

SUBJECT: A report and recommendation on the establishment of Interim Development Control (IDC) Overlay District No. 88 “Surface Parking in the Downtown Development Zoning District” in the Central Business District, for a period of three months.

ATTACHMENTS:

Provided in addition to this report are:

- Exhibit A - Location Map
- Exhibit B - IDC Review Criteria
- Exhibit C – IDC Directive

BACKGROUND:

In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing development in the DD, “Downtown Development,” zoning district to study the potential impacts of surface parking lots and make recommendations for potential zoning code text amendments. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study and propose an Interim Development Control (IDC) Overlay District over the Downtown Development zoning district for the duration of the study.

The subject area for the IDC Overlay District is for all properties zoned Downtown Development (DD), encompassing most of Downtown and parts of East End, Mount Adams, Mount Auburn, Pendleton, Over-the-Rhine, and West End neighborhoods.

Pursuant to Section 1431-01 of the Cincinnati Zoning Code, the purpose of the Interim Development Control (IDC) Overlay District is to temporarily regulate the establishment of uses, construction of new buildings and demolition or alteration of existing structures in areas where potential development could be detrimental or have adverse impacts on the implementation of approved amendments to the Cincinnati Zoning Code, approved or adopted plans, or current planning, land use or zoning studies.

CRITERIA FOR AN IDC DISTRICT:

According to Cincinnati Zoning Code Section 1431-05, *Establishment of IDC Overlay Districts*, City Council may establish an IDC Overlay District if the City Planning Commission gives them an affirmative recommendation on the finding that:

- I. *Proposed Amendments.* Amendments to the Cincinnati Zoning Code have been approved or are under consideration through the following actions:
 - a. The City Planning Commission has approved amendments to the Cincinnati Zoning Code; or
 - b. The City Planning Commission has approved or adopted a comprehensive plan, community plan, urban design, urban renewal plan or other planning document which contains recommendations to amend the Cincinnati Zoning Code; or
 - c. The City Planning Commission, City Council or the City Manager has directed City Administration to study planning, land use or zoning issues in the proposed IDC Overlay District boundary.

The criteria in Section Ic above have been met because the City Manager has directed the Department of City Planning and Engagement to study land use issues in the Downtown Development Zoning District.

- II. *Study and Review.* The proposed amendments may substantially affect permitted uses in the area of consideration and will require the study and review by the City Planning Commission, City Administration and Council prior to adoption; and

The study could result in proposed amendments to the City's Zoning Code and/or Zoning Map; these amendments may affect permitted uses and will require the study and review by the City Planning Commission, City Administration, and City Council prior to their adoption.

- III. *Public Interest.* The protection of the public interest requires that interim development controls be imposed during the period of study and review by the City Planning Commission.

The additional review of permits by the City Planning Commission will protect the public interest by ensuring that development is not significantly impacted during the course of the study. Additionally, the study may result in proposed amendments to the City's Zoning Code and/or Zoning Map.

Section 1431-09 – Three-Month IDC Overlay Districts

Council may establish IDC Overlay Districts to remain in effect for three months without prior notice, advertisement or public hearing. The Director of City Planning has the duty to give notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period within ten business days of the establishment of an IDC Overlay District, by placing an advertisement in a newspaper of general circulation and, if less than 100 parcels of property are within the district, by sending the notice to all owners of record.

REGULATIONS AND GUIDELINES FOR THE IDC:

The area proposed for the boundary of IDC Overlay District No. 88 would be the officially recognized boundary of the zoning study in Downtown as shown on the attached map in Exhibit A.

According to §1431-15, the City Planning Commission has the duty to review applications in the established IDC Overlay District No. 88.

- (a) *Applications Subject to Review.* Specify which of the following permit applications are to be reviewed by the City Planning Commission.

- The Department of City Planning and Engagement recommends that the following permits be reviewed:
 - Building permits, certificates of compliance, and certificates of appropriateness for new construction of surface parking lots; alterations, modification, or expansion of existing surface parking facilities; and changes in use to a surface parking facility; and site improvements associated with surface parking facilities.
- The Department of City Planning and Engagement recommends that the following shall not be subject to review:

- Resurfacing that does not increase or expand the existing surface area, restriping, new lighting, new fencing, and new landscaping.

(b) *Application Review Guidelines.* Adopt application review guidelines for each application subject to review specified in § 1431-15 for the purposes of providing the City Planning Commission with criteria for the exercise of its authority, as granted in this chapter.

