BIRMINGHAM CITY COMMISSION AGENDA
AUGUST 9, 2021
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.

ANNOUNCEMENTS

- The highly transmissible COVID-19 Delta variant is spreading throughout the nation at an alarming rate. As a result, the CDC is recommending that vaccinated and unvaccinated personnel wear a facemask indoors while in public if you live or work in a substantial or high transmission area. Oakland County is currently classified as a substantial transmission area. The City has reinstated mask requirements for all employees while indoors. The mask requirement also applies to all board and commission members as well as the public attending public meetings.
- In The Park Summer Concerts are being held weekly in Shain Park on Wednesday evenings from 7 pm - 9 pm. Upcoming groups include the following:
    - August 11th Alan Turner
    - August 18th Jill Jack
    - August 25th Ben Sharkey
    - September 1st Sun Messengers
    - September 8th "The Byron Legacy Show" starring Bryon Cancelmo
- The Police Department submitted a patrol vehicle to the Michigan Association of Chiefs of Police annual "Police Car of the Year" competition for 2021. The Department's current patrol vehicle graphics and color scheme were designed by a committee of volunteer department officers and implemented by Chief Clemence in 2017. The Police Department's patrol vehicle won second place in the State of Michigan for "Police Car of the Year" for 2021.

APPOINTMENTS

A. Triangle District
    1. Thomas Guastello

To concur in the Mayor's appointment of_to the Corridor Improvement Authority as a member with ownership or business interest in property located in the Development Area to serve the remainder of a four-year term to expire December 15, 2021.

To concur in the Mayor's appointment of_to the Corridor Improvement Authority as a member with ownership or business interest in property located in the Development Area to serve the remainder of a four-year term to expire December 15, 2023.

To concur in the Mayor's appointment of to the Corridor Improvement Authority as the regular member to serve the remainder of a four-year term to expire December 15, 2024.

B. Multi Modal
   1. Amanda Fishburn

To appoint _____ to the Multi-Modal Transportation Board as a regular member to serve a three-year term to expire October 27, 2022.

C. Museum Board
   1. Jay R. Shell

To appoint _____ to the Museum Board as a regular member to serve the remainder of a three-year term to expire July 5, 2024.

IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

V. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

A. Resolution to approve the City Commission meeting minutes of July 26, 2021.

B. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 28, 2021, in the amount of $8,073,706.41.

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 4, 2021, in the amount of $615,077.21.

D. Resolution to approve a request from the Birmingham Bloomfield Art Center to hold Art Birmingham in Shain Park and on surrounding streets on May 7-8, 2022 contingent upon compliance with all permit and insurance requirements, as well as payment of all fees and, further pursuant to any minor modifications or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.

E. Resolution to approve a special event permit as requested by Schools Offer Support to hold the Strides for SOS road race September 26, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.

F. Resolution to approve a special event permit as requested by Child Safe Michigan to hold the Legends of Tomorrow gala at the Townsend Hotel September 17, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures. Additionally, to allow the use of a temporary liquor license for this event, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

G. Resolution to authorize the creation of the Indigent Defense Fund for the purpose of accepting grant and local share funding and charging all MIDC plan-related costs to this fund; to authorize the Finance Director to sign the grant agreement with MIDC on behalf of the City; and to approve the appropriation and amendment to the 2021-2022 budget as follows:

Indigent Defense Fund

Revenues:

Intergovernmental Revenue	$532,550
Total Revenues	$532,550

Expenditures:

Indigent Defense Fund	$532,550
Total Expenditures	$532,550

H. Resolution to authorize the Chief of Police to sign the MLCC Police Investigation Report (LC- 1800) and to approve the liquor license request of Whistle Stop Diner, Inc. that requests a new Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) located at 501 S. Eton St, Birmingham, Oakland County, MI 48009.

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Whistle Stop Diner, Inc. approving the liquor license request of Whistle Stop Diner, Inc. that requested a new Class C License be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor a) located at 501 S. Eton St, Birmingham, Oakland County, MI 48009.

I. Resolution to approve an extension of the 2021 Sidewalk Trip Elimination Program through the addendum of the Contact #6-18 (SW) for the 2021 sidewalk program repair area, at 2018 contract prices, to Precision Concrete, Inc., in the amount of $125,000.00, contingent upon submittal of the necessary bonds and insurance certificate. All costs shall be charged to account number 101-444.001-981.0100.

And to have the Mayor sign the approved contract addendum authorizing this work.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

A. Public Hearing to Confirm S.A.D. for Confirming S.A.D. #895- Townsend Street Paving Project #6-21 (P), Water & Sewer Lateral Special Assessment

1. Resolution to confirm Special Assessment Roll No. 895,

WHEREAS, Special Assessment Roll, designated Roll No. 895 has been heretofore prepared for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and Commission Resolution 07-199-21 provided it would meet this 9th day of August, 2021 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this August 9th, 2021, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 895 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessment shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and one quarter percent (4.25%) on all unpaid installments.

B. Public Hearing for 300 - 394 S. Old Woodward and a portion of 294 E. Brown and a portion of 294 E. Brown Street – New Mixed Use 4 story Building, RH – Special Land Use Permit, Final Site Plan & Design Review

1. To approve a resolution issuing a Special Land Use Permit and approving the Final Site Plan and Design Review application for 300 - 394 S. Old Woodward and a portion of 294 E. Brown to allow a new building for Restoration Hardware, including a restaurant operating with an Economic Development Liquor License;

AND

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of RH F&B Michigan, LLC that requests a transfer of interest in a Tavern License with new Outdoor Service (1 Area)

to be issued under MCL 436.1501 located at 300-394 S Old Woodward, Birmingham, Oakland County, MI 48009;

AND

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of RH F&B Michigan, LLC approving the liquor license transfer request of RH F&B Birmingham, LLC that requested a Tavern License with new Outdoor Service (1 Area) be transferred under MCL 436.1501 located at 300-394 S Old Woodard, Birmingham, Oakland County, MI 48009.

C. Commission discussion on items from prior meeting.

D. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

A. Commissioner Reports
   1. Notice to appoint to the Historic District Commission
   2. Notice to appoint to the Design Review Board
B. Commissioner Comments
C. Advisory Boards, Committees, Commissions' Reports and Agendas
D. Legislation
E. City Staff
   1. Update on Recent Rain Events
   2. Qualifications for Appointment as a Museum Board Member

INFORMATION ONLY

XI. ADJOURN

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: **https://zoom.us/j/655079760** **Meeting ID: 655 079 760**
You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.
Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

Congratulations

Birmingham Police Department

2021 MICHIGAN POLICE CAR OF THE YEAR

2nd Place

NOTICE OF INTENTION TO APPOINT TO
BIRMINGHAM TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY

At the regular meeting of Monday, August 9, 2021 the Birmingham City Commission intends to appoint to the Birmingham Triangle District Corridor Improvement Authority two members who have an ownership or business interest in property located in the Development Area District to serve the remainder of a four-year term to expire December 15, 2021, and a four-year term to expire December 15, 2023; and a regular member to serve the remainder of a four-year term set to expire December 15, 2024.

Members shall be appointed by the Mayor, subject to approval by the City Commission.

Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. Not less than 1 of the members shall be a resident of the Development Area, or of an area within 1/2 mile of any part of the Development Area.

The authority shall operate to correct and prevent deterioration in business districts, to redevelop the City's commercial corridors and promote economic growth, pursuant to Act 280 of the Public Acts of Michigan, 2005, as amended.

Interested parties may recommend others or themselves for these positions by submitting a form available from the city clerk's office. Applications must be submitted to the city clerk's office on or before noon on Wednesday, August 4, 2021. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	**Criteria/Qualifications** Must have an ownership or business interest in property located in the Development Area
	Resident of District
Thomas Guastello	Has ownership or business interest in property located in the Development Area

SUGGESTED ACTION:
To concur in the Mayor's appointment of _____ to the Corridor Improvement Authority as a member with ownership or business interest in property located in the Development Area to serve the remainder of a four-year term to expire December 15, 2021.

To concur in the Mayor's appointment of _____ to the Corridor Improvement Authority as a member with ownership or business interest in property located in the Development Area to serve the remainder of a four-year term to expire December 15, 2023.

To concur in the Mayor's appointment of _____ to the Corridor Improvement Authority as the regular member to serve the remainder of a four-year term to expire December 15, 2024.

BIRMINGHAM TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY

Resolution # 11-363-08

The authority shall operate to correct and prevent deterioration in business districts, to redevelop the City's commercial corridors and promote economic growth, pursuant to Act 280 of the Public Acts of Michigan, 2005, as amended.

The Authority shall be under the supervision and control of the Board. The Board shall consist of the Mayor, or his or her assignee, and six additional members. Members shall be appointed by the Mayor, subject to approval by the City Commission. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. Not less than 1 of the members shall be a resident of the Development Area, or of an area within 1/2 mile of any part of the Development Area.

Members shall be appointed to serve for a term of four years.

Upon completion of its purposes, the Authority may be dissolved by the City Commission. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.

Last Name Home Address	First Name	Home Business Fax E-Mail	Appointed	Term Expires
Cantrick Jr. 774 Lakeside Birmingham 48009	**Kip**	248-540-3741 (248) 644-7622 *gcantrick@kipcantrickcompany.com*	1/28/2013 has an ownership or business interest in property located in the development area	12/15/2024
Hays 954 Chestnut Birmingham 48009	**Curtis**	(248) 639-8709 *chays77@gmail.com*	12/15/2008 DISTRICT RESIDENT (a resident of the development area or of an area within 1/2 mile of any part of the development area)	12/15/2022
Oh 820 Hazel St Birmingham 48009	**Samuel**	(312)339-8309 *samuel.e.oh@gmail.com*	12/8/2020 Resident	12/15/2023

Last Name Home Address	First Name	Home Business Fax E-Mail	Appointed	Term Expires
Sherman 1252 Stanley Birmingham	**Stuart** 48009	(248) 645-1142 *stuart.sherman@sbcglobal.net*	City Commission member (appointed by Mayor)	11/1/2021
VACANT				12/15/2021
VACANT				12/15/2023
VACANT				12/15/2024

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OFFICE USE ONLY
Meets Requirements? Yes No
Will Attend / Unable to Attend

APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

(Please print clearly)

Board/Committee of Interest _____

Specific Category/Vacancy on Board Triangle District Corridor Improvement Authority (see back of this form for information)

Name Thomas Guastello

Phone (949) 500-5566

Residential Address 347 Pine Ridge

Email * Thomasguastello@aol.com

Residential City, Zip Bloomfield Hills, MI 48304

Length of Residence 18 years

Business Address 34120 Woodward Ave.

Occupation Attorney, Property Development

Business City, Zip Birmingham, MI 48009

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I would like to work with the city and stakeholders in the Triangle District Corridor Improvement Authority to create a inviting and vibrant area.

List your related employment experience Attorney, Center Management Development

List your related community activities (see Attached)

List your related educational experience Michigan State University, BA
Michigan State University DCL, Juris Doctor Degree

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: NO

Do you currently have a relative serving on the board/committee to which you have applied? NO

Are you an elector (registered voter) in the City of Birmingham? NO

Thomas Guastello — 7-14-2021

Signature of Applicant — Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to clerk@bhamgov.org or fax to 248.530.1080.

Updated 11/18/2020

By providing your email 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.

Thomas Guastello Community Activities and Affiliations

Detroit Institute of Arts, Board Member

Oakland County Art Institute Authority, Chairman

Detroit Metro Convention Visitors Beau – Executive Committee and Owner Advisor Committee, Member

State Bar of Michigan

Choice Hotels International

International Council of Shopping Centers

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NOTICE OF INTENTION TO APPOINT TO THE MULTI-MODAL TRANSPORTATION BOARD

At the regular meeting of Monday, August 9, 2021, the Birmingham City Commission intends to appoint one alternate member to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire October 27, 2022.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, August 4, 2021. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

In so far as possible, the seven member committee shall be composed of the following: one pedestrian advocate member; one member with a mobility or vision impairment; one member with traffic-focused education and/or experience; one bicycle advocate member; one member with urban planning, architecture or design education and/or experience; and two members at large living in different geographical areas of the City. Applicants for this position do not have be a qualified elector or property owner in Birmingham.

Duties of the Multi-Modal Transportation Board

The purpose of the Multi-Modal Transportation Board shall be to assist in maintaining the safe and efficient movement of motorized and non-motorized vehicles and pedestrians on the streets and walkways of the city and to advise the City Commission on the implementation of the Multi-Modal Transportation Plan, including reviewing project phasing and budgeting.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	**Criteria/Qualifications** Traffic-focused education/experience, or urban planning, architecture or design education/experience.
Amanda Fishburn	In so far as possible, members shall represent pedestrian advocacy, mobility or vision impairment, traffic-focused education/experience, bicycle advocacy, urban planning, architecture or design education/experience, or different geographical areas of Birmingham. Members may or may not be electors (registered voter) or property owners of the City of Birmingham.

SUGGESTED ACTION:

To appoint _____, as an alternate member to the Multi-Modal Transportation Board to serve a three-year term to expire October 27, 2022.

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

MULTI-MODAL TRANSPORTATION BOARD

Chapter 110, Sections 110-26 & 110-27

The purpose of the Multi-Modal Transportation Board shall be to assist in maintaining the safe and efficient movement of motorized and non-motorized vehicles and pedestrians on the streets and walkways of the city and to advise the city commission on the implementation of the Multi-Modal Transportation Plan, including reviewing project phasing and budgeting.

In so far as possible, the seven member committee shall be composed of the following: one pedestrian advocate member; one member with a mobility or vision impairment; one member with traffic-focused education and/or experience; one bicycle advocate member; one member with urban planning, architecture or design education and/or experience; and two members at large living in different geographical areas of the city. At least five Board members shall be electors or property owners in the city. The remaining Board members may or may not be electors or property owners in the City.

Term: Three years.

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Haig 1814 Banbury St. Birmingham 48009	**Andrew**	(248) 506-9979 *ahjunkah@gmail.com*	3/9/2020 Member at large	3/24/2022
Hocker 898 Pilgrim Birmingham 48009	**David**	(313) 917-4718 *dhocker@globalfacilitiesinc.com*	11/23/2020 Regular Member	3/24/2022
Lurie 755 Lakeview Ave Birmingham 48009	**David**	(248) 224-0752 *dlurie2001@comcast.net*	11/23/2020 Member at large from different geographical areas of the city.	3/24/2023

Last Name / Home Address	First Name	Home / Business / E-Mail	Appointed	Term Expires
Morris Groves High School	**Lauren**		2/22/2021 Student Representative	12/31/2021
Peard 645 Suffield Birmingham 48009	**Thomas**	(248) 770-7761 *thomaspeard@yahoo.com*	1/13/2020 Urban Planning /Architecture /Design	3/24/2022
Schafer 1966 Fairway Birmingham 48009	**Katie**	(248) 835-5064 *schafekat@gmail.com*	3/13/2017 Pedestrian Advocate	3/24/2024
Schoener Seaholm High School	**Justin**		2/22/2021 Student Representative	12/31/2021
Slanga 4410 Charing Way Bloomfield Hills 48304	**Johanna**	(248) 761-9567 *johannaslanga@gmail.com*	5/5/2014 Traffic-Focus Education/Experience Member	3/24/2022
VACANT			Alternate	10/27/2022

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Walters Seaholm High School	**Alex**		2/22/2021 Student Representative	12/31/2021
White 1342 Holland St. Birmingham 48009	**Doug**	(248) 825-2223 *dwhite10@peoplepc.com*	5/14/2018 Bicycle/Pedestrian Advocate	3/24/2024
Zane 1014 Chestnut St. Birmingham 48009	**Joseph**	(248) 563-3381 *Joseph.Michael.Zane@gmail.com*	12/10/2018 Alternate	10/27/2022

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **Multi Modal Transportation Board** **Year:** **2020**

Members Required for Quorum: **4**

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
															0	0	#DIV/0!
Lara Edwards	P	P	P	NA	NA	NA	NM	NM							3	0	100%
Daniel Rontal	P	A	A	NA	NA	NA	NM	NM							1	2	33%
Amy Folberg	P	P	P	NA	NA	NA	NM	NM							3	0	100%
Johanna Slanga	P	A	P	NM	P	P	NM	NM	P	A	P	P			7	2	78%
Doug White	P	P	P	NM	P	P	NM	NM	P	P	P	P			9	0	100%
Katie Schafer	P	P	A	NM	P	P	NM	NM	P	P	P	P			8	1	89%
Tom Pearda	NA	P	P	NM	P	P	NM	NM	P	P	P	P			8	0	100%
Joe Zane	NA	NA	A	NM	P	P	NM	NM							2	1	67%
ALTERNATES																	
Andrew Haig	NA	NA	NA	NM	P	P	NM	NM	P	P	P	P			6	0	100%
Joe Zane	P	P	A	NM	NA	NA	NM	NM	A	P	P	A			4	3	57%
Bennett Pompi (Stdnt)	A	A	A	A	A	A	NM	NM							0	6	0%
Chris Capone (Stdnt)	A	A	A	A	A	A	NM	NM							0	6	0%
Present or Available	**7**	**6**	**5**	0	**6**	**6**	0	0	**5**	**5**	**6**	**5**	0	0			

KEY:
- **A = Member absent**
- **P = Member present or available**
- **CP = Member available, but meeting canceled for lack of quorum**
- **CA = Member not available and meeting was canceled for lack of quorum**
- **NA = Member not appointed at that time**
- **NM = No meeting scheduled that month**
- **CM = Meeting canceled for lack of business items**

Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Multi Modal Transportation Board **Year:** 2019

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Lara Edwards	A	P	P	NM	P	P	NM	NM	P	NM	P	A			0	0	#DIV/0!
Daniel Rontal	A	P	P	NM	P	A	NM	NM	P	NM	P	A			6	2	75%
Amy Folberg	A	P	P	NM	A	P	NM	NM	P	NM	P	A			5	3	63%
Johanna Slanga	P	P	P	NM	P	A	NM	NM	P	NM	P	A			5	3	63%
Doug White	P	A	P	NM	P	P	NM	NM	P	NM	P	A			6	2	75%
Katie Schafer	P	P	P	NM	A	P	NM	NM	P	NM	A	A			6	2	75%
															5	3	63%
															0	0	#DIV/0!
ALTERNATES															0	0	#DIV/0!
Daniel Isaksen	P	P	P	NM	P	P	NM	NM	P	NM	NA	NA					
Joe Zane	P	P	P	NM	A	A	NM	NM	P	NM	A	P			6	0	100%
Bennett Pompi (Stdnt)	NA	A	P	NM	P	P	NM	NM	A	NM	P	P			5	3	63%
Chris Capone (Stdnt)	NA	A	P		P	P	NM	NM	A	NM	P	P			5	2	71%
Present or Available	**5**	**7**	**10**	0	**7**	**7**	0	0	**8**	0	**7**	**3**	0	0	5	2	71%

KEY:

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CA = Member not available and meeting was canceled for lack of quorum
NA = Member not appointed at that time
NM = No meeting scheduled that month
CM = Meeting canceled for lack of business items

Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Multi Modal Transportation Board **Year:** 2018

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Vionna Adams	P	A	P	P	NA	NA	NA	NA	NA	NA	NA	NA			3	1	75%
Lara Edwards	P	P	P	P	P	P	P	P	A	P	P	NM			10	1	91%
Andy Lawson	P	A	P	A	NA	NA	NA	NA	NA	NA	NA	NA			2	2	50%
Michael Surnow	P	A	A	A	NA	NA	NA	NA	NA	NA	NA	NA			1	3	25%
Amy Folberg	P	A	P	P	P	P	P	P	P	P	P	NM			10	1	91%
Daniel Rontal	P	A	P	A	P	A	P	A	P	P	P	NM			7	4	64%
Johanna Slanga	A	P	P	A	A	P	P	P	P	A	A	NM			6	5	55%
Doug White	NA	NA	NA	NA	NA	P	P		P	P					4	0	100%
															0	0	#DIV/0!
ALTERNATES																	
Katie Schafer	P	P	P	P	P	P	P	A	P	P	P	NM			10	1	91%
Daniel Isaksen	P	P	P	P	P	P	P	A	A	P	P	NM			9	2	82%
Alex Lindstrom Stdnt											A				0	1	0%
Reserved															0	0	#DIV/0!
Present or Available	8	4	8	5	5	6	7	3	5	6	5	0	0	0			

KEY:
- **A** = Member absent
- **P** = Member present or available
- **CP** = Member available, but meeting canceled for lack of quorum
- **CA** = Member not available and meeting was canceled for lack of quorum
- **NA** = Member not appointed at that time
- **NM** = No meeting scheduled that month
- **CM** = Meeting canceled for lack of business items

Department Head Signature

City of Birmingham
A Walkable Community

OFFICE USE ONLY
Meets Requirements? Yes No
Will Attend / Unable to Attend

APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

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(Please print clearly)

Board/Committee of Interest Multi-Modal Transportation Board

Specific Category/Vacancy on Board Alternate Member (see back of this form for information)

Name Amanda Fishburn

Phone 248.613.0501

Residential Address 245 Catalpa

Email * mandyfishburn@outlook

Residential City, Zip Birmingham MI 48009

Length of Residence 17 years

Business Address International Academy

Occupation Teacher

Business City, Zip 1020 E. Square LK, Bl. Hills, MI 48304

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I've lived in Birmingham for many years, on Lincoln, Graefield and Catalpa. I walk, bike and drive through the city daily. I've raised two children here. And my husband Frederick Acomb is a former pedestrian advocate. I feel my experience as a resident and parent is significant. I've also been both a teacher and a public communications professional for over 20 years. I have volunteered for and have been on the board for various issues at Eton Academy, Brother Rice, Pierce Elementary, Pembroke elementary, Derby Middle School, and Detroit Central City Community Mental Health.

List your related employment experience

List your related community activities

List your related educational experience I have a B.A. in English + History; and a Masters in Education.

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: NO

Do you currently have a relative serving on the board/committee to which you have applied? No, but my husband Frederick Acomb was a prior board member.

Are you an elector (registered voter) in the City of Birmingham? yes

Fishburn

Signature of Applicant

7/9/2021

Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to clerk@bhamgov.org or fax to 248.530.1080.

Updated 11/18/2020

*By providing your email 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.

City of Birmingham
A Walkable Community

NOTICE OF INTENTION TO APPOINT TO THE MUSEUM BOARD

At the regular meeting of Monday, August 9, 2021, the Birmingham City Commission intends to appoint one regular members to the Museum Board to serve the remainder of a three-year terms to expire July 5, 2024.

Interested parties may submit an application available at the City Clerk's office on or before noon on Wednesday, August 4, 2021. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

Board Duties

The Museum Board is charged with collecting, arranging, cataloguing and preserving historical material. The Board may locate and erect plaques or markers at historic sites, buildings or properties in the City of Birmingham with the consent of the owner or owners of any such property and subject to the approval of the City Commission with respect to properties that, in the opinion of the Board, have historic significance. Further, the Board shall have the power to develop, operate and maintain the Allen House as a museum and to exercise authority, control and management over the Hunter House and John West Hunter Memorial Park. All of the members of the museum board shall also be members of the Birmingham Historical Society (A.K.A Friends of the Birmingham Museum.)

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	**Criteria/Qualifications** • Shall be qualified electors of the City and members of the Birmingham Historical Society/Friends of the Birmingham Museum
Jay R. Shell	Resident, member of the Birmingham Historical Society/Friends of the Birmingham Museum

SUGGESTED ACTION:

To appoint _____ to the Museum Board as a regular member to serve the remainder of a three-year term to expire July 5, 2024.

3C

MUSEUM BOARD

Chapter 62 - Section 62-26
Terms - Three years - expiring first Monday in July
Eight Members: Six are electors and appointed by city commission
One member is an Alternate
One is owner of a business and appointed by the city manager

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Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Erickson 1841 Maryland	**Bev**	(248) 561-4178 *beverickson@comcast.net*	7/26/2021 Regular Member/BHS/Friends	7/5/2024
Harris 2600 Buckingham	**Alexandria**	(248) 686-4077 *akharrisart@gmail.com*	7/26/2021 Alternate	7/5/2023
Hughes 915 Kennesaw	**Patrick J.**	(248) 417-0470 *phughes@brickstory.com*	9/23/2019 Regular Member/BHS/Friends	7/5/2022

BIRMINGHAM HISTORICAL MUSEUM & PARK, 556 West Maple, Birmingham, MI 48009
phone: 248.530.1928 fax: 248.530.1685 www.bhamgov.org/museum
Leslie Pielack, Museum Director: lpielack@ci.birmingham.mi.us

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Keefer 505 E. Lincoln, #4	**Judith**	(248) 249-0996 *jlwk2014@gmail.com*	7/11/2016 Regular Member/BHS/Friends	7/5/2022
Logue 2010 Buckingham	**Marty**	(248) 649-4921 *gtfieros@comcast.net*	9/26/2011 Regular Member/BHS/Friends	7/5/2023
Lutz Groves High School	**Carter**		2/22/2021 Student Representative	12/31/2021
Patt 773 Redding Road	**Jacqueline**	(248)561-4052 *jlpatt2@gmail.com*	3/22/2021 Regular Member/BHS/Friends	7/5/2023
Rosso 355 Columbia	**Caitlin**	(248) 229-4227 *caitlinrosso@maxbroock.com*	9/21/2015 Regular Member/BHS/Friends	7/5/2023
Schoener Seaholm High School	**Aidan**		2/22/2021 Student Representative	12/31/2021
VACANT			Regular Member/BHS/Friends	7/5/2024

BIRMINGHAM HISTORICAL MUSEUM & PARK, 556 West Maple, Birmingham, MI 48009
phone: 248.530.1928 fax: 248.530.1685 www.bhamgov.org/museum
Leslie Pielack, Museum Director: lpielack@ci.birmingham.mi.us

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Year:)20-2021

4

MEMBER NAME	2020 JULY	AUG	SEPT	OCT	NOV	DEC	2021 JAN	FEB	MAR	APR	MAY	JUNE	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended
REGULAR MEMBERS																	
Patt, Jacquie	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	P			3	0	100%
Dixon, Russ	P	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
Keefer, Judith	P	P	P	P	P	P	A	P	P	P	A	P			10	2	83%
Krizanic, Tina	P	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
Logue, Marty	P	P	P	A	P	P	P	P	P	P	P	P			11	1	92%
Rosso, Caitlin	A	P	A	A	P	P	A	P	P	P	P	A			7	5	58%
Haugen, Dan	A	P	P	P	A	NA	NA	NA	NA	NA	NA	NA			3	2	60%
Hughes, Pat	A	P	P	P	P	P	P	A	P	P	P	P			10	2	83%
Present or Available	**4**	**7**	**6**	**5**	**6**	**6**	**4**	**5**	**6**	**7**	**6**	**6**	0	0			

KEY:

City of Birmingham
A Walkable Community

OFFICE USE ONLY
Meets Requirements? Yes No

Will Attend / Unable to Attend

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(Please print clearly)

Board/Committee of Interest MUSEUM BOARD

Specific Category/Vacancy on Board OPEN POSITION

Name JAY R. SHELL

Phone 248-890-6333

Residential Address 1121 NORTHLAWN

Email JAY.Shell@Gmail.com

Residential City, Zip 48009

Length of Residence 28 YEARS

Business Address 39555 ORCHARD HILL PL.

Occupation I.T. DIRECTOR

Business City, Zip NOVI MI 48375

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied NEIGHBORHOOD ASSN. PRESIDENT, MASTER GARDENER, ORGANIZER OF VARIOUS COMMUNITY EVENTS

List your related employment experience HAVE SERVED ON SEVERAL NATIONAL PROFESSIONAL BOARDS: AT&T USER GROUP

List your related community activities BIRMINGHAM GARDEN TOUR ORGANIZER, NEIGHBORHOOD ASSN. PRESIDENT, MUSEUM FRIENDS BOARD MEMBER.

List your related educational experience MASTERS DEGREE

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: NO

Do you currently have a relative serving on the board/committee to which you have applied? NO

Are you an elector (registered voter) in the City of Birmingham? YES

Signature of Applicant

23 JULY 2021
Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to cmynsberge@bhamgov.org or by fax to 248.530.1080.

Updated 8/16/17

Jessica Schaffner <jschaffner@bhamgov.org>

Fwd: Birmingham Museum board

1 message

Alex Bingham <abingham@bhamgov.org> Fri, Jul 30, 2021 at 8:36 AM
To: Jessica Schaffner <jschaffner@bhamgov.org>

---------- Forwarded message ---------
From: **Alex Bingham** <abingham@bhamgov.org>
Date: Fri, Jul 30, 2021 at 8:35 AM
Subject: Re: Birmingham Museum board
To: Jacquie <jlpatt2@gmail.com>

Thanks for letting us know!
Best of luck with the moving process.

Wishing you well,

On Thu, Jul 29, 2021 at 6:25 PM Jacquie <jlpatt2@gmail.com> wrote:

> Hi Alexandria,
>
> I'm writing this email with mixed emotions. I am in the process of purchasing a condominium that is in Bloomfield Hills, outside of the city of Birmingham. So I will not be able to continue on the Museum Board. I'm very sorry to submit my resignation because I recently joined the board and was looking forward to continuing my term. I don't know the exact closing date for my condo, or when I will actually move but it will probably be, mid to late August. My current apartment lease goes through August 31 so that will be my last official day, living in the city. I'm planning to attend the board meeting in August since it is early in the month.
>
> Please let me know if you have any questions.
>
> All the best to the city and staff, the Museum, and the Museum board,
>
> Jacquie Patt
> (248) 561-4052

--
Alexandria D. Bingham
City Clerk
City of Birmingham
151 Martin Street
Birmingham, MI 48009
(248) 530-1802 Office Direct
(248) 530-1080 Fax
abingham@bhamgov.org
Important Note to Residents
Let's connect! Join the Citywide Email System to receive important City updates and critical information specific to your neighborhood at www.bhamgov.org/citywideemail.

--
Alexandria D. Bingham
City Clerk

Birmingham City Commission Minutes
July 26, 2021
7:30 p.m.
Municipal Building, 151 Martin
Vimeo Link: https://vimeo.com/event/3470/videos/574277410/

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Boutros
Mayor Pro Tem Longe
Commissioner Baller
Commissioner Hoff
Commissioner Host
Commissioner Nickita
Commissioner Sherman

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Police Chief Clemence, City Planner Dupuis, Planning Director Ecker, Operations Commander Grewe, City Attorney Grochowski, Consulting City Engineer Surhigh, DPS Director Wood

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.

APPOINTMENTS

07-188-21 Appointment of Linda Peterson to the Greenwood Cemetery Advisory Board

The Commission interviewed Linda Peterson for the appointment.

MOTION: Nomination by Commissioner Sherman:
To appoint Linda Peterson to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2024.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Mayor Pro-Tem Longe
Mayor Boutros
Commissioner Baller
Commissioner Nickita
Commissioner Hoff

Commissioner Host

Nays, None

07-189-21 Appointment of George Stern to the Greenwood Cemetery Advisory Board

The Commission interviewed George Stern for the appointment.

MOTION: Nomination by Commissioner Hoff:
To appoint George Stern to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2024.

ROLL CALL VOTE: Ayes, Commissioner Hoff
Commissioner Host
Commissioner Sherman
Mayor Pro-Tem Longe
Mayor Boutros
Commissioner Baller
Commissioner Nickita

Nays, None

07-190-21 Appointment of Laura Schreiner to the Greenwood Cemetery Advisory Board

Laura Schreiner was unavailable for an interview.

MOTION: Nomination by Mayor Pro-Tem Longe:
To appoint Laura Schreiner to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2024.

ROLL CALL VOTE: Ayes, Mayor Pro-Tem Longe
Mayor Boutros
Commissioner Baller
Commissioner Nickita
Commissioner Hoff
Commissioner Host
Commissioner Sherman

Nays, None

07-191-21 Appointment of Bev Erickson to the Museum Board

The Commission interviewed Bev Erickson for the appointment. She noted that she would renew her membership with the Historical Society if it has lapsed since membership may be required of regular Museum Board members.

MOTION: Nomination by Commissioner Hoff:

To appoint Bev Erickson to the Museum Board as a regular member to serve a three-year term to expire July 5, 2024 subject to verification as to whether membership with the Historical Society is required and that Ms. Erickson will renew her membership if so determined by legal counsel.

ROLL CALL VOTE: Ayes, Commissioner Hoff
Commissioner Host
Commissioner Sherman
Mayor Pro-Tem Longe
Mayor Boutros
Commissioner Baller
Commissioner Nickita

Nays, None

07-192-21 Appointment of Alexandra Harris to the Museum Board

The Commission interviewed Alexandra Harris for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint Alexandra Harris to the Museum Board as an alternate member to serve the remainder of a three-year term to expire July 5, 2023 subject to verification as to whether membership with the Historical Society is required and that Ms. Harris will renew her membership if so determined by legal counsel.

ROLL CALL VOTE: Ayes, Commissioner Host
Commissioner Sherman
Mayor Pro-Tem Longe
Mayor Boutros
Commissioner Baller
Commissioner Nickita
Commissioner Hoff

Nays, None

City Clerk Bingham swore in all present appointees.

IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

Stephanie Ruseckas asked the City to address rats in the area of Washington.

Denise Rumsey asked the City to address flooding on E. Lincoln and Cole.

The Mayor told Ms. Ruseckas and Ms. Rumsey that the City would get in touch to discuss their concerns.

Frank Pisano thanked outgoing Commissioners Hoff, Nickita and Sherman for their service to the City.

Andrew Haig asked the City to look into working with other municipalities, Oakland County and the State to address flooding issues. He asked the City to also see whether there might be federal infrastructure funding available for addressing the issue.

V. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

07-193-21 Consent Agenda

The following items were pulled from the Consent Agenda:

Public: Item F – Vehicle 501 Replacement
Item H – Vehicle 564 Replacement
Commissioner Baller: Item J – Outside Agency Agreements Police FY 21-22
Commissioner Sherman:
Item K – Pavement Marking Agreement Extensions FY 21-22
Commissioner Hoff: Item L – City Commission Proposed Meeting Schedule

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To approve the Consent Agenda with the exception of Items F, H, J, K and L, with discussion of Items F and H to occur prior to discussion of Items J, K and L.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Hoff
Commissioner Baller
Commissioner Nickita
Mayor Boutros
Commissioner Host
Mayor Pro Tem Longe

Nays, None

A. Resolution to approve the City Commission meeting minutes of July 13, 2021.

B. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 14, 2021, in the amount of $792,651.95.

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 21, 2021, in the amount of $976,399.27.

D. Resolution to approve the purchase of uniforms with Contractors Clothing Company for an expected annual cost not to exceed $12,000 per year for the Teamster contract uniform allowance for fiscal years 2021-2022, 2022-2023 and 2023-2024. Funds are available for this purchase in the Public Services - Uniform Allowance account #101-441.002-743.0000.

E. Resolution to approve the fertilizer/chemical purchases for Lincoln Hills and Springdale Golf Courses from Harrell's for $22,000, Target Specialty Products for $22,000, and Great Lakes Turf for $8,000. The total purchase from all vendors will not exceed a total of $52,000. Funds will be charged to account numbers 584/597-753.001-729.0000.

G. Resolution to approve the purchase of one (1) 2022 Ford Transit Connect Cargo Van from Gorno Ford through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 in the amount

not to exceed $25,690.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.

I. Resolution to authorize the IT department to purchase the G-Suite license renewal from Newmind Group Inc. The cost not to exceed $18,720.00. Using available funds from the Computer Maintenance account 636-228.000-993.0600

M. Resolution to approve a special event permit as requested by Piety Hill Chapter, NSDAR to hold the Veterans Day Wreath Laying Ceremony in Shain Park November 11, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.

07-194-21 (Item F) Vehicle 501 Replacement

Gerald Randolph asked for an explanation of the cost difference between Item F and Item H.

Police Chief Clemence stated Vehicle 501 will be an administrative/investigative vehicle whereas Vehicle 564 will be a police vehicle. He stated that the latter vehicle comes with less equipment, hence the lower cost.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Longe:
To approve the purchase of one (1) 2022 Chevrolet Tahoe LS 4WD police package from Berger Chevrolet Inc. through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed $45,893.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.

ROLL CALL VOTE: Ayes, Commissioner Hoff
Mayor Pro Tem Longe
Commissioner Sherman
Commissioner Baller
Commissioner Nickita
Mayor Boutros
Commissioner Host

Nays, None

07-195-21 (Item H) Vehicle 564 Replacement

See explanation under Item F.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To approve the purchase of one (1) 2022 Chevrolet Tahoe 4WD police package from Berger Chevrolet Inc. through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed $39,885.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.

ROLL CALL VOTE: Ayes, Commissioner Hoff

Commissioner Nickita
Commissioner Sherman
Commissioner Baller
Mayor Boutros
Commissioner Host
Mayor Pro Tem Longe

Nays, None

07-196-21 (Item J) Outside Agency Agreements Police FY 21-22

Commissioner Baller highlighted the work of the Birmingham Bloomfield Community Coalition on behalf of youth mental health in the community. He noted residents can learn more about the organization and donate at bbcoalition.org.

MOTION: Motion by Commissioner Baller, seconded by Mayor Pro Tem Longe:
To approve the outside agency service agreements for services described in Attachment A of the agreement for fiscal year 2021-22 with Birmingham Bloomfield Community Coalition in the amount of $3,000, Birmingham Youth Assistance in the amount of $18,000 and Common Ground in the amount of $1,500 from account number 101-301.000-811.0000, further to direct the Mayor and City Clerk to sign the agreements on behalf of the City.

ROLL CALL VOTE: Ayes, Commissioner Baller
Mayor Pro Tem Longe
Commissioner Sherman
Commissioner Hoff
Commissioner Nickita
Mayor Boutros
Commissioner Host

Nays, None

07-197-21 (Item K) Pavement Marking Agreement Extensions FY 21-22

In reply to Commissioner Sherman, CM Markus stated that the Commission's direction had been to wait for road repaving or resurfacing before replacing crosswalks. It was noted that choice was made because removing and replacing crosswalks without repaving or resurfacing leaves scarring on the road.

In response to Commissioner Nickita, Police Chief Clemence said he would speak with the contractor that paints the crosswalks to see if the continental pattern B, with one foot lines and three foot spaces, could be turned into the preferred continental pattern A, with two foot lines and two foot spaces. He stated he would also make sure Consulting City Engineer Surhigh has the MMTB/Commission decisions from February 20217 that specified the types of crosswalks to be used in different City locations.

Commissioner Nickita stated that the City should only be using continental pattern A, with two foot lines and two foot spaces, in locations where the continental pattern for crosswalks is to be used.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:

To approve the addendum to extend the contract for 2021-22 handwork pavement markings with Hart Pavement Striping Corporation in the amount of $107,000.00 for combined fall 2021 and spring 2022 applications; further to approve the addendum to extend the contract for pavement marking longlines with PK Contracting, Inc. in the amount of $10,027.00 for spring 2022 pavement markings; further authorizing and directing the mayor and city clerk to sign the addenda on behalf of the city; further to authorize these budgeted expenditures from account number 202-303-001-937.0200.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Nickita
Mayor Boutros
Commissioner Host
Mayor Pro Tem Longe
Commissioner Hoff
Commissioner Baller

Nays, None

07-198-21 (Item L) City Commission Proposed Meeting Schedule

Commissioner Hoff recommended the City consider moving the regular Commission meeting following the January LRP meeting from January 22, 2022 to January 31, 2022 in order to give more of a break between the two meetings.

Commissioner Sherman noted that Birmingham schools' winter break ends on January 21, 2022 meaning that many people may still be out of town for the January LRP meeting on January 22, 2022. Accordingly, he suggested that the LRP meeting either be rescheduled to January 29, 2022 with the regular meeting following on January 31, 2022, or that the regular Commission meeting be held on January 24, 2022 with the LRP meeting being held on January 29, 2022.

CM Markus noted that the Commission could accept the proposed meeting schedule as submitted and could make amendments at a later date if necessary.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Sherman:
To approve the Birmingham City Commission 2022 Meeting Schedule as submitted.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Hoff
Commissioner Baller
Commissioner Nickita
Mayor Boutros
Commissioner Host
Mayor Pro Tem Longe

Nays, None

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

07-199-21 Public Hearing of Necessity – Townsend and Peabody Paving Project

The Mayor opened the public hearing at 8:26 p.m.

Mayor Pro Tem Longe recused herself from the item at 8:26 p.m., noting that her spouse is a tenant in the area of Peabody being discussed.

CCE Surhigh presented the item.

Public Comment
Steve Samona was present on behalf of the Balmoral ownership. He stated that the Balmoral has been having issues with flooding in its basement and asked if that could be looked at.

CCE Surhigh said he would look at the sewer conditions near the Balmoral to see if any rehabilitations or repairs could be made as part of this project. He said he would also be able to meet with Mr. Samona to discuss the matter further.

The Mayor closed the public hearing at 8:31 p.m.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To approve the complete resolution as included in the evening's agenda packet.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Nickita
Mayor Boutros
Commissioner Host
Commissioner Hoff
Commissioner Baller

Nays, None

07-200-21 Public Hearing 501 S. Eton – Whistle Stop – Special Land Use Permit, Final Site Plan & Design Review

Mayor Pro Tem Longe rejoined the meeting at 8:32 p.m.

The Mayor opened the public hearing at 8:33 p.m.

CP Dupuis presented the item.

Police Chief Clemence confirmed for Commissioner Hoff that the formal police liquor license investigation was completed.

In reply to Commissioner Hoff, CP Dupuis noted that the current plans addressed Items One, Two, Five and Six from Engineering's comments as included in the June 9, 2021 memo. He said that the applicant would comment on Items Three and Four, and that the plans would be reviewed again by Engineering as part of the building and grading permit submissions to see if further changes need to occur.

Commissioner Hoff noted that meant that some of the issues raised by Engineering were not yet resolved.

CP Dupuis confirmed.

In reply to Commissioner Hoff, CP Dupuis described the changes made to the outdoor dining proposal.

Commissioner Sherman recommended that the sidewalk be clearly denoted in the plans. He also noted that another bistro was denied a change in hours of operation that would have removed dinner hours. Since Whistle Stop proposes no dinner hours, he suggested there might be issues with disparate treatment.

Mayor Boutros noted that Whistle Stop has historically been a breakfast, brunch and lunch only establishment.

Commissioner Sherman noted that the other bistro in question has a second location outside the City with only breakfast, brunch and lunch hours, and that the Commission still required their Birmingham location to remain open for dinner hours to activate the street.

The City Attorney said the matter was worth considering carefully. He said there was some precedent for allowing Whistle Stop to operate without dinner hours.

Commissioner Nickita noted that there was a difference between denying an already-granted bistro licensee the right to remove evening hours, and granting a bistro license for an applicant that has no history of maintaining evening hours.

Subsequent to further Commission discussion, the City Attorney stated that the Whistle Stop's longstanding history of operating only during the day, and operating outside the downtown area, would be legally defensible reasons to prevent it from setting a precedent for other bistro applications.

Patrick Howe, attorney for the applicants, Elda and Valter Xhomaqi, applicants, and Jawan Matti, architect, were present on behalf of the request.

Commissioner Hoff expressed concern about the width of the pedestrian area on the sidewalk, the significant fall between the existing walk at the building and exiting top of curb, and the lack of sidewalk to the live work areas on Hazel. She also shared concerns about parking, given the establishment's planned increase in seating.

Ms. Matti noted that the City requires the pedestrian area of a sidewalk to be five feet wide, and that the present proposal was for a width of six feet.

Mr. Howe noted that the City's Engineering Department supported the proposed sidewalk width and that it was consistent with the sidewalks in front of other restaurants throughout the City.

It was noted that the Whistle Stop would be decreasing its interior seating in the new design from 80 seats to 64. The 28 outdoor dining seats would be present only during the outdoor dining season or in the off-season by additional permit.

It was also noted that the Whistle Stop decreased the number of indoor seats proposed since their parking variance was approved, from 73 to 64, which would also result in a reduction of parking pressure in the area.

A number of Commissioners asked the applicants to work with the City to come up with ways of making the pavement in front of the restaurant more visually appealing in the off-season, whether via off-season outdoor dining, decorations or other amenities.

Commissioner Sherman expressed concern that the shared parking agreement between the Whistle Stop and the Griffin Claw was only verbal in nature.

It was noted that attempts were made to to convert the shared parking agreement into a written one, but that the owner of the Griffin Claw had not been comfortable doing so at the time.

Mr. Howe stated:

- While the Commission has broad discretion in granting a SLUP, hours and meals are not included in the definition of a bistro.
- He regretted that the Commission was only now receiving his letter, noting he filed it with the Planning Department on July 7, 2021.
- The applicants were not interested in pursuing dinner hours since their current hours allow the restaurant to operate well in its residential context.
- Many of the customers are local so they tend to walk to the restaurant, additionally reducing the burden on parking.
- Both residents that spoke at the Planning Board's June 9, 2021 review of the item said their concerns were regarding traffic and parking in the area, and not the granting of a bistro license to the Whistle Stop in particular.

Public Comment

Chris Parfitt, resident of Eton, echoed the comments made by Jim Schmier and the other Eton resident, who he named as Diane Karens, during the Planning Board's discussion of the plans on June 9, 2021. He said that while the parking and traffic issues were not Whistle Stop's fault, now would be an appropriate time to address the issues.

Mr. Haig proposed a potential redesign of the area in front of the establishment. He said the shared parking agreement between the Griffin Claw and Whistle Stop should be recorded, and that the issue of permit parking in the residential areas nearby should be addressed.

Mr. Howe stated that the Whistle Stop could implement the plans as-written by right if they chose to forego adding a few alcoholic beverages to their menu. He stated that the Whistle Stop would operate largely in the same way it has.

The Mayor closed the public hearing at 9:50 p.m.

In reply to Mr. Howe, Commissioner Baller noted that the Planning Board vote on this item was 6-1, and not unanimous as Mr. Howe had stated. He said he was not concerned about the parking, but was concerned about the design of the streetscape. He said he wanted the City to work with the applicant on making changes to it.

Mayor Pro Tem Longe attested to the functionality of the shared parking arrangement between the Griffin Claw and the Whistle Stop. She acknowledged Mr. Parfitt's concerns about parking and traffic, while nothing that they did not derive from Whistle Stop specifically, and asked the City to look into the matter. She echoed Commissioner Baller's recommendation that the applicant work with the City to improve the streetscape.

MOTION: Motion by Mayor Pro Tem Longe, seconded by Commissioner Host:
To approve the Special Land Use Permit, Final Site Plan and Design Review application for 501 S. Eton – Whistle Stop to allow the operation of a bistro.

Commissioner Nickita stated that while he was not supportive of bistros without evening hours in general, he was comfortable in this case that it was unique enough to avoid setting a precedent. He said that the addition of 12 total seats, which would only be present in outdoor dining, would not overburden parking. He said he was comfortable with the more organic shared parking arrangement. He reiterated that the applicant should find some way of livening up the front of the building in winter months, whether with outdoor dining or something else.

Commissioner Sherman said the existing business license was the strongest factor preventing this bistro license for daytime-only hours from establishing a precedent. He said it would be a mistake to not require a written shared parking agreement and asked that it be pursued.

Commissioner Hoff reiterated her previously stated concerns and asked that the applicant work with the City to address those issues.

Mayor Pro Tem Longe echoed Commissioner Nickita's comfort regarding the current state of the shared parking arrangement between the Griffin Claw and the Whistle Stop.

Mayor Boutros reiterated that this is an established restaurant that has been functioning well in the City. He said that if it were a new restaurant he would be more concerned about getting a written parking arrangement. He said he was supportive of the proposal.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Longe
Commissioner Sherman
Commissioner Nickita
Mayor Boutros
Commissioner Host
Commissioner Baller

Nays, Commissioner Hoff

The Mayor paused the meeting at 10:09 p.m.

The meeting resumed at 10:16 p.m.

07-201-21 Public Hearing – Amendments to Section 3.04, 4.90 and 9.02 of Chapter 126, Zoning – Window and Glazing Standards

The Mayor opened the public hearing at 10:16 p.m.

CP Dupuis reviewed the item.

Commissioner Hoff said the language did not sufficiently clarify whether the standards applied only to the first floor or to the whole principal building frontage.

PD Ecker asked for a few minutes to look up definitions that might resolve the issue.

