

January 20, 2021

To: Mayor and Members of City Council 202100185
From: Paula Boggs Muething, City Manager
Subject: **DEVELOPMENT AGREEMENT FOR LIBERTY & ELM**

Attached is an Emergency Ordinance captioned as follows:

AUTHORIZING the City Manager to execute a Development Agreement with OTR Project Partners, LLC, pertaining to the development and construction of residential rental units and commercial space at 1617 Elm Street and 1621 Logan Street in the Over-the-Rhine neighborhood of Cincinnati, and providing for City assistance to the project in the form of a rebate of a portion of the service payments in lieu of taxes imposed in connection with a proposed 30-year property tax exemption for improvements pursuant to Ohio Revised Code Section 5709.41, subject to the passage by this Council of a separate ordinance authorizing such tax exemption.

BACKGROUND/CURRENT CONDITIONS

Under ordinance 87-2017 passed on May 10, 2017, City Council authorized the City Manager to execute a Property Sale & Development Agreement with W. Liberty & Elm, LLC, an affiliate of Source 3 Development, to construct a mixed-use project at the corners of Liberty and Elm Streets in Over-the-Rhine. The project required the vacation of City-owned right-of-way including portions of Campbell Street and Freeport Alley. Due to financing complications, Source 3 did not proceed with the project and a new development team lead by KEAN Ventures (formerly Fortus Group) and Buckingham Companies acquired the project in early 2018. Since then, the new development team has worked diligently to reimagine the project and improve the overall design. In addition to the original site at 1617 Elm Street, the project will now incorporate the site of the former Boys & Girls Club of Greater Cincinnati, vacant since 2015, at 1621 Logan Street.

DEVELOPER INFORMATION

OTR Partner Projects, LLC is an affiliate between FG OTR 1, LLC (KEAN Ventures), an Ohio company, and BC OTR Cincinnati, LLC (Buckingham Companies), an Indiana company. Together, the partnership is also developing the former Anthem

Office Site in the East Walnut Hills neighborhood of Cincinnati where they broke ground in 2020.

PROJECT DESCRIPTION

Developer will first demolish the existing improvements at 1621 Logan Street and subsequently develop a six to seven story residential apartment building with 130 market-rate rental units. The newly constructed building at 1617 Elm Street will be a five-story mixed-use development consisting of 148 market-rate apartment units, 10,000 square feet of commercial space, and a 220-space structured parking garage. Freeport Alley will also be restored for pedestrian and bicycle use as part of the project. Once completed, monthly rents for the project will range from \$1,400 for a studio apartment to \$2,800 for a four-bedroom unit. Total project cost is estimated to be \$77,000,000.

PROPOSED INCENTIVE

DCED is recommending a Tax Increment Financing (TIF) exemption for the project site pursuant to Ohio Revised Code 5709.41 for a period of 30 years. Following the creation of the project TIF, the City and Developer will enter a Service Agreement which will require payment of full statutory Service Payments in lieu of real estate taxes. Prior to the rebate of any Service Payments to the Developer, 33% of the Service Payments will be paid to Cincinnati Public Schools, and for tax years 11-30, Developer is willing to make a VTICA contribution equal to the greater of \$90,000 or 7% of the Service Payments for the purpose of funding the maintenance and operations of the streetcar. As a material representation for the City to provide this incentive the Developer will contribute \$750,000 to a City-designated third-party organization to be used to develop and preserve affordable housing in the City. Without the project TIF, the Developer is unable to secure the construction financing for the project improvements.

SUMMARY	
Forgone Public Benefit if Project Does not Proceed	
Affordable Housing Contribution (Forgone)	(\$750,000)
CPS PILOT (Forgone New Revenue)	(\$10,288,656)
VTICA (Forgone New Revenue)	(\$1,454,962)
Income Tax (Forgone New Revenue)	(\$611,730)
Total Public Benefit Lost	(\$13,105,348)
Incentive Value	
Annual Net Incentive to Developer	\$647,804
Total Term Incentive to Developer	\$19,434,129
City's Portion of Property Taxes Forgone	\$4,023,836
Public Benefit	
Affordable Housing Contribution	\$ 750,000
CPS PILOT	

Annual CPS Pilot	\$342,955
Total Term CPS PILOT	\$10,288,656
VTICA	
Average Annual VTICA for Term	\$48,499
Total Term VTICA	\$1,454,962
Income Tax (Max)	\$611,730
Total Public Benefit (CPS PILOT/VTICA /Income Tax)	\$13,105,348
Total Public Benefit ROI*	\$0.67
City's ROI*	\$3.26

*If the project were going to happen regardless of incentive, this is the return of real dollars for public benefits as potential future dollars are forgone

RECOMMENDATION

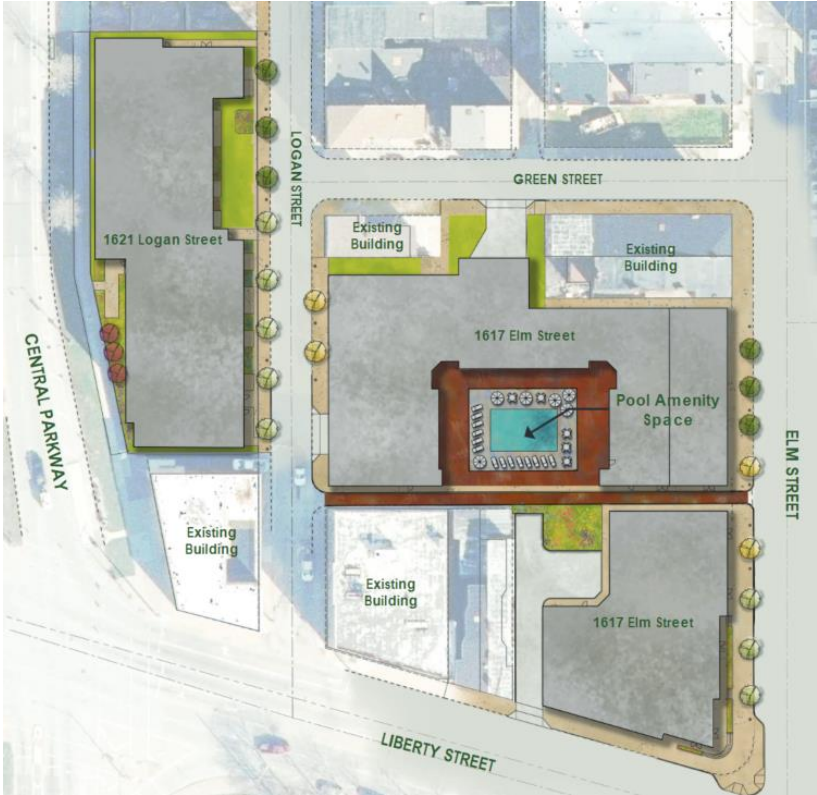
The Administration recommends approval of this Emergency Ordinance. The project will bring additional housing units to the urban core and will add much needed density to northern Over-the-Rhine, specifically on the streetcar line. This development will replace a vacant and underutilized prominent corner in the City and help fill a gap in connectivity between southern and northern Over-the-Rhine. The emergency clause is needed so that the project can meet its construction commencement deadlines.

Attachment: A. Property location and photographs

Copy: Markiea L. Carter, Interim Director, Department of Community & Economic Development

Attachment A: Location and Concept Plan

Property Location & Concept Plan



1617 Elm Street – Elevation

