



COUNCIL UPDATE

April 22, 2021

MEETINGS & REMINDERS

Please note meetings are being held as webinars and conference calls. Information for residents to participate may be found on the clevelandheights.com calendar.

Thursday, April 22	-	6:00 p.m.	-	Administrative Services Committee
Monday, April 26	-	6:30 p.m.	-	Committee of the Whole
Tuesday, April 27	-	7:00 p.m.	-	Cleveland Heights Police Department Community Town Hall #2
Wednesday, April 28	-	6:00 p.m.	-	Community Relations Committee
	-	7:00 p.m.	-	Transportation Advisory Committee
Thursday, April 29	-	6:30 p.m.	-	Federal Consent Decree (EPA)
Friday, April 30	-	10:00 a.m.	-	Arbor Day Ceremony
Monday, May 3	-	6:30 p.m.	-	Committee of the Whole
	-	7:30 p.m.	-	City Council

LEGISLATION

- **Bike Month.** A Resolution proclaiming May 2021 to be Bike Month in the City of Cleveland Heights
- **National Preservation Month.** A Resolution declaring May 2021 National Preservation Month



UPDATES FROM THE CITY MANAGER

- **Consent Decree Webinar:** The Consent decree webinar (April 21) regarding background information on our City's responsibilities to the EPA is posted on the City's website (There is a link for comments and questions). This is a good resource to understand the City's process since 2017. On Thursday, April 29 at 6:30 p.m., there will be a presentation during which our consultants will respond to the questions and comments received and also discuss next steps. Legislation will have to be prepared and voted on in May in order to file our report with the EPA on June 1.
- **Community Relations/Recreation/Pool:** Enclosed in this packet are guidelines for the opening of Cumberland Pool. Staff has done a good job to be sure everyone is safe from COVID/variants, but also able to enjoy the pool. Block parties are not being sanctioned throughout the City with consideration to the guidelines about gatherings. This is also true for registration of Park pavilions.

Please find the following attached:

- A memo regarding potential zoning changes for private parking garages
- Existing garage regulations
- Information regarding the Police Policy Review & Community Virtual Town Hall Meeting #2
- Cleveland Heights Police Department 2019 Traffic Ticketing Patterns
- Proposed Council rules (draft for discussion)
- Parks & Recreation Department Update
- 2021 Swimming Procedures
- Economic Development Finance Programs Summary



Committee of the Whole

April 26, 2021

6:30 p.m.

Agenda

Online Only

<http://www.youtube.com/cityofclevelandheights/live>

1. Presentation/Discussion Regarding Garages - Eric Zamft
2. Presentation of CSU Traffic Stop Data - Chief Mecklenburg
3. Council Organizational Rules
4. Executive Session – 1. *To consider the appointment of a public official; and 2. To discuss with an attorney for the public body, claims or disputes involving the public body that are the subject of pending court action.*



MEMORANDUM

To: Susanna Niermann O'Neil, City Manager

From: Eric Zamft, Planning Director

Date: April 22, 2021

Subject: Potential Zoning Code Changes Regarding Private Parking Garages

The City's Zoning Code is central to development, redevelopment, and investment within the City. Planning staff is looking at ways to improve the zoning approach, regulations, and process, with the intent of pursuing a comprehensive rezoning effort in the hopeful near future. That intent should not prevent, however, the City from addressing pressing zoning issues within the City's existing code.

Issues with zoning can be identified in a number of ways, but a clear indication that there is a zoning issue is when there are repeated requests for variances for the same type of project or improvement. Another clear indication is if other boards and commissions see repeated, multiple applications for the same type of project or improvement, but sometimes struggle with the appropriate regulations or guidelines for such improvement. Finally, another indication is when staff receives repeated inquiries for a particular type of project or improvement, but lacks clear guidance on how to process such application.

These indicators are all present when it comes to inquiries and applications related to private parking garages within the City: 1) over the past few years, there have been many requests for variances at the Board of Zoning Appeals ("BZA") related to garages; 2) the Architectural Review Board ("ABR") sees many applications on its calendar related to garages, some of which require significant discussion due to limited guidelines for design; and 3) Planning staff repeatedly and often receives inquiries on how to proceed with particular improvements to garages and notes the frustrations of residents on the standards that are in place. Council should be aware of recent correspondence from residents on the issue and the review boards are certainly aware as well.

To illustrate the issue and the residents' frustrations, attached you will find excerpts of the existing zoning regulations for private parking garages within the City. Although these relate

not just to single- and two-family homes, but all private parking garages, it should be clear how complicated these regulations are.

Given that, staff has examined the existing regulations related to private parking garages and seeks to simplify and clarify those regulations. To that end, staff has prepared a draft set of revisions and, given Council go-ahead, would work with the Law Department to finalize those draft revisions in the appropriate format to then initiate the procedures for amending the Zoning Code found in Chapter 1119 (Amendments). This would include a formal application/petition, presentation to Council, transmittal and recommendation by the Planning Commission, public hearing by Council, and, ultimately action by Council.

During Committee of the Whole on April 26, 2021, I have been asked to give a short presentation highlighting the issues related to private parking garages and staff's initial proposals for revisions. I will note during my presentation that these proposals and any legislation that would come before Council are intended to be the starting point for conversation and discussion and that there would and should be plenty of community and board/commission input on the ultimate final legislation. The objective of the presentation is to provide an introduction to Council and, hopefully, receive the support to move forward with the formal amendment process.

**EXISTING PROVISIONS REGARDING PRIVATE PARKING GARAGES IN THE CITY OF CLEVELAND
HEIGHTS' ZONING CODE (PART ELEVEN OF THE CITY'S CODIFIED ORDINANCE)**

Definitions

1103.03 DEFINITIONS OF GENERAL TERMS

- (44) "Floor area of a dwelling unit" means the sum of the gross horizontal areas of a building devoted to residential use measured from the exterior faces of exterior walls or from the center line of common walls separating two (2) dwelling units. "Floor area of a dwelling unit" shall not include unfinished basement, attached garage, attic, terraces, breezeways, open porches and covered steps.
- (49) "Garage, parking" means a principal or accessory building or an enclosed space within the principal building in which motor vehicles owned by the general public are parked, including facilities operated as a business enterprise with a service charge or fee paid to the owner or operator of such facility, with no facilities for mechanical service or repair of a commercial or public nature.
- (50) "Garage, private" means a detached accessory building or portion of the principal building designed to store motor vehicles and other normal household accessories of the residents of the principal building, with no facilities for mechanical service or repair of a commercial or public nature.
- (84) "Parking lot" (See also garage, parking) means an area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

AA and A (SF) and B (2-Family)

1121.04 CONDITIONALLY PERMITTED USES

The categories of conditional uses which may (together with their accessory uses) be permitted in the AA and A Single-Family and B Two-Family Residential Districts, provided they conform to the conditions, standards, and requirements of Title Seven and are approved for a particular zoning lot in accordance with the administrative provisions of Section 1115, shall include the following:

...

- (j) Public parking (surface lot or one-story covered garage) as principal use for a permitted use not on the same lot;
- (k) Accessory parking for a commercial use, contiguous with a C-1, C-2, C-2X or C-3 District;

1121.05 ACCESSORY USES

Accessory buildings and uses subject to the regulations in Section 1121.12 and as noted are permitted in association with and subordinate to a permitted or conditionally permitted use in

the AA and A Single-Family and B Two-Family Residential Districts and are limited to the following:

- (a) Private garages and related residential off-street parking subject to the regulations of Chapter 1161;

1121.09 DWELLING UNIT REQUIREMENTS.

In order to provide healthful living conditions and to preserve the character of the neighborhood, dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following standards establishing minimum floor areas of dwelling units and required garage space.

- (a) Minimum Area of Dwelling Unit. The minimum floor area of a dwelling unit shall not be less than specified below. For the purpose of determining the minimum floor area, porches, steps, terraces, breezeways, attached garages, or other attached structures not intended for human occupancy shall be excluded.

District	Type of Dwelling	Minimum Floor Area Per Dwelling Unit (In Square Feet)
AA	Single Family	2,000
A	Single Family	1,500
B	Single Family	1,500
B	Two Family	1,000

- (b) Enclosed Parking Spaces Required. Required off-street enclosed parking spaces shall be provided for each dwelling unit, either in a garage that is attached or detached and accessory to the dwelling unit in accordance with Schedule 1161.03. When 75% or more of a blockface have detached rear yard garages or attached garages with doors not visible on the street elevation, new attached garages shall have doors not visible on the street elevation. A new attached garage of a home on a corner lot may have garage doors visible on one of the streets. Furthermore, all parking areas shall be provided, designed and constructed in accordance with the accessory use standards in Section 1121.12 and the parking requirements in Chapter 1161.

