



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Neighborhoods Committee

*Chairperson Jan-Michele Lemon Kearney
Vice Chair Betsy Sundermann
Councilmember Wendell Young
Vice-Mayor Christopher Smitherman*

Monday, May 10, 2021

1:00 PM

Council Chambers, Room 300

PRESENTATIONS

Imperial Theatre

Marilyn Hyland, Project Director

Julie Fay, Owner/Developer

Cori Cassidy, Architect

Marta Hyland, Director of Theatre Development

Homebase

Alena Cunningham, Executive Director

The Queen City Tour of Neighborhoods

North Avondale Neighborhood Association (NANA)

Ethan Perry, President

Madisonville

Kate Botos, President- Madisonville Community Council

Elishia Chamberlain, Exec Director- Madisonville Community Urban Redevelopment Corporation (MCURC)

Terry Henry, Madisonville Business Association

Helen Taft Recognition

Dr. Rama Kasturi, Author, "Four Seasons in Burnet Woods", Clifton Resident

Brian Frank, Procter & Gamble Retiree, Mt. Adams Resident

Single Family Homes: Zoning and Reforms**Mark Samaan MCP, Planner****AGENDA**

1. [202101177](#) **REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding Outdoor Dining in Neighborhoods. (SEE REFERENCE DOC# 202100636)

Sponsors: City Manager
Attachments: [Report - Outdoor Dining in Neighborhoods](#)
[Attachment - Parklet Program](#)

2. [202101506](#) **MOTION**, submitted by Councilmember Keating, The water reservoir to the south east of Eden Park's Mirror Lake has two large grassplots. Cincinnati residents have proposed to plant a grove of Japanese Cherry Trees in one of those grassplots to celebrate the role of Cincinnati's own Helen Taft as First Lady of the United States of America. **WE MOVE** for the City Administration to provide a REPORT on the physical feasibility and agricultural capability of planting a grove of cherry trees around the water reservoir near Eden Park's Mirror Lake (Photo Attached). (STATEMENT ATTACHED).

Sponsors: Keating
Attachments: [Motion](#)
[Attachment](#)

ADJOURNMENT

April 28, 2021

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

Subject: OUTDOOR DINING IN NEIGHBORHOODS

202101177

Reference Document #202100636

The Council at its session on March 3, 2021 referred the following item for review and report.

MOTION, submitted by Councilmembers Landsman and Mann, 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. (BALANCE ON FILE IN THE CLERK'S OFFICE)

OUTDOOR DINING PROGRAMS AND STRUCTURE

Prior to the pandemic, the City maintained one primary program for outdoor dining within the public right-of-way—this program is still effective City-wide in all neighborhoods and is known as the Café Sidewalk Dining Program. This program is structured to allow for private parties to apply to the City for a revocable street privilege (RSP), which grants a revocable permission for the private party to utilize a portion of the public right-of-way under Cincinnati Municipal Code Chapters 718 and 723. If granted, the private party is permitted to use a portion of the existing sidewalk for outdoor dining purposes.

Through the RSP approval process, the Department of Transportation and Engineering (DOTE) coordinates a full administrative review of the proposal to ensure that adequate pedestrian mobility is maintained and to ensure compliance with the Americans with Disabilities Act (ADA). A fee is paid by the applicant for each RSP application. The fee amount helps the City to recover the cost of administering the program.

The primary reason the City uses RSPs for this program—as opposed to leases for instance—is because RSPs allow the City to quickly review and approve applications, which reduces transactional costs, and also to maintain control of the right-of-way, which provides the City flexibility to address unanticipated concerns or operational needs that may arise.

The City Administration would not recommend the use of leases for the outdoor dining program, as the many benefits associated with RSPs would be lost. Since an RSP is not a leasehold interest, the City may quickly revoke the permissions granted should another public need arise for use of the right-

of-way. Leases also pose additional legal risks that could make it more difficult to terminate the interest of the private party or give rise to other liabilities. Further, lease negotiations would add additional time and costs to approvals for outdoor dining programs, as Council approval and legal review would be necessary for each application.

