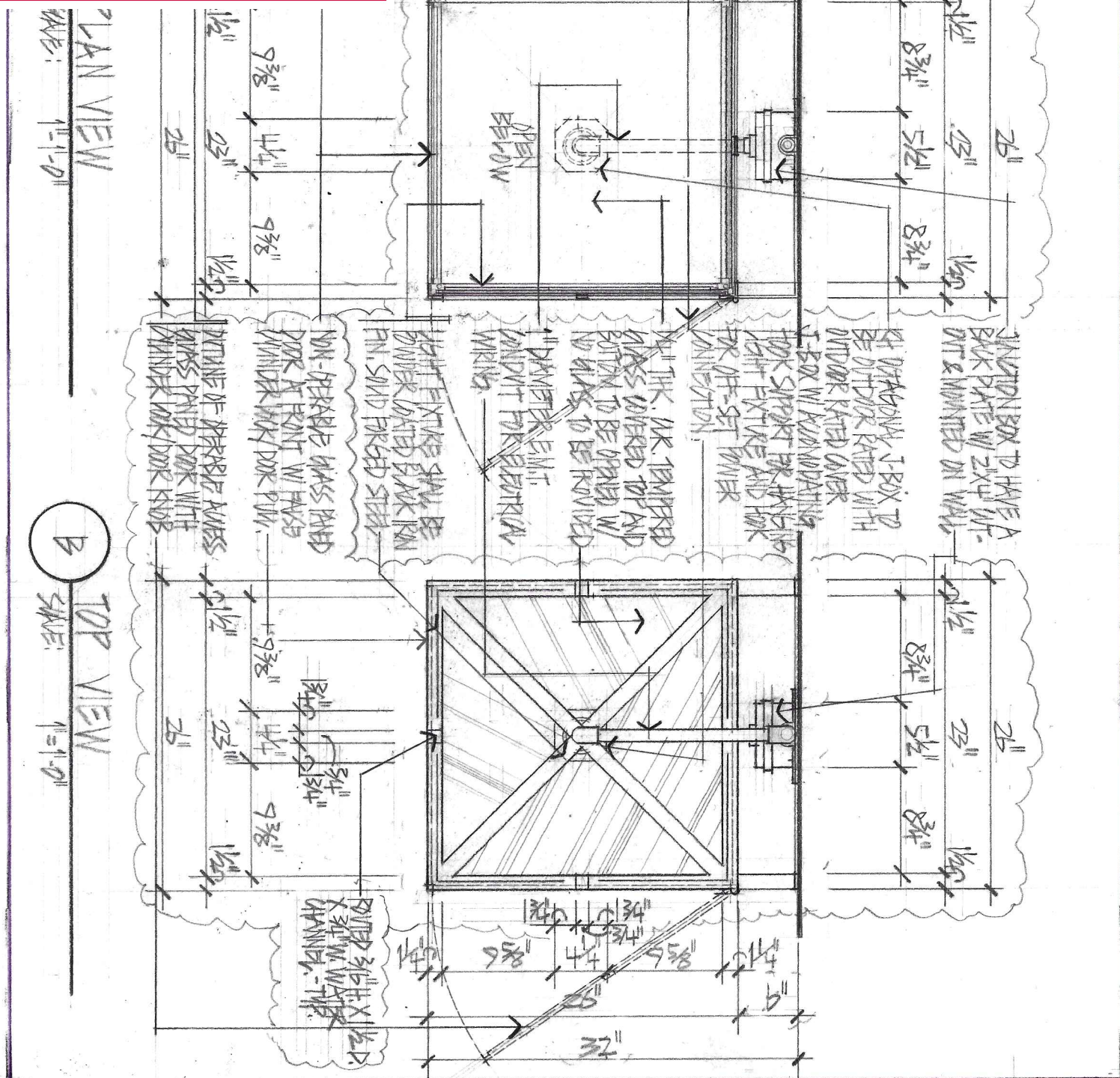
☒ APPROVED
 ☐ APPROVED WITH CHANGES NOTED
☐ REVISE AND RESUBMIT
 ☐ REJECTED

SUBMITTAL WAS REVIEWED FOR DESIGN CONFORMITY AND GENERAL CONFORMANCE TO CONTRACT DOCUMENTS ONLY. THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING AND CORRELATING DIMENSIONS AT JOB SITES FOR TOLERANCES, CLEARANCES, QUANTITIES, FABRICATION PROCESSES AND TECHNIQUES OF CONSTRUCTION, COORDINATION OF HIS WORK WITH OTHER TRADES AND FULL COMPLIANCE WITH THE CONTRACT DOCUMENTS.

BY **M. AVELLONE** DATE **01/13/21**

RH

15 KOCH RD.
CORTE MADERA, CA 94925



Δ REV: 04-03-17 / 10-20-20 / 11-30-20 / 12-14-20

DISPLAY FIXTURE

the flemming group

Project

R.HARDWARE FOR REWARD

Project No. IN FILE

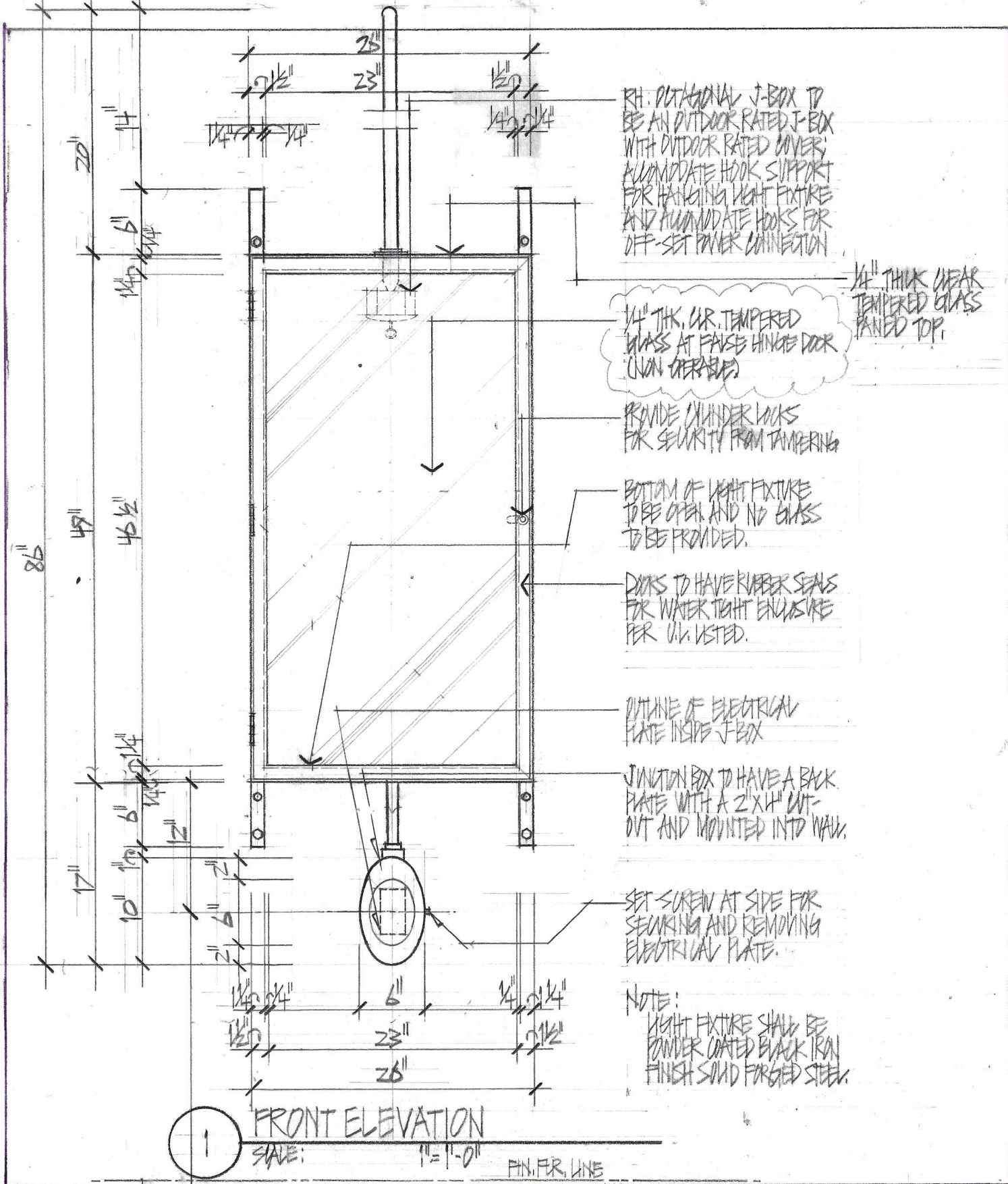
By JMM

Scale as noted

Drawing No.
SIT. NO. 1 OF 6

Approved

Date 03-27-19



FRONT ELEVATION

SCALE: 1" = 1'-0"

PIN, FER, LINE

△ REV: 04-03-19/04-04-19/10-20-20/11-30-20/12-16-20

Title DISPLAY FIXTURE	Project R. HARDWARE/ FOR RECORD	Project No. ON FILE
the flemming group	By BMB	Scale AS SHOWN
	Approved	Date 03-28-19
Drawing No. SH. NO. 2 OF 6		

1" DIAMETER E.M.T. CONDUIT
FOR ELECTRICAL WIRING

RH. OCTAGONAL J-BOX TO
BE AN OUTDOOR RATED J-BOX
WITH OUTDOOR RATED COVER
PROVIDE HOOK SUPPORT
FOR HANGING LIGHT FIXTURE
AND ACCOMMODATING HOOKS
FOR OFF-SET POWER
CONNECTIONS.

1/4" THK. CLEAR TEMPERED
GLASS PANELES AT FRONT,
SIDES AND BACK OF FIXTURE

1" WIDE FLAT METAL CROSS
DETAIL AT SIDES AND
TOP ONLY.

1/4" X 3/16" THK. MOUNTING
PLATE BRACKET AT WALL

JUNCTION BOX TO HAVE A
BACK PLATE W/ A 2" X 4"
CUT-OUT FOR ELECTRICAL
PLATE AND MOUNTED INTO WALL.

- NOTE:
- OVAL BOX AND OCTAGONAL
J-BOX MUST HAVE GROUNDING
SCREWS/MOUNT FOR
CONTINUITY OF GROUNDING
THROUGH THE FIXTURE (PER ILL)
 - ONLY TOP AND TWO SIDES
TO HAVE 1" W. FLAT MTL.
CROSS DETAILS.

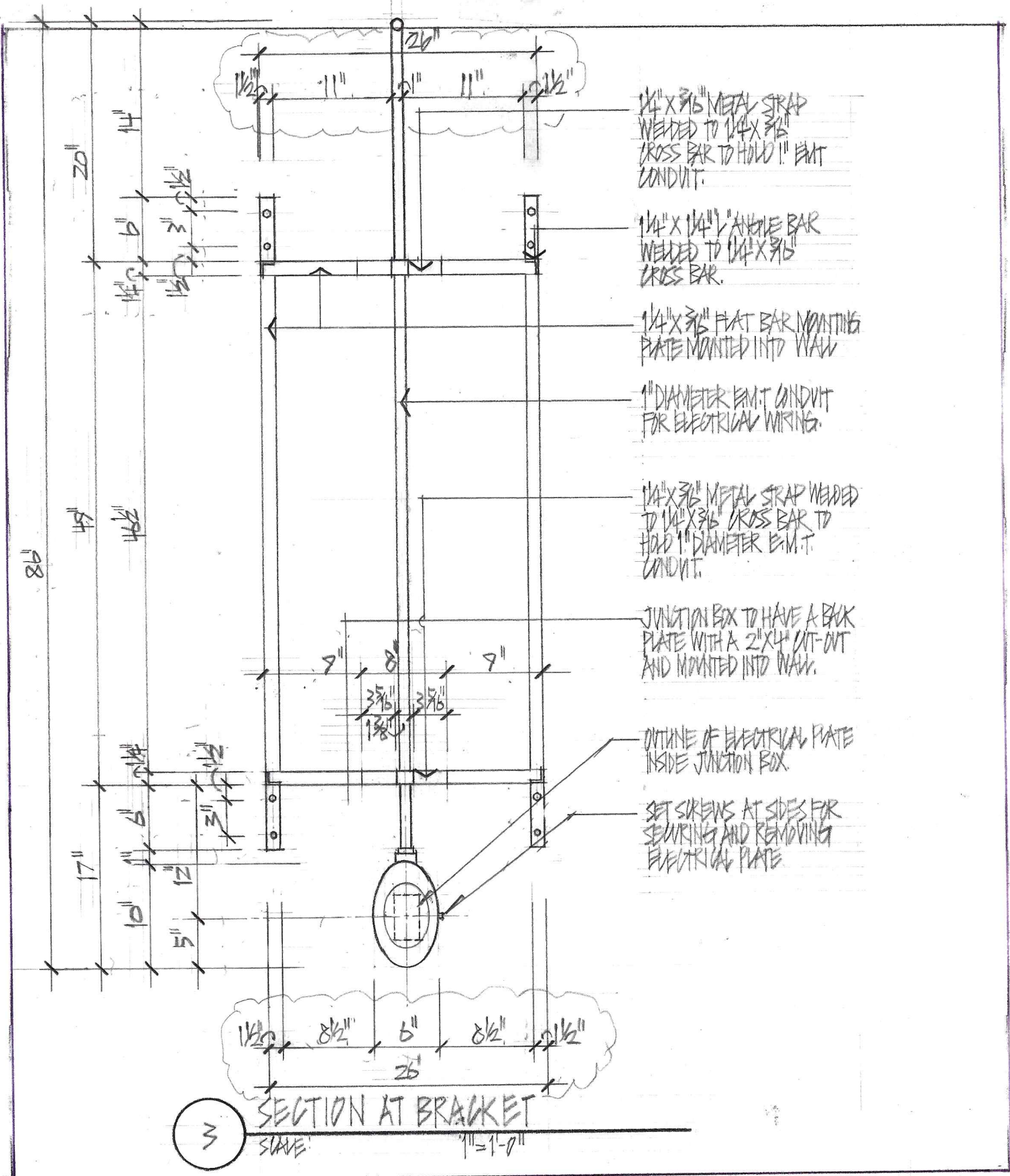
NOTE:

LEFT SIDE AND FRONT
PANELED PANELS TO BE
NON-OPERABLE; RIGHT
SIDE PANELED SHALL BE THE
OPERABLE ACCESS DOOR.