1121.12 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in AA, A and B Districts shall conform to the location, coverage and maintenance standards contained in this section. Attached garages as part of a dwelling are subject to all yard requirements for a principal building specified in Section 1121.08 and shall comply with the floor area regulations for garages established in subsection (e) hereof.

Schedule 1121.12(a)
MINIMUM YARD REQUIREMENT FOR ACCESSORY USES

<u>Permitted Use, Structure, Building</u>	<u>Yard in Which Permitted</u>	<u>Rear Lot Line</u>	<u>Side Lot Line</u>	<u>Side Street (Corner Lot)</u>	<u>Principal Building</u>
(1) Detached garage	Rear	3(a)(i)	3(i)	25(b)	0
	Side	5(a)(i)	(c)(i)	25(b)	0

- (a) When the rear yard of a corner lot abuts the side yard of an interior lot, a detached garage shall be located no less than 10 feet from the rear lot line.
- (b) Or no closer to the side street than the principal building, whichever is greater.
- (c) Shall maintain the minimum dimension for the side yard of a principal use as specified in Section 1121.08.
- (d) See Section 1121.12(b).
- (e) Shall be no closer to the side street than the principal building, unless specifically permitted elsewhere in this Zoning Code.
- (f) "Height" of a deck, porch, ramp, or steps means the vertical distance from the average finished ground elevation to the top of the floor surface.
- (g) See Section 1121.12(i) for additional fence regulations.
- (h) See Section 1165.02(c) for parking of non-passenger vehicles. See Section 1121.12(k) for parking pad regulations.
- (i) The Zoning Administrator may approve reduced rear and side yard setbacks for a garage, provided that in no event shall the Zoning Administrator approve setbacks less than those of an existing or previously existing garage on the property and shall adhere to all applicable Building Code regulations.
- (j) See Section 1121.12(m) for additional regulations.
- (k) When in the front or corner side yard are permitted only with Architectural Board of Review approval.
- (l) See Section 1121.12(l) for additional vegetable/edible garden regulations.
- (m) Standard screening means a fence, masonry wall or evergreen hedge which is eighty (80%) or more solid and either six (6) feet high or a height adequate to screen the view from a person six (6) feet tall standing on a public street or on adjacent property.
- (n) See Section 1121.12(o) for additional compost bin regulations.
- (o) In a rear yard of 2,000 square feet in area or less, storage buildings shall be no closer than 3 feet from a rear or side property line.

Schedule 1121.12(d)
MAXIMUM AREA AND REAR YARD COVERAGE

Permitted Use, Building Structure	Maximum Percentage of Rear Yard Coverage		Maximum Area (in sq. ft.)		
	AA and A District	B District	AA District	A District	B District
(1) Accessory building	20(a)(c)(f)	30(a)(c)(f)	(d)	(d)	1,200(d)
(2) Accessory structures exceeding 3 feet in height	15	15	2,000	2,000	2,000
(3) Pavement related to parking, including driveway	30(b)	30(b)	2,000	2,000	2,000
(4) Accessory structures not exceeding 3 feet in height, including sidewalks and patios	60	60	6,500	4,000	4,000
(5) Total maximum rear yard coverage (e)	60	60	12,000	----	----

Notes to Schedule 1121.12(d)

- (a) Nonconforming lots may be permitted to have up to 40% rear yard coverage by accessory buildings subject to Zoning Administrator approval of landscaping and screening plan which addresses stormwater management and minimizes adverse impact on neighboring lots. Total rear yard coverage shall not exceed 70%.
- (b) Nonconforming lots may be permitted to have up to 40% rear yard coverage by pavement or unenclosed parking subject to Zoning Administrator approval of landscaping and screening plan which addresses stormwater management and minimizes adverse impact on neighboring lots. Total rear yard coverage shall not exceed 70%.
- (c) The Zoning Administrator may approve a lesser number of enclosed parking spaces pursuant to Section 1161.03(a).
- (d) See also Section 1121.12(e) for maximum floor area of a garage.
- (e) While each specific category (1-4) has a maximum size limitation, the total coverage of all accessory uses shall not exceed the area limit for the rear yard.
- (f) On a corner lot, a garage may cover up to 60% of rear-yard area. Total permitted rear- yard coverage on a corner lot is 80% of rear-yard area.

...

- (e) Maximum Floor Area of Garage. A single-family dwelling shall be permitted no more than one (1) attached and one (1) detached garage with a total maximum area of 500 square feet plus one (1) additional square foot of garage area for every fifteen (15) square feet of lot area greater than 6,000 square feet. However, the area of the garage(s) shall not exceed 1,200 square feet. A two-family dwelling shall be permitted no more than one (1) attached and one (1) detached garage with a maximum floor area of 1,200 square feet.

...

(p) **Driveways.** In addition to the location and coverage regulations set forth in this section, residential driveways shall be subject to the following additional regulations:

- (1) Only one driveway and one curb cut shall be permitted per lot except lots 100' wide or greater shall be permitted one (1) additional curb cut which shall comply with Schedule 1121.12(a)(9); and
- (2) Pavement width shall not exceed twelve (12) feet except where necessary to provide direct access to a garage.
- (3) Shared driveways are permitted in accordance with Code section 1161.105.

MF-1, MF-2, and MF-3 (MF)

1123.04 CONDITIONALLY PERMITTED USES

(j)	Parking deck or one-story garage as a principal use for a permitted use that is not on the same lot	C	C	C
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1123.05 ACCESSORY USES

(a)	Private garages and related residential off-street parking, subject to the regulations of Chapter 1161	A	A	A
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1123.10 DWELLING UNIT REQUIREMENTS.

In order to provide healthful living conditions and to preserve the character of the neighborhood, dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following standards establishing minimum floor areas of dwelling units and **required garage space**.

- (a) **Minimum Area of Dwelling Unit.** In a MF Multiple Family Residential District, the minimum floor area for a dwelling unit shall be not less than specified below. For townhouse and multi-family dwellings, where applicable, measurements will be made to the center line of party walls. All areas within **garages**, porches, public halls and general storage rooms in multi-family dwellings shall be excluded in this measurement.

District	Minimum Floor Area (in square feet)	
	By Type of Unit Townhouse/Cluster Development	Multi-family dwelling
MF-1	1,250	500
MF-2	1,250	500
MF-3	1,250	500

- (b) **Enclosed Parking Spaces Required.** Enclosed parking spaces shall be provided for each dwelling unit in compliance with Chapter 1161, either in a garage that is attached to and integrated with or in a garage that is detached and accessory to the dwelling unit. When 75%

or more of a block face have detached rear yard garages or attached garages with doors not visible on the street elevation, new attached garages shall have doors not visible on the street elevation. A new, attached garage of a multi-family dwelling on a corner lot may have garage doors visible on one of the streets. The first floor of a principal building containing dwellings shall not have more than 50% of any side yard or front yard building frontage comprised of garage doors. Furthermore, all parking areas shall be provided, designed and constructed in accordance with the accessory use regulations in Section 1123.12.

1123.12 ACCESSORY USE REGULATIONS.

Schedule 1123.12(a) MINIMUM YARD REQUIREMENTS FOR ACCESSORY USES

Permitted Accessory Use	Front Yard	Abutting MF, C or S District	Abutting AA, A or B District
(1) Private garage and related parking areas	NP	5	10

Commercial Districts (this would be C1, C2, C2X, C3)

Schedule 1131.02 PERMITTED AND CONDITIONALLY PERMITTED USES IN COMMERCIAL DISTRICTS

Land Use Category	C-1 Office District	C-2 Retail District	C-2X Multi-Use District	C-3 Commercial District
(d) <u>Automotive Uses:</u>				
(7) Parking lot as a principal use		C	C	P
(8) Parking deck or parking garage as a principal use		C	C	P

Schedule 1131.03 PERMITTED ACCESSORY USES

Land Use Category	C-1 Office District	C-2 Retail District	C-2X Multi-Use District	C-3 Commercial District
(a) Off-street parking and loading facilities as required and regulated in Chapter 1161	A	A	A	A

Schedule 1131.06
MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES (a)

Specified Yard		Minimum Dimensions by District (in feet)	
		C-1, C-2 Districts	C-3 Districts
(a)	Front (b)	5(b)	5(b)

Notes to Schedule 1131.06

...

(b) See Section 1131.12 for supplemental regulations for parking garages and parking decks.

