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July 14, 2023

HONORABLE CITY COUNCIL

Re: Resolutions to Continue the Issuance of Outdoor Dining Permits on a Street, Alley, or Public Easement, until November 15, 2023


Throughout the progression of the novel coronavirus (COVID-19), the outdoor dining program supported businesses by providing additional opportunities to maximize customer capacity while meeting public health guidelines. The program has since become a popular and successful means for the City of Detroit to support local businesses. The Department of Public Works (DPW) now seeks to continue supporting this effort by extending the streamlined process for eating and drinking establishments to obtain permits for outdoor dining spaces on streets, alleys, or public easements, to help ensure that these areas remain active and bustling. Previous resolutions allow for the current streamlined process to continue through July 31st, 2023.

To continue this program, DPW is submitting the attached resolutions, which if approved by City Council, shall serve as legislative authorization to extend the expedited issuance of outdoor dining café permits and for the temporary closures of a street, alley, or public place by DPW during the 2023 seasonal period until November 15th, 2023.

During the seasonal extension through July 31st, a working group has been convened in partnership with City Council to determine the feasibility of a permanent program and develop any procedures and legislation necessary to implement a permanent program beyond the extension period. The working group has provided initial recommendation including the development of an ordinance to update the Outdoor Dining program based on group's feedback. The requested extension will provide adequate time to develop the ordinance, in partnership with City Council, in anticipate of the 2023-2024 Outdoor Dining seasons that would begin on November 15th, 2023.

These resolutions acknowledge that businesses will still be required to request permits for individual outdoor cafés, and that these requests will still be subject to approvals by all applicable city agencies, including DPW, DPD, BSEED, Health, Housing & Revitalization, as well as the Michigan Liquor Commission, if alcohol is to be consumed in the seating area, and Health's Food & Safety Division if outdoor grilling of food is desired. These resolutions, if approved by Council, will eliminate steps that will have to be repeated for multiple businesses, helping to ensure that all businesses that desire to have outdoor cafes have approved permits in place in time for the upcoming season.

Respectfully Submitted,


Ron Brundidge, Director
Department of Public Works

Cc: Malik Washington, Mayor's Office
James Hannig, DPW
Oladayo Akinyemi, DPW
Richard Doherty, DPW CED
Prassad Nannapaneni, DPW TED

MICHAEL DUGGAN, MAYOR

RESOLUTION

BY COUNCIL MEMBER _____ :

WHEREAS, pursuant to Chapter 43, *Streets, Sidewalks, and Other Public Places*, Article 8, *Encroachments and Obstructions*, Section 43-3-2, *Determination of rights of City and public utilities*, of the 2019 Detroit City Code, City Council may provide by resolution for the temporary closure of a street, alley, or public place based upon a recommendation by the Department of Public Works; and

WHEREAS, the food service establishments in the City of Detroit operate on increasingly thin margins as the local, state, and national economies continue to rebound in the wake of the COVID-19 crisis; and

WHEREAS, the City established an expedited process in response to the COVID-19 crisis for the temporary closure of streets, alleys, and public places, and has continued such program which allows businesses to utilize the space provided by such temporary closures to maximize customer capacity; and

WHEREAS, the City of Detroit is in the process of developing a more permanent and streamlined process for the evaluation and approval of temporary closures of streets, alleys, and public places; and

WHEREAS, the coordination of overlapping local, county, and state jurisdictions necessitates additional time and consideration in the development process; and

WHEREAS, the City of Detroit is eager to continue supporting the active operation of businesses in a safe manner that protects the patrons and employees of food service establishments and other businesses within the City; and

WHEREAS, the Department of Public Works has attached a report to this resolution identifying the criteria which must be met as determined by the Department of Public Works for the temporary closure of a street, alley, or public place, and

WHEREAS, This Honorable Body acknowledges the City's goals of supporting local businesses and allow for such businesses to maximize their use of available outdoor space; and
NOW THEREFORE BE IT

RESOLVED, that the Detroit City Council approves an expedited process and grants approval to the temporary closure of a street, alley, or public place as outlined in this resolution and in the attached report; and **NOW THEREFORE BE IT**

