

MEMORANDUM

To: Mr. Don Johnson, City Manager

From: Gordon Young, Deputy Chief of Police

CC: Corrigan O'Donohue, Chief of Police *CR*

Date: 3/11/2013

Re: CHANGE IN THE PLAN OF OPERATION FOR PIZZERIA BIGA

Pizzeria Biga, located at 711 S. Main St., has requested to change their plan of operation.

Changes include:

- Hours of Operation
 - Opening at 8:00 a.m. on Saturday and Sunday. Currently, they open at 11:00 a.m.
 - Pizzeria Biga will offer a brunch menu each morning.
 - Pizzeria Biga will seek the approval of the Chief of Police to open early for special occasions, such as St. Patrick's Day, Dream Cruise week and Arts, Beats and Eats.

The format will not change and the patron seating will not change (69 interior and 24 exterior). Pizzeria Biga is a well run establishment with no significant calls for police service. Over the past year, this department responded to 35 calls-for-service. None were related to the service of alcohol. The Royal Oak Police Department does not object to any of the requested changes in the Plan of Operation for Pizzeria Biga.

Approval for this change in the Plan of Operation is subject to the approval or denial of the Royal Oak City Commission.

Respectfully,



Gordon Young
Deputy Chief of Police
Royal Oak Police Department

Pizzeria Biga
PLAN OF OPERATION
711 S. Main, Suite 200, Royal Oak, 48067

As of
February 22, 2013

Deleted: June 23, 2011

PREAMBLE: We received a copy of the 2001-06 City of Royal Oak ordinance regulating liquor licenses. 711 Bistro, LLC is requesting a "Bistro" Redevelopment Quota Class C Liquor Licenses with Sunday Sales Permit, Outdoor Service Area Permit and Official Permit (Food) to be located at 711 S Main, Suite 200, Royal Oak, Michigan, Oakland County, Michigan to be Issued Pursuant to MCL 436.1521a(1)(b). The following Plan of Operation is developed in keeping with the spirit and intent of the City's Ordinance. 711 Bistro, LLC will do business as Pizzeria Biga ("Pizzeria Biga")

HOURS OF OPERATION: Hours of operation will be Monday through ~~Friday~~ 11:00 A.M. to Midnight ~~and Saturday and Sunday from 8:00 A.M. to Midnight~~. Last call will be 30 minutes before closing, last service will be 20 minutes before closing. ~~Pizzeria Biga may open earlier for special occasions, such as St Patrick's Day, Dream Cruise week and Arts, Beats and Eats with the prior approval of the Chief of Police.~~

Deleted: Sunday

FORMAT/BISTRO CONCEPT: Pizzeria Biga will operate as a Bistro in strict accordance with §2001-6(E), commonly known as the "Bistro Ordinance" as follows: Food service shall be Pizzeria Biga's primary purpose. It is anticipated that the food to alcohol ratio will be 80% food sales to 20% alcohol sales (primarily wine and craft beers).

Pizzeria Biga will specialize in high quality specialty pizzas, accompanied by cheese and salami plates, small plates, soups and salads. Pizzeria Biga will also have specialty Italian dishes for the full course meals. Biga is a natural non-commercial starter of pizza dough created to perfection.

Pizzeria Biga will be a Bistro with a full service kitchen with interior seating, which meets all of the following criteria:

- a. Pizzeria Biga has applied for a redevelopment district license, as defined in the Michigan Liquor Control Code, MCLA §436.1101 et. seq., and complies with the provisions of the redevelopment district license requirements.
- b. The interior seating, including bar seating, is 69 seats, including 46 seats on the main floor, 16 seats in the mezzanine level and 7 seats at the bar.
- c. Pizzeria Biga will have seasonal sidewalk café seating, or outdoor seating on its garden level, depending on the City's determination that there is sufficient space. There will be no more than 24 seats in the seasonal outdoor café(s).

- d. Bar Seating is 7 seats.
- e. There is no dance permit.
- f. Pizzeria Biga closes nightly at 12:00 midnight.
- g. There will not be any gaming devices of any kind on the premises.
- h. Alcohol shall only be sold to seated patrons.
- i. The interior seating area is approximately 1,700 square feet.
- j. Pizzeria Biga will never request a direct connection bar permit.
- k. Pizzeria Biga will otherwise comply with all requirements of the Royal Oak City Code.

Pizzeria Biga understands that it must enter into a written agreement with the City setting forth all the operating requirements set forth in (a) through (k) above; and that failure to comply with the terms and conditions of the agreement shall be grounds for the City to recommend revocation of the license to the Michigan Liquor Control Commission.

Pizzeria Biga may occasionally offer live musical entertainment restricted to non-amplified acoustic instruments such as piano or guitar.