2 TYPICAL SIDE ELEVATION
SCALE: 1" = 1'-0"

△ REV: 04-03-19 / 04-04-19 / 11-30-20 / 12-16-20

Title DISPLAY FIXTURE	Project HARDWARE / FOR RECORD	Project No. ON FILE
the flemming group	By JMB	Scale AS SHOWN
	Approved	Date 03-27-19
Drawing No. SHT. NO. 3 OF 6		



△ REV: 04-03-19 / 04-04-19 / 11-30-20 / 12-16-20

DISPLAY FIXTURE

the flemming group

Project

R. HARDWARE / FOR REWARD

By

[Signature]

Approved

Scale

1/4" = 1'-0"

Date

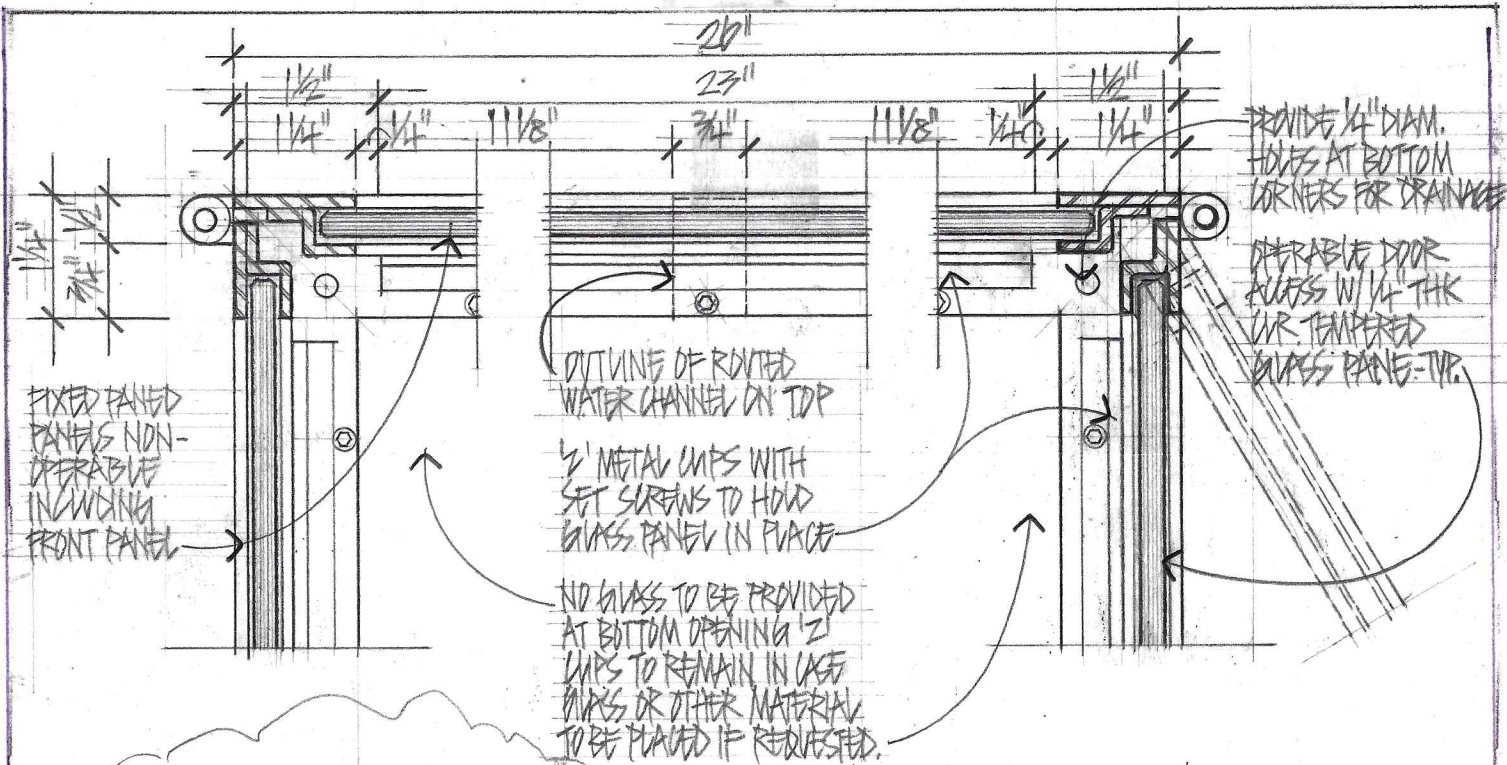
04-01-19

Project No.

ON FILE

Drawing No.

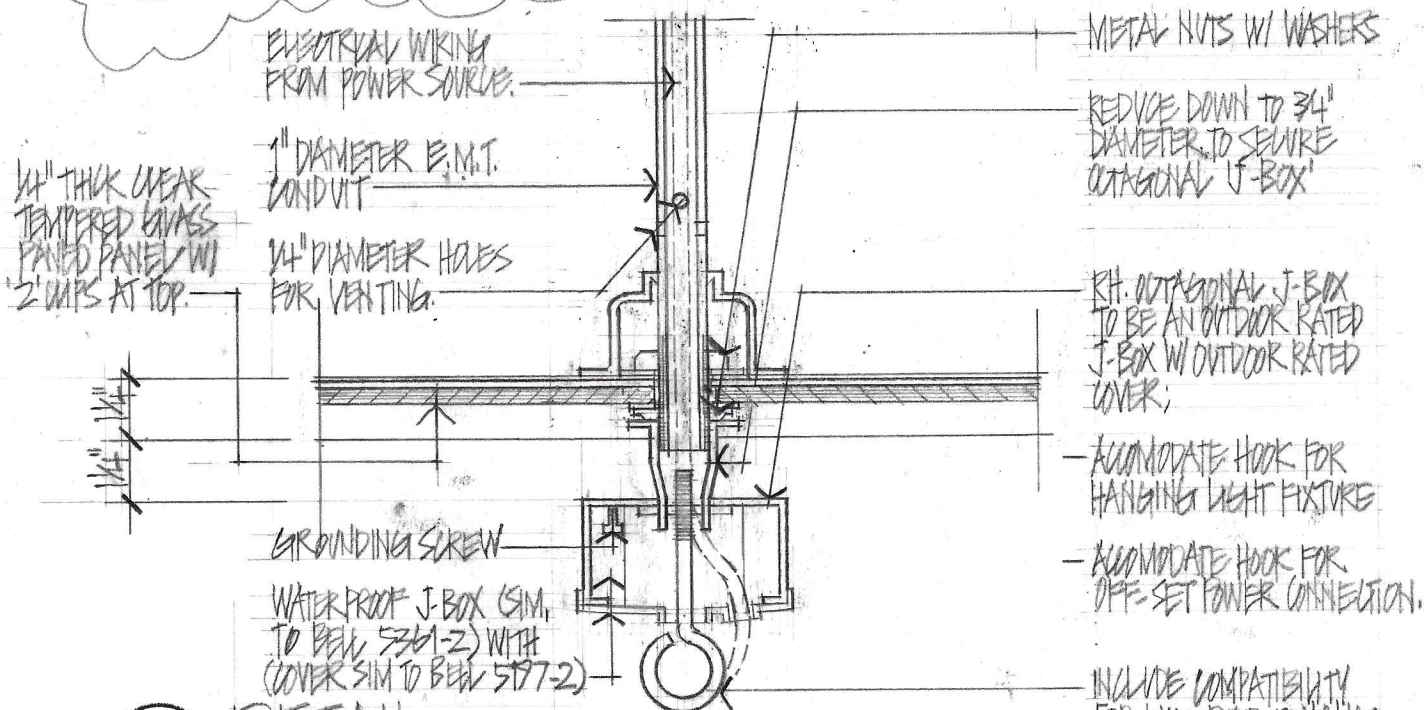
SHT. NO. 4 OF 6



4

DETAIL

SCALE: 1/2" = 1"



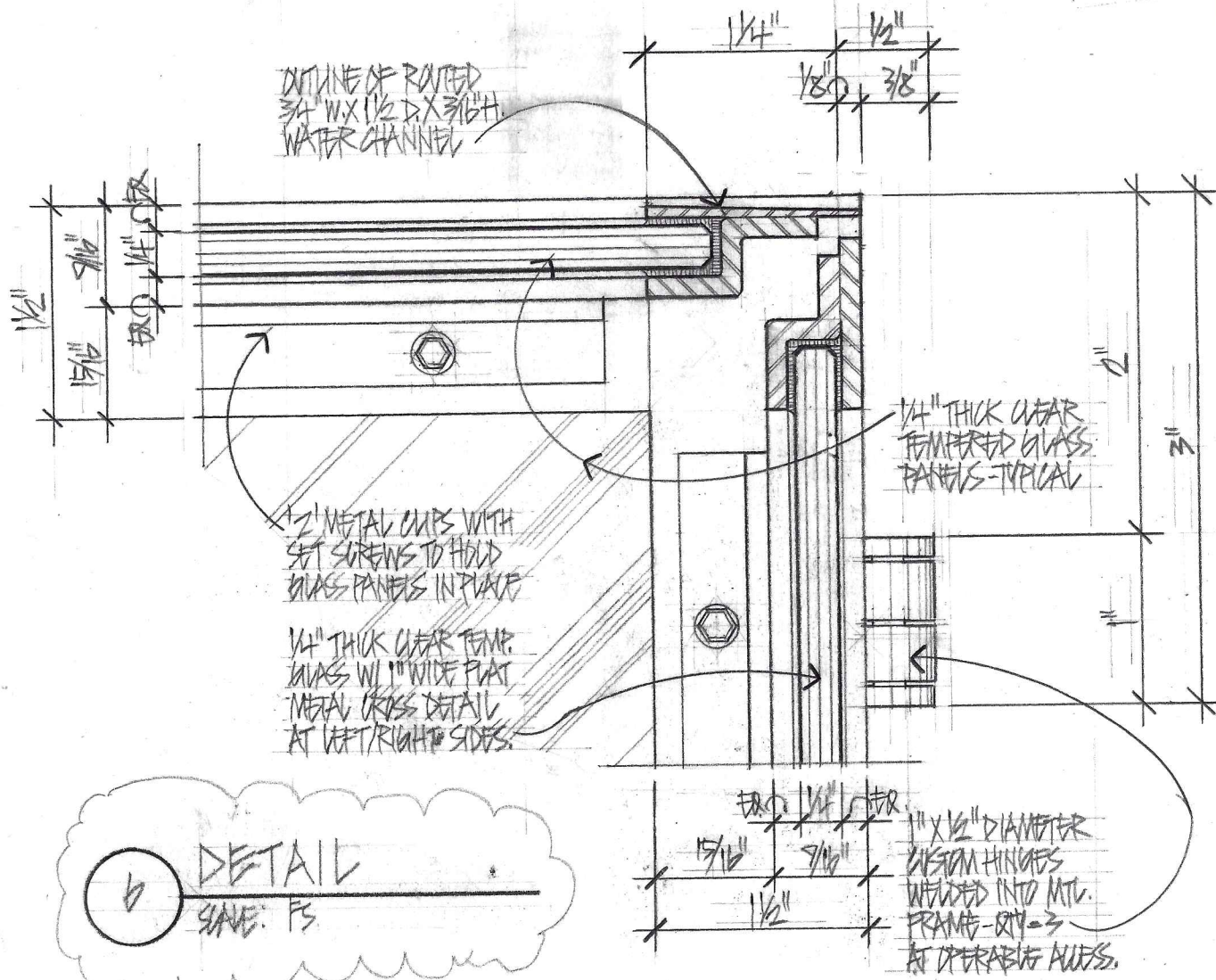
5

DETAIL

SCALE: 3" = 1'-0"

△ REV: 10-20-20/11-30-20/12-16-20

Title 'DISPLAY FIXTURE'	Project HARDWARE/FOR REWARD	Project Nr. ON FILE
the flemming group	By BMM	Scale 1/4" = 1'-0"
	Approved	Date 04-01-19
Drawing No. SHT. NO 5 OF 6		



DETAIL
SAVE: FS

△ APPENDUM: 11-30-2020/12-17-20

Title 'DISPLAY FIXTURE'	Project R. HARDWARE / FOR RECORD	Project No. ON FIVE
the flemming group	By [Signature]	Scale AS NOTED
	Approved [Signature]	Date 11-30-2020
Drawing No. SHT. NO. 6 OF 6		



Submittal Data Sheet

10-Ton, 230V VRV AURORA HR

RELQ120TATJU

FEATURES

- VRF Industry's first air cooled system that delivers heating down to -22°F (-30°C) as standard
- Daikin's inverter based vapor injection compressor delivers high heating capacity of up to 100% at 0°F (-18°C), up to 85% at -13°F (-25°C) and up to 60% at -22°F (-30°C)
- Refrigerant-cooled efficient and stable inverter board operation, independent of ambient conditions
- Added peace of mind with Auto Changeover ability to back up (auxiliary) heat
- Year round comfort and energy efficiency delivered by combining VRV and VRT technologies
- Available in 6, 8, 10 ton single modules and 12, 16, 20 ton multi-module systems
- Compatible with the VRV-IV T-series Branch Selector Boxes
- Seamless connection to all VRV M, P and T series indoor and air processing units
- Ships factory standard with coil guards
- Assembled in the US to increase flexibility and reduce lead times
- Standard Limited Warranty: 10-year limited parts warranty



BENEFITS

- Refrigerant cooled inverted technology allows installation without an additional drain pan heater
- Designed and optimized for Total Cost of Construction (TCC) and reduced Life Cycle Cost (LCC)
- Modular and lightweight - enables flexibility in system layout and installation
- Engineered with Daikin's inverter based vapor injection compressor for optimized part load efficiency
- Heat exchanger coil wraps around on all 4 sides of the unit to increase the surface area / efficiency
- Corrosion resistant, 1000 hours salt spray tested Daikin PE blue fin heat exchanger
- Long pipe lengths up to 1640 ft total and ability to connect up to 20 indoor units with up to 98 ft vertical separation between indoor units provides design and installation flexibility
- Digital display on the unit for improved and faster configuration, commissioning, and troubleshooting



VRV





Submittal Data Sheet
10-Ton, 230V VRV AURORA HR
RELQ120TATJU

PERFORMANCE			
Outdoor Unit Model No.	RELQ120TATJU	Outdoor Unit Name:	10-Ton, 230V VRV AURORA HR
Type:	Heat Recovery	Unit Combination:	
Rated Cooling Conditions:	Indoor (°F DB/WB): 80 / 67 Ambient (°F DB/WB): 95 / 75	Rated Heating Conditions:	Indoor (°F DB/WB): 70 / 60 Ambient (°F DB/WB): 47 / 43
Rated Piping Length(ft):			
Rated Height Difference (ft):	0.00		
Rated Cooling Capacity (Btu/hr):	114,000	Rated Heating Capacity (Btu/hr):	129,000
Nom Cooling Capacity (Btu/hr):	120,000	Nom Heating Capacity (Btu/hr):	135,000
Cooling Input Power (kW):	8.10	Heating Input Power (kW):	9.47
EER (Non-Ducted/Ducted):	13.70 / 12.40	Heating COP (Non-Ducted/Ducted):	4.0 / 3.5
IEER (Non-Ducted/Ducted):	23.40 / 19.60	Heating COP 17F (Non-Ducted/Ducted):	2.3 / 2.3
		SCHE (Non-Ducted/Ducted):	26.70 / 21.40

