



Board of Trustees Meeting

Tuesday, July 12, 2022

7:00 pm

Hyde Park Community United Methodist Church

Agenda

Subject to change

1. Welcome

Location of future meetings:

- August: Hyde Park Community United Methodist Church, Little Theater

2. Guests (12-15 minutes)

- Cincinnati Police Department, Officer Christine Barry
- Hyde Park Library, Ben Lathrop
- Cincinnati Recreation Center, TBD
- Hyde Park School, TBD
- Debbie Serls, GRASP Advocate, Cincinnati Police Department

Ms. Serls will share information about a US Department of Justice (DOJ) grant that will help the Cincinnati Police Department service missing persons with developmental disabilities such as dementia, Alzheimer's, and autism who are at increased risk of harm and death due to wandering.

- Other Guests

3. Approval of Consent Agenda (Minutes, Officer Reports, Committee Reports)

4. Officer Reports

Reports have been posted to the HPNC website as part of the meeting packet.

5. Committee Reports & Representatives

Reports have been posted to the HPNC website as part of the meeting packet.

6. Old Business

- Lead Pipe Replacement/Public reimbursement for water lines replaced privately
 - Discuss draft letter provided by neighbors
 - Discuss revisions provided by Bob, Norm, Scott
 - **VOTE:** We expect to vote on whether to send the letter.
- DORA Update
 - Hyde Park DORA was approved by City Council
- Neighborhood Activation Fund (NAF) Update
 - Hyde Park Square

- In May, wrote check for \$2900 to Cincinnati Circus.
- Insurance: Still waiting for response on whether insurance has been purchased listing HPNC as an “additional insured”
- Hyde Park East
 - Proposals and contracts are being requested.
 - Insurance: Who should Scott introduce to Elizabeth @ Invest to purchase a rider for our existing insurance policy?
 - Other updates?
- Communications: Must include “Funded by City of Cincinnati” in communications. Details sent to organizers.
- Reporting
 - Filed quarterly report for the \$2900 we have spent.
- Unallocated funds: \$800
- Request for trustees and non-trustees Request for trustees and non-trustees to join HPNC Committees
 - HPNC’s committees are critical to driving progress.
 - Committees with critical gaps include:
 - Community Outreach & Development
 - Finance
 - If you would like to join a committee, please email hpncpres@gmail.com.
 - Thank you to those that have expressed interest!

7. New Business

- Budget: Amendment for Neighborhood Support Program
 - **VOTE:** Amendment to NSP Budget
- Increasing the supply of housing is going to be a top issue for a long time. Hyde Park needs to be prepared to pro-actively contribute to City-wide discussions. Multiple council members are asking for ideas and input. If you have ideas and can contribute, let Scott know.
- Residential Tax Abatement (RTA) study and recommendations from consultant hired by City
 - As was shared with Trustees on Sunday, on June 22, a consultant hired by the City of Cincinnati to assess the Residential Tax Abatement (RTA) program presented to the Equitable Growth & Housing Committee.
 - The 46-slide presentation is at https://choosecincy.com/wp-content/uploads/2022/06/Cincinnati-RTA-Council-Presentation_6.17.22.pdf
 - The study assesses the City's housing market, the City's RTA program, and provides recommendations on how it could be made more effective.
 - Please send any comments to Scott and Gary.
 - The 115-slide report is at <https://choosecincy.com/wp-content/uploads/2022/06/Cincinnati-RTA-FINAL-Report.pdf>
- Community Budget Request process has launched

- Information session to be held Wednesday, July 27, 5:30 - 6:30 p.m. Meeting will provide an overview, explain eligible projects, and include Q&A. Meeting info will be provided to trustees.
- City provided the suggested schedule:
 - August: Community councils brainstorm CBR ideas. Prior to submission, it is highly encouraged that you discuss your ideas with the City department responsible for implementation. Community councils must initiate contact with City Project Managers by 8/31.
 - September: Community councils must submit CBR request forms through the online portal by 9/30 at 4pm.
 - May 2023: City Manager's Recommended Budget is released, including funding recommendations for CBRs.
- Earlier this year, **the City suggested we begin talking to City Depts in July. They listed 3 project types that are good candidates for funding:**
 - **wayfinding for parking in business districts,**
 - **neighborhood gateway signage, and**
 - **neighborhood plan development.**
- Some neighborhoods have expressed skepticism about this process, the city's terms and conditions, and whether preparing applications is a good use of time. Yet, we know some projects get funded.
- What **specifically** would we like to propose? Who is willing to contact city departments and prepare a proposal?

8. Adjourn



Mail Theft

- Mail theft and check washing crimes continue. Many people recommend taking your mail inside the USPS office to mail it.
- You should report these crimes to the Police. CPD's Financial Crimes Unit will forward them to the US Postal Inspector which investigates these crimes.
- You can read more at <https://www.cincinnati.com/story/news/2022/03/29/sheriff-thieves-took-over-200-k-checks-usps-mailboxes/7206375001/>

Invest In Neighborhoods Updates

- 6/18 NCAC Meeting
 - Community Budget Requests
 - Talk to City Departments in July.
 - How increase housing supply/density:
 - Changes are coming.
 - All ideas being considered: zoning, parking, accessory dwelling units.
 - How do we create right incentives and prevent negative consequences?
 - Likely that changes will come in piecemeal changes rather than a comprehensive overhaul.
- Launching new NCAC Subcommittee on Pedestrian Traffic and Safety
 - Todd Roe is the HPNC representative to this group.
 - Community councils hope to use this subcommittee to encourage and support the city to apply for **specific federal grant money**.
 - If others would like to join, let me know.
- In near future, launching new NCAC Subcommittee on Crime & Safety
 - If you would like to join this group, please let me know.
- 7/2 NCAC Subcommittee on Housing & Economic Development
 - I was unable to attend.
- 7/7 Community Council President's meeting
 - The meeting returned to an in-person format; I was unable to attend.

Vice Mayor Kearney's Multi-Family housing ordinance

- Earlier this year, VM Kearney prepared draft ordinance language that could make it easier to return previously multi-family properties to multi-family use. She welcomed feedback.

- VM Kearney is considering suggestions that the properties affected by the proposed ordinance should be owner-occupied or owned locally in order to ensure people are personally invested in the properties and the neighborhood.
- Some have commented that it will be difficult to identify what properties were previously multi-family. Legal multi-family properties may have paper documentation, but other multi-family properties that were not legal may have no paper documentation. This has been a topic of much discussion.

