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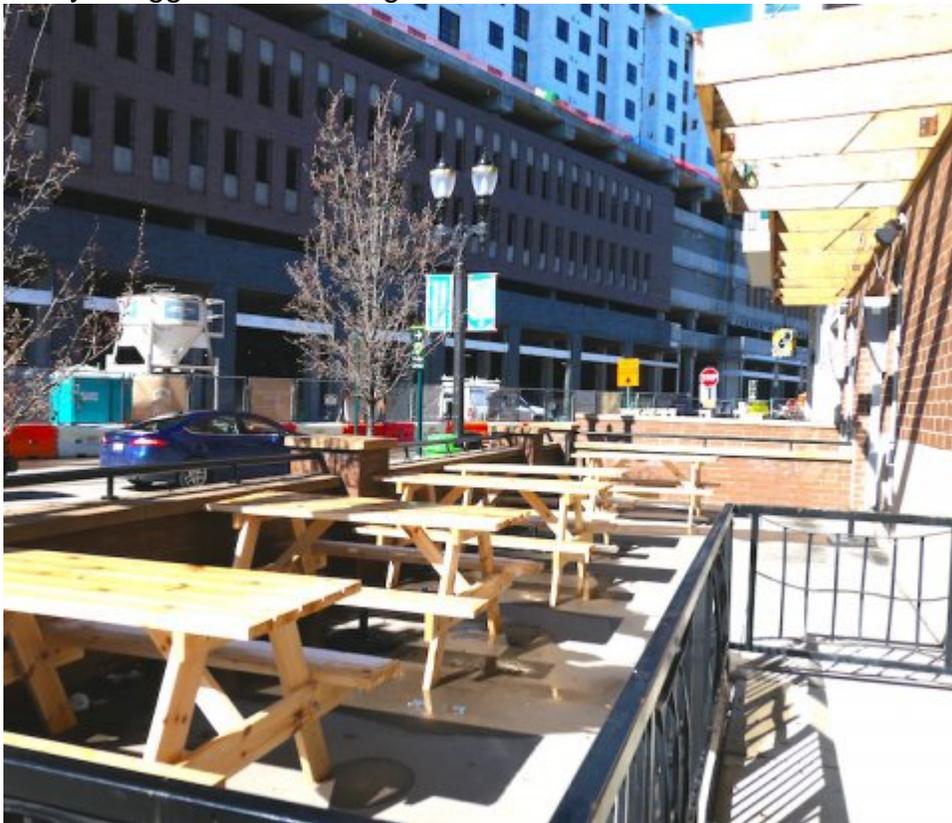
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DDA Recommends Allowing Later and Louder Outdoor Dining and Drinking ^[1]

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By:

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Above: Outdoor seating at FieldHouse, with the senior housing of Newman Lofts under construction in the background.

Downtown restaurants and bars with outdoor seating could see noise rules relaxed if a recommendation from the Downtown Development Authority (DDA) is adopted by the City Council. This could, in turn, impact those living ? or considering living ? downtown.

The DDA wants to see ^[2] ?a lively outdoor patio experience? at downtown restaurant-bars like Jolly Pumpkin ^[3] and Barrio Tacos ^[4], both of which are set to move into the new Center City

District space along Albert Avenue.

As a consequence, the DDA is recommending Council change two approaches to outdoor seating at downtown bars and restaurants.

Before we get to those two recommended changes, a little background is in order: Businesses in East Lansing that want to serve alcohol must obtain a special use permit (SUP) from the City Council in addition to a state-issued liquor license. The SUP contains limiting conditions ^[5], specifying how the business must operate.

Council has the discretion to decide what conditions apply to which businesses, and generally takes into account recommendations of the DDA.

To achieve a more "lively" downtown, the DDA is recommending firstly that outdoor seating areas that traditionally have had to be "vacated" by midnight potentially be allowed to be used until 2 a.m. in East Lansing.

Secondly, the DDA is recommending altering the typical SUP condition that reads, "No live or recorded music or telecommunication device shall be provided in the outdoor service area which is audible from any adjacent resident property." The DDA is recommending that SUPs in these cases *allow* noise audible from adjacent residences, specifically until midnight.

Regardless of what Council decides about the SUPs, East Lansing's noise nuisance law would remain in effect, unless Council changes that law. City law currently specifies ^[6] that noise from "electronic sound-producing device[s]" is prohibited if it "is plainly audible at a distance of 50 feet from its location on public property or private property open to the general public."

The changes would not only impact the Center City District retail space. Additional outdoor seating for late-night bars and restaurants could also become available at other locations around East Lansing, including, for example, at The Abbot (now under construction ^[7] at the corner of Abbot Road and Grand River Avenue), at 300 Grand ^[8], and at the former Cosi location at M.A.C. and Grand Rivers Avenues.

Besides potentially affecting the operation of new businesses, a change in approach to outside dining hours and noise on SUPs could also affect the operation of ten existing East Lansing businesses with outdoor seating.

These ten are Cosmos/Punk Taco in Brookfield Plaza, Black Cat Bistro, Crunchy's, Dublin Square Irish Pub, Harper's Brewpub & Club Rush, HopCat, Los Tres Amigos, Peanut Barrel, FieldHouse, and Lou and Harry's.

Right now, all of those businesses must vacate their outdoor space by midnight daily, except for Los Tres Amigos, which must vacate its patio by 2 a.m.

One snare in the implementation of any new rules is that the more restrictive standards are already contained in the SUPs for the existing downtown restaurants and bars, potentially putting existing businesses at a disadvantage compared to new ones, unless they pay to get their SUPs changed.

Businesses that want to change the terms of their SUPs would have to apply to Council and pay a fee of \$1,100 plus \$25 per 1,000 feet of space.

According to a memo from Tom Fehrenbach [2], East Lansing Community and Economic Development Administrator, "The fee offsets the costs associated with the review by staff, the Planning Commission, and the City Council. As each SUP is unique to one operator, they must be reviewed individually, so no economy of scale through a group process is practical."

Two possible solutions for that dilemma were outlined in Fehrenbach's memo to the DDA. One option is that the DDA could create a fund to offset the cost of the SUP reviews for the ten downtown restaurants that currently have outdoor seating. Another possibility is that the DDA could petition the City Council to waive the review fees in this instance.

For now, the issue has been forwarded to the City Council for discussion. One issue likely to be discussed is the tension between two things the DDA desires: a lively, relatively noise night scene downtown, and attracting more professionals and retirees to live downtown.

The Center City District project is set to have 93 apartments for senior citizens (age 55 and up) in the Newman Lofts building, now being constructed directly above the retail space where Jolly Pumpkin and Barrio Tacos will be located and will have outdoor seating.

A claim was made at last week's DDA meeting that, of the 93 age-55-and-up apartments, only 5 have been leased. Asked by ELi to confirm or refute that figure, Center City District co-developer Greg Ballein did not respond.

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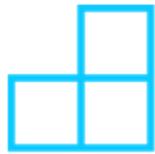
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