

**Memorandum**

To: Mayor Justin M. Bibb

From: Ari Maron and Jori Maron

cc: Director Karrie D. Howard  
Director Joyce Pan Huang

Date: March 28, 2023

Re: Establishment of a Designated Outdoor Refreshment Area

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AJAPPJR, LLC (hereinafter “Applicant”) desires to establish a Designated Outdoor Refreshment Area (“DORA”) in the East 4<sup>th</sup> Street area of downtown Cleveland. Ohio Revised Code Section 4301.82 and Cleveland Codified Ordinance Chapter 699B set forth the applicable requirements for establishing a DORA to allow open containers of alcohol within a defined area.

In accordance with these laws, please find attached an Application for the Establishment of a Designated Outdoor Refreshment Area for your review and consideration.

Applicant respectfully requests that you approve the attached Application and submit the Application, along with your recommendation for approval, to City Council to have the East 4<sup>th</sup> Street area described in the Application designated as an outdoor refreshment area.

If you have any questions or comments, please do not hesitate to contact Jori at 216-696-6611, x 1008, or Ari at 216-410-3801.

# **Application for the Establishment of a Designated Outdoor Refreshment Area**

## **Section 1. Introduction**

Applicant respectfully submits this application to approve and establish a Designated Outdoor Refreshment Area (hereinafter “DORA”), pursuant to Ohio Revised Code (“ORC”) § 4301.82 and Cleveland Codified Ordinance Chapter 699B. This application meets all requirements.

A DORA is a designated area approved by City Council that allows patrons 21 and older to purchase alcoholic beverages in a designated cup from participating and permitted establishments. Patrons then can carry the beverages within the defined outdoor area.

Establishing a DORA is a critical tool to help promote and expand the vibrant restaurant, retail, lodging, and special event scene in Cleveland, and will further promote Cleveland as a destination for unique dining experiences, retail, and entertainment.

The proposed DORA would be in the iconic East 4<sup>th</sup> Street neighborhood, and a first for the City of Cleveland (the “East 4<sup>th</sup> Street DORA”). Having Cleveland’s first DORA in the pedestrian focused environment of the East 4<sup>th</sup> Street neighborhood will enhance this area as an epicenter for community gathering, with the objective to improve both the businesses and the surrounding communities in Cleveland.

## **Section 2. Boundaries**

In accordance with ORC § 4301.82(B)(1)(a) and (F)(1)(a) and with Cleveland Codified Ordinance § 699B.02(b)(1) and § 699B.04(a)(1), the boundaries of the East 4<sup>th</sup> Street DORA and further information, including the street addresses and a map of the proposed DORA location, is depicted on Exhibit A attached hereto and incorporated herein.

The proposed DORA is approximately .51 acres along East 4<sup>th</sup> Street between Prospect Avenue E, to the south, and Euclid Avenue, to the north.

## **Section 3. Nature and type of establishments within the proposed DORA.**

In accordance with ORC § 4301.82(B)(2) and with Cleveland Codified Ordinance § 699B.02(b)(2), the nature and types of establishments located within the proposed DORA are as follows:

The proposed DORA encompasses approximately .51 acres and is inclusive of East 4<sup>th</sup> Street between Prospect Euclid Avenues.

The buildings within the proposed East 4<sup>th</sup> Street DORA contain primarily restaurants and entertainment venues at the street level with residential space above. East 4<sup>th</sup> Street has bollards at the north and south ends of the street which prevent vehicles from entering the space. This gives East 4<sup>th</sup> Street its unique community gathering feel and will be a clear delineation of the boundaries of the East 4<sup>th</sup> Street DORA.

## **Section 4. Qualified Permit Holders**

In accordance with ORC § 4301.82(B)(3) and with Cleveland Codified Ordinance § 699B.02(b)(3), the proposed DORA will be Cleveland’s first DORA and will encompass no fewer than four

qualified permit holders as defined by ORC § 4301.82(A) and by Cleveland Codified Ordinance § 699B.01(a). The specific qualified permit holders within the proposed DORA are listed below.