Community Inquiries & Suggestions

- I receive many inquiries and suggestions via email. If any of these resonate with you and you want to personally lead and champion it on behalf of Hyde Park, please email me at hpncpres@gmail.com
- BLINKit
 - BLINK is a free public art event set for October 13-16, 2022.
 - The Cincinnati Chamber's C-Change program has a group trying to get more people involved. To do that, they are going to create "BLINKits".
 - A BLINKit is a playbook to increase BLINK engagement for individuals, companies, classrooms, artists, neighborhoods, and non-profits. BLINKits will have fashion ideas, classroom STEM exercises, decorating ideas, a hashtag, and more, all with the idea of empowering community leaders.
 - If a BLINKit were available, would you activate it in your organization, community, home or classroom?
 - If you want to personally lead this and champion it on behalf of Hyde Park, please email me at hpncpres@gmail.com
- American Flags in Hyde Park Square
 - A community member suggested Hyde Park should have American flags around the square for Memorial Day and 4th of July.
 - If you want to personally lead this and champion it on behalf of Hyde Park, please email me at hpncpres@gmail.com



HPNC Committee Reports

July 2022

Traffic & Safety – Todd Roe

- Linwood: Waiting to hear back from DOTE re: traffic study before we proceed further there.
- Observatory: DOTE is planning to do a traffic/speed study this summer... and we are waiting on a quote from a private company to re-stripe the road per DOTE proposal.

Ault Park Advisory Council – Blair Whitney

The park's summer music festival series continues Thursday, July 21st from 6-10 p.m. Local favorite food, craft beer/wine/hard seltzer and water will be available for purchase. Kids' entertainment will be provided by Cincinnati Circus and Beech Acres from 6-8pm. Proceeds from food and beverage sales directly benefit Ault Park!

For more information, see https://www.aultparkac.org/event/july-summer-music-festival-marsha-brady/?event_date=2022-07-21

Treasurer Report and Neighborhood Support Program – Norm Lewis

Neighborhood Support Program needs to file a minor amendment (at least 1 will be required). Need board approval.

1. Need to move \$250 from project 1 educational (support Summer Reading Program) at HPCUMC to project 5 Partnerships -support Interfaith Hospitality Network at HPCUMC.
2. Award plaques for student achievers from project 1 Educational - cost 316 (increase from \$200 budget-transfer \$100 from Communications)
3. Move \$250 from COVID Emergency Relief (project 5) to Support Interfaith Hospitality Network at HPCUMC (project 5 Partnerships).
4. Move \$100 from communications printing and mailing to cover project 1 (award plaques extra cost).

I filled out the required June interim progress report for NSP2022

HPNC Financial Report

June 13,2022-July 10, 2022

RECEIPTS

6/14/22	Membership	20.00
TOTAL		\$20.00

DISBURSEMENTS

6/16/22	1487	Post Office (annual box rental fee)	182.00
TOTAL			\$182.00



New Zoning Business

Revocable Street Privileges (RSP)

A summary of public sidewalk uses by businesses in the HP Square Business District has been completed. A tabular summary is provided to as a separate document. Notable are the many tables, seating, planters that do not have an approved Revocable Street Privilege. Sandwich board signs do not require an RSP but have specific regulations. See RSP and sign ordinance as separate documents. Comments and recommendations welcome.

Here is RSP summary of all HP business RSP activity:

- Dear Restaurant (2710 Erie) has an RSP
- North High/Alfio (2722 Erie) has an RSP
- HP Gourmet (2707-2709 Erie) was recently approved for tables and seating abutting both store fronts roughly doubling what they currently have in front of one store.
- Peace, Love & Donuts does not have an RSP, or application, but has 2 tables and 4 chairs that take up ~50% of side walk.
- Awakenings does not have an approved RSP. This year they expanded to include seating along curb. A prior application in 2007 was denied. There was no evidence of any recent application by Awakenings.
- An RSP for Coffee Emporium (3316 Erie) was denied in 2018 but not sure if they have seating on right-of-way.
- There isn't any RSP for potted plants or trash cans that appear on ~8 corners.

The following persons/organizations are involved in RSP

Gabriell Frey (DOTE) routes & manages RSP applications

Kimberly Gray (Acquisition Agent) keeps the RSP records

Tom Klumb (Law Dept-Property Management) is the legal RSP oversight

(DOTE) enforces RSP. I don't have a name here.

New Applications/New Hearings

19 Weebetook (ZH20220106) - An application for side yard setback relief has been submitted. There are no details, staff report or hearing date at this time.

Old Business

9 Arcadia (ZH20220082) – The owner requested a rear yard setback variance for a new deck. The hearing was held on June 15, 2022. The decision was issued June 23,2022. The variance was approved.

Hyde Park Flats 3460 Michigan (2741 Erie) - There is no new information.

Redevelopment of 3512 Shaw and 2800 Erie Inquiry - There is no new information.

Hyde Park Meats (ZHUV220005) - 3645 Paxton Avenue, Hyde Park

The new owner submitted an application and plans for a new cooler (structure) and mechanical refrigeration equipment at the subject address. The hearing was May 24th. The decision was issued June 17, 2022.

The Zoning Hearing Examiner APPROVED the new cooler subject to the following conditions:

- a. The Owner must maintain the screen fence along the south property line; and
- b. The condensing unit for the new walk-in cooler must not be located within 10 feet of the south property line.

2540 Grandinview (ZH20220072) - The applicant requested permission to construct a swimming pool in the rear yard on the Property that requires a retaining wall and excavation and fill that exceeds the Hillside Overlay District standards. The hearing was held on May 18, 2022. The decision was issued June 14. The hillside variance was approved.

2632 Erie (ZH20220071) - The applicant, Fifth Third bank, applied for relief from signage regulations to install new signage on a non-street frontage elevation of the building. The hearing was held on May 19, 2022. The decision was issued June 14. The relief was approved.

2540 Grandinview (ZH20220031) The owner requested Hillside Overlay District permission to allow a maximum retaining wall height of 14 feet and allow a maximum cumulative excavation and fill of 41 feet primarily to add a driveway to the property and construct a garage. The hearing was June 1 with decision issued June 21. The hillside variance was approved.

Urban Design District Contributing Structure Review – HPNC Recommendations

There is no update from Maria Dienger-Planner.

Past due issues

The gate in the public right-of-way at the north (dead end) of Columbus Avenue abutting Wasson Way is still in place contrary to the decision of the Planning Commission authorizing the driveway easements for new residential construction underway.

Virtual Zoning Hearing Instructions

In accordance with orders issued by state and local officials and applicable guidance concerning COVID-19, this hearing will be conducted using video-conferencing technology. This hearing will be closed to in-person attendance to comply with social distancing requirements. The link above will allow you to join this hearing using the Zoom website. It is important that each participant familiarize themselves with the Zoom video-conferencing technology **BEFORE** joining the hearing. Participants are strongly encouraged to visit the following link to join a test Zoom meeting - <https://zoom.us/test>. The test Zoom meeting will allow participants to ensure that all audio and video components are working properly on your computer or device. All desktop/laptop computers, tablets, and smartphones with internet access can join and participate in the hearing. Participants may also visit the Zoom Support Center to learn more about Zoom video-conferencing – [link](#).

Important Disclaimers

- Applicants and/or Owners may choose to **opt out** of the video-conferencing option. If an Applicant and/or Owner elects to opt out, the hearing will be placed on hold until in-person hearings resume. If

you are an Applicant and/or Owner that would like to opt out of the video-conferencing option, please reply to this email immediately.