CODE COMPLIANCE: The premises, when remodeled/completed, will fully comply with all applicable health, safety, building, sanitation, electrical, plumbing, and fire codes, as well as zoning requirements.

OUTDOOR SERVICE: There will be Outdoor Service Area located on the garden level, which will have seating for no more than 24 patrons [subject to Planning approval]. The Outdoor Service Area will operate in accordance with and consistent with all City policies, practices, and procedures regulating outdoor service, including, but not limited to:

- a. The Outdoor Service Area will not be permanently enclosed;
- b. The fence and/or other barricades or rail surrounding the Outdoor Service Area will be anchored in accordance with the Uniform Engineering Anchoring System as promulgated by the Engineering Department of the City of Royal Oak;
- c. The manner in which the Outdoor Service Area is enclosed shall be subject to prior approval and inspection by the Police and Engineering Department;
- d. The use of alcohol will be allowed in accordance with the rules of the Michigan Liquor control Commission and the City's Ordinances from April 15th to October 15th;
- e. The Outdoor Service Area will be clean free of debris or trash. The Area shall be cleaned at the close of each business day; and,

- f. Pizzeria Biga will pay fees in accordance with the City's Sidewalk Café License Agreement application, if applicable.

PLAN OF OPERATION: It is acknowledged that Pizzeria Biga shall be operated in accordance with an approved Plan of Operation. We acknowledge that changing the operation of this business in any manner inconsistent with the approved Plan of Operation is a violation of the ordinance and the rules of the Liquor Control Commission, and that any changes to the Plan of Operation must be approved by the City Commission prior to it being placed into effect on the business premises.

SECURITY: Security for the customers, building, and community will have the highest priority, and we will undertake whatever measures are necessary to maintain and supervise the expected level.

PARKING: There is no on-site parking required as the business is located in the Central Business District of Royal Oak. Employees will park in city parking structures.

ALCOHOL MANAGEMENT: Pizzeria Biga 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 by minors at any time. No alcohol will be sold, or permitted to be sold, on a commission basis by any person.

The following policies will be strictly enforced at the establishment:

- a. No alcoholic beverages will be allowed on the premises, other than what is dispensed by the establishment.
- b. 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.
- c. All staff will be alert to potential problems at their respective areas at the facility.
- d. All staff will be polite and courteous to the intoxicated individual(s) and will be knowledgeable as to when to request assistance from additional facility staff.
- e. Patrons who appear to be 30 years of age or younger will be asked to show proper identification. Signage will be posted at serving locations. Patrons will be required to produce proper identification.
- f. Patrons who appear to be 30 years of age or younger will be asked to show proper identification. Signage will be posted at serving locations. Patrons must produce proper identification.

- i. All patrons under age of 21, service will be refused
- ii. We will check state seal and other markings. We will check for damages or alterations to identification card
- iii. Falsified ID cards will not be returned.
- g. If a patron shows signs of intoxication, we will refuse service, politely explain policy, suggest non-alcohol purchase, and/or call management, if necessary.
- h. If a patron is purchasing on behalf of someone else who appears to be less than 30 years old, our staff will request to see identification of recipient or contact supervisory personnel who will seek patron out. Staff will refuse service to minors and will inform all parties involved that policy allows for ejection from premises if illegal activity has occurred.
- i. Alcohol dispensing will be restricted to any of the following practices or any combination thereof:
 - i. No sales to intoxicated persons
 - ii. No sales without proper identification
 - iii. Limited alcoholic choices, if necessary
 - iv. When in doubt, do not serve, call supervisor
- j. No patrons may leave the property with opened alcoholic beverages.
- k. Our staff will approach any person appearing to be impaired and leaving the event to determine if they are driving. If so, staff will attempt to persuade them not to drive and request a non-impaired companion to drive. If unable, staff will refer patron to bus or taxi service.
- l. Supervisory and management personnel will complete documentation of any alcohol-related incidents at the end of any event. Information will be disseminated accordingly.
- m. We shall provide non-alcoholic beverages to all designated drivers for free.
- n. The establishment full participates in the Techniques in Alcohol Management Program and will continue such participation in that program or a similarly recognized program approved by the Royal Oak Police Chief. TIPS/TAM certification for all employees shall be available for inspection by, the Chief of Police within 35 days of date of hire.

~~Deleted: provided to~~

REFUSE DISPOSAL: The establishment will dispose of refuse in enclosed dumpsters, with locked lids. Pickup will be a minimum of once a week. A water line with spigot will be provided to clean dumpster enclosure as necessary.

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.

