



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, May 24, 2023

2:00 PM

Council Chambers, Room 300

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MAYOR AFTAB

Workforce Council of Southwest Ohio Board of Directors

1. [202301393](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Catherine Fitzgerald to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Female/White)
Recommendation CONFIRM
Sponsors: Mayor
2. [202301394](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Krista Rinehart to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Female/White)
Recommendation CONFIRM
Sponsors: Mayor
3. [202301396](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Uma Sivaprasad to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Female/South Asian)
Recommendation CONFIRM
Sponsors: Mayor
4. [202301397](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Michael Turner to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Male/White)
Recommendation CONFIRM
Sponsors: Mayor
5. [202301398](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Dani Watkins to the Workforce Council of Southwest Ohio Board of Directors

for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Female/White)

Recommendation CONFIRM

Sponsors: Mayor

6. [202301399](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Amy Waldbillig to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Female/White)

Recommendation CONFIRM

Sponsors: Mayor

7. [202301400](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Diana Small to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Female/African American)

Recommendation CONFIRM

Sponsors: Mayor

8. [202301401](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Alicia Reece to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Female/African American)

Recommendation CONFIRM

Sponsors: Mayor

9. [202301402](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Eric Rademacher to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Male/White)

Recommendation CONFIRM

Sponsors: Mayor

10. [202301403](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Michael Prus to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Male/White)

Recommendation CONFIRM

Sponsors: Mayor

11. [202301404](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Matthew Owens to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is

submitted to City Council for its advice & consent pursuant to its Rules.
(Male/White)

Recommendation CONFIRM

Sponsors: Mayor

12. [202301405](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Deval Motka to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Female/South Asian)

Recommendation CONFIRM

Sponsors: Mayor

13. [202301407](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Myron Hughes to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Male/African American)

Recommendation CONFIRM

Sponsors: Mayor

14. [202301413](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint DeJuan Gossett to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Male/African American)

Recommendation CONFIRM

Sponsors: Mayor

15. [202301414](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Renee Dean to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Female/White)

Recommendation CONFIRM

Sponsors: Mayor

16. [202301415](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Markiea Carter to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Female/African American)

Recommendation CONFIRM

Sponsors: Mayor

17. [202301416](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Paula Brehm-Heeger to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Female/White)

Recommendation CONFIRM

Sponsors: Mayor

18. [202301417](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Michael Beck to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Male/White)
- Recommendation** CONFIRM
- Sponsors:** Mayor
19. [202301418](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Jesse Grissom to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Male/African American)
- Recommendation** CONFIRM
- Sponsors:** Mayor

MS. KEARNEY

20. [202301483](#) **ORDINANCE (EMERGENCY)**, submitted by Vice Mayor Kearney, from Emily Smart Woerner, City Solicitor, **DECLARING** that Central Parkway at Ezzard Charles Drive in the West End neighborhood shall hereby receive the honorary, secondary name of “Dr. O’dell Owens Way” in honor of Dr. O’dell Moreno Owens and in recognition of his contributions and dedication to the City of Cincinnati through his career in medicine and public service.
- Recommendation** HEALTHY NEIGHBORHOODS COMMITTEE
- Sponsors:** Kearney
21. [202301484](#) **ORDINANCE (EMERGENCY)**, submitted by Vice Mayor Kearney, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer of \$25,000 from the balance sheet reserve account 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of the General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$25,000 from the unappropriated surplus of the General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7400 to provide one-time funds for additional Safe and Clean projects.
- Recommendation** BUDGET AND FINANCE COMMITTEE
- Sponsors:** Kearney

MR. JEFFREYS

MS. KEARNEY

MR. WALSH

MS. OWENS

MR. JOHNSON

22. [202301478](#) **MOTION**, submitted by Councilmember Jeffreys, Vice Mayor Kearney and Councilmembers Walsh, Owens and Johnson, **WE MOVE** that the Administration work to extend Interim Development Control Overlay District No.

88, "Surface Parking in the Downtown Development District," as an overlay district for a period of six months pursuant to chapter 1413, "Interim Development Control Overlay Districts," of the Cincinnati Municipal Code. (BALANCE ON FILE IN CLERK'S OFFICE) (STATEMENT ATTACHED).

Recommendation

EQUITABLE GROWTH & HOUSING COMMITTEE

Sponsors:

Jeffreys, Kearney, Walsh, Owens and Johnson

CITY MANAGER

23. [202301436](#) **REPORT**, dated 5/24/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for 2023 Bengal Block Parties.
- Recommendation** FILE
- Sponsors:** City Manager
24. [202301437](#) **REPORT**, dated 5/24/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Great American Summer.
- Recommendation** FILE
- Sponsors:** City Manager
25. [202301444](#) **REPORT**, dated 5/24/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Sarene Craft Beer Distributors Ohio LLC, DBA Sarene Craft Beer Distributors, 1213 York Street. (77430470005, B1 B2, Transfer) [Objections: None]
- Recommendation** FILE
- Sponsors:** City Manager
26. [202301447](#) **REPORT**, dated 5/24/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Country Meat Co Marketplace LLC, 3539 Reading Road. (#1774242, C1 C2 D3, New) [Objections: None]
- Recommendation** FILE
- Sponsors:** City Manager
27. [202301471](#) **REPORT**, dated 5/24/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 3 Pigs LLC, 1220 Vine Street. (#89171770010, D5J D6, Transfer) [Objections: None]
- Recommendation** FILE
- Sponsors:** City Manager
28. [202301480](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$25,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of providing resources for replacing aging water mains.

Recommendation BUDGET AND FINANCE COMMITTEE**Sponsors:** City Manager

29. [202301481](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$10,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of assisting with the cost of private lead service line replacement projects.

Recommendation BUDGET AND FINANCE COMMITTEE**Sponsors:** City Manager

30. [202301485](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a Selective Traffic Enforcement Program grant of up to \$65,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office (ALN 20.600), for the purpose of funding a program to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and high visibility enforcement efforts to reduce fatal accidents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23STEP.

Recommendation BUDGET AND FINANCE COMMITTEE**Sponsors:** City Manager

31. [202301486](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Ohio Traffic Safety Office's FY24 Impaired Driving Enforcement Program (ALN 20.608), to aid in reducing death and injuries resulting from vehicular accidents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23IDEP.

Recommendation BUDGET AND FINANCE COMMITTEE**Sponsors:** City Manager

32. [202301487](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount up to \$185,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office, to fund a Traffic Safety Resource Prosecutor to provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24TSRP.

Recommendation BUDGET AND FINANCE COMMITTEE**Sponsors:** City Manager

33. [202301488](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the transfer of \$325,000 from the Cincinnati Fire Department General Fund personnel operating budget account no. 050x271x7100 to Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x7300 for the purpose of purchasing equipment and supplies for the upcoming Fire Recruit Class 121 beginning on June 11, 2023; and **AUTHORIZING** the transfer of \$65,000 from the Emergency Communications Center General Fund personnel operating budget account no. 050x103x7100 to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7200 for the purpose of providing resources to extend a contract for public safety consultant services.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

34. [202301489](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **AUTHORIZING** the City Manager to apply for and accept a grant of in-kind services from Fuse Corps valued at up to \$510,000 to provide up to three full-time fellows to carry out key portions of the 2023 Green Cincinnati Plan.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

35. [202301490](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **ESTABLISHING** new capital improvement program project account no. 980x239x232337, "Computerized Traffic Signal System Grant," to provide resources for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area; **AUTHORIZING** the City Manager to accept and appropriate additional grant resources of up to \$400,000 from the Federal Highway Administration (ALN 20.205), as administered by the Ohio Department of Transportation ("ODOT"), to newly established capital improvement program project account no. 980x239x232337, "Computerized Traffic Signal System Grant"; and **AUTHORIZING** the City Manager to amend the existing Local Public Agency (LPA) agreement with ODOT to include the additional grant resources and project scope.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

36. [202301491](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **DETERMINING** to proceed with special street lighting assessments in Lighting Group 2 for three years beginning August 1, 2022, pursuant to Ohio Revised Code §727.23, on the streets or portions of the streets described in Attachment A hereto.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

37. [202301492](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023,

TO LEVY special assessments to pay for a portion of the cost of special street lighting in Lighting Group 2, pursuant to Ohio Revised Code §727.25, for the three-year period beginning on August 1, 2022.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

38. [202301493](#) **RESOLUTION (LEGISLATIVE)** submitted by Sheryl M. M. Long, City Manager, on 5/24/2023, **DECLARING** intent to appropriate to public use certain real-property interests necessary to construct, install, reconstruct, operate, maintain, repair, replace, modify, and remove water mains and related fixtures, equipment, and appurtenances to provide for and protect the supply of water as part of the Budd Street Water Main Replacement Project.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

CLERK OF COUNCIL

39. [202301456](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Annalese Cahill, Government Affairs, Government Relations Associate, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (THE JOE BURROW FOUNDATION)

Recommendation FILE

Sponsors: Clerk of Council

40. [202301462](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Colleen Reynolds, Government Affairs, Partner, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (THE JOE BURROW FOUNDATION)

Recommendation FILE

Sponsors: Clerk of Council

41. [202301470](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Matt Davis, Government Affairs, President, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (THE JOE BURROW FOUNDATION)

Recommendation FILE

Sponsors: Clerk of Council

42. [202301499](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Alexander P. Sittenfeld/Former Councilmember. (ETHICS)

Recommendation FILE

Sponsors: Clerk of Council

BUDGET AND FINANCE COMMITTEE

43. [202301358](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Fair Oaks Enterprises, Ltd., thereby authorizing an eleven-year tax exemption for 100 percent of the value of improvements made to real property located at 3005 Vandercar Way in the Oakley neighborhood of

Cincinnati, in connection with the construction of a new hotel consisting of approximately 117 rooms, containing approximately 71,000 square feet of commercial space in aggregate, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$15,500,000. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

Recommendation PASS EMERGENCY

Sponsors: City Manager

44. [202301359](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Lot 3 Local Oakley, LLC, thereby authorizing an eleven-year tax exemption for 100 percent of the value of improvements made to real property located at 2910 Disney Street in the Oakley neighborhood of Cincinnati, in connection with the construction of a new hotel, consisting of approximately 116 rooms, containing approximately 73,621 square feet of commercial space in aggregate, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$11,400,000. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

Recommendation PASS EMERGENCY

Sponsors: City Manager

45. [202301360](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Pleasant Cake LLC, thereby authorizing a fifteen-year tax exemption for one hundred percent of the value of improvements made to real property located at 1527-1531 Pleasant Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the construction of a mixed-use building consisting of approximately 959 square feet of commercial office space and approximately 7,208 square feet of residential space, comprised of approximately five residential rental units, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$3,158,393. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

Recommendation PASS EMERGENCY

Sponsors: City Manager

46. [202301431](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/17/2023, **AUTHORIZING** the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund

Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 38) to ensure the timely completion of various road, bridge, and pedestrian construction projects throughout the City.

Recommendation PASS

Sponsors: City Manager

47. [202301432](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/17/2023, **AUTHORIZING** the City Manager to apply for grants awarded by the Southwest Ohio Regional Transit Authority Transit Infrastructure Fund to ensure the timely completion of various road, bridge, wall, and pedestrian safety construction projects throughout the City.

Recommendation PASS EMERGENCY

Sponsors: City Manager

48. [202301433](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/17/2023, **AUTHORIZING** the transfer and return to source Fund 304, "Community Development Block Grant," of \$1,598,789 to close out or decrease existing project accounts according to Section A of the attached Schedule of Appropriation; and **AUTHORIZING** the transfer and appropriation of \$1,598,789 from the unappropriated surplus of Fund 304, "Community Development Block Grant," to various project accounts, as set forth in Section B of the attached Schedule of Appropriation, to provide funding that will be spent in a timely manner to support vital City programs.

Recommendation PASS EMERGENCY

Sponsors: City Manager

49. [202301430](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/17/2023, **AUTHORIZING** the City Manager to establish a Recreation Center Part-Time Staff Bonus Plan to recruit and retain qualified employees within the Cincinnati Recreation Commission's Recreation Centers, according to the attached Schedule.

Recommendation PASS EMERGENCY

Sponsors: City Manager

SUPPLEMENTAL ITEMS

CLIMATE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE

50. [202301440](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/17/2023, **AMENDING** Title XI, "Cincinnati Building Code," by repealing Chapter 1109, "Flood Damage Reduction," of the Cincinnati Municipal Code in its entirety; **ORDAINING** new Chapter 1109, "Flood Damage Reduction," of the Cincinnati Building Code, for the purpose of maintaining City eligibility for the Federal Emergency Management Agency's National Flood Insurance Program; and **MODIFYING** Chapter 1501, "Code Compliance and Hearings," by amending Section 1501-9, "Class D. Civil Offenses," to update the City's floodplain regulations to ensure the City's ongoing participation in the National Flood Insurance Program.

Recommendation PASS EMERGENCY

Sponsors: City Manager

EQUITABLE GROWTH & HOUSINGS COMMITTEE

51. [202301355](#) **RESOLUTION** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **APPROVING** Do You Live CT? as the planning guide for the Columbia Tusculum neighborhood.

Recommendation PASS

Sponsors: City Manager

ANNOUNCEMENTS

Adjournment



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

APPOINTMENT

I hereby appoint Catherine Fitzgerald to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



Home



My Network





Jobs



Catherine Fitzgerald · 2nd

Vice President at Alloy Development Co.

-  Alloy Development Co.
-  Western Illinois University

Cincinnati, Ohio, United States · [Contact info](#)

500+ connections



[6 mutual connections: Chris Xeil Lyons, John H. Thomas, and 4 others](#)

[Message](#) [Pending](#) [More](#)

Activity

1,143 followers

Catherine Fitzgerald commented on a post • 22h

Thanks for joining us, Alaina Geres!

 15 • 2 comments

Catherine Fitzgerald posted this • 22h



Thank you, [Paycor](#) for hosting [Alloy Development Co.](#) 's Business Retention Council. [Foreign Trade Zone 46 \(Ohio\) and 47 \(Kentucky\) – Greater Cincinnati FTZ, Inc.](#) overview by [Chris Meyer](#) was very

 17 • 1 comment

[Show all activity →](#)



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Jobs



Alloy Development Co.

17 yrs 9 mos

Vice President

May 2021 - Present · 1 yr 7 mos

Senior Director

Mar 2005 - Present · 17 yrs 9 mos

HCDC, Inc.

Established in 1983, HCDC, Inc., formerly Hamilton County Development Co., Inc., helps build businesses and promote job creation in 3 simple ...see more

Development Officer

City of Cincinnati, Economic Development Department

1993 - 1998 · 5 yrs

Cincinnati, OH

Responsible for all commercial, industrial and retail development for neighborhoods in the northwest area of the City. Services provid ...see more

Education



Western Illinois University

B.A.



University of Illinois System

M.A. Candidate

Licenses & certifications



Economic Development Financial Professional

National Development Council

Skills

Economic Development



Endorsed by Jeffrey A Finkle and 7 others who are highly skilled at this



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

APPOINTMENT

I hereby appoint Krista Rinehart to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.





Mayor Aftab Pureval



Krista Rinehart, SHRM-CP, PHR · 2nd

Director of Human Resources

-  The Summit Hotel
-  Northern Kentucky University

Cincinnati, Ohio, United States · [Contact info](#)

500+ connections



3 mutual connections: John H. Thomas, Jason Ashbrook, and 1 other

- [Message](#)
- [Pending](#)
- [More](#)

Activity

1,004 followers

Krista hasn't posted lately

Krista's recent posts and comments will be displayed here.

[Show all activity →](#)

Experience



Director of Human Resources

The Summit Hotel · Full-time
Mar 2020 - Present · 2 yrs 9 mos
Cincinnati, Ohio, United States

Director of Human Resources



Covington, KY



Regional Director of Human Resources

Aimbridge Hospitality

Jul 2016 - Sep 2017 · 1 yr 3 mos

Covington, KY

Human Resource Manager

Hilton Cincinnati Airport

Nov 2002 - Dec 2005 · 3 yrs 2 mos

Human Resource Assistant

Embassy Suites Cleveland-Rockside

May 2001 - Feb 2003 · 1 yr 10 mos

Independence, OH

Education



Northern Kentucky University

Bachelor of Arts

Activities and societies: Theta Phi Alpha

Licenses & certifications



Certified Professional

SHRM

Issued Dec 2015 · No Expiration Date

PHR - Professional in Human Resources

HRCI - HR Certification Institute

Issued Jan 2010 · No Expiration Date

TIPS Trainer - Training for Intervention Procedures

Health Communications, Inc

Issued Nov 2007 · No Expiration Date



Skills

Human Resources



Uma Sivaprasad (She/Her) · 2nd

Postdoc Recruiter, Scientist Recruitment Team at Cincinnati Children's Hospital Medical Center

-  Cincinnati Children's Hospital Medical Center
-  The Ohio State University

Cincinnati, Ohio, United States · [Contact info](#)

500+ connections



2 mutual connections: Jason Ashbrook and Hope Arthur

-  Pending
-  Message
- More

Hiring: Postdoctoral Research Fellow - Molecular Basis of Hematopoiesis
 Cincinnati Children's Hospital Medical Center · Cincinnati, Ohio, United States (O...
[View job](#)

About

Seventeen years medical research experience with six years managing post-doctoral researchers and staff on multiple multi-million dollar research projects. Creative thinker who develops novel solutions to intellectual, technical and staff challenges. Excels at critical data analysis and interpretation and technical troubleshooting. Proven ability to apply existing skills and acquire new skills to address the needs of the project. Effective and meaningful communicator of complex material to professional, technical and lay audiences. Motivated team player who 1) finds creative solutions to address a need; and 2)



Home



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Jobs

Activity

821 followers

Uma Sivaprasad reposted this • 9h

[Lisa Privette Vinnedge](#) is looking for a research assistant or postdoc!



Uma Sivaprasad reposted this • 1d

Great opportunity to "bring the bench to the bedside"!!!

Hiring

Research Assistant III - CuSTOM Accelerator



[Show all activity](#) →

Experience



Cincinnati Children's Hospital Medical Center

15 yrs 3 mos

Postdoc Recruiter, Scientist Recruitment Team, Associate Professor

Full-time

Oct 2021 - Present · 1 yr 2 mos

Cincinnati, Ohio, United States

Manager, Scientist Recruitment Team, Associate Professor

Full-time

Jan 2019 - Present · 3 yrs 11 mos

Cincinnati, OH

Scientist Recruiter, Assistant Professor

Feb 2015 - Present · 7 yrs 10 mos

Cincinnati, Ohio Area

Recruitment of postdoctoral Research Fellows and Research Associates to CCHMC.

[Show all 4 experiences](#) →



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Jobs

2003 - 2007 · 4 yrs

Research areas included:

- 1. Identifying the mechanism by which statins inhibited prostate ...see more

Product Manager

Cipla Ltd

Sep 1995 - Jul 1996 · 11 mos

Mumbai Area, India

- Designed marketing strategies and promotional materials for ophthalmic products. ...see more

Education



The Ohio State University

Doctor of Philosophy (Ph.D.), Biochemistry

1996 - 2003

Graduate work focused on elucidating the mechanism for sequential prolactin receptor binding by prolactin. Used purified recombinant ...see more



University of Mumbai

Master of Science (MSc), Biochemistry

1993 - 1995

Masters Degree in Biochemistry, with a research project focused on isolating anti-microbial compounds from onion extracts.



St. Xavier's College

Bachelor of Science (BSc), Microbiology and Biochemistry

1990 - 1993

Majored in Microbiology and Biochemistry. Successfully completed the Honor's Program.

Licenses & certifications

True Body Project Facilitator

True Body Project

Issued Sep 2013 · No Expiration Date



Certified Nia Instructor



Certified Internet Recruiter

AIRS powered by ADP

Show all 4 licenses & certifications →

Volunteering

Counselor

American Cancer Society, Camp Friendship

Jun 1997 · 1 mo

Children

Counselor for children in remission

Volunteer

United Nations Association

Jan 1999 - Jan 2002 · 3 yrs

Social Services



Mentor

cincinnati youth collaborative

Jan 2008 - Jan 2009 · 1 yr

Education

Volunteered at the College Resource Center helping students make choices about higher education.

Skills

Biochemistry



Endorsed by 12 colleagues at Cincinnati Children's Hospital Medical Center



18 endorsements

Molecular Biology



Endorsed by 6 colleagues at Cincinnati Children's Hospital Medical Center



11 endorsements

Science



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

APPOINTMENT

I hereby appoint Uma Sivaprasad to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

APPOINTMENT

I hereby appoint Michael Turner to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



Michael Turner · 3rd

Career Technical Manager at Cincinnati Public Schools

Cincinnati Metropolitan Area · [Contact info](#)

65 connections

[Message](#)

[+ Follow](#)

[More](#)

Cincinnati Public Schools

Activity

68 followers

Michael hasn't posted lately

Michael's recent posts and comments will be displayed here.

[Show all activity →](#)

Experience



Career Technical Manager

Cincinnati Public Schools

Aug 1986 - Present · 36 yrs 5 mos

Interests

Companies



TED Conferences
23,130,212 followers

[+ Follow](#)



Education Week
860,704 followers

[+ Follow](#)

[Show all 5 companies →](#)



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Dani Watkins to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Amy Waldbillig to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Diana Small to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Alicia Reece to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Eric Rademacher to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Michael Prus to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Matthew Owens to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Deval Motka to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Myron Hughes to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint DeJuan Gossett to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Renee Dean to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Markiea Carter to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Paula Brehm-Heeger to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Michael Beck to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

REAPPOINTMENT

I hereby reappoint Jesse Grissom to the Workforce Council of Southwest Ohio Board of Directors for a term expiring December 31, 2024. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval

202301438

Date: May 24, 2023

To: Vice Mayor Jan-Michele Lemon Kearney
From: Emily Smart Woerner, City Solicitor *ESW*
Subject: **Emergency Ordinance – Honorary Street Name – Dr. O’dell Owens**

Transmitted herewith is an emergency ordinance captioned as follows:

DECLARING that Central Parkway at Ezzard Charles Drive in the West End neighborhood shall hereby receive the honorary, secondary name of “Dr. O’dell Owens Way” in honor of Dr. O’dell Moreno Owens and in recognition of his contributions and dedication to the City of Cincinnati through his career in medicine and public service.

ESW/JRS (dmm)
Attachment
383209

EMERGENCY

City of Cincinnati

JRS

EESW

An Ordinance No. _____

- 2023

DECLARING that Central Parkway at Ezzard Charles Drive in the West End neighborhood shall hereby receive the honorary, secondary name of “Dr. O’dell Owens Way” in honor of Dr. O’dell Moreno Owens and in recognition of his contributions and dedication to the City of Cincinnati through his career in medicine and public service.

WHEREAS, Doctor O’dell Moreno Owens, M.D., MPH, was born in Cincinnati, Ohio, grew up in the West End neighborhood, and graduated from Woodward High School; and

WHEREAS, Dr. Owens attended Antioch College and then went on to graduate from Yale University School of Medicine with both a medical doctorate and a Master of Public Health and then was the first African American fellow in reproductive endocrinology and infertility at Harvard Medical School; and

WHEREAS, Dr. Owens returned to Cincinnati in 1982 and established the in vitro fertilization program at the University of Cincinnati Medical Center and is credited with Cincinnati’s first successful in vitro conception and delivery and the first pregnancy from a frozen embryo; and

WHEREAS, Dr. Owens was elected as the Hamilton County Coroner in 2004 and reelected in 2008 where he continued his life’s mission to impact the lives of young people to encourage them to stay in school and pursue higher education; and

WHEREAS, in 2010, Dr. Owens became president of Cincinnati State Technical and Community College and later served as the interim Cincinnati health commissioner; and

WHEREAS, as a medical professional Dr. Owens was nationally recognized for his medical knowledge and his innovative procedures with in vitro fertilization and further worked to improve health care access using school-based centers, remedy the opioid epidemic, reduce tobacco use, and improve health equity in the City of Cincinnati; and

WHEREAS, Dr. Owens was also successful in business being on the board of directors for Star Bank which is now U.S. Bank for 29 years and president and chief executive officer of Interact for Health where he retired in 2021; and

WHEREAS, Dr. Owens also served on the boards for the Cincinnati Fire Foundation, the Carl H. Lindner Jr. Family Center for Conservation and Research of Endangered Wildlife at the Cincinnati Zoo & Botanical Garden, the Ronald McDonald House, the Federal Reserve Bank of Cleveland’s Cincinnati Business Advisory Council, and he was chairman of the Cincinnati Preschool Promise; and

WHEREAS, Dr. Owens further served on the boards for the University of Cincinnati, the Greater Cincinnati/Northern Kentucky International Airport, Cincinnati Red Cross, Fine Arts Fund, and the National Underground Railroad Freedom Center, and further chaired the annual CET Action Auction that supports Cincinnati's public television programming; and

WHEREAS, in 2020, the Cincinnati USA Regional Chamber of Commerce named Dr. Owens one of its Great Living Cincinnatians as a person who has made an indelible and significant impact in the Greater Cincinnati area; and

WHEREAS, Dr. Owens passed away on Wednesday, November 23, 2022 and was survived by his wife Marchelle and children Christopher, Justin, and Morgan; and

WHEREAS, Dr. O'dell Owens made a lasting impact in the Cincinnati medical community, the health of the City of Cincinnati's citizens, and his legacy, contributions, and dedication to the City of Cincinnati and its citizens will long be remembered; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Central Parkway at Ezzard Charles Drive in the West End neighborhood shall hereby receive the honorary, secondary name of "Dr. O'dell Owens Way" in honor of Doctor O'dell Moreno Owens and in recognition of his contributions and dedication to the City of Cincinnati through medicine and public service.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Section 1 herein, including the generation and installation of appropriate secondary street signage, which shall designate Central Parkway at Ezzard Charles Drive as "Dr. O'dell Owens Way" in accordance with the Department of Transportation and Engineering's procedures relating to street designation and related signage.

Section 3. That a copy of this ordinance be sent to the family of Doctor O'dell Moreno Owens via the office of Vice Mayor Jan-Michele Lemon Kearney.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is

the immediate need to allow the Department of Transportation and Engineering to move forward with the administrative requirements related to the honorary naming of streets to provide for the ceremony and dedication of the honorary street name at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

202301484
Date: May 24, 2023

To: Vice Mayor Jan-Michele Lemon Kearney
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Emergency Ordinance – Motion #202301379 – Funding for Additional Safe and Clean Projects**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the transfer of \$25,000 from the balance sheet reserve account 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of the General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$25,000 from the unappropriated surplus of the General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7400 to provide one-time funds for additional Safe and Clean projects.

ESW/CMZ (dmm)
Attachment
383865

EMERGENCY

City of Cincinnati

CMZ

TEW

An Ordinance No. _____

- 2023

AUTHORIZING the transfer of \$25,000 from the balance sheet reserve account 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of the General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$25,000 from the unappropriated surplus of the General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7400 to provide one-time funds for additional Safe and Clean projects.

WHEREAS, Ordinance No. 56-2022 revised the City’s Stabilization Funds Policy to define appropriate funding for the City’s various reserve funds, which included the establishment of a “Reserve for Operating Budget Contingencies” account; and

WHEREAS, existing funds for Safe and Clean projects have been exhausted through previous rounds of funding; and

WHEREAS, Motion #202301379, submitted by Vice Mayor Kearney and approved at the Budget and Finance Committee on May 15, 2023, requested \$25,000 as one-time funding for additional Safe and Clean projects during FY 2023 to support gun violence reduction initiatives led by community-based organizations during the summer of 2023 and beyond, with priority given to organizations or programs serving neighborhoods experiencing the most gun violence (shootings); and

WHEREAS, the \$25,000 requested can be provided from the “Reserve for Operating Budget Contingencies” account; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the transfer of \$25,000 from balance sheet reserve account 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of the General Fund 050 is hereby authorized.

Section 2. That the transfer and appropriation of \$25,000 from the unappropriated surplus of the General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7400 is hereby authorized to provide one-time funds for additional Safe and Clean projects.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to make funding available for additional Safe and Clean projects.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk



Mark Jeffreys
Councilmember

May 19, 2023

MOTION

Zoning and Surface Parking

WE MOVE that the Administration work to extend Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development District,” as an overlay district for a period of six months pursuant to chapter 1431, “Interim Development Control Overlay Districts,” of the Cincinnati Municipal Code.

WE FURTHER MOVE that the Administration have this extension brought before City Council for final approval by close of business September 20, 2023—before the IDC is currently set to expire.

WE FURTHER MOVE that the Administration prioritize the zoning study of the text amendment that would restrict the development of surface parking lots in the DD Downtown Development district pursuant to the legislation referred to Planning Commission on September 21, 2022.

STATEMENT

In September of 2022, legislation was introduced to amend the Downtown Development (DD) zoning district and to study surface parking. On September 15, 2022, City Manager Long directed the Department of City Planning and Engagement to conduct a zoning study of DD zoning district and establish an Interim Development Control (IDC) Overlay District for the duration of the study, which Council approved on September 21, 2022. On November 8, 2022, Council’s Equitable Growth and Housing Committee approved a nine-month extension of the IDC and the Department of City Planning and Engagement outlined their proposed process of their evaluation of the text amendment. Their outline contemplated public engagement and study being wrapped up by the end of Spring 2023. The next day, November 9, 2023, Council approved the extension of the IDC by nine months, extending the “freeze” of the development of surface parking until September. After having conversations internally, we believe it would be prudent to extend the IDC by another six months.

Mark Jeffreys
Councilmember Mark Jeffreys

[Signature]
Jan-Michael Lemoine

Marka D. Owens

[Signature]

GR Cal May 22, 23

[Faint handwritten signature]

[Faint handwritten signature]

[Faint printed text]

[Faint handwritten signature]

Date: 05/24/23

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: 2023 Bengal Block Parties**

202301436

In accordance with Cincinnati Municipal Code, Chapter 765; Jim Moehring has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Fire Department, Metro, Cincinnati Police Special Events Unit, Cincinnati Police District One, Traffic and Engineering Department, Traffic and Road Operations Department and The Health Department. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: 2023 Bengal Block Parties
EVENT SPONSOR/PRODUCER: Jim Moehring
CONTACT PERSON: Jim Moehring
LOCATION: 100 Freedom Way (Cincinnati Banks Area)
DATE(S) AND TIME(S): 09/17 10/15 11/12 11/26 12/10 12/17 01/07 1000-1400 Hrs. 09/25
1600-2100 Hrs. and 11/05 1500-2000 Hrs.
EVENT DESCRIPTION: Community event prior to home Bengals games at the Banks
ANTICIPATED ATTENDANCE: 1000
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief

Date: 5/24/2023

To: Mayor and Members of City Council 202301437
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Great American Summer)**

In accordance with Cincinnati Municipal Code, Chapter 765; (American Financial Group Inc.) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Great American Summer
EVENT SPONSOR/PRODUCER: American Financial Group Inc.
CONTACT PERSON: Scott Krauser
LOCATION: 302 E. 3rd St.
DATE(S) AND TIME(S): 6/6/23, 6/20/23, 7/11/23, 7/18/23, 7/25/23, 8/8/23,8/22/23 -
10:00am to 3:00pm
EVENT DESCRIPTION: We would like to have 1-2 Food trucks sitting in the parking lane at 302 E. 3rd St. to serve food. This would be open to anyone that would like to purchase food.
ANTICIPATED ATTENDANCE: 800
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: (N/A)

cc: Colonel Teresa A. Theetge, Police Chief

Date: May 24, 2023

To: Mayor and Members of City Council

202301444

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – TRFO**

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 77430470005
PERMIT TYPE: TRFO
CLASS: B1 B2
NAME: SARENE CRAFT BEER DISTRIBUTORS OHIO LLC
DBA: SARENE CRAFT BEER DISTRIBUTORS
1ST FL ONLY
1213 YORK ST UNIT C
CINCINNATI, OH 45214

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On April 27, 2023, West End Community Council was notified of this application and does not object.

Police Department Approval

David M. Laing, Assistant City Prosecutor
Law Department - Recommendation
 Objection No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: June 15, 2023

Date: May 24, 2023

To: Mayor and Members of City Council

202301447

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – NEW**

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 1774242
PERMIT TYPE: NEW
CLASS: C1 C2 D3
NAME: COUNTRY MEAT CO MARKETPLACE LLC
DBA: NONE LISTED
3539 READING RD STE 107A
CINCINNATI, OH 45229

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On April 24, 2023, Avondale Community Council was notified of this application and does not object.

Police Department Approval

David M. Laing, Assistant City Prosecutor
Law Department - Recommendation
 Objection No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: June 13, 2023

Date: May 24, 2023

To: Mayor and Members of City Council

202301471

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – Transfer of Ownership**

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 89171770010
PERMIT TYPE: TRFO
CLASS: D5J D6
NAME: 3 PIGS LLC
DBA: NONE LISTED
1220 VINE ST
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On May 1, 2023, Over-the-Rhine Community Council was notified of this application and do not object.

Police Department Approval

David M. Laing, Assistant City Prosecutor
Law Department - Recommendation

Objection No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: June 22, 2023

May 24, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202301480

Subject: Ordinance – GCWW: Water Supply Revolving Loan Account (WSRLA) Funding of \$25,000,000 for Water Main Replacement Projects

Attached is an Ordinance captioned:

AUTHORIZING the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$25,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of providing resources for replacing aging water mains.

This Ordinance authorizes the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account (“WSRLA”) funding in the amount of up to \$25,000,000 from the Ohio Environmental Protection Agency (OEPA) and the Ohio Water Development Authority (OWDA) for the purpose of providing resources for replacing aging water mains. This Ordinance further authorizes the Finance Director to receive and deposit the loan funds into Water Works Capital Fund revenue account no. 756x8569.

Water Supply Revolving Loan Account funding in the amount of up to \$25,000,000 is available from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of replacing aging water mains. This funding will be used for the Apple, Cooper, Hanfield; Burch, East Hill, Shaw; Cappel, Carnation, Clearview, Hermosa; Carson, Del Monte, Fairbanks; CUF-McMicken, Tafel, Enslin; Fire Flow Collection; Hyde Park-Erie, Burch, Mooney; and McMillan, Wm. H. Taft, Auburn, Classen, Scioto, Dennis, Calhoun water main projects as part of GCWW’s water main replacement program.

The City of Cincinnati Greater Cincinnati Water Works (GCWW) water main replacement program is in accordance with the “Sustain” goal to “Become a healthier Cincinnati” and strategy to “Create a healthy environment and reduce energy consumption” as described on pages 181-186 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrea Yang, GCWW, Interim Director
Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$25,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of providing resources for replacing aging water mains.

WHEREAS, each year the Administration applies for various funding sources to augment the City's Capital Improvement Program; and

WHEREAS, Water Supply Revolving Loan Account funding in the amount of up to \$25,000,000 is available from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of replacing aging water mains; and

WHEREAS, this funding will be used for the Apple, Cooper, Hanfield; Burch, East Hill, Shaw; Cappel, Carnation, Clearview, Hermosa; Carson, Del Monte, Fairbanks; CUF-McMicken, Tafel, Enslin; Fire Flow Collection; Hyde Park-Erie, Burch, Mooney; and McMillan, Wm. H. Taft, Auburn, Classen, Scioto, Dennis, Calhoun water main projects as part of GCWW's water main replacement program; and

WHEREAS, GCWW's water main replacement program is in accordance with the "Sustain" goal to "Become a healthier Cincinnati" and strategy to "Create a healthy environment and reduce energy consumption" as described on pages 181-186 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager or her designee is hereby authorized to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$25,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of replacing aging water mains.

Section 2. That the Finance Director is authorized to receive and deposit the loan funds into Water Works Capital Fund revenue account no. 756x8569.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the loan and Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

May 24, 2023

To: Mayor and Members of City Council 202301481

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – GCWW: Water Supply Revolving Loan Account (WSRLA) Funding of \$10,000,000 for Private Lead Line Replacement

Attached is an Ordinance captioned:

AUTHORIZING the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$10,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of assisting with the cost of private lead service line replacement projects.

This Ordinance authorizes the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account (“WSRLA”) loan funding in the amount of up to \$10,000,000 from the Ohio Environmental Protection Agency (OEPA) and the Ohio Water Development Authority (OWDA) for the purpose of assisting with the cost of private lead service line replacement projects. This Ordinance further authorizes the Finance Director to receive and deposit the loan funds into Private Lead Service Line Replacement Fund revenue account no. 312x8569.

The City of Cincinnati Greater Cincinnati Water Works (“GCWW”) currently operates a program that aims to replace all public and private lead service lines within the utility’s service area to reduce the risk of lead in water.

WSRLA funding is being offered to public water systems at a proportion of 53% principal forgiveness to 47% zero-interest loan funding. GCWW desires to apply for up to \$10,000,000 in WSRLA funding for the replacement of private lead service lines in the form of up to \$5,300,000 in principal forgiveness and \$4,700,000 in zero-interest loan funding.

This funding will be used for the private lead service line replacements associated with the Apple, Cooper, Hanfield; Burch, East Hill, Shaw; Cappel, Carnation, Clearview, Hermosa; Carson, Del Monte, Fairbanks; CUF-McMicken, Tafel, Enslin; Fire Flow Collection; Hyde Park-Erie, Burch, Mooney; and McMillan, Wm. H. Taft, Auburn, Classen, Scioto, Dennis, Calhoun water main projects as part of GCWW’s water main replacement program, as well as the Beech, Eighth, St. Lawrence; and Jonathan, Ruth, Woodburn private lead service line branch-only replacement projects

Assisting with the cost of private lead service line replacement projects is in accordance with the “Sustain” goal to "Become a healthier Cincinnati" and strategy to "Create a healthy environment and reduce energy consumption" as described on page 181-186 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrea Yang, GCWW, Interim Director
Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$10,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of assisting with the cost of private lead service line replacement projects.

WHEREAS, Water Supply Revolving Loan Account (“WSRLA”) funding in the amount of up to \$10,000,000 is available from the Ohio Environmental Protection Agency and the Ohio Water Development Authority in the form of grant-like principal forgiveness and zero-interest loan funding to public water systems for private lead service line replacement projects; and

WHEREAS, WSRLA funding is being offered to public water systems at a proportion of 53 percent principal forgiveness to 47 percent zero-interest loan funding; and

WHEREAS, the City of Cincinnati Greater Cincinnati Water Works (“GCWW”) currently operates a program that aims to replace all public and private lead service lines within the utility’s service area to reduce the risk of lead in water; and

WHEREAS, GCWW desires to apply for up to \$10,000,000 in WSRLA funding for the replacement of private lead service lines in the form of up to \$5,300,000 in principal forgiveness and \$4,700,000 in zero-interest loan funding; and

WHEREAS, this funding will be used for the private lead service line replacements associated with the Apple, Cooper, Hanfield; Burch, East Hill, Shaw; Cappel, Carnation, Clearview, Hermosa; Carson, Del Monte, Fairbanks; CUF-McMicken, Tafel, Enslin; Fire Flow Collection; Hyde Park-Erie, Burch, Mooney; and McMillan, Wm. H. Taft, Auburn, Classen, Scioto, Dennis, Calhoun water main projects as part of GCWW’s water main replacement program, as well as the Beech, Eighth, St. Lawrence; and Jonathan, Ruth, Woodburn private lead service line branch-only replacement projects; and

WHEREAS, assisting with the cost of private lead service line replacement projects is in accordance with the “Sustain” goal to “Become a healthier Cincinnati” and strategy to “Create a healthy environment and reduce energy consumption” as described on pages 181-186 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager or her designee is hereby authorized to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to

\$10,000,000, comprised of up to \$5,300,000 in principal forgiveness and \$4,700,000 in zero-interest loan funding from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of replacing private lead service lines within the utility's service area.

Section 2. That the Finance Director is authorized to receive and deposit the loan funds into Private Lead Service Line Replacement Fund revenue account no. 312x8569.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the loan and Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

May 24, 2023

To: Mayor and Members of City Council 202301485

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Police: FY 2024 Selective Traffic Enforcement Program (STEP) Grant**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a Selective Traffic Enforcement Program grant of up to \$65,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office (ALN 20.600), for the purpose of funding a program to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and high visibility enforcement efforts to reduce fatal accidents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23STEP.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a Selective Traffic Enforcement Program grant of up to \$65,000 from the State of Ohio Department of Public Safety (ODPS), Ohio Traffic Safety Office (OTSO) (ALN 20.600). This Ordinance also authorizes the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23STEP.

The grant is available through the State of Ohio Department of Public Safety, Ohio Traffic Safety Office, to provide funding for a STEP program to reduce death and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and high visibility enforcement efforts to reduce fatal accidents.

The grant application deadline is May 30, 2023, and the Cincinnati Police Department intends to apply by this date, but no grant funds will be accepted without approval from the City Council.

There are no new FTEs associated with this grant, and no matching funds are required.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a Selective Traffic Enforcement Program grant of up to \$65,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office (ALN 20.600), for the purpose of funding a program to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and high visibility enforcement efforts to reduce fatal accidents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23STEP.

WHEREAS, a Selective Traffic Enforcement Program (“STEP”) grant is available from the Ohio Department of Public Safety, Ohio Traffic Safety Office, in an amount up to \$65,000; and

WHEREAS, the STEP grant aims to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and high visibility enforcement efforts to reduce fatal accidents; and

WHEREAS, this grant does not require matching funds, and there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, the grant application deadline is May 30, 2023, and the City intends to apply by this date, but no grant funds will be accepted without approval by Council; and

WHEREAS, acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a Selective Traffic Enforcement Program (“STEP”) grant of up to \$65,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office (ALN 20.600), for the purpose of funding a program to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and high visibility enforcement efforts to reduce fatal accidents.

Section 2. That the Director of Finance is hereby authorized to deposit the STEP grant funds received by the City into Law Enforcement Grant Fund 368, project account no. 23STEP.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

May 24, 2023

To: Mayor and Members of City Council 202301486

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Police: FY 2024 Impaired Driving Enforcement Program (IDEP) Grant**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Ohio Traffic Safety Office’s FY24 Impaired Driving Enforcement Program (ALN 20.608), to aid in reducing death and injuries resulting from vehicular accidents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23IDEP.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 in FY 2024 Impaired Driving Enforcement Program (IDEP) funds from the Ohio Department of Public Safety (ODPS), Ohio Traffic Safety Office (OTSO) (ALN 20.608), to aid in reducing death and injuries resulting from vehicular accidents. This Ordinance also authorizes the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23IDEP.

This grant is available through the State of Ohio Department of Public Safety, Ohio Traffic Safety Office, to fund the FY 2024 Impaired Driving Enforcement Program. This program aims to reduce deaths and injuries resulting from vehicular accidents due to OVI (Operating Vehicle Under Influence), speed, loss of control, restraint violations, and commercial and motorcycle safety infractions.

The grant application deadline is May 30, 2023, and the Cincinnati Police Department intends to apply by this date, but no grant funds will be accepted without approval from the City Council.

There are no new FTEs associated with this grant, and no matching funds are required.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Ohio Traffic Safety Office’s FY24 Impaired Driving Enforcement Program (ALN 20.608), to aid in reducing death and injuries resulting from vehicular accidents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account No. 23IDEP.

WHEREAS, a grant in an amount of up to \$60,000 is available from the Ohio Department of Public Safety, Ohio Traffic Safety Office, to fund the FY24 Impaired Driving Enforcement Program; and

WHEREAS, this program aims to reduce deaths and injuries resulting from vehicular accidents due to OVI (Operating Vehicle Under Influence), speed, loss of control, restraint violations, and commercial and motorcycle safety infractions; and

WHEREAS, the grant does not require matching funds, and there are no additional FTEs/full time equivalents associated with this grant; and

WHEREAS, the grant application deadline is May 30, 2023, and the City intends to apply by this date, but no grant funds will be accepted before approval by Council; and

WHEREAS, this ordinance is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for, accept, and appropriate an Impaired Driving Enforcement Program Grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Ohio Traffic Safety Office, to aid in reducing death and injuries resulting from vehicular accidents.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23IDEP.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of this grant and Sections 1 and 2.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

May 24, 2023

To: Mayor and Members of City Council 202301487
From: Sheryl M. M. Long, City Manager
Subject: **Ordinance – Police: FY 2024 Traffic Safety Resource Prosecutor (TSRP) Grant**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$185,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office, to fund a Traffic Safety Resource Prosecutor to provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24TSRP.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in an amount up to \$185,000 from the State of Ohio Department of Public Safety (ODPS), Ohio Traffic Safety Office (OTSO), to fund a Traffic Safety Resource Prosecutor (TSRP) to provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio. This Ordinance also authorizes the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24TSRP.

The grant is available through the State of Ohio Department of Public Safety, Ohio Traffic Safety Office, to provide funding for a TSRP position with ODPS for Fiscal Year 2024, which will provide training and support to the City and the region, and develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio. The TSRP serves as a training and educational resource for public agencies in the region but is not a lawyer for the City and cannot provide legal advice to City departments. Per the condition of the grant, the TSRP would be assigned by the ODPS as a sub-contractor with a term from October 1, 2023 to September 30, 2024.

The grant application deadline is May 30, 2023, and the Cincinnati Police Department intends to apply by this date, but no grant funds will be accepted without approval from the City Council.

There are no new FTEs associated with this grant, and no matching funds are required.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$185,000 from the State of Ohio Department of Public Safety, Ohio Traffic Safety Office, to fund a Traffic Safety Resource Prosecutor to provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio, and to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24TSRP.

WHEREAS, a grant is available from the Ohio Department of Public Safety (“ODPS”), Ohio Traffic Safety Office, in an amount up to \$185,000; and

WHEREAS, the grant will provide continued funding for the Traffic Safety Resource Prosecutor (“TSRP”) position with ODPS for fiscal year 2024, which will provide support and training to the City and the region; and

WHEREAS, the TSRP serves as a training and educational resource for public agencies in the region, but is not a lawyer for the City and cannot provide legal advice to City departments; and

WHEREAS, the TSRP will develop, for the Ohio Traffic Safety Office, a coordinated statewide multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio; and

WHEREAS, per the conditions of the grant award, the TSRP will be assigned by the ODPS as a sub-contractor with a term from October 1, 2023 to September 30, 2024; and

WHEREAS, the grant does not require matching funds, and there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, the grant application deadline is May 30, 2023, and the City intends to apply by this date, but no grant funds will be accepted before approval by Council; and

WHEREAS, this ordinance is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant in an amount up to \$185,000 from the State of Ohio Department of Public Safety, Ohio Traffic

Safety Office, to fund a Traffic Safety Resource Prosecutor to provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout the State of Ohio and to develop a coordinated statewide, multidisciplinary planned approach to the prosecution of impaired driving and other traffic crimes in Ohio.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24TSRP.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

May 24, 2023

To: Mayor and Members of City Council 202301488
From: Sheryl M. M. Long, City Manager
Subject: Emergency Ordinance – Public Safety Mid-Year Budget Transfers

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer of \$325,000 from the Cincinnati Fire Department General Fund personnel operating budget account no. 050x271x7100 to Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x7300 for the purpose of purchasing equipment and supplies for the upcoming Fire Recruit Class 121 beginning on June 11, 2023; and **AUTHORIZING** the transfer of \$65,000 from the Emergency Communications Center General Fund personnel operating budget account no. 050x103x7100 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 for the purpose of providing resources to extend a contract for public safety consultant services.

Approval of this Emergency Ordinance will authorize the transfer of \$325,000 from the Cincinnati Fire Department’s (CFD) personnel operating budget account no. 050x271x7100 to the Cincinnati Fire Department’s non-personnel operating budget account no. 050x271x7300 for the purpose of purchasing equipment and supplies for the upcoming Fire Recruit Class 121 beginning on June 11, 2023. This Emergency Ordinance will further authorize the transfer of \$65,000 from the Emergency Communications Center (ECC) personnel operating budget account no. 050x103x7200 to the City Manager’s Office non-personnel operating budget account no. 050x101x7200 for the purpose of providing resources to extend a contract for public safety consultant services.

Fire Recruit Class 121 will train 55 new Fire Recruits over a twenty-week training period. The Approved FY 2023 Budget Update included \$670,000 for equipment and supplies for Recruit Class 121, but additional resources are now required. \$325,000 in existing FY 2023 CFD personnel resources is available for transfer to the non-personnel operating budget to purchase the necessary items.

The City has been under contract for public safety consultant services and wishes to extend the contract. \$65,000 in existing ECC personnel savings is available to transfer to the City Manager’s Office to extend the contract.

Providing additional non-personnel resources for Fire Recruit Class 121 and the public safety consultancy contract is in accordance with the “Live” goal to “[c]reate a more livable community” and strategy to “[s]upport and stabilize our communities” as described on pages 156-163 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to transfer resources to purchase equipment and supplies before the start of Fire Recruit Class 121 and to extend the City’s public safety consultancy contract.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

EMERGENCY

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2023

AUTHORIZING the transfer of \$325,000 from the Cincinnati Fire Department General Fund personnel operating budget account no. 050x271x7100 to Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x7300 for the purpose of purchasing equipment and supplies for the upcoming Fire Recruit Class 121 beginning on June 11, 2023; and **AUTHORIZING** the transfer of \$65,000 from the Emergency Communications Center General Fund personnel operating budget account no. 050x103x7100 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 for the purpose of providing resources to extend a contract for public safety consultant services.

