

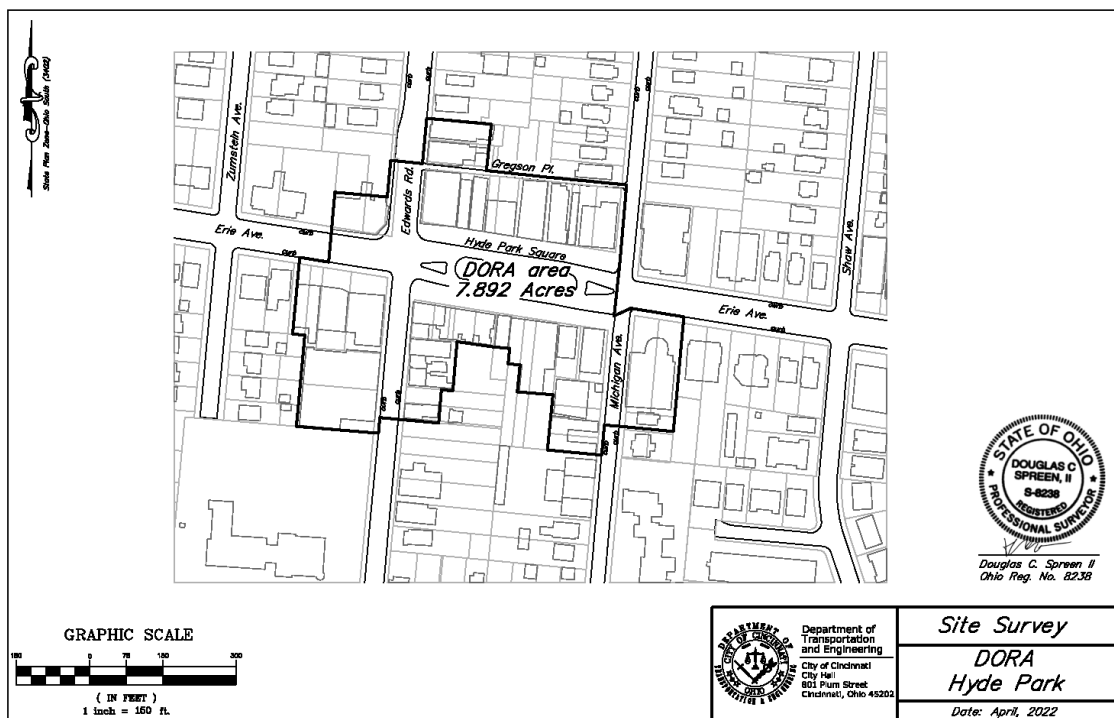
APPLICATION FOR THE MODIFICATION OF A DESIGNATED OUTDOOR REFRESHMENT AREA

Expansion of Hours

Pursuant to Section 4301.82(F)(1) of the Ohio Revised Code (“R.C.”), Sheryl M. M. Long, the City Manager and chief executive officer of the City of Cincinnati, respectfully submits this application to City Council for the approval of the modification to the public health and safety requirements of the Hyde Park designated outdoor improvement area depicted and described below (referred to herein as the “DORA”). The DORA was established by City Council on June 23, 2022, pursuant to Ordinance No. 184-2022.

The purpose of this proposed modification is to expand the hours of operation of the DORA to 9:00 AM – 11:00 PM Sunday through Saturday, as provided herein.

Boundaries of the DORA:



The DORA will encompass the approximately 7.892-acre area depicted above. Notwithstanding the foregoing, the exact operational boundaries of the DORA may be adjusted or more specifically delineated in the City Manager’s discretion in order to accommodate existing improvements or for health, safety, or other reasonable operational purposes.

A list of all parcels and street addresses included in the DORA are listed below in Exhibit A.

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Overview of DORA and Operations

The goal of the DORA is to further enhance the Hyde Park neighborhood as a destination neighborhood for individuals and families to live and play. The DORA hopes to build off the momentum from the existing and new businesses located in the Hyde Park business district and attract more establishments to this growing neighborhood.