The Mayor called for a break on this topic at 10:27 p.m. The Commission moved on to discuss solar electric system ordinance amendments with the understanding that they would return to this item once PD Ecker had definitions available.

07-202-21 Public Hearing – Zoning Amendments to Section 4.09 of Chapter 126, Zoning – Solar Electric Systems

The Mayor opened the public hearing at 10:27 p.m.

CP Dupuis presented the item.

In reply to Commissioner Baller, CP Dupuis confirmed the City would publicize the changes to the solar electric systems ordinances so that residents could be made aware that the process of installing solar electric systems has been simplified.

The Mayor closed the public hearing at 10:33 p.m.

The City Attorney recommended motion language that differed from the motion language offered in the agenda packet. Commissioner Hoff adopted the City Attorney's recommended motion language.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Sherman:
To adopt Ordinance 2352 amending the sign ordinance, Article 4, Section 4.09 (Essential Services), to remove Roof Mounted Solar Electric Systems.

ROLL CALL VOTE: Ayes, Commissioner Hoff
Commissioner Sherman
Commissioner Nickita
Mayor Boutros
Commissioner Host
Commissioner Baller
Mayor Pro Tem Longe

Nays, None

07-203-21 Public Hearing – Zoning Amendments to Section 4.88 of Chapter 126, Zoning – Solar Electric Systems

This item was discussed concurrently with the previous item. The City Attorney recommended motion language that differed from the motion language offered in the agenda packet. Commissioner Hoff adopted the City Attorney's recommended motion language.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Sherman:
To adopt Ordinance 2353 amending the sign ordinance, Article 4, Section 4.88 (Alternative Energy) to add amended Roof Mounted Solar Electric Systems Language.

ROLL CALL VOTE: Ayes, Commissioner Hoff
Commissioner Sherman
Commissioner Nickita
Mayor Boutros
Commissioner Host
Commissioner Baller
Mayor Pro Tem Longe

Nays, None

07-201-21 (Cont'd) Public Hearing – Amendments to Section 3.04, 4.90 and 9.02 of Chapter 126, Zoning – Window and Glazing Standards

Discussion of this item resumed at 10:37 p.m.

PD Ecker defined storefront facade as the portion of building on first floor per architectural standards in the overlay district.

The Commission directed the Planning Board to re-review the proposed language to clarify whether the same or different standards would apply to the ground and upper floors of a building.

The Mayor closed the public hearing at 10:44 p.m.

07-204-21 Designation of Voting Delegate(s) for the Michigan Municipal League Annual Meeting

Commissioner Host volunteered to serve as the alternate voting delegate.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To appoint City Manager Tom Markus as the Birmingham City Commission's official voting delegate, and Commissioner Brad Host as the alternate voting delegate, at the Michigan Municipal League Annual Meeting to be held in Grand Rapids, Michigan on September 22, 2021.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Nickita
Mayor Boutros
Commissioner Host
Commissioner Hoff
Commissioner Baller
Mayor Pro Tem Longe

Nays, None

07-205-21 Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Baller:
To invite representatives of the Baldwin House to a Commission meeting to explain the changes that are currently taking place.

ROLL CALL VOTE: Ayes, Commissioner Hoff
Commissioner Baller
Mayor Pro Tem Longe
Commissioner Sherman
Commissioner Nickita
Mayor Boutros
Commissioner Host

Nays, None

There was no Commission interest in either revisiting bistro rules per Commissioner Host's inquiry or referring the matter of second-floor, rear-side porches and balconies to the Planning Board per Commissioner Sherman's inquiry.

Commission discussion on items from prior meeting.

None.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

A. Commissioner Reports
B. Commissioner Comments

Commissioner Host again recommended that the RFP for the annual audit require a breakdown of how tax revenues are spent in the commercial areas versus the neighborhoods. He said he was looking forward to the Parking Assessment District report from the City.

Commissioners Nickita, Sherman, Baller, Hoff, Mayor Pro Tem Longe and Mayor Boutros all emphasized the importance of treating Birmingham as one united community with business and residential areas that each mutually benefit the other.

Commissioner Nickita said that Toast was currently in violation of its SLUP in regards to hours of operation and asked the City to look into the issue. He noted that some flexibility had been granted to restauranteurs during the State's emergency orders regarding Covid-19, but that restauranteurs must now re-adhere to the parameters of their SLUPs since those orders have expired.

CM Markus confirmed the City would take appropriate action.

C. Advisory Boards, Committees, Commissions' Reports and Agendas
D. Legislation
E. City Staff
   1. Birmingham Triangle District Corridor Improvement Authority (CIA)
   2. City Manager's Report

CM Markus summarized the City's approach to the MDOT Proposal for Interstate Signage on Woodward as detailed in the City Manager's Report. He asked the Commission to confirm that the City's approach aligned with the Commission's preferences. The Commission confirmed.

In reply to Mayor Pro Tem Longe, CM Markus said the City would create a tab on the City website for the City Manager Reports.

INFORMATION ONLY

XI. ADJOURN

Mayor Boutros adjourned the meeting at 11:30 p.m.

City of Birmingham
Warrant List Dated 06/28/2021

Check Number	Early Release	Vendor #	Vendor	Amount
PAPER CHECK				
280495	*	000855	48TH DISTRICT COURT	500.00
280498		MISC	ANTHONY BRANHAM	100.00
280499	*	000881	APWA	820.00
280500		MISC	ARNAU VILALTA	410.16
280501	*	006759	AT&T	2,757.35
280502	*	006759	AT&T	219.95
280503		MISC	AUGUSTA TOWER TECHNOLOGIES	500.00
280504		MISC	AVRIPAS CONSTRUCTION	100.00
280506		003012	BATTERIES PLUS BULBS	309.21
280507	*	009310	BEN SHARKEY LLC	1,200.00
280508		002231	BILLINGS LAWN EQUIPMENT INC.	241.54
280509		009215	BOONES EXPRESS LLC	800.00
280510		003526	BOUND TREE MEDICAL, LLC	854.24
280511	*	MISC	BRADY MORRISON	198.00
280512		006520	BS&A SOFTWARE, INC	550.00
280513	*	006995	BYRON CANCELMO	1,800.00
280514		003907	CADILLAC ASPHALT, LLC	1,691.56
280515		007732	CAPITAL TIRE, INC.	135.02
280516		007933	CARDNO, INC.	6,196.19
280517		MISC	Choate Custom Homes	100.00
280518		000605	CINTAS CORPORATION	113.97
280518	*	000605	CINTAS CORPORATION	24.15
280519	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,325.40
280520	*	008955	COMCAST	113.35
280521		000979	COMERICA BANK	19,244.61
280522	*	000627	CONSUMERS ENERGY	258.74
280523		002668	CONTRACTORS CLOTHING CO	38.69
280524		009134	CURBCO SWEEPING INC	5,442.00
280525		009309	DEALER AUTO PARTS	221.86
280526		008641	DINGES FIRE COMPANY	3,298.41
280527	*	000179	DTE ENERGY	17.71
280528	*	000179	DTE ENERGY	114.00
280529	*	000179	DTE ENERGY	16.95
280530	*	000179	DTE ENERGY	76.54
280531	*	000179	DTE ENERGY	552.31
280532	*	000179	DTE ENERGY	8,875.06
280533	*	000179	DTE ENERGY	1,364.55
280534	*	000179	DTE ENERGY	3,965.97
280535	*	000179	DTE ENERGY	2,546.99
280536	*	000179	DTE ENERGY	14.95
280537	*	000179	DTE ENERGY	1,485.84
280538	*	000179	DTE ENERGY	47.37

City of Birmingham
Warrant List Dated 06/28/2021

Meeting of 08/09/2021

Check Number	Early Release	Vendor #	Vendor	Amount
280539	*	000179	DTE ENERGY	3,647.06
280540	*	000179	DTE ENERGY	24.84
280541	*	000179	DTE ENERGY	15.70
280542	*	000179	DTE ENERGY	370.43
280544	*	000179	DTE ENERGY	30.97
280545	*	000179	DTE ENERGY	632.55
280546		MISC	ERIC WOHLFIEL	300.00
280547		000936	FEDEX	25.28
280548		007613	FIRESERVICE MANAGEMENT	109.15
280549	*	008154	GREGORY FOLEY	80.00
280550		008498	FRANK'S SHOE SERVICE	90.00
280551		MISC	FUERST PLUMBING CO	90.00
280552		MISC	GRAPHX SIGNS DISPLAYS	100.00
280553	*	008007	GREAT LAKES WATER AUTHORITY	15,719.60
280554	*	001663	SCOTT GREWE	1,944.36
280555	*	001956	HOME DEPOT CREDIT SERVICES	2,030.98
280556		000342	IBS OF SE MICHIGAN	352.11
280557	*	MISC	JACK TODD- PETTY CASH	1,083.75
280558		MISC	JARADI, AVIS J	1,400.00
280559		MISC	KASTLER CONSTRUCTION INC	200.00
280560		004904	KONICA MINOLTA BUSINESS SOLUTIONS	18,238.20
280561	*	000362	KROGER COMPANY	56.59
280562	*	009311	LAGINESS & SONS LLC	800.00
280563		008551	M & K TRUCK CENTERS	571.20
280564		MISC	MAINSTREET DESIGN & BUILD	300.00
280565	*	007273	MAINSTREET SOUL LLC	1,500.00
280566		MISC	MARTINO ENTERPRISES INC	193.75
280568	*	001387	MICHIGAN MUNICIPAL LEAGUE	601.60
280569		008319	MKSK INC	2,084.48
280569	*	008319	MKSK INC	3,007.50
280571		MISC	OFFER & ASSOCIATES INC	200.00
280572	*	000481	OFFICE DEPOT INC	1,214.47
280574	*	007336	REVIZE LLC	17,675.00
280575	*	007142	SHERWIN-WILLIAMS COMPANY	104.85
280576	*	009009	SIGNATURE CLEANING LLC	6,575.47
280577		MISC	T E A RESTORATION	100.00
280578	*	009254	THOMAS M MARKUS	500.00
280579		000275	TIRE WHOLESALERS CO INC	163.32
280580	*	004379	TURNER SANITATION, INC	1,300.00
280581	*	000158	VERIZON WIRELESS	991.05
280582	*	000158	VERIZON WIRELESS	129.02
280583	*	000158	VERIZON WIRELESS	308.16
280584	*	000158	VERIZON WIRELESS	945.66

City of Birmingham
Warrant List Dated 06/28/2021

Meeting of 08/09/2021

Check Number	Early Release	Vendor #	Vendor	Amount
280585	*	000158	VERIZON WIRELESS	49.30
280586		MISC	WALLSIDE INC	500.00
280587		MISC	WEBSTER EXCAVATING, INC.	1,180.00
280589		001490	WEST SHORE FIRE INC	5,613.41
			SUBTOTAL PAPER CHECK	$161,792.45
ACH TRANSACTION				
4029	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	266,259.72
4030	*	002284	ABEL ELECTRONICS INC	267.58
4031		009126	AMAZON CAPITAL SERVICES INC	28.77
4032		003243	AMERICAN PRINTING SERVICES INC	2,750.00
4033	*	001357	ART/DESIGN GROUP LTD	150.00
4034		006683	BIRMINGHAM LAWN MAINTENANCE	22,706.00
4034	*	006683	BIRMINGHAM LAWN MAINTENANCE	2,530.00
4035	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	2,655,206.87
4036		009285	CITY OF BIRMINGHAM #244	4,847.55
4037		009195	CROWN CASTLE FIBER LLC	643.00
4038	*	000565	DORNBOS SIGN & SAFETY INC	224.09
4039		009210	DUCENTA SQUARED ASSET MANAGEMENT	8,087.00
4040		001077	DUNCAN PARKING TECH INC	5,606.04
4041	*	000995	EQUATURE	1,051.86
4042	*	000592	GAYLORD BROS., INC	45.43
4043		009239	GRANITE INLINER LLC	118,777.45
4045		000331	HUBBELL ROTH & CLARK INC	101,622.75
4046		000261	J.H. HART URBAN FORESTRY	3,606.00
4046	*	000261	J.H. HART URBAN FORESTRY	10,085.31
4047		000186	JACK DOHENY COMPANIES INC	43.07
4048	*	002576	JAX KAR WASH	143.00
4049	*	003458	JOE'S AUTO PARTS, INC.	63.14
4051	*	005550	LEE & ASSOCIATES CO., INC.	658.00
4052	*	007865	LOGICAL SOLUTIONS ENTERPRISE INC	219.00
4053	*	007856	NEXT	696.00
4054	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	4,627,639.44
4055	*	005688	PEGASUS ENTERTAINMENT INC	750.00
4056	*	006027	PENCHURA, LLC	462.00
4057	*	000478	ROAD COMM FOR OAKLAND CO	2,535.83
4058	*	003785	SIGNS-N-DESIGNS INC	159.00
4059		000254	SOCRRA	69,994.00
4060	*	001255	TEKNICOLORS INC	1,391.52
4061		000273	TERMINAL SUPPLY CO.	156.07
4062	*	002037	TOTAL ARMORED CAR SERVICE, INC.	758.36
4063	*	007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,750.11
			SUBTOTAL ACH TRANSACTION	$7,911,913.96

Meeting of 08/09/2021

City of Birmingham
Warrant List Dated 06/28/2021

Check Number	Early Release	Vendor #	Vendor	Amount
			GRAND TOTAL	$8,073,706.41

All bills, invoices and other evidences of claim have been audited and approved for payment.

Mark Gerber
Finance Director/ Treasurer

*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

City of Birmingham
Warrant List Dated 08/04/2021

Meeting of 08/09/2021

Check Number	Early Release	Vendor #	Vendor	Amount
PAPER CHECK				
280590	*	006965	7UP DETROIT	219.20
280591		MISC	AARON DWIGHT BAUGHEY	75.00
280593	*	009314	ALAN TURNER	1,000.00
280594		MISC	ALTEC INDUSTRIES, INC.	347.63
280595		007033	APPLIED IMAGING	6,293.51
280596		000500	ARTECH PRINTING INC	162.00
280597		008988	ASTI ENVIRONMENTAL	380.00
280598		003012	BATTERIES PLUS BULBS	170.80
280599		007129	BELFOR PROPERTY RESTORATION	2,284.10
280600	*	004931	BIDNET	95.25
280601		000522	BIG BEAVER PLUMBING, HEATING INC.	204.00
280602		002231	BILLINGS LAWN EQUIPMENT INC.	10.98
280603		000524	BIRMINGHAM LOCKSMITH	26.25
280604		009286	BLACK CLOVER ENTERPRISES LLC	50.95
280605		003526	BOUND TREE MEDICAL, LLC	429.98
280606	*	006953	JACQUELYN BRITO	169.03
280607		MISC	BRO'S CONSTRUCTION	100.00
280608		006520	BS&A SOFTWARE, INC	4,568.00
280609		005717	BSB COMMUNICATIONS, INC.	17,610.62
280610		003907	CADILLAC ASPHALT, LLC	1,850.66
280611		009078	CANON SOLUTIONS AMERICA INC	163.20
280612	*	007732	CAPITAL TIRE, INC.	417.03
280613	*	000444	CDW GOVERNMENT INC	2,342.51
280614		MISC	CEDAR PRESERVATION SYSTEMS LLC	100.00
280615		007710	CINTAS CORP	230.25
280616		000605	CINTAS CORPORATION	163.35
280617	*	008955	COMCAST	533.34
280618	*	007774	COMCAST BUSINESS	1,252.72
280619	*	000627	CONSUMERS ENERGY	14.93
280620		008512	COOL THREADS EMBROIDERY	575.00
280622		000177	DELWOOD SUPPLY	207.10
280623		009022	DETROIT DIAMOND DRILLING INC	129.03
280625		000274	E-Z-GO DIVISION OF TEXTRON INC	8,001.47
280627		000196	EJ USA, INC.	11,025.32
280628		004671	ELDER FORD	72.88
280629		MISC	ESSCO DEVELOPMENT	200.00
280630		001495	ETNA SUPPLY	3,760.00
280631		004574	FAIR-WAY TILE & CARPET, INC.	4,239.00
280633		001223	FAST SIGNS	226.00
280634		001489	FEDERAL PIPE & SUPPLY CO., INC	622.50
280635		MISC	Fireside Home Construction	2,000.00
280636	*	004604	GORDON FOOD	1,780.54

City of Birmingham
Warrant List Dated 08/04/2021

Meeting of 08/09/2021

Check Number	Early Release	Vendor #	Vendor	Amount
280637	*	002917	GOVERNMENT FINANCE OFFICERS ASSN	445.00
280638		009275	GREAT LAKES COCA-COLA DISTRIBUTION	435.97
280640		000249	GUARDIAN ALARM	246.80
280641		006346	HARRELL'S LLC	759.00
280642		006845	HAWTHORNE	664.00
280643	*	001956	HOME DEPOT CREDIT SERVICES	1,090.93
280645		MISC	HOME DEPOT USA INC	100.00
280646		009318	IN STOCK MARKETING SERVICES LLC	74.31
280647	*	009299	JACK D. PESHA	7.65
280648		MISC	James Swift Construction	100.00
280649		008564	JERRY'S TIRE INC	139.01
280650		MISC	JORGENSEN COSNTRUCTION INC	300.00
280651		007643	KCS SUPPLY	266.00
280652		004088	KGM DISTRIBUTORS INC	401.00
280654		MISC	LIVE WELL CUSTOM HOME LLC	6,400.00
280655		MISC	LLL BUILDERS	2,000.00
280656		001669	MACP	1,395.00
280657		MISC	MENDIRATTA, KABIR	100.00
280658		009085	MGSE SECURITY LLC	685.00
280659		005252	MIAM	75.00
280660		007479	MICHIGAN BREAD BAKERY	69.35
280661		007407	MICHIGAN MOTOR EXCHANGE	6,363.72
280662		000230	MIKE SAVOIE CHEVROLET INC	16.84
280663		008319	MKSK INC	38,051.41
280664		008313	MMIA	70.00
280665	*	006371	MPELRA	150.00
280666		MISC	N & M GENERAL CONSTRUCTION	200.00
280667	*	002253	NATIONAL BUSINESS FURNITURE	5,068.84
280668		007665	NATIONWIDE POWER SOLUTIONS INC.	1,250.00
280669	*	001194	NELSON BROTHERS SEWER	235.00
280670	*	007755	NETWORK SERVICES COMPANY	716.05
280671		006723	NEWMIND GROUP, INC	18,720.00
280672	*	009276	NEWTONS SOLUTIONS LLC	3,470.00
280673	*	000477	OAKLAND COUNTY	7,654.75
280675	*	000481	OFFICE DEPOT INC	124.11
280677		MISC	PAFCO BUILDING	500.00
280678		MISC	PCI INDUSTRIES, INC.	2,000.00
280679	*	001753	PEPSI COLA	250.68
280680		008028	PK SAFETY SUPPLY	103.14
280681		008901	PLANTE & MORAN CRESA, LLC	11,200.00
280682		MISC	PMS DIVERSIFIED CONSTRUCTION SERVIC	100.00
280683	*	008858	PODS ENTERPRISES, LLC	2,257.76
280685	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85

City of Birmingham
Warrant List Dated 08/04/2021

Check Number	Early Release	Vendor #	Vendor	Amount
280686	*	009144	RICHARD TRUDO	1,200.00
280687		MISC	ROCK SOLID EXTERIOR	100.00
280688		000221	RUSSELL HARDWARE COMPANY	65.55
280690	*	009302	SARAH MISTRETTA	1,555.11
280691	*	004202	SHRED-IT USA	442.08
280692		MISC	SIGNS BY TOMORROW INC, R.O.	200.00
280693		MISC	SMOLYANOV HOME IMPROVMENT	100.00
280695		000260	SPARTAN DISTRIBUTORS INC	25.19
280695	*	000260	SPARTAN DISTRIBUTORS INC	260.34
280696		001104	STATE OF MICHIGAN	62,252.78
280697		000256	SUBURBAN BUICK GMC INC	383.14
280698		006376	SUBURBAN CHRYSLER DODGE JEEP - TROY	81.00
280699		005863	SUCCESS COMMUNICATIONS, INC.	1,594.00
280700	*	005765	SUN MUSIC INTERNATIONAL LLC	1,500.00
280701		000286	TARGET SPECIALTY PRODUCTS	705.00
280702		008748	TECHSEVEN COMPANY	594.75
280703		MISC	THOMAS SEBOLD & ASSOCIATES, IN	1,400.00
280704	*	000158	VERIZON WIRELESS	147.90
280705	*	000158	VERIZON WIRELESS	1,015.96
280706		MISC	VICTOR TALIA ARCHITECTURE LLC	500.00
280707		004497	WATERFORD REGIONAL FIRE DEPT.	151.43
280708		001490	WEST SHORE FIRE INC	473.19
280709	*	007362	WINTERGREEN CORPORATION	29,910.00
280710		007620	WJE-WISS, JANNEY, ELSTNER ASSOC.INC	15,016.00
280711	*	007907	SP+ CORPORATION	7,790.00
			SUBTOTAL PAPER CHECK	$315,853.72

ACH TRANSACTION

4064	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	190,089.21
4065	*	002284	ABEL ELECTRONICS INC	1,309.96
4066		009126	AMAZON CAPITAL SERVICES INC	177.70
4067	*	007345	BEVERLY HILLS ACE	246.57
4068		006683	BIRMINGHAM LAWN MAINTENANCE	508.00
4069	*	000565	DORNBOS SIGN & SAFETY INC	1,217.11
4070		007684	ELITE TRAUMA CLEAN-UP INC.	70.00
4071	*	007807	G2 CONSULTING GROUP LLC	2,475.25
4072	*	000592	GAYLORD BROS., INC	59.13
4073		000261	J.H. HART URBAN FORESTRY	72,766.70
4074		009298	JCR SUPPLY INC	427.53
4075	*	003458	JOE'S AUTO PARTS, INC.	1,164.42
4076	*	005550	LEE & ASSOCIATES CO., INC.	738.00
4077		001864	NOWAK & FRAUS ENGINEERS	11,745.25
4078	*	006359	NYE UNIFORM COMPANY	1,500.00
4079	*	006853	PAUL C SCOTT PLUMBING INC	350.00

Meeting of 08/09/2021

City of Birmingham
Warrant List Dated 08/04/2021

Check Number	Early Release	Vendor #	Vendor	Amount
4080	*	003554	RKA PETROLEUM	13,928.66
4081		000273	TERMINAL SUPPLY CO.	450.00
			SUBTOTAL ACH TRANSACTION	$299,223.49
			GRAND TOTAL	$615,077.21

All bills, invoices and other evidences of claim have been audited and approved for payment.

Mark Gerber
Finance Director/ Treasurer

*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

City of Birmingham
A Walkable Community

MEMORANDUM

Clerk's Office

DATE: **August 2, 2021**

TO: **Tom Markus, City Manager**

FROM: **Alexandria Bingham, City Clerk**

SUBJECT: **2022 Art Birmingham – May 7 – 8, 2022**

INTRODUCTION:

The Birmingham Bloomfield Art Center submitted a Special Event application to hold the 2022 Art Birmingham event in Shain Park and on surrounding on May 7-8, 2022. Set-up for the event is scheduled for Friday, May 6, 2022 from 5 pm to 10 pm.

BACKGROUND:

The Police Department has reviewed the proposed event details prior to submission for street closures and the need for safety personnel and has approved the details. DPS, Planning, Building, Police, Fire, and Engineering have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

LEGAL REVIEW:

No review required.

FISCAL IMPACT:

No fiscal impact.

SUMMARY

The City Commission is being asked to approve the 2022 Art Birmingham special event to be held May 7-8, 2022 with set-up to begin Friday, May 6th between 5 pm and 10 pm. Tear-down will begin at the conclusion of the event on Sunday, May 8th at approximately 5 pm to 10 pm.

ATTACHMENTS:

1. Special Event application
2. The Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on July 16, 2021. Notification addresses are on file in the Clerk's Office.
3. Hold Harmless Agreements signed by The Guild of Artists and Artisans, and Birmingham Bloomfield Art Center (Certificate of Insurance due on or before April 23. 2022.
4. Department Approval page with comments and estimated costs.

SUGGESTED RESOLUTION:

To approve a request from the Birmingham Bloomfield Art Center to hold Art Birmingham in Shain Park and on surrounding streets on May 7-8, 2022 contingent upon compliance with all permit and insurance requirements, as well as payment of all fees and, further pursuant to any minor modifications or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.

LIC# 22-00011623

CITY OF BIRMINGHAM
APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES

IMPORTANT: EVENTS UTLIZING CITY SIDEWALKS AND/OR STREETS MUST MEET WITH POLICE DEPARTMENT SPECIAL EVENT OFFICER TO REVIEW PROPOSED EVENT DETAILS PRIOR TO SUBMITTING APPLICATION.

Police Department acknowledgement: M H. 6-11-21

I. EVENT DETAILS

- **Incomplete applications will not be accepted.**
- **Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event**

RECEIVED
JUN 09 2021
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPARTMENT

FEES:	**FIRST TIME EVENT:**	**$200.00**
	ANNUAL APPLICATION FEE:	**$165.00**

(Please print clearly or type)

Date of Application June 8, 2021

Name of Event 41st Annual Art Birmingham

Detailed Description of Event (attach additional sheet if necessary) Fine Art Fair featuring approximately 160 professional, jury selected artists, art demonstrations and art activities for all ages. The event is an annual fundraiser for the Birmingham Bloomfield Art Center.

Location In Shain Park and on surrounding streets

Date(s) of Event May 7 & 8, 2022 Hours of Event Sat 10am-6pm Sun 10am-5pm

Date(s) of Set-up May 6, 2022 Hours of Set-up 5pm - 10pm

NOTE: No set-up to begin before 7:00 AM, per City ordinance.

Date(s) of Tear-down May 8, 2022 Hours of Tear-down 5pm - 10pm

Organization Sponsoring Event Birmingham Bloomfield Art Center

Organization Address 1516 S. Cranbrook, Birmingham, MI 48009

Organization Phone 248.644.0866

Contact Person Annie VanGelderen

Contact Phone 248.644.0866 ext 108

Contact Email annievangelderen@bbartcenter.org

II. EVENT INFORMATION

1. Organization Type Non-profit
(city, non-profit, community group, etc.)

2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.)
The Guild of Artists & Artisans 118 N. Fourth Ave, Ann Arbor, MI 48104
Karen Delhey, Executive Director karen@theguild.org (734)662-3382 ext. 303

3. Is the event a fundraiser? YES ☑ NO ☐
List beneficiary Birmingham Bloomfield Art Center
List expected income $30,000
Attach information about the beneficiary.

4. First time event in Birmingham? YES ☐ NO [X]
If no, describe This will be the 41st Annual Art Birmingham

5. Total number of people expected to attend per day 30,000+

6. The event will be held on the following City property: (Please list)
☑ Street(s) Martin, Henrietta, Merrill, Bates
☐ Sidewalk(s)
☑ Park(s) Shain Park

7. Will street closures be required? YES [X] NO ☐
(Police Department acknowledgement <u>prior to submission</u> of application is required) (initial here) MK #501

8. What parking arrangements will be necessary to accommodate attendance? Exhibitors and attendees will use city structures and lots

9. Will staff be provided to assist with safety, security and maintenance? YES ☑ NO ☐

If yes, please provide number of staff to be provided and any specialized training received.

Describe Trained staff and volunteers are on site from move in to move out to ensure safety and provide maintenance. Overnight professional security is contracted for the event.

10. Will the event require safety personnel (police, fire, paramedics)? YES ☑ NO ☐

(Police Department acknowledgement prior to submission of application is required.) (initial here) MR #501

Describe Police and paramedics

11. Will alcoholic beverages be served? YES ☐ NO ☑

If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? YES ☑ NO ☐

X Live _____ Amplification _____ Recorded _____ Loudspeakers

Time music will begin Noon each day

Time music will end 5pm each day

Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? YES ☑ NO ☐

Number of signs/banners Approximately 10 portable A-Frames

Size of signs/banners 21" x 36"

Submit a photo/drawing of the sign(s). **A sign permit is required.**

14. Will food/beverages/merchandise be sold? YES ☑ NO ☐

- Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
- You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact ehclerk@oakgov.com or 248-535-9612 to obtain Health Department approval.
- There is a $50.00 application fee for all vendors and peddlers, in addition to the $10.00 daily fee, per location.

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?
TBD			

III. EVENT LAYOUT

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment? *(show location of each on map)*

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for $200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	33	$4.00 each	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters	4	$250.00 per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	____ # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		Contact the Fire Department.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System		$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? YES NO

(show location of each on map) NOTE: Stakes are not allowed.

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	160	10x10
Portable Toilets	10	Type text here
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME 41st Annual Art Birmingham

EVENT DATE May 7 & 8, 2022

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

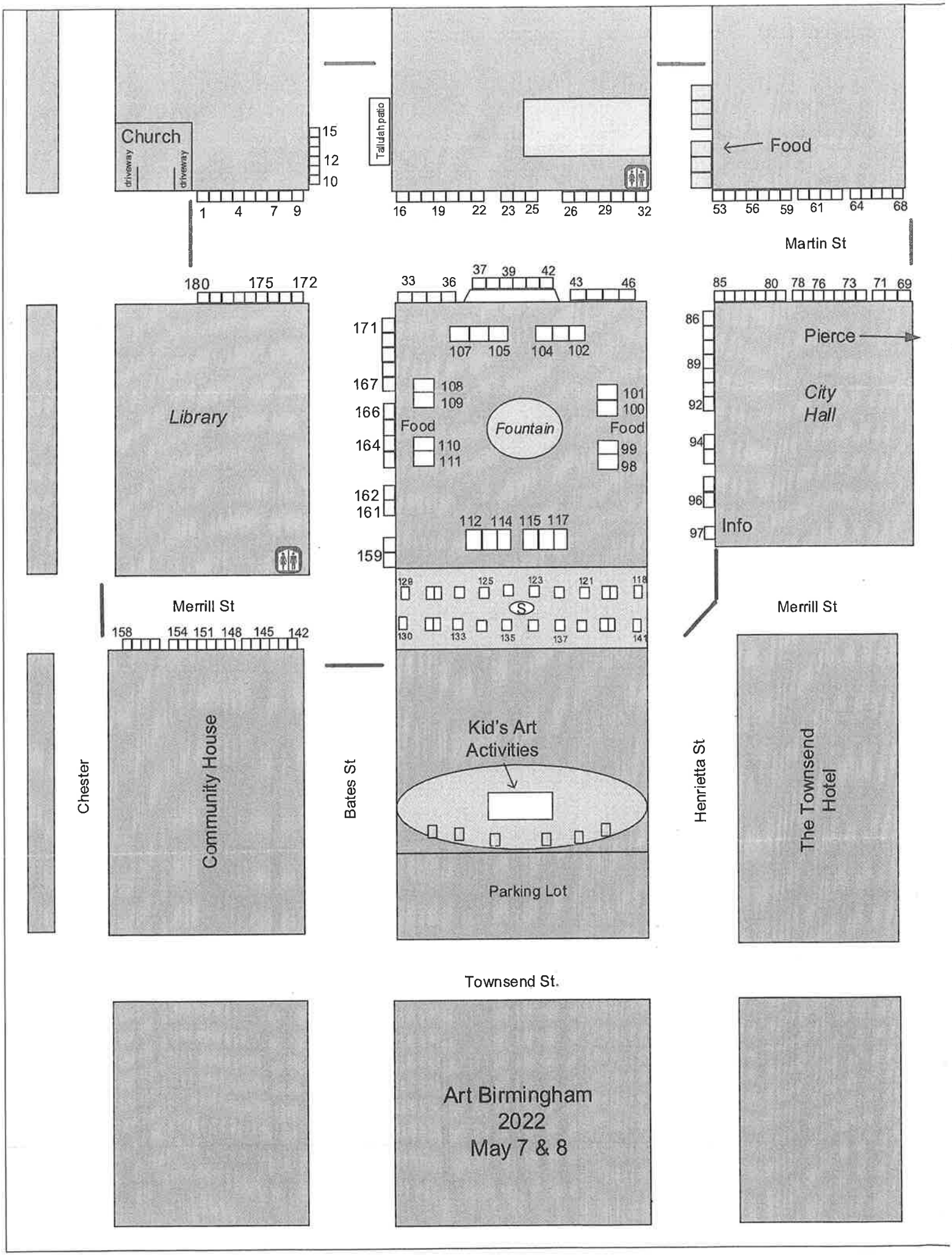
As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.

6-9-21

Signature Date

IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED PROPERTY/BUSINESS OWNERS

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. *(Sample letter attached to this application.)*
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.


Church
driveway
driveway
15
12
10
1 4 7 9
Talladah patio
16 19 22 23 25 26 29 32
Food
53 56 59 61 64 68
Martin St
180 175 172
Library
33 36 37 39 42 43 46
171
167
166
164
162
161
159
107 105 104 102
108
109
Food
110
111
Fountain
101
100
Food
99
98
112 114 115 117
85 80 78 76 73 71 69
86
89
92
94
96
97
Pierce
City Hall
Info
Merrill St
Merrill St
158 154 151 148 145 142
128 125 123 121 118
130 133 135 137 141
Community House
Chester
Bates St
Kid's Art Activities
Parking Lot
Henrietta St
The Townsend Hotel
Townsend St.
Art Birmingham
2022
May 7 & 8

SPECIAL EVENT REQUEST
NOTIFICATION LETTER

DATE: 7/16/2021

TO: Principal Shopping District Members, Downtown Birmingham Residents, Interested Parties and Property Owners

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the city commission will consider our request so that an opportunity exists for comments prior to this approval.

EVENT INFORMATION

NAME OF EVENT: 41st Annual Art Birmingham
LOCATION: In and around Shain Park (layout enclosed)
DATES/TIMES OF EVENT: Saturday, May 7, 2022, 10am – 6pm and
Sunday, May 8, 2022, 10am – 5pm

BRIEF DESCRIPTION OF EVENT/ACTIVITY: A fine art fair featuring the handmade artwork of approximately 160 jury-selected artists. Now in its 41st year, the fair is a key annual fundraiser for the highly respected Birmingham Bloomfield Art Center (BBAC) whose "Art for All" vision delivers arts education and exhibitions to the community it serves. **If you experience any issues during the event, please contact the Birmingham Police Department at 248.530.1889**.

DATES/TIMES OF SET UP: Friday, May 6, 2022, meters bagged at 3pm with street closings at 5pm and move-in completed by 9pm
DATES/TIMES OF TEAR DOWN: Sunday, May 8, 2022, from 5pm to 9pm

DATE/TIME OF CITY COMMISSION MEETING: Monday, August 9, 2021
The City Commission meets in room 205 of the Municipal Building at 151 Martin at 7:30 pm. You may also attend virtually through ZOOM: https://zoom.us/j/655079760 Meeting ID: 655 079 760 . ***A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248-530-1880)****. Log on to www.bhamgov.org/events for a complete list of special events.*

EVENT ORGANIZER: Birmingham Bloomfield Art Center
ADDRESS: 1516 S. Cranbrook, Birmingham, MI 48009
PHONE: 248.644.0866
For Questions on day of Event, Contact: Karen Delhey (734)646-8431

Attachment: Art Birmingham Layout/Map

BIRMINGHAM BLOOMFIELD
ArtCenter
celebrating art for all since 1957

1516 S. Cranbrook Rd. Birmingham MI 48009
248.644.0866 BBArtCenter.org

Hold Harmless Agreement

To the fullest extent permitted by law, the **Birmingham Bloomfield Art Center** and any entity or person for whom the **Birmingham Bloomfield Art Center** are legally liable, agree to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

Annie VanGelderen
President and CEO
Date: 6-21-21

The Birmingham Bloomfield Art Center is recognized as a 501 (c) (3) organization by the Internal Revenue Service code. We have not provided you with goods or services in consideration of your gift. Your donation may be used as a recognized charitable contribution.

DEPARTMENT APPROVALS

EVENT NAME: ART BIRMINGHAM

LICENSE NUMBER #22-00011623

COMMISSION HEARING DATE: Aug. 9, 2021

NOTE TO STAFF: Please submit approval by Friday, July 30, 2021

DATE OF EVENT: MAY 7-8, 2022

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING **101-000.000-634.0005** 248.530.1855		No Cost No Comment			
BUILDING **101-000.000.634.0005** 248.530.1850	MJM	1 Tents in excess of 200 square feet and canopies over 400 square feet require permits. 2. All tents/canopies must be flame resistant with certification. 3. No smoking inside any tent or canopy. Signs to be posted. 4. Tents or canopies must be secured with sandbags, weights, or water ballast. 5. Tents and canopies must be located per the approved layout.	1 Tents in excess of 200 square feet and canopies over 400 square feet require permits.	$166.11	
FIRE **101-000.000-634.0004** 248.530.1900	JDP	Follow any and all current MDHHS guidelines prescribed at time of event. Tents will be inspected at day of set up by Fire Marshal Fire extinguishers required in tents Type ABC, size: 3A:40B:C (5lb) mounted securely to post Provide flame retardant certificate prior to set up for all tent(s)/canopy(s) Ensure egress paths are clear, fire lanes clear of obstructions at all times.		$0	

		Cooking prohibited under tents or canopies. Food trucks must have updated fire suppression equipment tagged current. Including proper fire extinguishers. Food trucks must contact Fire Marshal 1 week prior to event for inspection. Inspection of food trucks will be performed by Fire Marshal			
POLICE **101-000.000.634.0003** 248.530.1870	SG	Personnel and Barricades		$1500	
PUBLIC SERVICES **101-000.000-634.0002** 248.530.1642	CL	Trash boxes, set-up, barricade placement, dumpsters		$2,200	
ENGINEERING **101-000.000.634.0002** 248.530.1839	SDZ	Road closure required, obstruction permit needed	Obstruction	$65	$65
SP+ PARKING	SG	Parking available in City structures.		$0	$0
INSURANCE 248.530.1807	AT	Need to submit CoI, Hold Harmless Agreement needs to be on letterhead	None	$0	$0
CLERK **101-000.000-614.0000** 248.530.1803		Notification letters mailed by applicant 7/16/21. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than _4/15/22___.	Applications for vendors license must be submitted no later than _4/15/22___.	$200 pd	
				TOTAL DEPOSIT REQUIRED	**ACTUAL COST**

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____

Rev. 8/2/21
h:\shared\special events\- general information\approval page.doc

City of Birmingham
A Walkable Community

MEMORANDUM

Clerk's Office

DATE: **July 27, 2021**

TO: **Tom Markus, City Manager**

FROM: **Alexandria Bingham, City Clerk**

SUBJECT: **Strides for SOS (Schools Offer Support)**

INTRODUCTION:

Schools Offer Support, a Birmingham Public School community nonprofit organization, has submitted an application to hold the Strides for SOS road running race on Sunday September 26, 2021. Set-up for the event is scheduled for September 26 from 7:00 am to 9:00 am. The event begins at 9:00 am and concludes at 12:00 pm. Tear down is scheduled for September 26 immediately following.

BACKGROUND:

Prior to application submission the Police Department reviewed the proposed event details for street closures and the need for safety personnel and approved the details. DPS, Planning, Building, Police, Fire, and Engineering have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

LEGAL REVIEW:

n/a

FISCAL IMPACT:

n/a

SUMMARY

The City Commission is being asked to approve the Strides for SOS event to be held September 26, 2021, from 9:00 am – 12:00 pm, with set-up from 7:00 am to 9:00 am. Tear-down will begin immediately following the event.

ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on July 21, 2021. Notification addresses are on file in the Clerk's Office
3. Hold Harmless Agreement and Certificate of Insurance (city event)
4. Department Approval page with comments and estimated costs

SUGGESTED RESOLUTION:

To approve a special event permit as requested by Schools Offer Support to hold the Strides for SOS road race September 26, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.

LIC 21-00011633

CITY OF BIRMINGHAM
APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES

IMPORTANT: EVENTS UTLIZING CITY SIDEWALKS AND/OR STREETS MUST MEET WITH POLICE DEPARTMENT SPECIAL EVENT OFFICER TO REVIEW PROPOSED EVENT DETAILS PRIOR TO SUBMITTING APPLICATION .

Police Department acknowledgement: _____

I. EVENT DETAILS

- **Incomplete applications will not be accepted.**
- **Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event**

FEES:	**FIRST TIME EVENT:**	**$200.00**
	ANNUAL APPLICATION FEE:	**$165.00**

(Please print clearly or type)

Date of Application 6/18/21

Name of Event Strides for SOS (Schools Offer Support)

Detailed Description of Event (attach additional sheet if necessary) See attached

Location Seaholm High School and surrounding streets

Date(s) of Event Sunday, Sept. 26 Hours of Event 9am - Noon

Date(s) of Set-up Sept. 26 Hours of Set-up 7am - 9am

NOTE: No set-up to begin before 7:00 AM, per City ordinance.

Date(s) of Tear-down Sept 26 Hours of Tear-down Immediately following

Organization Sponsoring Event Schools Offer Support

Organization Address

Organization Phone

Contact Person Teresa (Terri) McCardell

Contact Phone 734 358-4110

Contact Email terrimccardell@gmail.com

II. . . EVENT INFORMATION

1. Organization Type Non-profit, Community group
(city, non-profit, community group, etc.)

2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) Seaholm Running Coach, Terri McCardell, will oversee this race. Terri has been the race director for the Birmingham Harriers 5K in past years.

3. Is the event a fundraiser? YES ☒ NO ☐
List Schools Offer Support beneficiary ___
List expected income _____
Attach information about the beneficiary.

4. First time event in Birmingham? YES ☒ NO ☐
If no, describe _____

5. Total number of people expected to attend per day 400 - 500

6. The event will be held on the following City property: (Please list)
☒ Street(s) See attached
☐ Sidewalk(s) _____
☐ Park(s) _____

7. Will street closures be required? YES ☒ NO ☐
(Police Department acknowledgement prior to submission of application is required) (initial here) _____

8. What parking arrangements will be necessary to accommodate attendance? Seaholm High School lots

9. Will staff be provided to assist with safety, security and maintenance? YES ☒ NO ☐

If yes, please provide number of staff to be provided and any specialized training received.

Describe Unknown

10. Will the event require safety personnel (police, fire, paramedics)? YES ☒ NO ☐

(Police Department acknowledgement prior to submission of application is required.) (initial here) [illegible]

Describe Officers will be required for traffic control and street closures.

11. Will alcoholic beverages be served? YES ☐ NO ☒

If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? YES ☐ NO ☒

_____Live _____Amplification _____ _____Loudspeakers

Recorded Time music will begin _____

Time music will end _____

Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? YES ☒ NO ☐

Number of signs/banners Unknown

Size of signs/banners 2'x6' 2'x3' Only on school property.

Submit a photo/drawing of the sign(s). **A sign permit is required.**

14. Will food/beverages/merchandise be sold? YES ☐ NO ☒

- Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
- You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact ehclerk@oakgov.com or 248-535-9612 to obtain Health Department approval.
- There is a $50.00 application fee for all vendors and peddlers, in addition to the $10.00 daily fee, per location.

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Strides for SOS

EVENT DATE Sunday, September 26

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.

Signature

6-18-2021

Date

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

IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED PROPERTY/BUSINESS OWNERS

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. (Sample letter attached to this application.)
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.

SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: July 12, 2021
TO: Property Owner
Birmingham, MI 48009

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the City commission will consider our request so that an opportunity exists for comments prior to this approval.

EVENT NAME: Strides for SOS (Schools Offer Support)

DESCRIPTION: This event includes a 5K road running race and a 1 mile road running race to raise money for Schools Offer Support, a community nonprofit serving families in the local area. This event will take place at Seaholm High School, but includes the use of roads around the school. Please find enclosed the course map. The races begins promptly at 9 AM. Roads will be open as soon as all participants have passed a given barrier.

LOCATION: The start for both races will be in the Seaholm student parking lot and the finish will be on the Seaholm track. The 1 mile race will include Midvale Street, Glenhurst Street, Lincoln Street and Woodlea Court. The 5K course will include the following streets: Midvale Street, Berwyn Street, Avon Street, Argyle Street, Midvale street, Larchlea Street, Lincoln Street, Arlington Street, Shirley Street, and Woodlea Court. Although not part of the race route, Wellesley Street will be affected for the very beginning of the race.

DATE OF EVENT: Sunday, September 26, 2021

HOURS OF EVENT: Race start 9AM. The last participant done by 10:30 AM.

TIME OF SET-UP: Sunday 7:00 AM

TIME OF TEAR DOWN: 12PM Seaholm Track Infield

DATE OF CITY COMMISSION MEETING: Monday, August 9, 2021. The City Commission meets in room 205 of the Municipal Building at 151 Martin at 7:30 pm. You may also attend virtually through ZOOM: https://zoom.us/j/655079760 Meeting ID: 655 079 760 . A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248-530-1880). Log on to www.bhamgov.org/events for a complete list of special events.

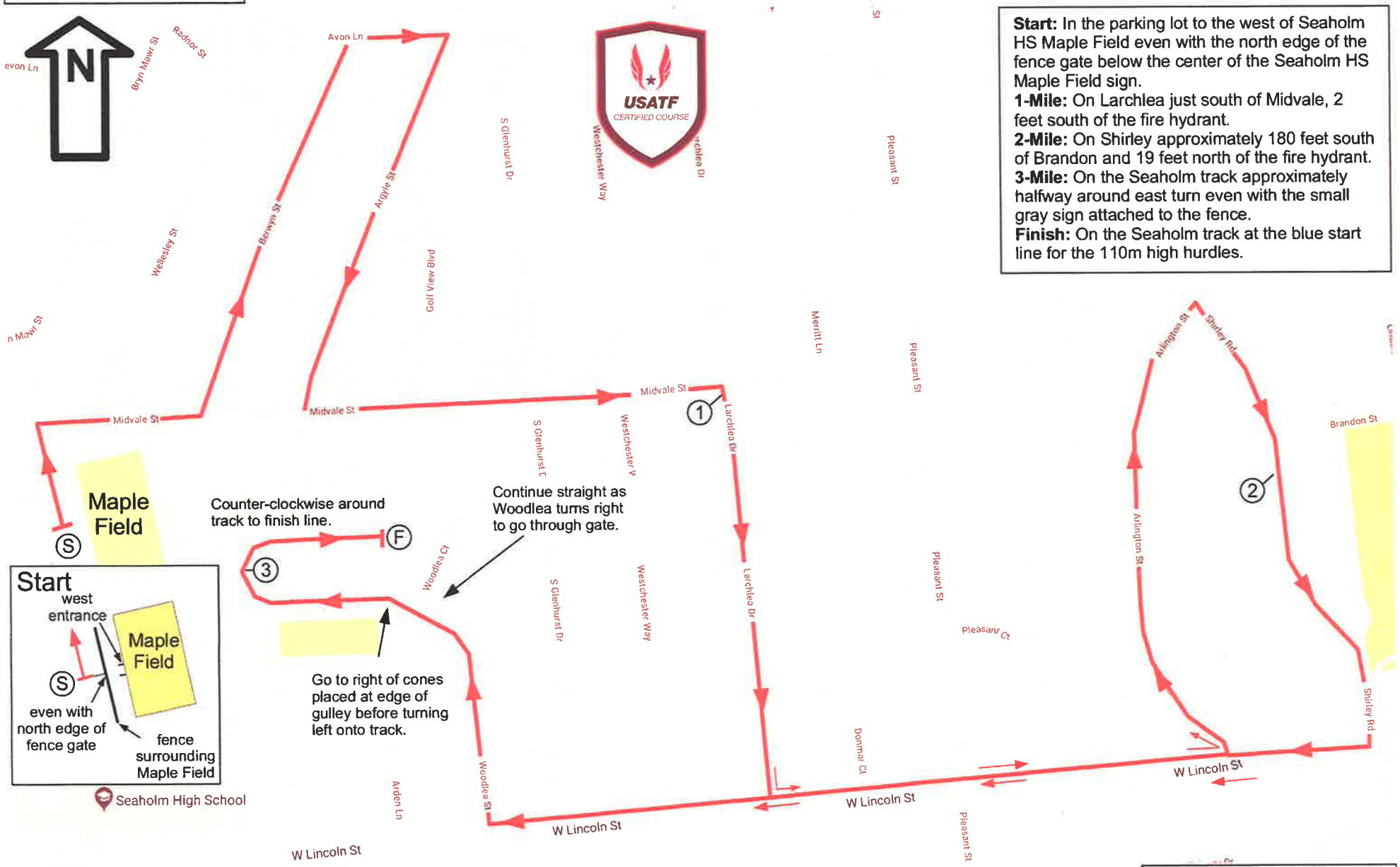
EVENT ORGANIZER and EVENT DAY CONTACT: Teresa (Terri) McCardell **PHONE**: 734-358-4110
ADDRESS: 675 Yarmouth, Bloomfield Township, 48301

USATF Certificate
MI18019MN

Birmingham Harriers 5k Run/Walk
Birmingham, Michigan

Effective Dates
13-JUL-2018 to 31-DEC-2028

Start: In the parking lot to the west of Seaholm HS Maple Field even with the north edge of the fence gate below the center of the Seaholm HS Maple Field sign.
1-Mile: On Larchlea just south of Midvale, 2 feet south of the fire hydrant.
2-Mile: On Shirley approximately 180 feet south of Brandon and 19 feet north of the fire hydrant.
3-Mile: On the Seaholm track approximately halfway around east turn even with the small gray sign attached to the fence.
Finish: On the Seaholm track at the blue start line for the 110m high hurdles.