WHEREAS, Fire Recruit Class 121 will train 55 new fire recruits over the course of a twenty-week training period beginning June 11, 2023; and

WHEREAS, the Approved FY 2023 Budget Update included \$670,000 for equipment and supplies for Fire Recruit Class 121; and

WHEREAS, additional resources are necessary to purchase the proper equipment and supplies required for this training; and

WHEREAS, \$325,000 in existing FY 2023 Cincinnati Fire Department personnel resources is available for transfer to purchase these non-personnel items; and

WHEREAS, the City has been under contract for public safety consultant services; and

WHEREAS, the City has negotiated an extension of the consultancy contract, however payment is required at the time the extension is executed; and

WHEREAS, \$65,000 in existing FY 2023 Emergency Communications Center personnel resources is available for transfer to the City Manager’s Office to extend this contract; and

WHEREAS, providing additional non-personnel resources for Fire Recruit Class 121 and the public safety consultancy contract is in accordance with the “Live” goal to “[c]reate a more livable community” and strategy to “[s]upport and stabilize our communities” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the sum of \$325,000 is hereby transferred from the Cincinnati Fire Department General Fund personnel operating budget account no. 050x271x7100 to Cincinnati

Fire Department General Fund non-personnel operating budget account no. 050x271x7300 for the purpose of purchasing equipment and supplies for the upcoming Fire Recruit Class 121 beginning on June 11, 2023.

Section 2. That the sum of \$65,000 is hereby transferred from the Emergency Communications Center General Fund personnel operating budget account no. 050x103x7100 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 for the purpose of providing resources to extend a contract for public safety consultant services.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to transfer resources to purchase equipment and supplies before the start of Fire Recruit Class 121 and to extend the City’s public safety consultancy contract.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

May 24, 2023

To: Mayor and Members of City Council 202301489
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – OES: Fuse Corps Partnership Grant**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for and accept a grant of in-kind services from Fuse Corps valued at up to \$510,000 to provide up to three full-time fellows to carry out key portions of the 2023 Green Cincinnati Plan.

Approval of this Emergency Ordinance will authorize the City Manager to apply for and accept a grant of in-kind services valued at up to \$510,000 from Fuse Corps for up to three full-time fellows to carry out key portions of the 2023 Green Cincinnati Plan.

The grant requires matching resources of up to \$30,000, which will be provided from the Office of Environment and Sustainability's (OES) non-personnel operating budget. There are no new FTE associated with this grant as all positions will be contracted by Fuse Corps for the benefit of the City.

Establishment of a grant partnership between Fuse Corps and the City is in accordance with the "Live" goal to "[p]rovide a full spectrum of housing options, and improve housing quality and affordability" as well as the "Sustain" strategy to "[c]reate a healthy environment and reduce energy consumption" as described on pages 172 and 182 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to complete the contract with Fuse Corps in order to begin implementation of the 2023 Green Cincinnati Plan.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



EMERGENCY

AKS

- 2023

AUTHORIZING the City Manager to apply for and accept a grant of in-kind services from Fuse Corps valued at up to \$510,000 to provide up to three full-time fellows to carry out key portions of the 2023 Green Cincinnati Plan.

WHEREAS, on April 12, 2023, Council adopted the 2023 Green Cincinnati Plan (“Plan”) with its full list of recommendations by Resolution 37-2023; and

WHEREAS, there is a grant available from Fuse Corps for in-kind services to provide up to three full-time fellows to carry out key portions of the Plan; and

WHEREAS, this grant will allow the City to accelerate implementation of the Plan; and

WHEREAS, this grant requires local matching resources of up to \$30,000, which cost will be covered by the Office of Environment and Sustainability non-personnel operating budget; and

WHEREAS, there are no new FTEs/full time equivalents associated with this grant as all positions will be contracted by Fuse Corps for the benefit of the City; and

WHEREAS, the establishment of a grant partnership between Fuse Corps and the City is in accordance with the “Live” goal to “[p]rovide a full spectrum of housing options, and improve housing quality and affordability” as well as the “Sustain” strategy to “[c]reate a healthy environment and reduce energy consumption” as described on pages 172 and 182 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for and accept a grant of in-kind services from Fuse Corps valued at up to \$510,000 to provide three full-time fellows to carry out key portions of the 2023 Green Cincinnati Plan.

Section 2. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of this grant and Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of public peace, health, safety, and general welfare and shall, subject to the terms of

Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to complete the contract with Fuse Corps in order to begin implementation of the 2023 Green Cincinnati Plan.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

May 24, 2023

To: Mayor and Members of City Council 202301490

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – DOTE: Additional Grant Resources for Computerized Traffic Signal System**

Attached is an Emergency Ordinance captioned:

ESTABLISHING new capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant,” to provide resources for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area; **AUTHORIZING** the City Manager to accept and appropriate additional grant resources of up to \$400,000 from the Federal Highway Administration (ALN 20.205), as administered by the Ohio Department of Transportation (“ODOT”), to newly established capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant”; and **AUTHORIZING** the City Manager to amend the existing Local Public Agency (LPA) agreement with ODOT to include the additional grant resources and project scope.

Approval of this Emergency Ordinance will establish capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant,” to provide resources to construct an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area. Approval of this Emergency Ordinance will also authorize the City Manager to accept and appropriate additional grant resources in an amount of up to \$400,000 from the Federal Highway Administration (FHWA), as administered by the Ohio Department of Transportation (ODOT), to newly established capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant”. This Emergency Ordinance will also authorize the City Manager to amend the existing Local Public Agency agreement with ODOT to include the additional grant resources and project scope.

On April 27, 2016, the City Council approved Ordinance No. 0101-2016, which authorized the City Manager to accept and appropriate grants of \$4,000,000 from the FHWA, administered by ODOT, for the purpose of providing resources for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area. Ordinance No. 0101-2016 also authorized the City Manager to cooperate with the Director of ODOT to complete the HAM-CTCS Various Project (ODOT PID 94484) to construct an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in

the downtown area. This authorization includes entering into a Local Public Agency (LPA) agreement with ODOT for the expenditure and administration of the grant funds.

Additional grant resources of up to \$400,000 are now available from the FHWA, as administered by ODOT, for the HAM-CTCS Various Project (ODOT PID 94484), requiring the LPA agreement to be amended to include the additional grant resources and project scope.

Acceptance of the grant requires local matching resources of up to 20%, totaling up to \$80,000, which may be provided from existing capital improvement program project accounts. The grant resources do not require additional FTEs.

Upgrading the Computerized Traffic Signal System is in accordance with the “Connect” goal to “[d]evelop a regional transportation system that promotes economic vitality” and the strategy to “[u]se the City’s transportation network to help facilitate economic development opportunities” as described on pages 139-143 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept and appropriate grant resources before the end of the fiscal year.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



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ESTABLISHING new capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant,” to provide resources for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area; **AUTHORIZING** the City Manager to accept and appropriate additional grant resources of up to \$400,000 from the Federal Highway Administration (ALN 20.205), as administered by the Ohio Department of Transportation (“ODOT”), to newly established capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant”; and **AUTHORIZING** the City Manager to amend the existing Local Public Agency (LPA) agreement with ODOT to include the additional grant resources and project scope.

WHEREAS, Ordinance No. 101-2016 established capital improvement program project account no. 980x239x162384, “Computerized Traffic Signal System Grants”; and

WHEREAS, the ordinance authorized the City Manager to accept and appropriate grants of \$4,000,000 from the Federal Highway Administration (“FHWA”), administered by the Ohio Department of Transportation (“ODOT”), and \$3,500,000 from the Ohio Public Works Commission into the newly established capital improvement program project account for the purpose of providing resources for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area; and

WHEREAS, the ordinance also authorized the City Manager to cooperate with the Director of ODOT to complete the HAM-CTCS Various Project (ODOT PID 94484) for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area, and to enter into a Local Public Agency (“LPA”) agreement with ODOT for the expenditure and administration of the grant funds; and

WHEREAS, additional grant resources of up to \$400,000 are now available from the FHWA, as administered by ODOT, for the HAM-CTCS Various Project (ODOT PID 94484), which is ongoing, but the LPA agreement must be amended to include the additional grant resources and project scope; and

WHEREAS, the prior capital improvement program project account no. 980x239x162384, “Computerized Traffic Signal System Grants,” is now closed, and a new capital improvement program project account must be established; and

WHEREAS, the grant requires a local match in the amount of twenty percent, totaling \$80,000, which will be made available from existing capital improvement program project accounts; and

WHEREAS, no new FTEs/full time equivalents are associated with these grant resources; and

WHEREAS, upgrading the Computerized Traffic Signal System is in accordance with the “Connect” goal to “[d]evelop a regional transportation system that promotes economic vitality” and the strategy to “[u]se the City’s transportation network to help facilitate economic development opportunities” as described on pages 139-143 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That new capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant,” is established to provide resources for constructing an interconnected fiber optic cable system and for upgrading the computerized traffic signal system in the downtown area.

Section 2. That the City Manager is authorized to accept and appropriate additional grant resources of up to \$400,000 from the Federal Highway Administration (ALN 20.205), as administered by the Ohio Department of Transportation (“ODOT”), to newly established capital improvement program project account no. 980x239x232337, “Computerized Traffic Signal System Grant.”

Section 3. That the City Manager is authorized to amend the existing Local Public Agency (LPA) agreement with ODOT to include the additional grant resources and project scope.

Section 4. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 3.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the

emergency is the immediate need to accept and appropriate grant resources before the end of the fiscal year.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Date: May 24, 2023

To: Mayor and Members of City Council **202301491**

From: Sheryl M. M. Long, City Manager

Subject: ORDINANCE – DETERMINING TO PROCEED WITH SPECIAL STREET LIGHTING ASSESSMENTS GROUP 2 – CENTRAL BUSINESS DISTRICT

Attached is an ordinance captioned as follows:

DETERMINING to proceed with special street lighting assessments in Lighting Group 2 for three years beginning August 1, 2022, pursuant to Ohio Revised Code §727.23, on the streets or portions of the streets described in Attachment A hereto.

This Ordinance Determining to Proceed is the second step of a three-step process for the renewal of an existing street lighting assessment needing the approval of City Council. The Assessing Ordinance has been submitted subsequently with the Determining to Proceed Ordinance.

City Council adopted the Resolution of Necessity Resolution No. 36-2023 on April 12, 2023. The City has addressed all objections to the estimated assessments filed with the Clerk of Council.

The Administration recommends the passage of the attached ordinance.

Attachment A – Assessed Street Lighting – Group 2 CBD

cc: John S. Brazina, Director, Transportation and Engineering

DETERMINING to proceed with special street lighting assessments in Lighting Group 2 for three years beginning August 1, 2022, pursuant to Ohio Revised Code §727.23, on the streets or portions of the streets described in Attachment A hereto.

WHEREAS, Resolution No. 36-2023 (the “Resolution”), adopted by City Council on April 12, 2023, pursuant to O.R.C. §727.12, declared the necessity of extending special street lighting on the streets or portions of the streets described in Attachment A hereto and incorporated herein by reference; and

WHEREAS, pursuant to the Resolution, the estimated assessments for the special street lighting were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, pursuant to O.R.C. §727.14, property owners were given notice of the passage of the Resolution and the filing of the estimated assessments; and

WHEREAS, as permitted by O.R.C. §727.15, no property owner has filed an objection to the proposed assessment within two weeks following the completion of notice of the passage of the Resolution and the filing of the estimated assessments; and

WHEREAS, the Council now desires to proceed with the special street lighting described in the Resolution and to adopt the estimated assessment associated therewith; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Council of the City of Cincinnati intends to proceed, pursuant to Ohio Revised Code §727.23, with the special lighting of the streets or portions of the streets in Lighting Group 3 as set forth in Attachment A hereto and incorporated herein by reference.

Section 2. That the costs of the special street lighting provided in Resolution No. 36-2023, passed by Council on April 12, 2023, are hereby adopted and shall be assessed in the manner provided in Resolution No. 36-2023.

Section 3. That no claim for damages has been filed pursuant to O.R.C. §727.18.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Attachment A

Dist #	Street	Limits	Number of Lights	Proposed Rate per Front Foot per Year	Total Assessment
1	BROADWAY	from the north line of Third Street to the north line of Eggleston Avenue	50	\$1.92	\$31,723.63
2	SYCAMORE STREET	from the north line of Third Street to the south line of Central Parkway	51	\$1.72	\$31,274.51
3	MAIN STREET	from the north line of Third Street to the south line of Sixth Street	24	\$2.57	\$20,470.90
4	MAIN STREET	from the north line of Sixth Street to the south line of Central Parkway	64	\$4.22	\$41,546.38
5	WALNUT STREET	from the north line of Third Street to the south line of Seventh Street	27	\$2.91	\$31,326.94
6	WALNUT STREET	from the north line of Seventh Street to the south line of Central Parkway	22	\$1.89	\$13,346.82
7	VINE STREET	from the north line of Third Street to the south line of Eighth Street	52	\$3.32	\$41,640.82
8	VINE STREET	from the north line of Eighth Street to the south line of Central Parkway	12	\$1.65	\$8,925.12
9	RACE STREET	from the north line of Third Street to the south line of Seventh Street	39	\$2.34	\$25,137.27
10	RACE STREET	from the north line of Seventh Street to the south line of Central Parkway	23	\$1.68	\$11,843.59
11	ELM STREET	from the north line of Third Street to the south line of Fifth Street	15	\$2.91	\$15,018.88
12	ELM STREET	from the north line of Seventh Street to the south line of Central Parkway	26	\$2.07	\$14,546.08
13	PLUM STREET	from the north line of Third Street to the south line of Fifth Street	11	\$1.57	\$8,107.07
14	PLUM STREET	from the north line of Seventh Street to the south line of Central Parkway	14	\$1.43	\$10,138.70
15	FOURTH STREET	from the east line of Central Avenue to the west line of Elm Street	13	\$1.97	\$9,942.82
16	FOURTH STREET	from the east line of Elm Street to the west line of Race Street	11	\$3.63	\$8,547.21
17	FOURTH STREET	from the east line of Race Street to the west line of Vine Street	46	\$10.64	\$25,557.17
18	FOURTH STREET	from the east line of Vine Street to the west line of Walnut Street	24	\$7.98	\$19,073.48
19	FOURTH STREET	from the east line of Walnut Street to the west line of Broadway	29	\$2.68	\$21,567.86
20	FIFTH STREET	from the east line of Central Avenue to the west line of Race Street	16	\$1.49	\$11,676.11
21	FIFTH STREET	from the east line of Race Street to the west line of Vine Street	8	\$2.66	\$6,366.31
22	FIFTH STREET	from the east line of Walnut Street to the west line of Main Street	9	\$3.06	\$7,273.81

Dist #	Street	Limits	Number of Lights	Proposed Rate per Front Foot per Year	Total Assessment
23	FIFTH STREET	from the east line of Main Street to the west line of Broadway	15	\$3.60	\$19,106.36
24	SIXTH STREET	from the east line of Elm Street to the west line of Broadway	46	\$3.50	\$56,493.05
25	SEVENTH STREET	from the east line of Central Avenue to the west line of Plum Street	6	\$1.67	\$3,847.66
26	SEVENTH STREET	from the east line of Plum Street to the west line of Elm Street	6	\$2.97	\$7,057.44
27	SEVENTH STREET	from the east line of Elm Street to the west line of Race Street	8	\$3.66	\$8,720.42
28	SEVENTH STREET	from the east line of Race Street to the west line of Vine Street	6	\$3.59	\$8,697.50
29	SEVENTH STREET	from the east line of Vine Street to the west line of Main Street	30	\$3.65	\$18,875.76
30	SEVENTH STREET	from the east line of Main Street to the west line of Broadway	13	\$1.06	\$5,683.39
31	EIGHTH STREET	from the east line of Central Avenue to the west line of Elm Street	13	\$1.65	\$8,423.67
32	GARFIELD PLACE	from the east line of Elm Street to the west line of Vine Street	25	\$2.29	\$11,802.13
33	EIGHTH STREET	from the east line of Vine Street to the west line of Broadway	36	\$1.72	\$18,827.11
34	NINTH STREET	from the east line of Central Avenue to the west line of Broadway	62	\$1.48	\$32,410.64
35	COURT STREET	from the east line of Central Avenue to the west line of Vine Street	28	\$1.31	\$13,963.05
36	COURT STREET	from the east line of Vine Street to the west line of Main Street	15	\$3.50	\$18,304.81
37	COURT STREET	from the east line of Main Street to the west line of Sycamore Street	8	\$1.56	\$3,731.50
38	CHARLES STREET	from the east line of Central Avenue to the west line of Elm Street	5	\$0.43	\$2,191.65
39	CLAY STREET	from the north line of Central Parkway to the south line of Twelfth Street	2	\$0.45	\$882.67
40	GEORGE STREET	from the east line of Plum Street to the west line of Elm Street	4	\$0.76	\$1,814.35
41	PERRY STREET	from the east line of Central Avenue to the west line of Plum Street	4	\$0.79	\$1,823.35
42	SHILLITO-RIKES PLACE	from the east line of Rusconi Place to the west line of Race Street	2	\$0.75	\$904.21
Count of Assemblies			920	Total Assessment:	\$658,612.22

Date: May 24, 2023

To: Mayor and Members of City Council **202301492**
From: Sheryl M. M. Long, City Manager
Subject: **ORDINANCE – LEVYING SPECIAL STREET LIGHTING
ASSESSMENTS GROUP 2 – CENTRAL BUSINESS DISTRICT**

Attached is an ordinance captioned as follows:

TO LEVY special assessments to pay for a portion of the cost of special street lighting in Lighting Group 2, pursuant to Ohio Revised Code §727.25, for the three-year period beginning on August 1, 2022.

This Ordinance is the third step of a three-step process for the renewal of an existing street lighting assessment needing the approval of City Council for the Finance Department to process the billing and certify the Assessments to the County Auditor for inclusion on the January 2024 tax bills.

The Administration recommends the passage of the attached ordinance.

Attachment A – Assessed Street Lighting – Group 2 CBD

cc: John S. Brazina, Director, Transportation and Engineering

TO LEVY special assessments to pay for a portion of the cost of special street lighting in Lighting Group 2, pursuant to Ohio Revised Code Section 727.25, for the three-year period beginning on August 1, 2022.

WHEREAS, Resolution No. 36-2023 (the “Resolution”), adopted by City Council on April 12, 2023, pursuant to Ohio Revised Code Section 727.12, declared the necessity of extending special street lighting on the streets or portions of the streets described in Attachment A hereto and incorporated herein by reference; and

WHEREAS, pursuant to the Resolution, the estimated assessments were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, there are no outstanding objections to the estimated assessments; and

WHEREAS, on _____ 2023, City Council passed Ordinance No. ____-2023 determining to proceed with the assessments; and

WHEREAS, the actual costs for the special street lighting for the three-year period have been ascertained and found to be substantially the same as the estimated costs; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the actual costs of the assessments for special street lighting in Lighting Group 2 for the three-year period beginning on August 1, 2022, as set forth on Attachment A hereto and incorporated herein by reference, are hereby adopted and affirmed, pursuant to Ohio Revised Code Section 727.25.

Section 2. That, with the exception of public rights-of-way, state-owned land, and federally-owned land, there is hereby levied, in accordance with Chapter 727 of the Ohio Revised Code, an assessment upon the properties abutting the locations described on Attachment A to pay the owners’ portion of the costs for special street lighting in Lighting Group 2, for a period of three years beginning on August 1, 2022 and ending on July 31, 2025.

Section 3. That it is hereby determined that the assessments levied by this ordinance comply with all applicable procedures and limitations as set forth in Chapter 727 of the Ohio Revised Code.

Section 4. That the assessments levied by this ordinance shall be payable in cash to the Treasurer of the City of Cincinnati within 45 days after the passage of this ordinance, or at the option of the property owner, in three annual installments at an annual rate of interest of nine percent.

Section 5. That the Clerk of Council or other appropriate City official shall certify, at the expiration of said 45-day period, any unpaid assessments to the Auditor of Hamilton County to be placed on the tax duplicate for collection at the time and in the same manner as property taxes are collected. Upon certification, the assessments shall be paid in three annual installments commencing with the December 2023 tax bill.

Section 6. That the City of Cincinnati shall not issue any notes or bonds in anticipation of the collection of the assessments.

Section 7. That the appropriate officials from the Finance Department are authorized to accept the assessment funds, deposit them into the appropriate account for the purpose of paying the costs and expenses of the special street lighting, and disburse them as required by law.

Section 8. That the portion of the cost of said improvements not specially assessed, any uncollectible assessments on property owned by the federal government and the State of Ohio, and assessments on property owned by the City of Cincinnati, shall be paid out of a fund provided to pay the City's portion of the cost of the special street lighting in the manner provided by law.

Section 9. That the Clerk of Council is hereby directed to cause notice of this ordinance to be published once in a newspaper of general circulation within the City of Cincinnati pursuant to Ohio Revised Code Section 727.26.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Attachment A

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Count of Assemblies			920	Total Assessment:	\$658,612.22

May 24, 2023

To: Mayor and Members of City Council

202301493

From: Sheryl M.M. Long, City Manager

Subject: Legislative Resolution- Budd Street Watermain Easements

Attached is a Legislative Resolution captioned:

DECLARING intent to appropriate to public use certain real-property interests necessary to construct, install, reconstruct, operate, maintain, repair, replace, modify, and remove water mains and related fixtures, equipment, and appurtenances to provide for and protect the supply of water as part of the Budd Street Water Main Replacement Project.

Approval of this ordinance will authorize the City Manager, with the advice and assistance of the City Solicitor, to acquire by purchase any and all interests in certain property necessary to carry out the Budd Street Water Main Replacement Project (the "Project"), namely, Hamilton County Auditor Parcel Nos. 141-0005-0007-00 and 141-0005-0008-00, owned by CSX Transportation Inc.

Acquiring permanent easements in the aforementioned parcels is for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment and appurtenances to provide for and protect the water supply as part of the Project and is necessary to ensure the Project's construction and undisturbed operation of the water mains and related fixtures, equipment, and appurtenances.

The Administration recommends passage of this Legislative Resolution as an emergency measure, due to the immediate need to acquire all necessary real property interests to construct the Project without delay, ensuring safe and uninterrupted provision and protection of the City's water supply.

cc: Andrea Yang, GCWW, Interim Executive Director



Legislative Resolution

TWH

RESOLUTION NO. _____ - 2023

DECLARING the intent to appropriate to public use certain real-property interests necessary to construct, install, reconstruct, operate, maintain, repair, replace, modify, and remove water mains and related fixtures, equipment, and appurtenances to provide for and protect the supply of water as part of the Budd Street Water Main Replacement Project.

BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is hereby declared to be the intent of Council to appropriate to public use permanent easements in, on, under, and across the real property described on Attachment A, attached hereto and incorporated by reference, and depicted on Attachment B, attached hereto and incorporated herein by reference (collectively, “Property”), to construct, install, reconstruct, operate, maintain, repair, replace, modify, and remove water mains and related fixtures, equipment, and appurtenances to provide for and protect the supply of water as part of the Budd Street Water Main Replacement Project (“Project”), which interests in the Property are hereby deemed necessary to ensure the construction of the Project and the undisturbed operation and maintenance of the water mains and related fixtures, equipment, and appurtenances. The owners of record of the Property are as follows:

<u>Owner</u>	<u>Hamilton Co. Auditor Parcel No.</u>
CSX Transportation Inc., a Virginia corporation, as successor by merger to The Baltimore and Ohio Railroad Company	141-0005-0007-00
CSX Transportation, Inc., a Virginia corporation, as successor by merger to The Chesapeake and Ohio Railway Company of Indiana	141-0005-0008-00

Section 2. That at any time after the effective date of this Resolution and before the passage of an ordinance to appropriate, the City Manager is hereby authorized, with the advice and assistance of the City Solicitor, to acquire by purchase any and all interests in the Property necessary to carry out the Project and, in accordance with such acquisition, to enter into special contracts for necessary services, expert or otherwise, as the City Manager deems necessary or appropriate.

Section 3. That this Resolution shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to acquire all real property interests necessary to construct the Project without delay to ensure the safe, dependable, and uninterrupted provision and protection of the City's water supply.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

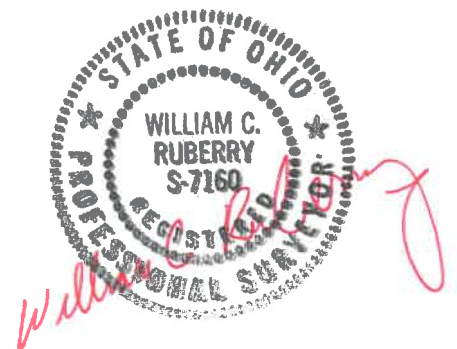
GCWW EASEMENT E-1118 FOR A Permanent Water Main and Appurtenances Easement for APN 141-05-07 B & O RAILROAD

Situated in the State of Ohio, being part of Section 30, Township 4, Fractional Range 1, Cincinnati township, City of Cincinnati, Hamilton County, part of Deed Book 291, Page 577 plat of Subdivision, and part of B & O property recorded in Deed Book 2395, Page 534, APN 141 05-07 in the Hamilton County, Ohio Recorder's office.

Commencing at the intersection of the existing south right of way of West 8th Street and the common section line of Section 30 and 24, thence North 82 degrees 55 minutes 26 seconds West a distance of 425.19 feet to the common property line of B & O property recorded in Deed Book 2395, Page 534, APN 141 05-07 and C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08 in the Hamilton County, Ohio Recorder's office; thence with said common line South 07 degrees 20 minutes 07 seconds West a distance of 15.50 feet to the intersection of the common property line with the north permanent easement line and the Point of Beginning for this description.

Thence continuing with the common property line and east easement line South 07 degrees 20 minutes 07 seconds West a distance of 15.01 feet to the intersection of the south permanent easement line with the common property line; thence with the south permanent easement line North 84 degrees 45 minutes 56 seconds West a distance of 101.98 feet to the intersection of the south permanent easement line with the common property line of the B & O property recorded in Deed Book 2395, Page 534, APN 141 05-07 and the City of Cincinnati property recorded in Deed Book 1934, Page 355, APN 141-05-10 in the Hamilton County, Ohio Recorder's office; thence with said west permanent easement line and common property line North 07 degrees 06 minutes 04 seconds East a distance of 15.01 feet to the intersection of the north line of the permanent easement with said common property line of B & O property recorded in Deed Book 2395, Page 534, APN 141 05-07 and C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08; thence with the north permanent easement line South 84 degrees 45 minutes 56 seconds East a distance of 102.04 feet to the POINT OF BEGINNING.

Containing 1,530.13933 square feet or 0.0351 acre(s) of land, more or less. This description was taken from a survey by Greater Cincinnati Water Works in July and August 2022



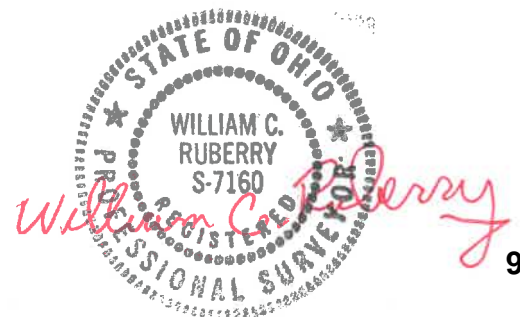
GCWW EASEMENT E-1119 FOR A Permanent Water Main and Appurtenances Easement for APN 141-05-08 C & O RAILROAD

Situated in the State of Ohio, being part of Section 30, Township 4, Fractional Range 1, Cincinnati township, City of Cincinnati, Hamilton County, part of Deed Book 291, Page 577 plat of Subdivision, and part of C & O property recorded in Deed Book 1603, Page 301, APN 141 05-08 in the Hamilton County, Ohio Recorder's office.

Commencing at the intersection of the existing south right of way of West 8th Street and the common section line of Section 30 and 24, thence North 82 degrees 55 minutes 26 seconds West a distance of 374.90 feet to the common property line of C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08 and the Norfolk Southern Deed Book 1531 Page 419 APN 141-05-33 in the Hamilton County, Ohio Recorder's office; thence with said common line South 03 degrees 55 minutes 29 seconds West a distance of 11.21 feet to a point of curve; thence along a curve to the right having a radius of 605.42 feet, a delta of 00 degrees 15 minutes 10 seconds, an arc length of 2.67 feet, and a chord which bears South 04 degrees 03 minutes 03 seconds West having a chord distance of 2.67 feet to the intersection of the common property line with the north permanent easement line and the Point of Beginning for this description.

Thence continuing with the common property line and east easement line along a curve to the right having a radius of 605.42 feet, a delta of 01 degrees 25 minutes 11 seconds, an arc length of 15.00 feet, and a chord which bears South 04 degrees 53 minutes 14 seconds West having a chord distance of 15.00 feet to the intersection of the south permanent easement line with the common property line; thence with the south permanent easement line North 84 degrees 45 minutes 56 seconds West a distance of 51.79 feet to the intersection of the south permanent easement line with the common property line of C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08 and the B & O property recorded in Deed Book 2395, Page 534, APN 141 05-07 in the Hamilton County, Ohio Recorder's office; thence with said west permanent easement line and common property line North 07 degrees 20 minutes 07 seconds East a distance of 15.01 feet to the intersection of the north line of the permanent easement with said common property line of C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08 and the B & O property recorded in Deed Book 2395, Page 534, APN 141 05-07; thence with the north permanent easement line South 84 degrees 45 minutes 56 seconds East a distance of 51.15 feet to the POINT OF BEGINNING.

Containing 772. 50934 square feet or 0.0177 acre(s) of land, more or less. This description was taken from a survey by Greater Cincinnati Water Works in July and August 2022



Easement Granting language: We, the undersigned ("Grantor"), being all of the owners of the easement area, depicted and described herein ("Easement Area"), do hereby grant a permanent non-exclusive easement ("Easement") for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment and appurtenances (the "Water Facilities") through the Easement Area and for the right to access the Easement Area and the Water Facilities, which easement shall run with the land and inure to the benefit of the City of Cincinnati ("City") and be binding upon Grantors, their assigns, and their successors-in-interest to the Easement Area. Grantor shall comply with the terms, conditions and restrictions below and the rules and regulations of the Greater Cincinnati Water Works as to water main easements."

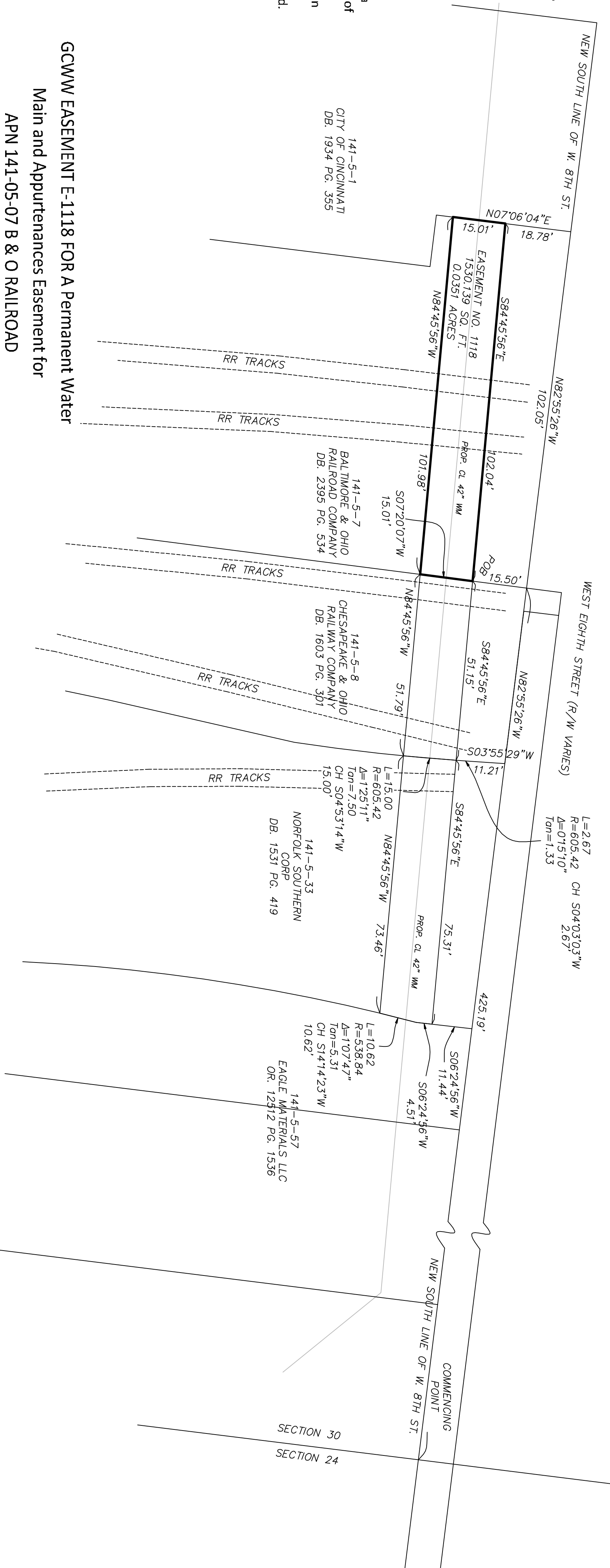
Signed: CSX Transportation Inc., a Virginia Corporation, as successor by merger to The Baltimore and Ohio Railroad Company.

By: Printed name: Its: State of County of SS: Be it remembered that on this day of A.D., before me, a Notary Public in and for said state, personally appeared before me CSX Transportation Inc., a Virginia Corporation, who represented that they are duly authorized in the premises and who acknowledged that they did sign the foregoing instrument and that the same is their voluntary act and deed on behalf of CSX Transportation Inc., a Virginia Corporation, for the uses and purposes in said instrument mentioned. In testimony whereof, I hereunto set my hand and affix my Notarial Seal on the day and date aforesaid.

Notary Public My Commission expires: This is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified hereby.

OWNER INFORMATION

141-5-7 BALTIMORE & OHIO RAILROAD COMPANY DEED BOOK 2395, PAGE 534, HAMILTON COUNTY, OHIO RECORDS



GCWW EASEMENT E-1118 FOR A Permanent Water Main and Appurtenances Easement for APN 141-05-07 B & O RAILROAD

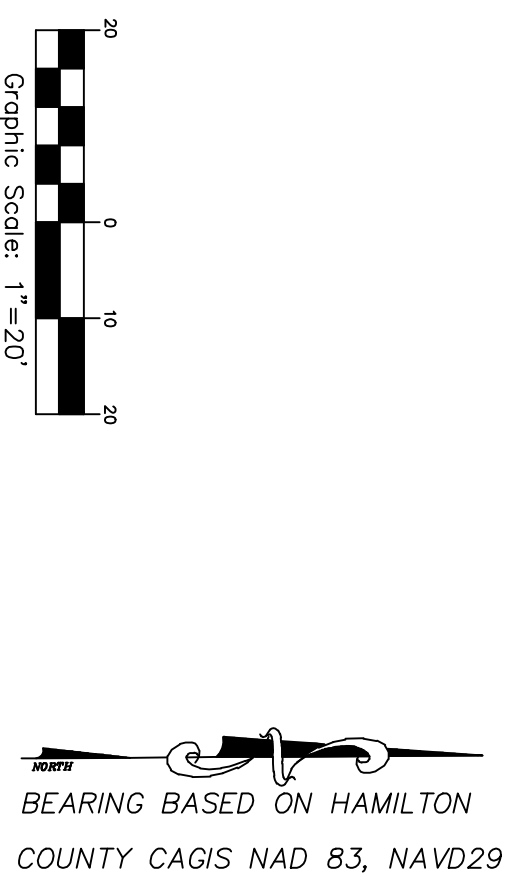
Situated in the State of Ohio, being part of Section 30, Township 4, Fractional Range 1, Cincinnati township, City of Cincinnati, Hamilton County, part of Deed Book 291, Page 577 plat of Subdivision, and part of B & O property recorded in Deed Book 2395, Page 534, APN 141-05-07 in the Hamilton County, Ohio Recorder's office.

Commencing at the intersection of the existing south right of way of West 8th Street and the common section line of Section 30 and 24, thence North 82 degrees 55 minutes 26 seconds West a distance of 425.19 feet to the common property line of B & O property recorded in Deed Book 2395, Page 534, APN 141-05-07 and C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08 in the Hamilton County, Ohio Recorder's office; thence with said common line South 07 degrees 20 minutes 07 seconds West a distance of 15.50 feet to the intersection of the common property line with the north permanent easement line and the Point of Beginning for this description.

Thence continuing with the common property line and east easement line South 07 degrees 20 minutes 07 seconds West a distance of 15.01 feet to the intersection of the south permanent easement line with the common property line; thence with the south permanent easement line North 84 degrees 45 minutes 56 seconds West a distance of 101.98 feet to the intersection of the south permanent easement line with the common property line of the B & O property recorded in Deed Book 2395, Page 534, APN 141-05-07 and the City of Cincinnati property recorded in Deed Book 1934, Page 355, APN 141-05-10 in the Hamilton County, Ohio Recorder's office; thence with said west permanent easement line and common property line North 07 degrees 06 minutes 04 seconds East a distance of 15.01 feet to the intersection of the north line of the permanent easement with said common property line of B & O property recorded in Deed Book 2395, Page 534, APN 141-05-07 and C & O property recorded in Deed Book 1603, Page 301, APN 141-05-08; thence with the north permanent easement line South 84 degrees 45 minutes 56 seconds East a distance of 102.04 feet to the POINT OF BEGINNING.

Containing 1,530.13933 square feet or 0.0351 acre(s) of land, more or less. This description was taken from a survey by Greater Cincinnati Water Works in July and August 2022

Table with 4 columns: Stationing (e.g., 538 ->), North, East, and Area. Includes total area of closed parcel and corner permanent easement property line data.



THIS PLAT IS THE RESULT OF A SURVEY BY GREATER CINCINNATI WATER WORKS SUPERVISING SURVEYOR ON APRIL 14TH, 2023. ALL EXISTING MONUMENTS WERE IN GOOD CONDITION.

WILLIAM C. RUBERRY, P.S. #7160 OHIO

Table with columns: NO., DATE, REVISION, PROJECT NO., DATE, DRAWN BY, CHECK BY, EASE. NO., SHEET NO.

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

202301456

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council"*. Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Annalese Cahill
- 2. Occupation Government Affairs
- 3. Title/Position Government Relations Associate
- 4. Business Address 255 E Fifth Street 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5428
- 6. Date of Engagement as Legislative Agent 5/10/23

B. EMPLOYER INFORMATION

- 1. Full name of company or organization The Joe Burrow Foundation
- 2. Type of Industry Nonprofit
- 3. Business Address 6862 Liberty Plaza 100
Street Suite Number
Liberty Township OH 45044
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Community development

18:28:57

CLERK OF COUNCIL

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

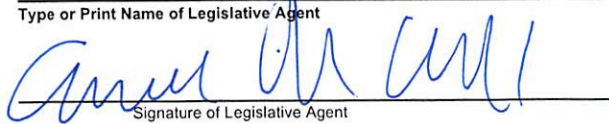
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| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input checked="" type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Annalese Cahill

Type or Print Name of Legislative Agent



Signature of Legislative Agent

Date

Amy Floyd

Type or Print Name of Persons Signing for Employer



BY:

Signature for Employer

Executive Director

Title

5/12/2023

Date

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

202301402

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Colleen Reynolds
- 2. Occupation Government Affairs
- 3. Title/Position Partner
- 4. Business Address 255 E Fifth Street 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5449
- 6. Date of Engagement as Legislative Agent 5/10/23

B. EMPLOYER INFORMATION

- 1. Full name of company or organization The Joe Burrow Foundation
- 2. Type of Industry Nonprofit
- 3. Business Address 6862 Liberty Plaza 100
Street Suite Number
Liberty Township OH 45044
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Community development

1213483218791
CLERK OF COUNCIL

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|---|--|--|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input checked="" type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

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ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Colleen Reynolds

Type or Print Name of Legislative Agent

Colleen M. Reynolds
Signature of Legislative Agent

5/12/23
Date

Amy Floyd

Type or Print Name of Persons Signing for Employer

BY: *Amy Floyd*
Signature for Employer

Executive Director

Title

5/12/2023

Date

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

202301470

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Matt Davis
- 2. Occupation Government Affairs
- 3. Title/Position President
- 4. Business Address 255 E Fifth Street 1900
Street Suite Number
 Cincinnati OH 45212
City State Zip(+4)
- 5. Telephone Number (513) 977-8640
- 6. Date of Engagement as Legislative Agent 5/10/23

B. EMPLOYER INFORMATION

- 1. Full name of company or organization The Joe Burrow Foundation
- 2. Type of Industry Nonprofit
- 3. Business Address 6862 Liberty Plaza 100
Street Suite Number
 Liberty Township OH 45044
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

 Community development

1584284-2185

CLERK OF COUNCIL

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|---|--|--|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input checked="" type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
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ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Matt Davis

Type or Print Name of Legislative Agent



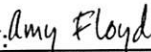
Signature of Legislative Agent

5-12-23

Date

Amy Floyd

Type or Print Name of Persons Signing for Employer

BY: 

Signature for Employer

Executive Director

Title

5/12/2023

Date

May 10, 2023

To: Mayor and Members of City Council

202301358

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Approving and Authorizing CRA Tax Exemption Agreement with Fair Oaks Enterprises, LTD

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Fair Oaks Enterprises, Ltd., thereby authorizing an eleven-year tax exemption for 100 percent of the value of improvements made to real property located at 3005 Vandercar Way in the Oakley neighborhood of Cincinnati, in connection with the construction of a new hotel consisting of approximately 117 rooms, containing approximately 71,000 square feet of commercial space in aggregate, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$15,500,000.

BACKGROUND/CURRENT CONDITIONS

Fair Oak Enterprises, LTD, plans to develop the property located at 3005 Vandercar Street in the Oakley neighborhood of Cincinnati. Prior to the proposed development, the City assisted the development of Oakley Station by financing the demolition and environmental remediation of the former Milacron factory site, as well as construction of new public infrastructure through State grant funding and project tax increment financing. The total assistance amounted to \$17,540,645. The project currently places a hotel on a parcel that consists of vacant land and a parking lot.

DEVELOPER INFORMATION

Fair Oak Enterprises, LTD is owned by Allen W. Schmidthorse, Preston Stegman, Douglas Steinke, and Thomas and Sandra Shoemaker. These individuals collectively have over 100 years of hotel and/or real estate experience. Specifically, this includes 20 award winning hotels constructed by S & S Management, Inc., which was founded by Thomas Shoemaker and Douglas Steinke. A recent project from the Development Team included the adjacent 108-unit hotel (Homewood Suites by Hilton).

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This is an Emergency Ordinance so construction financing can be closed, and construction commences at the earliest possible time.

Attachment: Project Outline

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

Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	Fairfield Inn TownePlace Suites by Marriott
Street Address	3005 Vandercar Way
Property Condition	Vacant 1.5 Acre Lot in Oakley Station Development.
Neighborhood	Oakley
Incentive Application Process	Commercial CRA – Neighborhood (LEED or LBC)
Recent or other projects by Developer	108-unit hotel (Homewood Suites by Hilton) located at 4605 Factory Colony Lane
Approval at planning commission/Neighborhood support	City Council and Planning Commission approved the Major Amendment to the Concept Plan and Development Program Statement in September 2022 (Ordinance No. 290-2022). Oakley Community Council is supportive of the project.
Plan Cincinnati Goals	Achieves the Compete Initiative Area Goal 2 (pages 114-120) and Sustain Initiative Area Goal 1 (pages 181-186) of Plan Cincinnati

Project Image



<u>Incentive Summary Category</u>	<u>Explanation</u>
Abatement Term and amount	11-year, net 52%
Construction Cost & Private investment committed	\$15,500,000 in hard construction costs, \$4,000,000 in acquisition and soft costs
Sq. Footage by Use	71,000 SQFT - Commercial
Number of units and rental ranges	No Residential Units
Jobs created/retained and payroll (living wage)	Projected to create 22 FTE positions at \$850,000 in annual payroll (avg. of \$ 38,636.36 annually per job). Projected to create 200 temporary construction positions at \$3,000,000 in total payroll.
“But For”	No Points were assigned for “But For.” The Developer will receive an acceptable Cash on Cash return in Year 5 of the abatement (8.90%). However, DCED utilized the established Neighborhood Scorecard to review this incentive request. Because the Developer was awarded 2 points from LEED Silver and 8 points for full 15% Neighborhood VTICA contribution, DCED recommends the 11-year tax abatement, per established City Council Policy.
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	Without Abatement: Year 5: 7.02% (stabilized) With Abatement: Year 5: 8.90% (stabilized)
LEED or other environmental build	LEED Silver
Neighborhood VTICA	Neighborhood VTICA – 15%
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$1.09 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$249,300
MBE/WBE Goals	SBE Goal of 30%
Transit Access/Walkability	Located within ½ mile of Metro’s Oakley Transit Center (24-hour service to Routes 11 and 51)
Geography	Located within ½ mile of a neighborhood business district
Historic Preservation/Existing Building Renovation	Not Applicable
Public Infrastructure Improvements	Not Applicable

EMERGENCY

EVK

- 2023

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Fair Oaks Enterprises, Ltd., thereby authorizing an eleven-year tax exemption for 100 percent of the value of improvements made to real property located at 3005 Vandercar Way in the Oakley neighborhood of Cincinnati, in connection with the construction of a new hotel consisting of approximately 117 rooms, containing approximately 71,000 square feet of commercial space in aggregate, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$15,500,000.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by Council on October 31, 2018 (as amended, the “Commercial Policy Ordinance”), sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, to encourage the development of real property in a more environmentally-friendly manner, the Commercial Policy Ordinance incentivizes: (i) construction and remodeling to Leadership in Energy and Environmental Design (“LEED”) standards (as defined by the U.S. Green Building Council); and (ii) construction and remodeling that obtains (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the “Energy Petal” of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (collectively, “LBC” standards), all pursuant to the Statute; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, Fair Oaks Enterprises, Ltd. (the “Company”) desires to construct a new hotel consisting of approximately 117 rooms, containing approximately 71,000 square feet of commercial space in aggregate on real property at 3005 Vandercar Way located within the

corporate boundaries of the City of Cincinnati, to LEED or LBC standards (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to 100 percent of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33 percent of the exempt real property taxes; and

WHEREAS, the City’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$138,228; and

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to fifteen percent of the exempt real property taxes, which funds shall be committed by the third-party organization to facilitate permanent improvements and neighborhood services furthering redevelopment in the neighborhood of the Improvements and to support affordable housing on a City-wide basis; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company’s operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per R.C. Section 3735.673; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Fair Oaks Enterprises, Ltd. (the “Agreement”), thereby authorizing an eleven-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 3005 Vandercar Way in

Cincinnati, as calculated by the Hamilton County Auditor, in connection with the construction of a new hotel consisting of approximately 117 rooms, containing approximately 71,000 square feet of commercial space in aggregate, to be constructed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council) or Living Building Challenge standards (as described in the Agreement and as determined by the International Living Future Institute and the Cascadia Green Building Council, as applicable) at a total construction cost of approximately \$15,500,000.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the “City”) in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with Ohio Revised Code Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and
- (iii) to take all necessary and proper actions to fulfill the City’s obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the construction described in this ordinance and the corresponding revitalization of the City of Cincinnati and the benefits to the City’s economic welfare to begin at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Community Reinvestment Area Tax Exemption Agreement
(LEED or Living Building Challenge)

This Community Reinvestment Area Tax Exemption Agreement (this “Agreement”) is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the “City”), and FAIR OAKS ENTERPRISES, LTD., an Ohio limited liability company (the “Company”), an affiliate of Vandercar Holdings, LLC.

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the “Statute”).
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director’s determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the “Commercial Policy Ordinance”), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. Pursuant to the Commercial Policy Ordinance, a project that is constructed or remodeled to (1) Leadership in Energy and Environmental Design (“LEED”) Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council), or (2) receives a (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the “Energy Petal” of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (such qualifying remodeling or construction is referred to, collectively, as “LBC” remodeling or construction), may qualify for a longer term and/or greater abatement.
- E. The Company is the sole owner of certain real property within the City, located at 3005 Vandercar Way, Cincinnati, Ohio 45209 (the “Property”), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the “Excluded Property”), and the Company acknowledges and agrees that the City’s Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- F. The Company has proposed the construction of a building located on the Property to LEED Silver standards, as defined by the U.S. Green Building Council, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the “Project”); provided that the appropriate development incentives are available to support the economic viability of the Project.