Approval of the DORA will allow participating bars, restaurants, and other vendors with an appropriate state-issued liquor permit to sell alcoholic beverages in designated cups, plastic bottles, or other non-glass containers to patrons. Patrons will then be legally allowed to depart the establishment or site where the beverage was purchased and move freely around outside within the DORA boundary and with that beverage. The designated cups, plastic bottles, or other non-glass containers will be sold by eligible brick-and-mortar establishments and may also be sold by other approved outdoor vendors, such as for special events. All vendors must still maintain state-issued liquor permits to sell alcohol and be in good standing with the Ohio Division of Liquor Control in accordance with state law. All property owners and establishments have the option of opting-out of participating in the DORA. In accordance with state law, patrons may only leave establishments with alcoholic beverages in the designated cups, plastic bottles, or other approved containers. Further, no outside alcoholic drinks are permitted—meaning only alcoholic drinks that are purchased in the designated cup, plastic bottle, or other non-glass containers and from a properly permitted vendor in the DORA may be enjoyed outside. Signage, as further described below, will inform patrons of the rules and boundaries of the DORA.

The DORA is being launched in partnership with Hyde Park Square Business Association, Inc. (“**HPSBA**”). HPSBA will contract with the City to provide certain operational and management services for the DORA. This will entail coordinating the requirements for DORA cups sold by the participating businesses in the DORA, and the provision of security and sanitation services to ensure a safe and clean public space.

HPSBA will form a DORA Management Committee that will be responsible for managing stakeholder relationships, market the DORA, maintain signage, and provide DORA window stickers and sell DORA containers to businesses. To ensure that DORA-related litter is addressed, DORA operations will be in-part financed through these existing resources and from revenue collected through the sale of the designated containers and shared with HPSBA, pursuant to an agreement between the HPSBA and the participating businesses that are Qualified Permit Holders (listed below). At this time, HPSBA already provides a host of services and amenities to enhance the area; therefore, by contracting with the HPSBA for operational and management services of the DORA, the City will be able to operate the DORA safely, efficiently, and without any ongoing increased financial commitment by the City.

DORA-Identified Containers and Approval: HPSBA will have the authority to approve of all containers intended for use in the DORA. No DORA container may be sold by participating businesses unless it has been approved for sale by HPSBA. HPSBA will ensure that all DORA containers sold by participating businesses will brandish a DORA-identifying logo that is either printed directly on the container or on a sticker that will be affixed to the container. HPSBA will create and notify the participating businesses of all container requirements and the process for obtaining container approval for sale in the DORA.

Public Health and Safety

The City of Cincinnati and the HPSBA are committed to ensuring the health and safety of patrons of the DORA and cleanliness of the area; therefore, in the contract between the City and HPSBA for operation of the DORA, HPSBA will agree to provide any additional security or sanitary services needed in excess of the current city-provided police and sanitation services.

The City currently has 69 patrol officers assigned to District 2, 4-5 patrol officers will be on duty during the proposed DORA operation hours. This level of staffing is believed to be adequate to ensure public safety in the DORA. The City and HPSBA will continually assess the public safety needs on an ongoing basis, and HPSBA will agree to provide additional security detail as deemed necessary in the City's reasonable discretion.

The City's Department of Public Services ("**DPS**") empties the public trash receptacles in the DORA twice a week. Each run requires one staff member per truck. There are multiple trash receptacles located on corners in the highest trafficked intersections/areas of the DORA. Similar to the security needs, the City will continue with the current level of services, and the City believes the current DPS staffing levels and services in conjunction with the supplementary cleaning services are sufficient to adequately maintain the appearance and public health in the DORA. However, the City and HPSBA will continually assess the service levels and staffing needs and HPSBA will provide any supplementary cleaning and sanitation services needed to keep the DORA area in a clean, safe, and sanitary state.

Hours of Operation

The DORA will operate from **9:00 AM - 11:00 PM** Sunday through Saturday. Notwithstanding anything herein to the contrary, the City Manager will retain the discretion to temporarily suspend the operations of the DORA or alter operational parameters at his or her sole discretion if determined necessary for public health, safety, or welfare.

Signage

In accordance with R.C. 4301.82(F)(1), clearly marked signs will delineate all boundaries of the DORA. Additionally, signage will be placed within the DORA to notify patrons of the rules of operation. This signage will be a mix of “sidewalk tattoos,” which will be printed on the sidewalk and traditional signage. The sidewalk tattoos are semi-permanent adhesives that are placed on the sidewalk. Examples of the proposed DORA sidewalk tattoo and signage designs are depicted in Exhibit B. The signage will be paid for and maintained by HPSBA throughout the life of the DORA.