Unless otherwise noted, runners can use the entire width of all roads in order to follow the shortest possible route.

Measured by
Mark Neal
runnermark@gmail.com
1-JUL-2018

Road Running Technical Council
USA Track & Field

Measurement Certificate

recognized by RRCA

Name of course: Birmingham Harriers 5k Run/Walk Distance: 5 km

Location (state): Michigan (city): Birmingham

Type of course: ☒ road race ☐ calibration

Measuring Methods : ☒ bicycle ☐ steel tape ☐ electronic distance meter

Measured by (name, address, phone & e-mail) Mark Neal
323 Griggs Street, Rochester, MI, 48307, 248-894-3846, runnermark@gmail.com

Race Contact (name, address, phone & email) Teresa McCardell
675 Yarmouth, Bloomfield Township, MI, 734-358-4110, terrimccardell@gmail.com

Date(s) when course measured: Jul. 01, 2018

Course Configuration: Point to point Number of measurements of entire course: 2

Elevation (meters above sea level) Start 227 m Finish 228 m Highest 229 m Lowest 217 m

Straight line distance between start & finish 325 m Drop -0.2 m/km Separation 6.5%

Type of Surface: Paved 93% Dirt 0% Gravel 0% Grass 1% Track 6%

Effective date of certification: Jul. 13, 2018 Certification code: MI18019MN

Notice to Race Director: Use this Certification Code in ***all*** public announcements relating to your race.

Be It Officially Noted That

Based on examination of data provided by the above named measurer, the course described above and in the map attached is hereby certified as reasonably accurate in measurement according to the standards adopted by the Road Running Technical Council. If any changes are made to the course, this certification becomes void, and the course must then be recertified.

Verification of Course — In the event a National Open Record is set on this course, or at the discretion of USA Track & Field, a verification remeasurement may be required to be performed by a member of the Road Running Technical Council. If such a remeasurement shows the course to be short, then all pending records will be rejected and the course certification will be cancelled.

This certification expires on December 31 in the year 2028

AS NATIONALLY CERTIFIED BY

Mark O'Neal Date: Jul. 13, 2018

Mark Neal • USATF/RRTC Certifier
323 Griggs Street, Rochester, MI, 48307 • 248-894-3846 • runnermark@gmail.com

Seaholm High School

Kyle Hall, *Principal* • 248.203.3700 • Fax: 248.203.3706 • Khall@birmingham.k12.mi.us
2436 West Lincoln Road, Birmingham, MI 48009

June 18, 2021

HOLD HARMLESS AGREEMENT

To the fullest extent permitted by law, the Birmingham Public Schools and any entity or person for whom the Birmingham Public Schools is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected officials, employees and the volunteers and others working on the behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs in reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and\or property damage, including loss or use thereof, which arises out of or is in any way connected or associated with this activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, it's elected or appointed officials, employees, volunteers or others working on behalf of the half city of Birmingham.

Sincerely,

Kyle Hall
Principal
Seaholm High School
Birmingham Public Schools

SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: July 12, 2021
T0: Property Owner
Birmingham, MI 48009

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the City commission will consider our request so that an opportunity exists for comments prior to this approval.

EVENT NAME: Strides for SOS (Schools Offer Support)

DESCRIPTION: This event includes a 5K road running race and a 1 mile road running race to raise money for Schools Offer Support, a community nonprofit serving families in the local area. This event will take place at Seaholm High School, but includes the use of roads around the school. Please find enclosed the course map. The races begins promptly at 9 AM. Roads will be open as soon as all participants have passed a given barrier.

LOCATION: The start for both races will be in the Seaholm student parking lot and the finish will be on the Seaholm track. The 1 mile race will include Midvale Street, Glenhurst Street, Lincoln Street and Woodlea Court. The 5K course will include the following streets: Midvale Street, Berwyn Street, Avon Street, Argyle Street, Midvale street, Larchlea Street, Lincoln Street, Arlington Street, Shirley Street, and Woodlea Court. Although not part of the race route, Wellesley Street will be affected for the very beginning of the race.

DATE OF EVENT: Sunday, September 26, 2021

HOURS OF EVENT: Race start 9AM. The last participant done by 10:30 AM.

TIME OF SET-UP: Sunday 7:00 AM

TIME OF TEAR DOWN: 12PM Seaholm Track Infield

DATE OF CITY COMMISSION MEETING: Monday, August 9, 2021. The City Commission meets in room 205 of the Municipal Building at 151 Martin at 7:30 pm. You may also attend virtually through ZOOM: https://zoom.us/j/655079760 Meeting ID: 655 079 760 . A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248-530-1880). Log on to www.bhamgov.org/events for a complete list of special events.

EVENT ORGANIZER and EVENT DAY CONTACT: Teresa (Terri) McCardell **PHONE**: 734-358-4110
ADDRESS: 675 Yarmouth, Bloomfield Township, 48301.

Seaholm High School

Kyle Hall, *Principal* • 248.203.3700 • Fax: 248.203.3706 • Khall@birmingham.k12.mi.us
2436 West Lincoln Road, Birmingham, MI 48009

June 18, 2021

HOLD HARMLESS AGREEMENT

To the fullest extent permitted by law, the Birmingham Public Schools and any entity or person for whom the Birmingham Public Schools is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected officials, employees and the volunteers and others working on the behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs in reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and\or property damage, including loss or use thereof, which arises out of or is in any way connected or associated with this activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, it's elected or appointed officials, employees, volunteers or others working on behalf of the half city of Birmingham.

Sincerely,

Kyle Hall
Principal
Seaholm High School
Birmingham Public Schools

DEPARTMENT APPROVALS

EVENT NAME: STRIDES FOR SOS

LICENSE NUMBER #21-00011633

COMMISSION HEARING DATE: AUG. 9, 2021

NOTE TO STAFF: Please submit approval by Aug. 2, 2021

DATE OF EVENT: SEPT. 26, 2021

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING 101-000.000-634.0005 248.530.1855	TBC	No Cost No Comment			
BUILDING 101-000.000.634.0005 248.530.1850	MJM	No building department involvement	Tents over 400 Sqft. Require a permit	$0	
FIRE 101-000.000-634.0004 248.530.1900	JDP	Follow current MDHHS public health guidelines for COVID 19. No request for BFD services on site of event.		$0.00	
POLICE 101-000.000.634.0003 248.530.1870	SG	Personnel and barricades for road closure and direction of traffic		$1,100	
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	CL	Barricade placement- must done by DPS staff.		$650	
ENGINEERING 101-000.000.634.0002 248.530.1839		Need police coordination for any road closures, closures must be outlined on permit	Obstruction permit detailing course restrictions.	$65	
SP+ PARKING	SG	No parking concerns		$0	$0

INSURANCE 248.530.1807		Need to submit CoI, Hold Harmless Agreement	None	$0	$0
CLERK **101-000.000-614.0000** 248.530.1803		Notification letters to be mailed by applicant no later than 7/25/21. Notification addresses on file in the Clerk's Office. Evidence of required insurance is on file with the Clerk's Office.	Applications for vendors license must be submitted no later than 9/10/21.	$200 pd	
				TOTAL DEPOSIT REQUIRED	**ACTUAL COST**

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____

City of Birmingham
A Walkable Community

MEMORANDUM

Clerk's Office

DATE: **July 26, 2021**

TO: **Tom Markus, City Manager**

FROM: **Alexandria Bingham, City Clerk**

SUBJECT: **Legends of Tomorrow Gala**

INTRODUCTION:

Child Safe Michigan, an affiliate of Judson Center, has submitted an application to hold The Legends of Tomorrow gala at the Townsend Hotel on September 17, 2021. Event will be held under a tent placed on Merrill Street. Set-up for the event is scheduled for September 17 from 8:00 am to 5:00 pm. The event begins at 5:00 pm and concludes at 12:00 am. Tear down is scheduled for September 18 from 8:00 am-11:00 am.

Liquor will be served in the tent. Therefore, a temporary liquor license is required as stated in the resolution.

BACKGROUND:

Prior to application submission the Police Department reviewed the proposed event details for street closures and the need for safety personnel and approved the details. DPS, Planning, Building, Police, Fire, and Engineering have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

The following events occur the same weekend in September in Birmingham and were reviewed by Fire, Police, and DPS and do not pose a conflict for this event. The event coordinators are aware of the other weekend events.

Common Ground Art Fair	Saturday September 18-19	Old Woodward
London Wedding	Saturday September 19	Shain Park

LEGAL REVIEW:

n/a

FISCAL IMPACT:

n/a

SUMMARY

The City Commission is being asked to approve the Legends of Tomorrow event to be held September 17, 2021, from 5:00 pm – 12:00 am, with set-up from 8:00 am to 5:00

pm. Tear-down will begin the following day at 8:00 am and end at 11:00 am.

ATTACHMENTS:

1. Special Event application

2. Notification letter with map of event area distributed to residents/businesses within 500 feet of the event area on July 21, 2021. Notification addresses are on file in the Clerk's Office
3. Hold Harmless Agreement and Certificate of Insurance (city event)
4. Department Approval page with comments and estimated costs

SUGGESTED RESOLUTION:

To approve a special event permit as requested by Child Safe Michigan to hold the Legends of Tomorrow gala at the Townsend Hotel September 17, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures. Additionally, to allow the use of a temporary liquor license for this event, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

#21-0001164

CITY OF BIRMINGHAM
APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES

IMPORTANT: EVENTS UTLIZING CITY SIDEWALKS AND/OR STREETS MUST MEET WITH POLICE DEPARTMENT SPECIAL EVENT OFFICER TO REVIEW PROPOSED EVENT DETAILS PRIOR TO SUBMITTING APPLICATION .

Police Department acknowledgement: _____

I. EVENT DETAILS

- **Incomplete applications will not be accepted.**
- **Changes in this information must be submitted to the City Clerk in writing, at least three weeks prior to the event**

Clerk's Office
City of Birmingham, MI

JUN - 4 2021

RECEIVED

FEES:	**FIRST TIME EVENT:**	**$200.00**
	ANNUAL APPLICATION FEE:	**$165.00**

(Please print clearly or type)

Date of Application May 7, 2021

Name of Event Legends of Tomorrow

Detailed Description of Event (attach additional sheet if necessary) The Legends of Tomorrow event will welcome guests to an outdoor street party including dinner, auctions, raffles & music by the Detroit Youth Chor. Proceeds benefit CSM.

Location Townsend Hotel - Merrill Street

Date(s) of Event 9/17/21 Hours of Event 5pm - 12am

Date(s) of Set-up 9/17/21 Hours of Set-up 8am - 5pm

NOTE: No set-up to begin before 7:00 AM, per City ordinance.

Date(s) of Tear-down 9/18/21 Hours of Tear-down ~~12-2am~~ 8am-11am

Organization Sponsoring Event Child Safe Michigan

Organization Address 4410 W 13 Mile Rd Royal Oak 48073

Organization Phone 248 - 554-6435

Contact Person Katie Groves

Contact Phone 248 - 554 - 6435

Contact Email Katie_Groves@judsoncenter.org

II. EVENT INFORMATION

1. Organization Type Non-profit
(city, non-profit, community group, etc.)

2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) None

3. Is the event a fundraiser? YES [X] NO [ ]
List beneficiary Child Safe Michigan
List expected income $450,000
Attach information about the beneficiary.

4. First time event in Birmingham? YES [ ] NO [X]
If no, describe Child Safe has held their event at Townsend Hotel for the past 15 years.

5. Total number of people expected to attend per day 250
* Will follow Covid restrictions and regulations.

6. The event will be held on the following City property: (Please list)
[X] Street(s) Merrill
[X] Sidewalk(s) Merrill
[ ] Park(s) None

7. Will street closures be required? YES [X] NO [ ]
(Police Department acknowledgement prior to submission of application is required) (initial here) [illegible]

8. What parking arrangements will be necessary to accommodate attendance? Valet and meter bags on Merrill

9. Will staff be provided to assist with safety, security and maintenance? YES ☒ NO ☐

If yes, please provide number of staff to be provided and any specialized training received.

Describe Perimeter Control, 1-2 guards

10. Will the event require safety personnel (police, fire, paramedics)? YES ☐ NO ☒

(Police Department acknowledgement <u>prior to submission</u> of application is required.) (initial here) [illegible]

Describe No alcohol may be in event area. Must remain inclosure only.

11. Will alcoholic beverages be served? YES ☒ NO ☐

If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? YES ☒ NO ☐

X Live X Amplification _____ Recorded _____ Loudspeakers

Time music will begin 5:30pm

Time music will end 10pm

Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? YES ☒ NO ☐

Number of signs/banners None

Size of signs/banners 24x36 Sponsor (8-10 throughout the property)

Submit a photo/drawing of the sign(s). **A sign permit is required.**

14. Will food/beverages/merchandise be sold? YES ☐ NO ☒

- Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
- You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact ehclerk@oakgov.com or 248-535-9612 to obtain Health Department approval.
- There is a $50.00 application fee for all vendors and peddlers, in addition to the $10.00 daily fee, per location.

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?

III. EVENT LAYOUT

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment? *(show location of each on map)*

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables	0	6 for $200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	0	$4.00 each	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters	0	$250.00 per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	____ # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant	NO	Contact the Fire Department.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System	NO	$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? YES NO

(show location of each on map) NOTE: Stakes are not allowed.

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	1	30 x 120
Portable Toilets	0	
Rides	0	
Displays	0	
Vendors	0	
Temporary Structure (must attach a photo)	0	
Other (describe)	0	

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Child Safe

EVENT DATE 9/17/21

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.

Merritt Roarth 5/7/21

Signature Date

IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED PROPERTY/BUSINESS OWNERS

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. *(Sample letter attached to this application.)*
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.

SAMPLE NOTIFICATION LETTER

SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: May 25, 2021

TO: _____
Residential Property or Business Owner

_____
Address

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the City commission will consider our request so that an opportunity exists for comments prior to this approval.

EVENT INFORMATION

NAME OF EVENT: Legends of Tomorrow

LOCATION: Merrill Street @ Townsend Hotel

DATE(S) OF EVENT 9/17/21 HOURS OF EVENT 5pm - 12am

BRIEF DESCRIPTION OF EVENT/ACTIVITY: Dinner, auctions, raffles and music by Detroit Youth Choir. Proceeds benefit Child Safe.

DATE(S) OF SET-UP 9/17/21 HOURS OF SET-UP 8am - 5pm

DATE(S) OF TEAR-DOWN 9/17 - 9/18/21 HOURS OF TEAR-DOWN 8am - 11am

DATE OF CITY COMMISSION MEETING: _____

The City commission meets in room 205 of the Municipal Building at 151 Martin at 7:30PM. **A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248/530-1880)**. Log on to www.bhamgov.org/events for a complete list of special events.

EVENT ORGANIZER: Katie Groves

ADDRESS: 4410 W 13 Mile Rd Royal Oak 48073

PHONE: 248-554-6435

FOR QUESTIONS ON DAY OF EVENT, CONTACT: _____

A map showing street closures must be attached.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 04/20/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Walton Insurance Group
2929 Spring Arbor Rd
P.O. Box 3029
Jackson MI 49204

CONTACT NAME: Shannon Henman
PHONE (A/C, No, Ext): (517) 787-2600 FAX (A/C, No): (517) 787-3857
E-MAIL ADDRESS: shenman@waltoninsurancegroup.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Alliance for Non-Profits	
INSURER B: Eastern Insurance	10724
INSURER C: Philadelphia Insurance Company	18058
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Judson Center, Inc
30301 Northwestern Hwy. Ste. 100
Farmington Hills MI 48334

COVERAGES **CERTIFICATE NUMBER:** 20-21 Master **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR [X] $1 Mil/$3 Mil Professional Liab [X] $1 Mil/$3 Mil Improper Sexual Cont GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC OTHER:	Y		2020-13184	09/30/2020	09/30/2021	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 500,000 $ 20,000 $ 1,000,000 $ 3,000,000 $ 3,000,000 $
A	AUTOMOBILE LIABILITY [X] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [X] HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY			2020-13184	09/30/2020	09/30/2021	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ 1,000,000 $ $ $
A	[X] UMBRELLA LIAB [X] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $ 10,000			2020-13184	09/30/2020	09/30/2021	EACH OCCURRENCE AGGREGATE	$ 10,000,000 $ 10,000,000 $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		0000135196	09/30/2020	09/30/2021	[X] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
C	Cyber Liability			PHSD1483442	09/30/2020	09/30/2021	Occurrence Aggregate	1,000,000 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Child Safe Gala September 17, 2021

The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are included as additional insured. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess. Thirty day notice of cancellation included. Host Liquor liability coverage is included.

CERTIFICATE HOLDER

City of Birmingham
151 Martin St
Birmingham MI 48009

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ChildSafe MICHIGAN
an affiliate of Judson Center

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Keith Pomeroy

Vice Chair
Deborah Baughman

Secretary
Charlotte B. Terry

Treasurer
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Mary Albertson
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Jennifer Hammond
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John Parent
Robert Pliska
Cathy Sosnick Schwartz
Kathy Schweitzer
Daniel Sillman
SuSu Sosnick
Robin Terry
Katie Valenti
Richard Zussman

SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: 7/21/2021

TO: Principal Shopping District Members, Downtown Birmingham Residents, Interested Parties and Property Owners

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the city commission will consider our request so that an opportunity exists for comments prior to this approval.

Event Information

NAME OF EVENT: Legends of Tomorrow Street Party
LOCATION: Townsend Hotel and Merrill Street (map enclosed)
DATE/TIME OF EVENT: Friday, September 17, 2021; 5:30pm – Midnight

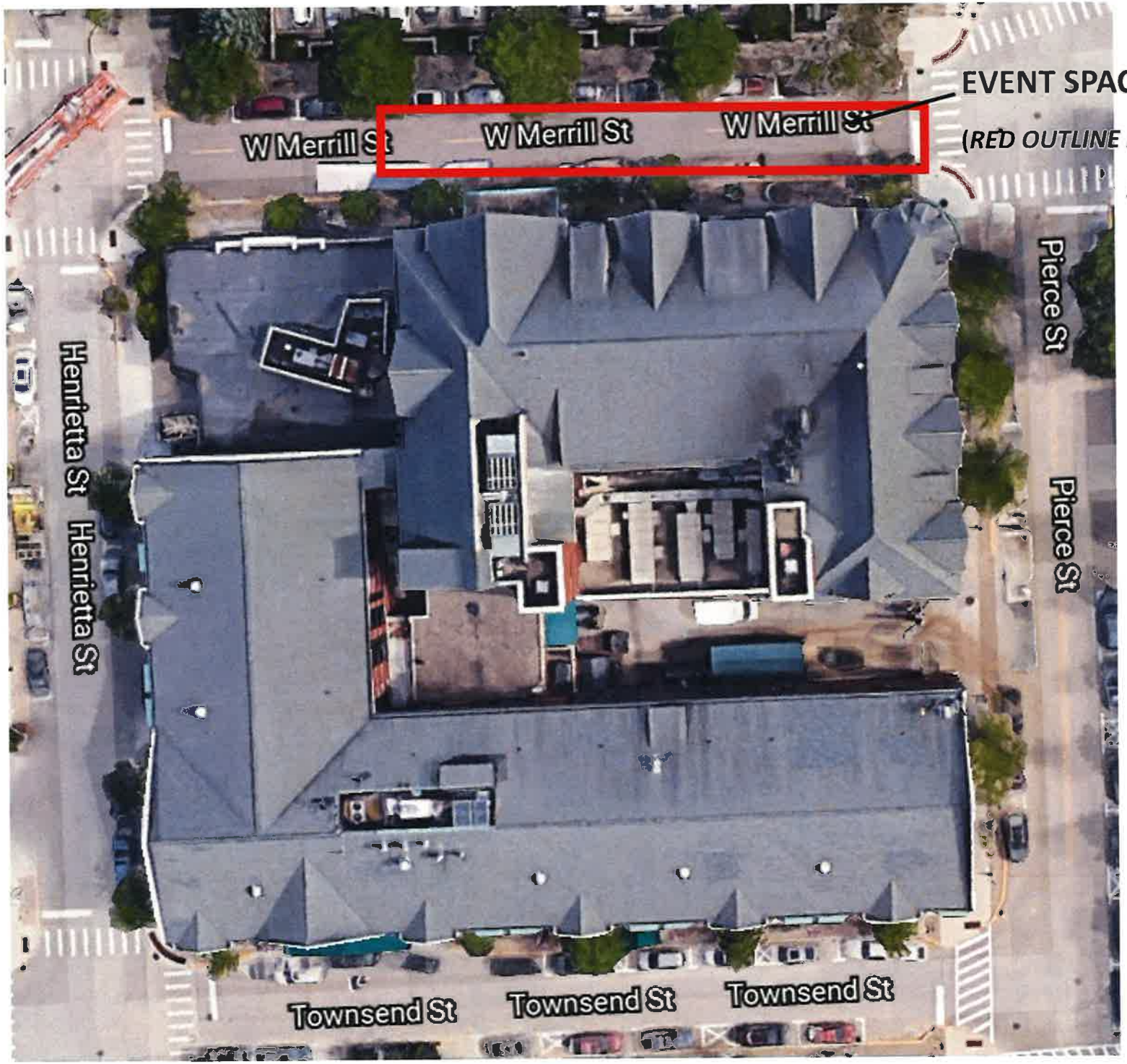
BRIEF DESCRIPTION OF EVENT: The Legends of Tomorrow Street Party is a fundraiser for Child Safe Michigan, a foster care and adoption agency in Southeast Michigan. The event will include a cocktail reception in a tent on Merrill Street followed by dinner and program in the Townsend Hotel Ballroom. **If you experience any issues during the event, please contact the Birmingham Police Department at 248-530-1889.**

DATE/TIME SETUP: Friday, September 17 at 8:00 a.m. tent set-up will begin
DATE/TIME TEAR DOWN: Saturday, September 18 at 8:00 a.m. tent tear down will begin

DATE/TIME OF CITY COMMISSION MEETING: Monday, August 9, 2021
The City Commission meets in room 205 of the Municipal Building at 151 Martin at 7:30 p.m. You may also attend virtually through Zoom: https://zoom.us/j/655079760 Meeting ID: 655 079 760. ***A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248-530-1880).*** *Log on to www.bhamgov.org/events for a complete list of special events.*

EVENT ORGANIZER: Child Safe Michigan
ADDRESS: 30301 Northwestern Highway, Ste. 100
Farmington Hills, MI 48334
PHONE: 248-554-6435
For Questions on day of event, contact: Katie Groves, 248-321-0880

Attachment: Tent Layout/Map

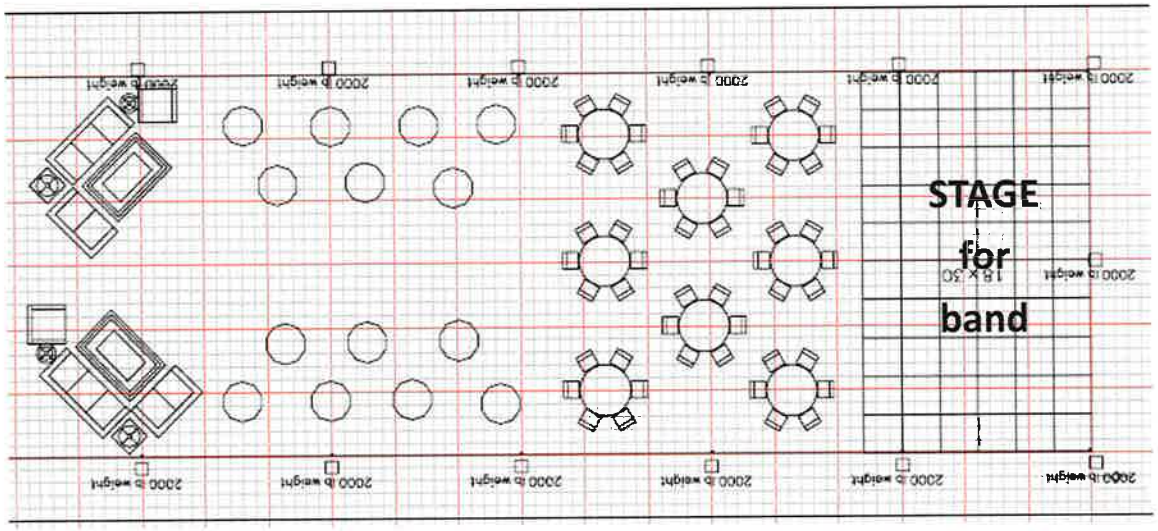


EVENT SPACE

(RED OUTLINE IS THE TENT 30'x90')

- Merrill Street would be closed to traffic
- Red outline indicates tent location (30' x 90' tent)
- Dotted black line indicates barriers that will be put up around the tent to keep the general public out.
- Guests will enter the tent from the side of the Townsend Hotel

Layout for tent



Judson Center

Helping those in need succeed

HOLD-HARMLESS AGREEMENT

"To the fullest extent permitted by law, Judson Center, and any entity or person for whom the Judson Center is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham."

Lenora Hardy-Foster, President & CEO
Judson Center

dated: 6-16-2021

A

DEPARTMENT APPROVALS

EVENT NAME: Legends of Tomorrow

LICENSE NUMBER #21-00011621

COMMISSION HEARING DATE: July 12, 2021

NOTE TO STAFF: Please submit approval by June 14, 2021

DATE OF EVENT: September 17, 2021

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING **101-000.000-634.0005** 248.530.1855	BC	No Cost / No Comment			
BUILDING **101-000.000.634.0005** 248.530.1850	MJM	Tent permit required for tent. All tents must be weighted down.	Tent permit	$100	
FIRE **101-000.000-634.0004** 248.530.1900	JDP	Follow current MDHHS guidelines for COVID-19 1. No Smoking in any tents or canopy. Signs to be posted. 2. All tents and Canopies must be flame resistant with certificate on site. 3. No open flame or devices emitting flame, fire or heat in any tents. Cooking devices shall not be permitted within 20 feet of the tents. 4. Tents and Canopies must be properly anchored for the		$0	

		weather conditions, no stakes allowed. 5. Pre-event site inspection required. 6. 2 approved 5lbs. multi-purpose (ABC) fire extinguishers are required on site and accessible, one at each exit of the tent. 7. Cords, hoses, etc. shall be matted to prevent trip hazards. 8. A minimum of 2 Exits must be clearly marked in the tent. 9. Paramedics will respond from the fire station as needed. Dial 911 for fire/rescue/medical emergencies. 10. A permit is required for Fire hydrant usage. 11. Do Not obstruct fire hydrants or fire sprinkler connections on buildings. 12. Provide protective barriers between hot surfaces and the public.			
POLICE **101-000.000.634.0003** 248.530.1870	SG	On duty personnel will provide extra patrol. Costs include 8 parking spaces and 4 barricades to close the area.		$164	$164
PUBLIC SERVICES **101-000.000-634.0002** 248.530.1642	CL 6/9/21	Department will be responsible of placements of barricades to block off required street closures.		$100	
ENGINEERING **101-000.000.634.0002** 248.530.1839	SZ	Obstruction Permit required (Permit required proof of insurance listing the City as additionally insured)	Obstruction Permit	$65	$65

SP+ PARKING	SG	Parking available in City structures		$0	$0
INSURANCE 248.530.1807	AB	Need to submit Hold Harmless Agreement on Letterhead	None	$0	$0
CLERK **101-000.000-614.0000** 248.530.1803		Notification letters to be mailed by applicant no later than ___. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than ____.	Applications for vendors license must be submitted no later than ____.	$200 pd	
				TOTAL DEPOSIT REQUIRED	**ACTUAL COST**

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____

City of Birmingham
A Walkable Community

MEMORANDUM

Finance Department

DATE: **July 26, 2021**

TO: **Thomas M. Markus, City Manager**

FROM: **Mark Gerber, Director of Finance/Treasurer**

SUBJECT: **Indigent Defense Fund**

INTRODUCTION:
In order to receive funding from the Michigan Indigent Defense Commission (MIDC), the City must establish a fund in its chart of accounts and sign a grant agreement. In addition, a budget amendment will be necessary to record the revenues and expenditures of the fund.

BACKGROUND:
In March 2021, the control units for the 48th District Court were notified by the State that the Michigan Indigent Defense program could no longer be administered by the 48th District Court in order to comply with a conflict of interest standard for indigent defense. In order to maintain funding for the program, one of the control units for the 48th District Court would have to serve as the administrator for the program.

After discussion with the other control units, the City agreed to be the administrator of the program for the next grant year (October 1, 2021 - September 30, 2022). After this grant period, the City may continue to administer the program or that responsibility may be transferred to another control unit.

In order to receive the funds, the MIDC requires the City Commission to authorize the creation of a separate fund in its chart of accounts for the purpose of recording all transactions related to the program and to sign the grant agreement.

LEGAL REVIEW:
No legal review required.

FISCAL IMPACT:
The State approved a total grant budget of $532,550 for the program consisting of $515,257 from the State of Michigan and $17,243 from the control units of the 48th District Court. A budget amendment will be necessary as these funds were not included in the 2021-2022 budget.

SUMMARY:
It is recommended that the City Commission approve the establishment of the Indigent Defense Fund as required by the MIDC to record all transactions related to the program, authorize the Finance Director to sign the grant agreement, and approve an amendment to the 2021-2022 budget.

ATTACHMENTS:
1. Page 7 of the MIDC Grant Manual
2. MIDC Grant Agreement

SUGGESTED RESOLUTION:
To authorize the creation of the Indigent Defense Fund for the purpose of accepting grant and local share funding and charging all MIDC plan-related costs to this fund; to authorize the Finance Director to sign the grant agreement with MIDC on behalf of the City; and to approve the appropriation and amendment to the 2021-2022 budget as follows:

Indigent Defense Fund

Revenues:	
Intergovernmental Revenue	$532,550
Total Revenues	$532,550
Expenditures:	
Indigent Defense Fund	$532,550
Total Expenditures	$532,550

compliance plan and cost analysis. The local share will be adjusted each year in accordance with the statutory requirement. MIDC grant funds are calculated as the approved cost analysis offset by the local share. Any system seeking to modify its local share due to errors in the original calculation must contact its Regional Manager. Modifications are subject to review of the methodology by the Grant Manager and approval by the Commission.

Fund Established

A condition of award to the local system(s) shall include the grantee securing and supplying to the MIDC a resolution from the local legislative branch (board of commissioners, city council) for the creation of a new fund within the local chart of accounts. The sole purpose of this fund shall be for accepting the grants funds from the MIDC and charging all plan-related costs to this fund. As a condition or assurance upon accepting the award, this fund will allow for better management of the grant funds and monitoring by the local and state interested parties. All adult indigent criminal defense funding (local share and MIDC grant award) must be deposited into the fund. The local fund description shall allow for any fund balance not to revert to the general fund at the close of a fiscal year. Rollover funds will be used for expenditures that cross fiscal years as well as unexpended funds to be used for future compliance expenditures.

GRANT NO 2022-14

GRANT BETWEEN

THE STATE OF MICHIGAN

MICHIGAN INDIGENT DEFENSE COMMISSION (MIDC)

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA)

AND

City of Birmingham

GRANTEE/ADDRESS:

Name: Mark Gerber

Title: Financial Director

Address: 152 Martin Street, 2nd Floor Birmingham, MI 48009

Phone: (248) 840-1741

GRANTOR/ADDRESS:

Michigan Indigent Defense Commission

Department of Licensing and Regulatory Affairs

611 W. Ottawa St.

Lansing, MI 48933

(517) 657-3060

GRANT PERIOD:

From: 10/01/2021 to 09/30/2022

TOTAL AUTHORIZED BUDGET: $532,550.04

State Grant Contribution: $515,257.40

Local Share Contribution: $17,292.64

ACCOUNTING DETAIL: Accounting Template No.: 6411113T032

SIGMA Vendor Code: CV0022077

GRANT

This is Grant # 2022-14 between the Michigan Indigent Defense Commission (Grantor), and City of Birmingham (Grantee), subject to terms and conditions of this grant agreement (Agreement).

1.0 Statement of Purpose

The purpose of this Grant is to provide funding to assist the Grantee (also referred to as local funding unit) to comply with the Compliance Plan and Cost Analysis approved by the MIDC for the provision of indigent criminal defense services through the minimum standards approved by LARA on May 22, 2017 and October 29, 2020, and the process described in the Michigan Indigent Defense Commission Act (MIDC Act). The funding for this grant is contingent upon an appropriation by the Legislature that is signed by the Governor. Consistent with the MIDC Act, in the event that the funds appropriated apply to less than all of the minimum standards, the funding unit will not be required to fully comply with all of the minimum standards. In the event that an appropriation is insufficient to fully fund this grant, the amount of the grant will be reduced by the Grantor and the funding unit will not be required to fully comply with the minimum standards the original approved grant was designed to allow.

1.1 Definitions

A. Budget means the detailed statement of estimated costs approved as the Grantee's Cost Analysis and required to implement the Compliance Plan.

B. Budget Category means the aggregate of all funds in each of the high-level categories within the approved Cost Analysis.

C. Compliance Plan or Plan is the plan submitted by the local funding unit and approved by the MIDC that specifically addresses how the Grantee shall meet the approved minimum standards established by the MIDC.

D. Cost Analysis is a statement of the types of expenditures and funding necessary to bring Grantee's indigent defense system into compliance with the approved minimum standards established by the MIDC, including a statement of the funds in excess of the Grantee's local share as defined under the MIDC Act and as outlined in the Compliance Plan.

E. MIDC Act means the Michigan Indigent Defense Commission Act, Public Act 93 of 2013, MCL 780.991 et seq., as amended, enacted for the purpose of creating the Michigan Indigent Defense Commission and creating minimum standards for the local delivery of indigent criminal defense services that meet the constitutional requirements for the effective assistance of counsel.

F. Subgrantee means a governmental agency or other legal entity to which an MIDC subgrant is awarded by the Grantee. Attorneys representing indigent defendants, including both public defenders and attorneys contracted to represent indigent defendants, public defender office employees, judges, magistrates, court personnel, and professional service contract vendors shall not be considered subgrantees.

G. "Substantial Change" to a Compliance Plan is a change to the Plan or Cost Analysis that alters the method of meeting the objectives of the standard(s) in

1.2 Statement of Work

The Grantee agrees to undertake, perform, and complete the services described in its approved Compliance Plan and in accordance with the MIDC Act, specifically Standards 1 through 5. The Parties to this Agreement enter into this Agreement to facilitate the process described in the MIDC Act, which controls or supersedes any terms of this Agreement. Consistent with the Act and when applicable, an indigent criminal defense system shall comply with the terms of this Agreement in bringing its system into compliance with the minimum standards established by the MIDC within 180 days after receiving funds from the MIDC. Grantee may exceed 180 days for compliance with a specific item needed to meet minimum standards as set forth in the Act. Grantee's Compliance Plan, as submitted and approved by the MIDC, addresses the prescribed methods Grantee has chosen to provide indigent criminal defense services pursuant to MCL 780.993(3). Any substantial changes to the work described in the Compliance Plan must be submitted to the MIDC for approval as set forth in this Agreement prior to any changes being implemented. All provisions and requirements of this Agreement shall apply to any agreements the Grantee may enter into in furtherance of its obligations under this Agreement and Grantee shall be responsible for the performance of any Subgrantee work, as defined in subsection1.1.

1.3 Detailed Budget

A. This Agreement does not commit the State of Michigan (State) or the Department of Licensing and Regulatory Affairs (LARA) to approve requests for additional funds at any time.

B. If applicable, travel expenses will not be reimbursed at rates greater than the State Travel Rates, without the prior written consent of the MIDC.

C. The Grantee agrees that all funds are to be spent as detailed in the Budget, unless a budget adjustment request is approved. See section 1.3(E).

D. Grantee will maintain a restricted fund within their Local Chart of Accounts for the sole purpose of accounting for the expenses and revenue sources for operation of this grant and the local adult indigent defense system.

E. All requests for a budget adjustment or substantial changes to the Grantee's Compliance Plan will be submitted quarterly with the Grantee's quarterly report. MIDC staff shall respond to a request in writing within 30 days of receipt.

1) Budget adjustments less than or equal to 5% of the Budget Category total, including adjustments between Budget Categories, do not require approval by MIDC staff, but must be reported quarterly in the next financial status report.

2) A Budget adjustment involving greater than 5% of the aggregate of all funding within a Budget Category requires prior written approval by MIDC Staff and must be reported to the MIDC as soon after the Grantee is aware of the necessity of the Budget adjustment and reported in the Grantee's quarterly report.

3) Any substantial change to a Compliance Plan requires prior approval by MIDC staff and MIDC Commission.

1.4 Payment Schedule

The maximum amount of grant assistance approved is $515,257.40 (Five Hundred Fifteen Thousand Two Hundred Fifty Seven and 40/100)

Grantee must report and certify to Grantor by October 31st of each year the balance of any unexpended indigent defense grant funds from the prior fiscal year grant plus any interest earned on the advancement of the state grant funds in the previous fiscal year. Any funds from the previous fiscal year contained in an approved extension of the previous fiscal year's grant for projects that will be completed after September 30, 2021 will be carried over into the current fiscal year and shall not be considered unexpended funds, nor be included in the balance of unexpended funds. The current fiscal year indigent defense grant funds advanced will be reduced by the amount of unexpended funds from the prior fiscal year's grant by reducing the 2nd and 3rd disbursement equally. The maximum amount of grant assistance approved includes the unexpended funds reported from the previous fiscal year.

An initial advance of 25% of the State Grant shall be made to the Grantee upon receipt by the Grantor of a signed Agreement. The Grantor shall make subsequent disbursements of up to 25% of the total state grant amount in accordance with the following schedule:

Initial Advance of 25% of total grant – Within 15 days of receipt of executed agreement

25% disbursement – January 15, 2022

25% disbursement – April 15, 2022

25% disbursement – July 15, 2022 (final payment)

The above schedule of disbursement of funds is contingent upon receipt of quarterly reporting as addressed in this section and section 1.5 of this document. Any disputed matters shall not cause delay in remitting any disbursements or in issuing a grant contract and funds for the next fiscal year. Disputed matters shall be acted on independently from undisputed matters. The financial status report (FSR) report must be submitted on the form provided by the MIDC/LARA and indicate:

Grant funds received to date;

Expenditures for the reporting period by budget category; and;

Cumulative expenditures to date by budget category;

The quarterly FSR must be supported and accompanied by documentation of those grant funded expenditures incurred for the reporting period, including but not limited to:

- The general ledger for the restricted local indigent defense fund, including a detailed expenditure report with all expenditure detail within the budget categories, which must include documentation of payments to contract attorneys either by individual invoice or by report of payments made, by

- All invoices related to experts and investigators;
- All invoices related to construction; and
- Personnel detail including full-time equivalency of any grant funded positions, including total compensation for that position;

Upon request, Grantee shall provide the MIDC with additional documentation/verification of expenditures under the grant within 30 days of the making of the request. Any additional documentation/verification of expenditures shall not delay issuance of a grant contract or grant disbursements. Grantee's documentation of expenditures shall be maintained according to record retention policies for audit purposes in order to comply with this Agreement. Grantee will be held to the full contribution of the Local Share within the original one-year grant period.

The quarterly FSR and standards compliance report as addressed in Section 1.5, shall be provided in accordance with the following schedule:

Initial FSR and compliance report for 10/1/21–12/31/21 – January 31, 2022

2nd FSR and compliance report for 1/1/22-3/31/22 – April 30, 2022

3rd FSR and compliance report for 4/1/22-6/30/22 – July 31, 2022

Final FSR and compliance report for 7/1/22-9/30/22 – October 31,2022

1.5 Monitoring and Reporting Program Performance

A. Monitoring. The Grantee shall monitor performance to assure that time schedules are being met and projected work is being accomplished.

B. Quarterly Reports. The Grantee shall submit to the Grantor quarterly program reports on compliance with the minimum standards and participate in follow up and evaluation activities. Compliance reports include narrative responses containing a description of the Grantee's compliance with Standards 1-5, identifying problems or delays, actual, real or anticipated and any significant deviation from the approved Compliance Plan. Grantee will use its best efforts to provide data relevant to assessing compliance as contained in the compliance reporting template requested by MIDC. If Grantee is unable to provide the information requested by the report, Grantee will demonstrate in writing the steps taken to assess what information is currently available and how to retrieve it. Grantee also agrees to work with MIDC research staff to seek additional options or ideas for the collection and retrieval of this information.

PART II - GENERAL PROVISIONS

2.1 Project Changes

Grantee must obtain prior written approval for substantial changes to the compliance plan from Grantor.

2.2 Delegation

Grantee must notify the MIDC at least 90 calendar days before any proposed delegation with reasonable detail about Subgrantee and the nature and scope of the activities delegated. If any obligations under this Grant are delegated, Grantee must: (a) be the sole point of contact regarding all contractual project matters, including payment and charges for all Grant activities; (b) make all payments to the Subgrantee; and (c) incorporate the terms and conditions contained in this Grant in any subgrant with Subgrantee. Grantee remains responsible for the completion of the Grant activities and compliance with the terms of this Grant.

2.3 Program Income

To the extent that it can be determined that interest was earned on advances of funds, such interest shall be recorded in the Grantee's restricted indigent defense fund and included in the quarterly FSRs. The grant award shall not be increased by the amount of interest earned. Any grant funds attributable to interest and not spent at the end of the grant period shall be returned to the State or included in future grant awards from the MIDC consistent with MCL 780.993(15).

2.4 Share-in-savings

Grantor expects to share in any cost savings realized by Grantee in proportion of the grant funds to the local share.

2.5 Purchase of Equipment

The purchase of equipment must be made pursuant to Grantee's established purchasing policy and if not specifically listed in the Budget, Grantee must have prior written approval of Grantor. Equipment is defined as non-expendable personal property having a useful life of more than one year. Such equipment shall be retained by Grantee unless otherwise specified at the time of approval.

2.6 Accounting

Grantee must establish and maintain a restricted indigent defense fund in its local chart of accounts to record all transactions related to the Grant. The restricted fund will not lapse to the local general fund at the close of Grantee's fiscal year. Grantee shall adhere to the Generally Accepted Accounting Principles and shall maintain records which will allow, at a minimum, for the comparison of actual outlays with budgeted amounts. Grantee's overall financial management system must ensure effective control over and accountability for all indigent defense funds received. Where the Grantee uses a nonprofit entity to provide indigent defense services as contemplated in its compliance plan and cost analysis, the Grantee shall ensure that the contract or agreement defining the nonprofit entities relationship allows for reasonable access, in its sole discretion, to financial records for monitoring by the Grantee and its representatives. Accounting records must be supported by source

ledgers, payroll documents, time sheets and invoices. The expenditure of state funds shall be reported by line item and compared to the Budget.

2.7 Records Maintenance, Inspection, Examination, and Audit

Grantor or its designee may audit Grantee and the restricted indigent defense fund account to verify compliance with this Grant. Grantee must retain and provide to Grantor or its designee upon request, all financial and accounting records related to the Grant through the term of the Grant and for 7 years after the latter of termination, expiration, or final payment under this Grant or any extension ("Audit Period"). If an audit, litigation, or other action involving the records is initiated before the end of the Audit Period, Grantee must retain the records until all issues are resolved.

Within 10 calendar days of providing notice, Grantor and its authorized representatives or designees have the right to enter and inspect Grantee's premises or any other places where Grant activities are being performed, and examine, copy, and audit all records related to this Grant. Grantee must cooperate and provide reasonable assistance. If any financial errors have occurred, the amount in error must be reflected as a credit or debit on subsequent disbursements until the amount is paid or refunded. Any remaining balance must be reported by Grantee to Grantor by October 31 of each year as required under the MIDC Act.

This Section applies to Grantee, any parent, affiliate, or subsidiary organization of Grantee, and any subgrantee that performs Grant activities in connection with this Grant.

2.8 Competitive Bidding

Grantee agrees that all procurement transactions involving the use of state funds shall be conducted in a manner that provides maximum open and free competition, consistent with Grantee's purchasing policies. Sole source contracts should be negotiated to the extent that such negotiation is possible. Attorney contracts for representation of indigent or partially indigent defendants, and contracts for managed assigned counsel coordinators, are exempt from a competitive bid process but must meet standard internal procurement policies, as applicable.

3.0 Liability

The State is not liable for any costs incurred by Grantee before the start date or after the end date of this Agreement. Liability of the State is limited to the terms and conditions of this Agreement and the total grant amount.

3.1 Safety

Grantee and all subgrantees are responsible for ensuring that all precautions are exercised at all times for the protection of persons and property. Safety provisions of all Applicable Laws and building and construction codes shall be observed. Grantee and every subgrantee are responsible for compliance with all federal, state, and local laws and regulations in any manner affecting the work or performance of this Agreement and shall at all times carefully observe and comply with all rules, ordinances, and regulations. Grantee, and all subgrantees shall secure all necessary certificates and permits from municipal or other public authorities as may be required

3.2 Indemnification

Each party to the Grant must seek its own legal representation and bear its own legal costs; including judgments, in any litigation which may arise from the performance of this Grant and/or Agreement. It is specifically understood and agreed that neither party will indemnify the other party in any such litigation.

3.3 Failure to Comply and Termination

A. Failure to comply with duties and obligations under the grant program as set forth in Public Act 93 of 2013, as amended, is subject to the procedures contained in sections 15 and 17 of the Act.

B. Termination for Convenience

Grantor may immediately terminate this Grant in whole or in part without penalty and for any reason, including but not limited to, appropriation or budget shortfalls. If Grantor terminates this Grant for convenience, Grantor will pay all reasonable costs for approved Grant responsibilities. If the parties cannot agree to the cost to be paid by , the parties shall attempt to resolve the dispute by mediation pursuant to MCL 780.995. Grantee's duty to comply with MIDC standards is limited to funding covering the cost of compliance as set forth in the Act.

3.4 Conflicts and Ethics

Grantee will uphold high ethical standards and is prohibited from: (a) holding or acquiring an interest that would conflict with this Grant; (b) doing anything that creates an appearance of impropriety with respect to the award or performance of the Grant; (c) attempting to influence or appearing to influence any State employee by the direct or indirect offer of anything of value; or (d) paying or agreeing to pay any person, other than employees and consultants working for Grantee, any consideration contingent upon the award of the Grant. Grantee must immediately notify Grantor of any violation or potential violation of this Section. This Section applies to Grantee, any parent, affiliate, or subsidiary organization of Grantee, and any subgrantee that performs Grant activities in connection with this Grant.

3.5 Non-Discrimination

Under the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 to 37.2804, and the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101, et seq., Grantee and its subgrantees agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position. Breach of this covenant is a material breach of this Grant.

3.6 Unfair Labor Practices

Under MCL 423.324, the State may void any Grant with a grantee or subgrantee who appears on the Unfair Labor Practice register compiled under MCL 423.322.

3.7 Force Majeure

Neither party will be in breach of this Grant because of any failure arising from any disaster or act of God that are beyond its control and without its fault or negligence. Each party will use commercially reasonable efforts to resume performance. Grantee will not be relieved of a breach or delay caused by its subgrantees except where the MIDC determines that an unforeseeable condition prohibits timely compliance pursuant to MCL 780.993, Sec. 13(11).

4.0 Certification Regarding Debarment

Grantee certifies, by signature to this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this Agreement by any federal or state department or agency. If Grantee is unable to certify to any portion of this statement, Grantee shall attach an explanation to this Agreement.

