

Commission Letter # 257-10
Commission Meeting: 8/16/2010

RE: LCC Recommendation -- Sangria, 401 S. Lafayette

August 11, 2010

The Honorable Mayor
and
Members of City Commission

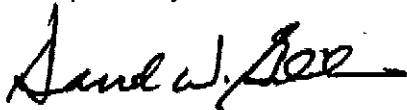
The City has been notified that Royal Oak Dining, L.L.C., d/b/a Sangria at 401 S. Lafayette, has submitted a request to the Michigan Liquor Control Commission for additional space and an additional bar permit to allow the installation of an "ice bar" for a period of approximately six months.

Generally, the City Code requires a public hearing on a request from a licensee to alter the physical size of an existing establishment. In that the proposed expansion to Sangria is temporary, in our opinion a public hearing is not required. However, in our opinion the additional space and additional bar do require an amendment to the approved Plan of Operation for the business. A proposed Temporary Amendment to Plan of Operation dated August 11, 2010 is attached.

The City's Liquor Control Committee reviewed this request at its August 11, 2010 regular meeting, and unanimously recommended that the City Commission approve the proposed Temporary Amendment. If the Commission agrees with this recommendation, the following resolution would be appropriate:

BE IT RESOLVED, that the City Commission hereby approves the August 11, 2010 Temporary Amendment to Plan of Operation for Royal Oak Dining, L.L.C., d/b/a Sangria at 401 S. Lafayette.

Respectfully submitted,



David W. Gillam
City Attorney

cc: Donald E. Johnson, City Manager
Melanie Halas, City Clerk
Christopher M. Jahnke, Chief of Police
Lt. Gordon Young, Criminal Investigations

Received

AUG 11 2010

SANGRIA
TEMPORARY AMENDMENT TO PLAN OF OPERATION
As of August 11, 2010

City Attorney's Office
Royal Oak, MI

Business Name: Royal Oak Dining, L.L.C.
Doing Business as: Sangria
Address: 401 S. Lafayette
ROYAL OAK, MI 48067

PREAMBLE: I have reviewed a copy of the Royal Oak City Ordinance 2001-2006. I understand that Royal Oak Dining, LLC ("Sangria") must operate in accordance with a Plan of Operation which is approved by the Royal Oak City Commission.

PURPOSE FOR AMENDMENT: The purpose for this Amendment to Sangria's current Plan of Operation, dated May 2, 2001 ("5/2/01 Plan of Operation"), attached as Exhibit A, is to explain the addition and use of additional space which will be called the "Ice Bar". The Ice Bar will be added to Sangria for use in a Prospective Reality T.V. show which will be filmed at Sangria. The Ice Bar will also be open to the public. The Ice Bar will be removed at the end of the filming, which should be approximately six (6) months from the beginning of filming. This Amendment to the 5/2/01 Plan of Operation pertains only to the Ice Bar.

NOTICE: Sangria will notify the Royal Oak Police Department of the following dates regarding the Ice Bar:

- 1) Date construction is complete;
- 2) Date of beginning of filming;
- 3) Date of completion of filming; and
- 4) Date of removal.

The Ice Bar will be removed no later than March 1, 2011, unless this Plan of Operation is extended with the consent of the Royal Oak City Commission.

HOURS OF OPERATION: The hours of operation for the Ice Bar will be as follows:

| | |
|-----------|------------------------|
| Wednesday | 9:00 p.m. – 12:00 a.m. |
| Thursday | 9:00 p.m. – 1:30 a.m. |
| Friday | 9:00 p.m. – 1:30 a.m. |
| Saturday | 9:00 p.m. – 1:30 a.m. |

The only exception will be during Arts, Beats & Eats which will be from Tuesday, August 31st until Tuesday, September 7th 2010. During this time, the Ice Bar will open every day at 1:00 p.m. and close in accordance with the 5/2/01 Plan of Operation, which states that Sangria closes at Midnight on Monday, Tuesday and Wednesday.

BAR/SEATING: The bar will be eight (8) feet long, built from ice. The Ice Bar will be placed in the space depicted on the attached plan. There will be no chairs or stools at the Ice Bar.