The proposed plan for signage is to include window cling signage and sidewalk tattoos along the boundaries of the DORA, with an estimated eleven signs needed to clearly demarcate the boundary, spaced not more than 1,000 feet apart along the boundary, and made conspicuous to pedestrians. Additional signs will be added in the interior to demarcate operational boundaries, as determined necessary by the City Manager. The numbers of signs and spacing may be increased or decreased in the City Manager’s discretion, and the City and HPSBA will assess the need for changes to signage on an ongoing basis.

Additional Rules and Requirements

The City Manager may establish additional rules and regulations for operation of the DORA and will update such rules and regulations from time to time as deemed necessary for public health, safety, or operational purposes; provided however, such rules will always require that all alcoholic drinks served to be consumed outside of establishments within the DORA shall be served in a designated cup, plastic bottle, or other non-glass container.

Special Events

The DORA will provide additional flexibility for events in Hyde Park. The City Manager will work with HPSBA to develop operational parameters for hosting special events within the DORA that balance interests of all stakeholders.

Nature of Establishments

In accordance with R.C. 4301.82(B)(2), the nature and types of establishments that will be located within the DORA are a broad array of institutions, businesses, and uses, including the Hyde Park Square, event spaces, retail stores, service providers, residences, and several drinking and dining establishments. There is no intention of changing the nature and types of establishments in the area. Instead, once operational, the DORA will support this existing eclectic mix of establishments by attracting additional customers, residents, and workers. Some of the existing establishments within the DORA are listed here:

Name	Address	Street	Zip	Category	Qualified Permit Holder
Hyde Park Tailors	3430	Edwards Rd	45208	Service Provider	No
Macaron Bar	3431	Edwards Rd	45208	Dining/Bar	No
Ossie	3433	Edwards Rd	45208	Retail	No
AR Workshop	3434	Edwards Rd	45208	Event Space	No
Castle House	3435	Edwards Rd	45208	Retail	No
Churchill's Fine Teas Hyde Park	3438	Edwards Rd	45208	Retail	No
Peace Love and Little Donuts of Hyde Park	3440	Edwards Rd	45208	Dining/Bar	No
Khakis	3445	Edwards Rd	45208	Retail	No
Shop Jacob James	3446	Edwards Rd	45208	Retail	No
The Framery & Raymond Gallery on Hyde Park Square	3508	Edwards Rd	45208	Service Provider	No
Echo Restaurant	3510	Edwards Rd	45208	Dining/Bar	Yes
Arthur's	3516	Edwards Rd	45208	Dining/Bar	Yes
E+O Kitchen	3520	Edwards Rd	45208	Dining/Bar	Yes
Parkside	2637	Erie Ave	45208	Dining/Bar	Yes
Corporate	2643	Erie Ave	45208	Retail	No
Gallery 708	2643	Erie Ave	45208	Event Space	No
Allure Lash Lounge	2643	Erie Ave	45208	Service Provider	No
Salon Rhonda	2647	Erie Ave	45208	Service Provider	No
Cockerill Gallery	2700	Erie Ave	45208	Retail	No
Alligator Purse LLC	2701	Erie Ave	45208	Retail	No
Graeter's Ice Cream Hyde Park	2704	Erie Ave	45208	Dining/Bar	No
Hyde Park Gourmet Food & Wine Inc	2707	Erie Ave	45208	Retail	Yes
Delamere & Hopkins	2708	Erie Ave	45208	Retail	No
Al-Posto Italian Ristorante	2710	Erie Ave	45208	Dining/Bar	Yes
Hyde Park Salon	2711	Erie Ave	45208	Service Provider	No
J.McLaughlin	2714	Erie Ave	45208	Retail	No

Miller Gallery	2715	Erie Ave	45208	Event Space	No
Tanyas Image & Wellness Salon	2716	Erie Ave	45208	Service Provider	No
Fazel Rug Gallery	2716	Erie Ave	45208	Retail	No
45/46 Fine Men's Apparel	2719	Erie Ave	45208	Retail	No
Alfios Buon Cibo	2724	Erie Ave	45208	Dining/Bar	Yes
Knickers of Hyde Park	2726	Erie Ave	45208	Retail	No
Green Farm Juicery	2727	Erie Ave	45208	Dining/Bar	No
Leeli + Lou	2732	Erie Ave	45208	Retail	No
Awakenings Coffee Tea & Wine	2734	Erie Ave	45208	Dining/Bar	Yes
Fig Leaf	2736	Erie Ave	45208	Retail	No
Poeme	3433	Michigan Ave	45208	Retail	No
Unwind Wine Bar & Light Fare	3435	Michigan Ave	45208	Dining/Bar	Yes
Patty's Old Fashioned Popcorn	3437	Michigan Ave	45208	Dining/Bar	No
Hyde Park Floral & Garden	3505	Michigan Ave	45208	Retail	No

