

May 11, 2022

**To:** Mayor and Members of City Council  
**From:** John P. Curp, Interim City Manager   
**Subject:** Notwithstanding Ordinance – The Foundry, 50 W. 5<sup>th</sup> Street

202201158

Transmitted is a Notwithstanding Ordinance captioned:

**AUTHORIZING** certain signage and street-level improvements to the building located at 50 W. 5<sup>th</sup> Street in the Central Business District NOTWITHSTANDING the provisions of Section 1411-21, “Ground Floor Transparency,” and Section 1411-39, “Signs,” of Chapter 1411, “Downtown Development Districts,” of the Cincinnati Municipal Code.

The City Planning Commission recommended approval of the Notwithstanding Ordinance at its May 6, 2022 meeting.

**Summary:**

Fountain Place, LLC, is completing its conversion of the former Macy’s-anchored Fountain Place at 50 W. 5<sup>th</sup> Street into a modern, mixed-use development. The project includes approximately 150,000 square feet of office space, along with 35,000 square feet of street-level retail/restaurant space. The applicant proposes street-level restaurant space for Jeff Ruby’s restaurant and cigar bar along Vine Street.

Fountain Place, LLC, requests a Notwithstanding Ordinance for signage and to provide relief from the ground floor transparency requirement of the Zoning Code. The requested permission is notwithstanding provisions of Chapter 1411, “Downtown Development Districts,” and any other applicable zoning regulations that would prevent the property’s development as proposed, including, but not limited to, the transparency requirements set forth in Chapter 1411-21, “Ground Floor Transparency,” and the signage requirements set forth in Chapter 1411-39, “Signs,” of the Cincinnati Zoning Code.

The City Planning Commission recommended the following on May 6, 2022, to City Council:

**APPROVE** the Notwithstanding Ordinance for relief from the ground floor transparency and signage standards in the Downtown Development (DD) zoning district for a building located at 50 W. 5<sup>th</sup> Street in the Central Business District with the following conditions:

- 1) The development and signage of 50 W. 5<sup>th</sup> Street must substantially comply with the plans submitted in Exhibit B; and
- 2) The Notwithstanding Ordinance does not provide a variance from any other laws of the City of Cincinnati, and the property shall remain subject to all other provisions of the Cincinnati Municipal Code, DD, “Downtown Development,” zoning district.

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

AP FOR KKS