

February 24, 2022

**HONORABLE CITY COUNCIL**

**Re: Resolutions to Continue the Issuance of Outdoor Dining on a Street, Alley, or Public Easement, from April 2, 2022 – November 30, 2022**

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Throughout the progression of the novel coronavirus (COVID-19), the outdoor dining program has continued to support businesses by providing additional opportunities to maximize customer capacity while practicing social distancing guidelines. 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 April 1<sup>st</sup>, 2022.

To continue this program, DPW is submitting the attached resolutions, which if approved by City Council, shall serve as legislative authorization for DPW to issue outdoor dining café permits during the 2022 seasonal period of April 2<sup>nd</sup> through November 30<sup>th</sup>, 2022.

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: ?, Mayor's Office  
James Hannig, DPW  
Oladayo Akinyemi, DPW  
Richard Doherty, DPW  
Prassad Nannapaneni, DPW

## 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 only 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 novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person; and

**WHEREAS**, the food service establishments in the City of Detroit have been decimated by COVID-19 through mandatory closures, capacity limitations, and a continued desire by patrons to socially distance; and

**WHEREAS**, the practice of social distancing during the pendency of the COVID-19 pandemic will be necessary to mitigate the spread of COVID-19 and reduce the risk of contracting the virus; and

**WHEREAS**, the City of Detroit is eager to continue support of the active operation of businesses in a safe manner that protects the patrons and employees of the restaurant industry by implementing an 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 increased separation of patrons through social distancing during this unprecedented time; and **NOW THEREFORE BE IT**

**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 through November 30, 2022 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 30, 2022.

## 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 novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person; and

**WHEREAS**, the food service establishments in the City of Detroit have been decimated by COVID-19 through mandatory closures, capacity limitations, and a continued desire by patrons to socially distance; and

**WHEREAS**, the practice of social distancing during the pendency of the COVID-19 pandemic will be necessary to mitigate the spread of COVID-19 and reduce the risk of contracting the virus; and

**WHEREAS**, the temporary closure of streets, alleys and public places would allow for businesses in the City of Detroit to remain open and utilize the space provided by such temporary closures to allow for the practice of social distancing while or resuming economic activity; and

**WHEREAS**, the City of Detroit is eager to continue to support 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 allowing for the increased separation of patrons through social distancing during this unprecedented time; 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 **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 30, 2022.