Qualified Permit Holders

As required by R.C. 4301.82(B)(3), the DORA comply with the requirement under R.C. 4301.82(D) to encompass at least four qualified permit holders of A-1, A-1-A, A-1c, A-2, A-2f, or D class liquor permits (excluding D-6 and D-8 class liquor permits) issued under R.C. Chapter 4303.

To date at least 10 current Qualified Permit Holders, as that term is defined in R.C. 4301.82(A)(1), have been identified in the DORA, as follows:

#	Permit Holder	Doing Business As (DBA)	Permit Number	Permit Class(es)	Address
1	ECHO RESTAURANT INC	ECHO RESTAURANT	2421074	D5	3510 EDWARDS RD
2	OWOS INC	ARTHURS	6616164	D1, D2, D3	3516 EDWARDS RD
3	E & O HYDE PARK LLC	E & O KITCHEN	2389706	D1, D2, D3, D3A	3520 EDWARDS RD
4	AML HOLDING LLC	CORK & CAP OF HYDE PARK, 1ST FL & BSMT & PATIO	0010500	D1, D2, D3	2637 ERIE AVE
5	2637 ERIE AV	PARKSIDE	6277522	D1, D2, D3	2637 ERIE AVE
6	HYDE PARK GOURMET FOOD & WINE INC	HYDE PARK GOURMET FOOD & WINE	4100103	D2	2707 ERIE AVE
7	KINDRED HOSPITALITY GROUP LLC (DBA ART OF CAR HOSPITALITY)	ALFIOS BUON CIBO 1ST FL & BSMT & PATIO	4652154	D5	2710 ERIE AVE
8	CARSELLA RESTAURANT GROUP LLC	ALFIOS BUON CIBO 1ST FL & BSMT & PATIO	1520090	D1, D2, D3, D3A	2724 ERIE AVE
9	HYDE PARK COFFEE LLC	AWAKENINGS COFFEE TEA & WINE	4101121	D2	2734 ERIE AVE
10	UNWIND INC	UNWIND WINE BAR	9168922	D1, D2, D3, D3A	3435 MICHIGAN AVE

Land Use & Zoning

In accordance with R.C. 4301.82(B)(4) and as depicted below, the proposed DORA in the Hyde Park neighborhood is in accordance with the City's Comprehensive Plan, Plan Cincinnati (2012). Specifically, the DORA is in line with the Compete and Live Initiative Areas as it will cultivate our position as the most vibrant and economically healthiest part of our region.

Attached as Exhibit C is a letter from Cincinnati's Department of City Planning confirming that the uses of land within the DORA are permitted and in accordance with Cincinnati's master zoning plan.

Hyde Park DORA



Community Support, Public Notice, and Legislative Approval Process

The Hyde Park community expressed support for the modifications to the DORA. Please see Exhibit D for community and business survey results.

Following filing of this application with the Clerk of Council and in accordance with R.C. 4301.82(C), the Clerk will publish public notice of this application in the Cincinnati Enquirer. The notice will indicate that the application is on file and available for inspection in the Clerk's Office. Additionally, the application will be available for review on Council Online. Further, the notice will indicate the date and time of the identified City Council committee hearing to which the authorizing legislation has been referred to provide for a public hearing on the proposal.