- G. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- H. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- I. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- J. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- K. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- L. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- M. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- N. The Company represents that within the past three (3) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- O. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- P. The Company acknowledges that the Oakley neighborhood is a rising neighborhood in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities and organizations will contribute to the quality and vitality of the neighborhood, therefore increasing the value of the Property and directly and indirectly contributing to the Project's success. The Project's success, in turn, will benefit the neighborhood. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the Oakley neighborhood and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement ("VTICA") with a City-designated third-party non-profit

administrative organization (the "Third-Party Administrator") to contribute to the Third-Party Administrator an amount equal to fifteen percent (15%) of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"). Half of such VTICA Contribution is to be committed by the Third-Party Administrator to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the Oakley neighborhood and the other half of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

- Q. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- R. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to construct a new hotel on the Property, consisting of approximately 117 rooms, containing approximately 71,000 square feet of commercial space in aggregate (the "Improvements") at an estimated aggregate cost of \$15,500,000 to commence after the execution of this Agreement and to be completed no later than December 31, 2024; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The construction shall be in compliance with applicable building code requirements and zoning regulations, as well as complying with LEED Silver standards. The Company hereby represents that it has registered with the U.S. Green Building Council with intent to certify compliance with LEED Silver. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 11 years,

provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of construction, (B) the cost of construction, (C) the facts asserted in the application for exemption, (D) compliance with LBC and/or LEED standards identified in Section 1, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the construction has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2035 or (ii) the end of the eleventh (11th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(B)(4), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements.

As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(B), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(B), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources.

The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 18 full-time permanent jobs, and (ii) 200 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with construction, and in the case of the other jobs described herein, the job creation period shall begin upon completion of construction and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$850,000 of additional annual payroll with respect to the full-time permanent jobs, and (ii) \$3,000,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(B)(5) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (C) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (C) of

Ohio Revised Code Section 3735.671. has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (Default) and the basis for revocation under Section 18 (Revocation). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. The Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(C), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no

legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of three (3) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(C).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Fair Oaks Enterprises, Ltd.
Attn: Douglas L. Steinke
550 Folkerth Avenue, Suite 100
Sidney, Ohio 45365

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(B)(6), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671, the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with

the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

FAIR OAKS ENTERPRISES, LTD.,
an Ohio limited liability company

By: _____
Sheryl M. M. Long, City Manager

Date: _____, 2023

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Property Address: 3005 Vandercar Way, Cincinnati, Ohio 45209

Auditor's Parcel No.: 051-0001-0113-00

Situate in the State of Ohio, County of Hamilton, City of Cincinnati, Section 28, Town 4, Fractional Range 2, Miami Purchase, being a 1.4981 acre parcel and part of Lot 3, Oakley Station, a plat of record in Plat Book 439, Page 94, and also being a part of the lands conveyed to USS Realty, LLC by deed recorded in Official Record 11973, Page 1921, all references herein being to the records located in the Hamilton County, Ohio Recorder's Office and being more particularly described as follows:

Beginning in an "X" Cut in Concrete Found in a southeasterly corner of a parcel conveyed to Net Lease Realty I, LLC by deed recorded in Official Record 12120, Page 1844 and also being in the northeasterly corner of said Lot 3 and also being in the westerly right of way line of Factory Colony Lane (71' R/W); thence In said westerly right of way line of Factory Colony Lane, South 05° 44' 30" West, 333.35 feet to a Magnail Found in the northeasterly corner of a parcel conveyed to Oakley Hotel Enterprises, Ltd. by deed recorded in Official Record 13125, Page 1719; thence Leaving said westerly right of way line of Factory Colony Lane and in the northerly line of said Oakley Hotel Enterprises, Ltd., North 84° 14' 39" West, 173.09 feet to a Magnail Set and being the **TRUE PLACE OF BEGINNING** of the parcel herein described; thence the following 6 courses:

1. In the line common to said Oakley Hotel Enterprises, Ltd., South 05° 44' 30" West, 160.14 feet to a Magnail Set; thence
2. Continuing in said common to said Oakley Hotel Enterprises, Ltd., North 84° 15' 30" West, 44.00 feet to a Magnail Set; thence
3. Continuing in said common to said Oakley Hotel Enterprises, Ltd., South 05° 44' 30" West, 62.00 feet to an Iron Pin Set in the northerly right of way line of Vandercar Way (RW=76'); thence
4. In said northerly right of way line of Vandercar Way, North 84° 15' 30" West, 262.00 feet to an Iron Pin Set; thence
5. Leaving said northerly right of way line of Vandercar Way, North 05° 44' 31" East, 222.22 feet to a Magnail Set; thence
6. South 84° 14' 39" East, 306.00 feet to the **TRUE PLACE OF BEGINNING** of the parcel herein described.

Containing 65,259 Square Feet or 1.4981 Acres.

iron Pins Set consist of a 5/8" x 30" rebar with a plastic cap inscribed "FINN S-7181 OH."

This description was prepared by Patrick Finn, IBI Group, Cincinnati, Ohio.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

**APPLICATION FOR COMMERCIAL TAX ABATEMENT
CITY OF CINCINNATI COMMUNITY REINVESTMENT AREA**



COMMERCIAL, INDUSTRIAL, MIXED-USE, MULTI-UNIT (5+ UNITS)

*Note: After review and recommendation by the Department of Community & Economic Development, all applications must be reviewed and approved by the City of Cincinnati Council before commencing construction. Any projects that start construction before City Council approval will be **INELIGIBLE** for a Commercial CRA Tax Abatement.*

The City requires that the Applicant provide the following documentation with this application:

- o A detailed breakdown of all Sources and Uses of Funds for the project (templates are available upon request). A minimum of \$40,000 in costs must be documented.
- o Supporting documentation for ALL sources of funding for the project. For instance, if a bank loan will be obtained, a letter or term sheet from the bank specifying, among other things, the loan amount and term. A contact person must be identified for each funding source.
- o A post-construction operating pro forma for the building and cash flow analysis. NOTE: Please submit a copy of the pro forma used to apply for any bank financing as required and a contact person considering the application for bank financing.
- o A \$1,250 application fee in the form of check, money order, or cashier's check payable to "City of Cincinnati". Note the application fee is nonrefundable.
- o Corporate Resolution, Articles of Incorporation, and an Operating/Partnership Agreement for entity applying for abatement showing who is authorized to sign for the organization
- o Copy of the Deed or other Legal Description of the Property
- o A copy of the proposed construction plans/rendering/etc.
- o Estimated pre-construction, and post construction real estate taxes
- o If this project is seeking LEED or Living Building Challenge (Full, Net Zero, or Petal [must include "Energy Petal"]) Certification, provide confirmation of registration

SECTION I – Applicant/Project Information

Applicant Information:

Legal Name of Property Owner Applying for Abatement: Fair Oak Enterprises LTD

Form of business enterprise Corporation (corporation, partnership, proprietorship, LLC, non-profit, or other)

Is the Applicant affiliated with a larger developer or development entity? Yes No. If Yes, please provide the name of this developer or development entity: VanderCar Oakley Station

Legal Address of real property owner: 550 Folkerth Ave, Sidney, OH 45365

Federal Tax ID #(s): 8-4325694

Applicant Contact Person: Doug Steinke Title: Member

Phone: 937.726.1787 Main Contact email address: doug.steinke@yahoo.com

Address of subject property 3005 VanderCar Way, Cincinnati, OH Zip: 45209

Hamilton County Auditor Parcel ID#: 051 - 0001 - 0089 (attach a page listing all parcels and addresses if more than one parcel)

City of Cincinnati Neighborhood: Oakley Station

Is any other financial assistance being requested from the City of Cincinnati for this project? Yes No
If yes, please indicate the Development Analyst with whom you are working:

Space/Units to be constructed/renovated:

Construction Type: New Construction Renovation
What percentage of the existing structure is currently occupied: _____ %

Total sqft/units to be constructed/renovated:
Commercial: 71,000 (sqft) Office: _____ (sqft) Industrial: _____ (sqft)
Residential: _____ (sqft) Residential: _____ (# of units)

Project Type:

- Commercial (Retail, Office etc)
 - Industrial
 - Multi-Unit Residential (5 or more units)
 - Mixed-Use (Residential & Commercial)
- Describe the break down in use in SF below:

Please indicate if the project intends to meet Leadership in Energy and Environmental Design (LEED) levels as defined by the U.S. Green Building Council (www.usgbc.org).

- Project is not LEED-certified
- LEED Silver
- LEED Gold
- LEED Platinum

Please indicate if the project will be qualified under the Living Building Challenge program (<http://living-future.org/lbc>):

- Project is not LBC qualified
- LBC Full
- LBC Net Zero
- LBC Petal (requires "Energy Petal")

If approved for an abatement, does the Applicant intend to enter into a Voluntary Tax Incentive Contribution Agreement (VTICA)?

Yes 15 % No

(A VTICA is an agreement with a third-party non-profit designated by the City in which the Applicant would contribute a portion of the abated taxes to support neighborhood-based projects and services as well as City-wide affordable housing initiatives [note that VTICAs in the vicinity of the Streetcar are used to support streetcar operations]. As indicated the applicable City legislation & policies as this is a significant factor in determining the terms of the abatement.)

General Project Information:

Project Name (of Applicable): Marriott Fairfield Inn/TownPlace Suites

Description of the project:

117 Room Marriott Hotel

Please provide a brief description of the applicant's development experience:

Have developed 20 hotel over the last 27 years.

Please state why this project deserves a tax exemption from the City of Cincinnati and what benefits the project will bring to the neighborhood where it is located:

We will provide new tax revenue and new employment opportunity. Also, this location will attract new businesses to the area (such as restaurants and small entrepreneurs)>

If Commercial or Industrial, state the nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site: total/average NAES Code 7911

Please detail the project's planned community engagement (link for community council boundaries):

not call Oakley Community Council.

*already meet with Colleen Reynolds of
OAKLEY Community Council.*

SECTION II – Job Creation/Retention

Job Creation and Retention:

The Company will agree to use its best efforts to retain and/or create at least the following estimated number of employee positions at the Property in connection with the Project, in accordance with the specified schedule, and to maintain the minimum employment levels throughout the period of the incentive. The Job numbers below are to be listed in Full Time Equivalent (FTE) positions. FTEs are calculated by the number of total hours worked divided by the maximum number of compensable hours for a full-time work schedule (40hrs/week).

Existing positions at the site of the company to be retained:

Full-Time Equivalent _____ employees; total annual payroll \$ _____

Will the project involve relocation of positions from another company location in the State of Ohio to the City of Cincinnati? Yes No

Existing positions at other company locations in Ohio to be relocated:

Address of Other Location(s): N/A
Full-Time Equivalent _____ employees; total annual payroll \$ _____

Address of Other Location(s): _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____

*Please attach additional sheets if other locations exceed spaces provided above.

Will the project involve relocation of positions from another company location outside of the State of Ohio to the City of Cincinnati? N/A

Existing positions at other company locations outside of the State of Ohio:

Address of Other Location: _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____
Address of Other Location: _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____
Address of Other Location: _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____

*Please attach additional sheets if other locations exceed spaces provided above.

Estimate the number of **new employees** the property owner will cause to be created at the facility that comprises the project site within **three years**. Job creation projection must be itemized by the name of the employer (add an additional page if more than one employer). FTEs are calculated by the number of total hours worked divided by the maximum number of compensable hours for a full-time work schedule (40hrs/week):

Full-Time Equivalent 18-22 employees (Total); total annual payroll \$850,000
During the first twelve months of the agreement: 3 positions
During the second twelve months of the agreement: 15 additional positions
During the third twelve months of the agreement: 3-4 additional positions

Temporary Construction 200 jobs; total annual payroll \$3,000,000
Length of Construction Period: 18 months

In addition to the Full Time Equivalent positions listed above, are there any part time jobs and associated payroll? If so, please provide, as well as a description of the positions:

Please provide a brief description of the Job Creation that is associated with this Project (types of jobs; e.g. fabrication, warehousing, sales, operations, management, technical, retail, etc.):

Hotel Management, Sales, Maintenance & Housekeepers

Note to Applicant: Ohio Revised Code Section 3735.673 requires the City formally to notify each county or corporation from which the company intends to relocate, and the Ohio Development, prior to approval of a tax exemption agreement. This notification must be sent prior to consideration of the exemption by Cincinnati City Council.

SECTION III – Project Investment

Real Estate Investment:

Indicate the estimated cost of the construction or remodeling: \$15,500,000

Estimated total cost of the project (including soft costs & acquisition): 19,500,000

Estimated Project start date: March 1, 2023 Estimated Project completion date: May 2024

Current Auditor's value of property (aggregate value of all parcels involved): _____

Estimated post-construction value of property: \$15,000,000 - \$15,500,000

(Please provide appraisal or other method for determining post-construction value of the property)

Other Investment

Investment in Machinery & Equipment (M&E) at the Property: \$ N/A

Investment in Furniture, Fixtures, and Equipment (FF&E) at the Property: \$ 2,000,000

Other Investment: \$ _____

Description of Other Investment: _____

SECTION IV – Applicant Certifications

Does the property owner owe:

1. Any delinquent taxes to the State of Ohio, the City of Cincinnati or another political subdivision of the State? YES NO
2. Any moneys to the State of a state agency for the administration or enforcement of any environmental laws of the State? YES NO
3. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not? YES NO

If the applicant responds yes to any of the three above questions, please provide details of each instance including but not limited to the location, amounts, and/or case identification numbers (please submit additional sheets for response).

The Applicant authorizes the City and/or the Ohio Department of Development to inspect the personal financial statements of the Applicant, including but not limited to tax records and other similar information not ordinarily open to public inspection; and authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and/or the Ohio Department of Development in connection with the above statements.

Note: The above statements as to taxes and other obligations, and authorization to inspect, are required by Ohio Revised Code Section 9.66 (C) (1), As provided by statute, a knowingly false statement under this paragraph may be prosecuted as a first degree misdemeanor under Ohio Revised Code 2921.13 (D) and may render the Applicant ineligible for any future economic development assistance from the state or any political subdivision.

Please initial that you have read the above. X DS

Project Completion:

Once the project is complete, the Applicant is required to submit a CRA Completion Application Form along with required documentation noted therein. It is the Applicant's responsibility to submit this completed form to the City of Cincinnati to ensure the tax abatement will be initiated by the Hamilton County Auditor.

Please initial that you have read the above statement and understand that the abatement will not be considered by the Hamilton County Auditor's Office until the CRA Completion Application Form is complete and submitted.

X DS

Additional Certifications by Applicant:

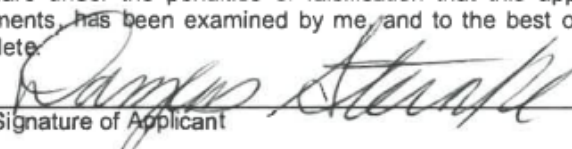
- o The Applicant acknowledges that the property is **Not Eligible** for tax exemption if construction activities are commenced prior to the execution of a Community Reinvestment Area Tax Exemption Agreement between the Applicant and the City. No agreement may be executed by the City without prior approval by Cincinnati City Council.
- o The Applicant acknowledges that if the application is approved by Cincinnati City Council, a \$750.00 application fee payable to "Treasurer, State of Ohio" will be due. Applicant must submit this fee to the City's Department of Community & Economic Development upon approval by Cincinnati City Council.
- o The Applicant acknowledges that a Payment In Lieu of Taxes (PILOT) agreement in the amount of 33% of the annual value of the exemption with Cincinnati Board of Education will be required. The form of this PILOT agreement is available upon request.
- o The Applicant acknowledges that if one of the City's considerations for granting a tax exemption is the applicant's representation that it will enter into a VTICA, then the failure by the Applicant to do so is considered grounds for the City of Cincinnati to terminate the tax exemption granted to the Applicant.
- o The Applicant acknowledges that all tax exemptions must submit an Annual Report on or before March 31 of each year. This report must be submitted for each year of the tax exemption agreement including during the construction period.
- o The Applicant acknowledges that all tax exemptions will be subject to an annual monitoring fee of 1% of the annual taxes exempted under the agreement or \$500, whichever is greater; no City annual fee will be greater than \$2,500 per year. This annual monitoring fee must be submitted with each Annual Report.
- o The Applicant acknowledges that to be eligible for tax exemption by the City of Cincinnati, the subject property must be located within the City of Cincinnati.
- o The Applicant acknowledges that exemption values are determined by the Hamilton County Auditor's Office.
- o The Applicant acknowledges that the City of Cincinnati may revoke the tax exemption any time after the first year if the property has building code violations or is delinquent on the property taxes.
- o The Applicant acknowledges that the City of Cincinnati Council may rescind or alter the Ordinance granting tax exemptions.
- o The Applicant agrees to supply additional information upon request.

Please initial that you have read the above. X DS

Prior Agreement. Applicant represents and warrants that neither Applicant, nor any "predecessor" or "related member" is a party to another agreement granting tax exemption relating to a structure in this state at which the Applicant (or the predecessor or related member) has discontinued or intends to discontinue operations prior to the expiration of the term of that agreement. (Note: This information is required by Ohio Revised Code 3735.671 (E). As used herein "predecessor" means a person or entity that has transferred assets or equity to Applicant, which transfer resulted in the full or partial non-recognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the Ohio Tax Commissioner; and "related member" has the same meaning as defined in Ohio Revised Code 5733.042 without regard to division (B) of that section.)

Please initial that you have read the above. X DS

I declare under the penalties of falsification that this application, including all enclosed documents and statements, has been examined by me, and to the best of my knowledge and belief is true, correct, and complete.

	<u>12-29-22</u>
Signature of Applicant	Date
Douglas L. Steinke	Member
Printed Name	Title (if signed as officer)

Please complete this application in its entirety and submit to the Department of Community & Economic Development along with required supporting documentation. Please make and retain a copy of this application for your records. Please allow 4 weeks for the Department of Community & Economic Development to review and follow-up on this application.

Send Completed Application to:

City of Cincinnati
Department of Community & Economic Development
805 Central Avenue, Suite 710
Cincinnati, Ohio 45202
Attention: Commercial Tax Abatement Application

STREETCAR VTICA AREA

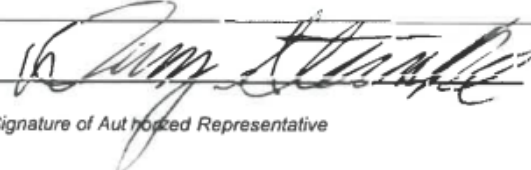


Small Business Enterprise (SBE) Utilization Plan

Please indicate which methods you plan to use to achieve the City's aspirational goal of 30% Small Business Enterprise (SBE) utilization for construction contracts. Return the form to the Department of Community & Economic Development with your tax abatement application. If you have questions about this form, please contact the analyst reviewing your application.

Project Name: Marriott Oakley

Action	YES	NO	Expected Date/Comments
1. Hold a Meet & Confer (required)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Use the City's SBE Directory to solicit bids from certified SBEs –available here: http://www.cincinnati-oh.gov/purchasing/resources-directories/sbe-directory/	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Identify sufficient subcontracting work to meet 30% SBE utilization goal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Divide the total requirements into small tasks or quantities to permit maximum SBE participation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Written Notice to Subcontractors of opportunity to bid and follow-up to initial solicitations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Advertise opportunity to bid in local minority publications and in other local newspapers of general circulation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Assistance with subcontractors' bonds, credit lines, and insurance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Provide interested subcontractors with access to plans, specifications and requirements for subject project	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Require subcontractors to demonstrate the affirmative steps #2-8 to utilize SBEs in their subcontracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Other:	<input type="checkbox"/>	<input type="checkbox"/>	


 Signature of Authorized Representative

12-29-22
 Date

Community & Economic Development Approval

Date

May 10, 2023

To: Mayor and Members of City Council

202301359

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Approving and Authorizing CRA Tax Exemption Agreement with Lot 3 Local Oakley, LLC

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Lot 3 Local Oakley, LLC, thereby authorizing an eleven-year tax exemption for 100 percent of the value of improvements made to real property located at 2910 Disney Street in the Oakley neighborhood of Cincinnati, in connection with the construction of a new hotel, consisting of approximately 116 rooms, containing approximately 73,621 square feet of commercial space in aggregate, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$11,400,000.

BACKGROUND/CURRENT CONDITIONS

Lot 3 Local Oakley, LLC, an affiliate of Keystone Management Group, plans to develop the property located at 2910 Disney Street in the Oakley neighborhood of Cincinnati. Prior to the proposed development, City Council established a 5709.40(B) TIF (Ordinance No. 363-2020) for public infrastructure improvements to the former 28-acre Cast-Fab industrial site. Other developments in the Cast-Fab subdivision include Arcadia, a 124 market-rate townhome development, Graphite Oakley, a 316-unit market-rate apartment complex, a cell tower, and a self-storage facility.

DEVELOPER INFORMATION

Founded in 2000, Keystone Management Group is a hotel investment, development, and management firm headquartered in Greater Cincinnati (Symmes Township). Subhas Patel serves as Director of the Group and has applied for the requested incentive. Since its inception, Keystone Management Group has developed 14 hotels, 9 of which it currently operates in Northern Kentucky, Central and Southwestern Ohio. A recent local project included the construction of a 110-unit downtown hotel (TownePlace Suites by Marriott) located at 106 W. 7th Street.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This is an Emergency Ordinance so construction financing can be closed, and construction commences at the earliest possible time.

Attachment: Project Outline

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

Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	Home 2 Suites by Hilton
Street Address	2910 Disney Street
Property Condition	Vacant 2 Acre Lot in Local Oakley Development, Developer acquired lot from Local Oakley, LLC in 2022.
Neighborhood	Oakley
Incentive Application Process	Commercial CRA – Neighborhood (LEED or LBC)
Recent or other projects by Developer	Existing portfolio of 9 hotels, including the TownePlace Suites by Marriott Downtown
Approval at planning commission/Neighborhood support	Planning Commission approved the Development Plan and Subdivision Improvement Plan in July 2019. Oakley Community Council has provided a letter of support for the project.
Plan Cincinnati Goals	Achieves the Compete Initiative Area Goal 2 (pages 114-120) and Sustain Initiative Area Goal 1 (pages 181-186) of Plan Cincinnati

Project Image



<u>Incentive Summary Category</u>	<u>Explanation</u>
Abatement Term and amount	11-year, net 52%
Construction Cost & Private investment committed	\$11,400,000 in hard construction costs, \$5,900,000 in acquisition and soft costs
Sq. Footage by Use	73,621 SQFT - Commercial
Number of units and rental ranges	No Residential Units
Jobs created/retained and payroll (living wage)	Projected to create 20 FTE positions at \$600,000 in annual payroll (avg. of \$30,000.00 annually per job). Projected to create 70 temporary construction positions at \$4,800,000 in total payroll. Developer has committed to making all jobs created by the project compliant with the City's living wage policy.
"But For"	No Points were assigned for "But For." The Developer will receive an acceptable Cash on Cash return in Year 6 of the abatement (8.30%). However, DCED utilized the established Neighborhood Scorecard to review this incentive request. Because the Developer was awarded 2 points from LEED Silver and 8 points for full 15% Neighborhood VTICA contribution, DCED recommends the 11-year tax abatement, per established City Council Policy.
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	Without Abatement: Year 5: 5.01% (stabilized) With Abatement: Year 5: 7.66% (stabilized)
LEED or other environmental build	LEED Silver
Neighborhood VTICA	Neighborhood VTICA – 15%
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$1.13 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$226,800
MBE/WBE Goals	SBE Goal of 30% Voluntary MBE Goal of 17% Voluntary WBE Goal of 10%
Transit Access/Walkability	Located within ½ mile of Metro's Oakley Transit Center (24-hour service to Routes 11 and 51)
Geography	Located within ½ mile of a neighborhood business district
Historic Preservation/Existing Building Renovation	Not Applicable
Public Infrastructure Improvements	Not Applicable

EMERGENCY

EVK

- 2023

APPROVING, AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Lot 3 Local Oakley, LLC, thereby authorizing an eleven-year tax exemption for 100 percent of the value of improvements made to real property located at 2910 Disney Street in the Oakley neighborhood of Cincinnati, in connection with the construction of a new hotel, consisting of approximately 116 rooms, containing approximately 73,621 square feet of commercial space in aggregate, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$11,400,000.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by Council on October 31, 2018 (as amended, the “Commercial Policy Ordinance”), sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, to encourage the development of real property in a more environmentally-friendly manner, the Commercial Policy Ordinance incentivizes: (i) construction and remodeling to Leadership in Energy and Environmental Design (“LEED”) standards (as defined by the U.S. Green Building Council); and (ii) construction and remodeling that obtains (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the “Energy Petal” of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (collectively, “LBC” standards), all pursuant to the Statute; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, Lot 3 Local Oakley, LLC (the “Company”) desires to construct a new hotel, consisting of approximately 116 rooms, containing approximately 73,621 square feet of commercial space in aggregate on real property at 2910 Disney Street located within the

corporate boundaries of the City of Cincinnati, to LEED or LBC standards (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to 100 percent of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33 percent of the exempt real property taxes; and

WHEREAS, the City’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$101,665; and

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to fifteen percent of the exempt real property taxes, which funds shall be committed by the third-party organization to facilitate permanent improvements and neighborhood services furthering redevelopment in the neighborhood of the Improvements and to support affordable housing on a City-wide basis; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company’s operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per R.C. Section 3735.673; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Lot 3 Local Oakley, LLC (the “Agreement”), thereby authorizing an eleven-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 2910 Disney Street in Cincinnati,

as calculated by the Hamilton County Auditor, in connection with the construction of a new hotel, consisting of approximately 116 rooms, containing approximately 73,621 square feet of commercial space in aggregate, to be constructed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council) or Living Building Challenge standards (as described in the Agreement and as determined by the International Living Future Institute and the Cascadia Green Building Council, as applicable) at a total construction cost of approximately \$11,400,000.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the “City”) in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with Ohio Revised Code Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and
- (iii) to take all necessary and proper actions to fulfill the City’s obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the construction described in this ordinance and the corresponding revitalization of the City of Cincinnati and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Community Reinvestment Area Tax Exemption Agreement
(LEED or Living Building Challenge)

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and LOT 3 LOCAL OAKLEY, LLC, an Ohio limited liability corporation (the "Company"), an affiliate of Keystone Management Group, LLP.

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. Pursuant to the Commercial Policy Ordinance, a project that is constructed or remodeled to (1) Leadership in Energy and Environmental Design ("LEED") Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council), or (2) receives a (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the "Energy Petal" of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (such qualifying remodeling or construction is referred to, collectively, as "LBC" remodeling or construction), may qualify for a longer term and/or greater abatement.
- E. The Company is the sole owner of certain real property within the City, located at 2910 Disney Street, Cincinnati, Ohio 45209 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- F. The Company has proposed the construction of a building located on the Property to LEED Silver standards, as defined by the U.S. Green Building Council, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"); provided that the appropriate development incentives are available to support the economic viability of the Project.

- G. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- H. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- I. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- J. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- K. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- L. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- M. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- N. The Company represents that within the past three (3) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- O. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- P. The Company acknowledges that the Oakley neighborhood is a rising neighborhood in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities and organizations will contribute to the quality and vitality of the neighborhood, therefore increasing the value of the Property and directly and indirectly contributing to the Project's success. The Project's success, in turn, will benefit the neighborhood. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the Oakley neighborhood and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement ("VTICA") with a City-designated third-party non-profit

administrative organization (the "Third-Party Administrator") to contribute to the Third-Party Administrator an amount equal to fifteen percent (15%) of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"). Half of such VTICA Contribution is to be committed by the Third-Party Administrator to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the Oakley neighborhood and the other half of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

- Q. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- R. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to construct a new hotel on the Property, consisting of approximately 116 rooms, containing approximately 73,621 square feet of commercial space in aggregate (the "Improvements") at an estimated aggregate cost of \$11,400,000 to commence after the execution of this Agreement and to be completed no later than June 30, 2025; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The construction shall be in compliance with applicable building code requirements and zoning regulations, as well as complying with LEED Silver standards. The Company hereby represents that it has registered with the U.S. Green Building Council with intent to certify compliance with LEED Silver. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 11 years,

provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of construction, (B) the cost of construction, (C) the facts asserted in the application for exemption, (D) compliance with LBC and/or LEED standards identified in Section 1, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the construction has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2026 nor extend beyond the earlier of (i) tax year 2036 or (ii) the end of the eleventh (11th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(B)(4), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements.

As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(B), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(B), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Business Enterprise Program.

A. Compliance with Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"), which includes SBEs owned by minorities and women ("MBEs" and "WBEs", respectively, as used within CMC Chapter 324, and collectively with SBEs, "Certified Firms"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve (i) the City's goal of voluntarily meeting thirty percent (30%) SBE participation, and (ii) a sub-goal, being the Company's Project-specific voluntary commitment, of meeting the City's economic inclusion program goals to achieve a standard of no less than: seventeen percent (17%) MBE participation; and 10% WBE participation. A list of SBEs, MBEs, and WBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE, MBE, or WBE. The Company shall comply with the provisions of CMC Chapters 323 and 324, including without limitation taking at least the following affirmative steps:

- (i) Including qualified Certified Firms on solicitation lists.
- (ii) Assuring that Certified Firms are solicited whenever they are potential sources. The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to Certified Firms to provide services, to supply materials, or to bid on construction contracts, as applicable.
- (iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum Certified Firm participation.
- (iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above Certified Firm participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to Certified Firms, or to provide technical assistance to Certified Firm as may be necessary to reach Certified Firm participation as set out in CMC Chapters 323 and 324 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Sections 323-99 and 324-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 20 full-time permanent jobs, and (ii) 70 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with construction, and in the case of the other jobs described herein, the job creation period shall begin upon completion of construction and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$600,000 of additional annual payroll with respect to the full-time permanent jobs, and (ii) \$4,800,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs. Notwithstanding the foregoing, all jobs created by the Project (during construction and after) will comply with the City's living wage policy as reflected in CMC Chapter 317, which rates shall be adjusted annually in accordance with such chapter.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(B)(5) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written

agreement, or violation of division (C) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (C) of Ohio Revised Code Section 3735.671. has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (Default) and the basis for revocation under Section 18 (Revocation). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. The Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but

not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(C), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of three (3) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(C).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Lot 3 Local Oakley, LLC
Attention: Subhas Patel, Director
8825 Chapel Square Lane, Suite A
Cincinnati, Ohio 45249

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(B)(6), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671, the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati

Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

LOT 3 LOCAL OAKLEY, LLC,
an Ohio limited liability corporation

By: _____
Sheryl M. M. Long, City Manager

By: _____

Date: _____, 2023

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Property Address: 2910 Disney Street, Cincinnati, Ohio 45209

Auditor's Parcel No.: 052-0001-0024-00

Situated in Section 28, Town 4, Fractional Range 2, Columbia Township, Miami Purchase, City of Cincinnati, Hamilton County, Ohio and being all of Lot 3 of Cast Fab Subdivision, as recorded in Plat Book 473, Pages 49 and 50, of the Recorder's Office, Hamilton County, Ohio.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

May 10, 2023

To: Mayor and Members of City Council

202301360

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Approving and Authorizing a Community Reinvestment Area Tax Exemption Agreement with Pleasant CAKE LLC

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Pleasant Cake LLC, thereby authorizing a fifteen-year tax exemption for one hundred percent of the value of improvements made to real property located at 1527-1531 Pleasant Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the construction of a mixed-use building consisting of approximately 959 square feet of commercial office space and approximately 7,208 square feet of residential space, comprised of approximately five residential rental units, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$3,158,393.

BACKGROUND/CURRENT CONDITIONS

In January 2023, Pleasant CAKE LLC submitted a Commercial CRA Application for a new construction of a 4-story, five-unit LEED Gold building at the property located at 1527-1531 Pleasant Street in the Over-the-Rhine neighborhood. Pleasant CAKE LLC purchased the 1531 Pleasant Street property in May 2022 for \$223,665. 1527 Pleasant Street was subdivided from the parcel at 1526 Elm Street and consolidated with 1531 Pleasant Street in February 2023. The project will have an owner-occupied rental unit with two of the owners occupying that unit, also considered to be the penthouse. The other four units will be traditional rental units. There will also be a small leasing office on the first floor as well as seven dedicated parking spots on site for the owners and tenants.

DEVELOPER INFORMATION

Pleasant CAKE LLC is owned by Eileen Zell, Alexandre Regina, Kristen Myers, and Christopher Heckman. The members have backgrounds in law, industrial design, and accounting and finance. This project is Pleasant CAKE LLC's first, though Kristen Myers and Christopher Heckman have completed multiple rehabilitation projects in Over-the-Rhine, Mt. Auburn, the West End, and Covington over the past 15 years.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

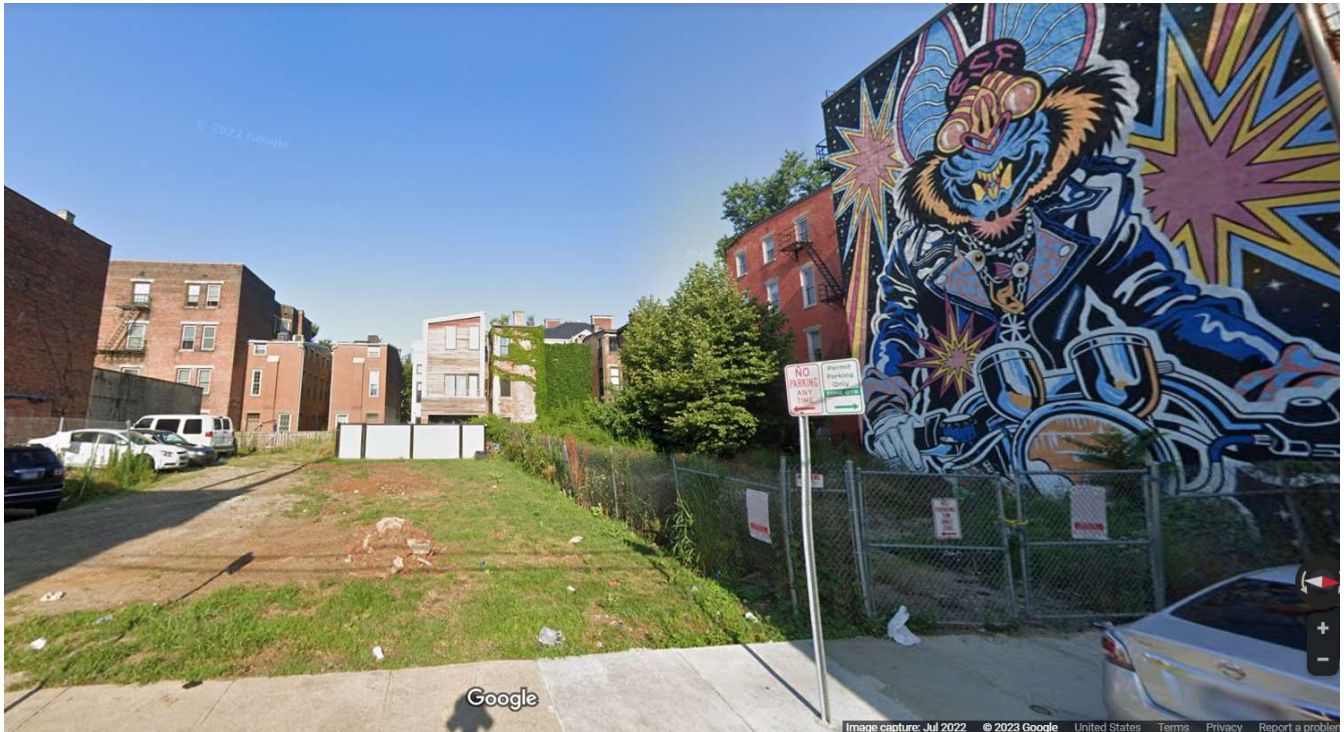
Attachment: Project Outline

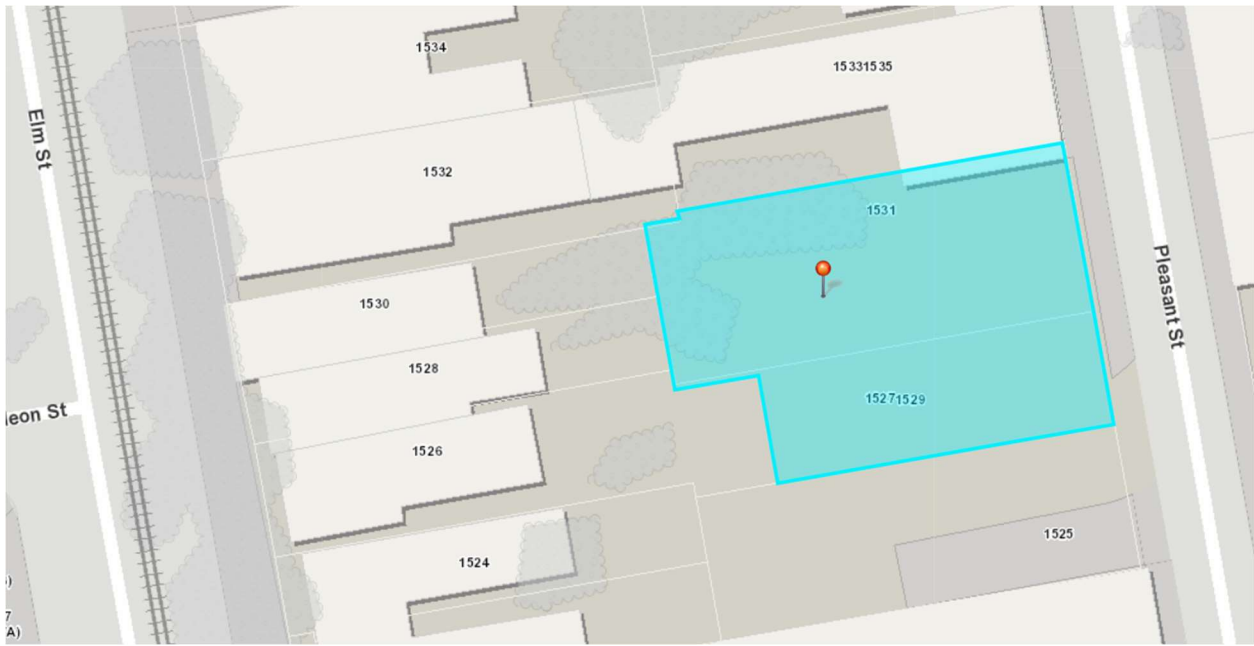
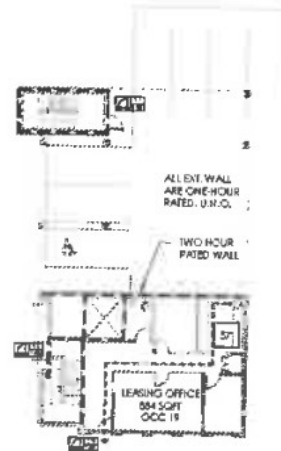
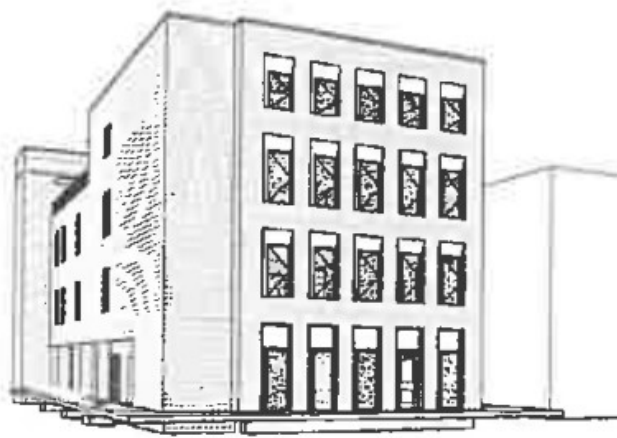
Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	1527-1531 Pleasant
Street Address	1527-1531 Pleasant Street
Property Condition	The property is currently vacant land
Neighborhood	Over-the-Rhine
Incentive Application Process	Commercial CRA – Downtown Streetcar Area (LEED)
Recent or other projects by Developer	None
Approval at planning commission/Neighborhood support	Planning Commission N/A; Developer received a letter of support from the Over-the-Rhine Community Council
Plan Cincinnati Goals	Achieves the Compete Initiative Area Goal 2 (pages 114-120) and Live Initiative Area Goal 3 (pages 164-177) of <i>Plan Cincinnati</i> (2012)

Project Images and Site Map





<u>Incentive Summary Category</u>	<u>Explanation</u>
Abatement Term and amount	15-year, net 52%
Construction Cost & Private investment committed	Approximately \$3,158,393 in hard construction costs, \$224,000 in acquisition costs, and \$260,584 in soft costs The construction costs at nearly \$400 per sq ft can be attributed to the inclusion of parking structure and other finishes the owner-occupants wanted. Developer will utilize a combination of private financing in the amount of \$2,163,665 and \$1,479,312 in developer equity.

	The developer equity is high, just over 40% of the total project cost.
Sq. Footage by Use	959 sf – office, 7,208 sf – residential
Number of units and rental ranges	5 (4 2-BR, 1 Penthouse), \$2,100-\$5,000, one small leasing office (rent to be determined)
Jobs created/retained and payroll (living wage)	Projected to create 2 FTE positions at \$130,000 in annual payroll (avg. of \$65,000 annually per job)
“But For”	There is no return for the developer based underwriting and developer is investing 41% of its own cash in the project. The CRA would help minimize an already less than healthy return for the developer while helping to reactivate a blighted, vacant space that ½ of the ownership group will call home.
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	The owners do not consider this an investment property as much as they do their own personal residence since 50% of the ownership group will be living there. The traditional cash on cash rate of return calculation is not the driving factor for the investment.
LEED or other environmental build	LEED Gold
Neighborhood VTICA	Streetcar VTICA – 15%
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$1.11 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$77,760
MBE/WBE Goals	SBE Goal of 30%
Transit Access/Walkability	Sits within walking distance of the 6, 16, 17, 19, 20, 21, 24, 46, 49, 64, 67, 78 and Metro Plus bus routes and Streetcar route; located within walking distance of Findlay Market, Washington Park, the OTR Vine Street Business District, and the OTR Main Street Business District; 96 Walk Score
Geography	Located in an Opportunity Zone
Historic Preservation/Existing Building Renovation	N/A
Public Infrastructure Improvements	N/A

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
\$2,100.00	\$84,000.00	Asst Neighborhood Services Director, Asst Buildings & Inspections Director, Director of Public Services, Director of Recreation, Director of Transportation & Engineering
\$5,500.00	\$220,000.00	City Manager

AMI	1	2	3	4	5	6	7	8
30%	\$20,100	\$22,950	\$25,800	\$28,650	\$32,470	\$37,190	\$49,910	\$46,360
50%	\$33,450	\$38,200	\$43,000	\$47,750	\$51,600	\$55,400	\$49,250	\$63,050
60%	\$40,140	\$45,840	\$51,600	\$57,300	\$61,920	\$66,480	\$59,100	\$75,660
80%	\$53,520	\$61,120	\$68,800	\$76,400	\$82,560	\$88,640	\$78,800	\$100,880

EMERGENCY

SSB

- 2023

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Pleasant Cake LLC, thereby authorizing a fifteen-year tax exemption for one hundred percent of the value of improvements made to real property located at 1527-1531 Pleasant Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the construction of a mixed-use building consisting of approximately 959 square feet of commercial office space and approximately 7,208 square feet of residential space, comprised of approximately five residential rental units, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$3,158,393.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by Council on October 31, 2018 (as amended, the “Commercial Policy Ordinance”), sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, to encourage the development of real property in a more environmentally-friendly manner, the Commercial Policy Ordinance incentivizes: (i) construction and remodeling to Leadership in Energy and Environmental Design (“LEED”) standards (as defined by the U.S. Green Building Council); and (ii) construction and remodeling that obtains (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the “Energy Petal” of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (collectively, “LBC” standards), all pursuant to the Statute; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, Pleasant Cake LLC (the “Company”) desires to construct a mixed-use building consisting of approximately 959 square feet of commercial office space and approximately 7,208 square feet of residential space, comprised of approximately five residential rental units on real property at 1527-1531 Pleasant Street located within the corporate boundaries of the City of Cincinnati, to LEED or LBC standards (the “Improvements”), provided that the

appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to one hundred percent of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent of the exempt real property taxes; and

WHEREAS, the City’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$28,166; and

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to fifteen percent of the exempt real property taxes, which funds shall be committed by the third-party organization to support the streetcar that specially benefits the property; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company’s operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per R.C. Section 3735.673; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Pleasant Cake LLC (the “Agreement”), thereby authorizing a fifteen-year tax exemption for one hundred percent of the assessed value of improvements to be made to real property located at 1527-1531 Pleasant Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the construction of a mixed-use

building consisting of approximately 959 square feet of commercial office space and approximately 7,208 square feet of residential space, comprised of approximately five residential rental units, to be constructed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council) or Living Building Challenge standards (as described in the Agreement and as determined by the International Living Future Institute and the Cascadia Green Building Council, as applicable) at a total construction cost of approximately \$3,158,393.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the “City”) in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with Ohio Revised Code Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and
- (iii) to take all necessary and proper actions to fulfill the City’s obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the construction described in this ordinance and the corresponding revitalization of the City of Cincinnati and the benefits to the City’s economic welfare to begin at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Community Reinvestment Area Tax Exemption Agreement
(LEED or Living Building Challenge)

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and PLEASANT CAKE LLC, an Ohio limited liability company (the "Company").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. Pursuant to the Commercial Policy Ordinance, a project that is constructed or remodeled to (1) Leadership in Energy and Environmental Design ("LEED") Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council), or (2) receives a (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the "Energy Petal" of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (such qualifying remodeling or construction is referred to, collectively, as "LBC" remodeling or construction), may qualify for a longer term and/or greater abatement.
- E. The Company is the sole owner of certain real property within the City, located at 1527-1531 Pleasant Street, Cincinnati, Ohio 45202 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- F. The Company has proposed the construction of one new building located on the Property to LEED Gold standards, as defined by the U.S. Green Building Council, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"); provided that the appropriate development incentives are available to support the economic viability of the Project.

- G. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- H. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- I. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, and has remitted with the Application the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- J. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- K. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- L. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- M. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- N. The Company represents that within the past three (3) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- O. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- P. City Council passed (i) Motion No. 201401368 on November 19, 2014, establishing a tax incentive policy that incentivizes each applicant for a real property tax abatement in the neighborhoods of Downtown and OTR to enter into a voluntary tax incentive contribution agreement with a third-party organization ("VTICA") for an amount equal to a percentage of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"), which funds shall be committed by a third-party organization to support the streetcar that specially benefits the abated property, and (ii) Motion No. 201501592 on December 16, 2015, which established that the VTICA Contribution to be recognized by the Director of the Department of Community and Economic Development is 15% of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement. The Commercial Policy Ordinance confirmed that such motions have not been superseded and remain the will of Council.

- Q. The Company acknowledges that the Streetcar will specially benefit the Project due to (a) the Streetcar's enhancement of public transit options in such neighborhoods and (b) the anticipated increase in property values attributable to public investment in Streetcar infrastructure.
- R. The Company represents and warrants to the City that the Company has entered or will enter into a VTICA and shall pay the VTICA Contribution each year for the full term of the abatement.
- S. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- T. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to construct a new building on the Property to create approximately 959 square feet of office space and approximately 7,208 square feet of residential space consisting of approximately 5 residential rental units (the "Improvements") at an estimated aggregate cost of \$3,158,393 to commence after the execution of this Agreement and to be completed no later than December 31, 2024; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The construction shall be in compliance with applicable building code and zoning regulations, as well as complying with LEED Gold standards, as defined by the U.S. Green Building Council. The Company hereby represents that it has registered with the U.S. Green Building Council with intent to certify compliance with LEED Gold standards. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 15 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days

after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of construction, (B) the cost of construction, (C) the facts asserted in the application for exemption, (D) compliance with LEED Gold standards, as defined by the U.S. Green Building Council, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2039 or (ii) the end of the fifteenth (15th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(B)(4), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first

degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(B), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(B), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources.