- Please be mindful of your environment when participating in the hearing. All participants must ensure that they eliminate background noise and distractions during the hearing. All participants are required to dress appropriately.
- Please avoid using virtual backgrounds during the hearing. If you have used virtual backgrounds in previous Zoom meetings, please ensure that they are turned off prior to joining this hearing.
- In the event of any technical difficulties or unforeseen circumstances, the Hearing Examiner reserves the right to continue or postpone this hearing at their discretion.
- The Hearing Examiner reserves the right to remove any participant from the hearing at their discretion.

If you have additional questions or would like more information about these process changes, please reply to this email or visit www.cincinnati-oh.gov/boards.



Board of Trustees Meeting

Tuesday, June 14, 2022

Meeting Minutes

Meeting at Knox Church called to order by President, S. Hassell at 7:05 p.m.

In Attendance: J. Buening, D. Hapner, S. Hassell, T. McEvoy, S. Mullin, N. Lewis, T. Roe, A. Rusche, B. Smyth, B. Whitney, G. Wollenweber, and V. Woodham

Advance Notice of Absence: A. Edwards T. McEvoy, and A. Schutte.

1. Guests:

Cincinnati Police Department, District 2 Officer Christine Barry distributed the neighborhood crime report for the period. Violent crime is down 50% from last year at this time though property crime is up by 44% (partly attributable to the stolen blue mailbox keys and check thefts). Captain Danita Pettis shared that District 2 is focused on traffic enforcement and reducing violent crime in Hyde Park. She cautioned residents not to leave key fobs in cars to reduce the incidence of auto thefts. Officer Barry can be reached at 979-4480. Christine.Barry@cincinnati-oh.gov. Captain Danita Pettis can be reached at: 979-4444 Danita.pettis@cincinnati-oh.gov. Police non-emergency line 765-1212.

Jill Schiller—Hamilton County Treasurer introduced herself and reminded residents that property taxes are due June 20. Payment can be made in person at the Treasurer's Office via check or credit card (service fees for credit card payments have been reduced). Residents can challenge their property's assessed value by filing a complaint with the Hamilton County Board of Revision. The County has COVID19 help for residents who qualify for assistance with tax payments and living expenses. To avoid additional fees, the Treasurer has a payment plan program, and the TOPP (monthly prepayment plan). The Home Stead Exemption is available to residents who are senior citizens or disabled and have income of less than \$32,000/year. Visit the Treasurer's website to access information [Treasurer - Hamilton County \(hamilton-co.org\) Treasurer](http://Treasurer-HamiltonCounty(hamilton-co.org)Treasurer) or call (513) 946-4800. Email Jill Schiller at Jill.schiller@hamilton.co.org.

2. Approval of Consent Agenda

B. Smyth moved to approve the Consent Agenda. Second by B. Frappier Schirmang. All in favor. Motion carried. was approved.

3. **Officer Reports**

- a. **President's Report** S. Hassell reminded the Board that the Neighborhood Summit is coming up this weekend at Woodward High School (March 12th). Learn more about the event and register to participate at: <https://www.investinneighborhoods.org/neighborhood-summit/>.

4. **New Business**

- a. **Wasson Way Access Points in East Hyde Park**

Sean McGrory, Board President of Wasson Way, introduced himself and talked about the need for a safe access point to the trail in Hyde Park East. Sean introduced Jason Reser, Trail Director of CORA (Cincinnati Off-Road Alliance, a 501(c)(3) which builds natural surface trails in Cincinnati and Northern KY). Jason talked about the benefits of community access to trails and parks and the resultant better health, education and outcomes for children and adults alike. Jason shared the proposed access point at the end of Aylesboro would be a 215 ft. long and 4 ft. wide smooth gravel trail from Aylesboro to Wasson Way surfaced in gravel with a smooth surface, providing access for bikes, wheelchairs, strollers, and pedestrians. The access ramp would be constructed on City-owned property.

Angie Sexton, an Aylesboro resident and avid cyclist/user of the WW Trail, spoke about the collective support of the neighborhood residents to provide a safer access point to the trail. There is a Change.org petition with 270 signatures in favor of the Aylesboro access point to the WW Trail. Ms. Sexton said she only knows of one neighbor on Aylesboro that is not in support of the access point.

The Trustees and some residents raised questions about neighbor support for the Aylesboro access point and shared some concerns about increased traffic and parking issues resulting from the access point. Sean McGrory shared that there had not been complaints about parking and increased traffic in the vicinity of other access points, and that if WW trail users were driving to the trail, it's more likely they would access the trail close to large surface lots (Hyde Park Plaza/Rookwood) rather than drive to a residential neighborhood to access the Trail.

Sean McGrory asked for a letter of support from HPNC for the access point at Aylesboro. D. Hapner moved, "That the HPNC supports the installation of a natural surface ramp from Wasson Way Trail to Aylesboro with the cooperation of CORA." Second by T. Roe. On opposed, all others in favor. Motion carried.

Sean McGrory shared that the next segment to be completed is at Montgomery near Dana across Woodburn and behind XU's Alumni

Center. Following that section, the next section will be from Blair Circle to the Hospital District.

b. Request for HPNC Support from Hyde Park Residents regarding Lead Water Line Replacement Policy Change

Dawn Neeley, Spokesperson for Bedford Terrace residents, introduced herself and presented an update on the City's abandonment of the cost sharing program for replacement of lead service lines payable by City residents. Under the cost-sharing program, from 2017-2021, the City had agreed to pay 40% of the replacement cost up to \$1,500 per household, with homeowners responsible for 60% or more of the cost. Payment options included paying up front or a property tax assessment over 5 or 10 years.

12/15/2021 City Council voted to replace the cost sharing program with a water rate increase starting in January 2022. And declined to grandfather in ratepayers who complied with the 2017 ordinance. Of the 2,400 ratepayers who replaced their lead water pipes over 50% participated in the cost-sharing program. In Hyde Park, of the 124 properties in the cost sharing program, 92 were charged before 12/15/2021 and 90 (98%) owed money. The average cost was \$2,991 and the average owed was \$1,477. Of the 502 properties in Hyde Park and Evanston combined, only 16% (3.2%) properties were charged \$5,000 or more. All six impacted houses on Bedford Terrace were charged \$5,000-\$6,00 and owed \$3,500-\$4,000. Why were all impacted houses on Bedford Terrace charged more than 96% of other properties?

The Bedford Terrace properties are effectively paying twice because they paid for the service line replacement and now will be subject to the water rate increase over the next 5 years. Residents are requesting support from HPNC to request suspension of property tax assessments associated with the water rate increase or future credits to offset the amounts already paid for line replacement.

The Trustees agreed that the situation is inequitable. The Bedford Terrace residents will prepare a letter detailing the facts for HPNC review and support to be voted upon at an upcoming meeting.

5. **Officer Elections**

President G. Wollenweber nominated S. Hassell, second by T. Roe, all in favor.

Vice President S. Hassell nominated T. Roe, second by B. Smyth, all in favor.