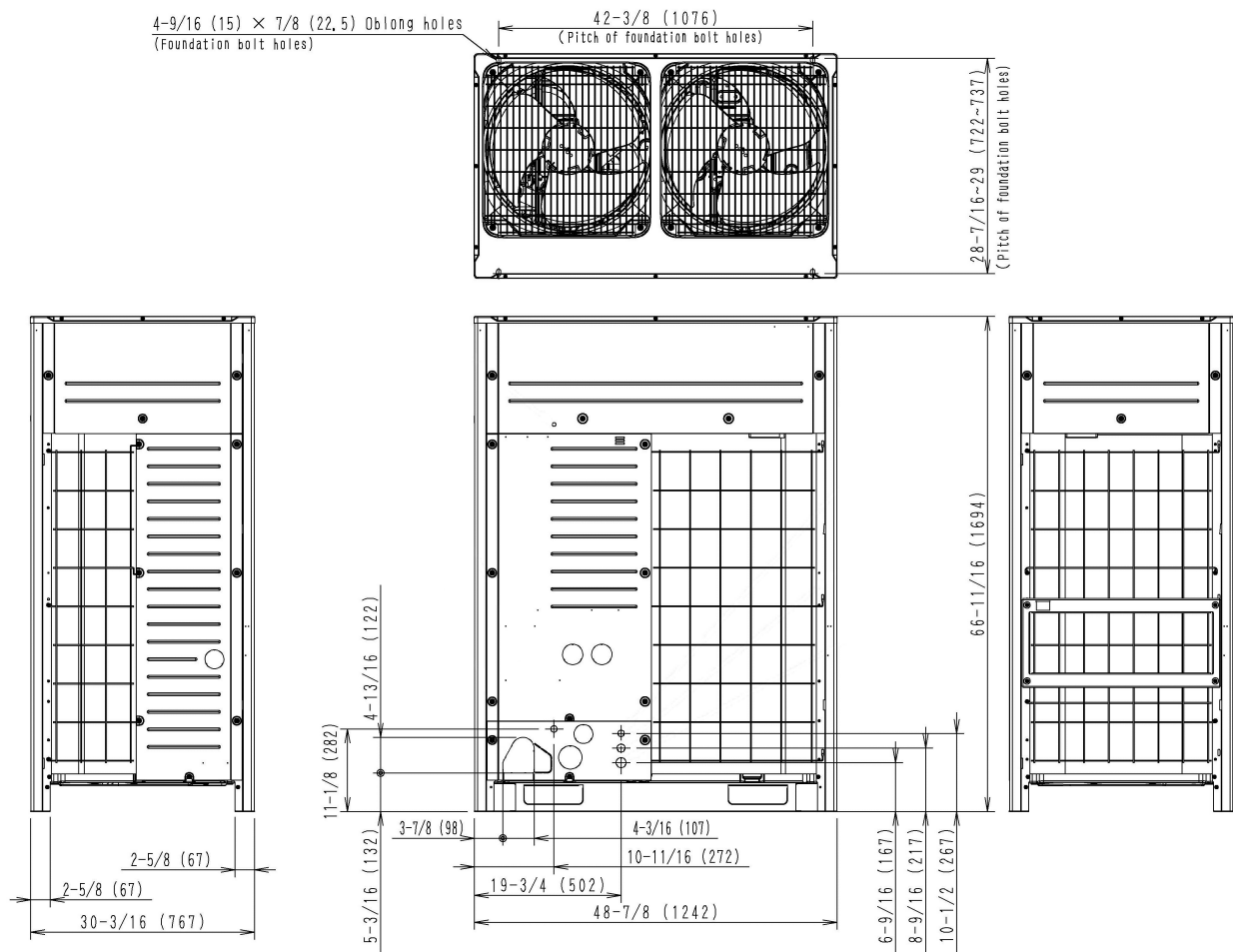
OUTDOOR UNIT DETAILS			
Power Supply (V/Hz/Ph):	208-230 / 60 / 3	Compressor Stage:	
Power Supply Connections:	L1, L2, L3 Ground	Capacity Control Range (%):	9 - 100
Min. Circuit Amps MCA (A):	83.4	Capacity Index Limit:	84.0 - 156.0
Max Overcurrent Protection (MOP) (A):	90	Airflow Rate (H) (CFM):	8806
Max Starting Current MSC(A):		Gas Pipe Connection (inch):	1-1/8
Rated Load Amps RLA(A):	39.3	Liquid Pipe Connection (inch):	1/2
Dimensions (Height) (in):	66-11/16	H/L Pressure Connection (inch)	3/4
Dimensions (Width) (in):	48-7/8	H/L Equalizing Connection (inch)	
Dimensions (Depth) (in):	30-3/16	Sound Pressure (H) (dBA):	64
Net Weight (lb):	793	Sound Power Level (dBA):	84.5
		Max. No. of Indoor Units:	20

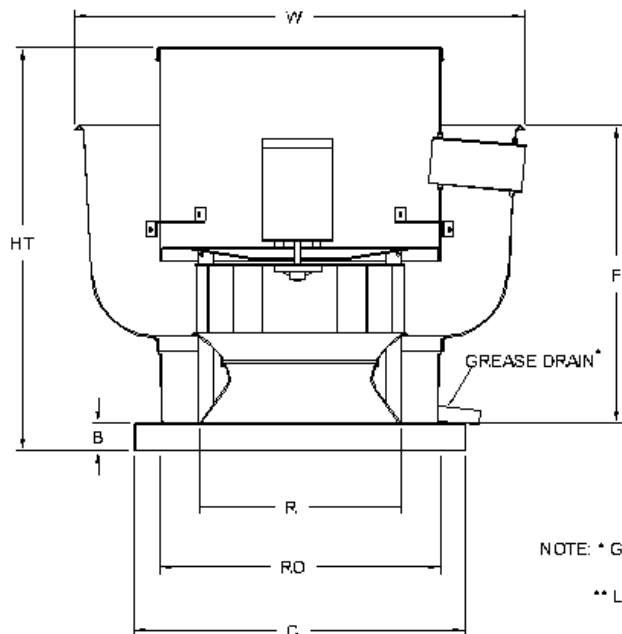
Submittal Data Sheet 10-Ton, 230V VRV AURORA HR RELQ120TATJU

SYSTEM DETAILS

Refrigerant Type:	R-410A	Cooling Operation Range (°F DB):	23 - 122
Holding Refrigerant Charge (lbs):	25.8	Heating Operation Range (°F WB):	-22 - 60
Additional Charge (lb/ft):		Max. Pipe Length (Vertical) (ft):	295
Pre-charge Piping (Length) (ft):		Cooling Range w/Baffle (°F DB):	-
Max. Pipe Length (Total) (ft):	1,640	Heating Range w/Baffle (°F WB):	-
Max Height Separation (Ind to Ind ft):	0		

DIMENSIONAL DRAWING



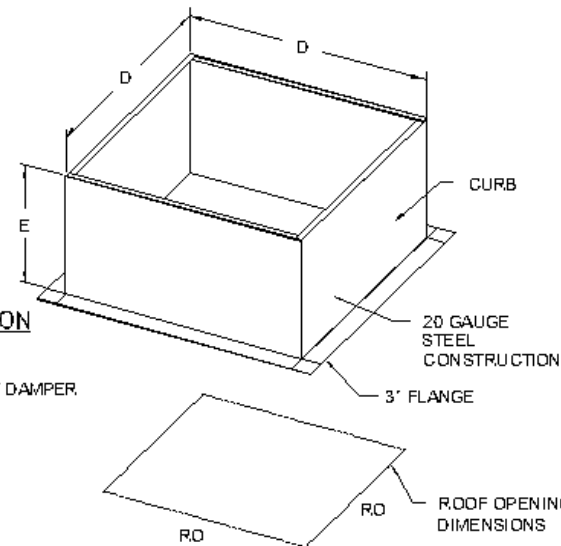
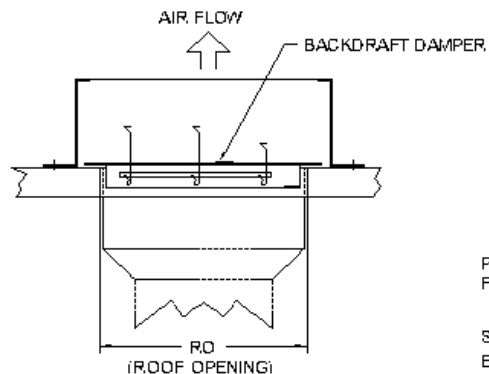
DU SERIES UPBLAST EXHAUST FANS (UL705)**FEATURES:**

- DIRECT DRIVE CONSTRUCTION (NO BELTS/PULLEYS)
- ROOF MOUNTED FANS
- UL705
- VARIABLE SPEED CONTROL
- INTERNAL WIRING
- WEATHERPROOF DISCONNECT
- THERMAL OVERLOAD PROTECTION (SINGLE PHASE)

OPTIONS:

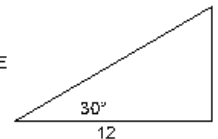
BACKDRAFT DAMPER
HINGED FAN
PITCHED CURB
INSULATED CURB
BIRD SCREEN
LOW PROFILE OPTION

NOTE: * GREASE DRAIN NOT REQ'D
ON DU10L/HFA
** LOW PROFILE 'HT' DIMENSION
CHANGES.

BACKDRAFT DAMPER INSTALLATION

PITCHED CURBS ARE AVAILABLE
FOR PITCHED ROOFS.

SPECIFY PITCH:
EXAMPLE: 7/12 PITCH = 30° SLOPE

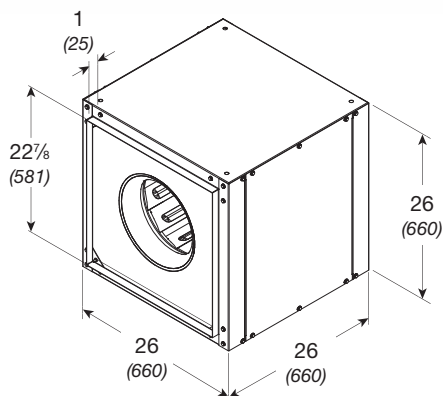
**DU DIRECT DRIVE****CENTRIFUGAL UP-BLAST EXHAUST FANS DIMENSIONAL DATA**

FAN MODEL	HT	**HT	W	B	C	F	R	RO	WEIGHT LB
DU10	14 1/2	N/A	17 3/4	2	19	9 1/2	8 1/8	13	30
DU12	18	17	22	2	19	14 1/2	10 5/8	13	40
DU30	25 1/4	20 1/4	25 1/2	2	21	18 1/2	12 1/8	16	50
DU33	25 1/4	20 1/4	25 1/2	2	21	18 1/2	12 1/8	16	50
DU50	27 1/4	23 1/4	28 7/8	2	21	21 1/2	13 1/4	16	55
DU85	30 1/2	25 1/2	31 7/8	2	24 3/4	23	14 7/8	20	60
DU180	33 3/4	N/A	39 3/8	2	28	22 5/8	16 1/2	24	190
DU200	33 3/8	N/A	38 7/8	2	28	29 1/2	18	24	195
DU240	37 1/2	N/A	43 3/8	2	33	30 5/8	23 7/8	28	270
DU300	44	N/A	52 3/4	2	40	33 1/2	24	36	410
DU360	49 9/16	N/A	63 5/16	2	44	43 7/16	25 1/4	40	470

CURB DIMENSIONAL DATA

FAN MODEL	D	E
DU10	17 1/2	12
DU12	17 1/2	12
DU30	19 1/2	12
DU33	19 1/2	12
DU50	19 1/2	12
DU85	23	12
DU180	26 1/2	12
DU200	26 1/2	12
DU240	31 1/2	12
DU300	38 1/2	12
DU360	42 1/2	12

SQ 160 - Direct Drive



Damper size = 23 x 23 (584 x 584)

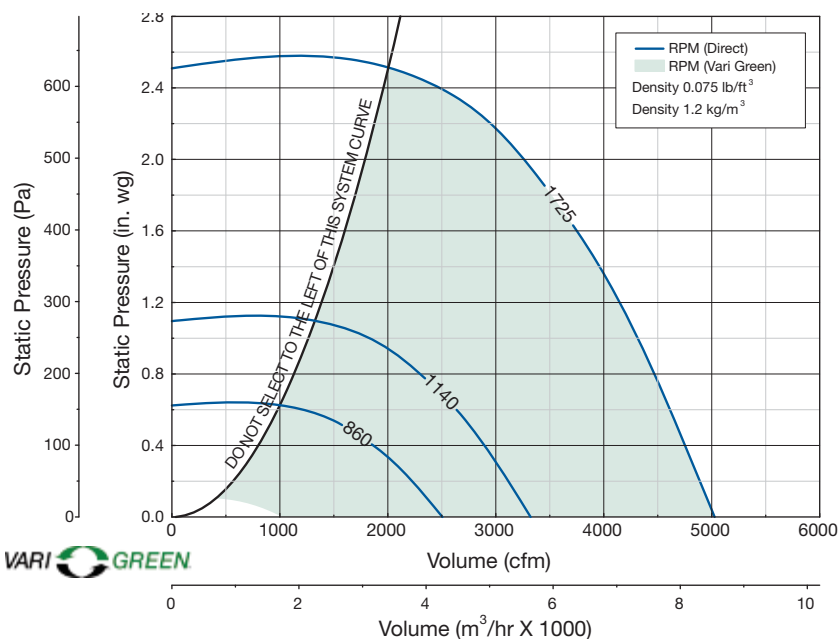
Unit weight** = 160 (73)


Housing thickness = 18 ga

Outlet velocity = 0.275 x cfm

Dimensions shown in inches (millimeters) and weight is shown in pounds (kilograms).

**Weight shown is largest cataloged Open Drip Proof motor.

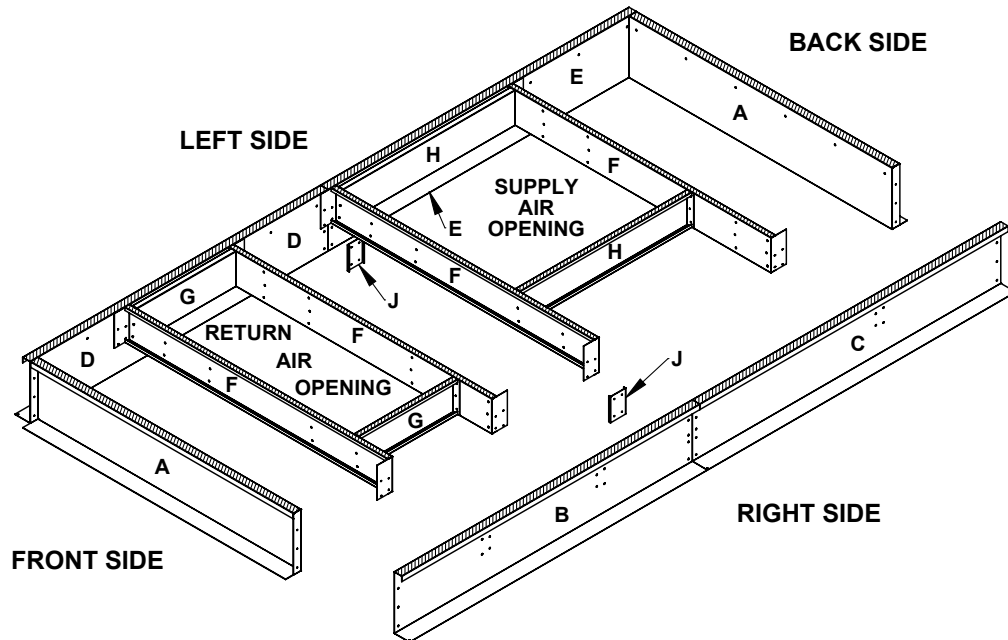


Motor HP		Fan RPM		CFM / Static Pressure in Inches wg									
Direct				0.000	0.250	0.500	0.750	1.000	1.250	1.500	1.750	1.875	2.000
160													
 VG-3/4	C-1/4	860	CFM	2506	2148	1605							
			BHP	0.20	0.23	0.24							
			Sones	8.8	7.2	6.5							
	B-1/2	1140	CFM	3322	3062	2773	2388	1808					
			BHP	0.470	0.510	0.540	0.560	0.510					
			Sones	14.0	12.8	11.9	11.4	10.8					
VG-1	1300	CFM	3788	3562	3320	3033	2685	2223					
		BHP	0.70	0.74	0.78	0.81	0.84	0.79					
		Sones	16.8	15.8	14.8	14.5	14.1	13.7					
VG-2	A-2	1725	CFM	5027	4857	4684	4504	4312	4094	3845	3575	3414	3236
			BHP	1.64	1.69	1.74	1.80	1.85	1.89	1.93	1.95	1.94	1.91
			Sones	26	25	24	24	24	24	24	24	24	24

Performance certified is for installation type B: Free inlet, Ducted outlet. Performance ratings do not include the effects of appurtenances (accessories).

The sound ratings shown are loudness values in fan sones at 1.5 m (5 feet) in a hemispherical free field calculated per AMCA International Standard 301. Values shown are for installation type B: free inlet hemispherical sone levels.