1131.12 SUPPLEMENTAL REGULATIONS FOR OFF-STREET PARKING DECKS AND PARKING GARAGES.

Off-street parking decks and parking garages may be located on the same lot as the principal use, or may be located on a separate lot in accordance with Section 1161.06, and shall comply with the following standards:

- (a) All parking decks and parking garages shall be approved by the Architectural Board of Review.
- (b) A parking deck or parking garage shall comply with the yard requirements for a principal use specified in Schedule 1131.06 except that open parking decks and open garages in which vehicles are visible from the street shall be located not less than fifteen (15) feet from a public right of way.
- (c) Open parking decks and open parking garages shall be landscaped according to the requirements established in Section 1166.06.

Supplemental Standards for Conditional Uses

1153.03 SPECIFIC AREA, WIDTH AND YARD REGULATIONS

Schedule 1153.03
AREA, WIDTH AND YARD REGULATIONS
FOR CERTAIN CONDITIONAL USES

Conditional Use	Min. Lot Area	Min. Lot Width (Feet)	Front	Side/ Rear	Side/ Front	Rear	See Also Section
(11) Parking deck or one-story garage for a permitted use not on the same zoning lot	20,000 sq. ft.	100	30	15	N/A	N/A	---

1153.05 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES

The following conditional use regulations are specific requirements pertaining to the location and maintenance of certain conditional uses and are in addition to the general criteria set forth in Chapter 1151 and the lot area, width and yard regulations set forth in Section 1153.03.

...

- (h) Home Occupation in an Accessory Building. A home occupation in an accessory building may be conditionally permitted by the Zoning Administrator in any district provided that the following standards are met and maintained:

...

- (8) No home occupation shall be permitted in that portion of a garage that is required by this Zoning Code to provide enclosed parking spaces for a dwelling.

...

- (aa) Attached Single-Family Dwelling Unit. Attached single-family dwelling units may be conditionally permitted in B, A, AA, and MF Districts in accordance with the following:

...

- (4) Each attached dwelling unit shall have its own driveway and two-car garage.

Off-Street Parking and Loading Requirements

1161.03 NUMBER OF PARKING SPACES REQUIRED

Schedule 1161.03 REQUIRED OFF-STREET PARKING SPACES

	Principal Building or Use		Minimum Spaces Required
(a)	Residential Uses:		
	(1)	Single-family dwellings	2 spaces, of which both spaces shall be enclosed (a)(b)
	(2)	Two-family dwellings	2 spaces for each dwelling unit, of which both spaces per dwelling unit shall be enclosed (a) (b)
	(3)	Townhouses	2 spaces for each dwelling unit, of which both spaces per dwelling unit shall be enclosed.
	(4)	Multi-family dwelling	1 space for each dwelling unit, of which not less than .5 space per unit shall be enclosed.
	(5)	Senior citizen apartments	1 space for each dwelling unit, of which not less than 0.5 spaces per dwelling unit shall be enclosed.

	(6)	Lodging house, boarding houses	1 space for each bed.
	(7)	Dormitories, sororities and fraternities	1 space for each 3 persons based on the maximum capacity as established in the Housing Code.
	(8)	Nursing homes	1 space per 3 beds

Notes to Schedule 1161.03:

- (a) All existing lots of record of a single-family and two-family dwelling that does not meet the minimum lot area or lot width requirements of the district are permitted to provide fewer enclosed parking spaces in a detached garage if the Zoning Administrator verifies that construction of a code-conforming detached garage cannot be accommodated on the site and approves a landscaping and screening plan which addresses stormwater management and minimizes adverse impact on neighboring properties. The site must meet one (1) or more of the following standards:
- (i) The maximum rear yard coverage limitation would be exceeded with the construction of a Code-conforming garage.
 - (ii) The maximum lot coverage or impervious surface limitation would be exceeded with the construction of a Code-conforming garage.
 - (iii) The previously existing detached garage on the lot was a single-car garage for single-family dwelling or fewer than four-car garage for a two-family dwelling.
 - (iv) Special conditions peculiar to the land or structure which are not applicable generally to other lands or structures in the same Zoning District render a code-conforming garage impractical.
 - (v) Construction of a rear-yard garage would result in pavement access of fewer than 20 feet to an enclosed parking space.
- (b) If the previously existing detached garage on the lot was a single-car garage for single-family dwelling or fewer than four-car garage for a two-family dwelling, the Zoning Administrator may approve a garage with the same number of enclosed spaces.

1161.08 PARKING OF JUNK MOTOR VEHICLES.

- (a) The outdoor parking of a junk motor vehicle on a lot shall be prohibited except as provided below. However, such a vehicle may be stored in an enclosed garage, provided that in a residential district no business shall be conducted in connection therewith while such vehicle is parked or stored inside of the building.
- (b) The parking of a junk motor vehicle in connection with a conditional use in a commercial district may be permitted for a period not to exceed forty-eight (48) hours.

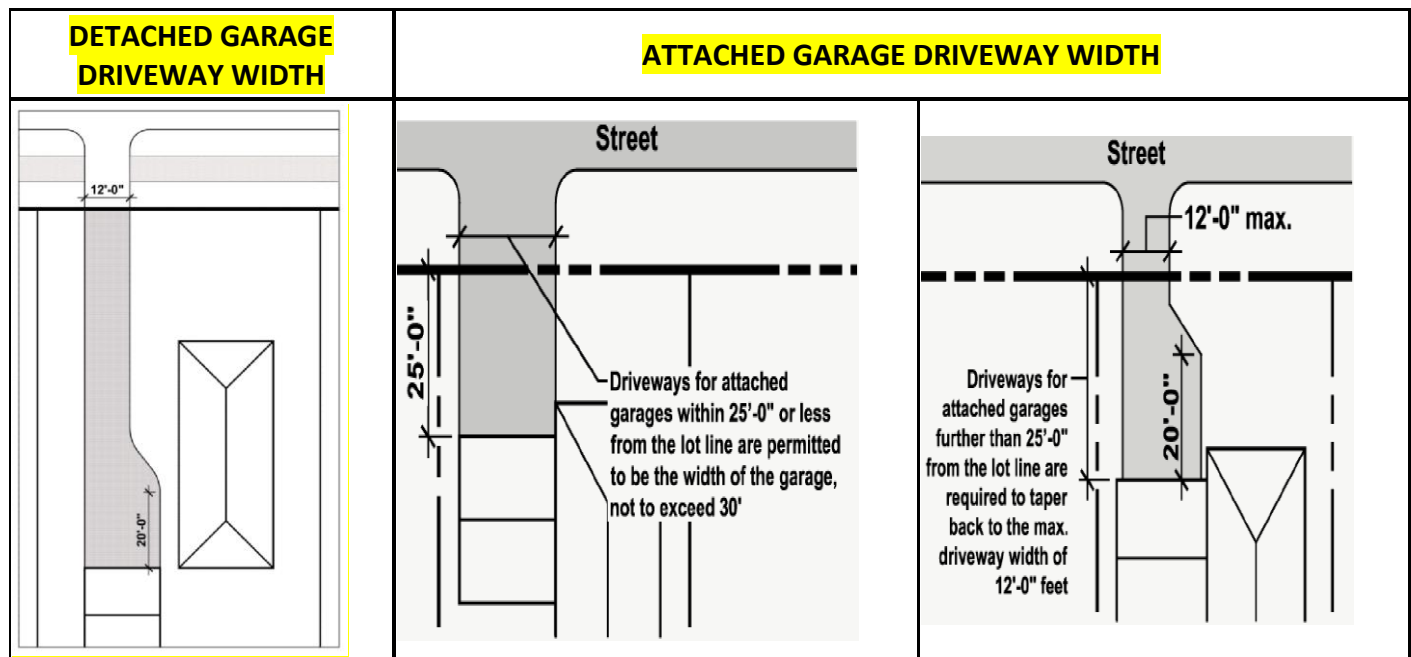
1161.105 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DRIVEWAYS.

- (a) For single-family and two-family dwellings, a residential driveway that provides access to a garage is limited to twelve (12) feet in width. A driveway apron, the width of the garage, as measured from the garage walls, is permitted to extend for a distance (depth) of twenty (20) feet from the garage doors before tapering back to the maximum driveway width of twelve (12) feet. For attached garages located twenty-five (25) feet or less from the lot line, the driveway is permitted to be the width of the attached garage and no tapering is required on

private property, However, the apron shall be a maximum of twelve (12) feet. (See Figure 1161.105(a)).