There will be three (3) 30" diameter high top tables with three (3) chairs at each table. The tables will be made of ice, the chairs will be aluminum. There will also be four (4) chairs located on the side of the ice wall, as shown on Exhibit B.

DANCE/ENTERTAINMENT: There will be no dancing, entertainment or music in the Ice Bar.

DIMENSIONS/FLOOR PLAN: The dimensions for the Ice Bar are attached as Exhibit B. The "buffer area" is 121 square feet. The Ice Bar area is 260 square feet. The entire area will be fully enclosed.

OUTSIDE 2nd FLOOR ROOF: Customers will not be allowed on the outside 2nd floor roof. There is a "panic bar" which will prohibit entry to this area.

INCORPORATION: The 5/2/02 Plan of Operation is incorporated into this document, and attached hereto as Exhibit B. The capacity in Sangria, as posted, will remain in effect.

Date: August 10, 2010

Royal Oak Dining, L.L.C. d/b/a Sangria

By: _____

Luigi Cutraro

Its: Manager

Phone No. 248-343-2255

MAY 02 2001

AM
7,8,9,10,11,12,1,2,3,4,5,6
PM

CITY OF ROYAL OAK
CLASS C LIQUOR LICENSE OR TAVERN LICENSED BUSINESS
AMENDED PLAN OF OPERATION AS OF MAY 2, 2001

| | | |
|---------------------------------|-------------------|-------------------------|
| <u>ROYAL OAK DINING, L.L.C.</u> | <u>SANGRIA</u> | <u>401 S. LAFAYETTE</u> |
| Business Name | Doing Business As | Street Address |

Preamble: I/We have received a copy of Royal Oak City Ordinance #90-3 Liquor Control Ordinance for issuance/transfer for Class C liquor/tavern licenses, understand its provisions and will be governed by it. The following Plan of Operation is developed in keeping with the spirit and intent of this Ordinance.

- I. Hours of Operation: Our hours of operation will be Monday, Tuesday, and Wednesday 11:00 a.m. until 12:00 midnight, last call will be at 11:30 p.m., last service will be at 11:40 p.m. On Thursday, Friday and Saturday, the hours will be from 11:00 a.m. until 2:00 a.m., with last call given at 1:30 a.m. and last service at 1:40 a.m. On Sunday, the hours will be 12:30 p.m. until 1:30 a.m., with last call given at 1:00 a.m. and last service at 1:10 a.m.

- II. Format: The premises will be primarily operated as a full service restaurant, offering a full service bar for clientele; full service kitchen facility; providing for 130 patrons downstairs, 24 patrons outside/sidewalk (upon approval of outdoor service permit by City and the Michigan Liquor Control Commission) and 90 patrons upstairs. There will be a Flamenco dancer downstairs on Thursdays between 9:00 to 10:00 p.m. On Wednesday at 5:00 p.m., upstairs there will be cigar and martini until closing. At 9:00 p.m. there will be a band performing called Blackman and Arnold, they play Spanish music. This band plays every Thursday at Woodruff. On Thursdays we will have Argentine Tango beginning at 8:00 p.m. upstairs. On Fridays and Saturdays there will be a piano bar and Latin dancing in between sets. On Sundays, there will be Latin dancing at 9:00 p.m. until closing with a hair show performed by Pallazollo Hair Salon. We agree to adhere to the provisions of the Entertainment Agreement, which has been signed. It is agreed that we will not change the format or type of business without written approval of the City commission. This includes changing from a full-service restaurant to a bar where food service is reduced, etc. The ratio of food sales to alcohol sales is anticipated to be: 70-30%.

- III. Code Compliance: Architectural plans have been completed and submitted for approval to the Building Inspection Department. The site plan has been submitted to the Planning Department and approved. The premises when completed will fully comply with all applicable health, building and fire codes as well as zoning requirements. Concerns regarding barrier free accessibility have been addressed in the plans and will be implemented immediately.

- IV. Security: Security for the customer, building and community is the first priority for the corporation, and as such, we will undertake whatever measures are necessary to maintain as supervise the expected level.

