

LEGISLATIVE SUMMARY  
Mayor's Office of Capital Projects

**2022 Temporary Expansion Area Program for Outdoor Restaurants  
and/or Restaurant Seating in Approved Public Rights-of-Way**

Ordinance No: 510-2022

Legislative Purpose: Authorizing the Director of Capital Projects, the Director of City Planning, the Director of Public Safety, and Director of Public Works to develop guidelines and authorizing the Director of Capital Projects to set fees and issue permits for a temporary program for the use of private parking lots, streets and other approved public rights-of-way, including on-street parking areas (also known as parklets) as outdoor restaurants and/or restaurant seating.

Project Summary: Due to the COVID-19 pandemic, cities around the world drafted temporary regulations and issued permits to allow outdoor restaurant seating in approved public rights-of-way as a way to encourage economic recovery and bring life and vitality to the street.

The City of Cleveland initiated a Temporary Expansion Area (TEA) Program in May 2020 to serve this purpose. The TEA Program was renewed in 2021. This 2022 ordinance intends to extend the program for another year under similar terms and conditions.

Guidelines for the TEA Program were developed by the Directors of Capital Projects, City Planning, Public Works, and Public Safety to ensure that these outdoor spaces are used for their intended purpose, do not obstruct pedestrian flow, are aesthetically pleasing, do not become a negative distraction to the streetscape, and to ensure that health and safety precautions are followed.

The Directors of Capital Projects, City Planning, Public Works, and Public Safety review TEA

applications. If approved, the Director of Capital Projects issues a TEA permit to allow restaurants to expand their footprint into private parking lots, streets and other public rights-of-way outside of sidewalk areas, including eligible on-street parking areas (AKA parklets) that conform to program guidelines.

All TEA areas must meet ADA rules and regulations.

A TEA permit allows the applicant to temporarily use the Temporary Expansion Area for outdoor dining but does not give any property rights to the permittee. The City has the right to enter upon the right-of-way at any time and for any purpose, including without limitation to inspect the right-of-way and permitted encroachments, but City has no duty to inspect. City may also terminate any TEA permit in order to facilitate public or private construction projects, road closures, or any other public purpose.

The Directors of Capital Projects, City Planning, Public Works, and Public Safety anticipate establishing rules for a permanent TEA Program in 2022 with new rules anticipated to be in place for the 2023 outdoor dining season.

Fees:	The Director of Capital Projects shall charge applicants a fee for a Temporary Expansion Area permit that is equal to the fee charged for an Outdoor Dining Permit. Fees may also be charged for use of City jersey barriers, if requested by applicant and available for use.
Duration:	Passage of this ordinance through Nov. 1, 2022
Ward:	City Wide



City of Cleveland Memorandum  
Justin M. Bibb, Mayor

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Date: May 10, 2022

To: Mark D. Griffin, Chief Legal Counsel and Director  
Department of Law

From: James DeRosa, Interim Director  
Mayor's Office of Capital Projects

Joyce Pan Huang, Director  
City Planning

Subject: Amending Ord. No. 461-2020 Regarding Permits for Temporary  
Expansion Area Program

JPH

Please prepare legislation authorizing the Director of Capital Projects, the Director of City Planning, the Director of Public Safety, and Director of Public Works to develop guidelines and authorizing the Director of Capital Projects to set fees and issue permits for a temporary program for the use of private parking lots, streets and other approved public rights-of-way, including on-street parking areas (also known as parklets) as outdoor restaurants and/or restaurant seating.

Draft legislation has been submitted to Ronda Curtis for review and comment. We are requesting introduction on May 16<sup>th</sup> if possible.

Thank you.

JD

Encl.

cc: Ryan Puente, Chief Government Affairs Officer  
Elise Hara Auvil, Chief Administrative Officer  
Bradford J. Davy, Chief Strategy Officer  
Bonnie Teeuwen, Chief Operating Officer  
Kim Johnson, Acting Director of Public Works  
Karrie Howard, Director of Public Safety  
Brian Kimball, Interim Director of Public Health  
Richard Switalski, Manager, Division of Engineering & Construction, MOCAP  
Meredith Carey, Legislative Liaison, MOCAP  
Nancy Lanzola, Legislative Liaison, Department of Law  
Beverly Gray, Legislative Liaison, Department of Law