Any outdoor dining use on City-owned property that is not dedicated right-of-way property would be handled on an individual basis with the City department that is in control of and manages that City-owned land. This is inclusive of City parks. Interested applicants should contact the individual department that controls the land or the City's Real Estate Department for more information and to assess feasibility.

OUTDOOR DINING REGULATION AND COMMUNITY INPUT

The City regulates the location of outdoor dining uses on both private and public property through the zoning code and, when applicable, its right-of-way codes. Depending on location, outdoor dining uses are either permitted as-of-right, as a conditional use, or are prohibited. This process restricts uses to minimize any negative community impacts and, when not permitted as-of-right, provides an opportunity for communities to be heard on the appropriateness of new outdoor dining locations, particularly those in proximity to residential zones. The neighborhood planning process provides another opportunity for communities to influence uses such as outdoor dining, as this process informs zoning code changes.

ADA COMPLIANCE

As described above, ADA compliance and accessibility is maintained through the RSP approval process. In addition to this safeguard, the City currently maintains 5916000.com and the related Fix It Cincy application for intake and recording of complaints, including for issues of accessibility such as right-of-way encroachment and sidewalk obstruction. In the event of repeated violations, the RSP structure provides the City with an appropriate enforcement mechanism by reserving the ability of the City to revoke the RSP of an applicant, thereby disallowing the continued use of the right-of-way.

OUTDOOR DINING PROGRAMS IMPLEMENTED IN RESPONSE TO COVID-19

On May 13, 2020, Mayor John Cranley and City Health Commissioner Melba R. Moore issued joint emergency order No. 11 authorizing the City Administration to implement a temporary outdoor dining program to provide expanded outdoor seating options at restaurants and bars in Cincinnati. Starting on May 15, 2020, the City's Outdoor Street Dining pilot program allowed for suspension of certain code and permit requirements to allow restaurants to apply for expedited City approval of a RSP to use the public right-of-way (streets and sidewalks) for temporary outdoor dining areas. All outdoor street dining areas permitted under this temporary program must comply with state and local health requirements intended to slow or prevent the transmission of COVID-19, including, but not limited to, six-foot separation requirements.

Under the pilot program, the City granted RSPs permitting the creation of parklets (also referred to as streeteries) to create outdoor dining space in one or more on-street parking spaces. Additionally, in some areas, the City approved limited street closures to allow for more flexibility and space for

outdoor dining, to increase enjoyment of the outdoor dining experience and to avoid conflicts with motor vehicles and the outdoor dining use.

The Outdoor Street Dining program was a pilot program instituted in the Central Business District, Over-The-Rhine, and Pendleton and then expanded to all neighborhoods City-wide in coordination with community partners and local businesses. The pilot program enabled the City to gain experience addressing frequent issues for applicants, evaluating relevant traffic safety and circulation issues, and monitoring public health effects of the outdoor dining program.

Due to the successful implementation of the pilot program, the City Administration pursued the creation of a permanent City-wide parklet and permanent outdoor street dining program. City Council passed ordinance 0056-2021 on February 18, 2021, which amended the Cincinnati Municipal Code and provided the flexibility needed to accomplish this goal. Therefore, the permanent program is now effective for all neighborhoods and interested applicants can apply to DOTE through the City's Open Counter permitting platform: <https://cincinnati.opencounter.com/projects/549536/direct/outdoor-street-dining> and visit www.cincinnati-oh.gov/covid19/business-recovery/bars-and-restaurants for more information. Attached are the Parklet Program guidelines. The permanent program builds on the successes and lessons learned from the temporary pilot program. Due to the financial hardships during the pandemic, the City is currently waiving all fees for the outdoor street dining program and the new approved parklet installations.

Street closures are a much more complex undertaking than a parklet installation with a greater potential for impacts to the general public, property owners, and communities. Therefore, any proposed street closure must be evaluated on an individual basis by DOTE and is subject to a higher degree of scrutiny, engagement, and review. Proponents of any proposed street closure should contact DOTE for additional information.