- (b) Driveways must be located a minimum of three (3) feet from the side and rear lot line. However, a residential driveway may be shared by adjacent lots and constructed on the lot line. This shared driveway location is only allowed if agreed to by the owners of each lot.
- (c) All single-family and two-family dwellings are permitted to construct driveways that consist of two (2) paved wheel strips, each of which is a minimum of eighteen (18) inches wide and a minimum of twenty (20) feet long. A permeable surface, such as turf, must be maintained between such wheel strips. (See Figure 1161.105(c): Paved Wheel Strips). All driveway aprons must comply with the construction and paving requirements of this Zoning Ordinance.
- (d) Residential driveways must be surfaced and maintained in accordance with Section 1161.11(d). Paving with semi-pervious materials, such as permeable pavers, porous asphalt, porous concrete, grass-crete or gravel-crete, is encouraged. A semi-pervious driveway is still subject to the coverage requirements of each individual yard. Gravel and wood chips are prohibited.

FIGURE 1161.105(a): RESIDENTIAL DRIVEWAY WIDTH



1161.11 IMPROVEMENT AND MAINTENANCE STANDARDS

...

- (j) Lighting. Wherever a parking lot or garage is to be used during darkness, a system of floodlighting shall be installed to provide an adequate standard of illumination over the entire parking lot. All floodlights shall be shielded so that a minimum glare will extend to adjacent property and shall be in compliance with Section 1165.07.

...

- (l) Maintenance. A parking lot or garage shall be maintained in a manner to keep it as free as practicable from dust, paper and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot or garage, shall be maintained in good condition throughout its use for parking purposes. All exposed concrete walls shall be painted or finished.

BZA

1109.06 POWERS AND DUTIES OF THE BOARD

For the purpose of this Zoning Code, the Board of Zoning Appeals is given the following powers and duties:

- (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Administrator in the administration or enforcement of this Zoning Code.
- (b) To authorize such variances from the terms of this Zoning Code as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of this Code will result in practical difficulty or, in the case of a use variance, unnecessary hardship, and so that the spirit of this Code shall be observed and substantial justice done. Specifically, variances shall be reviewed according to the criteria set forth in Section 1115.07(e) and may be granted as guided by the following:

...

- (4) Vary the garage door requirements in multiple-family uses only, in exceptional or unusual circumstances, taking into consideration the following physical factors:
 - A. The topography, including the grade of lane where the building and accessory garage are situated and the entryway to the garage or garages;
 - B. The maneuvering space available to enter the parking stall;
 - C. The number of garages involved;
 - D. Design and usage of the garage structure; and
 - E. All other applicable factors included within Section 1109.06(b) hereof.

Additional Regulations Governing Uses

1165.02 SUPPLEMENTARY ACCESSORY USE REGULATIONS.

...

- (b) Home Occupations Accessory to a Dwelling Unit in a Residential District. A home occupation may be conducted in a dwelling unit provided that the following standards are maintained:

...

(8) The home occupation shall be conducted wholly within the dwelling unit and no aspect of the home occupation shall be conducted in any accessory building except as may be conditionally permitted according to Chapters 1151 and 1153 or in any detached or attached garage.

- (c) Parking Nonpassenger Vehicles in a Residential District. The placing, storing or parking of trucks and other such commercial vehicles, including pickup trucks, vans and panel trucks, on a lot or on a public street in a residential zone is prohibited. Exceptions to this prohibition are licensed passenger vehicles, or noncommercial motor vehicles; vehicles displaying license plates issued to a handicapped person and imprinted with the international wheelchair symbol; or vehicles displaying a valid parking card issued by the State of Ohio to handicapped persons and the following:

- (1) Such vehicle may be so placed, parked and permitted to stand for a period during the delivery therefrom or the pickup of articles or materials to be used or consumed on the related premises.
- (2) When such vehicles are used in connection with constructing, altering, repairing, maintaining or cleaning a building on such lot when the described work is in process.
- (3) One (1) single rear-axle four-wheel vehicle described as a pickup truck, van or panel truck, and not exceeding three-quarter (3/4) ton capacity or its equivalent gross weight, may be stored or parked in a garage with the garage doors closed on a residential premise provided all of the following conditions are observed:
 - A. There are no offensive odors emitted from the truck.
 - B. There is stored within the confines of the truck only such items as hand tools, spare parts and small amounts of supplies and/or other items of personalty. In no event is such vehicle to be used as a warehouse for the storage of substantial goods, supplies or other materials.
 - C. There are no animals, fish or fowl stored in the truck.
 - D. There are no foodstuffs or other organic materials stored in the truck which would create a condition that would attract, harbor or contain vermin, insects or rodents.
 - E. The storing of the truck in a garage shall not cause the displacement of a passenger vehicle or vehicles in such manner as to result in a violation of other provisions of this Zoning Code.
 - F. There are no health or safety hazards caused in permitting the garaging of a truck.

- G. The use and garaging of a truck shall not result in a public nuisance which is offensive to neighboring property owners or residents by reason of excessive noise, late hours of truck use, intensity of activity or other such reasons.
 - H. The truck shall be maintained, at all times, in good mechanical condition and exterior appearance.
 - I. No maintenance and repair work on the truck shall be done on the property, except of an emergency nature.
 - J. No such vehicle shall be used in conjunction with any "home occupation" not authorized by the terms of this Zoning Code.
 - K. An annual permit which shall be affixed to the vehicle in plain view shall be obtained from the Zoning Administrator or designated agent for the authority to garage a truck as described in this subsection (c) and payment of the applicable fee shall be required.
- (4) Subsection (c)(3) hereof shall not be applicable to vehicles licensed as noncommercial vehicles, or to vehicles not exceeding three-quarter (3/4) ton capacity or its equivalent in gross weight, that are used exclusively for purposes other than engaging in business for profit, bearing no commercial signage, and that display either license plates issued to a handicapped person and imprinted with the international wheelchair symbol, or a valid parking card issued by the State of Ohio to handicapped persons.

(d) Parking of Recreation Vehicles in a Residential District. The parking of recreation vehicles as an accessory use in a residential district is subject to the following:

- (1) Except as otherwise provided in this section, boats, campers, trailers, and similar equipment owned and used by the occupants of the premises may be stored on such premises, provided such storage is not in the open but is in a garage.
- (2) Notwithstanding the provisions of subsection (d)(1) hereof, not more than one (1) open air parking space for a recreation vehicle used for recreational purposes by the occupants of the dwelling may be located in a rear yard provided that:
 - A. Such parking space shall be included in the accessory building area allowances otherwise prevailing for this site and shall not be in addition to such area allowance.
 - B. The recreation vehicle shall not have fixed connections to electricity, water, gas or sanitary sewer facilities and at no time shall the recreation vehicle be used for living or housekeeping purposes.
 - C. The recreational vehicle shall not be stored outside of a garage unless adequate screening thereof has been established to the satisfaction of the Zoning Administrator. Adequate screening shall consist of building walls, fencing as permitted by this Zoning Code, or evergreen plantings in accordance with the Plantings List approved by the Planning Commission. In determining adequacy of screening, the Zoning Administrator shall consider the size of the lot in question, the proximity of buildings on adjacent property, the size of the recreational vehicle, the existing landscaping or screening on adjacent properties, and all other relevant considerations. At least five (5) days before the Zoning Administrator makes any determination as to the adequacy of the screening, he or she shall cause notices to be sent to the contiguous properties.

- D. A recreation vehicle may be parked in a parking or driveway area anywhere on the premises for loading or unloading purposes for a period of not more than forty-eight (48) hours in any consecutive twenty-one (21) day period.
- E. An annual permit shall be obtained from the Zoning Administrator or designated agent for the recreation vehicle open air parking space described in this section, and payment of the applicable fee shall be required.

Prohibited Uses

1167.01 SPECIFICALLY PROHIBITED USES

...

- (c) Wrecking or dismantling of motor vehicles except within a garage pursuant to Section 1161.08.



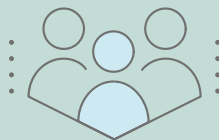
Division of Diversity,
Inclusion and
University Engagement



Police Policy Review & Community Virtual Town Hall Meeting #2

April 27, 2021

7-8:30 PM



Working with **The Diversity Institute at Cleveland State University**, the **Cleveland Heights Police Department** is updating some of its policies and is seeking input. Community participation, from residents and other interested parties, is important to this process.

All community members are invited to submit comments and questions on these policies by April 23 at 5 PM.

You can find police policies, comment form, and the Zoom link here: clevelandheights.com/CHPD-Town-Hall



CITY OF
CLEVELAND
HEIGHTS



Cleveland Heights Police Department 2019 Traffic Ticketing Patterns

Introduction

In response to the police-involved killing of George Floyd on May 25, 2020, and the historic mass demonstrations and protests calling for racial justice and police reform in cities and towns, large and small, across the country and around the world that ensued in its wake, the City of Cleveland Heights engaged The Diversity Institute at Cleveland State University to collaborate in assessing and enhancing the community-oriented policing practices of the Cleveland Heights Police Department (CHPD). This report provides demographic data for the department's sworn personnel and an analysis of the 2019 traffic enforcement data of the CHPD. A database containing law enforcement records was provided to the CSU research team and analysis of the traffic citations, warnings, and related arrests administered by the CHPD was conducted. The traffic stop data was analyzed by race/ethnicity and gender to specifically address concerns relative to the unbiased, equitable enforcement of traffic laws.

