

Planning & Development Department

June 7, 2016

Honorable City Council:

Re: Petition No. 1068 – Shangri-La Restaurant to Establish an outdoor Café at 4710-12 Cass Avenue.

The above named petitioner has requested permission for Outdoor Café Service. This service will convene every April 1st through November 30th, for a period of three (3) years, from the date of your Honorable Body's approval.

The Department of Public Works/City Engineering Division (DPW/CED) who has jurisdiction over temporary encroachment on City right-of-ways has approved this request contingent upon the petitioner's compliance with applicable City ordinance related to outdoor café activities and the remittance of the annual use-permit fee to the Permit Section of the DPW/CED.

The Health Department has approved this petition, subject to petitioner's strict adherence to the 1999 Food Code, Food Law of 2000 and City Ordinance, Chapter 21. No outdoor grilling is permitted without approval from the Health Department's Food Safety Division.

Approval from the Detroit Police Liquor License Bureau is contingent upon the final action given by the City Council towards the above-referenced petition. Prior approval from the Central District Precinct does not cover serving liquor in outdoor café area until the Detroit Police Liquor License Bureau has given approval.

The Planning & Development Department (P&DD) is not aware of any objections from any other City Agencies involved. It is the recommendation of the P&DD that the petitioner's request be granted subject to the terms and conditions provided in the attached Resolution and that this service will convene every April 1st through November 30th for a period of three years (3) from the date of your Honorable Body's approval.

Respectfully submitted,

JOHN SAAD, P.E.

Engineering Services Coordinator
Planning & Development Department
By Council Member Leland:

Resolved, That the Department of Public Works – City Engineering Division (DPW/CED) is hereby authorized and directed to issue a Use-permit to Shangri-La Restaurant, Detroit "permittee", whose address is at 4710-12 Cass Avenue, Detroit, Michigan 48201, to install and maintain an outdoor café, which will convene every April 1st through November 30th, for a period of three (3) years from the date of your Honorable Body's approval, contingent upon licensee of such premises obtaining approval of the Michigan Liquor Control Commission, if necessary, and compliance with applicable City Ordinance in connection with out-

door café activities, prior to the issuance of said use permit; and

Provided, That the café meets the regulations set by the "Outdoor Café Guidelines" as adapted by the City Council and guided by Chapter 58, Section 50-2-8.1 of the City Code; and

Provided, That the petitioner obtains all necessary licenses and permits every year from Departments having jurisdiction over Outdoor Café process; and

Provided, That the petitioner obtains all necessary permits and Certificate of Occupancy from The Department of Building, Safety Engineering and Environmental (BSEE); and

Provided, That said activities are conducted under the rules and regulations of the Department of Transportation, Department of Public Works and the supervision of the Police Department; and

Provided, That the sale of food and soft drinks is held under the direction and inspection of the Health Department; and

Provided, That the "permittee" remit the required annual fee(s) to DPW/CED for issuance of a use-permit and confirm license of the establishment in compliance with the City Code; and

Provided, That the "permittee", prior to obtaining said permit, file an indemnity agreement in a form approved by the Law Department, saving and protecting the City of Detroit harmless from any or all claims, damages or expenses that may arise by reason of the issuance of said permit and the faithful performance by the "permittee" of the terms thereof, and in addition, to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and

Provided, That the filing of said indemnity agreement for this current year shall be construed as acceptance of this Resolution by the "permittee"; and

Provided, That the permit is revocable at the will, whim and caprice of the City Council, and hereby expressly waives any right to claim damages or compensation for removal of encroachment, and further, that "permittee" acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That no other rights in the public streets, alley or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the "permittee" at any time when so directed by City Council, and that the public property so affected shall be restored to a condition satisfactory to the DPW/CED by said "permittee" at its expense; and

Provided, That the permit shall not be assigned or transferred without a written approval of the City Council; and

Provided, That the designated outdoor seating area shall be properly identified

through the use of railings in order to regulate and control the serving of liquor within the perimeter of the café; and

Provided, That the outline and location of the outdoor café is not to differ from the site plan approved by the Planning and Development Department and the Department of Public Works; and

Provided, That if any tent, canopy or other enclosure is to be utilized on the subject site, the applicant shall secure prior approval from Building, Safety Engineering & Environmental Department and the Department of Public Works/City Engineering Division; and

Provided, That the outline and location of outdoor café is not to be different from previously approved site plan by the Historic District Commission; and

Provided, That all railing equipment and fixtures shall be removed from the public right-of-way during the months of non-operation and placed in storage; and

Provided, That a certified copy of this Resolution shall be recorded with the Office of the Register of Deeds for Wayne County at the "permittee's" expense.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Cushingberry, Jr., Leland, Spivey, Tate and President Jones — 8.

Nays — None.

**PUBLIC HEALTH AND SAFETY
STANDING COMMITTEE**

**Department of Public Works
City Engineering Division**

May 27, 2016

Honorable City Council:

Re: Petition No. 256 — Cisneros Properties, LLC, request for renewal of temporary closure of a certain right-of-way near Greenfield Road and Winthrop (Related to Petition #4063.)

Petition No. 256 — Cisneros Properties, LLC, request for a renewal of temporary closure for the south part of the north-south alley, 20 feet wide, in the block bounded by Trojan Avenue, 60 feet wide, Lodge Freeway, Winthrop Avenue, 60 feet wide and Greenfield Avenue, 106 feet wide.

The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The request is being made to maintain security and to prevent illegal dumping for the property owners adjoining the alley. The area of the request is the southerly part of the north-south alley, and it was previously approved as a temporary closure by petition no. 4063 on September 17, 2001 on J.C.C. pages 2547-2549.

All involved City departments and privately owned utility companies have

reported no objections to the proposal, provided then have the right to ingress and egress at all times to their facilities. Provisions protecting the rights of the utilities and the City are a part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division — DPW

By Council Member Benson:

Whereas, Cisneros Properties, LLC has complied with the terms, conditions and restrictions of the Detroit City Council resolution of Petition number 4063, to temporarily close the south part of the north-south alley, approved by your Honorable Body on September 17, 2001 (Journal of City Council pages 2547-2549) now therefore be it

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to Cisneros Properties, LLC to close the south portion of the north-south alley, 20 feet wide, in the block bounded by Trojan Avenue, 60 feet wide, Lodge Freeway, Winthrop Avenue, 60 feet wide and Greenfield Avenue, 106 feet wide and being more particularly described as: the north-south alley, 20 feet wide lying easterly of and adjoining the easterly line of Lots 235 through 242, both inclusive, also lying westerly of and adjoining the westerly line of Lots 54 through 72, both inclusive "Maloney Park Subdivision of the N.E. 1/4 of the N.E. 1/4 of Section 1, T.1S., R.10E. City of Detroit, Wayne County, Michigan" as recorded in Liber 60, Page 2, Plats, Wayne County Records; on a temporary basis (for a period of Five (5) years) to expire on June 1, 2021; and

Provided, That the petitioner shall file with the Finance Department and/or City Engineering Division — DPW an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closing; and

Provided, The property owned by the petitioner and adjoining the temporary public alley closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the alley; and

Provided The petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public alley closing, and

Provided, No buildings or other structures of any nature whatsoever (except