The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create, or cause to be created, (i) 2 full-time permanent jobs, and (ii) 40 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with construction, and in the case of the other jobs described herein, the job creation period shall begin upon completion of construction and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$130,000 of additional annual payroll with respect to the full-time permanent jobs, and (ii) \$1,580,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(B)(5) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (C) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (C) of

Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (Default) and the basis for revocation under Section 18 (Revocation). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution in order to support the streetcar. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. The Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(C), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63, or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related

member prior to the expiration of three (3) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(C).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Pleasant CAKE LLC
1526 Elm Street
Cincinnati, OH 45202
Attn: Eileen Zell

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(B)(6), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671, the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with

the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

PLEASANT CAKE LLC,
an Ohio limited liability company

By: _____
Sheryl M. M. Long, City Manager

By: _____

Date: _____, 2023

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Address: 1527-1531 Pleasant Street, Cincinnati, Ohio 45202
Parcel ID No.: 081-0002-0619-00

SITUATE IN SECTION 18, TOWN 4, FRACTIONAL RANGE 1, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO BEING PART OF OUTLOT 49 AS SHOWN ON THE PLAN OF SAID CITY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF FIFTEEN STREET WITH THE WESTERLY LINE OF PLEASANT STREET; THENCE ALONG THE WESTERLY RIGHT OF WAY OF PLEASANT STREET, NORTH 16°30'00" WEST, 220.50 FEET TO THE NORTHEAST CORNER OF THE PROPERTY AS CONVEYED TO THE SYCAMORE HAMMOND REALTY CORP IN DEED BOOK 5996, PAGE 1358 OF THE HAMILTON COUNTY, OHIO RECORDS AND THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT, BEING WITNESSED BY A SET CROSS NOTCH, WHICH BEARS NORTH 73°54'00" EAST, 5.00 FEET; THENCE LEAVING THE WESTERLY RIGHT OF WAY OF PLEASANT STREET, ALONG THE NORTHERLY LINE OF SAID SYCAMORE HAMMOND REALTY CORP TRACT, THE FOLLOWING THREE COURSES AND DISTANCES, SOUTH 73°54'00" WEST, 20.00 FEET TO A POINT; THENCE NORTH 16°30'00" WEST, 0.08 FEET TO A POINT AND THENCE SOUTH 73°54'00" WEST, 54.19 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE LEAVING THE NORTHERLY LINE OF SAID SYCAMORE HAMMOND REALTY CORP TRACT, NORTH 16°30'00" WEST, 23.84 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 73°30'00" WEST, 18.31 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 16°30'00" WEST, 36.51 FEET TO A SET 5/8" IRON PIN AND CAP (#7862) IN THE SOUTHERLY LINE OF THE PROPERTY AS CONVEYED TO RACE STREET TENANT ORGANIZATION IN DEED BOOK 4330, PAGE 1737 OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE ALONG THE SOUTHERLY LINE OF RACE STREET TENANT ORGANIZATION TRACT, NORTH 73°42'00" EAST, 7.50 FEET TO THE SOUTHEAST CORNER OF SAID RACE STREET TENANT ORGANIZATION TRACT; THENCE ALONG THE EASTERLY LINE OF SAID RACE STREET TENANT ORGANIZATION TRACT,

NORTH 16°30'00" WEST, 1.75 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY AS CONVEYED TO OTR HOUSING GROUP, LLC IN OFFICIAL RECORD 13489, PAGE 2538 OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE LEAVING THE EASTERLY LINE OF SAID RACE STREET TENANT ORGANIZATION TRACT, ALONG THE SOUTHERLY LINE OF SAID OTR HOUSING GROUP TRACT, NORTH 73°54'00" EAST, 85.00 FEET TO THE SOUTHEAST CORNER OF SAID OTR HOUSING GROUP TRACT, BEING IN THE WESTERLY RIGHT OF WAY OF PLEASANT STREET AND BEING WITNESSED BY A SET CROSS NOTCH WHICH BEARS NORTH 73°54'00" EAST, 5.00 FEET; THENCE LEAVING THE SOUTHERLY LINE OF SAID OTR HOUSING GROUP TRACT, ALONG THE WESTERLY RIGHT OF WAY OF PLEASANT AVENUE, SOUTH 16°30'00" EAST, 62.08 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 0.1214 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS USED IN THIS LEGAL DESCRIPTION ARE RELATIVE TO REGISTERED LAND CERTIFICATE 240007 OF THE HAMILTON COUNTY, OHIO REGISTERED LAND RECORDS.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

May 17, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202301431

Subject: Ordinance – DOTE: MRF and OPWC Round 38 Grant Applications

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 38) to ensure the timely completion of various road, bridge, and pedestrian construction projects throughout the City.

Approval of this Ordinance authorizes the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund (MRF) Program and the Ohio Public Works Commission (OPWC) State Capital Improvement Program (SCIP), the Local Transportation Improvement Program (LTIP), and the Revolving Loan Program (Funding Round 38) for the purpose of ensuring the timely completion of various road, bridge, and pedestrian construction projects throughout the City.

DOTe identified a list of potential projects for grant funding, which is attached. However, the list is subject to change, and DOTe may apply for resources to support projects not included in the attachment. Anticipated sources of local match funds would come from existing and future capital improvement program project accounts. No new FTEs are required.

DOTe will prepare all applications as requests for grant funding, but there may be opportunities to obtain additional zero percent interest loans for these projects once the District Integrating Committee allocation of grant monies is exhausted. If the City is awarded any grants, loans, or loan assistance under these programs, DOTe will request authorization from the City Council to accept and appropriate such resources.

The implementation of various road, bridge, and pedestrian construction projects is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



AUTHORIZING the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 38) to ensure the timely completion of various road, bridge, and pedestrian construction projects throughout the City.

WHEREAS, the Department of Transportation and Engineering (“DOTE”) has applied for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 38) for funding year 2024 and 2025, to ensure the timely completion of projects identified by DOTE as high priorities; and

WHEREAS, DOTE identified the attached list of potential projects as high priorities for which it may apply for assistance, although the list is subject to change and DOTE may apply for resources for projects not included in Attachment A; and

WHEREAS, depending on the terms of the grant award for each project, local match funds may be required for assistance; and

WHEREAS, anticipated sources of local match funds, which would come from existing and future capital improvement program project accounts, are identified for each of the projects in Attachment A; and

WHEREAS, DOTE will prepare all applications as requests for grant funding, but there may be opportunities to obtain additional zero percent interest loans for these projects once the District Integrating Committee allocation of grant monies is exhausted; and

WHEREAS, if the City is awarded any grants, loans, or loan assistance under these programs, no grant funds will be accepted without approval by Council; and

WHEREAS, no additional FTEs/full time equivalents are associated with these applications for grants, loans, and loan assistance; and

WHEREAS, the implementation of various road, bridge, and pedestrian construction projects is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 38) to ensure the timely completion of various road, bridge, and pedestrian construction projects throughout the City.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Attachment A
Potential Project List for Ohio Public Works Commission and Municipal Road Fund

Projects	Matching Funds
Gilbert Avenue Improvements	Future City Capital and ODOT Urban Paving Funds
Harrison Avenue Safety Improvements	Future City Capital and ODOT Safety Funds
Edwards Road Rehabilitation	Future City Capital and ODOT Urban Paving Funds
Brighton Bridge Replacement	Future City Capital, OPWC Funds, Municipal Bridge Funds
Riverside Drive Landslide at Rookwood	Future City Capital
East 6th Street Rehabilitation	Future City Capital
Evanston Traffic Calming Improvements	Future City Capital
Columbia Parkway Landslide South of Beechmont	Future City Capital
2nd & 3rd Streets Crosswalks	Future City Capital
Warsaw Avenue Improvements	Future City Capital and Transit Infrastructure Fund Grant
Warner Streets Steps	Future City Capital
Riverside Drive Wall at Friendship Park	Future City Capital
Whetsel Avenue Rehabilitation	Future City Capital
Hillside Avenue Improvements	Future City Capital
Lighting Signal Corridor Project	Future City Capital
Reading & Summit Improvements	Future City Capital

May 17, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202301432

Subject: Emergency Ordinance – DOTE: Apply for SORTA Transit Infrastructure Fund (Round 3) Grants

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for grants awarded by the Southwest Ohio Regional Transit Authority Transit Infrastructure Fund to ensure the timely completion of various road, bridge, wall, and pedestrian safety construction projects throughout the City.

Approval of this Emergency Ordinance authorizes the City Manager to apply for grants awarded by the Southwest Ohio Regional Transit Authority (SORTA) Transit Infrastructure Fund for the purpose of ensuring the timely completion of various road, bridge, wall, and pedestrian safety construction projects throughout the City.

The Department of Transportation and Engineering (DOTE) intends to apply for grants awarded by the SORTA Transit Infrastructure Fund for Fiscal Year 2024 and Fiscal Year 2025 capital improvement program projects, to ensure the timely completion of various public infrastructure projects identified as high priorities. DOTE identified a list of potential projects for grant funding, which is attached. However, the list is subject to change, and DOTE may apply for resources to support projects not included in the attachment. Anticipated sources of local match funds would come from existing and future capital improvement program projects. No new FTEs are required.

The implementation of various public infrastructure projects is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” as described on pages 129-138 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need for the Department of Transportation and Engineering to receive Council authorization to apply for the SORTA Transit Infrastructure Fund grants by May 31, 2023.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

EMERGENCY

IMD

- 2023

AUTHORIZING the City Manager to apply for grants awarded by the Southwest Ohio Regional Transit Authority Transit Infrastructure Fund to ensure the timely completion of various road, bridge, wall, and pedestrian safety construction projects throughout the City.

WHEREAS, the Department of Transportation and Engineering (“DOTe”) intends to apply for grants awarded by the Southwest Ohio Regional Transit Authority (“SORTA”) Transit Infrastructure Fund by May 31, 2023, for fiscal year 2024 and fiscal year 2025 capital improvement projects, to ensure the timely completion of various public infrastructure projects DOTe identifies as high priorities; and

WHEREAS, DOTe identified the attached list of potential projects as high priorities for which it intends to apply for assistance, although the list is subject to change and DOTe may apply for resources for projects not included in Attachment A; and

WHEREAS, depending on the terms of the grant award for each project, local matching funds may be required for acceptance; and

WHEREAS, anticipated sources of local matching funds, which would come from existing and future capital improvement program project accounts, are identified for each of the projects in Attachment A; and

WHEREAS, if the City is awarded grants from the SORTA Transit Infrastructure Fund, no grant funds will be accepted without approval by Council; and

WHEREAS, no additional FTEs/full time equivalents are associated with these applications for grant funding; and

WHEREAS, the implementation of various public infrastructure projects is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to apply for grants awarded by the Southwest Ohio Regional Transit Authority (“SORTA”) Transit Infrastructure Fund for the

purpose of ensuring the timely completion of various road, bridge, wall, and pedestrian safety construction projects throughout the City.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the Department of Transportation and Engineering to receive Council authorization to apply for the SORTA Transit Infrastructure Fund grants by May 31, 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Attachment A
Potential Project List for Transit Infrastructure Fund Grant

Projects	Matching Funds
Gilbert Avenue Improvements	Future City Capital and ODOT Urban Paving Funds
Harrison Avenue Safety Improvements	Future City Capital and ODOT Safety Funds
Edwards Road Rehabilitation	Future City Capital and ODOT Urban Paving Funds
Brighton Bridge Replacment	Future City Capital, OPWC Funds, Municipal Bridge Funds
Riverside Drive Landslide at Rookwood	Future City Capital
East 6th Street Rehabilitation	Future City Capital
Evanston Traffic Calming Improvements	Future City Capital
Columbia Parkway Landslide South of Beechmont	Future City Capital
2nd & 3rd Streets Crosswalks	Future City Capital

May 17, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202301433

Subject: Emergency Ordinance – CMO: Community Development Block Grant (CDBG) Program Reconciliation

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and return to source Fund 304, “Community Development Block Grant,” of \$1,598,789 to close out or decrease existing project accounts according to Section A of the attached Schedule of Appropriation; and **AUTHORIZING** the transfer and appropriation of \$1,598,789 from the unappropriated surplus of Fund 304, “Community Development Block Grant,” to various project accounts, as set forth in Section B of the attached Schedule of Appropriation, to provide funding that will be spent in a timely manner to support vital City programs.

Approval of this Emergency Ordinance authorizes the transfer and return to source Fund 304, “Community Development Block Grant,” of \$1,598,789 to close out or decrease existing project accounts according to Section A of the attached Schedule of Appropriation. This Emergency Ordinance also authorizes the transfer and appropriation of \$1,598,789 from the unappropriated surplus of Fund 304, “Community Development Block Grant,” to various project accounts, as set forth in Section B of the attached Schedule of Appropriation, to provide funding that will be spent in a timely manner to support vital City programs.

The transfer and appropriation of these CDBG resources is in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods,” as described on pages 160-163, and the “Compete” initiative to “[b]e the pivotal economic force in the region,” as described on pages 101-102 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide funding for the continuation of vital City programs.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



EMERGENCY

MSS

- 2023

AUTHORIZING the transfer and return to source Fund 304, “Community Development Block Grant,” of \$1,598,789 to close out or decrease existing project accounts according to Section A of the attached Schedule of Appropriation; and **AUTHORIZING** the transfer and appropriation of \$1,598,789 from the unappropriated surplus of Fund 304, “Community Development Block Grant,” to various project accounts, as set forth in Section B of the attached Schedule of Appropriation, to provide funding that will be spent in a timely manner to support vital City programs.

WHEREAS, the Community Development Block Grant (“CDBG”) Program began in 1974 and is one of the longest continuously run programs at the U.S. Department of Housing and Urban Development (“HUD”), through which HUD provides annual grants to local communities to address a wide range of unique community development needs; and

WHEREAS, CDBG resources in existing project accounts need to be realigned as set forth in the attached Schedule of Appropriation so that they may be deployed in a timely manner to support vital City programs; and

WHEREAS, the transfer and appropriation of these CDBG resources is in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods,” as described on pages 160-163, and the “Compete” initiative to “[b]e the pivotal economic force in the region,” as described on pages 101-102 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the transfer and return to source Fund 304, “Community Development Block Grant,” of \$1,598,789 in accordance with Section A of the Schedule of Appropriation, attached hereto and made a part hereof, is authorized to close out or decrease existing project accounts.

Section 2. That the transfer and appropriation of \$1,598,789 from the unappropriated surplus of Fund 304, “Community Development Block Grant,” to various project accounts in accordance with Section B of the attached Schedule of Appropriation is authorized to provide funding that will be spent in a timely manner to support vital City programs.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide funding for the continuation of vital City programs.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

APPROPRIATION SCHEDULE

DECREASE OF EXISTING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPROPRIATIONS

Section A

Grant Program	Fund	Agency	Project Account No.	Project Title	Original Authorization	Amount to be Decreased	Revised Authorization
CDBG	304	162	30422123	Emergency Mortgage Assistance '22	\$215,000.00	\$45,000.00	\$170,000.00
CDBG	304	162	30423123	Emergency Mortgage Assistance '23	\$275,000.00	\$275,000.00	\$0.00
CDBG	304	161	30422141	Family Re-Housing Assistance	\$130,000.00	\$119,778.00	\$10,222.00
CDBG	304	162	30422124	Hand Up Initiative '22	\$1,256,000.00	\$110,504.00	\$1,145,496.00
CDBG	304	164	30422221	NBD Improvement Program '22	\$1,094,967.00	\$635,507.00	\$459,460.00
CDBG	304	164	30418201	Small Business Services '18	\$100,000.00	\$38,000.00	\$62,000.00
CDBG	304	164	30419201	Small Business Services '19	\$100,000.00	\$100,000.00	\$0.00
CDBG	304	162	30423121	Tenant Representation '23	\$275,000.00	\$275,000.00	\$0.00
TOTAL						\$1,598,789.00	

INCREASE OF EXISTING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPROPRIATIONS

Section B

Grant Program	Fund	Agency	Project Account No.	Project Title	Original Authorization	Amount to be Increased	Revised Authorization
CDBG	304	162	30423120	Emergency Mortgage Assistance & Tenant Representation '23	\$0.00	\$550,000.00	\$550,000.00
CDBG	304	161	30422137	Historic Stabilization of Structures '22	\$200,000.00	\$619,778.00	\$819,778.00
CDBG	304	162	30418244	Operating Support for CDCs '18	\$350,418.95	\$38,000.00	\$388,418.95
CDBG	304	162	30419244	Operating Support for CDCs '19	\$980,000.00	\$100,000.00	\$1,080,000.00
CDBG	304	162	30422244	Operating Support for CDCs '22	\$300,000.00	\$246,011.00	\$546,011.00
CDBG	304	162	30422121	Tenant Representation '22	\$255,000.00	\$45,000.00	\$300,000.00
TOTAL						\$1,598,789.00	

May 17, 2023

To: Mayor and Members of City Council 202301430

From: Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – Cincinnati Recreation Commission:
Recreation Center Part-Time Staff Bonus Plan**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to establish a Recreation Center Part-Time Staff Bonus Plan to recruit and retain qualified employees within the Cincinnati Recreation Commission’s Recreation Centers, according to the attached Schedule.

Approval of this Emergency Ordinance authorizes the Cincinnati Recreation Commission (CRC) to establish a Recreation Center Part-Time Staff Bonus Plan to recruit and retain qualified employees within CRC Recreation Centers, according to the attached Schedule.

Sufficient resources are available in the existing Cincinnati Recreation Commission (CRC) Recreation Special Activities Fund personnel operating budget for the bonuses. The bonus plan is a one-time commitment for summer 2023, with one installment paid in Fiscal Year 2023 and one installment paid in Fiscal Year 2024 for a total estimated cost of \$250,500.

The Part-Time Staff Bonus Plan provides an opportunity for CRC to remain competitive in the current job market and incentivize employees to return to work with the CRC. Approximately 491 part-time positions will be eligible, with 76 part-time Municipal Worker positions being represented by the American Federation of State, County, and Municipal Employees (AFSCME) Local 250.

The Recreation Center Part-Time Staff Bonus Plan is in accordance with the “Live” initiative area to “[s]trengthen our magnetic city with energized people” as described on page 147 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to establish the bonus plan in order to recruit and retain qualified employees.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

EMERGENCY

CNS

- 2023

AUTHORIZING the City Manager to establish a Recreation Center Part-Time Staff Bonus Plan to recruit and retain qualified employees within the Cincinnati Recreation Commission’s Recreation Centers, according to the attached Schedule.

WHEREAS, in order to recruit and retain quality employees and to better serve Cincinnati residents, the Cincinnati Recreation Commission (“CRC”) has determined the creation of a bonus plan is necessary; and

WHEREAS, the Recreation Center Part-Time Staff Bonus Plan is necessary for CRC to remain competitive in the current labor market and attract and retain staff within CRC’s Recreation Centers; and

WHEREAS, the Recreation Center Part-Time Staff Bonus Plan provides opportunities to increase operational efficiencies while maintaining a standard of excellence and a clear pathway for continued growth for affected employees; and

WHEREAS, funding for the Recreation Center Part-Time Staff Bonus Plan, which is expected to cost \$250,500, will be paid from the CRC’s existing Recreation Special Activities Fund 323 personnel operating budget, with \$127,750 being paid from FY23 funds and \$122,750 being paid from FY24 funds; and

WHEREAS, employee bonuses will be disbursed in two installments between July and September 2023; and

WHEREAS, the Recreation Center Part-Time Staff Bonus Plan is in accordance with the “Live” initiative area to “[s]trengthen our magnetic city with energized people” as described on page 147 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That a Recreation Center Part-Time Staff Bonus Plan is authorized, with bonus amounts to be set by the Recreation Commission in accordance with the attached Schedule, for the purpose of recruiting, hiring, and retaining qualified employees within the Cincinnati Recreation Commission Recreation Centers.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to establish the bonus plan in order to recruit and retain qualified employees.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Cincinnati Recreation Commission Recreation Center Part-Time Staff Bonus Plan Schedule

Bonuses will be paid in two installments of \$250 each, for a total bonus payment of up to \$500.*

The first installment of \$250 will be paid to eligible employees through payroll for calendar year pay period fourteen. To be eligible for the first installment, an employee must be hired and start work in one of the eligible positions by the end of pay period fourteen (June 24, 2023). Eligible part-time positions include:

- Front Desk Staff
- Gymnasium Attendants
- Summer Day Camp Group Leaders and Floaters
- Therapeutic Recreation Staff*
- Athletics Part-Time Employees
- Municipal Workers

**Due to the increased level of training required and additional duties of Therapeutic Recreation part-time staff, eligible employees will receive \$350 for the first bonus payment installment.*

The second bonus installment of \$250 is contingent upon hours worked and a length of time requirement and will be paid to eligible employees through payroll for calendar year pay period nineteen. Eligibility parameters for second installment include:

- Being employed in an eligible part-time position as of July 28, 2023
- Working a minimum of 100 hours between the dates of May 28, 2023, and August 5, 2023.

May 17, 2023

To: Mayor and Members of City Council 202301440
From: Sheryl M.M. Long, City Manager
Subject: Emergency Ordinance – Repeal and Replacement of Chapter 1109 of the Cincinnati Building Code

Attached is an Emergency Ordinance captioned:

AMENDING Title XI, “Cincinnati Building Code,” by repealing Chapter 1109, “Flood Damage Reduction,” of the Cincinnati Municipal Code in its entirety; ORDAINING new Chapter 1109, “Flood Damage Reduction,” of the Cincinnati Building Code, for the purpose of maintaining City eligibility for the Federal Emergency Management Agency’s National Flood Insurance Program; and MODIFYING Chapter 1501, “Code Compliance and Hearings,” by amending Section 1501-9, “Class D. Civil Offenses,” to update the City’s floodplain regulations to ensure the City’s ongoing participation in the National Flood Insurance Program.

On March 3, 2023, the Federal Emergency Management Agency (FEMA) formally notified the City of the need to work with the Ohio Department of Natural Resources (ODNR) to review its existing floodplain-management regulations to ensure they meet the minimum requirements of the National Flood Insurance Program (NFIP). In particular, the FEMA mandate requires the City to update its floodplain-management regulations and have them certified by the ODNR as compliant with the standards of 44 CFR Part 60.3(D) of the NFIP regulations no later than June 7, 2023, the date when FEMA’s Revised Preliminary Flood Insurance Study report and Flood Insurance Rate Map become effective.

This Ordinance, drafted in consultation with the ODNR, responds to the FEMA mandate and will ensure the City may continue to participate in the National Flood Insurance Program (NFIP). The Administration recommends passage of this ordinance to allow citizens to participate in this program.

This Ordinance is based on the ODNR’s 2019 model code and includes the following modifications to the City’s existing floodplain-management regulations:

1. Clarifies the separation between residential requirements and non-residential requirements.
2. Clarifies floodway requirements vs. floodplain requirements.
3. Creates and modifies definitions to assist in understanding historic building requirements (including how additions to historic structures are treated), new construction, residential uses, and non-residential uses.
4. Clarifies the variance process, including the FEMA stance on the rarity of variance approvals.
5. Better defines the City’s process for floodplain-development approvals.

cc: Art Dahlberg, Director of Buildings & Inspections

EMERGENCY

AEY

- 2023

AMENDING Title XI, “Cincinnati Building Code,” by repealing Chapter 1109, “Flood Damage Reduction,” of the Cincinnati Municipal Code in its entirety; **ORDAINING** new Chapter 1109, “Flood Damage Reduction,” of the Cincinnati Building Code, for the purpose of maintaining City eligibility for the Federal Emergency Management Agency’s National Flood Insurance Program; and **MODIFYING** Chapter 1501, “Code Compliance and Hearings,” by amending Section 1501-9, “Class D Civil Offenses,” to update the City’s floodplain regulations to ensure the City’s ongoing participation in the National Flood Insurance Program.

WHEREAS, the Federal Emergency Management Agency (“FEMA”) manages the National Flood Insurance Program (“NFIP”) which makes flood insurance available to property owners in participating communities that have adopted floodplain management regulations that help mitigate the effects of flooding; and

WHEREAS, FEMA has notified the City that, in order to continue to participate in the NFIP, the City is required to adopt updated floodplain-management regulations that have been certified by the Ohio Department of Natural Resources as compliant with the standards of 44 CFR Part 60.3(d) of the NFIP regulations no later than June 7, 2023, the date when FEMA’s Revised Preliminary Flood Insurance Study report and Flood Insurance Rate Map become effective; and

WHEREAS, this ordinance is adopted to update Chapter 1109, “Flood Damage Reduction,” to comply with the updated NFIP standards and to ensure that property owners in the City may continue to purchase flood insurance under the NFIP; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council finds that the City of Cincinnati has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Council further finds that structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to flood loss. In order to minimize the threat of such damages and

to achieve the purposes hereinafter set forth, Council is adopting new Chapter 1109, “Flood Damage Reduction,” of the Cincinnati Building Code.

Section 2. That existing Chapter 1109, “Flood Damage Reduction,” of Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code is repealed in its entirety.

Section 3. That new Chapter 1109, “Flood Damage Reduction,” of Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code is hereby ordained to read as follows:

Chapter 1109 FLOOD DAMAGE REDUCTION

Sec. 1109-1. – General Provisions.

1109-1.1. - Authorization.

Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. The city of Cincinnati participates in the Federal Emergency Management Agency’s (“FEMA”) National Flood Insurance Program (“NFIP”), which makes flood insurance available to residents, business, and property owners. The Council of the city of Cincinnati enacts chapter 1109 of the Cincinnati Building Code (“CBC”) to maintain the city’s eligibility for the NFIP.

1109-1.2. - Findings of Fact.

The city has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage contribute to flood losses. This chapter is adopted to minimize the threat of such damages and to achieve the purposes hereinafter set forth.

1109-1.3.- Statement of Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;

- E. Provide for a fair and efficient process for orderly development within areas of potential flooding;
- F. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; streets; and bridges located in areas of special flood hazard;
- G. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- I. Minimize the impact of development on adjacent properties within and near flood prone areas;
- J. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- K. Minimize the impact of development on the natural, beneficial values of the floodplain;
- L. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- M. Meet community participation requirements of the National Flood Insurance Program.

1109-1.4.- Methods of Reducing Flood Loss.

To achieve the purposes set forth in Sec. 1109-1.3, this chapter includes provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and

- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

1109-1.5. - Applicability of Chapter 1109.

The provisions of this chapter shall apply to all special flood hazard areas within the jurisdiction of the city of Cincinnati, as identified in Section 1109-1.6, including any additional special flood hazard areas annexed by the city of Cincinnati. Section 1109-6.1 provides a list of defined terms used in this chapter.

1109-1.6. - Basis for Establishing Special Flood Hazard Areas.

For the purposes of this chapter, the following maps and/or studies, as may be revised from time to time, are hereby adopted by reference and declared to be part of this chapter in order to define the special flood hazard areas within the city of Cincinnati:

- A. *Flood Insurance Study Hamilton County, Ohio, and Incorporated Areas* and *Flood Insurance Rate Map Hamilton County, Ohio, and Incorporated Areas*, each effective June 7, 2023.
- B. Other studies and/or maps approved by the floodplain administrator, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain and floodways, or delineation of other areas of special flood hazard.
- C. Any hydrologic and hydraulic engineering analysis authored by a registered professional engineer in the state of Ohio which has been approved by the city of Cincinnati as required by Sec. 1109-3.3, "Subdivisions and Other New Developments."

These maps and/or studies are on file in the office of the director of buildings and inspections also referred to herein as the floodplain administrator.

1109-1.7. - Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the city of Cincinnati, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damage that results from reliance on this chapter, or any administrative decision lawfully made thereunder.

Sec. 1109-2.- Administration.

1109-2.1. - Designation of the Floodplain Administrator.

The director of buildings and inspections is hereby appointed to administer and implement this chapter and is referred to herein as the floodplain administrator.

1109-2.2. - Duties and Responsibilities of the Floodplain Administrator.

The duties and responsibilities of the floodplain administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of this Chapter 1109 have been met or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of this Chapter 1109 have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of this Chapter 1109, including FIRMs, LOMCs, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, variances, and records of enforcement actions taken for violations of this Chapter 1109.
- F. Enforce the provisions of this Chapter 1109.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of this Chapter 1109.

1109-2.3. - Floodplain Development Permits.

Until a floodplain development permit is obtained from the floodplain administrator, it shall be unlawful for any person to begin construction or other development activity wholly within, partially within, or in contact with any identified special flood hazard area, as established in Sec. 1109-1.6, including but not limited to: (i) the excavation, filling, or grading of land; (ii) the construction, alteration, remodeling, or expanding of any structure; or (iii) the alteration of any watercourse. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of this Chapter 1109. No such permit shall be issued by the floodplain administrator until the requirements of this Chapter 1109 have been met.

1109-2.4. - Application Required.

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or the owner's authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished by the floodplain administrator for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the floodplain administrator may require a floodplain development permit application to include a survey certified by a licensed professional surveyor showing the development location. All applications shall include the following information:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing and proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are existing and proposed.
- C. Elevation of the lowest floor, including basement, of all existing and proposed structures.
- D. Such other material and information as may be requested by the floodplain administrator to determine conformance with and enable enforcement of this Chapter 1109.
- E. Technical analyses, as listed below, conducted by the appropriate design professional registered in the state of Ohio and submitted with an application for a floodplain development permit when applicable:
 1. Floodproofing certification for non-residential floodproofed structures as required in Section 1109-3.5.

2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1109-3.4(E) are designed to automatically equalize hydrostatic flood forces.
 3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1109-3.9(C).
 4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where FEMA has provided base flood elevations but no floodway has been designated as required by Section 1109-3.9(B).
 5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1109-3.9(A).
 6. Generation of base flood elevation(s) for subdivisions and other new developments as required by Section 1109-3.3.
- F. Payment of any floodplain development permit application fee set by the schedule of fees adopted by Council.
- G. For any development to be funded, financed, undertaken, or preempted by the state of Ohio, including, but not limited to (i) development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of Ohio Administrative Code Section 4781-12; (ii) major utility facilities permitted by the Ohio Power Siting Board under R.C. Chapter 4906; and (iii) hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under R.C. Chapter 3734, the applicant shall provide documentation from such state agency stating that the development complies with the minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by R.C. Section 1521.13.
- H. For any development activities undertaken by a federal agency and which are subject to *Federal Executive Order 11988 – Floodplain Management*, such federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988. The applicant shall provide documentation to the floodplain administrator of compliance with this Section 1109-2.4(H).

1109-2.5. - Review and Approval of a Floodplain Development Permit Application.

A. Review

1. After receipt of a complete application, the floodplain administrator shall review the application to ensure that the standards of this Chapter 1109 have been met. No floodplain development permit application shall be reviewed until all information required by Section 1109-2.4 has been received by the floodplain administrator.
2. The floodplain administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state, or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including, without limitation, permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

B. Approval

Within thirty days after the receipt of a complete application, the floodplain administrator shall either approve or disapprove the application. If the floodplain administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this Chapter 1109, the floodplain administrator shall issue the permit. All floodplain development permits shall be conditioned upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

1109-2.6. - Inspections.

The floodplain administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

1109-2.7. - Post-Construction Certifications Required.

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered professional surveyor to record as-built elevation data.

- B. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the *Federal Emergency Management Agency Elevation Certificate* may be completed by the property owner or owner's representative.
- C. For all development activities subject to the standards of Section 1109-2.10(A), a LOMR.
- D. For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed *Floodproofing Certificate for Non-Residential Structures* completed by a registered professional engineer or architect together with associated documentation.

1109-2.8 Revoking a Floodplain Development Permit.

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit in question. In the event of the revocation of a permit, an appeal may be taken to the board of building appeals in accordance with Section 1109-4.

1109-2.9. - Exemption from Filing a Development Permit.

An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for excavation, filling, and grading) valued at less than \$2500.

1109-2.10. - Map Maintenance Activities.

The map maintenance activities in this Section 1109-2.10 are required in order to meet NFIP minimum requirements for FEMA review and approval of flood data, and to ensure that the city of Cincinnati flood maps, studies, and other data identified in Section 1109-1.6 accurately represent current flooding conditions so that floodplain management criteria are based on current data.

A. Requirement to Submit New Technical Data

1. Applications for development that impacts floodway delineations or base flood elevations (as listed below) shall provide the following new technical data, which the city shall submit to FEMA within six months of receipt:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

- c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 1109-3.3.
- 2. The floodplain administrator shall require a CLOMR prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. Proposed development which increases the base flood elevation by more than one foot in riverine areas where FEMA has provided base flood elevations but no floodway.
- 3. Floodplain development permits issued by the floodplain administrator shall be conditioned upon the applicant obtaining a LOMR from FEMA for any development proposal subject to Section 1109-2.10(A)(1).
- 4. An applicant shall: (i) prepare all technical data required in accordance with this Section 1109-2.10(A) in a format required for a CLOMR or LOMR, and (ii) submit such technical data to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

B. Right to Submit New Technical Data

The floodplain administrator may request that FEMA change any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the city manager of the city of Cincinnati and may be submitted at any time.

C. Annexation / Detachment

Upon occurrence, the floodplain administrator shall notify FEMA in writing whenever: (i) the boundaries of the city of Cincinnati have been modified by annexation; (ii) the city has assumed authority over an area; or (iii) the city no longer has authority to adopt and enforce the provisions of this Chapter 1109 for a particular area. In order that the city of Cincinnati's FIRM accurately represents the city of Cincinnati boundaries, the floodplain administrator shall include within such notification a copy of a map of the city of Cincinnati suitable for reproduction, clearly showing the new corporate limits or the new area for which the city of Cincinnati has assumed or relinquished floodplain management regulatory authority.

1109-2.11. - Data Use and Flood Map Interpretation.

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified, the floodplain administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries identified on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries identified by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data showing increased base flood elevations or larger floodway areas than are shown on FEMA flood maps and studies shall be reasonably used by the floodplain administrator.
- C. The floodplain administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1109-4.
- D. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this chapter applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

1109-2.12. - Use of Preliminary FIRM and/or Flood Insurance Study Data.

When assessing the flood hazard risk associated with a particular property in the zones specified below, the floodplain administrator shall apply the following rules:

- A. Zone A:
 - 1. Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall be reasonably utilized as the best available data.
 - 2. When all appeals have been resolved and a notice of final flood elevation determination has been provided in a letter of final determination (“LFD”), base

flood elevation and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.

B. Zones AE, A1-30, AH, and AO:

1. Base flood elevation and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of base flood elevation and floodway data contained in an existing effective FIS and FIRM. However:
 - a. Where base flood elevations increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where base flood elevations increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected; and
 - b. Where base flood elevations decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.
2. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 1109-3.9(B) because the data in the draft or preliminary FIS represents the best data available.

C. Zones B, C, and X:

Use of base flood elevation and floodway data from a preliminary FIRM or FIS is not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, AO, VE, or V1-30. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

1109-2.13. - Substantial Damage Determinations.

When a structure has suffered damage, including, but not limited to damage resulting from flood, tornado, wind, snow, or fire, the property owner shall report such damage to the floodplain administrator. The floodplain administrator shall take the following steps to determine whether the structure has suffered substantial damage as defined in Section 1109-6.1:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

- C. Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction. The language of this Section 1109-2.13(C) shall not be interpreted to limit the requirements of Section 1109-2.3 as to the need to obtain a floodplain development permit for all construction or development activity in a special flood hazard area regardless of whether or not it is substantially damaged.

Additionally, the floodplain administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assisting owners of substantially damaged structures with increased-cost-of-compliance insurance claims.

Sec. 1109-3. - Use and Development Standards for Flood Hazard Reduction.

The following use and development standards apply to development wholly within, partially within, or in contact with a special flood hazard area as established in this Chapter 1109.

1109-3.1. - Use Regulations.

A. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the city of Cincinnati are allowed provided they meet the provisions of this Chapter 1109.

1109-3.2.- Water and Wastewater Systems.

The following standards apply to all water supply, sanitary sewerage, and waste disposal systems in the absence of a more restrictive standard provided under the Ohio Revised Code or applicable state rules:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

1109-3.3. - Subdivisions and Other New Developments.

- A. All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in this Chapter 1109.
- B. All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- C. All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least fifty lots or five acres, whichever is less.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 1109-2.10(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1109-3.3(D).

1109-3.4. - Residential Structures.

The requirements of this Section 1109-3.4 apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, in special flood hazard areas designated on the city of Cincinnati's effective FIRM, or in special flood hazard areas designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1109-2.12.

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (Section 1109-3.4(A)) and construction materials resistant to flood damage (Section 1109-3.4(B)) are satisfied.
- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water

from entering or accumulating within the components during conditions of flooding.

- D. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure, may have an enclosure below the lowest floor provided the enclosure meets the following standards:

Be used only for the parking of vehicles, building access, or storage; and

- 1. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - 2. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- G. In AO and AH Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

1109-3.5. - Nonresidential Structures.

The requirements of this Section 1109-3.5 apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, in special flood hazard areas designated on the community's effective FIRM, or in special flood hazard areas designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1109-2.12.

- A. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring in this Section 1109-3.5(A) and construction materials resistant to flood damage Section 1109-3.5(B) are satisfied.
- B. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall be constructed with methods and materials resistant to flood damage.
- C. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage; and
 - a. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - b. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- E. Manufactured homes and manufactured structures shall be affixed to a permanent foundation and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

- F. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 3. Be certified by a registered professional engineer or architect, through the use of a FEMA floodproofing certificate, that the design and methods of construction are in accordance with Sections 1109-3.5(F)(1) and (2).
- G. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

1109-3.6. - Accessory Structures.

- A. Accessory structures that are greater than 600 square feet must comply with the requirements applicable to the principal structure.
- B. Accessory structures located within zones A, A1-30, AE, AO, and AH that are 600 square feet or less and are used exclusively for parking and/or storage are exempt from elevation and dry floodproofing standards, but must meet all of the following standards:
1. They shall not be used for human habitation;
 2. They shall be constructed of flood resistant materials;
 3. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
 4. They shall be firmly anchored to prevent flotation;
 5. Service facilities, such as electrical and heating equipment, shall be elevated or floodproofed to or above the level of the flood protection elevation; and
 6. They shall meet the opening requirements of Section 1109-3.4(E)(1)(b).

1109-3.7. - Recreational Vehicles.

Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet one of the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days; or
- B. They must be fully licensed and ready for highway use; or
- C. They must be placed on the site pursuant to a floodplain development permit issued under Sections 1109-2.3 and 2.4 and meet all standards of Section 1109-3.4.

1109-3.8. - Gas or Liquid Storage Tanks.

Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

1109-3.9. - Assurance of Flood Carrying Capacity.

Pursuant to the purpose and methods of reducing flood damage stated in this Chapter 1109, the following additional standards are adopted to assure that the reduction of the flood-carrying capacity of watercourses is minimized:

A. Development in Floodways

- 1. Except as otherwise provided in this section, development in floodway areas shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
- 2. Development in floodway areas causing increases in the base flood elevation is permitted provided that the applicant completes all of the following:
 - a. Satisfies the requirements to submit technical data in Section 1109-2.10(A);
 - b. Provides a credible evaluation, acceptable to the floodplain administrator, of alternatives that would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certifies that no structures are located in areas that would be impacted by the increased base flood elevation;

- d. Demonstrates via documentation that individual notices were provided to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
- e. Obtains the approvals of the city manager of the city of Cincinnati and the chief executive officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than one foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or
2. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, development causing more than a one foot increase in the base flood elevation may be permitted provided the applicant does all of the following:
 - a. Provides a credible evaluation, acceptable to the floodplain administrator, of alternatives that would result in a base flood elevation increase of one foot or less and an explanation why these alternatives are not feasible;
 - b. Satisfies the requirements to submit technical data in Section 1109-2.10(A);
 - c. Certifies that no structures are located in areas that would be impacted by the increased base flood elevation;
 - d. Demonstrates via documentation that individual notices were provided to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - e. Obtains the approvals of the city manager of the city of Cincinnati and the chief executive officer of any other communities impacted by the proposed actions.

C. Alterations of a Watercourse

For the purpose of this Chapter 1109, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a federal, state, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and a certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to FEMA.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The floodplain administrator may require the permit holder to enter into an agreement with the city of Cincinnati specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 1109-2.10(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

Sec. 1109-4. – Appeals and Variances

1109-4.1. - Appeals Board Established.

The board of building appeals established by Article XXX, Section 5 of the Cincinnati Administrative Code shall serve as the appeals board to hear and decide appeals from rulings, orders, and decisions by the floodplain administrator made under the provisions of this Chapter 1109 and may grant variances from and in accordance with the provisions of this Chapter 1109.

1109-4.2. - Powers and Duties.

- A. The board of building appeals shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the floodplain administrator in the administration or enforcement of this Chapter 1109.
- B. The board of building appeals shall have authority to grant variances in specific and rare cases where the applicant has met the burden of showing clear and convincing proof in accordance with Section 1109-4.5.

1109-4.3. – Appeals and Variances.

- A. Any person affected by any notice, interpretation, ruling, order, or other official action of the floodplain administrator may appeal the ruling to the board of building appeals by filing a notice of appeal within thirty days of the date of such ruling.
- B. Any person believing that, owing to unique physical conditions affecting that person's property, strict compliance with the use and development standards of this Chapter 1109 would cause it or surrounding property owners to suffer unnecessary hardship may file an application for a variance.

1109-4.4.- Form of Notices of Appeal and Variance Applications; Public Hearing.

- A. Notices of appeal and applications for variances shall be in writing, signed by the applicant, or agent thereof, and include: (i) the name, address, email, and telephone number of the applicant; (ii) a legal description of the property; (iii) a parcel map; (iv) a description of the existing use of the property; (v) a description of the proposed use, if applicable; and (vi) the location of the floodplain. All notices of appeal and applications for variances shall be filed with the board of building appeals, with a copy provided to the floodplain administrator. Upon receipt of the notice of appeal, the floodplain administrator shall transmit said notice and all pertinent information on which the floodplain administrator's decision was made to the board of building appeals.
- B. Notices of appeal shall additionally set forth in writing: (i) the interpretation, ruling, order, or other action appealed from; (ii) the provisions of the CBC and Ohio Building Code and related laws and ordinances involved; (iii) the reason the notice, interpretation, ruling, order, or other official action is claimed to be erroneous with reference to the standard set forth in Section 1109-4.5; and (iv) the prescribed filing fee.
- C. Applications for variances shall additionally set forth in writing: (i) a description of the variance sought; (ii) the reason for the variance request with references to the standards and factors set forth in Section 1109-4.5; (iii) supporting evidence and documentation; and (iv) the prescribed filing fee.
- D. The board of building appeals shall schedule and hold a public hearing upon receiving a notice of appeal or application for a variance, which notice shall be published in the City Bulletin at least ten days before the date of the hearing. All testimony shall be given

under oath. A complete record of the proceedings, except confidential deliberations of the board, shall be kept, including all documents presented and a record of the testimony of all witnesses. The floodplain administrator may present evidence or testimony in opposition to the appeal or variance. All witnesses shall be subject to cross-examination by the adverse party or that party's counsel. Evidence that is not admitted may be proffered and shall become part of the record for appeal. Within a reasonable time following the conclusion of the hearing, the board shall issue a written decision, containing supporting conclusions of fact.

1109-4.5. Standards and Factors for Reviewing Appeals and Approving Variances.

- A. In its review of a notice of appeal, the board of building appeals shall consider whether the notice, interpretation, ruling, order, or other official action of the floodplain administrator under review is illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of the substantial, reliable, and probative evidence presented by the applicant and other parties at the public hearing.
- B. In its review of variance applications, the board of building appeals shall consider whether the applicant has demonstrated by clear and convincing evidence that, owing to unique physical conditions affecting its property, strict compliance with the use and development standards of this Chapter 1109 would cause it or surrounding property owners to suffer unnecessary hardship. In making this determination, the board of building appeals shall consider the following factors and all other relevant factors and standards specified in other sections of this Chapter 1109:
 - 1. Any increased risk that materials may be swept onto other lands to the injury of others.
 - 2. Any increased risk to life and property due to flooding or erosion damage.
 - 3. Any increased susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 4. The importance of the services provided by the proposed facility to the community.
 - 5. The availability of alternative locations or construction alternatives for the proposed use that are not subject to flooding or erosion damage.
 - 6. The necessity to the facility of a waterfront location, where applicable.
 - 7. The compatibility of the proposed use with existing and anticipated development.
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- C. In addition to its consideration of the standard and factors contained in Section 1109-4.5(B), the board may only issue a variance(s) upon finding all of the following:
1. A showing of good and sufficient cause for the variance(s).
 2. Clear and convincing evidence demonstrating unique and unnecessary hardship to the owner or surrounding properties.
 3. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Financial hardship, inconvenience, or aesthetic concerns of meeting the requirements of this Chapter 1109 do not constitute an exceptional hardship to the applicant.
 4. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this Chapter 1109; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public; or conflict with existing local laws.
 5. A determination that the structure or other development is protected by methods to minimize flood damages.
 6. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 7. A determination that granting the variance would comply with the NFIP regulations in 44 CFR Section 60.6(a).

D. Conditions for Variances

1. Upon granting a variance, the board of building appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter 1109.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Sections 1109-4.5(B)(1 to 11) have been fully considered and a favorable finding as to all of Sections 1109-4.5(C)(1 to 7). As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
4. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurated with the increased risk resulting from the reduced lowest floor elevation.

1109-4.6. - Appeal to the Court.

Those aggrieved by the decision of the board of building appeals as to this Chapter 1109 may appeal such decision to the Hamilton County Court of Common Pleas, pursuant to R.C. Chapter 2506.

Sec. 1109-5. – Enforcement.

1109-5.1. - Compliance Required.

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this Chapter 1109 and all other applicable regulations which apply to uses within the jurisdiction of this Chapter 1109, unless specifically exempted from filing for a development permit as stated in Section 1109-2.9.
- B. Failure to obtain a floodplain development permit shall be a violation of this Chapter 1109 and shall be punishable in accordance with Section 1109-5.2.
- C. Floodplain development permits issued on the basis of plans and applications approved by the floodplain administrator authorize only the use and arrangement of structures and other approved features of a development set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Chapter 1109 and punishable in accordance with Section 1109-5.2.

1109-5.2. - Violations and Penalties.

- A. Violation of the provisions of this Chapter 1109 or failure to comply with any of its requirements shall be deemed to be a strict liability offense and shall constitute a first-degree misdemeanor.
- B. Violations may also be cited as a Class D civil offense in accordance with CMC Title XV Code Compliance and Hearings.
- C. The director of buildings and inspections shall give notice of violations of the provisions of this Chapter 1109 in accordance with Section 1101-61.
- D. Each day a violation continues shall be considered a separate offense.
- E. Nothing herein contained shall prevent the city of Cincinnati from taking such other lawful action as is necessary to prevent or remedy any violation. The city of Cincinnati shall prosecute any violation of this Chapter 1109 in accordance with the penalties stated herein.

Sec. 1109-6. - Definitions and Interpretation.

1109-6.1. – Definitions. Unless specifically defined elsewhere in this Chapter 1109, the words or phrases used in this Chapter 1109 shall have the meanings defined below, regardless of whether or not the words and phrases are capitalized and shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter 1109 the most reasonable application. When the definitions contained herein conflict with the identical terms contained in 44 CFR Section 59.1, the conflict shall be resolved by giving precedence to the definition creating the more stringent interpretation of this Chapter 1109.

Accessory Structure: A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal: A request for review of the floodplain administrator’s interpretation of any provision of this Chapter 1109 or a request for a variance.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or 100 year flood.

Base (100-Year) Flood Elevation (BFE): The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from one to three feet).

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor: See “Lowest Floor.”

Executive Order 11988 (Floodplain Management): Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA): The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill: A deposit of earth material placed by artificial means.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): Usually the initial map produced by the Federal Emergency Management Agency or U.S. Department of Housing and Urban Development for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones: Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A: Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.

Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.

Zone AO: Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of one to three feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH: Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of one to three feet (usually areas of ponding); base flood elevations are determined.

Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS): The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on flood boundary and floodway maps), and the water surface elevations of the base flood.

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Flood Protection Elevation (FPE): The Flood Protection Elevation is the base flood elevation plus one foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway: A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
4. Individually listed on the inventory of historic places maintained by the city of Cincinnati's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis: An analysis performed by a professional engineer, registered in the state of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Letter of Map Change (LOMC): A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective FIRMs, Flood Boundary and Floodway Maps, and FISes. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain, and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR): A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective FIRMs, Flood Boundary and Floodway Maps, or FISes.

Lowest floor: The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an “enclosure below the lowest floor” which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in this Chapter 1109 for enclosures below the lowest floor.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.” For the purposes of this Chapter 1109, a manufactured home includes manufactured homes and mobile homes as defined in R.C. Chapter 4781.

Manufactured home park: As specified in the Ohio Adm. Code Section 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation, are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

Market value of the structure: The “market improvement value” as determined by the Hamilton County auditor or by a current appraisal of the fair market value of the improvements (not including the land value of the parcel).

Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s FIRM are referenced.

National Flood Insurance Program (NFIP): The NFIP is a federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the federal government will make flood insurance available within the community as a financial protection against flood loss.

New construction: For floodplain management purposes, new construction refers to structures for which the “start of construction” commenced on or after the effective date of a floodplain ordinance adopted by the city of Cincinnati and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the “start of

construction" commenced on or after the effective date of the initial city of Cincinnati FIRM of October 15, 1982, whichever is later, and includes any subsequent improvements or alterations to such structures regardless of whether the work was performed with or without permits.

Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in R.C. Section 111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle: A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect: A person registered to engage in the practice of architecture pursuant to R.C. Chapter 4703.

Registered Professional Engineer: A person registered as a professional engineer pursuant to R.C. Chapter 4733.

Registered Professional Surveyor: A person registered as a professional surveyor pursuant to R.C. Chapter 4733.

Residential building: A non-commercial building designed for habitation by one or more families or a mixed-use building that includes a single family, two-to-four family, or other residential use. Hotels, motels, and dormitories shall be included under this definition.

Special Flood Hazard Area: Also known as "Areas of Special Flood Hazard." The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by FEMA on FIRMs, FISes, Flood Boundary and Floodway Maps and FHBMs as Zones A, AE, AH, AO, A1-30, or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state, or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or

foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure: A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to the “before damaged” condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes improvement of structures, which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include:

1. Any improvement to a structure that falls under the definition of “new construction” in this Chapter 1109.
2. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
3. Any alteration of or addition to an “historic structure,” provided that the alteration or addition would not preclude the structure’s continued designation as a “historic structure.”

Variance: A grant of relief from the standards of this Chapter 1109.

Violation: The failure of a structure or other development to be fully compliant with this Chapter 1109.

1109-6.2. - Abrogation and Greater Restrictions.

This Chapter 1109 is not intended to repeal any existing ordinances including subdivision regulations, zoning, or building codes. In the event of a conflict between this Chapter 1109 and any other ordinance, the more restrictive shall be followed. This Chapter 1109 is not intended to repeal, abrogate, or impair any existing ordinance, easement, covenant, or deed restrictions.