- The Department of City Planning and Engagement recommends application review guidelines as written in Exhibit B.

(c) *Administrative Review.* Designate the city department, division, or official responsible for conducting the administrative review of these applications.

- The Department of City Planning and Engagement recommends that it be designated as the administrative reviewer for IDC Overlay District No. 88.

ANALYSIS:

If the City Planning Commission affirmatively recommends a zoning study of the properties within the proposed IDC Overlay District boundary, as directed by the City Manager, an IDC Overlay District could help to ensure the compatibility of any proposed surface parking facilities while the Department of City Planning and Engagement studies the appropriate land uses for Downtown Development zoning districts.

The proposed IDC Overlay District could be established for an initial three months, with a future option to extend an additional nine months if City Council so desires. In order to establish the IDC Overlay District, City Council must receive an affirmative recommendation from the City Planning Commission.

If the three-month IDC is established, a notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period will need to be sent within ten business days of the establishment. All owners of record within the IDC boundary will receive that notice for the public hearing before the City Planning Commission.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

Plan Cincinnati does not specifically address the concerns related to the establishment of IDC Overlay District No. 88, Surface Parking in the Downtown Development Zoning District, however conducting a zoning study in this scenario is consistent with three Initiatives Areas. It is consistent with the Compete Initiative Area in the Strategy to “target investment to geographic areas where there is already economic activity” (page 115) and the Action Step to “continue development of existing growth opportunity areas” (page 116), which specifically identifies the “Central Business District (CBD), Over-the-Rhine (OTR), and the Uptown neighborhoods as the primary sources of City tax revenue”, which surface parking lots do little to support. Secondly, there is consistency with the Live Initiative Area to “become more walkable” (page 157) because large expanses of surface parking along street fronting properties discourage pedestrians activity. Lastly, this is consistent with the Connect Initiative Area Goal to “Develop an efficient multi-modal transportation system that supports neighborhood livability” (page 129) and more specifically with the Strategy to “expand options for non-automotive travel” (page 130) in that it could encourage people to walk instead of use cars to access and move around Downtown.

Cincinnati 2000 Comprehensive Development Plan for Downtown (1986)

The proposal is also consistent with *Cincinnati 2000 Comprehensive Development Plan for Downtown* (1986) which calls for “preservation of the City’s historic and architecturally significant buildings” (p. 2).

RECOMMENDATION:

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following actions:

- 1) **DIRECT** the Department of City Planning and Engagement to undertake a zoning study within the boundary of the DD zone as shown in Exhibit A; and,
- 2) **ADOPT** the Department of City Planning and Engagement staff findings that the proposed IDC Overlay District is in compliance with Cincinnati Zoning Code Section 1431-05, *Establishment of IDC Overlay Districts*, as discussed on pages 1 – 3 of this report; and,
- 3) **RECOMMEND** that City Council establish Interim Development Control (IDC) Overlay District No. 88, Surface Parking in the Downtown Development Zoning District, for a period of three months, finding it to be in the interest of the general public’s health, safety, and welfare during the course of the Department of City Planning and Engagement study, which recommendation includes:
 - a. Appointing the Department of City Planning and Engagement as the designated administrative reviewer under the IDC; and
 - b. Adoption of the IDC permit application list and review guidelines in Exhibit B entitled “Regulations and Application Review Guidelines for Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District,” and Designation of Administrative Reviewer.”

Respectfully submitted:



Maria Dienger, City Planner
Department of City Planning and Engagement

Approved:



Katherine Keough-Jurs, FAICP, Director
Department of City Planning and Engagement

EXHIBIT B

Regulations and Application Review Guidelines for Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District,” and Designation of Administrative Reviewer

Section I. Applications Subject to Review:

The following applications shall be reviewed by the City Planning Commission during the pendency of Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District”:

(a) Building permits for:

- i. new construction of surface parking facilities;
- ii. alteration, modification, or expansion of surface parking facilities;
- iii. changes in use to a surface parking facility use; and
- iv. site improvements associated with surface parking facilities.

(b) Certificates of compliance for:

- i. new construction of surface parking facilities;
- ii. alteration, modification, or expansion of surface parking facilities;
- iii. changes in use to a surface parking facility use; and
- iv. site improvements associated with surface parking facilities.

