



CLEVELAND HEIGHTS

Housing and Transportation Committee Agenda

January 28, 2019

7:30 p.m.

1. Lowering the Speed Limits and Vision Zero
Presented by Council Member Mary Dunbar
2. Draft Demolition Ordinance
Presented by City Planner Kara Hamley O'Donnell
3. Update on Community Improvement Corporation (CIC)
Presented by City Manager Tanisha Briley

A PRIMER ON VISION ZERO

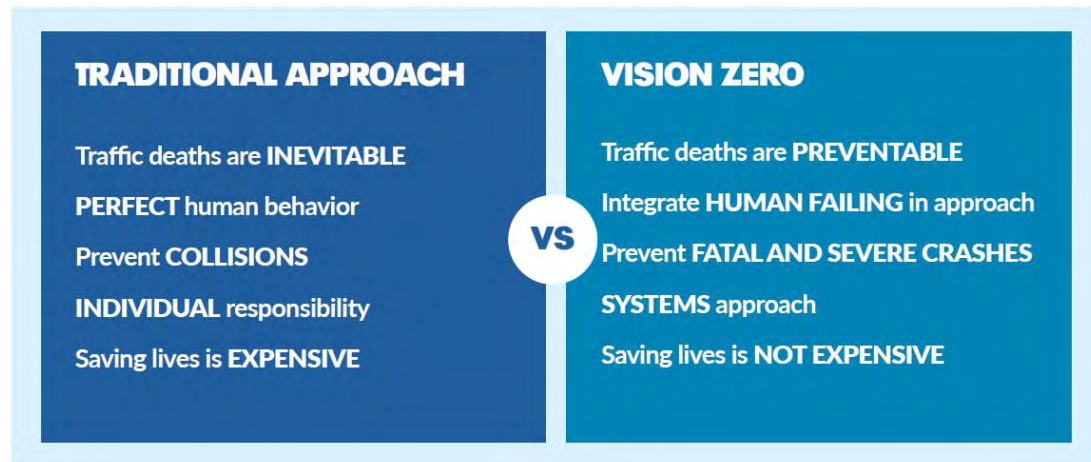
Advancing Safe Mobility for All

What is Vision Zero?

Vision Zero is a strategy to eliminate traffic fatalities and severe injuries among all road users, and to ensure safe, healthy, equitable mobility for all. First implemented in Sweden in the 1990s, where traffic deaths have been cut in half even while the number of trips increased, Vision Zero is gaining momentum across the globe, including in many U.S. communities.



Each year in the U.S., more than 40,000 people — an average of 100 people per day — are needlessly killed, and millions more are injured, in traffic crashes. While often referred to as “accidents,” the reality is that we can prevent these tragedies by taking a proactive, preventative approach that prioritizes traffic safety as a public health issue.

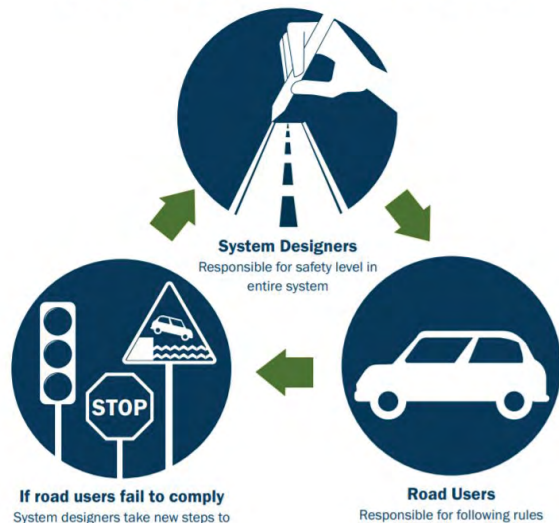


Changing the Status Quo - A New Vision for Safety

Vision Zero starts with the ethical belief that everyone has the right to move safely in their communities, and that system designers and policy makers share the responsibility to ensure safe systems for travel.

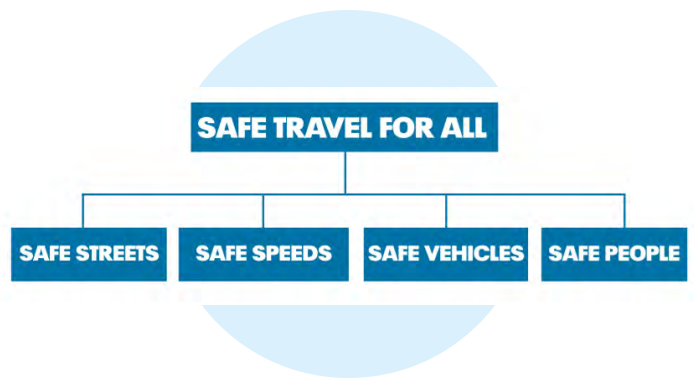
The Vision Zero approach recognizes that people will sometimes make mistakes, so the road system and related policies should be designed to ensure those inevitable mistakes do not result in severe injuries or fatalities. This means that system designers and policymakers are expected to improve the roadway environment, policies (such as speed management), and other related systems to lessen the severity of crashes.

Vision Zero Ethical Platform



What a Commitment to Vision Zero Means

Vision Zero is not a slogan, not a tagline, not even just a program. It is a fundamentally different way to approach traffic safety. Communities that want to succeed at Vision Zero need to acknowledge that business as usual is not enough and that systemic changes are needed to make meaningful progress. Effective communities will recognize and commit to core Vision Zero principles and strategies.



Committing to Vision Zero will take the following strategies:

- » Building and sustaining leadership, collaboration, and accountability – especially among a diverse group of stakeholders to include transportation professionals, policymakers, public health officials, police, and community members;
- » Collecting, analyzing, and using data to understand trends and potential disproportionate impacts of traffic deaths on certain populations;
- » Prioritizing equity and community engagement;
- » Managing speed to safe levels; and
- » Setting a timeline to achieve zero traffic deaths and serious injuries, which brings urgency and accountability, and ensuring transparency on progress and challenges.

Key among Vision Zero priorities are managing speed, centering equity, and engaging the community.



Managing Speed

Speeding kills more than 10,000 people each year in the U.S. – on par with drunk driving – yet, the act of speeding does not carry the same social consequences as drunk driving. Vision Zero calls on communities to prioritize safe speeds through safe street design, automated speed enforcement (or safety cameras), and setting safe speed limits.



Centering Equity

Safe mobility is a basic right, and Vision Zero is based on the premise that *all* people have the right to move about safely. Vision Zero communities should invest in proven safety strategies with a focus on ensuring equity. This includes identifying communities or populations that are disproportionately impacted by traffic deaths and serious injuries, and prioritizing roadway safety investments in these areas. It also means that *if* police are involved in Vision Zero, the community should make a public commitment to fair and equitable enforcement and ensure transparency and accountability on this commitment.



Engaging Communities

When it comes to experience and knowledge of how a neighborhood works, no one knows better than the people who live there. Assessing which needs are greatest requires complementing a data-driven approach with robust community engagement. The Vision Zero Network recommends working with and supporting community based organizations who have established trust and relationships with residents.

Find out more about Vision Zero and the nonprofit advocacy work of the Vision Zero Network at www.visionzeronetwork.org.

Steve Reinhardt's Research on Speed Limits over 25 mph in Cleveland Heights

....Google Maps "indicates these" are the streets with speed limits over 25 MPH. All distances are approximate. Some streets, like Taylor, go up and down in speed limit, so I am listing total mileage over 25 MPH.

North Park Blvd. - 3.0 miles

Fairmount Blvd. - 2.5 miles

Taylor Rd. - 2.5 miles

Euclid Hts. Blvd. - 2.3 miles

Cedar Rd. - 2.0 miles

Mayfield Rd. - 1.8 miles

Monticello Rd. - 1.5 miles (+1.0 at 30 MPH)

Noble Rd. - 1.3 miles

Warrensville Ctr. Rd. - 0.7 miles

Lee Rd. - 0.3 miles (+1.3 at 30 MPH)

Superior Rd. - 0.2 miles

That's roughly 18.2 miles of surface road at 35 MPH and another 2.3 at 30 MPH. Total is less than 21 miles of Cleveland Heights roads.

PS. Boston lowered their speed limit for the entire city to 25 MPH in 2016 as part of their Vision Zero program and are now considering lowering it again to 20.

**CITY OF CLEVELAND HEIGHTS
LAW DEPARTMENT**

TO: L. James Juliano
FROM: Nathaniel Hall
RE: Procedure for lowering speed limits on city streets
DATE: September 25, 2018

Subsequent to the memorandum, dated July 24th, 2018, regarding speed zone alterations, the law department, upon further inquiry, became aware of a potential alternate procedure for accomplishing the proposed goal of lowering speed limits on certain streets within Cleveland Heights (the “City”), namely, all or a portion of Fairmount Blvd., Euclid Heights Blvd., and North Park Blvd. (“the Streets”).

The Streets are all “Through Highways” as defined in the Ohio Revised Code (“ORC”). As such, they all carry a default speed limit of 35 mph. The previous memo discussed the procedure through which a municipality can lower that speed limit, involving traffic studies and ultimate approval from ODOT regional staff.

However, given the specific characteristics of the Streets, there is an alternate procedure that the City can use. Specifically, contained within ORC §4511.65, entitled “Through Highways,” is the following provision:

“ . . . in residence districts a municipal corporation may by ordinance designate said [through highway], or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic control devices.” ORC §4511.65(B)

The code does not give any further guidance as to the traffic control devices required. Traffic control devices have a very broad definition under state law that comprises effectively any type of sign or other device used to control or notify traffic on roads in Ohio.

The Streets are almost entirely within “residence districts,” as defined in ORC §4511.01, which provides:

“ **‘Residence district’** means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business.”

Initial research inquiries did not reveal case law, or other guidance in state law, as to whether this procedure had been used or challenged in the past. The law department inquired with the office of ODOT’s general counsel. An attorney from that office reviewed our inquiry, as well as the Streets themselves, and indicated to the law department that in fact the City can pass such an ordinance. Thereafter, the statute requires only that the newly designated sections of the Streets be properly marked with new speed limit signs. In addition, ODOT’s counsel indicated that in doing so, the City would not threaten any state funding in regard to road repair.

The Law Department is not through this memo making any recommendations or endorsement as to whether any speed limits within the City should be changed.

143.08 PROCEDURES FOR DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

The Landmark Commission may adopt a resolution designating a site, building, structure, work of art or similar object in the City of Cleveland Heights as a Landmark or designate any grouping of such places or objects, or combination thereof, as a Historic District, by following the procedures set forth in this section. The Landmark Commission may act on its own initiative or pursuant to a request by an individual or organization.

- 1) Permit Referral. In order to protect proposed Landmark properties or Historic Districts during the designation process, the Landmark Commission may request that City Council adopt a resolution requiring, during the designation process, referral of all applications for permits related to a proposed Landmark or Historic District to the Landmark Commission for review. If City Council adopts such a resolution, all such permit applications pending as of the effective date of the resolution and all permit applications submitted after said effective date shall be referred to the Landmark Commission for review, and the Landmark Commission shall have the same powers that would apply if the property were an established Landmark or Historic District. The referral and review of such permits shall continue for twelve months after City Council adopts such a resolution, or until such time as City Council approves or rejects the establishment of the Landmark or Historic District, whichever occurs first.
- 2) Owner Notification. The Landmark Commission shall notify the owner or owners of all property included in the proposed designation within ten (10) days of Landmark Commission's adoption of a resolution to recommend designation. The notice shall request the owner's comments.
- 3) Owner Approval. The Landmark Commission shall seek the approval of the owner or owners of all property included in the proposed designation. However, approval is not required in order for a property to be designated as a Landmark or as being within a Historic District.
- 4) Landmark Commission Report and Recommendation. The Landmark Commission shall prepare a report and recommendation as to the property proposed to be designated as a Landmark or within a Historic District, including an explanation of the significance of the property or properties in relation to the designation criteria, a description of the property or properties with a list of contributing and non-contributing structures and sites, a history of the property or properties, photographic documentation, and a map or site plan showing the boundaries of the proposed Landmark or Historic District.
- 5) Planning Commission recommendation. The Landmark Commission shall submit the report and recommendation to the Planning Commission and secure a Planning Commission recommendation on the proposed designation, its opinion as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendations as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection, or modification of the proposed designation. This recommendation shall become part of the official record concerning the proposed designation. The Landmark Commission may make such modifications concerning the proposed designation as it deems necessary in consideration of the Planning Commission's recommendation.
- 6) Landmark Commission public hearing. Within forty-five (45) days after receiving the Planning Commission's recommendation, the Landmark Commission shall schedule a public hearing on the proposed designation, providing notice in accordance with Section 143.06(b). The public hearing shall include a summary of the property or district's history, the Commission's rationale for designation, and an explanation of the effect of designation. The Landmark Commission shall conduct the public hearing and provide opportunity for all interested parties to express their opinions under such rules as the Landmark Commission may adopt for governing the hearings.
- 7) Landmark Commission determination and Landmark designation. After the required public hearing has been concluded, within sixty (60) days, the Landmark Commission shall then determine whether or not to designate the proposed site(s), building(s), structure(s), work(s)

of art or similar object(s) as a Landmark or Historic District. The designation of a Landmark becomes in full force and effect from the date the Landmark Commission adopts a resolution to designate the individual site, building, structure, work of art or similar object as a Landmark. If fifty-one percent (51%) or more of property owners within a proposed historic district approve of designating the district, Landmark Commission's determination shall be final.

- 8) City Council designation of Historic District. If fewer than fifty-one percent (51%) of property owners within a proposed district approve of designation, the historic district designation shall have effect only following approval of Landmark Commission's resolution by Council which may, at its discretion, hold public hearings on any proposed Historic District designation. In making its determination with respect to the proposed designation, City Council shall give due consideration to the findings and recommendations of the Landmark Commission, Planning Commission and views expressed by persons participating in the any public hearing on the nomination. Council may impose additional conditions on the nomination. Within the sixty (60) day period succeeding Landmark Commission recommendation, Council may:
 - a) Approve the Historic District designation by majority vote. The designation becomes in full force and effect from the date of the issuance of an ordinance approving the designation; or
 - b) Disapprove the Historic District designation by a majority vote. Council shall reject the designation by resolution and the designation shall be void and shall not be issued; or
 - c) If no action is taken, the designation becomes and is in full force and effect on the day next succeeding the sixty (60) day period.
- 9) Notification of designation. Within seven (7) days after the adoption of a resolution by the Landmark Commission or an ordinance by City Council approving the designation of a Landmark or Historic District, the Secretary of the Landmark Commission shall communicate notice of the designation in writing to the owner(s) of such property, other interested parties requesting information, City Council and the City Building Department. A certified copy of the designating resolution or ordinance together with a notice briefly stating the fact of such designation and a summary of the effects such designation will have shall be filed with the Recorder of Deeds of Cuyahoga County and shall be sent to property owners included in the designation.
- 10) Removal of Landmark or Historic District Designation. The owner(s) of a Landmark or property within a locally designated Historic District may petition the Landmark Commission to remove Landmark or Historic District status. In the case of a Historic District, two-thirds majority of property owners must petition Landmark Commission for designation removal. The Landmark Commission shall hold a public hearing to determine whether the property shall remain a Landmark or Historic District. The Commission shall take into account the reasons for initially designating the property or properties as a Landmark or Historic District and shall review the petition to rescind designation in accordance with Section 143.08(8). Notice of such meeting shall be provided in accordance with Section 143.06(b). The Landmark Commission shall render a decision within ninety (90) days of receipt of the property owner(s)' written petition. After a final decision is rendered, the Landmark Secretary shall communicate notice in writing to the owner(s) of such property, and other interested parties requesting information, and the City Building Department. A resolution for removal of Landmark or Historic District designation shall be filed with the Recorder of Deeds of Cuyahoga County and shall be sent to property owners.
- 11) Cleveland Heights Landmarks designated prior to adoption of this ordinance shall be governed by the previous ordinance until such time that the Commission re-designates each property or removes designation in accordance with this section.

143.10 REGULATION OF BUILDING CHANGE/CERTIFICATE OF APPROPRIATENESS

The owner of any property designated as a Landmark or located within a Historic District shall not undertake any building change, exterior alteration, new construction, or demolition to any part of the Landmark property or property within a Historic District without the consent of the Landmark Commission. Nothing herein contained shall prohibit the owner of such property from making immediate repairs necessary to remedy a condition dangerous to life, health or property.

- (a) Application for Certificate of Appropriateness. When the owner of a Landmark property or property within a designated Historic District wishes to undertake exterior alteration, new construction, or demolition, then the owner shall, in addition to applying for a building/demolition permit, apply to the Landmark Commission for a "Certificate of Appropriateness." Within seven (7) days following receipt of a demolition permit application or a building permit application that affects the exterior architectural features or appearance of a designated Landmark or property within a designated Historic District, the Building Department shall forward the application, plans, elevations, and other documentation to the Landmark Commission.
- (b) Public Hearing by the Landmark Commission. The Landmark Commission shall hold a public hearing to review proposed changes within sixty (60) days from the date the application is accepted as complete by the Secretary to the Landmark Commission. Notice shall be provided in accordance with Section 143.06(b).
- (c) Action by the Landmark Commission. Utilizing the design guidelines set forth in Section 143.14 of this ordinance, the Landmark Commission may approve the request for change submitted by the owner, modify the change requested by the owner, or reject the proposed change, all in accordance with its original criteria for designation of the particular Landmark or Historic District. The Landmark Commission shall then determine whether to issue a Certificate of Appropriateness. The applicant shall be given a written notice of the determination and, if approved, be issued a Certificate of Appropriateness. If the Landmark Commission does not act on the request within ninety (90) days of application, the request will be deemed approved. Any action of the Landmark Commission may be appealed to the Common Pleas Court of Cuyahoga County.
- (d) Certificate of Appropriateness. The Building Department shall not issue the building or demolition permit for a Landmark or property within a Historic District until the Certificate of Appropriateness has been issued by the Landmark Commission. Application for review of exterior construction, alteration, demolition, or removal not requiring a building permit, but for which a Certificate of Appropriateness is required, shall be made on a form prepared at the office of the Landmark Commission. This application will state in detail the change which the owner wishes to make to such property, together with appropriate drawings, plans, elevations, and other information necessary to explain and evaluate the proposed change.
- (e) Landmark Commission decision. Within seven (7) days after the action by the Landmark Commission, the Secretary of the Landmark Commission shall communicate notice of the action in writing to the owner(s) of such property, other interested parties requesting information, and the City Building Department.
- (f) Time limit for demolition disapproval. If an application for demolition of a Landmark or property within a Historic District is rejected, the Commission and City staff shall negotiate with the applicant to find a means of preserving the property. If after a twelve-month period of meaningful and continuing discussions, no alternative is found, the Building Department shall issue a permit for demolition without a Certificate of Appropriateness. Nothing herein shall prevent the City from ordering and/or approving the immediate demolition of such a property if, in the judgment of the Chief Building Official, it may cause a danger to the public

health, safety, and/or welfare.

Nothing herein contained shall obviate compliance by the owner of such property with all other applicable ordinances, rules and regulations of the City.