Permit No.	Permit Holder Name	Permit Class	Address
1747147	Corner Alley LLC	D-1, D-2, D-3A, & D-6	402 Euclid Ave. 1 <sup>st</sup> FL. Cleveland, OH 44115
4004310	House of Blues Cleveland LLC	D-5 & D-6	308 Euclid Av. & Patios, Cleveland, OH 44114
3834839	Hilarities Comedy Club Ltd.	D-5 & D-6	2031-2039 E. Fourth St., Cleveland, OH 44114
4130043	Indie East 4 <sup>th</sup> LLC	D-1, D-2, D-3, D-3A, & D-6	2038 E. 4 <sup>th</sup> St. Cleveland, OH 44115
15443410005	Cleveland Brewing Company LLC	A-1A, A1c, & D-6	2043 E. 4 <sup>th</sup> St., Cleveland, OH 4415
9751548	Wonder Bar Cleveland LLC	D-5 & D-6	2044 E. 4 <sup>th</sup> St. & Patio, Cleveland, OH 44115
7642564	S&P East 4 Woolworth LLC	D-2, D-2X, D-3, D-3A, D-6	2050 E. 4 <sup>th</sup> St. Cleveland, OH 44115.
2570875	Erie Island Coffee II LLC	D-1, D-2, D-6	2057 E. 4 <sup>th</sup> St., Cleveland, OH 44115
9078479	2058 East Fourth Street LLC	D-1, D-2, D-3, D-3A, & D-6	2058 E. 4 <sup>th</sup> St., 1 <sup>st</sup> FL. Bsmt. & Patio, Cleveland, OH 44115
9276825	Vinafresh Inc.	D-1, D-2, D-3, & D-6	2061 E. 4 <sup>th</sup> St. Cleveland, OH 44115
00063490005	AP Lounge LLC	D-1, D-2, D-3, D-3A & D-6	2063 E. 4 <sup>th</sup> St. Lower Level, Cleveland, OH 44115
3332875 (Currently Pending transfer to Agave CLE LLC Transfer No. 0072073)	Graves Restaurant LLC	D-5 & D-6	1 <sup>st</sup> Fl Bsmt & Patio, 2073 E. 4 <sup>th</sup> St., Cleveland, OH 44115
3176023	Giappone LLC	D-1, D-2, D-3, D-3A, & D-6	2079 E. 4 <sup>th</sup> St., Cleveland, OH 44115
0771354	BD Hospitality LLC	D-5 & D-6	2082 E. 4 <sup>th</sup> St., 1 <sup>st</sup> FL & 323 Prospect Av., 1 <sup>st</sup> Fl & Patio, Cleveland, OH 44115

In accordance with Cleveland Codified Ordinance § 699B.02(b)(7), a petition of support with the signatures of at least seventy-five percent (75%) of the commercial tenants within the proposed DORA approving the designation is attached hereto as **Exhibit B**.

**Section 5. Zoning**

In accordance with ORC § 4301.82(B)(4) and with Cleveland Codified Ordinance § 699B.02(b)(4), The area is currently zoned GR-6, General Retail Business. Restaurants, bars, and nightclubs which may participate in the DORA are permitted uses in this zoning district.

The Applicant believes that the proposed DORA will enhance the entertainment and cultural appeal of downtown Cleveland.

**Section 6. Signage**

In accordance with ORC § 4301.82(F)(1)(b) and with Cleveland Codified Ordinance § 699B.04(a)(2), Applicant states there will be a minimum of seven (7) signs designating the boundary of the proposed DORA. The location and spacing of the signs are depicted on **Exhibit C** attached hereto and incorporated herein. Signs will be mounted and located at all street intersections along the boundary of the DORA.

Renderings of the proposed signage indicating the boundaries and participating vendors are depicted in **Exhibit D** attached hereto and incorporated herein.

**Section 7. Hours of Operation**

In accordance with ORC §4301.82(F)(1)(c) and with Cleveland Codified Ordinance § 699B.04(a)(3), the hours of operation of the DORA shall be as follows:

Monday through Sunday 12:00 pm to 2:00 am.

**Section 8. Public Safety Plan**

In accordance with ORC § 4301.82(B)(5) and (F)(1)(d) and with Cleveland Codified Ordinance § 699B.02(b)(6) and § 699B.04(a)(4), a Safety Plan has been developed to ensure public safety in the proposed DORA.