(c) Certificates of appropriateness for:

- i. new construction of surface parking facilities;
- ii. alteration, modification, or expansion of surface parking facilities;
- iii. changes in use to a surface parking facility use; and
- iv. site improvements associated with surface parking facilities.

Notwithstanding the foregoing subsections (a), (b), and (c), applications for building permits, certificates of compliance, and certificates of appropriateness to make the following alterations, modifications, or improvements to existing surface parking facilities shall not be subject to review by the City Planning Commission:

- i. Resurfacing that does not increase or expand the existing surface area;
- ii. Restriping;
- iii. New lighting;
- iv. New fencing; and
- v. New landscaping.

Section II. Designated Administrative Reviewer:

Council designates the Department of City Planning and Engagement as the staff reviewing authority for Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District.”

Section III. Application Review Guidelines:

In addition to any other necessary reviews and approvals as required by the Cincinnati Municipal Code and any other applicable laws, any application subject to review in Section I above shall be reviewed by the City Planning Commission to determine whether the application conforms to all applicable laws, ordinances, and regulations and is in the public interest.

In determining whether the application is in the public interest, the City Planning Commission shall consider those factors listed below that are relevant to the application. The application’s failure to conform to any single factor is not necessarily a sufficient basis for denial.

- a) *Community Character.* The proposal has a density, scale, size, location, programmatic configuration or function, and use that is compatible with, and designed to activate and enhance, the downtown streetscape.
- b) *Placement.* The proposed siting, setbacks, and orientation is designed to maximize multi-modal mobility that emphasizes pedestrian safety, participation, circulation, and connectivity.
- c) *Integration.* The proposal is designed to provide seamless transitions and connections, promoting interconnectivity between adjoining and abutting land uses to avoid disharmonious development patterns.
- d) *Accessibility.* The proposal is designed to promote public and private interactions and accessibility through multi-modal connections to existing or planned street grids or pedestrian-oriented pathways.
- e) *Stormwater Management.* The proposal is designed to address and minimize potential adverse effects relating to off-site stormwater runoff owing to any relative increase in impervious surface area or decrease in vegetative land cover related to the proposed development.
- f) *Zoning.* The proposal conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the zoning code.
- g) *Guidelines.* The proposal conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.

- h) *Plans.* The proposal conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.
- i) *Proposed Zoning Amendments.* The proposal is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.
- j) *Adverse Effects.* Whether the proposal is likely to impose any adverse effect on the access to the property by fire, police, or other public services; traffic conditions; or the development, usefulness or value of neighboring land and buildings.

Dienger, Maria

From: Keough-Jurs, Katherine
Sent: Thursday, September 15, 2022 3:41 PM
To: Peppers, Alex; Dienger, Maria
Subject: Fwd: DD Parking Zoning Text Amendment & IDC
Attachments: image001.png; Signed ORD & TRANS - Modifying Zoning Code Surface Parking.pdf

Alex and Maria,

Please proceed with the request below.

Thanks,
Katherine

Sent from my iPhone

Begin forwarded message:

From: "Long, Sheryl" <Sheryl.Long@cincinnati-oh.gov>
Date: September 15, 2022 at 3:11:15 PM EDT
To: "Keough-Jurs, Katherine" <Katherine.Keough-Jurs@cincinnati-oh.gov>
Cc: "Rocco, Giovanni" <Giovanni.Rocco@cincinnati-oh.gov>, "Weber, William" <William.Weber@cincinnati-oh.gov>
Subject: FW: DD Parking Zoning Text Amendment & IDC

Hello Katherine,
Please see the request from CM Jefferies office. Please proceed with execution of the request.

Thank you,
Sheryl

From: Rocco, Giovanni <Giovanni.Rocco@cincinnati-oh.gov>
Sent: Wednesday, September 14, 2022 2:30 PM
To: Long, Sheryl <Sheryl.Long@cincinnati-oh.gov>
Cc: Weber, William <William.Weber@cincinnati-oh.gov>
Subject: DD Parking Zoning Text Amendment & IDC

CM Long,

This afternoon, our office transmitted the attached ordinance to the Clerk's office to be placed on the Council Calendar for next week. Given the nature of this zoning change, we would like the Administration to pursue an IDC in the DD District as it relates to surface parking while this proposal goes through the zoning process. Given the sensitive nature of this proposal, we would like the CPC to consider the IDC this Friday.

Thank you, and feel free to reach out with any questions.

Gio Rocco | Chief of Staff

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