City and Police Department Demographics

The City of Cleveland Heights is a diverse community. According to 2020 Census data, its population of 44,571 is 50% (22,277) White, 41% (18,292) Black, 5.3% (2,363) Asian, 2.8% (1,241) Latinx (which may be of any race), 0.13% (60) Native American/Alaskan Native, 2.8% (1,259) Two or more races, and 0.009% (4) Native Hawaiian/Pacific Islander. The Cleveland Heights Police Department is led by Chief Annette Mecklenburg, a White female, who has been with the department 30 years and assumed the leadership in February 2016. The department currently has 95 sworn officers, which are 11.5% female, 88.5% male, 78% (75) White, 21% (20) Black, and 1% (1) Asian. The table below contains the number of officers at each rank and the range of time in service for each rank.

Rank	No.	Race/Gender				Years of Service
Chief	1	1 WF				30
Commander	1	1 WM				13
Captain	4	4 WM				19 – 32
Lieutenant	4	1 BM		3 WM		14 – 25
Detective	15	1 BF	6 BM	8 WM		8 – 35
Investigator	9	1 BM		8 WM		8 – 35
Sergeant	8	8 WM				10 – 30
Police Officer	28	2 BF	3 WF	1 AM	22 WM	1 – 10
Basic Patrol Officer	26	1 BF	3 WF	8 BM	14 WM	0.5 – 23

The Data

The CHPD database provided contained 11,482 Computer Aided Dispatch (CAD) service call records with 29 distinct codes or categories of police functions and activities. The database included codes ranging from *gym detail*, *disorderly (conduct)*, *welfare check*, *mental subject*, *suspicious person*, *suspicious vehicle*, to *warrant service*, and *follow up investigations*. It also contained 7 traffic specific codes. The dataset included 11,237 traffic enforcement records of which 216 were associated with an arrest. As noted, the traffic stop data as well as the arrest data were assessed by race/ethnicity and gender. A major limitation of the traffic enforcement data is that while traffic stops and those that resulted in a warning or a traffic citation were noted, the type of traffic offense or the Cleveland Heights or Ohio Revised Code ordinance violated was not identified.

Data from a 2010 study (Dunn) commissioned by the Cuyahoga County Prosecutor which used traffic ticketing patterns as a proxy for the use of police discretion in the city of Cleveland and three surrounding suburban police jurisdictions, provided a measure of the driving-age population for the majority of the municipalities in Cuyahoga County, including Cleveland Heights. This measure used a travel demand model imputed with 2010 Census race and age demographic data¹ to provide a relatively precise benchmark to compare traffic ticketing data against and identify any racial/ethnic disparities that might exist in the traffic stop/enforcement data.

Data Analysis by Race/Ethnicity

The City of Cleveland Heights' driving population is an estimated 290,569 motorists daily, of which 52% are White, 41% Black, and 9% of other racial/ethnic background. Of the 11,237 traffic stops noting race, Whites were 26%, Blacks were 66%, Asians were 2%, and persons of other races/ethnicities or for which race was unknown were 6% of motorists stopped and cited. Comparing the percentage of traffic stops for each racial group to their percentage of the driving population provides a ratio reflecting the proportional share of traffic stops for each group. With 1.00 equaling parity or the expected share for each racial group given its percentage of the driving population eligible to be stopped/ticketed, all else being equal.

¹ Driving population estimates were obtained from the Northeast Ohio Areawide Coordinating Agency (NOACA) 2010 Compress Trip Distribution (gravity model). This estimate is of the total number of round trips, 4 trips per person and roughly 10 trips per household based on the 1994 NOACA Travel Survey. This data was imputed with racial/ethnic and age demographic Census data for those of legal driving age (15 in Ohio with a drivers permit) and the age (85-year) at which a significant decrease in those driving is noted in the research literature. The NOACA gravity model covers the 13-county region and areas of the contiguous United States from which Northeast Ohio's driving population is drawn from. The trips in the gravity model reflect motor vehicle trips made to, from, and within the city of Cleveland Heights within a 24-hour period. This data is the most recent available until the release of the 2020 Census data and updated NOACA travel demand models.

Traffic Stops

Blacks, representing 41% of the driving population were 66% of the traffic stops. This is 1.60 or 60% above their proportional share of traffic stops. Whites, who are 52% of the driving population were 26% of the traffic stops, reflecting half or 50% below their proportional share. Asians were 5% of the driving population and 2% of the traffic stops, representing 48% which is 52% below their proportional share. Motorists of other or unknown races/ethnicities who were also 5% of the driving population and 6% of the traffic stops were 1.18 or 18% above their proportional share of traffic stops.

Traffic Stops by Race

Race	Traffic Stops		DP	Traffic Stops/DP
Black	7385	66%	41%	1.60
White	2942	26	52	0.50
Asian	269	2	5	0.48
Other/Unknown	641	6	5	1.18

Calculating the likelihood of each racial group being stopped by police using Whites as the reference group, Blacks were 3.2 times as likely to be stopped by police as Whites. Asians were 0.96 times as likely to be stopped by police as Whites, while motorists of other races or of unknown race/ethnicity were 2.36 times as likely to be stopped by police in relation to Whites. Comparing the likelihood of Whites being stopped by police using Blacks as the reference group, Whites were .31 times as likely to be stopped by police as Blacks. Asians were .30 times as likely to be stopped by police as Blacks and other minorities or those whose race was unknown were .73 times as likely to be stopped by police.

Traffic Stop Related Arrests

Examining arrests in relation to a traffic stop by race/ethnicity, Blacks were 92% (198) of those arrested, Whites were 6% (13), persons whose race was unknown were 1.8% (4), and one Asian (0.4%) was arrested. Black males were 62% (135) of all traffic related arrests, Black females were 29% (63) of arrestees, White males were 5% (11), motorists of unknown race were 1.85% (4), White females were 0.9% (2) and the one Asian (0.46%) arrested during a traffic stop was a male.

Arrests by Race

Race	Arrests		Arrests/DP
Black	198	92%	2.24
White	13	6%	0.11
Asian	1	0.4	0.08
Other/Unknown	4	1.8	0.36

Calculating the likelihood of arrests stemming from a traffic stop for each racial group, using Whites as the reference group, Blacks were 20.36 times as likely to be arrested as White motorists. Asians were 0.72 times as likely to be arrested as Whites, and other motorists and those whose race was unknown were 3.27 times as likely to be arrested by police as Whites.

The database also contained a variable for the final disposition of the service calls. There were 7,762 records that contained information for this variable and 3,475 which were blank. There were 4,287 cases (55% of those with information) where the final disposition was recorded as “cite issued,” assumed to mean a citation was issued. Blacks were the majority (66.5%) of the cases noting a citation issued. Whites were 27% of cases indicating a citation was issued, persons for whom race was unknown were 4% and Asians were 2.5% of those for which a citation was issued.

There were 2,320 cases recorded as “advised,” suggesting the individual was not cited but given a warning. Another 206 cases were recorded as either “warning,” “warning school zone,” or “verbal warning.” Therefore, there were a total of 2,526 traffic stops (32% of those with information recorded) where a warning was given rather than resulting in a citation. Blacks were also the majority of those given a warning at 65% with females and males representing 32% and 33% of those receiving a warning. Whites were 27% of those warned during a traffic stop with females being 13% and males 14% of the recipients. Motorists whose race was unknown were 6.2% of those given a warning with females representing 1.1%, males were 1.4%, and persons whose gender were recorded as unknown were 3.7%. Asians were 1.7% of the recipients of a warning in lieu of a citation during a traffic stop with females being 0.7% and males being 1%.

Findings, Discussion

As the demographic Census data above indicates, the city of Cleveland Heights is a diverse community, which in fact is noted nationally for its efforts to maintain a racially and ethnically heterogeneous population. And while its police department does have diversity as illustrated in its female Chief of Police and 11.5% female officers, the department’s diversity does not reflect that of the community, which is approximately 50% White and 50% people of color. This is in comparison to the department which is 78% White, 21% Black, and 1% Asian. The Cleveland Heights Police Department is confronted with the same challenges as law enforcement agencies across the country relative to diversifying their ranks, particularly in recruiting and hiring African American, Latinx, and other community members of color. This challenge is further exacerbated by such high profile, critical police-involved incidents as the killing of George Floyd.