Attachment I – Parklet Program Guidelines

cc: John S. Brazina, Director, Transportation and Engineering

Parklet Program

January 29, 2021

INTRODUCTION

The purpose of the City of Cincinnati's Parklet Program is to facilitate repurposing street parking space(s) into neighborhood gathering spaces by extending the pedestrian realm and providing opportunities to expand business activities. Parklets can be creative spaces and allow for flexible uses, such as dining and public seating, which enhance the environment and benefit the public. Parklets are intended to be temporary or constructed in a way to be disassembled leaving no damage or impact on the street. For questions regarding the City's Parklet Program, please contact the City's Department of Transportation and Engineering (DOTE) at DTEParkletProgram@cincinnati-oh.gov or 513-352-2366.

For parties seeking a permanent streetscape change, such as expanded concrete sidewalks, please contact DOTE to discuss your proposed project.

OVERVIEW OF APPLICATION PROCESS AND APPROVAL

The Parklet Program is administered and managed by the DOTE, in coordination with other City Departments. Applications are submitted and approved through the City's Open Counter portal at the following link: <https://cincinnati.opencounter.com/permits/outdoor-street-dining>.

To expedite the City's approval, DOTE recommends discussing your plans with us before submission in order to address any issues in advance. Once approved, an applicant will be issued a permit allowing for the installation and providing a revocable street privilege for the parklet (additional details provided below in the General Terms and Conditions Section).

PARKLET REQUIREMENTS

Designing, building, and operating a successful parklet requires consideration of many factors. The location must be selected by identifying an appropriate site and a willing community partner or sponsor. After selecting a site, a conceptual design is prepared that considers the surrounding land uses, size and configuration of the site, and the proposed duration of the installation. The parklet base, specifically the substructure and platform, should be designed or selected based on durability, cost, appearance, and ease of (dis)assembly. From the platform up, the rest of the parklet should be designed for safety, comfort, and user enjoyment.

The applicant must provide design plans that meet the following requirements:

- A design plan (site plan, elevation, cross-section, etc.) that shows the dimensions of the proposed parklet and fixed features (ex. planters, railings, etc.).
- Distance of the proposed parklet from (i) existing infrastructure (signs, traffic signals, lighting, tree wells, utilities, etc.) and (ii) from any applicable business frontage.
- Construction specifications for the proposed parklet.



Location & Layout


Parklets should conform to the following criteria for their location and layout:

1. General: All locations are subject to review and approval by the City. (DOTE, CFD, CPD, SMU, MSD, etc.) Locations and design shall be in a manner that will not interfere with visibility, vehicular or pedestrian mobility, or access to City or public facilities and utilities. Locations shall not compromise the safe use of any public right-of-way or compliance with the Americans with Disabilities Act (ADA). Commercial corridors and locations in front of businesses are suggested sites because foot traffic is critical to the successful function of a parklet. Conflicts with or impacts to existing sidewalk amenities, utilities, crosswalks, and other obstructions shall be avoided or mitigated.
2. Street Characteristics: Street characteristics should be suitable for parklet installation and safe usage. Typically, parklets are only appropriate for streets with low traffic speeds—25 miles per hour or less. For proposed parklet locations on streets with a high volume of vehicles per day and typical travel speeds in excess of 25 miles per hour, DOTE may require crash barriers or other infrastructure to ensure the safety of the parklet. Parklets may not be appropriate at all for some high-volume and high-speed streets.
3. Location: Parklets must be located in an existing parking curb lane. No locations in travel lanes are permitted.
4. Physical Constraints:
 - a) Parklets should not be located within ten feet of fire hydrants.
 - b) Adequate distance, as determined by DOTE, shall be maintained between parklets and driveways; crosswalks; alleys; and existing utility vaults, manholes, etc. Further, parklets should not materially interfere with 45-degree sight triangles from intersections.
 - c) Parklet locations must provide adequate distance, as determined by DOTE, away from marked bus stop locations to facilitate bus arrival and departure.
 - d) If the applicant is a business, the parklet shall be located entirely within the business frontage of the applicant.
 - e) Accessible conditions must be maintained along the adjacent sidewalk or curb ramps.
 - f) Traditionally, a parklet's length is one or two parking spaces.

5. Grade: Parklets should not be located on street segments with a grade of 5% or more.
6. Pending Construction: Parklets should not be installed on street segments where utility or street construction is planned during that construction season.
7. Duration: Due to the potential need for snow plowing, the applicant may be required to remove the parklet when not in use during the winter months. The parklet must be moved off site. Parklet components may not be stored in the right of way, including the sidewalk.

