



Administration Division
Coleman A. Young Municipal Center
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March 1, 2024

HONORABLE CITY COUNCIL

Re: Resolution to Continue the Issuance of Outdoor Dining Permits on a Street, Alley, or Public Easement, until December 31, 2024 – Café Permits Extension

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 March 31st, 2024.

To continue this program, DPW is submitting the attached resolution, 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 until December 31st, 2024.

During the seasonal extension through November 15, 2023, a working group was 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. DPW is currently working with the Law Department and Council Member Santiago-Romero's office to draft an ordinance that will establish that objective. The requested extension will provide additional time to develop the ordinance, prior to the 2025 Outdoor Dining program that is scheduled to begin on January 1st, 2025. This resolution acknowledges 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. This resolution, if approved by City 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,

DocuSigned by:
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Ron Brundidge, Director
Department of Public Works

CC: Malik Washington, Mayor's Office
Oladayo Akinyemi, DPW
James Hannig, DPW Complete Streets
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MICHAEL DUGGAN, MAYOR

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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, outdoor dining cafes generally operate during the months of April to 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

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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 2024 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 December 31, 2024.

MICHAEL DUGGAN, MAYOR