Figure 16: Roof Curb Assembly (DPS 016-028)'



- NOTE:**
1. Check submittal drawing for gas/water/electrical/supply/return air opening
 2. Horizontal above the roof gas connection only
 3. All dimensions in inches

Standard Roof Curb – Large Cabinet

Roof Curb for ERW – Large Cabinet

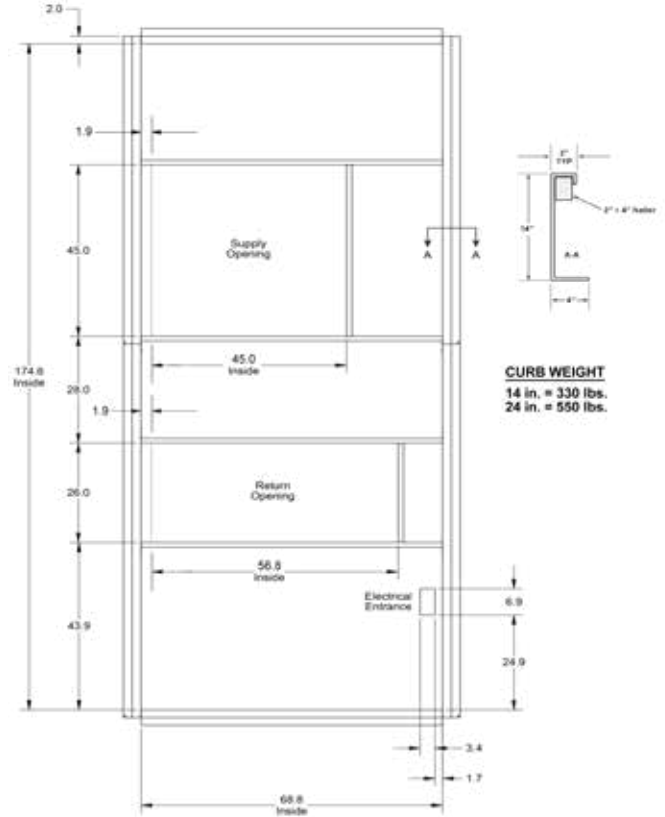
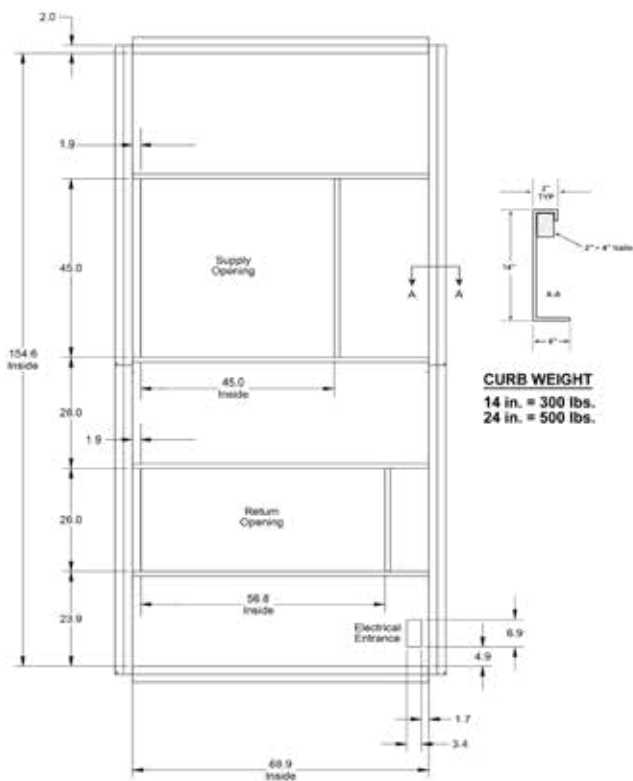
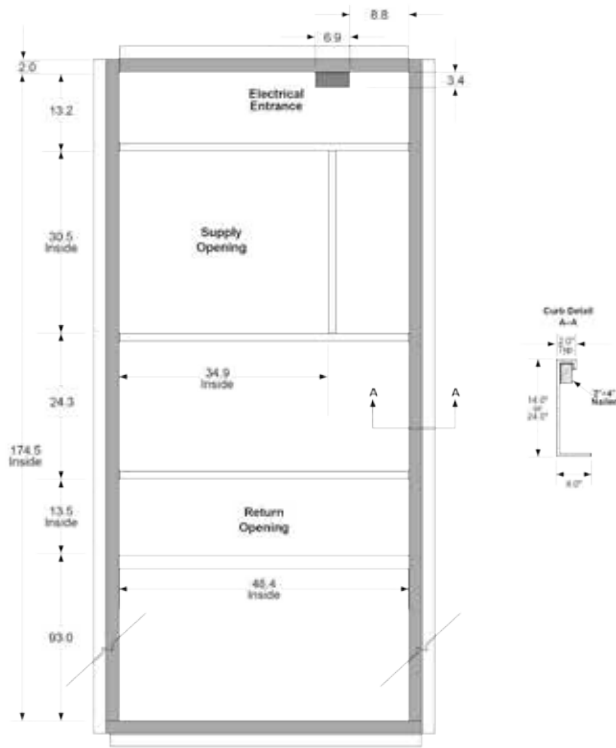


Figure 17: Roof Curb Assembly (DPS 007–015, 016–028) with CORE ERV

CORE Roof Curb – Medium Cabinet (DPS 007 – 015)



CORE Roof Curb – Large Cabinet (DPS 016 – 028)

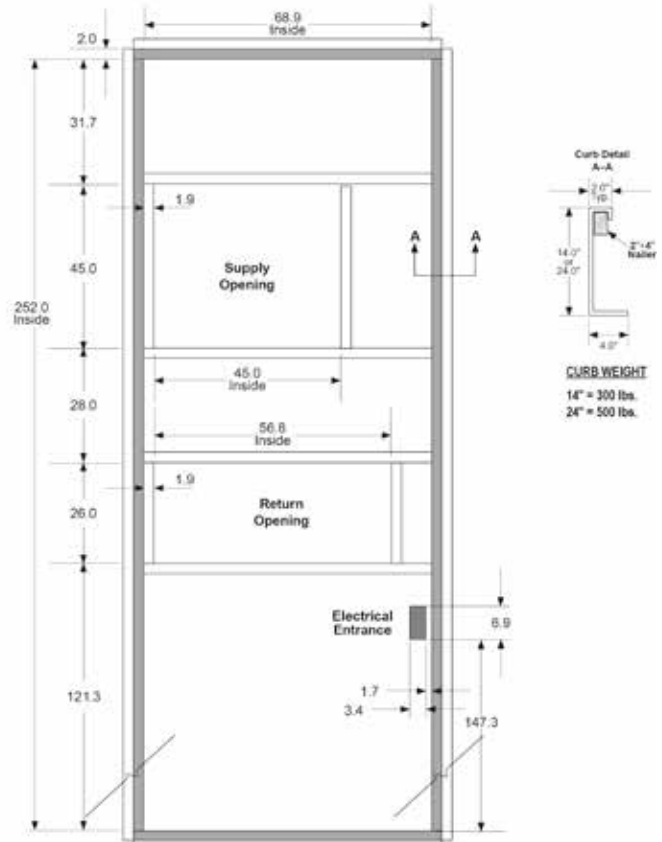
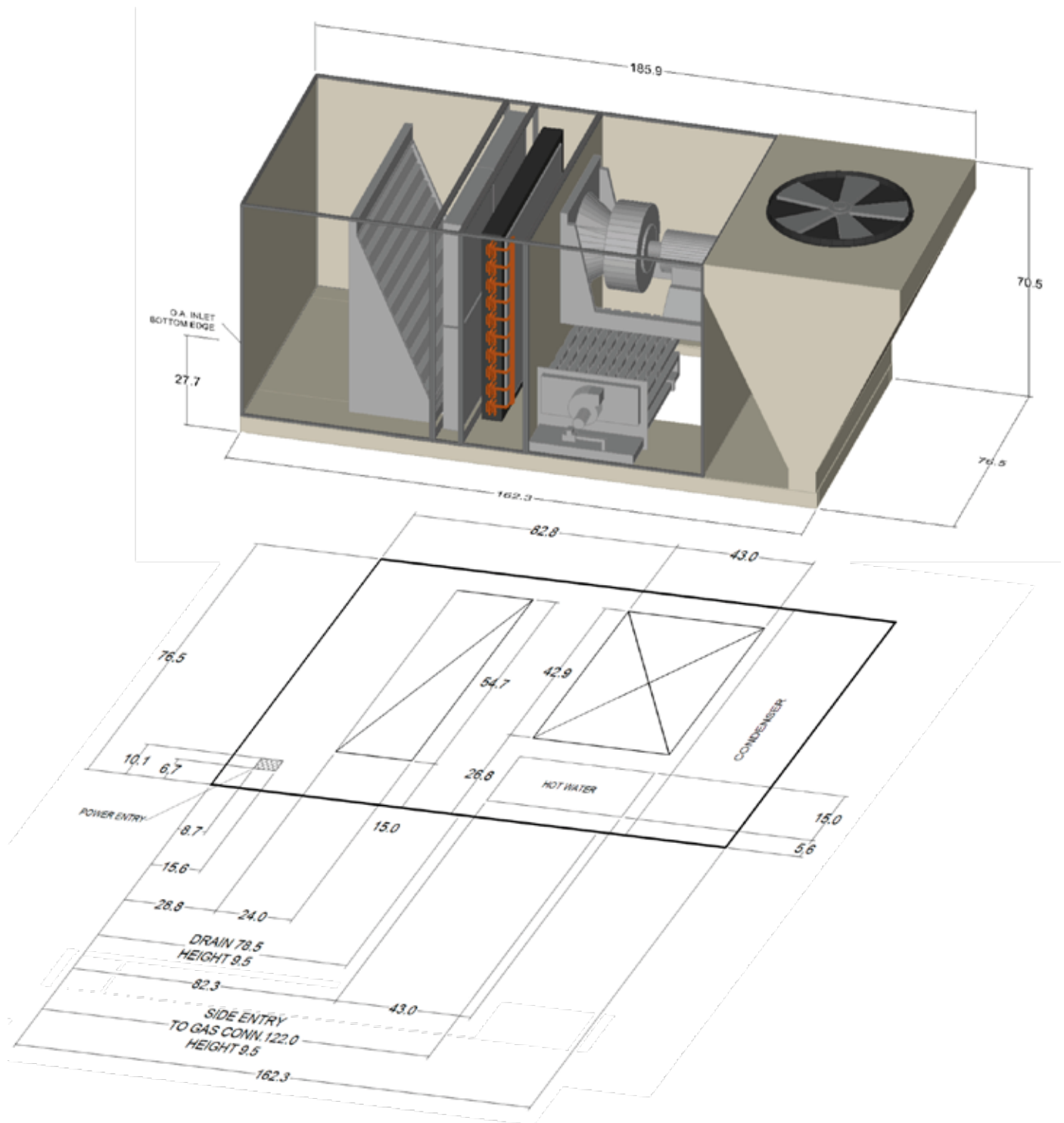


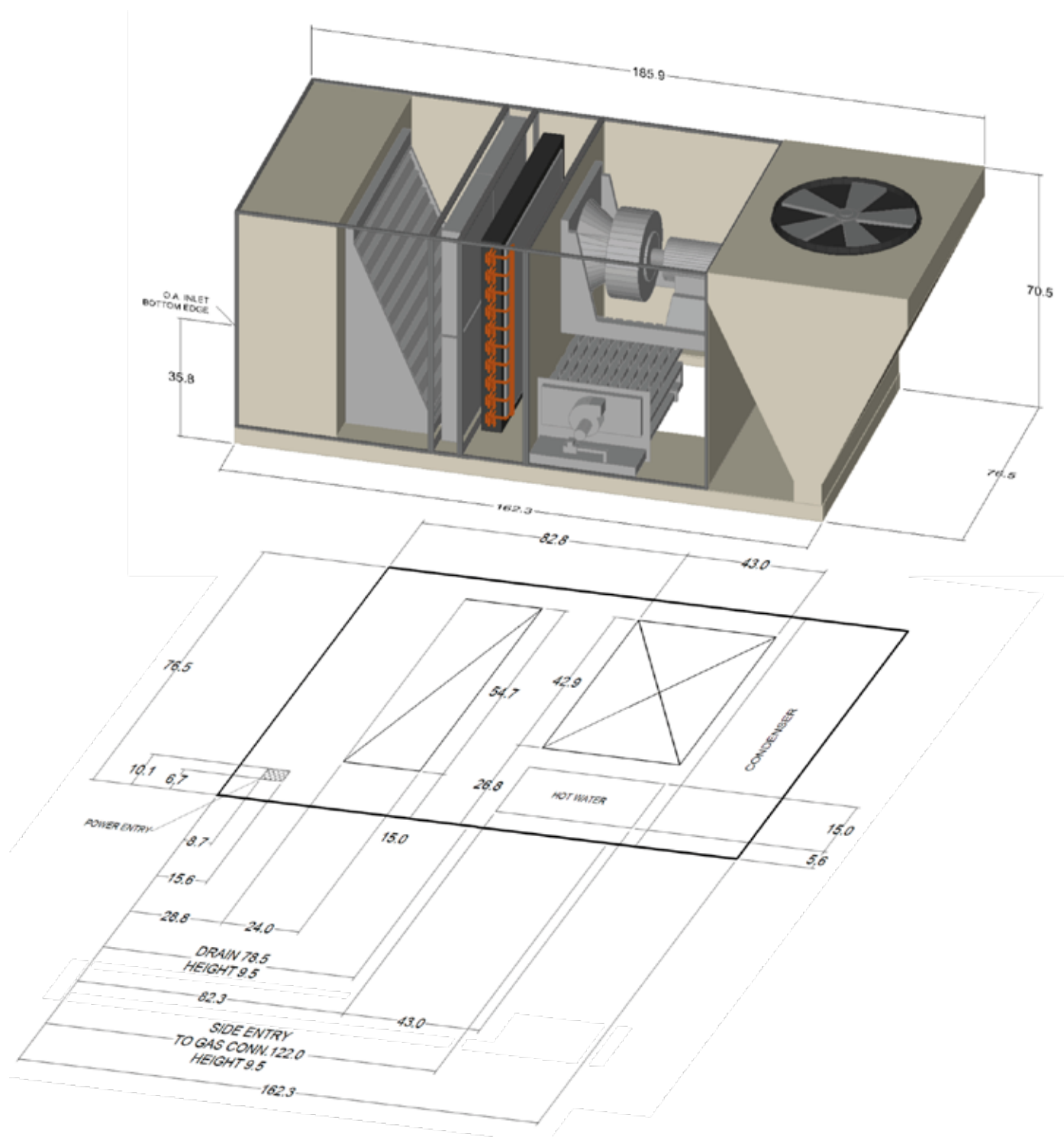
Figure 34: DPS 016–028, 30% or 100% Outdoor Air, No Energy Recovery



NOTE:

1. Recommended location for optional field-cut side power connection.

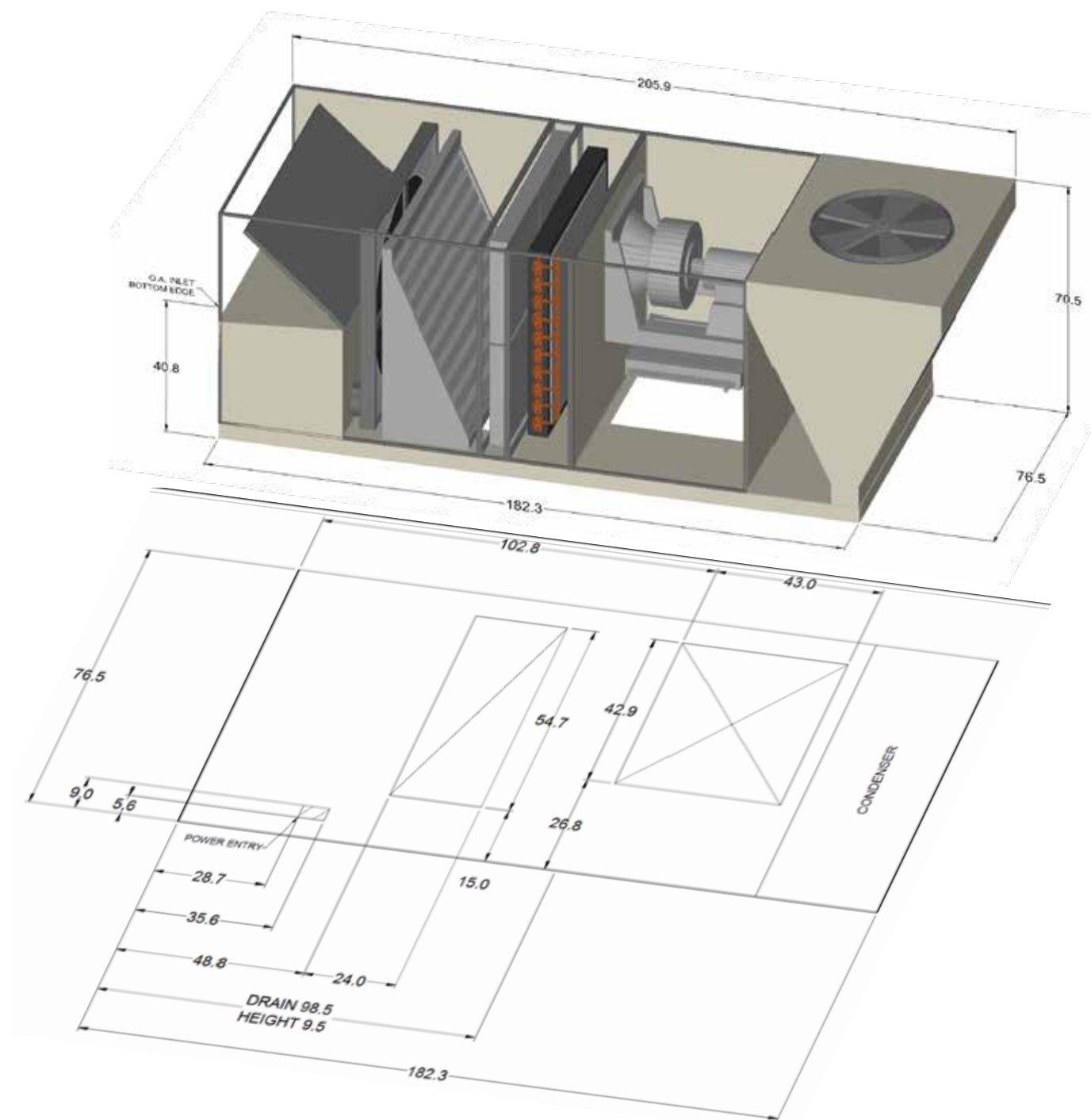
Figure 35: DPS 016–028, Economizer No Energy Recovery



NOTE:

1. Recommended location for optional field-cut side power connection.
2. Horizontal gas connection only. Gas pipe routing within the roof curb is not available.

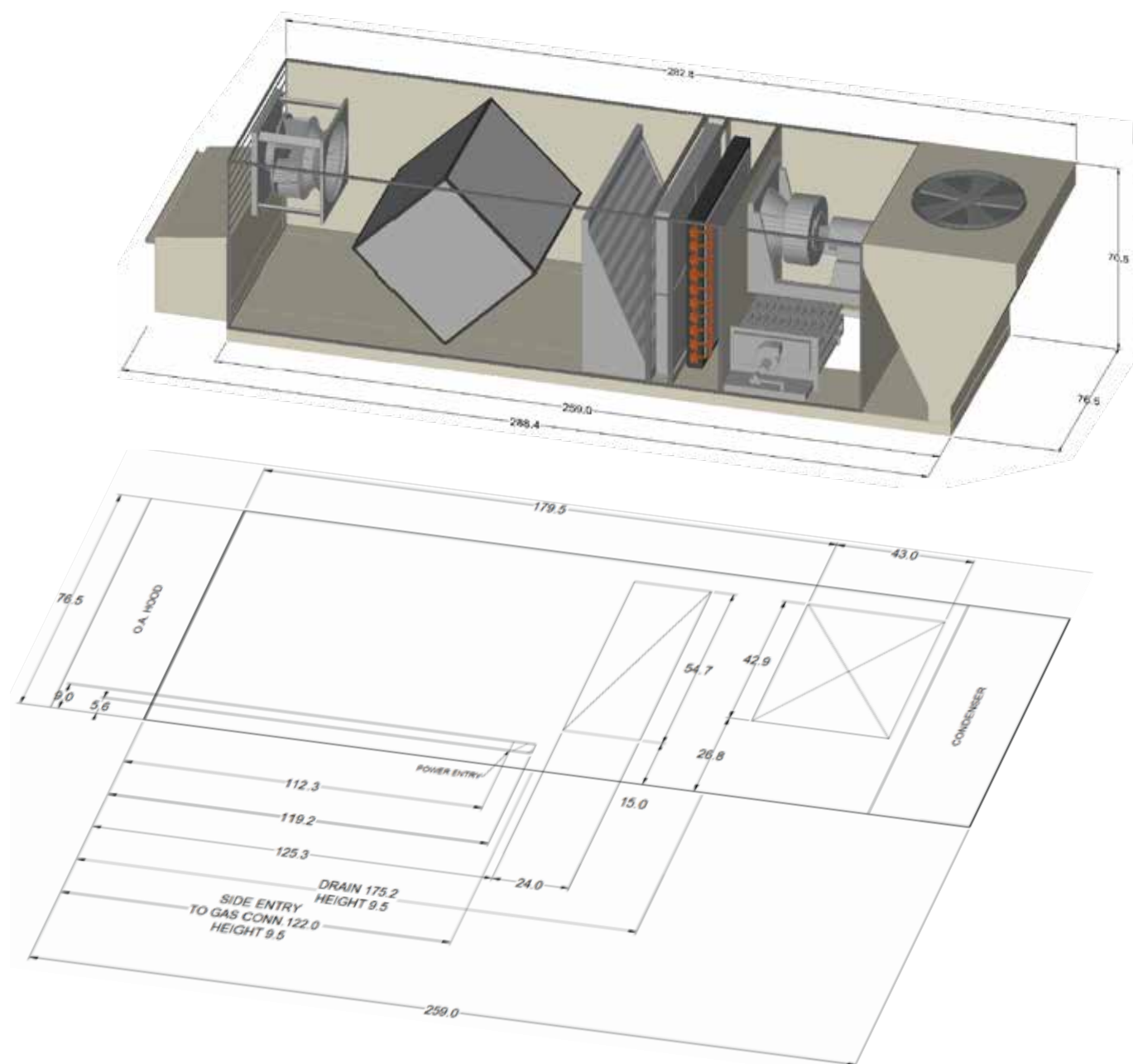
Figure 36: DPS 016–028, Energy Recovery



NOTE:

1. Recommended location for optional field-cut side power connection.
2. Horizontal gas connection only. Gas pipe routing within the roof curb is not available.

Figure 37: DPS 016-028, CORE Energy Recovery



NOTE:

1. Recommended location for optional field-cut side power connection.
2. Horizontal gas connection only. Gas pipe routing within the roof curb is not available.

AD Series Modular Roof Mount and Inline

Direct Fired Heated Make-Up Air



The AD Series Direct Gas-Fired Heater is ETL listed for use in tempering make-up air. Unit meets ANSI Z83.4a-2001/CSA3.7a-2001 safety standards and is designed for natural or propane gas applications. The heaters are rated for indoor/outdoor installations in commercial occupancies. A unique feature is the self-adjusting burner profile plates allowing variable-air-volume applications. The plates ensure proper air velocity and pressure drop across the burner for clean combustion. Spring-loaded profile plates react to the momentum of the fresh air stream, therefore, no motors or actuators are needed to drive them, nor do they need to be manually set to a specific position.

Features & Benefits

- G90 galvanized construction • Easy access doors
- Lifting points • Redundant gas valves • Disconnect switch
- Pre-wired, pre-piped controls • Horizontal or down discharge
- Vibration isolation • Fully insulated casing w/ aluminum casting
- Adjustable drive sheaves • Stainless steel burner
- Electronic flame modulation • Burner observation port
- 120 volt control transformer with single point electrical connection
- Intermittent spark pilot with timed safety lockout
- High temperature limit switch • Airflow proving switch
- Economizer inlet thermostat • Motor starter

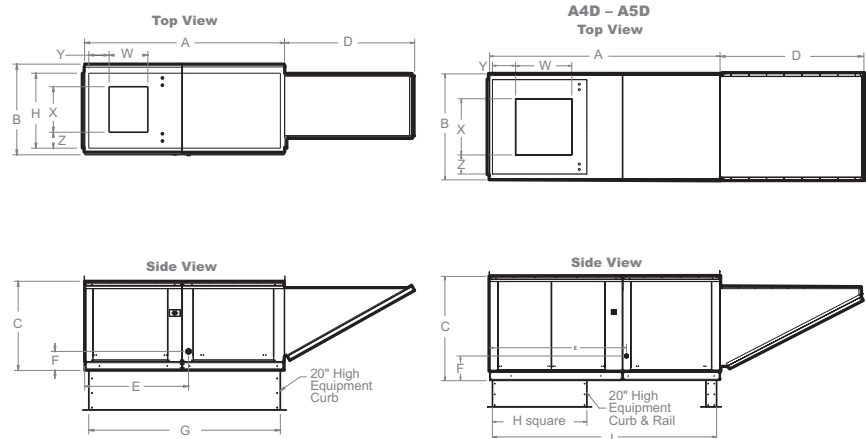
Options

- Propane fuel application • Room override thermostat
- Clogged filter switch • Motorized intake damper
- Remote control panel including summer/winter switch & operating lights
- Freeze stat with bypass timer • Hi/Low gas pressure switches
- Room modulating thermostat • Convenience outlet
- High gas pressure regulator • Cooling Interlock
- DX cooling coils • V-Bank filter intake
- Evaporative cooler intake • Auxiliary starters
- Sloped filter intake • Indoor hanging cradle
- Inlet gas pressure gauge • WAV packages
- Roof curbs

Certifications



ETL Listed and Certified to
ANSI Z83.4a-2001/CSA 3.7a-2001



Measurements

MODEL	Unit Dimensions					
	A	B	C	D	E	F
A1-D	74 7/16	27 3/8	29 3/4	44 5/16	34 13/16	7 13/16
A2-D	82 7/16	37 3/8	36 3/4	53 11/16	42 13/16	7 13/16
A3-D	87 7/16	41 3/8	43 3/8	51 5/8	47 13/16	9 1/2
A4-D	118 1/2	48 7/16	51 7/16	75	66 5/16	13 9/16
A5-D	128 1/2	59 3/16	58 7/16	75	76 7/16	13 13/16

Measurements

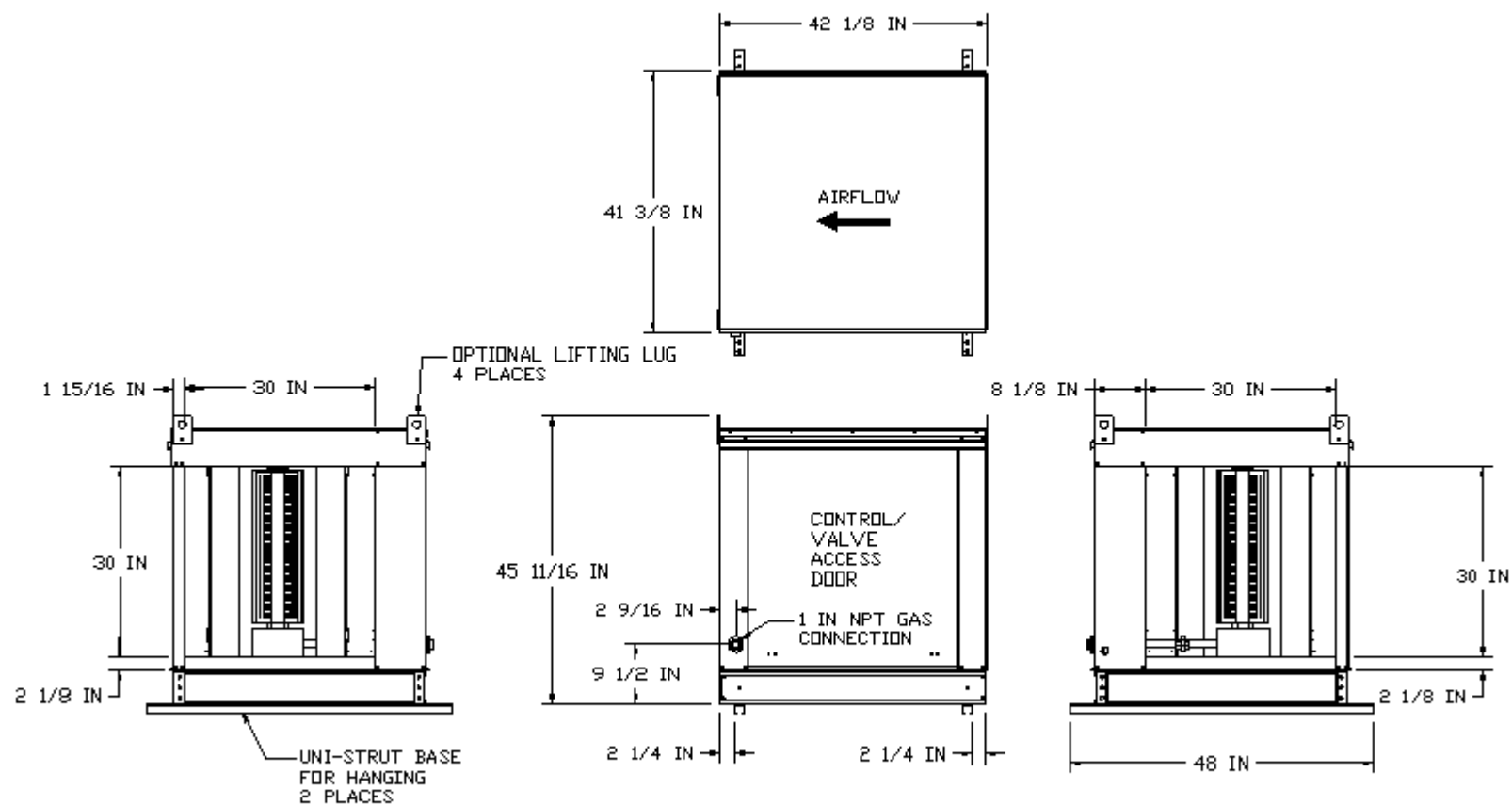
MODEL	Blower				Curb & Rail		
	W	X	Y	Z	G	H	J
A1-D	11 3/8	13 1/8	5 5/8	4 15/16	71	21	n/a
A2-D	15 7/8	18 5/8	8 3/8	6 15/16	79	31	n/a
A3-D	18 7/8	21 7/8	10 3/8	6 11/16	84	35	n/a
A4-D	24 7/8	24 7/8	10 11/16	8 9/16	-	42	115 3/16
A5-D	31 3/8	31 3/8	12 15/16	10 11/16	-	52 3/4	125 3/16

MODEL	Unit Information			
	Filter Size	Burner Size	Pipe Size	Weight (lbs)
A1-D	(3) 16 x 20	250 or 500	3/4"	350
A2-D	(3) 20 x 25	500 or 750	1"	550
A3-D	(6) 16 x 20	1000	1"	650
A4-D	(10) 16 x 20	1500	1 1/4"	1100
A5-D	(8) 20 x 25	2500	1 1/2"	1350

BHP (Brake Horsepower): The actual power developed by a motor as measured by the force applied to a shaft or flywheel.