4.1 Illegal Influence

Grantee certifies, to the best of its knowledge and belief that:

A. No federal appropriated funds have been paid nor will be paid, by or on behalf of Grantee, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.

B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this grant, the Grantee shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

C. Grantee shall require that the language of this certification be included in the award documents for all grants or subcontracts and that all subrecipients shall certify and disclose accordingly.

The State has relied upon this certification as a material representation. Submission of this certification is a prerequisite for entering into this Agreement imposed by 31 USC 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Grantee certifies, to the best of its knowledge and belief that no state funds have been paid nor will be paid, by or on behalf of Grantee, to any person for influencing or attempting to influence an officer or employee of any state agency, a member of the Legislature, or an employee of a member of the Legislature in connection with the awarding of any state contract, the making of any state grant, the making of any state

loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any state contract, grant, loan or cooperative agreement.

4.2 Governing Law

This Grant is governed, construed, and enforced in accordance with Michigan law, excluding choice-of-law principles. All claims relating to, or arising out of, this Grant are governed by Michigan law, excluding choice-of-law principles. Any dispute arising from this Grant must be resolved as outlined in Sec. 15 of PA93 of 2013, as amended.

4.3 Disclosure of Litigation, or Other Proceeding

Grantee must notify Grantor within 14 calendar days of receiving notice of any litigation, investigation, arbitration, or other proceeding (collectively Proceeding) that arises during the term of the Grant against a public defender office, an attorney employed by a public defender office, or an attorney contracted to perform indigent defense functions funded by the Grantee that involves: (a) a criminal Proceeding; (b) a civil Proceeding involving a claim that, after consideration of Grantee's insurance coverages, would adversely affect Grantee's viability; (c) a civil Proceeding involving a governmental or public entity's claim or written allegation of fraud related to performance of the Grant; or (d) a Proceeding challenging any license that an attorney practicing on behalf of a public defender office or an attorney practicing pursuant to a contract to perform indigent defense functions for Grantee is required to possess in order to perform under this Grant.

4.4 Assignment

Grantee may not assign this Grant to any other party without the prior approval of Grantor. Upon notice to Grantee, Grantor, in its sole discretion, may assign in whole or in part, its rights or responsibilities under this Grant to any other party. If Grantor determines that a novation of the Grant to a third party is necessary, Grantee will agree to the novation, provide all necessary documentation and signatures, and continue to perform its obligations under the Grant.

4.5 Entire Grant and Modification

This Grant is the entire agreement and replaces all previous agreements between the parties for the Grant activities. Pursuant to the MIDC Act, the MIDC shall promulgate policies necessary to carry out its powers and duties. The MIDC may also provide guides, instructions, informational pamphlets for the purpose of providing guidance and information with regard to the Grant and MIDC policies. This Agreement supersedes all terms of MIDC policies, guides, instructions, informational pamphlets and any other explanatory material that is in conflict with the Agreement. This Agreement may not be amended except by a signed written agreement between the parties.

4.6 Grantee Relationship

Grantee assumes all rights, obligations, and liabilities set forth in this Grant. Grantee, its employees, and its agents will not be considered employees of the State. No partnership or joint venture relationship is created by virtue of this Grant. Grantee

and not Grantor or the State of Michigan, is responsible for the payment of wages, benefits, and taxes of Grantee's employees. Prior performance does not modify Grantee's status as an independent grantee.

4.7 Dispute Resolution

The parties will endeavor to resolve any Grant dispute in accordance with section 15 of Public Act 93 of 2013. The dispute will be referred to the parties' respective representatives or program managers. Such referral must include a description of the issues and all supporting documentation. The parties will continue performing while a dispute is being resolved, unless the dispute precludes performance or performance would require Grantee to spend in excess of the Local Share as defined by MCL 780.983(h).

5.0 Severability

If any part of this Grant is held invalid or unenforceable, by any court of competent jurisdiction, that part will be deemed deleted from this Grant and the severed part will be replaced by agreed upon language that achieves the same or similar objectives. The remaining Grant will continue in full force and effect.

5.1 Signatories

The signatories warrant that they are empowered to enter into this Agreement and agree to be bound by it.

Signature:

, Date:

Bureau of Finance and Administrative Services
Department of Licensing and Regulatory Affairs
State of Michigan

Signature:

, Date:

Michigan Indigent Defense Commission
Department of Licensing and Regulatory Affairs
State of Michigan

Signature:
Representative: ,
Date:
Funding Unit: City of Birmingham

GRANT NO. 2022-14

City of Birmingham
A Walkable Community

MEMORANDUM

Police Department

DATE: **July 28, 2021**

TO: **Tom Markus, City Manager**
Jana Ecker, Planning Director

FROM: **Chris Busen, Investigative Commander**

SUBJECT: **Whistle Stop Diner, Inc. d/b/a Whistle Stop ("Whistle Stop") requests approval of a new Class C and SDM liquor licenses with Sunday sale (AM/PM) and an Outdoor Service Permit located at 501 S. Eton St, Oakland County, Michigan, to be issued pursuant to MCL 436.1521(A)(1)(B).**

INTRODUCTION:
The police department has received a request from the Law Offices of J. Patrick Howe regarding a request for a new Class C and SDM liquor licenses for Whistle Stop, located at 501 S. Eton St, Birmingham, Oakland County, MI 48009. Whistle Stop has paid the initial fee of $1500 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code.

At the July 26, 2021 City Commission meeting the Commission approved the Special Land Use Permit, Final Site Plan and Design Review for 501 S. Eton (Whistle Stop) to allow the operation of a bistro.

BACKGROUND:
Whistle Stop is planning to renovate its existing restaurant into a Bistro. The renovations will cost $300,000, which is being paid from verified existing bank savings. The renovated restaurant will offer the same food that has been offered in its current format for years, which includes a breakfast menu and burgers/sandwiches for lunch. There will be a limited selection of beer, wine, and spirits. The hours of operation will be Monday through Saturday 7am-3pm and Sunday 8am-3pm. There will be no changes to customer or employee parking.

LEGAL REVIEW:
Non-applicable

FISCAL IMPACT:
Non-applicable

SUMMARY:
The Whistle Stop has been a fixture on the eastside of Birmingham for years. The City Commission unanimously authorized the Whistle Stop to move forward with a Bistro application on October 26, 2020 and approved their Final Site Plan and Design Review to allow the operation of a bistro at the July 26, 2021 meeting.

Whistle Stop Members	**Percentage of Interest**
Valter Xhomaqi	100%

The lone member of Whistle Stop is Valter Xhomaqi.

Valter Xhomaqi currently holds a liquor license at Whistle Stop 1, Inc. that is located in Pleasant Ridge, Michigan. There have been no Michigan Liquor Control Commission violations at this location.

A background check was conducted on Valter Xhomaqi using the Law Enforcement Information Network (LEIN) and the Court's Law Enforcement Management Information System (CLEMIS). Xhomaqi has no criminal convictions or negative police contacts.

ATTACHMENTS:
Non-applicable

SUGGESTED RESOLUTION:

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of Whistle Stop Diner, Inc. that requests a new Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) located at 501 S. Eton St, Birmingham, Oakland County, MI 48009.

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Whistle Stop Diner, Inc. approving the liquor license request of Whistle Stop Diner, Inc. that requested a new Class C License be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) located at 501 S. Eton St, Birmingham, Oakland County, MI 48009.

City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Department

DATE: **August 4, 2021**

TO: **Tom Markus, City Manager**

FROM: **Scott Zielinski, Assistant City Engineer**

SUBJECT: **Sidewalk Trip Elimination Services**
Contract #7-21 (SW) - Contract Extension

INTRODUCTION:

In 2018 the Engineering Department issued a formal Request for Proposal (RFP) called Sidewalk Trip Elimination Services, Contract #6-18(SW). The RFP did not specify the actual method to be used to eliminate sidewalk trip hazards, while meeting certain criteria. Precision Concrete, Inc. was awarded the contract in 2018. They offered to hold their pricing for 2020 (via a contract extension) and have offered to again hold the 2018 pricing for this year as well (letter attached).

BACKGROUND:

Precision Concrete, Inc. has performed this work for the City the past three (3) years. These projects include over 4,000 separate work locations. Once mobilized to Birmingham, Precision is able to complete the work typically within two to four weeks. The crews work quickly, and caused little disruption to the residents and pedestrians in the immediate area. The work that has been completed for the City over the past 3 years has been a major success. Not only has it reduce the disruption to the neighborhoods, it also reduced the size and value of the traditional concrete replacement program.

Given this success, the Engineering Department inspected the next sidewalk program area (Area #4) with the intention of having both a traditional concrete replacement program, supplemented with a sawcutting program. The program area #4 will focus on the areas between Maple Road and 14 Mile Road & From Southfield Road to Pierce Street. The criteria established states that any trip hazard measuring between ½ inch and 1½ inch vertical discrepancy between joints should be corrected using the sawcutting method. Inspection results determined that a larger quantity of the existing trip hazards would fall under the sawcutting method. The City will also have Precision Concrete finish up a portion of Area #3 that last year's budget wasn't able to accommodate. We are pleased that Precision Concrete is offering to return to Birmingham at 2018 prices, and fully expect that if other bids were solicited for this work, no other similar proposals for this patented process would be received.

LEGAL REVIEW:

The contractor has offered to extend the contract terms from the 2018 Contract. After review by the attorney's office we have provided a contract addendum to continue services with the 2018 rates. The Contractor has been apprised of the work area and quantity, and understands that new performance and payment bonds will have to be provided, as

well as updated proof of insurance. Further, the Contractor intends to complete the new work area no later than October 30, 2021.

FISCAL IMPACT:

Based on current estimates, it is estimated that the value of the work, charged at the 2018 contract price of $12.00 per foot equals $125,000.00. This quantity represents over 700 separate work locations. If this work was paid for using traditional sidewalk remove and replace methods, the value of this work would be approximately double, representing a savings to the City of over $150,000, not counting reduce staff time.

The cost of this work will be charged to the General Sidewalk Fund, account number 101-444.001-981.0100.

PUBLIC COMMUNICATIONS:

No public communications are anticipated as this method of eliminating trip hazards is performed quickly and causes little disruption to the residents and pedestrians in the immediate area.

SUMMARY:

It is recommended that the City Commission authorize the extension of Contract #6-18 (SW), 2018 Trip Hazard Elimination Program, through an addendum, to Precision Concrete, Inc., for the 2021 contract year, at a total cost of $125,000.00.

ATTACHMENTS:

- Addendum for contract extension,
- Offer of contract extension from Precision Concrete, Inc.
- Map of 2021 Work Area.

SUGGESTED RESOLUTION:

To approve an extension of the 2021 Sidewalk Trip Elimination Program through the addendum of the Contact #6-18 (SW) for the 2021 sidewalk program repair area, at 2018 contract prices, to Precision Concrete, Inc., in the amount of $125,000.00, contingent upon submittal of the necessary bonds and insurance certificate. All costs shall be charged to account number 101-444.001-981.0100.

To have the Mayer sign the approved contract addendum authorizing this work.

ADDENDUM TO THE AGREEMENT FOR
SIDEWALK TRIP HAZARD ELIMINATION SERVICES
CONTRACT #6-18 (SW) DATED MAY 14, 2018

THIS ADDENDUM to the Agreement for Sidewalk Trip Hazard Elimination Services Contract #6-18 (SW) dated May 14, 2018 by and between the **CITY OF BIRMINGHAM,** having its principal municipal office at 151 Martin Street, Birmingham, MI and **PRECISION CONCRETE, INC.** (Precision Concrete Cutting) having its principal office at 1896 Goldeneye Drive, Holland, MI 49424, does hereby amend its Agreement to extend the 2018 Bid Rates on sidewalk and elimination services as awarded in the 2018 Contract #6-18 (SW) and to further include the attached Cost and Scope and Sole Source Status dated July 20, 2021. This amends paragraph 2 to change the amount from "not to exceed $48,000.00" to "not to exceed $125,000.00", and shall now read as follows:

> "2. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed $125,000.00, as set forth in the Contractor's April 24, 2018 cost proposal."

All other provisions of the Agreement for Sidewalk Trip Hazard Elimination Services dated May 14, 2018 shall remain in full force and effect.

IN WITNESS WHEREOF, the said parties have caused this Addendum to be executed on this 4th day of August, 2021.

WITNESSES:

Penny A. Waller

PRECISION CONCRETE, INC.

By: _____
Mark Bonkowski, President

PENNY L WALLER
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OTTAWA
My Commission Expires Feb. 3, 2023
Acting in the County of OTTAWA

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

On this 4th day of August, 2021, before me personally appeared Mark A. Bonkowski, President of Precision Concrete, Inc., who acknowledged that with authority on behalf

of **PRECISION CONCRETE, INC.** to do so he signed this Agreement.

PENNY L WALLER
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OTTAWA
My Commission Expires Feb. 3, 2023
Acting in the County of OTTAWA

Penny L Waller
Notary Public
OTTAWA County, Michigan

Acting in OTTAWA County, Michigan

My commission expires: 2|3|2023

CITY OF BIRMINGHAM

By: _____
Pierre Boutros, Mayor

By: _____
Alexandria D. Bingham, Clerk

Approved:

Thomas M. Markus, City Manager
(Approved as to substance)

James J. Surhigh, P.E.,
Consulting Engineer
(Approved as to substance)

Mark Gerber, Director of Finance
(Approved as to financial obligation)

Mary M. Kucharek, City Attorney
(Approved as to form)

PRECISION CONCRETE CUTTING
Trip Hazard Removal Specialists

1896 Goldeneye Drive, Holland MI 49424
Phone: 616.403.1140 FAX: 616.582.5951
www.MichiganSafeSidewalks.com

July 20, 2021

City of Birmingham
attn: Scott Zielinski, Assistant City Engineer
151 Martin St
Birmingham, MI 48012

Subject: Contract Extension for **SIDEWALK TRIP ELIMINATION SERVICES - CONTRACT #6-18(SW)**

Scott,

We appreciate the opportunity to submit this Contract Extension to the City of Birmingham. Please accept this letter as confirmation of our intent to honor the 2018 Bid Rates on sidewalk trip elimination services, as awarded to us in 2018 on Contract #6-18(SW) (rate and unit of measure; $12.00 per Linear-Foot).

We will provide an updated proof of insurance (ACORD) per City requirements. Let us know if any additional information is required. We appreciate your ongoing consideration and the opportunity to provide our service for the City of Birmingham.

Cost and Scope

Based on the 2018 contract, PCC will bill for this project in 2021 at the rate of $12.00 per Linear-Foot.

The scope of the sidewalk trip hazards has not changed. Trips are defined as a differential in the walkway of 0.5" high and less than or equal to 1.5" high. Trip hazards will be eliminated leaving a maximum running slope (ramp) of 1:12 as permitted to meet ADA requirements wherever possible. The work will be performed on City sidewalks as designated by City Engineering.

Sole Source Status

The technology that Precision Concrete Cutting uses to remove trip hazards has been developed and patented by Precision Concrete Cutting based in Provo, UT. Precision Concrete, Inc. is the only company authorized to use the patented equipment and method for removing sidewalk trip hazards as described by the following patent numbers:

U.S. Patent No. 6,827,074
U.S. Patent No. 6,896,604
U.S. Patent No. 7,000,606
U.S. Patent No. 7,143,760
U.S. Patent No. 7,201,644
U.S. Patent No. 7,402,095

These patent numbers and the Precision Concrete Cutting (PCC) licensing agreement make Precision Concrete, Inc. a sole source for trip hazard removal in Michigan using this technology.

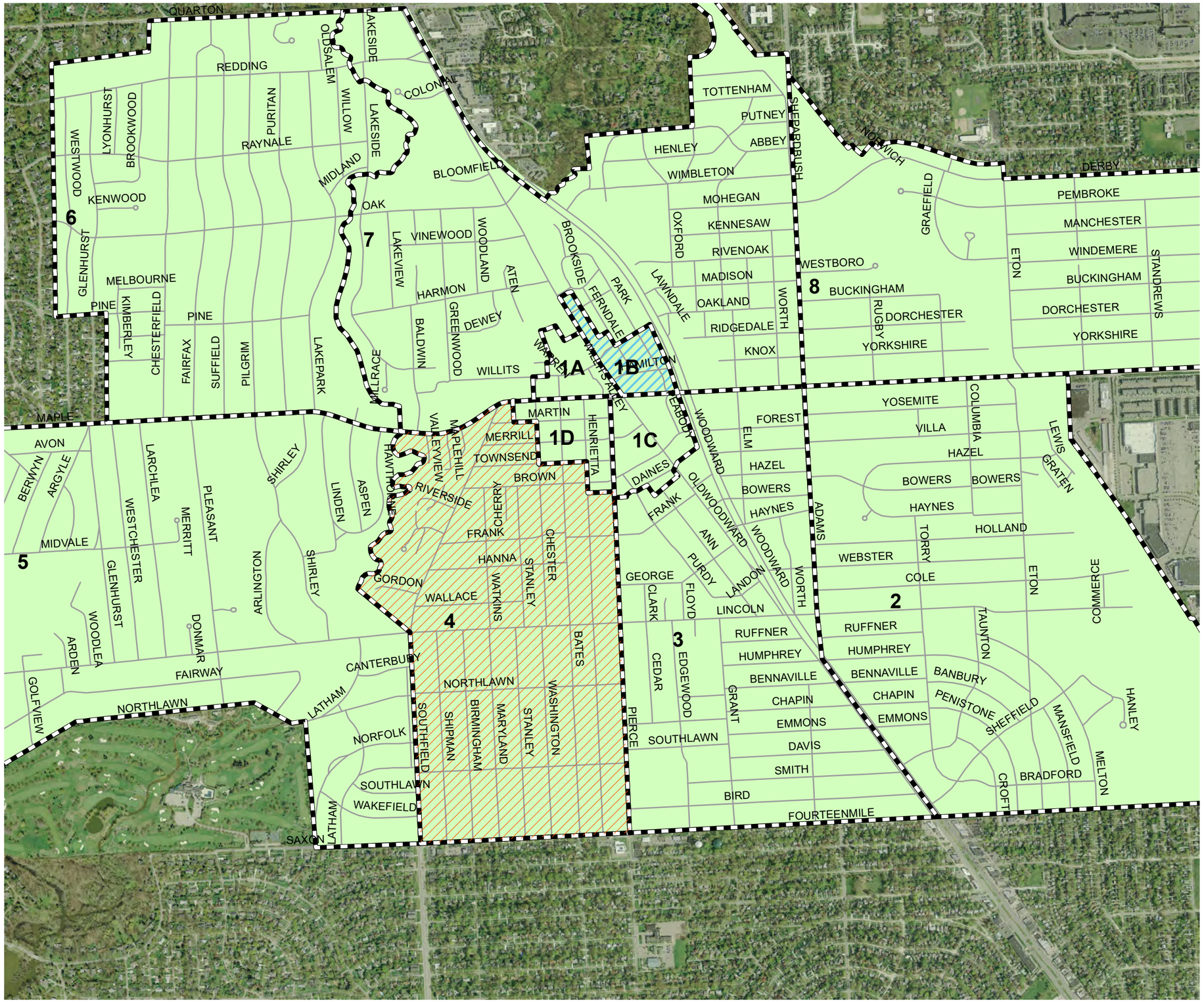
Precision Concrete Cutting looks forward to continuing work with Birmingham to deliver a proactive and cost-effective sidewalk maintenance program to help with the efforts of ADA compliance and reduce liabilities associated with sidewalk trip hazards.

Mark A. Bonkowski, President

(BEN JOHNSON)
Ben Johnson, Business Manager, SE Michigan

Precision Concrete, Inc. (Precision Concrete Cutting)
1896 Goldeneye Drive
Holland MI 49424

(616) 403-1140 Phone
(616) 582-5951 Fax



2021 SIDEWALK 3-21 (SW) TARGET AREAS

City of Birmingham
A Walkable Community

Legend

- Sidewalk Program Districts
- Area 1B
- Area 4

N

0 1,200 2,400 4,800 Feet

1 inch = 1,250 feet

Disclaimer: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or survey.

The data provided hereon may be inaccurate or out of date and any person or entity who relies on said information for any purpose whatsoever does so solely at his or her own risk.

Data Sources: Oakland County GIS Utility, City of Birmingham

City of Birmingham
A Walkable Community

MEMORANDUM

Treasurer's Office

DATE: **8/3/2021**

TO: **Thomas M. Markus, City Manager**

FROM: **Jack Todd, Deputy Treasurer**
Mark Gerber, Finance Director/Treasurer

SUBJECT: **Resolution for Confirming S.A.D. #895- Townsend Street Paving Project #6-21 (P), Water & Sewer Lateral Special Assessment**

To cover the cost of water and sewer laterals and paving on Townsend Street, it is requested that the City Commission adopt the following resolution confirming S.A.D. No. 895 at the regular City Commission meeting of August 9th, 2021. Comments during the hearing of confirmation are limited to those questions specifically addressing the assessment roll pursuant to Section 94-9 of the City Code. The hearing declaring the necessity of the Special Assessment District was held at the City Commission meeting of July 26th, 2021.

The estimated assessments for 600 W. Brown St. and 555 Townsend St. are divided equally among parcels.

ATTACHMENTS:

- Proposed Special Assessment Roll
- Memorandum: Townsend and Peabody Street Paving Project #6-21(P) Water & Sewer Lateral Special Assessment District Hearing of Necessity
- Memorandum: Townsend & Peabody Street Paving Project, Sewer & Lateral Special Assessment District

SUGGESTED RESOLUTION:

To confirm Special Assessment Roll No. 895,

WHEREAS, Special Assessment Roll, designated Roll No. 895, has been heretofore prepared for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and

Commission Resolution 07-199-21 provided it would meet this 9th day of August, 2021 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this August 9th, 2021, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 895 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessment shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and one quarter percent (4.25%) on all unpaid installments.

Parcel Number	Address	10" Sewer Lead	8" Sewer Lead	Total Cost
08-19-36-135-033	600 W Brown St # 110	$150.00	$62.50	$212.50
08-19-36-135-034	600 W Brown St # 101	$150.00	$62.50	$212.50
08-19-36-135-035	600 W Brown St # 109	$150.00	$62.50	$212.50
08-19-36-135-036	600 W Brown St # 102	$150.00	$62.50	$212.50
08-19-36-135-037	600 W Brown St # 108	$150.00	$62.50	$212.50
08-19-36-135-038	600 W Brown St # 103	$150.00	$62.50	$212.50
08-19-36-135-039	600 W Brown St # 107	$150.00	$62.50	$212.50
08-19-36-135-040	600 W Brown St # 104	$150.00	$62.50	$212.50
08-19-36-135-041	600 W Brown St # 106	$150.00	$62.50	$212.50
08-19-36-135-042	600 W Brown St # 105	$150.00	$62.50	$212.50
08-19-36-135-043	600 W Brown St # 210	$150.00	$62.50	$212.50
08-19-36-135-044	600 W Brown St # 201	$150.00	$62.50	$212.50
08-19-36-135-045	600 W Brown St # 209	$150.00	$62.50	$212.50
08-19-36-135-046	600 W Brown St # 202	$150.00	$62.50	$212.50
08-19-36-135-047	600 W Brown St # 208	$150.00	$62.50	$212.50
08-19-36-135-048	600 W Brown St # 203	$150.00	$62.50	$212.50
08-19-36-135-049	600 W Brown St # 207	$150.00	$62.50	$212.50
08-19-36-135-050	600 W Brown St # 204	$150.00	$62.50	$212.50
08-19-36-135-051	600 W Brown St # 206	$150.00	$62.50	$212.50
08-19-36-135-052	600 W Brown St # 205	$150.00	$62.50	$212.50
08-19-36-135-053	600 W Brown St # 310	$150.00	$62.50	$212.50
08-19-36-135-054	600 W Brown St # 301	$150.00	$62.50	$212.50
08-19-36-135-055	600 W Brown St # 309	$150.00	$62.50	$212.50
08-19-36-135-056	600 W Brown St # 302	$150.00	$62.50	$212.50
08-19-36-135-057	600 W Brown St # 308	$150.00	$62.50	$212.50
08-19-36-135-058	600 W Brown St # 303	$150.00	$62.50	$212.50
08-19-36-135-059	600 W Brown St # 307	$150.00	$62.50	$212.50
08-19-36-135-060	600 W Brown St # 304	$150.00	$62.50	$212.50
08-19-36-135-061	600 W Brown St # 306	$150.00	$62.50	$212.50
08-19-36-135-062	600 W Brown St # 305	$150.00	$62.50	$212.50
08-19-36-135-063	600 W Brown St # 410	$150.00	$62.50	$212.50
08-19-36-135-064	600 W Brown St # 401	$150.00	$62.50	$212.50
08-19-36-135-065	600 W Brown St # 409	$150.00	$62.50	$212.50
08-19-36-135-066	600 W Brown St # 402	$150.00	$62.50	$212.50
08-19-36-135-067	600 W Brown St # 408	$150.00	$62.50	$212.50
08-19-36-135-068	600 W Brown St # 403	$150.00	$62.50	$212.50
08-19-36-135-069	600 W Brown St # 407	$150.00	$62.50	$212.50
08-19-36-135-070	600 W Brown St # 404	$150.00	$62.50	$212.50
08-19-36-135-071	600 W Brown St # 406	$150.00	$62.50	$212.50
08-19-36-135-072	600 W Brown St # 405	$150.00	$62.50	$212.50
Total Cost		**$6,000.00**	**$ 2,500.00**	**$8,500.00**

Parcel Number	Address	(1st) 6" Sewer Lead	(2nd) 6" Sewer Lead	Total Cost
08-19-36-135-025	555 Townsend # 101	$228.57	$228.58	$457.15
08-19-36-135-026	555 Townsend # 102	$228.57	$228.58	$457.15
08-19-36-135-027	555 Townsend # 103	$228.57	$228.58	$457.15
08-19-36-135-028	555 Townsend # 104	$228.57	$228.58	$457.15
08-19-36-135-029	555 Townsend # 201	$228.57	$228.58	$457.15
08-19-36-135-030	555 Townsend # 202	$228.57	$228.58	$457.15
08-19-36-135-031	555 Townsend # 203	$228.57	$228.58	$457.15
Total Cost		**$1,599.99**	**$1,600.06**	**$3,200.05**

Parcel Number	Address	3/4" Water Service Upgrade	Total Cost
08-19-36-135-009	491 Townsend	$1,600	$1,600
08-19-36-131-017	504 Townsend	$1,850	$1,850
Total Cost			**$3,450**

City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Dept.

DATE: **July 20, 2021**

TO: **Tom Markus, City Manager**

FROM: **Jim Surhigh, Consultant City Engineer**
Scott Zielinski, Assistant City Engineer

SUBJECT: **Townsend and Peabody Street Paving Project #6-21(P)**
Water & Sewer Lateral Special Assessment District Hearing of Necessity

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INTRODUCTION:

At the Commission meeting of June 28, 2021, the City Commission set a date of July 26, 2021 to hold a public hearing of necessity for the replacement of water and sewer laterals located within the limits of the Townsend and Peabody Street Paving Project areas. Also at that meeting, a Public Hearing on Confirmation of the Roll, August 9, 2021 was set, should the assessment district be authorized.

BACKGROUND:

All owners in the district have been sent the attached letter and public hearing notice. To date, our office has received a small number of calls asking for clarifications about the upcoming project. We are not aware of any objections at this time.

LEGAL REVIEW:

The suggested special assessment district is consistent with the City Charter, and past precedence. No legal review is required.

FISCAL IMPACT:

The costs being charged will cover the City's costs payable to the contractor relative to the pipe installation. As has been done traditionally, the City is subsidizing this program to a small degree in that inspection and restoration costs are covered by the City as a part of the overall cost of the project.

SUMMARY:

It is recommended that the City Commission conduct the public hearing, and authorize the special assessment district to defray the cost of the installation of new water and sewer laterals within the project area of the Townsend and Peabody Street Paving Project #6-21(P).

ATTACHMENTS:

- Notice of Necessity Public Hearing from the City Clerk
- Memo of June 24, 2021, recommending the setting of a public hearings.
- Letter Dated July 15, 2021 to residents of the SAD area.
- Maps of proposed assessment district.
- Proposed special assessment roll.

SUGGESTED RESOLUTION:

WHEREAS, The City Commission has established a policy requiring the replacement of undersized or lead water lateral lines and sewer laterals in excess of fifty years old when the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission is of the opinion that replacement of water and sewer laterals not meeting current criteria as a part of the planned road paving project is declared a necessity; and

WHEREAS, Formal bids have not been received at this time, and the cost per foot for replacement of the water and sewer laterals has been estimated,

RESOLVED, That all sewer and water laterals not meeting current criteria located within the limits of the following streets shall be replaced as a part of the Townsend and Peabody Street Paving Project (Contract #6-21(P)):

Townsend St. – Southfield Road to Chester Ave.
Peabody St. – E. Maple to E. Brown St.

RESOLVED, That at such time as the Assessor is directed to prepare the assessment roll, of which 100% of the contractor's charge to replace water and sewer lateral (Estimated at the rate of $50.00 per foot for water laterals and $100.00 per foot for 6" sewer laterals, $125.00 for 8" sewer laterals $150.00 per foot for 10" sewer laterals) shall be charged to the adjoining property owners benefiting from the said laterals,

RESOLVED, That there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, within the following district of 4 parcels:

Site Address: 600 W BROWN ST # 110,BIRMINGHAM,MI,48009
Parcel Identification Number: 1936135033
Owner Name: PIETY HILL PLACE

Site Address: 555 TOWNSEND ST # 101,BIRMINGHAM,MI,48009
Parcel Identification Number: 1936135025
Owner Name: SUSAN E RIETH TRUST

Site Address: 504 TOWNSEND ST,BIRMINGHAM,MI,48009
Parcel Identification Number: 1936131017
Owner Name: ROSSO DEVELOPMENT

Site Address: 491 TOWNSEND ST,BIRMINGHAM,MI,48009
Parcel Identification Number: 1936135009
Owner Name: SCOTT CURRIE

RESOLVED, That the Commission shall meet on Monday, August 9, 2021, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of water and sewer laterals within the Townsend and Peabody Street Paving Project.

NOTICE OF PUBLIC HEARINGS

BIRMINGHAM CITY COMMISSION
PUBLIC HEARING OF NECESSITY PUBLIC HEARING OF CONFIRMATION

FOR THE REPLACEMENT OF SEWER & WATER SERVICES WITHIN THE TOWNSEND & PEABODY PAVING PROJECT AREA

Meeting Date, Time, Location:	**HEARING OF NECESSITY FOR SPECIAL ASSESSMENT DISTRICT** Monday, July 26, 2021, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Meeting Date, Time, Location:	**HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT** Monday, August 9, 2021, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Location:	Townsend & Peabody Paving Project Area – specifically Townsend Street between Southfield Road to S. Chester Street, and Peabody Street between E. Brown Street to E. Maple Avenue.
Nature of Improvement:	Replacement of sewer and water services within the Townsend & Peabody Paving Project area
City Staff Contact:	Jim Surhigh, 248.530.1839 cityengineer@bhamgov.org
Notice Requirements:	Mailed to affected property owners Published July 11 and July 25, 2021
Approved minutes may be reviewed at:	City Clerk's Office

Should you have any statement regarding the above, you are invited to attend the meeting in person or virtually through ZOOM: **https://zoom.us//655079760 Meeting ID: 655 079 760.** You may also present your written statement to the City Commission, City of Birmingham, 151 Martin St., P.O. Box 3001, Birmingham, MI 48012-3001 prior to the hearing.

However, if you fail to protest either in person or by letter received on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal
The property owner may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Dept.

DATE: **June 24, 2021**

TO: **Thomas M. Markus, City Manager**

FROM: **James J. Surhigh, Consulting City Engineer**

SUBJECT: **Townsend & Peabody Street Paving Project**
Sewer & Water Lateral Special Assessment District

The Engineering Dept. is planning a project for reconstructing the pavement, along with completing certain sewer and water main improvements, on Townsend Street between Southfield Road to S. Chester Street, and Peabody Street between E. Brown Street to E. Maple Avenue.

In accordance with current City policy established to protect the public investment being made when reconstructing roadways, as part of the project, we intend to replace all older sewer laterals located underneath the new proposed pavement, as well as all water services less than 1 inch diameter, which will be replaced with a new 1 inch diameter service. Additionally, in accordance with recently modified rules from the Michigan Dept. of Environmental, Great Lakes, and Energy (EGLE) requiring the complete removal of lead water services from the water main to the water meter on private property, any such water service will also be replaced as part of the project. Per EGLE, the City is not allowed to charge a homeowner for costs associated with replacement of an existing lead water service. The parcels that may be potentially subject to the Sewer & Water Lateral Special Assessment are highlighted on the attached maps.

The Townsend & Peabody Street Paving Project is still being designed, and a final list of parcels that would be subject to the special assessment have not been determined at this time. The specific list of parcels that would be subject to this special assessment will be provided as part of the report for the Public Hearing of Necessity being scheduled for a future date.

Total estimated costs that would be assessed to property owners for completion of the sewer and water service replacements generally average $2,500 to $3,500 for a 6 inch sewer service, and $2,000 to $3,000 for a 1 inch water service. A more precise estimate will accompany the report for the Public Hearing of Necessity being scheduled for a future date.

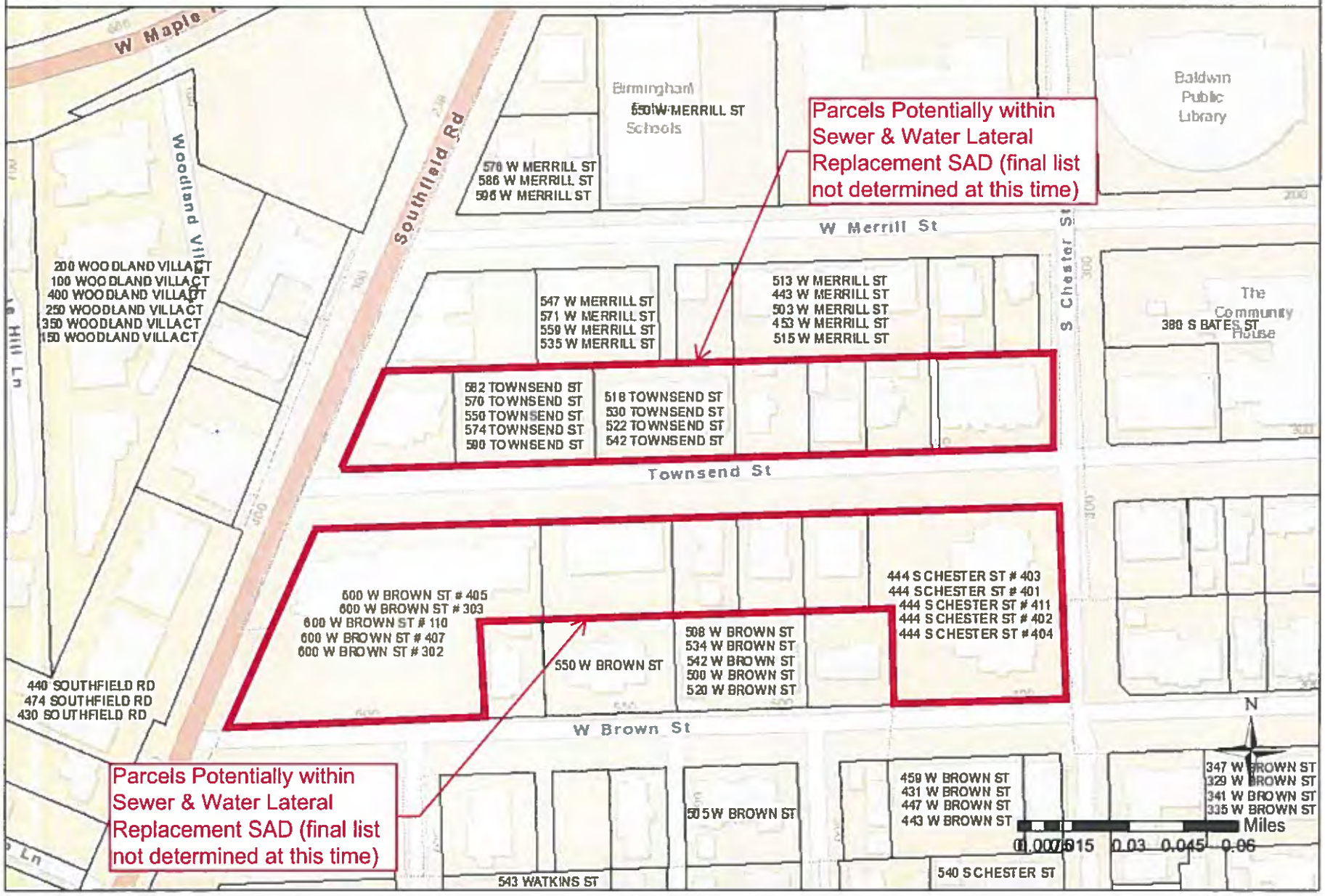
It is recommended that a Public Hearing of Necessity for the replacement of sewer and water services be scheduled at the Monday, July 26, 2021 City Commission meeting. It is further recommended that the Public Hearing on Confirmation of the Roll be held on Monday, August 9, 2021.

SUGGESTED ACTION:

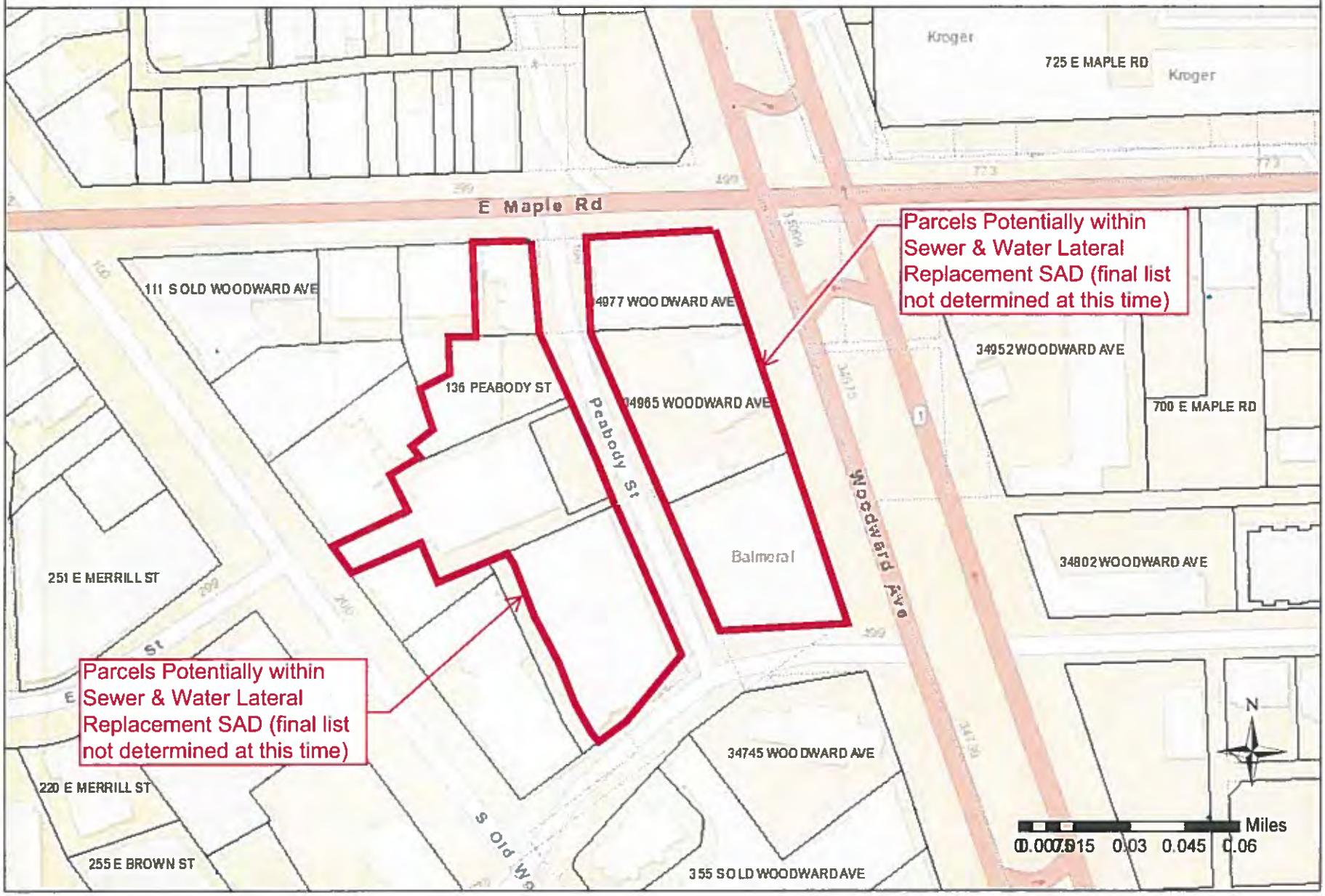
To adopt a resolution for the City Commission to meet on Monday, July 26, 2021, at 7:30 P.M., for the purpose of conducting a Public Hearing of Necessity for the replacement of sewer and water services within the Townsend & Peabody Street Paving project areas.

Be it further RESOLVED, that the City Commission meet on Monday, August 9, 2021 at 7:30 P.M. for the purpose of conducting a Public Hearing on Confirmation of the Roll for the replacement of sewer and water services in the Townsend & Peabody Street Paving project areas.

Townsend Street Paving Project #6-21(P)



Peabody Street Paving Project #6-21(P)



City of Birmingham
A Walkable Community

July 15, 2021

TO: Property Owners

RE: Townsend and Peabody Paving Project
Water & Sewer Lateral Replacement

The City of Birmingham has scheduled significant work on your street during the 2021 construction season. Upgrades to the water and sewer system, and complete street pavement replacement are planned.

You should have already been notified there is a public hearing scheduled to occur on July 26, 2021 to consider a Special Assessment District for replacing certain water and sewer laterals to individual properties within the project area. Since water and sewer services only benefit one property, they are not considered a part of the City's public system, and the maintenance and repair of the services from the building to the connection at the public main is the responsibility of each individual property owner. City policy dictates that these replacements are completed at the property owner expense. This letter is to help clarify what is being assessed. Not all properties are being assessed; only those that qualify as outlined below will have their sewer and/or water service replaced and receive an assessment.

The City's policy outlined in section 114-30 of the city code is to replace any water service that is less than 1 inch in diameter, and outlined in section 114-171 of the city code is to replace any sewer service that is 50 or more years old, in poor condition, or is made of materials that do not meet city standards (e.g. "Orangeburg" pipe). Replacement during a road construction project protects the City's investment in the road by reducing the chance of failure by a lateral within the right-of-way area.

After review of our records we expect the following parcels to be involved in the special assessment;

Parcel Identification Number	Address	Description
08-19-36-135-033 to 072	600 W Brown	10" Sewer Lead and 8" Sewer Lead
08-19-36-135-025 to 031	555 Townsend	(2) 6" Sewer Leads
08-19-36-135-009	491 Townsend	6" Sewer Lead
08-19-36-131-017	504 Townsend	¾" Water Service Upgrade

Should a parcel be discovered to have items requiring assessment they will be added to the roll at a later date and the property owner will be notified.

The actual cost of replacing the section of the water and/or sewer lateral charged to you will vary depending on the actual location of the City mains, and any other obstacles, such as trees, that are in the way. Property owners are only charged for the actual length of service replaced if their service qualifies for assessment as described above.

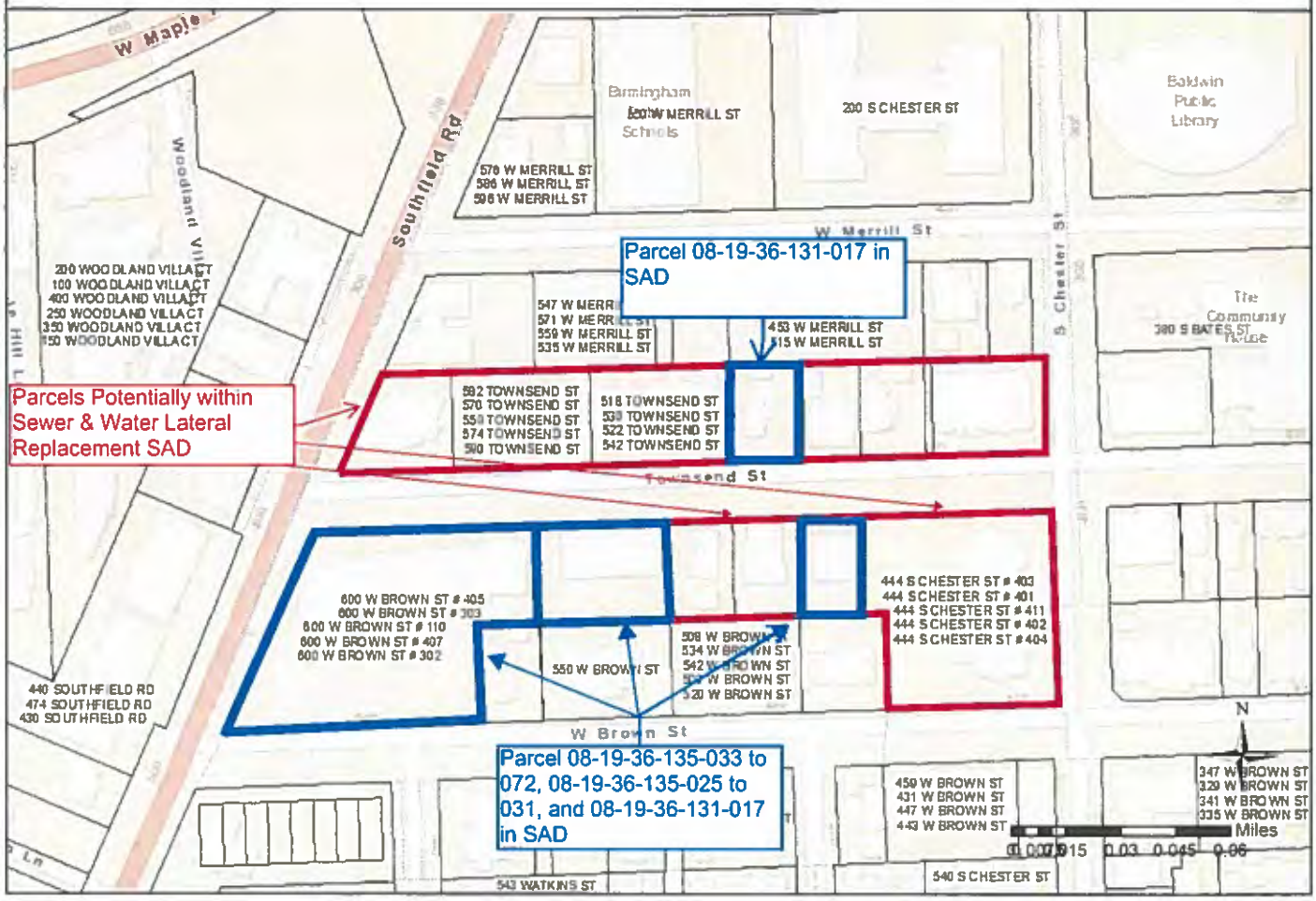
After the work is completed, an invoice will be generated and sent to the property owner of record for the length of service(s) replaced. Payment in full will be expected within 30 days of receipt. If you are not in a position to pay off the charge in one payment, it can be broken into as many as 10 annual payments. An annual interest charge on the remaining balance, currently about 5%, will apply. It is expected that property owners will see a total charge of $1,600 to $5,000 for work related to this project.
Recent experience has shown that replacing the water and sewer laterals as a part of our paving projects can substantially reduce the cost of replacement to the owner, as a repair of a water or sewer lateral in an emergency situation can often cost over $15,000.

If you would like to know the actual amount estimated for your property, or have any other questions or concerns, please contact the Engineering Office at (248) 530-1850. You have the opportunity to speak directly to the City Commission, at the public hearing of necessity that will be held on July 26, 2021.