Recording Secretary T. Roe nominated S. Mullin, second by G. Wollenweber, all in favor.

Communications Secretary V. Woodham nominated B. Whitney, second by G. Wollenweber, all in favor.

Treasurer D. Hapner nominated N. Lewis, second by T. Roe, all in favor

Executive Committee Member V. Woodham nominated B. Smyth, second by T. Roe, all in favor.

6. **Old Business**

Neighborhood Activation Fund HPNC has provided the \$2,900 check to the Cincinnati Circus for the September Circus in September sponsored and organized by the HPSBA. HPNC will be an additional insured on the Business Association's policy covering the event.

B. Whitney provided an update on Hyde Park East's plans to host an end of summer event at Sonny Kim Park on October 1, 2022. Plans are in place to secure the necessary insurance and permitting and the event will include food, raffle prizes (gift cards from EHP businesses), a bounce house, face-painting, and hopefully a firetruck. B. Smyth moved, "***That the HPNC authorizes the East Hyde Park Committee to contact vendors, obtain permits, sign contracts, allocate funds, and take all action necessary to prepare, set up and host the East Hyde Park Fall Celebration, scheduled for 1 October 2022 from 1-4 p.m. at Police Officer Sunny Kim Park.***" Second by B. Whitney, 10 in favor, one abstention. Motion carried.

Adjourn: Without objection the meeting was adjourned at 8:22 p.m.

Sybil Mullin, Recording Secretary

HPNC Financial Report - 2022

HPNC report for 2022		Budget	Jan/Feb	March	April	May	June	July	August	September	October	November	December	Total
	Revised July 10, 2022													
BEGINNING OPERATING BALANCE		22910.78	22910.78	22,833.43	32,852.54	32,809.09	31,128.03	28,207.53	28,045.53	28,045.53	28,045.53	28,045.53	28,045.53	22,910.78
RECEIPTS														
	NSP - 2022	rec'd 2021												0.00
	Membership	500	57.33	19.11	95.55	38.22	19.11	20.00						249.32
	Halloween Event	300												0.00
	Fundraiser	500												0.00
	Invest In Neighborhoods	630			861.00									861.00
	Miscellaneous Donations	500												0.00
	NAF funding	10000		10,000.00										10,000.00
	TOTAL RECEIPTS	12,430	57.33	10,019.11	956.55	38.22	19.11	20.00	0.00	0.00	0.00	0.00	0.00	11,110.32
DISBURSMENTS														
	<i>To Be Submitted to NSP</i>													
	<i>Newsletter</i>							ed						
	- Mailing	50												0.00
	- Printing	50												0.00
	<i>HPNC Expenses</i>													
	- Intern	600												0.00
	- Web Domain Fee	600	20.98											20.98
	- Post Office Box	146						182.00						182.00
	- D/O Insurance	0												0.00
	- Halloween Event	300	113.70											113.70
	- Annual Meeting	200				277.28	39.61							316.89
	<i>Community Grants</i>													0.00
	- covid school supplies	500												0.00
	- Wasson Way	750												0.00
	- Hyde Park East	500												0.00
	- Hyde Park School	1,000			1,000.00									1,000.00
	- HydeParkChurch Summe	250												0.00
	- Knox Church covid relief	250												0.00
	- HPCOA	1000												0.00
	- Ault Park Fireworks	1,442				1,442.00								1,442.00
	NSP Subtotal	7,638												
	<i>Not Submitted to NSP</i>													0.00
	<i>HPNC Expenses</i>													0.00
	- Ault Park Advisory Council	50												0.00
	- Meet & Greet	100												0.00
	-Halloween Event													
	-membership	450												0.00
	Miscellaneous Expenses	200												0.00
	NAF projects	10,000					2,900.00							2,900.00
	TOTAL DISBURSMENTS	18438.00	134.68	0.00	1000.00	1719.28	2939.61	182.00	0.00	0.00	0.00	0.00	0.00	5975.57
ENDING OPERATING BALANCE		16,903	22,833.43	32,852.54	32,809.09	31,128.03	28,207.53	28,045.53	28,045.53	28,045.53	28,045.53	28,045.53	28,045.53	28,045.53

Inventory of Items in Public Right of Way

Property Owner (by Auditor)/Tenant	Address	Tables	Seating	Barrier	Planters	Sign	Other
EDWARDS ROAD - East Side							
Eagle Savings and Loan	3420 EDWARDS					1	
US Bank	3424 EDWARDS						
3434 EDWARDS LLC	3434 EDWARDS RD						
/Hyde Park Tailors	3430					1	
/AR Workshop	3434						
HP SQUARE RETAIL LLC	3436 EDWARDS RD						
HP SQUARE RETAIL II LLC	3438-3442 EDWARDS RD						
/Churchills Fine Teas	3438					1	
/Mortgage Co.						1	
/Peace, Love Little Donuts	3440	2	4			1	sign at SE corner Erie
/First Financial Bank	3442					1	
/Shop Jacob James	3446				2	1	
/Alaise	3448						
/Echo	3510				2		
3516 EDWARDS LLC	3516 EDWARDS RD						
/Arthur's	3516						
/Lavash Lash	3518					1	
HUMPHREY HEATHER TR	3520 EDWARDS RD						
/E+O Kitchen	3520				2	1	sign at NE corner Erie
3524 EDWARDS ROAD PARTNERS LLC	3524 EDWARDS RD						
EDWARDS ROAD - West Side							
3443 EDWARDS ROAD							
/Neko Sushi	3443						
/Macaroon Bar	3431					1	
/Ossie	3433						
/Castle House	3435						
/North Star	3439					1	
/Edible Arrangements	3431						
/Grainwell	3443						
/Khakis	3445				2		
/Diane Firsten	3451						
/Mesa Loca	3453	1				2	

Date of Inventory: last 2 weeks June 2022

*Has an approved RSP

Inventory of Items in Public Right of Way

Property Owner (by Auditor)/Tenant	Address	Tables	Seating	Barrier	Planters	Sign	Other
ERIE AVENUE - South Side							
/Alligator Purse	2701				2		
/Hyde Park Gourmet*	2707-2709	3	10	yes			
/HP Salon	2711						
ALAISE REALTY LLC	2713 ERIE AVE						
/Miller Gallery	2715				2		bunny art
ROBINSON LEE G TR	2717 ERIE AVE						
/	2717						
HP SQUARE RETAIL LLC	2719 ERIE AVE						
/	2719						
Coldwell Banker	2721 ERIE						
GRANDIN PROPERTIES LTD	2727 ERIE AVE				2		
/Juicery	2727	2	4				
/Salon	2729				2		
3439 MICHIGAN LLC	2729 ERIE AVE						
CINCINNATI CITY OF	2729 ERIE AVE						
/Station 46	2731		1				bench seating
ERIE AVENUE - North Side							
MILLS JUDY COMPANY THE	2702 ERIE AVE				2		
/Greater's Ice Cream	2704		2				bench seating
NC PHARMACY LLC	2708 ERIE AVE						
/Delemere & Hopkins	2708						
BARNHORN C BARRY & DEANNE R @4	2710 ERIE AVE						
/Dear Restaurant & Butchery*	2710	2		yes	4		
LUTTMER PROPERTIES LLC	2712 ERIE AVE						
/Berkshire Hathaway HomeServices	2712				2		
/J.McLaughlin Boutique	2714				2		
HYDE PARK SQUARE LLC	2718 ERIE AVE						
CRDV HYDE PARK LLC	2722-2724 ERIE AVE						
/North High*	2724	8	16		no		
/Alfio's Buon Cibo*	2724	4	12		yes		
BLEU PROPERTIES LLC	2726 ERIE AVE						
2728 ERIE AVENUE LLC	2728 ERIE AVE						
/Awakenings	2734	8	16		no		
/Fig Leaf Gift Shop	2736	1	2		2		concrete pig