Performance		Static Pressure in Inches W.G.								
MODEL	CFM	0.00" RPM/BHP	0.25" RPM/BHP	0.50 RPM/BHP	0.75 RPM/BHP	1.00 RPM/BHP	1.25 RPM/BHP	1.50 RPM/BHP	1.75 RPM/BHP	2.00 RPM/BHP
A1-D	1000	366 / 0.06	628 / 0.14	826 / 0.25	998 / 0.38	1140 / 0.51	1259 / 0.64	1362 / 0.77	1451 / 0.88	1531 / 0.99
A1-D	1250	457 / 0.11	686 / 0.22	857 / 0.33	1014 / 0.47	1157 / 0.63	1286 / 0.80	1398 / 0.96	1501 / 1.13	1590 / 1.28
A1-D	1500	548 / 0.19	752 / 0.32	906 / 0.45	1045 / 0.60	1176 / 0.76	1300 / 0.94	1415 / 1.13	1523 / 1.34	1620 / 1.53
A1-D	1750	639 / 0.31	821 / 0.45	965 / 0.60	1091 / 0.76	1209 / 0.93	1323 / 1.12	1432 / 1.32	1536 / 1.54	1636 / 1.77
A1-D	2000	730 / 0.46	892 / 0.62	1030 / 0.79	1147 / 0.97	1255 / 1.15	1359 / 1.34	1459 / 1.55	1558 / 1.78	
A1-D	2250	821 / 0.65	966 / 0.83	1098 / 1.03	1210 / 1.22	1310 / 1.42	1406 / 1.62	1499 / 1.84		
A1-D	2500	913 / 0.90	1042 / 1.08	1168 / 1.31	1275 / 1.52	1371 / 1.74	1462 / 1.96			
A1-D	2750	1004 / 1.20	1120 / 1.39	1239 / 1.64	1343 / 1.88					
A1-D	3000	1095 / 1.55	1200 / 1.76							
A2-D	2500	405 / 0.31	571 / 0.53	704 / 0.81	811 / 1.11	903 / 1.41	985 / 1.71	1060 / 2.02	1128 / 2.33	1190 / 2.64
A2-D	3000	486 / 0.54	624 / 0.76	753 / 1.10	856 / 1.44	946 / 1.80	1027 / 2.15	1101 / 2.52	1170 / 2.88	1233 / 3.25
A2-D	3500	566 / 0.85	682 / 1.09	804 / 1.46	905 / 1.85	992 / 2.26	1071 / 2.67	1144 / 3.08	1211 / 3.50	1275 / 3.93
A2-D	4000	647 / 1.27	744 / 1.51	856 / 1.91	955 / 2.35	1040 / 2.80	1118 / 3.27	1188 / 3.73	1255 / 4.20	1317 / 4.68
A2-D	4500	728 / 1.81	811 / 2.06	912 / 2.46	1006 / 2.95	1090 / 3.45	1166 / 3.96	1236 / 4.48	1300 / 5.00	
A2-D	5000	809 / 2.48	881 / 2.74	970 / 3.15	1060 / 3.66	1142 / 4.20	1216 / 4.77			
A2-D	5500	890 / 3.30	954 / 3.57	1032 / 3.98	1116 / 4.50					
A2-D	6000	971 / 4.28	1028 / 4.56	1098 / 4.98						
A3-D	3500	320 / 0.40	440 / 0.56	550 / 0.87	645 / 1.21	729 / 1.58	806 / 1.97	874 / 2.37	937 / 2.77	994 / 3.18
A3-D	4000	345 / 0.50	470 / 0.74	572 / 1.07	662 / 1.44	743 / 1.85	818 / 2.27	886 / 2.71	950 / 3.15	1008 / 3.61
A3-D	4500	388 / 0.71	502 / 0.96	598 / 1.32	682 / 1.72	760 / 2.15	832 / 2.60	898 / 3.06	962 / 3.56	1021 / 4.06
A3-D	5000	431 / 0.98	535 / 1.24	626 / 1.62	706 / 2.04	779 / 2.49	848 / 2.97	913 / 3.47	975 / 4.00	1033 / 4.53
A3-D	5500	474 / 1.30	569 / 1.57	656 / 1.97	732 / 2.42	802 / 2.90	868 / 3.40	930 / 3.93	989 / 4.48	
A3-D	6000	517 / 1.69	605 / 1.97	686 / 2.39	759 / 2.86	826 / 3.36	889 / 3.89	949 / 4.45		
A3-D	6500	560 / 2.15	641 / 2.43	719 / 2.87	789 / 3.36	853 / 3.89	913 / 4.45			
A3-D	7000	604 / 2.68	678 / 2.97	752 / 3.42	819 / 3.94	881 / 4.49				
A3-D	7500	647 / 3.30	716 / 3.59	786 / 4.05	850 / 4.59					
A3-D	8000	690 / 4.00	755 / 4.30	820 / 4.77						
A4-D	7000	350 / 1.05	408 / 1.32	473 / 1.75	539 / 2.22	602 / 2.71	663 / 3.22	719 / 3.75	772 / 4.30	821 / 4.85
A4-D	8000	376 / 1.31	448 / 1.83	506 / 2.31	563 / 2.81	620 / 3.35	676 / 3.92	730 / 4.50	781 / 5.10	830 / 5.70
A4-D	9000	423 / 1.87	490 / 2.46	542 / 2.99	593 / 3.55	644 / 4.13	695 / 4.73	745 / 5.36	793 / 6.01	840 / 6.68
A4-D	10000	470 / 2.56	533 / 3.23	581 / 3.83	627 / 4.43	673 / 5.05	718 / 5.70	764 / 6.38	809 / 7.07	854 / 7.78
A4-D	11000	517 / 3.40	576 / 4.16	621 / 4.82	663 / 5.48	705 / 6.15	747 / 6.84	788 / 7.55	830 / 8.29	871 / 9.05
A4-D	12000	564 / 4.42	620 / 5.26	663 / 5.99	702 / 6.70	740 / 7.42	778 / 8.16	816 / 8.92	854 / 9.70	
A4-D	13000	611 / 5.62	664 / 6.55	705 / 7.34	742 / 8.12	777 / 8.89	813 / 9.68			
A5-D	10000	260 / 1.21	375 / 2.25	456 / 3.16	524 / 4.10	587 / 5.09	644 / 6.12	696 / 7.18	744 / 8.25	788 / 9.32
A5-D	11000	286 / 1.61	395 / 2.78	473 / 3.79	538 / 4.79	598 / 5.85	654 / 6.95	706 / 8.09	754 / 9.26	799 / 10.43
A5-D	12000	312 / 2.09	414 / 3.39	490 / 4.50	554 / 5.59	612 / 6.71	665 / 7.88	716 / 9.09	764 / 10.33	808 / 11.60
A5-D	13000	338 / 2.66	434 / 4.08	509 / 5.32	571 / 6.49	626 / 7.68	678 / 8.91	727 / 10.19	774 / 11.50	818 / 12.85
A5-D	14000	364 / 3.32	454 / 4.85	528 / 6.23	588 / 7.50	642 / 8.77	692 / 10.06	740 / 11.40	785 / 12.78	828 / 14.19
A5-D	15000	389 / 4.09	474 / 5.72	547 / 7.25	606 / 8.63	659 / 9.98	707 / 11.34	753 / 12.74	797 / 14.18	840 / 15.66
A5-D	16000	415 / 4.96	494 / 6.70	567 / 8.38	625 / 9.88	676 / 11.32	723 / 12.75	768 / 14.23	811 / 15.73	852 / 17.27
A5-D	17000	441 / 5.95	515 / 7.78	586 / 9.62	644 / 11.24	694 / 12.79	740 / 14.31	784 / 15.86	825 / 17.43	865 / 19.03
A5-D	18000	467 / 7.06	536 / 8.98	606 / 10.98	663 / 12.74	713 / 14.39	758 / 16.01	800 / 17.63	841 / 19.27	
A5-D	19000	493 / 8.30	557 / 10.30	626 / 12.45	682 / 14.36	731 / 16.14	776 / 17.86	818 / 19.56		
A5-D	20000	519 / 9.69	579 / 11.76	646 / 14.06	702 / 16.12	751 / 18.03	794 / 19.85			
A5-D	21000	545 / 11.21	602 / 13.36	666 / 15.80	722 / 18.02					

D3 -- INLINE DIRECT FIRED MODULE



NOTES:

- 1) ALL DIMENSIONS ARE NOMINAL AND GIVEN IN INCHES.
- 2) RECOMMENDED INLET DUCT SIZE = 32 IN TALL X 32 IN WIDE.
- 3) RECOMMENDED DISCHARGE DUCT SIZE = 32 IN TALL X 32 IN WIDE.

UNIT INFORMATION			
FILTER SIZE	BURNER SIZE	BLOWER SIZE	WEIGHT (lbs)
N/A	18" or 24"	N/A	300



CITY OF BIRMINGHAM FIRE DEPARTMENT

572 SOUTH ADAMS • BIRMINGHAM, MICHIGAN 48009 • 248.530.1900 FAX 248.530.1950

300-394 S. Old Woodward

Final Site Plan and SLUP Review of RH

The following are a list of final site-plan review comments from the Fire Marshal

- A fire command center is required on the first floor per IFC '15 ed., section 508.1, 508.1.1, 508.1.2, 508.1.3, 508.1.4, 508.1.5, 508.1.6
- Full fire suppression installation per fire code and approval of submitted drawings.
- Fire pump installation.
- Emergency generator installation.
- Full fire alarm system installation per fire code. Drawings submitted to AHJ for approval.
- CO gas detection system per fire code in the parking garage(s)
- Emergency responder radio amplification system installation if necessary. The determination for this device shall be made after walls are installed and poured. Usually this issue is discovered after near final completion of the building project. Refer to IFC'15 for code referencing.
- Stair case to roof access (not roof hatch).
- Knox box installation
- Construction phase of project install standpipe system with access of all floors during entire construction phase.
- Fire hydrant within 100 feet of Fire Department Connection FDC
- Roof top garden/landscaped roofs. Refer to IFC '15 ed. Section 317 and 905.3.8 for all requirements.
- Install Knox Remote Power Box 4500 Series for emergency power shut off for First Responder use. Ensure that life safety systems are still energized (elevators, generators, egress lighting, etc.).

Please feel free to contact the Fire Marshal with any questions.

Sincerely,

Jack D. Pesh

Fire Marshal

Birmingham Fire Department



MEMORANDUM

Planning Division

DATE: July 7th, 2021
TO: Planning Board
FROM: Nicholas Dupuis, City Planner
SUBJECT: 135 Pierce – Planthropie – Design Review

Zoning: B4 (Business-Residential) & D4 (Downtown Overlay)
Existing Use: 2-Story Commercial Building

Introduction

The subject site is located on the east side of Pierce St. south of Maple Rd. The applicant has submitted a Design Review application for the addition of a new outdoor dining platform in the Pierce St. right-of-way for an existing food and drink establishment, Planthropie.

Proposal

The applicant is proposing to install a new outdoor dining platform across one parking space adjacent to the subject site. The dining platform is proposed to measure 17 ft. x 6.5 ft. (110 sq. ft.) with four tables, twelve chairs, and two umbrellas. The platform is proposed to have a 36 in. metal railing along the perimeter. Please see the following table for details on the proposed materials:

Material	Location	Color
Trex Composite Decking	Platform surface	Clam Shell
Aluminum Railing	Platform and sidewalk	White
Melamine	Table top	White
Aluminum	Table base	Black
Polypropylene	Chairs	White

Article 4, Section 4.44 (A)(7)(e) permits an elevated, ADA compliant, enclosed platform on the street in front of an eating establishment to create an outdoor dining area from April 1 through November 15 only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions. In addition, all outdoor dining areas are expected to meet the following requirements:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order;
2. All outdoor activity must cease at the close of business;

3. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality; and
4. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.

At this time, the applicant has met the requirements with the exception of the proposed polypropylene chairs. **The Planning Board should discuss whether or not the proposed polypropylene chairs are a material of comparable quality.**

As for the review of parking and traffic conditions, the applicant will be required to go before the Advisory Parking Committee (APC). Due to scheduling restraints, the applicant was unable to appear before the APC before the Planning Board review. Thus, **the applicant must go before the APC for a review of the parking and traffic conditions in the area of the proposed dining platform.**

Finally, Section 4.44 (A) states that outdoor dining is permitted immediately adjacent to the principal use, and goes on to state that a dining platform may be erected on the street *in front of an eating establishment*. Due to the location of available parking spaces in which to place the proposed dining platform, the placement of the proposed outdoor dining platform exists just south of the eating establishment and principle use. Thus, **the Planning Board should discuss the location of the dining platform and its relation to the principle use, Planthropie.**

Signage

There are no new signs proposed as a part of the Design Review application submitted.

Lighting

There are no new light fixtures proposed as a part of the Design Review application submitted.

Planning and Zoning

Because the existing building footprint it proposed to remain, there are no bulk, placement or height requirements that must be addressed as a part of this review.

Design Standards

Article 7, Section 7.09 states that the Design Review Board shall review all documents submitted pursuant to this section and shall determine the following:

1. All of the materials required by this section have been submitted for review.
2. All provisions of this Zoning Ordinance have been complied with.
3. The appearance, color, texture and materials being used will preserve property values in the immediate neighborhood and will not adversely affect any property values.

4. The appearance of the building exterior will not detract from the general harmony of and is compatible with other buildings already existing in the immediate neighborhood.
5. The appearance of the building exterior will not be garish or otherwise offensive to the sense of sight.
6. The appearance of the building exterior will tend to minimize or prevent discordant and unsightly properties in the City.
7. The total design, including but not limited to colors and materials of all walls, screens, towers, openings, windows, lighting and signs, as well as treatment to be utilized in concealing any exposed mechanical and electrical equipment, is compatible with the intent of the urban design plan or such future modifications of that plan as may be approved by the City Commission.

Recommendation

Accordingly, the Planning Division recommends that the Planning Board **APPROVE** the Design Review application for 135 Pierce – Planthropie – with the following conditions:

1. The Planning Board APPROVES the polypropylene dining chairs as a material of comparable quality; and
2. The applicant receives a favorable recommendation from the Advisory Parking Committee in regards to the parking and traffic conditions surrounding the subject site.

Sample Motion Language

Motion to **APPROVE** the Design Review application for 135 Pierce – Planthropie – with the following conditions:

1. The Planning Board APPROVES the polypropylene dining chairs as a material of comparable quality; and
2. The applicant receives a favorable recommendation from the Advisory Parking Committee in regards to the parking and traffic conditions surrounding the subject site.

OR

Motion to **APPROVE** the Design Review application for 135 Pierce – Planthropie – with the following conditions:

1. The applicant must submit revised plans showing dining chairs constructed of wood or metal, or obtain a variance from the Board of Zoning Appeals; and
2. The applicant receives a favorable recommendation from the Advisory Parking Committee in regards to the parking and traffic conditions surrounding the subject site.