However, where this Chapter 1109 and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1109-6.3. – Interpretation.

In the interpretation and application of this Chapter 1109, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this Chapter 1109 may be in conflict with a state or federal law, such state or federal law shall take precedence over this Chapter 1109.

1109-6.4. – Severability.

Should any section or provision of this Chapter 1109 be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Chapter 1109 as a whole, or any part other than that declared to be unconstitutional or invalid.

Section 4. That Section 1501-9, “Class D Civil Offenses,” of Chapter 1501, “Code Compliance and Hearings,” is hereby amended to read as follows:

Sec. 1501-9. - Class D Civil Offenses.

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class D Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

(a) Class D Civil Offenses with Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 720-13	Private Facilities	Class E
(2)	§ 720-45	Notice of Violations	Class E
(3)	§ 720-69	Notice to Correct Drainage	Class E

			Civil Fine for Subsequent Offense
(4)	Chapter 855	Rooming Houses	Class D
(5)	Chapter 895	Outdoor Advertising Signs	Class D
(6)	Chapter 1101	Administration, Cincinnati Building Code	Class E
(7)	Chapter 1106	General and Specialty Contractors	Class E
(8)	Chapter 1107	Elevator and Conveyer Equipment	Class E
(9)	Chapter 1117	Housing Code	Class E
(10)	Chapter 1119	Building Hazard Abatement Code	Class E
(11)	Chapter 1127	General Inspection Programs Code	Class E
(12)	Title XIV	Zoning Code	Class E
(13)	§ 1201-21	Maintenance	Class D
(14)	§ 1201-33	Evacuation	Class D
(15)	§ 1201-35	Spills and Leaks	Class D
(16)	Chapter 1235	Detectors, Early Fire Warning Systems	Class D
(17)	§ 1123-11(a)	Vacant Foreclosed Property Registration - Failure to register a vacant, foreclosed property.	Class E
(18)	§ 874-07(a)	Failure to Register Residential Rental Property	Class D
(19)	<u>Chapter 1109</u>	<u>Flood Damage Reduction</u>	<u>Class E</u>

(b) Class D Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 718-25	Secret Street Uses	Class E
(2)	§ 721-59	Taking Material from Streets	Class E
(3)	§ 729-71(c)(2)	Personal Property Left Abandoned on Streets and Sidewalks - 4 or more items	Class D
(4)	§ 761-14	Eviction or Retaliation by Landlord	Class E
(5)	Chapter 891	Home Improvement	Class E
(6)	§ 1201-47	Failure to Comply with Orders	Class D
(7)	§ 1219-21	Causing Fire Through Negligence	Class D
(8)	Chapter 1251	Fire Starting Apparatus	Class D
(9)	§ 759-4	Use of a Motor Vehicle to Facilitate a Drug Related Crime	Class D
(10)	Chapter 722	Management and Control of the Use of the City Right-of-Way	Class E
(11)	Chapter 730	Commercial Waste Franchises	
(12)	§ 856-25(c)	Violation of Limitations on Operators or Operation of Short Term Rentals	Class D
(13)	§ 1125-17(1)	Failure to Register a Vacant Building	Class E
(14)	§ 1601-57	Enforcement of Emergency Orders	Class D
(15)	§ 1601-59	Enforcement of Health Orders	Class D
(16)	Chapter 811	e-Scooter Rental Franchises	Class D

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6, be effective immediately. The reason for the emergency is the immediate necessity to adopt National Flood Insurance Program (NFIP) compliant floodplain management regulations to allow sufficient time for Ohio Department of Natural Resources review and approval before the June 7, 2023 deadline, so that flood-prone properties in the City

may continue to be eligible to purchase flood insurance from the National Flood Insurance Program.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

May 10, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager 202301355

Subject: Resolution for *Do You Live CT?* as the planning guide for the Columbia Tusculum neighborhood.

Transmitted is a Resolution captioned:

APPROVING *Do You Live CT?* as the planning guide for the Columbia Tusculum neighborhood.

The City Planning Commission recommended approval of the plan at its May 05, 2023 meeting.

Summary:

The Department of City Planning and Engagement, along with the Columbia Tusculum Community Council (CTCC), *Do You Live CT?* steering committee and community members, are pleased to share the result of a two-and-a-half-year planning effort to create their first neighborhood-wide plan for Columbia Tusculum.

The purpose of this neighborhood plan is to establish an innovative direction for the eastern community, update it to 2023 and to plan out the next ten-to-fifteen years for the neighborhood. This plan documents Columbia Tusculum's visions for the future while focusing on four theme areas: Business, Transportation & Connections, Housing & Development, and Public Space & Community.

The City Planning Commission recommended the following on May 05, 2023, to City Council:

APPROVE *Do You Live CT?* as the Columbia Tusculum neighborhood's guiding comprehensive plan document.

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



CHM

EESW

RESOLUTION NO. _____ - 2023

APPROVING Do You Live CT? as the planning guide for the Columbia Tusculum neighborhood.

WHEREAS, beginning in 2020, the City and a group of community stakeholders formed a Steering Committee to champion a planning process to develop an innovative, comprehensive plan for the Columbia Tusculum neighborhood; and

WHEREAS, community stakeholder engagement led to the creation of Do You Live CT? (“Plan”) to serve as the guiding instrument for the future development of the Columbia Tusculum neighborhood; and

WHEREAS, the Plan identifies four theme areas to guide containing the goals, strategies, and action steps to achieve the desired vision for the future development of Columbia Tusculum; and

WHEREAS, the Columbia Tusculum Community Council and community stakeholders desire for the Plan to be officially approved by the Council so that it may serve as the City of Cincinnati’s official planning guide for the Columbia Tusculum neighborhood; and

WHEREAS, the Plan is consistent with the Strategies for all five Initiative Areas of Plan Cincinnati (2012), including the “Compete” Initiative Area goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity” as described on page 102; the “Connect” Initiative Area goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood vitality” as described on page 129; the “Live” Initiative Area goal to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” as described on page 150; the “Sustain” Initiative Area goal to “[p]rotect our natural resources” as described on page 194; and, the Collaborate Initiative Area goal to “[w]ork in synergy with the Cincinnati community” as described on page 210; and

WHEREAS, at its meeting on May 5, 2023, the City Planning Commission reviewed the Plan and recommended it for approval; and

WHEREAS, a committee of Council considered and approved the Plan, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, Council considers the Plan to be in the best interests of the City and the public’s health, safety, morals, and general welfare; now, therefore,

BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Do You Live CT? furthers the goals, strategies, and visions of the City of Cincinnati and its comprehensive plan, Plan Cincinnati (2012).

Section 2. That Do You Live CT? attached hereto as Attachment "A" and incorporated herein by reference, is hereby approved.

Section 3. That this resolution be spread upon the minutes of Council, and that the Clerk of Council send a copy to the Columbia Tusculum Community Council at P.O. Box 68075, Cincinnati, OH 45206.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

DO *You* LIVE CT?

A Neighborhood Plan

Columbia Tusculum
Cincinnati, OH

Columbia Tusculum Community
Council

Approved 11/21/22

City Planning Commission

Approved XX/XX/23

City Council

Approved XX/XX/23



COLUMBIA
TUSCULUM

EST 1788

239



APPROVED

Columbia Tusculum Community Council
Interdepartmental Review
City Planning Commission
Equitable Growth and Housing Committee
City Council

11/21/2022
04/26/2023
xx/xx/2023
xx/xx/2023
xx/xx/2023



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ACKNOWLEDGMENTS

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Aftab Pureval

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Special Thanks To...

The Carnegie Center
Streetside Brewery
Columbia Tusculum Community Council
and more.

This plan could not have been completed without all of those who contributed by sharing your stories, ideas, expertise, and most importantly, time.





DEDICATION

Do You Live CT? is dedicated to former City of Cincinnati employee, colleague, and friend, **Jared Ellis**.

Jared was with Columbia Tusculum at the very start of the neighborhood plan process, and helped step up the success of this neighborhood plan. Humorous, passionate, kind, and dedicated are just a few of the million words to describe Jared. He was a hard-working and proud city planner and all the community members loved working with Jared. He was a prime example of the perfect public servant.

This plan will continue to carry Jared's spirit forward.

EXECUTIVE SUMMARY

The Department of City Planning and Engagement, along with the Columbia Tusculum Community Council, **Do You Live CT?** Steering Committee and community members are pleased to share the results of a two and a half year effort to create the most recent neighborhood plan for Columbia Tusculum. In early 2020, the Columbia Tusculum Community Council requested assistance from the Department of City Planning and Engagement to prepare an updated plan for the neighborhood. The purpose of this new plan was to establish an innovative direction for the eastern community, updating it to 2022 and to plan out the next ten-fifteen years of the neighborhood.

This plan documents the neighborhood's vision for the future while focusing on four Theme Areas: **Transportation & Connections, Business, Housing & Development, and Public Space & Community.** These Theme Areas were created by the Steering Committee at the beginning of the planning process and helped shape the outline and vision of this document. The Theme Areas may be found below in addition to the theme vision.



BUSINESS

CT strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, walkability, and accessibility to Cincinnati's greatest playground while honoring our colorful heritage as Cincinnati's oldest community.



TRANSPORTATION & CONNECTIONS

Increasing safety and efficiency to promote a vibrant and diverse neighborhood for residents and visitors by implementing pedestrian safety, traffic calming, and beautification. Thereby creating connectivity within a balanced network of transportation and recreation options including enhanced roads, walkways, and trails.



HOUSING & DEVELOPMENT

CT is a community embracing its historic roots and is inclusive to all incomes and backgrounds. We strive to maximize the 15-minute community model with an emphasis on walkability and accessibility, integrate business assets and housing in a safe and "green" way, and grow with a diverse range of structure types, sizes, costs, and uses.



PUBLIC SPACE & COMMUNITY

Building on our history, CT is committed to developing and preserving a safe, walkable neighborhood filled with charm and areas for recreation and community engagement.

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INTRODUCTION

Columbia Tusculum has not had a plan since the Columbia Tusculum Urban Design Plan Phase II which was adopted in 1999. **Do You Live CT?** is the first plan dedicated to the entire neighborhood as a whole. In addition to the Urban Design Plan, the Columbia Tusculum Neighborhood Business District Plan was adopted in 1996. Both of these previously approved plans were re-reviewed to continue the same vision but updated to the 2020s.

Do You Live CT? showcases the entire neighborhood's vision and goals for the next few decades. Located on the east side of the City of Cincinnati and being the City's oldest neighborhood, Columbia Tusculum offers a unique and historic experience to residents and visitors. Although, primarily a residential community, Columbia Tusculum boasts a number of well-known businesses such as Allyn's Café, Stanley's Pub and The Precinct, and is home to the Carnegie Center. Containing a number of historic homes, Columbia Tusculum is known for its prestigious, hillside housing stock which offers beautiful views of the surroundings areas.

This document outlines the history, acknowledging the neighborhood's rich past and present, existing conditions, goals and strategies, and implementation timelines. This plan, created through the community-led, lengthy process, will guide Columbia Tusculum for future policy and development recommendations, investment and programming decisions, identification of key aspects for safe and viable connections, business-promotion, and community engagement.



History

HISTORY

Benjamin Stites, **the founder of Columbia**, first explored the area when pursuing a band of Native American horse thieves up the Little Miami Valley while on a trading expedition in Kentucky. He returned to his family in Pennsylvania and traveled to New Jersey where he spoke to John Cleves Symmes, a member of Congress. Symmes had made a large purchase of land in modern-day Ohio and agreed to sell a parcel of 20,000 acres to Stites located near the junction of the Ohio and Little Miami River in what was known as the Northwest Territory.

Benjamin Stites gathered a party of 26 settlers, and they landed at the first high bank approximately one mile north of the mouth of the Little Miami on November 18th, 1788, establishing Columbia. It was the only second white settlement in Ohio and was competing to be the major village in Symmes' purchase. Due to frequent flooding from the Ohio River and the United States Army's decision to build Fort Washington at Losantiville (modern day Cincinnati), the dominant community in southwest Ohio became Cincinnati instead of Columbia.

Columbia's early days began with the establishment of guards and blockhouses, which became a fort known as Fort Miami. The settlers had initial friendly contact with the Native Americans, and the Native Americans would make visits to the blockhouses and join the settlers in festivities, but this uneasy calm lasted only a few months. In 1789, several settlers were killed and captured by the Native Americans. The conflict between the Native Americans and the settlers in the first years of Columbia was so severe that early maps marked the name of the settlement as "Slaughterhouse".

Columbia established the first school in Hamilton County on June 21st, 1790, along with a cornmill, and by the end of 1790, there were 50 cabins. However, Columbia never flourished into a major commercial center due to its flooding problem, which led to the residents of Columbia moving between 1800 and 1815 to slightly higher ground at the base of Tusculum hill. The only remains of the first location of Columbia are the Pioneer Cemetery, and the last blockhouse from the first settlement collapsing in 1838 due to an unusually large wake created by two passing steamboats.

Compared to the earlier years, Columbia became a fairly prosperous community in the 19th century and was home to an economy based on agriculture, manufacturing, and river trade due to the fertile land and the nearby Ohio River. Columbia became a center of transportation early on in its history with a road surveyed from Cincinnati to Columbia, the Anderson Turnpike passing through Columbia on its route to Chillicothe in 1835, and the incorporation of the Little Miami Railroad in 1836. The town also witnessed the evolution of flatboats to steamboats that utilized Columbia as a place to dock and trade. In 1866, the Cincinnati and Columbia Railway Company began operation of "steam dummies," which were a popular way for residents to get from Columbia to Mt. Lookout.

In 1863, Nicholas Longworth, who was the largest landowner and Cincinnati's first millionaire, passed away, and the land was subdivided and would come to be known as Longworth's Tusculum. The area covered from modern-day Eden Park to Alms Park and once held vineyards, which deteriorated due to black rot and loss of laborers during the Civil War. In 1866, Joseph Longworth laid out two major subdivisions, Undercliff and Mt. Tusculum, in that area of Columbia. The latter subdivision, which included Nicholas Longworth's vineyards, had lots ranging in size from 5,000 square feet to twelve

acres, which were intended for the well-to-do. These sold very slowly, while the lots in Undercliff that included smaller lots aimed at nearby workers sold three times as fast.

Due to numerous transportation connections, Columbia officially became incorporated as a village in 1868 and was annexed by the City of Cincinnati in 1873. Columbia had an extensive business district and was home to major employers such as the Boldt Glass Company on Davis Lane. In 1907, the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad, which then controlled the old Little Miami line, purchased land in Undercliff and constructed a mile-long railyard, solidifying Columbia as a hub of railroad activity. This resulted in industrial and lower-income housing being established near the river and railroad while the hillsides and hilltops of Tusculum remained middle-income and wealthy residential areas. In 1925, E.H. Lunkenheimer donated 204 acres of ground in modern-day Linwood, right next door to Columbia, for the construction of Lunken Airport, which would come to be known as one of the largest and finest municipal airports in the world in the 1930s.

Between 1930 and 1937, Columbia Avenue was improved to establish Columbia Parkway, which became the main artery connecting communities across the East End of Cincinnati, including Columbia and Tusculum.

While the town did rely on the Ohio River for its economic success in its early years, the river would cause major floods in 1913, 1918, and 1924, with the worst flood being in 1937, reaching a final crest of 80 feet and submerging most of Columbia. After the end of WWII, and with soldiers returning from the war, many people in Columbia-Tusculum started to move out to the suburbs, which resulted in a decline in the area. There were waves of migrants through the 1970s, with new residents from eastern Kentucky looking for job opportunities and moving to Columbia-Tusculum.

Starting in the late 1970s, there was renewed interest in both living in the city and Victorian architecture, which resulted in many young people returning to the area and restoring the historic homes to their former glory. New construction followed, and new businesses, including specialty stores, started establishing themselves in the commercial district along with new firms, taking the place of older industries.



Lunken Airport 1940 (Cincinnati Museum Center)



Lunken Airport 1940 (Cincinnati Museum Center)



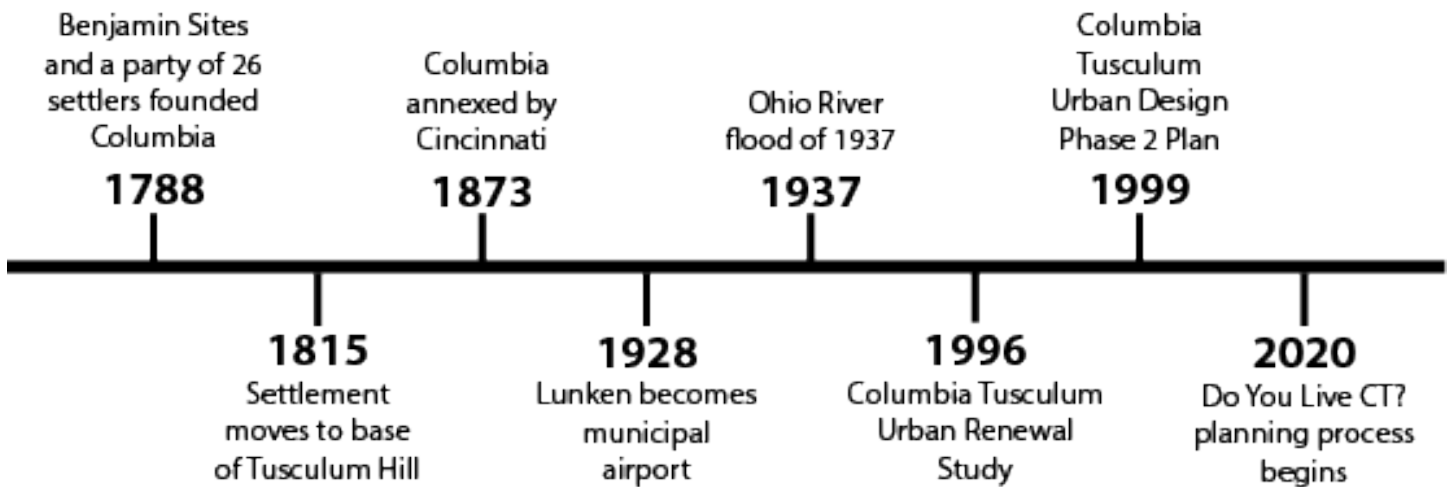
Columbia Parkway 1938 (University of Cincinnati Library)

There are many historic areas and buildings in Columbia-Tusculum such as the Columbia Business District, Columbia Baptist Church, St. Stephen's Roman Catholic Church, Spencer Township Hall, Odd Fellows Temple, Columbia post office, Sixth District Police Station, McKinley Public School, and the American Legion Hall.



Source: **The Bicentennial Guide to Greater Cincinnati: A Portrait of Two Hundred Years**

History Synopsis Timeline



A Columbia Tusculum History

Historical Housing

Columbia Tusculum has a beautiful stock of historic housing that ranges over the span of the past two centuries. Additionally, the neighborhood was the site of Homearama 2020, which added a fair amount of new luxury housing to the area. With housing stock ranging from the early 1800's homes of prominent families to modern-day mini-McMansions, the neighborhood has homes from every decade, with surpluses of housing occurring during the neighborhood's most popular decades.

With railway, streetcar and steamboat transportation methods allowing the area to be substantially more accessible, a multitude of housing was built during the late 1800's up until the early 1920's. Classic Victorian homes were built to line the streets of the neighborhood, creating a uniform-looking area.

It wasn't until the late 1970's and into the 80's that after a gradual decline in population due to a want for a more suburban lifestyle, Columbia Tusculum gained a revival of interest due to the oil crisis and new interest in Victorian architecture. This resulted in another surplus of new homes to be built, in addition to the Victorian homes being renovated and restored to the glory of their earlier days.

This new interest towards living in the city while still being able to live within a small, suburban-style community has only gained more momentum since the late 1970's and as such, a combination of modern row houses and luxury suburban homes have been built throughout the neighborhood.

31%
1930 & Before
Source: 2016-2020 ACS

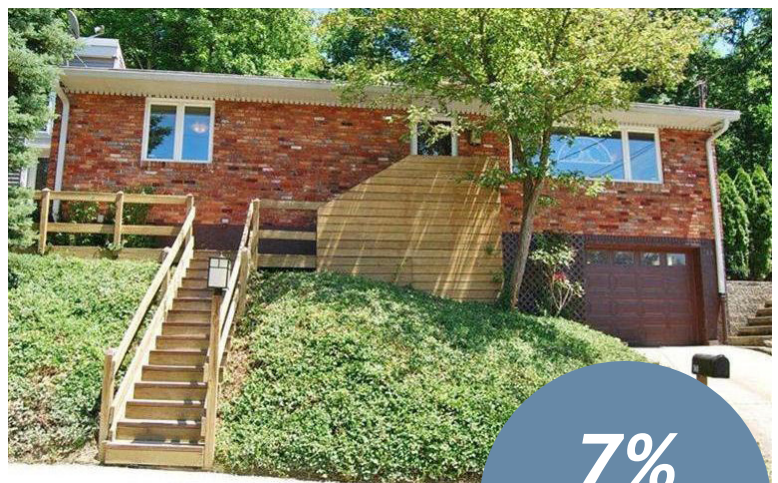


533 Tusculum Ave
circa **1880**
(zillow.com)



1%
1940 - 1949
Source: 2016-2020 ACS

617 Athens Ave
circa **1946**
(realtor.com)



548 Hoge St circa **1959**
(realtor.com)

7%
1950 - 1959
Source: 2016-2020 ACS

Historic Homes



7%
 1960 - 1969
 Source: 2016-2020 ACS

736 Elsinboro Dr circa **1969**
 (realtor.com)



18%
 1970 - 1979
 Source: 2016-2020 ACS

701 Reisling Knoll
 circa **1978**
 (realtor.com)



8%
 1980 - 1989
 Source: 2016-2020 ACS

443 Flinn Ave
 circa **1938**
 (realtor.com)



15%
 1990 - 1999
 Source: 2016-2020 ACS

606 Athens Ave circa **1994**
 (realtor.com)



5%
 2000 - 2009
 Source: 2016-2020 ACS

533 Hoge St circa **2000** (realtor.com)



8%
 after 2009
 Source: 2016-2020 ACS

558 Empress Ave circa **2015** (zillow.com)

15

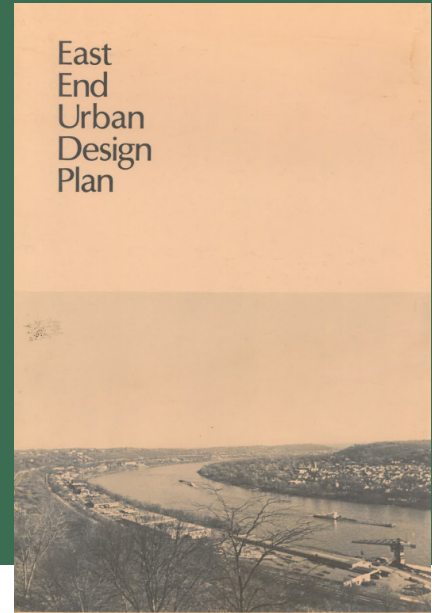
1977 East End Urban Design Plan

The 1977 plan was developed as an outline for the future of East End, giving direction for future public improvement projects. A general focus of the design plans was to encourage rehabilitation and preservation of exiting residential units where economically feasible with a lesser emphasis on commercial and industrial development.

Although the 1977 East End Urban Design Plan encompasses goals and strategies for the entirety of the East End Area, Columbia Tusculum was designated as the focus area since it contained the largest concentration of people, and the neighborhood's location lent the area to be a "major image-maker" for the rest of East End.

The plan identified five major goals for the Columbia Tusculum Area:

- 1) Create a "new" historical image tied to the community's river heritage,
- 2) Reinforce an active neighborhood center on Eastern Avenue including a revitalized commercial district and public events,
- 3) Develop safe and attractive linkages to connect the community,
- 4) Provide a reasonable balance between pedestrian and vehicular needs, and
- 5) Upgrade the visual image of the community through good urban design.

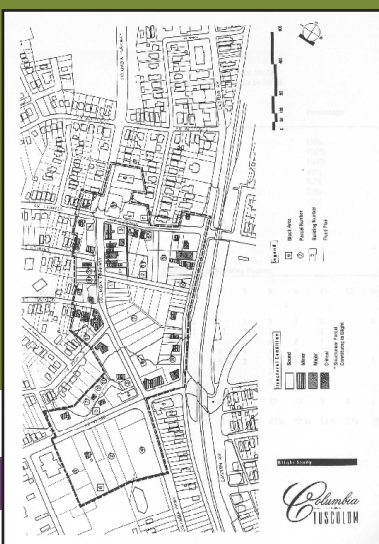


1996 Columbia Tusculum Urban Renewal Study

The 1996 study of Columbia Tusculum's Neighborhood Business District (NBD) focused on determining whether the study area should be considered blighted based on the definition laid out in the Cincinnati Municipal Code.

Based on fourteen (14) factors of blight, the study found that 89% of structures or vacant parcels in the study area fulfilled the outlined criteria.

The study concluded that Columbia Tusculum's NBD should be designated as a "blighted area," proposing development options for large vacant parcels at Delta Avenue and Columbia Parkway to improve and further develop those areas.



PREVIOUSLY APPROVED PLANS

Columbia Tusculum has had two past plans – one **Neighborhood Business District Urban Renewal Study** (1996) and one **Neighborhood Business District Urban Design Plan** (1999) – and was also mentioned in the **East End Urban Design Plan** (1977). These plans were considered in the creation of this plan. This section provides an overview of the past plans for the neighborhood.

1999 Columbia Tusculum Urban Design Phase II Plan

Following the 1996 urban renewal study, the goal of the 1999 Neighborhood Business District Urban Design Plan was to modify and direct new strategies for development and the community based current conditions and a review of the goals, strategies, and implementation of the earlier Phase and the Columbia Tusculum Focus Area of the 1977 East End Urban Design Plan.

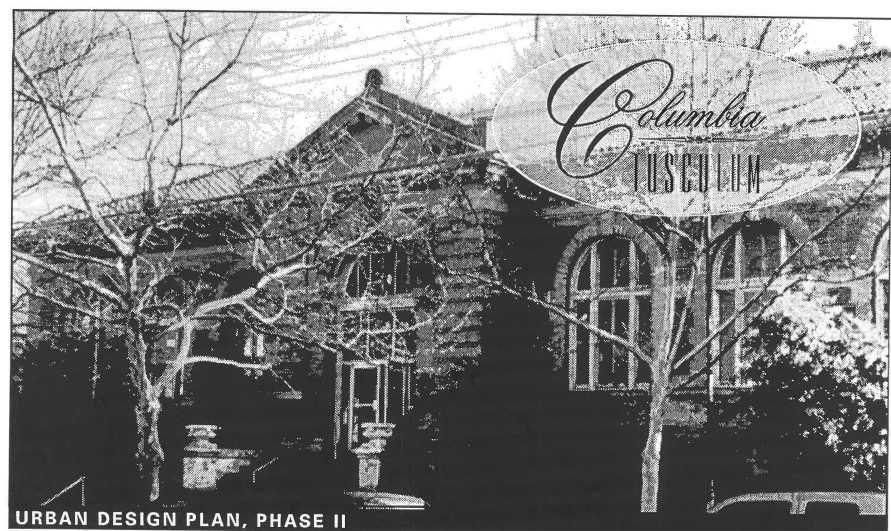
Under the three umbrellas of Image & Identity, Design & Infrastructure, and Business Development, Retention & Recruitment, the Phase II Plan identified the following goals:

- Create an attractive, positive image and identity for the district;
- Provide attractive, safe, and serviceable vehicular and pedestrian circulation into and through the district;
- Improve the serviceability of flood prone areas;
- Maintain the existing historic architectural character of the district;
- Improve alternative transportation options through the district;
- Reconnect Columbia Tusculum to the river and its river history;
- And maintain and strengthen the neighborhood's economic environment.

Neighborhood plans are crucial for residents to have a concrete vision of their neighborhood which may be used to reference and guide the future of their community.

Neighborhood plans also make it easier to obtain grants or other funds for recommendations in their plan.

Lastly, plans make it easier to get support from City Council on the direction the community wishes to proceed in regarding development.



Prepared for
Department of Economic Development
City of Cincinnati

Final
February 17, 1999

Prepared by
Office of Architecture and Urban Design
Division of Engineering
Department of Public Works &
Department of City Planning
City of Cincinnati

EXISTING CONDITIONS

Columbia Tusculum offers residents a **dense suburban feel**, often referred to as “the San Francisco” of Cincinnati. As the city’s oldest neighborhood, it maintains its historical housing stock proudly, being famous for its many “Painted Lady” Victorian houses. The neighborhood is home to many young professionals as it offers an easy commute Downtown and boasts a variety of restaurants, bars, and breweries.

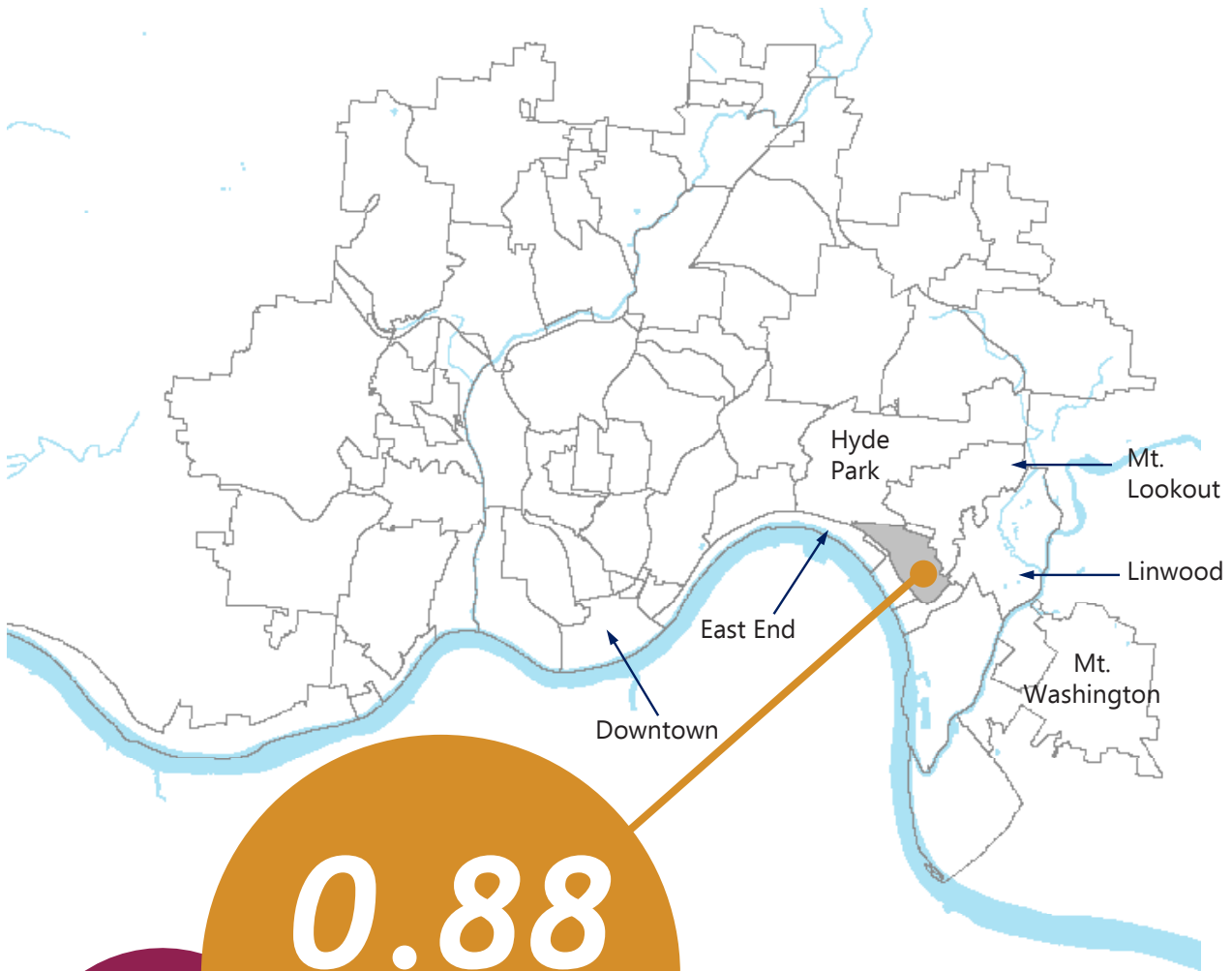
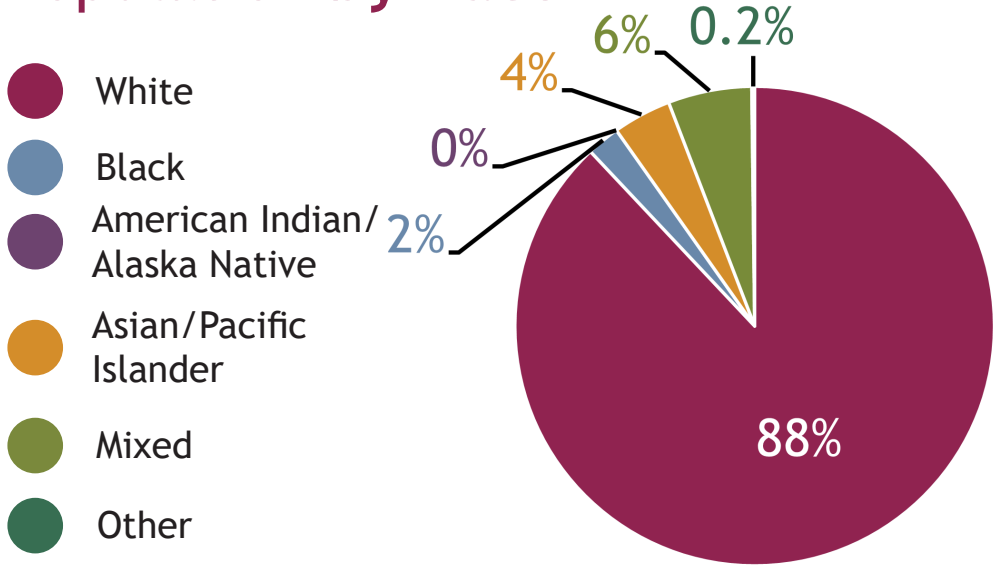
The map below outlines the boundary of Columbia Tusculum, also displaying the Urban Design Overlay District, Neighborhood Business District, and the Overlap Boundary with the East End. Columbia Tusculum is one of Cincinnati’s smallest neighborhoods at 0.88 square miles (563.2 acres).



Population by Race

Columbia Tusculum is situated in the "east side" of the City and is directly adjacent to the neighborhoods of Hyde Park, Mt. Lookout, Linwood, and the East End.

There is additionally an Overlay portion of the neighborhood shared with the East End.



0.88
Square Miles
42nd largest neighborhood

563.2
acres

Map of the City of Cincinnati

Population

1,523
Total Population
Source: 2020 Census

32
Median Resident Age
Source: 2016-2020 ACS

Cincinnati
32.4

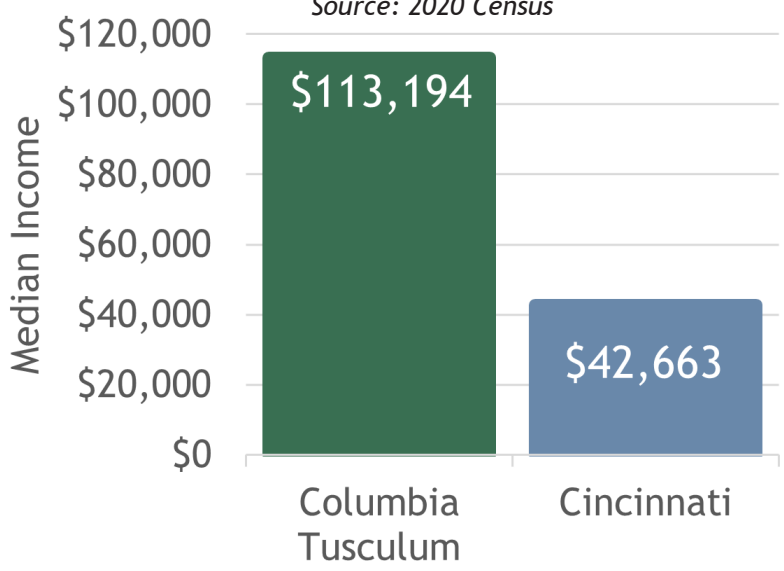
17%

Population increase
from 2010 to 2020
Source: 2010 & 2020 Census



71%
of residents moved to
Columbia Tusculum
after 2010
Source: 2016-2020 ACS

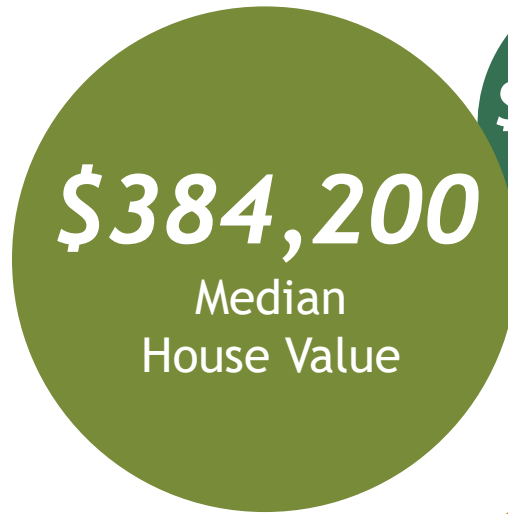
Columbia Tusculum and
Cincinnati 2020 Median Income
Source: 2020 Census



90%
commute alone by
personal vehicle
Source: 2016-2020 ACS

99%
of households own
at least 1 vehicle
Source: 2016-2020 ACS

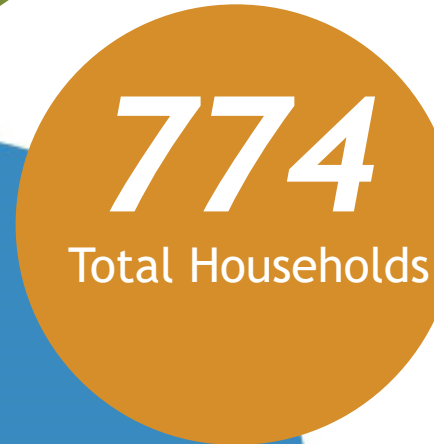
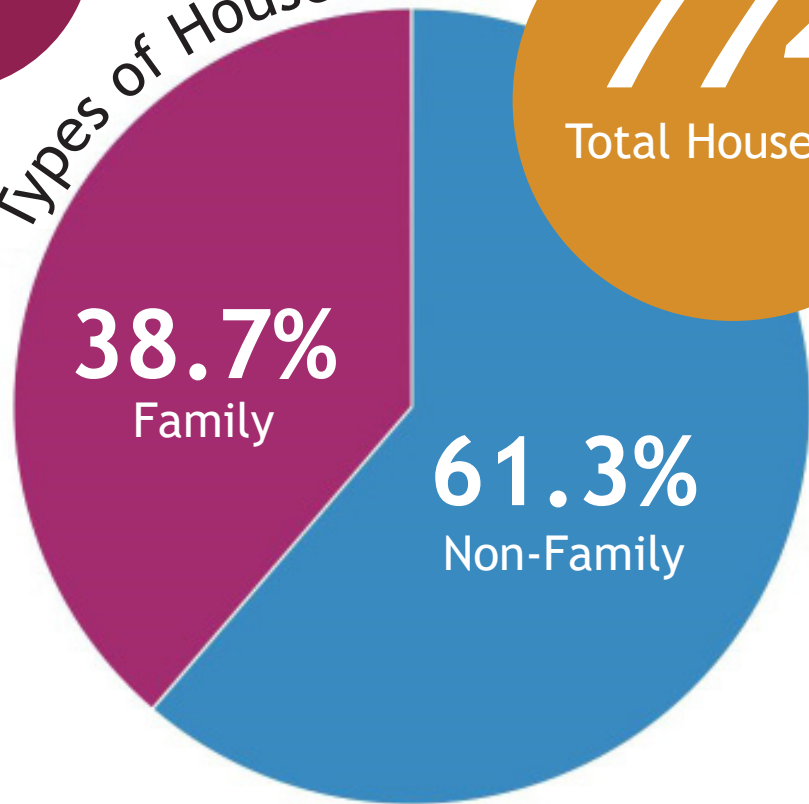
Housing



With being the **42nd largest neighborhood** in Cincinnati, Columbia has a population just over 1,500 residents and is 0.88 square miles.

The housing stock and historic homes in Columbia Tusculum are the main components on what makes the neighborhood the way it is today. The median home value of \$384,000 is nearly three times more than the City-wide median which is \$138,000.

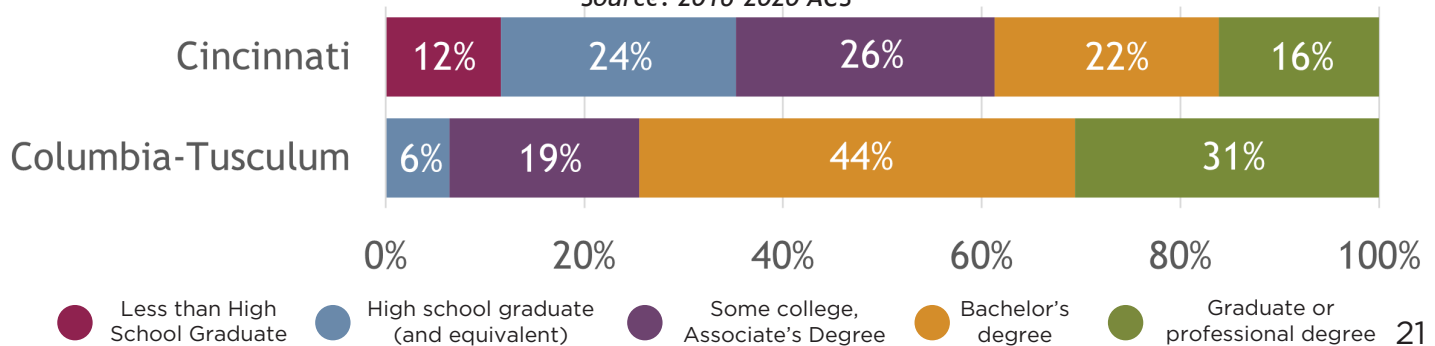
Types of Households



Education

Educational Attainment in Columbia Tusculum compared to Cincinnati

Source: 2016-2020 ACS



What does CT mean to you?



DO YOU LIVE CT? COLUMBIA TUSCULUM

DO YOU LIVE CT? is a neighborhood plan focused on Columbia Tusculum's new visions for the future. You are invited to attend our upcoming Working Group meeting to discuss goals and action steps focused around accomplishing this revitalization in the following theme areas:

- Business
- Housing & Development
- Transportation & Connections
- Public Space & Community

All are welcome and encouraged to join!

If you are interested in learning more, signing up for a working group, or attending the meeting, please contact:
Jesse Urbancsik at jesse.urbancsik@cincinnati-oh.gov

WHEN + WHERE

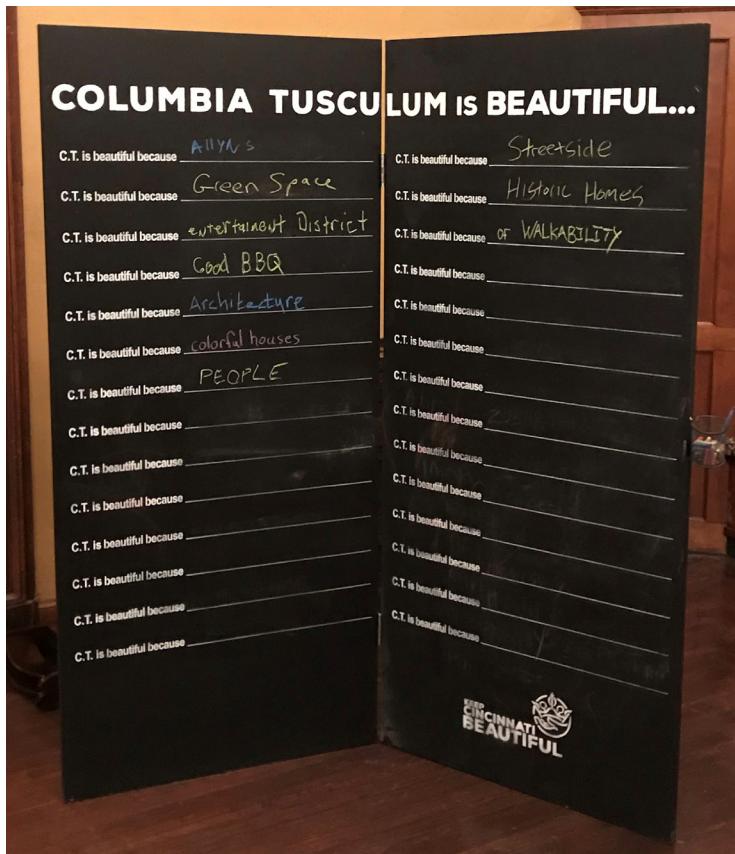
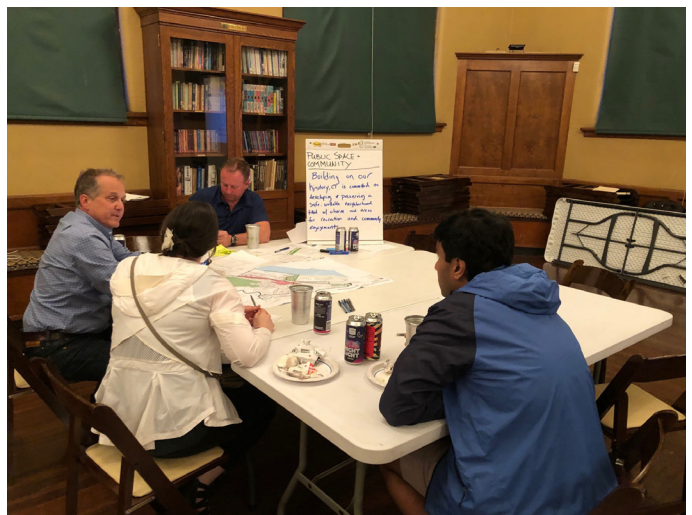
MONDAY, November 29, 2021

Starting at 6:00pm
at the CARNEGIE CENTER
3738 Eastern Avenue, Cincinnati, OH 45226

SCAN ME



For more information, please visit <http://www.cincinnati-oh.gov/planning/> or scan the QR Code above



All photos on this page were provided by:
Andy Juengling and Jesse Urbancsik

PLANNING PROCESS

The **Do You Live CT?** planning process consisted of a two-and-a-half-year long community-led process. The Columbia Tusculum Community Council requested a neighborhood plan through the Department of City Planning and Engagement. This planning process began in early 2020, right before the Covid-19 Pandemic commenced.

The kickoff meeting for **Do You Live CT?** was held on February 24, 2020 at the Carnegie Center, much like the rest of the working group meetings. The kickoff was a huge success with over 35 residents and community members attending. This meeting allowed community members to become familiar with and learn about the neighborhood planning process and to voice their comments regarding their vision for the neighborhood. The Kickoff had boards and input stations showcased at the Carnegie Center to gather feedback on what the priorities of the plan should be, including the plan name, **Do You Live CT?**, which was picked by residents.

The goal of the Kickoff meeting was to identify the potential themes of the plan, while establishing a steering committee of residents, business owners and community council officials who would oversee the planning process along with the Department of City Planning & Engagement. Four official theme areas were created: Transportation & Connections, Business, Housing & Development and Public Space & Community. These theme areas ultimately guided conversations between the steering committee, staff, and residents to assist them in moving forward in the formation of the goals, strategies, and action steps found in this plan. (These Theme Areas are additionally found on p. 7).

The steering committee held meetings to plan future working groups and to prioritize topics and future goals. The working groups were split up and identified by the themes mentioned above. The first working group meeting was held on June 21, 2021 at the Carnegie Center to outline the roles of each working group and to develop vision statements for each theme. The second meeting was held on September 20, 2021 with a focus on creating goals for each of the four themes. The third meeting was held on November 29, 2021 which finessed the goals and drafted strategies and action steps for the theme areas. The last meeting was held on March 28, 2022 which finalized these strategies and action steps as well as oriented the conversations around land use and zoning. All working group meetings were notified via social media and the Department's webpage, as well as the inclusion of physical flyers in which steering committee members passed out to businesses and residences.

A total of four steering committee meetings were held, mostly virtually via Zoom due to the Pandemic, and a total of four working group meetings were hosted and held for the public. Snacks and beverages were additionally provided by generous members of the steering committee. Over 50 individuals from the Columbia Tusculum neighborhood attended or participated in providing input for this plan.

The planning process was also uplifted by assistance from a University of Cincinnati student who curated a website that described the ongoing planning process, in addition to the draft priorities, existing conditions, history, and past plans. The webpage also enabled additional involvement from the public by allowing residents to sign up for updates, take a survey, and upload their favorite photos of the neighborhood!

Visit!

Columbia Tusculum Neighborhood Planning Process ArcGis Hub:
<https://do-you-live-ct-ucgissa.hub.arcgis.com/>

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PLAN THEME AREAS

The steering committee worked to identify **Theme Areas** that will transform into Working Groups for the planning process. These themes are centered around transportation and connections, business, housing and development, and public space and community. All four of these themes were developed through collaboration with city planners as well as the working groups representing the Columbia Tusculum neighborhood.