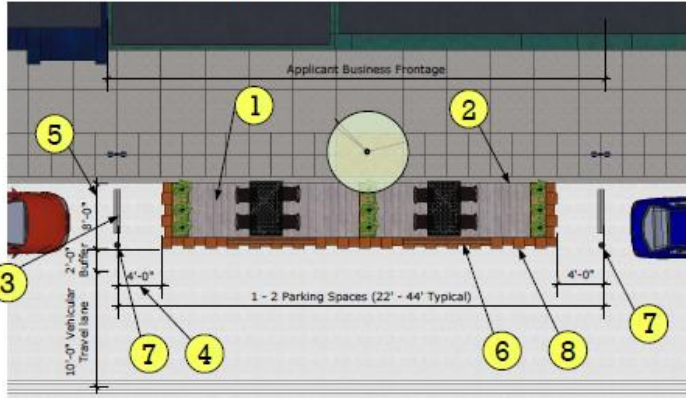
Design & Construction


Parklets should conform to the following design guidelines and criteria:



● Design Guidelines

- 1...Parklet decking flush with curb, 1/2" gap max.
- 2...Maintain curbline drainage
- 3...Wheel stop
- 4...4'-0" distance from parklet to wheel stop
- 5...Max. 8'-0" width
- 6...Vertical elements, railing or wall must be at least 50% open or visually permeable.
- 7...Flexible bollards at each corner angled with the platform
- 8...Wheel bump edge beam





11/12/2020

Parklet Program

1. Size: Parklets should be no greater than eight feet in width at the widest point (including rails, planters, and other vertical construction) and no longer than any applicable business frontage. The width of a parklet is dependent on location but must maintain a ten-foot minimum vehicular travel lane adjacent to it, including a two-foot shy away or buffer between the edge of the active vehicular travel lane and the useable space of the parklet. Multiple parklets must be a consistent width within a roadway corridor.
2. Surface: The parklet platform surface must be slip resistant and flush with the adjacent curb and sidewalk, with a maximum gap of 1/2" between platform and curb. The parklet should be easily accessible from the sidewalk, shall comply with ADA requirements, and should orient the entrance on the sidewalk-facing side to avoid tree wells. Platform materials can vary, including but not limited to concrete or wood.
3. Drainage: Parklets should permit access underneath the platform structure and allow unimpeded curbside drainage in the gutter space.

4. Structural loads: The parklet platform must be designed to support a minimum live load of 100 lbs per square foot. Vertical construction must be designed to resist a wind load of 25 lbs per square foot.
5. Vertical construction: Parklets must have some vertical element to improve its visibility to vehicles. All parklets must have a wall, railing, planter, or similar restraining edge adjacent to traffic. Any railing or wall must be at least 50% open or visually permeable. The maximum height of any railing shall be three feet. Any proposed vertical elements must be within the boundary of the parklet, without overhang into the travel lane, and provide adequate clearance for overhead utilities.
6. Color: The parklet should avoid the use of colors and shapes that may be confused with traffic signs and other traffic control devices.
7. Electrical connections and lighting: Generally, electrical lighting is easiest and most inexpensive if self-contained within the parklet, utilizing battery power or be self-generating like solar lighting. Extension cords shall not run over the pedestrian sidewalk to supply electricity to a parklet. Any proposed installation of electrical infrastructure to connect to existing electric service must be permitted through the City's Department of Buildings and Inspections and approved by DOTE. Please contact DOTE with questions on electrical service to a proposed parklet.
8. Wheel stops: Where located within and adjacent to on-street parking and/or enclosed in curb extensions or bump outs, parklets must have wheel stops or temporary curbs placed to deter vehicles from hitting the parklet. Wheel stops or temporary curbs should be located four feet from the edge of the parklet. The parklet applicant or contractor is responsible for providing these stops or curbs. The applicant shall be responsible for roadway pavement repairs when removed.
9. Flexible bollards: In order to improve the visibility of parklets and to diminish any ambiguity regarding the vehicular travel area of the street, reflective flexible bollards are required. The flexible bollards should be located at each corner and in-line with the parklet structure.
10. Safety: Given the parklet location within the street, safety is of paramount importance. Parklet applicants and designers should carefully consider the intended use of the parklet, the age of the users, the location, and the intensity of vehicular and pedestrian traffic. DOTE will review and coordinate the design for the safety of both pedestrians and vehicles, considering pedestrian and vehicular visibility, geometric limitation (turning movements for vehicles), and other issues specific to each location.
11. Construction Process: The applicant shall construct the parklet structure off-site as much as possible to reduce disruption and use of the general public during installation.