Inventory of Items in Public Right of Way

Property Owner (by Auditor)/Tenant	Address	Tables	Seating	Barrier	Planters	Sign	Other
MICHIGAN AVENUE - West Side							
CV MICHIGAN PROPERTIES LLC	3435 MICHIGAN AVE						
/Poeme	3433				2		
/Unwind	3435				2		
/Patty's Popcorn	3437	1	2		2	1	sign at SW corner Erie
3439 MICHIGAN LLC	3439 MICHIGAN AVE						
/Nancy Ross	3439						
/Nest	3439						
/Lower Level	3439						
MICHIGAN AVENUE - East Side							
/Breadsmith	3500						
/lululemon	3500						

April 1, 2022

INTRODUCTION

The Revocable Street Privilege (RSP) is a conditional contract that allows private entities to encroach upon the public right-of-way. Examples of encroachments include, but are not limited to, awnings, signs, planters, café seating, and decorative sidewalks. These encroachments are governed by the Cincinnati Municipal Code, Chapter 723, Street and Sidewalk Use Regulations and Sec. 718-7, Standard Conditions of Revocable Street Privilege Approval.

OVERVIEW OF APPLICATION PROCESS AND APPROVAL

The Revocable Street Privilege process is administered by the Law Department and managed by the Department of Transportation and Engineering (DOTE), in coordination with other City Departments. Applications are submitted and approved through the City's Open Counter portal at the following link: [Cincinnati Permitting Portal \(opencounter.com\)](https://opencounter.com). More information is located on City of Cincinnati, DOTE website here: [DOTE Resource Center - Transportation & Engineering \(cincinnati-oh.gov\)](https://cincinnati-oh.gov/dote)

To expedite the City's approval for complex applications, 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 Revocable Street Privilege permit for the encroachment (additional details provided below in the Encroachment Requirements by type and the Terms and Conditions sections). Depending on the type of encroachment, DOTE Street Opening permits and/or Buildings & Inspections permits may still be required.

ENCROACHMENT REQUIREMENTS (BY TYPE)

Removable Structure - Building Mounted

1. Awnings, canopies, building mounted signs, fire escapes, platforms, lights, flags, etc. extending into the public right-of-way must be:
 - a. approved by the department of city planning
 - b. vertically at least eight feet above the sidewalk (ten feet if energized)
 - c. horizontally no closer than two feet from the street curb line
 - d. fully supported from the building with no supports extending below the bottom of the canopy, awning, or building mounted sign
 - e. compliant with clearance requirements for overhead utility lines
 - f. horizontally no closer than five feet from a utility pole
2. The construction drawings for any building mounted structures (awnings, canopies, signs, fire escapes, balconies, platforms, lights, banners, flags, etc.) in the public right-of-way or extending into the public right-of-way, must be prepared and sealed by a professional engineer or architect registered in the State of Ohio. The design loads must be in accordance with the latest version of the Ohio Building Code or the American Association of State Highway and Transportation Officials' "Standard Specification for Structural Supports for Highway Signs, Luminaries, and Traffic Signals" for a 90-mph wind load and a 50-year recurrence interval and be stated on the sealed drawings. The

sealed drawings must identify all materials, be fully dimensioned, and identify all structural member sizes and thicknesses, weld sizes and lengths, bolt sizes, lengths, and embedment depths, mounting and framing details, and all other information necessary to fabricate, construct, and install the building mounted structure. The sealed construction drawings shall be submitted with the Revocable Street Permit application for approval.

3. Must also get Zoning, Historic (if applicable) and Building Department approval.
4. All metal for the proposed structure should be non-rusting so not to stain the sidewalk surface and building surface.
5. The sidewalk must remain open during installation. If installation is to take longer than two hours, a street use permit, obtained from DOTE is required. If travel or curb lanes in the roadway are impacted, a DOTE permit is required. Apply for permits in Room 425 at City Hall, 801 Plum Street.

Planters or Landscaping

1. Planters must be set back at least two (2) feet from the curb.
2. Planters must be placed so as not to interfere with access to bus stops, pull boxes, curb ramps, cross walks, cellar doors, entrances to private property, etc. see attached guidelines.
3. Height to top of plant in planter shall not exceed 2.5'
4. Locate planters to avoid conflicts with bus stops. No planter shall be placed in the 20-foot distance from the bus front door to side door and enough room needs to be kept for egress from both doors.
5. Keep shrubs and plantings trimmed at least 2 feet from the curb and 6 inches from a public sidewalk. The height of a shrub or planting shall not exceed 2.5 feet. If trees are planted, mature limbs must be maintained at a minimum of 8 feet above the walk and 14' above the roadway pavement.
6. No ivy, vines or creeping plants may be planted in the right-of-way.
7. If unsafe pedestrian congestion results from the reduced walking space by planters, this privilege will be revoked.
8. Refer to Cincinnati Municipal Code Section 723-8 for additional information.

Outdoor Cafe Seating

1. The petitioner must follow the rules and regulations for Section 718-3 Revocable Street Privilege, Section 723-14 Outdoor Dining Areas, and Section 1419-21 Limited or Full Service Restaurant of the Cincinnati Municipal Code. No cooking facilities will be permitted in the right of way. Outdoor seating areas must follow the provisions for noise as outlined in Chapter 909 "Community Noise" of the C.M.C.
2. Outdoor -street dining areas shall be enclosed by a barrier, railing or other separation to delineate the area. , Railing post supports (feet), must be placed to provide at least 5 feet (4' minimum MAY be accepted at pinch points) of unobstructed (free from curb, poles, fire hydrants, pull boxes, news racks, tree grates, tree wells, etc.) clear pedestrian path; or the railing posts shall be placed 5 feet (4' minimum may be accepted at pinch points) from the edge of a paver collector strip; or 7 feet (min.) from the face of curb; whichever provides the greatest distance from the curb. In areas of high

pedestrian use, the minimum unobstructed width will be greater, typically a minimum of 8 -10 feet as determined by DOTE.