These Theme Areas will help to guide conversations moving forward and assist in the formation of the goals and strategies that will be identified in this plan. Each of the theme areas will be found on the next several pages, including the goals, strategies, and action steps for all four. The vision statements for all four may are below:



BUSINESS

CT strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, walkability, and accessibility to Cincinnati's greatest playground while honoring our colorful heritage as Cincinnati's oldest community.



TRANSPORTATION & CONNECTIONS

Increasing safety and efficiency to promote a vibrant and diverse neighborhood for residents and visitors by implementing pedestrian safety, traffic calming, and beautification. Thereby creating connectivity within a balanced network of transportation and recreation options including enhanced roads, walkways, and trails.



HOUSING & DEVELOPMENT

CT is a community embracing its historic roots and is inclusive to all incomes and backgrounds. We strive to maximize the 15-minute community model with an emphasis on walkability and accessibility, integrate business assets and housing in a safe and "green" way, and grow with a diverse range of structure types, sizes, costs, and uses.



PUBLIC SPACE & COMMUNITY

Building on our history, CT is committed to developing and preserving a safe, walkable neighborhood filled with charm and areas for recreation and community engagement.

Photo by: Moey Inc



Photo by: Moey Inc

BUSINESS THEME AREA

Goal 1 Increase Business Density



1.1: Fill empty storefronts and prioritize filling of empty lots

- 1.1.1: *Identify anchor businesses and create a map to share with business owners and community members*
- 1.1.2: *Identify property owners and find out why lots or properties are vacant*
- 1.1.3: *Conduct exercises and participatory mechanisms where residents and stakeholders can provide input on priority reinvestment areas*
- 1.1.4: *Continue to work with business owners, developers, and real estate agencies to enhance and maintain relationships for the good of Columbia Tusculum*

1.2: Encourage a mix of developments within the neighborhood consistent with existing businesses in scale

- 1.2.1: *Analyze existing areas within the neighborhood where multi-use development can occur and where it is appropriate with the permitted land use*
- 1.2.2: *Incentivize energy efficient and sustainable developments*

1.3: Establish and promote clear incentives for redevelopment of certain types of projects

- 1.3.1: *Work with current and future property owners for the potential of creating Business Improvement Districts (BIDs)*
- 1.3.2: *Research existing incentives and resources that could assist property owners or future developers for infill development*
- 1.3.3: *Explore additional development incentives including tax incentives, density bonuses, reduce and alternate parking requirements to attract appropriate and meaningful development*
- 1.3.4: *Collaborate with the Department of Community and Economic Development to utilize existing incentives such as Tax Increment Financing (TIFs), Community Reinvestment Area Tax Abatements, and Neighborhood Business District Support Grants (NBDSG)*
- 1.3.5: *Set up a business sub-committee of Columbia Tusculum Community Council*

Goal 2

Invest in a multi-modal connection between businesses and community members/visitors

2.1: Make Columbia Tusculum a unique destination by looking for opportunities to enhance social interaction on foot, bicycle or in vehicles

- 2.1.1: *Encourage new amenities and activities that will continue to make Columbia Tusculum a more attractive community to business, residents, and visitors*
- 2.1.2: *Expand partnerships with City Departments, Cincinnati Parks, Carnegie Center, and other visual arts programs or organizations to promote a variety of arts and cultural components*
- 2.1.3: *Encourage the community council to invest in guerrilla urbanism to help make roads safer for pedestrians and bicyclists*
- 2.1.4: *Continue to sponsor events that bring attention to the neighborhood like the annual Flying Pig Marathon water station, Historic Home Tour, and more*

2.2: Capitalize on proximity to bike trails

- 2.2.1: *Implement more signage to encourage walking/biking*

Goal 3

Focus our community on local business programs and certifications

3.1: Emphasize the importance of Business Enterprises

- 3.1.1: *Focus on Small Business Enterprises (SBEs)*
- 3.1.2: *Focus on Minority-Owned Business Enterprises (MBEs)*
- 3.1.3: *Focus on Women-Owned Business Enterprises (WBEs)*

3.2: Collaborate with different organizations in the City to promote the incentives of existing programs

- 3.2.1: *Continue to promote the Columbia Tusculum Business Association to get more businesses to join*
- 3.2.2: *Promote the City's Small Business Assistance funds (MicroCity Loan and Grow*

Goal 4

Encourage and promote affordability options in businesses

4.1: Support creative options in order to attract new businesses, restaurants, and local entrepreneurial efforts

4.1.1: Catalog and identify grants and resources to help offset costs of opening business or remediation of environmental issues

4.1.2: Create affordable rent program for small businesses



Photo by: Moey Inc



Photo by: Google Maps

Transportation

TRANSPORTATION & CONNECTIONS THEME AREA



Goal 1 Capitalize on regional bicycle connections

1.1: Promote completion of trails in the vicinity of Columbia Tusculum that are identified in adopted or officially recognized trail plans

- 1.1.1: Identify regional trail network gaps in Columbia Tusculum vicinity*
- 1.1.2: Identify preferred locations for trail heads, bike rental (Red-Bike), and bike racks, using zone districts to avoid incompatible areas*
- 1.1.3: Track and report on City/OKI/State trail planning efforts for Columbia Tusculum trail advocacy*
- 1.1.4: Partner with neighborhood institutions, and public agencies (i.e. Cincinnati Parks and Recreation) to share underused surface parking lots and locate bike racks*
- 1.1.5: Invite trail planning and funding agencies (OKI, Green Umbrella/Tri-State Trails, and Devou Good) to CTCC meetings or Transportation Committee working groups to inform CT on proposed routes/plans*

1.2: Develop & maintain accessible, well-lit entrances to the trail network

- 1.2.1: Optimally use available parking and commercial zone districts to locate bike amenities*

Goal 2 Promote pedestrian safety & connectivity throughout the neighborhood

2.1: Partner with DOTE to identify best practices and locations for traffic calming, focusing on pedestrian safety along Columbia Parkway between Tusculum Avenue and Delta Avenue (in the Neighborhood Business District (NBD))

- 2.1.1: Submit speed cushion locations*

2.1.2: Contact DOTE-Transportation Planning and Design (TPUD) Street Calming Program to discuss problem areas that may warrant speed bumps/cushions, traffic signs, pavement markings, and other Ped. Safety Program tools

2.1.3: Contact DOTE-Traffic Engineering for new or replacement signs, signals, and pavement markings

2.2: Prioritize sidewalk safety and maintenance

2.2.1: Partner with DOTE (Street Rehab Program and Sidewalk Safety Program) to identify and map gaps in sidewalk network

2.2.2: Prioritize areas for sidewalk construction and submit requests via the City's Community Budget Request process

2.3: Employ a carrot and stick approach to discourage or eliminate truck traffic on one-lane residential streets, such as Morris Place, and direct it to Kellogg Ave and Eastern Ave

2.3.1: Request DOTE truck traffic management tools and work with local businesses to educate truck drivers on appropriate and efficient travel routes through Columbia Tusculum

Goal **3** **Promote access to quality transportation alternatives and options**

3.1: Promote alternatives to personal gas-powered vehicles including bus ridership, bike share, ride share, electric vehicles (EV) and other alternative transportation modes

3.1.1: Participate in METRO planning studies and widely circulate surveys to residents

3.1.2: Apply to CNBDU for additional bus stop amenities consistent with existing Columbia Tusculum urban streetscape

3.1.3: Identify optimal Red-Bike station locations in Columbia Tusculum and work with Red-Bike to install

3.1.4: Promote group ride share trips to the CBD and other common destinations

3.1.5: Partner with OES to pursue grants for public EV charging stations in Columbia Tusculum

3.2: Explore opportunities to expand connectivity to adjacent neighborhoods

3.2.1: Complete a neighborhood survey to gain insight into residents' transportation preferences. Use this information to promote neighborhood preferences (could include additional opportunities in bus ridership, bike share, electric vehicles)

3.2.2: Promote trails and paths north of rail road tracks to minimize rail crossing

3.3: Coordinate with Planning & Development to encourage future developments to include adequate parking where on-street parking is saturated

Goal 4

Maintain and enhance community character while expanding transportation infrastructure

4.1: Expand place-making and wayfinding opportunities to complement existing urban design

4.1.1: Identify funding sources or other resources for urban design and street amenities

4.1.2: Photo, document, and map thoroughfares in need of urban design (e.g. Eastern Avenue between Delta Avenue and Carrel Street, Stanley Avenue between Kellogg Avenue and Vineyard Place)

4.1.3: Engage landscape architecture professionals and City resources to create a vision for significant thoroughfares (Eastern, Stanley) and develop streetscape proposals to beautify streets, as well as enhance connectivity and calm traffic

4.1.4: Consult with Urban Forestry on street tree availability

4.1.5: Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in conjunction with the Public Space & Community Committee)

4.1.6: Partner with DOTE-UD (Graphic Design) to develop CT identity, gateway, or wayfinding concepts that reflect CT community character and compliment or tie into existing systems

4.2: Continue the ongoing maintenance of existing infrastructure

4.2.1: Assemble a neighborhood committee to complete improvements and maintain the railroad tunnel at Congress Avenue & Eastern Avenue

4.2.2: Report city roadway and sidewalk maintenance issues via Fixit Cincy App or the City 'Contact Us' online portal - Publicize reporting contact information



Photo by: Google Maps

Housing

HOUSING & DEVELOPMENT THEME AREA



Goal 1 Embrace and promote density in the neighborhood

1.1: Provide and increase a full spectrum of housing options and price points

1.1.1: Focus on not just single-family, but also two-family, four-family, and multi-family developments

1.2: Use the existing development momentum to further spur development activity

1.2.1: Ramp up housing production to catch-up with other regions

1.2.2: Continue educating residents and promoting progressive trends that correlate with City- and Region-wide goals such as: Transit-Oriented Development (TODs), Microneighborhoods, and Placemaking

1.3: Review existing guidelines and codes to identify potential adjustments

1.3.1: Support the future inclusion of Accessory Dwelling Units (ADUs) into the Cincinnati Zoning Code

1.3.2: Review the existing Historic District Conservation Guidelines and consider potential changes

Goal 2 Continue embracing Columbia Tusculum's historic roots while welcoming all backgrounds and incomes

1.1: Target future residential (or mixed) developments in transit- and amenity-rich locations

1.1.1: Educate neighborhood about existing incentives/assistance for tax abatements, code compliance (to improve existing housing stock/conditions), infill housing, and assisting seniors in staying in their homes or neighborhood



Photo by: 365cincinnati.com

Community

PUBLIC SPACE & COMMUNITY THEME AREA



Goal 1 Foster relationships within the community

1.1: Continue building relationships with existing organizations within Columbia Tusculum

1.1.1: Foster relationships specifically with Alms Park Allies, 3 East Business Association, CROWN, Irish Heritage Center of Cincinnati, St. Stephen Catholic Church, and Columbia Baptist

1.2: Focus on programming and events to improve community interaction and communication

1.2.1: Leverage the existing Cincinnati Park Advisory Council (CPAC) for Alms Park improvements and potential programming

1.2.2: Build a calendar of community-focused neighborhood events to highlight events such as Street Fest, Fall Festival at the Carnegie, Flying Pig and Queen Bee cheer stations, Wine Tasting and Art Show, and more

1.2.3: Share event information on Facebook and in the monthly e-newsletter

Goal 2 Celebrate CT's historic charm

2.1: Continue ongoing maintenance of existing historic buildings and aesthetic details, as well as find financial support for historic recreation

2.1.1: Create a historic maintenance plan for areas and buildings within the Historic District (i.e., period lighting, brick alleys)

2.1.2: Consider the use of tax credits for capital projects

2.1.3: Consider revisions to the Historic District Conservation Guidelines

2.1.4: Apply for Certified Local Government funding from the State Historic Preservation Office to create self-guided walking tours

2.1.5: Identify and create a map of unique assets, landmarks, natural features, streetscapes, and patterns of development that distinguish each character area and create a “sense of place”

Goal **3** **Ensure complete, safe connections within the neighborhood**

3.1: Ensure continuity and access of sidewalks for a more walkable neighborhood

- 3.1.1: Identify missing sidewalk and pedestrian connections and promote ideas to integrate them into the existing pedestrian network*
- 3.1.2: Determine the appropriate funding mechanism and partners for connectivity opportunities*
- 3.1.3: Connect with Cincinnati Riding or Walking Network (CROWN) regarding the Oasis Trail*
- 3.1.4: Gain an understanding of the proposed route/plans and insure the implementation of the Transportation & Connections strategies and action steps*



Photo by: weddingwire.com

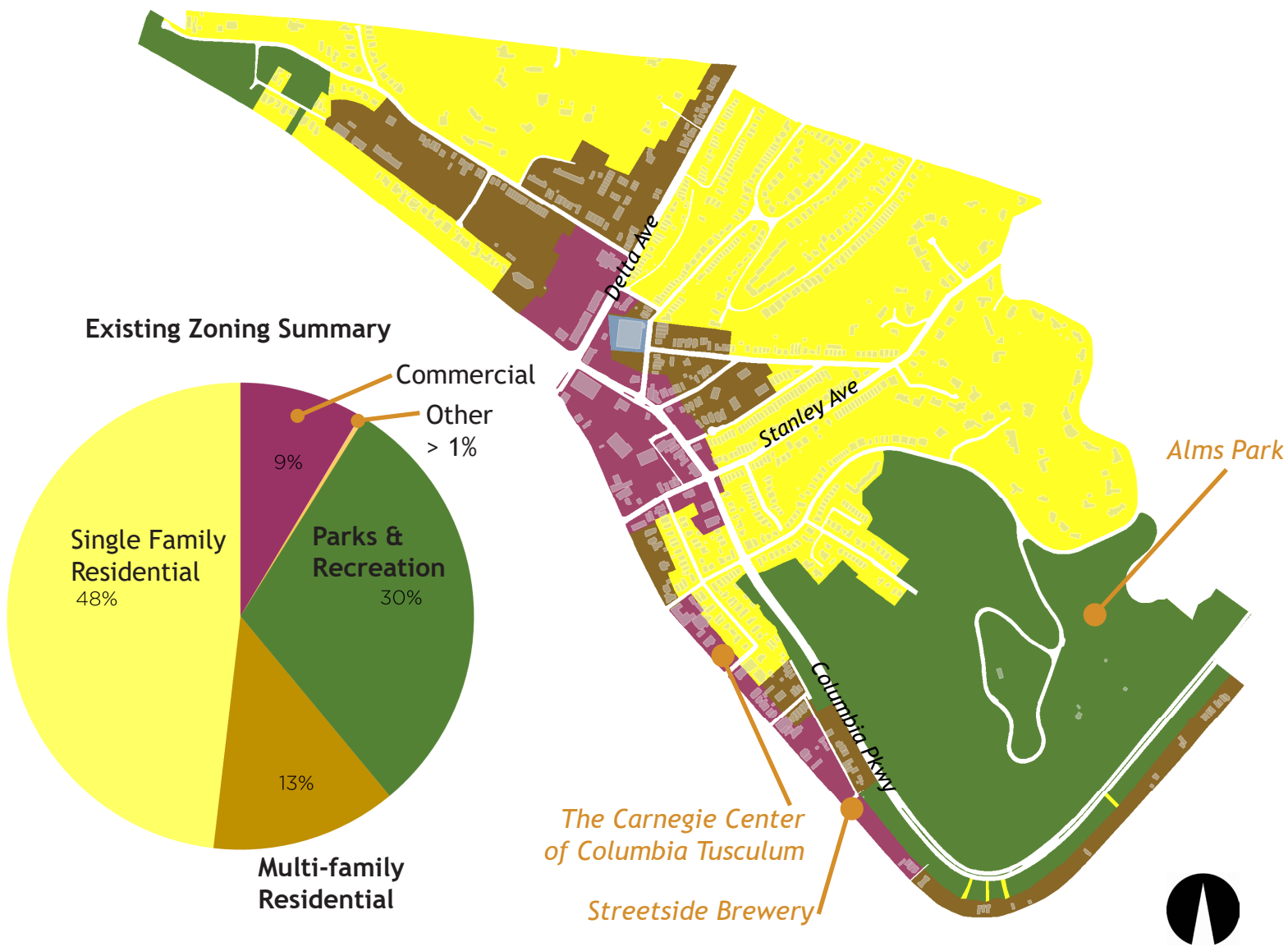
EXISTING LAND USE

The **existing land use** of Columbia Tusculum may be found on the map below. It is important to note that land use and zoning are different terms. Land use refers to the building and occupancies of the land while zoning highlights the activities and development permitted.



EXISTING ZONING

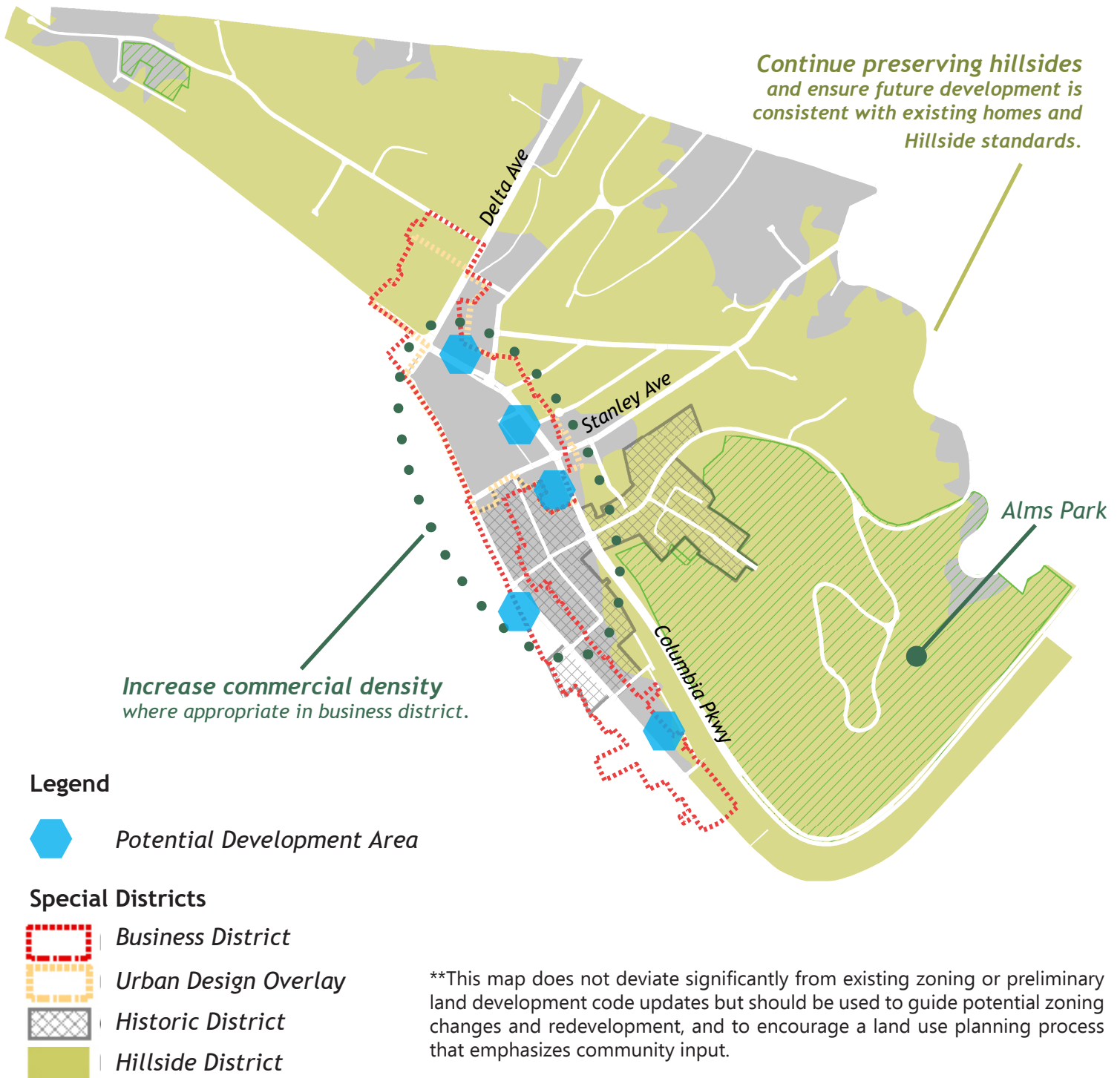
The **existing zoning** of Columbia Tusculum may be found on the map below. The majority of the existing zoning in Columbia Tusculum is single-family, which consists of Single Family SF-2, SF-4, SF-6, and SF-20. The second largest zoning district is Parks and Recreation, with the majority of the space being taken up by the well-known Alms Park.



*Planned Development means a large, integrated development adhering to a comprehensive site plan and located on a single site (§ 1401-01-P12).

FUTURE LAND USE

For Columbia Tusculum being one of the smallest neighborhoods in Cincinnati, it has many important districts located within it: an Urban Design Overlay District, Historic District, Hillside Overlay District, and its own Neighborhood Business District. The map below highlights this including possible opportunity areas.



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CONSISTENCY WITH PLAN CINCINNATI (2012)

Do You Live CT? is consistent with all five Initiative Areas of **Plan Cincinnati** - Compete, Connect, Live, Sustain, and Collaborate.

These Initiative Areas align with the Guiding Policy Principles by increasing our population, building on our assets, becoming recognized, being aggressive and strategic in future growth and development, and to develop a culture of health embodied by thriving residents.

Compete | *Be the pivotal economic force of the region.*

Goal to “Foster a climate conducive to growth, investment, stability, and opportunity” (p. 102) and the Strategy to “Pursue new growth and business recruitment efforts in target industries” (p. 108). This plan is additionally consistent with the Goal to “Become nationally and internationally recognized as a vibrant and unique city” (p. 121) through the Strategy to “Promote Cincinnati’s lifestyle” (p. 122).

As it states in Plan Cincinnati, “Cincinnati is a special place...our distinctive housing, unique and walkable neighborhoods...Cincinnati can begin to grow into a large city while maintaining the benefits of a smaller community” (p. 122).

Connect | *Bring people and places together.*

Goal to “develop an efficient multi-modal transportation system that supports neighborhood vitality” (p. 129) and the Strategy to “support regional and intercity transportation initiatives” (p. 144).

Live | *Strengthen our magnetic City with energized people.*

Goals to “build a robust public life” (p. 149) and “create a more liveable community” (p. 156) and the Strategies to “develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” (p. 150), to “become more walkable” (p. 157), to “support and stabilize our neighborhoods” (p. 160).

Sustain | *Steward resources and ensure long-term vitality.*

Goals to “become a healthier Cincinnati” (p. 181) and to “preserve our natural and built environment” (p. 193) with the Strategies to “protect our natural resources” (p. 194) and “preserve our built history” (p. 197).

Collaborate | *Partner to reach our common goals.*

Goal to “Work in Synergy with the Cincinnati Community” through the Strategy to “unite our communities” (p. 210).



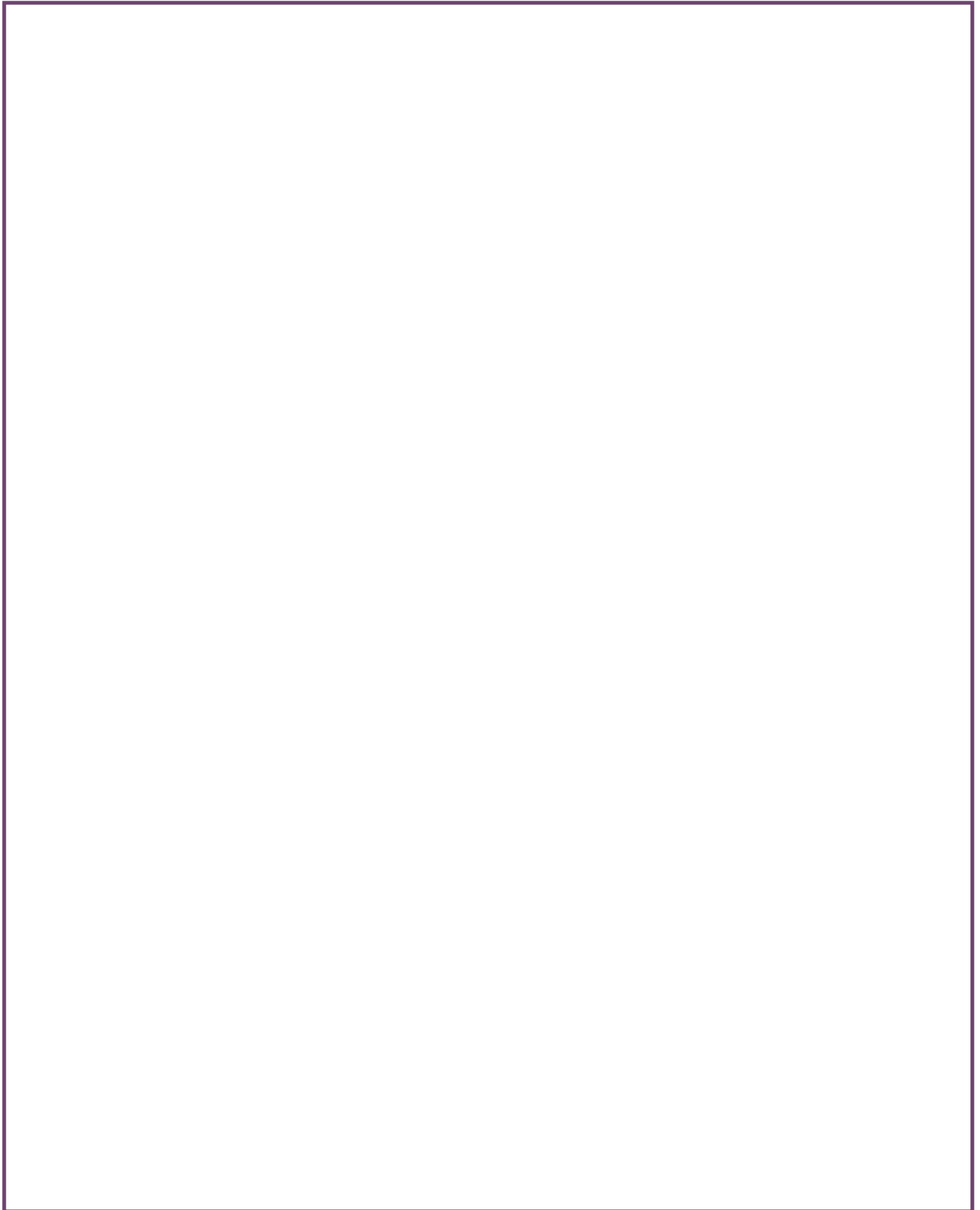
APPENDIX

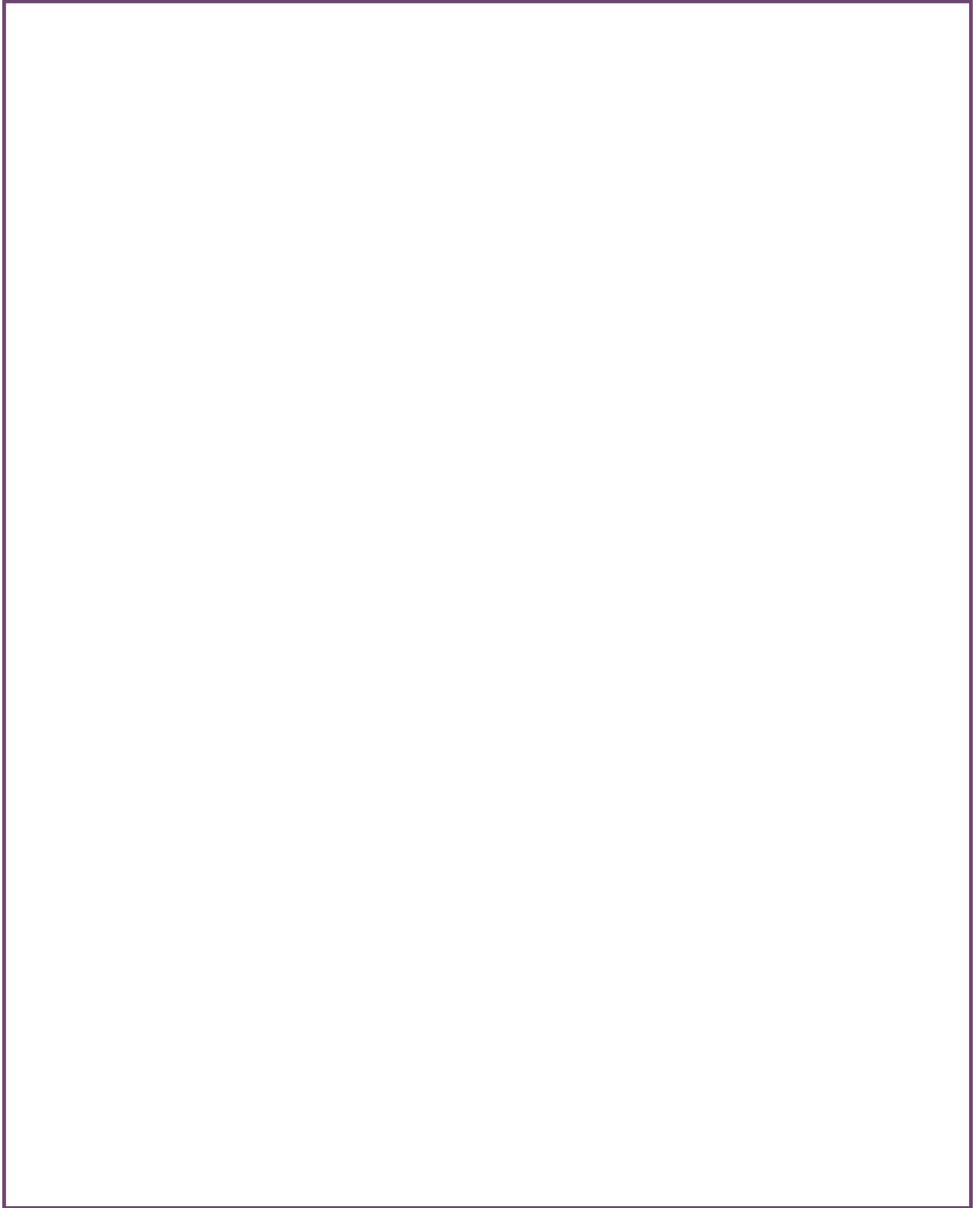
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ABBREVIATIONS

- B&I** – Department of Buildings and Inspections
- CP** - Cincinnati Parks
- CPAC** - Cincinnati Park Advisory Council
- CPD** – Cincinnati Police Department
- CPS** – Cincinnati Public Schools
- CRC** - City Recreation Commission
- CSR** – Customer Service Request (system)
- CTCC** – Columbia Tusculum Community Council
- DCED** – Department of Community and Economic Development
- DCPE** – Department of City Planning and Engagement
- DPS** – Department of Public Services
- DOT** – Department of Transportation and Engineering
- ODOT** – Ohio Department of Transportation
- OES** – Office of Environment and Sustainability
- OKI** – Ohio Kentucky Indiana Regional Council of Governments
- TST** – Tri-State Trails

CITY COUNCIL RESOLUTION





IMPLEMENTATION TABLES

BUSINESS THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Increase Business Density	Fill Empty Storefronts and prioritize filling of empty lots	Identify anchor businesses and create a map to share with business owners and community members	Medium	3-6 Months	DCED, DCPE, Business Owners, CTCC
		Identify property owners and find out why lots or property is open	Medium	3-6 Months	Hamilton County, DCED, DCPE, Realtors
		Conduct exercises and participatory mechanisms where residents and stakeholders can provide input on priority reinvestment areas	Medium	Ongoing	Business Owners, Residents
	Encourage a mix of developments within the neighborhood	Continue to work with business owners, developers, real estate agencies to enhance and maintain relationships for the good of Columbia Tusculum	High	Ongoing	Business Owners, Residents, Realtors, CTCC
		Analyze existing areas within the neighborhood where multi-use development can occur and where it is appropriate with the permitted land use	High	3-6 Months	DCPE, DCED
		Incentivize energy efficient developments	High	Ongoing	Developers, OES

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Increase Business Density	Establish and promote clear incentives for redevelopment of certain types of projects	potential of creating Business Improvement Districts (BIDs)	High	2-3 Years	Residents, DCED
		Research existing incentives and resources that could assist property owners or future developers for infill development	Medium	Ongoing	DCED, DCPE, Business Owners, CTCC
		Explore additional development incentives including tax incentives, density bonuses, reduce and alternate parking requirements to attract appropriate and meaningful development	Medium	1-2 Years	Parking Services, DCPE
		Collaborate with the Department of Community and Economic Development to utilize existing incentives such as Tax Increment Financing (TIFs), Community Reinvestment Area Tax Abatements, and Neighborhood Business District Support Grants (NBDSG)	Medium	Ongoing	DCED, CTCC
		Set up a business sub-committee of CT Community Council	Low	1-2 Years	CTCC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Invest in a multi-modal connection between businesses and community members/visitors	Make Columbia Tusculum a unique destination by looking for opportunities to enhance social interaction on foot, bicycle or in vehicles	activities that will continue to make Columbia Tusculum a more attractive community to business, residents, and visitors	High	Ongoing	CTCC, Residents
		Expand partnerships with City Departments, Cincinnati Parks, Carnegie Center, and other visual arts programs or organizations to promote a variety of arts and cultural components	Medium	Ongoing	Parks, CTCC
		Encourage the community council to invest in guerrilla urbanism to help make roads safer for pedestrians and bicyclists	Medium	Ongoing	CTCC
		Continue to sponsor events that bring attention to the neighborhood like the annual Flying Pig Marathon water station, Historic Home Tour, and more	Low	Ongoing	CTCC, City Departments
	Capitalize on proximity to bike trails	Implement more signage to encourage walking/biking	Medium	2-5 Years	City Departments, Tri-State Trails
		Plan out and identify potential opportunities for new trail expansions	Low	1-2 Years	Tri-State Trails, CTCC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Focus our community on local business programs and certifications	Emphasize the importance of Business Enterprises	Focus on Small Business Enterprises (SBEs)	High	Ongoing	DCED, Business Owners
		Focus on Minority-Owned Business Enterprises (MBEs)	High	Ongoing	DCED, Business Owners
		Focus on Women-Owned Business Enterprises (WBEs)	High	Ongoing	DCED, Business Owners
	Collaborate with different organizations in the City to promote the incentives of existing programs	Continue to promote the Columbia Tusculum Business Association to get more businesses to join	Medium	Ongoing	Business Owners, CTCC
		Promote the City's Small Business Assistance funds (MicroCity Loan and Grow Cincinnati Fund) to encourage expansion within the small business community	Medium	Ongoing	City Departments
	Encourage and promote affordability options in businesses	Support creative options in order to attract new businesses, restaurants, and local entrepreneurial efforts	Catalog and identify grants and resources to help offset costs of opening business or remediation of environmental issues	Low	1 Year
Create affordable rent program for small businesses			Low	2-5 Years	City Departments, Hamilton County, State of Ohio

TRANSPORTATION & CONNECTIVITY THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Capitalize on regional bicycle connections	Promote completion of trails in the vicinity of CT that are identified in adopted or officially recognized trail plans	Identify regional trail network gaps in CT vicinity	High	3-6 Months	OKI, TST
		Identify preferred locations for trail heads, bike rental (Red-Bike), and bike racks, using zone districts to avoid incompatible areas	Medium	1 Year	OKI, TST, CTCC
		Track and report on City/OKI/State trail planning efforts for CT trail advocacy	High	Ongoing	City Departments, OKI, TST, ODOT
		Partner with neighborhood institutions, and public agencies (i.e. Cincinnati Parks, and Recreation) to share underused surface parking lots and locate bike racks	Medium	Ongoing	CP, CRC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Capitalize on regional bicycle connections	Promote completion of trails in the vicinity of CT that are identified in adopted or officially recognized trail plans	Invite trail planning and funding agencies (OKI, Green Umbrella/Tri-State Trails...) to CTCC meetings or Transportation Committee working groups to inform CT on proposed routes/plans	Medium	Ongoing	TST, OKI
		Optimally use available parking and commercial zone districts to locate bike amenities	Medium	Ongoing	DCED, DCPE, CTCC
		Submit speed cushion locations	High	Ongoing	CTCC, City Departments
Capitalize on regional bicycle connections	Partner with DOTE to identify best practices and locations for traffic calming, focusing on pedestrian safety along Columbia Parkway between Tusculum Avenue and Delta Avenue (in the Neighborhood	Contact DOTE-Transportation Planning and Design (TPUD) Street Calming Program to discuss problem areas that may warrant speed bumps/cushions, traffic signs, pavement	Medium	2-3 Years	DOTE

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote pedestrian safety & connectivity throughout the neighborhood	Neighborhood Business District (NBD)).	traffic signs, pavement markings, and other Ped. Safety Program tools			
		Contact DOTE-Traffic Engineering for new or replacement signs, signals, and pavement markings	Medium	Ongoing	DOTe
	Prioritize sidewalk safety and maintenance	Partner with DOTE (Street Rehab Program and Sidewalk Safety Program) to identify and map gaps in sidewalk network	High	1-2 Years	CTCC, DOTE
		Prioritize areas for sidewalk construction and submit requests via the City's Community Budget Request process	High	1 Year	DOTe, City Departments
	Employ a carrot and stick approach to discourage or eliminate truck traffic on one-lane residential streets, such as Morris Place, and direct it to Kellogg	Request DOTE truck traffic management tools and work with local businesses to educate truck drivers on appropriate and efficient travel routes through CT	Medium	Ongoing	DOTe

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote pedestrian safety & connectivity throughout the neighborhood	Promote alternatives to personal gas-powered vehicles including bus ridership, bike share, ride share, electric vehicles (EV) and other alternative transportation modes	Participate in METRO planning studies (CTCC) and widely circulate surveys to residents	Medium	Ongoing	METRO, CTCC, DOTE
		Apply to CNBDU for additional bus stop amenities consistent with existing CT urban streetscape	Medium	Ongoing	City Departments
		Identify optimal Red-Bike station locations in CT (see map for sites to be approved by CTCC) and work with Red-Bike to install	Low	3-6 Months	CTCC, Red Bike
Promote access to quality transportation alternatives and options	Promote alternatives to personal gas-powered vehicles including bus ridership, bike share, ride share, electric vehicles (EV) and other alternative transportation modes	Promote group ride share trips to the CBD and other common destinations	Low	Ongoing	CTCC
		Partner with OES to pursue grants for public EV charging stations in CT	Low	Ongoing	OES
		Complete a neighborhood survey to gain insight into residents' transportation preferences. Use this information to			

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote access to quality transportation alternatives and options	Explore opportunities to expand connectivity to adjacent neighborhoods	preferences. Use this information to promote neighborhood preferences (could include additional opportunities in bus ridership, bike share, electric vehicles)	Medium	1 Year	City Departments
		Promote trails and paths north of RR tracks to minimize rail crossing	High	Ongoing	TST, OKI
	Coordinate with Planning & Development to encourage future developments to include adequate parking where on-street parking is saturated	Optimally use available parking and commercial zone districts to locate bike amenities	High	Ongoing	City Departments
		Identify funding sources or other resources for urban design and street amenities	High	1-2 Years	City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Maintain and enhance community character while expanding transportation infrastructure	Expand place-making and wayfinding opportunities to complement existing urban design	Photo document and map thoroughfares in need of urban design (e.g.: Eastern Avenue between Delta Avenue and Carrel Street, Stanley Avenue between Kellogg Avenue and Vineyard Place)	Low	6-8 Months	CTCC
		Engage landscape architecture professionals and City resources to create a vision for significant thoroughfares (Eastern, Stanley) and develop streetscape proposals to beautify streets, as well as enhance connectivity and calm traffic	Low	2-5 Years	CTCC
		Consult with Urban Forestry on street tree availability	Low	Ongoing	City Departments
		Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in	Medium	Ongoing	DOT

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
enhance community character while expanding transportation infrastructure		Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in conjunction with the Public Space & Community Committee)	Medium	Ongoing	DOTe
		Design to develop CT identity, gateway or wayfinding concepts that reflect CT community character and compliment or tie into existing systems	Low	2-3 Years	DOTe
	Continue the ongoing maintenance of existing infrastructure	Assemble a neighborhood committee to complete improvements and maintain the railroad tunnel at Congress Avenue & Eastern Avenue	Low	1-2 Years	CTCC
		Report city roadway and sidewalk maintenance issues via FixIt Cincy App or the City 'Contact Us' online portal. Publicize reporting contact information	Medium	Ongoing	DOTe, City Departments

HOUSING & DEVELOPMENT THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/Resources
Embrace and promote density in the neighborhood	Provide and increase a full spectrum of housing options and price points	Focus on not just single-family, but also two-family, four-family, and multi-family developments	High	Ongoing	DCPE, DCED, City Departments
	Use the existing development momentum to further spur development activity	Ramp up housing production to catch-up with other regions	Medium	Ongoing	Developers, DCED
		Continue educating residents and promoting progressive trends that correlate with City- and Region-wide goals such as Transit-Oriented Development (TODs), Microneighborhoods, and Placemaking	High	Ongoing	City Departments
	Review existing guidelines and codes to identify potential adjustments	Support the future inclusion of Accessory Dwelling Units (ADUs) into the Cincinnati Zoning Code	High	Ongoing	DCED, DCPE, City Council
		Review the existing conservation guidelines and consider potential changes	Low	2-3 Years	City Departments
	Continue embracing Columbia Tusculum's historic roots while welcoming all backgrounds and incomes	Target future residential (or mixed) developments in transit- and amenity-rich locations	Educate neighborhood about existing incentives/assistance for tax abatements, code compliance (to improve existing housing stock/conditions), infill housing, and assisting seniors in staying in their homes or neighborhood	High	Ongoing

PUBLIC SPACE & COMMUNITY THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/Resources
Foster relationships within the community	Continue building relationships with existing organizations within Columbia Tusculum	Foster relationships specifically with Alms Park Allies, 3 East Business Association, CROWN, Irish Heritage Center of Cincinnati, St. Stephen Catholic Church, and Columbia Baptist	Medium	Ongoing	Alms Park Allies, 3 East Business Association, Irish Heritage Center, Churches
		Leverage the existing Cincinnati Park Advisory Council (CPAC) for Alms Park improvements and potential programming	Medium	Ongoing	CP, CPAC
	Focus on programming and events to improve community interactive and communication	Build a calendar of community-focused neighborhood events to highlight events such as Street Fest, Fall Festival at the Carnegie, Flying Pig and Queen Bee cheer stations, Wine Tasting and Art Show, and more	Low	Ongoing	CTCC
		Share event information on Facebook and in the monthly e-newsletter	High	Ongoing	CTCC, DCPE
Celebrate CT's historic charm		Create a historic maintenance plan for areas and buildings within the Historic District (i.e., period lighting, brick alleys)	Medium	1-2 Years	City Departments
		Consider the use of tax credits for capital projects	High	Ongoing	City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/Resources
Celebrate CT's historic charm	Continue ongoing maintenance of existing historic buildings and aesthetic details, as well as find financial support for historic recreation	Consider revisions to the Historic District Conservation Guidelines	Low	2-3 Years	Cincinnati Preservation Association
		Apply for Certified Local Government funding from the State Historic Preservation Office to create self-guided walking tours	Medium	Ongoing	City Departments
		Identify and create a map of unique assets, landmarks, natural features, streetscapes, and patterns of development that distinguish each character area and create a "sense of place"	High	3-6 Months	DCPE
Ensure complete, safe connections within the neighborhood	Ensure continuity and access of sidewalks for a more walkable neighborhood.	Identify missing sidewalk and pedestrian connections and promote ideas to integrate them into the existing pedestrian network	High	1-2 Years	DOT, ODOT, City Departments
		Determine the appropriate funding mechanism and partners for connectivity opportunities	Medium	Ongoing	City Departments
		Connect with Cincinnati Riding or Walking Network (CROWN) regarding the Oasis Trail	Medium	5-10 Years	TST, DOT, City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
		Gain an understanding of the proposed route/plans and insure the implement of the Transportation & Connections strategies and action steps	Medium	2-5 years	DOTE, ODOT, City Departments

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Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT: A report and recommendation on the proposed *Do You Live CT?* as the Columbia Tusculum neighborhood's guiding comprehensive plan document.

BACKGROUND:

The Department of City Planning and Engagement, along with the Columbia Tusculum Community Council (CTCC), *Do You Live CT?* steering committee and community members, are pleased to share the result of a two-and-a-half-year planning effort to create their first neighborhood-wide plan for Columbia Tusculum.

The purpose of this neighborhood plan is to establish an innovative direction for the eastern community, update it to 2023 and to *plan* out the next ten-to-fifteen years for the neighborhood. This plan documents Columbia Tusculum's visions for the future while focusing on four theme areas: Business, Transportation & Connections, Housing & Development, and Public Space & Community.

Neighborhood plans are crucial for residents to have a concrete vision of their neighborhood which may be used to reference and guide the future of their community. The plans make it easier to obtain grants or other funds for recommendations within their plan. Lastly, plans make it easier to get support from City Council on the direction the community wishes to proceed regarding future development and direction.

NEIGHBORHOOD PLANNING PROCESS & COMMUNITY ENGAGEMENT:

The *Do You Live CT?* planning process consisted of a two-and-a-half-year long community-led process. The Columbia Tusculum Community Council requested a neighborhood plan through the Department of City Planning and Engagement. This planning process began in early 2020, shortly before the COVID-19 Pandemic.

The kickoff meeting for *Do You Live CT?* was held on February 24, 2020 at the Carnegie Center. The kickoff was a success with over 35 residents and community members attending. This meeting allowed community members to become familiar with and learn about the neighborhood planning process and to voice their comments regarding their vision for the neighborhood. The kickoff meeting had boards and input stations showcased to gather feedback on what the priorities of the plan should be, including the plan name, *Do You Live CT?*, which was picked by residents.

The goal of the kickoff meeting was to identify the potential themes of the plan, while establishing a steering committee of residents, business owners, and community council officials who would oversee the planning process along with the Department of City Planning & Engagement. The four official theme areas were created at this time. These theme areas ultimately guided conversations between the steering committee, staff, and residents to assist them in moving forward in the formation of the goals, strategies, and action steps found in this plan. These theme areas are additionally found on p. 7 on the plan document or see "Theme Areas and Goals, Strategies, and Action Steps" section of this staff report.

The steering committee held meetings to plan future working groups and to prioritize topics and future goals. The working groups were split up and identified by the themes mentioned above. Following a pause during the Pandemic, the first working group meeting was held on June 21, 2021 at the Carnegie Center to outline the roles of each working group and to develop vision statements for each theme. The second meeting was held on September 20, 2021 with a focus on creating goals for each of the four themes. The third meeting was held on November 29, 2021 which finessed the goals and drafted strategies and action

steps for the theme areas. The last meeting was held on March 28, 2022 which finalized these strategies and action steps as well as oriented the conversations around land use and zoning. All working group meetings were notified via social media and the Department's webpage, as well as the inclusion of physical flyers in which steering committee members passed out to businesses and residences.

A total of four steering committee meetings were held, mostly virtually via Zoom due to the Pandemic, and a total of four working group meetings were hosted and held for the public. Snacks and beverages were additionally provided by generous members of the steering committee. Over 50 individuals from the Columbia Tusculum neighborhood attended or participated in providing input for this plan.

The planning process received additional support from a University of Cincinnati student, Jacob Gagnon, who curated a website that described the ongoing planning process, in addition to the draft priorities, existing conditions, history, and past plans. The webpage also enabled additional involvement from the public by allowing residents to sign up for updates, take a survey, and upload their favorite photos of the neighborhood.

This website may be accessed here: <https://do-you-live-ct-ucgissa.hub.arcgis.com/>.

PLAN OVERVIEW:

The neighborhood plan consists of 63 pages of detailed thoughts and goals which includes public input from a span of over more than two years. This document outlines the history, acknowledging the neighborhood's rich past and present, existing conditions, goals and strategies, and implementation timelines. This plan, created through the community-led, lengthy process, will guide Columbia Tusculum for future policy and development recommendations, investment and programming decisions, identification of key aspects for safe and viable connections, business-promotion, and community engagement.

Introduction to the Columbia Tusculum Neighborhood

Columbia Tusculum is located on the east side of the City of Cincinnati and is the City's oldest neighborhood. Columbia Tusculum offers a unique and historic experience to residents and visitors. Primarily a residential community, Columbia Tusculum boasts several well-known businesses such as Allyn's Café, Stanley's Pub, and The Precinct, and is home to the Carnegie Center. Containing several historic homes, Columbia Tusculum is known for its prestigious, hillside housing stock which offers beautiful views of the surroundings areas.

Dedication to Jared Ellis

The *Do You Live CT?* steering committee and project manager are ecstatic to dedicate this plan to former project manager and City Planner, Jared Ellis. Jared was a passionate City employee, colleague, and friend. Jared commenced the neighborhood planning process with the Columbia Tusculum community and collaborated with them before the COVID-19 Pandemic. He was the definition of the ideal public servant who was proud to serve Cincinnati and work with all 52 neighborhoods. This plan, among other efforts, will continue to carry Jared's spirit forward.