General Terms and Conditions

Applicants must comply with these General Terms and Conditions and additional terms for a permit issued approving a parklet. Each approved applicant that receives a permit is referred to below as a “Permittee.”

1. City’s Right to Revoke: Each permit issued for installation of a parklet includes a revocable license authorizing the installation and operation of a parklet in the public right-of-way. This license does not create a private right to occupy the public right-of-way or diminish the City Manager’s authority to oversee and manage the use of the public right-of-way in the City’s best interests, such as for roadway work, utilities, etc. **A revocable street privilege for a parklet is subject to modification or revocation in the City’s sole discretion, for any reason and at any time. Please note, this may require removal of the parklet.** Generally, the City will provide 30 days’ prior written notice of revocation.
2. Expenses: All expenses associated with the design, construction, installation, removal, and operation of a parklet shall be borne by and are the sole responsibility of the Permittee and in no circumstances shall the City be responsible for any such expenses. Further, a Permittee is solely responsible at his/her expense for repair of any damaged public infrastructure resulting from a parklet. If removal is on a temporary basis, such as for a winter season or for a construction project, a Permittee is responsible for storage of the parklet components offsite until permission is granted for re-installation.
3. Maintenance: Permittee is responsible for the day-to-day maintenance and operations of the Parklet. Permittee shall maintain the area in good, clean, and safe condition and repair and in accordance with applicable City rules and regulations. The City may require Permittee to take immediate action as necessary to rectify any condition or hazard, to the City’s satisfaction. Permittee shall take all reasonable efforts to avoid adverse impacts to adjacent properties and their operation. Permittee is solely responsible for keeping the existing curbside gutter drainage clear at all times.
4. Public Infrastructure and Utilities: Permittee shall not cause damage or alterations to existing curbs, sidewalks, streets, or other public infrastructure or utilities unless otherwise explicitly approved by the City as part of an issued permit. Any required restoration shall be completed by Permittee at Permittee’s expense and to the City’s standards and satisfaction.
5. City’s Right to Enter upon Right-of-Way Property: The City and its authorized representatives and utility companies have an unlimited right to enter a parklet at any time for operational needs.
6. Waivers, Variances, or Deviations from Guidelines: The City maintains and reserves the ability to grant waivers or variances or otherwise deviate from the requirements set forth in these guidelines based on individual circumstances.
7. Insurance and Indemnification: Permittee shall maintain a General Liability insurance of not less than \$1 million, naming the City as an additional insured. Permittee shall indemnify and hold harmless the City and all its agents from liabilities of every kind associated with a parklet.
8. Damages to Parklets: The City shall have no responsibility for loss or damage to any parklet improvements, no matter how caused.
9. Compliance: In installing and operating a parklet, a permittee shall maintain compliance with all applicable laws, regulations, and other rules.