FURTHER RESOLVED, that if the temporary closure of the street, alley, or public place will pose a significant impact on the surrounding neighborhood by altering or restricting vehicular or pedestrian traffic, the details of the closure shall be posted on the City website and emailed to all residents within the impacted area that are registered with the Department of Neighborhoods and to all City Council Members that represent the impacted area; and **NOW THEREFORE BE IT**

FURTHER RESOLVED, that the Department of Public Works shall provide a report to the Detroit City Council commencing thirty (30) days from the adoption of this resolution, and every thirty (30) days thereafter, identifying any temporary closure of a street, alley, or public place for the preceding thirty (30) days; and **NOW THEREFORE BE IT**

FINALLY RESOLVED, that the grant of authority by this Honorable Body to the Director of the Department of Public Works for the automated process authorized by this resolution shall expire on November 15, 2023.

RESOLUTION

BY COUNCIL MEMBER _____ :

WHEREAS, outdoor dining cafes are designated areas on a street, alley, or public easement where customers may retrieve and/or consume food and/or beverages provided by an abutting food service establishment. Such establishments may provide either table service in the outdoor dining area or sell take-out items to be consumed in that area; and

WHEREAS, seasonal outdoor dining cafes generally operate during the months of April through November; and

WHEREAS, pursuant to Chapter 43, *Streets, Sidewalks, and Other Public Places*, Article 8, *Encroachments and Obstructions*, Section 43-8-23, *Temporary Encroachments*, of the 2019 Detroit City Code, states that “the City Council shall only approve an encroachment after receiving a report from the Department of Public Works and the Planning and Development Department”; and

WHEREAS, the 2019 Detroit City Code indicates that the permit application must also be reviewed by various City departments, including the Department of Public Works, Police, Health, Buildings, Safety, Engineering, and Environmental, as well as the Historic District Commission and Michigan Liquor Commission; and

WHEREAS, the food service establishments in the City of Detroit operate on increasingly thin margins as the local, state, and national economies continue to rebound in the wake of the COVID-19 crisis; and

WHEREAS, the City established an expedited permit process for the issuance of outdoor café permits as a response to the COVID-19 crisis, and has continued such program which allows for additional space for businesses to maximize customer capacity; and

WHEREAS, the City of Detroit is in the process of developing a more permanent and streamlined process for the evaluation and approval of temporary encroachments; and

WHEREAS, the coordination of overlapping local, county, and state jurisdictions necessitates additional time and consideration in the development process; and

WHEREAS, the City of Detroit is eager to continue supporting the active operation of businesses in a safe manner that protects the patrons and employees of the restaurant industry by continuing the expedited permitting process; and

WHEREAS, the Department of Public Works and the Planning and Development Department have created a report, attached to this resolution, identifying the criteria that must be met in order for an outdoor café permit to be approved; and

WHEREAS, the Department of Public Works shall regularly inspect businesses operating under an Outdoor Café Permit to determine compliance with the permit requirements to enable their continued operation; and

WHEREAS, this Honorable Body acknowledges the City's objective to support local businesses and allow for such businesses to maximize their use of available outdoor space; and **NOW THEREFORE BE IT**

FURTHER RESOLVED, that the Detroit City Council approves an expedited permit for this streamlined process and grants approval of all outdoor café permits submitted for outdoor dining café seating areas for all licensed food service establishments for the 2023 season that meet the criteria in the attached report; and **NOW THEREFORE BE IT**

FURTHER RESOLVED, that upon fulfillment of the criteria to operate an outdoor dining café in a street, alley, or public easement, and the accurate completion and submission of the application for an outdoor café permit, the food service establishment shall receive a permit from the Department of Public Works to operate within the street, alley, or public easement so identified; and **NOW THEREFORE BE IT**

FURTHER RESOLVED, that the Department of Public Works shall provide a report to the Detroit City Council commencing thirty (30) days from the adoption of this resolution, and every thirty (30) days thereafter, identifying any outdoor café permit issued for the preceding thirty (30) days; and **NOW THEREFORE BE IT**

FINALLY RESOLVED, that the expedited process authorized by this resolution, and the grant of approval by this Honorable Body, shall only apply to licensed food service establishments and shall expire on November 15, 2023.