



# City of Cincinnati

801 Plum Street  
Cincinnati, Ohio 45202

## CALENDAR

### Cincinnati City Council

---

Thursday, February 24, 2022

2:00 PM

Council Chambers, Room 300

---

#### ROLL CALL

#### PRAYER AND PLEDGE OF ALLEGIANCE

#### FILING OF THE JOURNAL

#### MAYOR AFTAB

1. [202200480](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor Aftab Pureval, from Andrew W. Garth, City Solicitor, **MODIFYING** a provision of Chapter 209 of the Cincinnati Municipal Code, "Housing Advisory Board," by AMENDING Section 209-5, "Composition of Board," for the purpose of increasing the membership of the Housing Advisory Board to consist of up to 14 members for the purpose of broadening community engagement by ensuring deeper representation of community, business, and neighborhood stakeholders.  
**Recommendation** EQUITABLE GROWTH AND HOUSING COMMITTEE  
**Sponsors:** Mayor
2. [202200493](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor Aftab Pureval, from Andrew W. Garth, City Solicitor, **AMEDNING** the policy of managing the Stabilization Funds for the City of Cincinnati.  
**Recommendation** BUDGET AND FINANCE COMMITTEE  
**Sponsors:** Mayor
3. [202200494](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor Aftab Pureval, from Andrew W. Garth, City Solicitor, **AUTHORIZING** the transfer and return to source Local Fiscal Recovery Fund 469 of the sum of \$5,150,000 from American Rescue Plan grant project account no. 469x101xARP050, "FY 2022 COVID Expenses," for the purpose of realigning sources with uses; ESTABLISHING new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP200, "Affordable Housing Trust Fund," for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic; ESTABLISHING new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP201, "Housing Strategies," for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic; AUTHORIZING the transfer and appropriation of the sum of \$5,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP200, "Affordable Housing Trust Fund,"

for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic; AUTHORIZING the transfer and appropriation of the sum of \$150,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP201, "Housing Strategies," for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic; AUTHORIZING the City Manager to execute any and all necessary agreements related to the Affordable Housing Trust Fund with Cincinnati Development Fund, Inc. or an affiliate; and DECLARING expenditures from American Rescue Plan grant project account no. 469x101xARP200, "Affordable Housing Trust Fund," and American Rescue Plan grant project account no. 469x101xARP201, "Housing Strategies," to be for a public purpose.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** Mayor

### MR. LANDSMAN

4. [202200415](#) **RESOLUTION**, submitted by Councilmember Landsman, from Andrew Garth, City Solicitor, **RECOGNIZING** and expressing the appreciation of the Mayor and the Council of the City of Cincinnati to Alexis Kidd-Zaffer during Black History Month 2022 for her work with Seven Hills Neighborhood Houses, an organization that provides invaluable services to the City of Cincinnati, in particular, our West End Community.

**Recommendation** PASS

**Sponsors:** Landsman

### MS. OWENS

5. [202200473](#) **RESOLUTION**, submitted by Councilmember Owens, from Andrew Garth, City Solicitor, **RECOGNIZING** and expressing the appreciation of the Mayor and Council of the City of Cincinnati to Master Terrell Davis of Seven Star Dragons Karate as a 2022 City of Cincinnati Black History Month honoree for her many years of teaching and mentoring the youth of Cincinnati.

**Recommendation** PASS

**Sponsors:** Owens

### MR. JEFFREYS

6. [202200476](#) **RESOLUTION**, submitted by Councilmember Jeffreys, from Andrew Garth, City Solicitor, **RECOGNIZING** and expressing the appreciation of the Mayor and the Council of the City of Cincinnati to Barb Smith as a 2022 City of Cincinnati Black History Month honoree for her continuous leadership and work with Journey Steel, Inc., Journeys Soaring Impact, and other organizations in the City of Cincinnati, as well as for her dedication to advancing racial justice, equality for all persons, and the protection of our sacred democracy.

**Recommendation** PASS

**Sponsors:** Jeffreys

7. [202200501](#) **MOTION**, submitted by Councilmember Jeffreys, **WE MOVE** that the Administration report to Council with any criteria that communities may want to consider when pursuing landmark designations. These criteria may include best practices and any other, tangentially related considerations that may be pertinent to the landmark designation process. (STATEMENT ATTACHED)

**Recommendation** EQUITABLE GROWTH AND HOUSING COMMITTEE

**Sponsors:** Jeffreys

### MS. KEARNEY

8. [202200512](#) **RESOLUTION**, submitted by Vice Mayor Kearney, from Andrew Garth, City Solicitor, **RECOGNIZING** and honoring Lincoln Ware for his pioneering work in local media, his community and civic leadership, and for his many contributions to the City of Cincinnati.

**Recommendation** PASS

**Sponsors:** Kearney

9. [202200477](#) **ORDINANCE (EMERGENCY)**, submitted by Vice Mayor Kearney, from Andrew W. Garth, City Solicitor, **MODIFYING** the provisions of Chapter 100 of the Cincinnati Municipal Code, "Mayor," by amending existing Section 100-7, "Mayor's Assistants," to remove the limit on the number of assistants in the mayoral service while retaining the requirement that the total amount of those assistants' salaries be fixed by Council.

**Recommendation** PUBLIC SAFETY AND GOVERNANCE COMMITTEE

**Sponsors:** Kearney

10. [202200487](#) **MOTION**, submitted by Vice Mayor Kearney, **WE HEREBY** ask the Office of Human Services to provide a report on resource available to assist residents in finding rental housing vacancies and to determine if there is a need for the City to make a rental vacancy registry ("renters' guide") available for landlords to post vacancy information for residents in need of housing. Information listed in the renters' guide would include, but not be limited to amount of rent, neighborhood, number of bedrooms, number of bathrooms, proximity to public transportation, whether unit is accessible, inclusion of utilities in rent, and pet policy. (STATEMENT ATTACHED)

**Recommendation** HEALTHY NEIGHBORHOODS COMMITTEE

**Sponsors:** Kearney

### MR. JEFFREYS

### MR. JOHNSON

11. [202200502](#) **MOTION**, submitted by Councilmembers Jeffreys and Johnson, To get a better understanding of speeding violations in Cincinnati and how to utilize CPD resources to better address speeding in our communities, **WE MOVE** that the Administration report back to Council within forty-five days on: How many traffic citations for speeding violations have been issued annually for the past five years across the City with data broken down by the neighborhood. (BALANCE OF FILE IN CLERK'S OFFICE).

**Recommendation** PUBLIC SAFETY AND GOVERNANCE COMMITTEE**Sponsors:** Jeffreys and Johnson**MR. JEFFREYS****MR. JOHNSON****MS. KEARNEY**

12. [202200504](#) **MOTION**, submitted by Councilmembers Jeffreys, Johnson and Vice Mayor Kearney, **WE MOVE** that, the Administration provide an update to Council within 30 days on motion number 202102195 requesting a report from the Administration and the Cincinnati Police Department's detailing a plan for establishing a new District 5 headquarters, which was requested to be completed by September 15, 2021. **WE FURTHER MOVE** that, the Administration within that report share data on response times by neighborhood in District 5. This report should document annual average response times by each of the neighborhoods served at least three years before District 5's headquarters moved to College Hill and annual average response times by neighborhood for each year since the headquarters has moved. (STATEMENT ATTACHED).

**Recommendation** PUBLIC SAFETY AND GOVERNANCE COMMITTEE**Sponsors:** Jeffreys, Johnson and Kearney**CITY MANAGER**

13. [202200447](#) **REPORT**, dated 2/24/2022, submitted by John P. Curp, Interim City Manager, regarding Special Event Permit Application for MARCH FOR BABIES.

**Recommendation** FILE**Sponsors:** City Manager

14. [202200448](#) **REPORT**, dated 2/24/2022, submitted by John P. Curp, Interim City Manager, regarding Special Event Permit Application for 2022 FLYING PIG MARATHON.

**Recommendation** FILE**Sponsors:** City Manager

15. [202200455](#) **REPORT**, dated 2/24/2022, submitted by John P. Curp, Interim City Manager, regarding Special Event Permit Application for REDS OPENING DAY BLOCK PARTY.

**Recommendation** FILE**Sponsors:** City Manager

16. [202200457](#) **REPORT**, dated 2/24/2022, submitted by John P. Curp, Interim City Manager, regarding Special Event Permit Application for HEART MINI MARATHON.

**Recommendation** FILE**Sponsors:** City Manager



17. [202200467](#) **REPORT**, dated 2/24/2022, submitted by John P. Curp, Interim City Manager, regarding Special Event Permit Application for CINCINNATI WALKS FOR KIDS.  
**Recommendation** FILE  
**Sponsors:** City Manager
18. [202200469](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **MODIFYING** Title VII, "General Regulations," of the Cincinnati Municipal Code by AMENDING Section 721-155, "Right of Appeal," of Chapter 721, "Streets and Sidewalks, Establishment and Maintenance," to modify the members of the sidewalk board of appeals and to clarify the role of the City Solicitor as legal advisor to the board.  
**Recommendation** PUBLIC SAFETY AND GOVERNANCE COMMITTEE  
**Sponsors:** City Manager
19. [202200470](#) **REPORT**, dated 2/24/2022, submitted by John P. Curp, Interim City Manager, regarding Special Event Permit Application for CECF STREET FESTIVAL.  
**Recommendation** FILE  
**Sponsors:** City Manager
20. [202200471](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the City Manager to apply for grant resources awarded by the Ohio Department of Transportation's Safe Routes to School program in an amount of up to \$400,000 for the purpose of constructing sidewalks on Westwood Northern Boulevard between McHenry Avenue and Baltimore Avenue.  
**Recommendation** BUDGET AND FINANCE COMMITTEE  
**Sponsors:** City Manager
21. [202200472](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the payment of \$3,285 from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7215 as a moral obligation to US Bank for training and certification that was billed to a purchase card resulting in charges that exceeded the State of Ohio's \$3,000 purchasing limit without certification.  
**Recommendation** BUDGET AND FINANCE COMMITTEE  
**Sponsors:** City Manager
22. [202200475](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **ESTABLISHING** new capital improvement program project account no. 980x199x221915, "Oakley Recreation Center," for the purpose of providing resources to acquire real estate or interest therein for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate, rehabilitating existing parks, parkways, playgrounds and recreation centers, including the design and construction of a recreation center in the Oakley neighborhood as part of the Recreation Master Plan designed to meet the

current demands and programming needs of the public, said recreation center to be larger than the existing center and include a gymnasium and rooms for specific activities, comply with current building codes, and provide ADA access and life safety requirements; and AUTHORIZING the transfer and appropriation of the sum of \$2,000,000 from the unappropriated surplus of the Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x199x221915, "Oakley Recreation Center."

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** Jeffreys

23. [202200478](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the transfer and return to source, Emergency Shelter Grant Fund 445, of the sum of \$559,380.39 from various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer; and AUTHORIZING the transfer and appropriation of the sum of \$559,380.39 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer, for the purpose of appropriating Emergency Shelter Grant administrative resources to Emergency Shelter Grant project accounts to completely fund emergency shelter renovations for increased safety related to COVID-19.

**Recommendation**

BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

24. [202200479](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the transfer and return to source Fund 411, "Home Investment Trust," of the sum of \$3,523,076 from various Home Investment Trust Fund 411 project accounts, according to the attached Schedule of Transfer; and AUTHORIZING the transfer and appropriation of the sum of \$3,523,076 from the unappropriated surplus of Fund 411, "Home Investment Trust," to various new and existing Home Investment Trust Fund 411 project accounts, according to the attached schedule of transfer, for the purpose of appropriating resources to projects consistent with guidance issued by the United States Department of Housing and Urban Development.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

25. [202200481](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **ESTABLISHING** the classification and salary range schedule for the new full-time employment classification of Public Employees Assistance Program Counselor; and ENACTING Section 247 of Division 0, Chapter 307 of the Cincinnati Municipal Code, in order to establish a new salary schedule and classification title for the new classification consistent with the organizational changes described herein.

**Recommendation** PUBLIC SAFETY AND GOVERNANCE COMMITTEE

**Sponsors:** City Manager

26. [202200483](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the City Manager to enter into an agreement on behalf of the Greater Cincinnati Water Works with the Water Research Foundation for the purpose of co-funding, along with five other water utilities, a collaborative research project known as "Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs."

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

27. [202200484](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the establishment of a new capital improvement program project account no. 980x233x222362, "Kirby Improvements PID 115448 SRTS Grant," for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; **AUTHORIZING** the City Manager to accept and appropriate a grant in the amount of up to \$400,000 from the federal Safe Routes to School program (ALN 20.205), as administered by the Ohio Department of Transportation, to new capital improvement program project account no. 980x233x222362, "Kirby Improvements PID 115448 SRTS Grant," for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; and further **AUTHORIZING** the Director of Finance to deposit the grant funds into newly established capital improvement program project account no. 980x233x222362, "Kirby Improvements PID 115448 SRTS Grant."

**Recommendation**

BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

28. [202200485](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AMENDING** the official zoning map of the City of Cincinnati to rezone the real property located at 1001 Marshall Avenue in the Camp Washington and CUF neighborhoods from the MG "Manufacturing General," and CC-A, "Community Commercial - Auto-Oriented," zoning districts to Planned Development District No. 92, "Marshall and Central Apartments."

**Recommendation** EQUITABLE GROWTH AND HOUSING COMMITTEE

**Sponsors:** City Manager

29. [202200488](#) **REPORT**, dated 2/24/2022 submitted by John P. Curp, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for PRICE HILL PETROLEUM LLC, 3749 Glenway Avenue, Cincinnati, Ohio 45205. (#7077040, C1, C2, NEW) [Objections: YES]

**Recommendation** FILE

**Sponsors:** City Manager

## CLERK OF COUNCIL

30. [202200458](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Michael James Cooper/ETS - IT Manager.

**Recommendation** FILE

**Sponsors:** Clerk of Council

31. [202200459](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Verna J. Arnette/GCWW/Deputy Director.

**Recommendation** FILE

**Sponsors:** Clerk of Council

32. [202200460](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Theodore John Nussman/Finance/Tax Commissioner.

**Recommendation** FILE

**Sponsors:** Clerk of Council

33. [202200461](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Todd J. Smith/GCWW - IT Manager.

**Recommendation** FILE

**Sponsors:** Clerk of Council

34. [202200462](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Dena Nichole Brown/Citizen Complaint Authority/Division Manager.

**Recommendation** FILE

**Sponsors:** Clerk of Council

35. [202200463](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Monica Marie Morton/Finance Asst. Finance Director.

**Recommendation** FILE

**Sponsors:** Clerk of Council

36. [202200464](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Holly Stutz Smith/Director of Communications.

**Recommendation** FILE

**Sponsors:** Clerk of Council

37. [202200490](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Kylie Johnson, Policy Advocate, 1145 Chesapeake Ave, Suite 1, Columbus, Ohio 43212. (OHIO ENVIRONMENTAL COUNCIL ACTION FUND)

**Recommendation** FILE

**Sponsors:** Clerk of Council

**BUDGET AND FINANCE COMMITTEE**

38. [202200385](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/16/2022, **AMENDING** Ordinance No. 0273-2021, which authorized the acceptance and appropriation of a donation from Clifton resident Timothy Maxey to existing capital improvement program project account no. 980x232x212383, "Pedestrian Safety Improvements," to provide resources for the purchase of two new solar powered blinking stop signs at the intersection of Middleton Avenue and Resor Avenue, for the purpose of increasing the donation and appropriation amount from \$2,920 to \$3,120.

**Recommendation** PASS

**Sponsors:** City Manager

39. [202200386](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/16/2022, **AUTHORIZING** the City Manager to apply for two grants in the amounts of up to \$417,631 and \$420,293 from the Ohio Environmental Protection Agency's Volkswagen Mitigation Trust Fund for the purpose of providing resources to install public electric vehicle charging stations at 361 Central Avenue and on Plum Street in the City of Cincinnati.

**Recommendation** PASS

**Sponsors:** City Manager

40. [202200387](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/16/2022, **AUTHORIZING** the City Manager to accept and deposit a donation in an amount up to \$40,000 from the Cincinnati Park Board Commissioners' Fund into Fund 430, "Parks Private Endowment and Donations," for the purpose of providing resources for a grove and bird sanctuary in Ault Park; **ESTABLISHING** new capital improvement program project account no. 980x203x222020, "Carter's Grove at Ault Park," for the purpose of providing resources for creating a grove and bird sanctuary in Ault Park; and **AUTHORIZING** the transfer and appropriation of up to \$40,000 from the unappropriated surplus of Fund 430, "Parks Private Endowment and Donations," to newly established capital improvement program project account no. 980x203x222020, "Carter's Grove at Ault Park."

**Recommendation**

PASS EMERGENCY

**Sponsors:** City Manager

41. [202200388](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/16/2022, **AMENDING** Ordinance No. 0235-2020, which established COVID-19 Fund 473 for receipt of funds from various sources earmarked to reimburse expenses related to the Coronavirus Disease 2019 ("COVID-19") pandemic other than resources from the Federal Emergency Management Agency (FEMA); **AUTHORIZING** an appropriation reduction in the amount of \$7,178,998 from American Rescue Plan grant project account no. 469x101xARP101, "ERA2," for the purpose of reducing the appropriation by the amount allocated for

Emergency Rental Assistance 2 funding to instead reflect these funds as an appropriation to COVID-19 Fund 473 based upon guidance promulgated by the United States Department of the Treasury; and AUTHORIZING an appropriation in the amount of \$7,178,998 to the City Manager's Office non-personnel operating budget account no. 473x101x7400 for the purpose of providing reimbursement of, or resources for, certain non-personnel expenditures for the Emergency Rental Assistance 2 program based upon guidance promulgated by the United States Department of the Treasury.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

42. [202200408](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/16/2022, **AUTHORIZING** the City Manager to accept and appropriate a donation in the amount of \$3,500 from Paddock Hills Assembly to the Cincinnati Recreation Commission for the purpose of providing resources to resurface the Paddock Hills Recreation Area basketball court; and AUTHORIZING the Finance Director to deposit the donated funds into capital improvement program project account no. 980x199x201903, "Athletics Facilities Renovation."

**Recommendation**

PASS

**Sponsors:** City Manager

43. [202200446](#) **MOTION**, submitted by Councilmembers Landsman, Owens and Vice Mayor Kearney, As the Administration prepares its budget, **WE HEREBY MOVE** that the following core services be priorities: Public safety staffing (CFD, CPD), including support for the fire recruit class *and* a second police recruit class; Public services staffing (DPS), including support for additional sanitation crews *and* efforts to improve retention (potentially through adjusted compensation); Core municipal amenities (DPS), including urgent road repair to uphold lane miles and pothole maintenance - especially in historically underserved neighborhoods, wherein residents experience the highest financial consequences of crumbling infrastructure. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED)

**Recommendation** ADOPT

**Sponsors:** Landsman, Kearney and Owens

## ANNOUNCEMENTS

Adjournment



**Date:** February 16, 2022

**To:** Mayor Aftab Pureval  
**From:** Andrew W. Garth, City Solicitor *AWG*  
**Subject:** **Emergency Ordinance – Modifying Chapter 209 of CMC Housing Advisory Board to Increase Housing Advisory Board to 14 Members**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**MODIFYING** a provision of Chapter 209 of the Cincinnati Municipal Code, “Housing Advisory Board,” by AMENDING Section 209-5, “Composition of Board,” for the purpose of increasing the membership of the Housing Advisory Board to consist of up to 14 members for the purpose of broadening community engagement by ensuring deeper representation of community, business, and neighborhood stakeholders.

AWG/KKF(lnk)  
Attachment  
357831

EMERGENCY

City of Cincinnati

An Ordinance No. \_\_\_\_\_

KKF

*AWB*

- 2022

**MODIFYING** a provision of Chapter 209 of the Cincinnati Municipal Code, "Housing Advisory Board," by **AMENDING** Section 209-5, "Composition of Board," for the purpose of increasing the membership of the Housing Advisory Board to consist of up to 14 members for the purpose of broadening community engagement by ensuring deeper representation of community, business, and neighborhood stakeholders.

WHEREAS, Ordinance No. 15-2007, passed February 18, 2007, enacted Chapter 209 of the Cincinnati Municipal Code, "Housing Advisory Board," ("Board"), establishing the initial number of members of the Board at eleven members; and

WHEREAS, pursuant to state and local law, the Board consists of representatives from specified groups including (1) institutions that lend money for housing, (2) for-profit and non-profit builders and developers of housing (including rental housing), (3) real estate brokers, (4) persons with professional knowledge regarding local housing needs and fair housing issues within the City, (5) residents of the City who could receive housing assistance from the City, (6) the Cincinnati Metropolitan Housing Authority, (7) elected officials of the City, and (8) additional groups and individuals who are necessary to provide balanced advice on housing plans and programs, each of whom have unique expertise in developing affordable housing strategies; and

WHEREAS, Council desires to increase the number of members on the Board to broaden community engagement and ensure deeper representation of community, business, and neighborhood stakeholders; now, therefore,

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

Section 1. That Section 209-5 of the Cincinnati Municipal Code is hereby amended as follows:

**Section 209-5. – Composition of Board.**

The Cincinnati Housing Advisory Board shall consist of ~~eleven~~ at least eleven and up to fourteen voting members, which shall be of diverse community leadership/representation.

The board shall include a balanced representation from each of the following groups located within the city as specified below and in accordance with Ohio Revised Code Section 176.01:

- (a) Institutions that lend money for housing;

- (b) Nonprofit builders and developers of housing;
- (c) For-profit builders and developers of housing;
- (d) For-profit builders and developers of rental housing;
- (e) Real estate brokers licensed under Ohio Revised Code Chapter 4735;
- (f) Other persons with professional knowledge regarding local housing needs and fair housing issues within the city;
- (g) Residents of areas of the city served by the board that could receive housing assistance from the city;
- (h) Any metropolitan housing authority operating within the city;
- (i) The elected officials of the city;
- (j) Such other groups or individuals that the appointing authority determines are necessary to provide balanced advice on housing plans and programs.

Section 2. That existing Section 209-5, "Composition of Board" of the Cincinnati Municipal Code is hereby repealed.

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 enable the appointment of additional members to the Housing Advisory Board so the Housing Advisory Board can meet and conduct business as soon as possible.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.

**Date:** February 18, 2022

**To:** Mayor Aftab Pureval  
**From:** Andrew W. Garth, City Solicitor *AWG*  
**Subject:** **Emergency Ordinance – Amending Stabilization Policy**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**AMENDING** the policy of managing the Stabilization Funds for the City of Cincinnati.

AWG/KKF(lnk)  
Attachment  
358262



City of Cincinnati

KKF  
AWB

An Ordinance No. \_\_\_\_\_

- 2022

AMENDING the policy of managing the Stabilization Funds for the City of Cincinnati.

WHEREAS, Ordinance No. 253-2015 established a policy to manage the fund balance reserves now referred to as the Stabilization Funds; and

WHEREAS, Ordinance No. 213-2019 amended Ordinance No. 253-2015 to better comply with Government Finance Officers Association recommendations to maintain reserves equaling two months of current estimated revenue, which is equal to 16.7 percent of prior year General Fund operating revenues; and

WHEREAS, the City has made substantial progress in funding its reserve balances and will likely achieve its goal of maintaining reserves totaling 16.7 percent of prior year General Fund operating revenues within the next several fiscal years; and

WHEREAS, it is a priority of the Mayor, Council, and Administration to make transformative investments in housing at all income levels, with an eye towards improved affordable and workforce housing options within the City; and

WHEREAS, this amendment will add an additional priority of setting aside an amount of up to \$5,000,000 per year to the City’s Affordable Housing Trust Fund, of which revenues will be available annually as a percentage of carryover balance; and

WHEREAS, this amendment is intended to better define parameters for allocation of the remaining carryover balance, once the financial reserve balances are materially achieved; and

WHEREAS, this amendment is intended to increase the health of the City’s overall finances by utilizing the remaining carryover balance to address continuing financial challenges of the City and to fund strategic priorities; now, therefore,

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

Section 1. That Section 16 of Ordinance No. 213-2019 is amended as follows:

Section 16. That the “Waterfall Funding Mechanism” shall next allocate any and all remaining year-end General Fund Surplus as follows:

- a. Thirty-four percent (34%) of the remaining General Fund Surplus to the Economic Downturn Reserve Account until its balance achieves the minimum policy level

stated herein. To the extent that the Economic Downturn Reserve Account minimum policy level is met and the Working Capital Reserve Fund minimum policy level is not met, then any portion of the thirty-four percent (34%) not needed to meet the Economic Downturn Reserve Account minimum policy level will be dedicated to the Working Capital Reserve Fund until its minimum policy level is achieved;

- b. Thirty-three percent (33%) of the remaining General Fund Surplus to the Working Capital Reserve Fund until its balance achieves the minimum policy level stated herein. To the extent that the Working Capital Reserve Fund minimum policy level is met and the Economic Downturn Reserve Account minimum policy level is not met, then any portion of the thirty-three percent (33%) not needed to meet the Working Capital Reserve Fund minimum policy level will be dedicated to the Economic Downturn Reserve Account until its minimum policy level is achieved;
- c. Thirty-three percent (33%) of the remaining General Fund Surplus ~~to either,~~ aggregated with any additional funding available pursuant to Section 18 of this ordinance, distributed as follows:
  - i. The lesser of (1) fifty percent (50%) of the available amount or (2) \$5 million as a one-time contribution to the City's Affordable Housing Trust Fund.
  - ii. The lesser of (1) thirty-three percent (33%) of the available amount, (2) \$2 million, or (3) the amount needed to address any remaining unfunded liability of the pension trust and health care trust, with such amount utilized



as a one-time contribution to address the City's pension obligations as follows:

- A. First, all available funds contributed as a one-time employer contribution to the pension trust, until such time as the pension trust has no unfunded liability;
  - B. Second, if the above is achieved and the healthcare trust has an unfunded liability, then all remaining available funds to the healthcare trust until such time as the healthcare trust has no unfunded liability.
- iii. The lesser of (1) 17 percent of the available amount or (2) \$500,000 shall be contributed to the Operating Budget Contingencies Account, to be utilized as a contingency reserve for subsequent appropriation for one-time, unforeseen operating needs that arise during the remainder of the ongoing fiscal year.
  - iv. Any remaining amount shall be contributed to an Infrastructure and Capital Project Reserve for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle.
    - ~~i. Further enhance the funding level in any of the Stabilization Funds with a priority to any Stabilization Funds that are not funded at their minimum policy level; or~~
    - ~~ii. One-time expenditures.~~

Section 2. That Section 18 of Ordinance No. 213-2019 is amended as follows:

Section 18. That if all of the Stabilization Funds identified herein are fully funded at their respective minimum policy levels and the Recommended Aggregate Reserve Balance is met ~~the City may direct any additional General Fund surplus to either;~~ then any additional General Fund surplus shall be aggregated with and distributed in the same manner as those funds distributed as provided in Section 16(c) of this ordinance.

- ~~a. Further enhance the funding level in any of the Stabilization Funds with a priority to any Stabilization Funds that are not funded at their minimum policy level; or,~~
- ~~b. One-time expenditures including Capital Projects or other one-time General Fund needs.~~

Section 3. That existing Sections 16 and 18 of Ordinance No. 213-2019 are hereby repealed.

Section 4. That existing Section 17 of Ordinance No. 213-2019 is hereby repealed.

Section 5. That all terms of Ordinance No. 213-2019 not amended by this ordinance remain in full force and effect.

Section 6. That the proper City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 through 5 of this Ordinance.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.

**Date:** February 18, 2022

**To:** Mayor Aftab Pureval  
**From:** Andrew W. Garth, City Solicitor *AWG*  
**Subject:** **Emergency Ordinance – American Rescue Plan Funds for Affordable Housing**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**AUTHORIZING** the transfer and return to source Local Fiscal Recovery Fund 469 of the sum of \$5,150,000 from American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” for the purpose of realigning sources with uses; **ESTABLISHING** new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic; **ESTABLISHING** new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic; **AUTHORIZING** the transfer and appropriation of the sum of \$5,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic; **AUTHORIZING** the transfer and appropriation of the sum of \$150,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic; **AUTHORIZING** the City Manager to execute any and all necessary agreements related to the Affordable Housing Trust Fund with Cincinnati Development Fund, Inc. or an affiliate; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” and American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” to be for a public purpose.

AWG/AKS(lnk)

Attachment  
357870

{00358482-1}

**EMERGENCY**

**City of Cincinnati**

**AKS**

**An Ordinance No. \_\_\_\_\_**

**- 2022**

**AUTHORIZING** the transfer and return to source Local Fiscal Recovery Fund 469 of the sum of \$5,150,000 from American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” for the purpose of realigning sources with uses; **ESTABLISHING** new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic; **ESTABLISHING** new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic; **AUTHORIZING** the transfer and appropriation of the sum of \$5,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic; **AUTHORIZING** the transfer and appropriation of the sum of \$150,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic; **AUTHORIZING** the City Manager to execute any and all necessary agreements related to the Affordable Housing Trust Fund with Cincinnati Development Fund, Inc. or an affiliate; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” and American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” to be for a public purpose.

**WHEREAS**, it is a priority of this Mayor, Council, and the City Administration to make transformative investments in housing at all income levels, with an eye towards improved affordable and workforce housing options within the City of Cincinnati; and

**WHEREAS**, the City received funding from the United States Department of the Treasury pursuant to the American Rescue Plan Act as part of the Coronavirus Local Fiscal Recovery Fund Act; and

**WHEREAS**, a portion of those funds was appropriated to American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” which was designated to provide fiscal stability for FY 2021; and

**WHEREAS**, with the City’s FY 2021 budget now being closed, remaining funds identified for FY 2021 fiscal stability are available to be reallocated for another purpose; and

WHEREAS, the COVID-19 pandemic negatively impacted the supply of affordable housing in the United States, including the City of Cincinnati, and \$5,000,000 of American Rescue Plan funds is being made available for affordable housing; and

WHEREAS, pursuant to Ordinance No. 364-2018, passed December 12, 2018, the City established Fund 439, "Affordable Housing Trust Fund," for the purpose of receiving and disbursing funds to preserve and develop affordable housing and prevent homelessness in the City of Cincinnati, and to fund any of the City of Cincinnati's administrative costs associated therewith; and

WHEREAS, subsequent to creation of Fund 439, "Affordable Housing Trust Fund," additional capital improvement program project accounts were established for the purpose of providing resources for the preservation and development of affordable housing in the City of Cincinnati; and

WHEREAS, the City desires to further engage Cincinnati Development Fund, Inc., and its affiliates to create additional financing and development opportunities for affordable housing in the City of Cincinnati; and

WHEREAS, a residential housing strategy for the City is necessary to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic and \$150,000 of American Rescue Plan Funds are being made available for such purpose; now, therefore,

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

Section 1. That the sum of \$5,150,000 is hereby transferred and returned to source Local Fiscal Recovery Fund 469 from American Rescue Plan grant project account no. 469x101xARP050, "FY 2021 COVID Expenses," for the purpose of realigning sources with uses.

Section 2. That the Director of Finance is hereby authorized to establish new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP200, "Affordable Housing Trust Fund," for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic.

Section 3. That the Director of Finance is hereby authorized to establish new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP201, "Housing

Strategies,” for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic.

Section 4. That the sum of \$5,000,000 is hereby transferred and appropriated from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic (the “ARPA Affordable Housing Trust Funds”).

Section 5. That the sum of \$150,000 is hereby transferred and appropriated from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic.

Section 6. That expenditures from American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” and American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” are hereby declared to be for a public purpose because support for affordable housing improves the economic and general well-being of the people of the City, which is necessary because of the impacts of the COVID-19 pandemic.

Section 7. That the City Manager is hereby authorized to execute any and all necessary agreements with Cincinnati Development Fund, Inc., or one of its affiliates, to deploy the ARPA Affordable Housing Trust Funds, all available funds in Fund 439, “Affordable Housing Trust Fund,” and all available funds in the capital improvement program project accounts related to Fund



439, "Affordable Housing Trust Fund," on such terms and conditions as deemed acceptable by the City Manager.

Section 8. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 7 hereof.

Section 9. 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 implement authorized American Rescue Plan-related support programs and projects.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**Date:** February 10, 2022

**To:** Councilmember Greg Landsman  
**From:** Andrew Garth, City Solicitor *AWG*  
**Subject:** **Resolution – Black History Month Alexis Kidd-Zaffer**

---

Transmitted herewith is a resolution captioned as follows:

**RECOGNIZING** and expressing the appreciation of the Mayor and the Council of the City of Cincinnati to Alexis Kidd-Zaffer during Black History Month 2022 for her work with Seven Hills Neighborhood Houses, an organization that provides invaluable services to the City of Cincinnati, in particular, our West End Community.

AWG/CMZ/(lnk)  
Attachment  
357630

AWB

## RESOLUTION NO. \_\_\_\_\_ - 2022

**RECOGNIZING** and expressing the appreciation of the Mayor and the Council of the City of Cincinnati to Alexis Kidd-Zaffer during Black History Month 2022 for her work with Seven Hills Neighborhood Houses, an organization that provides invaluable services to the City of Cincinnati, in particular, our West End Community.

WHEREAS, Alexis Kidd-Zaffer was born and raised in Sandusky, Ohio, before relocating to Cincinnati in 1996 to attend the University of Cincinnati and falling in love with the West End community; and

WHEREAS, after years of impressive work in public service and youth empowerment - including volunteering with the Cincinnati Youth Collaborative (CYC) - Alexis Kidd-Zaffer was appointed Executive Director of Seven Hills Neighborhood Houses (SHNH) in 2015; and

WHEREAS, since 1961, SHNH has served our West End Community through a varied, ever-growing arsenal of social services, including resources, community gathering spaces, youth programming, crime prevention initiatives, and eviction prevention efforts; and

WHEREAS, Cincinnati's West End has a powerful, storied history as a popular re-settlement neighborhood for African Americans migrating from Southern states to find work in the Queen City during slavery; as a sanctuary area for European immigrants fleeing persecution in their home countries; and as home to the oldest Jewish community west of the Allegheny Mountains, 'the birthplace of American Reform Judaism'; and

WHEREAS, by the 1930s, the West End was a cultural, religious, and social hub, home to 70 percent of Cincinnati's African American population and established branches of prominent civic organizations, such as the National Association for the Advancement of Colored People (NAACP), Universal Negro Improvement Association (UNIA), and the Negro Civic Welfare Association; and

WHEREAS, the 1944 Federal Highway Act and the ensuing construction of I-75 set in motion decades of institutionally-enshrined demolition of the neighborhood's built environment - including hundreds of businesses and places of worship, and 10,000 homes - and displaced thousands of West End residents under the guise of 'urban renewal' and 'slum removal'; and

WHEREAS, this destruction and the following years of disinvestment is intrinsically linked to the West End currently being one of our poorest neighborhoods, with the fourth lowest average income, the fourth highest infant mortality rate, and among the lowest life expectancy in all of Cincinnati; and

WHEREAS, using the 'settlement house' model of service, SHNH was created in the shadows of this history, ensuring Cincinnati leaders and investors listen to the voices of low-

income residents, and plays an indispensable role in shaping, preserving, and reviving the West End neighborhood through affordable housing advocacy, anti-displacement initiatives, and community outreach efforts; and

WHEREAS, SHNH annually serves as a 'safe-haven' for approximately 2,500 - 3,000 at-risk children, teens, families, seniors, and disadvantaged citizens; and

WHEREAS, under the leadership of Alexis Kidd-Zaffer, SHNH grew from a small group of dedicated volunteers to a robust and financially stable organization with a broad network of partners and full- and part-time employees; and

WHEREAS, during unprecedented regional and national emergencies, Alexis Kidd-Zaffer and SHNH have spearheaded collaborative initiatives to support residents in crisis, such as opening remote learning sites and trauma-care telehealth services, and providing food delivery to senior homes during the COVID-19 pandemic; and

WHEREAS, Cincinnati, and in particular, the West End neighborhood, is an undeniably happier, healthier, and more prosperous place because of the loving, compassionate leadership of Alexis Kidd-Zaffer and her lifelong dedication to fulfilling the fundamental human needs of her neighbors; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize Alexis Kidd-Zaffer for her work with Seven Hills Neighborhood Houses, an organization that provides invaluable services to the City of Cincinnati, and in particular, our West End Community.

Section 2. That this resolution be spread upon the minutes of Council.

Passed: \_\_\_\_\_, 2022

Attest: \_\_\_\_\_

\_\_\_\_\_  
Aftab Pureval, Mayor

Submitted by Councilmember Greg Landsman

**Date:** February 17, 2022

**To:** Councilmember Meeka Owens  
**From:** Andrew Garth, City Solicitor *AWG*  
**Subject:** **Resolution – Black History Month Terrell Davis**

---

Transmitted herewith is a resolution captioned as follows:

**RECGONIZING** and expressing the appreciation of the Mayor and Council of the City of Cincinnati to Master Terrell Davis of Seven Star Dragons Karate as a 2022 City of Cincinnati Black History Month honoree for her many years of teaching and mentoring the youth of Cincinnati.

AWG/CFG(lnk)  
Attachment  
358234



CFG  
AWG

RESOLUTION NO. \_\_\_\_\_ - 2022

**RECGONIZING** and expressing the appreciation of the Mayor and Council of the City of Cincinnati to Master Terrell Davis of Seven Star Dragons Karate as a 2022 City of Cincinnati Black History Month honoree for her many years of teaching and mentoring the youth of Cincinnati.

WHEREAS, after obtaining her Black Belt in Karate in 1985, Master Davis began teaching karate, fitness and character programs in greater Cincinnati, progressing to the level of Sixth Degree Black Belt and becoming the director of Seven Star Dragons Karate, specializing in Okinawan Shuri-Ryu; and

WHEREAS, Master Davis served in Kentucky as an adult probation and parole officer, identifying the need in the community to work with young people and deter their involvement in the criminal justice system, and seeking to address that need by providing karate lessons for all ages; and

WHEREAS, Master Davis founded Seven Star Dragons Karate to teach martial arts with an additional focus on academics, wellness, core values, and safety, and after retiring in 1999 she expanded Seven Star Dragons Karate into the Cincinnati Public Schools to offer enrichment programs to more youth; and

WHEREAS, Master Davis has mentored her students to achieve many successes and accomplishments, both personally and as karate competitors, winning hundreds of national awards in martial arts circuits throughout the United States as part of the Seven Star Dragons Karate Competition Team; and

WHEREAS, Master Davis has positively influenced hundreds of children, and constantly worked to teach them life skills, fitness training, character development, confidence, focus, and discipline, improving their school grades and personal growth; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize Master Terrell Davis of Seven Star Dragons Karate as a 2022 City of Cincinnati Black History Month honoree for her many years of teaching and mentoring the youth of Cincinnati.



Section 2. That this resolution be spread upon the minutes of Council.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

Submitted by Councilmember Meeka D. Owens

**Date:** February 19, 2022

**To:** Councilmember Mark Jeffreys  
**From:** Andrew Garth, City Solicitor *AWG*  
**Subject:** **Resolution – Black History Month Barb Smith**

---

Transmitted herewith is a resolution captioned as follows:

**RECOGNIZING** and expressing the appreciation of the Mayor and the Council of the City of Cincinnati to Barb Smith as a 2022 City of Cincinnati Black History Month honoree for her continuous leadership and work with Journey Steel, Inc., Journeys Soaring Impact, and other organizations in the City of Cincinnati, as well as for her dedication to advancing racial justice, equality for all persons, and the protection of our sacred democracy.

AWG/CFG/(lnk)  
Attachment  
358102

RESOLUTION NO. \_\_\_\_\_ - 2022

**RECOGNIZING** and expressing the appreciation of the Mayor and the Council of the City of Cincinnati to Barb Smith as a 2022 City of Cincinnati Black History Month honoree for her continuous leadership and work with Journey Steel, Inc., Journeys Soaring Impact, and other organizations in the City of Cincinnati, as well as for her dedication to advancing racial justice, equality for all persons, and the protection of our sacred democracy.

WHEREAS, Barb Smith is a native of Cincinnati, Ohio and the youngest of eight children, whose parents instilled in her at an early age the importance of education and motivated her to optimize her opportunities as a student in the Cincinnati Public Schools system; and

WHEREAS, Ms. Smith graduated from Eastern Michigan University with a Bachelor of Science degree in Industrial Technology with a construction specialty; and

WHEREAS, immediately after college, Ms. Smith obtained six years of professional construction experience with Barton-Malow Construction, Wm. Cargile Contractor, Inc., and D.A.G. Construction Co., Inc. in the roles of project manager and estimator, and also acquired eighteen years of architectural and engineering experience as a senior estimator working with Jacobs Engineering Group, Inc. and Hixson Architects/Engineers; and

WHEREAS, as an African American female professional in an industry dominated by Caucasian males, Ms. Smith recognized the need to be the change she wanted to see in others, and to demonstrate to the next generations of African American youth that they also could likewise pursue a career in such an industry and could own a successful company; and

WHEREAS, in 2009, Ms. Smith partnered with her long-time friend Tom Garten and founded Cincinnati-based Journey Steel Inc. to initiate the change they wished to see in the construction industry, and together they committed to positioning Journey Steel, Inc. as a dependable, experienced, and qualified contractor, delivering on-time, safety-driven, in-budget projects to their clients each and every time; and

WHEREAS, Ms. Smith currently serves on the advisory boards of the Reds Community Fund, IKRON, Square1, Journeys Soaring Impact, and the Cincinnati Regional Chamber, to ensure consideration of inclusivity perspectives in the decision processes of these organizations; and

WHEREAS, Ms. Smith believes it is important to give back and serve the communities in which she lives and does business, and through Journey Steel's non-profit arm, Journeys Soaring Impact, inner-city youth are empowered with the tools and support needed to begin career paths enabling them to support themselves and their families, and create hope and change for the generations that follow them; and

WHEREAS, the Initiative for a Competitive Inner City included Journey Steel, Inc. on its 2021 list of the "100 Fastest Growing Inner City Businesses," and recognized Ms. Smith and Journeys Soaring Impact with its most prestigious award, the Chevron Dorothy Terrell Community Impact Award; and

WHEREAS, Ms. Smith's hard work, passion, commitment, and integrity have been instrumental to the successful growth of the Journeys Soaring Impact program; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize Barb Smith as a 2022 City of Cincinnati Black History Month honoree for her continuous leadership and work with Journey Steel, Inc., Journeys Soaring Impact, and other organizations in the City of Cincinnati, as well as for her dedication to advancing racial justice, equality for all persons, and the protection of our sacred democracy.

Section 2. That this resolution be spread upon the minutes of Council.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

Submitted by Councilmember Jeffreys



**Mark Jeffreys**  
Councilmember

February 22, 2022

**MOTION**

WE MOVE that, the Administration report to Council with any criteria that communities may want to consider when pursuing landmark designations. These criteria may include best practices and any other, tangentially related considerations that may be pertinent to the landmark designation process.

**STATEMENT**

Cincinnati has a wonderful, historic housing stock, and unfortunately, we typically only begin to talk about preserving these buildings when they are slated for demolition. This motion is designed to help communities proactively identify historic assets and consider best practices when pursuing landmark status on those buildings.

  
Councilmember Mark Jeffreys

_____	_____
_____	_____
_____	_____

**Date:** February 23, 2022

**To:** Vice Mayor Jan-Michele Lemon Kearney  
**From:** Andrew Garth, City Solicitor *AWG*  
**Subject:** **Resolution – Black History Month Lincoln Ware**

---

Transmitted herewith is a resolution captioned as follows:

**RECOGNIZING** and honoring Lincoln Ware for his pioneering work in local media, his community and civic leadership, and for his many contributions to the City of Cincinnati.

AWG/CMZ/(lnk)  
Attachment  
358576



RESOLUTION NO. \_\_\_\_\_ - 2022

**RECOGNIZING** and honoring Lincoln Ware for his pioneering work in local media, his community and civic leadership, and for his many contributions to the City of Cincinnati.

WHEREAS, with a dash of humor, lots of experience, and thought-provoking local and national headlines, Lincoln Ware has curated a great midday show, The Lincoln Ware Show on Radio One, and his insight is unmatched as he not only offers the listening audience his personal thoughts and opinions, but also provides them a chance to voice their thoughts on local and national affairs, and he has the gift of causing sparks to fly over the radio waves, igniting heated debates, and providing continuous entertainment for listeners to enjoy; and

WHEREAS, born and raised in Cincinnati, Lincoln Ware is a proud Woodward High School graduate, attended The Ohio State University for one year and subsequently enlisted into the United States Marine Corps, and as a marine, he was a member of the armed Forces Radio and Television Service; and

WHEREAS, in 1973, Lincoln Ware officially began his radio career when he joined the staff of WCIN as a disc jockey, and by 1993, he was hosting The Lincoln Ware Show; and he also is the host of “Cincinnati Issues with Lincoln Ware,” a television show aired weekly on WSTR 64 every Sunday at 6:30 a.m., and he makes appearances nationally on CNN, FOX News, and MSNBC; and

WHEREAS, Lincoln Ware has been honored locally and nationally, being included in America’s Top 100 Talk Show Hosts for 10 consecutive years; being named one of America’s Most Important Radio Talk Show Hosts by Talker’s Magazine; and receiving a key to the City of Cincinnati to commemorate his 30-year radio career in 2003, the Crime Stopper of the Year (Media) Award in 2016, Men of Honor in 2018, and UC Health Humanitarian Award in 2020; and

WHEREAS, Lincoln Ware created The Lincoln Ware Walking Club to promote health and wellness within the African American community and is an avid runner, participating annually in the Senior Olympics nationally and locally, and he walked 107 miles from Cincinnati to Columbus with Ohio Senate Minority Leader Eric H. Kearney to promote childhood health; and

WHEREAS, while Lincoln Ware has a strong commitment to our community and media, his wife, Sharon, and four children, Tia, Tamiko, Rodney and Darryl, three grandchildren, Kobe, Isis and Maya, and dog Beau continue to be his first priority; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize Lincoln Ware for his contributions to the City of Cincinnati and our community.