Patio Enclosure – All patrons will be required to enter through existing door only, there will be no entrance or exit directly from patio, except an emergency door. Depending on the hour of operation, patrons will either be checked by door person or wait staff. Our staff is diligently trained to check everyone's ID. Staff will monitor all patrons seated on patio and be trained and aware of the responsibility of drinks not being passed over railing. The staff will also be conscious of people gathering outside of the railing so as not to create a blockage of the public walkway. There will be no music on the patio.

V. **Parking:** Parking shall be provided as follows:

Employees are encouraged to park in the structure on Lafayette. Many employees have purchased monthly parking permits. Valet parking is offered Tuesday through Sunday, from 5:00 p.m. to 1:00 a.m. The valet service will operate on Lafayette (west side of the building). The vehicles will be parked in the parking structure.

VI. **Emergency Contacts:**

The emergency contacts for Royal Oak Dining, L.L.C., are Luigi Cutraro, 1215 Bembridge, Rochester Hills, Michigan, Phone: 248-656-2418, and Justin Cataldo, 18365 Spring Court North, Fraser, Michigan 48026, Phone: 810-293-6089.

VII. **Management:** Luigi Cutraro will perform the day-to-day management of Sangria.

VIII. **Alcohol Management:** The establishment will strictly obey all rules and regulations promulgated by the City of Royal Oak and the State of Michigan Liquor Control Commission. There will be neither service to nor consumption of alcoholic beverages to any person under the age of 21 years old.

The following policies will be enforced at the establishment:

1. No alcoholic beverages will be allowed on the premises, other than what is dispensed by the establishment.
2. All Staff will pay attention and be alert to observable clues displayed by an intoxicated individual such as: impaired reflexes, impaired coordination, reduced judgment and inhibitions, impaired vision, etc.
3. All staff will be alert to potential problems at their respective areas at the facility.
4. Be polite and courteous to the intoxicated individual(s). Be knowledgeable as to when to request assistance from additional facility staff.

or a similarly recognized program approved by the Royal Oak Police Chief. TIPS/TAM certification for all employees shall be provided to the Chief of Police within 35 days of date of hire.

14. Capacity: The management will utilize a counting device (known as a "clicker") at the front door to monitor the capacity at all times.
- IX. Refuse disposal: The establishment will dispose of refuse in enclosed dumpsters, with locked lids. Pickup will be a minimum of 3 times per week. A water line with spigot will be provided to clean dumpster enclosure if necessary.
- X. General: Every effort will be made to maintain positive relationships with adjacent and nearby businesses as well as cooperation with all city departments. Every effort will be made to solve any problems which may arise.

Date: May 2, 2001

Royal Oak Dining, L.L.C., d/b/a Sangria
Corporate Name/Doing Business As

By:


Luigi Cutraro, Manager

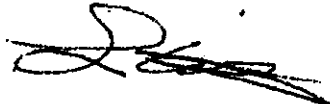
2/19/09 

EXHIBIT B

IN F U Z
INCORPORATED
ARCHITECTS

6755 Broadway
St. Clair, Michigan 48187
Phone: (313) 366-3700

Unauthorized use of this drawing without the written consent of the architect is prohibited. This drawing is the property of the architect and shall remain confidential. It is to be used only for the project and site identified herein.

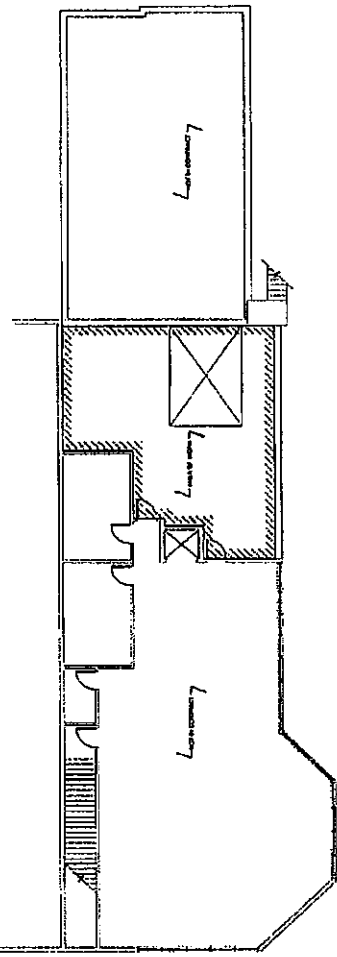
PROJECT: SANGRIA TAPAS CARE ADDITION
ADDRESS: 401 S. LAFAYETTE AVE
CITY: ROYAL OAK, MI 48067