In that the most frequent involuntary contact the average citizen has with police comes in the form of a traffic stop, this analysis examined the traffic stop patterns of the CHPD to determine the racial demographics of those being stopped, and to the extent possible, the reason for the traffic stop and its outcome. Based on the data provided and the research methods used to measure the city’s driving population, African Americans are disproportionately the subject of traffic stops in Cleveland Heights. As noted, Blacks were 41% of the driving population and 66% of traffic stops in the city during the observation period. All else being equal, this is 160% or 60% above their proportional or expected share.

Conversely, Whites, who were 52% of the driving population were 26% of traffic stops, which is 50% of their proportional or expected share. Asians, representing 5% of the driving

population and 2% of traffic stops, were stopped at 48%, also less than their proportional share. Motorists of other or unknown racial backgrounds, which were 5% of the driving population, were 6% of traffic stops, and they too like Blacks, were disproportionately stopped above their expected share, at 18%.

Similarly, Blacks and motorists of other or unknown races were 3.2 and 2.36 times as likely to be stopped by police in Cleveland Heights as were Whites. Stated in the inverse with Blacks as the reference group, Whites were 31% as likely to be stopped by police, while Asians were 30% and motorists of other or unknown racial heritage had a 73% likelihood of being stopped as Blacks.

Not all traffic stops resulted in a traffic ticket being issued. A traffic citation was administered in 55% of the stops for which the final disposition of the stop was recorded. Blacks were 66.5% of motorists issued a citation, Whites were 27%, motorists for whom race was unknown were 4%, and Asians were 2.5%. And in accordance with constituting the majority of traffic stops, Blacks likewise were the majority of those given a warning in lieu of a traffic citation. They were 65% of those granted a warning while Whites were again 27% of those receiving a warning and other motorists of color constituted the remaining 8%. There was no significant observable gender difference in motorists receiving a warning rather than a citation across the racial groups.

Also consistent with the pattern of traffic stops, Blacks were the majority of motorists arrested as a result of a traffic stop at 92%. In relation to their percentage of the driving population, they were arrested at more than twice their proportional share. No other racial group's arrests exceeded their proportional share of the driving population.

Conclusions & Recommendations

The racial disparities traffic stops and ticketing patterns observed in this analysis are, unfortunately, not surprising but are consistent with those found in similar studies conducted in other jurisdictions in Cuyahoga County (Armstrong, D., 2020), in other states, and at the national level (Walker & Archbold, 2020, pp. 108 - 110) . And while these findings are not an anomaly, they do illuminate areas for concern relative to the equitable, unbiased administration and enforcement of law. In particular, they raise questions relative to the "unreasonable search and seizure" clause of the 4th Amendment the 14th Amendment provision of "equal protection under the law." A traffic stop constitutes a "seizure" in that a person is detained, presumably against their will, and not free to leave. And given the patterns of disproportionate stops, citations, and arrests of Blacks and motorists of other or undetermined racial backgrounds, it raises concerns regarding the selective and potentially racially-biased enforcement of traffic laws.

Although there might be legally justifiable reasons that could help explain the racial disparities observed in the observed traffic stop patterns, given the limitations posed by the absences of data on the specific type of traffic offense, e.g. *speeding*, *driving under suspension*, *no operator's license*, *seatbelt violation*, etc., it is not possible to further probe and interrogate

the data which could offer plausible explanations for the observed disparities. For example, in recent analysis of traffic ticketing patterns for various local police jurisdictions including the Cleveland State University Police Department, while patterns of racial disparities comparable to those observed in this study, of specific note were the disparities related to the traffic offense of “*driving under suspension*,” which provides valuable insight into the factors related to this particular offense. Driving under suspension (DUS), along with *expired*, or *no operators licenses*, are offenses which are not readily observable or detected by police and require a records’ check in order to determine the status of one’s licenses. This typically is done by either requesting a “rolling check” through the radio dispatch or running a query using the Mobile Data Terminal (MDT), i.e., the on-board computer in the police cruiser. These checks may be conducted before or after a traffic stop has been made or without making a stop if the record check comes back clean.

In the Cleveland State PD study, Blacks were 76% of recipients of the DUS offense and 40% of the driving population, which means Blacks were cited for DUS at a rate almost twice (1.9 times) their proportional or expected share. It is statistically improbable that this high rate of ticketing Blacks for DUS is the result of random probability and, given the manner in which this particular offense is detected, raised concerns of Black motorists being subjected to a heightened level of scrutiny through electronic surveillance. A similar pattern was found in Cleveland and Shaker Heights in 2010 where Blacks who were 38% and 35% of these cities driving populations and accounted for 79% and 92% of those cited for driving under suspension, respectively (Dunn).

In order to address the concerns of racial profiling raised by this particular finding, police agencies should periodically, but regularly analyze LEADS (Law Enforcement Automated Data System) data in order to assess potential patterns of unethical, biased MDT queries. In response to their finding of disproportionate ticketing of Blacks for DUS, the CSU PD limited the use of MDT’s in police cruisers to run queries on license plate checks to certain vehicles and require calls to dispatch to run such queries which will then be recorded and examined on a reoccurring basis.

While the traffic enforcement and policing responsibilities on a university campus is different from that of a municipal police department, this example illustrates the potential insight and benefit that can be gained by collecting and recording more comprehensive, detailed, and uniformly categorized and logged data on all police-initiated traffic stops. More precise data will enable police management, city leaders, and the public to gain better insight into the reasons for, and the type of encounters officers are having with the public, with which members of the public, and the frequency, necessity, and character of those interactions. The use of data in this manner is the hallmark of a “learning organization,” which is in essence, an introspective, self-reflective and correcting entity.

Specifically, the Cleveland Heights Police Department should modify the data it collects on traffic stops, presumably using the Uniform Traffic Ticket, to include the type of traffic offense in accordance with the Ohio Revised Code and city ordinances. This data should be uniformly categorized, coded, and entered into a computerized data management system that

would enable the data to be readily sorted, queried, analyzed and reported. This data should be independently analyzed and published in a report, and made available to the public at least annually.

Moreover, the City of Cleveland Heights should enact legislation that specifically prohibits the use of race, ethnic, gender, sexual orientation/identity, religious background, ability, veteran status, or any other sociodemographic characteristic as the primary or sole basis for a traffic stop/citation. While race, ethnicity, age, gender and other personal characteristics on an individual may be taken into account in establishing reasonable suspicion or probable cause, it may only be used when the characteristic is part of a specific suspect description based on trustworthy, and relevant information that links a person to a particular unlawful incident.

These measures are foundational to transforming the relationship between law enforcement and the public they serve. They ensure the community that their police are committed to constitutional policing that is just, equitable and fair, which will help enhance accountability and transparency that in turn will help build greater trust and mutual respect with the Cleveland Heights community and the broader public.

References

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- Dunn, R. A. (2016). Racial Profiling: A Persistent Civil Rights Challenge Even in the Twenty-First Century, *Case Western Reserve Law Review*, Vol. 66, 4, 957 - 992.
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- Dunn, R. A., Fisher, L., et al. (2021). Cleveland State University Police Department Review Taskforce Report.
- Meehan, A. J., & Ponder, M. C. (2002). Race And Place: The Ecology Of Racial Profiling African American Motorists, *Justice Quarterly*, Vol. 19, No. 3, 339 – 430.
- Walker, S. E., & Archbold, C. A. (2020). The New World of Police Accountability. Sage Publications: Thousand Oaks, CA.

Proposed rules for discussion purposes:

1. The President of Council decides all questions of order and decorum.
2. The City Manager and the President of Council prepare all Council agendas. If a Council member disagrees with the President of Council's agenda decision, she/he can raise it during a Council meeting, provided that at least 2 members support it. If so, the President's decision can only be overridden by a 2/3 majority vote.
3. Committee jurisdiction, including subjects and functions of Council's standing committees, shall be determined by the President of Council. If a Council member disagrees with the President of Council's decision, she/he can raise it during a Council meeting, provided that at least 2 members of Council support it. If so, then the President's decision can be overridden by a 2/3 majority vote.
4. All opportunities for Council to appear in her/his official capacity (*i.e.* as a Council member) at any event shall be made available to *all* members of Council.
5. No use of City logo in campaigns or anything else suggesting that a candidate has the support of the City.
6. Question of personal privilege applies to members of Council when their integrity, motives or character are called into question. President's call as to whether this can/will be sustained, but can be overridden by a super-majority vote of council present for a meeting.
7. Any resolution or legislation must have at least one main sponsor, but must be supported by at least one other council member before formally introduced, and before valuable and scarce staff resources or council resources are devoted to furthering it. Once at least 2 members support its advancement, then the President of Council shall direct it to the proper committee for further study. Staff input and recommendations shall be obtained on all legislation or resolutions that affect the operations of the city.