OR

Motion to **POSTPONE** the Design Review application for 135 Pierce – Planthropie – pending receipt of the following:

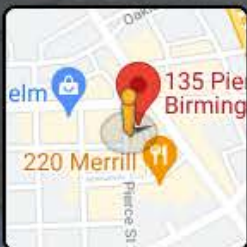
1. _____
2. _____
3. _____

OR

Motion to **DENY** the Design Review application for 135 Pierce – Planthropie – for the following reasons:

1. _____
2. _____
3. _____

**SLIDE CONTENT:
PARKING SPOT TO BE
USED**



Google

SLIDE CONTENT:
PARKING SPOT
LOCATION OVERVIEW

Side walk (West Side)

Pierce St

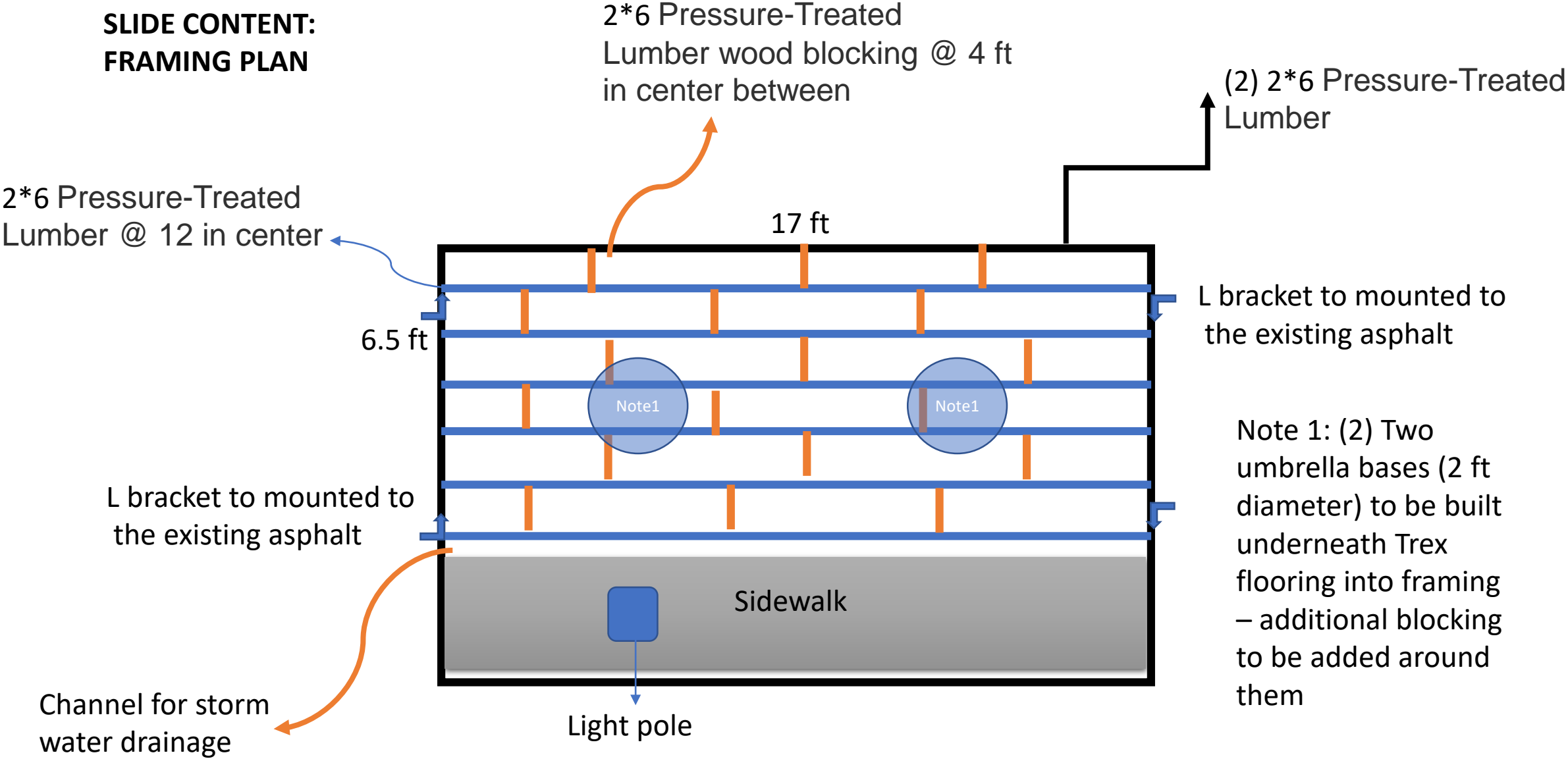
Parking spot to be used

Light pole

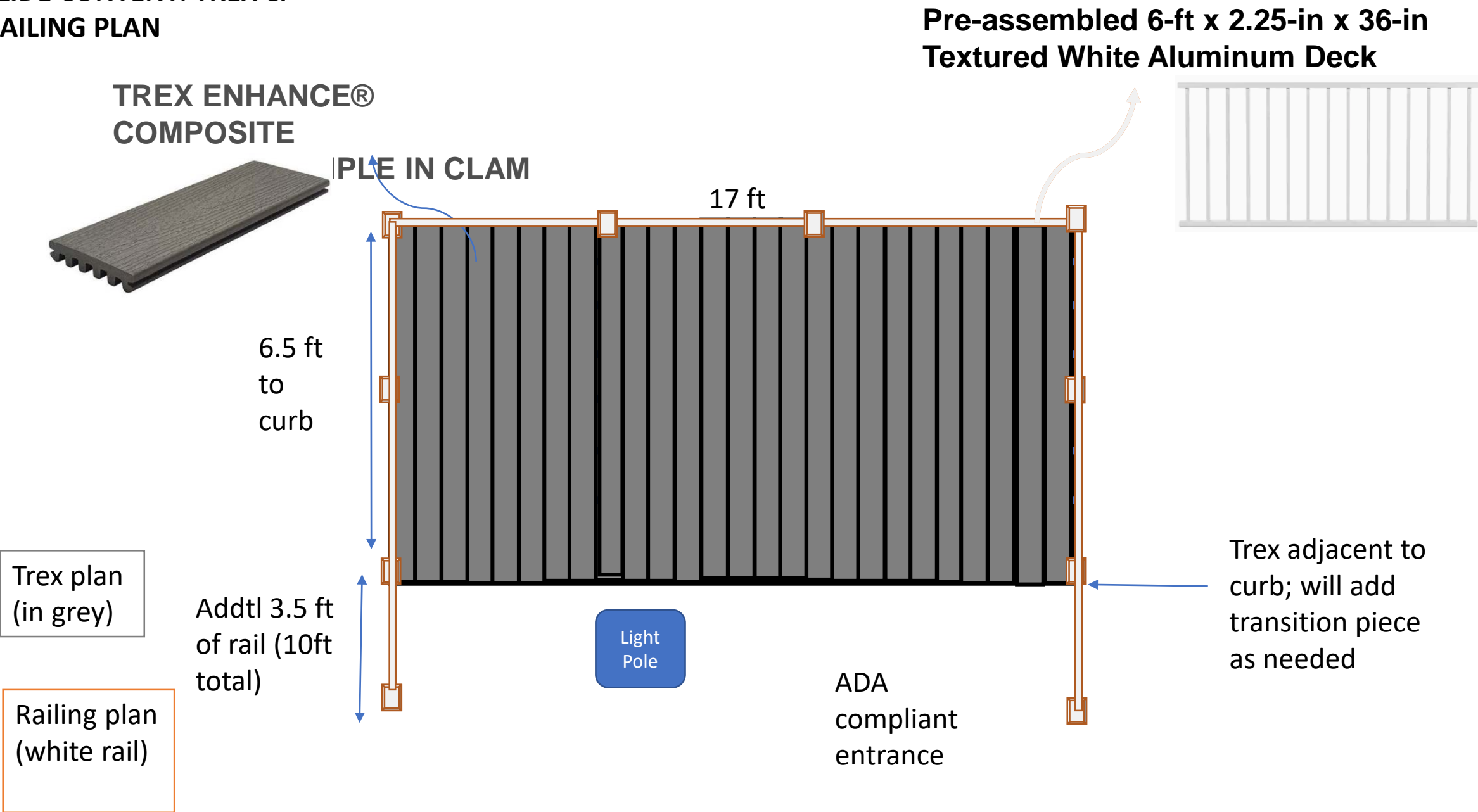
Side walk (East Side)

135
Pierce
St

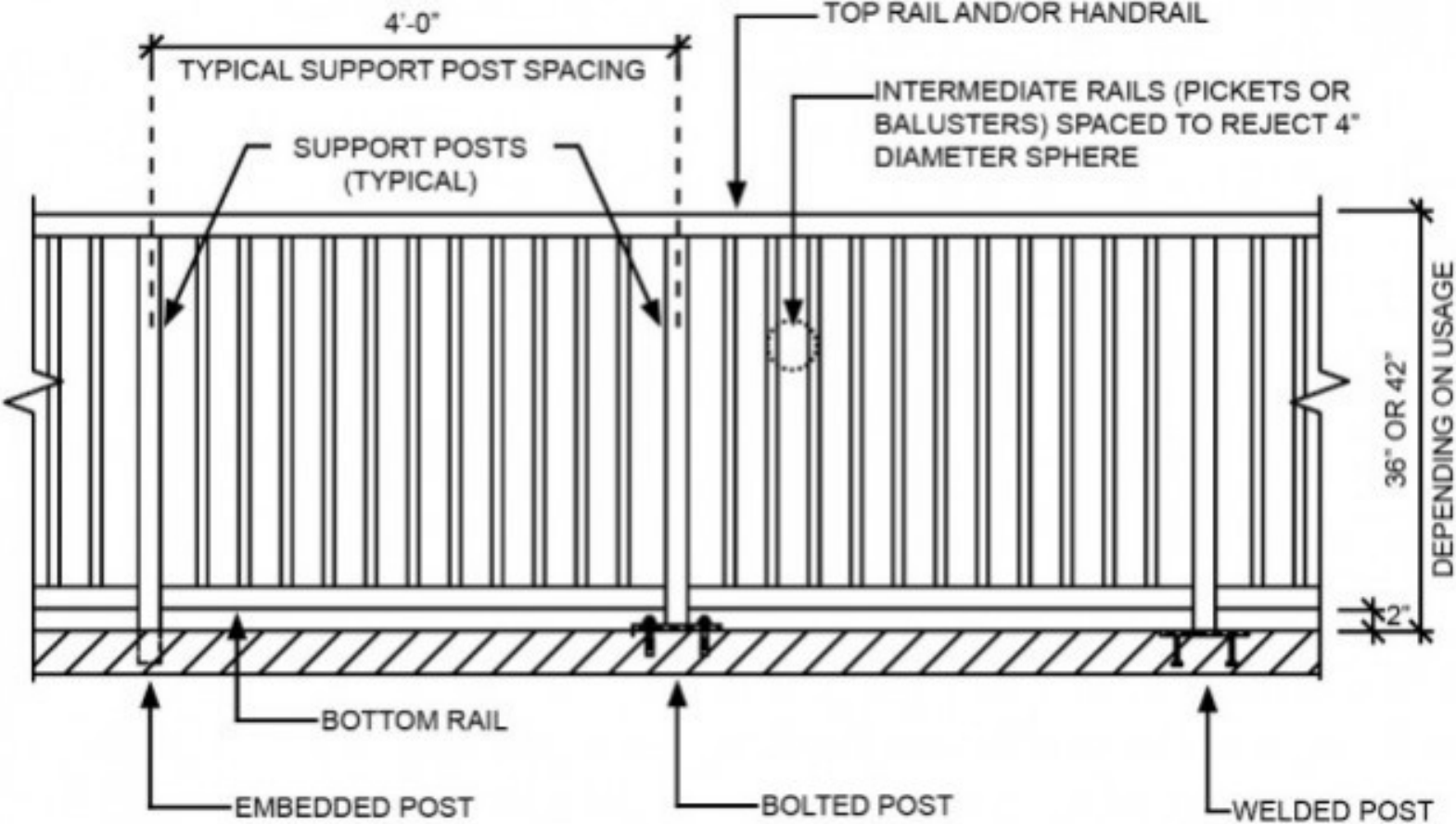
**SLIDE CONTENT:
FRAMING PLAN**



SLIDE CONTENT: TREX &
RAILING PLAN



SLIDE CONTENT: CODE
COMPLIANCE



**SLIDE CONTENT:
SEATING PLAN**



Outdoor
aluminum
table base



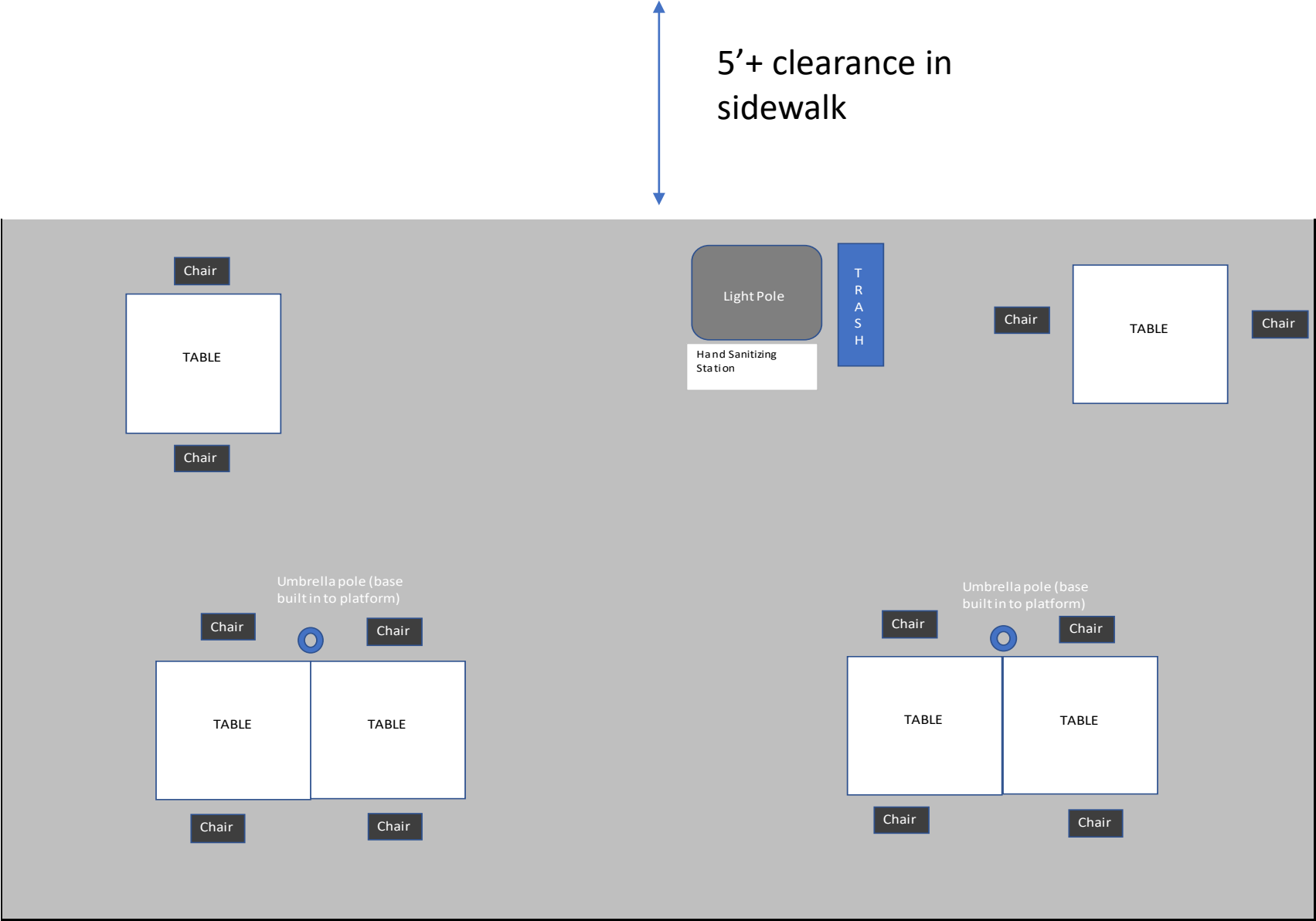
Outdoor melamine
table top



Metal base with
high quality
polypropylene seat



8' round
commercial
grade
aluminum
umbrella





Design Review Application Planning Division

Form will not be processed until it is completely filled out

1. Applicant

Name: _____
Address: 135 Pierce Street, Birmingham, MI 48009 _____
Phone Number: 248-207-2038 _____
Email address: hello@planthropie.com _____

2. Property Owner

Name: Pierce Birmingham Place LLC _____
Address: 159 Pierce Street, Birmingham, MI 48009 _____
Phone Number: 323-662-3552 _____
Email address: sciuba@simongroupholdings.com _____

3. Project Contact Person

Name: Mark DiVitto _____
Address: 135 Pierce Street, Birmingham, MI 48009 _____
Phone Number: 248-207-2038 _____
Email address: hello@planthropie.com _____