3. The tables and chairs and removable barriers must never restrict the clear path of egress from the main entrance or from egress paths of the adjacent properties to the sidewalk.
4. The petitioner must check with the Building & Inspections Department to see if a building permit is required and if the additional seating adds to the plumbing fixture requirements.
5. If unsafe pedestrian congestion results from the reduced walking space, this privilege will be revoked.
6. Furniture, fixtures, and barriers provided for use in an outdoor eating area shall consist only of movable items, such as: tables, chairs, umbrellas, planters, lights, railings, fences, etc. No drilling, adhesives, or attachments are permitted in the sidewalk without express written permission of the City Manager (or his/her designee). If directed by the City Manager (or his/her designee), all furniture and fixtures must be removed during the off-season (January-March). Furniture and fixtures may have to be removed during major events as directed by the Police.
7. Overhead covers (awning/canopies) proposed as part of outdoor dining areas may have mounted support posts that are within the approved dining area perimeter, however, an Alternative Engineered Design may be required if the structure has any side walls. Submit for Buildings & Inspections permit with Alternative Engineered Design. Structure must meet wind load requirements of 115 mph and have flame resistance certification. All proposed side walls must be seasonal, removable and have visual transparency. Overhead covers cannot be permitted through the RSP process without a Buildings & Inspections permit.
8. Buildings & Inspections will review and approve through separate permit, specific table/chair layout or any proposed freestanding overhead covers (awning/canopies) within the enclosed café seating area.
9. The petitioner is responsible for any damage to the right-of-way due to the existence of outdoor seating. The permittee is required to replace all damaged sidewalk to meet city standards, 5" concrete walk removed and replaced to the nearest construction joint.
10. Existing public infrastructure (lights, poles, traffic signal controller, pull boxes, etc.) shall remain undamaged and be always clear and accessible within the cafe seating perimeter when required by City staff or their agents for maintenance or repair. **No café seating object shall be placed within one foot on all sides of the electric infrastructure. All café seating objects within three feet shall be easily movable to allow for service personnel.**
11. No planters or heavy objects shall be placed over utility pull boxes or utility manholes preventing easy access. Liability for damaged public infrastructure repair and replacement is on the applicant as directed by DOTE.
12. The City, not the applicant, will manage any meter, meter post, sign/signpost modifications to existing conditions unless directed otherwise by DOTE
13. -Outdoor street dining areas shall be designed to comply with ADA requirements and guidelines.
14. No proposed elements shall block any traffic control items (traffic lights, stop signs, crosswalk signs, street name signs, etc.) If unsafe conditions result, this permission will be revoked.

15. All liability for the safe and secure applications of the proposed items are the responsibility of the applicant.
16. Damage to existing street trees or tree grates due to café seating elements, as determined by Cincinnati Urban Forestry, shall be the responsibility of the applicant for repair and/or replacement as directed by Cincinnati Urban Forestry.
17. Accessory goods, equipment, and materials incidental to the use of the Permitted Improvements, including, but not limited to trash/recycling bins, propane tanks, outdoor heaters, etc., shall not be stored on the RSP property outside of the permitted hours of operation of the Permitted Improvements.
18. The petitioner must abide by all other regulations and obtain applicable permits from the Liquor Board, Health Department, Building Department, Historic Conservation etc.
19. OFC 1030.2 Reliability (Ohio Fire Code). Required exit accesses, exits, or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the areas served by such exits are occupied. Security devices affecting means of egress shall be subject to approval of the fire code official. Contact the Building Department.

Emergency Doors or Windows that swing into the ROW

1. Doors must be for emergency egress only. The doors may have no hardware on the outside and shall be provided with alarms that sound when the doors are opened to alert pedestrians.
2. All proposed non-emergency outward swinging doors or windows below 8 feet are prohibited into the public right of way.
3. All existing outward swing doors that are modified in any way shall comply with these restrictions.

Sidewalk Pavers, Decorative or Colored Concrete Sidewalk

1. Per the City Municipal Code Section 721-147, the property owner is responsible for maintenance of all abutting sidewalk. The property owner is forewarned that utilities or other City agencies that disturb the walk will not match colored or decorative concrete or pavers set in mortar, but will instead install 5" thick plain concrete. The owner will be responsible for replacement with colored or decorative concrete or mortared pavers if so desired. Where pavers are set on a sand base and can be easily removed, Utilities and City agencies will be instructed to carefully remove and reset these pavers.
2. Pavers and decorative/colored sidewalk must be placed per City specifications and approved by DOTE. Call 513-352-3463 for more information
3. Clay pavers require installation of a 5" thick concrete sub-base with a sand or mortar setting bed.
4. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

Structures with foundations

1. Exact location of pole shall be laid out in field and approved by DOTE. Edge of sign shall be placed a minimum of 2 feet from the face of curb. Bottom of sign shall be a minimum of 7 feet above the sidewalk. If placed in a landscaped area, this vertical clearance may not apply.
2. Poles, signs, markers, and similar structures installed in the ground in the public right-of-way must be designed in accordance with American Association of State Highway and Transportation Officials' "Standard Specifications for Structural Supports for Highway Signs, Luminaries, and Traffic signals" for a 90-mph wind load and a fifty-year recurrence interval. These design loads must be stated on the sealed drawings. The sealed drawings must identify all materials, be fully dimensioned, and identify all structural member sizes and thicknesses, weld size and lengths, bolt sizes, lengths and embedment depths, foundation details, and all other information necessary to fabricate, construct, and install the ground mounted sign or marker. The sealed construction drawings shall be submitted with the Revocable Street Permit for approval.
3. Field investigation may be necessary to avoid underground encroachments such as basements, utility vaults, etc.
4. A plan prepared and sealed by a professional engineer registered in the State of Ohio indicating that the design loads are in compliance with the standards must be submitted for review and approvable to the Department of Transportation and Engineering (DOTE) with your Revocable Street Privilege application.
5. For Historical Marker:
 - a. Historical Marker must be approved by the City of Cincinnati Historic Conservation Board before a RSP can be issued. Contact the Office of the Urban Conservator at 513-352-4848.
 - b. The sign must not contain any text or symbols that purports to be or is an imitation of or resembles a traffic control device, along with all other requirements and limitations in Cincinnati Municipal Code Section 502-22.
 - c. If sign is to be placed on a structure (bridge or structural slab), design for attachment to structure to be signed and sealed by a structural engineer.
 - d. Historical Marker may require Planning Commission approval.
6. For Parking Pylons:
 - a. Parking pylon must meet the conditions Cincinnati Municipal Code Section 723-15.
 - b. No other signs will be allowed - i.e., sandwich boards with any parking information.
 - c. The pylon shall be owned and maintained by the petitioner.
 - d. Any existing sidewalk in the right of way damaged during construction must be replaced from joint to joint.
 - e. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

Transit Stop Shelters

1. Transit Shelters, with advertising (if applicable) shall comply with Public Right-of-Way Outdoor Furniture Design Guidelines authorized under C.M.C. Sec. 723-13, Transit Stop Structures. Contact DOTE's Office of Development, Permits & Urban Design at 513-352-3463 for more information.