Exhibit A

Parcel IDs and Street Addresses:

PARCEL ID	ADDRESS	
041-0004-0136; 041-0004-0137	3427-3441	EDWARDS RD
041-0003-0045; 041-0003-0075	3434	EDWARDS RD
041-0003-0039	3436	EDWARDS RD
041-0003-0036	3438-3442	EDWARDS RD
041-0004-0140	3445-3455	EDWARDS RD
041-0003-0035	3446-3448	EDWARDS RD
041-0003-0017	3508-3510	EDWARDS RD
041-0003-0064; 041-0003-0067	3516-3518	EDWARDS RD
041-0003-0019	3520	EDWARDS RD
041-0004-0132; 041-0004-0142; 041-0004-0138	2637-2639	ERIE AV
041-0004-0139	2641-2643	ERIE AV
041-0004-0140	2645-2653	ERIE AV
041-0004-0118; 041-0004-0119; 041-0004-0120	2646-2652	ERIE AV
041-0003-0017	2700-2704	ERIE AV
041-0003-0031; 041-0003-0032; 041-0003-0033; 041-0003-0034; 041-0003-0035	2701-2713	ERIE AV
041-0003-0016	2708	ERIE AV
041-0003-0015	2710	ERIE AV
041-0003-0014; 041-0003-0013	2712-2714	ERIE AV
041-0003-0047	2715-2717	ERIE AV
041-0003-0012	2716-2718	ERIE AV
041-0003-0030; 041-0003-0029; 041-0003-0028	2719-2725	ERIE AV
041-0003-0011	2722-2724	ERIE AV
041-0003-0055	2726	ERIE AV
041-0003-0043; 041-0003-0058	2727	ERIE AV

041-0003-0010; 041-0003-0009	2728-2736	ERIE AV
041-0003-0025	2729-2733	ERIE AV
041-0002-0052	2741	ERIE AV
041-0002-0051	2745	ERIE AV
041-0003-0072	3433	MICHIGAN AV
041-0002-0059; 041-0002-0063	3434	MICHIGAN AV
041-0002-0044	3436	MICHIGAN AV
041-0003-0027	3437	MICHIGAN AV
041-0003-0057; 041-0003-0026	3439-3449	MICHIGAN AV
041-0002-0064	3440	MICHIGAN AV
041-0004-0136; 041-0004-0137	3427-3441	MICHIGAN AV
041-0003-0009	3503-3507	MICHIGAN AV

Street Address Ranges:

Street Name	Range	Even/Odd
EDWARDS	3434 – 3520	EVEN
EDWARDS	3427 – 3455	ODD
ERIE	2646 – 2736	EVEN
ERIE	2637 – 2745	ODD
MICHIGAN	3440 – 3460	EVEN
MICHIGAN	3433 – 3507	ODD

Exhibit B

Example Signage



Proposed Sidewalk Tattoo



Proposed DORA Window Clings

Exhibit C

Department of City Planning Letter



Dear Mr. John P. Curp,

This letter serves as a confirmation that the proposed Designated Outdoor Refreshment Area (DORA) as depicted below in the Hyde Park neighborhood is in accordance with the City's Comprehensive Plan, *Plan Cincinnati* (2012). Specifically, the DORA is in line with the Compete and Live Initiative Areas as it will cultivate our position as the most vibrant and economically healthiest part of our region as well as help support the Hyde Park neighborhood.



Hyde Park's burgeoning business district serves as a bridge between Cincinnati and the city's eastern suburbs. Instituting a DORA complements the work already being completed in the neighborhood and furthers Cincinnati as a destination in the metro region. We anticipate that this DORA will foster continued investment in the area, and we look forward to helping see this project to its completion.

Sincerely,

Katherine Keough-Jurs, FAICP
Director, Department of City Planning and Engagement

Exhibit D

Community & Business Survey Results

	I frequent the Hyde Park area, but have never lived in Hyde Park	I own or represent a business in Hyde Park	I'm a current Hyde Park resident	I'm a former Hyde Park resident	Grand Total
Strongly Support	12	5	191	11	219
Support	5	0	87	7	99
Neutral	0	0	22	2	24
Oppose	1	0	26	0	27
Strongly Oppose	1	0	45	3	49
No Response	16	1	99	19	135
Grand Total	35	6	470	42	553

	18-24	25-34	35-44	45-54	55-64	65+
Strongly Support	6	52	80	51	22	8
Support	2	13	33	22	18	11
Neutral	1	4	5	5	5	4
Oppose	0	3	7	6	6	5
Strongly Oppose	3	0	3	7	15	21
No Response	2	29	32	24	15	33
Grand Total	14	101	160	115	81	82

Key Points:

- Over 58% of the total respondents either supported or strongly supported implementing a DORA in Hyde Park.
- Of the remaining 42%, only 14% of the total respondents opposed or strongly opposed implementing a DORA in Hyde Park.
- 29% of the respondents remained neutral or did not provide a response for implementing a DORA in Hyde Park.

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