



202100636

**Greg Landsman**  
Councilmember

January 31, 2021

## Outdoor Dining Report *MOTION*

With the COVID pandemic putting many of our Cities' businesses at risk, our legislative body has an obligation to consider how we can help ease stress by writing adaptive legislation. Most restaurants in Cincinnati are small businesses that are run by entrepreneurs trying to create jobs in our neighborhood—they play a crucial role in our workforce ecosystem. One in three American's first job is at a restaurant; 28% of restaurant employees are students; and, 80% of restaurant owners/managers started in entry-level positions at restaurants<sup>1</sup>. But necessary health restrictions on indoor dining are impacting restaurants' ability to survive. Even by May of 2020, employment levels in food services and drinking places were down 37% from before the pandemic<sup>2</sup>, and 17% nationally have closed.

We know that outdoor dining provides many potential short and long-term benefits. Short term, it allows small businesses to survive without sacrificing the health of their employees or customers. Long-term, it allows us to reimagine our neighborhoods and cities in a way that centers community building, pedestrian safety, and health. However, the legislative procedure needed to pursue long-term outdoor dining options for Cincinnati *must* improve upon the publicly-critiqued process which secured outdoor dining to OTR and at The Banks.

Thus, **WE MOVE** that the Administration conduct a report into the possibilities of expanding outdoor dining to other neighborhoods in Cincinnati; we ask that in recognition of the urgency of the pandemic, the report be done in the next 30 days. And that in order to encourage any legislation on outdoor dining to be inclusive and constructive, it consider the following procedural requests:

1. As outdoor seating on sidewalks and/or parking spaces sits on public space, *the restaurant should lease that space from the city* at market rates on a square foot basis, as they do indoor space. Furthermore, just as restaurants pay for "lease improvements" to the indoor area of a restaurant, if a restaurant wants to create an outdoor seating area they should be responsible for building whatever that space will look like, and maintaining it to standards of private space ownership (including safety and ADA accessibility). This guarantees that this process

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<sup>1</sup> <https://www.americaatwork.org/first-job>

<sup>2</sup>

<https://cdn.advocacy.sba.gov/wp-content/uploads/2020/06/29105857/Small-Business-Facts-Restaurants-And-Bars-Staggered-By-Pandemic.pdf>



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- does not just merely contribute to increased privatization of public land, but that the public sector will receive financial compensation and potential space improvement.
2. That being said, due in part to the fact that small businesses are the ones most at risk of closure during this pandemic, ***any lease fees for the expansion of restaurant space to outdoor public space should be waived for 2021.*** This consideration should work to curb any negative financial impact to the restaurants most struggling who might benefit from this outdoor dining to stay in businesses.
  3. ***The report should also include looking into the use of Parks*** that are adjacent to Business Districts with Restaurants, as they offer unique areas for relaxing, protected from traffic.
  4. ***There should be a clear and fully transparent process for approval.*** We recommend that this begin with the restaurant in question communicating their interest in outdoor dining to their respective community council and city *at the same time.* After which both the community council and city would solicit greater community input, taking care to include differing input, criticism, and opinion from those who would be most impacted by the space (the residents, businesses, and non-profits who use adjacent space). This allows each neighborhood to explore their own process and possible implementations. A quick and transparent approval process for permits should follow, with city management using consistent fee structures across neighborhoods.
  5. Lastly, considering that permanent outdoor dining in cities has proven to impact constituents with disabilities<sup>3 4 5</sup>, we ask that ***the Administration's report also look into how to ensure that outdoor dining does not infringe on the rights of these constituents,*** and guarantee businesses' compliance with existing ADA requirements. We ask that this aspect of the report includes consultation with disabled constituent(s), in order to properly acknowledge that their voices should be centered on any issue of accessibility<sup>6</sup>. If necessary, a group could be put together to consult on this issue. Some examples of potential ways to address accessibility include but are not limited to:

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<sup>3</sup> <https://www.inquirer.com/health/coronavirus/philadelphia-outdoor-dining-sidewalks-accessibility-20200714.html>

<sup>4</sup> <https://www.today.com/health/outdoor-dining-adds-obstacles-people-disabilities-t196151>

<sup>5</sup>

<https://thecounter.org/people-with-disabilities-fear-that-permanent-outdoor-dining-will-make-inaccessible-cities-even-worse/>

<sup>6</sup>

<https://vidaindependente.org/wp-content/uploads/2018/07/Nothing-About-Us-Without-Us-Disability-Oppression-and-Empowerment-ilovepdf-compressed.pdf>



# City of Cincinnati



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1. Permitting outdoor dining expansion in converted parking spaces and on sidewalks, but only with a space requirement that takes into account the pedestrian movement of disabled constituents — examples of this can be found in Cities such as Philadelphia<sup>7</sup>
2. Permitting outdoor dining expansion, but only in converted parking spaces (and not on any designated accessible parking spaces)
6. In any outdoor dining space, ensuring a certain number of accessible seating arrangement so that disabled constituents may also utilize the space
7. Implementing the ability for disabled constituents to report businesses which repeatedly do not adhere to accessibility needs to the City

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Councilmember David Mann

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<sup>7</sup> <https://www.phila.gov/media/20200611105211/Guidelines-for-Outdoor-Dining.pdf>

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The enclosed contains a copy of the report of the committee on the subject of the proposed amendment to the constitution of the State of California, which was adopted by the Legislature at its session in 1901. The report is printed in the form of a pamphlet, and is available for sale at the price of ten cents per copy. It is also available for sale in larger quantities at a special rate. The report is a valuable document, and is one which every citizen of the State should possess. It is a clear and concise statement of the facts and circumstances which led to the adoption of the amendment, and it is a valuable contribution to the history of the State.

Very truly yours,  
[Signature]

[Signature]

Secretary of State

San Francisco, California