Banners on City Light Poles

1. Banners shall comply with Banner Design and Installation Guidelines, Amendment to the 2018 Public Right-of-Way Design Guidelines per C.M.C. Sec. 723-28 "City Events".
2. All banner materials in the right-of-way must be owned by the City of Cincinnati and placed on City owned light poles. The petitioner must donate banners to the City per the Banner Donation Agreement executed between the petitioner (Donor) and the City.
3. Contact DOTE's Office of Development, Permits & Urban Design at 513-352-3463 for more information.
4. Banners located in the Cincinnati Central Business District are administered by the Cincinnati USA Regional Chamber. See the USA Regional Chamber website:
<https://www.cincinnati-chamber.com/membership/member-resources/marketing-opportunities/street-banners>

Park Bench

1. Benches shall comply with Public Right-of-Way [Outdoor Furniture Design Guidelines](#) authorized under C.M.C. Sec. 723-13 and per Sec. 723-7. Contact DOTE's Office of Development, Permits & Urban Design at 513-352-3463 for more information.
2. All park benches shall adhere to the following regulations per C.M.C., Sec. 723-7:
 - a. Park benches may be placed only at transit stops or in recognized Neighborhood Business Districts or in Planned Developments Districts as defined in Chapter 1429 of the C.M.C., at locations where seating would serve the convenience of the public as determined by the city manager or his designee.
 - b. Park benches shall be permanently secured to the sidewalk.
 - c. Reference the C.M.C. Sec. 723-13 and per Sec. 723-7. for requirements on where Park benches shall be placed.

Private Utility including Electric Irrigation System and Private Street Lights

1. The petitioner/property owner must become a member and maintain membership of OUPS (Ohio Utility Protection Service), by calling 1-800-362-2764, if not already a member. Membership is required before a permit will be issued. Failure to maintain membership will result in the property owner being responsible for repairs due to damage caused by excavations performed by utility companies, the city, or a permitted contractor.
2. Petitioner must provide a name and phone number of a 24-hour contact for emergency repair and /or maintenance work.

3. If the City cannot reach the 24-hour contact and must perform work of an emergency nature on the privately owned utility, the City reserves the right to bill the Petitioner for all associated costs with this repair work
4. Irrigation Systems must adhere to the following additional conditions:
 - a. Place sprinkler heads at least one inch below grade level so as not to create a tripping hazard. Use only “pop-up” type heads. Place sprinkler heads no closer than one foot from the public walk and point spray away from pedestrian paths.
 - b. Petitioner is responsible for maintenance of entire privately owned water system.
 - c. Water system plan must be approved by Greater Cincinnati Water Works (GCWW).
5. Any proposed installation of electrical infrastructure to connect to existing electrical service must be permitted through the City’s Department of Buildings and Inspections and approved by DOTE.
6. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

Other Encroachments

1. Provide detailed descriptions and drawings of the proposed facility in be installed in the right of way. Depending on the nature of the proposed facility, sealed engineering may be required. Any digging may require underground utility coordination.
2. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.
3. For Fence:
 - a. Generally, fences in the right-of-way are not permissible per CMC 718-31
 - b. The fence shall meet the requirements of the Cincinnati Zoning Code in the Department of Building and Inspections.
4. For Tree Well Grates:
 - a. Tree grates must be ADA compliant.
 - b. Tree grates are owned and maintained by the petitioner.
5. For Tie-Backs in the Right of Way:
 - a. After shoring walls in the right of way are no longer required, they must be removed to six feet below the sidewalk and street surfaces and all tendons de-tensioned.
 - b. All existing utilities must be field located prior to installation. Call Ohio Utility Protection Service. Tie-backs must be placed a minimum of 3’ from any existing utility.
 - c. To prevent post construction settlement next to the building, the contractor has the option to use CDF backfill in accordance with HAMCIN: CLSM-CDF or Structural Backfill (ODOT CMS 703.11). Structural backfill may only be used if geotechnical engineering and materials testing firm verifies that the lifts do not exceed 8" and the compaction is greater than 96% of the maximum dry density.

- d. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.
6. For Driveways on Paper Streets
- a. Paper Street is defined as dedicated City right of way without a City accepted roadway.
 - b. A site plan must be included that shows the proposed dimensions and elevations of the driveway. Driveway width will be dependent on the number of residents it serves and fire access. Proposed driveway must not cause drainage problems that will impact the surrounding properties.
 - c. Driveway apron within the portion of the adjacent improved roadway Right of Way must be 7" thick concrete in accordance with City Standard Drawing Acc. No. 21436. Remainder of driveway in the paper street must be constructed with a hard surface such as concrete, asphalt or pavers.
 - d. The property owner will be responsible for maintenance of the driveway.
 - e. Access must be granted to all existing and future users that abut the paper street. Maintenance agreements must be negotiated with all driveway users. This is not an exclusive right to the driveway.
 - f. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street.

TERMS AND CONDITIONS

Each person receiving a revocable privilege issued pursuant to Cincinnati Municipal Code ("CMC") Chapters 718 and 723 ("Permittee") agrees to abide by the following standard terms and conditions of approval:

Standard Conditions of Revocable Street Privilege Approval (CMC 718-7).

1. Expenses. All costs and expenses associated with the use of the revocable street privilege and the construction, maintenance, modification, use, operation, repair, removal, and abandonment of all building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege shall be the sole responsibility of the holder. The city shall have no responsibility for any costs or expenses associated with the use of the revocable street privilege and the construction, maintenance, modification, use, operation, repair, removal, and abandonment of any building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege.
2. Maintenance of Building Encroachment. The holder shall maintain all building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege in a good, clean, and safe condition and repair and in accordance with applicable city

standards, which may be established by the city manager or his or her designee in his or her sole discretion.

3. City's Right to Enter the Area. The holder acknowledges that the city and its authorized representatives have the unlimited right to enter upon the revocable street privilege area at any time for any purpose, including without limitation to inspect the area and any building encroachments, fixtures, equipment, personalty, or other improvements located in the area, provided that the city shall have no duty to inspect.
4. Rights of Utility Companies. The revocable street privilege granted to a holder is subject and subordinate to the rights of any and all utility companies that may now or hereafter have utility lines and other utility installations located in, under, over, or within the vicinity of the revocable street privilege area.
5. Insurance; Bond. For so long as the revocable street privilege remains in effect, the holder shall maintain a policy of general liability insurance for the revocable street privilege area and any building encroachments, fixtures, equipment, personalty, or other improvements located in the area in an amount not less than \$1,000,000 per occurrence, combined single limit/\$2,000,000 aggregate. The city shall be named as an additional insured. The holder shall furnish a certificate of insurance to the city evidencing such insurance prior to commencing use of the revocable street privilege area or the construction of any building encroachments or improvements in the area. The holder shall furnish a new certificate of insurance annually by the anniversary of the date of the issuance of the revocable street privilege upon the request of the city. In addition, whenever, in the opinion of the city manager, the construction or maintenance of building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege presents the possibility of substantial damage or loss to the city, to other property owners, or to members of the public, the city manager shall be authorized to require a reasonable bond to protect against such damage or loss.
6. Waiver of Claims for Damage. The city shall have no responsibility or liability for loss or damage related to the use of the revocable street privilege, the construction, maintenance, operation, repair, removal, or abandonment of building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege, or the loss, theft, or damage of equipment, fixtures, or personalty that may at any time be placed within the revocable street privilege area.
7. Indemnification. The holder shall indemnify, defend, and save the city, its officials, employees, agents, contractors, guests, and invitees harmless from and against any and all claims, liens, demands, obligations, actions, proceedings, causes of action, losses, damages, settlements, costs, charges, professional fees, and other expenses and liabilities of every kind and character (including without limitation attorney fees) arising out of, or related to, the use, maintenance, or abandonment of the revocable street privilege, the construction, maintenance, use, operation, repair, removal, or abandonment of building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege, or the loss, theft, or damage of equipment, fixtures, or personalty that may at any time be placed within the revocable street privilege area.