Liz Keating
Councilmember

Motion

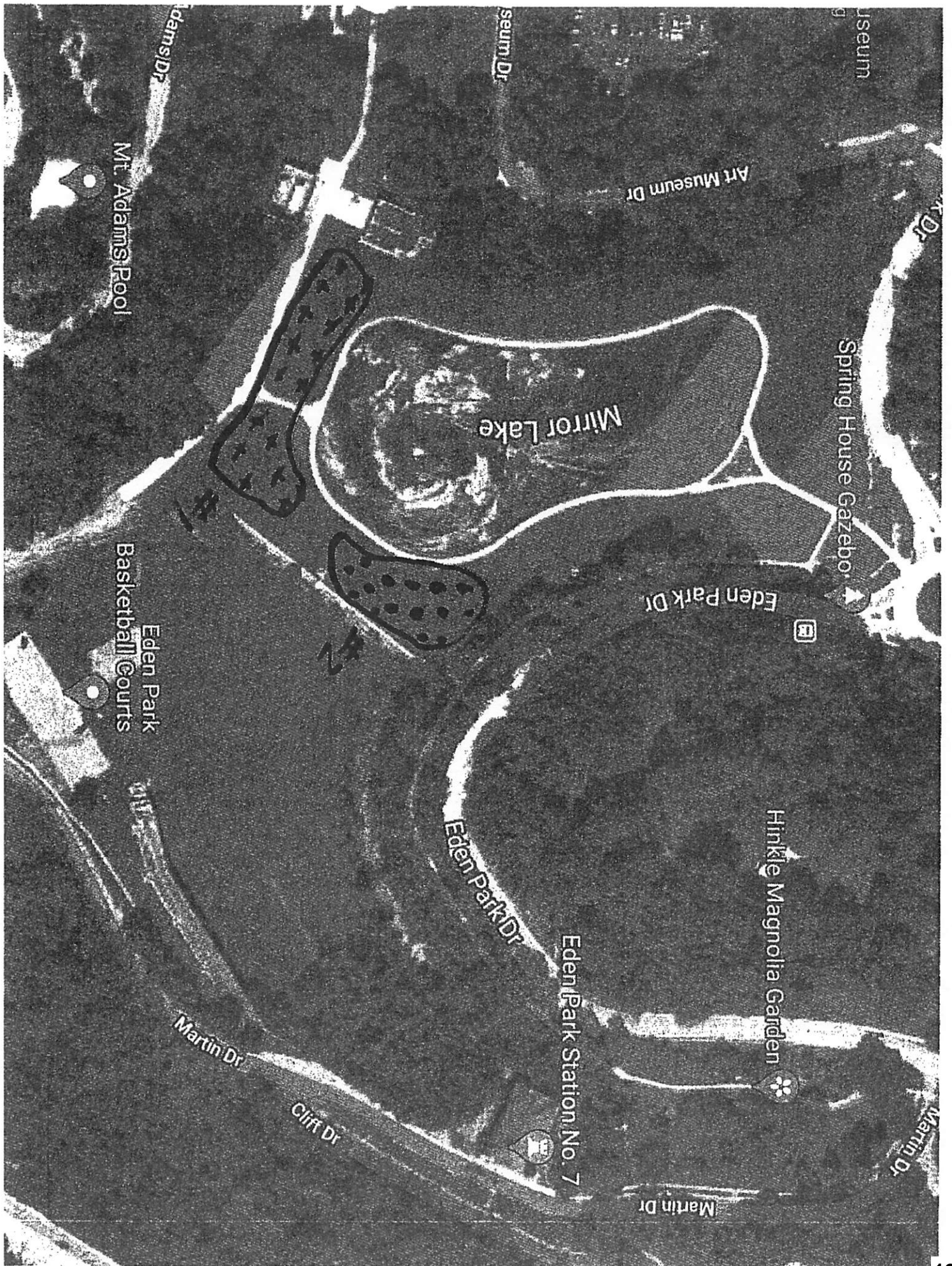
The water reservoir to the south east of Eden Park's Mirror Lake has two large grassplots. Cincinnati residents have proposed to plant a grove of Japanese Cherry Trees in one of those grassplots to celebrate the role of Cincinnati's own Helen Taft as First Lady of the United States of America. WE MOVE for the City Administration to provide a REPORT on the physical feasibility and agricultural capability of planting a grove of cherry trees around the water reservoir near Eden Park's Mirror Lake (Photo Attached).



Councilmember Liz Keating

Statement

Community interest has been shown in the planting of a grove of Japanese Cherry Tree's around the reservoir to the south east of Eden Park's Mirror Lake in honor of Cincinnati's own Helen Taft and her role as First Lady of the United States. First Lady Taft planted thousands of Japanese Cherry Trees throughout the Potomac Basin as part of the diplomatic peace effort with Japan in the early 1900s. The goal of this project is to utilize private funding for the purchasing and planting of these Japanese Cherry Trees. Before raising these funds, the community needs confirmation and support from Greater Cincinnati Water Works and the Cincinnati Parks about the feasibility of planting trees around the water reservoir.



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