To: Susanna Niermann O'Neil, City Manager
From: Joseph P. McRae, Parks and Recreation Director
Subject: Parks and Recreation Department Update
Date: April 20, 2021

Please find a brief summary of the Parks and Recreation Department announcements and activities attached for your review:

- The Community Center will be closed for the month of April. Staff has begun extensive preparation to reopen the fitness center, north ice rink and basketball gym in limited capacity beginning in June. Safety protocols will be shared next month.
- Cumberland Pool will be open for the 2021 outdoor swimming season, following COVID-19 protocols, beginning Saturday, June 5 through Monday, September 6 (Labor Day). The pool will be open for residents to reserve predetermined time slots to allow for the proper application of these protocols. The Cumberland Wading Pool will also be available for resident families to reserve. Cleveland Heights residents can register for daily time slots up to 48 hours in advance. Each individual or family will be permitted to register for one session per day. Residents will be able to view the protocols and register at www.chaparks.com or call in for more information. See the attached document for more information on the City's 2021 pool protocols.
- Staff partnered with the Cuyahoga County Board of Health staff to host the second vaccination pod at the Community Center on Friday, April 16. Over 400 people received their second vaccination. These events have primarily been focused on Cleveland Heights seniors, who are the most vulnerable to Covid-19. The City is working on future vaccination pods with County in May. More details to come once confirmed.

2021 SUMMER AQUATICS

Cumberland Pool will be open for the 2021 outdoor swimming season, following COVID-19 protocols, beginning Saturday, June 5 through Monday, September 6 (Labor Day). The pool will be open for reserved, predetermined time slots to allow for the proper application of these protocols. The Cumberland Wading Pool will also be available for families to reserve. Cleveland Heights residents can register for daily time slots up to 48 hours in advance. Each individual or family will be permitted to register for one session per day. Advance registration is required for all sessions.

RESERVATIONS

Advance registration is required for any use of the Cumberland Pool facility. Cleveland Heights residents will have the option of making their reservation with a pre-paid admission or by purchasing a daily admission. Information about admissions can be found below.

MASK POLICY

Masks are required at all times except when in the pool, or in your designated deck chair.

PHYSICAL DISTANCING

Deck chairs will be arranged in groups to allow for physical distancing. Please DO NOT move deck chairs. Lap lanes will be reserved for one swimmer per lane. Open swim and wading pool areas will require physical distancing between groups or households.

SHARED EQUIPMENT

The City of Cleveland Heights will not be lending out dumbbells, kick boards or any other aquatic equipment. Additionally, toys will not be provided for use in the wading pool. Please bring your own approved equipment and toys. **Pool management reserves the right to prohibit the use of any aquatic equipment and toys at any time.**

PRE-PAID ADMISSION

City of Cleveland Heights residents who purchase a pre-paid admission for Cumberland Pool will be able to make reservations for lap swimming or open swim at no additional cost throughout the entire 2021 outdoor pool season. A pre-paid admission or daily admission is required for all adults and children grade K and older. Proof of residency is required when purchasing a pre-paid admission.

With a pre-paid admission, City of Cleveland Heights residents can register for daily time slots to visit Cumberland Pool at no additional cost beginning up to 48 hours in advance of the session (e.g. if you plan to visit the pool on June 5, reservation times will be available beginning June 3. Available time slots for Cumberland Pool are two hours in length and individuals or families will be permitted to register for one session per day.

City of Cleveland Heights residents must purchase their pre-paid pool admission in-person at the Cleveland Heights Community Center beginning Monday, May 3, 2021 at 9:00 a.m. during the following hours:

- Mon-Fri – 9:00 a.m. to 1:00 p.m.
- Tue & Thu – 5:00 p.m. to 8:00 p.m.
- Sat – 9:00 a.m. to 1:00 p.m.
- Sun - Closed

2021 Cumberland Pool Pre-Paid Admission Rates

Category	Rate
Family*	\$115.00
Adult (19-59)	\$49.00
Student (K-12)	\$39.00
Senior (60+)	\$39.00

**A family is defined as an adult head of household and his/her spouse or partner and dependent children occupying the household age 18 and under.*

2021 Cumberland Pool Daily Admission Rates

Category	Rate
Adult (19-59)	\$4.00
Senior (60+)	\$3.00
Student (K-12)	\$3.00
Guest*	\$7.00
Preschool (with Adult)	FREE

**A non-resident guest is limited to one per Cleveland Heights resident.*

USE OF THE WADING POOL

The Cumberland Wading Pool will be available for reservation by City of Cleveland Heights residents during predetermined time slots throughout the 2021 outdoor pool season. Families with preschool age children and younger will be permitted to reserve the wading pool for one 45-minute time blocks per day. An adult/guardian/caretaker must remain with the children at all times. Any children not toilet trained must wear a swim diaper or a diaper and plastic pants under a swimsuit. All children must wear a swimsuit.

HOW TO RESERVE TIME SLOTS

There are three ways to make your pool time slot reservations:

1. Online at https://clvhts.activityreg.com/clientpage_t2.wcs
2. By calling the Cleveland Heights Community Center at 216-691-7373, or by calling Cumberland Pool at 216-691-7347. Please have your MasterCard or Visa information ready.

SWIM LESSONS

TBD

Economic Development Finance Programs Summary - April 2021

Commercial Loans (CDBG)

Borrower	Current Balance	Next Payment Due*	Original Loan	Date Disbursed	Terms/Payment	Length	Rate	Type	Status
B & W Management, 2636 Noble Rd; Tenant - Rainbow Veterinary	\$39,818.65	5/1/2021	\$234,000.00	3/2004	2% - 10 years on a 20 year amortization schedule. Repaid in months 13 through 120 (108 payments) of \$1183.75/mo. Balloon of \$140,158.65 due 3/31/2014. Balloon payment amended July 2016 to sixty payments of \$1385 (months 1-11); \$1410 (months 12-36) and \$3235 (months 37-60)	10 years*	2%	Real estate	Current
DeSota Berkeley, 3246 Desota Ave.; Tenant - Beth El Synagogue	\$0.00	PAID IN FULL	\$165,000.00	8/2005	15 years on a 25 year amortization schedule. 2.5% on first \$100,000; 0% on balance of \$65,000. No payments for the first 36 months. Payments for months 37-180 @ \$449/mo. Payment 181 @ \$110,127	15 years*	2.5%*	Renovation	Current
Heshney LLC, 2196 Lee Rd.; Tenant - MOJO world eats	\$111,616.89	5/1/2021	\$460,000.00	9/2001	Repayment @ \$1600/mo Oct - April; \$3200/ mo May - Sept for both loans. Final payment 7/1/2025	104 months*	2%	Real Estate	Current
GMG (Medusa), 3008 Monticello	\$334,039.76	5/1/2021	\$470,536.97		120 months @ 2.5% to begin when taxes are paid off. Montly payments of \$4,435.75. Payments resumed 12/17.	10 years*	2.5%	Real estate	Current
NeuroWave, 2490 Lee Blvd. (Rockefeller Pointe)	\$46,990.75	5/1/2021	\$200,000.00	10/2008	60 months @ 0% (amended to 84 months @ 0% in April 2013) No payments until 84th month. At that time the principal was reduced by the amount of income tax paid during term of loan. A total of \$105,205.97 was paid. Balance of \$94,749.03 being repaid 120 months @ 1%	5 years	1%*	Working capital	Current
Boss Dog Brewery, 2179 Lee Rd.	\$95,822.00	5/1/2021	\$200,000.00	10/2017	60 months at 2%	5 years	2%	Equipment	Current
Zhug, 12413 Cedar Road	\$130,000.00	5/1/2021	\$150,000.00	10/2019	84 months at 2%	7 years	2%	Equipment	Current
Rudy's Pub	\$124,935.00	6/1/2021	\$124,935.00	7/2020	180 months at 5%	15 years	5%	Real estate	Current
Total Outstanding Principal	\$883,223.05								

Economic Development Fund Loans

Borrower	Current Balance	Next Payment Due*	Original Loan	Date Disbursed	Terms/Payment	Length	Rate	Type	Status
K and K One Holding, LLC (dba evo DOMUS), 2179 S. Taylor Rd.	\$51,762.00	5/1/2021	\$100,000.00	9/2017	60 months @ 3%	5 years	3%	Real estate/renovation	Current
Mr. Brisket, 2156 S. Taylor Rd.	\$4,512.00	5/1/2021	\$10,000.00	3/2018	60 months @ 3%	5 years	3%	Leasehold improvements	Current
Total Outstanding Principal	\$56,274.00								