| DATE | DESCRIPTION |
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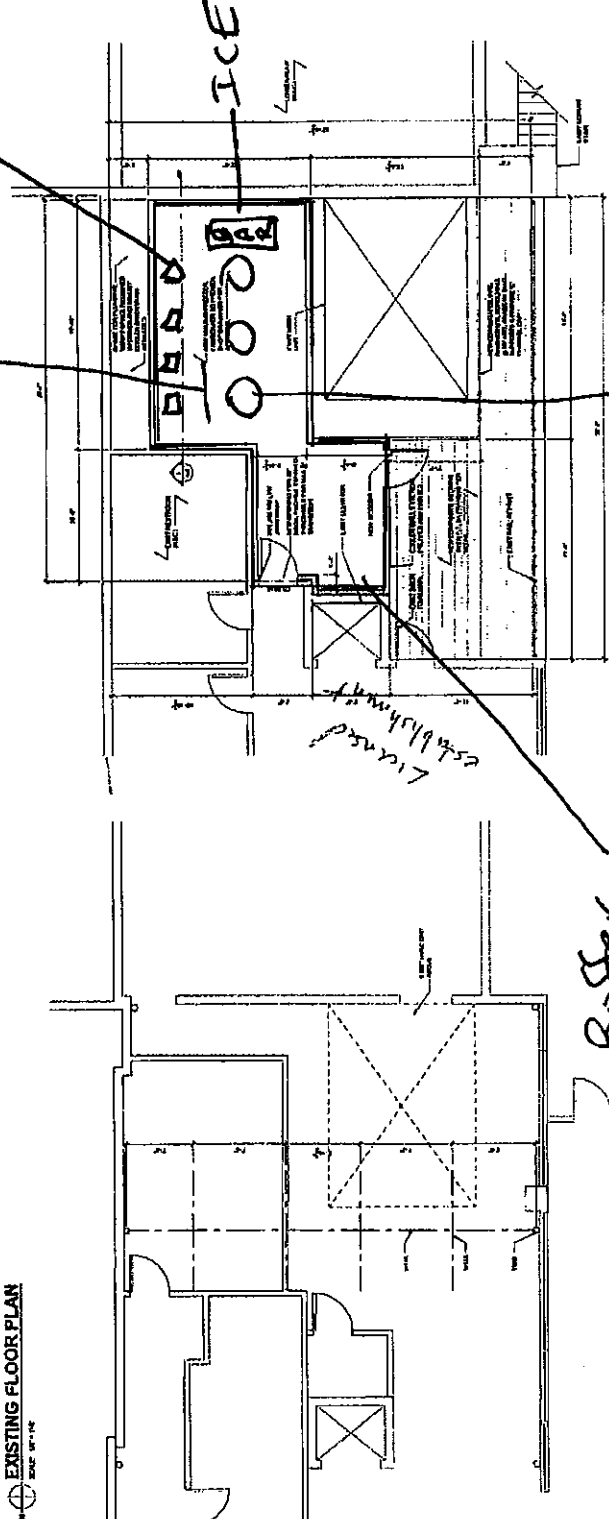
Project Number: FLOOR PLANS
Scale: 1/8" = 1'-0"

NOTES

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
2. FINISHES TO BE DETERMINED BY THE ARCHITECT.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2012 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND ALL APPLICABLE LOCAL ORDINANCES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
6. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE.
8. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS AND WASTE.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
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15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS AND WASTE.



Ice Bar
260 Sq. feet
Chairs



Buffer Area
121 Sq. feet

Tables (Ice)
chairs

EXISTING FRAMING PLAN
SCALE: 1/8" = 1'-0"