History, Housing and Past Plans

The history section of the plan contains a three-page summary of the history of the neighborhood, including a simple timeline and a section regarding the historical housing stock. It is interesting to note that approximately 31% of the housing stock within Columbia Tusculum was built in 1930 or before.

There have been a few plans in the past that have included Columbia Tusculum but *Do You Live CT?* is the first neighborhood plan to encapsulate the entire neighborhood. These plans included the *Neighborhood Business District Urban Renewal Study* (1996) and the *Neighborhood Business District Urban Design Plan* (1999). The neighborhood was additionally mentioned in the *East End Design Plan* (1977).

Existing Conditions

The existing conditions are presented in the plan with updated 2020 US Census data, highlighting information such as median income, median house value, types of households, educational attainment and more. Columbia Tusculum is the 42nd largest neighborhood in the City at just under 0.88 square miles and is bordered by Hyde Park, Mt. Lookout, Linwood and the East End. Approximately 1,500 residents reside in the neighborhood and it has a median income of \$113,000 as of the 2020 Census.

Theme Areas and Goals, Strategies, and Action Steps

There are four theme areas with a total of 13 goals, 26 strategies, and 69 action steps.

Business:

CT strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, walkability, and accessibility to Cincinnati's greatest playground while honoring our colorful heritage as Cincinnati's oldest community.

The Business theme area has four (4) goals with eight (8) strategies and 23 action steps. The main objectives of this portion of the plan include increasing business density and developments. There is support in identifying creative options to attract new businesses, restaurants and entrepreneurial efforts while focusing on retaining and incentivizing existing small businesses.

Specific strategies outlined in this theme area include capitalizing on the proximity to existing and future bike trails, expanding and collaborating with City partnerships, and continuing to make Columbia Tusculum a unique destination by looking for opportunities to enhance social interaction via bicycle, vehicle or on foot. This plan lastly stresses the importance of business enterprises and highlights the desire to focus on small business enterprises (SBEs) and increasing opportunities for minority-owned business enterprises (MBEs), and women-owned business enterprises (WBEs).

Some innovative actions steps will allow the community to learn more about guerilla urbanism (tactical urbanism), education regarding tax incentives, participatory mechanisms where residents and stakeholders can provide input on priority reinvestment areas and incentivizing sustainable and energy efficient options for developments.

Transportation & Connections:

Increasing safety and efficiency to promote a vibrant and diverse neighborhood for residents and visitors by implementing pedestrian safety, traffic calming, and beautification. Thereby creating connectivity within a balanced network of transportation and recreation options including enhanced roads, walkways, and trails.

The Transportation & Connections theme area has four (4) goals, ten (10) strategies and 27 action steps. This theme area has the most action steps compared to the other three theme

areas. Transportation and connections are vital for thriving neighborhoods and the main objective of this section and reiterates the action steps of the Business theme area by promoting bike trail usage and continuing trail/biking efforts.

Specific innovative outcomes highlighted in this section include pursuing grants for electric vehicle (EV) charging stations, conducting a neighborhood-wide transportation preference study, and engaging landscape architectural professionals and City resources for new streetscape efforts on top of street calming ideas.

Housing & Development:

CT is a community embracing its historic roots and is inclusive of all incomes and backgrounds. We strive to maximize the 15-minute community model with an emphasis on walkability and accessibility, integrate business assets and housing in a safe and “green” way, and grow with a diverse range of structure types, sizes, costs, and uses.

The Housing & Development theme area has two (2) goals, four (4) strategies and five (5) action steps. Columbia Tusculum wants to embrace and promote density within their neighborhood by providing and increasing a full spectrum of housing options and price points by focusing not just on single-family, but also only two-, three-, and four-family units including multi-family developments.

One of the action steps in this section specifically states to support the future inclusion of accessory dwelling units (ADUs).

Public Space & Community:

Building on our history, CT is committed to developing and preserving a safe, walkable neighborhood filled with charm and areas for recreation and community engagement.

The Public Space & Community theme area has three (3) goals, four (4) strategies and 13 action steps. The ideas in this theme area focus on continuing the connections with existing organizations such as Alms Park Allies, Cincinnati Park Advisory Council, 3 East Business Association, CROWN, and more. The neighborhood wants to continue to leverage the existing organizations and highlight all what Alms Park and Columbia Tusculum have to offer.

Lastly, Columbia Tusculum has a unique charm to it, also sometimes being known as the “San Francisco of Cincinnati”. This plan identifies these historic assets and roots and prioritizes the ongoing maintenance of existing historic buildings and aesthetic details with specific action steps of creating a historic maintenance plan and considering revisions to the Historic District Conservation Guidelines.

Existing Land Use and Zoning

The majority of Columbia Tusculum is predominantly residential, specifically single-family residential consisting of nearly half of the zoning within the neighborhood. Alms Park makes up 30 percent of the neighborhood. The existing land use and zoning maps may be found on p. 39 and p. 40 in the plan.

Future Land Use and Existing Overlay Areas/Tools

Future land use is important for neighborhoods, and the City as a whole, and is integral to building and managing the future of properties and vacant land. Considerate planning may also reduce environmental footprint, promote social connectivity, support transportation options, and enhance communities. Columbia Tusculum additionally has tools implemented within the neighborhood to help preserve its spirit and keep it unique.

Columbia Tusculum currently has an Urban Design Plan and a significant portion is located within an Urban Design Overlay District (UDOD). UDODs (referenced in Chapter 1437 of the Cincinnati Zoning Code) are intended to protect and enhance the physical character or the business district, prevent the deterioration of property and blighted conditions, encourage private investment to improve and stimulate the economic vitality and social character of selected business districts, and to ensure that infill development does not adversely affect the physical character of the area.

Columbia Tusculum is known for its vast hillsides. The majority of the community is located within the Hillside Overlay District which is an overlay district that mandates any development within this area to specific regulations to ensure the design is up to standards due to the steep topography.

Historic Districts (referenced in Chapter 1435-07-01 of the Cincinnati Zoning Code) are commonly found throughout Cincinnati, 26 in total, and Columbia Tusculum has one as well, the Columbia Tusculum Historic District. All of these districts mandate special requirements to continue preserving the neighborhood's character. They are comprised of two or more parcels and contain two or more Historic Assets typical of one or more eras in the city's history or representing an assemblage of structures important to the city's history.

Ideas for the future include preserving hillsides and ensuring that future development is consistent with homes and hillside standards and increase commercial density where appropriate within the neighborhood business district.

Implementation Charts and Additional Appendices

The Appendix includes implementation charts for each of the four (4) theme areas. The charts provide the following information on each action step within the plan's strategies and goals:

- *Time Frame:* The time frames are approximations of how long it would take an action step to be completed, ranging anywhere from 3 months up to 10 years, including multiple ongoing items.
- *Priority Level:* The priority level was determined by the steering committee in collaboration with City staff.
- *Potential Partners:* This identifies additional organizations that could assist in the completion of the action steps such as other City Departments, businesses, Tri-State Trails, and Ohio Kentucky Indiana Regional Council of Governments (OKI).

CONSISTENCY WITH PLAN CINCINNATI (2012):

Do You Live CT? is constructed upon and consistent with the comprehensive plan for the City of Cincinnati, *Plan Cincinnati*, that was adopted by City Council in 2012. The plan is consistent with all five Initiative Areas of *Plan Cincinnati* - Compete, Connect, Live, Sustain, and Collaborate. These Initiative Areas align with the Guiding Policy Principles by increasing our population, building on our assets, becoming

recognized, being aggressive and strategic in future growth and development, and to develop a culture of health embodied by thriving residents.

Compete Initiative Area

Goal to “Foster a climate conducive to growth, investment, stability, and opportunity” (p. 102) and Goal to “Become nationally and internationally recognized as a vibrant and unique city” (p. 121). As it states in *Plan Cincinnati*, “Cincinnati is a special place...our distinctive housing, unique and walkable neighborhoods...Cincinnati can begin to grow into a large city while maintaining the benefits of a smaller community” (p. 122).

Columbia Tusculum has stated their goals to increase business density, invest in multi-modal connection between businesses and the community, turn the attention to local business programs and certifications, and to continue promoting and encouraging affordability options in the business world. Emphasizing the importance of Business Enterprises is specially outlined in Goal 3 of this section, focusing on small business enterprises, minority owned business enterprises, and women-owned business enterprises.

Connect Initiative Area

Goal to “Develop an efficient multi-modal transportation system that supports neighborhood livability” (p. 129) and the Strategy to “Support regional and intercity transportation initiatives” (p. 144). Columbia Tusculum plans to capitalize on regional bicycle connections while promoting pedestrian safety and connectivity throughout the neighborhood. They intend to additionally promote access to quality transportation alternatives and to enhance community character while expanding its transportation infrastructure.

Live Initiative Area

Goals to “Build a robust public life” (p. 149), “Create a more livable community” (p. 156), and “Provide a full spectrum of housing options, and improve housing quality and affordability” (p. 164) and the Strategies to “Develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” (p. 150), “Become more walkable” (p. 157), and to “Support and stabilize our neighborhoods” (p. 160). Columbia Tusculum may have a high house value, however they plan to embrace and promote density throughout the entire neighborhood while continue embracing its roots and welcoming individuals from all backgrounds and incomes.

Sustain Initiative Area

Goal to “Become a healthier Cincinnati” (p. 181), specifically through the Strategies to “Preserve our natural and built environment” (p. 193), “Protect our natural resources” (p. 194) and to “Preserve our built history” (p. 197). Preserving the historic assets of Cincinnati’s oldest neighborhood is extremely vital. Columbia Tusculum has stated in its goals some sustainable ideas such as promoting group ride share trips to Downtown or other destinations and partnering with OES to pursue grants for public EV charging stations in the neighborhood.

Collaborate Initiative Area

Goal to “Work in synergy with the Cincinnati community” (p. 209) and the Strategy to “Unite our communities” (p. 210). The Public Space & Community theme area is very consistent with this Initiative Area as Columbia Tusculum will continue fostering relationships with the community while celebrating its historic charm and ensuring complete, safe connections within the neighborhood.

RECOMMENDATION:

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

APPROVE the proposed *Do You Live CT?* plan as the Columbia Tusculum neighborhood's guiding comprehensive plan document.

Respectfully submitted:



Jesse Urbancsik, Senior City Planner
Department of City Planning and Engagement

Approved:



Katherine Keough-Jurs, FAICP, Director
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DO *You* LIVE CT?

A Neighborhood Plan

Columbia Tusculum
Cincinnati, OH

Columbia Tusculum Community
Council

Approved 11/21/22

City Planning Commission

Approved XX/XX/23

City Council

Approved XX/XX/23



COLUMBIA
TUSCULUM

EST 1788

309



APPROVED

Columbia Tusculum Community Council
Interdepartmental Review
City Planning Commission
Equitable Growth and Housing Committee
City Council

11/21/2022
04/26/2023
xx/xx/2023
xx/xx/2023
xx/xx/2023



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The Carnegie Center
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and more.

This plan could not have been completed without all of those who contributed by sharing your stories, ideas, expertise, and most importantly, time.





DEDICATION

Do You Live CT? is dedicated to former City of Cincinnati employee, colleague, and friend, **Jared Ellis**.

Jared was with Columbia Tusculum at the very start of the neighborhood plan process, and helped step up the success of this neighborhood plan. Humorous, passionate, kind, and dedicated are just a few of the million words to describe Jared. He was a hard-working and proud city planner and all the community members loved working with Jared. He was a prime example of the perfect public servant.

This plan will continue to carry Jared's spirit forward.

EXECUTIVE SUMMARY

The Department of City Planning and Engagement, along with the Columbia Tusculum Community Council, **Do You Live CT?** Steering Committee and community members are pleased to share the results of a two and a half year effort to create the most recent neighborhood plan for Columbia Tusculum. In early 2020, the Columbia Tusculum Community Council requested assistance from the Department of City Planning and Engagement to prepare an updated plan for the neighborhood. The purpose of this new plan was to establish an innovative direction for the eastern community, updating it to 2022 and to plan out the next ten-fifteen years of the neighborhood.

This plan documents the neighborhood's vision for the future while focusing on four Theme Areas: **Transportation & Connections, Business, Housing & Development, and Public Space & Community.** These Theme Areas were created by the Steering Committee at the beginning of the planning process and helped shape the outline and vision of this document. The Theme Areas may be found below in addition to the theme vision.



BUSINESS

CT strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, walkability, and accessibility to Cincinnati's greatest playground while honoring our colorful heritage as Cincinnati's oldest community.



TRANSPORTATION & CONNECTIONS

Increasing safety and efficiency to promote a vibrant and diverse neighborhood for residents and visitors by implementing pedestrian safety, traffic calming, and beautification. Thereby creating connectivity within a balanced network of transportation and recreation options including enhanced roads, walkways, and trails.



HOUSING & DEVELOPMENT

CT is a community embracing its historic roots and is inclusive to all incomes and backgrounds. We strive to maximize the 15-minute community model with an emphasis on walkability and accessibility, integrate business assets and housing in a safe and "green" way, and grow with a diverse range of structure types, sizes, costs, and uses.



PUBLIC SPACE & COMMUNITY

Building on our history, CT is committed to developing and preserving a safe, walkable neighborhood filled with charm and areas for recreation and community engagement.

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INTRODUCTION

Columbia Tusculum has not had a plan since the Columbia Tusculum Urban Design Plan Phase II which was adopted in 1999. **Do You Live CT?** is the first plan dedicated to the entire neighborhood as a whole. In addition to the Urban Design Plan, the Columbia Tusculum Neighborhood Business District Plan was adopted in 1996. Both of these previously approved plans were re-reviewed to continue the same vision but updated to the 2020s.

Do You Live CT? showcases the entire neighborhood's vision and goals for the next few decades. Located on the east side of the City of Cincinnati and being the City's oldest neighborhood, Columbia Tusculum offers a unique and historic experience to residents and visitors. Although, primarily a residential community, Columbia Tusculum boasts a number of well-known businesses such as Allyn's Café, Stanley's Pub and The Precinct, and is home to the Carnegie Center. Containing a number of historic homes, Columbia Tusculum is known for its prestigious, hillside housing stock which offers beautiful views of the surroundings areas.

This document outlines the history, acknowledging the neighborhood's rich past and present, existing conditions, goals and strategies, and implementation timelines. This plan, created through the community-led, lengthy process, will guide Columbia Tusculum for future policy and development recommendations, investment and programming decisions, identification of key aspects for safe and viable connections, business-promotion, and community engagement.



History

HISTORY

Benjamin Stites, **the founder of Columbia**, first explored the area when pursuing a band of Native American horse thieves up the Little Miami Valley while on a trading expedition in Kentucky. He returned to his family in Pennsylvania and traveled to New Jersey where he spoke to John Cleves Symmes, a member of Congress. Symmes had made a large purchase of land in modern-day Ohio and agreed to sell a parcel of 20,000 acres to Stites located near the junction of the Ohio and Little Miami River in what was known as the Northwest Territory.

Benjamin Stites gathered a party of 26 settlers, and they landed at the first high bank approximately one mile north of the mouth of the Little Miami on November 18th, 1788, establishing Columbia. It was the only second white settlement in Ohio and was competing to be the major village in Symmes' purchase. Due to frequent flooding from the Ohio River and the United States Army's decision to build Fort Washington at Losantiville (modern day Cincinnati), the dominant community in southwest Ohio became Cincinnati instead of Columbia.

Columbia's early days began with the establishment of guards and blockhouses, which became a fort known as Fort Miami. The settlers had initial friendly contact with the Native Americans, and the Native Americans would make visits to the blockhouses and join the settlers in festivities, but this uneasy calm lasted only a few months. In 1789, several settlers were killed and captured by the Native Americans. The conflict between the Native Americans and the settlers in the first years of Columbia was so severe that early maps marked the name of the settlement as "Slaughterhouse".

Columbia established the first school in Hamilton County on June 21st, 1790, along with a cornmill, and by the end of 1790, there were 50 cabins. However, Columbia never flourished into a major commercial center due to its flooding problem, which led to the residents of Columbia moving between 1800 and 1815 to slightly higher ground at the base of Tusculum hill. The only remains of the first location of Columbia are the Pioneer Cemetery, and the last blockhouse from the first settlement collapsing in 1838 due to an unusually large wake created by two passing steamboats.

Compared to the earlier years, Columbia became a fairly prosperous community in the 19th century and was home to an economy based on agriculture, manufacturing, and river trade due to the fertile land and the nearby Ohio River. Columbia became a center of transportation early on in its history with a road surveyed from Cincinnati to Columbia, the Anderson Turnpike passing through Columbia on its route to Chillicothe in 1835, and the incorporation of the Little Miami Railroad in 1836. The town also witnessed the evolution of flatboats to steamboats that utilized Columbia as a place to dock and trade. In 1866, the Cincinnati and Columbia Railway Company began operation of "steam dummies," which were a popular way for residents to get from Columbia to Mt. Lookout.

In 1863, Nicholas Longworth, who was the largest landowner and Cincinnati's first millionaire, passed away, and the land was subdivided and would come to be known as Longworth's Tusculum. The area covered from modern-day Eden Park to Alms Park and once held vineyards, which deteriorated due to black rot and loss of laborers during the Civil War. In 1866, Joseph Longworth laid out two major subdivisions, Undercliff and Mt. Tusculum, in that area of Columbia. The latter subdivision, which included Nicholas Longworth's vineyards, had lots ranging in size from 5,000 square feet to twelve

acres, which were intended for the well-to-do. These sold very slowly, while the lots in Undercliff that included smaller lots aimed at nearby workers sold three times as fast.

Due to numerous transportation connections, Columbia officially became incorporated as a village in 1868 and was annexed by the City of Cincinnati in 1873. Columbia had an extensive business district and was home to major employers such as the Boldt Glass Company on Davis Lane. In 1907, the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad, which then controlled the old Little Miami line, purchased land in Undercliff and constructed a mile-long railyard, solidifying Columbia as a hub of railroad activity. This resulted in industrial and lower-income housing being established near the river and railroad while the hillsides and hilltops of Tusculum remained middle-income and wealthy residential areas. In 1925, E.H. Lunkenheimer donated 204 acres of ground in modern-day Linwood, right next door to Columbia, for the construction of Lunken Airport, which would come to be known as one of the largest and finest municipal airports in the world in the 1930s.

Between 1930 and 1937, Columbia Avenue was improved to establish Columbia Parkway, which became the main artery connecting communities across the East End of Cincinnati, including Columbia and Tusculum.

While the town did rely on the Ohio River for its economic success in its early years, the river would cause major floods in 1913, 1918, and 1924, with the worst flood being in 1937, reaching a final crest of 80 feet and submerging most of Columbia. After the end of WWII, and with soldiers returning from the war, many people in Columbia-Tusculum started to move out to the suburbs, which resulted in a decline in the area. There were waves of migrants through the 1970s, with new residents from eastern Kentucky looking for job opportunities and moving to Columbia-Tusculum.

Starting in the late 1970s, there was renewed interest in both living in the city and Victorian architecture, which resulted in many young people returning to the area and restoring the historic homes to their former glory. New construction followed, and new businesses, including specialty stores, started establishing themselves in the commercial district along with new firms, taking the place of older industries.



Lunken Airport 1940 (Cincinnati Museum Center)



Lunken Airport 1940 (Cincinnati Museum Center)



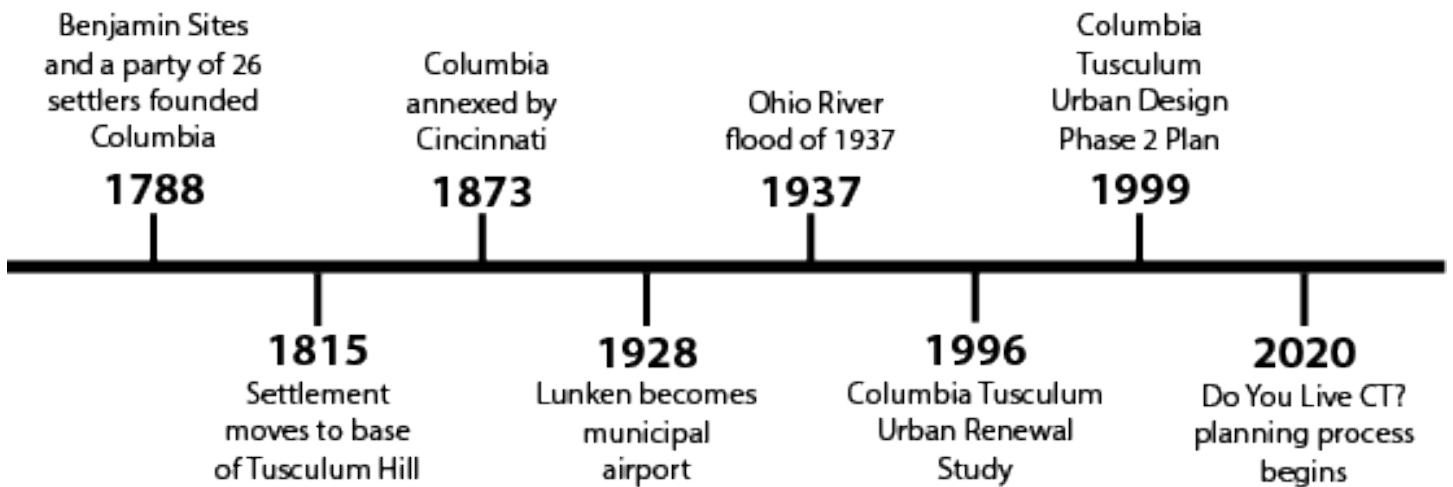
Columbia Parkway 1938 (University of Cincinnati Library)

There are many historic areas and buildings in Columbia-Tusculum such as the Columbia Business District, Columbia Baptist Church, St. Stephen’s Roman Catholic Church, Spencer Township Hall, Odd Fellows Temple, Columbia post office, Sixth District Police Station, McKinley Public School, and the American Legion Hall.



Source: **The Bicentennial Guide to Greater Cincinnati: A Portrait of Two Hundred Years**

History Synopsis Timeline



A Columbia Tusculum History

Historical Housing

Columbia Tusculum has a beautiful stock of historic housing that ranges over the span of the past two centuries. Additionally, the neighborhood was the site of Homearama 2020, which added a fair amount of new luxury housing to the area. With housing stock ranging from the early 1800's homes of prominent families to modern-day mini-McMansions, the neighborhood has homes from every decade, with surpluses of housing occurring during the neighborhood's most popular decades.

With railway, streetcar and steamboat transportation methods allowing the area to be substantially more accessible, a multitude of housing was built during the late 1800's up until the early 1920's. Classic Victorian homes were built to line the streets of the neighborhood, creating a uniform-looking area.

It wasn't until the late 1970's and into the 80's that after a gradual decline in population due to a want for a more suburban lifestyle, Columbia Tusculum gained a revival of interest due to the oil crisis and new interest in Victorian architecture. This resulted in another surplus of new homes to be built, in addition to the Victorian homes being renovated and restored to the glory of their earlier days.

This new interest towards living in the city while still being able to live within a small, suburban-style community has only gained more momentum since the late 1970's and as such, a combination of modern row houses and luxury suburban homes have been built throughout the neighborhood.

31%
1930 & Before
Source: 2016-2020 ACS

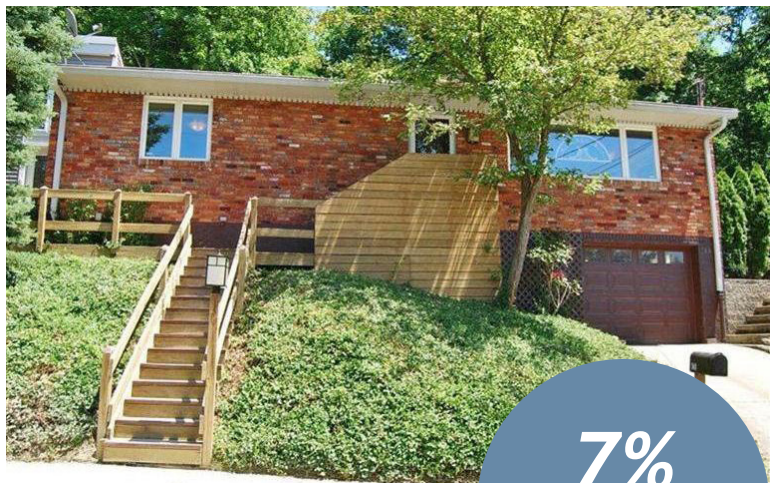


533 Tusculum Ave
circa **1880**
(zillow.com)



1%
1940 - 1949
Source: 2016-2020 ACS

617 Athens Ave
circa **1946**
(realtor.com)



548 Hoge St circa **1959**
(realtor.com)

7%
1950 - 1959
Source: 2016-2020 ACS

Historic Homes



7%
 1960 - 1969
 Source: 2016-2020 ACS

736 Elsinboro Dr circa **1969**
 (realtor.com)



18%
 1970 - 1979
 Source: 2016-2020 ACS

701 Reisling Knoll
 circa **1978**
 (realtor.com)



8%
 1980 - 1989
 Source: 2016-2020 ACS

443 Flinn Ave
 circa **1938**
 (realtor.com)



15%
 1990 - 1999
 Source: 2016-2020 ACS

606 Athens Ave circa **1994**
 (realtor.com)



5%
 2000 - 2009
 Source: 2016-2020 ACS

533 Hoge St circa **2000** (realtor.com)



8%
 after 2009
 Source: 2016-2020 ACS

558 Empress Ave circa **2015** (zillow.com)

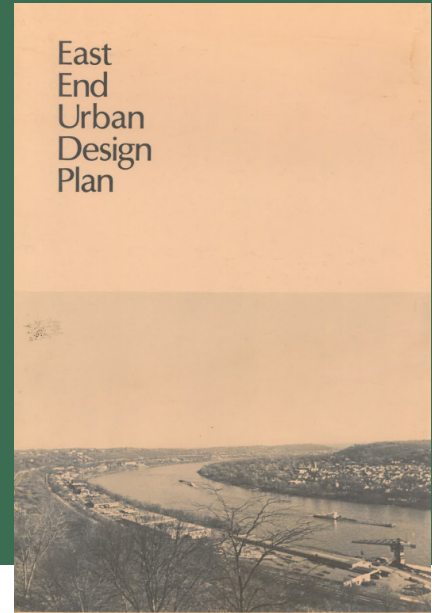
1977 East End Urban Design Plan

The 1977 plan was developed as an outline for the future of East End, giving direction for future public improvement projects. A general focus of the design plans was to encourage rehabilitation and preservation of exiting residential units where economically feasible with a lesser emphasis on commercial and industrial development.

Although the 1977 East End Urban Design Plan encompasses goals and strategies for the entirety of the East End Area, Columbia Tusculum was designated as the focus area since it contained the largest concentration of people, and the neighborhood's location lent the area to be a "major image-maker" for the rest of East End.

The plan identified five major goals for the Columbia Tusculum Area:

- 1) Create a "new" historical image tied to the community's river heritage,
- 2) Reinforce an active neighborhood center on Eastern Avenue including a revitalized commercial district and public events,
- 3) Develop safe and attractive linkages to connect the community,
- 4) Provide a reasonable balance between pedestrian and vehicular needs, and
- 5) Upgrade the visual image of the community through good urban design.

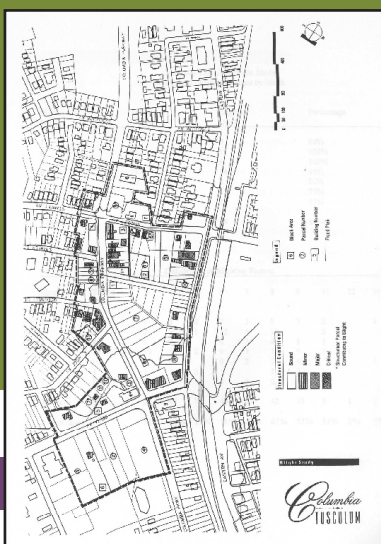


1996 Columbia Tusculum Urban Renewal Study

The 1996 study of Columbia Tusculum's Neighborhood Business District (NBD) focused on determining whether the study area should be considered blighted based on the definition laid out in the Cincinnati Municipal Code.

Based on fourteen (14) factors of blight, the study found that 89% of structures or vacant parcels in the study area fulfilled the outlined criteria.

The study concluded that Columbia Tusculum's NBD should be designated as a "blighted area," proposing development options for large vacant parcels at Delta Avenue and Columbia Parkway to improve and further develop those areas.



PREVIOUSLY APPROVED PLANS

Columbia Tusculum has had two past plans – one **Neighborhood Business District Urban Renewal Study** (1996) and one **Neighborhood Business District Urban Design Plan** (1999) – and was also mentioned in the **East End Urban Design Plan** (1977). These plans were considered in the creation of this plan. This section provides an overview of the past plans for the neighborhood.

1999 Columbia Tusculum Urban Design Phase II Plan

Following the 1996 urban renewal study, the goal of the 1999 Neighborhood Business District Urban Design Plan was to modify and direct new strategies for development and the community based current conditions and a review of the goals, strategies, and implementation of the earlier Phase and the Columbia Tusculum Focus Area of the 1977 East End Urban Design Plan.

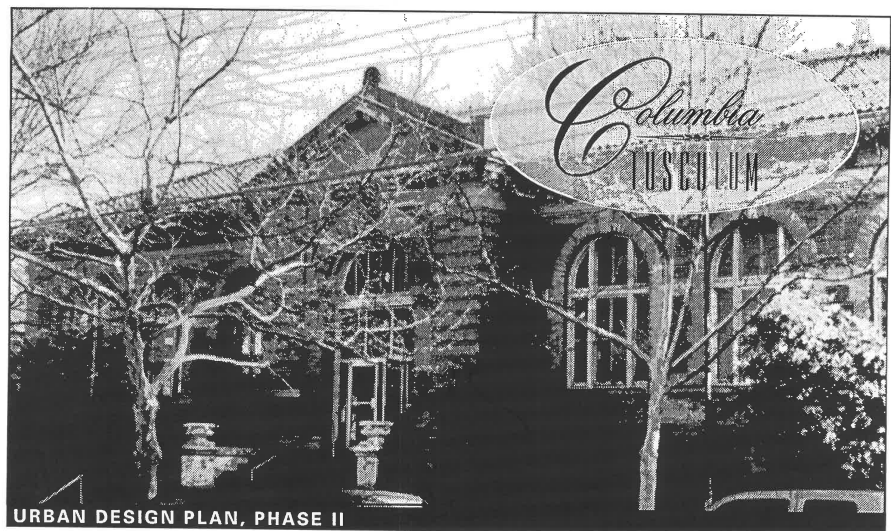
Under the three umbrellas of Image & Identity, Design & Infrastructure, and Business Development, Retention & Recruitment, the Phase II Plan identified the following goals:

- Create an attractive, positive image and identity for the district;
- Provide attractive, safe, and serviceable vehicular and pedestrian circulation into and through the district;
- Improve the serviceability of flood prone areas;
- Maintain the existing historic architectural character of the district;
- Improve alternative transportation options through the district;
- Reconnect Columbia Tusculum to the river and its river history;
- And maintain and strengthen the neighborhood's economic environment.

Neighborhood plans are crucial for residents to have a concrete vision of their neighborhood which may be used to reference and guide the future of their community.

Neighborhood plans also make it easier to obtain grants or other funds for recommendations in their plan.

Lastly, plans make it easier to get support from City Council on the direction the community wishes to proceed in regarding development.



Prepared for
Department of Economic Development
City of Cincinnati

Final
February 17, 1999

Prepared by
Office of Architecture and Urban Design
Division of Engineering
Department of Public Works &
Department of City Planning
City of Cincinnati

EXISTING CONDITIONS

Columbia Tusculum offers residents **a dense suburban feel**, often referred to as “the San Francisco” of Cincinnati. As the city’s oldest neighborhood, it maintains its historical housing stock proudly, being famous for its many “Painted Lady” Victorian houses. The neighborhood is home to many young professionals as it offers an easy commute Downtown and boasts a variety of restaurants, bars, and breweries.

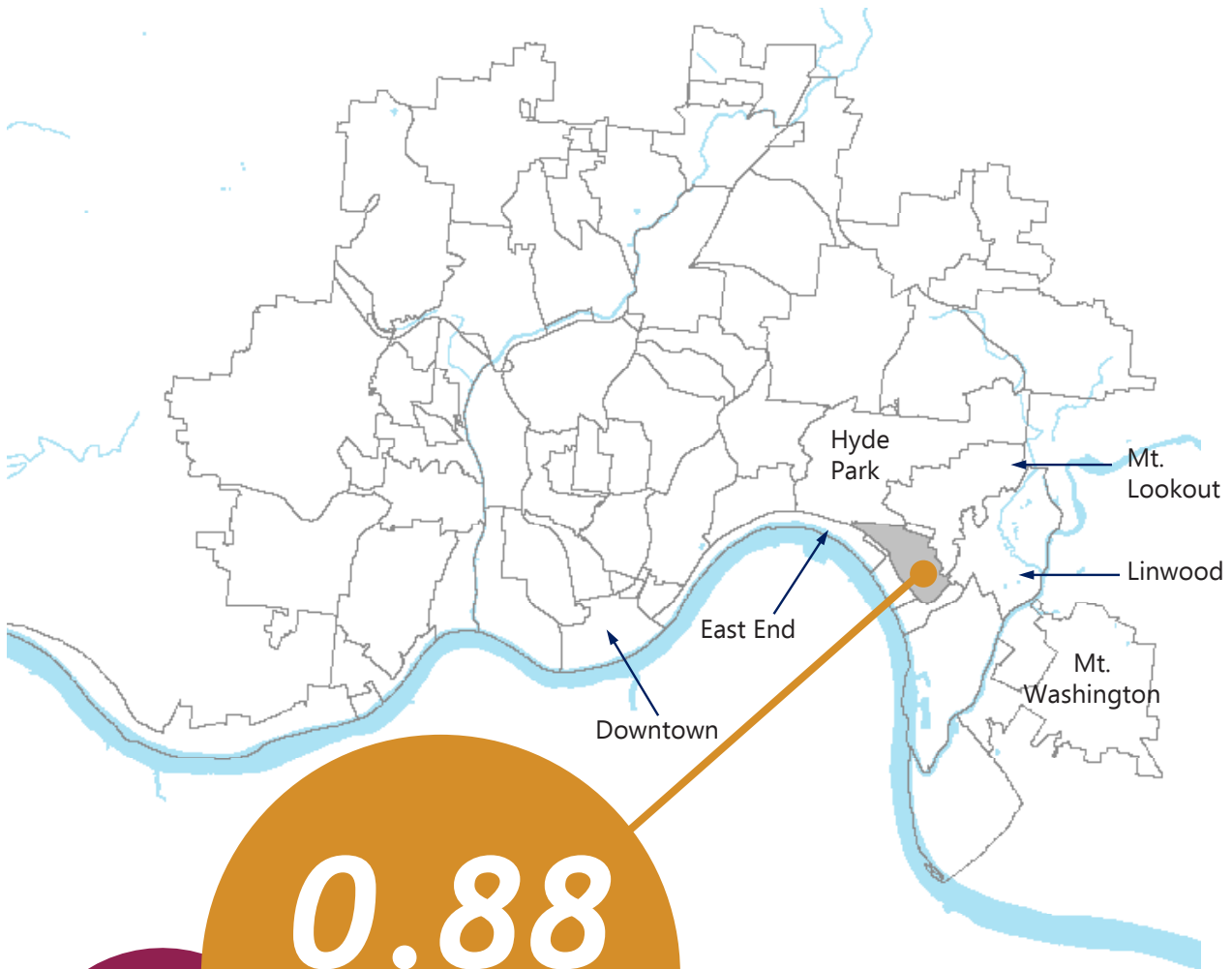
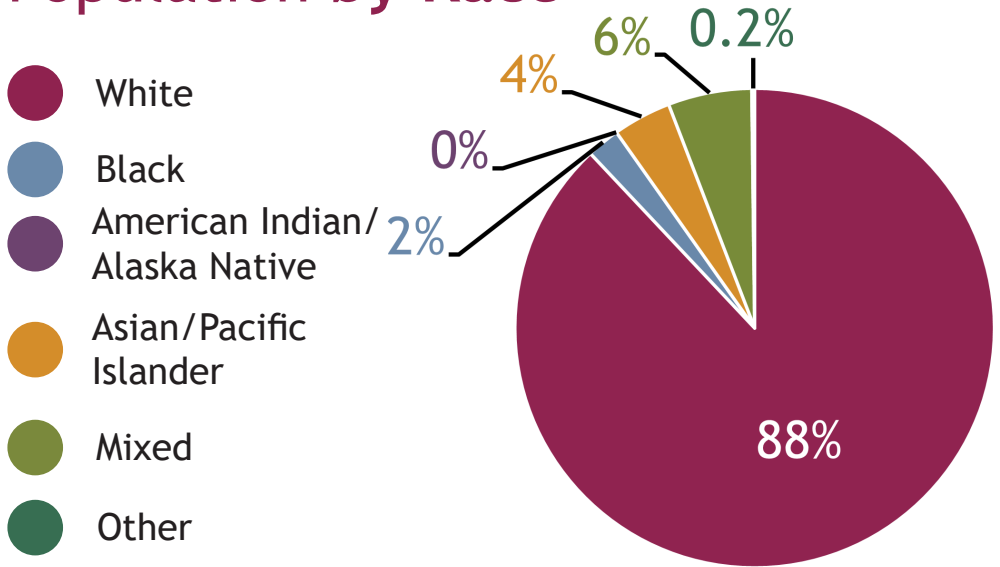
The map below outlines the boundary of Columbia Tusculum, also displaying the Urban Design Overlay District, Neighborhood Business District, and the Overlap Boundary with the East End. Columbia Tusculum is one of Cincinnati’s smallest neighborhoods at 0.88 square miles (563.2 acres).



Population by Race

Columbia Tusculum is situated in the "east side" of the City and is directly adjacent to the neighborhoods of Hyde Park, Mt. Lookout, Linwood, and the East End.

There is additionally an Overlay portion of the neighborhood shared with the East End.



0.88
Square Miles
42nd largest neighborhood

563.2
acres

Map of the City of Cincinnati

Population

1,523
Total Population
Source: 2020 Census

32
Median Resident Age
Source: 2016-2020 ACS

Cincinnati
32.4

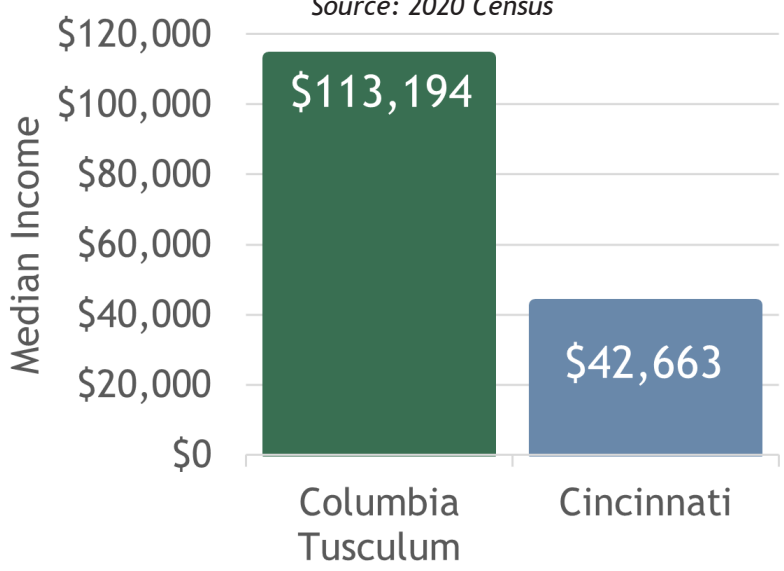
17%

Population increase
from 2010 to 2020
Source: 2010 & 2020 Census



71%
of residents moved to
Columbia Tusculum
after 2010
Source: 2016-2020 ACS

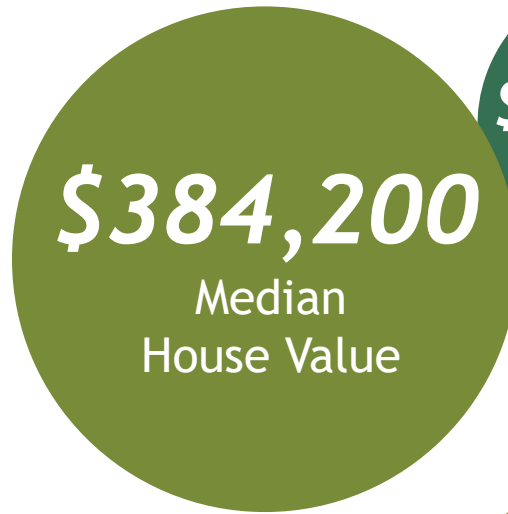
Columbia Tusculum and
Cincinnati 2020 Median Income
Source: 2020 Census



90%
commute alone by
personal vehicle
Source: 2016-2020 ACS

99%
of households own
at least 1 vehicle
Source: 2016-2020 ACS

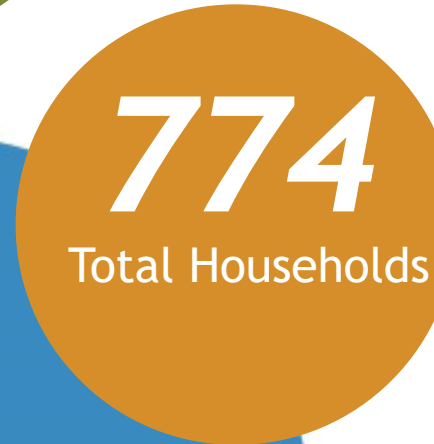
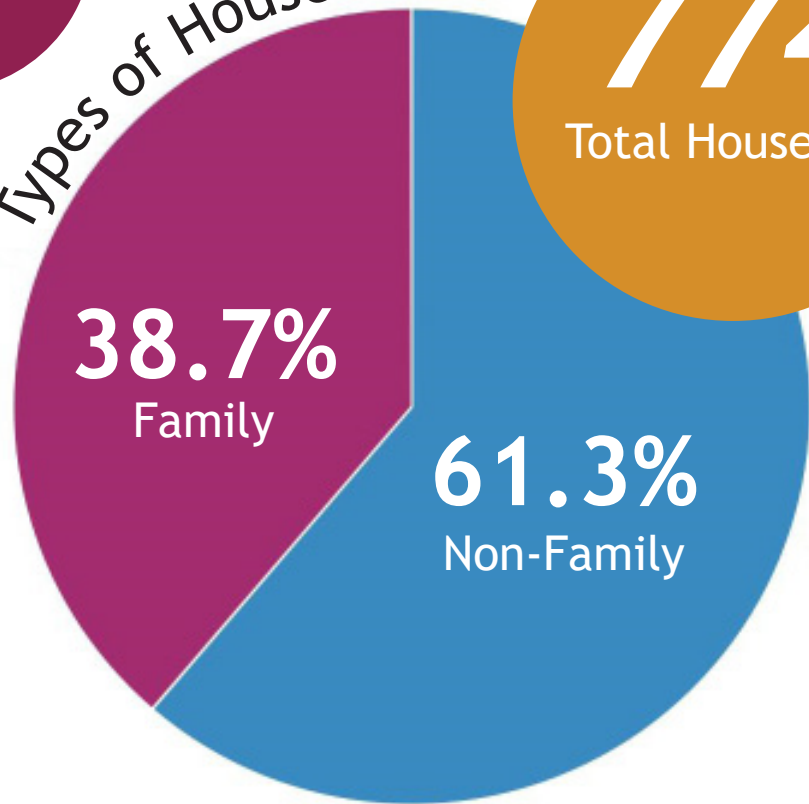
Housing



With being the **42nd largest neighborhood** in Cincinnati, Columbia has a population just over 1,500 residents and is 0.88 square miles.

The housing stock and historic homes in Columbia Tusculum are the main components on what makes the neighborhood the way it is today. The median home value of \$384,000 is nearly three times more than the City-wide median which is \$138,000.

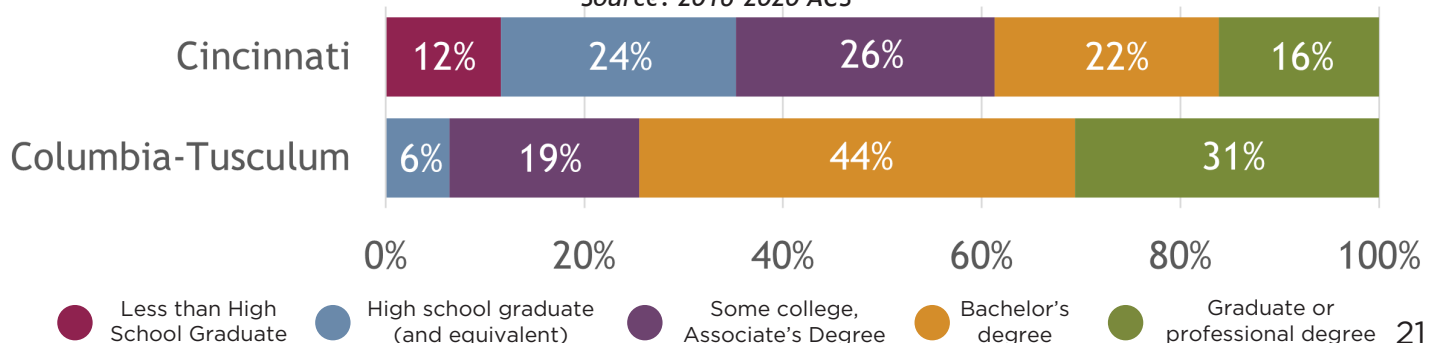
Types of Households



Education

Educational Attainment in Columbia Tusculum compared to Cincinnati

Source: 2016-2020 ACS



What does CT mean to you?



DO YOU LIVE CT? COLUMBIA TUSCULUM

DO YOU LIVE CT? is a neighborhood plan focused on Columbia Tusculum's new visions for the future. You are invited to attend our upcoming Working Group meeting to **discuss goals and action steps** focused around accomplishing this revitalization in the following theme areas:

- Business
- Housing & Development
- Transportation & Connections
- Public Space & Community

All are welcome and encouraged to join!

If you are interested in learning more, signing up for a working group, or attending the meeting, please contact:
Jesse Urbancsik at jesse.urbancsik@cincinnati-oh.gov

WHEN + WHERE

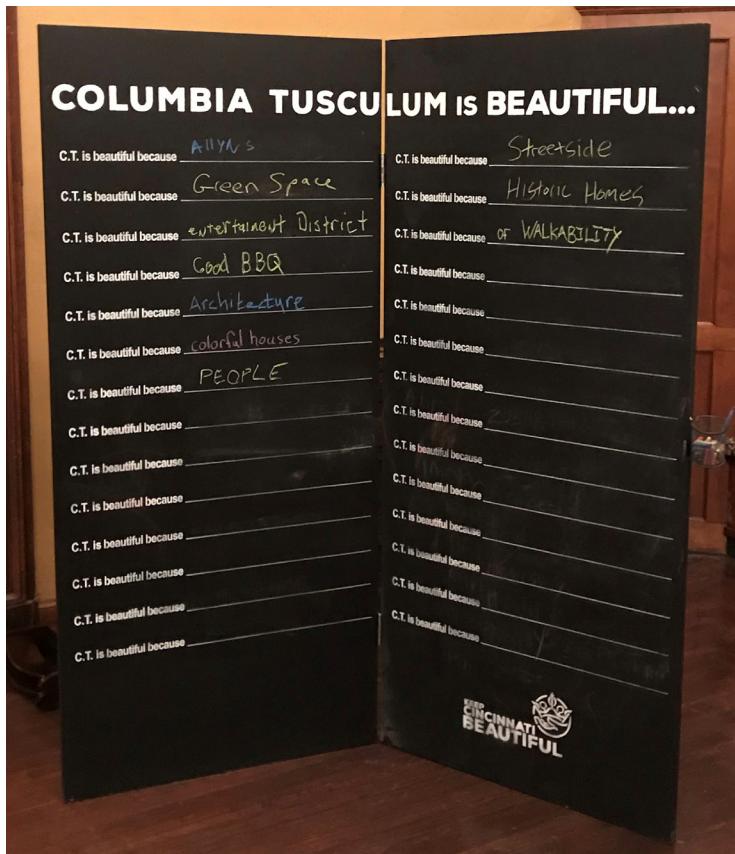
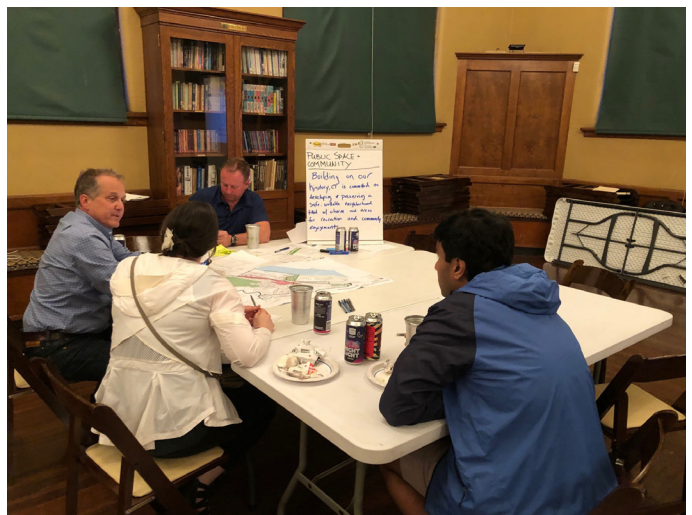
MONDAY, November 29, 2021

Starting at 6:00pm
at the CARNEGIE CENTER
3738 Eastern Avenue, Cincinnati, OH 45226

SCAN ME



For more information, please visit <http://www.cincinnati-oh.gov/planning/> or scan the QR Code above



All photos on this page were provided by:
Andy Juengling and Jesse Urbancsik

PLANNING PROCESS

The **Do You Live CT?** planning process consisted of a two-and-a-half-year long community-led process. The Columbia Tusculum Community Council requested a neighborhood plan through the Department of City Planning and Engagement. This planning process began in early 2020, right before the Covid-19 Pandemic commenced.