Storefront Loans

Borrower	Current Balance	Next Payment Due*	Original Loan	Monthly Payment	Terms/Payment	Length	Rate	Type	Status
Vangar Holdings, LLC (dba AV Remodeling), 2860 Noble Road	\$7,440.31	10/1/2020	\$30,787.57	\$769.69	5 years @ 0%	5 years	0%	Storefront improvements	Current
Heshney LLC, 2196 Lee Road; Tenant - Lopez	\$12,936.89	5/1/2021	\$50,000.00	\$235.23	Paid in conjunction with Commercial Loan payment above	104 months	0%	Storefront improvements	Current
Quintana's, 2200 S. Taylor Road	\$0.00	PAID IN FULL	\$13,366.00	\$616.00	5 years @ 0%	5 years	0%	Storefront improvements	Current
Verne & Ellsworth Hann, 2026 Lee Road	\$15,502.71	5/1/2021	\$51,676.33	\$1,291.91	5 years at 0%	5 years	0.0%	Storefront improvements	Current
Weinsten & Frankel, 2234-2260 Lee Road	\$96,666.68	5/1/2021	\$100,000.00	\$833.33	5 years @ 0%	5 years	0.0%	Storefront improvements	Current
Lee-Silsby Associates, 2291-2299 Lee Road	\$44,250.00	5/1/2021	\$45,000.00	\$750.00	5 years @ 0%	5 years	0.0%	Storefront improvements	Current
Total Outstanding Principal	\$176,796.59								

SBA Performance Grants/Forgivable Loans

Borrower	Current Balance	Original Loan	Date Disbursed	Terms	Length	Rate	Type
PAWS Stay N Play, 1970 Lee Road	\$0.00	\$50,000.00	3/23/2018	Loan will be forgiven 1/3 of original principal per year for three years	3 years	0%	Real estate
Blank Canvas CLE, 2174 Lee Road	\$1,750.00	\$5,250.00	3/13/2019	Loan will be forgiven 1/3 of original principal per year for three years	3 years	0%	Leasehold improvements
Proximity Golf, 3109 Mayfield Road	\$33,500.00	\$50,000.00	7/12/2019	Loan will be forgiven 1/3 of original principal per year for three years	3 years	0%	Equipment
Total	\$35,250.00	\$105,250.00					

Proposed:

RESOLUTION NO. -2021 (CRR)

By Council Member

A Resolution proclaiming May 2021 to be Bike Month in the City of Cleveland Heights; and declaring an emergency.

WHEREAS, bicycling is a sociable, healthy, green and economical mode of travel; and

WHEREAS, since 2010, the United States Department of Transportation has adopted a policy stating that “walking and bicycling are considered as equals with other transportation modes” and “not an afterthought in roadway design;” and

WHEREAS, the State of Ohio recognizes bicycles as valid vehicles for use on all Cleveland Heights roads; and

WHEREAS, Cleveland Heights streets and buildings are ideally arranged in a compact, well-connected pattern making it easy to walk and bike to businesses, schools, and recreational and cultural facilities; and

WHEREAS, Cleveland Heights continues to assess its transportation network and connections to other cities, finding grants for projects that improve the safety and comfort of bicyclists, such as the recently completed Cedar Glen Trail that connects Cedar Fairmount to University Circle and to the Lake to Lakes Trail, and the bike lane buffers on North Park Boulevard; and

WHEREAS, Cleveland Heights was recognized as a bronze-level, Bicycle Friendly Community by the League of American Bicyclists in 2013 and 2017 for four-year periods; and

WHEREAS, on October 5, 2020, this Council, by way of Resolution No. 141-2020, expressed its approval and support for the development of various State and US Bike Routes, including State Bicycle Route 80; and

WHEREAS, educating cyclists on the proper and safe operation of bicycles and motorists on how to properly share roads with bicyclists (including our school children) is important to ensure the safety and well-being of all; and

WHEREAS, Cleveland Heights has been awarded approximately \$1 million in grants from the Safe Routes to School program to improve crosswalks, bicycle parking, and other bike and walking amenities at schools; and

WHEREAS, the League of American Bicyclists, the Heights Bicycle Coalition, and transportation and fitness bicyclists in Cleveland Heights and other cities are promoting greater public awareness of cycling during the month of May through events such as *Bike to Work Week*

RESOLUTION NO. -2021 (CRR)

on May 17-23, *Bike to Work Day* on Friday, May 21, 2021, and *Bike to School Day* on May 5, 2021, which brings attention to the importance of creating safe routes to schools; and

WHEREAS, the annual *Ride of Silence* will take place in Greater Cleveland on Wednesday, May 19, 2021, in which Cleveland Heights will participate with hundreds of other cities internationally to honor those killed or injured while riding on public streets, and can be observed by riding solo, riding with household members, or by joining participants who will ride from John Carroll University in University Heights toward different locations in the Heights Area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council does hereby proclaim May 2021 to be Bike Month in the City of Cleveland Heights. This Council encourages all residents to review the laws and regulations governing bicycle safety and to use a bicycle for transportation to work and school, especially for trips within the City of Cleveland Heights.

SECTION 2. Notice of passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to join with the other communities in this celebration and the need to proclaim Bike Month and related events on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed:

RESOLUTION NO. -2021 (PD)

By Council Member

A Resolution declaring May 2021 National Preservation Month; and declaring an emergency.

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the City of Cleveland Heights has 16 historic districts listed on the National Register of Historic Places; and

WHEREAS, in past years City staff has been involved in a wide variety of projects that help the City preserve and promote its historic resources including helping residents research their homes' histories; entering original building permit data into a database; providing on-site rehabilitation advice on topics such as paint color selection, paint removal, and window repair; sponsoring lectures to educate people about architecture, preservation, and Cleveland Heights history; assisting residents in researching and listing neighborhoods to the National Register of Historic Places and installing signs recognizing this designation; and funding improvements through the City's Storefront Renovation Program; and

WHEREAS, Cleveland Heights has shown a continued dedication to promoting the City's history, architecture, and historic preservation through partnerships with the Cleveland Restoration Society to administer the Heritage Home Loan Program, a program that allows owners of older homes access to low-interest loans and the technical assistance necessary to sensitively rehabilitate their older homes; and

WHEREAS, on March 4, 2019, City Council adopted comprehensive amendments to the City's Landmark Commission ordinance to protect and enhance the historic and aesthetic qualities of the City for the enjoyment of the City's residents and visitors alike, and to further preservation goals by enabling the Landmark Commission to safeguard locally designated properties, protect properties as they go through the Landmark designation process, designate local historic districts where more than 50% of property owners consent, and protect designated properties from inappropriate alterations or demolition; and

RESOLUTION NO. -2021 (PD)

WHEREAS, in March, 2019, the City of Cleveland Heights was designated a Certified Local Government (“CLG”) by the United States Department of the Interior; and

WHEREAS, as a result of obtaining CLG status, the City of Cleveland Heights applied for and was awarded in 2019 a grant from the State of Ohio to prepare Historic Preservation Design Guidelines; and

WHEREAS, the City of Cleveland Heights recently began the process of preparing those Historic Preservation Design Guidelines; and

WHEREAS Cleveland Heights operates the Cleveland Heights Historical Center at Superior Schoolhouse, which draws visitors and students for tours and research; and

WHEREAS, the City of Cleveland Heights has been hosting events to celebrate National Preservation Month since 2002; and

WHEREAS, the City of Cleveland Heights desires to co-sponsor National Preservation Month 2021 with the National Trust for Historic Preservation; and

WHEREAS, in Cleveland Heights, National Preservation Month 2021 will be observed through the following two (2) events sponsored by the Cleveland Heights Landmark Commission, Cleveland Heights Historical Society, and Heights Libraries. These events are free and will be presented remotely through Heights Libraries via Zoom. Please register at the Heights Library events page: <https://heightslibrary.org/events/event-calendar>

Researching Your House’s History
Wednesday, May 5, 7:00 PM
Speaker: Jamie Miles

History of Cleveland Heights
Wednesday, May 26, 7:00 PM
Speaker: Mazie Adams

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council does hereby proclaim May 2021 National Preservation Month and calls upon the residents of the City of Cleveland Heights to join their fellow citizens across the United States in recognizing and participating in this special observance.

SECTION 2. Notice of passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants

RESOLUTION NO. -2021 (PD)

of the City of Cleveland Heights, such emergency being the need to join with the other communities in this celebration and the need to proclaim National Preservation Month on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED: