

ORDINANCE NO. 57-2019 (PD), *Second Reading*

By Councilmember Stein

An Ordinance authorizing the implementation of the parking plan during construction of the Top of the Hill development; and declaring an emergency.

WHEREAS, the construction of the Top of the Hill development will displace certain permit and open parking available to residents of the City and the public; and

WHEREAS, in order to accommodate the parking needs of the Cedar-Fairmount neighborhood during construction, City Council approves and authorizes the implementation of the parking plan set forth in Exhibit A ("Parking Plan") attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, ("City") that:

SECTION 1. City Council hereby authorizes the City Manager and her designees to implement the Parking Plan, to negotiate and enter into necessary agreements for the same as approved by the Director of Law, and to enforce the terms and conditions of the Parking Plan through the applicable provisions of the Codified Ordinances.

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

SECTION 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being that prompt implementation of the Parking Plan is necessary to meet the parking needs of the Cedar-Fairmount neighborhood during the process of construction. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

ORDINANCE NO. 57-2019 (PD)



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CAROL ANN ROE, Mayor  
President of the Council



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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Court

PASSED: July 1, 2019

EXHIBIT A

Parking Plan – Cedar-Fairmount Neighborhood

The following parking plan (“Parking Plan”) is intended to remedy the displacement of parking spaces during the construction of the Top of the Hill development in the Cedar-Fairmount neighborhood to commence on or about December 1, 2019. City Council has authorized the implementation of this plan through Ordinance No. \_\_\_\_-2019 adopted \_\_\_\_\_, 2019.

The Parking Plan is intended to be consistent with the Development Agreement as amended pursuant to Ord. 135-2018 adopted December 3, 2018.

**A. Conversion to Permanent Permit Parking in Public Right of Way.**

This paragraph applies to Lennox Road and Surrey Road, for the purpose of converting a total of approximately forty (40) parking spaces to permanent permit parking spaces on the street within the public right of way.

1. To be available by November 30, 2019;
2. To be approved by Police and Fire Divisions;
3. Permit rate to be the same as the City charges for similar parking facilities, currently One Hundred Fifteen Dollars (\$115.00) per calendar quarter and \$34.50 for seniors per calendar quarter, subject to change;
4. City intends to provide the maximum number of spaces pursuant to reasonable administrative practices;
5. Restrictions on parking during certain times and on certain days will be at the discretion of and determined by the City Manager and may be adjusted or terminated accordingly;
6. The City shall notify affected residents and property owners.

**B. Temporary Permit Parking in Public Right of Way.**

This paragraph applies to Euclid Heights Boulevard between Cedar Road and Surrey Road and Kenilworth Road and Lane, for the purpose of temporarily converting a total of approximately eighty-eight (88) parking spaces to permit parking spaces on the street within the public right of way.

1. To be available by November 30, 2019;
2. To be approved by Police and Fire Divisions.
3. Permit rate to be the same as the City charges for similar parking facilities, currently One Hundred Fifteen Dollars (\$115.00) per calendar quarter and \$34.50 for seniors per calendar quarter, subject to change;
4. The City intends to provide the maximum number of spaces pursuant to reasonable administrative practices;
5. Restrictions on parking during certain times and on certain days will be at the discretion of and determined by the City Manager and may be adjusted or terminated accordingly;

6. The City shall notify affected residents and property owners; and
7. Although provided for temporary purposes during construction, the City reserves the right to convert the temporary spaces into permanent parking on terms and conditions within the City's discretion.

**C. *Temporary Permit Parking on Privately Owned Property.***

This paragraph applies to the expansion of Lot No. 22, in the process of being transferred by deed to a purchaser for development of an expanded parking area adding approximately forty (40) permit parking spaces, and to the use of the Cedar Hill Baptist Church ("CHBC") parking lot for an additional approximately seventy-five (75) permit spaces.

1. To be available by November 30, 2019;
2. To be approved by Police and Fire Divisions, although the property will not be owned by the City;
3. Subject to negotiated use agreements, with City Manager or designee authorized to negotiate and execute same subject to approval of the Director of Law and City Council;
4. Permit rate to be the same as the City charges for similar parking facilities, currently One Hundred Fifteen Dollars (\$115.00) per calendar quarter and \$34.50 for seniors per calendar quarter for lot 22 and Fifty-Seven Dollars Fifty Cents (\$57.50) per calendar quarter and \$17.25 for seniors per calendar quarter to park exclusively at CHBC, each subject to change;
5. City intends to provide the maximum number of spaces pursuant to reasonable administrative practices;
6. Restrictions on parking during certain times and on certain days will be at the discretion of and determined by the City Manager and may be adjusted or terminated accordingly; and
7. City shall notify affected residents and property owners.

**D. *Top of Hill Construction Site Temporary Parking.***

This paragraph applies to the patrons of the Nighttown Restaurant (approximately fifty (50) spaces – not permit parking) and the residents and guests of the Buckingham Building (approximately forty (40) spaces – permit parking) during Top of the Hill construction.

1. To be available by November 30, 2019;
2. To be approved by Police and Fire Divisions;
3. This parking will be located on City-owned property;
4. Permit rate to be the same as the City charges for similar parking facilities, currently One Hundred Fifteen Dollars (\$115.00) per calendar quarter and \$34.50 for seniors per calendar quarter, subject to change;
5. City intends to provide the maximum number of spaces pursuant to reasonable administrative practices;
6. Restrictions on parking during certain times and on certain days will be at the discretion of and determined by the City Manager and may be adjusted or terminated accordingly; and

7. The City shall notify affected residents and property owners.

***E. Transition upon Completion of Construction.***

Upon completion of construction, the temporary arrangements set forth above may be adjusted or terminated by the City Manager in light of the parking requirements that will take effect at that time.