4. Project Designer/Developer

Name: JKS Construction _____
Address: 5238 Brett Ct, West Bloomfield, MI 48322 _____
Phone Number: 248-505-4066 _____
Email address: jksconstruction20@gmail.com _____

5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
 - i. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
 - ii. Colored elevation drawings for each building elevation;
 - iii. A Landscape Plan (if applicable);
 - iv. A Photometric Plan (if applicable);
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

6. Project Information

Address/Location of the property: 135 Pierce Street, Birmingham, MI 48009 _____
Name of development: Planthropie outdoor platform seating - parking space _____
Sidwell #: _____
Current Use: Commercial _____
Proposed Use: _____
Area of Site in Acres: _____
Current zoning: B4 _____

	Yes	No
Is the property located in a floodplain? -----	<input type="checkbox"/>	<input type="checkbox"/>
Is the property within a Historic District? -----	<input type="checkbox"/>	<input type="checkbox"/>
→ If so, which? Downtown _____		
Will the project require a variance? -----	<input type="checkbox"/>	<input type="checkbox"/>
→ If so, how many? _____		
Has the project been reviewed by another board? -----	<input type="checkbox"/>	<input type="checkbox"/>
→ If so, which? _____		

7. Details of the Proposed Development (attach separate sheet if necessary)

Planthropie is requesting approval for outdoor platform seating in the parking space in front of building. _____

See PowerPoint Diagrams attached _____

8. Required and Proposed Parking

Required number of parking spaces: One
Proposed number of parking spaces: _____
Location of parking on site: _____
Location of parking off site: _____
Shared parking agreement? _____
Size of surface parking lot: _____

Number of underground parking levels: _____
Typical size of parking spaces: _____
Typical width of maneuvering lanes: _____
Number of handicap spaces: _____
Screenwall material: _____
Height of screenwall: _____

9. Landscaping

Location of landscape areas: _____

Proposed landscape material: _____

10. Streetscape

Sidewalk width: _____
Number of benches: _____
Number of planters: _____

Number of existing street trees: _____
Number of proposed street trees: _____
Number of waste receptacles: _____

11. Loading

Required number of loading spaces: _____
Proposed number of loading spaces: _____
Location of loading spaces on site: _____

Typical size of loading spaces: _____
Screenwall material: _____
Height of screenwall: _____

12. Exterior Waste Receptacles

Required number of waste receptacles: One
Proposed number of waste receptacles: One
Location of waste receptacles: In seating area

Size of waste receptacles: _____
Screenwall material: _____
Height of screenwall: _____

13. Mechanical Equipment

Utilities and Transformers:

Number of ground mounted transformers: _____
Location of all utilities & easements: _____

Size of transformers (L•W•H): _____
Screenwall material: _____
Height of screenwall: _____

Ground Mounted Mechanical Equipment:

Number of ground mounted units: _____
Location of all ground mounted units: _____

Size of ground mounted units (L•W•H): _____
Screenwall material: _____
Height of screenwall: _____

Rooftop Mechanical Equipment:

Number of rooftop units: _____
Type of rooftop units: _____
Location of all rooftop units: _____
Size of rooftop units (L•W•H): _____

Location of screenwall: _____
Screenwall material: _____
Height of screenwall: _____
Distance from rooftop units to all screenwalls: _____

14. Building & Site Lighting

Number of light fixtures on building: _____
Light level at each property line: _____
Type of light fixtures on building: _____
Location of light fixtures on building: _____

Number of light fixtures on site: _____
Type of light fixtures on site: _____
Height from grade: _____
Location of light fixtures on site: _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for Site Plan Review in Birmingham, and have complied with the same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

By providing your e-mail to the City, you agree to receive news notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner:  Date: 6/11/2021

Print name: Sam Simon

Signature of Applicant: _____ Date: 6/11/21

Print Name: Rawa (Rua) Oshana 

Signature of Architect: _____ Date: _____

Print Name: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted By: _____



MEMORANDUM

Planning Division

DATE: July 7th, 2021

TO: Planning Board

FROM: Nicholas Dupuis, City Planner

SUBJECT: Public Notice Signs – Study Session 1

In 2018, City Staff was directed to redesign the City's public notice signs to include more information for the property it is representing. Several designs were created to encompass a varied range of information and sent to printing companies for quotes. Ultimately, a design involving a durable label was chosen to make the notice signs easily customizable to more clearly inform the public of the nature of the hearing. Formerly, public notice signs contained general information declaring that the property was subject to a land development hearing, and observers were directed to either call or follow a QR code for further information:



Recently, several development projects have encountered issues with the placement of notice signs within the required public noticing window, which has prompted a request to review the City's current ordinances to gauge the potential for improvement in certain areas if deemed necessary.

At present, the only mention of public notice sign requirements within the Zoning Ordinance is in Article 7, Section 7.29 (Site Plan Review: Hearing on Review; Notice) which states that:

"The Planning Board, Design Review Board, or Historic District Commission shall give notice of the date of hearing of any application for final Site Plan Review to all persons to whom any real property adjacent to, abutting and directly across a street or alley from the premises described in the application shall be assessed on the tax rolls of the city. Such notice shall be delivered personally or by mail, a minimum of fifteen days prior to the hearing date and addressed to such persons at the address given in the last assessment roll. A notice sign shall also be posted in a conspicuous place on the subject property. Notice signs will be provided by the City of Birmingham. It is the responsibility of the applicant to post the notice sign as required, to ensure that the notice sign remains posted during the entire notice period and to remove the notice sign the day after the public hearing the notice sign was advertising."

Notably, the above language seems to suggest that the noticing rules may only apply to Final Site Plan reviews, which is not the case. Furthermore, this language is not provided in any other sections in Article 7 such as Design Review, Special Land Uses, or Rezoning Amendments, which all require public notice signage. Language can be found, however, on the Notice Sign Rental form that comes with each Planning Division application that is subject to a board/commission review.

At this time, the Planning Division suggests ordinance amendments to Article 7 of the Zoning Ordinance to include more consistent notice sign information in all applicable sections. Please see the attached zoning ordinance amendment proposals in regards to public notice signs.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 7, SECTION 7.29, SITE PLAN REVIEW: HEARING ON REVIEW; NOTICE, TO REMOVE PUBLIC NOTICE REQUIREMENTS

7.29 Site Plan Review: Hearing on Review; ~~Notice~~

- A. ~~The Planning Board, Design Review Board, or Historic District Commission shall give notice of the date of hearing of any application for final Site Plan Review to all persons to whom any real property adjacent to, abutting and directly across a street or alley from the premises described in the application shall be assessed on the tax rolls of the city. Such notice shall be delivered personally or by mail, a minimum of fifteen days prior to the hearing date and addressed to such persons at the address given in the last assessment roll. A notice sign shall also be posted in a conspicuous place on the subject property. Notice signs will be provided by the City of Birmingham. It is the responsibility of the applicant to post the notice sign as required, to ensure that the notice sign remains posted during the entire notice period and to remove the notice sign the day after the public hearing the notice sign was advertising. At the hearing, any persons may appear in person, by agent or by attorney. All such hearings shall be open to the public.~~
- B. **A** . Any applicant for Site Plan **or Design Review** approval or adjacent property owner aggrieved by a decision of the Planning Board ~~and~~, Design Review Board **or Historic District Commission** shall have the right to appeal the decision to the Board of Zoning Appeals in the same manner and subject to the same conditions as set forth for appeals in the Zoning Ordinance.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 7, SECTION 7.01, GENERAL, TO ADD GENERAL PUBLIC NOTICE REQUIREMENTS

7.01 General

- A. Property Owners: Persons qualified to sign a petition on behalf of a business shall be those persons listed on the initial merchant's license issued by the City to the business or those persons who have paid or who are obligated to pay personal property taxes on behalf of the business, as set forth on the current assessment and tax rolls of the City Assessor. Where more than one person is thus identified as the owner of real property or doing business, all persons so identified shall be qualified to sign the petition. When one qualified person signs a petition on behalf of a business, the business shall be deemed to have approved the regulated use. When one qualified person signs a petition as owner of a parcel of real property, the parcel of real property shall be deemed to have approved the regulated use. In computing the required percentage of approvals, an owner of both a business and a parcel of real property shall be counted as 2 owners.

B. Public Notice

1. **The Planning Board, Design Review Board, or Historic District Commission shall give notice of the date of hearing of any land development application (Rezoning Amendments, Site Plan Review, Community Impact Study, Design Review, Special Land Use Permits, Lot Combinations and Divisions) to all persons to whom any real property adjacent to, abutting and directly across a street or alley from the premises described in the application shall be assessed on the tax rolls of the city. Such notice shall be delivered personally or by mail, a minimum of fifteen days prior to the hearing date and addressed to such persons at the address given in the last assessment roll. A notice sign shall also be posted in a conspicuous place on the subject property. Notice signs will be provided by the City of Birmingham. It is the responsibility of the applicant to post the notice sign as required, to ensure that the notice sign remains posted during the entire notice period and to remove the notice sign the day after final the public hearing the notice sign was advertising. At the hearing, any persons may appear in person, by agent or by attorney. All such hearings shall be open to the public.**



MEMORANDUM

Planning Division

DATE: July 14th, 2021

TO: Planning Board

FROM: Nicholas Dupuis, City Planner

SUBJECT: Outdoor Dining Ordinance – Study Session #1

On December 7, 2020, the City Commission discussed amending the Zoning Ordinance to consider allowing the enclosure of outdoor dining areas during the winter months. The City Commission asked the Planning Board to consider this issue, and any regulations they may recommend should outdoor dining enclosures be permitted.

On June 21st, 2021, the City Commission and Planning Board met at a joint meeting to further discuss outdoor dining, and to get a clear direction as to what elements of outdoor dining should be addressed. In general, the City Commission and Planning Board discussed several topics spanning from enclosures to private vs. public space, but ultimately asked the Planning Board to take a comprehensive look at the entire outdoor dining ordinance.

On June 23rd, the Planning Board discussed outdoor dining in further detail based on the joint meeting two days prior. The Planning Board settled on a list of goals that they would like to focus on in the ordinance review process, which includes the following:

- Incentivize outdoor off-season dining;
- Review the placement of decks and enclosures;
- Ensure that additional outdoor off-season dining does not become an extension of the indoor space;
- Solicit feedback from restaurateurs of all types in the City;
- Seek possible ideas from local, national and international examples;
- Review the current ordinance for issues;
- Review tickets that were given out to temporary outdoor dining operations;
- Review photos of the variety of temporary outdoor dining structures that were used around the City;
- Explore options for maintaining permanent aspects of outdoor dining structures even if the parts of the structures come down in different seasons;
- Discuss potential differences in policy for outdoor dining on public versus private property;
- Solicit feedback from Public Services and the BSD;

- Review agreements from temporary outdoor dining to see if any of the temporary policies might be worth integrating;
- Consider aspects like sidewalk widths and snow clearing in writing the policy;
- Maintain the current seating allowances for differently-sized establishments and maintain the differences for establishments holding different kinds of licenses for alcoholic beverage service; and,
- Recommend a permanent solution so that restaurateurs do not have to continue to adapt to changing policies.

At this early stage, the Planning Division would like to begin with a high-level general review of outdoor dining beginning with research into what “good” outdoor dining may look like. By beginning with an example driven discussion, the Planning Division hopes to work towards several of the goals listed above and guide more pointed discussions in future study sessions.

Discussing personal experiences with outdoor dining across the world was a large part of the Planning Board and City Commission discussions prior to embarking on this study session. Considering this approach, the Planning Division reviewed [OpenTable's annual list 100 Best Al Fresco Restaurants in America for 2019](#). Naturally, California, Florida and Hawaii make up 67% of the list. However, the Midwest and Northeast (similar weather conditions to Birmingham) have strong representation on the list, making it an interesting place to start. Please see the following page for images of several outdoor dining spaces from restaurants present on the list.

Upon researching many of the outdoor dining patios on the list, the Planning Division made several observations:

1. Overhead coverings are common in the form of umbrellas, awnings, and pergola-type structures. Other covering methods such as canvas shade sails, retractable fabric shade canopies, and even trees/vegetation were observed as well.
2. Several rooftop patios made the list.
3. Heaters, lights, and fire tables/pits were very common.
4. Dining chairs appeared to be constructed of a myriad of materials, including plastic, wicker, and fabric.
5. Full enclosures (roof/covering plus walls or partial walls) were rare. Most cases of perceived enclosures included variables such as below-grade placement, placement next to building facades or screening from nuisances such as parking areas.
6. The majority of outdoor dining patios contained greenery and plantings.
7. Patio placement was observed in public and private property, and patio design elements were consistent between those that were on both.



Cecconi's – Brooklyn, NY



Farmers Fishers Bakers – Washington D.C.



El Five – Denver, CO



The Mooring Restaurant – Newport, RI



Campfire – Carlsbad, CA



The Pink Door – Seattle, WA

Similar observations were made while researching opinions of the “best” outdoor dining in Michigan. [Pure Michigan's Top Outdoor Patios for Dining in Michigan](#) and [M-Live's list of Michigan's Best Outdoor Dining](#) highlight several dining establishments that contain many of the same features.



On a more local level, Southeast Michigan contains several comparable cities with outdoor dining. The Planning Division was able to locate several cities that created specific regulations for outdoor dining within their Zoning Ordinances:

- [Berkley](#)
- [Royal Oak](#)
- [Plymouth](#)
- [Rochester Hills](#) (pg. 77)
- [Lake Orion](#) (pg. 60)

Other cities and Zoning Ordinances such as Northville, Detroit, Ferndale and Ann Arbor were also researched. However, the Zoning Ordinances of these cities either did not contain any specific ordinance language regarding outdoor dining, or proved too difficult to locate at this time. Of the above cities that yielded results, only one or two had detailed regulations regarding outdoor dining within their Zoning Ordinance. If requested, further research into the Zoning Ordinance regulations of other cities, local or national, will be provided for review. As a consequence, no

examples of different outdoor dining regulations for private versus public property, enclosures, maintenance, or other items from the list of goals above were discovered.



So how does the feedback from the City Commission, the Planning Board's current list of goals for the outdoor dining discussion, and the above high-level research relate to the current Outdoor Dining ordinance? At this time, there are outdoor dining standards spread across several areas of the Zoning Ordinance:

- [Article 4, Section 4.44 – Outdoor Dining Standards](#)
- [Article 3, Section 3.04 \(C\)\(10\) – Bistros](#)
- [Article 3, Section 3.14, 3.16 – Via Activation Overlay](#)
- [Article 9, Section 9.02 – Definitions \(Bistro, Outdoor Café\)](#)

This outdoor dining study affords an opportunity to ensure that ordinance language is consistent throughout, and addresses the issues of potentially regulating different restaurant and/or liquor license types (Bistro, Class C, Economic Development, Theaters & Hotels) separately, or affording them all the same outdoor dining standards, at least in terms of design. For example, rooftop dining is permitted for bistro license holders, but is not mentioned in the overall outdoor dining standards. Similarly, the bistro ordinance language prohibits enclosures facilitating year-round dining outdoors, but the Outdoor Dining Standards do not regulate enclosures.

Considering the information above, and before attempts are made at amending any zoning ordinance language, the Planning Division suggests a discussion based on the following questions and requests that the Planning Board provide some direction as to which items to move forward with for the next study session, including any that are not listed:

- Does the Planning Board want to see enclosures? If so, during what season(s)? Additionally, the City should define “enclosure” as a part of this study. This has also been advised by the City Attorney.
- Should restaurants be permitted to extend in front of neighboring properties on the sidewalk? In the street?
- Should a survey be created and sent to property owners to solicit feedback on several key discussion points before the Planning Board begins to draft ordinance amendments?
- Should the Planning Division do a broader ordinance search for other areas of the Midwest and/or Northeast? What should we be looking for?