Applicant has entered into a Memorandum of Understanding with the Downtown Cleveland Alliance (“DCA”) whereby the entities will work together in developing and implementing a comprehensive Neighborhood Security and Safety Plan, inclusive of measures directed towards ensuring an appropriate security presence and responsiveness for East 4th Street, and also cognizant of community needs and social service approaches for all residents, visitors and guests on and to the East 4<sup>th</sup> Street DORA.

Applicant and DCA are collaborating as well with key community leaders and representatives to discuss workable approaches and processes for managing street vendors, sidewalk entrepreneurs, and other individuals engaged in activities in the East 4th Street neighborhood and are committed to establishing programs designed to effectively manage “on street” activity to better mitigate the impact on business operators and patrons.

DCA will take a lead role in communicating with business operators, owners, and employees within the East 4th Street neighborhood regarding the Clean, Safe, Welcoming, and Outreach Programs, to secure their participation in such programs.

DCA, with Applicant input, is coordinating security coverage of the East 4th Street neighborhood on a daily schedule to be determined, but no less than seven (7) evenings per week through consistent engagement of the Cleveland Police Department (“CPD”), including the utilization of at least two (2) part-time off-duty "Sworn Law Enforcement Officers" to be deployed as appropriate. Such program will supplement and enhance regular foot and vehicular patrols of the neighborhood by CPD (“CPD Patrols”).

As an additional supplement to both the Sworn Law Enforcement Officers and the CPD Patrols noted above, DCA will also coordinate security coverage of the East 4th Street neighborhood on a daily schedule to be determined but no less than seven (7) evenings per week. DCA will provide two (2) full-time "Staff Neighborhood Safety Specialists" to be deployed as appropriate.

DCA and Applicant will engage business operators and owners in the East 4th Street neighborhood to request their collaboration in sharing the off-duty security officers they independently hire for the purpose of coalescing under one management structure for the security resources deployed to ensure safety in the East 4th Street neighborhood. This would allow for coordinated radio communications between the Staff Neighborhood Safety Specialists and the CPD off-duty Sworn Law Enforcement Officers engaged for security purposes and provide a higher level of uniformed visibility.

Applicant and DCA will engage the CPD to provide one (1) additional CPD off-duty Sworn Law Enforcement Officer, aside from the two (2) CPD off-duty Sworn Law Enforcement Officers already engaged, to be deployed as appropriate, specifically to monitor soliciting, entrepreneurial busking, and aggressive behavior within the East 4th Street neighborhood. The additional Sworn Law Enforcement Officer will be trained in crisis intervention and will be a member of the Downtown Services Unit or Regional Transit Authority and will be supported by an on-call DCA outreach specialist for the purpose of addressing requests for food, water, clothing, and assistance.

Applicant and DCA will conduct a site evaluation on the overall security camera capability and coverage in the public, delivery, employee, and residential areas of the East 4th Street neighborhood. Such review will include assessments to employee, resident and valet access, practices, and accountability within the East 4th Street neighborhood to inform the establishment of access control practices and incident reporting protocols.

Following implementation of the Security Plan, Applicant and DCA will jointly undertake, with input from the businesses operating within the East 4th Street neighborhood, no less than once every six (6) months, a reassessment of then implemented security measures to determine whether any additional measures are necessary to maintain a consistent level of oversight and control within the Neighborhood. Such reassessment will be in addition to monthly coordination meetings by and among Applicant, DCA and East 4th Street businesses.

## **Section 9. Fire/EMS**

Station 1, at 1645 Superior, is approximately one (1) mile away from the north end of the proposed East 4<sup>th</sup> Street DORA at the intersection of East 4th Street and Euclid Avenue. The estimated response time would be between five (5) and six (6) minutes.

For any planned events that will attract a larger attendance in the East 4<sup>th</sup> Street DORA the Applicant will work with the Fire Chief and EMS regarding staging any additional personnel and/or equipment in a location within or near the DORA.

**Section 10. Sanitation Plan**

In accordance with ORC § 4301.82(B)(5), (F)(1)(e), and (F)(1)(f), and with Cleveland Codified Ordinance § 699B.02(b)(6), § 699B.04(a)(5), and § 699B.04(a)(6), a Sanitation Plan has been developed that will help maintain the appearance and public health of the area within the East 4<sup>th</sup> Street DORA.

There currently are no trash receptacles located throughout the DORA. Applicant proposes adding six (6) trash receptacles placed in strategic traffic areas throughout the DORA. These trash receptacles will be serviced by personnel of Pete and Pete Container Service, Inc. as frequently as needed to maintain the appearance and the public health of the area.

DCA personnel will continue to provide services to the East 4<sup>th</sup> Street neighborhood, including trash pick-up and graffiti removal. DCA will also coordinate the deployment of one (1) DCA “Clean Ambassador” during the high-use hours of the East 4<sup>th</sup> Street neighborhood to help ensure cleanliness and will coordinate weekly power washing of the East 4<sup>th</sup> Street neighborhood sidewalks.

**Section 11. Official DORA Cup**

In accordance with ORC § 4301.82(F)(1)(g) and with Cleveland Codified Ordinance § 699B.04(a)(7), beer, wine and intoxicating liquor will be consumed within the East 4<sup>th</sup> Street DORA as follows:

Beer, wine and intoxicating liquor shall only be served and/or consumed in, over or upon any exterior portion of the East 4<sup>th</sup> Street DORA in a specifically designated plastic cup (the “Official Cup”) as pictured in **Exhibit E** attached hereto and incorporated herein. The production and sale of the Official Cup will be managed by DCA, and no other container will be permitted. Used cups must be disposed of before entering any establishment of a qualified permit holder.

The Official Cup will hold no more than sixteen (16) fluid ounces. Visitors will be permitted to retain one and only one (1) Official Cup per person at any given time within the boundaries of the DORA.

**Section 12. Additional Rules and Requirements**

In accordance with ORC §4301.82(B)(5) and with Cleveland Codified Ordinance § 699B.02(b)(6), and in conjunction with other rules, standards and requirements set forth in the application, additional rules and requirements for the purpose of ensuring safety and health within the East 4<sup>th</sup> Street DORA are as follows:

- a. A person may have in their possession an open container of beer, wine or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:
  - i. The permit holder’s premises is located within the East 4<sup>th</sup> Street DORA; and
  - ii. The permit held by the permit holder has an outdoor refreshment area designation.
- b. No person shall do any of the following:

- i. Enter the premises of an establishment of a qualified permit holder within the East 4<sup>th</sup> Street DORA while possessing an open container of beer, wine, or intoxicating liquor purchased at another establishment; or
  - ii. Possess an open container of beer, wine, or intoxicating liquor while being in or on any motor-powered object within the East 4<sup>th</sup> Street DORA.
- c. If any provision of this Application is judged invalid by a court of competent jurisdiction, such judgement shall not affect or invalidate the remainder.

**Section 13. Special Events**

East 4<sup>th</sup> Street is uniquely positioned to be in the heart of the many events and festivals that take place in Cleveland throughout the year. Given its proximity to both Progressive Field and the Rocket Mortgage Field House, East 4<sup>th</sup> Street and the surrounding communities are primed to greatly benefit from events such as Guardians' Opening Day, Saint Patrick's Day, as well as other big events that take place throughout the year. The creation of the East 4<sup>th</sup> Street DORA will be an added draw to the City of Cleveland for these types of events.

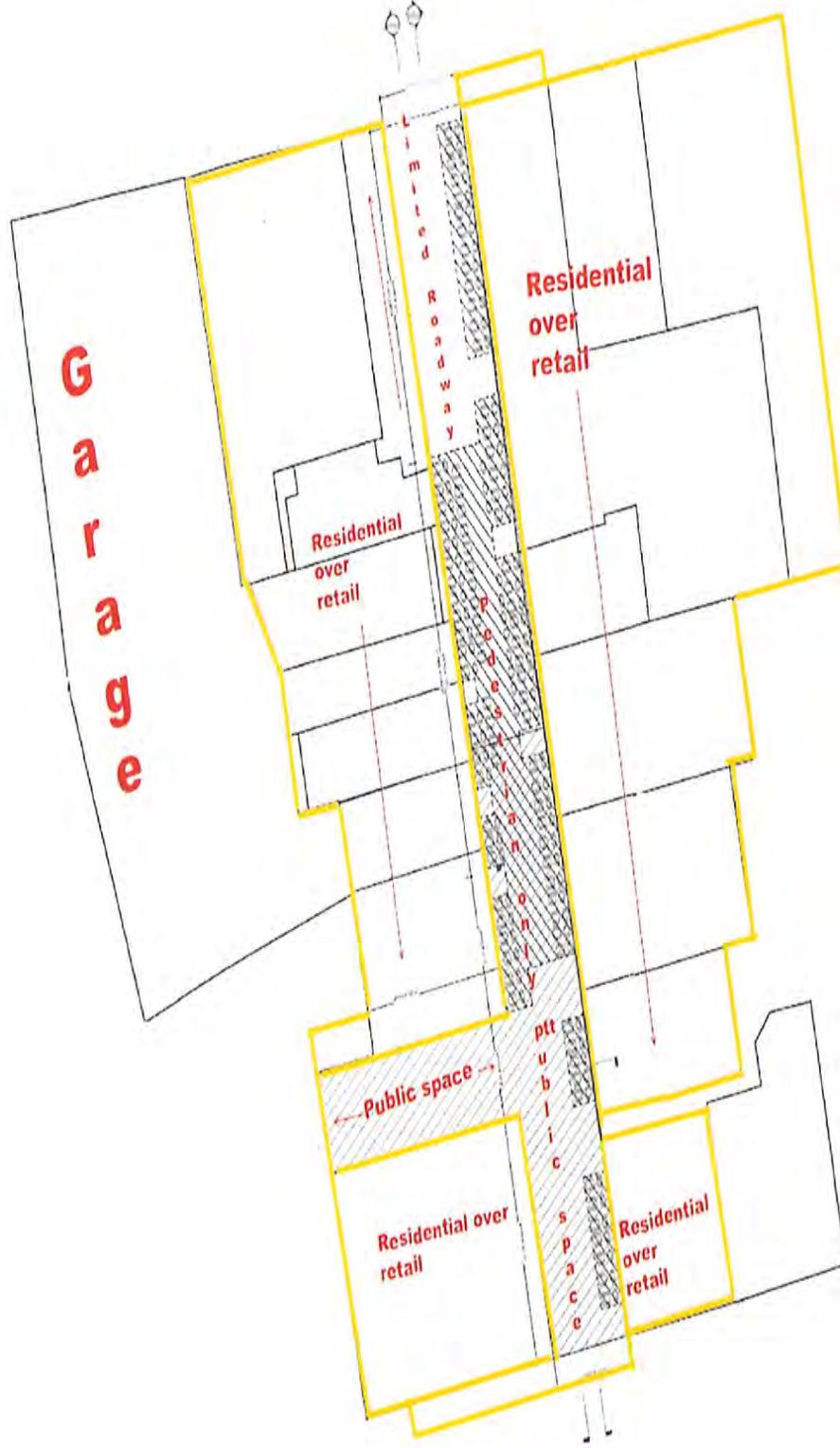
The Applicant will work with the City during special events to ensure adequate health and public safety requirements are maintained, including special event sanitation plans and special event security plans, as necessary.

## EXHIBIT A

### Aerial Map of the Proposed DORA and Address Ranges of the DORA

308 Euclid Ave.	House of Blues
334 Euclid Ave.	Cleveland Visitor Center
342 Euclid Ave.	CLE Clothing Company
402 Euclid Ave.	Corner Alley
2031-2039 E. Fourth Street	Pickwick and Frolic
2038 E. Fourth Street	Indie Music Bar
2043 E. Fourth Street	Butcher and Brewer
2044 E. Fourth Street	Wonder Bar
2050 E. Fourth Street	Mabel's BBQ
2057 E. Fourth Street	Citizen Pie
2058 E. Fourth Street	Cordelia
2061 E. Fourth Street	Saigon
2063 E. Fourth Street	Society Lounge
2073 E. Fourth Street	Blue Agave
2079 E. Fourth Street	GOMA
2082 E. Fourth Street-and 323 Prospect Ave.	Flannery's Pub

*Aerial Map Follows Next*



- SITE LEGEND 4TH STREET**
- ▒ AREA OF 4TH STREET (22,400 SQ FT)
  - ▒ AREA OF TABLES (9,741 SQ FT)
  - ▒ AREA OF CANOPY

**Exhibit B**

Cleveland Codified Ordinance § 699 B.02(b)(7) – Petition of Support



629 Euclid Avenue, 11<sup>th</sup> Floor, Cleveland, OH 44114 - (216) 696-6611

February 14, 2023

Commercial Tenants of East 4<sup>th</sup> Street  
East 4<sup>th</sup> Street  
Cleveland, Ohio

**Re: *The Future of East Fourth Street***

Dear Tenants,

When first envisioned and implemented in 2004, the interplay of the public spaces of East 4th Street with the development of new retail and residential units was viewed as an essential element of bringing people Downtown again. The continued success and popularity of East 4<sup>th</sup> is a testament to that original intent and perspective. In the 20 years since, downtown has evolved and changed dramatically. The desire for utilizing and the willingness to engage outdoor spaces has proven to be essential and once again, East 4<sup>th</sup> finds itself in a position, based both on need and want, to be the catalyst for the advancement of Cleveland's downtown core.

To reinvigorate and refresh East 4<sup>th</sup> and maintain its position as Cleveland's leading entertainment, restaurant and nightlife destination, we intend to implement the following:

1. **Cleveland's First DORA** – We are very excited to propose, introduce and with your support implement, the city's first Designated Outdoor Refreshment Area (DORA) Since first adopted by the State in 2015, DORA's have proven to be significant economic drivers and destination definers in large cities and smaller towns across Ohio. Remarkably, Ohio's most vital city has yet to share in these success stories. East 4<sup>th</sup> Street's scale, together with its geographic compactness, make it extremely conducive to creating Cleveland's first DORA.
2. **Valet Realignment** – The "Street" has unquestionable ease of access from across the downtown core. Whether visitors are coming for a game, a show, the theater or simply a night out, pedestrian visitors find East 4<sup>th</sup> eminently accessible. For vehicular based visitors, our current valet service provide ready access, but improved and increased traffic flow would serve both our guests and our venues better. We are looking to relocate our valet access areas to Euclid Avenue and Prospect Avenue, creating a more welcoming and accessible neighborhood, with an overwhelming ease of parking for Downtown visitors. Placing valet options on the main thoroughfares will encourage collaboration among multiple property owners with a goal towards consolidation of transportation operations, including valet and ride share locations.
3. **Safety and Security** – We are collaborating with the Cleveland Police Department, Downtown Cleveland Alliance, and where necessary, private security providers to develop a comprehensive and inclusive safety and security plan focused on layering security resources rather than relying on more traditional linearly based services.



629 Euclid Avenue, 11<sup>th</sup> Floor, Cleveland, OH 44114 - (216) 696-6611

4. **Renewed Public Spaces** - Finally, building off lessons learned during and following the pandemic, we are creating a more active and inclusive public realm which is responsive and adaptive Post-Covid Cleveland,. By building new, or expanding already existing communal and outdoor spaces, we will develop socialization options which are more attractive to a more cautious and aware public.

The original iteration of East 4<sup>th</sup> Street's development spurred a new view of Downtown living, both from a retail and entertainment perspective and most especially in terms of residential life. While City life remains a viable option for many, there are undoubtedly, untapped parts of our metropolitan community who need further reason, incentive and options for enjoying so much of what the downtown core has to offer. Much as East 4<sup>th</sup> initiated a new era for Cleveland in 2004, we believe, building off many of the same platforms and benefits utilized then, we can refresh and renew "the Street" and bring new faces, new visitors and an expansion of options for residents of the City and the metro area.

Most critically, however, we need the support of our retail tenant both for this plan to succeed, as well as to demonstrate to the community at large, the grass roots support of those merchant and businesses who stand to benefit the most from a "new East 4<sup>th</sup>! Please join us in this new era and pledge your support below.

Sincerely,

*Ari Maron and Jori Maron*

Ari Maron and Jori Maron



629 Euclid Avenue, 11<sup>th</sup> Floor, Cleveland, OH 44114 - (216) 696-6611

CONFIRMATION OF SUPPORT

By signing below, I confirm my support of the implementation of a Designated Outdoor Refreshment Area (DORA) on East 4<sup>th</sup> Street.

<p>CORNER ALLEY, LLC <i>dba Corner Alley</i></p> <p>By: <u>[Signature]</u> Its: <u>Manager</u> Name: <u>Joli Mayon</u></p>	<p>HILARITIES COMEDY CLUB LTD. <i>dba Pickwick &amp; Frolic</i></p> <p>By: _____ Its: _____ Name: _____</p>
<p>HOUSE OF BLUES CLEVELAND LLC <i>dba House of Blues</i></p> <p>By: _____ Its: _____ Name: _____</p>	<p>INDIE EAST 4TH LLC <i>dba Indie</i></p> <p>By: <u>Indie</u> Its: <u>Gabriel Zeller</u> Name: <u>[Signature]</u></p>
<p>CLEVELAND BREWING COMPANY, LLC <i>dba Butcher and Brewer</i></p> <p>By: <u>JASON WORKMAN</u> Its: <u>PARTNER</u> Name: <u>[Signature]</u></p>	<p>WONDER BAR, LLC <i>dba Wonder Bar</i></p> <p>By: _____ Its: _____ Name: _____</p>
<p>S&amp;P EAST 4 WOOLWORTH LLC <i>dba Mabel's</i></p> <p>By: <u>DOUGLAS J. PETKOVIC</u> Its: <u>PARTNER</u> Name: <u>[Signature]</u></p>	<p>ERIE ISLAND COFFEE II LLC <i>dba Citizen Pie Roman Cafe</i></p> <p>By: <u>[Signature]</u> Its: <u>Manager</u> Name: <u>Joli Mayon</u></p>



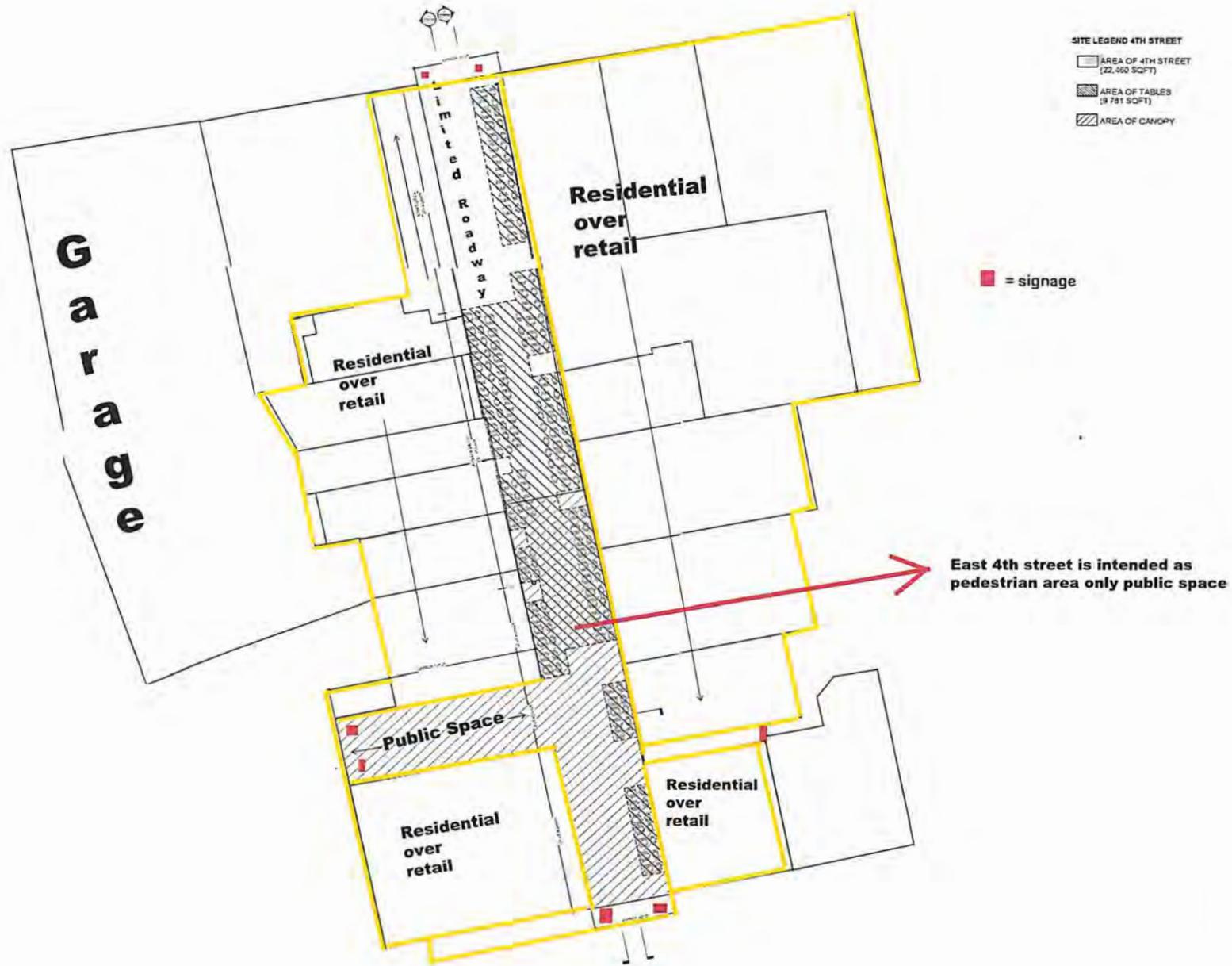
629 Euclid Avenue, 11<sup>th</sup> Floor, Cleveland, OH 44114 - (216) 696-6611