Section 2. That this resolution be spread upon the minutes of Council and a copy be provided to the Lincoln Ware by the Council Office of Vice Mayor Jan-Michele Lemon Kearney.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

Submitted by Vice Mayor Jan-Michele Lemon Kearney

EMERGENCY

City of Cincinnati

CMZ

AWG

An Ordinance No. \_\_\_\_\_

- 2022

**MODIFYING** the provisions of Chapter 100 of the Cincinnati Municipal Code, "Mayor," by amending existing Section 100-7, "Mayor's Assistants," to remove the limit on the number of assistants in the mayoral service while retaining the requirement that the total amount of those assistants' salaries be fixed by Council.

WHEREAS, in 1999, when the Mayor was not directly elected but instead was a member of Council with additional responsibilities, Council passed Ordinance No. 39-1999 to amend Section 101-37 of the Cincinnati Municipal Code ("CMC") to provide that the Mayor could appoint three more full-time staff than other members of Council to assist with those limited additional responsibilities, with the total salary for those assistants set by Council; and

WHEREAS, in 2001, the voters amended the City Charter to provide for the direct election of the Mayor and for increased responsibilities and a greater role for the Mayor, including designating the Mayor the official head and representative of the City; and

WHEREAS, Chapter 100 was enacted in 2012 to recognize the Mayor's increased role and responsibilities following the 2001 Charter amendment; and

WHEREAS, Section 100-7 of the CMC, which specifically authorizes the Mayor to appoint assistants in the mayoral service, uses the same staffing limitations which existed before the 2001 voter-approved amendment to the City Charter that expanded the role and responsibilities of the Office of the Mayor; and

WHEREAS, Section 100-7 also provides that regardless of the number of assistants appointed by the Mayor, Council fixes the total amount the Mayor may spend on those appointees' salaries so that the number of mayoral assistants does not impact the Mayor's personnel budget; and

WHEREAS, it is appropriate for the Mayor to be able to determine the staffing needs of the Mayor's office to best serve the citizens of Cincinnati and implement the Mayor's policy initiatives within the budgetary limits established by Council for the Mayor's staff; now therefore,

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

Section 1: That Section 100-7, "Mayor's Assistants," of the Cincinnati Municipal Code is hereby amended as follows:

**Sec. 100-07. Mayor's Assistants.**

The mayor shall have the power of appointment for assistants in six full-time and three part-time unclassified positions in the mayoral service. An employee so appointed shall serve during such the mayor's term at the pleasure of the mayor. Should the mayor vacate office before the expiration of a mayoral term, the mayor's successor may extend the appointment of the mayor's appointees for a term not to extend beyond the successor's term in office.

The mayor shall fix the duties and salaries of his or her appointees; however, the total amount of all appointees' salaries shall be fixed by council.

Section 2. That existing Section 100-7, "Mayor's Assistants," of the Cincinnati Municipal Code is hereby repealed.

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 Mayor's office to be staffed appropriately to serve the needs of the office and the citizens of Cincinnati.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
Deletions are struck through. Additions are underlined.



**Date:** February 18, 2022

**To:** Vice Mayor Jan-Michele Lemon Kearney  
**From:** Andrew W. Garth, City Solicitor *AWG*  
**Subject:** **Emergency Ordinance – Modifying Chapter 100 CMC Limitation of Mayoral Staff**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**MODIFYING** the provisions of Chapter 100 of the Cincinnati Municipal Code, “Mayor,” by amending existing Section 100-7, “Mayor’s Assistants,” to remove the limit on the number of assistants in the mayoral service while retaining the requirement that the total amount of those assistants’ salaries be fixed by Council.

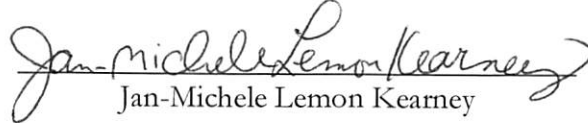
AWG/CMZ(lnk)  
Attachment  
357257



**Jan-Michele Lemon Kearney**  
*Councilmember*

## MOTION

We hereby ask the Office of Human Services to provide a report on resources available to assist residents in finding rental housing vacancies and to determine if there is a need for the City to make a rental vacancy registry ("renters' guide") available for landlords to post vacancy information for residents in need of housing. Information listed in the renters' guide would include, but not be limited to amount of rent, neighborhood, number of bedrooms, number of bathrooms, proximity to public transportation, whether unit is accessible, inclusion of utilities in rent, and pet policy.

  
Jan-Michele Lemon Kearney

_____	_____
_____	_____
_____	_____
_____	_____

## STATEMENT

The City and the County have funds to assist tenants in relocating by providing rent and security deposit assistance, as well as a list of landlords. The recent list that we received from the County had approximately 1,500 landlords listed. However, residents must contact the landlords themselves and find their own placement with no assistance from the City or County. The renters' guide would provide information for renters, especially for low to moderate income renters, and help to expedite and facilitate the process of finding suitable housing.



CAL

Neighborhoods

J-mx



**Mark Jeffreys**  
Councilmember

202200502

February 22, 2022

## MOTION

### *Pedestrian Safety & Speeding Citations*

To get a better understanding of speeding violations in Cincinnati and how to utilize CPD resources to better address speeding in our communities, WE MOVE that, the Administration report back to Council within forty-five days on:

- How many traffic citations for speeding violations have been issued annually for the past five years across the City with the data broken down by neighborhood.
- In 2021, how much of CPD's time and resources are used responding to interstate crashes that are within Cincinnati's jurisdiction (i.e. time spent on scene and filing reports). This should include an estimated total financial cost of resources devoted to responding to these incidents.
- Which other cities in Ohio utilize State Highway Patrol resources to respond to interstate crashes within their city's limits.
- In 2021, how often CPD has asked State Highway Patrol to enforce speeding on state routes within the jurisdiction of Cincinnati.
- How CPD would recommend working with communities to enforce speeding violations to meet their specific safety needs.

Councilmember Mark Jeffreys



**Mark Jeffreys**  
Councilmember

202200504

February 22, 2022

## MOTION

### *Public Safety & District 5*

WE MOVE that, the Administration provide an update to Council within 30 days on motion number 202102195 requesting a report from the Administration and the Cincinnati Police Department's detailing a plan for establishing a new District 5 headquarters, which was requested to be completed by September 15, 2021

WE FURTHER MOVE that, the Administration within that report share data on response times by neighborhood in District 5. This report should document annual average response times by each of the neighborhoods served at least three years before District 5's headquarters moved to College Hill and annual average response times by neighborhood for each year since the headquarters has moved.

---

## STATEMENT

For the past 3 years, Cincinnati Police Department's District 5 headquarters has been in a temporary space in College Hill immediately adjacent to a daycare and convenience store. The city has spent \$3.2 million to bring this temporary location up to code.

On June 23, 2021, a motion filed by CM Sundermann, Mann and Lemon-Kearney asked the administration for a report on the timeline for planning, acquiring/building a new station, and when officers will occupy the new building. Moreover, it asked the Administration to report on the total costs of a new building as well as other workable locations for the new District 5 headquarters. This was asked to be delivered to council by September 15, 2021 with the hope that City Council could address District 5's needs in the 2022/2023 budget.

To our knowledge, that report has not been issued.

*Mark Jeffrey*

Councilmember Mark Jeffreys

*Deathy John* *Jamichelle Kearney*

Date: 02/24/2022

202200447

To: Mayor and Members of City Council  
From: John P. Curp, Interim City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (March for Babies)**

---

In accordance with Cincinnati Municipal Code, Chapter 765; (March of Dimes) 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: March for Babies  
EVENT SPONSOR/PRODUCER: March of Dimes  
CONTACT PERSON: Sheri Sullivan  
LOCATION: Yeatman's Cove and the Riverfront  
DATE(S) AND TIME(S): 4/24/2022 from 9:00am to 1:00pm  
EVENT DESCRIPTION: Walk to raise money for premature births  
ANTICIPATED ATTENDANCE: 10,000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (N/A)

cc: Colonel Eliot K. Isaac, Police Chief

Date: 2/24/2022

202200448

To: Mayor and Members of City Council  
From: Paula Boggs Muething, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (2022 Flying Pig Marathon)**

---

In accordance with Cincinnati Municipal Code, Chapter 765; (Pig Works) 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: 2022 Flying Pig Marathon  
EVENT SPONSOR/PRODUCER: (Pig Works)  
CONTACT PERSON: Jeanette Kiely  
LOCATION: Various throughout the downtown area, Walnut Hills, Hyde Park, Madisonville, and the East End.  
DATE(S) AND TIME(S): 4/29/2022 to 5/1/2022 at various times.  
EVENT DESCRIPTION: 1 Mile Run, 5K, 10K, Kids Run, Dog Run, Full and Half Marathon  
ANTICIPATED ATTENDANCE: 32,000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)

cc: Colonel Eliot K. Isaac, Police Chief



Date: 2/24/2022  
202200455

To: Mayor and Members of City Council  
From: John P. Curp, Interim City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Reds Opening Day Block Party)**

---

In accordance with Cincinnati Municipal Code, Chapter 765; (Cincinnati Reds Community Fund) 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: Reds Opening Day Block Party  
EVENT SPONSOR/PRODUCER: Cincinnati Reds Community Fund  
CONTACT PERSON: Mathew Wagner  
LOCATION: On Freedom Way at the Banks  
DATE(S) AND TIME(S): 3/31/2022 from 11:00am to 4:00pm  
EVENT DESCRIPTION: Charity block party to raise money for the Reds Community Fund  
ANTICIPATED ATTENDANCE: 10,000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (Cincinnati Reds Community Fund)

cc: Colonel Eliot K. Isaac, Police Chief

Date: 02/24/22

To: Mayor and Members of City Council  
From: John P. Curp, Interim City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: Heart Mini Marathon**

---

In accordance with Cincinnati Municipal Code, Chapter 765; Don Connolly 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: Heart Mini Marathon  
EVENT SPONSOR/PRODUCER: Don Connolly  
CONTACT PERSON: Don Connolly  
LOCATION: 5th Street to Delta Avenue(using Columbia Parkway), 6th Street from Viaduct to Main.  
DATE(S) AND TIME(S): 03/13/22 0700-1500  
EVENT DESCRIPTION: Run/Walk to create awareness and raise funds for heart disease and stroke research  
ANTICIPATED ATTENDANCE: 30,000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Eliot K. Isaac, Police Chief

Date: 02/24/22

To: Mayor and Members of City Council  
From: John P. Curp, Interim City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: Cincinnati Walks for Kids**

---

In accordance with Cincinnati Municipal Code, Chapter 765; Guy Finelli 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: Cincinnati Walks for Kids  
EVENT SPONSOR/PRODUCER: Guy Finelli  
CONTACT PERSON: Guy Finelli  
LOCATION: 5K using the surrounding streets of the Cincinnati Zoo  
DATE(S) AND TIME(S): 05/14/22 0730-1100  
EVENT DESCRIPTION: Benefit 5K and 1 mile for Children's Hospital  
ANTICIPATED ATTENDANCE: 3000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Eliot K. Isaac, Police Chief

**Date:** February 24, 2022

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

**From:** John Curp, Interim City Manager

**202200469**

**Subject: Ordinance – Modifying CMC Title VII Sidewalk Board of Appeals**

---

Transmitted herewith is an ordinance captioned as follows:

**MODIFYING** Title VII, “General Regulations,” of the Cincinnati Municipal Code by AMENDING Section 721-155, “Right of Appeal,” of Chapter 721, “Streets and Sidewalks, Establishment and Maintenance,” to modify the members of the sidewalk board of appeals and to clarify the role of the City Solicitor as legal advisor to the board.

Law, in consultation with the Department of Transportation and Engineering, recommends that the current makeup of the Sidewalk Board of Appeals be updated to reflect the current organizational structure of the City and to clarify the City Solicitor’s role as legal advisor to the board.

Attachment  
356928

cc: Andrew W. Garth, City Solicitor

**MODIFYING** Title VII, “General Regulations,” of the Cincinnati Municipal Code by **AMENDING** Section 721-155, “Right of Appeal,” of Chapter 721, “Streets and Sidewalks, Establishment and Maintenance,” to modify the members of the sidewalk board of appeals and to clarify the role of the City Solicitor as legal advisor to the board.

WHEREAS, Cincinnati Municipal Code Section 721-155 establishes a sidewalk board of appeals to hear appeals filed by abutting property owners concerning certain matters related to sidewalks, curbs, gutters, driveways, and parking lots; and

WHEREAS, Cincinnati Municipal Code Section 721-155 also prescribes the makeup of the sidewalk board of appeals; and

WHEREAS, the Council wishes to modify Section 721-155 of the Cincinnati Municipal Code to update the makeup of the sidewalk board of appeals to reflect the current organization of the City and to clarify the City Solicitor’s role as the legal adviser to the board; now, therefore,

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

Section 1. That Section 721-155, “Right of Appeal,” of Chapter 721, “Streets and Sidewalks, Establishment and Maintenance,” of the Cincinnati Municipal Code is hereby amended to read as follows:

**Sec. 721-155. - Right of Appeal.**

A board, to be known as the ~~S~~sidewalk ~~B~~board of ~~A~~appeals, shall hear and determine any protests filed by property owners or their agents as to sidewalks, curb, or gutter construction, reconstruction or repair, the surfacing of driveways and parking lots, or appeals from owners dissatisfied with any modification authorized by the city engineer under Section 721-145.

The sidewalk board of appeals shall consist of five members. Two members shall be appointed by the city manager for a period of three years, or until a successor is appointed. These members must be residents of the City of Cincinnati, own real property within the city, and may not be employees of the city. The remaining three members shall be the director of transportation and engineering public works, the city engineer, the director of public services ~~city solicitor~~, or their respective representatives-designees. The city solicitor shall serve as the legal advisor to the sidewalk board of appeals.

Section 2. That existing Section 721-155, “Right of Appeal,” of Chapter 721, “Streets and Sidewalks, Establishment and Maintenance,” of the Cincinnati Municipal Code is hereby repealed.

Section 3. That the City Manager and the proper City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including by updating applicable rules and regulations and policies and procedures in accordance with the modifications to the Cincinnati Municipal Code provided for herein.

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

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
Additions indicated by underline; Deletions indicated by strikethrough.



Date: 02/24/22

To: Mayor and Members of City Council  
From: John P. Curp, Interim City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: CECF Street Festival**

---

In accordance with Cincinnati Municipal Code, Chapter 765; Ryan DuPree 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: CECF Street Festival  
EVENT SPONSOR/PRODUCER: Ryan DuPree  
CONTACT PERSON: Ryan DuPree  
LOCATION: On May Street between Burbank Street and McGregor Avenue  
DATE(S) AND TIME(S): 08/14/22 0730 - 1600  
EVENT DESCRIPTION: Street Festival  
ANTICIPATED ATTENDANCE: 300  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: To be determined

cc: Colonel Eliot K. Isaac, Police Chief

February 24, 2022

**To:** Mayor and Members of Council 202200471  
**From:** John P. Curp, Interim City Manager  
**Subject:** Ordinance – DOTE: Safe Routes to School Grant Application

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for grant resources awarded by the Ohio Department of Transportation’s Safe Routes to School program in an amount of up to \$400,000 for the purpose of constructing sidewalks on Westwood Northern Boulevard between McHenry Avenue and Baltimore Avenue.

This Ordinance authorizes the City Manager to apply for grant resources awarded by the Ohio Department of Transportation (ODOT)’s Safe Routes to School (SRTS) program in the amount of up to \$400,000 for the purpose of constructing sidewalks on Westwood Northern Boulevard between McHenry Avenue and Baltimore Avenue.

The grant does not require matching funds as long as the project costs are less than or equal to the grant amount. In an effort to ensure the project costs stay below the \$400,000 amount, preliminary engineering and design tasks will be completed using existing and future Department of Transportation and Engineering (DOTE) capital improvement program project account resources. No new FTEs are required.

The application deadline is March 4, 2022, and the application may be submitted prior to the effective date of this Ordinance. Grant resources will not be accepted without authorization from the City Council.

The implementation of various safety improvements within two miles of schools is in accordance with the “Connect” goal to “develop an efficient multi-modal transportation system that supports neighborhood livability,” as well as the strategies to “expand options for non-automotive travel” and to “plan, design, and implement a safe and sustainable transportation system,” 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 grant resources awarded by the Ohio Department of Transportation’s Safe Routes to School program in an amount of up to \$400,000 for the purpose of constructing sidewalks on Westwood Northern Boulevard between McHenry Avenue and Baltimore Avenue.

WHEREAS, various safety improvements within the City of Cincinnati would provide a safe and secure route within two miles of schools for local students; and

WHEREAS, a grant is available from the Ohio Department of Transportation through the Safe Routes to School grant program in an amount of up to \$400,000; and

WHEREAS, the grant does not require matching funds so long as the project costs are less than or equal to the total grant amount; and

WHEREAS, in an effort to ensure that the project costs stay below the \$400,000 grant cap, preliminary engineering and design tasks will be completed using existing and future Department of Transportation and Engineering capital improvement program project account resources; and

WHEREAS, in order to meet the March 4, 2022 submission deadline for this grant, the application may be submitted prior to the effective date of this Ordinance, although no grant funds will be accepted without Council approval; and

WHEREAS, no additional FTEs are necessary for this grant; and

WHEREAS, implementation of various safety improvements within two miles of schools is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” as well as the strategies to “[e]xpand options for non-automotive travel” and to “[p]lan, design, and implement a safe and sustainable transportation system,” 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 authorized to apply for grant resources from the Ohio Department of Transportation’s Safe Routes to School program in an amount of up to \$400,000 for the purpose of constructing sidewalks on Westwood Northern Boulevard between McHenry Avenue and Baltimore Avenue.

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

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2022

---

Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**February 24, 2022**

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

**202200472**

**From:** John P. Curp, Interim City Manager

**Subject: Emergency Ordinance – ECC: Moral Obligation Payment to US Bank**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the payment of \$3,285 from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7215 as a moral obligation to US Bank for training and certification that was billed to a purchase card resulting in charges that exceeded the State of Ohio's \$3,000 purchasing limit without certification.

This Emergency Ordinance authorizes the payment of \$3,285 from the Emergency Communications Center (ECC)'s General Fund non-personnel operating budget account no. 050x103x0000x7215 as a moral obligation to US Bank for training and certification that was billed to a purchase card resulting in charges that exceeded the State of Ohio's \$3,000 purchasing limit without certification.

The Emergency Communications Center purchased emergency medical dispatch training and certification for new hires in the City's 9-1-1 Call Center from Priority Dispatch Corporation. A purchase card ("P-card") was used to purchase the training and certification, but the total charge exceeded the State of Ohio's purchasing limit of \$3,000 without certification, resulting in a moral obligation. Accounting staff within the Emergency Communications Center have been advised regarding the issue that resulted in this oversight and have taken steps to ensure it is not repeated.

The reason for the emergency is the immediate need to make payment on the impacted purchase card.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

## EMERGENCY

AKS

- 2022

**AUTHORIZING** the payment of \$3,285 from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7215 as a moral obligation to US Bank for training and certification that was billed to a purchase card resulting in charges that exceeded the State of Ohio's \$3,000 purchasing limit without certification.

WHEREAS, the State of Ohio requires any purchase over \$3,000 to be certified; and

WHEREAS, the Emergency Communications Center purchased emergency medical dispatch training and certification for new hires in the City's 9-1-1 Call Center from Priority Dispatch Corporation; and

WHEREAS, a purchase card (P-card) was used to purchase the training and certification, but the total charge exceeded the State of Ohio's purchasing limit of \$3,000; and

WHEREAS, accounting staff within the Emergency Communications Center have been advised regarding the issue that resulted in this oversight, and steps have been taken to ensure that this issue is not repeated; and

WHEREAS, sufficient funds are available from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7215 to pay for the services provided by the vendor; and

WHEREAS, Council desires to provide payment for such services in an amount totaling \$3,285; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of \$3,285 from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7215 as a moral obligation to US Bank for training and certification provided to the City of Cincinnati.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions 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 make payment on the impacted purchase card.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**February 24, 2022**

**To:** Mayor and Members of City Council **202200475**

**From:** John P. Curp, Interim City Manager

**Subject: Ordinance – CRC: Funding for Oakley Recreation Center**

---

Attached is an Ordinance captioned:

**ESTABLISHING** new capital improvement program project account no. 980x199x221915, “Oakley Recreation Center,” for the purpose of providing resources to acquire real estate or interest therein for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate, rehabilitating existing parks, parkways, playgrounds and recreation centers, including the design and construction of a recreation center in the Oakley neighborhood as part of the Recreation Master Plan designed to meet the current demands and programming needs of the public, said recreation center to be larger than the existing center and include a gymnasium and rooms for specific activities, comply with current building codes, and provide ADA access and life safety requirements; and **AUTHORIZING** the transfer and appropriation of the sum of \$2,000,000 from the unappropriated surplus of the Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x199x221915, “Oakley Recreation Center.”

Approval of this Ordinance authorizes the establishment of new capital improvement program project account no. 980x199x221915, “Oakley Recreation Center,” for the purpose of providing resources to acquire real estate or interest therein for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate, rehabilitating existing parks, parkways, playgrounds and recreation centers, including the design and construction of a recreation center in the Oakley neighborhood as part of the Recreation Master Plan designed to meet the current demands and programming needs of the public, said recreation center to be larger than the existing center and include a gymnasium and rooms for specific activities, comply with current building codes, and provide Americans with Disabilities Act (ADA) access and life safety requirements. Approval of this Ordinance will also authorize the transfer and appropriation of the sum of \$2,000,000 from the unappropriated surplus of the Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x199x221915, “Oakley Recreation Center.”

On June 22, 2016, the City Council passed Ordinance No. 0202-2016, which authorized financing not to exceed \$2,000,000 of parks and recreation bonds for the

Oakley Recreation Center project, and Ordinance No. 0165-2016, which authorized the transfer and appropriation of \$2,000,000 from the unappropriated surplus of Park and Recreation Bond Fund 860 to the capital improvement project account “Oakley Recreation Center.” Since the project was not ready to proceed at that time, debt was never issued for the project.

On March 6, 2019, the City Council passed Ordinance No. 0076-2019, which authorized an amendment to Ordinance No. 0165-2016, and ordained that when the Oakley Recreation Center project was ready to proceed, the City Council shall consider passage of an appropriation to the recreation center capital improvement program project to be generated with the debt issuance authority granted in Ordinance No. 0202-2016. Since the project is now ready to proceed, the debt can now be issued for the project and an appropriation is necessary in order to authorize the expenditure of resources.

The Oakley Recreation Center project is in accordance with the “Live” goal to “Build a robust public life” and strategy to “Develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” as described on pages 149 - 152 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment



# City of Cincinnati

KKF

## An Ordinance No. \_\_\_\_\_

- 2022

**ESTABLISHING** new capital improvement program project account no. 980x199x221915, “Oakley Recreation Center,” for the purpose of providing resources to acquire real estate or an interest therein for parks, parkways, playgrounds, and recreation centers, improving and equipping such real estate, rehabilitating existing parks, parkways, playgrounds, and recreation centers, including the design and construction of a recreation center in the Oakley neighborhood as part of the Recreation Master Plan designed to meet the current demands and programming needs of the public, said recreation center to be larger than the existing center and include a gymnasium and rooms for specific activities, comply with current building codes, and provide ADA access and life safety requirements; and **AUTHORIZING** the transfer and appropriation of \$2,000,000 from the unappropriated surplus of the Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x199x221915, “Oakley Recreation Center.”

**WHEREAS**, the Oakley Recreation Center is part of the Recreation Master Plan, designed to meet the current demands and programming needs of the public; and

**WHEREAS**, the new recreation center is designed to be larger than the existing center and will include a gymnasium and rooms for specific activities, and will meet current building codes, provide Americans with Disabilities Act (ADA) access, and meet life safety requirements; and

**WHEREAS**, on June 22, 2016, Council passed Ordinance No. 0202-2016, which authorized financing not to exceed \$2,000,000 of parks and recreation bonds for the Oakley Recreation Center project, and Ordinance No. 0165-2016, which authorized the transfer and appropriation of \$2,000,000 from the unappropriated surplus of Park and Recreation Bond Fund 860 to the capital improvement project account “Oakley Recreation Center”; and

**WHEREAS**, since the project was not ready to proceed at that time, debt was never issued for the project; and

**WHEREAS**, on March 6, 2019, Council passed Ordinance No. 0076-2019, which authorized an amendment to Ordinance No. 0165-2016, and ordained that when the Oakley Recreation Center project is ready to proceed Council shall consider passage of an appropriation to the recreation center project to be generated with the debt issuance authority granted in Ordinance No. 0202-2016; and

**WHEREAS**, since the project is now ready to proceed, debt can now be issued for the project; and

**WHEREAS**, the Oakley Recreation Center project is in accordance with the “Live” goal to “[b]uild a robust public life” and strategy to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different types of people,” as described on pages 149 - 152 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 establish new capital improvement program project account no. 980x199x221915, "Oakley Recreation Center," for the purpose of providing resources to acquire real estate or an interest therein, for parks, parkways, playgrounds, and recreation centers, improving and equipping such real estate, rehabilitating existing parks, parkways, playgrounds, and recreation centers, including the design and construction of a recreation center in the Oakley neighborhood as part of the Recreation Master Plan designed to meet the current demands and programming needs of the public, said recreation center to be larger than the existing center and include a gymnasium, rooms for specific activities, to comply with current building codes, and to provide ADA access and life safety requirements.

Section 2. That the sum of \$2,000,000 is hereby transferred and appropriated from the unappropriated surplus of the Park and Recreation Improvement Bond Fund 860 to the newly established capital improvement program project account no. 980x199x221915, "Oakley Recreation Center."

Section 3. That the proper City officials are hereby authorized to do all things necessary to carry out the provisions of 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: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

February 24, 2022

**To:** Mayor and Members of City Council **202200478**  
**From:** John P. Curp, Interim City Manager  
**Subject: Emergency Ordinance – 2022 Emergency Solutions Grant (ESG)  
Program Reconciliation**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer and return to source, Emergency Shelter Grant Fund 445, of the sum of \$559,380.39 from various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer; and **AUTHORIZING** the transfer and appropriation of the sum of \$559,380.39 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer, for the purpose of appropriating Emergency Shelter Grant administrative resources to Emergency Shelter Grant project accounts to completely fund emergency shelter renovations for increased safety related to COVID-19.

As indicated in Section 1 of the attached Schedule of Transfer, approval of this Emergency Ordinance authorizes the transfer and return to source, Emergency Shelter Grant Fund 445, the sum of \$559,380.39 from various Emergency Shelter Grant project accounts.

As indicated in Section 2 of the attached Schedule of Transfer, this Emergency Ordinance also authorizes the transfer and appropriation of the sum of \$559,380.39 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to various Emergency Shelter Grant project accounts for the purpose of appropriating Emergency Shelter Grant administrative resources to Emergency Shelter Grant project accounts to completely fund emergency shelter renovations for increased safety related to COVID-19.

The Emergency Solutions Grant Program (ESG) provides annual grants to local communities for projects that engage persons living on the street, improve the number and quality of shelters, help operate shelters, provide essential services to shelter residents, rapidly re-house persons experiencing homelessness, and prevent people from experiencing homelessness.

The United States Department of Housing and Urban Development (HUD) awarded the initial grant allocation of \$1,013,616 for the ESG program on February 14, 2020,



which City Council accepted and appropriated through Ordinance Nos. 0020-2020 and 0107-2020.

HUD later awarded two additional tranches of stimulus funding (ESG-CV) to address the impacts of COVID-19. The first tranche totaled \$3,495,228 and was accepted and appropriated by the City Council through Ordinance Nos. 0107-2020 and 0121-2020. The second tranche of stimulus funding totaled \$4,156,549 and was accepted and appropriated by the City Council through Ordinance No. 0240-2020.

HUD requires the ESG-CV resources to be spent by September 30, 2022. A portion of the stimulus resources needs to be reallocated from administrative project accounts to other ESG-CV project accounts to complete emergency shelter renovations for increased safety related to COVID-19.

The ESG 2020 Program is in accordance with the “Live” strategy to “support and stabilize our neighborhoods,” as described on pages 160 - 163 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to fund vital City programs with Emergency Solutions Grant resources according to the United States Department of Housing and Urban Development’s established timeline.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

## EMERGENCY

CFG

- 2022

**AUTHORIZING** the transfer and return to source, Emergency Shelter Grant Fund 445, of the sum of \$559,380.39 from various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer; and **AUTHORIZING** the transfer and appropriation of the sum of \$559,380.39 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer, for the purpose of appropriating Emergency Shelter Grant administrative resources to Emergency Shelter Grant project accounts to completely fund emergency shelter renovations for increased safety related to COVID-19.

WHEREAS, the Emergency Solutions Grants Program (“ESG”) provides annual grants to local communities for projects that engage persons living on the street, improve the number and quality of shelters, help operate shelters, provide essential services to shelter residents, rapidly re-house persons experiencing homelessness, and prevent persons from experiencing homelessness; and

WHEREAS, the United States Department of Housing and Urban Development (“HUD”) awarded the initial grant allocation of \$1,013,616 for the ESG program (ALN 14.231) via Award E-20-MC-39-0003 on February 14, 2020, which Council accepted and appropriated through Ordinance Nos. 0020-2020 and 0107-2020; and

WHEREAS, HUD later awarded two additional tranches of stimulus funding to address the impacts of the COVID-19 pandemic; and

WHEREAS, the first tranche of stimulus funding (“ESG-CV”) totaled \$3,495,228 (ALN 14.231) via Award E-20-MW-39-0003 and was accepted and appropriated by Council through Ordinance Nos. 0107-2020 and 0121-2020; and

WHEREAS, the second tranche of stimulus funding totaled \$4,156,549, also via Award E-20-MW-39-0003, and was accepted and appropriated by Council through Ordinance No. 0240-2020;

WHEREAS, HUD requires the ESG-CV funding to be fully spent by September 30, 2022; and

WHEREAS, a portion of the stimulus resources needs to be reallocated from administrative project accounts to other ESG-CV project accounts to complete emergency shelter renovations for increased safety related to COVID-19; and

WHEREAS, the ESG 2020 Program is in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods,” as described on pages 160-163 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 \$559,380.39 is hereby transferred and returned to source Emergency Shelter Grant Fund 445 from various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer.

Section 2. That the sum of \$559,380.39 is hereby transferred and appropriated from the unappropriated surplus of Emergency Shelter Grant Fund 445 to various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer, for the purpose of transferring Emergency Shelter Grant administrative resources to Emergency Shelter Grant project accounts to completely fund emergency shelter renovations for increased safety related to COVID-19.

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

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 fund vital City programs with Emergency Solutions Grant resources according to the United States Department of Housing and Urban Development’s established timeline.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**TRANSFER SCHEDULE**

DECREASE OF EXISTING EMERGENCY SOLUTIONS GRANT - CV APPROPRIATION SCHEDULE

**Section 1**

Grant Program	Fund	Agency	Project Account No.	Project Title	Original Authorization	Amount to be Decreased	Revised Authorization
ESG-CV	445	162	4452020	ESG Stimulus Admin '20	\$349,522.00	\$349,522.00	\$0.00
ESG-CV	445	162	4452018	ESG Stimulus CV2 Admin '20	\$415,654.00	\$209,858.39	\$205,795.61
<b>TOTAL</b>					<b>\$765,176.00</b>	<b>\$559,380.39</b>	<b>\$205,795.61</b>

INCREASE OF EXISTING EMERGENCY SOLUTIONS GRANT - CV APPROPRIATION SCHEDULE

**Section 2**

Grant Program	Fund	Agency	Project Account No.	Project Title	Original Authorization	Amount to be Increased	Revised Authorization
ESG-CV	445	162	4452017	ESG Stimulus '20	\$3,145,706.00	\$349,522.00	\$3,495,228.00
ESG-CV	445	162	4452029	ESG Stimulus CV2 '20	\$3,740,895.00	\$209,858.39	\$3,950,753.39
<b>TOTAL</b>					<b>\$6,886,601.00</b>	<b>\$559,380.39</b>	<b>\$7,445,981.39</b>

February 24, 2022

**To:** Mayor and Members of City Council 202200479  
**From:** John P. Curp, Interim City Manager  
**Subject:** **Emergency Ordinance – HOME-ARP Reconciliation**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer and return to source Fund 411, “Home Investment Trust,” of the sum of \$3,523,076 from various Home Investment Trust Fund 411 project accounts, according to the attached Schedule of Transfer; and **AUTHORIZING** the transfer and appropriation of the sum of \$3,523,076 from the unappropriated surplus of Fund 411, “Home Investment Trust,” to various new and existing Home Investment Trust Fund 411 project accounts, according to the attached schedule of transfer, for the purpose of appropriating resources to projects consistent with guidance issued by the United States Department of Housing and Urban Development.

This Emergency Ordinance authorizes the transfer and return to source Fund 411, “Home Investment Trust,” of the sum of \$3,523,076 from various Home Investment Trust Fund 411 project accounts. This Emergency Ordinance also authorizes the transfer and appropriation of the sum of \$3,523,076 from the unappropriated surplus of Fund 411, “Home Investment Trust,” to various new and existing Home Investment Trust Fund 411 project accounts for the purpose of appropriating resources to projects approved by the United States Department of Housing and Urban Development (HUD).

The City received an initial entitlement grant award of \$2,737,925 from the HUD HOME Investment Partnership Program (HOME), which the City Council authorized in Ordinance No. 0132-2021 on February 25, 2021. HUD later awarded \$9,923,076 in additional HOME grant resources as part of the American Rescue Plan (ARP), which the City accepted and appropriated to the Home Investment Trust Fund 411 project, “HOME – American Rescue Plan,” as authorized by the City Council in Ordinance No. 0153-2021 on May 5, 2021.

On May 19, 2021, Council approved Ordinance No. 0166-2021, which returned to source the sum of \$9,900,000 from Home Investment Trust Fund 411 project, “HOME – American Rescue Plan,” and appropriated \$9,900,000 from the unappropriated surplus of Home Investment Trust Fund 411 to newly established projects, including \$3,000,000 to “Bethany House Services,” and \$500,000 to “HARBOR.”

To align use of HOME resources previously approved for the HARBOR program to eligible uses and to categorize the resources previously appropriated by the Bethany House project in a manner that the City will report the use of such resources to HUD, based on guidance received by HUD, the City Council desires to transfer the HOME resources in accordance with the attached schedule of transfer.

The \$23,076 previously appropriated to the “HOME – American Rescue Plan” project, but unallocated to a specific project will be appropriated for “HOME – ARP Administration.” The \$3,000,000 previously appropriated to the “Bethany House Services” project will continue to serve the Bethany House in the new “Non-congregate Shelter Development” project. The \$500,000 previously appropriated to the “HARBOR” project will instead be appropriated to the existing “Affordable Housing Trust Fund” project. Funding for the HARBOR program will be replaced with other Community Development Block Grant (CDBG) resources.

The HOME and ARP grant programs are in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods,” as described on pages 160 - 163 of Plan Cincinnati (2012).

The reason for the emergency is so the resources referenced herein may be deployed at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment



## EMERGENCY

**KKF**

**- 2022**

**AUTHORIZING** the transfer and return to source Fund 411, “Home Investment Trust,” of the sum of \$3,523,076 from various Home Investment Trust Fund 411 project accounts, according to the attached Schedule of Transfer; and **AUTHORIZING** the transfer and appropriation of the sum of \$3,523,076 from the unappropriated surplus of Fund 411, “Home Investment Trust,” to various new and existing Home Investment Trust Fund 411 project accounts, according to the attached schedule of transfer, for the purpose of appropriating resources to projects consistent with guidance issued by the United States Department of Housing and Urban Development.

WHEREAS, the City received an initial entitlement grant award of \$2,737,925 from the United States Department of Housing and Urban Development (“HUD”) HOME Investment Partnerships Program (“HOME”) through Award No. M-21-MC-39-0213 (ALN 14.239) on February 25, 2021, which Council accepted and appropriated through Ordinance No. 0132-2021; and

WHEREAS, HUD later awarded \$9,923,076 through Award No. M-21-MP-39-0213 in additional HOME grant resources pursuant to the American Rescue Plan (“ARP”) Act, which Council accepted and appropriated to Home Investment Trust Fund 411 project account no. 411x162x4112131, “HOME – American Rescue Plan,” on May 5, 2021, through Ordinance No. 0153-2021; and

WHEREAS, on May 19, 2021, Council approved Ordinance No. 0166-2021, which returned to source the sum of \$9,900,000 from Home Investment Trust Fund 411 project account no. 411x162x4112131, “HOME – American Rescue Plan,” and appropriated the sum of \$9,900,000 from the unappropriated surplus of Home Investment Trust Fund 411 to newly established project accounts, including \$3,000,000 to project account no. 411x162x4112135, “Bethany House Services,” and \$500,000 to project account no. 411x162x4112137, “HARBOR”; and

WHEREAS, to (i) align the use of HOME resources previously appropriated for the HARBOR program to eligible uses, and (ii) categorize the resources previously appropriated for the Bethany House project in the manner that the City will report the use of such resources to HUD, Council desires to transfer the HOME resources in accordance with the attached Schedule of Transfer; and

WHEREAS, the HOME and ARP grant programs are in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods,” as described on pages 160-163 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 \$3,523,076 is hereby transferred and returned to source Fund 411, "Home Investment Trust," from various existing Home Investment Trust Fund 411 project accounts, according to the Schedule of Transfer attached hereto.

Section 2. That the sum of \$3,523,076 is hereby transferred and appropriated from the unappropriated surplus of Fund 411, "Home Investment Trust," to various new and existing Home Investment Trust Fund 411 project accounts, according to the Schedule of Transfer attached hereto, for the purpose of appropriating resources to projects consistent with guidance issued by the United States Department of Housing and Urban Development ("HUD").

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

Section 4. That the City Manager is hereby authorized to submit, modify, or amend any and all necessary documents required to be sent to HUD to carry out the provisions of the HOME Investment Partnerships Program and the American Rescue Plan grants referenced in this ordinance, including filing of the 2021 Annual Action Plan Amendment.

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 so the resources referenced herein may be deployed at the earliest possible time.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**RECONCILIATION SCHEDULE**

DECREASE OF EXISTING HOME INVESTMENT PARTNERSHIPS PROGRAM - ARP APPROPRIATION SCHEDULE

Section 1

Grant Program	Fund	Agency	Project Account No.	Project Title	Original Authorization	Amount to be Decreased	Revised Authorization
HOME	411	162	4112131	HOME-American Rescue Plan	\$23,076.00	\$23,076.00	\$0.00
HOME	411	162	4112135	Bethany House Services	\$3,000,000.00	\$3,000,000.00	\$0.00
HOME	411	162	4112137	HARBOR	\$500,000.00	\$500,000.00	\$0.00
<b>TOTAL</b>					<b>\$3,523,076.00</b>	<b>\$3,523,076.00</b>	<b>\$0.00</b>

INCREASE OF HOME INVESTMENT PARTNERSHIPS PROGRAM - ARP APPROPRIATION SCHEDULE

Section 2

Grant Program	Fund	Agency	Project Account No.	Project Title	Original Authorization	Amount to be Increased	Revised Authorization
HOME	411	162	4112130	HOME-ARP Administration	\$0.00	\$23,076.00	\$23,076.00
HOME	411	162	4112132	Non-congregate Shelter Development	\$0.00	\$3,000,000.00	\$3,000,000.00
HOME	411	162	4112136	Affordable Housing Trust Fund	\$6,400,000.00	\$500,000.00	\$6,900,000.00
<b>TOTAL</b>					<b>\$6,400,000.00</b>	<b>\$3,523,076.00</b>	<b>\$9,923,076.00</b>

February 24, 2022

**To:** Mayor and Members of City Council 202200481  
**From:** John P. Curp, Interim City Manager  
**Subject:** **Emergency Ordinance:** Establishing the classification and salary range schedule for the new full-time employment classification of Public Employees Assistance Program Counselor

---

Attached is an Emergency Ordinance captioned:

**ESTABLISHING** the classification and salary range schedule for the new full-time employment classification of Public Employees Assistance Program Counselor; and **ENACTING** Section 247 of Division 0, Chapter 307 of the Cincinnati Municipal Code, in order to establish a new salary schedule and classification title for the new classification consistent with the organizational changes described herein.

The Human Resources Director has approved the request for this ordinance to establish the classification and salary range schedule for the new employment classification of Public Employees Assistance Program Counselor. The Department of Human Resources has done due diligence and conducted appropriate evaluation to ensure that the new salary schedule is consistent with similar positions with factors considered throughout the evaluation process including, scope of work and responsibility. The modification of the salary schedule is necessary to fit the needs of the City, and consistent with the organizational changes described herein.

The Administration recommends passage of this Ordinance.

cc: Edward G. Ramsey, Human Resources Director

**EMERGENCY**

**LES**

**-2022**

**ESTABLISHING** the classification and salary range schedule for the new full-time employment classification of Public Employees Assistance Program Counselor; and **ENACTING** Section 247 of Division 0, Chapter 307 of the Cincinnati Municipal Code, in order to establish a new salary schedule and classification title for the new classification consistent with the organizational changes described herein.

WHEREAS, the City's Department of Human Resources is recommending the establishment of a new classification specification and salary range for full-time Public Employees Assistance Program Counselor in order to enhance marketability, competitiveness in the job market, recruit and retain qualified candidates for full time employment, and maintain internal salary equity with existing part-time incumbents; and

WHEREAS, the City's Human Resources Department has determined the creation of the full-time Public Employees Assistance Program Counselor classification specification is necessary to fit the needs of City-wide employment; and

WHEREAS, the creation of the full-time Public Employees Assistance Program Counselor classification specification is necessary to ensure consistency in the knowledge, skills, and abilities required to carry out the duties and tasks prescribed to the position; and

WHEREAS, the Department of Human Resources has done its due diligence and conducted appropriate internal comparisons to ensure the new classification and salary range are consistent with the scope of services and the level of responsibility of the position of full-time Public Employees Assistance Program Counselor, and the factors considered throughout the evaluation process included liability, judgment and independent action, scope of responsibility, and accountability; and

WHEREAS, it has been determined that adopting the new salary range and classification title for the position is based upon a market analysis consistent with the organization changes described herein and internal cost of living adjustment comparisons as approved by Council; now, therefore,

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

Section 1. That new Section 247 of Division 0, Chapter 307 of the Cincinnati Municipal Code is hereby enacted as shown below:

<b>Classification</b>	<b>Minimum – Annual</b>	<b>Maximum – Annual</b>
Public Employees Assistance Program Counselor	\$56,929.60	\$92,206.40

Section 2. 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 classification and salary range in order to recruit and retain qualified employees.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk



February 24, 2022

To: Mayor and Members of City Council

From: John P. Curp, Interim City Manager **202200483**

Subject: **Emergency Ordinance – Water Research Foundation Agreement**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to enter into an agreement on behalf of the Greater Cincinnati Water Works with the Water Research Foundation for the purpose of co-funding, along with five other water utilities, a collaborative research project known as “Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs.”

This Emergency Ordinance authorizes the City Manager to enter into an agreement with the Water Research Foundation (WRF) to provide co-funding, along with five other water utilities, to support a collaborative research project known as “Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs”.

The United States Environmental Protection Agency recently updated the standards in the Lead and Copper Rule to require water utilities such as the City of Cincinnati’s Greater Cincinnati Water Works (GCWW) to develop a plan for replacement of a minimum of 3.5% of all lead service lines (LSLs) each year. In order to properly plan for the systematic removal of lead lines, it is essential to be able to determine whether a property has a lead water service line. GCWW currently relies on historic records, excavation of the pipe, and checking inside the building to identify the underground service line material, which in some cases may not identify lead pipe in a portion of the service line that is not visible at the excavation site.

WRF is willing to contribute \$100,000 from its Tailored Collaboration Program to co-fund a collaborative research project led by Cornwell Engineering Group known as “Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs” that aims to conduct proof of concept testing on three innovative, no-dig detection platforms for underground water service line material and compare them to traditional means of material identification. The completion of the research will allow GCWW and the water industry to identify the best method to locate lead service lines for removal, ideally without digging or entering the home.

The *Letter of Agreement for Co-Funding* between the City and WRF attached as Exhibit A hereto outlines the responsibilities and rights of WRF and the City in connection with the collaborative research project. GCWW is willing to contribute \$16,000 in funding and up to \$12,000 in in-kind on-site testing participation for the project, which will be matched by similar co-funding and in-kind participation from DC Water, Aquarion Water, Pittsburgh Water and Sewer Authority (PSWA), American Water, and Aqua America (Pennsylvania). GCWW's contribution can be made from their existing FY 2022 appropriation. The co-funding contribution from utilities of \$100,000, combined with WRF co-funding adds up to a total of \$200,000 plus additional on-site research services for the project.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Verna Arnette, GCWW Deputy Director

## EMERGENCY

AY

- 2022

**AUTHORIZING** the City Manager to enter into an agreement on behalf of the Greater Cincinnati Water Works with the Water Research Foundation for the purpose of co-funding, along with five other water utilities, a collaborative research project known as “Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs.”

WHEREAS, the United States Environmental Protection Agency recently updated the standards in the Lead and Copper rule to require water utilities such as the City of Cincinnati’s Greater Cincinnati Water Works (“GCWW”) to develop a plan for replacement of a minimum of 3.5 percent of all lead water service lines each year; and

WHEREAS, in order to properly plan for removal of lead lines, it is vital to be able to determine whether a property has a lead water service line; and

WHEREAS, GCWW currently relies on historic records, excavation of the pipe, and checking inside the building to identify the underground service line material, which in some cases may not identify lead pipe in a portion of the service line that is not visible at the excavation site; and

WHEREAS, the Water Research Foundation (“WRF”) is willing to contribute \$100,000 from its Tailored Collaboration Program to co-fund a collaborative research project led by Cornwell Engineering Group known as “Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs” that aims to conduct proof of concept testing on three innovative, no-dig detection platforms for underground water service line material and compare them to traditional means of material identification; and

WHEREAS, GCWW is willing to contribute \$16,000 in funding and up to \$12,000 in in-kind on-site testing participation for the project, which contribution will be matched by similar co-funding and in-kind participation from DC Water, Aquarion Water, Pittsburgh Water and Sewer Authority, American Water, and Aqua America (Pennsylvania), for a total utility funding contribution of \$100,000, so the overall project funding from all sources will total \$200,000 plus additional on-site research services; and

WHEREAS, the completion of the research will allow GCWW and the water industry to identify the best method to locate lead service lines for removal, ideally without digging or entering the home; and

WHEREAS, the *Letter of Agreement for Co-Funding* between the City and WRF attached as Exhibit A hereto outlines the responsibilities and rights of WRF and the City in connection with the collaborative research project; 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 execute a *Letter of Agreement for Co-Funding* with the Water Research Foundation (“WRF”) in a form substantially similar to Exhibit A hereto, and any other necessary and appropriate documents for the purpose of co-funding a collaborative research project known as “Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs” involving Cornwell Engineering, the Greater Cincinnati Water Works, and other collaborating water utilities.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the *Letter of Agreement for Co-Funding* and Section 1 hereof.

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 enter into the *Letter of Agreement for Co-Funding* in order to secure the co-funding from WRF and other utilities and to avoid delay of this important research necessary to identify technologies to facilitate removal of lead as a risk to drinking water.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor Aftab Pureval

Attest: \_\_\_\_\_  
Clerk



6666 W. Quincy Ave.  
Denver, CO 80235-3098

1199 N. Fairfax St., Ste. 900  
Alexandria, VA 22314-1445

February 1, 2022

<p>John Curp City Manager City of Cincinnati 801 Plum Street Cincinnati, OH 45202</p>	<p>Verna Arnette Deputy Director Greater Cincinnati Water Works 4747 Spring Grove Avenue Cincinnati, OH 45232</p>
---	---

Re: Letter of Agreement for Co-Funding by the City of Cincinnati’s Greater Cincinnati Water Works for The Water Research Foundation Project #5152 titled, **“Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs.”**

Dear Ms. Arnette:

This Letter of Agreement (“LOA”) is entered between **The Water Research Foundation** (“WRF”) a Colorado non-profit corporation, whose principal place of business is located at 6666 W. Quincy Ave., Denver, Colorado 80235 and the **City of Cincinnati** on behalf of its **Greater Cincinnati Water Works** (“GCWW” or “Co-Funder”), whose address for the purposes of this LOA is 4747 Spring Grove Avenue, Cincinnati, Ohio 45232, in furtherance of their common interest to support research on behalf of the water community.

Project #5152 (the “Project” as described in the Attachments) is a co-funded research project being funded by WRF, GCWW and other co-funding water utilities. The work for the Project has been awarded to **Cornwell Engineering**, the chosen awardee (hereafter “Sub-recipient”). WRF and the Sub-recipient will enter into and execute a separate contract a called Project Funding Agreement (hereafter “PFA”). The Sub-recipient will perform the tasks and activities outlined in the PFA to meet the Project objectives. Upon request, a copy of the executed PFA can be provided.

**GCWW Duties.** GCWW will provide Sixteen Thousand US dollars (\$16,000.00) to WRF in support of WRF’s Project #5152. GCWW will also provide in-kind services for this project as described in the Attachments of an estimated value of \$12,000. Funding from GCWW will be paid in full to WRF upon full execution of this LOA and upon invoicing GCWW as provided below under Contacts. If a purchase order number is required for payment of an invoice, please provide.

**WRF Duties.** Upon execution of this LOA, WRF will invoice GCWW for the funding that is to be paid in full. WRF will enter into similar LOAs with the other co-funding utilities for their contribution to the Project. WRF will provide One Hundred Thousand US dollars (\$100,000) in co-funding toward the

Project to match the \$100,000 total to be provided by GCWW and other co-funding utilities, for a total Project funding amount of \$200,000.

Sub-recipient costs will be recognized proportionally as costs are incurred. In the event Sub-recipient's costs incurred are less than the total funding received from WRF, the funding will be returned on a proportional basis to the Co-Funder.

WRF will reasonably monitor the Project with consideration to **GCWW**'s input and needs for this Project. A Project Advisory Committee (PAC) has been formed for Project #5152 that consists of independent volunteers selected by WRF and Co-funder to provide technical review, assistance, and/or expertise related to the Project. The number of volunteers to serve on the PAC will be determined by WRF. WRF and the PAC will make mutually agreed management decisions regarding this Project. In the event of any disagreement, however, WRF shall have final decision-making authority regarding the Project.

**Copyright.** If the Project is satisfactorily completed in WRF's sole discretion, WRF may publish the results of the Project. WRF will own all U.S. and world-wide copyright in the reports created as a result of the research deliverables for the Project as defined in the PFA. WRF will provide an electronic PDF of any Final Report published to **GCWW** for placement on **GCWW**'s website for internal use and for public viewing. **GCWW** agrees that they will not make any other use of the WRF's copyrighted materials without WRF's prior written permission. Approval for use of such materials for educational, noncommercial purposes, however, will not be unreasonably withheld. Further, any requests **GCWW** receives for a printed copy of any printed Final Report should be forwarded to WRF to fulfill the order.

**Nonexclusive license.** WRF grants **GCWW**, a non-exclusive, non-transferrable, royalty free, nonterminable, without any requirement of accounting, the right to use Intellectual Property developed through this research Project.

**Acknowledgement.** WRF and **GCWW** will be recognized as a Co-funder of the Project in the Final Report publication.

**Amendments.** This Agreement may not be modified or amended, nor may any term or provision be waived or discharged, including this Paragraph, except in writing, signed by all parties.

**Project Termination.** In the event the Project is not progressing as required by the PFA, WRF may terminate that Project and, in such event, will reimburse **GCWW** for the portion of their contribution allocated to the Project which has not already been distributed or earmarked by WRF but not yet invoiced by the Sub-recipient.

**Liability/Construction/Headings.** In no event, shall any judgment/order against WRF and/or **GCWW** exceed the amount of funds provided by WRF (for claims against WRF) or **GCWW** (for claims against **GCWW**) relating in any manner to this Agreement. Further, this Agreement shall not be construed against the drafter; headings are for convenience only.

**Dispute Resolution/Mediation.** In the event, any co-funder has a disagreement with another co-funder, each agrees to submit such dispute to a mediator chosen by both parties, with each party shall be responsible for their own costs of mediation.

**Independent Contractors.** The parties are independent contractors to each other. Nothing in this Agreement shall be construed to create an agency, partnership, joint venture, employment, or franchise relationship between the parties. No party shall have any right or authority to assume or create any obligation, commitment or responsibility for or on behalf of the others except as the other may expressly authorize in writing.

**Contacts.** Co-funder contacts for this Project are:

Organization	Contact	Contribution
Greater Cincinnati Water Works ( <b>GCWW</b> )	Verna Arnette Deputy Director Phone: 513.591.6898 Email: <a href="mailto:verna.arnette@cincinnati-oh.gov">verna.arnette@cincinnati-oh.gov</a>  Jeff Swertfeger Water Quality Superintendent Phone: 513.624.5068 Email: <a href="mailto:Jeff.Swertfeger@gcww.cincinnati-oh.gov">Jeff.Swertfeger@gcww.cincinnati-oh.gov</a>  John Ridder Supervising Accountant Phone: 513.591.5065 Email: <a href="mailto:john.ridder@cincinnati-oh.gov">john.ridder@cincinnati-oh.gov</a>	\$16,000.00 USD \$12,000.00 in-kind



<p>The Water Research Foundation (WRF)</p>	<p>Jonathan Cuppett  Research Program Manager  Phone: 303.347.6122  Email: <a href="mailto:jcuppett@WaterRF.org">jcuppett@WaterRF.org</a></p> <p>Valerie Roundy  Project Coordinator  Phone: 303.347.6124  Email: <a href="mailto:vroundy@WaterRF.org">vroundy@WaterRF.org</a></p> <p>Christine Conville  Contracts Manager  Phone: 303.734.3424  Email: <a href="mailto:cconville@WaterRF.org">cconville@WaterRF.org</a></p> <p>Connie Schonlau  Contracts Assistant  Phone: 303.347.6211  Email: <a href="mailto:cschonlau@WaterRF.org">cschonlau@WaterRF.org</a></p>	<p>\$100,000</p>
--	---	------------------

This Agreement may be executed on separate originals or copies and shall be valid as if all parties had executed the same document. Facsimile or electronic signatures shall be valid as written signatures.

***Rest of Page Intentionally Left Blank***



**Project 5152**

IN WITNESS, WHEREOF, the parties have caused this LOA to be signed and dated as shown below.

**The Water Research Foundation**

\_\_\_\_\_  
By: Peter C. Grevatt, PhD  
Title: Chief Executive Officer

Date: \_\_\_\_\_

**City of Cincinnati**

By: \_\_\_\_\_  
John P. Curp, Interim City Manager  
Date: \_\_\_\_\_

Recommended by GCWW:

\_\_\_\_\_  
Verna Arnette, Deputy Director

Approved by City Purchasing:

\_\_\_\_\_  
Bobbi Hageman, Chief Procurement Officer

Approved by Department of Economic  
Inclusion:

\_\_\_\_\_  
Edgar DeVeyra, Interim Director

Approved as to form by:

\_\_\_\_\_  
Assistant City Solicitor

CERTIFICATION OF FUNDS:

Date: \_\_\_\_\_

Funding: \_\_\_\_\_

Amount: \_\_\_\_\_

\_\_\_\_\_  
Karen Alder, Finance Director

**ATTACHMENT A**  
**(Commitment Letter)**



September 10, 2021

Richard Brown  
Cornwell Engineering Group  
712 Gum Rock Ct  
Newport News, VA 23606

RE: Water Research Foundation (WRF) Tailored Collaboration Proposal  
Identifying Service Line Materials without Excavation: Distinguishing LSLs from non-LSLs

Dear Mr. Brown,

The Greater Cincinnati Water Works (GCWW) is pleased to participate as a member of the research team submitting the tailored collaboration proposal listed above. Our water system has currently identified almost 40,000 complete or partial lead service lines (LSLs) and around 700 unknown or unidentified service lines. Consequently, we are very interested in working with the research team to develop suitable methods for identification of service line material and determine the advantages and disadvantages of each approach. We feel this research will not only benefit our system and our customers, but water systems throughout the US.

The project objectives as we understand them are to compare different methods to identify service line material composition (e.g., at minimum lead versus non-lead, and perhaps breaking down non-lead into copper, galvanized, plastic, etc.) by as many of the following means as possible:

1. Water system records (e.g., tap cards)
2. Profile sampling (collected before any other activities at the study location)
3. Potholing (i.e., local excavation at curb stop or meter) plus inspection of pipe entering house
4. Up to two non-destructive identification technologies, such as acoustic or stress wave propagation techniques
5. Excavation and visual inspection of the entire service line, when possible.

We will participate in all of these tasks, except items 3 (potholing) and 5 (excavation). However, we will gather information about lines in which we are otherwise partially uncovering to replace.

We anticipate participation in these tasks will involve our water system contributing staff time, equipment, materials, analytical services, and contractors hired by the water system to perform the following:

- Review water system records, identify candidate study locations, recruit customers at these locations to volunteer for the study, and coordinate activities with customers during the study (i.e., allowing access to site, working within the project schedule, collecting samples, etc.)
- Work with the project team and vendors from item 4 above to schedule work at study locations, and provide support as needed
- Collect and analyze water samples as defined in item 2 above

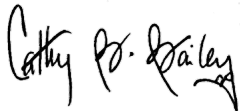


- Conduct site work as needed (surveying, service line replacement, etc.)
- After completion of activities at each study location:
  - Provide water filters certified for lead removal (pitcher), replacement filters, and instructions for filter use and maintenance to customers who have lead service lines who participate in the project
  - Provide instructions and training support (as needed) for customer who have lead service lines to conduct whole-house, high velocity flushing (HVF) as outlined in Brown et al. (2021 - WRF 4713) and AWWA Standard C810-17 (or latest version when updated)
- Review and comment on the project Final Report.

GCWW will provide a direct cash contribution to the Foundation (WRF) in the amount of \$16,000 to cover costs of the research team. In addition, GCWW anticipates total in-kind/cost-share contribution towards this project \$12,000 to cover analytical costs, labor, expenses, and materials. We will work with the research team to conduct the above described study efforts at 10 to 16 locations in our system.

We look forward to participating in this important project. If you have any questions regarding our involvement in the project, please contact Jeff Swertfeger at (513) 624-5608.

Sincerely,



Cathy B. Bailey  
Executive Director,  
Greater Cincinnati Water Works

**ATTACHMENT B**

**(Project Summary)**

## RESEARCH OBJECTIVE

Lead service line replacements (LSLRs) are a pressing need for drinking water utilities to safeguard consumer health. However, lead service lines (LSLs) cannot be removed until their locations are identified. Unfortunately, no rapid, user-friendly and cost-effective technologies are commercially available to accurately identify LSLs, without excavation (and consequent potential disturbance of pipe protective scales). This tailored collaboration project will test three innovative and non-invasive detection platforms (acoustic monitoring, x-ray diffraction/fluorescence and stress wave propagation/attenuation) to perform buried service line characterization in blind trials using a pipe farm testing facility followed by extensive field testing in collaboration with six large geographically dispersed water utilities.

### The specific test objectives will be to:

- Conduct blind trials with multiple rapid, non-invasive detection technology platforms to assess accuracy of service line characterization
- Assess performance of promising technologies (up to three) in extensive field application studies with SLs from up to 6 geographically dispersed utilities
- Examine impact of technology deployment on changes in baseline water quality
- Compare performance of test technologies to each other and to conventional physical inspection methods (e.g., potholing, profile water sampling, excavation, etc.) to validate performance
- Provide recommendations to the water industry, regulators, and WRF on approaches that can expedite LSL inventory development

## BACKGROUND/UNDERSTANDING OF THE PROBLEM

Presently “15 to 22 million Americans nationally are served drinking water by lead lines” according to Cornwell et al. (2016). Given the recent attention from the public health community related to the potential impacts from lead in drinking water, it is understandable that USEPA is promoting Lead Service Line Replacements (LSLRs). Many drinking water systems are struggling to accurately develop inventories that can be used to both educate consumers and efficiently deploy a LSL replacement strategy. The traditional indirect methods (e.g., institutional knowledge, water quality data, information captured from tap cards, date of service line installation, records of recent repairs, etc.) presently available to utilities tend to be unreliable. The revisions to the LCR require identification of all unknown service lines to the greatest extent possible. Most utilities have limited records and therefore need industry accepted identification tools. This complex and challenging situation is unlikely to be solved through indirect methods. While direct methods (e.g., potholing or full excavation) can identify service line pipe materials, these approaches are time consuming and costly. Furthermore, vibrations from these activities may indirectly do harm to pipe protective scales and potentially expose customers to contaminants.

In WRF 4693, literature reviews and industry practices were explored to search for detection technologies that are fast, portable, economical, user-friendly, minimally invasive, and sufficiently sensitive to identify lead pipes buried in soils of various types (Bukhari et al. 2020).



That study concluded that there was a significant absence of convenient and/or cost-effective methodologies while utilities urgently needed practical solutions that could accurately identify buried LSLs.

Recognizing this urgent need (for rapid tools to improve the speed, efficiency, and reduce the costs of finding LSLs) was the impetus for this tailored collaboration. This tailored collaboration will examine three promising technology platforms in both blind trials and field studies. Having such tools will allow utilities to focus their efforts on premises that actually have LSLs which can then be replaced. Another need for this project is to provide utilities with multiple tools to use., Some tools can be used in conjunction with other tools, while some tools perhaps may be more suitable for certain situations over others. Therefore, this project will look not only at these alternative technological tools, but also develop a collection of tools for water systems to pick and choose. This menu will provide utilities options depending on budget, speed/urgency, and difficulty in finding the LSLs using conventional tools.

## **TECHNICAL APPROACH**

Evaluation of the proposed technologies will be conducted in two distinct phases. In the first phase, performance of all three technologies will be tested in parallel in blind trials. This phase will use a pipe farm which has pipes of known composition (lead, copper, galvanized steel, brass and/or other materials) buried at depths of 4-5 feet. The pipe farm will have various interconnections (e.g., lead and galvanized) and be overlaid with materials including soil, sand, clay, gravel, or a combination of the four. The pipe farm testing will provide comparative testing of the different technologies and serve for prioritization of technologies for field testing. It will also provide the opportunity for participants to refine and calibrate their methodologies before these technologies advance to the extensive field during the 2<sup>nd</sup> Phase of the test plan.

In the 2<sup>nd</sup> phase, testing will evaluate material composition of at least 50 service lines from up to six participating water systems (DC Water, Aquarion, Pittsburgh Water and Sewer, Greater Cincinnati, American Water, Aqua). Comparisons of the three innovative detection technologies (acoustic monitoring, x-ray diffraction/fluorescence and stress wave propagation/attenuation) will be made relative to traditional methods, which include:

- Water system record reviews (i.e., tap cards, historic records, plans, tax records, etc.)
- Sequential Profile sampling (collected before any other activities at the study location) using techniques from Lytle, Deshommies, and others)
- Potholing (i.e., local excavation at curbstop or meter) plus inspection of pipe entering house
- Excavation

Based on these evaluations, it is anticipated that the research team will be able to capture data for each property to define the specific material (i.e., “material count”) and by the length of that specific pipe (i.e., “ft. of each material”). The ability to differentiate lead from non-lead materials and the ability to characterize non-lead materials successfully will be key success criteria for each technology.

## **ORIGINALITY AND INNOVATION OF THE RESEARCH**

Recent and extensive literature reviews by our team as well as outreach to various industry partners and technology developers have indicated an urgent need for better tools to identify

lead pipes buried in soils of various types. Tools need to be faster, portable, economical, user-friendly, minimally invasive, and sufficiently sensitive. . Additionally, it isn't adequate just to identify lead service lines, but it is also necessary for non-lead service lines to be characterized. This requires a unique strategy in which a signal can be transmitted from a device, penetrate through the soil profile, reflect off the buried pipe, and then be retrieved and analyzed to generate a unique fingerprint for the material under interrogation. In this proposed research, three different technology platforms will be tested to evaluate their performance. By examining acoustic waves, XRF and stress waves individually, it is anticipated that the performance of these technology platforms will be tested in a controlled environment (pipe farm) and in expanded field analyses in geographically dispersed water systems. Both will be performed under blind conditions to the technology providers. As the field testing will be corroborated through a variety of validation methods ranging from historic records to excavation, the robustness of each technology for accurately determining presence of specific materials will be ascertained.

To the best of the authors' knowledge, no previous attempts have been made to conduct such comprehensive tests for user-friendly/non-invasive options to identify the material of water service lines. While NDE approaches (for instance Ground Penetrating Radar) exist to identify the location of buried pipelines, no effective tools exist to characterize the material of underground service lines.

## **ANTICIPATED RESULTS AND BENEFITS**

Based on the data generated from this study, we anticipate identifying one or more user-friendly service line characterization technology platforms that can yield practical solutions for service line inventory development. The data from both phases of the study will specifically help:

- Vendors to refine their detection methodologies to improve sensitivity/specificity of materials analyses (if needed).
- The field comparisons will identify existing technology limitations (if any) and help define additional criteria to be considered for the technologies to be deemed successful.
- As six large utility partners will be participating in the project, the field studies will provide an opportunity to directly capture feedback from water utility practitioners on the useability and likely adoption rate (or possible impediments) of each technology.
- Importantly, data generated in this study will inform the water industry, regulators, consultants, academics, and technology manufacturers whether rapid, user-friendly and cost-effective service line characterization tools are viable.

## **STATEMENT OF QUALIFICATIONS**

Members of the research team from Cornwell, DC Water, and American Water have cooperated on various lead projects before, including several WRF studies (4713, 4639, etc.) and can produce useful interpretation of results and guidance to WRF subscribers and other water systems. The project team will seek advice from the following technical advisors: Dr. Charles Haas, Drexel University, Elizabeth Holst, Cleveland Water Alliance and Dr. David Cornwell, Cornwell Engineering.

February 24, 2022

**To:** Mayor and Members of Council

**From:** John P. Curp, Interim City Manager **202200484**

**Subject: Ordinance – DOTE: Accept and Appropriate Safe Routes to School Grant – Kirby Avenue**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the establishment of a new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; **AUTHORIZING** the City Manager to accept and appropriate a grant in the amount of up to \$400,000 from the federal Safe Routes to School program (ALN 20.205), as administered by the Ohio Department of Transportation, to new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; and further **AUTHORIZING** the Director of Finance to deposit the grant funds into newly established capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant.”

This Ordinance authorizes the establishment of a new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood. This Ordinance also authorizes the City Manager to accept and appropriate a grant in the amount of up to \$400,000 from the federal Safe Routes to School (SRTS) program (ALN 20.205), as administered by the Ohio Department of Transportation (ODOT), to new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant.” Finally, this Ordinance authorizes the Director of Finance to deposit the grant funds into newly established capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant.”

On March 17, 2021, the City Council passed Ordinance No. 0077-2021, which authorized the City Manager to apply for grant resources awarded by the Ohio Department of Transportation from the Safe Routes to School program in the amount of up to \$400,000 for the purpose of implementing various safety improvements within two miles of schools within the City of Cincinnati. The Department of Transportation and Engineering (DOTE) was awarded up to \$400,000 for the Kirby Improvements PID 115448 SRTS Grant project. City Council authorization is required to accept and appropriate the grant.

No local match is required for this grant. However, DOTE will be required to provide existing capital resources for engineering and right-of-way tasks of design, surveying, materials testing, appraisals, property negotiations, right-of-way certifications, and project administration. No new FTEs are required.

The Kirby Improvements PID 115448 SRTS Grant project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” as well as the strategies to “[e]xpand options for non-automotive travel” and to “[p]lan, design, and implement a safe and sustainable transportation system,” 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 establishment of a new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; **AUTHORIZING** the City Manager to accept and appropriate a grant in the amount of up to \$400,000 from the federal Safe Routes to School program (ALN 20.205), as administered by the Ohio Department of Transportation, to new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; and further **AUTHORIZING** the Director of Finance to deposit the grant funds into newly established capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant.”

WHEREAS, on March 17, 2021, City Council passed Ordinance No. 0077-2021, which authorized the City Manager to apply for grant resources awarded by the Ohio Department of Transportation from the Safe Routes to School program in an amount of up to \$400,000 for the purpose of implementing various safety improvements within two miles of schools within the City of Cincinnati; and

WHEREAS, the Department of Transportation and Engineering was awarded a Safe Routes to School Grant, which provides a maximum of \$400,000 for eligible costs for construction of a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; and

WHEREAS, no local match is required for this grant; however, DOTE will be required to provide existing capital resources for engineering and right-of-way tasks of design, surveying, materials testing, appraisals, property negotiations, right-of-way certifications, and project administration; and

WHEREAS, no additional FTEs are associated with this project; and

WHEREAS, the Kirby Improvements PID 115448 SRTS Grant project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” as well as the strategies to “[e]xpand options for non-automotive travel,” and to “[p]lan, design, and implement a safe and sustainable transportation system,” 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 new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” is hereby established for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood.

Section 2. That the City Manager is hereby authorized to accept and appropriate a grant in the amount of up to \$400,000 from the federal Safe Routes to School program (ALN 20.205), as administered by the Ohio Department of Transportation, to the newly established capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood.

Section 3. That the Director of Finance is hereby authorized to deposit the grant funds into newly established capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant.”

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 hereof.

Section 5. That this ordinance shall take effect and be in force from and after the earliest time allowed by law.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

February 24, 2022

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

**From:** John P. Curp, Interim City Manager

202200485

**Subject: Ordinance – Zone Change and Concept Plan for 1001 Marshall Avenue Planned Development**

---

Transmitted is an Ordinance captioned:

AMENDING the official zoning map of the City of Cincinnati to rezone the real property located at 1001 Marshall Avenue in the Camp Washington and CUF neighborhoods from the MG “Manufacturing General,” and CC-A, “Community Commercial – Auto-Oriented,” zoning districts to Planned Development District No. 92, “Marshall and Central Apartments.”

The City Planning Commission recommended approval of the zone change at its February 4, 2022 meeting.

Summary

The applicant, Fountain Residential Partners, wishes to develop the 7.692-acre subject property into a 200,000 square-foot, multi-family residential development, which includes three, 4-story, multi-family residential buildings with up to 136-150 dwelling units, 404 beds, 252 off-street parking spaces, clubhouse, private commercial and recreational uses, and signage, marketed toward local college and hospital students and professionals. It is located at the corner of Marshall Avenue and McMicken Avenue in Camp Washington and CUF. The property is bisected by Central Parkway and includes two site lots. The property is zoned Manufacturing General (MG) in Camp Washington and Commercial Community – Auto Oriented (CC-A) in CUF. The western portion of the property contains a surface parking lot. The eastern portion is mostly vacant, except for the Sleep Cheap Mattress store located at 2740 Hallmar Avenue. In order to facilitate this development, the applicant is requesting a zone change to a Planned Development (PD).

The applicant has presented multiple versions of the plan to the City Administration, CUF Neighborhood Association (CUFNA) and Camp Washington Urban Redevelopment Corporation (CWURC), since formally applying for the Planned Development in August of 2021. The proposal consists of one surface parking lot on the west lot and two surface parking lots on the east lot. The west lot will contain two residential buildings, and the east lot will contain one residential building, each containing efficiencies through five-bedroom units. Additionally, the east lot will include a clubhouse. The property slopes down approximately 40’ from Straight Street and McMicken Avenue to Central Parkway, and the eastern portion contains a retaining wall that sits along Straight Street and Central Parkway. As part of the project, the applicant is requesting the vacation and conveyance of Hallmar Avenue between McMicken Street and Central Parkway, which was approved by the City Planning Commission on the February 4, 2022. The Camp Washington Business Association has submitted a letter of support for the proposal. Additional comment has been received by CUFNA, local businesses and residents, in both support and opposition of the project.

The proposal is consistent with portions of the *University Impact Area Solutions Study* (2016) and *Plan Cincinnati* (2012).

The City Planning Commission recommends Approval of this Ordinance. The Administration also recommends Approval.

cc: Katherine Keough-Jurs, AICP, Director  
Department of City Planning and Engagement



**AMENDING** the official zoning map of the City of Cincinnati to rezone the real property located at 1001 Marshall Avenue in the Camp Washington and CUF neighborhoods from the MG, “Manufacturing General,” and CC-A, “Community Commercial–Auto-Oriented,” zoning districts to Planned Development District No. 92, “Marshall and Central Apartments.”

WHEREAS, Marshall at Central, LLC (“Owner”) owns the real property located at 1001 Marshall Avenue in the Camp Washington and CUF neighborhoods (“Property”), which property is comprised of five parcels totaling approximately 7.692 acres; and

WHEREAS, the western portion of the Property currently consists of a surface parking lot, and the eastern portion of the Property currently consists of vacant land and one commercial building; and

WHEREAS, the Owner, together with Fountain Residential Partners and Elevar Design Group (collectively, “Petitioners”), has petitioned to rezone the Property from the MG, “Manufacturing General,” and CC-A, “Community Commercial–Auto-Oriented,” zoning districts to Planned Development District No. 92 (“PD-92”) to facilitate the construction of three four-story multi-family buildings with a combined total of approximately 200,000 gross square feet, 136 dwelling units with 404 beds, 252 surface parking spaces, and a clubhouse with private commercial and recreational uses that will be marketed towards local college and hospital students (“Project”); and

WHEREAS, the Petitioners have submitted a concept plan and development program statement for the Project, which concept plan and development program statement describe the land use and development regulations that will govern the Project and which documents otherwise meet the requirements of Cincinnati Municipal Code Section 1429-09; and

WHEREAS, the Petitioners have sufficient control over the Property to affect its proposed plan and construct the Project; and

WHEREAS, the proposed Project is compatible with surrounding land uses, is in a desirable location for students and campus professionals, and is in close proximity to the University of Cincinnati and neighborhoods with complementary retail and entertainment uses; and

WHEREAS, on February 4, 2022, the City Planning Commission approved the rezoning of the Property from the MG, “Manufacturing General,” and CC-A, “Community Commercial–Auto-Oriented,” zoning districts to PD-92 upon finding that: (i) the Petitioners’ concept plan and development program statement are consistent with applicable plans and policies and are compatible with surrounding development; (ii) the concept plan and development program

enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved; (iii) deviations from the base district regulations applicable to the property at the time of the Petitioners' application are justified by compensating benefits of the concept plan and development program statement; and (iv) the concept plan and development program statement include adequate provisions for utility services, refuse collection, open space, landscaping and buffering, pedestrian circulation, traffic circulation, building design, and building location; and

WHEREAS, a committee of the Council held a public hearing on the proposed rezoning of the Property following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the rezoning, finding it in the interest of the general public's health, safety, morals, and welfare; and

WHEREAS, the proposed rezoning is consistent with the "Live" Initiative Area of *Plan Cincinnati* (2012), which includes the goal to "provide a full spectrum of housing options and improve housing quality and affordability" (page 164) and relies on the strategy to "provide quality healthy housing for all income levels" (p.165); and

WHEREAS, the proposed rezoning is generally consistent with the *University Impact Area Solutions Study* (2016), which identified the Property as an area recommended for rezoning to a less auto-intensive zone (p. 50), and it is consistent with the *Camp Washington Neighborhood Plan* (2018), including its recommendation for "creation of more housing, both through adaptive reuse of industrial buildings and construction of new homes" (p. 39); and

WHEREAS, the Council considers the establishment of PD-92 to be in the best interests of the City and the general public's health, safety, morals, and welfare; now, therefore,

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

Section 1. That the Council hereby adopts as its own independent findings the Department of City Planning and Engagement and the Cincinnati Planning Commission's findings that the planned development proposed by Marshall at Central, LLC, Fountain Residential Partners, and Elevar Design Group for the real property located at 1001 Marshall Avenue in the Camp Washington and CUF neighborhoods ("Property") conforms to the requirements of Cincinnati Municipal Code Sections 1429-05, 1429-09, and 1429-11.

Section 2. That the shape and area of the City's official zoning map in the location of the Property, which real property is identified on the map attached hereto as Exhibit "A" and made a part hereof, and which real property is more particularly described on Exhibit "B," attached hereto

and made a part hereof, is hereby amended from the MG, “Manufacturing General,” and CC-A, “Community Commercial–Auto-Oriented,” zoning districts to Planned Development District No. 92, “Marshall and Central Apartments” (“PD-92”).

Section 3. That the development program statement, attached hereto as Exhibit “C” and made a part hereof, and the concept plan, attached hereto as Exhibit “D” and made a part hereof, are hereby approved. The approved development program statement and concept plan, which include the incorporation of the provisions of Cincinnati Municipal Code Chapter 1429, “Planned Development Districts,” in addition to other more specific provisions, shall govern the use and development of the Property during the effective period of the PD-92.

Section 4. That, should PD-92 lapse pursuant to provisions of Cincinnati Municipal Code Chapter 1429, “Planned Development Districts,” the Property shall revert to the MG, “Manufacturing General,” and CC-A, “Community Commercial–Auto-Oriented,” zoning districts in effect immediately prior to the effective date of PD-92.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**SUBJECT:** A report and recommendation on a proposed zone change from Manufacturing General (MG) and Community Commercial – Auto Oriented (CC-A) to Planned Development (PD), including a Concept Plan and Development Program Statement, at 1001 Marshall Avenue in Camp Washington and CUF.

**GENERAL INFORMATION:**

**Location:** 1001 Marshall Avenue in Camp Washington and CUF

**Petitioners:** Elevar Design Group  
555 Carr Street  
Cincinnati, Ohio 45203

Fountain Residential Partners  
2626 Cole Avenue, Suite 620  
Dallas, Texas 75204

**Owner:** Marshall at Central, LLC  
1008 Marshall Avenue  
Cincinnati, Ohio 45225

**Request:** To change the zoning of the property at 1001 Marshall Avenue from Manufacturing General (MG) and Commercial Community – Auto Oriented (CC-A) to Planned Development (PD) to allow three, 4-story, multi-family residential buildings with up to 150 dwelling units, approximately 252 surface parking spots, a clubhouse, private commercial and recreational uses, and signage. The proposed development will be marketed toward local college and hospital students and professionals.

**EXHIBITS:**

Provided in addition to this report are the following Exhibits:

- Exhibit A - Location Map
- Exhibit B - Petition for Zone Change and Development Program Statement
- Exhibit C - Plat and Legal Description
- Exhibit D - Concept Plan
  - Includes: Proposed Site Plan, Concept Renderings, and Signage Package
- Exhibit E – Coordinated Site Review Letter
- Exhibit F – Density and Open Space Calculation
- Exhibit G – CUF Neighborhood Association Letters, 12/8/21 and 1/11/22
- Exhibit H – Camp Washington Business Association Letter, 1/18/2022
- Exhibit I – Additional Written Comment
- Exhibit J – Site Photos
- Exhibit K – Schedule
- Exhibit L – Transportation Impact Study

**BACKGROUND:**

Fountain Residential Partners, the petitioner, wishes to develop the subject property, comprised of five parcels and measuring 7.692 acres in size into a 200,000 square foot multi-family residential development, targeting students, faculty and staff of local universities and hospitals of the Uptown District. It is located at 1001 Marshall Avenue and is bounded by Marshall Avenue to the north, McMicken Avenue to the east, Interstate-75 to the west and Straight Street to the south. The property is bisected by Central Parkway and is located partly in CUF and partly in Camp Washington. The western portion of the property, totaling 2.49 acres, currently contains a surface parking lot. The eastern portion is mostly vacant, except for the Sleep Cheap Mattress store located at 2740 Hallmar Avenue. The subject property slopes down approximately 40’ from Straight Street and McMicken Avenue to Central Parkway, and the eastern portion contains a retaining wall that sits along Straight Street and Central Parkway.

The petitioner is requesting a zone change from Manufacturing General (MG) and Commercial Community – Auto Oriented (CC-A) to Planned Development (PD) to allow three, 4-story, multi-family residential buildings with up to 150 dwelling units, approximately 252 surface parking spots, a clubhouse, private commercial and recreational uses, and signage, marketed toward local college and hospital students and professionals.

As part of the project, the petitioner is requesting the vacation and conveyance of Hallmar Avenue between McMicken Street and Central Parkway (which is also an item for consideration by the City Planning Commission on the February 4, 2022, agenda).

**ADJACENT LAND USE AND ZONING:**

The subject property is currently zoned Manufacturing General (MG) and Commercial Community – Auto Oriented (CC-A). The existing zoning and land use surrounding the subject site is as follows:

**North:**

Zoning: Manufacturing General (MG) and Commercial Community – Auto Oriented (CC-A)  
Existing Use: Mixed-use and vacant

**East:**

Zoning: Manufacturing Limited (ML) and Residential Mixed (RMX)  
Existing Use: Vacant commercial buildings and low-density residential

**South:**

Zoning: Manufacturing General (MG) and Residential Mixed (RMX)  
Existing Use: Vacant and low-density residential

**West:**

Zoning: Manufacturing General (MG)  
Existing Use: Interstate-75

**PROPOSED DEVELOPMENT:**

On November 10, 2021, the applicant submitted a complete application for a proposed change of zoning to a Planned Development, including a Concept Plan and Development Program Statement. The petitioner proposes to develop the site into a multi-family residential development, marketed

toward students and staff at the local universities and hospitals in the Uptown District. The proposal includes two 4-story, multi-family residential buildings west of Central Parkway and one 4-story multi-family residential building east of Central Parkway with up to 150 dwelling units total, approximately 252 surface parking spots, a clubhouse, private commercial and recreational uses, and signage. The parking will be comprised of two larger surface parking lots located along Central Parkway and a third, smaller lot at Marshall Avenue to serve the clubhouse and other amenities. The total proposed parking ratio is 0.62 spaces per bed. The proposed elevations are four-stories up to the right-of-way on Central Parkway, on both sides of the street, along with a one-story clubhouse off Marshall Avenue. On the eastern portion of the site, the proposal includes a clubhouse with a private pool, recreational area, hedge landscaping, and a fence at the eastern side of the residential buildings, facing McMicken Avenue. The western portion of the site includes a fence along the border of the subject property and Interstate-75 (Exhibit D). The proposal is presented as an opportunity for lower-density, lower-cost development that will allow for both larger unit sizes and a more affordable price point than currently found in the marketplace.

### **1001 Marshall Avenue Concept Plan**

#### *Building*

The applicant is proposing three 4-story buildings with adjacent surface parking. The total building footprint is 200,000 gross square feet (GSF). The gross square footage will be divided between the eastern site and western site, at 125,000 and 105,000, respectively. The proposed buildings contain 136 units with 404 beds, including 44 five-bedrooms, 28 four-bedrooms, 8 two-bedrooms, and 56 efficiency units. At the western site, two linear buildings would be situated at the northwest corner of the subject property along Central Parkway and Marshall Avenue in Camp Washington. At the eastern site, one building would be situated in the southeastern area along Central Parkway, near the retaining wall constructed alongside Straight Street. As a part of the development, a clubhouse is proposed that would include leasing, property management offices, workout areas and resident gathering space. A pool and related amenities will be located adjacent to the clubhouse. Other proposed amenities include a dog park and outdoor recreation areas.

All buildings are proposed to have a minimum 0' setback along property lines, a 2' setback for parking, and a maximum height of 60'. Underneath the surface parking lots on both sides of the street, a detention basin is proposed, for a total of two basins (Exhibit B).

#### *Parking and Circulation*

Two hundred and fifty-two off-street parking spaces are proposed across two surface lots for a total parking ratio of 0.62 spaces per bed. Vehicular access is provided by one curb cut per lot out at all parking lots. The larger eastern and western lots access Central Parkway. The lot that serves the Clubhouse contains a curb cut that accesses Marshall Avenue. The applicant is negotiating with the University of Cincinnati to provide UC Shuttle access for residents (Exhibit D). Along Central Parkway, an existing bike lane intersects building and lot access at the curb. The petitioner has performed a Traffic Impact Study (Exhibit L) and recommendations have been submitted to Department of Transportation and Engineering (DOTE), including site access. Comments include land configuration at Central Parkway and Marshall Avenue and further study of the intersection at of Marshall Avenue and McMicken Avenue for vehicular and pedestrian safety. The petitioner is aware of these concerns and is working with DOTE to resolve them as the project progresses.

*Open Space, Landscaping, and Buffering*

Final landscaping and buffering will be submitted with the Final Development Plan. The proposed landscaping includes new plantings of trees, shrubs, and ground cover around the perimeter of the site. The green space will be professionally landscaped and maintained. The open space will represent approximately 30.26% at the western site and 31.96% at the eastern site of the total site's acreage (Exhibit F).

*Schedule*

If approved, construction is expected to start immediately and will be completed on or before the fall semester of 2024. The development will be built in one phase (Exhibit K).

**BASIC REQUIREMENTS OF A PLANNED DEVELOPMENT DISTRICT:**

Per §1429-05 of the Cincinnati Zoning Code, *Basic Requirements*, PD Districts and development within PD Districts must comply with the following:

- a. ***Minimum Area*** – *The minimum area of a PD must be two contiguous acres.*

The proposed zone change area is approximately 7.692 contiguous acres (Exhibit C).

- b. ***Ownership*** – *Evidence that the applicant has sufficient control over the tract of land to affect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development are required.*

The petitioner has submitted a concurrent request for conveyance and vacation of Hallmar Avenue to establish site control. The petitioner has sufficient control of the remaining land within the subject property.

- c. ***Multiple buildings on a lot*** – *More than one building is permitted on a lot.*

The submitted Concept Plan and Development Program Statement includes three 4-story residential buildings. Two residential buildings are located west of Central Parkway, and one residential building and the clubhouse are located east of Central Parkway (Exhibits B and D).

- d. ***Historic Landmarks and Districts*** – *Whenever a Planned Development application is filed for a property wholly or partially located within a historic landmark, historic district, or involving a historic structure, the Historic Conversation Board shall advise the City Planning Commission relating to approval of the Final Development Plan.*

No portion of the subject property is located within a historic district, nor does it contain any historic landmark.

- e. ***Hillside Overlay Districts*** – *Whenever a Planned Development application is filed for a property wholly or partially located within a Hillside Overlay District, the City Planning Commission shall approve the Final Development Plan.*



The subject property is not located with a Hillside Overlay District.

- f. **Urban Design Overlay District** – *Whenever a Planned Development application is filed for a property wholly or partially located within an Urban Design Overlay District, the City Planning Commission shall approve the Final Development Plan.*

The subject property is not located within an Urban Design Overlay District.

**CONCEPT PLAN AND DEVELOPMENT PROGRAM STATEMENT:**

According to §1429-09 of the Cincinnati Zoning Code, *Concept Plan and Development Program Statement*, a petition to rezone a property to PD must include a Concept Plan and Development Program Statement (Exhibits B and D). The purpose is to describe the proposed use or uses to be conducted in the PD District. The Concept Plan and Development Program Statement must include text or diagrams that specify:

- a. **Plan Elements** – *A survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage. Additionally, the plan should include the location in general terms, of land areas to be developed, including: type and description of proposed land uses, buildings and structures; street rights-of-way and driveways; parcel boundaries and proposed lots, including set back lines; building heights; pedestrian circulation systems and open space or other facilities; and proposed topography, drainage, landscaping and buffer plantings.*

The applicant has submitted a Development Program Statement that includes sufficient information regarding proposed uses, building locations, adjacent streets and building set back lines (Exhibits B and D).

- b. **Ownership** – *Evidence that the applicant has sufficient control over the tract of land to affect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.*

The petitioner does not have site control of the entire property (Exhibit C) but has submitted a separate request for the sale and vacation of Hallmar Avenue to establish site control.

- c. **Schedule** – *Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two-year time period.*

The petitioner has provided a schedule for the proposed development. The estimated timeline provided as part of the Concept Plan and Development Program Statement is outlined in the *Proposed Development* section of this report with a targeted opening date for the 2024-2025 school year. An approval of the Concept Plan and Development Program Statement would lapse two years from its effective date unless a Final Development Plan is approved, or the City Planning Commission approves an extension per Sec. 1429-11 (Exhibit K).

- d. **Preliminary Reviews** – *A preliminary review of geo-technical, sewage, water, drainage and refuse collection.*

The proposed development was reviewed as part of the City's Coordinated Site Review process, including the Metropolitan Sewer District (MSD), Stormwater Management Utility (SMU), and Greater Cincinnati Water Works (GCWW) (Exhibit E). Additional plans will be submitted as part of the Final Development Plan.

e. *Density and Open Space – Calculations of density and open space area.*

The Development Program Statement explains that around 30% of both building sites (69,000 square feet) will be preserved as open space. Most of the open space will be the amenity and recreational area for the building residents; however, additional open space for trees and plantings are proposed along the perimeter of the buildings and surface parking lots (Exhibit F).

**COORDINATED SITE REVIEW:**

The proposed zone change and Concept Plan went through Coordinated Site Review (CSR) process as a Development Design Review in August of 2021 (Exhibit E). An Advisory Team meeting was held on August 24, 2021. A meeting with the petitioner and project partners was held on August 31, 2021, to allow the petitioner the opportunity discuss the comments outlined by each of the departments. The letter recommended the project not move forward due to a proposed fourth building site located north of McMicken Avenue, which exceeded the cut and fill requirements in a Hillside Overlay District. The fourth building site was removed in the subsequent application. The applicant is aware of the immediate requirements and is working to complete them as the project moves forward. Additional requirements will need to be met before permits are obtained. The full letter is attached as Exhibit E. Below is an outline of the major additional requirements that will be addressed in the Final Development Plan:

- The Department of City Planning and Engagement requires the sale and vacation of the right-of-way at Hallmar Avenue (from Central Parkway to Marshall Avenue) for review and approval by City Planning Commission, following the Coordinated Report process. This item is being considered at the same time as the Hallmar Avenue sale and vacation as a concurrent request.
- An approved utility site plan is required to be submitted to and reviewed by the Metropolitan Sewer District (MSD) to obtain permits.
- Stormwater Management Utility (SMU) requires a grading plan, erosion and sediments control plan, stormwater calculations, a utility site plan, and detention calculations and details, prior to permitting.
- Greater Cincinnati Water Works (GCWW) requires flow tests, confirmation of square footage on any third floor or above and disconnecting service branch lines that are not needed and replacing existing lead private service branch lines to serve the new development.
- The Fire Department outlined requirements accessible fire hydrants, minimum flow requirements, and for a Bi-directional Antenna device within the building to ensure proper radio coverage during an emergency.
- The Department of Transportation and Engineering (DOT/E) explained requirements for addressing the recommendations of the Traffic Impact Study, potentially relocating Central Parkway, and addressing the driveways and improvements needed to the existing walkways in order to obtain permits.

- The Parks Department (Urban Forestry) requires additional information about tree removal.
- The Department of Building and Inspections requires grading applications, Special Inspections, and additional information about permitting, phasing, and construction in order to obtain permits.

The petitioner received a copy of the comments from each of the departments and will be working with the departments to address these requirements prior to submitting a Final Development Plan.

**PUBLIC COMMENT:**

The petitioner presented the proposed zone change, Concept Plan, and Development Program Statement to the CUF Neighborhood Association (CUFNA) on December 7, 2021, and January 4, 2022, which addressed revisions to building facades, parking, landscaping, and integration of the development into the surrounding neighborhood. At the January 4<sup>th</sup> meeting, due to technical difficulties of the applicant in holding the meeting, no community feedback could be collected. The applicant has updated the Concept Plan and Development Statement in lieu of the concerns, including scaling down the size and density of the project, working with the University of Cincinnati shuttle division to ensure adequate transportation to and from the site, working with Artworks Cincinnati to relocate the existing murals and ensure future murals on the site, changing the elevations/façade designs, working with DOTE to create traffic calming and increased pedestrian safety along Central Parkway, and providing additional landscape screening.

The petitioner has met with the Camp Washington Urban Redevelopment Corporation to present project updates. The organization is in support of the zone change, Concept Plan, and Development Statement.

The Department of City Planning and Engagement held a virtual public staff conference on the proposed zone change on December 8, 2021. Notices were sent to property owners within a 400-foot radius of the subject properties, along with Camp Washington Community Council, Camp Washington Urban Redevelopment Corporation, CUFNA, and the Clifton Heights Community Urban Redevelopment Corporation (CHCURC). There were eight members of the petitioner’s team present and three representatives from CUFNA, one representative of Camp Washington Urban Redevelopment Corporation, in addition to four community members. Generally, attendees seemed supportive of the development, but shared issues with the current parking plan, greenspace, and urban design of the current proposal, stating that the changes made to proposal do not go far enough. Questions included alternate options for parking structures instead of surface parking lots, impact of construction to the retaining wall and the integrity of the infrastructure within Straight Street, sources of funding for the project, transit opportunities for students to traverse to campus and around the site, pedestrian safety, walkability and transit options to connect the development to neighboring communities, leasing and price points of the rent, total construction costs, and opportunities for community collaboration. A member of the petitioner’s team shared the cost limitations of structured parking and working with DOTE to plan and implement curb and crosswalk improvements.

Staff has received several letters and written comment from CUFNA and CUF residents and business owners outlining their continued concerns, which are attached as part of Exhibits F and G. The final feedback letter states their unified concerns about the proposed development, including:

- Rezoning the property to a Planned Development instead of a standard residential multi-family zoning district;

- The inclusion of a surface parking lot, rather than a parking structure or subterranean parking for issues relating to visibility of parking and integration of the development into the surrounding neighborhood;
- The potential “Phase 2” of the project, as proposed to CUFNA and its parking implications, which is not included in this Concept Plan and would require a Major Amendment to the Concept Plan in the future;
- The inclusion of the parking lot at the clubhouse site; and
- Increased housing types similar to town or row houses on the site to reduce surface parking.

The Camp Washington Business Association has submitted a letter of support of the project (Exhibit H). Additional written comment has been received by local businesses and residents, in both support and opposition of the project (Exhibit I).

### **CONSISTENCY WITH PLANS:**

#### *Plan Cincinnati (2012)*

The proposed zone change is consistent with a Goal in the Live Initiative Area of *Plan Cincinnati* (2012) to “Provide a full spectrum of housing options and improve housing quality and affordability” (p. 164) and the Strategy to “Provide quality healthy housing for all income levels” (p. 165). It is also consistent with a Strategy in the Compete Initiative Area to “Target investment to geographic areas where there is already economic activity” (p.115) and the Guiding Geographic Principle to “Focus revitalization on existing centers of activity” (p. 86), as the subject property is nearby the University of Cincinnati and Uptown medical campuses.

#### *University Impact Area Solutions Study (2016)*

The redevelopment of this area is partly consistent with the *University Impact Area Solutions Study* (2016) as the proposed development is partially located in an area identified as a “recommended zone change” (p. 50). However, this specific proposal is inconsistent with the plan’s recommendation of a zone change from Community Commercial – Auto Oriented to Community Commercial – Mixed. The plan did not anticipate a specific development at the time of writing, so a zone change to a Planned Development District has allowed for additional community engagement opportunities and feedback, including building façade, landscaping, and parking. Additionally, the proposed Planned Development District would allow the proposed amenities, such as the recreational uses, that would not otherwise be allowed in a Community Commercial – Mixed District.

### **CITY PLANNING COMMISSION ACTION:**

According to §1429-11(a) of the Cincinnati Zoning Code, the City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a Planned Development District on finding that all of the following circumstances apply:

1. *The Planned Development Concept Plan and Development Program Statement are consistent with applicable plans and policies and is compatible with surrounding development;*

The proposed uses are compatible with the surrounding land use patterns along McMicken Avenue, as the surrounding is currently zoned residential.

2. *The PD Concept Plan and Development Program Statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;*

This Planned Development has the potential for superior urban design. The community has requested improvements parking location, but the petitioner has stated the parking alternatives are not cost effective for the target audience. The Planned Development process permits greater community input during the design stage of the development for a project that will work for the developer and the community. The Final Development Plan will include a finalized site plan and elevations.

3. *Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD Concept Plan and Development Program Statement;*

The proposed residential density is not permitted in the existing zoning districts, as the CC-A zoning allows for a maximum density of 700 square feet per dwelling unit, and the MG zoning allows transitional housing. The form of existing buildings on this portion of Central Parkway, McMicken Avenue, and Marshall Avenue are two- four stories. The PD zoning district is appropriate in this location and allows the developer to be innovative in site development combining a mix of uses, open space, and increased community involvement through the Planned Development process.

4. *The PD Concept Plan and Development Program Statement includes adequate provisions for utility services, refuse collection, open space, landscaping, pedestrian circulation and traffic circulation, building design and building location.*

All aspects are outlined in the Concept Plan and Development Program Statement and are complete as submitted or will be detailed in the Final Development Plan. See *Proposed Development* section for more detail.

#### **ANALYSIS:**

The proposed zone change would permit three, 4-story buildings for a new student housing development. Due to rapidly rising enrollment numbers at the University of Cincinnati, the need for additional housing for students is apparent. However, the scale and density of the proposed plan are not consistent with the development patterns on Central Parkway and McMicken Avenue.

The proposed development is in a desirable location for students and campus professionals; it is located along the bike lane on Central Parkway and has proximity to adjacent neighborhoods with existing retail, entertainment, and parking amenities, along with the University of Cincinnati. The surrounding zoning districts are a split of commercial and manufacturing zoning. Over several versions of these plans, CUFNA has requested that the developer build alternative parking at the site to reduce visibility of surface parking and to integrate the development into the surrounding neighborhood. The petitioner has cited the costs of parking structures, along with supply chain issues and not wanting to pass the additional construction costs onto their residents as reasons to not build more parking structures. In response to these concerns, the petitioner has submitted increased landscaping plans, including a fence, to encompass the neighborhood facing the block adjacent to McMicken Avenue.

The Department of City Planning and Engagement believes that a Planned Development is an appropriate zoning designation for this site as it allows for continued public engagement through all phases of the development. A Planned Development also provides assurance to the City and the community of the intended uses and scale of the development. The Planned Development process ensures that any significant modification to this would constitute a Major Amendment to the Concept Plan and would require public engagement and a public hearing process. In the CUF area, larger projects like this one have become more common in recent years as the University of Cincinnati enrollment has continued to grow. The CUF and Camp Washington neighborhoods have shared feedback with the petitioner during the development process, and there have been adjustments made to the original proposal, such as increased landscaping and modification of building facades and elevations. CUFNA, still has several concerns and has requested that this version of the development not be approved.

#### **FINDINGS:**

It is the opinion of staff of the Department of City Planning and Engagement that the Concept Plan and Development Program Statement are in compliance with §1429-11 (a) *City Planning Commission Action*. The proposal is fully consistent with the purpose of the Planned Development District Regulations as addressed in this report.

#### **CONCLUSIONS:**

The staff of the Department of City Planning and Engagement supports the proposed Concept Plan, Development Program Statement, and zone change from Manufacturing General (MG) and Community Commercial – Auto Oriented (CC-A) to Planned Development (PD) for the following reasons:

1. PD zoning is appropriate in this area as the proposed development does not conform with existing zoning. The site is at least two acres, and the unique location and topography of the site make a PD appropriate in this case. The zone change, Concept Plan, and Development Program Statement are necessary to establish a PD that allows for the construction of a multi-family residential development.
2. This investment is consistent with the *Plan Cincinnati* Goal to “Provide a full spectrum of housing options and improve housing quality and affordability” (p. 164) and the Strategy to “Provide quality healthy housing for all income levels” (p. 165). The proposed development is within an area in CUF identified as a “recommended zoning change” within the 2016 *University Area Impact Solutions Study* (p.51)

#### **RECOMMENDATION:**

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

1. **ACCEPT** the Concept Plan and Development Program Statement as submitted; and
2. **ADOPT** the Department of City Planning and Engagement Findings as detailed on page 10 of this report; and

3. **APPROVE** the proposed zone change at 1001 Marshall Avenue from Manufacturing General (MG) and Commercial Community – Auto Oriented (CC-A) to Planned Development (PD) including the Concept Plan and Development Program Statement in CUF and Camp Washington.

Respectfully submitted:



Ashlee Dinger-Marshall, City Planner  
Department of City Planning and Engagement

Approved:



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



# Proposed Zone Change from Manufacturing General (MG) and Community Commercial - Auto Oriented (CC-A) to Planned Development (PD) at Marshall Avenue and Central Parkway in CUF and Camp Washington

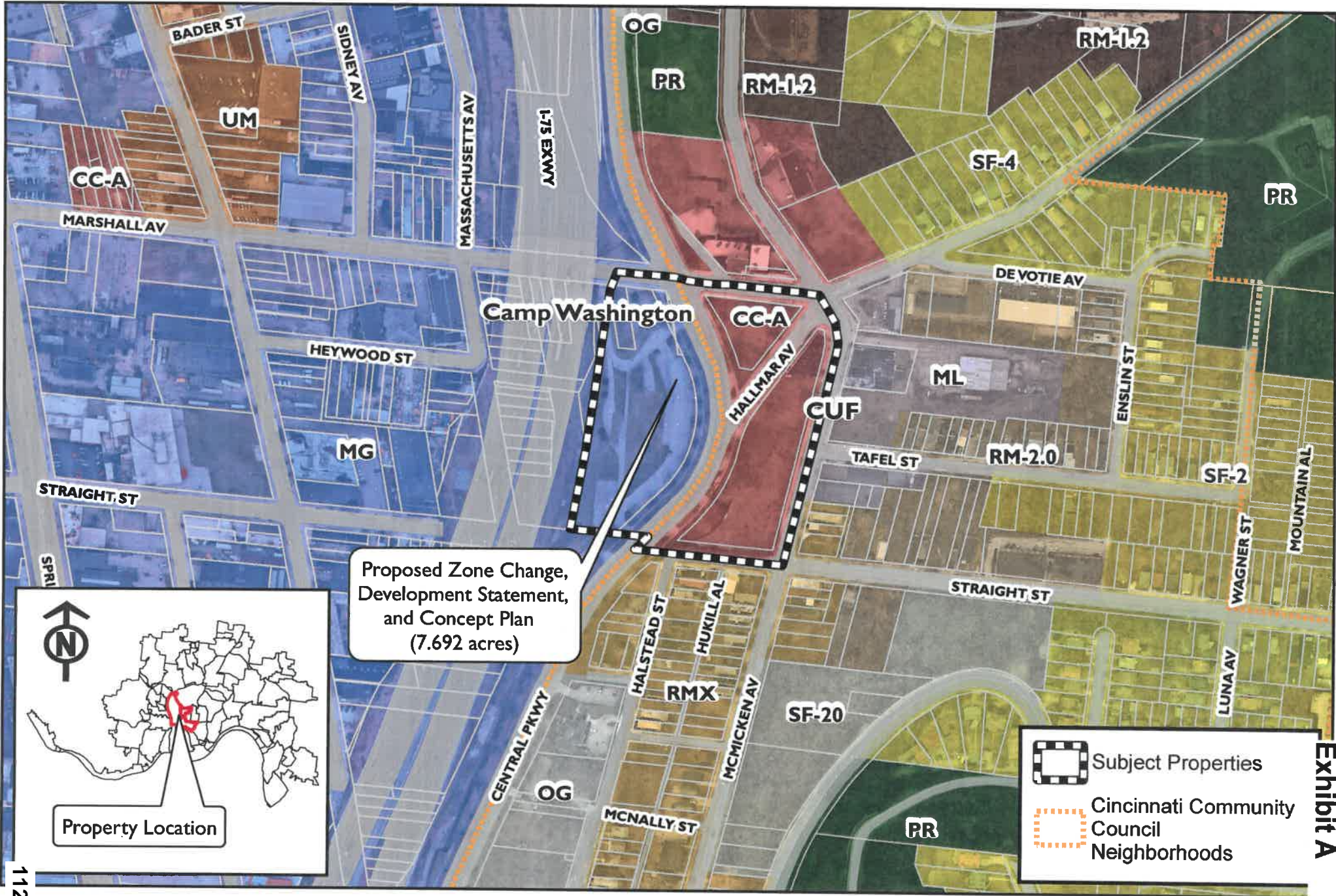


Exhibit A



**PETITION FOR CHANGE OF ZONING OF PROPERTY  
LOCATED IN THE CITY OF CINCINNATI, OHIO**

To: The Honorable Council of the City of Cincinnati Date: November 3, 2021

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the MG & CC-A Zone District to the Planned Development Zone District.

Location of Property (Street Address): 1001 Marshall Avenue Cincinnati, OH 45214

Area Contained in Property (Excluding Streets): 4.84 AC. (Site 1: 2.487 AC; Site 2: 2.353 AC.)

Present Use of Property: Site 1: Undeveloped and Site 2: Undeveloped, Right-of-Way, and Retail

Proposed Use of Property & Reason for Change: Affordable Multi-Family Residential Development  
Not permitted under current zoning. Requesting Concurrent Concept & Final PD Approval

Property Owner's Signature: By: *[Signature]* MARSIMATI AT CENTRAL LLC

Name Typed: Anthony M. Sansalone, Manager

Address: 1008 Marshall Ave, Cincinnati, OH 45228 Phone: 513-559-1160

Agent Signature: *[Signature]*

Name Typed: Mr. Greg Ellis, AIA | SR VP - Elevar Design Group

Address: 555 Carr Street Cincinnati, OH 45203 Phone: (513) 721-0600

Please Check if the Following Items are Attached

Application Fee X Copies of Plat X Copies of Metes and Bounds X

Fountain Residential Partners  
Proposed Affordable Student Housing Development  
Concurrent Concept and Final Planned Development Request  
November 3, 2021 (Revision December 21, 2021)

**PROGRAM STATEMENT**  
**(Revised)**

Fountain Residential Partners (FRP) is seeking a Planned Development (PD) to guide the design and development of a multifamily community targeting students, faculty and staff of the University of Cincinnati and hospitals of the Uptown District. The Project consists of a multi-parcel assemblage generally located south of the intersection of Marshall Avenue and Central Parkway, approximately one-half mile west of the University of Cincinnati.

The Project is designed as a medium-density community consisting of 4-story buildings in an architectural-style consistent with the surrounding residential neighborhood. The Project will utilize exterior surface parking. Contrary to constrained, small acreage sites adjacent to the University, the Project's site parameters lend for a lower density, lower cost of construction that will allow for both larger unit sizes and a more affordable price point than currently found in the marketplace. Please see the attached site/civil and architectural plans for site and building layout.

As part of the proposed Project, FRP proposes the vacation of Hallmar Avenue between W. McMicken Avenue and Central Parkway. FRP and its project team, which consists of Dallas-based Roosth Architects and Cincinnati-based KMK Law, ChoiceOne Engineering, and Elevar Design Group will continue to work with the City of Cincinnati departments and host communities to discuss infrastructure and design issues with the goal of making this development a win-win for all stakeholders. It is anticipated that both public and private transportation to and from the Uptown District will be employed.

**Project Design:**

The Project will include up to 150 units of multi-family housing in a range of unit types from Efficiency to 5-Bedroom designs. Unit types are proposed to be flats with 1 full bath per single occupancy bedroom, full kitchen, in-unit laundry and Living Room. The total gross square footage for the development is 200,000 square feet. As part of the development, a Club House is proposed that will include leasing and property management offices, fitness room, Zumba/yoga room, study areas, and resident gathering areas. A pool and related amenities will be located adjacent to the Club House. Other proposed amenities include a dog park and outdoor recreation areas.

All state and local codes will apply to this project including but not limited to accessibility compliance, light pollution controls, traffic (ingress/egress), life-safety compliance, etc. The proposed development sites are located in both CUF Neighborhood Association (CUFNA) and the Camp Washington Community Council jurisdictions. The development team is taking a proactive approach to communication with both communities, and intends to incorporate as many of the local legacy initiatives as possible. Example initiatives include, urban tree stewardship, community domestic water hydrant, totem installation, and painted wall murals, and others.

**Building Materials (See attached partial renderings)**

- Face Brick
- Fiber-Cement Panels with Aluminum Trim
- Fiber-Cement Lap Siding
- Pre-Finished Aluminum Juliet Balcony, Guard and Hand Railings
- Single-Hung Vinyl Windows with Double-Pane, Insulated Low-E Glazing
- Vinyl Patio Doors with Full-Lite Double-Pane, Insulated Low-E Glazing

**Property Management:**

The developer will retain control of the properties within the PD and will be responsible for contracting for on-going management and maintenance of the property, as well as maintaining relationships with both the City’s Police and Fire assets.

Fountain Residential Partners works with third party, student-focused property management groups depending on the market location and community needs. A third-party management company has not been chosen for this project. FRP’s business strategy is to focus efforts on asset management and “managing the manager.” Community safety, resident retention, and asset maintenance are key components to adding value and improved relations with all community stakeholders is key in that endeavor.

The proposed community will have full time management, leasing and maintenance staff, as well as third-party services such as landscape maintenance. Part of the management staff will consist of Community Assistants that will live onsite and be positioned around the community. These Community Assistants will provide full-time “eyes and ears” on-site for parking and building security on behalf of all stakeholders. As well, a surveillance camera system with 24-hour on-site monitoring will be implemented to ensure resident and community safety. All buildings, as well as individual units will be connected by a development-wide electronic key entry access control system.

**Metes & Bounds**

The proposed PD is situated in the City of Cincinnati, Hamilton County and located east of Interstate 75, along Central Parkway and south of the intersection of Marshall Avenue. Privately held properties within the 2-site PD boundary will be acquired by the developer and consolidated. The Hallmar Avenue right-of-way is proposed to be vacated between Central Parkway and W. McMicken Avenue, and consolidated with adjacent parcels. *See Development Site Plan, Survey for more detailed information, as well as Coordinated Report regarding the Hallmar ROW vacation.*

Fountain Residential Partners  
Proposed Affordable Student Housing Development  
Concurrent Concept and Final Planned Development Request  
November 3, 2021 (Revision December 21, 2021)

### **Urban Design Considerations**

The design team for the proposed development has been encouraged by the neighborhood associations to study the local architectural heritage of the region for design inspiration – specifically the 2400 block of McMicken Avenue and the rich assembly of Italianate Architecture. Fountain Residential Partners has a long history of working with local communities to design attractive buildings that integrate well into the local environment.

Further, local residents have strongly encouraged the developer to include on-site parking sufficient for the development in order to reduce the reliance on street parking by tenants and guests. It is the intent of the developer to maintain a minimum of 20% open space within the PD.

### **Geotechnical & Structures**

A geotechnical report of the site will be completed prior to final foundation design. The buildings will be of wood construction on poured-in-place concrete foundations and retaining walls. Properties east of Central Parkway slope steeply from the highpoints east down to Central Parkway. Property between Central Parkway and Interstate 75 are generally flat sloping to its perimeter rights-of-way. Foundation and retaining structures will be designed consistent with local best practices for slope management.

### **Site Utilities**

A composite Site Utility Plan will be generated for the Technical Coordinated Site Review submission including proposed locations for connection to existing Greater Cincinnati Water Works (GCWW), Stormwater Management (SWM), Metropolitan Sewer District of Greater Cincinnati (MSD), and Duke Energy power systems.

### **Proposed Uses**

Uses within the PD to support a vibrant and healthy living environment for the development residents, as well as the neighboring community, includes:

- Multi-Family Residential
- Parking Facilities
- Outdoor Entertainment
- Outdoor Eating/Drinking Area
- Recreation and Fitness Facilities
- Pools
- Office
- Meeting Facilities
- Retail Sales

### **Building Limits**

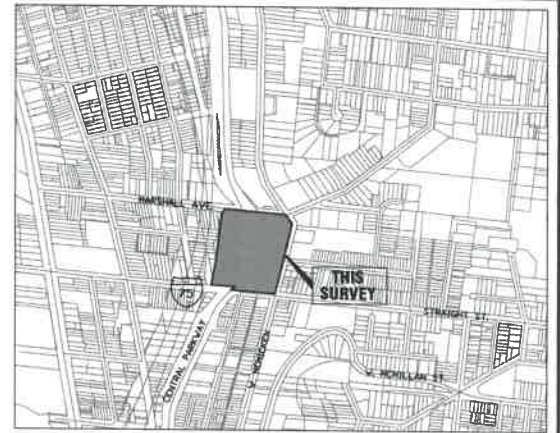
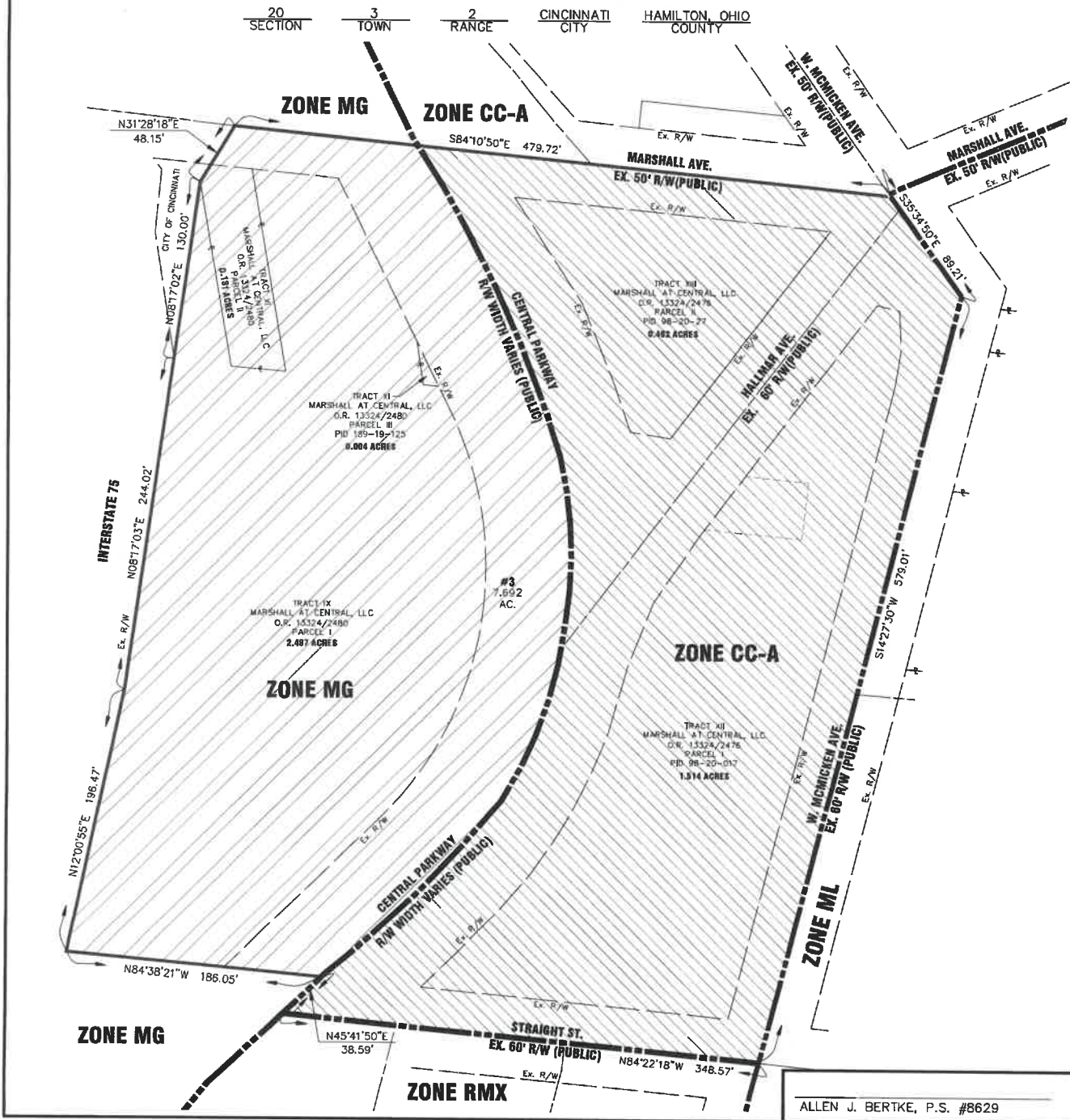
- **Parcel One Limits:**
  - Building FAR/Square Footage – Maximum FAR 1.2 and 125,000 GSF
  - Building Height – (4) Story or 60 feet above lowest finished slab elevation
  - Setbacks – Building: Minimum 0 feet, Parking: Minimum 2 feet
  
- **Parcel Two Limits:**
  - Building FAR/Square Footage – Maximum FAR 1.0 and 105,000 GSF
  - Building Height – (4) Story or 60 feet above lowest finished slab elevation
  - Setback – Building: Minimum 0 feet, Parking: Minimum 2 feet

### **Signage**

See attached signage program for the PD, including proposed sign locations, type, size, illumination level, etc. The basis of design is as follows:

- **Ground-Mounted Monument Signage:** Each of two (2) development sites within the PD will receive an illuminated branded monument sign at each curb cut of a maximum 10 square foot per face, and ground mounted wayfinding signage for both vehicular and pedestrian circulation internal to each site. The apartment community will have one (1) branded identity monument sign with integral edge illumination.
- **Building-Mounted Signage:** Each building within the PD will receive two (2) horizontally or vertically mounted illuminated development-branding sign of a maximum 45 square feet per face. Additionally, each building within the PD will have addressing signage appropriate for easy legibility from perimeter rights-of-way.

# ZONE PLAT



VICINITY MAP

### TOTAL AREA OWNED BY MARSHALL LLC

GROSS AREA = 7.692  
 RIGHT OF WAY = 3.094  
 NET AREA = 4.598



MG ZONE DISTRICT TO PD-ZONE DISTRICT  
 TOTAL AREA TO BE REZONED 3.669 ACRES



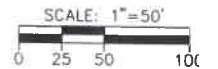
CC-A ZONE DISTRICT TO PD-ZONE DISTRICT  
 TOTAL AREA TO BE REZONED 4.023 ACRES

--- EXISTING ZONE LINE

### PERTINENT INFORMATION

- PLAT BOOK 1, PAGE 264
- PLAT BOOK 2, PAGE 41
- PLAT BOOK 3, PAGE 177
- PLAT BOOK 269, PAGE 10
- PLAT BOOK 420, PAGE 9
- PLAT BOOK 442, PAGE 71

THE BEARINGS ARE BASED ON  
 NAD 83 CORS 2011 ADJUSTMENT, GEOID  
 OHIO SOUTH ZONE, ODOT VRS CORS NET



**ChoiceOne**  
 Engineering

SENEY, OHIO 937-497-0200  
 LOVELAND, OHIO 913-229-8254  
 www.CHOICEONEENGINEERING.com

DATE: 11-15-2021  
 DRAWN BY: RDJ  
 JOB NUMBER: HAMCIN2107  
 SHEET NUMBER

1 OF 1

ALLEN J. BERTKE, P.S. #8629

DATE

**LEGAL DESCRIPTION  
ZONE CHANGE  
CC-A and MG to PD (7.692 Acres)**

SITUATED IN SECTION 20, TOWN 3, RANGE 2, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at the centerline intersection of West McMicken Avenue and Straight Street;

thence, North 84°22'18" West, 348.57 feet, along the centerline of Straight Street to the centerline intersection of Straight Street and Central Parkway;

thence, North 45°41'50" East, 38.59 feet, along the centerline of Central Parkway to a point;

thence, North 84°38'21" West, 186.05 feet, to a point on the east right-of-way line of Interstate 75;

thence, North 12°00'55" East, 196.47 feet, along the east right-of-way line of Interstate 75 to a point;

thence, North 08°17'03" East, 244.02 feet, along said right-of-way line of Interstate 75 to a point;

thence, North 08°17'02" East, 130.00 feet, along said right-of-way line of Interstate 75 to a point;

thence, North 31°28'18" East, 48.15 feet, along said right-of-way line to the centerline of Marshall Avenue;

thence, South 84°10'50" East, 479.72 feet, along the centerline of Marshall Avenue to a point at the centerline intersection of Marshall Avenue and West McMicken Avenue;

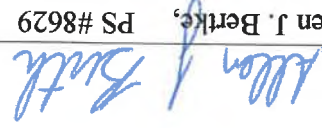
thence, South 35°34'50" East, 89.21 feet, along the centerline of West McMicken Avenue to a point;

thence, South 14°27'30" West, 579.01 feet, along the centerline of West McMicken Avenue to the point of beginning.

Containing 7.692 acres more or less with all being subject to any legal highway and easements of record. The bearings are based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

This description was prepared from existing records and is not the result of a field survey. This description is to be used for rezoning purposes only.  
I hereby certify that this description of the property to be rezoned is a complete, proper, and legal description thereof.

Allen J. Bertke, PS #8629



11/15/2021  
Date







12/06/2021

**EXTERIOR VIEWS // UPDATED CONCEPT: STREET FACADE**

PAGE 1





12/06/2021

**EXTERIOR VIEWS // UPDATED CONCEPT: CLUBHOUSE**

PAGE 2



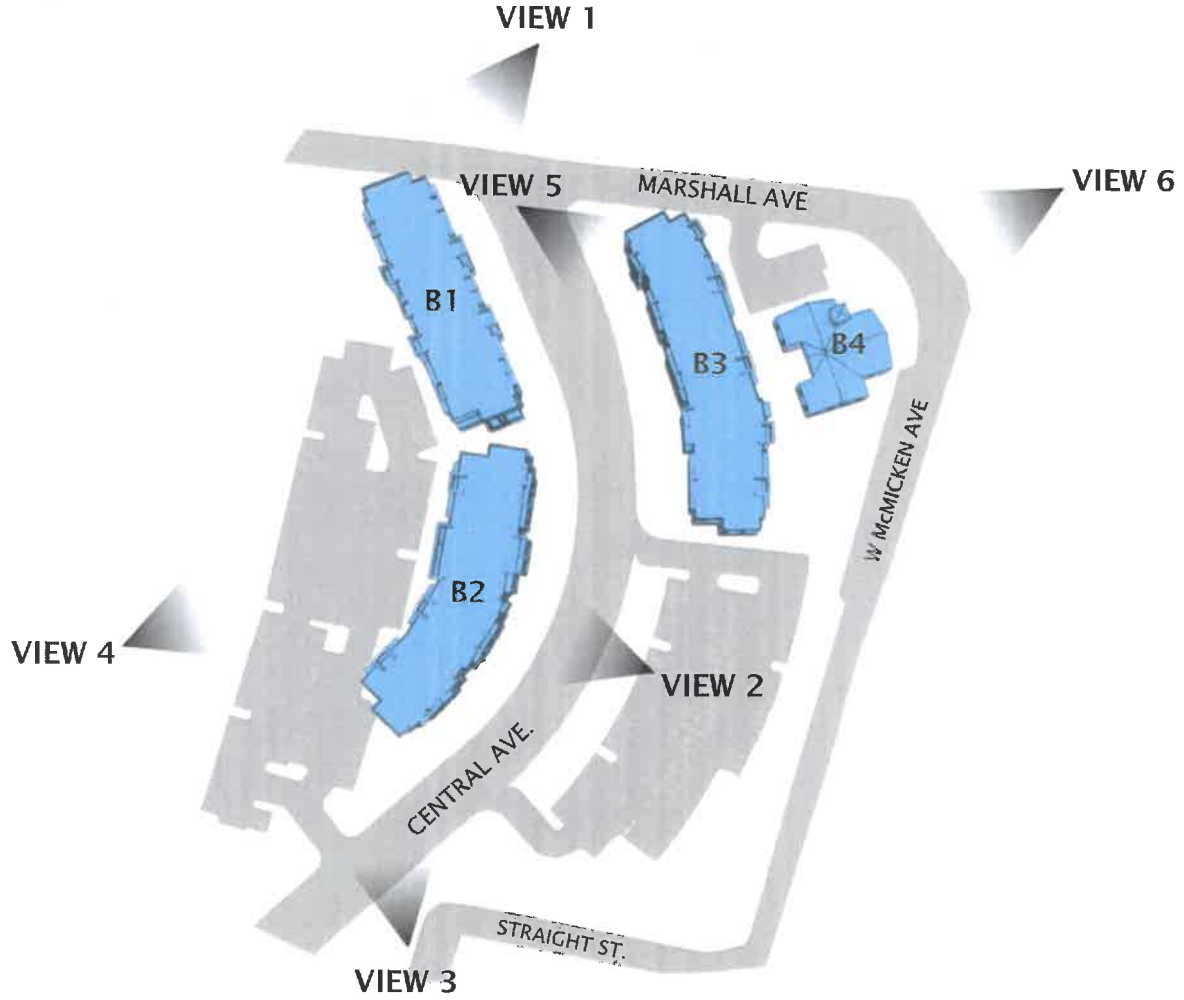


# EXTERIOR SIGNAGE DESIGN PACKAGE

11/19/2021

FRP CINCINNATI STUDENT HOUSING









11/19/2021

# EXTERIOR SIGNAGE // VIEW LEGEND

Page 2





-  (U) UNIT ADDRESS AND DESIGNATION
-  (B) BLADE SIGN
-  (W) WALL SIGN
-  (S) SITE SIGN

11/19/2021

## EXTERIOR SIGNAGE // BUILDING 1 - NORTH EAST VIEW

Page 3





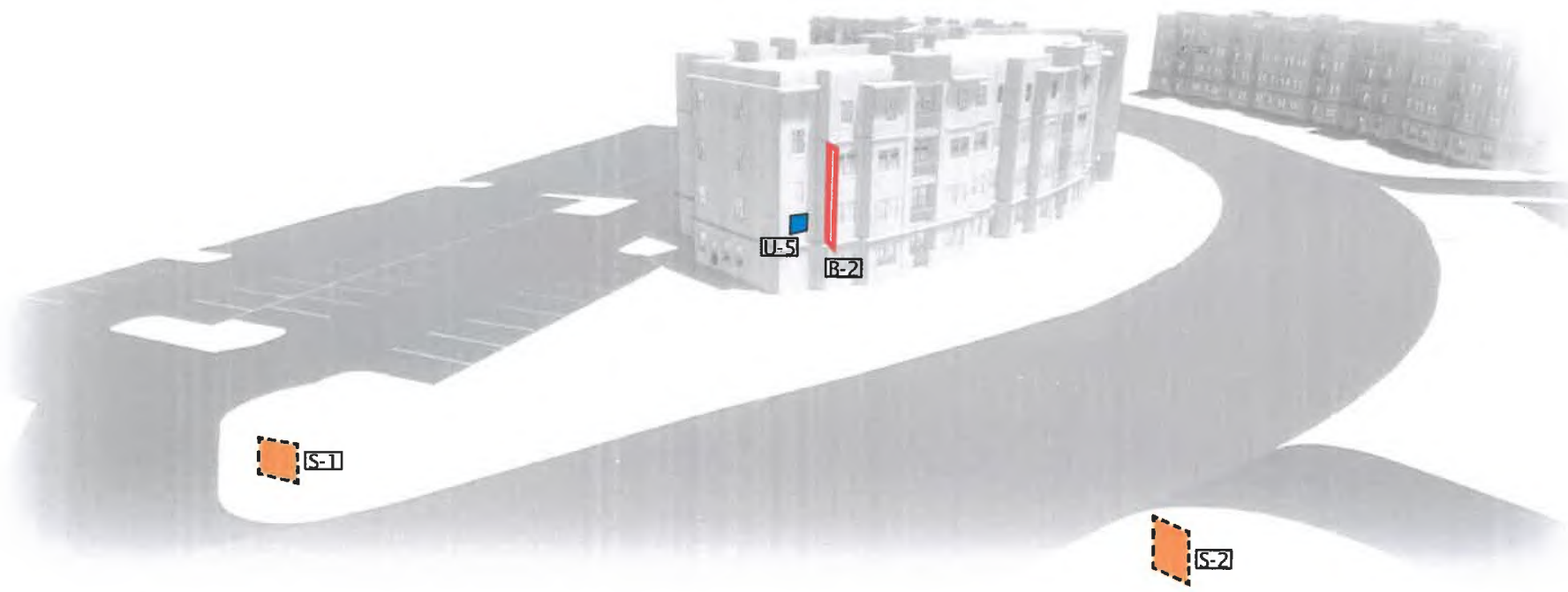
- (U) UNIT ADDRESS AND DESIGNATION
- (B) BLADE SIGN
- (W) WALL SIGN
- (S) SITE SIGN

11/19/2021

## EXTERIOR SIGNAGE // BUILDING 2 - EAST VIEW

Page 4





- (U) UNIT ADDRESS AND DESIGNATION
- ▭ (B) BLADE SIGN
- (W) WALL SIGN
- (S) SITE SIGN

11/19/2021

## EXTERIOR SIGNAGE // BUILDING 2 ENTRY - SOUTH EAST VIEW

Page 5







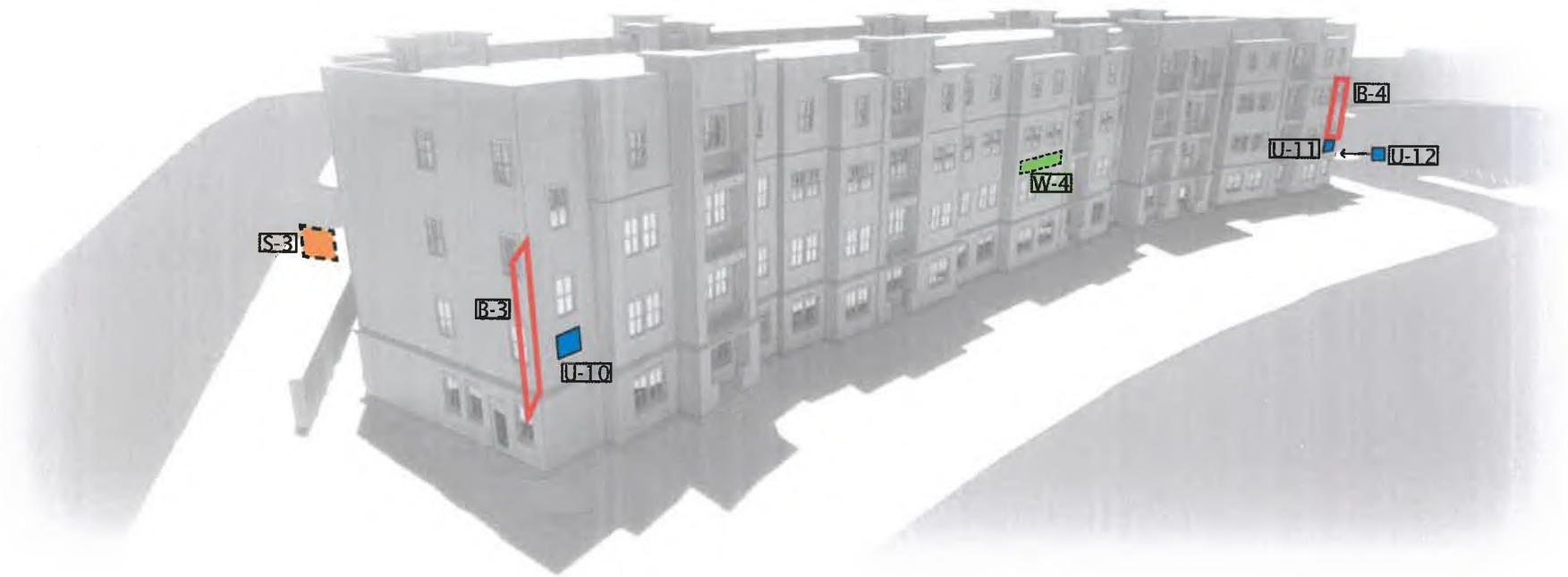
- (U) UNIT ADDRESS AND DESIGNATION
- (B) BLADE SIGN
- (W) WALL SIGN
- (S) SITE SIGN

11/19/2021

## EXTERIOR SIGNAGE // BUILDING 1 + 2 - WEST VIEW

Page 6





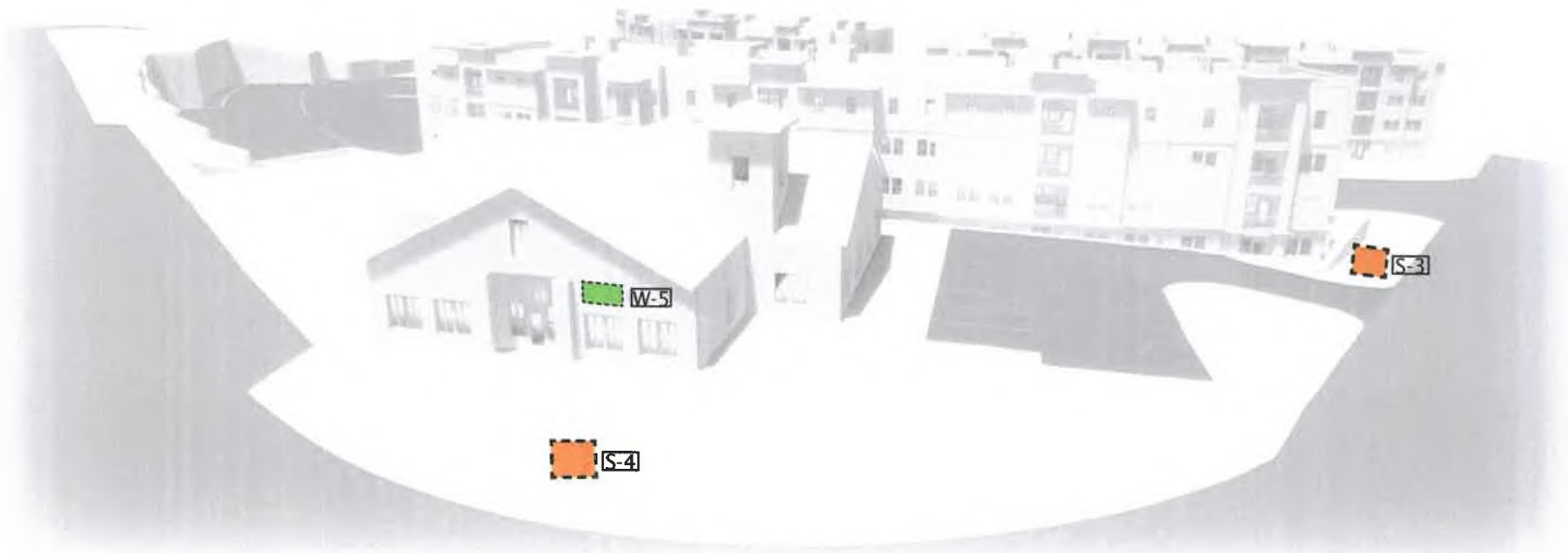
- (U) UNIT ADDRESS AND DESIGNATION
- (B) BLADE SIGN
- (W) WALL SIGN
- (S) SITE SIGN

11/19/2021

## EXTERIOR SIGNAGE // BUILDING 3 - NORTH WEST VIEW

Page 7





- (U) UNIT ADDRESS AND DESIGNATION
- (B) BLADE SIGN
- (W) WALL SIGN
- (S) SITE SIGN

11/19/2021

## EXTERIOR SIGNAGE // BUILDING 4 - NORTH EAST VIEW

Page 8

#### **BLADE SIGNS:**

- B-1 - Development Identity  
MATERIAL: Graphic on painted metal panel  
LIGHTING: Integral LED edge lighting  
SIZE: 45 SQF
- B-2 - Development Identity  
MATERIAL: Graphic on painted metal panel  
LIGHTING: Integral LED edge lighting  
SIZE: 45 SQF
- B-3 - Development Identity  
MATERIAL: Graphic on painted metal panel  
LIGHTING: Integral LED edge lighting  
SIZE: 45 SQF
- B-4 - Development Identity  
MATERIAL: Graphic on painted metal panel  
LIGHTING: Integral LED edge lighting  
SIZE: 45 SQF

#### **WALL SIGNS:**

- W-1 - Development Identity  
MATERIAL: Painted metal channel letter – Pin-mounted  
LIGHTING: Backlit  
SIZE: 45 SQF
- W-2 - Development Identity  
MATERIAL: Painted metal channel letter – Pin-mounted  
LIGHTING: Backlit  
SIZE: 45 SQF
- W-3 - Development Identity  
MATERIAL: Painted metal channel letter – Pin-mounted  
LIGHTING: Backlit  
SIZE: 45 SQF
- W-4 - Development Identity  
MATERIAL: Painted metal channel letter – Pin-mounted  
LIGHTING: Backlit  
SIZE: 45 SQF
- W-5 - Development Identity  
MATERIAL: Painted metal channel letter – Pin-mounted  
LIGHTING: Backlit  
SIZE: 45 SQF

#### **SITE SIGNS:**

- S-1 - Branded Site Entry and Wayfinding  
MATERIAL: Graphics on layered painted metal panels. Pole-mounted monument sign to match frame of S-4  
LIGHTING: Integral LED edge lighting & external lighting  
SIZE: 10 SQF
- S-2 - Branded Site Entry and Wayfinding  
MATERIAL: Graphics on layered painted metal panels. Pole-mounted monument sign to match frame of S-4  
LIGHTING: Integral LED edge lighting & external lighting  
SIZE: 10 SQF
- S-3 - Branded Site Entry and Wayfinding  
MATERIAL: Graphics on layered painted metal panels. Pole-mounted monument sign to match frame of S-4  
LIGHTING: Integral LED edge lighting & external lighting  
SIZE: 10 SQF
- S-4 - Development Identity  
MATERIAL: Masonry base supporting metal sign frame. Pin-mounted text and graphics on painted metal sign panel supported by frame.  
LIGHTING: Integral edge lighting and External light fixture  
SIZE: 45 SQF

#### **UNIT DESIGNATION:**

- U-1 - Branded Unit Address Designation  
MATERIAL: Pin-mounted text on painted metal panel  
LIGHTING: External lighting fixture  
SIZE: 6.5 SQF
- U-2 - Branded Unit Address Designation  
MATERIAL: Pin-mounted text on painted metal panel  
LIGHTING: External lighting fixture  
SIZE: 6.5 SQF
- U-3 - Branded Unit Address Designation  
MATERIAL: Pin-mounted text on painted metal panel  
LIGHTING: External lighting fixture  
SIZE: 6.5 SQF
- U-4 - Branded Unit Address Designation  
MATERIAL: Pin-mounted text on painted metal panel  
LIGHTING: External lighting fixture  
SIZE: 6.5 SQF
- U-5 - Branded Unit Address Designation  
MATERIAL: Pin-mounted text on painted metal panel  
LIGHTING: External lighting fixture  
SIZE: 6.5 SQF
- U-6 - Branded Unit Address Designation  
MATERIAL: Pin-mounted text on painted metal panel  
LIGHTING: External lighting fixture  
SIZE: 6.5 SQF
- U-7 - Branded Unit Address Designation  
MATERIAL: Pin-mounted text on painted metal panel  
LIGHTING: External lighting fixture  
SIZE: 6.5 SQF
- U-8 - Branded Unit Address Designation  
MATERIAL: Pin-mounted text on painted metal panel  
LIGHTING: External lighting fixture  
SIZE: 6.5 SQF
- U-9 - Branded Unit Address Designation  
MATERIAL: Pin-mounted text on painted metal panel  
LIGHTING: External lighting fixture  
SIZE: 6.5 SQF
- U-10 - Branded Unit Address Designation  
MATERIAL: Pin-mounted text on painted metal panel  
LIGHTING: External lighting fixture  
SIZE: 6.5 SQF
- U-11 - Branded Unit Address Designation  
MATERIAL: Pin-mounted text on painted metal panel  
LIGHTING: External lighting fixture  
SIZE: 6.5 SQF
- U-12 - Branded Unit Address Designation  
MATERIAL: Pin-mounted text on painted metal panel  
LIGHTING: External lighting fixture  
SIZE: 6.5 SQF

11/19/2021

## EXTERIOR SIGNAGE // OVERALL SIGN LIST

Page 9



■ (B) Blade Identity Sign   ■ (W) Wall Identity Sign   ■ (U) Unit Address Sign   ■ (S) Site Entry Sign   ■ (S4) Site Identity Sign

11/19/2021

## EXTERIOR SIGNAGE // SIGN TYPE REFERENCES

Page 10







August 26, 2021

Mr. Greg Otis  
Elevar Design Group  
555 Carr Street  
Cincinnati, Ohio 45203

Re: 1001 Marshall Avenue | Central Parkway & Marshall Avenue Residential Development (D) – (CPRE210069) Final Recommendations

Dear Mr. Otis,

This letter is to inform you that our CSR Advisory-TEAM and CSPRO Committee has reviewed your proposed project at **1001 Marshall Avenue** in the Community of CUF. The information provided is the recommendations of the City of Cincinnati and must be followed as you move forward with your project. As a reminder, we will have a **WebEx conference call meeting** with you on **August 31, 2021 @ 1:30 pm** to discuss this information. Please see the feedback listed below. Thank you for developing within the City of Cincinnati.

**City Planning Department**

**Immediate Requirements to move the project forward:**

1. **A Zone Change to Planned Development (PD) should be applied for through the Department of City Planning and Engagement. Application will require a Concept Plan and Development Program Statement and shall contain all items outlined in Section 1429-09 of the Cincinnati Zoning Code in conjunction with the application.**
  - o A Zone Change application can be downloaded at the following link: <https://www.cincinnati-oh.gov/buildings/zoning-administration/zone-change-application-packet/>.
  - o Planned Development Regulations can be reviewed at [https://library.municode.com/oh/cincinnati/codes/code\\_of\\_ordinances?nodeId=TI\\_XIZOCOCI\\_CH1429PLDEDI](https://library.municode.com/oh/cincinnati/codes/code_of_ordinances?nodeId=TI_XIZOCOCI_CH1429PLDEDI).
  - o The cost for a Zone Change, Concept Plan and Development Program statement is \$4,500 (\$1,500 for Map Amendment and \$3,000 for the Concept Plan). A Final Development Plan is \$1,500 per phase, should this project be phased.
2. A portion of this property is located in a Hillside Overlay District - see Zoning's comments.
3. The proposal will require the sale and vacation the right-of-way at Hallmar Avenue (from Central Parkway to Marshall Avenue) for review and approval by the City Planning Commission, following the Coordinated Report Process. Please contact Tom Klumb in the Law Department: [tom.klumb@cincinnati-oh.gov](mailto:tom.klumb@cincinnati-oh.gov).

**Requirements to obtain permits:**

1. A lot consolidation for each of the building sites shall be recorded through the Hamilton County Recorder's office. It is recommended that this takes place after any zone change request approval.

2. The Zone Change, Concept Plan, Development Program Statement, and Final Development Plan(s) must all be approved prior to submitting permits. The Final Development Plan can be submitted concurrently with the Zone Change, Concept Plan, Development Program Statement. Final Development Plans can also be done in phases, at \$1,500 for each phase.
3. The vacation of Hallmar Avenue must be approved by City Council and recorded through the Hamilton County Recorder's office.

**Recommendations:**

1. The Department of City Planning and Engagement recommends that the applicant engage with the CUF Neighborhood Council, Camp Washington Community Council, Camp Washington Community Board, and Clifton Heights Community Urban Redevelopment to discuss the proposal.

**Contact:**

- **Ashlee Dingler-Marshall** | City Planning | 513-352-4854 | [ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)

**Buildings & Inspections – Zoning**

**Immediate Requirements to move the project forward:**

1. Although the proposal is to re-zone to a PD with specific zoning parameters determined by the City Planning Dept., the NE corner parcel is in a hillside overlay and is subject to the hillside overlay limits with review by the Zoning Department.
2. The hillside overlay places limits on the cumulative cut/fill; places limits on retaining wall height; outlines design parameters that respect the hillside and topography; has limits on the height and setbacks based on averaging. In this case, the zoning review would focus on the cut/fill, retaining wall height limits and the hillside design parameters.
3. The hillside cut/fill limit is 8' cumulatively across the entire hillside parcel. The proposal for the hillside parcel appears to have an overall cut of approximately 52' from the existing grade of 625 ASL at the north end of the parcel down to the proposed grade of 573 ASL at the driveway accessing Marshall; plus, approximately 9' of fill at the corner from the existing grade of 564 ASL to the proposed grade of 573 ASL for a total of approximately 60 feet of cumulative cut/fill. Specifically, there are direct cuts of between approximately 15' to 42' along the east edge of the parking lot the entire length of the parking lot. This is an extreme amount of cut.
4. Retaining walls are also shown along the east edge of the parking lot and are assumed to be up to the 42' height of the proposed cut, but it is unclear what the heights are. Additional information is needed on any retaining walls.
5. The proposed design with a mass grading of the hillside site for building pads and a surface parking lot with 42' direct cuts is an extreme amount of cut and is not compatible with the hillside overlay; and also, the extremely tall retaining walls are not compatible with the design parameters of the hillside overlay.
6. The hillside overlay code outlines a tiered building design parameter for the lowest level as well as a tiered roofing design. This is to protect the stability of the hillside and views.

The buildings and parking should also tier in some manner to minimize the cut/fill and to be more compatible with the hillside overlay.

7. It appears that most of the southern building on the hillside parcel is to be built on top of fill (up to approximately 8' of fill) Can you confirm that is the case? Are there other design alternatives such as parking underneath that could eliminate the need for fill and also reduce the amount of surface that is cut for parking (parking could be shifted from surface lot to the east to underneath)? There are some examples of parking underneath residential just north of the property on McMicken.
8. **More information is needed to determine the height of the buildings. Section/facade drawings of the entire length of the buildings would be helpful that show the existing grades, for both the hillside site and the other two parcels: as well as showing any tiering of the building mass relative to the topography.**
9. **Overall, the proposed site plan of the hillside parcel is not compatible with the hillside overlay code and would not be supportable by zoning staff.**
10. The other two parcels are not in the hillside overlay and are not subject to the comments above.

**Requirements to obtain permits:**

- None

**Recommendations:**

1. **Revise the hillside parcel design to be compatible with the hillside overlay- and submit a revised plan before applying to the Planning Commission.**

**Contact:**

- **Wes Munzel | ZPE | 513-352-2442 | [weston.munzel@cincinnati-oh.gov](mailto:weston.munzel@cincinnati-oh.gov)**

**Metropolitan Sewer District (MSD)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. An approved site utility plan will be required for each building to receive approved permit.
2. Detention will be reviewed by Jeff Chen at [jeff.chen@cincinnati-oh.gov](mailto:jeff.chen@cincinnati-oh.gov) or 513-244-1357 per Section 303 of the MSD Rules and Regulations. For additional site storm water requirements within the City of Cincinnati, contact the Stormwater Management Utility (SMU) at 513.591.5050.
3. For information on sewer abandonment please contact Rob Kern at 513-244-5588 or [rob.kern@cincinnati-oh.gov](mailto:rob.kern@cincinnati-oh.gov)

**Recommendations**

- None

**Contact:**

- **Jim Wood | MSD | 513-352-4311 | [jim.wood@cincinnati-oh.gov](mailto:jim.wood@cincinnati-oh.gov)**



**Stormwater Management Utility (SMU)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. Submit utility plan with storm profiles
2. Submit Erosion Control plan
3. Submit Detention calculations and details.

**Recommendation:**

1. Regarding storm sewer bisecting the middle property. SMU doesn't have that sewer shown on its GIS. Looks like it might be a combined sewer.

**Contact:**

- **Rob Goodpaster | SMU | 513-581-0893 | [robert.goodpaster@cincinnati-oh.gov](mailto:robert.goodpaster@cincinnati-oh.gov)**

**Water Works**

**Immediate Requirements to move the project forward:**

1. At the owner/developer expense a flow test will need to be conducted with a fire protection company and/or sprinkling company.
  - a. Flow test #1: Flow the second fire hydrant south of Marshall Avenue on Central Parkway and gauge the first fire south of Marshall Avenue on Central Parkway.
  - b. Flow test #2: Flow the second fire hydrant north of Marshall Avenue on McMicken Avenue and gauge the third fire hydrant north of Marshall Avenue on McMicken Avenue.
2. Contact our dispatch office to schedule a flow-test 513-591-7909 or 513-591-7910.
3. If results come back poor and do not meet the flow requirements, water main work may be required.
4. Provide square footage on any third floor and above.

**Requirements to obtain permits:**

1. Must have a stamped and recorded plat for each parcel before any building permits will be approved or water services branch sold.
2. Each parcel will need to have its own water service branch. Water service lines are not to cross parcel lines.
3. Every floor over the second floor will be assessed a Tap-in Charge of \$0.09 per square foot of gross space per City of Cincinnati Ordinance 291-1968. This only applies for McMicken Avenue and Marshall Avenue.
4. The subject development property is receiving water service from the following:

<b>(Central Parkway)</b>				
<b>Address</b>	<b>Branch #</b>	<b>Size</b>	<b>Meter #</b>	<b>Size</b>
2760 Central Pkwy	H-185276	1"	FOD	
2798 Central Pkwy	H-109929	3/4"	98882	5/8"
2721 Central Pkwy	H-267842	3"	267842	1-1/2"
2721 Central Pkwy	H-267842	3"	DC1781	3/4"

<b>(Hallmar Avenue)</b>				
<b>Address</b>	<b>Branch #</b>	<b>Size</b>	<b>Meter #</b>	<b>Size</b>
2733 Hallmar Avenue	H-234602	3/4"	234602	5/8"

<b>(Marshall Avenue)</b>				
<b>Address</b>	<b>Branch #</b>	<b>Size</b>	<b>Meter #</b>	<b>Size</b>
1009 Marshall Ave	H-19318	3/4"	95717	3/4"
1003 Marshall Ave	H-26888	3/4"	FOD	
2809 Marshall Ave	H-103056	1"	92898	1"
2821 Marshall Ave	H-85797	3/4"	72746	5/8" Lead on private side. *
2825 Marshall Ave	H-85736	3/4"	126092	5/8" Lead on private side. *

<b>McMicken Av</b>				
<b>Address</b>	<b>Branch #</b>	<b>Size</b>	<b>Meter #</b>	<b>Size</b>
2713 McMicken Av	H-40534	3/4"	FOD	Lead on private side. *
2701 McMicken Av	H-308050	3/4"	308050	5/8" Irrigation
2730 McMicken Av	H-50018	3/4"	99993	5/8" Lead on private side. *
2737 McMicken Av	H-50242	3/4"	55993	5/8" Lead on private side. *
2739 McMicken Av	H-170505	1"	48080	1"
2745 McMicken Av	H-142181	3/4"	145833	5/8"
2800 McMicken Av	H-136162	3/4"	140502	5/8" Lead on private side. *
2804 McMicken Av	H-87071	3/4"	74316	5/8" Lead on private side. *
2810 McMicken Av	H-202179	2"	202179	1-1/2"
2812 McMicken Av	H-243853	1"	243854	5/8"
2812 McMicken Av	H-243853	1"	243853	5/8"
2852 McMicken Av	H-89959	3/4"	91640	5/8" Lead on private side. *
2866 McMicken Av	H-217737	2"	217737	2"

\* Please note that there are known health risk with lead service lines. There are several existing water service branches with lead on the private property are connected to the existing 8-inch and 12-inch public water main in Marshall Avenue and the existing 6-inch and 12-inch public water main in McMicken Avenue. If the existing lead water service branches are to remain in service for this development, the owner(s)/developer(s) should eliminate the lead from the water service branch. In accordance with CMC Chapter 401 Division M, should be replaced with copper service line. Please contact the GCWW Lead Service Line Replacement Coordinator Kathleen Frey at (513) 591-651-5323 and/or refer to <https://la.mygcww.org/>.

**Recommendations:**

1. Owner(s)/Developer(s) may need to hire a civil engineering company to perform the public water main design work (if needed) to submit to Shawn Wagner, (shawn.wagner@gcww.cincinnati-oh.gov) Greater Cincinnati Water Works
2. If the existing water service branches for this project are not to be used for this development, they must be properly disconnected at the owner's / developer's expense.

Owner would be required to fill out the online Discontinuance Form (FOD) at <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/fod/> authorizing removal of any existing water service branch before any new water service can be sold.

3. The Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded plumber to perform the private water service branch design work and installation.
4. The Owner(s)/Developer(s) must have a licensed plumber that is bonded and certified with GCWW and fill out the Online Branch application <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.

**Contact:**

- **Rick Roell** | WaterWorks | 513-591-7858 | [richard.roell@gcww.cincinnati-oh.gov](mailto:richard.roell@gcww.cincinnati-oh.gov)

**Fire Department**

**Immediate Requirements to move the project forward:**

1. Two readily accessible fire hydrants that are within 400 feet of all parts of your proposed structure will be needed.
2. This requirement is met with the following Fire Hydrants: 2700 Central Parkway and 2708 Central Parkway.
3. The minimum fire flow requirements for Condominiums/Apartment Complex or Dwelling greater than a three-family dwelling is 1,800 gallons/per/minute (GPM) @ 20 pressure/per/square inch (psi) (138Kpa).
4. Fire Department Connections are to be located within 50' of a fire hydrant.
5. 912.3 Access. Immediate access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object. Access to fire department connections shall be approved by the fire code official.
6. Access roads are to be 20 feet in width.

**Requirements to obtain Permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Robert Hart** | Fire Dept. | 513-357-7597 | [robert.hart@cincinnati-oh.gov](mailto:robert.hart@cincinnati-oh.gov)

**Office of Environment and Sustainability (OES)**

**Immediate Requirements to move forward with project:**

- None

**Requirements to obtain permits:**

1. If offsite sourced fill is to be placed onsite, then it must receive OES environmental approval when it exceeds 500 cubic yards as per City Municipal Code Chapter 1031.
2. Commercial waste, including construction and demolition debris, generated during this development project must utilize a City franchised commercial waste collection service per Cincinnati Municipal Code Chapter 730. Current franchise holders include Rumpke

of Ohio, Republic Services of Ohio, Best Way of Indiana, and Bavarian Trucking Company.

**Recommendations:**

1. The project site is partially mapped within a hillside district. The developer should exercise caution in developing this hillside. Increasing storm intensity and its detrimental effects on hillside stability are well documented in the project area. Standards, requirements, and adopted recommended mitigation of these hazards are also well documented and the project should meet or exceed these mitigation measures. The developer should ensure the hillside will remain stable under extreme storm conditions.
2. Three of the proposed new residential buildings appear to be within 500-feet of a high traffic road (Interstate 75). The new residential buildings should include a pre-development assessment of the air quality and include design elements that assure healthy indoor air quality is maintained.
3. The development goal should be to earn at a minimum the LEED Certified rating level.
4. Rooftop solar should be considered in the design as a renewable energy source.
5. Site parking areas should include electric vehicle charging stations.
6. Site parking areas should include bike racks.
7. Site areas designated for trash dumpsters should also have at least equal space designated for recycling dumpsters.
8. The use of trees in the landscape design should be included to enhance urban forestry.
9. The use of pervious surfaces should be maximized to the extent practical in the design.

**Contact:**

- **Howard Miller** | OES | 513-352-6999 | [howard.miller@cincinnati-oh.gov](mailto:howard.miller@cincinnati-oh.gov)

**Parks Department (Urban Forestry)**

**Immediate Requirements to move the project forward:**

1. A discussion about layout of construction will have to occur due to the large number of trees that will be affected. Trees that will be a guaranteed removal will have to be compensated for prior to removal and work. Company will be responsible for paying the value of trees and then removal and stump grinding. All this will be done under Public Tree Work Permit.

**Requirements to obtain permits:**

1. If working within 15 foot of street tree, contact Urban Forestry (Jacob Edwards) to obtain permit. An email sent to [Jacob.edwards@cincinnati-oh.gov](mailto:Jacob.edwards@cincinnati-oh.gov) requesting permit will suffice.

**Recommendations:**

1. A walk of the site with the developer will be a wise decision for all parties. A discussion of protection of trees can occur to ease cost of developer while also allowing the canopy to remain high in the area. These are large trees in the area that Urban Forestry would like to keep under all cost.

**Contact:**

- **Robin Hunt** | Urban Forestry | 513-861-9070 | [robin.hunt@cincinnati-oh.gov](mailto:robin.hunt@cincinnati-oh.gov)

**Department of Transportation & Engineering (DOTE)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. Continue to work with DOTE on the Traffic Impact Study.
2. Consider partnering with the City on the relocation of Central Pkwy.
3. Driveway aprons are to be City standard and located to meet all proper clearances.
4. A DOTE permit is required for all work in the right of way.
5. Contact [DTEaddress@cincinnati-oh.gov](mailto:DTEaddress@cincinnati-oh.gov), prior to submitting building permit applications, to have individual addresses assigned.

**Recommendations:**

- None

**Contact:**

- **Morgan Kolks** | DOTE | 513-335-7322 | [morgan.kolks@cincinnati-oh.gov](mailto:morgan.kolks@cincinnati-oh.gov)

**Buildings & Inspections – Buildings**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. Separate permits are required for each building or structure.
2. Grading applications are required for each lot.
3. Special Inspections are required.
4. A separate meeting to discuss permitting, phasing and construction is recommended.

**Recommendations:**

- None

**Contact:**

- **Robert Martin** | B&I Plans Exam | 513-352-2456 | [robert.martin@cincinnati-oh.gov](mailto:robert.martin@cincinnati-oh.gov)

**Law Department**

**Immediate Requirements to move the project forward:**

1. No comments at this time.

**Requirements to obtain permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Charles Martinez** | Law | 513-352-3359 | [charles.martinez@cincinnati-oh.gov](mailto:charles.martinez@cincinnati-oh.gov)

**Department of Community & Economic Development (DCED)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Roy Hackworth** | DCED | 513-352-6119 | [roy.hackworth@cincinnati-oh.gov](mailto:roy.hackworth@cincinnati-oh.gov)

**Health Department**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. No need for Health to review project as proposed.

**Recommendations:**

- None

**Contact:**

- **Trisha Blake** | Health Dept. | 513-352-2447 | [trisha.blake@cincinnati-oh.gov](mailto:trisha.blake@cincinnati-oh.gov)

**Police Department**

**Immediate Requirements to move the project forward:**

- None currently.

**Requirements to obtain permits:**

- No comments.

**Recommendations:**

- None

**Contact:**

- **Katalin Howard** | Police Dept. | 513-352-3298 | [katalin.howard@cincinnati-oh.gov](mailto:katalin.howard@cincinnati-oh.gov)
- **Brandon Kyle** | Police Dept. | 513-564-1870 | [brandon.kyle@cincinnati-oh.gov](mailto:brandon.kyle@cincinnati-oh.gov)

---

**ACTION:** The CSR Advisory-TEAM and CSPRO Committee believes that the proposed project plans lack sufficient information and recommends that the project not move forward to City Planning Commission until the following items have been addressed.

- **Submit revisions to address the traffic impact study for DOTE as well as the hillside overlay concerns for zoning as outlined above.**

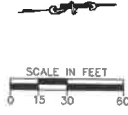
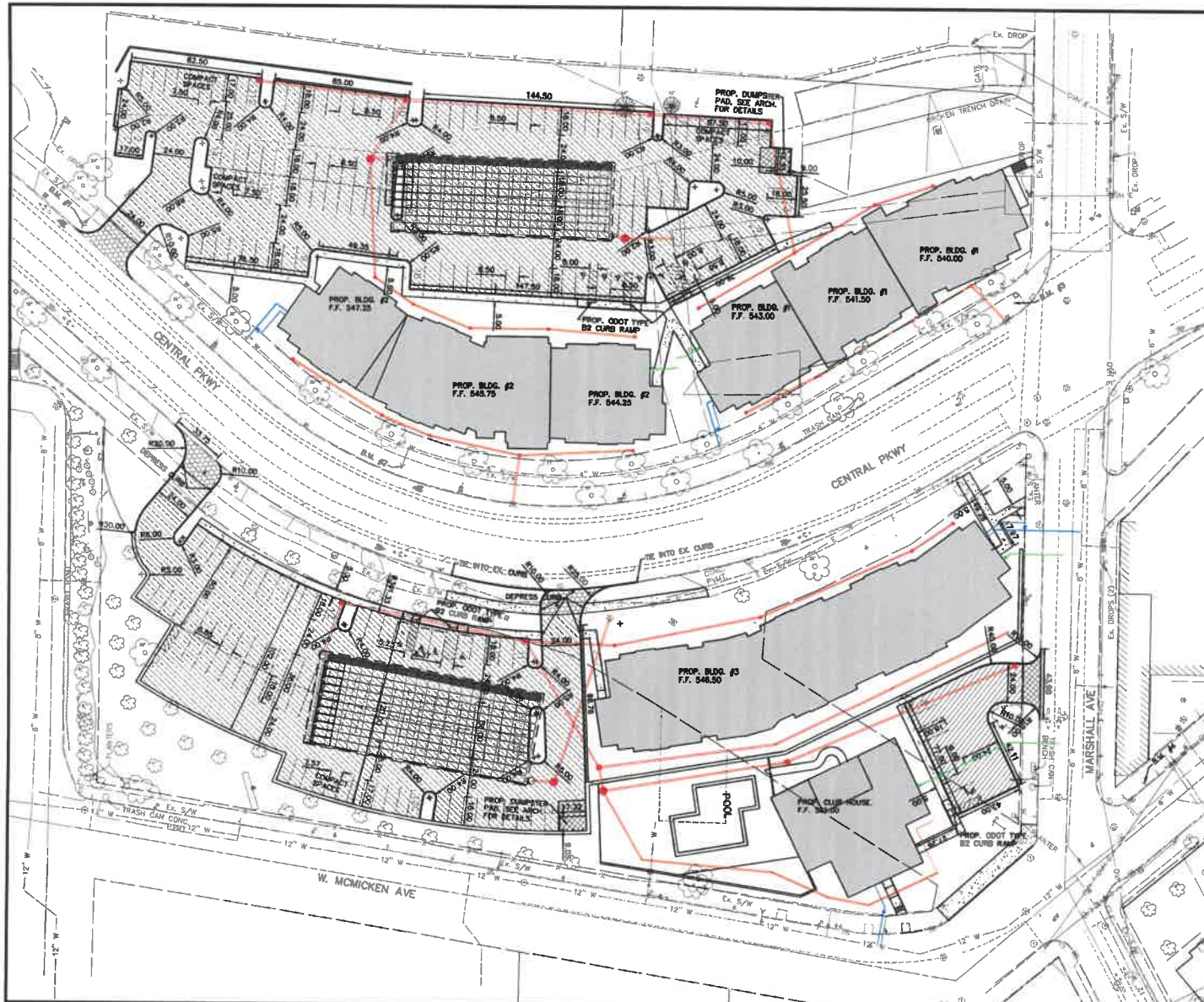
Sincerely,

  
Art Dahlberg,  
Director of Buildings and Inspections Department  
& CSPRO Committee Chair

  
Rodney D. Ringer,  
Development Manager

AD:RDR:hs





- NOTES:**
- 1) ALL DIMENSIONS INVOLVING CURBSING ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED.
  - 2) INSTALL DRIVEWAY PER CITY OF CINCINNATI STANDARDS.
  - 3) CONTRACTOR TO VERIFY EXACT LOCATION, DEPTH AND SIZE OF UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY OWNER OF ANY CONFLICTS PRIOR TO THE INSTALLATION OF UTILITIES.
  - 4) CONTRACTOR TO FOLLOW ALL PERMIT REQUIREMENTS AND SPECIFICATIONS TO INSTALL THE PROPOSED DEVELOPMENT INCLUDING COORDINATING THE INSTALLATION WITH LOCAL OFFICIALS AS NEEDED AND/OR REQUIRED.
  - 5) CONTRACTOR TO COORDINATE ALL WORK WITH THE OWNER AS NEEDED/REQUIRED.

WEST LOT OPEN SPACE	
TOTAL AREA (ac)	2.49
AREA DEVELOPED (ac)	1.74
PERCENT OPEN SPACE	30.26%

EAST LOT OPEN SPACE	
TOTAL AREA (ac)	2.35
AREA DEVELOPED (ac)	1.61
PERCENT OPEN SPACE	31.93%

- STANDARD DUTY CONCRETE PAVEMENT  
SEE SHEET 18 FOR DETAILS
- HEAVY DUTY CONCRETE PAVEMENT  
SEE SHEET 18 FOR DETAILS
- HEAVY DUTY ASPHALT PAVEMENT  
SEE SHEET 18 FOR DETAILS
- REGULAR DUTY ASPHALT PAVEMENT  
SEE SHEET 18 FOR DETAILS
- CONCRETE SIDEWALK  
SEE SHEET 18 FOR DETAILS
- PROPOSED BUILDING



SEWEEY, OHIO 937.477.0200  
 LOVELAND, OHIO 513.339.8554  
 WWW.CHOICEONEENGINEERING.COM

**HALLMAR STUDENT HOUSING  
 CITY OF CINCINNATI  
 DIMENSIONING AND PAVEMENT PLAN**

REVISIONS:
FILE NAME HREXSON
DRAWN BY JMK
CHECKED BY MLS
PROJECT NO. HAMON2107
DATE 11-3-2021
SHEET NUMBER 19 OF 29

EXHIBIT F



**NEIGHBORHOOD ASSOCIATION**

representing Clifton Heights | University Heights | Fairview

December 8, 2021

Department of City Planning  
Two Centennial Plaza  
805 Central Avenue, Suite 700  
Cincinnati, OH 45202

At the December 7 meeting of the CUFNA Board, the 1001 Marshall Planned Development was discussed. Following are our observations.

Right now the land being considered for development is a green space with a lovely mural. We value green space, walkable environments and buildings that are built for humans not cars. While we want adequate parking for the future residents of the development, we do not support the look of a sprawling surface parking lot.

Put parking on the I 75 side of the development and sidewalks, landscaping and buildings on the Marshall/Central Parkway side. On the W McMicken side, consolidate some of the parking into a parking structure when reconstructing the retaining wall. With the space saved by the parking structure, create pedestrian friendly, and green elements on the Central Parkway and W. McMicken side and put apartment buildings behind the landscaping and sidewalk. The club house can be close to the road as this lower building does provide a human element to the streetscape and would provide "eyes on the street."

The newest rendering of the apartment buildings is an improvement on the previous renderings. The added windows and brick facade are coming closer to the look we want for a neighborhood, but it is not a unique or "signature" building. Keep working on improving the look of the building. Finally, consider the movement of the city and other neighborhood associations to recreate Central Parkway into our des Champs Elysees <https://www.cincinnati.com/story/news/2021/12/05/new-street-designers-draw-up-plans-20-m-remake-central-parkway/8792810002/>

Consider how to keep the elements of green, pedestrian friendly, and beauty in the development.

Thank you for considering our concerns.

Chip Kussmaul  
President CUFNA



**NEIGHBORHOOD ASSOCIATION**

representing Clifton Heights | University Heights | Fairview

11 January 2022

Ashlee Dingler-Marshall  
Department of City Planning and Community Engagement  
Two Centennial Plaza, 805 Central Avenue, Suite 720  
Cincinnati OH 45202

**Re: 1001 Marshall Avenue, 45225**

Ms. Dingler-Marshall:

I am writing on behalf of the Clifton Heights-University Heights-Fairview Neighborhood Association (CUFNA), in response to the proposed student housing development at 1001 Marshall Avenue (Hallmar Central Park?), by Fountain Residential Partners (FRP). The project lies within the neighborhoods of Camp Washington (west of Central Parkway) and CUF (east of Central Parkway).

CUFNA generally understands and appreciates the need for additional student housing in our neighborhoods due to ongoing annual increases to enrollment at the University of Cincinnati. FRP chose to rezone the properties as a Planned Development, instead of changing to appropriate residential zoning, and we understand that re-zoning may have resulted in several variances; but we feel that conventional zoning for a single use (residential) project would not have been difficult to accomplish.

We also do not think that this site is inappropriate for such housing, except for the walkable distance to the University – steep hills up Straight Street or Marshall Avenue. This has resulted in the developers proposing surface parking for the project. The proposed Phase I (what has been officially submitted) results in a parking/bed ratio of 62.37%. Planning staff recently requested that another student housing project in CUF (Gateway Lofts) meet a bed/parking ratio of 70%. FRP recently (unofficially, though it was submitted to CUFNA and CP&CE) proposed a Phase II that appears to add 36 units, 136 beds, and reduce parking to 135 total spaces – a bed/parking ratio of 25%! We are not going to comment further on this, but perhaps the new Phase II plans should be included in the current request for a Planned Development and be resubmitted as such.

We understand the developer's preference for surface parking in that it is significantly less expensive than structured parking. Because the west side of Central Parkway is technically not in CUF, we have no significant objection to it, even though it is visible from CUF. That visibility, particularly due to its proximity to Central Parkway, is why there needs to be significant landscaped buffering between the parking and the Parkway (and CUF). Such landscaping could also go a long way toward providing a green sound barrier between I-75 and Central Parkway (and CUF).



We do object to the small surface parking lot off of Marshall Avenue, apparently to serve the Club/Administration Building. Front yard parking is not appropriate for residential neighborhoods (nor many other zones). We also wonder if the driveway's proximity to the Marshall-McMicken intersection might be a problem for vehicles entering and leaving the lot. Additionally, the grade and alignment of Marshall could cause visibility issues. We understand that the traffic issues will be reviewed by the Department of Transportation and Engineering, but we don't think this parking lot should be located between the street and the building that it serves.

We are also opposed to the large expanse of parking on the east side of Central Parkway, south of proposed Building 3. Even if totally screened with landscaping, etc., the parking is a major, and likely permanent, void between the development and our neighborhood. If not planned for, and designed into the project, that parking/void will remain until the need to store personal vehicles goes away. A 25' tall retaining wall might not be visible from McMicken Avenue, but the void it creates will be significant. It will also be virtually impossible to adequately screen the wall from Central Parkway.

In order to reduce the amount of surface parking, CUFNA has proposed a level of parking under the residential buildings. This would also make additional land available for future development - Phase II. Ultimately, we would like to see the property south of the proposed swimming pool along McMicken be developed with additional housing - preferably of a scale more like town- or row-houses, to more closely match the scale and density of the neighborhood to the south of Straight Street. At least 2 levels of parking could be built below this proposed McMicken building, making the proposed 25' retaining wall a foundation wall for additional housing.

All entrances to the proposed Buildings (1-3) appear to be at the ends or the rear (from the parking lots) with entrances to all units from central corridors. It feels like this development will not significantly bring new activity and vitality to our neighborhoods. With a lack of commercial or retail destinations in the area, and with no mixed-use component to the proposed development, we don't see this as a positive.

I hope we have done an adequate job of clarifying our position. Please understand that we truly want to see a development here and understand that the current greenspace was never intended to be anything but an aesthetic placeholder for future development - for that, we are grateful to the Sansalones. We also would like to positively acknowledge the time that FRP's local representatives have spent with us and how they have listened to our concerns - many of which have been addressed. We understand that projects like this have time constraints (school schedules!), and we will do what it takes to arrive at a project with which we can all be happy.

Sincerely,



Chip Kusmaul, President

Attachments: PHASE II SITE. Pdf and COLOR site flat.pdf



January 18, 2022

Dear Honorable Mayor and City Council:

I am writing to address the Camp Washington Business Association support for the proposed development at 1001 Marshall Avenue, generally located at the intersection of Central Parkway and Marshall Avenue, proposed by Fountain Residential Partners ("Fountain").

We believe that the new housing development will provide a much-needed economic boost to the area, and I know that aesthetically, it is a welcome improvement over many of the properties that formerly occupied the land on which the proposed development will stand.

There is a renewed interest in redevelopment of the Camp Washington neighborhood and particularly the Central Parkway Corridor both north, west, and south of the subject property, and this proposed development works very well in that overall plan.

Providing safe, close and quality housing for Camp Washington Businesses and Residences will ensure that our businesses remain driving economic engines for our city and region.

Sincerely,

With warm regards,

A handwritten signature in blue ink, appearing to read "Matthew Wagner". The signature is fluid and cursive.

Matthew Wagner  
President

**Camp Washington Business Association**  
**2951 Sidney Avenue, Cincinnati, OH 45225 513-542-1637**

**ANTHONY M. SANSALONE**

1008 MARSHALL AVENUE  
CINCINNATI, OHIO 45225-2381

PHONE: 513-559-1160 FAX: 513-559-1154

anthonym@sansalone.com

Dear Honorable Mayor and City Council:

I am writing to address my support for the proposed development at 1001 Marshall Avenue, generally located at the intersection of Central Parkway and Marshall Avenue, proposed by Fountain Residential Partners ("Fountain").

As the owner of the subject property, I support this proposed development. I would not have contracted to sell to Fountain if I did not believe that their proposed development would be a welcome and needed addition to the neighborhood. Fountain is experienced with this type of development, and they build a quality product. I believe that it will provide a much-needed economic boost to the area, and I know that aesthetically, it is a welcome improvement over many of the properties that formerly occupied the land on which the proposed development will stand.

My interest and dedication to this neighborhood far exceeds my ownership in the subject property. My family has owned property in the neighborhood for over fifty years, and assembled the property on which this development will sit. Unlike other owners, we have continued to invest in the neighborhood. We will continue to own property in the vicinity of this development after it is built, so we have a vested interest in making sure that a quality development is constructed. It will improve the neighborhood both visually and economically. We have been very particular in choosing a buyer for this land, and we believe the proposed development will be an asset to both the immediate neighborhood and to a further extended area, providing safe housing for UC and other students, and provided an increased customer base for area businesses. There is a renewed interest in redevelopment of the Central Parkway Corridor both north and south of the subject property, and this proposed development works very well in that overall plan.

Providing safe, close and quality housing for students and faculty of not just the University of Cincinnati, but other area colleges and universities, will ensure that these institutions remain driving economic engines for our city and region.

Sincerely,

*Anthony M. Sansalone*

Anthony M. Sansalone, Individually and  
as the Sole Member of Marshall at Central, LLC

## 2022 Board of Directors

January 24, 2022

**Lauren Hannan Shafer**

President

**Ric Booth**

Vice President

**Laura Humphrey**

treasurer

**Ron Houck**

secretary

**Ron Bates**

**Rocco D'Ascenzo**

**Kathryne Gardette**

**Agnes Godwin Hall**

**Beth Hartman**

**Barbara Hauser**

**Mike Hoeting**

**Garry Horton**

**John Korn**

**Pam Kravetz**

**Mark Mallory**

**Joe Muraca**

**Molly North**

**Tyra Patterson**

**Ken Pray**

**Connie Ross**

**Lisa Beshara Saia**

**RJ Sargent**

**Randy Smith**

**Molly Weissman**

**Paula Wharton**

Board Members Emeritus

**Margie Schneider**

**Mu Sinclair**

**Sara M. Vance Waddell**

Dear Honorable Mayor and City Council:

I am writing to address ArtWorks' support for the moving of the Locks, Docks, & Barrels mural due to the proposed development at 1001 Marshall Avenue, generally located at the intersection of Central Parkway and Marshall Avenue, proposed by Fountain Residential Partners ("Fountain").

ArtWorks has been working with Fountain and the current owner of the property, Tony Sansalone, on the preservation of the current murals on the property and potential future murals post-construction. The saving of the current murals, which illustrate an important part of Cincinnati's history, is important not only to ArtWorks, but for the immediate and surrounding communities. Fountain's and Tony's desire and willingness to continue this tradition with ArtWorks show a dedication to the community, public art, and youth employment.

ArtWorks would be excited to collaborate with Fountain's new development by providing public art that reflects the community and employs youth from the neighborhood, many of whom attend the colleges and universities that Fountain properties serve. Providing close, quality, and vibrant housing for students and faculty of not just the University of Cincinnati, but other area colleges and universities, will help educational institutions support our City and region's economic diversity and talent.

Sincerely,



Sydney Fine, Senior Director of Impact

CEO & Artistic Director  
Colleen Houston

## Ongoing Support



city of  
CINCINNATI





## Dingler-Marshall, Ashlee

---

**From:** Matt Bourgeois <matt.bourgeois@chcurc.org>  
**Sent:** Wednesday, November 17, 2021 1:39 PM  
**To:** Dingler-Marshall, Ashlee  
**Subject:** Re: [External Email] Re: Coordination for 1001 Marshall Avenue Staff Conference - CDCs

Try the President, Chip Kussmaul... [cintiwood13@gmail.com](mailto:cintiwood13@gmail.com)

---

**From:** "Dingler-Marshall, Ashlee" <ashlee.dingler-marshall@cincinnati-oh.gov>  
**Date:** Wednesday, November 17, 2021 at 1:33 PM  
**To:** Matt Bourgeois <matt.bourgeois@chcurc.org>  
**Subject:** RE: [External Email] Re: Coordination for 1001 Marshall Avenue Staff Conference - CDCs

Matt,

I have reached out to CUFNA, but have received no response for scheduling the public staff conference. We use the email contact that was provided to Invest in Neighborhoods. Is there another contact that would be more successful that you are aware of? If the applicant plans to present the project to the community council at their next meeting, I would like to sit in on the meeting to collect information about community feedback.

Thank you.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Matt Bourgeois <matt.bourgeois@chcurc.org>  
**Sent:** Tuesday, November 16, 2021 10:16 PM  
**To:** Sidney Nation <sidney@cwurc.org>  
**Cc:** Dingler-Marshall, Ashlee <ashlee.dingler-marshall@cincinnati-oh.gov>  
**Subject:** [External Email] Re: Coordination for 1001 Marshall Avenue Staff Conference -CDCs

External Email Communication

I will forward this to the community council President for his feedback, but I can tell you they have been in communication already and are meeting with the neighborhood tomorrow evening. Matt

On Nov 16, 2021, at 5:59 PM, Sidney Nation <[sidney@cwurc.org](mailto:sidney@cwurc.org)> wrote:

Hi Ashlee,

Thank you for letting us know about this proposed project. Is there any way we can get additional information on the project? Developer? Etc.

I want to confirm that this developer has been in communication with our community.

Sidney Nation  
[sidneynation@camp-washington.org](mailto:sidneynation@camp-washington.org)  
(513) 542-1637

Sent from iPhone

On Nov 16, 2021, at 4:21 PM, Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)> wrote:

Hi, Matt and Sidney,

The Department of City Planning and Engagement will be facilitating a public staff conference regarding a proposed planned development at 1001 Marshall Avenue. The meeting is an opportunity to present the project and provides a forum for the public to ask questions or share comments or concerns.

While your attendance is not required, do you foresee any issues with us holding this virtual meeting on Wednesday, December 8th at 3:00 p.m.?

I'd appreciate your input.

Best regards,

**Ashlee Dingler-Marshall | City Planner**

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)

<image001.jpg>

## Dingler-Marshall, Ashlee

---

**From:** Matt Bourgeois <matt.bourgeois@chcurc.org>  
**Sent:** Tuesday, November 16, 2021 10:16 PM  
**To:** Sidney Nation  
**Cc:** Dingler-Marshall, Ashlee  
**Subject:** [External Email] Re: Coordination for 1001 Marshall Avenue Staff Conference -CDCs

External Email Communication

I will forward this to the community council President for his feedback, but I can tell you they have been in communication already and are meeting with the neighborhood tomorrow evening. Matt

On Nov 16, 2021, at 5:59 PM, Sidney Nation <sidney@cwurc.org> wrote:

Hi Ashlee,

Thank you for letting us know about this proposed project. Is there any way we can get additional information on the project? Developer? Etc.

I want to confirm that this developer has been in communication with our community.

Sidney Nation  
sidneynation@camp-washington.org  
(513) 542-1637

Sent from iPhone

On Nov 16, 2021, at 4:21 PM, Dingler-Marshall, Ashlee <ashlee.dingler-marshall@cincinnati-oh.gov> wrote:

Hi, Matt and Sidney,

The Department of City Planning and Engagement will be facilitating a public staff conference regarding a proposed planned development at 1001 Marshall Avenue. The meeting is an opportunity to present the project and provides a forum for the public to ask questions or share comments or concerns.

While your attendance is not required, do you foresee any issues with us holding this virtual meeting on Wednesday, December 8th at 3:00 p.m.?

I'd appreciate your input.

Best regards,

## Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)

<image001.jpg>

## Dingler-Marshall, Ashlee

---

**From:** Greg Otis <gotis@elevar.com>  
**Sent:** Wednesday, December 8, 2021 1:23 PM  
**To:** Dingler-Marshall, Ashlee  
**Cc:** Weaver, James  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Ashlee:

I've forwarded both CUFNA's and your email to the developer for comment. Here's a short answer to your questions:

1. I am not familiar with details of the developers capital stack, however, the developer is hoping to enter the market at a more affordable level than units in the Uptown. To be clear, these are not subsidized units.
2. As the developer wishes their product to be more affordable, "signature" architecture and structured or below-grade parking go counter to those goals. Parking will be available at a 63% basis as it is, employing both private shuttle service and public transportation.

**Greg Otis, AIA | Senior Vice President- Strategic Planning**  
**Elevar Design Group Cincinnati**  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 744-2977  
F: (513) 721-0611  
C: (513) 675-4802

[www.elevar.com](http://www.elevar.com)

**From:** Dingler-Marshall, Ashlee <ashlee.dingler-marshall@cincinnati-oh.gov>  
**Sent:** Wednesday, December 8, 2021 12:57 PM  
**To:** Greg Otis <gotis@elevar.com>  
**Cc:** Weaver, James <James.Weaver@cincinnati-oh.gov>  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Greg,

We are beginning to get questions coming in from the public about the 1001 Marshall Avenue application:

1. Will the proposed Planned Development at 1001 Marshall Avenue will receive federal funding for low-income housing?
2. Is there an opportunity for parking to be underground?

I'll follow-up with your response to each inquiry, but I wanted to notify you before the staff conference.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement

Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Sent:** Wednesday, December 8, 2021 11:22 AM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

External Email Communication

Thank you for sharing, and yes, I'd be happy to cover slides 12-20.

**Greg Otis, AIA | Senior Vice President- Strategic Planning  
Elevar Design Group Cincinnati**  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 744-2977  
F: (513) 721-0611  
C: (513) 675-4802

[www.elevar.com](http://www.elevar.com)

**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Sent:** Wednesday, December 8, 2021 11:09 AM  
**To:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** RE: 1001 Marshall Avenue Planned Development Staff Conference

Greg,

Please see the attached presentation. Change in presentation plans – I will run through slides 1-11 (process stuff) and, if it is okay with you, please take slides 12-20. Your slides cover the development details. I'll wrap it up with next steps and my contact information.

Thank you.

Best regards,

**Ashlee Dingler-Marshall | City Planner**

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



Ashlee

**From:** Dingler-Marshall, Ashlee  
**Sent:** Thursday, December 2, 2021 12:07 PM  
**To:** 'gotis@elevar.com' <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Subject:** 1001 Marshall Avenue Planned Development Staff Conference

Greg,

You are receiving this email because you requested to join an upcoming Public Staff Conference. Please use the information in this email, below, to access the meeting. Please do not share the link. If you know someone that is interested in participating in the meeting, please have them email me at [ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov) to RSVP no later than 24 hours before the meeting start time.

Thank you!

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement Two Centennial Plaza | 805 Central Avenue, Suite 720  
| Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)

---

In accordance with orders issued by state and local officials and applicable guidance concerning COVID-19, this Public Staff Conference will be conducted using video-conferencing technology. This meeting will be closed to in-person attendance to comply with social distancing requirements. The link below will allow you to join this meeting using the Zoom website. Please note that you will be muted when you join the meeting. Department of City Planning staff will facilitate and unmute participants throughout the meeting. It is important that each participant familiarize themselves with the Zoom video-conferencing technology BEFORE joining the meeting. Participants are strongly encouraged to visit the following link to join a test Zoom meeting - <https://zoom.us/test>. The test Zoom meeting will allow participants to ensure that all audio and video components are working properly on your computer or device. All desktop/laptop computers, tablets, and smartphones with internet access can join and participate in the hearing. Participants may also visit the Zoom Support Center to learn more about Zoom video-conferencing – <https://support.zoom.us/hc/en-us>.

[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov) is inviting you to a scheduled Zoom meeting.

Topic: 1001 Marshall Planned Development Staff Conference  
Time: Dec 8, 2021 03:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://cincinnati-oh.zoom.us/j/87973463868?pwd=QllyUjBENkkyYjdGTXp0cWRRMXlVQT09>

Meeting ID: 879 7346 3868  
Passcode: 596878



One tap mobile

+13017158592,,87973463868# US (Washington DC)

+13126266799,,87973463868# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 879 7346 3868

Find your local number: <https://cincinnati-oh.zoom.us/j/87973463868>

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement

Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202

513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



## Dingler-Marshall, Ashlee

---

**From:** Charles Kussmaul <cintiwood13@gmail.com>  
**Sent:** Thursday, January 6, 2022 11:17 AM  
**To:** Trevor Tollett  
**Cc:** carolinesueyoung@gmail.com; jack3cin@gmail.com; mary.h.singler@gmail.com; jenniferraemartin@gmail.com; hesstwin@hotmail.com; jwstork@gmail.com; francem@ucmail.uc.edu; cloyd000@fuse.net; andrea.schwallie@gmail.com; zieglerl@fuse.net; David VonderBrink; Brent Little; Stuart Roosth (stuart@roostharch.com); Spoor, Richard C.; Dingler-Marshall, Ashlee; Tepe, Thomas M., Jr.  
**Subject:** [External Email] Re: CUFNA/Fountain Residential Partners - Central Parkway/Marshall

External Email Communication

Hello, Trevor

I too am sorry that the communications would not work properly.

We are aware of your efforts to design a development more in keeping with the needs and aesthetics of our neighborhood. Just as you have certain criteria that allow you to move only a certain amount, we also have criteria. We do hope for a middle ground that we can all agree to.

Thanks,  
Chip

On Thu, Jan 6, 2022 at 11:07 AM Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)> wrote:

CUFNA:

Due to technical difficulties I am sorry I was unable to be in virtual attendance in a meaningful way Tuesday night, but I do want to thank all of you for the time you've afforded us over the past several months as we have navigated this design process for our proposed multifamily development at Central Parkway and Marshall/McMicken.

I and the principals of my firm has been developing these kinds of projects across the country for two decades and we have met with many neighborhood and civic associations. We do this because we sincerely care about the input and support of the communities we build in. Our goal is to always have support for our projects and we design these projects to that goal to the best of our ability. Our dealings with CUFNA have been exemplary of this type of community-focused design.

Since June 2021 we have been corresponding with CUFNA and we have attended most every CUFNA monthly meeting since to provide updates and progress. We have gone through a total of 6 site plans to try and accommodate the concerns expressed at those meetings. Those changes include:

- Scaling down the size and density of the project, in particular forgoing the development of the NEC of McMicken and Marshall all together
- Working with the University of Cincinnati shuttle division to ensure adequate transportation to and from the site
- Working with ArtsWorks Cincinnati to both relocate the existing murals and ensure future murals on the site
- Completely changes the elevations/façade designs
- Worked with the Cincinnati DOT to create traffic calming and increased pedestrian safety along Central Parkway
- Provided additional landscaping screening

Moreover, we have made ourselves available and answered all questions/concerns in an honest and timely manner.

Our current understanding from Tuesday night's meeting is that CUFNA's primary remaining comment is the parking, specifically the surface parking lot on the east side of Central Parkway. It is CUFNA's desire to have the buildings built on top of podium-designed structured parking. I'd like to address this concern in three parts.

1. CUFNA's wish that we put the buildings on the east side of Central on a podium is in opposition to their stated goals of community and neighborhood along Central Parkway. Our intent is to build an urban pedestrian way along both sides of Central Parkway with unit patios addressing the sidewalk and promoting the connection between our project and the neighborhood. We feel that buildings with the first floor twelve feet above the street (on top of a parking podium) will provide the opposite effect.
2. We have discussed how it is our business strategy to make this project competitive and more affordable than the high-density projects that are built directly next to campus. In order to do that, in order to keep our rental rates competitive, we simply can't afford to build a high-density, structured-parking project. Furthermore, podium-style parking, or tucked-under parking, is the most expensive kind of structured parking. This site is already a difficult site due to the topography and the amount of slope and retaining walls we must contend with. Redesigning the project to include podium parking is simply untenable.
3. At the in-person CUFNA meeting on November 17, 2021, I provided the (attached) site plans that we are calling "Phase II" of this project. As you are aware, the sellers of this property own additional parcels of land to the north and to the east of the subject property. We are in confidential negotiations to purchase additional properties as part of a "Phase II" of this development. This is something that we will have to go back to the City for, at a later date, to get approval to build. We are not in a position at this point to move forward with any design approvals for a Phase II, but the strategy for this additional phase is to complete the build-out along Central Parkway with another building that would take the place of the surface parking lot proposed in this current "Phase I." As part of this Phase II strategy we would work on additional parking on this additional purchased land. I believe once CUFNA takes into account this Phase II building, we will have addressed the overall concern about the surface parking lot along Central Parkway and maintained that street-front engagement that is indicative of a neighborhood setting.

In closing, it is very difficult to design a project that meets all stakeholders' approval, but Fountain Residential Partners and our design team have taken great steps in trying to create a project that CUFNA and the City of Cincinnati can be proud of. The University of Cincinnati is an important and growing institution. We understand and appreciate the historic neighborhoods in the area and the permanent residents that call these neighborhoods home. With the new construction of well-located, quality, well-managed housing, these historic neighborhoods can continue to thrive and maintain their single-family character while providing essential for-rent housing for a growing contingent of Cincinnati residents.

As always, I'm available for questions and comments.

Regards,

**Trevor C. Tollett**

Executive Vice President

**Fountain Residential Partners**

2626 Cole Avenue, Suite 620

Dallas, Texas 75204

Main 972.861.5080

Direct 972.861.5083

Mobile 214.727.6402

[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)

## Dingler-Marshall, Ashlee

---

**From:** Trevor Tollett <ttollett@fountainresidential.com>  
**Sent:** Wednesday, January 5, 2022 5:50 PM  
**To:** David VonderBrink  
**Cc:** Dingler-Marshall, Ashlee  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Ashlee –

I apologize for my late response. Yes, Sidney Nation and I have talked and emailed back and forth about the project.

She is traveling this week but we are set to discuss more detail on how we can work together next week.

No later than close of business tomorrow I'm going to copy you on an email to CUFNA about where we stand with them. Note we have been working with them since June of last year.

I'm available to chat about anything and everything if you so desire. Full contact information is below.

Regards,

**Trevor C. Tollett**  
Executive Vice President  
**Fountain Residential Partners**  
2626 Cole Avenue, Suite 620  
Dallas, Texas 75204  
Main 972.861.5080  
Direct 972.861.5083  
Mobile 214.727.6402  
[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)

**From:** David VonderBrink <dvonderbrink@elevar.com>  
**Sent:** Monday, January 3, 2022 11:08 AM  
**To:** Trevor Tollett <ttollett@fountainresidential.com>  
**Subject:** FW: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Trevor,

Please see the email below from Ashlee Dingler-Marshall with the City of Cincinnati. Are you able to provide additional information regarding conversations with Sidney Nation, with the Camp Washington Community Board?

Thanks!

David VonderBrink, RA | Senior Architect  
Elevar Design Group Cincinnati  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 745-6715  
F: (513) 721-0611

[www.elevar.com](http://www.elevar.com)

---

**From:** Dingler-Marshall, Ashlee [<mailto:ashlee.dingler-marshall@cincinnati-oh.gov>]  
**Sent:** Wednesday, December 22, 2021 4:33 PM  
**To:** David VonderBrink  
**Cc:** Weaver, James  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Thanks, David. I put in a request, via the instructions on the CUFNA website, and I'll follow up with you in case I still need virtual meeting access closer to the meeting date.

I report engagement information in my staff report to City Planning Commission. At the staff conference, the Developer's rep, Trevor, responded to questions and an invitation to collaborate from Executive Director of Camp Washington Community Board, Sidney Nation. She shared concerns about pedestrian connections, safety, walkability, and a desire to collaborate in key neighborhood program initiatives, such as opportunities for the artistic community. Are you able to share whether anything ever came of those conversations?

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Sent:** Tuesday, December 21, 2021 10:50 AM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Hi Ashlee and James,

It's a pleasure to meet you (at least virtually). Greg mentioned that you would like to attend the next CUFNA meeting? This is scheduled for Tuesday, January 4<sup>th</sup> at 7:00pm. I plan to attend in person but I believe a virtual meeting will be available. If for some reason it is not already setup, I will setup a virtual meeting and send out an invite so that those who cannot attend in person can be a part of the discussion.

In the meantime, please let me know if you need anything else from me or the ownership team.

Thanks!

David VonderBrink, RA | Senior Architect  
Elevar Design Group Cincinnati  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600

D: (513) 745-6715  
F: (513) 721-0611

[www.elevar.com](http://www.elevar.com)

---

**From:** Dingler-Marshall, Ashlee [<mailto:ashlee.dingler-marshall@cincinnati-oh.gov>]  
**Sent:** Tuesday, December 21, 2021 8:50 AM  
**To:** Greg Otis  
**Cc:** Weaver, James; David VonderBrink  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Greg,

Thank you for the update, and it has been a pleasure working with you! I wish you the best of luck in your endeavors. I look forward to connecting with Dave for future updates.

Best regards,

**Ashlee Dingler - Marshall** | City Planner  
City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [Facebook](#) | [Twitter](#) | [Website](#) | [Plan Cincinnati](#)



**From:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Sent:** Friday, December 17, 2021 11:10 AM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Ashlee:

Thank you for this schedule clarification. You will have building materials and revised landscape documents well in advance of 1/7. I will drop by a flash drive with the video we discussed regarding the new parking lot screen hedgerow. The developer has assured us that he will gladly speak to both the construction value and anticipated rental rate range during the upcoming hearings.

Additionally, I'd like to inform you and James that I will be leaving Elevar effective 12/31. The application is now in the very capable hands of Dave VonderBrink (copied here), who is also well known to the Planning staff and familiar with the PD approval process. Dave and Trevor Tollett (Fountain Residential Partners) will be meeting with CUFNA in January to further the pursuit of alignment with them in advance of the Planning Commission hearing.

Cheers to you both for the holidays and into the New Year.

Greg Otis, AIA | Senior Vice President- Strategic Planning  
Elevar Design Group Cincinnati  
555 Carr St.



Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 744-2977  
F: (513) 721-0611  
C: (513) 675-4802

[www.elevar.com](http://www.elevar.com)

**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Sent:** Friday, December 17, 2021 10:22 AM  
**To:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Greg,

Thanks for your call today. I forgot to mention one thing - if your PD application goes to the 1/21 City Planning Commission meeting (this is what we anticipate), I send mailed notice of the meeting two weeks prior to the meeting date – in this case, 1/7. We would like to have those outstanding materials (highlighted) we discussed for the Final Development Plan before that date for the concurrent application:

(e) Schematic Building Plans. Plans showing building footprints, schematic floor plans and exterior elevations and **types of building materials**. - for updated design submission (updated elevation drawings and some written indication about the change in building materials for clarity)

(f) Landscape Plans. Landscaping plans showing the placement of trees, shrubs, ground cover and associated structures and improvements, including **specifications, species and quantities**. – Updated Landscape plan with specifications, species, and quantities for updated hedges/shrubs to mask surface parking

While it is not required, we appreciate your willingness to provide a construction value (reflective of the final development plan), that may be included with the application for the staff report.

Please let me know if you have any questions.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Sent:** Wednesday, December 8, 2021 1:28 PM

**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

External Email Communication

Ashlee/James:

I've mentioned to you both and Katherine that we have been proactive in our outreach to CUFNA and Camp Wash Community Council. More so with CUFNA. During meetings CUFNA has raised pretty strong objection to the developer's Architect's "band-board," faux Italianate style that is currently in the renderings. The developer has engage Elevar to redesign the facades to bring authenticity and integrity to the design than simply an "old-west stage set" (their words).

I know CUFNA has no design-approval authority, but we *are* advancing a new exterior design that does not change the site or interior design in any way. Nor does it change the % of material usage on the facades.

My intention here is to make you aware of the effort, and to highlight the design of the exterior of the buildings are representative, not final.

Greg Otis, AIA | Senior Vice President- Strategic Planning  
Elevar Design Group Cincinnati  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 744-2977  
F: (513) 721-0611  
C: (513) 675-4802

[www.elevar.com](http://www.elevar.com)

**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Sent:** Wednesday, December 8, 2021 11:09 AM  
**To:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** RE: 1001 Marshall Avenue Planned Development Staff Conference

Greg,

Please see the attached presentation. Change in presentation plans – I will run through slides 1-11 (process stuff) and, if it is okay with you, please take slides 12-20. Your slides cover the development details. I'll wrap it up with next steps and my contact information.

Thank you.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



Ashlee

**From:** Dingler-Marshall, Ashlee  
**Sent:** Thursday, December 2, 2021 12:07 PM  
**To:** 'gotis@elevar.com' <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Subject:** 1001 Marshall Avenue Planned Development Staff Conference

Greg,

You are receiving this email because you requested to join an upcoming Public Staff Conference. Please use the information in this email, below, to access the meeting. Please do not share the link. If you know someone that is interested in participating in the meeting, please have them email me at [ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov) to RSVP no later than 24 hours before the meeting start time.

Thank you!

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement Two Centennial Plaza | 805 Central Avenue, Suite 720  
| Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)

---

In accordance with orders issued by state and local officials and applicable guidance concerning COVID-19, this Public Staff Conference will be conducted using video-conferencing technology. This meeting will be closed to in-person attendance to comply with social distancing requirements. The link below will allow you to join this meeting using the Zoom website. Please note that you will be muted when you join the meeting. Department of City Planning staff will facilitate and unmute participants throughout the meeting. It is important that each participant familiarize themselves with the Zoom video-conferencing technology BEFORE joining the meeting. Participants are strongly encouraged to visit the following link to join a test Zoom meeting - <https://zoom.us/test>. The test Zoom meeting will allow participants to ensure that all audio and video components are working properly on your computer or device. All desktop/laptop computers, tablets, and smartphones with internet access can join and participate in the hearing. Participants may also visit the Zoom Support Center to learn more about Zoom video-conferencing – <https://support.zoom.us/hc/en-us>.

[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov) is inviting you to a scheduled Zoom meeting.

Topic: 1001 Marshall Planned Development Staff Conference  
Time: Dec 8, 2021 03:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://cincinnati-oh.zoom.us/j/87973463868?pwd=QllyUIBENkkwYjdGTxp0cWRRMXIVQT09>

Meeting ID: 879 7346 3868  
Passcode: 596878

One tap mobile

+13017158592,,87973463868# US (Washington DC)

+13126266799,,87973463868# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 879 7346 3868

Find your local number: <https://cincinnati-oh.zoom.us/j/87973463868>

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement

Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202

513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



## Dingler-Marshall, Ashlee

---

**From:** Trevor Tollett <ttollett@fountainresidential.com>  
**Sent:** Thursday, January 6, 2022 11:08 AM  
**To:** carolinesueyoung@gmail.com; cintiwood13@gmail.com; jack3cin@gmail.com; mary.h.singler@gmail.com; jenniferraemartin@gmail.com; hesstwin@hotmail.com; jwstork@gmail.com; francem@ucmail.uc.edu; clloyd000@fuse.net; andrea.schwallie@gmail.com; zieglerl@fuse.net  
**Cc:** David VonderBrink; Brent Little; Stuart Roosth (stuart@roostharch.com); Spoor, Richard C.; Dingler-Marshall, Ashlee; Tepe, Thomas M., Jr.  
**Subject:** [External Email] CUFNA/Fountain Residential Partners - Central Parkway/Marshall  
**Attachments:** COLOR site flat.pdf; PHASE II SITE.pdf

### External Email Communication

#### CUFNA:

Due to technical difficulties I am sorry I was unable to be in virtual attendance in a meaningful way Tuesday night, but I do want to thank all of you for the time you've afforded us over the past several months as we have navigated this design process for our proposed multifamily development at Central Parkway and Marshall/McMicken.

I and the principals of my firm has been developing these kinds of projects across the country for two decades and we have met with many neighborhood and civic associations. We do this because we sincerely care about the input and support of the communities we build in. Our goal is to always have support for our projects and we design these projects to that goal to the best of our ability. Our dealings with CUFNA have been exemplary of this type of community-focused design.

Since June 2021 we have been corresponding with CUFNA and we have attended most every CUFNA monthly meeting since to provide updates and progress. We have gone through a total of 6 site plans to try and accommodate the concerns expressed at those meetings. Those changes include:

- Scaling down the size and density of the project, in particular forgoing the development of the NEC of McMicken and Marshall all together
- Working with the University of Cincinnati shuttle division to ensure adequate transportation to and from the site
- Working with ArtsWorks Cincinnati to both relocate the existing murals and ensure future murals on the site
- Completely changes the elevations/façade designs
- Worked with the Cincinnati DOT to create traffic calming and increased pedestrian safety along Central Parkway
- Provided additional landscaping screening

Moreover, we have made ourselves available and answered all questions/concerns in an honest and timely manner.

Our current understanding from Tuesday night's meeting is that CUFNA's primary remaining comment is the parking, specifically the surface parking lot on the east side of Central Parkway. It is CUFNA's desire to have the buildings built on top of podium-designed structured parking. I'd like to address this concern in three parts.

- 1) CUFNA's wish that we put the buildings on the east side of Central on a podium is in opposition to their stated goals of community and neighborhood along Central Parkway. Our intent is to build an urban pedestrian way along both sides of Central Parkway with unit patios addressing the sidewalk and promoting the connection between our project and the neighborhood. We feel that buildings with the first floor twelve feet above the street (on top of a parking podium) will provide the opposite effect.

- 2) We have discussed how it is our business strategy to make this project competitive and more affordable than the high-density projects that are built directly next to campus. In order to do that, in order to keep our rental rates competitive, we simply can't afford to build a high-density, structured-parking project. Furthermore, podium-style parking, or tucked-under parking, is the most expensive kind of structured parking. This site is already a difficult site due to the topography and the amount of slope and retaining walls we must contend with. Redesigning the project to include podium parking is simply untenable.
  
- 3) At the in-person CUFNA meeting on November 17, 2021, I provided the (attached) site plans that we are calling "Phase II" of this project. As you are aware, the sellers of this property own additional parcels of land to the north and to the east of the subject property. We are in confidential negotiations to purchase additional properties as part of a "Phase II" of this development. This is something that we will have to go back to the City for, at a later date, to get approval to build. We are not in a position at this point to move forward with any design approvals for a Phase II, but the strategy for this additional phase is to complete the build-out along Central Parkway with another building that would take the place of the surface parking lot proposed in this current "Phase I." As part of this Phase II strategy we would work on additional parking on this additional purchased land. I believe once CUFNA takes into account this Phase II building, we will have addressed the overall concern about the surface parking lot along Central Parkway and maintained that street-front engagement that is indicative of a neighborhood setting.

In closing, it is very difficult to design a project that meets all stakeholders' approval, but Fountain Residential Partners and our design team have taken great steps in trying to create a project that CUFNA and the City of Cincinnati can be proud of. The University of Cincinnati is an important and growing institution. We understand and appreciate the historic neighborhoods in the area and the permanent residents that call these neighborhoods home. With the new construction of well-located, quality, well-managed housing, these historic neighborhoods can continue to thrive and maintain their single-family character while providing essential for-rent housing for a growing contingent of Cincinnati residents.

As always, I'm available for questions and comments.

Regards,

**Trevor C. Tollett**  
Executive Vice President  
**Fountain Residential Partners**  
2626 Cole Avenue, Suite 620  
Dallas, Texas 75204  
Main 972.861.5080  
Direct 972.861.5083  
Mobile 214.727.6402  
[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)

## Dingler-Marshall, Ashlee

---

**From:** Jack Martin <jack3cin@gmail.com>  
**Sent:** Thursday, January 6, 2022 2:32 PM  
**To:** Charles Kussmaul  
**Cc:** Trevor Tollett; carolinesueyoung@gmail.com; mary.h.singler@gmail.com; jenniferraemartin@gmail.com; hesstwin@hotmail.com; jwstork@gmail.com; francem@ucmail.uc.edu; cloyd000@fuse.net; andrea.schwallie@gmail.com; zieglerl@fuse.net; David VonderBrink; Brent Little; Stuart Roosth (stuart@roostharch.com); Spoor, Richard C.; Dingler-Marshall, Ashlee; Tepe, Thomas M., Jr.  
**Subject:** [External Email] Re: CUFNA/Fountain Residential Partners - Central Parkway/Marshall

External Email Communication

Trevor et al -

I'd like to clarify what I see as our major objection and how it affects the proposal to park under the buildings.

While we are fundamentally opposed to surface parking lots, we understand that they are the least expensive way to store vehicles. We really have no objection at all to the parking at the rear of the buildings on the west side of Central Parkway. We do want that parking to be visually screened from the Parkway.

We are opposed to the large expanse of parking on the east side of Central Parkway. Even if totally screened with landscaping, etc., the parking is a major, and likely permanent, void between your project and our neighborhood. If not planned for, and designed into the project, that parking/void will remain until the need to store personal vehicles goes away. Having said that, where did the parking go to provide for the Phase II building in the above attachments? Off site?

The reason for proposing that parking be put under the buildings is to make additional land available for future development - Phase II, etc. I, like you, would not want to see the residences 12' above the sidewalk, but some vertical separation would be appropriate. I don't have access to all of your drawings, but I am not seeing that the units engage with the street. All entrances to the buildings appear to be at the ends or rear, and from the parking lots, with entrances to all units from central corridors. Central Parkway is not really an "urban" street. There are no amenities to attract pedestrians anywhere nearby on the Parkway. Granted, it can be a pleasant place to walk, but that walking is an end in itself, and students generally don't make up a large portion of the demographic of "recreational walkers".

Our biggest objection is to the surface parking built into the hill below McMicken Street. McMicken is a neighborhood street and we would like for your project to engage and integrate with our neighborhood. While the proposed hedge will screen the parking, it will never screen the fact that it is a large void in the streetscape and it will likely be permanent. If this parking were to be placed beneath buildings, it would not only allow for the proposed Phase II, it would allow for a future Phase to address McMicken Street and actually activate the neighborhood. It also should be recognized that the cost of excavation into the hillside, and the cost of the retaining wall could be eliminated and applied to structured parking below the buildings.

I hope I've done an adequate job of clarifying our position. Please understand that we truly want to see a development here, and understand that the current greenspace was never intended to be anything but an aesthetic placeholder for future development - for that, we are grateful to the Sansalones. We also would like to positively acknowledge the time that Greg, and now Dave, have spent with us and how they have listened to our concerns - most of which have been addressed. We understand that projects like this have time constraints (school schedules!), and that we will do what it takes to work with you on this project.



These are mostly my thoughts, but I think they generally express the feelings of the CUF Neighborhood Association. Each of us, I'm sure, have differing opinions about the design, both urban and architectural, but I wanted to address our major concern, because it is mostly irreversible if implemented.

Thanks! - Jack

On Thu, Jan 6, 2022 at 11:17 AM Charles Kussmaul <[cintiwood13@gmail.com](mailto:cintiwood13@gmail.com)> wrote:

Hello, Trevor

I too am sorry that the communications would not work properly.

We are aware of your efforts to design a development more in keeping with the needs and aesthetics of our neighborhood. Just as you have certain criteria that allow you to move only a certain amount, we also have criteria. We do hope for a middle ground that we can all agree to.

Thanks,  
Chip

On Thu, Jan 6, 2022 at 11:07 AM Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)> wrote:

CUFNA:

Due to technical difficulties I am sorry I was unable to be in virtual attendance in a meaningful way Tuesday night, but I do want to thank all of you for the time you've afforded us over the past several months as we have navigated this design process for our proposed multifamily development at Central Parkway and Marshall/McMicken.

I and the principals of my firm has been developing these kinds of projects across the country for two decades and we have met with many neighborhood and civic associations. We do this because we sincerely care about the input and support of the communities we build in. Our goal is to always have support for our projects and we design these projects to that goal to the best of our ability. Our dealings with CUFNA have been exemplary of this type of community-focused design.

Since June 2021 we have been corresponding with CUFNA and we have attended most every CUFNA monthly meeting since to provide updates and progress. We have gone through a total of 6 site plans to try and accommodate the concerns expressed at those meetings. Those changes include:

- Scaling down the size and density of the project, in particular forgoing the development of the NEC of McMicken and Marshall all together
- Working with the University of Cincinnati shuttle division to ensure adequate transportation to and from the site
- Working with ArtsWorks Cincinnati to both relocate the existing murals and ensure future murals on the site
- Completely changes the elevations/façade designs
- Worked with the Cincinnati DOT to create traffic calming and increased pedestrian safety along Central Parkway
- Provided additional landscaping screening

Moreover, we have made ourselves available and answered all questions/concerns in an honest and timely manner.

Our current understanding from Tuesday night's meeting is that CUFNA's primary remaining comment is the parking, specifically the surface parking lot on the east side of Central Parkway. It is CUFNA's desire to have the buildings built on top of podium-designed structured parking. I'd like to address this concern in three parts.

1. CUFNA's wish that we put the buildings on the east side of Central on a podium is in opposition to their stated goals of community and neighborhood along Central Parkway. Our intent is to build an urban pedestrian way along both sides of Central Parkway with unit patios addressing the sidewalk and promoting the connection between our project and the neighborhood. We feel that buildings with the first floor twelve feet above the street (on top of a parking podium) will provide the opposite effect.
  
2. We have discussed how it is our business strategy to make this project competitive and more affordable than the high-density projects that are built directly next to campus. In order to do that, in order to keep our rental rates competitive, we simply can't afford to build a high-density, structured-parking project. Furthermore, podium-style parking, or tucked-under parking, is the most expensive kind of structured parking. This site is already a difficult site due to the topography and the amount of slope and retaining walls we must contend with. Redesigning the project to include podium parking is simply untenable.
  
3. At the in-person CUFNA meeting on November 17, 2021, I provided the (attached) site plans that we are calling "Phase II" of this project. As you are aware, the sellers of this property own additional parcels of land to the north and to the east of the subject property. We are in confidential negotiations to purchase additional properties as part of a "Phase II" of this development. This is something that we will have to go back to the City for, at a later date, to get approval to build. We are not in a position at this point to move forward with any design approvals for a Phase II, but the strategy for this additional phase is to complete the build-out along Central Parkway with another building that would take the place of the surface parking lot proposed in this current "Phase I." As part of this Phase II strategy we would work on additional parking on this additional purchased land. I believe once CUFNA takes into account this Phase II building, we will have addressed the overall concern about the surface parking lot along Central Parkway and maintained that street-front engagement that is indicative of a neighborhood setting.

In closing, it is very difficult to design a project that meets all stakeholders' approval, but Fountain Residential Partners and our design team have taken great steps in trying to create a project that CUFNA and the City of Cincinnati can be proud of. The University of Cincinnati is an important and growing institution. We understand and appreciate the historic neighborhoods in the area and the permanent residents that call these neighborhoods home. With the new construction of well-located, quality, well-managed housing, these historic neighborhoods can continue to thrive and maintain their single-family character while providing essential for-rent housing for a growing contingent of Cincinnati residents.

As always, I'm available for questions and comments.

Regards,

**Trevor C. Tollett**

Executive Vice President

**Fountain Residential Partners**

2626 Cole Avenue, Suite 620

Dallas, Texas 75204

Main 972.861.5080

Direct 972.861.5083

Mobile 214.727.6402

[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)

--

Jack Martin

M: 513-484-5067

E: [jack3cin@gmail.com](mailto:jack3cin@gmail.com)

## Dingler-Marshall, Ashlee

---

**From:** CAROLYN YOUNG <carolinesueyoung@gmail.com>  
**Sent:** Tuesday, January 11, 2022 11:13 AM  
**To:** Dingler-Marshall, Ashlee  
**Subject:** Re: [External Email] Re: CUFNA/Fountain Residential Partners - Central Parkway/Marshall  
**Attachments:** image001.jpg

Yes, please add these comments to the report.

Thanks,

Carolyn

On Thu, Jan 6, 2022, 3:51 PM Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)> wrote:

Carolyn,

Thank you for your comments.

Would you like me to add these as part of your written comment to the staff report?

Best regards,

**Ashlee Dingler-Marshall | City Planner**

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** CAROLYN YOUNG <[carolinesueyoung@gmail.com](mailto:carolinesueyoung@gmail.com)>

**Sent:** Thursday, January 6, 2022 3:49 PM

**To:** Jack Martin <[jack3cin@gmail.com](mailto:jack3cin@gmail.com)>

**Cc:** Charles Kusssmaul <[cintiwood13@gmail.com](mailto:cintiwood13@gmail.com)>; Mary Singler <[mary.h.singler@gmail.com](mailto:mary.h.singler@gmail.com)>; Jenn Martin <[jenniferraemartin@gmail.com](mailto:jenniferraemartin@gmail.com)>; [hesstwin@hotmail.com](mailto:hesstwin@hotmail.com); John Stork CUF <[jwstork@gmail.com](mailto:jwstork@gmail.com)>; Maureen (francem) France <[francem@ucmail.uc.edu](mailto:francem@ucmail.uc.edu)>; Craig Lloyd <[clloyd000@fuse.net](mailto:clloyd000@fuse.net)>; andrea schwallie <[andrea.schwallie@gmail.com](mailto:andrea.schwallie@gmail.com)>; linda ziegler <[zieglerl@fuse.net](mailto:zieglerl@fuse.net)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>; Brent Little <[blittle@fountainresidential.com](mailto:blittle@fountainresidential.com)>; Stuart Roosth ([stuart@roostharch.com](mailto:stuart@roostharch.com)) <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; Tepe, Thomas M., Jr. <[TTEPE@kmklaw.com](mailto:TTEPE@kmklaw.com)>

**Subject:** [External Email] Re: CUFNA/Fountain Residential Partners - Central Parkway/Marshall

External Email Communication

I'm on-point with Jack's response to Trevor's letter, also the elimination of the original Phase III (McMicken and Marshall NE corner) wasn't on behalf of a direct request by the CUFNA but by default due to the hillside overlay constraints/expenses. I also don't recall anyone from CUFNA asking for patios or other socializing areas along "Central Parkway", again I think that resulted as (1) a design response to our criticism of the enormous amount of surface parking lots and (2) an Out-of-State Developer who doesn't understand the history and dynamics of our City and Neighborhood.

Sincerely,

Carolyn

On Thu, Jan 6, 2022, 2:31 PM Jack Martin <[jack3cin@gmail.com](mailto:jack3cin@gmail.com)> wrote:

Trevor et al -

I'd like to clarify what I see as our major objection and how it affects the proposal to park under the buildings.

While we are fundamentally opposed to surface parking lots, we understand that they are the least expensive way to store vehicles. We really have no objection at all to the parking at the rear of the buildings on the west side of Central Parkway. We do want that parking to be visually screened from the Parkway.

We are opposed to the large expanse of parking on the east side of Central Parkway. Even if totally screened with landscaping, etc., the parking is a major, and likely permanent, void between your project and our neighborhood. If not planned for, and designed into the project, that parking/void will remain until the need to store personal vehicles

goes away. Having said that, where did the parking go to provide for the Phase II building in the above attachments? Off site?

The reason for proposing that parking be put under the buildings is to make additional land available for future development - Phase II, etc. I, like you, would not want to see the residences 12' above the sidewalk, but some vertical separation would be appropriate. I don't have access to all of your drawings, but I am not seeing that the units engage with the street. All entrances to the buildings appear to be at the ends or rear, and from the parking lots, with entrances to all units from central corridors. Central Parkway is not really an "urban" street. There are no amenities to attract pedestrians anywhere nearby on the Parkway. Granted, it can be a pleasant place to walk, but that walking is an end in itself, and students generally don't make up a large portion of the demographic of "recreational walkers".

Our biggest objection is to the surface parking built into the hill below McMicken Street. McMicken is a neighborhood street and we would like for your project to engage and integrate with our neighborhood. While the proposed hedge will screen the parking, it will never screen the fact that it is a large void in the streetscape and it will likely be permanent. If this parking were to be placed beneath buildings, it would not only allow for the proposed Phase II, it would allow for a future Phase to address McMicken Street and actually activate the neighborhood. It also should be recognized that the cost of excavation into the hillside, and the cost of the retaining wall could be eliminated and applied to structured parking below the buildings.

I hope I've done an adequate job of clarifying our position. Please understand that we truly want to see a development here, and understand that the current greenspace was never intended to be anything but an aesthetic placeholder for future development - for that, we are grateful to the Sansalones. We also would like to positively acknowledge the time that Greg, and now Dave, have spent with us and how they have listened to our concerns - most of which have been addressed. We understand that projects like this have time constraints (school schedules!), and that we will do what it takes to work with you on this project.

These are mostly my thoughts, but I think they generally express the feelings of the CUF Neighborhood Association. Each of us, I'm sure, have differing opinions about the design, both urban and architectural, but I wanted to address our major concern, because it is mostly irreversible if implemented.

Thanks! - Jack

On Thu, Jan 6, 2022 at 11:17 AM Charles Kussmaul <[cintiwood13@gmail.com](mailto:cintiwood13@gmail.com)> wrote:

Hello, Trevor

I too am sorry that the communications would not work properly.

We are aware of your efforts to design a development more in keeping with the needs and aesthetics of our neighborhood. Just as you have certain criteria that allow you to move only a certain amount, we also have criteria. We do hope for a middle ground that we can all agree to.

Thanks,

Chip

On Thu, Jan 6, 2022 at 11:07 AM Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)> wrote:

CUFNA:

Due to technical difficulties I am sorry I was unable to be in virtual attendance in a meaningful way Tuesday night, but I do want to thank all of you for the time you've afforded us over the past several months as we have navigated this design process for our proposed multifamily development at Central Parkway and Marshall/McMicken.

I and the principals of my firm has been developing these kinds of projects across the country for two decades and we have met with many neighborhood and civic associations. We do this because we sincerely care about the input and support of the communities we build in. Our goal is to always have support for our projects and we design these projects to that goal to the best of our ability. Our dealings with CUFNA have been exemplary of this type of community-focused design.

Since June 2021 we have been corresponding with CUFNA and we have attended most every CUFNA monthly meeting since to provide updates and progress. We have gone through a total of 6 site plans to try and accommodate the concerns expressed at those meetings. Those changes include:

- Scaling down the size and density of the project, in particular forgoing the development of the NEC of McMicken and Marshall all together
- Working with the University of Cincinnati shuttle division to ensure adequate transportation to and from the site
- Working with ArtsWorks Cincinnati to both relocate the existing murals and ensure future murals on the site
- Completely changes the elevations/façade designs
- Worked with the Cincinnati DOT to create traffic calming and increased pedestrian safety along Central Parkway
- Provided additional landscaping screening



Moreover, we have made ourselves available and answered all questions/concerns in an honest and timely manner.

Our current understanding from Tuesday night's meeting is that CUFNA's primary remaining comment is the parking, specifically the surface parking lot on the east side of Central Parkway. It is CUFNA's desire to have the buildings built on top of podium-designed structured parking. I'd like to address this concern in three parts.

1. CUFNA's wish that we put the buildings on the east side of Central on a podium is in opposition to their stated goals of community and neighborhood along Central Parkway. Our intent is to build an urban pedestrian way along both sides of Central Parkway with unit patios addressing the sidewalk and promoting the connection between our project and the neighborhood. We feel that buildings with the first floor twelve feet above the street (on top of a parking podium) will provide the opposite effect.
2. We have discussed how it is our business strategy to make this project competitive and more affordable than the high-density projects that are built directly next to campus. In order to do that, in order to keep our rental rates competitive, we simply can't afford to build a high-density, structured-parking project. Furthermore, podium-style parking, or tucked-under parking, is the most expensive kind of structured parking. This site is already a difficult site due to the topography and the amount of slope and retaining walls we must contend with. Redesigning the project to include podium parking is simply untenable.
3. At the in-person CUFNA meeting on November 17, 2021, I provided the (attached) site plans that we are calling "Phase II" of this project. As you are aware, the sellers of this property own additional parcels of land to the north and to the east of the subject property. We are in confidential negotiations to purchase additional properties as part of a "Phase II" of this development. This is something that we will have to go back to the City for, at a later date, to get approval to build. We are not in a position at this point to move forward with any design approvals for a Phase II, but the strategy for this additional phase is to complete the build-out along Central Parkway with another building that would take the place of the surface parking lot proposed in this current "Phase I." As part of this Phase II strategy we would work on additional parking on this additional purchased land. I believe once CUFNA takes into account this Phase II building, we will have addressed the overall concern about the surface parking lot along Central Parkway and maintained that street-front engagement that is indicative of a neighborhood setting.

In closing, it is very difficult to design a project that meets all stakeholders' approval, but Fountain Residential Partners and our design team have taken great steps in trying to create a project that CUFNA and the City of Cincinnati can be proud of. The University of Cincinnati is an important and growing institution. We understand and appreciate the historic neighborhoods in the area and the permanent residents that call these neighborhoods home. With the new construction of well-located, quality, well-managed housing, these historic neighborhoods can continue to thrive and maintain their single-family character while providing essential for-rent housing for a growing contingent of Cincinnati residents.

As always, I'm available for questions and comments.

Regards,

**Trevor C. Tollett**

Executive Vice President

**Fountain Residential Partners**

2626 Cole Avenue, Suite 620

Dallas, Texas 75204

Main 972.861.5080

Direct 972.861.5083

Mobile 214.727.6402

[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)

--

Jack Martin

M: 513-484-5067

E: [jack3cin@gmail.com](mailto:jack3cin@gmail.com)

## Dingler-Marshall, Ashlee

---

**From:** Trevor Tollett <ttollett@fountainresidential.com>  
**Sent:** Thursday, January 13, 2022 1:50 PM  
**To:** Dingler-Marshall, Ashlee; Spoor, Richard C.; David VonderBrink  
**Cc:** Weaver, James; Michael Seeger; Stuart Roosth; Tepe, Thomas M., Jr.; Kreider, Kenneth P.; Brent Little  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference [IWOV-IMANAGE.FID1433324]

Thank you. Understood.

Please see my below response to construction schedule in **RED**. Let me know if you need additional information on the construction schedule aspect of this application.

Regards,

**Trevor C. Tollett**  
Executive Vice President  
**Fountain Residential Partners**  
2626 Cole Avenue, Suite 620  
Dallas, Texas 75204  
Main 972.861.5080  
Direct 972.861.5083  
Mobile 214.727.6402  
[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)

**From:** Dingler-Marshall, Ashlee <ashlee.dingler-marshall@cincinnati-oh.gov>  
**Sent:** Thursday, January 13, 2022 12:41 PM  
**To:** Trevor Tollett <ttollett@fountainresidential.com>; Spoor, Richard C. <rcspoor@kmklaw.com>; David VonderBrink <dvonderbrink@elevar.com>  
**Cc:** Weaver, James <James.Weaver@cincinnati-oh.gov>; Michael Seeger <mls@choiceoneengineering.com>; Stuart Roosth <stuart@roostharch.com>; Tepe, Thomas M., Jr. <TTEPE@KMKLAW.com>; Kreider, Kenneth P. <KPKreider@KMKLAW.com>; Brent Little <blittle@fountainresidential.com>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference [IWOV-IMANAGE.FID1433324]

Trevor,

Thanks for your email.

Mailed notice of the City Planning Commission meeting would go out on 1/21/22 by noon. We would hope you would be able to address the outstanding issues for your Concept Plan before that date.

For your submissions, our understanding from the Law Department is that you could update your Concept Plan to be general, as long as your submitted documents that meet the requirements outlined in Chapter 1429 "Planned Development Districts" of the Cincinnati Zoning Code. Again, as a friendly reminder, if there is a major amendment to an approved Concept Plan (Section 1429-12 of the Cincinnati Zoning Code), this will trigger a subsequent zoning process that would require additional legislation. Along with your Concept Plan, you could also choose to proceed with the Hallmar Avenue vacation and sale with conditions.

Ideally, we recommend that you would resolve the concerns from MSD, DOTE, and Law regarding the slope and sewer easements, as well as the outstanding issues with the vacation of Hallmar Avenue before we take it all to CPC. We have CPC meetings the first and third Friday of each month. At this time, we don't want to commit to a date until we have reviewed any new and/or updated documents that you may plan on submitting to us.

Lastly, as indicated in the email I sent yesterday in response to Richard Spoor, we still need construction schedule information for the Concept Plan requirement (Section 1429-09, Cincinnati Zoning Code)

1. Schedule. Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two-year time period. **The total site is to be developed in one phase. The concept plan – the architectural and engineering site plans that we are submitting – will be built at one time. The construction start date will be determined by the date on which we (hopefully) get approved by City Council. We will then start producing permit level drawings. The goal is to have a certificate of occupancy and resident move in come August 2024. Ideally, we would get starting with construction on this project in late summer, or early fall 2022.**

a. When do you plan to start and finish construction of Phase 1?

b. When are you scheduling Phase II (if there is one)? **We do not currently have a Phase II that is in the works. We have concept plans that we have begun battling around, but nothing definitive. We will not be submitting any additional plans, for any additional properties in the area, for at least until after this current plan is approved.**

Please let me know if you have any questions.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>

**Sent:** Wednesday, January 12, 2022 6:36 PM

**To:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>

**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>; Brent Little <[blittle@fountainresidential.com](mailto:blittle@fountainresidential.com)>

**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference [IWOV-IMANAGE.FID1433324]

Ashlee –

What is the cutoff date that we need to hit for us to make the February 4<sup>th</sup> Planning Commission hearing? We are on a short timeframe for development approvals.

We have been working diligently to get these two remaining comments to you. We have a call with the City's law department and DOT this Friday. It has been difficult to pin the correct folks down to discuss the slope easement.

We will be working with MSD this week and next to propose our new sewer outlay. Our engineers have done the required diligence, so this should not be an issue, but obviously we do not want to fully engineer/design the system until we have planning approvals.

It is our understanding that these two issues are the only comments remaining that are withholding us from the Planning Commission hearing on January 21<sup>st</sup>.

We very much appreciate all your work and communication.

Regards,

**Trevor C. Tollett**  
Executive Vice President  
**Fountain Residential Partners**  
2626 Cole Avenue, Suite 620  
Dallas, Texas 75204  
Main 972.861.5080  
Direct 972.861.5083  
Mobile 214.727.6402  
[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)

**From:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>  
**Sent:** Wednesday, January 12, 2022 2:16 PM  
**To:** Dinger-Marshall, Ashlee <[ashlee.dinger-marshall@cincinnati-oh.gov](mailto:ashlee.dinger-marshall@cincinnati-oh.gov)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference [IWOV-IMANAGE.FID1433324]

Ashlee,

Thanks for following up on the meeting on the 21<sup>st</sup>. The applicant team understands and appreciates the Department's recommendation in this matter. We will continue to work through those issues and hope to present the proposal before Planning Commission at its meeting on February the 4<sup>th</sup>.

We will be in touch shortly with updates on the relevant issues outlined in your email. If you have any questions for me at this time, please let me know.

Thanks,

Richard

**Richard C. Spoor**  
Associate  
[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)

# KMK | Law

**Keating Muething & Klekamp PLL**

One East 4th Street | Suite 1400 | Cincinnati, OH 45202

Direct: (513) 579-6449 | Fax: (513) 579-6457

[kmklaw.com](http://kmklaw.com) | [KMK on LinkedIn](#) | [KMK on Twitter](#)

**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>

**Sent:** Wednesday, January 12, 2022 9:59 AM

**To:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>

**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mis@choiceoneengineering.com](mailto:mis@choiceoneengineering.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>

**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference

Applicant Team,

You applied for concurrent review of a proposed Zone Change to Planned Development, Concept Plan, Development Statement, and Final Development Plan for 1001 Marshall Avenue. However, we understand that you would like to move forward with the Concept Plan, Development Statement, and proposed Zone Change, only, for review at the 1/21/22 City Planning Commission meeting. Our plan is to assist you through that process, but I am sharing the risks associated with moving forward with the Concept Plan at this point, rather than resolving the following prior to a City Planning Commission review. The outstanding issues for your Concept Plan include:

- All conditions related to the coordinated report for the Hallmar vacation haven't been satisfied. Some conditions could impact a PD concept plan (building location, setbacks, open space, etc.), which is important because you would need a major amendment to the concept plan if you need to move the locations of buildings closer to property lines due to an inability to resolve the issues below.
  - A sewer easement runs through the center of their site on both sides of Central Parkway, which would need to be rerouted and abandoned.
- Slope easements encumber the property along McMicken, Hallmar, and Marshall, among other locations.
  - The slopes and walls protect and support the streets and underground utilities in the area and could impact building location and setbacks, as well.

The Department of City Planning and Engagement would honor the request to move forward but does not recommend it at this time. If there is a major amendment to an approved Concept Plan (Section 1429-12 of the Cincinnati Zoning Code), due to any of the above, this will trigger a subsequent zoning process that would require additional legislation, including:

1. \$3,000 fee for an amended Concept Plan request
2. Coordinated Site Review for amended Concept Plan
3. Staff Conference for amended Concept Plan

We recommend you address these issues before going before City Planning Commission. If you should decide to move forward with your current application for the Zone Change, Concept, Plan and Development Statement, I will submit the general Site Plan that was submitted as the Concept Plan. Additionally, pursuant Section 1429-09 of the Cincinnati Zoning Code, **I am still in need of the following for your Concept Plan application:**

1. Schedule. Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two-year time period.
  - a. When do you plan to start and finish construction of Phase 1?
  - b. When are you scheduling Phase II (if there is one)?

Please let me know if you have any questions.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>  
**Sent:** Monday, January 10, 2022 4:55 PM  
**To:** Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference

Ashlee,

I hope you had a nice weekend. I wanted to follow up on this communication from Trevor to verify that the concept plan and conditional approval are going to be on the agenda for Planning Commission this month. Please let me know at your convenience.

Best,

Richard

**Richard C. Spoor**  
Associate  
[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)

**KMK | Law**

**Keating Muething & Klekamp PLL**  
One East 4th Street | Suite 1400 | Cincinnati, OH 45202



Direct: (513) 579-6449 | Fax: (513) 579-6457  
kmklaw.com | KMK on LinkedIn | KMK on Twitter

**From:** Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>

**Sent:** Friday, January 7, 2022 10:46 AM

**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>

**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>

**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference

**Importance:** High

I am OK with the conditions.

Michael, we need to hear from you on the utility plans.

**Trevor C. Tollett**

Executive Vice President

**Fountain Residential Partners**

2626 Cole Avenue, Suite 620

Dallas, Texas 75204

Main 972.861.5080

Direct 972.861.5083

Mobile 214.727.6402

[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)

**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>

**Sent:** Friday, January 7, 2022 8:56 AM

**To:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>

**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>

**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference

Richard,

I am required to mail 14 days' notice of a City Planning Commission meeting with your item on the agenda. The deadline for notice is this morning, and I cannot send it unless I can confirm the following:

Law shared that they spoke to you yesterday afternoon about moving the concept plan approval and vacation forward to Planning Commission on January 21, with appropriate conditions to address City concerns re: the vacation.

I need to know **ASAP** if the applicant is fine with those conditions or if they would prefer to hold everything for a later date.

Additionally, I heard from Trevor, and I am awaiting a response from Micheal for a utility plan that includes sewer for my staff report – my deadline for staff report is next Tuesday.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>  
**Sent:** Thursday, January 6, 2022 9:57 AM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference

Thanks, Ashlee. I have reached out to Law and will again today.

**Richard C. Spoor**  
Associate  
[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)

**KMK | Law**

**Keating Muething & Klekamp PLL**  
One East 4th Street | Suite 1400 | Cincinnati, OH 45202  
Direct: (513) 579-6449 | Fax: (513) 579-6457  
[kmklaw.com](http://kmklaw.com) | [KMK on LinkedIn](#) | [KMK on Twitter](#)

**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Sent:** Thursday, January 6, 2022 9:55 AM  
**To:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference [IWOV-IMANAGE.FID1433324]

Richard,

Thanks for your response.

As you mentioned in your plan of action for moving forward, the applicant must reach out to Real Estate, directly. Once the CR process is complete, Real Estate will tell us we can proceed with the proposed vacation of Hallmar, which should happen before proceeding with the Final Development Plan. If we can get that firmed up by Friday, 1/7/22, then we can keep the Final Development Plan on the agenda and add the vacation of Hallmar as a separate item on the same

agenda. If the vacation is not ready to go, we will need to hold off on the Final Development Plan until it is ready, but the zone change to Planned Development could still proceed.

Please let me know if you have any questions.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>  
**Sent:** Tuesday, January 4, 2022 2:03 PM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference [IWOV-IMANAGE.FID1433324]

Thanks, Ashlee.

Michael can give more details on his discussions with the various departments in addressing their responses to the CR. To give an overview, however, Michael and the team have been in touch with DOTE, MSD, and GCWW in connection with their CR conditions. In response to MSD, Michael and the team have been inspecting to the sewer on the property to fully map it out. In response to GCWW, we are waiting for flow numbers from an MEP engineer in connection with establishing a mainline extension route. In response to DOTE, we have received comments on the traffic study and should be returning a report shortly.

I will give Charles Martinez in law a call to discuss the on-going CR condition responses. I am hopeful that we can memorialize these conditions in the vacation documentation and clear the way for Planning Commission, since progress is being made on them and they were not objections. All the same, I will touch base with Law and circle back.

Best,

Richard

**Richard C. Spoor**

Associate  
[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)

## KMK | Law

Keating Muething & Klekamp PLL

One East Fourth Street | Suite 1400 | Cincinnati, OH 45202 | [Map](#)

Direct: (513) 579-6449 | Fax: (513) 579-6457

[kmklaw.com](http://kmklaw.com) | [KMK on LinkedIn](#) | [KMK on Twitter](#)

**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>

**Sent:** Tuesday, January 4, 2022 1:46 PM

**To:** David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>

**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>

**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Thanks, Dave and Richard.

In the event that Coordinated Report Process for Hallmar Avenue is not completed, my understanding is that we can move forward with the Zone Change review, Concept Plan, and Development Statement at the 1/21 City Planning Commission meeting, but we would have to prepare the Final Development Plan review for a later meeting date (based on when the Coordinated Report process is completed).

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement

Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202

513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>

**Sent:** Tuesday, January 4, 2022 1:35 PM

**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>

**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>

**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Thanks Ashlee, and will do.

I am looping in the ownership and design team into this email. I was incorrect in assuming that Michael Seeger with Choice One was handling this. Richard Spoor with KMK Law should be able to chime in, if he sees these emails and is available to respond.

Thanks!

David VonderBrink, RA | Senior Architect  
Elevar Design Group Cincinnati  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 745-6715  
F: (513) 721-0611

[www.elevar.com](http://www.elevar.com)

---

**From:** Dingler-Marshall, Ashlee [<mailto:ashlee.dingler-marshall@cincinnati-oh.gov>]  
**Sent:** Tuesday, January 04, 2022 1:25 PM  
**To:** David VonderBrink  
**Cc:** Weaver, James  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Thanks, Dave. Please get back to me about this as soon as you can.

I have received a note from the Legal Department, regarding the 1/21/22 City Planning Commission date:

*"Please provide an update on the status of the Hallmar vacation. Since there is the intent for a concurrent Concept/FDP the applicant needs to show appropriate property control."*

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Sent:** Tuesday, January 4, 2022 10:30 AM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Hi Ashlee,

Let me look into that and get back to you. I believe Michael Seeger with Choice One Engineering (Civil) has been leading that conversation, but I will confirm.

Thanks!

David VonderBrink, RA | Senior Architect  
Elevar Design Group Cincinnati  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 745-6715  
F: (513) 721-0611

[www.elevar.com](http://www.elevar.com)

---

**From:** Dingler-Marshall, Ashlee [<mailto:ashlee.dingler-marshall@cincinnati-oh.gov>]  
**Sent:** Tuesday, January 04, 2022 10:28 AM  
**To:** David VonderBrink  
**Cc:** Weaver, James  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Dave,

Where are you all with the Coordinated Site Process for the vacation of Hallmar Avenue? Are you planning to have that reviewed at the 1/21 City Planning Commission, as well, or at a future date?

Ashlee

**From:** David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Sent:** Tuesday, December 21, 2021 10:50 AM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Hi Ashlee and James,

It's a pleasure to meet you (at least virtually). Greg mentioned that you would like to attend the next CUFNA meeting? This is scheduled for Tuesday, January 4<sup>th</sup> at 7:00pm. I plan to attend in person but I believe a virtual meeting will be available. If for some reason it is not already setup, I will setup a virtual meeting and send out an invite so that those who cannot attend in person can be a part of the discussion.

In the meantime, please let me know if you need anything else from me or the ownership team.

Thanks!

David VonderBrink, RA | Senior Architect  
Elevar Design Group Cincinnati  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 745-6715  
F: (513) 721-0611

[www.elevar.com](http://www.elevar.com)

---

**From:** Dingler-Marshall, Ashlee [<mailto:ashlee.dingler-marshall@cincinnati-oh.gov>]  
**Sent:** Tuesday, December 21, 2021 8:50 AM  
**To:** Greg Otis



**Cc:** Weaver, James; David VonderBrink  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Greg,

Thank you for the update, and it has been a pleasure working with you! I wish you the best of luck in your endeavors. I look forward to connecting with Dave for future updates.

Best regards,

**Ashlee Dingler - Marshall** | City Planner  
City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [Facebook](#) | [Twitter](#) | [Website](#) | [Plan Cincinnati](#)



**From:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Sent:** Friday, December 17, 2021 11:10 AM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Ashlee:

Thank you for this schedule clarification. You will have building materials and revised landscape documents well in advance of 1/7. I will drop by a flash drive with the video we discussed regarding the new parking lot screen hedgerow. The developer has assured us that he will gladly speak to both the construction value and anticipated rental rate range during the upcoming hearings.

Additionally, I'd like to inform you and James that I will be leaving Elevar effective 12/31. The application is now in the very capable hands of Dave VonderBrink (copied here), who is also well known to the Planning staff and familiar with the PD approval process. Dave and Trevor Tollett (Fountain Residential Partners) will be meeting with CUFNA in January to further the pursuit of alignment with them in advance of the Planning Commission hearing.

Cheers to you both for the holidays and into the New Year.

Greg Otis, AIA | Senior Vice President- Strategic Planning  
Elevar Design Group Cincinnati  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 744-2977  
F: (513) 721-0611  
C: (513) 675-4802

[www.elevar.com](http://www.elevar.com)



**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Sent:** Friday, December 17, 2021 10:22 AM  
**To:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Greg,

Thanks for your call today. I forgot to mention one thing - if your PD application goes to the 1/21 City Planning Commission meeting (this is what we anticipate), I send mailed notice of the meeting two weeks prior to the meeting date – in this case, 1/7. We would like to have those outstanding materials (highlighted) we discussed for the Final Development Plan before that date for the concurrent application:

(e) Schematic Building Plans. Plans showing building footprints, schematic floor plans and exterior elevations and **types of building materials**. - for updated design submission (updated elevation drawings and some written indication about the change in building materials for clarity)

(f) Landscape Plans. Landscaping plans showing the placement of trees, shrubs, ground cover and associated structures and improvements, including **specifications, species and quantities**. – Updated Landscape plan with specifications, species, and quantities for updated hedges/shrubs to mask surface parking

While it is not required, we appreciate your willingness to provide a construction value (reflective of the final development plan), that may be included with the application for the staff report.

Please let me know if you have any questions.

Best regards,

**Ashlee Dingler-Marshall | City Planner**

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Sent:** Wednesday, December 8, 2021 1:28 PM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

External Email Communication

Ashlee/James:

I've mentioned to you both and Katherine that we have been proactive in our outreach to CUFNA and Camp Wash Community Council. More so with CUFNA. During meetings CUFNA has raised pretty strong objection to the developer's Architect's "band-board," faux Italianate style that is currently in the renderings. The developer has engage Elevar to redesign the facades to bring authenticity and integrity to the design than simply an "old-west stage set" (their words).

I know CUFNA has no design-approval authority, but we *are* advancing a new exterior design that does not change the site or interior design in any way. Nor does it change the % of material usage on the facades.

My intention here is to make you aware of the effort, and to highlight the design of the exterior of the buildings are representative, not final.

**Greg Otis, AIA | Senior Vice President- Strategic Planning  
Elevar Design Group Cincinnati**

555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 744-2977  
F: (513) 721-0611  
C: (513) 675-4802

[www.elevar.com](http://www.elevar.com)

**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Sent:** Wednesday, December 8, 2021 11:09 AM  
**To:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** RE: 1001 Marshall Avenue Planned Development Staff Conference

Greg,

Please see the attached presentation. Change in presentation plans – I will run through slides 1-11 (process stuff) and, if it is okay with you, please take slides 12-20. Your slides cover the development details. I'll wrap it up with next steps and my contact information.

Thank you.

Best regards,

**Ashlee Dingler-Marshall | City Planner**

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



Ashlee

**From:** Dingler-Marshall, Ashlee  
**Sent:** Thursday, December 2, 2021 12:07 PM  
**To:** 'gotis@elevar.com' <gotis@elevar.com>  
**Subject:** 1001 Marshall Avenue Planned Development Staff Conference

Greg,

You are receiving this email because you requested to join an upcoming Public Staff Conference. Please use the information in this email, below, to access the meeting. Please do not share the link. If you know someone that is interested in participating in the meeting, please have them email me at [ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov) to RSVP no later than 24 hours before the meeting start time.

Thank you!

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement Two Centennial Plaza | 805 Central Avenue, Suite 720  
| Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)

---

In accordance with orders issued by state and local officials and applicable guidance concerning COVID-19, this Public Staff Conference will be conducted using video-conferencing technology. This meeting will be closed to in-person attendance to comply with social distancing requirements. The link below will allow you to join this meeting using the Zoom website. Please note that you will be muted when you join the meeting. Department of City Planning staff will facilitate and unmute participants throughout the meeting. It is important that each participant familiarize themselves with the Zoom video-conferencing technology BEFORE joining the meeting. Participants are strongly encouraged to visit the following link to join a test Zoom meeting - <https://zoom.us/test>. The test Zoom meeting will allow participants to ensure that all audio and video components are working properly on your computer or device. All desktop/laptop computers, tablets, and smartphones with internet access can join and participate in the hearing. Participants may also visit the Zoom Support Center to learn more about Zoom video-conferencing – <https://support.zoom.us/hc/en-us>.

[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov) is inviting you to a scheduled Zoom meeting.

**Topic:** 1001 Marshall Planned Development Staff Conference  
**Time:** Dec 8, 2021 03:00 PM Eastern Time (US and Canada)

**Join Zoom Meeting**

<https://cincinnati-oh.zoom.us/j/87973463868?pwd=QllyUIBENkkwYjdGTXp0cWRRMXlVQT09>

**Meeting ID:** 879 7346 3868

**Passcode:** 596878

**One tap mobile**

+13017158592,,87973463868# US (Washington DC)

+13126266799,,87973463868# US (Chicago)

**Dial by your location**

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 879 7346 3868

Find your local number: <https://cincinnati-oh.zoom.us/j/87973463868>

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**Confidentiality Statement:** This e-mail contains information that is intended to be privileged and confidential. It is intended only for the addressee named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please delete it from your computer system. Your assistance in correcting this error is appreciated.

**From:** [Dingler-Marshall, Ashlee](#)  
**Sent:** Wednesday, December 8, 2021 12:31 PM  
**To:** 'francem@uc.edu'  
**Bcc:** [Weaver, James](#)  
**Subject:** 1001 Marshall Avenue Public Staff Conference and Written Comment

---

Maureen,

Thanks for your call. I have noted that you are a CUFNA Trustee and your question is whether the proposed Planned Development at 1001 Marshall Avenue will receive federal funding for low income housing. You are not supporting this development because you would like to see a balance of housing for permanent residents, including market rate housing. Regarding the proposed architectural style, the revised submission to CUFNA from the applicant is not an improvement. Please note that you are welcome to send additional comment to my email address, in case I have misrepresented your comment or have missed any notes.

Additionally, we will look for the letter on behalf of CUFNA of non-support of the project, which will be submitted as an exhibit to City Planning Commission.

Feel free to share my email information for those that would like to attend the 3:00 p.m. virtual staff conference today. Please have them RSVP to me as soon as possible.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



## Dingler-Marshall, Ashlee

---

**From:** Jack Martin <jack3cin@gmail.com>  
**Sent:** Thursday, January 6, 2022 2:32 PM  
**To:** Charles Kussmaul  
**Cc:** Trevor Tollett; carolinesueyoung@gmail.com; mary.h.singler@gmail.com; jenniferraemartin@gmail.com; hesstwin@hotmail.com; jwstork@gmail.com; francem@ucmail.uc.edu; clloyd000@fuse.net; andrea.schwallie@gmail.com; zieglerl@fuse.net; David VonderBrink; Brent Little; Stuart Roosth (stuart@roostharch.com); Spoor, Richard C.; Dingler-Marshall, Ashlee; Tepe, Thomas M., Jr.  
**Subject:** [External Email] Re: CUFNA/Fountain Residential Partners - Central Parkway/Marshall

External Email Communication

Trevor et al -

I'd like to clarify what I see as our major objection and how it affects the proposal to park under the buildings.

While we are fundamentally opposed to surface parking lots, we understand that they are the least expensive way to store vehicles. We really have no objection at all to the parking at the rear of the buildings on the west side of Central Parkway. We do want that parking to be visually screened from the Parkway.

We are opposed to the large expanse of parking on the east side of Central Parkway. Even if totally screened with landscaping, etc., the parking is a major, and likely permanent, void between your project and our neighborhood. If not planned for, and designed into the project, that parking/void will remain until the need to store personal vehicles goes away. Having said that, where did the parking go to provide for the Phase II building in the above attachments? Off site?

The reason for proposing that parking be put under the buildings is to make additional land available for future development - Phase II, etc. I, like you, would not want to see the residences 12' above the sidewalk, but some vertical separation would be appropriate. I don't have access to all of your drawings, but I am not seeing that the units engage with the street. All entrances to the buildings appear to be at the ends or rear, and from the parking lots, with entrances to all units from central corridors. Central Parkway is not really an "urban" street. There are no amenities to attract pedestrians anywhere nearby on the Parkway. Granted, it can be a pleasant place to walk, but that walking is an end in itself, and students generally don't make up a large portion of the demographic of "recreational walkers".

Our biggest objection is to the surface parking built into the hill below McMicken Street. McMicken is a neighborhood street and we would like for your project to engage and integrate with our neighborhood. While the proposed hedge will screen the parking, it will never screen the fact that it is a large void in the streetscape and it will likely be permanent. If this parking were to be placed beneath buildings, it would not only allow for the proposed Phase II, it would allow for a future Phase to address McMicken Street and actually activate the neighborhood. It also should be recognized that the cost of excavation into the hillside, and the cost of the retaining wall could be eliminated and applied to structured parking below the buildings.

I hope I've done an adequate job of clarifying our position. Please understand that we truly want to see a development here, and understand that the current greenspace was never intended to be anything but an aesthetic placeholder for future development - for that, we are grateful to the Sansalones. We also would like to positively acknowledge the time that Greg, and now Dave, have spent with us and how they have listened to our concerns - most of which have been addressed. We understand that projects like this have time constraints (school schedules!), and that we will do what it takes to work with you on this project.

These are mostly my thoughts, but I think they generally express the feelings of the CUF Neighborhood Association. Each of us, I'm sure, have differing opinions about the design, both urban and architectural, but I wanted to address our major concern, because it is mostly irreversible if implemented.

Thanks! - Jack

On Thu, Jan 6, 2022 at 11:17 AM Charles Kussmaul <[cintiwood13@gmail.com](mailto:cintiwood13@gmail.com)> wrote:

Hello, Trevor

I too am sorry that the communications would not work properly.

We are aware of your efforts to design a development more in keeping with the needs and aesthetics of our neighborhood. Just as you have certain criteria that allow you to move only a certain amount, we also have criteria. We do hope for a middle ground that we can all agree to.

Thanks,  
Chip

On Thu, Jan 6, 2022 at 11:07 AM Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)> wrote:

CUFNA:

Due to technical difficulties I am sorry I was unable to be in virtual attendance in a meaningful way Tuesday night, but I do want to thank all of you for the time you've afforded us over the past several months as we have navigated this design process for our proposed multifamily development at Central Parkway and Marshall/McMicken.

I and the principals of my firm has been developing these kinds of projects across the country for two decades and we have met with many neighborhood and civic associations. We do this because we sincerely care about the input and support of the communities we build in. Our goal is to always have support for our projects and we design these projects to that goal to the best of our ability. Our dealings with CUFNA have been exemplary of this type of community-focused design.

Since June 2021 we have been corresponding with CUFNA and we have attended most every CUFNA monthly meeting since to provide updates and progress. We have gone through a total of 6 site plans to try and accommodate the concerns expressed at those meetings. Those changes include:

- Scaling down the size and density of the project, in particular forgoing the development of the NEC of McMicken and Marshall all together
- Working with the University of Cincinnati shuttle division to ensure adequate transportation to and from the site
- Working with ArtsWorks Cincinnati to both relocate the existing murals and ensure future murals on the site
- Completely changes the elevations/façade designs
- Worked with the Cincinnati DOT to create traffic calming and increased pedestrian safety along Central Parkway
- Provided additional landscaping screening



Moreover, we have made ourselves available and answered all questions/concerns in an honest and timely manner.

Our current understanding from Tuesday night's meeting is that CUFNA's primary remaining comment is the parking, specifically the surface parking lot on the east side of Central Parkway. It is CUFNA's desire to have the buildings built on top of podium-designed structured parking. I'd like to address this concern in three parts.

1. CUFNA's wish that we put the buildings on the east side of Central on a podium is in opposition to their stated goals of community and neighborhood along Central Parkway. Our intent is to build an urban pedestrian way along both sides of Central Parkway with unit patios addressing the sidewalk and promoting the connection between our project and the neighborhood. We feel that buildings with the first floor twelve feet above the street (on top of a parking podium) will provide the opposite effect.
2. We have discussed how it is our business strategy to make this project competitive and more affordable than the high-density projects that are built directly next to campus. In order to do that, in order to keep our rental rates competitive, we simply can't afford to build a high-density, structured-parking project. Furthermore, podium-style parking, or tucked-under parking, is the most expensive kind of structured parking. This site is already a difficult site due to the topography and the amount of slope and retaining walls we must contend with. Redesigning the project to include podium parking is simply untenable.
3. At the in-person CUFNA meeting on November 17, 2021, I provided the (attached) site plans that we are calling "Phase II" of this project. As you are aware, the sellers of this property own additional parcels of land to the north and to the east of the subject property. We are in confidential negotiations to purchase additional properties as part of a "Phase II" of this development. This is something that we will have to go back to the City for, at a later date, to get approval to build. We are not in a position at this point to move forward with any design approvals for a Phase II, but the strategy for this additional phase is to complete the build-out along Central Parkway with another building that would take the place of the surface parking lot proposed in this current "Phase I." As part of this Phase II strategy we would work on additional parking on this additional purchased land. I believe once CUFNA takes into account this Phase II building, we will have addressed the overall concern about the surface parking lot along Central Parkway and maintained that street-front engagement that is indicative of a neighborhood setting.

In closing, it is very difficult to design a project that meets all stakeholders' approval, but Fountain Residential Partners and our design team have taken great steps in trying to create a project that CUFNA and the City of Cincinnati can be proud of. The University of Cincinnati is an important and growing institution. We understand and appreciate the historic neighborhoods in the area and the permanent residents that call these neighborhoods home. With the new construction of well-located, quality, well-managed housing, these historic neighborhoods can continue to thrive and maintain their single-family character while providing essential for-rent housing for a growing contingent of Cincinnati residents.

As always, I'm available for questions and comments.

Regards,

**Trevor C. Tollett**

Executive Vice President

**Fountain Residential Partners**

2626 Cole Avenue, Suite 620

Dallas, Texas 75204

Main 972.861.5080

Direct 972.861.5083

Mobile 214.727.6402

[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)

--

Jack Martin

M: 513-484-5067

E: [jack3cin@gmail.com](mailto:jack3cin@gmail.com)



CINCINNATI  
CLEVELAND  
DAYTON  
LOUISVILLE

Dear Honorable Mayor and City Council:

I am writing to address my support for the proposed development at 1001 Marshall Avenue, generally located at the intersection of Central Parkway and Marshall Avenue, proposed by Fountain Residential Partners and Mr. Anthony Sansalone.

This area west of the university is in need of quality development that can help enliven an important neighborhood, including but not limited to providing businesses in the area with an increased customer base. The University of Cincinnati is growing. Providing safe, close, and quality housing for those students and faculty near campus will ensure that UC remains a driving economic engine for our city and region. At the same time, additional housing will help provide relief of housing insecurity for all residents of Cincinnati.

My Company, BlueMark Capital, currently manages a commercial mortgage investment portfolio in excess of \$1.5 billion of which \$525 million is in the multi-family sector. It should be noted that this investment includes a number of student housing projects in close proximity to the University of Cincinnati. This multi-family portion of the portfolio has outperformed for a number of years and during that period has not exhibited a single delinquency. The implication of which substantiates both the quality of that asset class as well as the ongoing need for housing related development in the region. Upgrading the stock with new private development should be an ongoing focus of our governmental leaders.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Ginnever", is written over a light blue circular stamp.

Michael Ginnever

Principal, BlueMark Capital



**sundance**  
PROPERTY MANAGEMENT, LLC

9918 CARVER RD., SUITE 110  
CINCINNATI, OH 45242  
T 513.489.3363  
F 513.489.3380 513.489.3881

Trevor C. Tollett  
Executive Vice President  
Fountain Residential Partners  
2626 Cole Avenue, Suite 620  
Dallas, Texas 75204

January 10, 2022

Dear Trevor,

I have seen concept renderings for your Camp Washington Development at 1001 Marshall Avenue. It is a thoughtful attractive design that will enhance the surrounding neighborhood. Our company has been active in managing properties in Clifton and that neighborhood since 1994. Your new community could jumpstart development in that specific pocket of Cincinnati and bring other businesses and jobs to the neighborhood.

I wish you success with the development. Please do not hesitate to call me if I or our company may be of any assistance.

Sincerely,

Russell Kornman, CEO  
Sundance Property Management, LLC  
513-600-2671

















**Dingler-Marshall, Ashlee**

---

**From:** Trevor Tollett <ttollett@fountainresidential.com>  
**Sent:** Thursday, January 13, 2022 1:50 PM  
**To:** Dingler-Marshall, Ashlee; Spoor, Richard C.; David VonderBrink  
**Cc:** Weaver, James; Michael Seeger; Stuart Roosth; Tepe, Thomas M., Jr.; Kreider, Kenneth P.; Brent Little  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference [IWOV-IMANAGE.FID1433324]

Thank you. Understood.

Please see my below response to construction schedule in **RED**. Let me know if you need additional information on the construction schedule aspect of this application.

Regards,

**Trevor C. Tollett**  
Executive Vice President  
**Fountain Residential Partners**  
2626 Cole Avenue, Suite 620  
Dallas, Texas 75204  
Main 972.861.5080  
Direct 972.861.5083  
Mobile 214.727.6402  
[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)

**From:** Dingler-Marshall, Ashlee <ashlee.dingler-marshall@cincinnati-oh.gov>  
**Sent:** Thursday, January 13, 2022 12:41 PM  
**To:** Trevor Tollett <ttollett@fountainresidential.com>; Spoor, Richard C. <rcspoor@kmklaw.com>; David VonderBrink <dvonderbrink@elevar.com>  
**Cc:** Weaver, James <James.Weaver@cincinnati-oh.gov>; Michael Seeger <mls@choiceoneengineering.com>; Stuart Roosth <stuart@roostharch.com>; Tepe, Thomas M., Jr. <TTEPE@KMKLAW.com>; Kreider, Kenneth P. <KPKreider@KMKLAW.com>; Brent Little <blittle@fountainresidential.com>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference [IWOV-IMANAGE.FID1433324]

Trevor,

Thanks for your email.

Mailed notice of the City Planning Commission meeting would go out on 1/21/22 by noon. We would hope you would be able to address the outstanding issues for your Concept Plan before that date.

For your submissions, our understanding from the Law Department is that you could update your Concept Plan to be general, as long as your submitted documents that meet the requirements outlined in Chapter 1429 "Planned Development Districts" of the Cincinnati Zoning Code. Again, as a friendly reminder, if there is a major amendment to an approved Concept Plan (Section 1429-12 of the Cincinnati Zoning Code), this will trigger a subsequent zoning process that would require additional legislation. Along with your Concept Plan, you could also choose to proceed with the Hallmar Avenue vacation and sale with conditions.



Ideally, we recommend that you would resolve the concerns from MSD, DOTE, and Law regarding the slope and sewer easements, as well as the outstanding issues with the vacation of Hallmar Avenue before we take it all to CPC. We have CPC meetings the first and third Friday of each month. At this time, we don't want to commit to a date until we have reviewed any new and/or updated documents that you may plan on submitting to us.

Lastly, as indicated in the email I sent yesterday in response to Richard Spoor, we still need construction schedule information for the Concept Plan requirement (Section 1429-09, Cincinnati Zoning Code)

1. Schedule. Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two-year time period. **The total site is to be developed in one phase. The concept plan – the architectural and engineering site plans that we are submitting – will be built at one time. The construction start date will be determined by the date on which we (hopefully) get approved by City Council. We will then start producing permit level drawings. The goal is to have a certificate of occupancy and resident move in come August 2024. Ideally, we would get starting with construction on this project in late summer, or early fall 2022.**

a. When do you plan to start and finish construction of Phase 1?

b. When are you scheduling Phase II (if there is one)? **We do not currently have a Phase II that is in the works. We have concept plans that we have begun battling around, but nothing definitive. We will not be submitting any additional plans, for any additional properties in the area, for at least until after this current plan is approved.**

Please let me know if you have any questions.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>

**Sent:** Wednesday, January 12, 2022 6:36 PM

**To:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>

**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mils@choiceoneengineering.com](mailto:mils@choiceoneengineering.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>; Brent Little <[blittle@fountainresidential.com](mailto:blittle@fountainresidential.com)>

**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference [IWOV-IMANAGE.FID1433324]

Ashlee –

What is the cutoff date that we need to hit for us to make the February 4<sup>th</sup> Planning Commission hearing? We are on a short timeframe for development approvals.

We have been working diligently to get these two remaining comments to you. We have a call with the City's law department and DOT this Friday. It has been difficult to pin the correct folks down to discuss the slope easement.

We will be working with MSD this week and next to propose our new sewer outlay. Our engineers have done the required diligence, so this should not be an issue, but obviously we do not want to fully engineer/design the system until we have planning approvals.

It is our understanding that these two issues are the only comments remaining that are withholding us from the Planning Commission hearing on January 21<sup>st</sup>.

We very much appreciate all your work and communication.

Regards,

**Trevor C. Tollett**  
Executive Vice President  
**Fountain Residential Partners**  
2626 Cole Avenue, Suite 620  
Dallas, Texas 75204  
Main 972.861.5080  
Direct 972.861.5083  
Mobile 214.727.6402  
[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)

**From:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>  
**Sent:** Wednesday, January 12, 2022 2:16 PM  
**To:** Dinger-Marshall, Ashlee <[ashlee.dinger-marshall@cincinnati-oh.gov](mailto:ashlee.dinger-marshall@cincinnati-oh.gov)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference [IWOV-IMANAGE.FID1433324]

Ashlee,

Thanks for following up on the meeting on the 21<sup>st</sup>. The applicant team understands and appreciates the Department's recommendation in this matter. We will continue to work through those issues and hope to present the proposal before Planning Commission at its meeting on February the 4<sup>th</sup>.

We will be in touch shortly with updates on the relevant issues outlined in your email. If you have any questions for me at this time, please let me know.

Thanks,

Richard

**Richard C. Spoor**  
Associate  
[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)

# KMK | Law

Keating Muething & Klekamp PLL

One East 4th Street | Suite 1400 | Cincinnati, OH 45202

Direct: (513) 579-6449 | Fax: (513) 579-6457

[kmklaw.com](http://kmklaw.com) | [KMK on LinkedIn](#) | [KMK on Twitter](#)

**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>

**Sent:** Wednesday, January 12, 2022 9:59 AM

**To:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>

**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>

**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference

Applicant Team,

You applied for concurrent review of a proposed Zone Change to Planned Development, Concept Plan, Development Statement, and Final Development Plan for 1001 Marshall Avenue. However, we understand that you would like to move forward with the Concept Plan, Development Statement, and proposed Zone Change, only, for review at the 1/21/22 City Planning Commission meeting. Our plan is to assist you through that process, but I am sharing the risks associated with moving forward with the Concept Plan at this point, rather than resolving the following prior to a City Planning Commission review. The outstanding issues for your Concept Plan include:

- All conditions related to the coordinated report for the Hallmar vacation haven't been satisfied. Some conditions could impact a PD concept plan (building location, setbacks, open space, etc.), which is important because you would need a major amendment to the concept plan if you need to move the locations of buildings closer to property lines due to an inability to resolve the issues below.
  - A sewer easement runs through the center of their site on both sides of Central Parkway, which would need to be rerouted and abandoned.
- Slope easements encumber the property along McMicken, Hallmar, and Marshall, among other locations.
  - The slopes and walls protect and support the streets and underground utilities in the area and could impact building location and setbacks, as well.

The Department of City Planning and Engagement would honor the request to move forward but does not recommend it at this time. If there is a major amendment to an approved Concept Plan (Section 1429-12 of the Cincinnati Zoning Code), due to any of the above, this will trigger a subsequent zoning process that would require additional legislation, including:

1. \$3,000 fee for an amended Concept Plan request
2. Coordinated Site Review for amended Concept Plan
3. Staff Conference for amended Concept Plan

We recommend you address these issues before going before City Planning Commission. If you should decide to move forward with your current application for the Zone Change, Concept, Plan and Development Statement, I will submit the general Site Plan that was submitted as the Concept Plan. Additionally, pursuant Section 1429-09 of the Cincinnati Zoning Code, I am still in need of the following for your Concept Plan application:

1. Schedule. Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two-year time period.
  - a. When do you plan to start and finish construction of Phase 1?
  - b. When are you scheduling Phase II (if there is one)?

Please let me know if you have any questions.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>  
**Sent:** Monday, January 10, 2022 4:55 PM  
**To:** Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference

Ashlee,

I hope you had a nice weekend. I wanted to follow up on this communication from Trevor to verify that the concept plan and conditional approval are going to be on the agenda for Planning Commission this month. Please let me know at your convenience.

Best,

Richard

**Richard C. Spoor**  
Associate  
[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)

**KMK | Law**

**Keating Muething & Klekamp PLL**  
One East 4th Street | Suite 1400 | Cincinnati, OH 45202

Direct: (513) 579-6449 | Fax: (513) 579-6457  
kmklaw.com | KMK on LinkedIn | KMK on Twitter

**From:** Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>  
**Sent:** Friday, January 7, 2022 10:46 AM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mis@choiceoneengineering.com](mailto:mis@choiceoneengineering.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference  
**Importance:** High

I am OK with the conditions.

Michael, we need to hear from you on the utility plans.

**Trevor C. Tollett**  
Executive Vice President  
**Fountain Residential Partners**  
2626 Cole Avenue, Suite 620  
Dallas, Texas 75204  
Main 972.861.5080  
Direct 972.861.5083  
Mobile 214.727.6402  
[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)

**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Sent:** Friday, January 7, 2022 8:56 AM  
**To:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mis@choiceoneengineering.com](mailto:mis@choiceoneengineering.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference

Richard,

I am required to mail 14 days' notice of a City Planning Commission meeting with your item on the agenda. The deadline for notice is this morning, and I cannot send it unless I can confirm the following:

Law shared that they spoke to you yesterday afternoon about moving the concept plan approval and vacation forward to Planning Commission on January 21, with appropriate conditions to address City concerns re: the vacation.

I need to know ASAP if the applicant is fine with those conditions or if they would prefer to hold everything for a later date.

Additionally, I heard from Trevor, and I am awaiting a response from Micheal for a utility plan that includes sewer for my staff report – my deadline for staff report is next Tuesday.

Best regards,

Ashlee Dingler-Marshall | City Planner



City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>  
**Sent:** Thursday, January 6, 2022 9:57 AM  
**To:** Dinger-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference

Thanks, Ashlee. I have reached out to Law and will again today.

**Richard C. Spoor**

Associate

[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)

**KMK | Law**

Keating Muething & Klekamp PLL

One East 4th Street | Suite 1400 | Cincinnati, OH 45202

Direct: (513) 579-6449 | Fax: (513) 579-6457

[kmklaw.com](http://kmklaw.com) | [KMK on LinkedIn](#) | [KMK on Twitter](#)

**From:** Dinger-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Sent:** Thursday, January 6, 2022 9:55 AM  
**To:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference [IWOV-IMANAGE.FID1433324]

Richard,

Thanks for your response.

As you mentioned in your plan of action for moving forward, the applicant must reach out to Real Estate, directly. Once the CR process is complete, Real Estate will tell us we can proceed with the proposed vacation of Hallmar, which should happen before proceeding with the Final Development Plan. If we can get that firmed up by Friday, 1/7/22, then we can keep the Final Development Plan on the agenda and add the vacation of Hallmar as a separate item on the same

agenda. If the vacation is not ready to go, we will need to hold off on the Final Development Plan until it is ready, but the zone change to Planned Development could still proceed.

Please let me know if you have any questions.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>  
**Sent:** Tuesday, January 4, 2022 2:03 PM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mis@choiceoneengineering.com](mailto:mis@choiceoneengineering.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>; Tepe, Thomas M., Jr. <[TTEPE@KMKLAW.com](mailto:TTEPE@KMKLAW.com)>; Kreider, Kenneth P. <[KPKreider@KMKLAW.com](mailto:KPKreider@KMKLAW.com)>  
**Subject:** RE: [External Email] 1001 Marshall Avenue Planned Development Staff Conference [IWOV-IMANAGE.FID1433324]

Thanks, Ashlee.

Michael can give more details on his discussions with the various departments in addressing their responses to the CR. To give an overview, however, Michael and the team have been in touch with DOTE, MSD, and GCWW in connection with their CR conditions. In response to MSD, Michael and the team have been inspecting to the sewer on the property to fully map it out. In response to GCWW, we are waiting for flow numbers from an MEP engineer in connection with establishing a mainline extension route. In response to DOTE, we have received comments on the traffic study and should be returning a report shortly.

I will give Charles Martinez in law a call to discuss the on-going CR condition responses. I am hopeful that we can memorialize these conditions in the vacation documentation and clear the way for Planning Commission, since progress is being made on them and they were not objections. All the same, I will touch base with Law and circle back.

Best,

Richard

Richard C. Spoor

Associate

[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)

**KMK | Law**

**Keating Muething & Klekamp PLL**

One East Fourth Street | Suite 1400 | Cincinnati, OH 45202 | [Map](#)

Direct: (513) 579-6449 | Fax: (513) 579-6457

[kmklaw.com](http://kmklaw.com) | [KMK on LinkedIn](#) | [KMK on Twitter](#)

**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>

**Sent:** Tuesday, January 4, 2022 1:46 PM

**To:** David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>

**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>

**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Thanks, Dave and Richard.

In the event that Coordinated Report Process for Hallmar Avenue is not completed, my understanding is that we can move forward with the Zone Change review, Concept Plan, and Development Statement at the 1/21 City Planning Commission meeting, but we would have to prepare the Final Development Plan review for a later meeting date (based on when the Coordinated Report process is completed).

Best regards,

**Ashlee Dingler-Marshall | City Planner**

City of Cincinnati | Department of City Planning and Engagement

Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202

513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>

**Sent:** Tuesday, January 4, 2022 1:35 PM

**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>

**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; Michael Seeger <[mls@choiceoneengineering.com](mailto:mls@choiceoneengineering.com)>; Spoor, Richard C. <[rcspoor@kmklaw.com](mailto:rcspoor@kmklaw.com)>; Trevor Tollett <[ttollett@fountainresidential.com](mailto:ttollett@fountainresidential.com)>; Stuart Roosth <[stuart@roostharch.com](mailto:stuart@roostharch.com)>

**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Thanks Ashlee, and will do.

I am looping in the ownership and design team into this email. I was incorrect in assuming that Michael Seeger with Choice One was handling this. Richard Spoor with KMK Law should be able to chime in, if he sees these emails and is available to respond.

Thanks!

David VonderBrink, RA | Senior Architect  
Elevar Design Group Cincinnati  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 745-6715  
F: (513) 721-0611

[www.elevar.com](http://www.elevar.com)

---

**From:** Dingler-Marshall, Ashlee [<mailto:ashlee.dingler-marshall@cincinnati-oh.gov>]  
**Sent:** Tuesday, January 04, 2022 1:25 PM  
**To:** David VonderBrink  
**Cc:** Weaver, James  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Thanks, Dave. Please get back to me about this as soon as you can.

I have received a note from the Legal Department, regarding the 1/21/22 City Planning Commission date:

*"Please provide an update on the status of the Hallmar vacation. Since there is the intent for a concurrent Concept/FDP the applicant needs to show appropriate property control."*

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Sent:** Tuesday, January 4, 2022 10:30 AM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Hi Ashlee,

Let me look into that and get back to you. I believe Michael Seeger with Choice One Engineering (Civil) has been leading that conversation, but I will confirm.

Thanks!

David VonderBrink, RA | Senior Architect  
Eleva Design Group Cincinnati  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 745-6715  
F: (513) 721-0611

[www.eleva.com](http://www.eleva.com)

---

**From:** Dingler-Marshall, Ashlee [<mailto:ashlee.dingler-marshall@cincinnati-oh.gov>]  
**Sent:** Tuesday, January 04, 2022 10:28 AM  
**To:** David VonderBrink  
**Cc:** Weaver, James  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Dave,

Where are you all with the Coordinated Site Process for the vacation of Hallmar Avenue? Are you planning to have that reviewed at the 1/21 City Planning Commission, as well, or at a future date?

Ashlee

**From:** David VonderBrink <[dvonderbrink@eleva.com](mailto:dvonderbrink@eleva.com)>  
**Sent:** Tuesday, December 21, 2021 10:50 AM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>; Greg Otis <[gotis@eleva.com](mailto:gotis@eleva.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Hi Ashlee and James,

It's a pleasure to meet you (at least virtually). Greg mentioned that you would like to attend the next CUFNA meeting? This is scheduled for Tuesday, January 4<sup>th</sup> at 7:00pm. I plan to attend in person but I believe a virtual meeting will be available. If for some reason it is not already setup, I will setup a virtual meeting and send out an invite so that those who cannot attend in person can be a part of the discussion.

In the meantime, please let me know if you need anything else from me or the ownership team.

Thanks!

David VonderBrink, RA | Senior Architect  
Eleva Design Group Cincinnati  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 745-6715  
F: (513) 721-0611

[www.eleva.com](http://www.eleva.com)

---

**From:** Dingler-Marshall, Ashlee [<mailto:ashlee.dingler-marshall@cincinnati-oh.gov>]  
**Sent:** Tuesday, December 21, 2021 8:50 AM  
**To:** Greg Otis

**Cc:** Weaver, James; David VonderBrink  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Greg,

Thank you for the update, and it has been a pleasure working with you! I wish you the best of luck in your endeavors. I look forward to connecting with Dave for future updates.

Best regards,

**Ashlee Dingler - Marshall** | City Planner  
City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [Facebook](#) | [Twitter](#) | [Website](#) | [Plan Cincinnati](#)



**From:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Sent:** Friday, December 17, 2021 11:10 AM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>; David VonderBrink <[dvonderbrink@elevar.com](mailto:dvonderbrink@elevar.com)>  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Ashlee:

Thank you for this schedule clarification. You will have building materials and revised landscape documents well in advance of 1/7. I will drop by a flash drive with the video we discussed regarding the new parking lot screen hedgerow. The developer has assured us that he will gladly speak to both the construction value and anticipated rental rate range during the upcoming hearings.

Additionally, I'd like to inform you and James that I will be leaving Elevar effective 12/31. The application is now in the very capable hands of Dave VonderBrink (copied here), who is also well known to the Planning staff and familiar with the PD approval process. Dave and Trevor Tollett (Fountain Residential Partners) will be meeting with CUFNA in January to further the pursuit of alignment with them in advance of the Planning Commission hearing.

Cheers to you both for the holidays and into the New Year.

Greg Otis, AIA | Senior Vice President- Strategic Planning  
Elevar Design Group Cincinnati  
555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 744-2977  
F: (513) 721-0611  
C: (513) 675-4802

[www.elevar.com](http://www.elevar.com)



**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Sent:** Friday, December 17, 2021 10:22 AM  
**To:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** RE: [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

Greg,

Thanks for your call today. I forgot to mention one thing - if your PD application goes to the 1/21 City Planning Commission meeting (this is what we anticipate), I send mailed notice of the meeting two weeks prior to the meeting date – in this case, 1/7. We would like to have those outstanding materials (highlighted) we discussed for the Final Development Plan before that date for the concurrent application:

(e) Schematic Building Plans. Plans showing building footprints, schematic floor plans and exterior elevations and types of building materials. - for updated design submission (updated elevation drawings and some written indication about the change in building materials for clarity)

(f) Landscape Plans. Landscaping plans showing the placement of trees, shrubs, ground cover and associated structures and improvements, including specifications, species and quantities. – Updated Landscape plan with specifications, species, and quantities for updated hedges/shrubs to mask surface parking

While it is not required, we appreciate your willingness to provide a construction value (reflective of the final development plan), that may be included with the application for the staff report.

Please let me know if you have any questions.

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**From:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Sent:** Wednesday, December 8, 2021 1:28 PM  
**To:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** [External Email] RE: 1001 Marshall Avenue Planned Development Staff Conference

External Email Communication

Ashlee/James:



I've mentioned to you both and Katherine that we have been proactive in our outreach to CUFNA and Camp Wash Community Council. More so with CUFNA. During meetings CUFNA has raised pretty strong objection to the developer's Architect's "band-board," faux Italianate style that is currently in the renderings. The developer has engage Elevar to redesign the facades to bring authenticity and integrity to the design than simply an "old-west stage set" (their words).

I know CUFNA has no design-approval authority, but we *are* advancing a new exterior design that does not change the site or interior design in any way. Nor does it change the % of material usage on the facades.

My intention here is to make you aware of the effort, and to highlight the design of the exterior of the buildings are representative, not final.

**Greg Otis, AIA | Senior Vice President- Strategic Planning  
Elevar Design Group Cincinnati**

555 Carr St.  
Cincinnati, OH 45203  
O: (513) 721-0600  
D: (513) 744-2977  
F: (513) 721-0611  
C: (513) 675-4802

[www.elevar.com](http://www.elevar.com)

**From:** Dingler-Marshall, Ashlee <[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov)>  
**Sent:** Wednesday, December 8, 2021 11:09 AM  
**To:** Greg Otis <[gotis@elevar.com](mailto:gotis@elevar.com)>  
**Cc:** Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>  
**Subject:** RE: 1001 Marshall Avenue Planned Development Staff Conference

Greg,

Please see the attached presentation. Change in presentation plans – I will run through slides 1-11 (process stuff) and, if it is okay with you, please take slides 12-20. Your slides cover the development details. I'll wrap it up with next steps and my contact information.

Thank you.

Best regards,

**Ashlee Dingler-Marshall | City Planner**

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



Ashlee

**From:** Dingler-Marshall, Ashlee  
**Sent:** Thursday, December 2, 2021 12:07 PM  
**To:** 'gotis@elevar.com' <gotis@elevar.com>  
**Subject:** 1001 Marshall Avenue Planned Development Staff Conference

Greg,

You are receiving this email because you requested to join an upcoming Public Staff Conference. Please use the information in this email, below, to access the meeting. Please do not share the link. If you know someone that is interested in participating in the meeting, please have them email me at [ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov) to RSVP no later than 24 hours before the meeting start time.

Thank you!

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement Two Centennial Plaza | 805 Central Avenue, Suite 720  
| Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)

---

In accordance with orders issued by state and local officials and applicable guidance concerning COVID-19, this Public Staff Conference will be conducted using video-conferencing technology. This meeting will be closed to in-person attendance to comply with social distancing requirements. The link below will allow you to join this meeting using the Zoom website. Please note that you will be muted when you join the meeting. Department of City Planning staff will facilitate and unmute participants throughout the meeting. It is important that each participant familiarize themselves with the Zoom video-conferencing technology BEFORE joining the meeting. Participants are strongly encouraged to visit the following link to join a test Zoom meeting - <https://zoom.us/test>. The test Zoom meeting will allow participants to ensure that all audio and video components are working properly on your computer or device. All desktop/laptop computers, tablets, and smartphones with internet access can join and participate in the hearing. Participants may also visit the Zoom Support Center to learn more about Zoom video-conferencing – <https://support.zoom.us/hc/en-us>.

[ashlee.dingler-marshall@cincinnati-oh.gov](mailto:ashlee.dingler-marshall@cincinnati-oh.gov) is inviting you to a scheduled Zoom meeting.

Topic: 1001 Marshall Planned Development Staff Conference  
Time: Dec 8, 2021 03:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://cincinnati-oh.zoom.us/j/87973463868?pwd=QllyUIBENkkwYjdGTxp0cWRRMXlVQT09>

Meeting ID: 879 7346 3868

Passcode: 596878

One tap mobile

+13017158592,,87973463868# US (Washington DC)

+13126266799,,87973463868# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)  
+1 669 900 6833 US (San Jose)

Meeting ID: 879 7346 3868

Find your local number: <https://cincinnati-oh.zoom.us/j/87973463868>

Best regards,

Ashlee Dingler-Marshall | City Planner

City of Cincinnati | Department of City Planning and Engagement  
Two Centennial Plaza | 805 Central Avenue, Suite 720 | Cincinnati, OH 45202  
513-352-4854 (p) | 513-352-4853 (f) | [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)



**Confidentiality Statement:** This e-mail contains information that is intended to be privileged and confidential. It is intended only for the addressee named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please delete it from your computer system. Your assistance in correcting this error is appreciated.



November 10, 2021

Michael Goettemoeller, P.E.  
Choice One Engineering  
8956 Glendale-Milford Rd  
Suite 1  
Loveland, OH 45140

Dear Mr. Goettemoeller,

The Department of Transportation and Engineering (DOTe) has completed the review of the traffic impact study (TIS) for Hallmar Student Housing development. DOTe concurs with the recommendations of the site access outlined in the study. However, the proposed removal of Hallmar Avenue will require further analysis of the roadway network.

The removal of Hallmar Avenue requires permitting left turns from westbound Marshall Avenue to southbound Central Parkway. The proposed development will generate a substantial volume of vehicles making this movement. For safety reasons, the creation of head-to-head left turn lanes on Marshall Avenue at Central Parkway should be installed. This can likely be achieved by modifying the pavement markings and lane usage within the existing roadway width.

Multi-lane approaches at all-way stop intersections are not typically preferred and can create confusion. The intersection of Marshall Avenue & W. McMicken Avenue should be analyzed to determine if one lane approaches on Marshall Avenue will function at a satisfactory level. If multi-lane approaches are needed, would it be possible to limit the through movements to only one lane?

Based off the proposed site plan, with multiple housing units and the club house centered in the development site, it is safe to assume pedestrian traffic will increase at both the Central Parkway & Marshall Avenue and Marshall Avenue & W. McMicken Avenue intersections. In conjunction with the additional analysis, pedestrian safety features should be considered at both intersections during the design. Bump-outs or other features shall be included within the project scope. Work with DOTe on suggestions for countermeasures if needed.

DOTe has a project along Central Parkway that is currently under design. All analysis shall include the DOTe proposed lane configuration along Central Parkway. DOTe will provide the current design.

To summarize, the following will be needed before DOTE can consider approving the vacation of Hallmar Avenue:

- Analysis of the Central Parkway & Marshall Avenue intersection with the head-to-head left turn lanes on Marshall Avenue.
  - Plans verifying the proposed lane configuration will function.
  - Plans incorporating pedestrian safety features.
- Analysis of Marshall Avenue & W. McMicken Avenue intersection.
  - Plans showing the intersection design, incorporating pedestrian safety features.

DOTe staff is prepared to meet with you to discuss this review and provide further insight into the concerns for traffic flow and safety related to the proposed development. Should you have any questions or want to schedule a follow-up meeting, please contact me at [bryan.williams@cincinnati-oh.gov](mailto:bryan.williams@cincinnati-oh.gov).

Sincerely,



Bryan Williams, P.E.  
Principal Engineer

C: Morgan Kolks, DOTE

1 ST CORE LLC  
1508 LEMONTREE DR  
CINCINNATI OH 45240

1008 MARSHALL AVENUE LLC  
P O BOX 960  
MILFORD OH 45150-0960

2584 MADISON LLC  
9233 SEWARD RD  
HAMILTON OH 45014

2801 W MCMICKEN AVE LLC  
4041 READING RD  
CINCINNATI OH 45229

2820 W MCMICKEN LLC  
P O BOX 960% CAMDEN  
MANAGEMENT INC  
MILFORD OH 45150

2833 MARSHALL AVE LLC  
P O BOX 8305  
CINCINNATI OH 45208

611 621 DEVOTIE LLC  
1517 SPRINGDALE RD  
CINCINNATI OH 45231

750 STRAIGHT VNB LLC  
3865 ST ANDREWS CT  
MASON OH 45040

ANDERSON JAMES & CHRISTINE  
2753 MARKS RD  
VALLEY CITY OH 44280

ARCHBISHOP OF CINCINNATI TR  
2733 MASSACHUSETTS AVE  
CINCINNATI OH 45225

ARREDONDO AGUSTIN RR JR  
& HEATHER P  
777 STRAIGHT ST  
CINCINNATI OH 45214-1829

BAKER-COLYER ANGELA M TR  
1036 MARSHALL AVE  
CINCINNATI OH 45225

BECKER WILLIAM R TR & CHLOE L TR  
1035 SR28  
MILFORD OH 45150

CARR DEBBIE L  
2573 W MCMICKEN AVE  
CINCINNATI OH 45214-1861

CORBETT JEFFREY@3  
6401 HAYES RD  
CINCINNATI OH 45248

DBS RENTAL PROPERTIES LLC  
626 TAFELS ST  
CINCINNATI OH 45225

DECORATIVE RENTALS INC  
2720 W MCMICKEN AVE  
CINCINNATI OH 45214

DEUTSCH PETER & MARIA  
2567 W MCMICKEN AVE  
CINCINNATI OH 45214

ELMS CAROLYN S  
2642 HALSTEAD ST  
CINCINNATI OH 45214

EVANS BRYAN & BELLA  
192 SHAW DR  
ACWORTH GA 30102

GARCIA MANUEL & AMY  
352 HOWELL AVE  
CINCINNATI OH 45220

GREENUP DANA HOP LLC  
P O BOX 17252  
COVINGTON KY 41017

HOGUE CORTNEY L & CARMEN R  
MCNIGHT  
2559 WEST MCMICKEN AVE  
CINCINNATI OH 45214

HRABAN BRYAN W  
2832 MARSHALL AVE  
CINCINNATI OH 45225

JOHNSON JOHN  
6428 SUGAR TREE LN  
INDEPENDENCE KY 41051

JOLLEY JENNIFER L & DERRICK K  
ALBAUGH  
2614 HALSTEAD ST  
CINCINNATI OH 45214-1814

KENNEDY CHARLES DAVID  
2618 HALSTEAD ST  
CINCINNATI OH 45214-1814

L & A FUTURES LLC  
2616 CENTRAL PW  
CINCINNATI OH 45214

MARSHALL AT CENTRAL LLC  
1008 MARSHALL AVE  
CINCINNATI OH 45225

MASUR GEORGE & JAMES  
766 STRAIGHT ST  
CINCINNATI OH 45214-1830



MCCUF LLC  
P O BOX 31025  
CINCINNATI OH 45231-1025

MCENENY CATHY J  
2612 HALSTEAD ST  
CINCINNATI OH 45214-1814

MCGRAW DAVID M  
2928 MARSHALL AVE  
CINCINNATI OH 45220

MEYER MANAGEMENT INC  
PO BOX 5486  
CINCINNATI OH 45205

MIDWEST CONSTRUCTION RESOURCES  
LLC  
885 CLINTON SPRINGS  
CINCINNATI OH 45229

MOHAMED CAROL S  
2708 WEST MCMICKEN AVE  
CINCINNATI OH 45214

NELTNER HOLDINGS LLC  
18 HENRY CT  
NEWPORT KY 41076

NEW NAZARENE BAPTIST CHURCH  
631 DE VOTIE AVE  
CINCINNATI OH 45225

NIEMEYER CHRISTOPHER  
3725 42ND AVE  
SAINT PETERSBURG FL 33711

NOVELART MANUFACTURING CO  
PO BOX 37101  
CINCINNATI OH 45222

ON I ADVERTISING INC  
P O BOX 75303  
NEWPORT KY 41075

OLOMAJEYE ALERO  
1751 JOHN GRAY RD  
CINCINNATI OH 45240

ONI ADVERTISING INC  
P O BOX 75303  
NEWPORT KY 41075

PORTER ANTHONY  
PO BOX 939  
WEST CHESTER OH 45071

RAMING CHARLES T  
554 BRANTNER LN  
CINCINNATI OH 45244

ROBINSON MARY C  
630 TAFEL ST  
CINCINNATI OH 45225

ROTEDA 1100 LLC  
1035 SR28  
MILFORD OH 45150

ROYAL LEE E  
8386 ROLAND AVE  
CINCINNATI OH 45216

SCHUSTER MARTIN DANIEL  
6115 ERIE AVE  
CINCINNATI OH 45227

STATE OF OHIO  
505 S STATE ROUTE 741  
LEBANON OH 45036

STEPHENS CHRIS  
413 HUNTLEY CT  
LEBANON OH 45036

STERLING MGMT 2 LLC  
P O BOX 232  
WEST CHESTER OH 45071

STRAIGHTS END LLC  
2270 MADISON RD UNIT 3C  
CINCINNATI OH 45208

TI KC BRAVO LLC  
1024 BAYSIDE DR UNIT #205  
NEWPORT BEACH CA 92660

TOON DENNIS  
7329 MIAMI AVE  
CINCINNATI OH 45243

VANJOHNSON REALTY CONCEPTS INC  
4884 HUNT RD #310  
CINCINNATI OH 45242

VORBROKER GARY C  
4220 DELRYAN DR  
CINCINNATI OH 45238

WAINSCOTT MARY JANE  
3464 CAMELLIA CT  
CINCINNATI OH 45211

WALZ CHERYL MARIE  
2640 HALSTEAD ST  
CINCINNATI OH 45214-1814

WALZ GAIL @3  
2638 HALSTEAD ST  
CINCINNATI OH 45214

WEST MCMICKEN GROUP LLC  
5323 DELHI PK  
CINCINNATI OH 45238

WHAM PROPERTIES II LLC  
PO BOX 8233  
CINCINNATI OH 45209

WILLINGHAM BENJAMIN A & NICOLE  
P O BOX 8233  
CINCINNATI OH 45208

WUNDER DOUGLAS J  
5732 LAYHIGH RD  
OKEANA OH 45053

YESHIVA DVAR YESHORIM  
4 VILLAGE GREEN  
MONSEY NY 10952

ZHANG XIAOWEI  
1106 KOTTMANN ST  
CINCINNATI OH 45214

Attn: David Vonderbrink  
Elevar Design Group  
555 Carr Street  
Cincinnati, Ohio 45203

Fountain Residential Partners  
2626 Cole Ave Ste. 620  
Dallas, Texas 75204

CUFNA  
2364 West McMicken Avenue  
Cincinnati, Ohio 45214

Camp Washington Community Council  
2951 Sidney Ave  
Cincinnati, OH 45225

Camp Washington Community Board  
2951 Sidney Ave #2134  
Cincinnati, Ohio 45225

CHCURC  
2510 Ohio Ave C  
Cincinnati, OH 45219

Camp Washington Business Association  
2951 Sidney Avenue  
Cincinnati, Ohio 45225

Blue Mark Capital, LLC  
700 Walnut Street, Suite 300  
Cincinnati, Ohio 45202

Anthony Sansalone  
1008 Marshall Avenue  
Cincinnati, Ohio 45225-1154

Sundance Property Management  
9918 Carver Road, Suite 110  
Cincinnati, Ohio 45242

February 24, 2022



Cincinnati City Council  
Council Chambers, City Hall  
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

**AMENDING the official zoning map of the City of Cincinnati to rezone the real property located at 1001 Marshall Avenue in the Camp Washington and CUF neighborhoods from the MG “Manufacturing General,” and CC-A, “Community Commercial – Auto-Oriented,” zoning districts to Planned Development District No. 92, “Marshall and Central Apartments.”**

**Summary:**

The applicant, Fountain Residential Partners, wishes to develop the 7.692-acre subject property into a 200,000 square-foot, multi-family residential development, which includes three, 4-story, multi-family residential buildings with up to 136-150 dwelling units, 404 beds, 252 off-street parking spaces, clubhouse, private commercial and recreational uses, and signage, marketed toward local college and hospital students and professionals. It is located at the corner of Marshall Avenue and McMicken Avenue in Camp Washington and CUF. The property is bisected by Central Parkway and includes two site lots. The property is zoned Manufacturing General (MG) in Camp Washington and Commercial Community – Auto Oriented (CC-A) in CUF. The western portion of the property contains a surface parking lot. The eastern portion is mostly vacant, except for the Sleep Cheap Mattress store located at 2740 Hallmar Avenue. In order to facilitate this development, the applicant is requesting a zone change to a Planned Development (PD).

The applicant has presented multiple versions of the plan to the City Administration, CUF Neighborhood Association (CUFNA) and Camp Washington Urban Redevelopment Corporation (CWURC), since formally applying for the Planned Development in August of 2021. The proposal consists of one surface parking lot on the west lot and two surface parking lots on the east lot. The west lot will contain two residential buildings, and the east lot will contain one residential building, each containing efficiencies through five-bedroom units. Additionally, the east lot will include a clubhouse. The property slopes down approximately 40’ from Straight Street and McMicken Avenue to Central Parkway, and the eastern portion contains a retaining wall that sits along Straight Street and Central Parkway. As part of the project, the applicant is requesting the vacation and conveyance of Hallmar Avenue between McMicken Street and Central Parkway, which was approved by the City Planning Commission on the February 4, 2022. The Camp Washington Business Association has submitted a letter of support for the proposal. Additional comment has been received by CUFNA, local businesses and residents, in both support and opposition of the project.

The proposal is consistent with portions of the University Impact Area Solutions Study (2016) and Plan Cincinnati (2012).

The City Planning Commission recommends Approval of this Ordinance. The Administration also recommends Approval.

Motion to Approve the  
Administration’s recommendation:

Ms. Sesler

Ayes:

Mr. Juech

Ms. Sesler

Seconded:

Mr. Juech

Ms. Kearney

Ms. McKinney

Mr. Stallworth

THE CITY PLANNING COMMISSION

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

KKJ: ADM

Encl.: Staff Report, Ordinance

**Date:** February 24, 2022

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

**From:** John P. Curp, Interim City Manager

**202200488**

**Subject: Liquor License – New**

---

***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** Cincinnati Police Department, East Price Hill Improvement Association,  
West Price Hill Community Council

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:** 7077040  
**PERMIT TYPE:** NEW  
**CLASS:** C1 C2  
**NAME:** PRICE HILL PETROLEUM LLC  
**DBA:** NONE LISTED  
3749 GLENWAY AV  
CINCINNATI, OH 45205

The Department of Buildings & Inspections has not responded with their investigation as of today's date.

On January 13, 2022, East Price Hill Improvement Association was notified of this application and do 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: March 1, 2022

**Clerk of Council**

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

**\$25.00 FILING FEE**

**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 Kylie Johnson
- 2. Occupation Policy Advocate
- 3. Title/Position Southwest Ohio Regional Director
- 4. Business Address 1145 Chesapeake Ave Suite i  
Street Suite Number  
Columbus OH 43212  
City State Zip(+4)
- 5. Telephone Number (513) 818-2278
- 6. Date of Engagement as Legislative Agent February 1, 2022

**B. EMPLOYER INFORMATION**

- 1. Full name of company or organization Ohio Environmental Council Action Fund
- 2. Type of Industry Non-profit
- 3. Business Address 1145 Chesapeake Ave Suite i  
Street Suite Number  
Columbus OH 43212  
City State Zip(+4)

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

Environmental protection and environmental  
justice related legislation

1/1/70

1. Name of the person or organization...  
2. Address...  
3. City...  
4. State...  
5. Zip...  
6. Telephone...  
7. Fax...  
8. E-mail...  
9. Other...  
10. Other...

1. Name of the person or organization...  
2. Address...  
3. City...  
4. State...  
5. Zip...  
6. Telephone...  
7. Fax...  
8. E-mail...  
9. Other...  
10. Other...

1. Name of the person or organization...  
2. Address...  
3. City...  
4. State...  
5. Zip...  
6. Telephone...  
7. Fax...  
8. E-mail...  
9. Other...  
10. Other...

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

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Agriculture      | <input checked="" 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 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 checked="" type="checkbox"/> Energy/Utilities | <input checked="" type="checkbox"/> Public Interest              | <input checked="" 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.**

Kylie Johnson  
Type or Print Name of Legislative Agent

Kylie J. Johnson  
Signature of Legislative Agent

1/07/2022  
Date

Trish Demeter  
Type or Print Name of Persons Signing for Employer

BY: [Signature]  
Signature for Employer

Chief of Staff  
Title

2/10/2022  
Date



February 16, 2022

**To:** Mayor and Members of City Council 202200385  
**From:** John P. Curp, Interim City Manager  
**Subject:** Ordinance – DOTE: Amend Ordinance No. 0273-2021

---

Attached is an Ordinance captioned:

**AMENDING** Ordinance No. 0273-2021, which authorized the acceptance and appropriation of a donation from Clifton resident Timothy Maxey to existing capital improvement program project account no. 980x232x212383, “Pedestrian Safety Improvements,” to provide resources for the purchase of two new solar powered blinking stop signs at the intersection of Middleton Avenue and Resor Avenue, for the purpose of increasing the donation and appropriation amount from \$2,920 to \$3,120.

This Ordinance amends Ordinance No. 0273-2021, which authorized the acceptance and appropriation of a donation from Clifton resident Timothy Maxey to existing capital improvement program project account no. 980x232x212382, “Pedestrian Safety Improvements,” to provide resources for the purchase of two new solar powered blinking stop signs at the intersection of Middleton Avenue and Resor Avenue, for the purpose of increasing the donation and appropriation amount from \$2,920 to \$3,120.

At the time of the donation, the cost of the two stop signs was quoted as \$2,920. The final cost of the signs upon purchase increased to \$3,120. Timothy Maxey wishes to donate the full purchase amount of \$3,120, which requires City Council authorization to accept the additional \$200.

The Administration recommends passage of this Ordinance.

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

Attachment

**AMENDING** Ordinance No. 0273-2021, which authorized the acceptance and appropriation of a donation from Clifton resident Timothy Maxey to existing capital improvement program project account no. 980x232x212383, “Pedestrian Safety Improvements,” to provide resources for the purchase of two new solar powered blinking stop signs at the intersection of Middleton Avenue and Resor Avenue, for the purpose of increasing the donation and appropriation amount from \$2,920 to \$3,120.

WHEREAS, Ordinance No. 0273-2021, passed on June 11, 2021, authorized the City Manager to accept and appropriate a donation in an amount up to \$2,920 from Clifton resident Timothy Maxey to existing capital improvement program project account no. 980x232x212383, “Pedestrian Safety Improvements,” for the purpose of providing resources for the purchase of two new solar powered blinking stop signs requested by the Clifton Town Meeting for the intersection of Middleton Avenue and Resor Avenue; and

WHEREAS, at the time of the donation, the cost of the two stop signs was quoted as \$2,920; and

WHEREAS, the final cost of the signs upon purchase amounted to \$3,120; and

WHEREAS, Timothy Maxey wishes to donate the full purchase amount of \$3,120, requiring Council authorization to accept the additional \$200; now, therefore,

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

Section 1. That Section 1 of Ordinance No. 0273-2021, passed by Council on June 11, 2021, which authorized the acceptance and appropriation of a donation from Clifton resident Timothy Maxey to existing capital improvement program project account no. 980x232x212383, “Pedestrian Safety Improvements,” to provide resources for the purchase of two new solar powered blinking stop signs at the intersection of Middleton Avenue and Resor Avenue, is hereby amended to read as follows:

Section 1. That the City Manager is hereby authorized to accept, with gratitude, and appropriate a donation in an amount up to ~~\$2,920~~ \$3,120 from Clifton resident Timothy Maxey to existing capital improvement program project account no. 980x232x212383, “Pedestrian Safety Improvements,” for the purpose of providing

resources for the purchase of two new solar powered blinking stop signs for the intersection of Middleton Avenue and Resor Avenue.

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

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.

February 16, 2022

**To:** Mayor and Members of City Council 202200386

**From:** John P. Curp, Interim City Manager

**Subject:** **Ordinance – OES: OEPA Volkswagen Mitigation Trust Fund Grant for Electric Vehicle (EV) Charging Stations**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for two grants in the amounts of up to \$417,631 and \$420,293 from the Ohio Environmental Protection Agency’s Volkswagen Mitigation Trust Fund for the purpose of providing resources to install public electric vehicle charging stations at 361 Central Avenue and on Plum Street in the City of Cincinnati.

This Ordinance authorizes the City Manager to apply for two grants in the amounts of up to \$417,631 and \$420,293 from the Ohio Environmental Protection Agency (OEPA)’s Volkswagen Mitigation Trust Fund for the purpose of providing resources to install public electric vehicle charging stations at 361 Central Avenue and on Plum Street in the City of Cincinnati.

If awarded, the Ohio Environmental Protection Agency Volkswagen Mitigation Trust Fund grant will reimburse the City for up to 90% of eligible project costs associated with the deployment of electric vehicle chargers. The remaining 10% will be reimbursed after five years of successful charger usage reporting to the OEPA. The grant does not require any new FTEs.

The administration has already applied for the OEPA Volkswagen Mitigation Trust Fund grant. However, grant resources will not be accepted without City Council approval.

Installing electric vehicle chargers supports the goal of the Green Cincinnati Plan (2018) to “[d]ecrease the consumption of fossil fuels, including gas, diesel, and natural gas by 20%,” and its recommendation to “[e]ncourage the use of electric vehicles through City programs that incentivize EV ownership and infrastructure,” as set forth on pages 205-211 of the Plan.

Installing electric vehicle chargers is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption,” as set forth on pages 181-186 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 two grants in the amounts of up to \$417,631 and \$420,293 from the Ohio Environmental Protection Agency’s Volkswagen Mitigation Trust Fund for the purpose of providing resources to install public electric vehicle charging stations at 361 Central Avenue and on Plum Street in the City of Cincinnati.

WHEREAS, on May 16, 2018, Council adopted the Green Cincinnati Plan in Motion No. 201800830; and

WHEREAS, installing electric vehicle chargers supports the goal of the Green Cincinnati Plan (2018) to “[d]ecrease the consumption of fossil fuels, including gas, diesel, and natural gas by 20%,” and its recommendation to “[e]ncourage the use of electric vehicles through City programs that incentivize EV ownership and infrastructure,” as set forth on pages 205-211 of the Green Cincinnati Plan; and

WHEREAS, if awarded, the Ohio Environmental Protection Agency (“OEPA”) grants will reimburse the City for up to 90% of eligible project costs associated with deployment of electric vehicle chargers and will reimburse the remaining 10% of costs after five years of successful charger usage reporting to the OEPA; and

WHEREAS, the grant does not require any new FTEs; and

WHEREAS, in the event that charger usage reporting requirements are met, no local match resources are required; and

WHEREAS, the administration has already applied for the grant, but no grant funds will be accepted without prior Council approval; and

WHEREAS, installing electric vehicle chargers is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption,” as set forth 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 is hereby authorized to apply for two grants in the amounts of up to \$417,631 and \$420,293 from the Ohio Environmental Protection Agency’s

Volkswagen Mitigation Trust Fund for the purpose of providing resources to install electric vehicle charging stations at 361 Central Avenue and on Plum Street in the City of Cincinnati.

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

Section 3. That this ordinance shall take effect from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**February 16, 2022**

**To:** Mayor and Members of City Council 202200387  
**From:** John P. Curp, Interim City Manager  
**Subject:** **Emergency Ordinance – Parks: Carter’s Grove at Ault Park**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to accept and deposit a donation in an amount up to \$40,000 from the Cincinnati Park Board Commissioners’ Fund into Fund 430, “Parks Private Endowment and Donations,” for the purpose of providing resources for a grove and bird sanctuary in Ault Park; **ESTABLISHING** new capital improvement program project account no. 980x203x222020, “Carter’s Grove at Ault Park,” for the purpose of providing resources for creating a grove and bird sanctuary in Ault Park; and **AUTHORIZING** the transfer and appropriation of up to \$40,000 from the unappropriated surplus of Fund 430, “Parks Private Endowment and Donations,” to newly established capital improvement program project account no. 980x203x222020, “Carter’s Grove at Ault Park.”

This Emergency Ordinance would authorize the City Manager to accept and deposit a donation totaling \$40,000 from the Cincinnati Park Board Commissioners’ Fund into Parks Private Endowment and Donations Fund 430. This Emergency Ordinance would also establish new capital improvement program project account no. 980x203x222020, “Carter’s Grove at Ault Park” for the purpose of providing resources for a grove and bird sanctuary in Ault Park. Finally, this Emergency Ordinance would authorize the Finance Director to transfer and appropriate \$40,000 from the unappropriated surplus of Parks Private Endowment and Donations Fund 430 to the newly established capital improvement program project account no. 980x203x222020, “Carter’s Grove at Ault Park.”

Lee and Shannon Carter donated funds to the Cincinnati Parks Foundation for the creation of a grove and bird sanctuary in Ault Park to be located within the forest edge of the Southwest end of Ault Commons. It will provide an accessible, quiet, and contemplative space under the canopy of trees and surrounding wildlife away from the active areas of Ault Park and will include seating and new understory plantings with views facing the forested hillside and down to the cherry tree grove.

This donation requires neither additional FTE nor matching funds.

The reason for the emergency is the immediate need to have resources in place to obtain bids and start construction.



Creating a grove and bird sanctuary in Ault Park is in accordance with the Sustain goal to “Preserve our natural and built environment” and strategy to “Protect our natural resources,” as described on pages 193 – 196 of Plan Cincinnati (2012).

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

## **EMERGENCY**

**KKF**

**- 2022**

**AUTHORIZING** the City Manager to accept and deposit a donation in an amount up to \$40,000 from the Cincinnati Park Board Commissioners' Fund into Fund 430, "Parks Private Endowment and Donations," for the purpose of providing resources for a grove and bird sanctuary in Ault Park; **ESTABLISHING** new capital improvement program project account no. 980x203x222020, "Carter's Grove at Ault Park," for the purpose of providing resources for creating a grove and bird sanctuary in Ault Park; and **AUTHORIZING** the transfer and appropriation of up to \$40,000 from the unappropriated surplus of Fund 430, "Parks Private Endowment and Donations," to newly established capital improvement program project account no. 980x203x222020, "Carter's Grove at Ault Park."

WHEREAS, Lee and Shannon Carter donated funds to the Cincinnati Parks Foundation for the creation of a grove and bird sanctuary in Ault Park to be located within the forest edge at the southwest end of Ault Commons; and

WHEREAS, the grove and bird sanctuary will provide an accessible, quiet, and contemplative space under the canopy of trees and surrounding wildlife away from the active areas of the Park, and will include seating and new understory plantings with views facing the forested hillside and down to the cherry tree grove; and

WHEREAS, acceptance of the funds from this generous donation will reimburse the City's costs for the creation of the grove and bird sanctuary; and

WHEREAS, there are no matching funds required with the acceptance of this donation; and

WHEREAS, there are no new FTEs associated with the acceptance of this donation; and

WHEREAS, creating a grove and bird sanctuary in Ault Park is in accordance with the "Sustain" goal to "[p]reserve our natural and built environment," and the strategy to "[p]rotect our natural resources," as described on pages 193 – 196 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 accept and deposit a donation in an amount of up to \$40,000 from the Cincinnati Park Board Commissioners' Fund into Fund 430, "Parks Private Endowment and Donations," for the purpose of providing resources for a grove and bird sanctuary in Ault Park.

Section 2. That new capital improvement program project account no. 980x203x222020, “Carter’s Grove at Ault Park,” is hereby established for the purpose of providing resources for creating a grove and bird sanctuary in Ault Park.

Section 3. That the City Manager is hereby authorized to transfer and appropriate up to \$40,000 from the unappropriated surplus of Fund 430, “Parks Private Endowment and Donations,” to newly established capital improvement program project account no. 980x203x222020, “Carter’s Grove at Ault Park,” for the purpose of creating a grove and bird sanctuary in Ault Park.

Section 4. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Sections 1 through 3 herein.

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 have resources in place to obtains bids and start construction.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**February 16, 2022**

**To:** Mayor and Members of City Council 202200388

**From:** John P. Curp, Interim City Manager

**Subject:** **Emergency Ordinance – American Rescue Plan (ARP) Appropriation Adjustments for Emergency Rental Assistance (ERA) Programs**

---

Attached is an Emergency Ordinance captioned:

**AMENDING** Ordinance No. 0235-2020, which established COVID-19 Fund 473 for receipt of funds from various sources earmarked to reimburse expenses related to the Coronavirus Disease 2019 (“COVID-19”) pandemic other than resources from the Federal Emergency Management Agency (FEMA); **AUTHORIZING** an appropriation reduction in the amount of \$7,178,998 from American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” for the purpose of reducing the appropriation by the amount allocated for Emergency Rental Assistance 2 funding to instead reflect these funds as an appropriation to COVID-19 Fund 473 based upon guidance promulgated by the United States Department of the Treasury; and **AUTHORIZING** an appropriation in the amount of \$7,178,998 to the City Manager’s Office non-personnel operating budget account no. 473x101x7400 for the purpose of providing reimbursement of, or resources for, certain non-personnel expenditures for the Emergency Rental Assistance 2 program based upon guidance promulgated by the United States Department of the Treasury.

COVID-19 Fund 473 was established by Ordinance No. 0235-2020 for the receipt of funds from various sources earmarked to reimburse expenses related to the Coronavirus Disease 2019 (COVID-19) pandemic other than the Federal Emergency Management Agency (FEMA). This Emergency Ordinance would amend the purpose of COVID-19 Fund 473 in order to expand the use of the fund to include expenses for the purpose of providing reimbursement of, or resources for, certain non-personnel expenditures for Emergency Rental Assistance programs.

The City received funding from the United States Department of the Treasury pursuant to the American Rescue Plan (ARP) Act as part of the Coronavirus Local Fiscal Recovery Fund Act for the Emergency Rental Assistance 2 (ERA2) program which those funds were appropriated to American Rescue Plan grant project account no. 469x101xARP101, “ERA2.”

Subsequent guidance promulgated by the United States Department of the Treasury and the Ohio Auditor of State determined that these funds should be appropriated to

COVID-19 Fund 473 instead of Local Fiscal Recovery Fund 469. This Emergency Ordinance authorizes an appropriation reduction for Fund 469 and a corresponding appropriation increase for Fund 469 for the ERA2 program in order to comply with the guidance but does not affect the amount of funds received or make any additional funds available for another use.

The reason for the emergency is the immediate need to comply with guidance promulgated by the United States Department of the Treasury.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

## EMERGENCY

AKS

- 2022

**AMENDING** Ordinance No. 0235-2020, which established COVID-19 Fund 473 for receipt of funds from various sources earmarked to reimburse expenses related to the Coronavirus Disease 2019 (“COVID-19”) pandemic other than resources from the Federal Emergency Management Agency (FEMA); **AUTHORIZING** an appropriation reduction in the amount of \$7,178,998 from American Rescue Plan grant project account no. 469x101xARP101, “ERA2,” for the purpose of reducing the appropriation by the amount allocated for Emergency Rental Assistance 2 funding to instead reflect these funds as an appropriation to COVID-19 Fund 473 based upon guidance promulgated by the United States Department of the Treasury; and **AUTHORIZING** an appropriation in the amount of \$7,178,998 to the City Manager’s Office non-personnel operating budget account no. 473x101x7400 for the purpose of providing reimbursement of, or resources for, certain non-personnel expenditures for the Emergency Rental Assistance 2 program based upon guidance promulgated by the United States Department of the Treasury.

WHEREAS, Ordinance No. 0235-2020 established COVID-19 Fund 473 for the receipt of funds from various sources earmarked to reimburse expenses related to the Coronavirus Disease 2019 (COVID-19) pandemic other than resources from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the purpose of this fund needs to be expanded to allow for expenses related to providing reimbursement of, or resources for, certain non-personnel expenditures for Emergency Rental Assistance programs; and

WHEREAS, the City received Emergency Rental Assistance 2 (ERA2) funding from the United States Department of the Treasury pursuant to the American Rescue Plan Act; and

WHEREAS, those funds were appropriated to American Rescue Plan grant project account no. 469x101xARP101, “ERA2;” and

WHEREAS, subsequent guidance promulgated by the United States Department of the Treasury and the Ohio Auditor of State determined that these funds should be appropriated to COVID-19 Fund 473 instead of Local Fiscal Recovery Fund 469; and

WHEREAS, this appropriation reduction does not affect the amount of funds received or make any additional funds available for another use; now, therefore,

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

Section 1. That Section 1 of Ordinance No. 0235-2020 is hereby amended as follows to further expand permissible uses of the fund's resources to include expenses related to Emergency Rental Assistance programs:

Section 1. That new Fund 473 entitled "COVID-19" is hereby established for receipt of funds from various sources earmarked to reimburse expenses related to the Coronavirus Disease 2019 (COVID-19) pandemic other than the Federal Emergency Management Agency (FEMA)-, including providing funding for emergency rental assistance programs.

Section 2. That in all other respects not inconsistent with the modifications provided for herein, Ordinance No. 0235-2020 as drafted shall be and remain in full force and effect as written.

Section 3. That an appropriation reduction in the amount of \$7,178,998 from American Rescue Plan grant project account no. 469x101xARP101, "ERA2," is hereby authorized for the purpose of reducing the appropriation by the amount allocated for Emergency Rental Assistance 2 (ERA2) funding to instead reflect these funds as an appropriation to COVID-19 Fund 473 based upon guidance promulgated by the United States Department of the Treasury.

Section 4. That the sum of \$7,178,998 is hereby appropriated to the City Manager's Office non-personnel operating budget account no. 473x101x7400 for the purpose of providing reimbursement of, or resources for, certain non-personnel expenditures for the Emergency Rental Assistance 2 (ERA2) program based upon guidance promulgated by the United States Department of the Treasury.

Section 5. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 4 hereof.

Section 6. 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 comply with guidance promulgated by the United States Department of the Treasury.

Passed: \_\_\_\_\_, 2022

---

Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

---

New language underscored. Deleted language indicated by strikethrough.

February 16, 2022

**To:** Mayor and Members of City Council 202200408  
**From:** John P. Curp, Interim City Manager  
**Subject:** **Ordinance – CRC: Paddock Hills Assembly Donation to Resurface Paddock Hills Recreation Area Basketball Court**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to accept and appropriate a donation in the amount of \$3,500 from Paddock Hills Assembly to the Cincinnati Recreation Commission for the purpose of providing resources to resurface the Paddock Hills Recreation Area basketball court; and **AUTHORIZING** the Finance Director to deposit the donated funds into capital improvement program project account no. 980x199x201903, “Athletics Facilities Renovation.”

This Ordinance authorizes the City Manager to accept and appropriate a donation in the amount of \$3,500 from Paddock Hills Assembly to the Cincinnati Recreation Commission to provide resources to resurface the Paddock Hills Recreation Area basketball court. The resources will be deposited into existing capital improvement program project account no. 980x199x201903, “Athletics Facilities Renovation.”

Acceptance of this donation requires no matching funds. There are no FTEs associated with the donation.

Accepting the donation from the Paddock Hills Assembly in an amount of \$3,500 to resurface the Paddock Hills Recreation Area basketball court is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 207-212 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 accept and appropriate a donation in the amount of \$3,500 from Paddock Hills Assembly to the Cincinnati Recreation Commission for the purpose of providing resources to resurface the Paddock Hills Recreation Area basketball court; and **AUTHORIZING** the Finance Director to deposit the donated funds into capital improvement program project account no. 980x199x201903, “Athletics Facilities Renovation.”

WHEREAS, the Paddock Hills Assembly has graciously offered a donation in the amount of \$3,500 to the Cincinnati Recreation Commission for the purpose of providing resources for the resurfacing of the Paddock Hills Recreation Area basketball court; and

WHEREAS, acceptance of the donation requires no matching funds, and there are no FTEs associated with the donations; and

WHEREAS, this ordinance is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 207-212 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 accept and appropriate a donation in the amount of \$3,500 from Paddock Hills Assembly to the Cincinnati Recreation Commission’s capital improvement program project account no. 980x199x201903 “Athletics Facilities Renovation,” for the purpose of providing resources to resurface the Paddock Hills Recreation Area basketball court.

Section 2. That the Director of Finance is hereby authorized to deposit the donated funds into capital improvement program project account no. 980x199x201903, “Athletics Facilities Renovation.”

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 hereof.

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

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk



**Greg Landsman**  
Councilmember

February 14, 2022

## MOTION

### *Prioritizing Staffing for Core Services in FY 2023 Budget*

As the Administration prepares its budget, we hereby move that the following core services be priorities:

- Public safety staffing (CFD, CPD), including support for the fire recruit class *and* a second police recruit class;
- Public services staffing (DPS), including support for additional sanitation crews *and* efforts to improve retention (potentially through adjusted compensation);
- Core municipal amenities (DPS), including urgent road repair to uphold lane miles and pothole maintenance — especially in historically underserved neighborhoods, wherein residents experience the highest financial consequences of crumbling infrastructure.<sup>1</sup>

*The Administration should prioritize working closely with the relevant bargaining units in order to ensure the success of these investments.*

Additionally, as the Administration develops the FY 2023 budget, we move that a public hearing/engagement session is scheduled in order for the community to give feedback directly to the Administration. We recommend it happen as soon as feasible (eg. March), as it would be preceding, and *in addition to*, the public engagement sessions Council will hold prior to our adjustment and final approval of the budget.

---

## STATEMENT

The most important role of a City is providing the effective, consistent, well-functioning, and continuously improving municipal amenities residents expect in exchange for taxes; these include everything from emergency and public safety services (CPD, CFD, EMS), to utilitarian services like waste collection, snow removal, road maintenance, architectural maintenance services, and more (DPS).

---

<sup>1</sup> "Poor Pavement Hits Lower-Income Americans Hard." *Pothole.Info*, 2021, [www.pothole.info/2016/02/poor-pavement-hits-lower-income-americans-hard](http://www.pothole.info/2016/02/poor-pavement-hits-lower-income-americans-hard).

# City of Cincinnati



801 Plum Street, Suite 351  
Cincinnati, Ohio 45202

Phone: (513) 352-5232  
Email: [greg.landsman@cincinnati-oh.gov](mailto:greg.landsman@cincinnati-oh.gov)  
Web: [www.cincinnati-oh.gov](http://www.cincinnati-oh.gov)

**Greg Landsman**  
Councilmember

Just as was acknowledged in a previously passed motion by Council concerning CFD's 2022 recruit class, CPD and DPS face serious attrition and turnover concerns. In addition, these departments face the detrimental fact that much of their workforce is approaching retirement age. 156 DPS employees (43%) are over 51 (67% are over 41+), and 381 CPD officers (34%) are over 51 (65% are over 41+) — hiring and nurturing their succeeding generation of staff is of *imminent concern* to this Council.

This Motion aims to clearly affirm Council's support for the staffing requests needed to address this issue in CFD, CPD (in particular, funding their entry-level recruit class in 2022; a vital aspect of sustaining a younger, more diverse police department), and DPS. These investments will increase the long-term capacity and minimize the consistent negative impact of staffing shortages, ultimately saving taxpayers' money.

***NOTE: Council will provide an additional Omnibus budget motion at a later date which will expand and further detail our collective priorities — as has been done in years past — but before doing so, we believed it important to express upfront our sincere commitment to improving core municipal services.***

Councilmember Greg Landsman

_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_