EMERGENCY CONTACTS: Michael Chetcuti — (734) 320-4711
Michael Collins — (248) 761-2013

Corporate Name: 711 Bistro, LLC

Signed:

Michael Chetcuti
Member

Pizzeria Biga
PLAN OF OPERATION
711 S. Main, Suite 200, Royal Oak, 48067

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Michael Collins — (248) 761-2013

Corporate Name: 711 Bistro, LLC

Signed:

Michael Chetcuti
Member

PIZZERIA BIGA
711 S. Main

TOTAL CALLS FOR SERVICE – 3/1/2012 – 3/1/2013 = 35

**Just opened in April 2012

<u>DATE</u>	<u>REPORT/D-CARD</u>	<u>COMPLAINT</u>	<u>SYNOPSIS</u>
4/24/2012	12-10191D	Open Alarm	Alarm to the south entry door. Cancel per alarm company.
5/11/2012	12-11809D	Open Alarm	Southwest dining motion. Checked secure. No report.
5/12/2012	12-11936D	Open Alarm	Cancel per alarm company. Employee forgot to turn off motion sensors. Checks o.k.
5/18/2012	12-12478D	Open Alarm	Cancel per caller. No report.
5/20/2012	12-12733D	Burglary Alarm	South entry door. Cancelled prior to arrival.
5/21/2012	12-12811D	Open Alarm	South entry door. Cancelled per Alarm Co.
5/22/2012	12-12900D	Open Alarm	South entry door. Alarm company called and cancelled.
5/27/2012	12-13460D	Open Alarm	Front motion. Manager at pizza shop next door said that one of his employees took the elevator to the bottom floor which opens to Clover Leaf and accidentally set off the alarm. Checked o.k. at this time. No report.
5/28/2012	12-13514D	Burglary Alarm	Front door. Cloverleaf is closed but they share the same elevator with Pizza Bigga & the manager used the elevator for a handicap customer and opened the front door. The alarm is going to be reset. No report.
6/9/2012	12-14803D	Business Walk	Business check, no report.
6/10/2012	12-14920D	Open Alarm	Front door. Cancelled per the alarm company. No report.
6/13/2012	12-15171D	Open Alarm	South entry door. Cancel per caller.
6/15/2012	12-15401D	Open Alarm	South door checks secure. Same vehicle in lot as yesterday, alarm co. called to cancel. No report.
6/20/2012	12-15960D	Open Alarm	Check's o.k. No report.
6/20/2012	12-15963D	Open Alarm	Duplicate: officer's already on scene.

PIZZERIA BIGA
711 S. Main

6/22/2012	12-16136D	Open Alarm	South entry glass break – cancel per caller.
6/29/2012	12-16870D	Open Alarm	South west dining room area motion. Cancelled per Alarm Co. No report.
7/2/2012	12-17304D	Open Alarm	Cancelled per alarm co., spoke to employees, trouble with south door. No report.
7/9/2012	12-18077D	Open Alarm	South entry door. Cancelled per audio century. No report.
8/4/2012	12-20984D	Open Alarm	Secure, no broken glass. Train going by set off alarm. No report
8/7/2012	12-21385D	Open Alarm	Cancel per Alarm Co. No report.
8/31/2012	12-24171D	Solicitors/Peddlers – No Permit/License	Restaurant was not on the list of approved places to sell parking spaces. Owner was issued a citation and complied with officer's request to cease operation.
9/1/2012	12-24347D	Soliciting – No Permit	Pizzeria owner advised on passing out coupons. No report.
9/3/2012	12-24617D	Open Alarm	Front door. Cancel per Alarm Co. No report.
9/4/2012	12-24754D	Open Alarm	Front door alarm. Call cancelled per the alarm company. No report.
9/5/2012	12-24780D	Open Alarm	Second floor motion secure. No report.
9/14/2012	12-25602D	Open Alarm	South entry glass break. Cancelled. No report.
9/17/2012	12-26025D	Open Alarm	Alarm to the south entry door. Cancelled per Alarm Co. No report.
10/31/2012	12-30193D	Open Alarm	South doors. Checks ok. No report.
10/31/2012	12-30241D	Property Damage	Vehicle was hit while in the parking lot. Both drivers known. Crash report taken.
11/14/2012	12-31576D	Open Alarm	Front door. Delivery van parked outside. Checks ok per co-owner's arrival. No report.
12/9/2012	12-34141D	Open Alarm	Front door. Set off by manager. Checks ok. No report.

PIZZERIA BIGA
711 S. Main

12/26/2012	12/35750D	Open Alarm	Alarm to the front door. Checks secure ground level. No report.
1/1/2013	13-92D	Open Alarm	Front door. Cancel per alarm co.
1/25/2013	13-2391D	Open Alarm	Front door. Checks ok. No report.