8. Personal to Holder. Each revocable street privilege is personal to its holder and cannot be transferred. If a holder sells or transfers any interest in the privileged premises associated with the street privilege, the revocable street privilege shall automatically terminate and all applicable termination provisions in this chapter shall apply.
9. Use for Advertising Purposes Prohibited. Unless expressly authorized by the Cincinnati Municipal Code, no structure placed upon any sidewalk, city street, alley or way pursuant to a revocable street privilege shall be used for advertising purposes.
10. Revocation or Modification. Each revocable street privilege shall be subject to revocation or modification by the city manager or his or her designee at any time and for any reason. Except for instances in which a different time is specified by the code, the revocation or modification of a revocable street privilege shall be effective 30 days after notice of the revocation or modification is served on the holder; provided, however, that the revocation or modification of a revocable street privilege on the basis of public health or safety concerns shall be immediately effective.
11. Notice. Notice from the city or any of its authorized officers, employees, agents of the provisions of this section shall be valid if served on the holder or on any local agent of the holder either personally, by mail addressed to the last known place of residence, or by publication in the manner required for ordinances of the City of Cincinnati.
12. Restoration and Required Changes. Upon the revocation or modification of a revocable street privilege, the holder shall take immediate steps to remove or modify all building encroachments, improvements, equipment, fixtures, and personal property from or in the revocable street privilege area and shall repair and restore any and all public improvements within the area to their original condition as they existed immediately prior to the issuance of the revocable street privilege, unless otherwise authorized by the city manager or his or her designee. All repairs, modifications, and restorations shall be subject to the supervision and approval of the city manager or his or her designee.
13. Failure to Restore or Modify. In case of a holder's failure to remove or modify all building encroachments, fixtures, equipment, personalty, and other improvements from the revocable street privilege area, or to repair and restore any and all public improvements within the area within a reasonable time, the city manager shall be authorized to make the necessary removal, modify, repair, and restoration, and to charge the expense thereof to the holder; provided, however, in the case of underground pipes, equipment, or construction that may be effectively sealed without interfering with the use and maintenance of public streets, the city manager may authorize the sealing of the pipes, equipment, or construction in lieu of their removal and, upon their sealing, all pipes, equipment, or construction shall become the property of the city. In the case of modifications required by a privately owned public utility company, the city manager shall authorize such company to make the change and the holder shall be liable for the reasonable cost thereof.
14. Additional Conditions. In addition to the above conditions, the City Manager or his or her designee may impose to a revocable street privileges issued pursuant to CMC Chapters 718 and 723 whatever additional conditions to the extent necessary to carry out the intent and purpose of the applicable sections authorizing the revocable street privilege, to ensure the public health, safety,

and welfare, to maintain the use and function of public streets, or to protect the fiscal interests of the City.

14. Legal Requirements. Prior to the construction, installation, placement, operation, or use of any building encroachments, fixtures, equipment, personalty, or other improvements associated with the revocable street privilege, Permittee shall obtain all necessary licenses and permits in compliance with all applicable federal, state and local laws, codes, ordinances and other governmental requirements applicable to the construction, installation, placement, operation, or use of such building encroachments, fixtures, equipment, personalty, or other improvements, including, without limitation to, all applicable building and zoning permits or approvals issued by the City's Department of Buildings and Inspections.
15. No Vested Rights. Grantee acknowledges and accepts that any privilege granted to Permittee pursuant to CMC Chapters 718 and 723 is subject and subordinate to any prospective adoption, enactment, amendment, or repeal of such legislation, including any rules, policies, procedures pertaining to the private use of the public rights-of-way promulgated thereunder.
16. Grantee acknowledges and accepts that the rights and privileges herein granted are subject and subordinate to the following (i) any existing and future legislative enactments by Cincinnati City Council, and (ii) any existing and future rules or regulations promulgated or amended from time to time by the City Manager, Department of Transportation and Engineering, or City department, board, commission, or other applicable governmental agency having jurisdiction over matters related to arising out of the Grantee's intended use or occupancy of the public right-of-way.

Cincinnati Municipal Code - Sandwich Board Signs

Sec. 723-9. - Sandwich Board Signs.

(a) The owner or operator of a retail business or service is permitted to place one (1) free-standing sandwich board sign on the public sidewalk or sod strip in front of his business premises. Sandwich board signs shall not require a revocable street privilege, provided they adhere to the following requirements:

1. Sandwich board signs shall be placed either immediately adjacent to the building, or so that the sign's most distant point is no farther than three (3) feet six (6) inches from the curb. Notwithstanding the aforementioned, each sign must permit adequate pedestrian access;
2. The owner or operator of a retail business or service displaying a sandwich board sign on the sidewalk shall maintain a policy of general liability insurance, naming the City of Cincinnati as an additional insured, in an amount of not less than \$500,000.00 to cover claims for injuries arising from or related to said sandwich board sign;
3. Sandwich board signs shall be placed on the sidewalk or adjacent sod strip only during the business hours of the establishment and shall be removed at all other times;
4. Notwithstanding any other provision of this section, the owner or operator of a retail business or service maintaining a sandwich board sign on the sidewalk or in the adjacent sod strip shall immediately remove said sign from the sidewalk upon notice given by any Cincinnati Police Officer or authorized employee of the city that the sign is unreasonably obstructing pedestrian traffic or has otherwise created a dangerous condition;
5. The sign shall be constructed of sturdy material, so as to prevent damage during heavy winds or other inclement weather; and
6. The sandwich board sign shall be no larger than two feet six inches (2'6") wide and four feet six inches (4'6") tall.

(Ordained by Ord. No. 363-2009, § 1, eff. Jan. 16, 2010)

Editor's note— Ord. No. 363-2009, § 1, effective Jan. 16, 2010, repealed the former § 723-9 and enacted a new section as set out herein. The former § 723-9 pertained to regulations for wholesale produce areas and derived from C.O. 702-5; and C.M.C. 723-9, eff. Jan. 1, 1972.