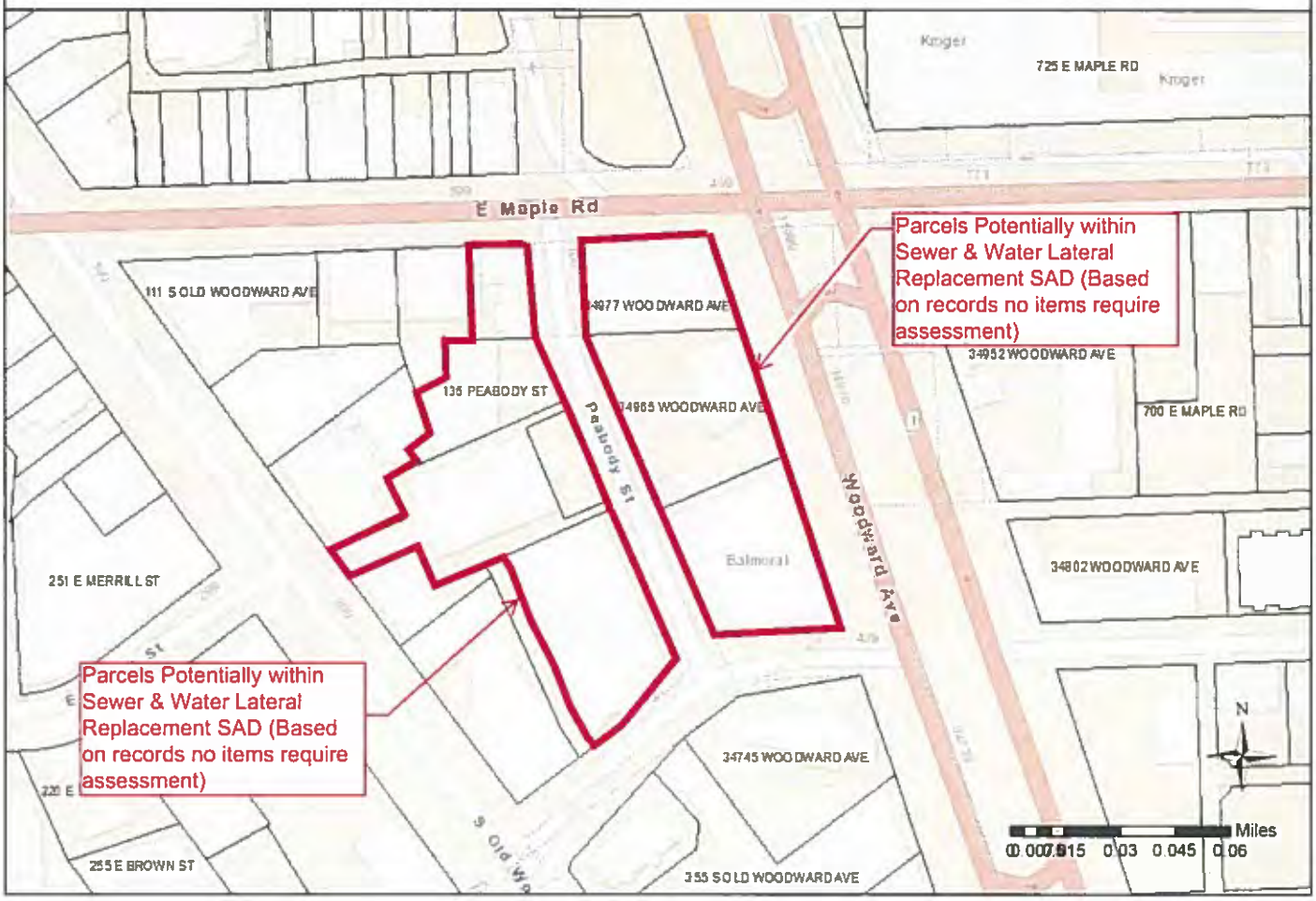
Sincerely,

Scott D. Zielinski, P.E.
Assistant City Engineer

Townsend Street Paving Project #6-21(P)



Peabody Street Paving Project #6-21(P)



Parcel Identification Number	Address	Description	Sewer Service Length (R.O.W. Only)	Sewer Service Cost Per Foot (Estimate)	Water Service Length (R.O.W. Only)	Water Service Cost Per Foot (Estimate)	Total Cost
08-19-36-135-033 to 072	600 W Brown	10" Sewer Lead	40	$150.00	0	$0.00	$6,000.00
08-19-36-135-033 to 072	600 W Brown	8" Sewer Lead	20	$125.00	0	$0.00	$2,500.00
08-19-36-135-025 to 031	555 Townsend	(1st) 6" Sewer Lead	16	$100.00	0	$0.00	$1,600.00
08-19-36-135-025 to 031	555 Townsend	(2nd) 6" Sewer Lead	16	$100.00	0	$0.00	$1,600.00
08-19-36-135-009	491 Townsend	6" Sewer Lead	16	$100.00	0	$0.00	$1,600.00
08-19-36-131-017	504 Townsend	¾" Water Service Upgrade	0	$0.00	37	$50.00	$1,850.00

City of Birmingham
A Walkable Community

MEMORANDUM

Planning Division

DATE: **August 2, 2021**

TO: **Thomas Markus, City Manager**

FROM: **Jana L. Ecker, Planning Director**

SUBJECT: **Public Hearing for 300 - 394 S. Old Woodward and a portion of 294 E. Brown and a portion of 294 E. Brown Street – New Mixed Use 4 story Building, RH – Special Land Use Permit, Final Site Plan & Design Review**

INTRODUCTION:
The applicant has submitted an application for a special Land Use Permit, Final Site Plan and Design Review for a new mixed use, four story building in the Downtown Birmingham Overlay District to house Restoration Hardware ("RH"). 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.

BACKGROUND:
The applicant received approval to rearrange the parcel lines for the above three properties to create two new parcels through the lot split and combination process. Both existing buildings (currently 300 and 394 S. Old Woodward) on the newly created lot 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.

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.

In order to permit the use of a restaurant on the fourth floor, the applicant was also approved for a rezoning of the new parcel encompassing 300 – 394 S. Old Woodward from D-3 to D-4 in the Overlay District, with the condition that the height be limited to 4 stories and 69' per the approved site plan. In addition, the applicant also received approval for a zoning amendment to the Exhibit 1, Appendix C, to add the properties at 300 – 394 S. Old Woodward to this map. Both of these approvals were granted by the City Commission on July 12, 2021.

On July 14, 2021, the Planning Board conducted a review of the Special Land Use Permit and Final Site Plan and Design Review for RH. The Board voted unanimously to recommend approval to the City Commission of the Special Land Use Permit for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street for the use of an economic development license with the following conditions based on the Planning Board's finding that all of the requirements of section 7.34 of the Zoning Ordinance were met:

1) The applicant must comply with the requests of all departments; and,

2) 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.

On July 14, 2021, the Planning Board also conducted a review of the Final Site Plan and Design Review for RH. The Board found that all of the requirements of section 7.27 of the Zoning Ordinance were met and voted unanimously to recommend approval to the City Commission of the Final Site Plan with the following conditions:

1) 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;
2) The applicant is required to receive separate Planning approval for all landscaping changes proposed for the adjacent site subject to administrative approval;
3) 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;
4) The applicant must obtain approval of the Police Department and / or City Commission for any valet operation proposed;
5) 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;
6) The Planning Board approves the use of non-cut off fixtures to enhance the architecture of the building; and,
7) The applicant must comply with the requirements of all departments.

The applicant has now provided updated plans to address the additions requested by the Planning Board on July 14, 2021.

LEGAL REVIEW:
The City Attorney has reviewed this application and has no concerns as to form and content.

FISCAL IMPACT:
There are no fiscal impacts for this agenda item.

PUBLIC COMMUNICATIONS:
As required for Special Land Use Permit and Final Site Plan Reviews, a legal ad was placed in a newspaper of local circulation to advertise the nature of the request advance of the July 14, 2021 Planning Board meeting, and notices were sent out to all property owners and tenants within 300' of the property. In addition, a second round of notices were sent out to advertise the public hearing at the City Commission on August 9, 2021.

SUMMARY:
The City Commission is asked to consider the Special Land Use Permit, Final Site Plan and Design Review application for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street to allow a new building for Restoration Hardware ("RH"), including a restaurant operating with an Economic Development Liquor License.

ATTACHMENTS:
Please find attached the following documents for your review:

- Draft SLUP Resolution
- Signed Economic Development Contract
- Meeting Minutes
- Police Investigation Report
- Site/Design Plans
- Planning Division Report
- Application & Supporting Documents

SUGGESTED ACTION:

To approve a resolution issuing a Special Land Use Permit and approving the Final Site Plan and Design Review application for 300 - 394 S. Old Woodward and a portion of 294 E. Brown to allow a new building for Restoration Hardware, including a restaurant operating with an Economic Development Liquor License;

AND

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of RH F&B Michigan, LLC that requests a transfer of interest in a Tavern License with new Outdoor Service (1 Area) to be issued under MCL 436.1501 located at 300-394 S Old Woodward, Birmingham, Oakland County, MI 48009;

AND

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of RH F&B Michigan, LLC approving the liquor license transfer request of RH F&B Birmingham, LLC that requested a Tavern License with new Outdoor Service (1 Area) be transferred under MCL 436.1501 located at 300-394 S Old Woodard, Birmingham, Oakland County, MI 48009.

RH F&B MICHIGAN, LLC
DBA RESTORATION HARDWARE
300 - 394 S. OLD WOODWARD AND
A PORTION OF 294 E. BROWN
SPECIAL LAND USE PERMIT
2021

WHEREAS, RH F&B Michigan, LLC, dba RESTORATION HARDWARE, filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code in 2021 to serve alcoholic liquors at a new restaurant and retail facility qualified to operate under an Economic Development liquor license in the City;

WHEREAS, an application was filed in March 2021 for approval of the transfer of the Class C liquor license from Victoria's Delights, Inc. to RH F&B Michigan, LLC to allow RESTORATION HARDWARE to serve alcoholic liquors in a new restaurant and retail facility with an Outdoor Service Area;

WHEREAS, the land for which the Special Land Use Permit Amendment is sought is located on the west side of S. Old Woodward between Brown Street and Daines;

WHEREAS, The land is zoned B2 (General Business), and D3 in the Downtown Birmingham Overlay District, which permits facilities serving alcoholic liquors with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit Amendment to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, RESTORATION HARDWARE is proposing to construct a new four story building with a restaurant on the fourth floor, three floors of retail and design display and outdoor service areas;

WHEREAS, The Planning Board reviewed RESTORATION HARDWARE'S Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code on July 14, 2021 and voted unanimously to recommend approval to the City Commission with the following conditions:

1) 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;
2) The applicant is required to receive separate Planning approval for all landscaping changes proposed for the adjacent site subject to administrative approval;

3) 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;
4) The applicant must obtain approval of the Police Department and / or City Commission for any valet operation proposed;
5) 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;
6) The Planning Board approves the use of non-cut off fixtures to enhance the architecture of the building; and,
7) The applicant must comply with the requirements of all departments.

WHEREAS, the applicant has provided updated plans to comply with all of the landscape, lighting and mechanical requirements as requested by the Planning Board;

WHEREAS, The Birmingham City Commission has reviewed RESTORATION HARDWARE'S Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that RESTORATION HARDWARE'S application for a Special Land Use Permit authorizing the transfer of ownership of the Class C liquor license to allow the service of alcoholic liquors in the new RESTORATION HARDWARE building to be constructed at 300-394 S. Old Woodward and a portion of 294 E. Brown, in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

1. RESTORATION HARDWARE shall abide by all provisions of the Birmingham City Code;
2. The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest;
3. RESTORATION HARDWARE shall enter into a contract with the City outlining the details of the service of alcoholic liquors;
4. 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;
5. RESTORATION HARDWARE must obtain approval of the Police Department and / or City Commission for any valet operation proposed;
6. RESTORATION HARDWARE agrees to resolve any future parking issues that may arise, including but not limited to parking overflow and encroachment into residential areas or public parking facilities, to the satisfaction of the City or the Special Land Use Permit may be cancelled by the City Commission; and
7. RESTORATION HARDWARE is required to have any modifications to the

site plan, floor plan or operation of the licensed establishment approved through a Special Land Use Permit Amendment as required in the Zoning Ordinance.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, RESTORATION HARDWARE and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of RESTORATION HARDWARE to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Alexandria Bingham, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on August 9, 2021.

_____

Alexandria Bingham, City Clerk

CONTRACT FOR APPROVAL OF AN
ECONOMIC DEVELOPMENT LIQUOR LICENSE

This Contract is entered into this 4th day of August, 2021, by and between RH F & B, LLC, a Michigan limited liability company, **doing business as** RH, whose address is 300 – 394 S. Old Woodward, Birmingham, Michigan, (Licensee) and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48009 (City).

R E C I T A L S:

WHEREAS, Licensee wishes to purchase a liquor license from the State of Michigan for use at 300-394 S. Old Woodward, Birmingham, Michigan (Property); and

WHEREAS, Licensee represents to the City that in connection with the aforementioned purchase that it will be making a capital investment in the location where the license is to be transferred that will result in either a 500% increase in assessed value post-development over the pre-development assessed value of the parcel, or a minimum investment of at least Ten Million Dollars ($10,000,000.00) in the property, whichever is less; and,

WHEREAS, local legislative approval is required by the **CITY OF BIRMINGHAM** for the purchase and operation of a Class C 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 purchase and operation of the liquor license at the Property; and,

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

NOW, THEREFORE, the parties agree as follows:

1. Licensee shall be permitted to purchase a liquor license from the State of Michigan for use at 300-394 S. Old Woodward, Birmingham. Transfer of this license to another location is not permitted without the prior approval of the Birmingham City Commission and substantial economic development and benefit to the City at the new location in accordance with Chapter 10, Alcoholic Liquors, of the Birmingham City Code. Standards to be considered by the City Commission and the procedure to be followed shall include those set forth in Chapter 10. Any expansion of the building location at the Property shall also require the approval of the Birmingham City Commission in accordance with Chapter 10.

2. Licensee further acknowledges that it must secure a special land use permit 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 is a violation of the terms of the contract entitling the City to exercise any or all of the remedies provided herein.

3. 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.

4. 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.

5. 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 its establishment. 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/or revocation of the special land use permit, as well as enforcing such other rights as may be available at law or in equity.

6. 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 of Birmingham, its elected and appointed officials, employees and volunteers and others working on their behalf against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, 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 their behalf, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arise out of the acts, errors or omissions of the Licensee including its employees and agents, in the performance of this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City.

7. 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.

8 Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds $1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

9. This Contract shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. Licensee agrees that it shall adhere to all federal, state and local laws currently in effect or as subsequently amended or enacted.

10. 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.

11. 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.

Licensee

RH F & B, LLC,

REGAN L. SCHEINER
Notary Public – California
Marin County
Commission # 2213173
My Comm. Expires Sep 8, 2021

By: Jack Preston

Its: Chief Financial Officer

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

See Attached

On this _____day of _____, 2021, before me personally appeared _____, who acknowledged that with authority on behalf of _____ to do so he/she signed this Contract.

_____
Notary Public
_____County, Michigan
Acting in _____ County, Michigan

My commission expires: _____

CITY OF BIRMINGHAM

By:_____
Pierre Boutros, Mayor

Date: _____

By:_____
Alexandria D. Bingham, City Clerk

Date: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Marin)

On August 4th, 2021 before me, Regan L. Scheiner, Notary Public
(Insert name and title of the officer)

personally appeared Jack Preston,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

REGAN L. SCHEINER
Notary Public – California
Marin County
Commission # 2213173
My Comm. Expires Sep 8, 2021

Signature _____ (Seal)

Approved:

Thomas M. Markus, City Manager (Approved as to substance)	Jana L. Ecker, Assistant City Manager (Approved as to substance)
Mark A. Gerber, Director of Finance (Approved as to financial obligation)	Mary M. Kucharek, City Attorney (Approved as to form)

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 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

04-063-21

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.

Planning Board Minutes
July 14, 2021

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/Lutz & Frank's Shoe Service, portions of Coldwell Banker Weir Manual parking lot), Request for a Special Land Use Permit and 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.

Chair Clein recused himself from discussion of this item at 7:35 p.m. citing a potential conflict-of-interest stemming from a business relationship.

Vice-Chair Williams began facilitating the meeting at 7:35 p.m.

PD Ecker reviewed the item for the City.

Victor Saroki, architect, Alex Saroki, architect, Michael Dul, landscape architect, Michael Avellone, Director, Architecture & Design Galleries for RH, Rick Rattner, attorney, and Kelly Allen, attorney, were present on behalf of the project.

Mr. Saroki and Ms. Allen reviewed the item for the applicant.

Vice-Chair Williams noted that landscaping on the adjacent property was not part of the evening's site plan review. He said he was fine with that aspect of the proposal being administratively approved. He continued that given the current ambiguity about whether RH's valet would use the Caldwell Banker site, the Board should not delegate administrative approval on that issue until an agreement between RH and the owner of the Caldwell Banker site is reached.

Mr. Koseck said he was also fine with an administrative approval for the landscaping on the adjacent site, noting that landscaping the adjacent site goes above and beyond the requirements of the project.

PD Ecker stated that RH believed they would be able to reach an agreement with the owner of Caldwell Banker but that the RH applicant team also submitted an updated valet proposal that would avoid the site if necessary.

In reply to Mr. Saroki, PD Ecker stated that the small LED lights proposed for the trees, primarily located on the roof, would need to be added to the site's photometric plan.

Mr. Saroki confirmed the applicant team would comply with the requests of all City departments. He reviewed the valet proposal that would avoid the Caldwell Banker site for the Board.

In reply to Mr. Boyle, Mr. Saroki reviewed the proposed park area on Daines. He stated that there would be public access to the space on the west end and that RH would be responsible for maintaining the area.

Public Comment
Paul Reagan expressed concerns about parking and traffic from the RH site extending into the adjacent residential areas.

Mr. Williams noted that the plan to have valeted vehicles picked up at the underground parking entrance by owners would prevent the valet from having to drive through the residential areas to return the cars. He also said that any concerns regarding the Parking Assessment District should be addressed to the Commission since they are currently studying the issue and it is under their purview.

A member of the public said he was looking forward to getting more involved in the City. He said he hoped the RH development would benefit the Birmingham community.

Motion by Mr. Boyle
Seconded by Mr. Jeffares to 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 based on the Planning Board's finding that all of the requirements of section 7.34 of the Zoning Ordinance have been met: 1) The applicant must comply with the requests of all departments; and, 2) 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.

Mr. Boyle said that Birmingham's economic development licensing achieved its purpose in allow the City to bring a building of this scale.

Vice-Chair Williams noted this was a recommendation to the Commission, and that ultimately the Commission would decide whether to approve the SLUP.

Motion carried, 6-0.

VOICE VOTE
Yeas: Boyle, Jeffares, Williams, Ramin, Emerine, Koseck
Nays: None

Motion by Mr. Jeffares
Seconded by Mr. Koseck to 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 based on the Planning Board's finding that all of the requirements of section 7.27 of the Zoning Ordinance have been met:: 1) 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; 2) The applicant is required to receive separate Planning approval for all landscaping changes proposed for the adjacent site subject to administrative approval; 3) 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; 4) The applicant must obtain approval of the Police Department and / or City Commission

for any valet operation proposed; 5) 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; 6) The Planning Board approves the use of non-cut off fixtures to enhance the architecture of the building; and, 7) The applicant must comply with the requirements of all departments.

Mr. Emerine noted that the applicant worked diligently with the City and stated the applicant submitted an excellent proposal. He said he was glad to be supporting the request.

Vice-Chair Williams said the project would be positive in an area of the City that needs some enhancement and vitality. He said he was appreciative of both the applicant's voluntary limitation of its building to four stories in D4, and of the Commission's decision to the accept the Planning Board's recommendation of that limitation.

Mr. Koseck stated that this was not a large building, relatively speaking. He observed that while construction costs are rising this applicant is choosing to use high quality materials and complementary landscaping and hardscaping. He said this proposal would complete an important intersection and continue the City's downtown to the south. He said it would also be likely to benefit retail in the area.

Mr. Jeffares said the BSD was excited about how this project would be likely to draw additional new retailers to the City.

Motion carried, 6-0.

VOICE VOTE
Yeas: Jeffares, Koseck, Williams, Ramin, Emerine, Boyle
Nays: None

City of Birmingham
A Walkable Community

MEMORANDUM

Police Department

DATE: **August 2, 2021**

TO: **Tom Markus, City Manager**
Jana Ecker, Planning Director

FROM: **Chris Busen, Investigative Commander**

SUBJECT: **Request to transfer ownership and location of a Tavern and SDM Liquor License with Sunday Sales (AM) from Victoria's Delights, Inc. (Currently in Escrow at 4505 Collins, Rochester, Oakland County, Business Id. No. 233825) to RH F&B Michigan, LLC to be located at 300-394 S Old Woodward, Birmingham, Oakland County; Request to cancel the SDM License; and request for a New Outdoor Service Area Permit.**

INTRODUCTION:
The police department has received a request from the Law Offices of Adkison, Need, Allen, & Rentrop regarding approval to transfer ownership and location of the Tavern and SDM Liquor License with Sunday Sales (AM), from Victoria's Delights, Inc. (currently in escrow located at 4505 Collins, Rochester, Oakland County, Business ID No. 233825) to RH F&B Michigan, LLC ("RH's") be located at 300-394 S Old Woodward, Birmingham, Oakland County; request to cancel the SDM License; and request for a new Outdoor Service Area Permit. RH F&B Michigan, LLC has paid the initial fee of $1500 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code.

BACKGROUND:
RH is owned by a publicly traded company. The stock is sold on the New York Stock Exchange under the symbol "RH". The Tavern liquor license is being purchased for $80,000 and the purchase of the land, construction of the building, equipment and inventory will be approximately $25,000,000. RH's proposed hours of operation are 7 days a week from 10am to 9pm. RH's restaurant and kitchen will be on the fourth floor of the establishment, which also includes inside and outside dining options. RH will offer a comprehensive menu, which will include breakfast, lunch and dinner. The menu will also feature a high-end wine selection. The seating in the restaurant will includes 130 seats inside and 40 seats outside with no bar seating. Floors one through three are RH galleries. RH is requesting that the entire building be licensed so that customers may enjoy beverages, including beer and wine while touring the galleries. RH has locations in Boston, Chicago, Dallas, New York, Palm Beach, Paris, and London that operate under a similar business model. RH has applied for a Special Land Use Permit for the Economic Development License. The Special Land Use and final site plan have been recommended by the Planning Board and is scheduled for the August 9 City Commission meeting.

LEGAL REVIEW:
Non-applicable

FISCAL IMPACT:
Non-applicable

SUMMARY:
RH is a publicly traded, upscale American home-furnishings company headquartered in Corte Madera, California. The company sells its merchandise through its retail stores, catalog, and online. Stephen Gordon founded Restoration Hardware in Eureka, California in 1979 while restoring a Victorian home and finding affordable, high-quality hardware and fixtures unavailable. Mr. Gordon honed his merchandising skills for ten years expanding slowly in Northern California and Boston before raising outside capital from Cardinal Investments allowing accelerated expansion. In 2012, Restoration Hardware underwent an initial public offering trading at $24 a share at its opening. As of June 30 2021, the stock closed at $664.08 a share. RH's net worth as of July 30, 2021 is $13.97 billion.

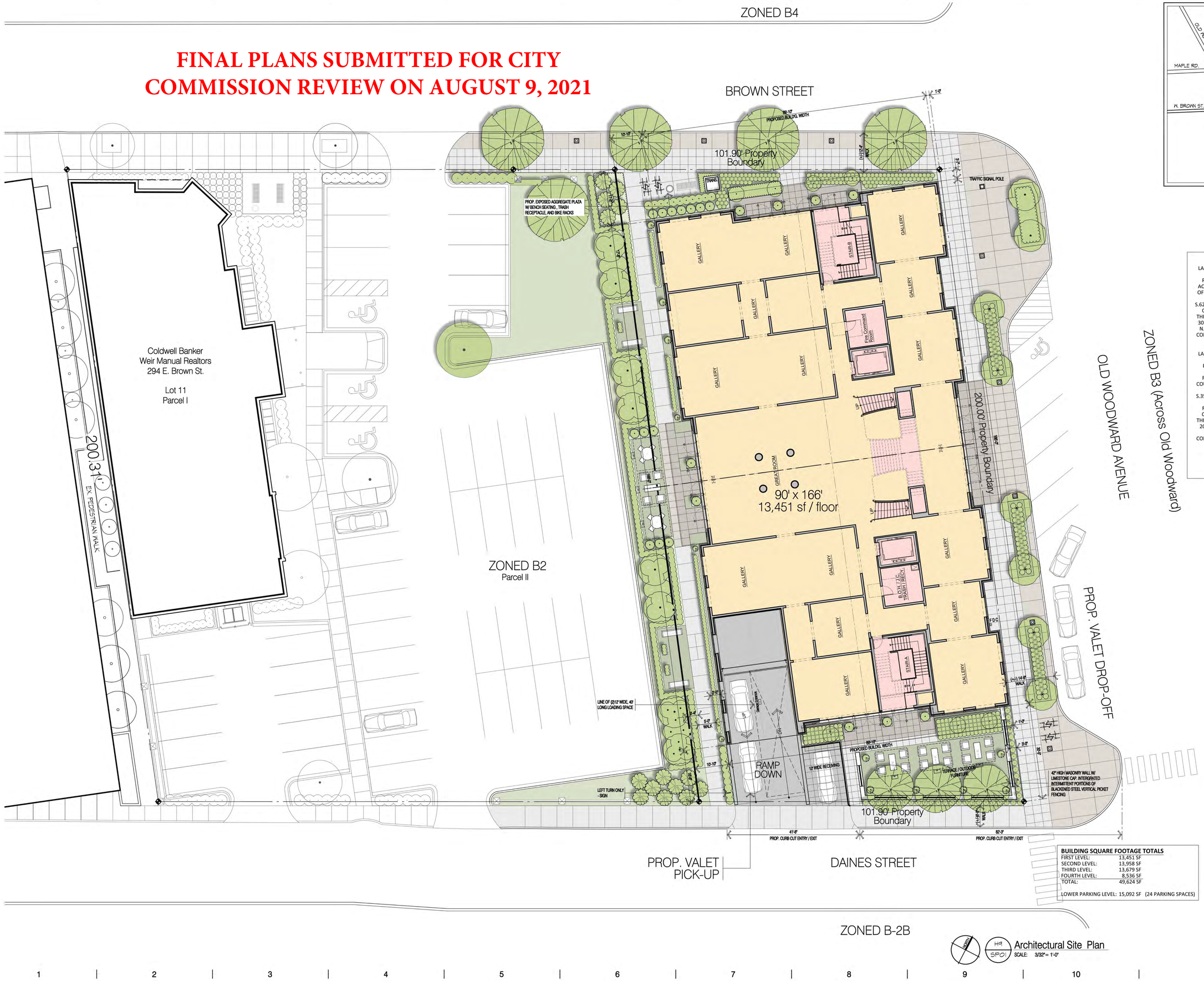
ATTACHMENTS:
Non-Applicable

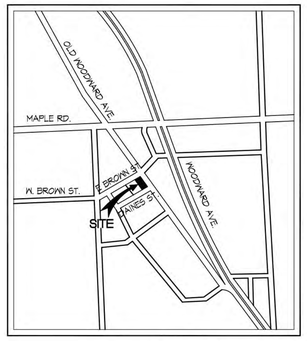
SUGGESTED RESOLUTION:

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of RH F&B Michigan, LLC that requests a transfer of interest in a Tavern License with new Outdoor Service (1 Area) to be issued under MCL 436.1501 located at 300-394 S Old Woodward, Birmingham, Oakland County, MI 48009.

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of RH F&B Michigan, LLC approving the liquor license transfer request of RH F&B Birmingham, LLC that requested a Tavern License with new Outdoor Service (1 Area) be transferred under MCL 436.1501 located at 300-394 S Old Woodard, Birmingham, Oakland County, MI 48009.

FINAL PLANS SUBMITTED FOR CITY COMMISSION REVIEW ON AUGUST 9, 2021





site location map:
Not To Scale

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 S.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 S.62°00'00"W. 119.37 FEET AND S.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

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)

Architectural Site Plan
SCALE: 3/32"= 1'-0"

SAROKI ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
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.
08-09-2021	Final Site Plan App.

Sheet No.:
SP01
Architectural Site Plan

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

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Sheet No.:
A100
Lower Parking Level Floor Plan

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

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Sheet No.:
A120
Second Level Floor Plan

Third Level Floor Plan
A120
SCALE: 3/32"= 1'-0"

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Sheet No.:
A130
Third Level Floor Plan

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

SAROKI
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04-26-2021	Preliminary Site Plan App.
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Sheet No.:
A140
Fourth Level Floor Plan

NORTH

H4 A150 Roof Plan
SCALE: 3/32" = 1'-0"

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300 S Old Woodward
Birmingham, MI 48009

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Sheet No.:
A150
Roof Plan

GLAZING CALCULATIONS:

North Old Woodward:

	Required:	Proposed:
Fourth Level:	35% Max.	31%
Third Level:	35% Max.	34%
Second Level:	35% Max.	34%
First Level (between 1' & 8'):	75% Min.	76.5%

H9 / A210 East Exterior Elevation

SCALE: 1/8"= 1'-0"

SAROKI
ARCHITECTURE

430 N. OLD WOODWARD
BIRMINGHAM, MI 48009

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Project:

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

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

Sheet No.:

A210

EXTERIOR ELEVATION

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

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

Date:	Issued For:
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05-06-2021	Final Site Plan App.

Sheet No.:
A212
EXTERIOR ELEVATION

GLAZING CALCULATIONS:

East Brown Street:

	Required:	Proposed:
Fourth Level:	35% Max.	34%
Third Level:	35% Max.	35%
Second Level:	35% Max.	35%
First Level (between 1' & 8'):	75% Min.	77.0%

H9 / A214 North Exterior Elevation

SCALE: 1/8" = 1'-0"

SAROKI ARCHITECTURE

430 N. OLD WOODWARD
BIRMINGHAM, MI 48009

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F. 248.258.5515

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Project:

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

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.:

A214

EXTERIOR ELEVATION

GLAZING CALCULATIONS:
Daines Street:

	Required:	Proposed:
Fourth Level:	35% Max.	34%
Third Level:	35% Max.	35%
Second Level:	35% Max.	35%
First Level (between 1' & 8'):	75% Min.	82%

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

SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
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Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

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.:
A216
EXTERIOR ELEVATION

H9 / A218 StreetView Elevation
SCALE: 1/16"= 1'-0"

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Birmingham, MI 48009

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05-06-2021	Final Site Plan App.

Sheet No.:
A218
EXTERIOR ELEVATION

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

Modeled Stucco

Hope’s Steel Windows & Doors

Exterior Light Fixtures & Steel Canopies

Steel and Glass Rooftop Restaurant

Exterior Material Board
SCALE: 3/32"= 1'-0"

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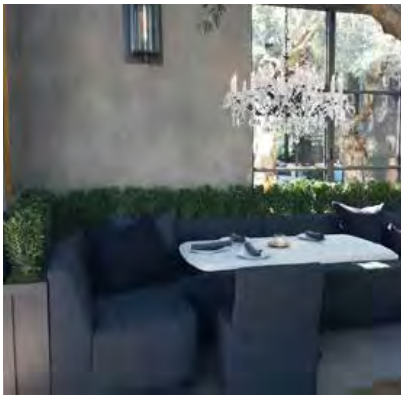
300 S Old Woodward
Birmingham, MI 48009

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

Sheet No.:
A900
Exterior Material Board

On-Site Image

On-Site Image



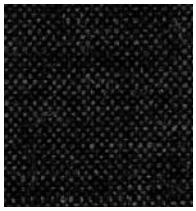
On-Site Image

Quartz based stone paver Bucine Bluestone

Honed Carrara Table Top Swatch

Table Top Swatch Edge Detail

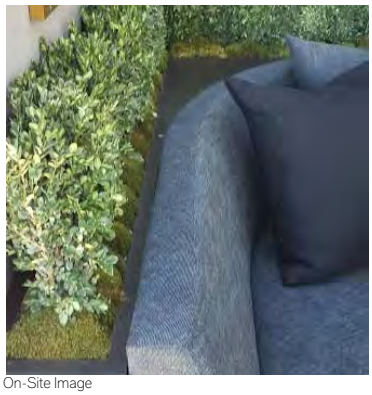
Cast Stone Swatch



Banquette Fabric Swatch Black Perennials Textured Linen Weave

Banquette Wood Base Swatch: Paint color:

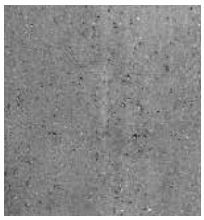
On-Site Image



On-Site Image

INDOOR PLANTS: Faux Boxwood Hedge
VENDOR: Treescapes International
DIMENSIONS: 10" preserved boxwoods, with moss

California Gold Decomposed Granite



Grey Composite Swatch

RH ESTATE ZINC FRAMED PANEL PLANTER

RH CHIARA ROUND CHANDELIER

Epika - Grey - Harringbone SP-98424

ELLISON HIGH-BACK FABRIC SIDE CHAIR, Black Canvas (Indoor Seating)

BELGIAN SLIPCOVERED OUTDOOR SIDE CHAIR, Black Canvas (Outdoor Seating)

20TH C. CHRYSANTHEMUM BRASSERIE TABLE WITH MARBLE TOP (Indoor/ Outdoor)

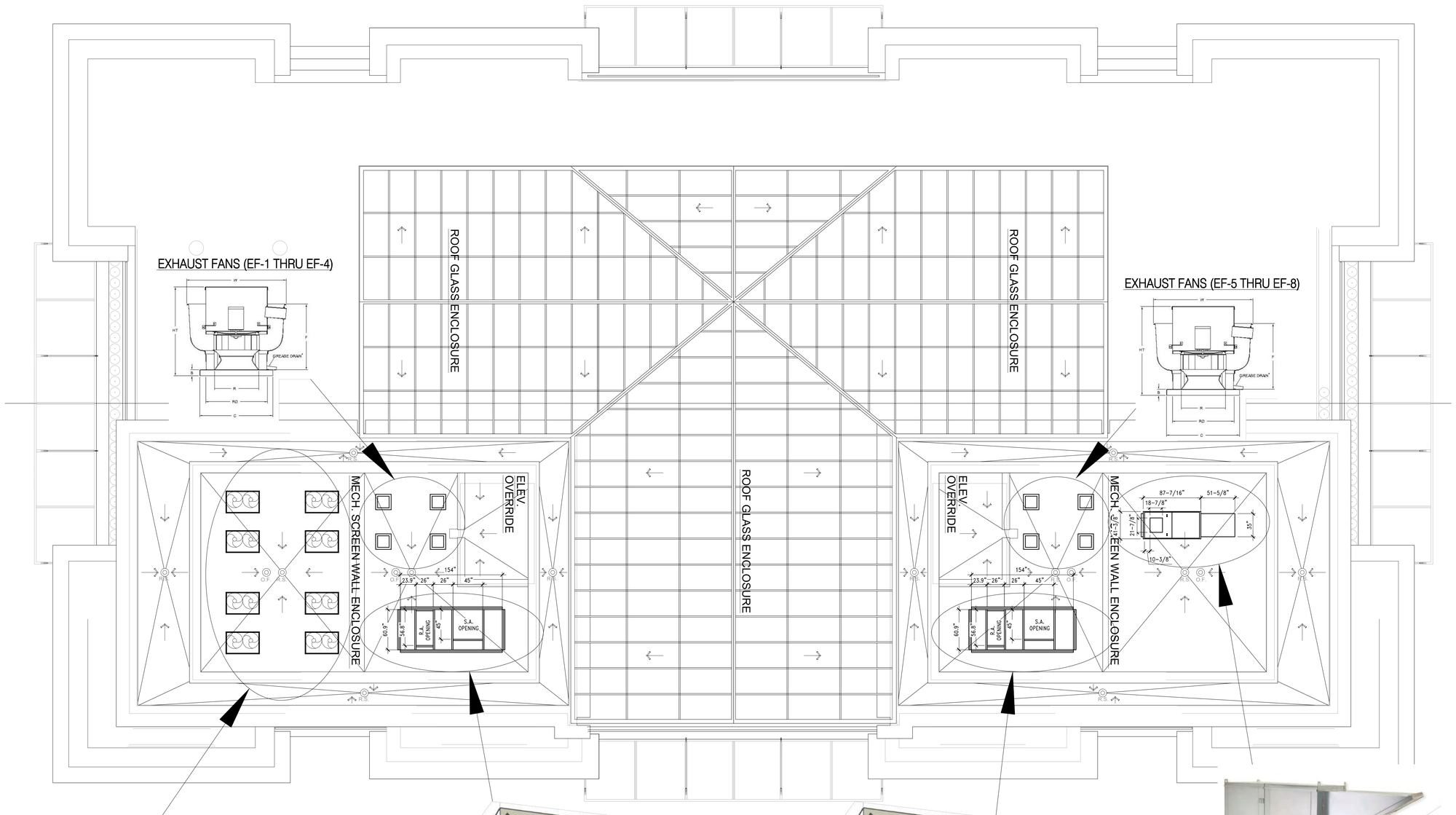
MARBELLA TEAK LOUNGE CHAIR, Weathered Teak (Outdoor)

MARBELLA TEAK SOFA, Weathered Teak (Outdoor)

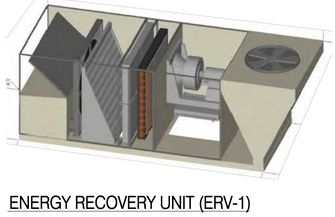
TUUCI OCEAN MASTER MAX CANTILEVER UMBRELLA WITH LED, Polished Aluminum, Black Canvas (Outdoor Umbrella)

NITE STAR II LED, Black Aluminum, (Landscape Lighting)

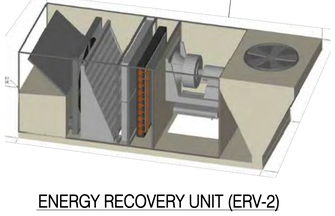
ESTATE ZINC SQUARE PLANTERS, Weathered Zinc (Outdoor Planter)



AIR COOLED CONDENSING UNIT (ACCU-1)



ENERGY RECOVERY UNIT (ERV-1)



ENERGY RECOVERY UNIT (ERV-2)

MAKE-UP AIR UNIT (MAU-1)

NORTH

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

MAENGINEERING
MECHANICAL ELECTRICAL
400 S. Old Woodward Ave.
Suite 100
Birmingham, Michigan
48009
t 1 248 | 258 | 9010
f 1 248 | 258 | 9638

SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
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.

Sheet No.:
M150
Roof HVAC Plan

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

LANDSCAPE ARCHITECTURE
MICHAEL J. DUL & ASSOCIATES, INC
212 DAINES STREET
BIRMINGHAM
MICHIGAN 48009
P 248 644 3410
F 248 644 0819

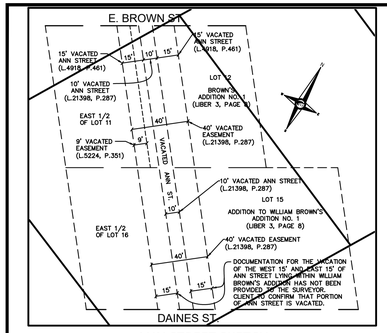
STATE OF MICHIGAN
MICHAEL J. DUL
LANDSCAPE ARCHITECT
NO. 781
REGISTERED LANDSCAPE ARCHITECT

SAROKI ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI
48009
P. 248.258.5707
F. 248.258.5515
SarokiArchitecture.com

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

Date:	Issued For:
02-24-2021	Preliminary Site Plan App.
05-26-2021	Final Site Plan App.
07-15-2021	Final Site Plan App.

Sheet No.:
L1.1
Landscape Plan



ANN STREET SKETCH

1" = 50'

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. 26125C0537F BEARING AN EFFECTIVE DATE OF 09-29-2006.

MISS DIG / UTILITY DISCLAIMER NOTE

A MISS DIG TICKET NUMBER A003240501, 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 ADDITIONS.

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.62E.)

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:	18,892.06 SQUARE FEET OR 0.433 ACRES	
PARCEL 2:	13,204.93 SQUARE FEET OR 0.303 ACRES	
PARCEL 3:	8,137.75 SQUARE FEET OR 0.187 ACRES	
TOTAL:	54,052.96 SQUARE FEET OR 1.24 ACRES	

ZONED:
B2, GENERAL BUSINESS DISTRICT

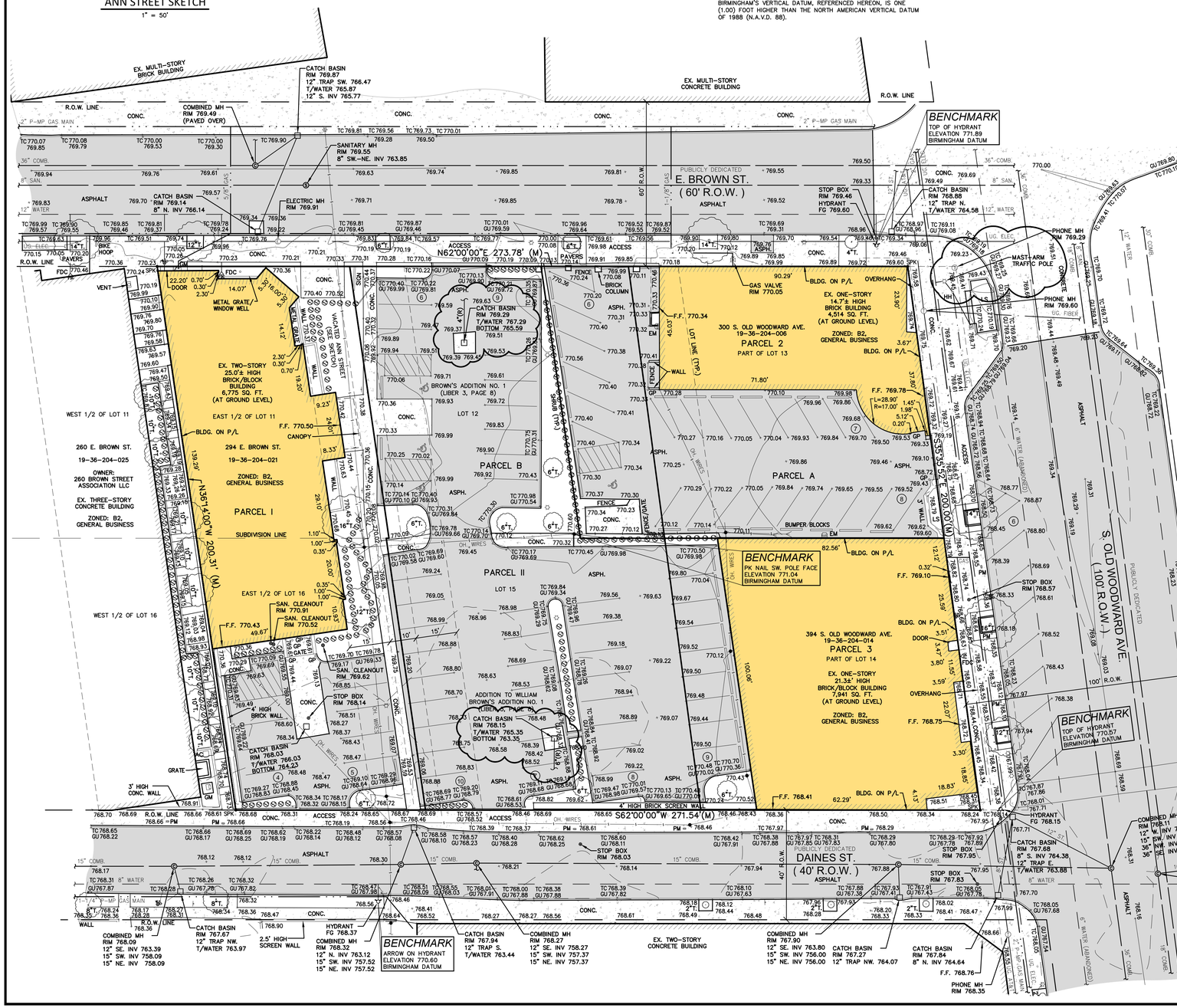
PARKING SPACES:

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 AND 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, 9, 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 AND THAT MAY BE PRODUCED FROM THE CAPTIONED LAND.

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

CERTIFICATE OF SURVEY

CERTIFIED TO:

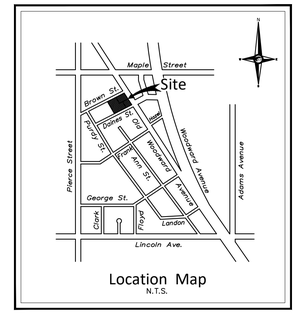
-PURCHASER'S ASSIGNEE
-TROTT PROPERTIES 294, LLC, A MICHIGAN LIMITED LIABILITY COMPANY, AS TO PARCEL 1
-BRB EQUITIES, L.L.C., AS TO PARCEL 2
-FRANK T. KONJAREVICH OR LOIS H. KONJAREVICH (OR SUCCESSOR TRUSTEE) AS THE TRUSTEE FOR THE FRANK T. KONJAREVICH REVOCABLE LIVING TRUST DATED MAY 22, 1995, AS TO 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.

1-24-2021

KEVIN NAVAROLI, P.S. NO. 4001053503 DATE

STATE OF MICHIGAN
KEVIN CHRISTOPHER NAVAROLI
License No. 4001053503
LICENSED PROFESSIONAL SURVEYOR



Location Map
N.T.S.

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 THE 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 21398, 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 AND 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) / GATE VALVE(GVW)	EXISTING WATER MAIN
MANHOLE(MH) / CATCH BASIN(CB)	EXISTING STORM SEWER
CBB	EX. BEEHIVE CATCH BASIN
	EX. UNDERGROUND (UG.) CABLE
UTILITY POLE / GUY POLE / UP / GUY WIRE	OVERHEAD (OH.) LINES
LP	LIGHT POLE
	SIGN
	EXISTING GAS MAIN
ASPH.	ASPHALT
CONC.	CONCRETE
FD. / FND.	FOUND
RET. WALL	RETAINING WALL
R.O.W.	RIGHT-OF-WAY
SPK	SET PK NAIL
(TYP)	TYPICAL
(R)	RECORD
(M)	MEASURED
C/L	CENTERLINE
P/L	PROPERTY LINE
GM	GAS METER
EM	ELECTRIC METER
PM	PARKING METER
AC	AIR CONDITIONING UNIT
LS	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
07-23-2021	REVISED PER CITY

DRAWN BY:
M. Carnaghi

DESIGNED BY:

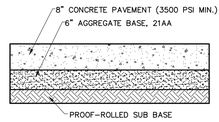
APPROVED BY:
K. Navaroli

DATE:
February 24, 2021

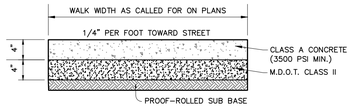
SCALE: 1" = 20'

NFE JOB NO. M106

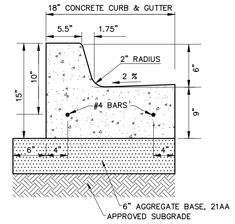
SHEET NO. SP-1



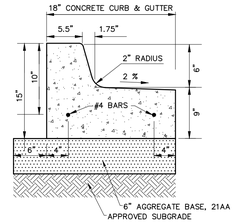
CONCRETE PAVEMENT SECTION
N.T.S.



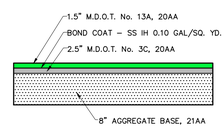
CONCRETE SIDEWALK SECTION
N.T.S.



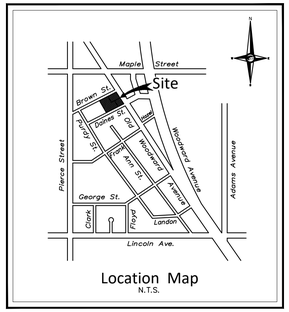
CONCRETE CURB DETAIL 'A'
N.T.S.



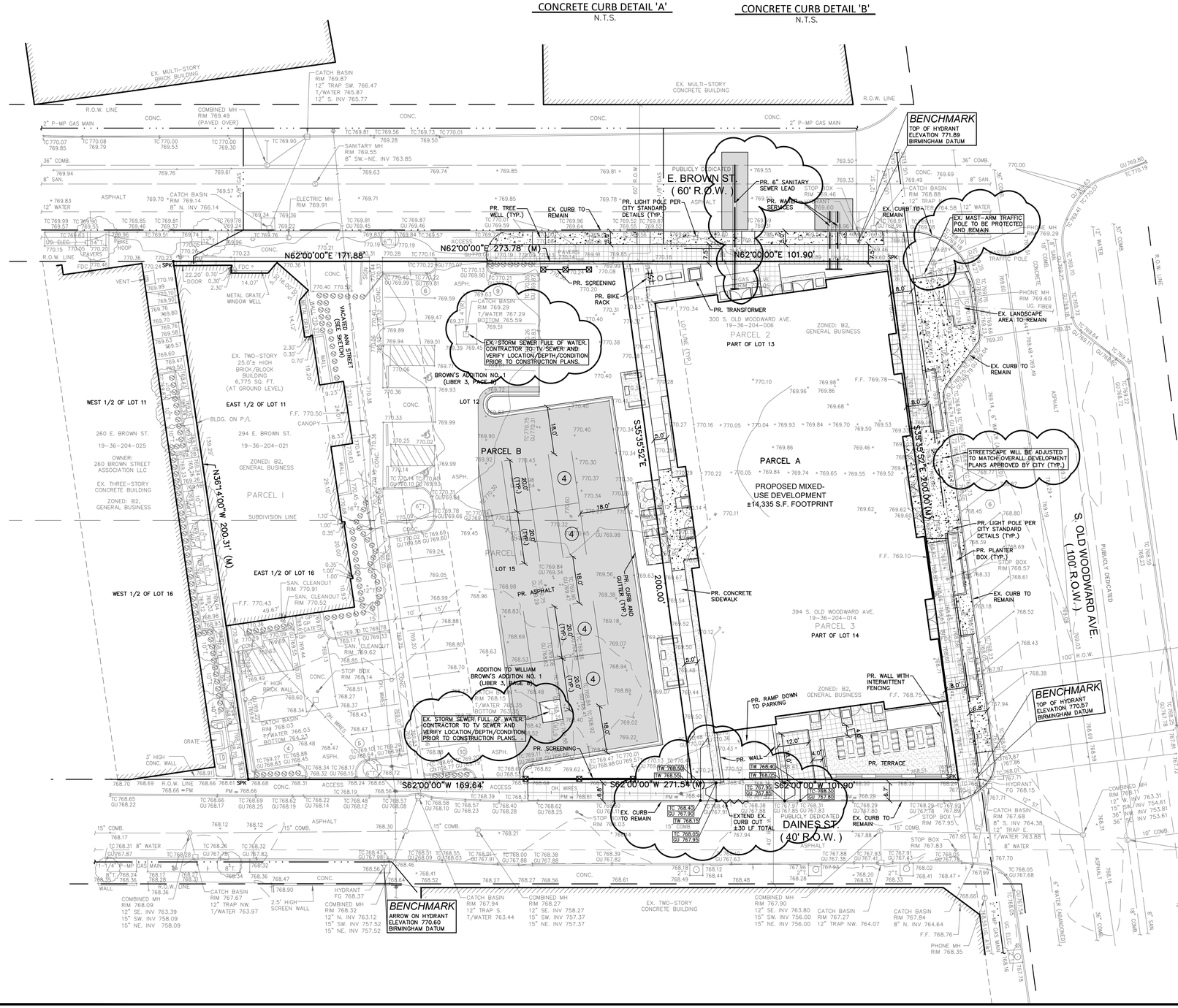
CONCRETE CURB DETAIL 'B'
N.T.S.



ASPHALT PAVEMENT SECTION
(DRIVE AND PARKING)



Location Map
N.T.S.



GENERAL PAVING NOTES

PAVEMENT SHALL BE OF THE TYPE, THICKNESS AND CROSS SECTION AS INDICATED ON THE PLANS AND AS FOLLOWS:

CONCRETE: PORTLAND CEMENT TYPE IA (AIR-ENTRAINED) WITH A MINIMUM CEMENT CONTENT OF SIX SACKS PER CUBIC YARD, MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI AND A SLUMP OF 1 1/2 TO 3 INCHES.

ASPHALT: BASE COURSE – MDOT BITUMINOUS MIXTURE NO. 1100L, 20AA; SURFACE COURSE – MDOT BITUMINOUS MIXTURE NO. 110OT, 20AA; ASPHALT CEMENT PENETRATION GRADE 85–100, BOND COAT – MDOT SS–1H EMULSION AT 0.10 GALLON PER SQUARE YARD; MAXIMUM 2 INCH LIFT.

PAVEMENT BASE SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT. EXISTING SUB–BASE SHALL BE PROOF–ROLLED IN THE PRESENCE OF THE ENGINEER TO DETERMINE STABILITY.

ALL CONCRETE PAVEMENT, DRIVEWAYS, CURB & GUTTER, ETC., SHALL BE SPRAY CURED WITH WHITE MEMBRANE CURING COMPOUND IMMEDIATELY FOLLOWING FINISHING OPERATION.

ALL CONCRETE PAVEMENT JOINTS SHALL BE FILLED WITH HOT POURED RUBBERIZED ASPHALT JOINT SEALING COMPOUND IMMEDIATELY AFTER SAWCUT OPERATION. FEDERAL SPECIFICATION SS–S164.

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION, CURRENT EDITION.

ALL TOP OF CURB ELEVATIONS, AS SHOWN ON THE PLANS, ARE CALCULATED FOR A 6" CONCRETE CURB UNLESS OTHERWISE NOTED.

ALL SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1993, SHALL BE INSTALLED AS INDICATED ON THE PLANS.

CONSTRUCTION OF A NEW OR RECONSTRUCTED DRIVE APPROACH CONNECTING TO AN EXISTING STATE OR COUNTY ROADWAY SHALL BE ALLOWED ONLY AFTER AN APPROVED PERMIT HAS BEEN SECURED FROM THE AGENCY HAVING JURISDICTION OVER SAID ROADWAY.

FOR ANY WORK WITHIN THE PUBLIC RIGHT–OF–WAY, THE CONTRACTOR SHALL PAY FOR AND SECURE ALL NECESSARY PERMITS AND LIKEWISE ARRANGE FOR ALL INSPECTION.

EXISTING TOPSOIL, VEGETATION AND ORGANIC MATERIALS SHALL BE STRIPPED AND REMOVED FROM PROPOSED PAVEMENT AREA PRIOR TO PLACEMENT OF BASE MATERIALS.

EXPANSION JOINTS SHOULD BE INSTALLED AT THE END OF ALL INTERSECTION RADII.

SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1973, SHALL BE INSTALLED AS SHOWN AT ALL STREET INTERSECTIONS AND AT ALL BARRIER FREE PARKING AREAS AS INDICATED ON THE PLANS.

ALL PAVEMENT AREAS SHALL BE PROOF–ROLLED UNDER THE SUPERVISION OF A GEOTECHNICAL ENGINEER PRIOR TO THE PLACEMENT OF BASE MATERIALS AND PAVING MATERIALS.

FILL AREAS SHALL BE MACHINE COMPACTED IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES THICK TO 98% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT.

COVID-19 PANDEMIC CONDITION

DUE TO THE UNPRECEDENTED COVID–19 PANDEMIC CONDITION AND RESTRICTIONS THE STANDARD DATA WHICH IS OBTAINED FROM MISS DIG / CALL 811 HAS BEEN RESTRICTED TO CRITICAL INFRASTRUCTURE ONLY. NFE WILL MAKE EVERY EFFORT TO OBTAIN CURRENT REFERENCE DATA FROM THE GOVERNING AGENCIES; HOWEVER, THIS DATA MAY BE PARTIAL OR INCOMPLETE. NFE WILL ISSUE THIS SURVEY WITH THE BEST AVAILABLE INFORMATION FROM OUR FIELD SURVEY AND OTHER AVAILABLE REFERENCE DATA. NFE WILL NOT BE RESPONSIBLE FOR INCOMPLETE OR PARTIAL DATA PROVIDED BY THIRD PARTY FACILITY OWNERS. NFE IS NOT RESPONSIBLE FOR BURIED UTILITIES FOR WHICH PLANS WERE NOT FURNISHED OR CANNOT BE OBSERVED IN THE FIELD.

ALL CONSTRUCTION DOCUMENTS WILL BE UPDATED WHEN THE UTILITY INFORMATION IS PROVIDED BY THE FACILITY OWNER UP UNTIL THE TIME OF SUBMITTAL. ONCE THE PLANS HAVE BEEN SUBMITTED AND APPROVED IT IS THE CONTRACTORS RESPONSIBILITY TO OBTAIN A MISS DIG TICKET PRIOR TO COMMENCING ANY CONSTRUCTION REQUIRING EXCAVATION. CONTRACTOR SHALL IMMEDIATELY NOTIFY NFE OF ANY UTILITIES FLAGGED BY MISS DIG THAT WERE NOT SHOWN ON THE PLANS OR UTILITIES UNCOVERED DURING THEIR WORK.

PAVING LEGEND

- PROPOSED CONCRETE PAVEMENT
- PROPOSED ASPHALT PAVEMENT

LEGEND

- EXISTING SANITARY SEWER (MANHOLE)
- SAN. CLEAN OUT
- EXISTING WATERMAIN (HYDRANT, GATE VALVE)
- EXISTING STORM SEWER (MANHOLE, CATCH BASIN)
- EX. R. Y. CATCH BASIN
- EXISTING BURIED CABLES (UTILITY POLE, GUY POLE)
- OVERHEAD LINES (GUY WIRE)
- LIGHT POLE
- SIGN
- EXISTING GAS MAIN
- PR. SANITARY SEWER (C.O., MANHOLE)
- PR. WATER MAIN (HYDRANT, GATE VALVE)
- PR. STORM SEWER (INLET, C.B., MANHOLE)
- PR. R. Y. CATCH BASIN
- PROPOSED LIGHT POLE

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

STATE OF MICHIGAN
PATRICK WILLIAMS
ENGINEER NO. 44351
LICENSED PROFESSIONAL ENGINEER

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
Dimensional Site Plan

811 Know what's below Call before you dig.

DATE	ISSUED/REVISED
07-23-2021	REVISED PER CITY

DRAWN BY:
A. Eizember

DESIGNED BY:
A. Eizember

APPROVED BY:
P. Williams

DATE:
February 24, 2021

SCALE: 1" = 20'
20 10 0 10 20 30

NFE JOB NO. M106

SHEET NO. SP-2

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, ½" 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

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

Symmetrical floodlights · **clear** safety glass

	Lamp	β	T	A	B	C	
77 007	13.9 W LED	24°	25°	9 ½	12 ½	5 ½	integrated

1 luminaire β = Beam angle

1000 BEGA Way, Carpinteria, CA 93013 (805) 684-0533 FAX (805) 566-9474 www.bega-us.com
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Plan View
Scale - 1" = 20ft

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

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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.

Schedule

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage	Mounting Height
	C	26	BEGA	77007+K4	LED IN-GRADE FLOODLIGHT	LED	1	967	0.9	17	0'-0"
	G	8	SCONCE SUPPLIED BY RH	SCONCE SUPPLIED BY RH	SCONCE SUPPLIED BY RH	SCONCE SUPPLIED BY RH	1	300	0.9	67.99999	9'-0"

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
OVERALL	+	0.0 fc	1.3 fc	0.0 fc	N/A	N/A	0.0:1
PROPERTY LINE	+	0.1 fc	1.0 fc	0.0 fc	N/A	N/A	0.1:1

RH - BIRMINGHAM
PHOTOMETRIC SITE PLAN
PREPARED FOR: SAROKI ARCHITECTURE
GASSER BUSH ASSOCIATES
WWW.GASSERBUSH.COM

Designer
JM/KB
Date
2/22/2021
rev. 7/27/2021
Scale
Not to Scale
Drawing No.
#21-59200-V4
1 of 1

HYDREL

CATALOG NUMBER:
NOTES:
TYPE:

Specifications
Weight: 1 lbs
H: 5.5" (140mm)
L/W: 2" (50mm)

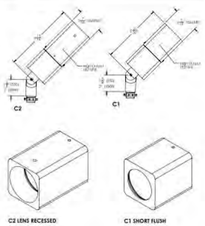
ALDER LED

12V/120V LED

HIGHLIGHTS

- Accent lights are suitable for a variety of mounting applications including ground, wall, tree, sign and architectural accents
- Suitable for wet locations
- Integral driver for 120V
- Dimmable using standard Triac dimmer for 120V and dimmable using standard MLV dimmer and magnetic transformer for 12V
- Available in 80CRI and 90CRI
- 1,100lm

DIMENSIONS



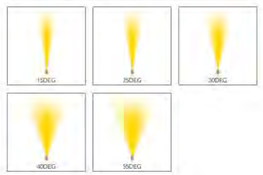
AIMING DETAILS

LUMEN PACKAGES

	150deg	200deg	250deg	300deg	350deg	400deg	450deg	500deg	550deg
Delivered Lumens	685	623	659	642	674	656	634	639	641
Watts	11	11	11	11	11	11	11	11	11
LPW	62	57	60	58	61	60	58	58	58
Peak Candela	5,086	2,725	2,827	1830	1569	1212	992	742	666

Note: Information based on 4000K ⊕ P1, 80CRI, 120 Volt with C1 cap and FLC lens

STANDARD DISTRIBUTION



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Phone: 800-705-SERV (7378) • www.hydrel.com

ORDERING INFORMATION

EXAMPLE: ALDER A P1 80CRI 30K 12 20DEG WSL KM C1 BL

ALDER

Series*	Material*	Performance Packages*	CRI*	Color Temperature*	Voltage*	Distribution*	Lens*	Mounting*
ALDER	A Aluminum	P1 P2 Note 12 only available with 12volt	80CRI 90CRI	27K 30K 35K 40K 50K Note: 35K and 50K are available with 80CRI	12[1] 12Vac 120[2] 120Vac Note: 120V only available with P1	15DEG 15° 20DEG 20° 25DEG 25° 30DEG 30° 35DEG 35° 40DEG 40° 45DEG 45° 50DEG 50° 55DEG 55°	FLC Flat Clear WSL Watershed	KM Knuckle 350R 350° rotational knuckle

Mounting Accessories*		Options[3]	External Caps*	Finish*
Independent Mounting JBA Aluminum J-Box ARJB J-Box, Aluminum CN4 4" rectangular canopy CN5 5" round canopy WMC Wall Mount Cover WMSA Wall Mount with Space Access STK[4] Mounting Stake TRA[4] Tree Mounted J-Box, Aluminum _TRAS[4] Tree Mounted J-Box with Aluminum mounting strap, available with 1-4 J-Boxes per strap PM60A[4] Adjustable Post Mount PM60C Post Mount with Conduit PM60D[4] Post Mount with Open Bottom **Stems** S3[4] 3" Stem S6[4] 6" Stem S__[4] 12" – 48" (stems available in 6" increments) **Extended Arms[4]** EA__ 12", 24" or 36" EA45__ 45°, 12", 24" or 36" EA90__ 90°, 12", 24" or 36"	**Internal Louver** IHL Honeycomb Louver **Internal Accessory** L1 Frosted Lens L2 Lower Spread Lens L3 Softening Lens **Internal Filters** FA Amber FG Green FGD Green Dichroic FLB Light Blue FM Mercury Vapor FMB Medium Blue FMBD Medium Blue Dichroic FR Red FRD Red Dichroic	C1 Short Flush C2 Recessed Lens	**All Material** BL Black Textured BRS Bronze Smooth BRT Bronze Textured DBL Black Smooth DDB Designer Bronze DNA Natural Aluminum NBS[5] Natural Bronze Smooth STG Steel Gray VET Verde Textured WH White Textured WHS White Smooth CF Custom Finish RALTED Ral Paint Finishes _Z1[6] Zinc Undercoat for BLD

*Required Fields

Notes:
1 Remote transformer required. Options for remote transformers.
2 Integral Driver.
3 Aluminum items only compatable with PM60A, PM60C and PM60D.
4 Extended arms compatable with WMC and WMSA.
5 Up to 2 options can be specified.
6 NBS paint uses specialty pigments to give a natural appearance that may vary by fixture.
7 Only available with 12 volt.
8 Zinc undercoat for harsh environments

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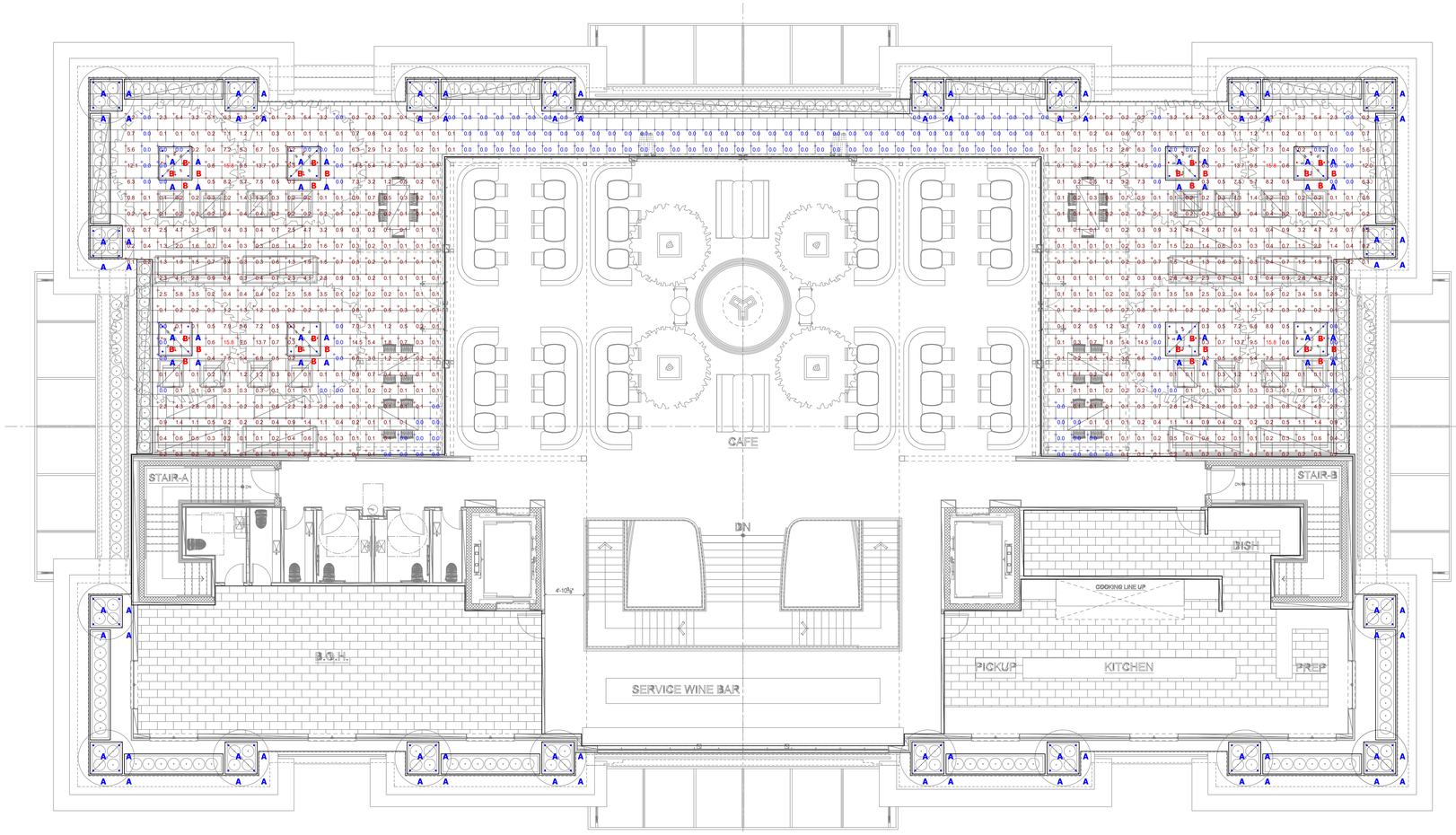

Plan View

Scale - 1/8" = 1ft

Schedule

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage	Mounting Height
	A	112	Hydrel	Alder P1 90CRI 27K 120 25DEG FLC	Alder, Clear Lens	LED	1	480	0.9	11.35	3'-6"
	B	32	Hydrel	Alder P1 90CRI 27K 120 45DEG FLC	Alder, Clear Lens	LED	1	462	0.9	11.35	3'-6"

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
ROOFTOP	+	1.1 fc	15.8 fc	0.0 fc	N/A	N/A	0.1:1

Luminaire Locations

Label	MH	Tilt
A	3.50	160.00
B	3.50	45.00

Alternates Note

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Mounting Height Note

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Ordering Note

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Drawing Note

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RH - BIRMINGHAM - ROOFTOP
PHOTOMETRIC SITE PLAN
PREPARED FOR: SAROKI ARCHITECTURE
GASSER BUSH ASSOCIATES
WWW.GASSERBUSH.COM

Designer
JM/KB
Date
07/28/2021
Scale
Not to Scale
Drawing No.
#21-59200-V5
1 of 1

SAROKI
ARCHITECTURE

RH BIRMINGHAM

Brown St. & S Old Woodward Ave.

RH

SAROKI
ARCHITECTURE

RH / Mixed-Use Development

Brown & S Old Woodward Ave.

RH

SAROKI
ARCHITECTURE

RH / Mixed-Use Development

Brown & S Old Woodward Ave.

RH

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RH

SAROKI
ARCHITECTURE

RH / Mixed-Use Development

Brown & S Old Woodward Ave.

RH

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

(Daikin's products are subject to continuous improvements. Daikin reserves the right to modify product design, specifications and information in this data sheet without notice and without incurring any obligations)

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

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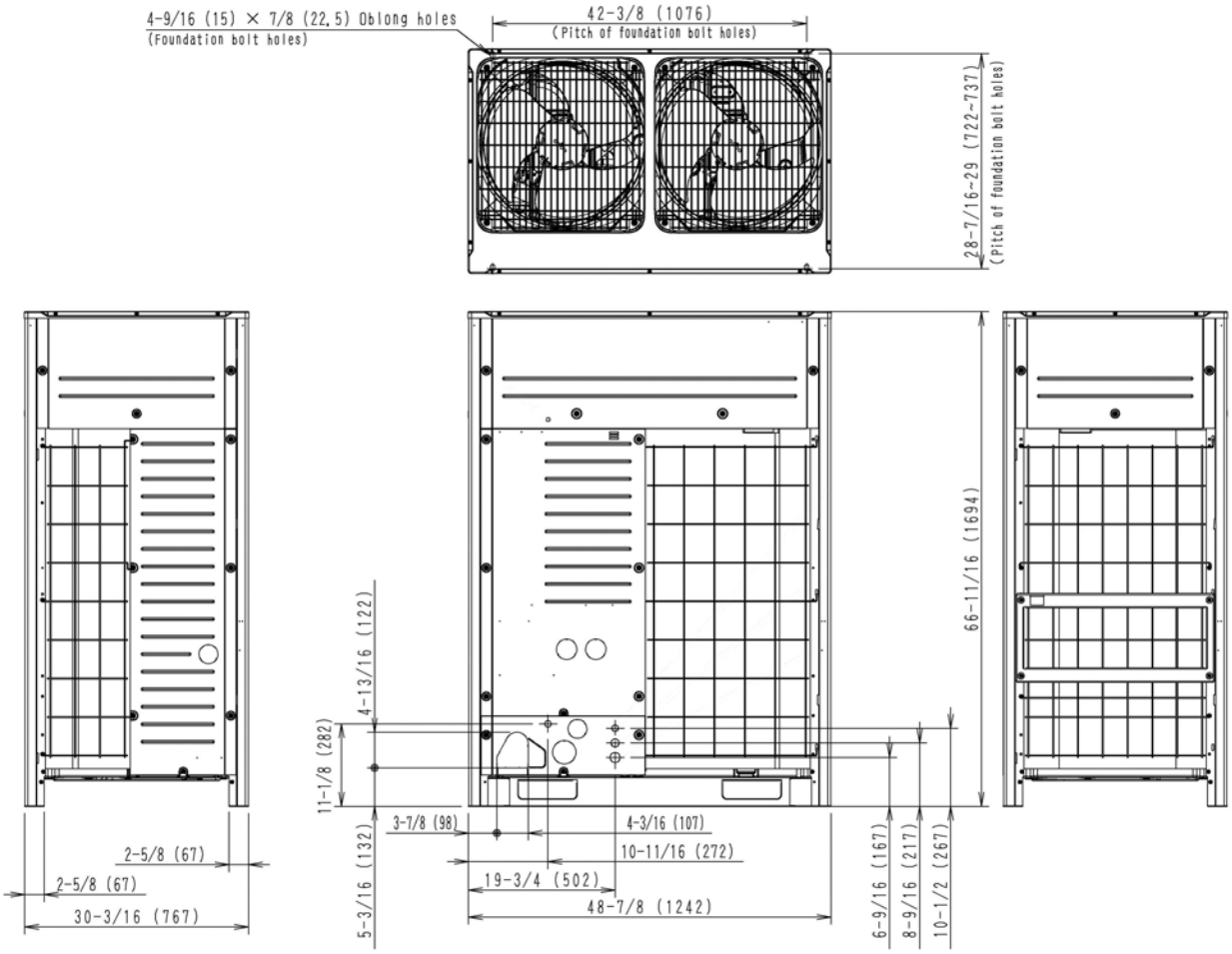
Submittal Data Sheet
10-Ton, 230V VRV AURORA HR
RELQ120TATJU

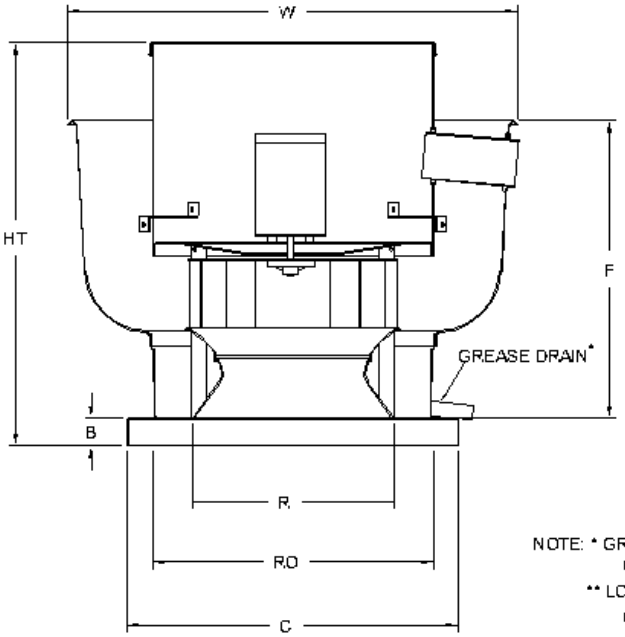
SYSTEM DETAILS			
Refrigerant Type:	R-410A	Cooling Operation Range (°F DB):	23 - 122
Holding Refrigerant Charge (lbs):	25.8	Heating Operation Range (°F WB):	-22 - 60
Additional Charge (lb/ft):		Max. Pipe Length (Vertical) (ft):	295
Pre-charge Piping (Length) (ft):		Cooling Range w/Baffle (°F DB):	-
Max.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

DIMENSIONAL DRAWING



(Daikin's products are subject to continuous improvements. Daikin reserves the right to modify product design, specifications and information in this data sheet without notice and without incurring any obligations)

DU SERIES UPBLAST EXHAUST FANS (UL705)



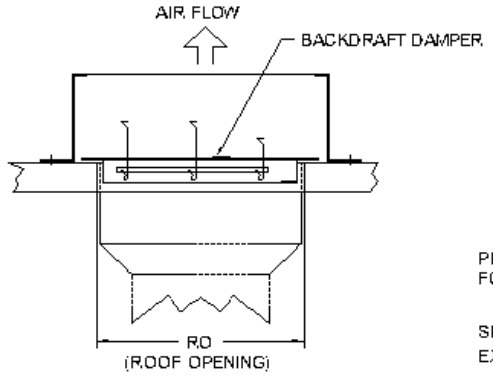
FEATURES:

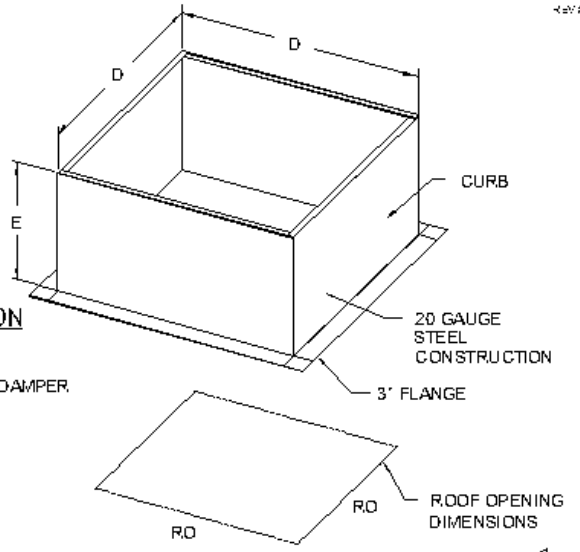
- DIRECT DRIVE CONSTRUCTION (NO BELTS/ PULLEYS)
- ROOF MOUNTED FANS
- UL705
- VARIABLE SPEED CONTROL
- INTERNAL WIRING
- WEATHERPROOF DISCONNECT
- THERMAL OVERLOAD PROTECTION (SINGLE PHASE)

OPTIONS:

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

BACKDRAFT DAMPER INSTALLATION





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

PITCHED CURBS ARE AVAILABLE FOR PITCHED ROOFS.

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

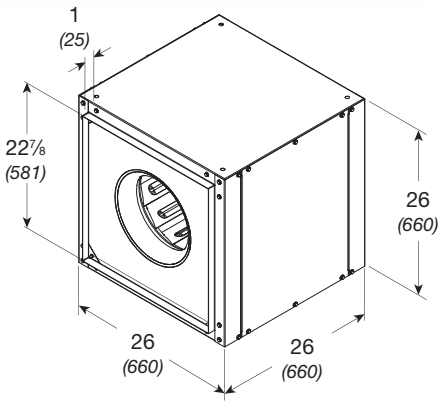
DU DIRECT DRIVE
CENTRIFUGAL UP-BLAST EXHAUST FANS DIMENSIONAL DATA

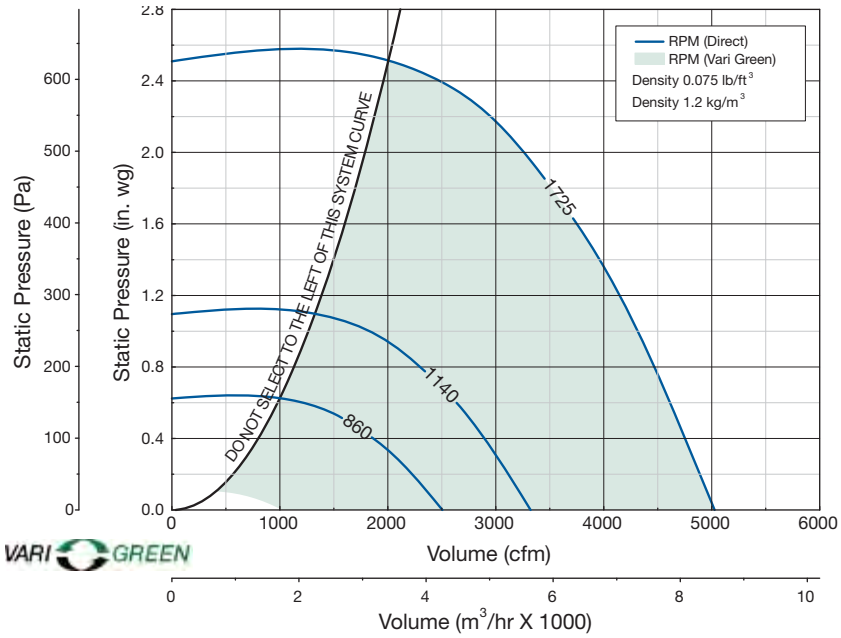
FAN MODEL	HT	**HT	W	B	C	F	R	RO	WEIGHT LB
DU10	14 1/2	N/A	17 3/4	2	19	9 1/2	8 1/8	13	30
DU12	18	17	22	2	19	14 1/2	10 5/8	13	40
DU30	25 1/4	20 1/4	25 1/2	2	21	18 1/2	12 1/8	16	50
DU33	25 1/4	20 1/4	25 1/2	2	21	18 1/2	12 1/8	16	50
DU50	27 1/4	23 1/4	28 7/8	2	21	21 1/2	13 1/4	16	55
DU85	30 1/2	25 1/2	31 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

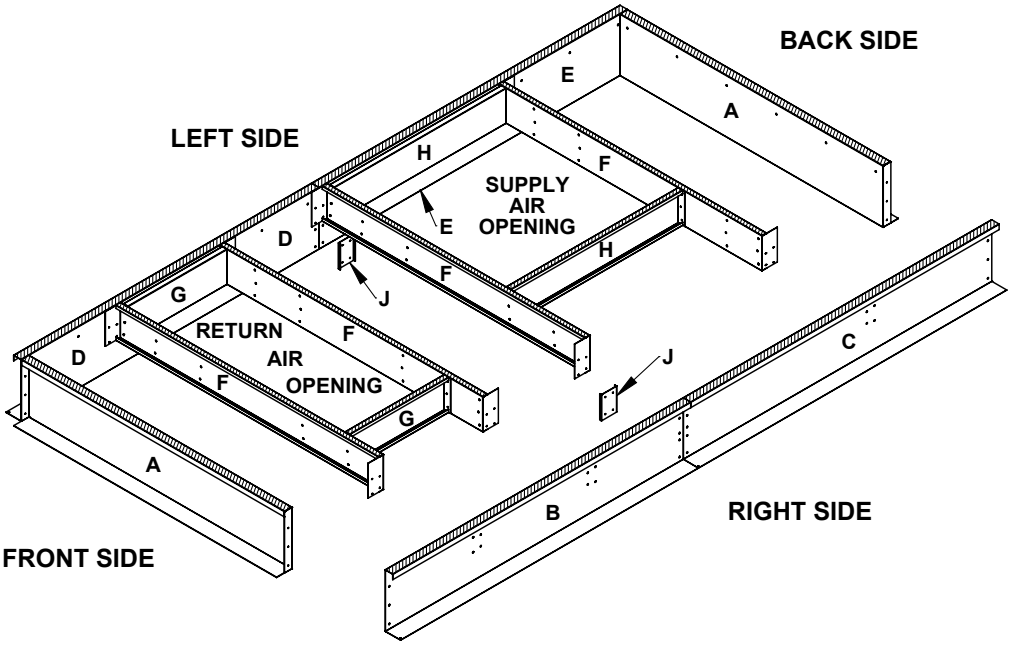
Dimensions shown in inches (millimeters) and weight is shown in pounds (kilograms).
**Weight shown is largest cataloged Open Drip Proof motor.

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					
VARI GREEN 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).

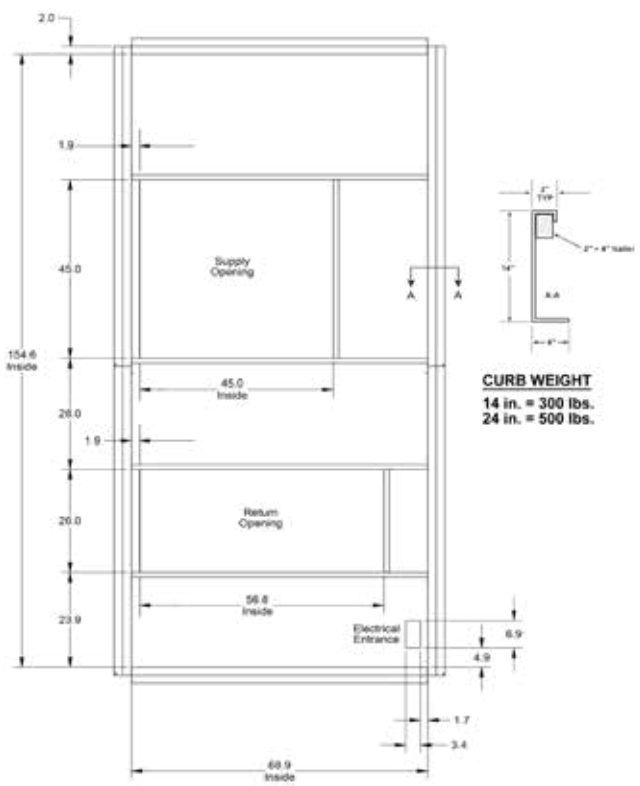
The sound ratings shown are loudness values in fan sones at 1.5 m (5 feet) in a hemispherical free field calculated per AMCA International Standard 301. Values shown are for installation type B: free inlet hemispherical sone levels.

Figure 16: Roof Curb Assembly (DPS 016–028)[1]



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

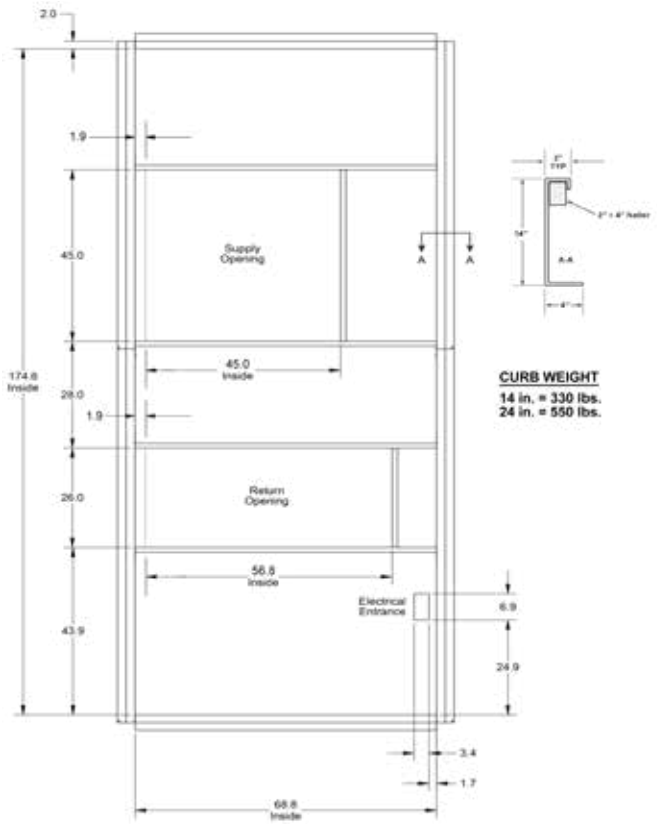
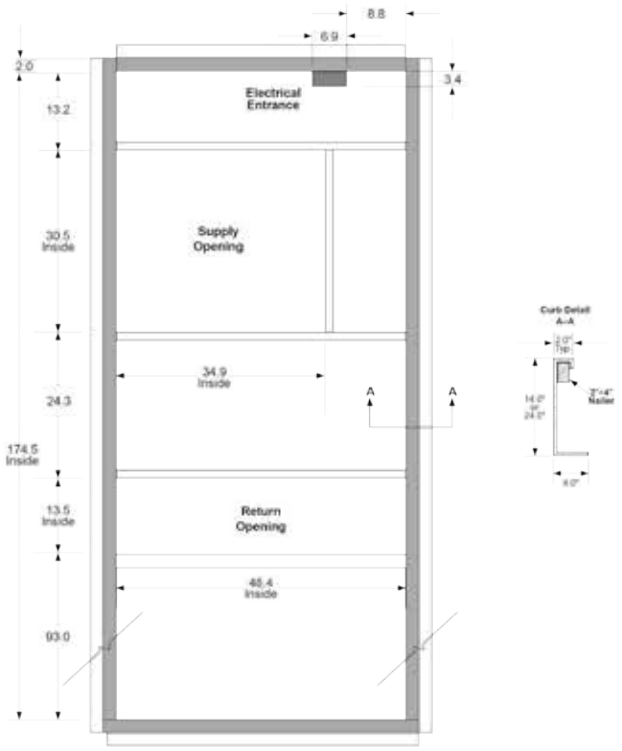


Figure 17: Roof Curb Assembly (DPS 007–015, 016–028) with CORE ERV

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



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

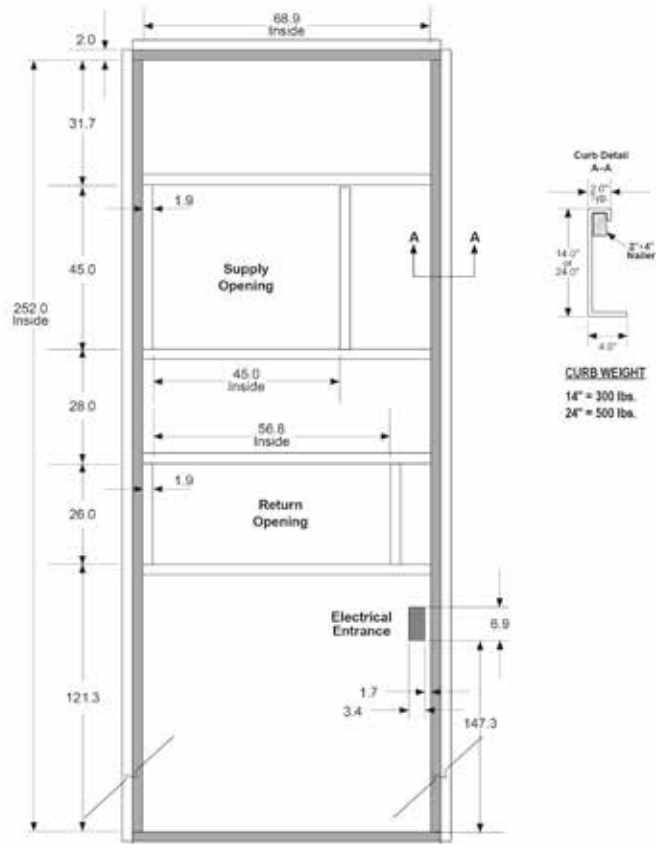
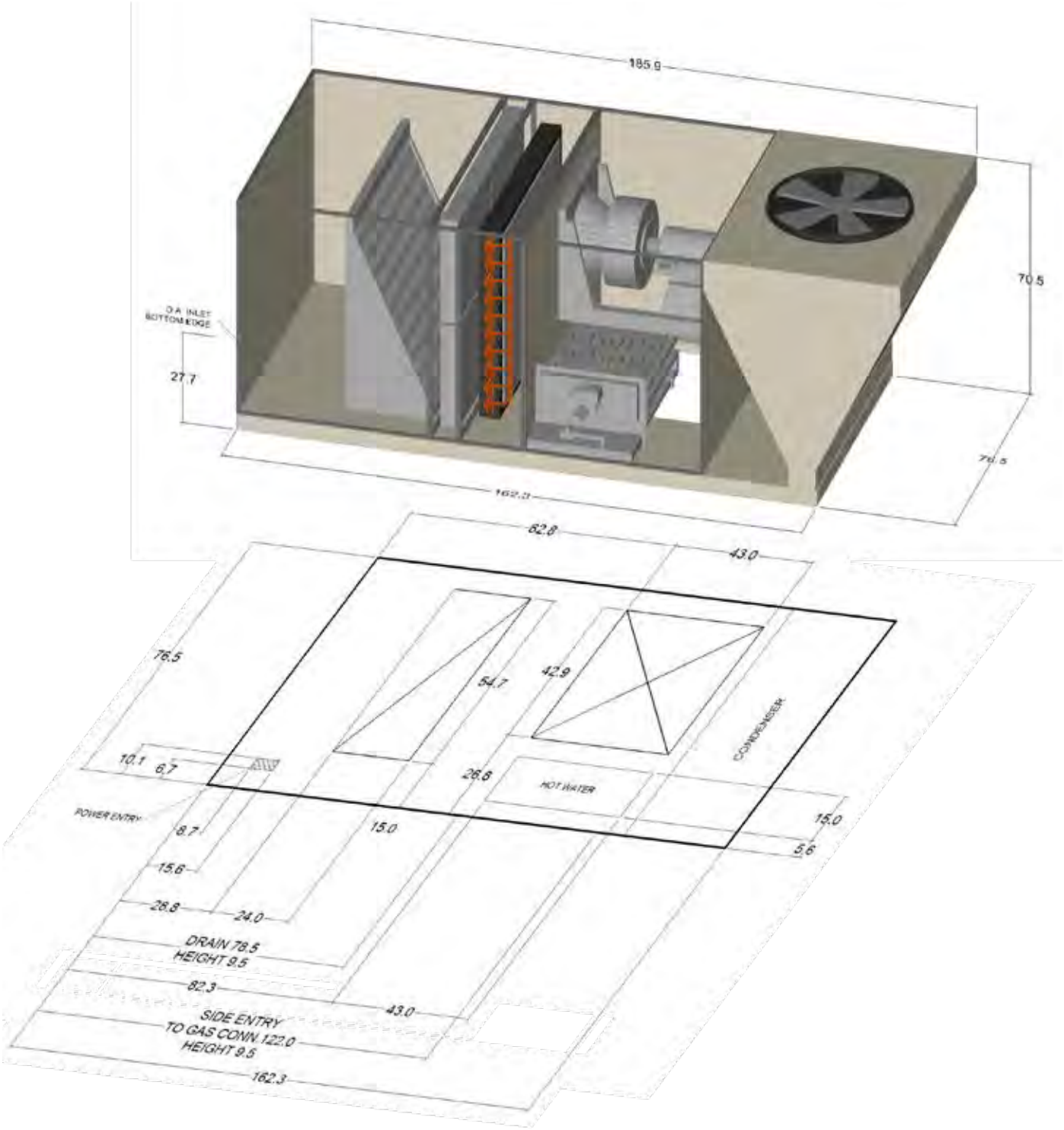
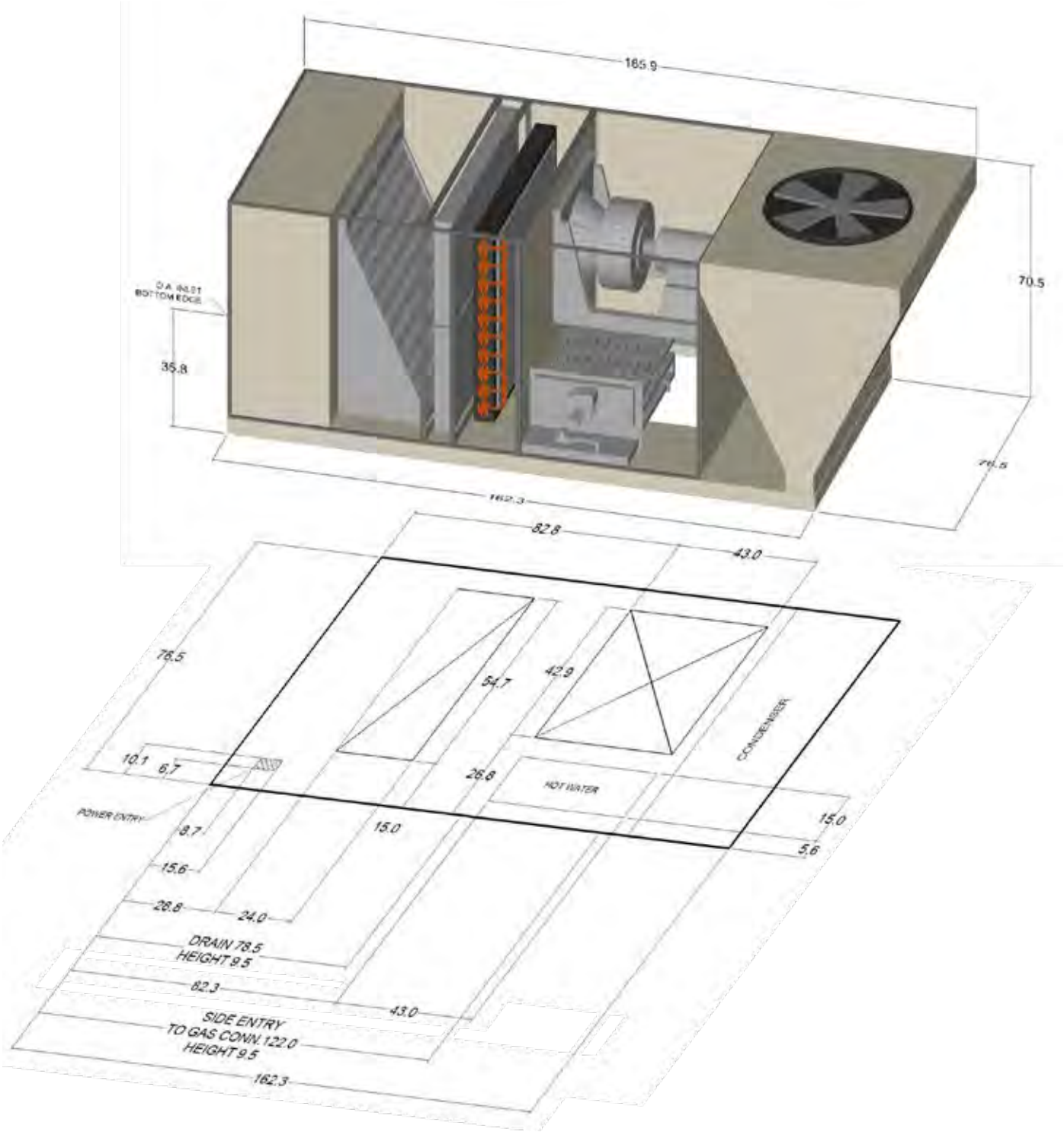


Figure 34: DPS 016–028, 30% or 100% Outdoor Air, No Energy Recovery



NOTE:

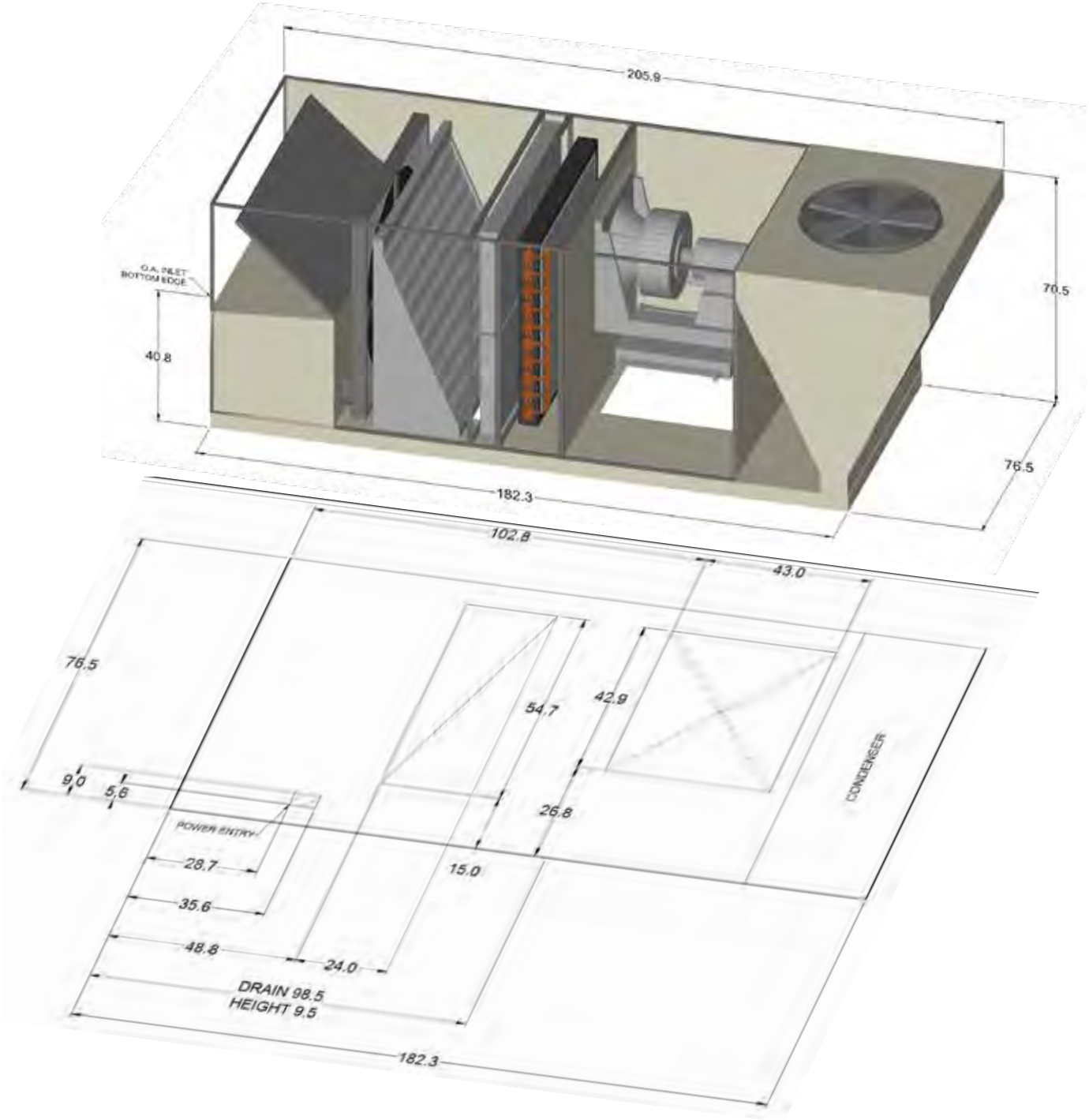
Figure 35: DPS 016–028, Economizer No Energy Recovery



NOTE:

2. Horizontal gas connection only. Gas pipe routing within the roof curb is not available.

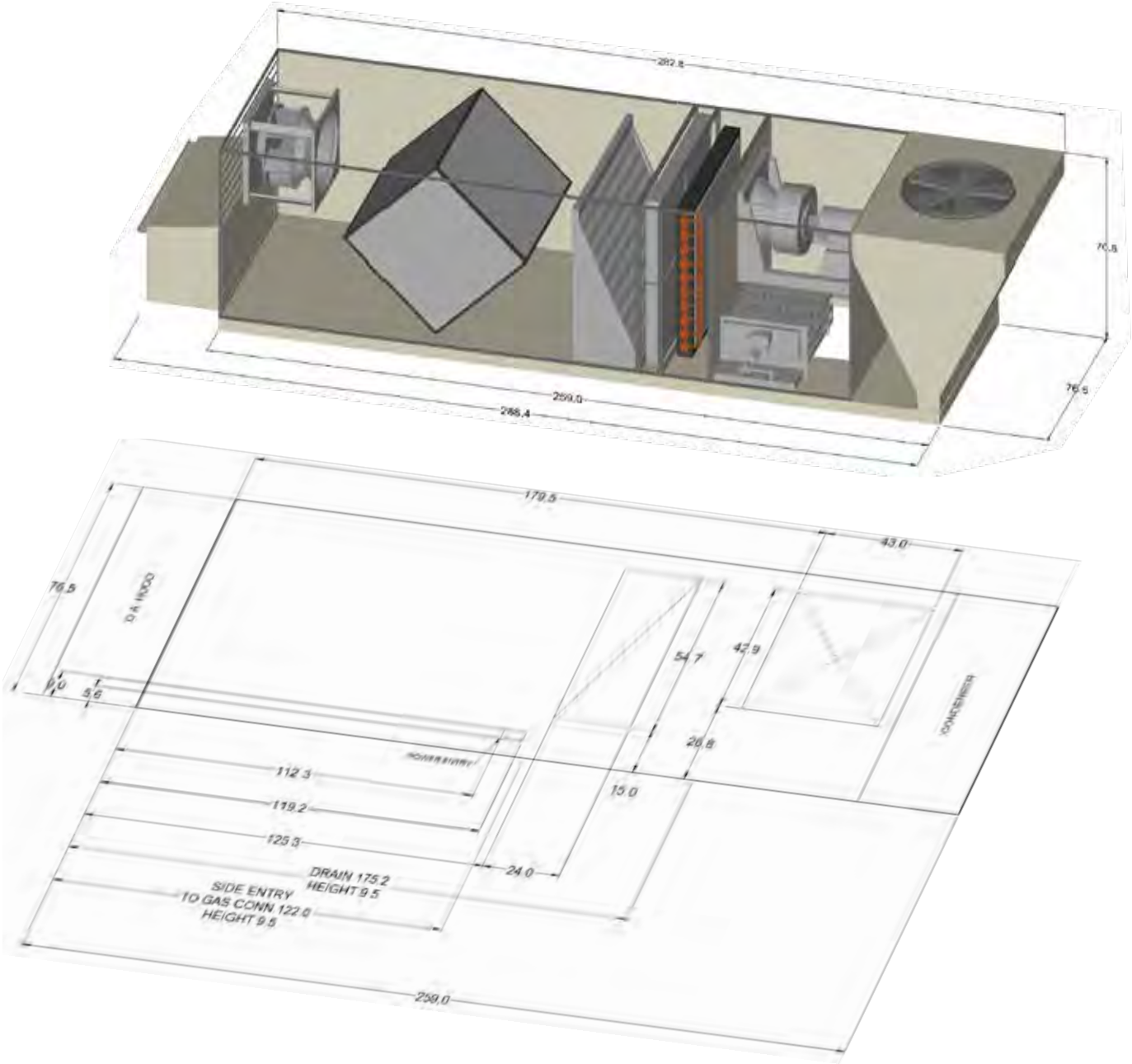
Figure 36: DPS 016–028, Energy Recovery



NOTE:

2. Horizontal gas connection only. Gas pipe routing within the roof curb is not available.

Figure 37: DPS 016–028, CORE Energy Recovery

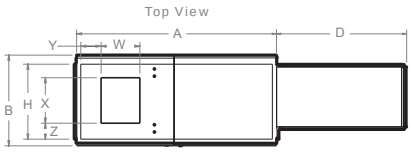


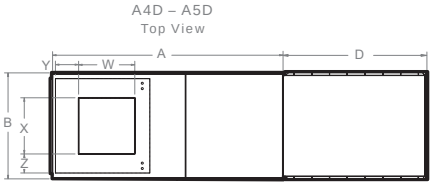
NOTE:

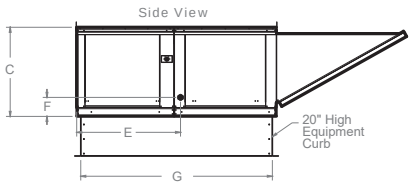
2. Horizontal gas connection only. Gas pipe routing within the roof curb is not available.

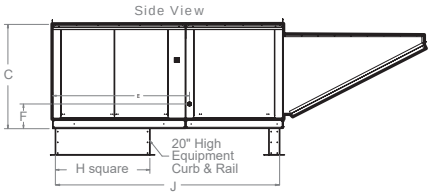
AD Series Modular Roof Mount and Inline

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 obsevation 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 • VAV packages
- Roof curbs

Certifications

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

Measurements

	Unit Dimensions					
MODEL	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

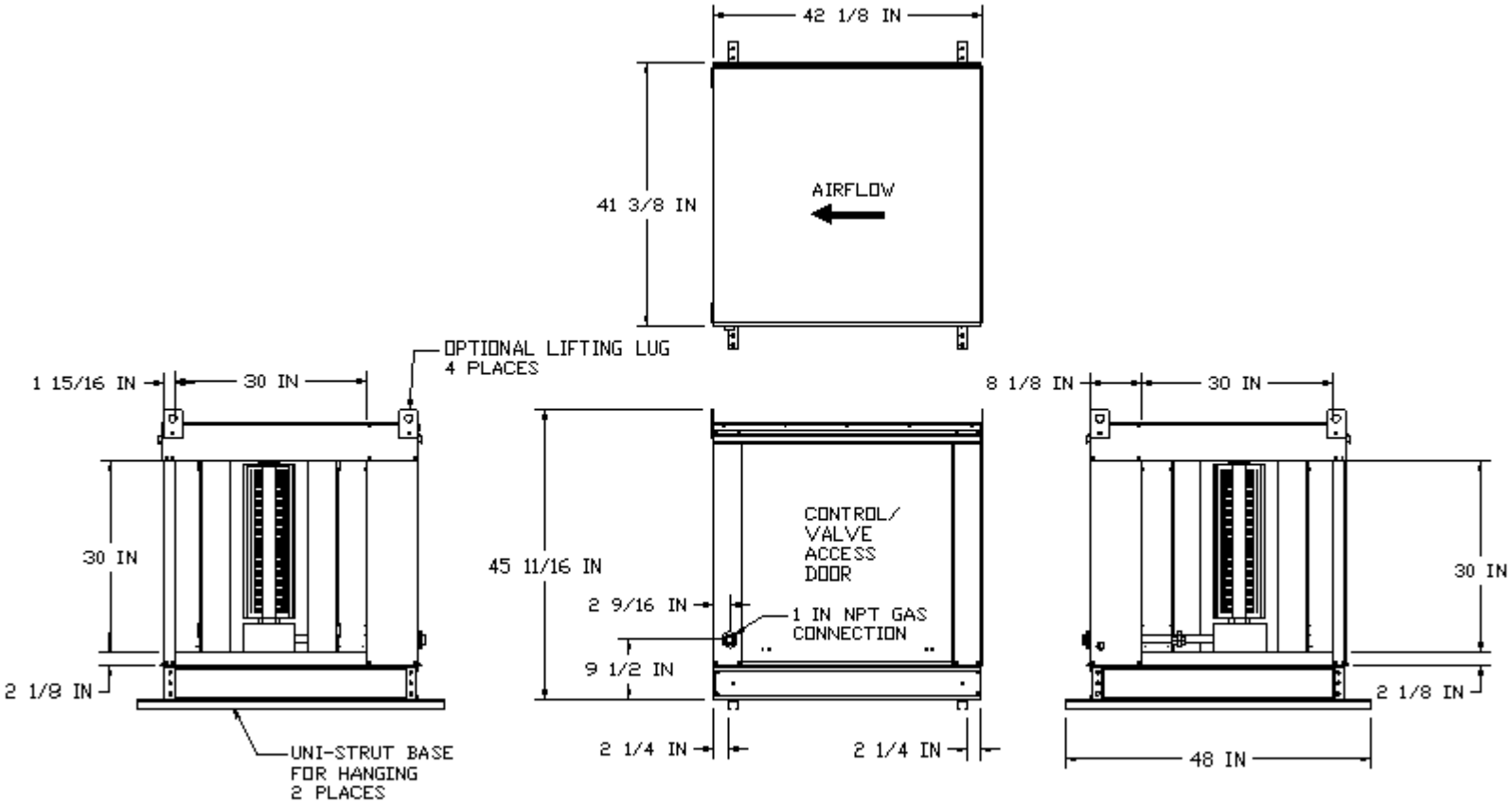
	Blower				Curb & Rail		
MODEL	W	X	Y	Z	G	H	J
A1-D	11 3/8	13 1/8	5 5/8	4 15/16	71	21	n/a
A2-D	15 7/8	18 5/8	8 3/8	6 15/16	79	31	n/a
A3-D	18 7/8	21 7/8	10 3/8	6 11/16	84	35	n/a
A4-D	24 7/8	24 7/8	10 11/16	8 9/16	-	42	115 3/16
A5-D	31 3/8	31 3/8	12 15/16	10 11/16	-	52 3/4	125 3/16

	Unit Information			
MODEL	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

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

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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 discov3ered 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 the 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:

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 eave line). **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.

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 Clein 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 E**ngineer, 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 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

04-063-21

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.

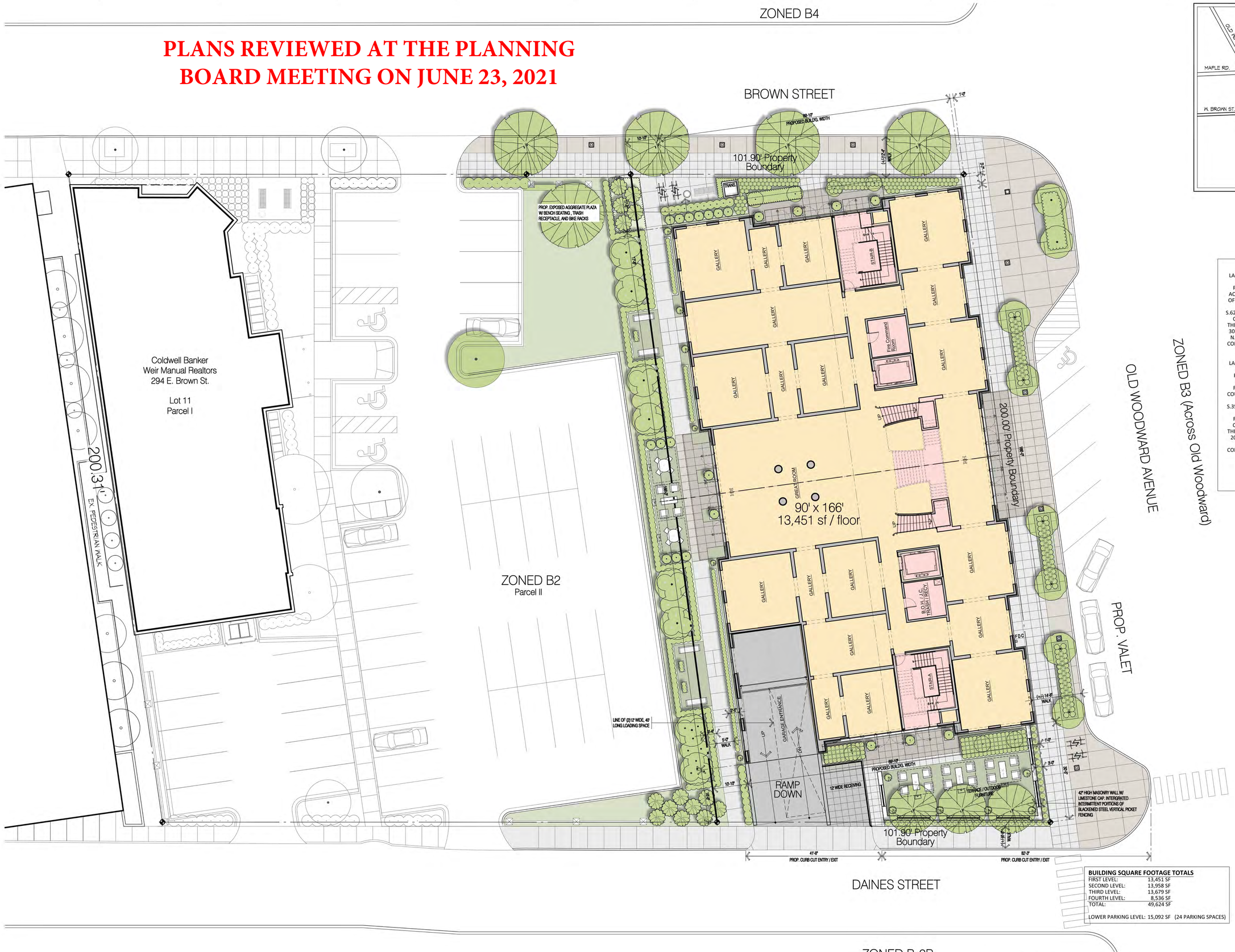
Public Comment
Richard Astrein, who has been a merchant in Birmingham for 50 years, spoke of the positive impact RH would have on the Birmingham retail business community.

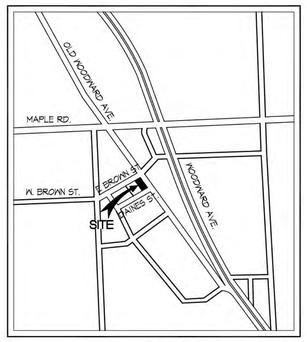
Motion carried, 7-0.

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.

PLANS REVIEWED AT THE PLANNING BOARD MEETING ON JUNE 23, 2021





site location map:
Not To Scale

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 S.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 S.62°00'00"W. 119.37 FEET AND S.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

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)

Architectural Site Plan
SCALE: 3/32"= 1'-0"

SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
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.

Sheet No.:
SP01
Architectural Site Plan

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

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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.

Sheet No.:
A100
Lower Parking Level Floor Plan

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

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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.

Sheet No.:
A120
Second Level Floor Plan

Third Level Floor Plan
A120
SCALE: 3/32"= 1'-0"

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Project:
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300 S Old Woodward
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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.:
A130
Third Level Floor Plan

Fourth Level Floor Plan

H4 A140 SCALE: 3/32"= 1'-0"

SAROKI ARCHITECTURE

430 N. OLD WOODWARD
BIRMINGHAM, MI 48009

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SarokiArchitecture.com

Project:

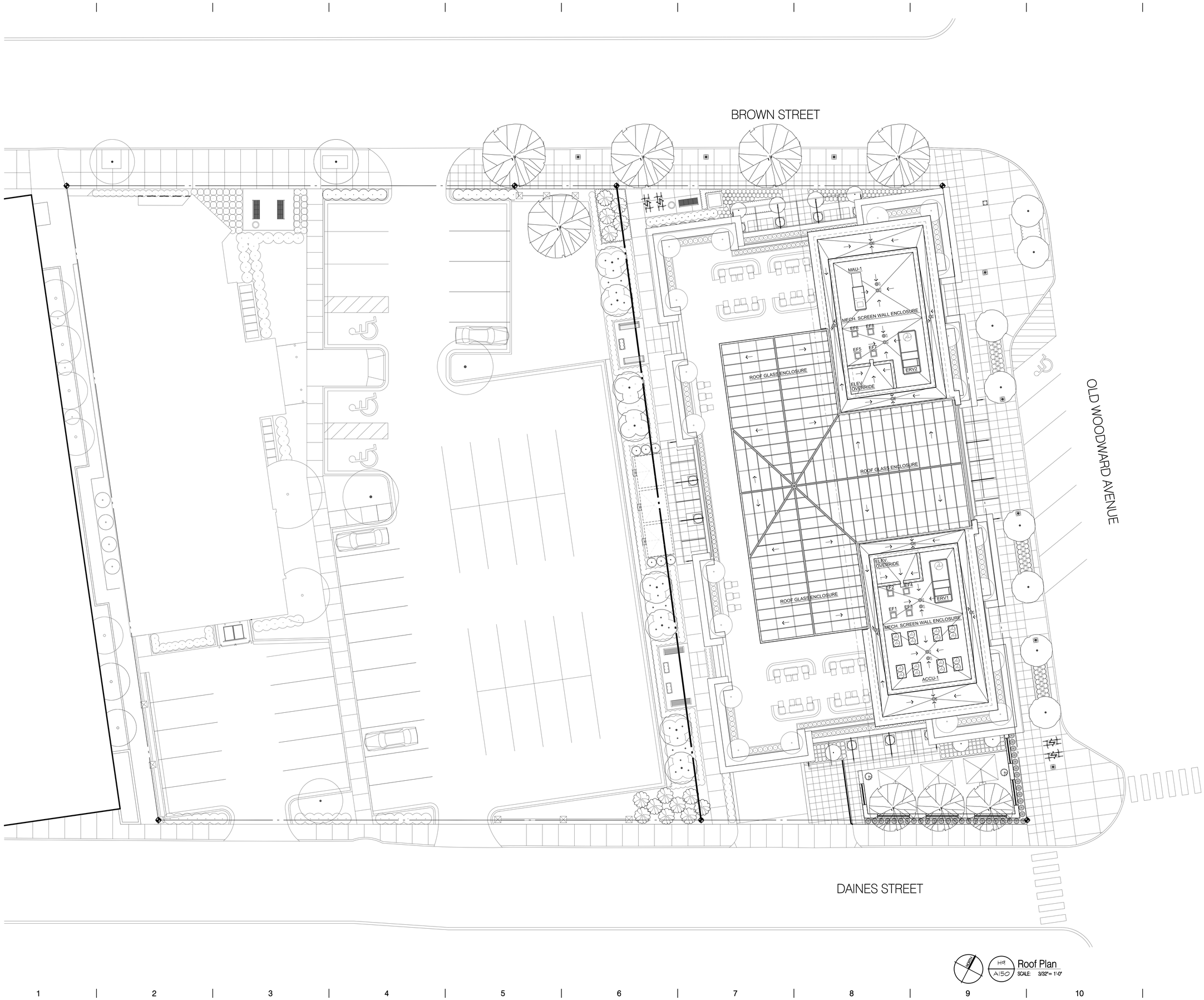
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

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

Sheet No.:

A140

Fourth Level Floor Plan



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

SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
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.

Sheet No.:
A150
Roof Plan

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

SAROKI
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Sheet No.:
A210
EXTERIOR ELEVATION

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

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Sheet No.:
A212
EXTERIOR ELEVATION

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

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Sheet No.:
A214
EXTERIOR ELEVATION

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

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Sheet No.:
A216
EXTERIOR ELEVATION

H9 / A218 StreetView Elevation
SCALE: 1/16"= 1'-0"

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300 S Old Woodward
Birmingham, MI 48009

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Sheet No.:
A218
EXTERIOR ELEVATION

Architectural Brick
Slate Grey Velour
Norman Brick Type (3” x 12”)

Basaltina
Basalt Stone

Hope’s Steel Windows & Doors

Exterior Light Fixtures & Steel Canopies

Steel and Glass Rooftop Restaurant

SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
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Birmingham, MI 48009

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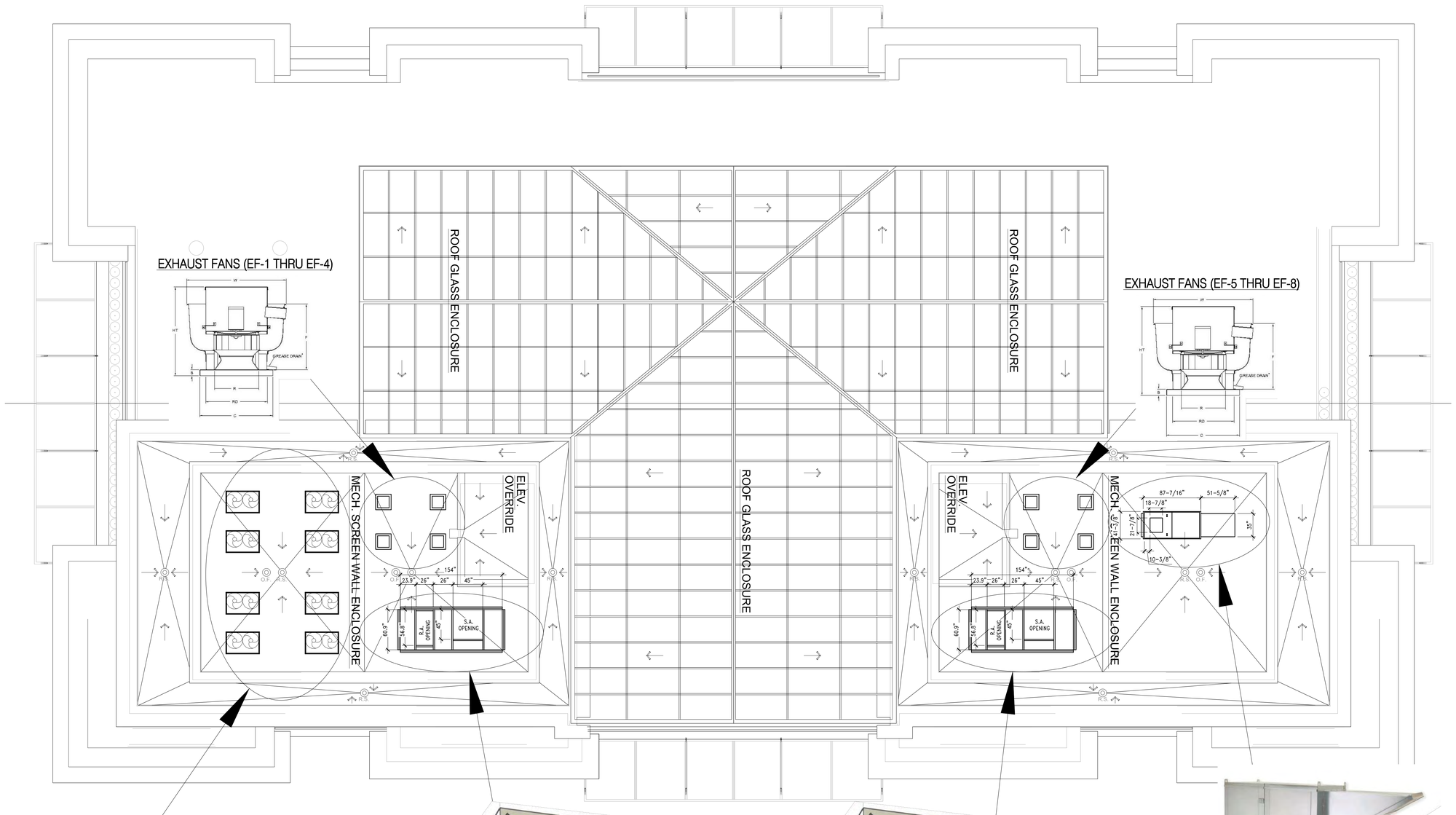
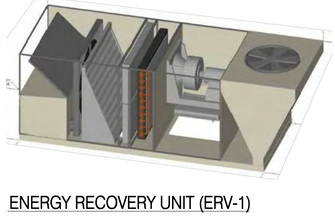
05-06-2021	Final Site Plan App.

Sheet No.:
A900
Exterior Material Board

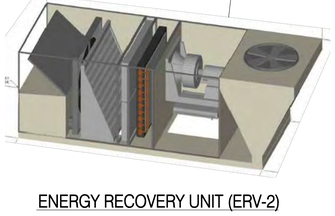
H9 A900 Exterior Material Board
SCALE: 3/32"= 1'-0"



AIR COOLED CONDENSING UNIT (ACCU-1)



ENERGY RECOVERY UNIT (ERV-1)



ENERGY RECOVERY UNIT (ERV-2)

MAKE-UP AIR UNIT (MAU-1)

NORTH

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

MAENGINEERING
MECHANICAL ELECTRICAL
400 S. Old Woodward Ave.
Suite 100
Birmingham, Michigan
48009
t 1 248 | 258 | 9010
f 1 248 | 258 | 9638

SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
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.

Sheet No.:
M150
Roof HVAC Plan

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

LANDSCAPE ARCHITECTURE

MICHAEL J. DUL
& ASSOCIATES, INC

212 DAINES STREET
BIRMINGHAM
MICHIGAN 48009

P 248 644 3410
F 248 644 0819

MICHAEL J. DUL
LANDSCAPE ARCHITECT
NO. 781
REGISTERED LANDSCAPE ARCHITECT
STATE OF MICHIGAN

SAROKI
ARCHITECTURE

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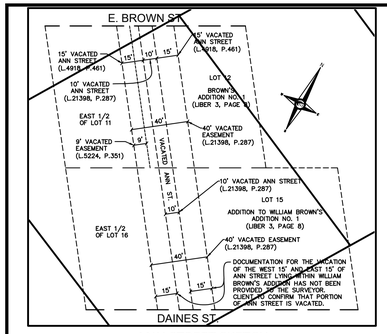
Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

Date:	Issued For:
02-24-2021	Preliminary Site Plan App.

Sheet No.:
L1.1
Landscape Plan



ANN STREET SKETCH

1" = 50'

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. 26125C0537F BEARING AN EFFECTIVE DATE OF 09-29-2006.

MISS DIG / UTILITY DISCLAIMER NOTE

A MISS DIG TICKET NUMBER A003240501, 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 ADDITIONS.

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°E.)

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:	18,892.06 SQUARE FEET OR 0.433 ACRES
PARCEL 2:	13,204.93 SQUARE FEET OR 0.303 ACRES
PARCEL 3:	8,137.75 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 AND 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, 9, 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 AND THAT MAY BE PRODUCED FROM THE CAPTIONED LAND.

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

CERTIFICATE OF SURVEY

CERTIFIED TO:

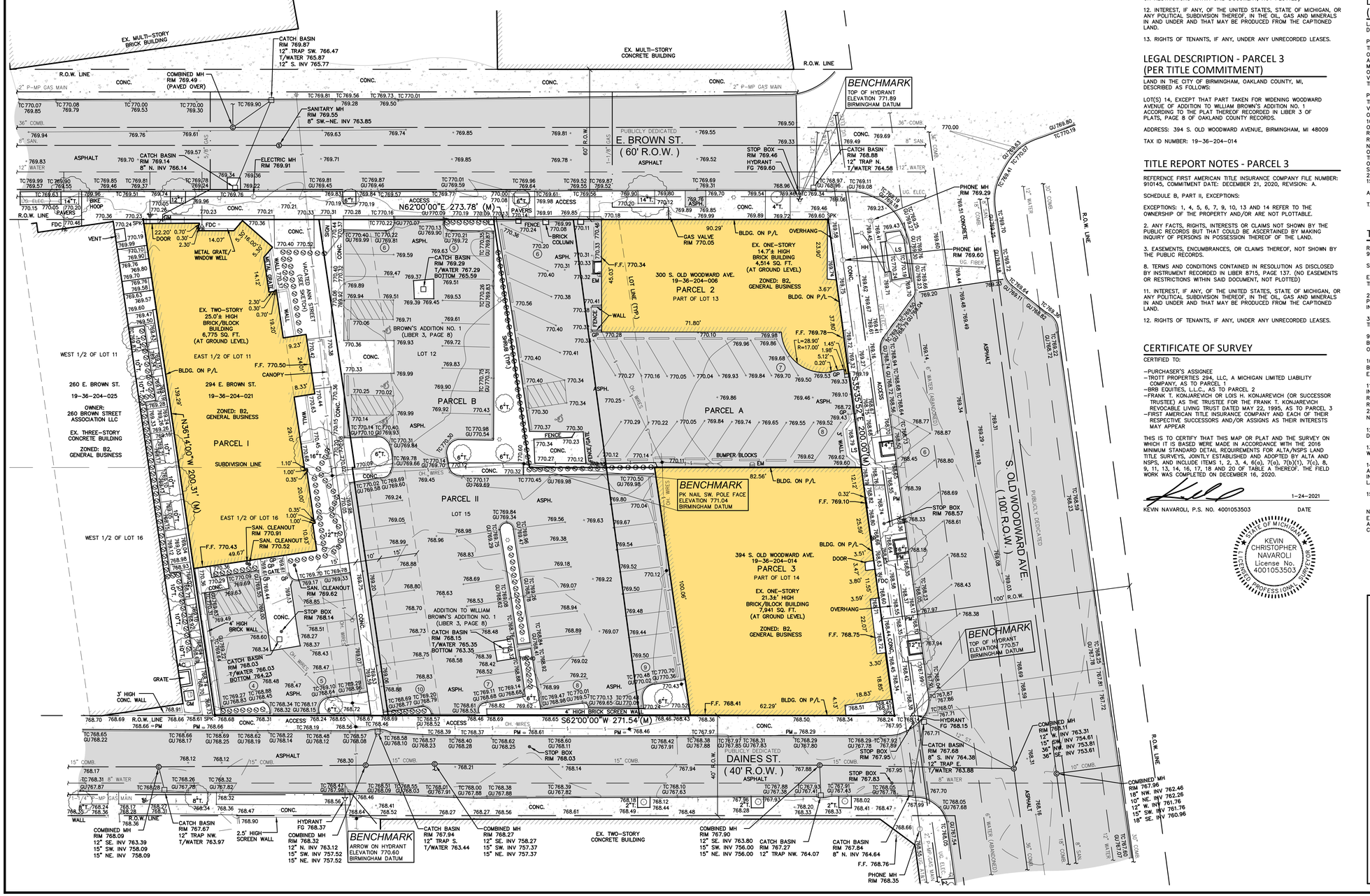
-PURCHASER'S ASSIGNEE
-TROTT PROPERTIES 294, LLC, A MICHIGAN LIMITED LIABILITY COMPANY, AS TO PARCEL 1
-BRB EQUITIES, L.L.C., AS TO PARCEL 2
-FRANK T. KONJAREVICH OR LOIS H. KONJAREVICH (OR SUCCESSOR TRUSTEE) AS THE TRUSTEE FOR THE FRANK T. KONJAREVICH REVOCABLE LIVING TRUST DATED MAY 22, 1995, AS TO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

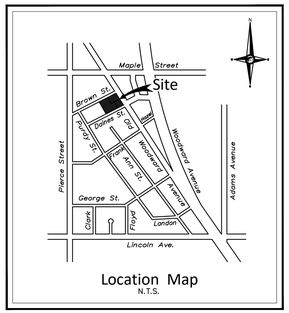
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDE ITEMS 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(c), 8, 9, 11,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

1-24-2021

KEVIN NAVAROLI, P.S. NO. 4001053503 DATE

STATE OF MICHIGAN
KEVIN CHRISTOPHER NAVAROLI
License No. 4001053503
LICENSED PROFESSIONAL SURVEYOR





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 THE 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 21398, 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 AND 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) GATE VALVE(GVW)	EXISTING WATER MAIN
MANHOLE(MH) CATCH BASIN(CB)	EXISTING STORM SEWER
CBB	EX. BEEHIVE CATCH BASIN
UTILITY POLE GUY POLE UP GUY WIRE	EX. UNDERGROUND (UG.) CABLE
LP	OVERHEAD (OH.) LINES
	LIGHT POLE
	SIGN
	EXISTING GAS MAIN
ASPH.	ASPHALT
CONC.	CONCRETE
FD. / FND.	FOUND
RET. WALL	RETAINING WALL
R.O.W.	RIGHT-OF-WAY
SPK	SET PK NAIL
(TYP)	TYPICAL
(R)	RECORD
(M)	MEASURED
C/L	CENTERLINE
P/L	PROPERTY LINE
GM	GAS METER
EM	ELECTRIC METER
PM	PARKING METER
AC	AIR CONDITIONING UNIT
LS	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

811 Know what's below Call before you dig.

DATE	ISSUED/REVISED
00-00-00	

DRAWN BY:
M. Carnaghi

DESIGNED BY:

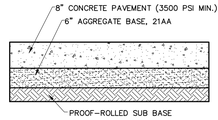
APPROVED BY:
K. Navaroli

DATE:
February 24, 2021

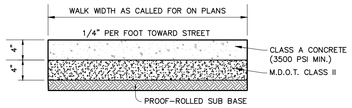
SCALE: 1" = 20'
20 10 0 10 20 30

NFE JOB NO. M106

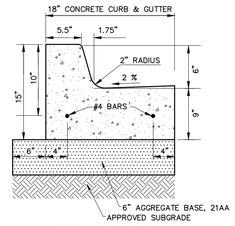
SHEET NO. SP-1



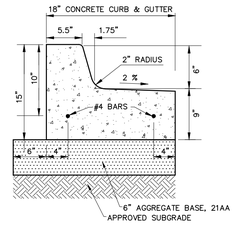
CONCRETE PAVEMENT SECTION
N.T.S.



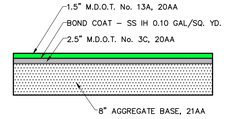
CONCRETE SIDEWALK SECTION
N.T.S.



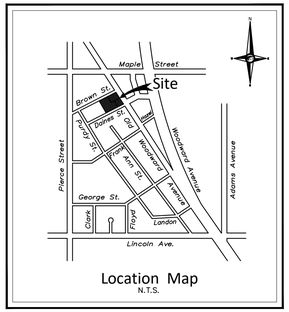
CONCRETE CURB DETAIL 'A'
N.T.S.



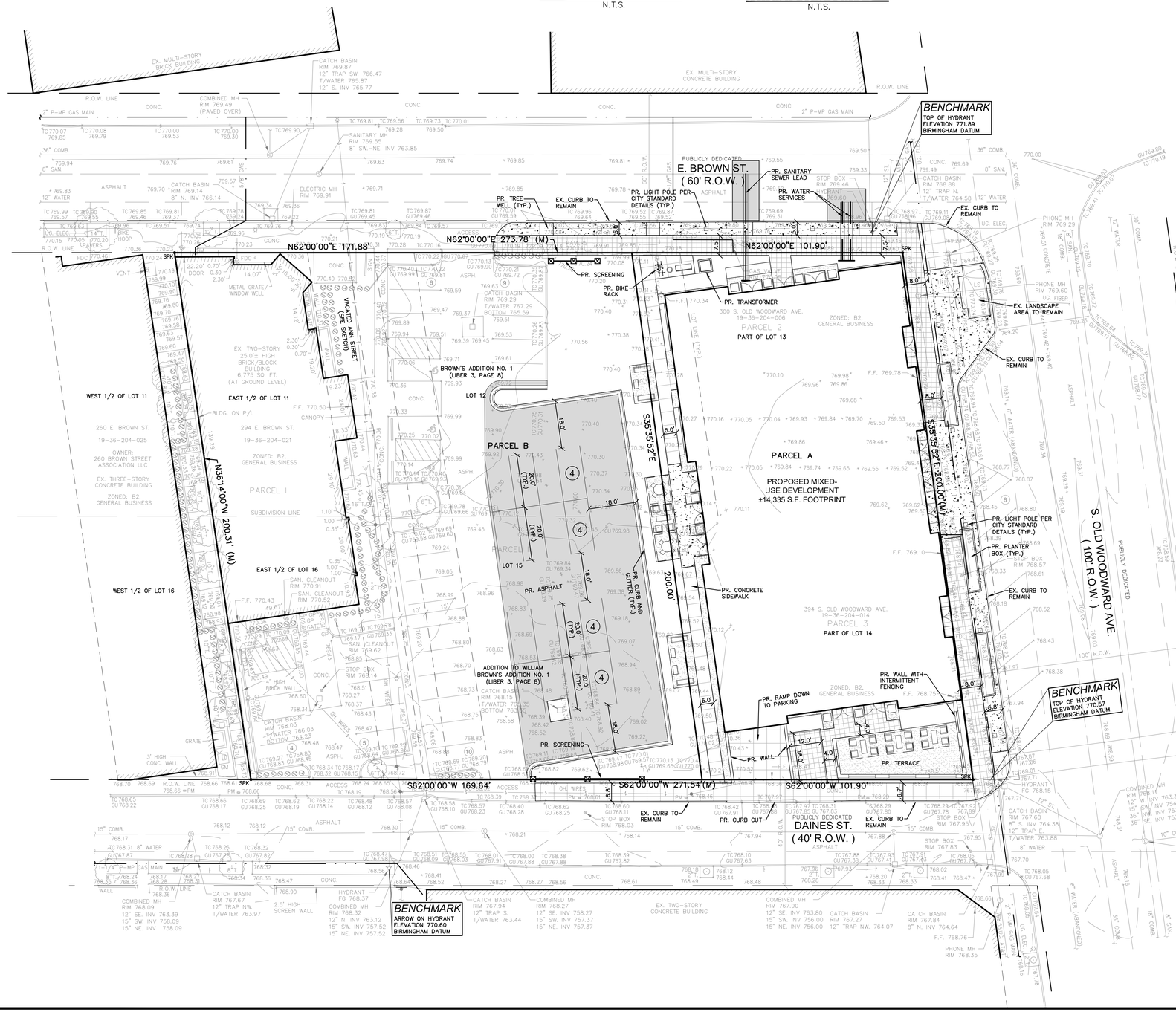
CONCRETE CURB DETAIL 'B'
N.T.S.



ASPHALT PAVEMENT SECTION
(DRIVE AND PARKING)



Location Map
N.T.S.



GENERAL PAVING NOTES

PAVEMENT SHALL BE OF THE TYPE, THICKNESS AND CROSS SECTION AS INDICATED ON THE PLANS AND AS FOLLOWS:

CONCRETE: PORTLAND CEMENT TYPE IA (AIR–ENTRAINED) WITH A MINIMUM CEMENT CONTENT OF SIX SACKS PER CUBIC YARD, MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI AND A SLUMP OF 1 1/2 TO 3 INCHES.

ASPHALT: BASE COURSE – MDOT BITUMINOUS MIXTURE NO. 1100L, 20AA; SURFACE COURSE – MDOT BITUMINOUS MIXTURE NO. 1100T, 20AA; ASPHALT CEMENT PENETRATION GRADE 85–100, BOND COAT – MDOT SS–1H EMULSION AT 0.10 GALLON PER SQUARE YARD; MAXIMUM 2 INCH LIFT.

PAVEMENT BASE SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT. EXISTING SUB–BASE SHALL BE PROOF–ROLLED IN THE PRESENCE OF THE ENGINEER TO DETERMINE STABILITY.

ALL CONCRETE PAVEMENT, DRIVEWAYS, CURB & GUTTER, ETC., SHALL BE SPRAY CURED WITH WHITE MEMBRANE CURING COMPOUND IMMEDIATELY FOLLOWING FINISHING OPERATION.

ALL CONCRETE PAVEMENT JOINTS SHALL BE FILLED WITH HOT POURED RUBBERIZED ASPHALT JOINT SEALING COMPOUND IMMEDIATELY AFTER SAWCUT OPERATION. FEDERAL SPECIFICATION SS–S164.

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION, CURRENT EDITION.

ALL TOP OF CURB ELEVATIONS, AS SHOWN ON THE PLANS, ARE CALCULATED FOR A 6" CONCRETE CURB UNLESS OTHERWISE NOTED.

ALL SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1993, SHALL BE INSTALLED AS INDICATED ON THE PLANS.

CONSTRUCTION OF A NEW OR RECONSTRUCTED DRIVE APPROACH CONNECTING TO AN EXISTING STATE OR COUNTY ROADWAY SHALL BE ALLOWED ONLY AFTER AN APPROVED PERMIT HAS BEEN SECURED FROM THE AGENCY HAVING JURISDICTION OVER SAID ROADWAY.

FOR ANY WORK WITHIN THE PUBLIC RIGHT–OF–WAY, THE CONTRACTOR SHALL PAY FOR AND SECURE ALL NECESSARY PERMITS AND LIKEWISE ARRANGE FOR ALL INSPECTION.

EXISTING TOPSOIL, VEGETATION AND ORGANIC MATERIALS SHALL BE STRIPPED AND REMOVED FROM PROPOSED PAVEMENT AREA PRIOR TO PLACEMENT OF BASE MATERIALS.

EXPANSION JOINTS SHOULD BE INSTALLED AT THE END OF ALL INTERSECTION RADII.

SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1973, SHALL BE INSTALLED AS SHOWN AT ALL STREET INTERSECTIONS AND AT ALL BARRIER FREE PARKING AREAS AS INDICATED ON THE PLANS.

ALL PAVEMENT AREAS SHALL BE PROOF–ROLLED UNDER THE SUPERVISION OF A GEOTECHNICAL ENGINEER PRIOR TO THE PLACEMENT OF BASE MATERIALS AND PAVING MATERIALS.

FILL AREAS SHALL BE MACHINE COMPACTED IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES THICK TO 98% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT.

COVID-19 PANDEMIC CONDITION

DUE TO THE UNPRECEDENTED COVID–19 PANDEMIC CONDITION AND RESTRICTIONS THE STANDARD DATA WHICH IS OBTAINED FROM MISS DIG / CALL 811 HAS BEEN RESTRICTED TO CRITICAL INFRASTRUCTURE ONLY. NFE WILL MAKE EVERY EFFORT TO OBTAIN CURRENT REFERENCE DATA FROM THE GOVERNING AGENCIES; HOWEVER, THIS DATA MAY BE PARTIAL OR INCOMPLETE. NFE WILL ISSUE THIS SURVEY WITH THE BEST AVAILABLE INFORMATION FROM OUR FIELD SURVEY AND OTHER AVAILABLE REFERENCE DATA. NFE WILL NOT BE RESPONSIBLE FOR INCOMPLETE OR PARTIAL DATA PROVIDED BY THIRD PARTY FACILITY OWNERS. NFE IS NOT RESPONSIBLE FOR BURIED UTILITIES FOR WHICH PLANS WERE NOT FURNISHED OR CANNOT BE OBSERVED IN THE FIELD.

ALL CONSTRUCTION DOCUMENTS WILL BE UPDATED WHEN THE UTILITY INFORMATION IS PROVIDED BY THE FACILITY OWNER UP UNTIL THE TIME OF SUBMITTAL. ONCE THE PLANS HAVE BEEN SUBMITTED AND APPROVED IT IS THE CONTRACTORS RESPONSIBILITY TO OBTAIN A MISS DIG TICKET PRIOR TO COMMENCING ANY CONSTRUCTION REQUIRING EXCAVATION. CONTRACTOR SHALL IMMEDIATELY NOTIFY NFE OF ANY UTILITIES FLAGGED BY MISS DIG THAT WERE NOT SHOWN ON THE PLANS OR UTILITIES UNCOVERED DURING THEIR WORK.

PAVING LEGEND

- PROPOSED CONCRETE PAVEMENT
- PROPOSED ASPHALT PAVEMENT

LEGEND

- MANHOLE — EXISTING SANITARY SEWER
- SAN. CLEAN OUT
- HYDRANT, GATE VALVE — EXISTING WATERMAIN
- MANHOLE, CATCH BASIN — EXISTING STORM SEWER
- EX. R. Y. CATCH BASIN
- UTILITY POLE, GUY POLE, GUY WIRE — EXISTING BURIED CABLES
- OVERHEAD LINES
- LIGHT POLE
- SIGN
- EXISTING GAS MAIN
- C.O., MANHOLE — PR. SANITARY SEWER
- HYDRANT, GATE VALVE — PR. WATER MAIN
- INLET, C.B., MANHOLE — PR. STORM SEWER
- PR. R. Y. CATCH BASIN
- PROPOSED LIGHT POLE

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

STATE OF MICHIGAN
PATRICK J. WILLIAMS
ENGINEER NO. 44351
LICENSED PROFESSIONAL ENGINEER

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
Dimensional Site Plan

811 Know what's below Call before you dig.

DATE	ISSUED/REVISED
00-00-00	

DRAWN BY: A. Eizember
DESIGNED BY: A. Eizember
APPROVED BY: P. Williams
DATE: February 24, 2021
SCALE: 1" = 20'

NFE JOB NO. **M106**
SHEET NO. **SP-2**

Drive-over LED in-grade floodlights

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

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, ½" thick, machined flush to trim ring.

Electrical: 13.9W LED luminaire, 17 total system watts. -20° C start temperature. Integral 120 V through 277 V 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	β	T	⌀	D	G	
77 007	13.9 W LED	24°	26°	9½	12½	6½	integrated

Louver: β=Beam angle

1000 BEGA Way, Carpinteria, CA 93013 (805) 684-0533 FAX (805) 566-9474 www.bega-us.com
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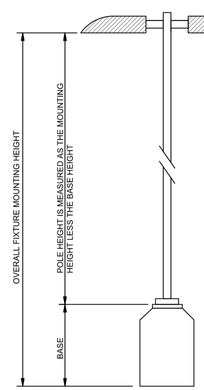

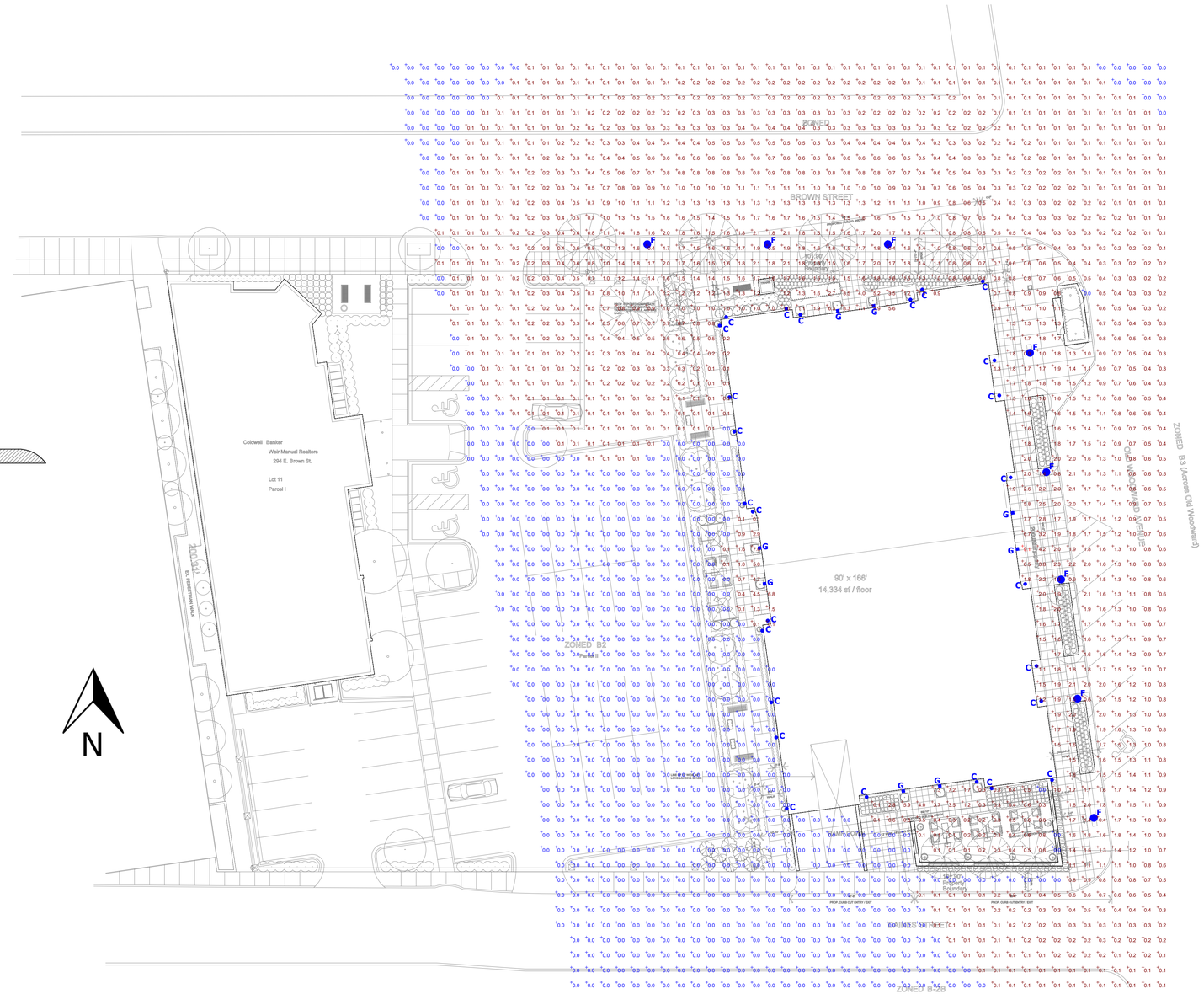

Plan View

Scale - 1" = 20ft

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
1. SEE SCHEDULE FOR LUMINAIRE MOUNTING HEIGHT.
2. 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.

Schedule

Symbol	Label	QTY	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Lumens per Lamp	LLF	Wattage	Mounting Height
◯	C	26	BEGA	77007+K4	LED IN-GRADE FLOODLIGHT	LED	1	967	0.9	17	0'-0"
⊙	F	8	UNKNOWN	SUPPLIED AND VERIFIED BY OTHERS	SUPPLIED AND VERIFIED BY OTHERS	SUPPLIED AND VERIFIED BY OTHERS	1	UNKNOWN	0.75	UNKNOWN	12'-0"
□	G	8	LANTERN SUPPLIED BY RH	LANTERN SUPPLIED BY RH	LANTERN SUPPLIED BY RH	LANTERN SUPPLIED BY RH	1	UNKNOWN	0.9	UNKNOWN	9'-0"

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
OVERALL	+	0.5 fc	9.1 fc	0.0 fc	N/A	N/A	0.1:1

RH - BIRMINGHAM
PHOTOMETRIC SITE PLAN
PREPARED FOR: SAROKI ARCHITECTURE
GASSER BUSH ASSOCIATES
WWW.GASSERBUSH.COM

Designer
JM/KB
Date
2/22/2021
rev. 2/23/2021
Scale
Not to Scale
Drawing No.
#21-59200-V2
1 of 1

SAROKI
ARCHITECTURE

RH BIRMINGHAM

Brown St. & S Old Woodward Ave.

RH

SAROKI
ARCHITECTURE

RH / Mixed-Use Development

Brown & S Old Woodward Ave.

RH

SAROKI
ARCHITECTURE

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ARCHITECTURE

RH / Mixed-Use Development

Brown & S Old Woodward Ave.

RH

CITY OF BIRMINGHAM
Date 03/05/2021 10:56:27 AM
Rec 00177876
Receipt 567656
Amount $1,600.00

City of Birmingham
A Walkable Community

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:
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

Use of Buildings: Retail and Restaurant

Height of Buildings & # of Stories: 67 feet / 4 levels above grade

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

North, south, east or west of property? North

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

North, south, east or west of property? South

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

North, south, east or west of property? West

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

North, south, east or west of property? East

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

North, south, east or west of property? East

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: 09,222 square feet
Square footage of accessory buildings: N/A
Number of parking spaces: Below grade parking

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, <u>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</u>. 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: _____

City of Birmingham
A Walkable Community

CONSENT OF PROPERTY OWNER

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

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 PERMT-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.

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

Signature of Owner: Frank Konjarevich **Date:** 2/24/21

City of Birmingham
A Walkable Community

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");

- [x] 13. Existing and proposed layout of streets, open space and other basic elements of the plan;
- [x] 14. Existing and proposed utilities and easements and their purpose;
- [x] 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;
- [x] 16. General description, location, and types of structures on site;
- [x] 17. Location of sidewalks, curb cuts, and parking lots on subject site and all sites within 200 ft. of the property line;
- [x] 18. Details of existing or proposed lighting, signage and other pertinent development features;
- [x] 19. Elevation drawings showing proposed design;
- [x] 20. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;
- [x] 21. Location of all exterior lighting fixtures;
- [x] 22. A Photometric Plan depicting proposed illuminance levels at all property lines;
- [x] 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
- [x] 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:

- [x] 25. Color elevation drawings showing the proposed design for each façade of the building;
- [x] 26. List of all materials to be used for the building, marked on the elevation drawings;
- [x] 27. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- [x] 28. Details of existing or proposed lighting, signage and other pertinent development features;
- [x] 29. A list of any requested design changes;
- [x] 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;
- [x] 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
- [x] 32. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

City of Birmingham
A Walkable Community

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: [signature] Date: 2.24.21

Office Use Only

Application #: PSLU21-0003 Date Received: 3/4/21 Fee: Ø

Date of Approval: Date of Denial: Reviewed by:

RH
ROOFTOP RESTAURANT

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 ARTICHOKES* Potato, Rosemary, Aioli, Lemon *19*

BURRATA Cherry Tomatoes, Genovese Basil Pesto, Charred Sourdough *23*

SALADS

GEM LETTUCE Radish, Feta Cheese, Avocado, Buttermilk Herb Dressing *18*

ARUGULA Fennel, Grapes, Sunflower Seeds, Parmigiano-Reggiano, Citrus Vinaigrette *18*

SHAVED VEGETABLES Baby Greens, Pecans, Cider Vinaigrette *19*

KALE CAESAR* Garlic Sourdough Crumbs, Parmigiano-Reggiano, Classic Caesar Dressing *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 Cheese, Cherry Peppers, Au Jus *24*

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* Steak Salt *56*

SIDES

FRENCH FRIES Garlic Aioli *9*

TRUFFLED FRIES* Black Truffles, Parmigiano-Reggiano, Parsley, Truffle Aioli *18*

SIMPLE GREEN SALAD Radish, Citrus Vinaigrette *9*

POTATO PURÉE Yukon Gold Potatoes, Chive Butter, Maldon Salt *9*

CHARRED HEIRLOOM BROCCOLINI Lemon, Garlic Confit, Calabrian Chili *11*

WILD MUSHROOMS Garlic, Thyme, Sherry Vinegar *12*

*These 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, NV *14 / 56*
JUVÉ Y CAMPS Cava, Reserva de la Familia, Penedès, Spain 2016 *17 / 68*
NICOLAS FEUILLATTE Brut Rosé, Champagne, France NV *35 / 140*
DOMAINE CHANDON Brut, Étoile, Carneros, California NV *25 / 100*
PIERRE SPARR Brut Rosé, Crémant d'Alsace, France NV *16 / 64*
SCHRAMSBERG Brut Rosé, North Coast, California 2017 *22 / 88*
ROEDERER ESTATE Brut Rosé, Mendocino, California NV *20 / 80*
PIERRE GIMONNET Cuis 1er Cru, Champagne, France NV *30 / 120*
PERRIER JOUËT Grand Brut, Champagne, France NV *35 / 140*
VEUVE CLICQUOT Brut, Yellow Label, Champagne, France NV *32 / 128*

WHITE
J&H SELBACH Riesling Kabinett, Mosel, Germany 2016 *18 / 72*
SCARPETTA Pinot Grigio, Friuli, Italy 2019 *14 / 56*
A TO Z Pinot Gris, Oregon 2018 *16 / 64*
ALLAN SCOTT Sauvignon Blanc, Marlborough, New Zealand 2020 *15 / 60*
MICHEL REDDE Sauvignon Blanc, Sancerre, France 2018 *25 / 100*
TWOMEY Sauvignon Blanc, Napa Valley, California 2019 *20 / 80*
DOMAINE FERRET Chardonnay, Pouilly-Fuissé, Burgundy, France 2017 *33 / 132*
AERENA Chardonnay, Sonoma, California 2019 *17 / 68*
CHATEAU MONTELENA Chardonnay, Napa Valley, California 2016 *35 / 140*
HARTFORD COURT Chardonnay, Russian River Valley, Sonoma, California 2018 *20 / 80*

ROSÉ
MIRAVAL Studio, Méditerranée, France 2019 *16 / 64*
PUECH-HAUT Argali, Languedoc, France 2019 *18 / 72*
CHÂTEAU D'ESCLANS Whispering Angel, Côtes de Provence, France 2019 *20 / 80*
ESPRIT GASSIER Côtes de Provence, France 2019 *22 / 88*
LA SPINETTA Il Rosé di Casanova, Tuscany, Italy 2019 *14 / 56*
DAOU Discovery Collection, Paso Robles, California 2019 *17 / 68*
SCRIBE Pinot Noir, Sonoma, California 2019 *20 / 80*
BLACKBIRD VINEYARDS Arriviste, Napa Valley, California 2019 *15 / 60*
DOMAINES OTT Château Romassan, Bandol, France 2019 *30 / 120*
CHÂTEAU D'AQUERIA Tavel, France 2018 *19 / 76*

RED
LIOCO Pinot Noir, Mendocino County, California 2019 *17 / 68*
GROS VENTRE CELLARS Pinot Noir, North Coast, California 2018 *22 / 88*
BOUCHARD Pinot Noir, Beaune du Château 1er Cru, Burgundy, France 2017 *30 / 120*
CATENA Malbec, Vista Flores, Mendoza, Argentina 2017 *15 / 60*
ANTINORI Cabernet Sauvignon Blend, Il Bruciato, Tuscany, Italy 2018 *23 / 92*
MARQUÉS DE CÁCERES Tempranillo, Reserva, Rioja, Spain 2015 *16 / 64*
HOURGLASS Proprietary Blend, HGIII, Napa Valley, California 2018 *20 / 80*
SILVER OAK Cabernet Sauvignon, Alexander Valley, California 2016 *37 / 148*
DUCKHORN Cabernet Sauvignon, Napa Valley, California 2017 *32 / 128*
CAYMUS-SUISUN Petite Sirah, Grand Durif, Suisun Valley, California 2018 *25 / 100*

WINE BY THE BOTTLE

SPARKLING & WHITE
CHARLES HEIDSIECK Blanc des Millénaires, Champagne, France 2004 *300*
DOM PÉRIGNON Champagne, France 2009 *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 2017 *155*

PINOT NOIR
MAISON CHAMPY Le Rognet, Corton Grand Cru, Burgundy France 2016 *280*
GARY FARRELL Hallberg Vineyard, Russian River Valley, California 2016 *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 2018 *210*

RED VARIETALS
CHÂTEAU DE NALYS Grand Vin, Châteauneuf-du-Pape, France 2017 *195*
MICHELE CHIARLO Cerequio, Barolo, Italy 2016 *250*
MARCHESI 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*

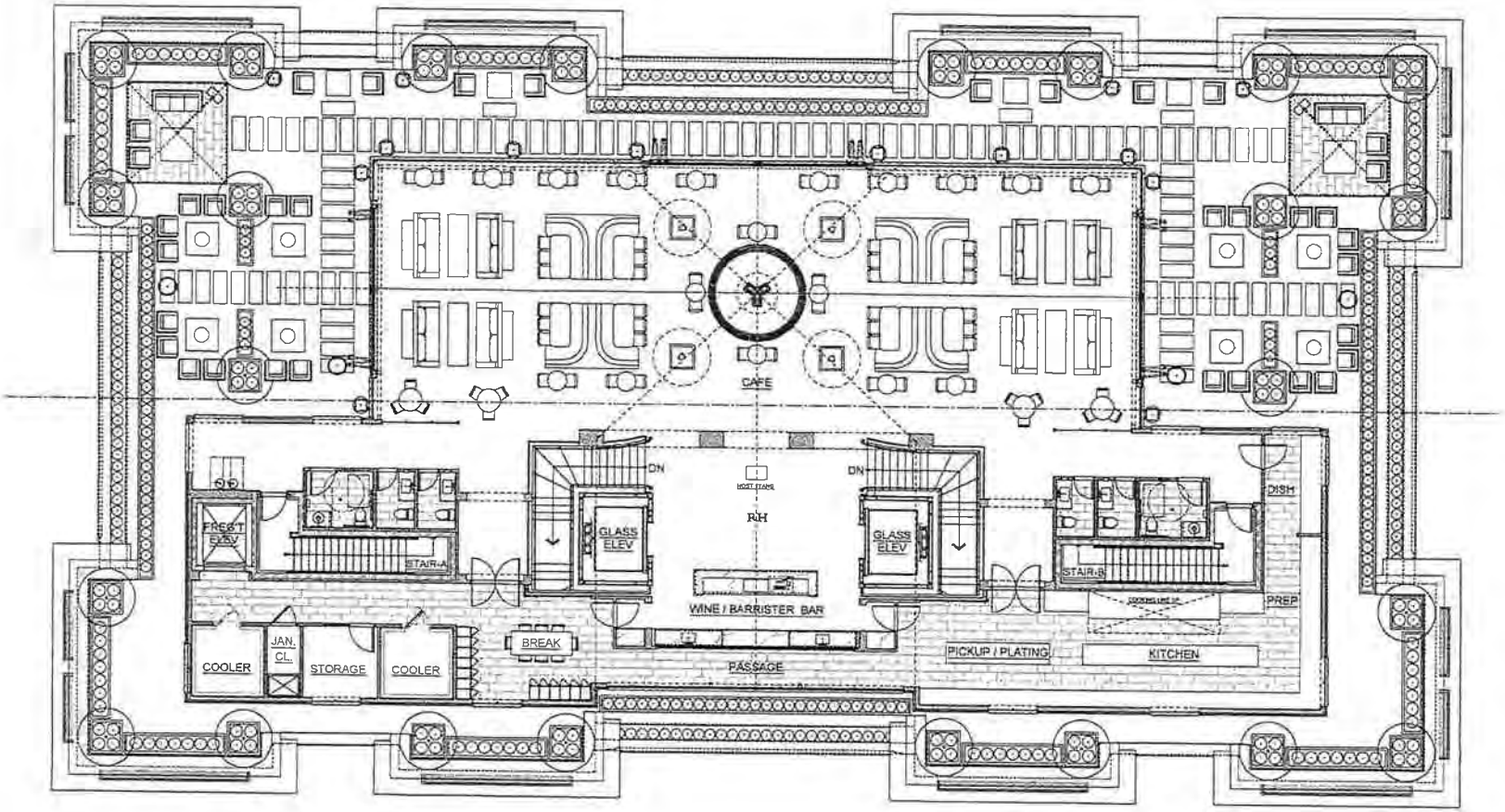
CABERNET SAUVIGNON
LAIL VINEYARDS Blueprint, Napa Valley, California 2018 *180*
THE MASCOT Napa Valley, California 2014 *240*
CAYMUS VINEYARDS Special Selection, Napa Valley, California 2016 *350*
SPOTTSWOODE St. Helena, Napa Valley, California 2017 *395*
SHAFER Hillside Select, Stags Leap District, Napa Valley, California 2016 *475*

COFFEE
Drip *4*
Espresso *4*
Cortado *4.50*
Cappuccino *5.50*
Latte, Chai Latte *7*
Matcha Latte *7*
Hot Chocolate *5*
Cold Brew *6*

TEA
RH Breakfast *6*
Lord Bergamot *6*
Jasmine / Silver Tip *6*
Meadow Chamomile *6*
Peppermint Leaves *6*
Bai Hao Oolong *6*
Unsweetened Iced Tea *4.50*

JUICES & SODAS
Pressed Juicery Greens / Roots
Citrus / Orange Turmeric *11*
Fresh Squeezed
Lemonade / Orange *6*
Coke / Diet Coke *5*
Fentimans
Rose Lemonade / Ginger Beer *7*

BEER
KSA Kölsch *8*
Sfizio Italian Pilsner *8*
Villager S.F. IPA *8*
Animal Tropical IPA *8*



Fourth Level Floor Plan

SCALE 3/16"=1'-0"

SAROKI ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P 248.258.5707
F 248.258.5515
SarokiArchitecture.com

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

Date: Issued For:
10-28-2020 CONCEPT REVIEW

Sheet No.:
A140
Fourth Level Floor Plan

Since 1973
W|W|R|P
Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors
380 North Old Woodward Avenue
Suite 300
Birmingham, Michigan 48009
Tel: (248) 642-0333
Fax: (248) 642-0856

Richard D. Rattner
rdr@wwrplaw.com

February 24, 2021

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 the 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 10-42[1], 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

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[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 10-42[2], 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.

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[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.

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

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 discov3ered 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. Pesha

Fire Marshal

Birmingham Fire Department

August 3, 2021

City Commission
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Re: ***Proposed RH Development for 300 and 394 S. Old Woodward/294 E. Brown***

Dear Birmingham City Commission,

My name is Steven Silverman, and I am a resident of Birmingham. I live at 1560 Humphrey Avenue. Like many in this community, I am excited about the possibility of a RH Gallery being developed along South Old Woodward. I firmly believe the RH Gallery will compliment and contribute to the vibrancy and liveliness of Birmingham's walkable downtown.

I want to express my avid support for the RH project. I strongly encourage the Commission to give this development its final approval.

Sincerely,

Steven J. Silverman

Steven Silverman

Conifer
Insurance
Company

City Commission, c/o City Clerk
City of Birmingham
151 Martin Street
Birmingham, MI 48009

RE: RH Project in Downtown Birmingham

Dear Commissioners:

I am the President of Conifer Insurance Company, which is headquartered in downtown Birmingham at 550 West Merrill Street. The company is fully integrated into the downtown community, and we frequently take advantage of Birmingham's amenities as part of our business. My family and I live on Park Street in downtown Birmingham.

As the president of a local company and as a downtown Birmingham resident, I look forward to the construction of the new RH building. It will be a wonderful addition to the downtown Birmingham landscape and to the cadre of amenities that Birmingham offers. I look forward to visiting the restaurant and shopping there with my wife and two children. I am sure Conifer's employees will enjoy the development, as well. Our employees use Birmingham parking garages, but I am not concerned about the increased traffic as RH will probably be busiest during the weekend. I think the addition of the RH building will improve property values (my own included) and will be a great addition to the City.

Very truly yours,

Nicholas J. Petcoff

550 W. Merrill Street, Suite 200, Birmingham, MI 48009 * (248) 559-0840 main * (248) 559-0870 fax * coniferinsurance.com

Conifer Holdings Inc.

City Commission, c/o City Clerk
City of Birmingham
151 Martin Street
Birmingham, MI 48009

RE: RH Project in Downtown Birmingham

Dear Commissioners:

I am the CEO of Conifer Holdings, Inc., a Birmingham based insurance company with approximately 150 employees. Our company occupies a large suite of offices at 550 West Merrill Street and is integrated into the downtown community. I know our employees love taking full advantage of our downtown Birmingham location. Not only do we host many interoffice functions at Birmingham restaurants, but I also frequently have business colleagues and clients who patronize the downtown hotels and shops and have many business dinners at downtown Birmingham restaurants.

I am also a longtime resident of the City of Birmingham. My wife and I purchased a condominium in the Bristol building at the corner of Frank Street and Old Woodward Avenue, currently under construction. We frequently use the downtown amenities and look forward to the upcoming developments, particularly the new RH building.

As both a local business owner and a downtown Birmingham resident, I am eagerly anticipating construction of the new RH building in downtown Birmingham. I have visited the Chicago location and think it will be a wonderful addition to the downtown Birmingham landscape and to the cadre of amenities that Birmingham offers. It will be a perfect complement to the downtown area and will be a major draw, just as the other locations are. RH will probably be busiest during the weekend hours, so I am not concerned with our employees parking usage during the week. I think the addition of the RH building will improve property values (my own included) and will be a real win for the City.

Very truly yours,

James G. Petcoff

550 W. Merrill Street, Suite 200, Birmingham, MI 48009 * (248) 559-0840 main * (248) 559-0870 fax * coniferinsurance.com

NOTICE OF INTENTION TO APPOINT TO
HISTORIC DISTRICT COMMISSION

At the regular meeting of Monday, September 20, 2021 the Birmingham City Commission intends to appoint three regular members in which one must be a Historic Society Representative (Friends of the Birmingham Museum) to the Historic District Commission to serve three-year terms to expire September 25, 2024.

Interested parties may submit an application available from the City Clerk's Office on or before noon on Wednesday, September 15, 2021. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

The function and duty of the Historic District Commission is to advise the City Commission with respect to the proper development of the City with primary emphasis upon the City's established historic districts, sites, properties and historic resources. The Commission is also authorized to recommend for the guidance of the City Commission amendments to the City Code relating to the control and development of lands within historic districts.

Criteria/Qualifications of Open Position	**Date Applications Due** **(by noon)**	**Date of Interview**
• A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation • Must be a resident	09/15/2021	09/20/2021

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

NOTICE OF INTENTION TO APPOINT TO
DESIGN REVIEW BOARD

At the regular meeting of Monday, September 20, 2021 the Birmingham City Commission intends to appoint three regular members in which one must be a Historic Society Representative (Friends of the Birmingham Museum) to the Design Review Board to serve a three-year term to expire September 25, 2024.

Interested parties may submit an application available from the city clerk's office on or before noon on Wednesday, September 15, 2021. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

The function and duty of the Design Review Board is to advise the City Commission in regard to the proper development of the City. The Design Review Board is specifically charged with carrying out the goals, objectives and intent of the City's adopted master plan and urban design plan and other development-oriented plans which may subsequently be adopted. The Design Review Board is authorized to advise and cooperate with the City Commission, City Planning Board, Historic District Commission and other City advisory boards and cooperate with the planning, historic district and legislative bodies of other governmental units in any area outside the boundaries of the City.

Criteria/Qualifications of Open Position	**Date Applications Due** **(by noon)**	**Date of Interview**
• Members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members shall be residents.	9/15/21	9/20/21

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

MEMORANDUM

Engineering Department

DATE: **August 4, 2021**

TO: **Thomas M. Markus, City Manager**

FROM: **James J. Surhigh, Consulting City Engineer**

SUBJECT: **Update on Recent Rain Events**

INTRODUCTION:

There have been several significant rain storm events in June and July of 2021 that have resulted in numerous complaints of basement flooding. Most complaints reported backups from the sewer drains in the home, but others cited apparent causes of storm water intrusions from cracks or joints in the basement walls or floors, through window openings, or from ponding surface waters against the building. The purpose of this report is to provide an update on the recent rain events, extent of reported flooding, and next steps that are being taken to assess the condition and capacity of the City sewer system.

BACKGROUND:

The City of Birmingham has experienced several extreme rain events over the past two months that have resulted in numerous complaints of basement flooding throughout the City. Significant rain storms occurred on June 18, June 25, July 17 and July 24. While reports of flooding were received from the earlier events, the rain event on July 24 has resulting in over 300 reports of flooding.

Local rain gauges are operated by the Oakland County Water Resources Commissioner (WRC) at their wet weather sewer retention facilities in the City, specifically at Linden Park (Birmingham CSO) and Lincoln Hills Golf Course (Bloomfield Village CSO). They also collect rain data from other gauges surrounding the City. We do not have final data from WRC for all of the rain events, but some preliminary information has been provided. The Fire Department has been instructed to purchase and monitor rain / weather stations at each of the fire stations. By themselves, the recent significant rain events do not appear to be as extreme as the event from August 28, 2020, where over 5 inches of rain fell in about an hour, but because of the series of significant events in a relatively short timeframe, the response to the rainfall on July 24 was "amplified". The monthly total rain for June was approximately 7 to 8 inches, and July has been on pace for at least 4 to 5 inches. The "normal" average rainfall for the months of June and July is on the order of 3 inches for each. Attached is a sample table showing monthly rainfall totals for a rain gauge located in Royal Oak (provided by the Southeastern Oakland County Water Authority – SOCWA), with data going back to 1983.

RESPONSE TO JULY 24, 2021 RAIN EVENT:

During the rain event, and immediately after, emergency crews from DPS were around town responding to early calls coming in. A typical response to a reported basement backup includes DPS observing conditions at the site and in the public sewer segment at the location of the reported issue. If the sewer visually appears to be flowing "normally", then the homeowner is advised that the problem they are experiencing is likely related to their private sewer lateral and associated piping. If the public sewer segment shows signs of being backed-up, or surcharged, DPS may run the sewer cleaning jet through the segment in an attempt to alleviate the surcharging. This is usually the case for isolated occurrences during dry weather or light rain events. However, during intense, heavy rain events, DPS may observe that the sewer appears to be overwhelmed by the flows being received from the rain event.

After realizing that there was a sharp increase in the number of calls being received reporting issues, as compared to the June 25 and other recent storm events, the Communications Department issued a public notice about the situation, asking residents to report flooding so the locations of these issues can be tracked. Over 300 email responses have been received reporting basement flooding associated with the July 24 event, with some providing comments related to flooding experienced in the previous events. These locations have been plotted, and are shown on the attached map. While reports of flooding were made from nearly all areas of the City, there were concentrations of reports that warrant more detailed investigation. Specifically, the "Poppleton Park" neighborhoods, "Torry/Sheffield Estates" area, and "Birmingham Villas" area were hard hit, and the Engineering Departing is prioritizing its investigation of the sewer conditions for the parts of the sewer system that serve these neighborhoods. Other areas will also be reviewed as part of our investigative efforts.

While the focus of this report has been on basement flooding related to sewer backups (possibly caused by the private system, public sewer, or combination of both), other causes were reported related to ponding surface waters. These reports will be reviewed, and if warranted, solutions to nuisance surface flooding will be explored. We note that in many areas of the City, restricted catch basin covers are present by design in order to limit the rate that surface runoff can enter the sewer system to reduce the chance of the sewer being overwhelmed and have basement flooding as a result. By design, the restricted covers will cause temporary surface ponding during intense rain events, and it is expected that ponded waters would recede within a couple of hours after the event.

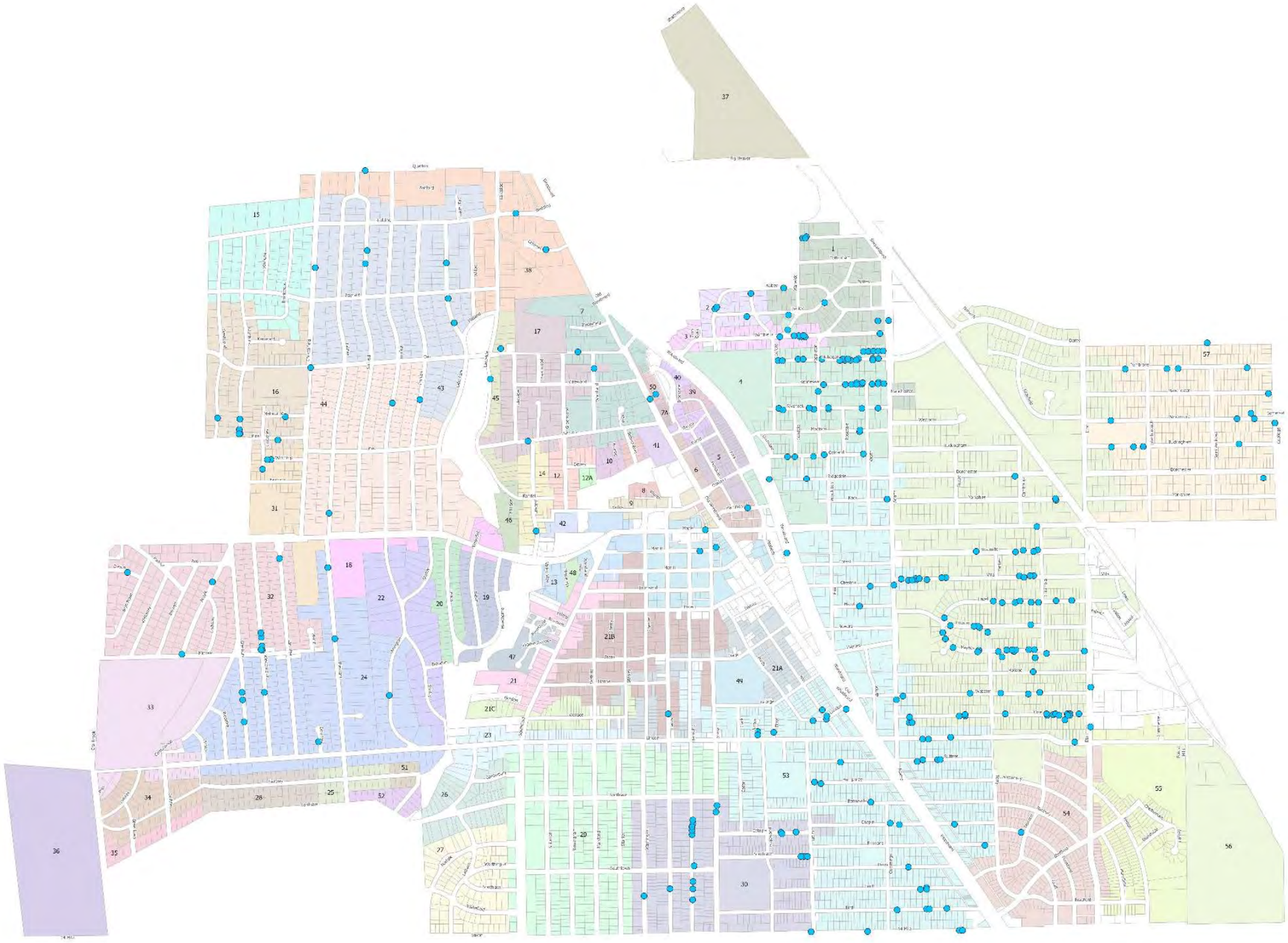
NEXT STEPS:

The Engineering Department and Department of Public Services has been in the beginning stages of preparing contract documents for a sewer maintenance program this fall, and the recent reported flooding will be a factor in determining the areas to focus on. The City's consultant, Hubbell, Roth & Clark (HRC) will be assisting with the investigation and preparation of contract documents, and has extensive knowledge of the City's sewer system and recent (2018) sewer cleaning and televising effort performed as part of the Stormwater, Asset Management, and Wastewater (SAW) Grant Program. The sewer rehabilitation contract documents are expected to be prepared within the next 30 days, and a contract should be ready to present to the City Commission for award in September.

SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY

PRECIPITATION - INCHES (WEBSTER PUMPING STATION)

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
1983	0.98	1.49	1.92	3.98	4.85	5.10	4.08	1.62	1.63	2.57	3.93	3.16	35.31
1984	2.67	1.26	3.82	1.91	4.11	0.95	2.06	4.26	3.04	1.91	2.88	3.14	32.01
1985	3.90	3.70	4.60	0.95	3.66	1.68	4.37	4.02	1.45	3.30	5.10	1.13	37.86
1986	1.68	2.73	1.74	1.91	2.10	4.62	2.79	3.10	5.48	2.48	0.95	1.95	31.53
1987	1.55	0.58	1.90	2.03	1.61	3.18	4.30	5.31	2.30	2.00	2.80	2.80	30.36
1988	0.60	1.53	0.40	1.40	1.00	0.55	2.80	2.05	3.25	3.43	2.61	0.80	20.42
1989	0.71	0.35	1.30	1.25	2.22	3.85	2.15	1.39	5.53	1.45	2.80	0.50	23.50
1990	1.52	4.18	1.40	1.95	3.00	2.25	2.03	4.30	3.90	3.70	2.35	3.40	33.98
1991	0.90	0.45	1.37	1.65	5.46	1.79	1.92	3.36	0.72	3.64	2.65	2.05	25.96
1992	1.35	1.24	2.98	2.75	0.85	2.05	6.40	2.30	3.10	1.95	4.20	1.80	30.97
1993	3.64	0.82	1.15	2.80	1.20	4.91	2.05	2.85	5.85	1.75	1.50	0.45	28.97
1994	2.15	0.55	2.20	2.70	0.70	5.21	1.30	2.77	1.20	2.33	3.02	2.20	26.33
1995	1.32	0.85	1.15	2.05	2.80	2.25	4.45	4.15	1.00	3.25	3.05	0.95	27.27
1996	1.45	1.30	1.00	3.75	3.30	4.20	1.85	0.40	4.45	2.20	2.15	1.30	27.35
1997	1.45	2.75	3.15	0.85	4.55	1.55	2.20	1.90	3.45	2.15	0.50	1.30	25.80
1998	2.80	2.85	4.60	2.86	1.65	1.75	2.80	6.85	1.00	2.05	1.00	1.45	31.66
1999	3.75	1.30	0.55	3.85	2.80	4.55	2.65	1.40	2.60	0.60	1.45	2.70	28.20
2000	1.30	0.50	1.05	3.20	4.25	5.00	4.10	2.55	4.35	2.00	1.05	2.70	32.05
2001	0.12	2.70	0.30	2.98	4.50	2.30	2.10	1.65	4.00	6.65	1.70	1.55	30.55
2002	1.55	1.45	1.10	0.65	1.90	1.05	4.35	0.70	2.85	0.96	2.00	0.90	19.46
2003	0.25	0.20	1.25	2.05	4.70	4.65	0.50	2.40	3.20	2.10	3.60	2.30	27.20
2004	2.60	0.40	2.40	0.05	6.80	2.30	2.70	3.70	0.80	1.65	2.45	3.00	28.85
2005	2.50	3.10	0.55	1.70	0.70	1.50	3.20	0.65	2.95	0.30	3.95	1.60	22.70
2006	2.50	0.95	2.95	2.05	5.20	3.30	1.60	1.90	2.56	2.90	3.00	3.40	32.31
2007	3.30	0.65	4.90	2.25	2.60	2.75	1.00	4.55	1.20	2.35	1.90	4.75	32.20
2008	2.40	3.90	1.90	0.40	1.95	3.85	3.05	0.27	6.55	1.80	3.15	4.05	33.27
2009	2.85	1.95	6.31	6.85	3.35	3.20	1.55	4.00	1.56	2.85	0.20	2.80	37.47
2010	0.80	1.65	0.67	1.80	4.30	3.40	4.95	0.25	2.70	2.20	4.30	0.70	27.72
2011	2.20	5.75	3.20	5.20	5.40	2.40	3.40	3.30	7.80	3.20	5.60	3.10	50.55
2012	2.60	0.40	2.10	0.50	1.10	0.90	3.80	4.30	2.00	1.70	0.72	0.00	20.12
2013	1.90	2.10	1.00	5.10	2.10	4.60	3.00	3.30	2.00	3.10	2.40	3.60	34.20
2014	1.30	0.70	0.80	2.60	2.40	3.10	2.70	7.20	2.20	1.70	2.40	1.20	28.30
2015	2.60	1.20	0.40	0.70	3.00	3.40	1.30	2.10	1.30	1.80	1.30	1.50	20.60
2016	0.93	0.70	2.54	0.98	1.59	0.50	2.85	2.80	4.49	1.80	1.35	1.70	29.83
2017	2.30	2.00	2.80	2.40	2.90	0.70	1.10	2.30	0.70	5.70	4.30	1.50	28.70
2018	1.43	3.25	2.01	2.20	5.25	1.14	1.08	1.36	4.34	5.37	2.71	1.60	31.74
2019	1.52	2.03	1.96	3.73	3.59	4.11	7.15	3.04	4.84	4.97	1.52	2.60	41.06
2020	4.21	1.21	3.41	1.44	3.25	2.22	2.46	7.31	2.72	3.27	2.49	5.30	39.29
AVG.	1.94	1.70	2.07	2.30	3.07	2.81	2.85	2.94	3.03	2.61	2.50	2.13	30.15
2021	0.89	0.42	2.34	1.18	3.63	8.06							



City of Birmingham
A Walkable Community

HRC
HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

Legend

- 2021 Flooding Locations
- Parcels

NOTES:

PROJECT TITLE:
Birmingham 2021 Flooding

SHEET TITLE:
Resident Reported Flooding

HRC JOB NO:	FIGURE NO:
2021####	
DATE: 8/3/2021	AUTHOR: bmcelroy

N

0 500 1,000
Feet

Beier Howlett
ATTORNEYS AND COUNSELORS

NICCOLAS J. GROCHOWSKI
ngrochowski@bhlaw.us.com
Telephone (248) 282-1074

MEMORANDUM

DATE: **July 27, 2021**

TO: **Thomas Markus, City Manager**

FROM: **Niccolas J. Grochowski, Assistant City Attorney**

SUBJECT: ***Qualifications for Appointment as a Museum Board Member***

At the regular Commission meeting of July 26, 2021, a "conditional" appointment was made to the Museum Board by the City Commission. During that appointment process a question arose regarding the required qualifications for a person to be appointed to the Museum Board, specifically, whether or not a Museum Board Member must also be a member of the Birmingham Historical Society. Thus, the Commission appointed Bev Erickson to the regular member seat, contingent on verification by legal of the requirements of membership in the Historical Society and, if so required, that she renew her membership therein as a condition of her appointment.

Section 62-26(a) of the City Code, in relevant part, states: "A *majority* of the members of the museum board shall also be members of the Birmingham Historical Society." Thus, only four (4) of the seven (7) members of the Museum Board must also be members of the Historical Society for anyone to be appointed to the Museum Board. Therefore, in answer to the question presented- it depends. Obviously, if there are four (4) or more members of the Museum Board, that are also members of the Historical Society when any additional appointments are made to the Museum Board, then those new members are not legally required to be members of the Historical Society when appointed by the Commission. However, that would require City Staff to thoroughly investigate all current Museum Board members and constantly verify membership in the Historical Society, to determine if the new appointee is required to be a Historical Society member to be eligible for appointment to the Museum Board or that the Board maintains the majority. This, appears to be a rather inane process and an unreasonable burden on City Staff for this type of appointment and it makes little sense to require the City Staff to maintain a running list of Museum Board members and contemporaneous Historical Society membership.

Rather than having to constantly monitor the Museum Board for maintaining a majority of the membership in the Historical Society, I would recommend some type of internal policy and process be put in place that requires each Museum Board member to maintain their Historical Society membership and that any applicant to the Museum Board provide proof, with submission of the application, that they are a member of the Historical Society. Although the City Code does not technically require that all of the members of the Museum Board be members of the Historical Society, by implementing an internal policy that essentially requires all applicants and current Museum Board members to provide proof and maintain their Historical Society membership , there

will be no need to constantly monitor this Board for compliance with the City Code and we eliminate any and all potential issues concerning the qualifications for appointment to the Museum Board.

Concerning the appointment on July 26, 2021, of Mrs. Erickson, if there was at least four (4) or more members on the Museum Board at that time then the appointment was valid. Moreover, regardless of whether or not a majority of the Museum Board were also members of the Historical Society at the time of the appointment of Mrs. Erickson, the Commission made the appointment conditional upon Mrs. Erickson renewing her Historical Society membership if it had lapsed. Thus, the matter is, as a practical matter moot, based on the appointment subject to the requirement that she renew her membership in the Historical Society.

Lastly, the question was also raised regarding whether or not the same qualification requirement is applicable to an alternate member of the Museum Board. Section 62-26 of the City Code only requires that an alternate to the Museum Board "shall be a qualified city elector." Thus, there is no requirement that an alternate to the Museum Board be a member of the Historical Society to be qualified for appointment to that board or serve as an alternate. An alternate only needs to be a registered voter in the City to qualify for appointment to the Museum Board.

OAKLAND COUNTY MICHIGAN
MANAGEMENT & BUDGET

OAKLAND COUNTY EXECUTIVE DAVID COULTER

LYNN C. SONKISS, Fiscal Services Officer
(248) 858-0940 | sonkissl@oakgov.com

July 13, 2021

Dear Clerk:

Oakland County recently published its 2020 Financial Summary. The Summary was developed to provide a report of County finances and activities in non-technical terms for use by County residents. I am enclosing a copy for your information and an additional office copy for review by interested residents. Anyone wishing to obtain a copy can view and print it from the County's website or submit a written request to:

Oakland County
Management and Budget Bldg 41W
Fiscal Services Division
2100 Pontiac Lake Road
Waterford, MI 48328-0403

Thank you for your assistance in this matter.

Sincerely,

Lynn Sonkiss
Manager, Fiscal Services Division

LS:clw

Financial summary available at
https://www.oakgov.com/mgtbud/fiscal/Documents/2020_PAFR.pdf

INFORMATION ONLY

City of Birmingham
A Walkable Community

July 29, 2021

Ms. Nicole Lumberg
Baldwin House Senior Living Community
200 Chester St.
Birmingham, MI 48009

Dear Ms. Lumberg,

At the regular City Commission meeting of July 26, 2021, the City Commission directed that I invite you or a member of your organization to attend a future City Commission meeting. The Commission is interested in hearing from your organization about the changes that are occurring at the Baldwin House. As you may imagine various city officials have heard from many of your tenants about "changes" that may or may not be occurring at the Baldwin House.

Our hope is that your organization will be able to set the record straight as to 1) recent ownership changes, 2) the future of income adjusted rental units, 3) current market rate pricing for rental units, 4) future changes to the current menu of services offered at Baldwin House, 5) expectation for future demand on municipal services, 6) previous court settlement requirements that will expire and the dates of their expiration, and 7) likely physical changes that the Baldwin ownership are considering.

These items and any other information that you are able to provide will help create an open and transparent understanding of planned changes that are forthcoming at the Baldwin House.

I have attached a schedule of future City Commission meetings and ask that you let us know at which Commission meeting you would be able to update the City Commission on the above mentioned concerns.

Thanks for your continued willingness to work with the City in an effort to make sure we all understand what future changes are likely at the Baldwin House.

Sincerely,

Thomas M. Markus

Thomas M. Markus
City Manager

CC: City Commissioners, City Department Heads

INFORMATION ONLY

151 Martin Street • P.O. Box 3001 • Birmingham, MI 48012-3001
(248) 530-1800 • Fax (248) 530-1080 • www.bhamgov.org

CHARTER TOWNSHIP OF BLOOMFIELD
NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing at the Bloomfield Township Hall, 4200 Telegraph Road, on **TUESDAY, August 10, 2021 at 7:00 P.M.** to consider the following appeal:

Seeking approval for a proposed accessory structure, a 7 ft. by 7 ft. by 4 ft. high hot tub, located in the rear yard and set back at least 16 ft. from the side and rear lot lines, Section 34 Judson Bradway's Bloomfield Village No. 5 Lot 1122. The Code of the Charter Township of Bloomfield, Section 42-5.1 states that accessory uses / structures shall not be erected in any yard, except a rear yard, shall be set back at least 16 ft. from the side and rear lot lines, shall not exceed fourteen (14) feet in height, shall be screened from adjacent residences with evergreen and deciduous material, which will obscure view twelve (12) months of the year, that such vegetation shall be maintained in a healthy condition, and shall require the review and approval of the Zoning Board of Appeals.
(S. Jensen, 338 S. Cranbrook Rd., 19-34-230-009)

Described as: Section 34 Judson Bradway's Bloomfield Village No. 5 Lot 1122

Sidwell No: 19-34-230-009

Patricia Voelker, Director
Planning, Building and Ordinance

Complete copies of the appeals can be viewed at the Township Hall during regular business hours in the Planning, Building, and Ordinance Department, from 7:00 a.m. to 5:30 p.m., Monday through Thursday. Comments may be provided at the public hearing or by writing to: Bloomfield Township Planning, Building, and Ordinance Department, P.O. Box 489, Bloomfield Hills, MI 48303-0489 - Telephone: (248) 433-7795 - Fax: (248) 433-7729 or via email to **zba-publiccomment@bloomfieldtwp.org**

To view the meeting live, go to Comcast Channel 15 or AT&T Channel 99 or via the internet: Bloomfield Twp., MI – Public Meetings

To view the Zoning Board of Appeals packet posted on Documents on Demand by the end of business **Thursday, August 5th** you can use the QR code to the right.

SCAN ME

NOTE: The Charter Township of Bloomfield will provide necessary, reasonable auxiliary aids and services at all meetings to individuals with disabilities. All such requests must be made at least five days prior to said meeting. Individuals with disabilities requiring auxiliary aids or services should contact the Bloomfield Township Planning Division by writing or calling the following: Planning Division, P.O. Box 489, Bloomfield Hills, MI 48303-0489 - Telephone: (248) 433-7795 - Fax: (248) 433-7729.

Dated: July 26, 2021 **INFORMATION ONLY**