The kickoff meeting for **Do You Live CT?** was held on February 24, 2020 at the Carnegie Center, much like the rest of the working group meetings. The kickoff was a huge success with over 35 residents and community members attending. This meeting allowed community members to become familiar with and learn about the neighborhood planning process and to voice their comments regarding their vision for the neighborhood. The Kickoff had boards and input stations showcased at the Carnegie Center to gather feedback on what the priorities of the plan should be, including the plan name, **Do You Live CT?**, which was picked by residents.

The goal of the Kickoff meeting was to identify the potential themes of the plan, while establishing a steering committee of residents, business owners and community council officials who would oversee the planning process along with the Department of City Planning & Engagement. Four official theme areas were created: Transportation & Connections, Business, Housing & Development and Public Space & Community. These theme areas ultimately guided conversations between the steering committee, staff, and residents to assist them in moving forward in the formation of the goals, strategies, and action steps found in this plan. (These Theme Areas are additionally found on p. 7).

The steering committee held meetings to plan future working groups and to prioritize topics and future goals. The working groups were split up and identified by the themes mentioned above. The first working group meeting was held on June 21, 2021 at the Carnegie Center to outline the roles of each working group and to develop vision statements for each theme. The second meeting was held on September 20, 2021 with a focus on creating goals for each of the four themes. The third meeting was held on November 29, 2021 which finessed the goals and drafted strategies and action steps for the theme areas. The last meeting was held on March 28, 2022 which finalized these strategies and action steps as well as oriented the conversations around land use and zoning. All working group meetings were notified via social media and the Department's webpage, as well as the inclusion of physical flyers in which steering committee members passed out to businesses and residences.

A total of four steering committee meetings were held, mostly virtually via Zoom due to the Pandemic, and a total of four working group meetings were hosted and held for the public. Snacks and beverages were additionally provided by generous members of the steering committee. Over 50 individuals from the Columbia Tusculum neighborhood attended or participated in providing input for this plan.

The planning process was also uplifted by assistance from a University of Cincinnati student who curated a website that described the ongoing planning process, in addition to the draft priorities, existing conditions, history, and past plans. The webpage also enabled additional involvement from the public by allowing residents to sign up for updates, take a survey, and upload their favorite photos of the neighborhood!

Visit!

Columbia Tusculum Neighborhood Planning Process ArcGis Hub:
<https://do-you-live-ct-ucgissa.hub.arcgis.com/>

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PLAN THEME AREAS

The steering committee worked to identify **Theme Areas** that will transform into Working Groups for the planning process. These themes are centered around transportation and connections, business, housing and development, and public space and community. All four of these themes were developed through collaboration with city planners as well as the working groups representing the Columbia Tusculum neighborhood.

These Theme Areas will help to guide conversations moving forward and assist in the formation of the goals and strategies that will be identified in this plan. Each of the theme areas will be found on the next several pages, including the goals, strategies, and action steps for all four. The vision statements for all four may be below:



BUSINESS

CT strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, walkability, and accessibility to Cincinnati's greatest playground while honoring our colorful heritage as Cincinnati's oldest community.



TRANSPORTATION & CONNECTIONS

Increasing safety and efficiency to promote a vibrant and diverse neighborhood for residents and visitors by implementing pedestrian safety, traffic calming, and beautification. Thereby creating connectivity within a balanced network of transportation and recreation options including enhanced roads, walkways, and trails.



HOUSING & DEVELOPMENT

CT is a community embracing its historic roots and is inclusive to all incomes and backgrounds. We strive to maximize the 15-minute community model with an emphasis on walkability and accessibility, integrate business assets and housing in a safe and "green" way, and grow with a diverse range of structure types, sizes, costs, and uses.



PUBLIC SPACE & COMMUNITY

Building on our history, CT is committed to developing and preserving a safe, walkable neighborhood filled with charm and areas for recreation and community engagement.

Photo by: Moey Inc



Photo by: Moey Inc

BUSINESS THEME AREA

Goal 1 Increase Business Density



1.1: Fill empty storefronts and prioritize filling of empty lots

- 1.1.1: *Identify anchor businesses and create a map to share with business owners and community members*
- 1.1.2: *Identify property owners and find out why lots or properties are vacant*
- 1.1.3: *Conduct exercises and participatory mechanisms where residents and stakeholders can provide input on priority reinvestment areas*
- 1.1.4: *Continue to work with business owners, developers, and real estate agencies to enhance and maintain relationships for the good of Columbia Tusculum*

1.2: Encourage a mix of developments within the neighborhood consistent with existing businesses in scale

- 1.2.1: *Analyze existing areas within the neighborhood where multi-use development can occur and where it is appropriate with the permitted land use*
- 1.2.2: *Incentivize energy efficient and sustainable developments*

1.3: Establish and promote clear incentives for redevelopment of certain types of projects

- 1.3.1: *Work with current and future property owners for the potential of creating Business Improvement Districts (BIDs)*
- 1.3.2: *Research existing incentives and resources that could assist property owners or future developers for infill development*
- 1.3.3: *Explore additional development incentives including tax incentives, density bonuses, reduce and alternate parking requirements to attract appropriate and meaningful development*
- 1.3.4: *Collaborate with the Department of Community and Economic Development to utilize existing incentives such as Tax Increment Financing (TIFs), Community Reinvestment Area Tax Abatements, and Neighborhood Business District Support Grants (NBDSG)*
- 1.3.5: *Set up a business sub-committee of Columbia Tusculum Community Council*

Goal 2

Invest in a multi-modal connection between businesses and community members/visitors

2.1: Make Columbia Tusculum a unique destination by looking for opportunities to enhance social interaction on foot, bicycle or in vehicles

- 2.1.1: *Encourage new amenities and activities that will continue to make Columbia Tusculum a more attractive community to business, residents, and visitors*
- 2.1.2: *Expand partnerships with City Departments, Cincinnati Parks, Carnegie Center, and other visual arts programs or organizations to promote a variety of arts and cultural components*
- 2.1.3: *Encourage the community council to invest in guerrilla urbanism to help make roads safer for pedestrians and bicyclists*
- 2.1.4: *Continue to sponsor events that bring attention to the neighborhood like the annual Flying Pig Marathon water station, Historic Home Tour, and more*

2.2: Capitalize on proximity to bike trails

- 2.2.1: *Implement more signage to encourage walking/biking*

Goal 3

Focus our community on local business programs and certifications

3.1: Emphasize the importance of Business Enterprises

- 3.1.1: *Focus on Small Business Enterprises (SBEs)*
- 3.1.2: *Focus on Minority-Owned Business Enterprises (MBEs)*
- 3.1.3: *Focus on Women-Owned Business Enterprises (WBEs)*

3.2: Collaborate with different organizations in the City to promote the incentives of existing programs

- 3.2.1: *Continue to promote the Columbia Tusculum Business Association to get more businesses to join*
- 3.2.2: *Promote the City's Small Business Assistance funds (MicroCity Loan and Grow*

Goal 4

Encourage and promote affordability options in businesses

4.1: Support creative options in order to attract new businesses, restaurants, and local entrepreneurial efforts

4.1.1: Catalog and identify grants and resources to help offset costs of opening business or remediation of environmental issues

4.1.2: Create affordable rent program for small businesses



Photo by: Moey Inc



Photo by: Google Maps

Transportation

TRANSPORTATION & CONNECTIONS THEME AREA



Goal 1 Capitalize on regional bicycle connections

1.1: Promote completion of trails in the vicinity of Columbia Tusculum that are identified in adopted or officially recognized trail plans

- 1.1.1: Identify regional trail network gaps in Columbia Tusculum vicinity*
- 1.1.2: Identify preferred locations for trail heads, bike rental (Red-Bike), and bike racks, using zone districts to avoid incompatible areas*
- 1.1.3: Track and report on City/OKI/State trail planning efforts for Columbia Tusculum trail advocacy*
- 1.1.4: Partner with neighborhood institutions, and public agencies (i.e. Cincinnati Parks and Recreation) to share underused surface parking lots and locate bike racks*
- 1.1.5: Invite trail planning and funding agencies (OKI, Green Umbrella/Tri-State Trails, and Devou Good) to CTCC meetings or Transportation Committee working groups to inform CT on proposed routes/plans*

1.2: Develop & maintain accessible, well-lit entrances to the trail network

- 1.2.1: Optimally use available parking and commercial zone districts to locate bike amenities*

Goal 2 Promote pedestrian safety & connectivity throughout the neighborhood

2.1: Partner with DOTE to identify best practices and locations for traffic calming, focusing on pedestrian safety along Columbia Parkway between Tusculum Avenue and Delta Avenue (in the Neighborhood Business District (NBD))

- 2.1.1: Submit speed cushion locations*

2.1.2: Contact DOTE-Transportation Planning and Design (TPUD) Street Calming Program to discuss problem areas that may warrant speed bumps/cushions, traffic signs, pavement markings, and other Ped. Safety Program tools

2.1.3: Contact DOTE-Traffic Engineering for new or replacement signs, signals, and pavement markings

2.2: Prioritize sidewalk safety and maintenance

2.2.1: Partner with DOTE (Street Rehab Program and Sidewalk Safety Program) to identify and map gaps in sidewalk network

2.2.2: Prioritize areas for sidewalk construction and submit requests via the City's Community Budget Request process

2.3: Employ a carrot and stick approach to discourage or eliminate truck traffic on one-lane residential streets, such as Morris Place, and direct it to Kellogg Ave and Eastern Ave

2.3.1: Request DOTE truck traffic management tools and work with local businesses to educate truck drivers on appropriate and efficient travel routes through Columbia Tusculum

Goal **3** **Promote access to quality transportation alternatives and options**

3.1: Promote alternatives to personal gas-powered vehicles including bus ridership, bike share, ride share, electric vehicles (EV) and other alternative transportation modes

3.1.1: Participate in METRO planning studies and widely circulate surveys to residents

3.1.2: Apply to CNBDU for additional bus stop amenities consistent with existing Columbia Tusculum urban streetscape

3.1.3: Identify optimal Red-Bike station locations in Columbia Tusculum and work with Red-Bike to install

3.1.4: Promote group ride share trips to the CBD and other common destinations

3.1.5: Partner with OES to pursue grants for public EV charging stations in Columbia Tusculum

3.2: Explore opportunities to expand connectivity to adjacent neighborhoods

3.2.1: Complete a neighborhood survey to gain insight into residents' transportation preferences. Use this information to promote neighborhood preferences (could include additional opportunities in bus ridership, bike share, electric vehicles)

3.2.2: Promote trails and paths north of rail road tracks to minimize rail crossing

3.3: Coordinate with Planning & Development to encourage future developments to include adequate parking where on-street parking is saturated

Goal 4

Maintain and enhance community character while expanding transportation infrastructure

4.1: Expand place-making and wayfinding opportunities to complement existing urban design

4.1.1: Identify funding sources or other resources for urban design and street amenities

4.1.2: Photo, document, and map thoroughfares in need of urban design (e.g. Eastern Avenue between Delta Avenue and Carrel Street, Stanley Avenue between Kellogg Avenue and Vineyard Place)

4.1.3: Engage landscape architecture professionals and City resources to create a vision for significant thoroughfares (Eastern, Stanley) and develop streetscape proposals to beautify streets, as well as enhance connectivity and calm traffic

4.1.4: Consult with Urban Forestry on street tree availability

4.1.5: Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in conjunction with the Public Space & Community Committee)

4.1.6: Partner with DOTE-UD (Graphic Design) to develop CT identity, gateway, or wayfinding concepts that reflect CT community character and compliment or tie into existing systems

4.2: Continue the ongoing maintenance of existing infrastructure

4.2.1: Assemble a neighborhood committee to complete improvements and maintain the railroad tunnel at Congress Avenue & Eastern Avenue

4.2.2: Report city roadway and sidewalk maintenance issues via Fixit Cincy App or the City 'Contact Us' online portal - Publicize reporting contact information



Photo by: Google Maps

Housing

HOUSING & DEVELOPMENT THEME AREA



Goal 1 Embrace and promote density in the neighborhood

1.1: Provide and increase a full spectrum of housing options and price points

1.1.1: Focus on not just single-family, but also two-family, four-family, and multi-family developments

1.2: Use the existing development momentum to further spur development activity

1.2.1: Ramp up housing production to catch-up with other regions

1.2.2: Continue educating residents and promoting progressive trends that correlate with City- and Region-wide goals such as: Transit-Oriented Development (TODs), Microneighborhoods, and Placemaking

1.3: Review existing guidelines and codes to identify potential adjustments

1.3.1: Support the future inclusion of Accessory Dwelling Units (ADUs) into the Cincinnati Zoning Code

1.3.2: Review the existing Historic District Conservation Guidelines and consider potential changes

Goal 2 Continue embracing Columbia Tusculum's historic roots while welcoming all backgrounds and incomes

1.1: Target future residential (or mixed) developments in transit- and amenity-rich locations

1.1.1: Educate neighborhood about existing incentives/assistance for tax abatements, code compliance (to improve existing housing stock/conditions), infill housing, and assisting seniors in staying in their homes or neighborhood



Photo by: 365cincinnati.com

Community

PUBLIC SPACE & COMMUNITY THEME AREA



Goal 1 Foster relationships within the community

1.1: Continue building relationships with existing organizations within Columbia Tusculum

1.1.1: Foster relationships specifically with Alms Park Allies, 3 East Business Association, CROWN, Irish Heritage Center of Cincinnati, St. Stephen Catholic Church, and Columbia Baptist

1.2: Focus on programming and events to improve community interaction and communication

1.2.1: Leverage the existing Cincinnati Park Advisory Council (CPAC) for Alms Park improvements and potential programming

1.2.2: Build a calendar of community-focused neighborhood events to highlight events such as Street Fest, Fall Festival at the Carnegie, Flying Pig and Queen Bee cheer stations, Wine Tasting and Art Show, and more

1.2.3: Share event information on Facebook and in the monthly e-newsletter

Goal 2 Celebrate CT's historic charm

2.1: Continue ongoing maintenance of existing historic buildings and aesthetic details, as well as find financial support for historic recreation

2.1.1: Create a historic maintenance plan for areas and buildings within the Historic District (i.e., period lighting, brick alleys)

2.1.2: Consider the use of tax credits for capital projects

2.1.3: Consider revisions to the Historic District Conservation Guidelines

2.1.4: Apply for Certified Local Government funding from the State Historic Preservation Office to create self-guided walking tours

2.1.5: Identify and create a map of unique assets, landmarks, natural features, streetscapes, and patterns of development that distinguish each character area and create a “sense of place”

Goal 3

Ensure complete, safe connections within the neighborhood

3.1: Ensure continuity and access of sidewalks for a more walkable neighborhood

- 3.1.1: Identify missing sidewalk and pedestrian connections and promote ideas to integrate them into the existing pedestrian network*
- 3.1.2: Determine the appropriate funding mechanism and partners for connectivity opportunities*
- 3.1.3: Connect with Cincinnati Riding or Walking Network (CROWN) regarding the Oasis Trail*
- 3.1.4: Gain an understanding of the proposed route/plans and insure the implementation of the Transportation & Connections strategies and action steps*











Photo by: weddingwire.com

EXISTING LAND USE

The **existing land use** of Columbia Tusculum may be found on the map below. It is important to note that land use and zoning are different terms. Land use refers to the building and occupancies of the land while zoning highlights the activities and development permitted.

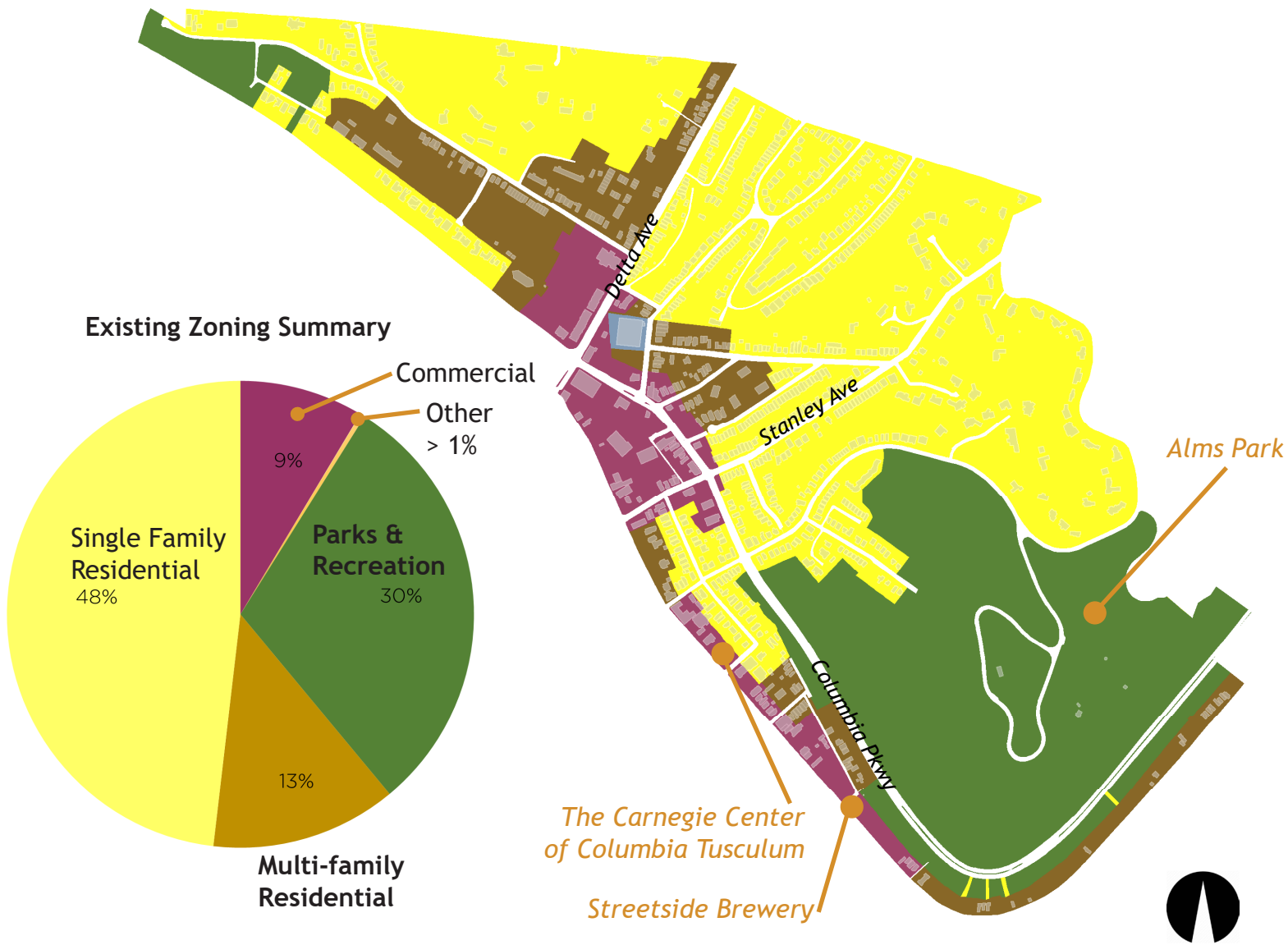


Land Use Designations

- | | |
|---|---|
|  Single Family Residential |  Condos |
|  Publicly Owned Land |  Vacant/Underutilized Land |
|  Multi Family Residential |  Schools/Educational Use |
|  Planned Development* | |
|  Commercial | |

EXISTING ZONING

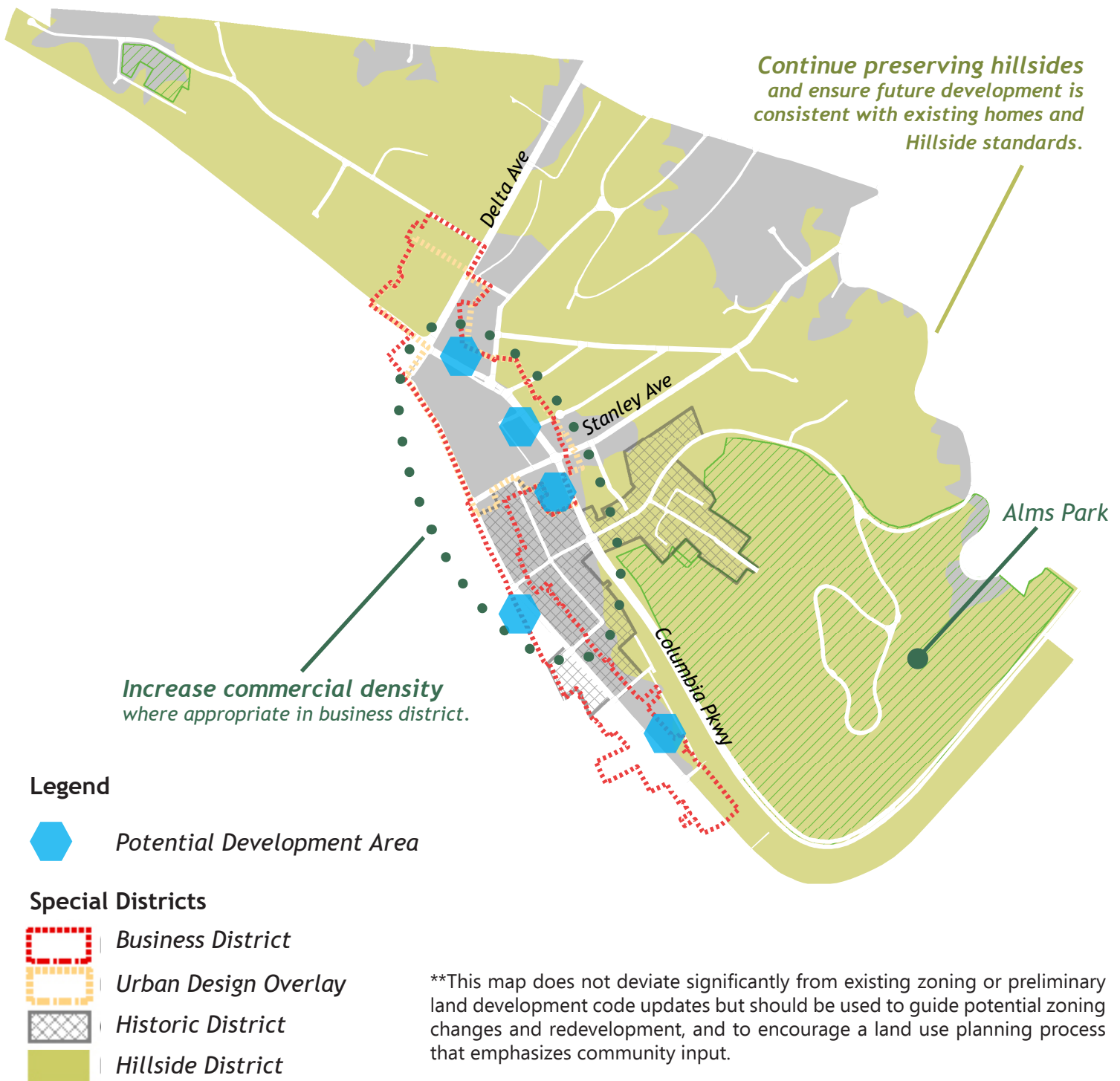
The **existing zoning** of Columbia Tusculum may be found on the map below. The majority of the existing zoning in Columbia Tusculum is single-family, which consists of Single Family SF-2, SF-4, SF-6, and SF-20. The second largest zoning district is Parks and Recreation, with the majority of the space being taken up by the well-known Alms Park.



*Planned Development means a large, integrated development adhering to a comprehensive site plan and located on a single site (§ 1401-01-P12).

FUTURE LAND USE

For Columbia Tusculum being one of the smallest neighborhoods in Cincinnati, it has many important districts located within it: an Urban Design Overlay District, Historic District, Hillside Overlay District, and its own Neighborhood Business District. The map below highlights this including possible opportunity areas.



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CONSISTENCY WITH PLAN CINCINNATI (2012)

Do You Live CT? is consistent with all five Initiative Areas of **Plan Cincinnati** - Compete, Connect, Live, Sustain, and Collaborate.

These Initiative Areas align with the Guiding Policy Principles by increasing our population, building on our assets, becoming recognized, being aggressive and strategic in future growth and development, and to develop a culture of health embodied by thriving residents.

Compete | *Be the pivotal economic force of the region.*

Goal to “Foster a climate conducive to growth, investment, stability, and opportunity” (p. 102) and the Strategy to “Pursue new growth and business recruitment efforts in target industries” (p. 108). This plan is additionally consistent with the Goal to “Become nationally and internationally recognized as a vibrant and unique city” (p. 121) through the Strategy to “Promote Cincinnati’s lifestyle” (p. 122).

As it states in Plan Cincinnati, “Cincinnati is a special place...our distinctive housing, unique and walkable neighborhoods...Cincinnati can begin to grow into a large city while maintaining the benefits of a smaller community” (p. 122).

Connect | *Bring people and places together.*

Goal to “develop an efficient multi-modal transportation system that supports neighborhood vitality” (p. 129) and the Strategy to “support regional and intercity transportation initiatives” (p. 144).

Live | *Strengthen our magnetic City with energized people.*

Goals to “build a robust public life” (p. 149) and “create a more liveable community” (p. 156) and the Strategies to “develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” (p. 150), to “become more walkable” (p. 157), to “support and stabilize our neighborhoods” (p. 160).

Sustain | *Steward resources and ensure long-term vitality.*

Goals to “become a healthier Cincinnati” (p. 181) and to “preserve our natural and built environment” (p. 193) with the Strategies to “protect our natural resources” (p. 194) and “preserve our built history” (p. 197).

Collaborate | *Partner to reach our common goals.*

Goal to “Work in Synergy with the Cincinnati Community” through the Strategy to “unite our communities” (p. 210).



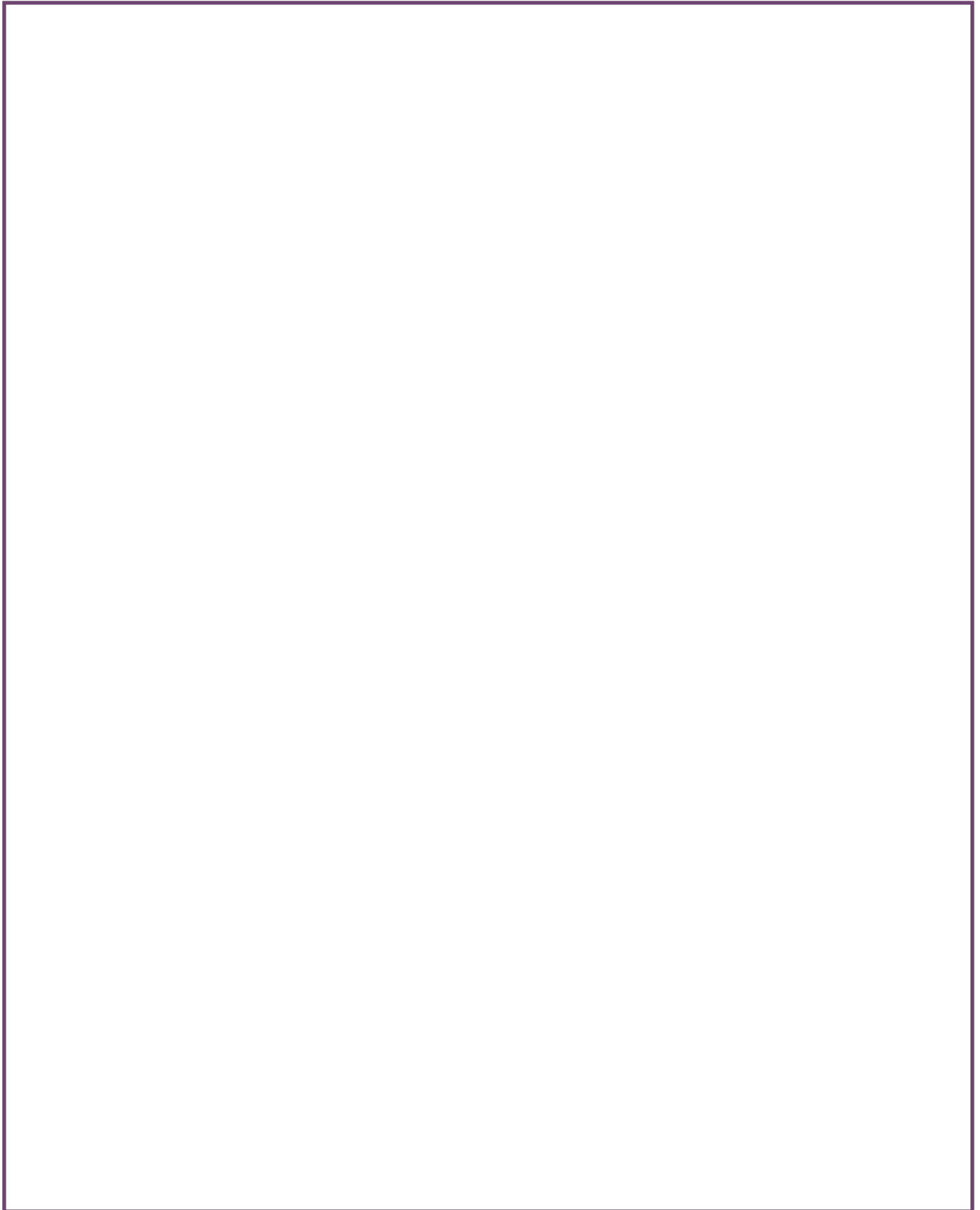
APPENDIX

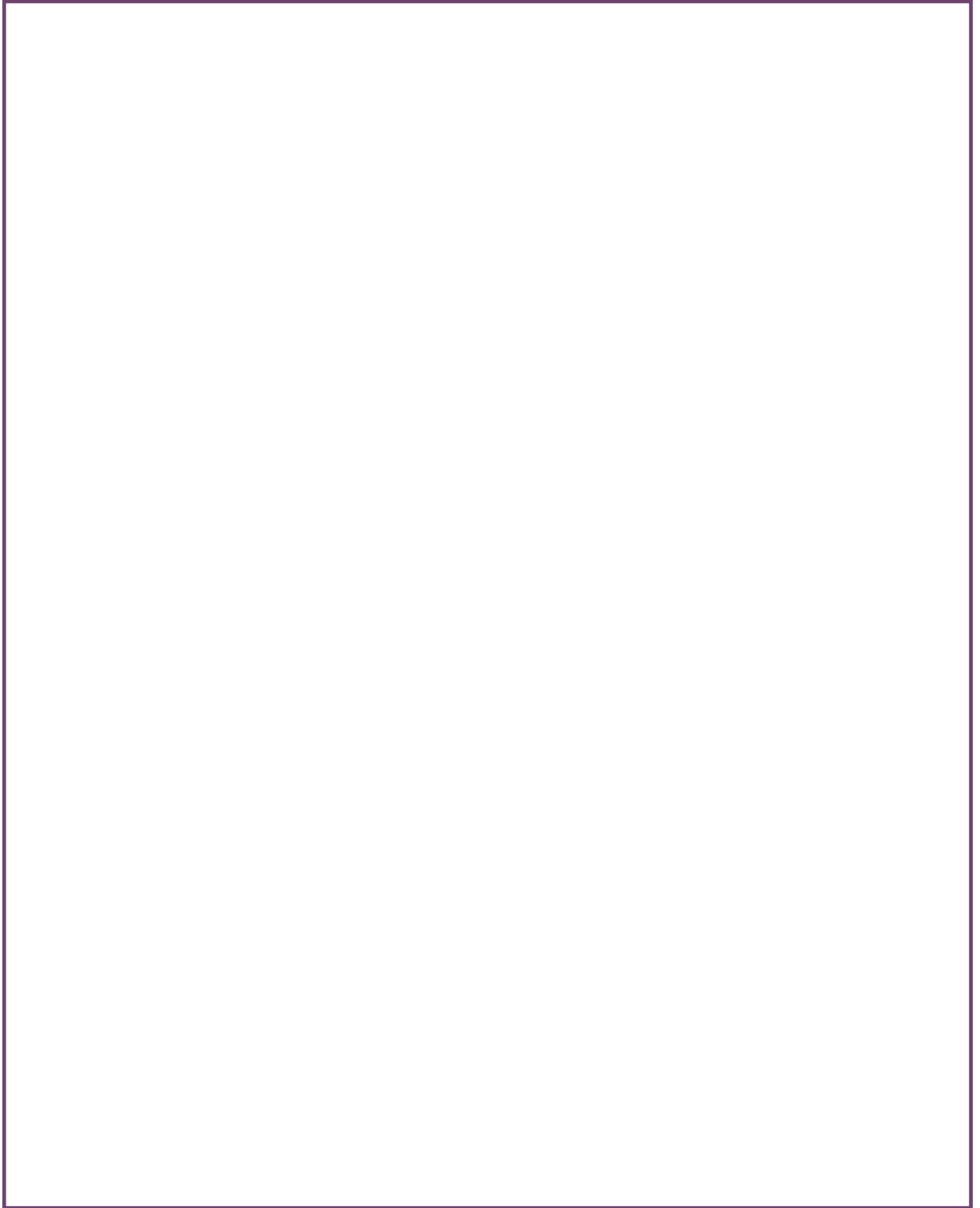
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ABBREVIATIONS

- B&I** – Department of Buildings and Inspections
- CP** - Cincinnati Parks
- CPAC** - Cincinnati Park Advisory Council
- CPD** – Cincinnati Police Department
- CPS** – Cincinnati Public Schools
- CRC** - City Recreation Commission
- CSR** – Customer Service Request (system)
- CTCC** – Columbia Tusculum Community Council
- DCED** – Department of Community and Economic Development
- DCPE** – Department of City Planning and Engagement
- DPS** – Department of Public Services
- DOT** – Department of Transportation and Engineering
- ODOT** – Ohio Department of Transportation
- OES** – Office of Environment and Sustainability
- OKI** – Ohio Kentucky Indiana Regional Council of Governments
- TST** – Tri-State Trails

CITY COUNCIL RESOLUTION





IMPLEMENTATION TABLES

BUSINESS THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Increase Business Density	Fill Empty Storefronts and prioritize filling of empty lots	Identify anchor businesses and create a map to share with business owners and community members	Medium	3-6 Months	DCED, DCPE, Business Owners, CTCC
		Identify property owners and find out why lots or property is open	Medium	3-6 Months	Hamilton County, DCED, DCPE, Realtors
		Conduct exercises and participatory mechanisms where residents and stakeholders can provide input on priority reinvestment areas	Medium	Ongoing	Business Owners, Residents
	Encourage a mix of developments within the neighborhood	Continue to work with business owners, developers, real estate agencies to enhance and maintain relationships for the good of Columbia Tusculum	High	Ongoing	Business Owners, Residents, Realtors, CTCC
		Analyze existing areas within the neighborhood where multi-use development can occur and where it is appropriate with the permitted land use	High	3-6 Months	DCPE, DCED
		Incentivize energy efficient developments	High	Ongoing	Developers, OES

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Increase Business Density	Establish and promote clear incentives for redevelopment of certain types of projects	potential of creating Business Improvement Districts (BIDs)	High	2-3 Years	Residents, DCED
		Research existing incentives and resources that could assist property owners or future developers for infill development	Medium	Ongoing	DCED, DCPE, Business Owners, CTCC
		Explore additional development incentives including tax incentives, density bonuses, reduce and alternate parking requirements to attract appropriate and meaningful development	Medium	1-2 Years	Parking Services, DCPE
		Collaborate with the Department of Community and Economic Development to utilize existing incentives such as Tax Increment Financing (TIFs), Community Reinvestment Area Tax Abatements, and Neighborhood Business District Support Grants (NBDSG)	Medium	Ongoing	DCED, CTCC
		Set up a business sub-committee of CT Community Council	Low	1-2 Years	CTCC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Invest in a multi-modal connection between businesses and community members/visitors	Make Columbia Tusculum a unique destination by looking for opportunities to enhance social interaction on foot, bicycle or in vehicles	activities that will continue to make Columbia Tusculum a more attractive community to business, residents, and visitors	High	Ongoing	CTCC, Residents
		Expand partnerships with City Departments, Cincinnati Parks, Carnegie Center, and other visual arts programs or organizations to promote a variety of arts and cultural components	Medium	Ongoing	Parks, CTCC
		Encourage the community council to invest in guerrilla urbanism to help make roads safer for pedestrians and bicyclists	Medium	Ongoing	CTCC
		Continue to sponsor events that bring attention to the neighborhood like the annual Flying Pig Marathon water station, Historic Home Tour, and more	Low	Ongoing	CTCC, City Departments
	Capitalize on proximity to bike trails	Implement more signage to encourage walking/biking	Medium	2-5 Years	City Departments, Tri-State Trails
		Plan out and identify potential opportunities for new trail expansions	Low	1-2 Years	Tri-State Trails, CTCC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Focus our community on local business programs and certifications	Emphasize the importance of Business Enterprises	Focus on Small Business Enterprises (SBEs)	High	Ongoing	DCED, Business Owners
		Focus on Minority-Owned Business Enterprises (MBEs)	High	Ongoing	DCED, Business Owners
		Focus on Women-Owned Business Enterprises (WBEs)	High	Ongoing	DCED, Business Owners
	Collaborate with different organizations in the City to promote the incentives of existing programs	Continue to promote the Columbia Tusculum Business Association to get more businesses to join	Medium	Ongoing	Business Owners, CTCC
		Promote the City's Small Business Assistance funds (MicroCity Loan and Grow Cincinnati Fund) to encourage expansion within the small business community	Medium	Ongoing	City Departments
	Encourage and promote affordability options in businesses	Support creative options in order to attract new businesses, restaurants, and local entrepreneurial efforts	Catalog and identify grants and resources to help offset costs of opening business or remediation of environmental issues	Low	1 Year
Create affordable rent program for small businesses			Low	2-5 Years	City Departments, Hamilton County, State of Ohio

TRANSPORTATION & CONNECTIVITY THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Capitalize on regional bicycle connections	Promote completion of trails in the vicinity of CT that are identified in adopted or officially recognized trail plans	Identify regional trail network gaps in CT vicinity	High	3-6 Months	OKI, TST
		Identify preferred locations for trail heads, bike rental (Red-Bike), and bike racks, using zone districts to avoid incompatible areas	Medium	1 Year	OKI, TST, CTCC
		Track and report on City/OKI/State trail planning efforts for CT trail advocacy	High	Ongoing	City Departments, OKI, TST, ODOT
		Partner with neighborhood institutions, and public agencies (i.e. Cincinnati Parks, and Recreation) to share underused surface parking lots and locate bike racks	Medium	Ongoing	CP, CRC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Capitalize on regional bicycle connections	Promote completion of trails in the vicinity of CT that are identified in adopted or officially recognized trail plans	Invite trail planning and funding agencies (OKI, Green Umbrella/Tri-State Trails...) to CTCC meetings or Transportation Committee working groups to inform CT on proposed routes/plans	Medium	Ongoing	TST, OKI
		Optimally use available parking and commercial zone districts to locate bike amenities	Medium	Ongoing	DCED, DCPE, CTCC
		Submit speed cushion locations	High	Ongoing	CTCC, City Departments
Capitalize on regional bicycle connections	Partner with DOTE to identify best practices and locations for traffic calming, focusing on pedestrian safety along Columbia Parkway between Tusculum Avenue and Delta Avenue (in the Neighborhood	Contact DOTE-Transportation Planning and Design (TPUD) Street Calming Program to discuss problem areas that may warrant speed bumps/cushions, traffic signs, pavement	Medium	2-3 Years	DOTE

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote pedestrian safety & connectivity throughout the neighborhood	Neighborhood Business District (NBD)).	traffic signs, pavement markings, and other Ped. Safety Program tools			
		Contact DOTE-Traffic Engineering for new or replacement signs, signals, and pavement markings	Medium	Ongoing	DOTe
	Prioritize sidewalk safety and maintenance	Partner with DOTE (Street Rehab Program and Sidewalk Safety Program) to identify and map gaps in sidewalk network	High	1-2 Years	CTCC, DOTE
		Prioritize areas for sidewalk construction and submit requests via the City's Community Budget Request process	High	1 Year	DOTe, City Departments
	Employ a carrot and stick approach to discourage or eliminate truck traffic on one-lane residential streets, such as Morris Place, and direct it to Kellogg	Request DOTE truck traffic management tools and work with local businesses to educate truck drivers on appropriate and efficient travel routes through CT	Medium	Ongoing	DOTe

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote pedestrian safety & connectivity throughout the neighborhood	Promote alternatives to personal gas-powered vehicles including bus ridership, bike share, ride share, electric vehicles (EV) and other alternative transportation modes	Participate in METRO planning studies (CTCC) and widely circulate surveys to residents	Medium	Ongoing	METRO, CTCC, DOTE
		Apply to CNBDU for additional bus stop amenities consistent with existing CT urban streetscape	Medium	Ongoing	City Departments
		Identify optimal Red-Bike station locations in CT (see map for sites to be approved by CTCC) and work with Red-Bike to install	Low	3-6 Months	CTCC, Red Bike
Promote access to quality transportation alternatives and options	Promote alternatives to personal gas-powered vehicles including bus ridership, bike share, ride share, electric vehicles (EV) and other alternative transportation modes	Promote group ride share trips to the CBD and other common destinations	Low	Ongoing	CTCC
		Partner with OES to pursue grants for public EV charging stations in CT	Low	Ongoing	OES
		Complete a neighborhood survey to gain insight into residents' transportation preferences. Use this information to			

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
<p>Promote access to quality transportation alternatives and options</p>	<p>Explore opportunities to expand connectivity to adjacent neighborhoods</p>	<p>preferences. Use this information to promote neighborhood preferences (could include additional opportunities in bus ridership, bike share, electric vehicles)</p>	<p>Medium</p>	<p>1 Year</p>	<p>City Departments</p>
		<p>Promote trails and paths north of RR tracks to minimize rail crossing</p>	<p>High</p>	<p>Ongoing</p>	<p>TST, OKI</p>
	<p>Coordinate with Planning & Development to encourage future developments to include adequate parking where on-street parking is saturated</p>	<p>Optimally use available parking and commercial zone districts to locate bike amenities</p>	<p>High</p>	<p>Ongoing</p>	<p>City Departments</p>
		<p>Identify funding sources or other resources for urban design and street amenities</p>	<p>High</p>	<p>1-2 Years</p>	<p>City Departments</p>

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Maintain and enhance community character while expanding transportation infrastructure	Expand place-making and wayfinding opportunities to complement existing urban design	Photo document and map thoroughfares in need of urban design (e.g.: Eastern Avenue between Delta Avenue and Carrel Street, Stanley Avenue between Kellogg Avenue and Vineyard Place)	Low	6-8 Months	CTCC
		Engage landscape architecture professionals and City resources to create a vision for significant thoroughfares (Eastern, Stanley) and develop streetscape proposals to beautify streets, as well as enhance connectivity and calm traffic	Low	2-5 Years	CTCC
		Consult with Urban Forestry on street tree availability	Low	Ongoing	City Departments
		Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in	Medium	Ongoing	DOT

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
enhance community character while expanding transportation infrastructure		Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in conjunction with the Public Space & Community Committee)	Medium	Ongoing	DOTE
		Design to develop CT identity, gateway or wayfinding concepts that reflect CT community character and compliment or tie into existing systems	Low	2-3 Years	DOTE
	Continue the ongoing maintenance of existing infrastructure	Assemble a neighborhood committee to complete improvements and maintain the railroad tunnel at Congress Avenue & Eastern Avenue	Low	1-2 Years	CTCC
		Report city roadway and sidewalk maintenance issues via FixIt Cincy App or the City 'Contact Us' online portal. Publicize reporting contact information	Medium	Ongoing	DOTE, City Departments

HOUSING & DEVELOPMENT THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Embrace and promote density in the neighborhood	Provide and increase a full spectrum of housing options and price points	Focus on not just single-family, but also two-family, four-family, and multi-family developments	High	Ongoing	DCPE, DCED, City Departments
	Use the existing development momentum to further spur development activity	Ramp up housing production to catch-up with other regions	Medium	Ongoing	Developers, DCED
		Continue educating residents and promoting progressive trends that correlate with City- and Region-wide goals such as Transit-Oriented Development (TODs), Microneighborhoods, and Placemaking	High	Ongoing	City Departments
	Review existing guidelines and codes to identify potential adjustments	Support the future inclusion of Accessory Dwelling Units (ADUs) into the Cincinnati Zoning Code	High	Ongoing	DCED, DCPE, City Council
		Review the existing conservation guidelines and consider potential changes	Low	2-3 Years	City Departments
	Continue embracing Columbia Tusculum's historic roots while welcoming all backgrounds and incomes	Target future residential (or mixed) developments in transit- and amenity-rich locations	Educate neighborhood about existing incentives/assistance for tax abatements, code compliance (to improve existing housing stock/conditions), infill housing, and assisting seniors in staying in their homes or neighborhood	High	Ongoing

PUBLIC SPACE & COMMUNITY THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Foster relationships within the community	Continue building relationships with existing organizations within Columbia Tusculum	Foster relationships specifically with Alms Park Allies, 3 East Business Association, CROWN, Irish Heritage Center of Cincinnati, St. Stephen Catholic Church, and Columbia Baptist	Medium	Ongoing	Alms Park Allies, 3 East Business Association, Irish Heritage Center, Churches
	Focus on programming and events to improve community interactive and communication	Leverage the existing Cincinnati Park Advisory Council (CPAC) for Alms Park improvements and potential programming	Medium	Ongoing	CP, CPAC
		Build a calendar of community-focused neighborhood events to highlight events such as Street Fest, Fall Festival at the Carnegie, Flying Pig and Queen Bee cheer stations, Wine Tasting and Art Show, and more	Low	Ongoing	CTCC
		Share event information on Facebook and in the monthly e-newsletter	High	Ongoing	CTCC, DCPE
Celebrate CT's historic charm		Create a historic maintenance plan for areas and buildings within the Historic District (i.e., period lighting, brick alleys)	Medium	1-2 Years	City Departments
		Consider the use of tax credits for capital projects	High	Ongoing	City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Celebrate CT's historic charm	Continue ongoing maintenance of existing historic buildings and aesthetic details, as well as find financial support for historic recreation	Consider revisions to the Historic District Conservation Guidelines	Low	2-3 Years	Cincinnati Preservation Association
		Apply for Certified Local Government funding from the State Historic Preservation Office to create self-guided walking tours	Medium	Ongoing	City Departments
		Identify and create a map of unique assets, landmarks, natural features, streetscapes, and patterns of development that distinguish each character area and create a "sense of place"	High	3-6 Months	DCPE
Ensure complete, safe connections within the neighborhood	Ensure continuity and access of sidewalks for a more walkable neighborhood.	Identify missing sidewalk and pedestrian connections and promote ideas to integrate them into the existing pedestrian network	High	1-2 Years	DOT, ODOT, City Departments
		Determine the appropriate funding mechanism and partners for connectivity opportunities	Medium	Ongoing	City Departments
		Connect with Cincinnati Riding or Walking Network (CROWN) regarding the Oasis Trail	Medium	5-10 Years	TST, DOT, City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
		Gain an understanding of the proposed route/plans and insure the implement of the Transportation & Connections strategies and action steps	Medium	2-5 years	DOTE, ODOT, City Departments

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May 10, 2023

Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith a Resolution captioned as follows:

APPROVING *Do You Live CT?* as the planning guide for the Columbia Tusculum neighborhood.

The City Planning Commission recommended approval of the neighborhood plan at its May 05, 2023 meeting.

Summary:

The Department of City Planning and Engagement, along with the Columbia Tusculum Community Council (CTCC), *Do You Live CT?* steering committee and community members, are pleased to share the result of a two-and-a-half-year planning effort to create their first neighborhood-wide plan for Columbia Tusculum.

The purpose of this neighborhood plan is to establish an innovative direction for the eastern community, update it to 2023 and to plan out the next ten-to-fifteen years for the neighborhood. This plan documents Columbia Tusculum's visions for the future while focusing on four theme areas: Business, Transportation & Connections, Housing & Development, and Public Space & Community.

The City Planning Commission recommended the following on May 05, 2023 to City Council:

Motion to Approve: Ms. Kearney

Ayes:

Ms. Beltran

Mr. Eby

Seconded: Mr. Samad

Ms. Kearney

Mr. Samad

Mr. Stallworth

Mr. Weber

THE CITY PLANNING COMMISSION



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