**CONFIRMATION OF SUPPORT**

By signing below, I confirm my support of the implementation of a Designated Outdoor Refreshment Area (DORA) on East 4<sup>th</sup> Street.

<p><b>2058 EAST FOURTH STREET LLC</b> <i>dba Cordelia</i></p> <p>By: <u>[Signature]</u> Its: <u>Proprietor</u> Name: <u>Andrew Watts</u></p>	<p><b>VINAFRESH, INC.</b> <i>dba Saigon</i></p> <p>By: <u>[Signature]</u> Its: <u>PRESIDENT</u> Name: <u>[Signature]</u></p>
<p><b>AP LOUNGE LLC</b> <i>dba Society Lounge</i></p> <p>By: <u>[Signature]</u> Its: <u>Partner</u> Name: <u>[Signature]</u></p>	<p><b>AGAVE CLE, LLC</b> <i>dba BLUE AGAVE</i></p> <p>By: <u>[Signature]</u> Its: <u>Partner</u> Name: <u>[Signature]</u></p>
<p><b>GIAPPONE, LLC</b> <i>dba GOMA</i></p> <p>By: <u>[Signature]</u> Its: <u>PARTNER</u> Name: <u>[Signature]</u></p>	<p><b>BD HOSPITALITY, LLC</b> <i>dba Flannery's Pub</i></p> <p>By: <u>[Signature]</u> Its: <u>PARTNER</u> Name: <u>[Signature]</u></p>
<p><b>CLE CLOTHING LLC</b> <i>dba CLE Clothing</i></p> <p>By: _____ Its: _____ Name: _____</p>	<p><b>THE CONVENTION AND VISITORS BUREAU OF GREATER CLEVELAND, INC.</b> <i>dba Destination Cleveland Visitor's Center</i></p> <p>By: <u>[Signature]</u> Its: <u>Chief People Operations Officer</u> Name: <u>Richard A. Wilson - Director</u></p>

Exhibit C - Signage Locator Map



SITE LEGEND 4TH STREET  
[White Box] AREA OF 4TH STREET (22,400 SQFT)  
[Cross-hatched Box] AREA OF TABLES (9,781 SQFT)  
[Diagonal-hatched Box] AREA OF CANOPY

[Red Square] = signage

East 4th street is intended as pedestrian area only public space

Exhibit C  
Signage Locator Map



**Exhibit D**

Signage



**Exhibit E**

Designated Plastic Containers

