



# City of Cincinnati

801 Plum Street  
Cincinnati, OH 45202

## Agenda - Final

### Equitable Growth & Housing

*Chairperson, Jeff Cramerding*  
*Vice Chairperson, Reggie Harris*  
*Councilmember, Meeka Owens*  
*Councilmember, Mark Jeffreys*  
*Councilmember, Anna Albi*  
*Vice Mayor, Jan-Michele Kearney*  
*Councilmember, Victoria Parks*  
*Councilmember, Scotty Johnson*  
*Councilmember, Seth Walsh*

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Tuesday, September 10, 2024

1:00 PM

Council Chambers, Room 300

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### PRESENTATIONS

#### Proposed Major Amendment to the Concept Plan & Development Program Statement for The Villages of Daybreak

Gabrielle Couch, City Planning

### AGENDA

#### Start of Public Hearing

1. [202401927](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 9/10/2024, **APPROVING** a major amendment to the concept plan and development program statement governing Planned Development No. 38 to change the density and uses permitted within the planned development to allow for greater density and to facilitate the construction of a new multi-family residential development at 1931 E. Seymour Avenue in the Bond Hill neighborhood. (Subject to the Temporary Prohibition List <<<https://www.cincinnati-oh.gov/law/ethics/city-business>>>).

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)  
[Attachment A](#)  
[Attachment B](#)  
[Attachment C](#)  
[Attachment D](#)  
[Legislative Record](#)  
[CPC Memo to Clerk](#)

2. [202401954](#) **PRESENTATION** submitted by Sheryl M. M. Long, City Manager, dated 9/10/2024, regarding the Major Amendment to the Concept Plan and Development Program Statement Governing Planned Development No. 38.

**Sponsors:** City Manager

**Attachments:** [Transmittal Presentation](#)

3. [202401986](#) **COMMUNICATION**, submitted by the Clerk of Council, from Stacey Hoffman, City Planning Division Manager, regarding the Bond Hill Community Council vote to rescind its support to LDG Development Seymore Avenue Multi-Family Project.

**Sponsors:** Clerk of Council

**Attachments:** [BHCC Rescinded LOS Letter](#)

### **End of Public Hearing**

4. [202401865](#) **REPORT**, dated 8/7/2024, submitted Sheryl M. M. Long, City Manager, regarding Cincinnati Futures Commission - response and next steps. (See Doc. #20240183)

**Sponsors:** City Manager

**Attachments:** [Report](#)

5. [202401903](#) **REPORT**, dated 9/5/2024, submitted Sheryl M. M. Long, City Manager, regarding DCED Contract Timelines. **Ref. Doc. #202302026**

**Sponsors:** City Manager

**Attachments:** [Report](#)

ADJOURNMENT

September 10, 2024

**To:** Members of the Equitable Growth and Housing Committee  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** Emergency Ordinance – Approving a Major Amendment to the Concept Plan and Development Program Statement Governing Planned Development No. 38

202401927

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Transmitted is an Emergency Ordinance captioned:

**APPROVING** a major amendment to the concept plan and development program statement governing Planned Development No. 38 to change the density and uses permitted within the planned development to allow for greater density and to facilitate the construction of a new multi-family residential development at 1931 E. Seymour Avenue in the Bond Hill neighborhood.

The City Planning Commission recommended approval of the designation at its August 16, 2024 meeting.

Summary

MBL DerbyCity Development LLC, on behalf of LDG Development, has submitted an application for a Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 – The Villages of Daybreak in Bond Hill. This request is to facilitate the construction of a 150-unit affordable housing development using LIHTC credits at 1931 E. Seymour Avenue. The currently approved Concept Plan and Development Program Statement proposes 43 attached condominium units, which were never developed. The site is currently vacant.

The City Planning Commission recommended the following on August 16, 2024 to City Council:

**ADOPT** the Department of City Planning and Engagement Findings as detailed in this report; and

**APPROVE** the proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, as outlined in this report.

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

**EMERGENCY**

**DBS**

**-2024**

**APPROVING** a major amendment to the concept plan and development program statement governing Planned Development No. 38 to change the density and uses permitted within the planned development to allow for greater density and to facilitate the construction of a new multi-family residential development at 1931 E. Seymour Avenue in the Bond Hill neighborhood.

WHEREAS, MBL DerbyCity Development, LLC (“DerbyCity”), owns or controls certain real property located at 1931 E. Seymour Avenue in the Bond Hill neighborhood (“Property”), which property Council rezoned to Planned Development District No. 38 (“PD-38”), pursuant to Ordinance No. 0368-2004 adopted on November 24, 2004; and

WHEREAS, the original concept plan and development program statement for PD-38 provided for the construction of ten five-unit, multi-family buildings on the Property; and

WHEREAS, DerbyCity has petitioned the City to approve a major amendment to the PD-38 concept plan and development program statement to include the construction of a new multi-family development at the Property, including two buildings with a total of 150 residential dwelling units consisting of one, two, and three bedroom units, 190 surface parking spaces, a clubhouse, a playground, and a six-foot privacy fence surrounding the Property; and

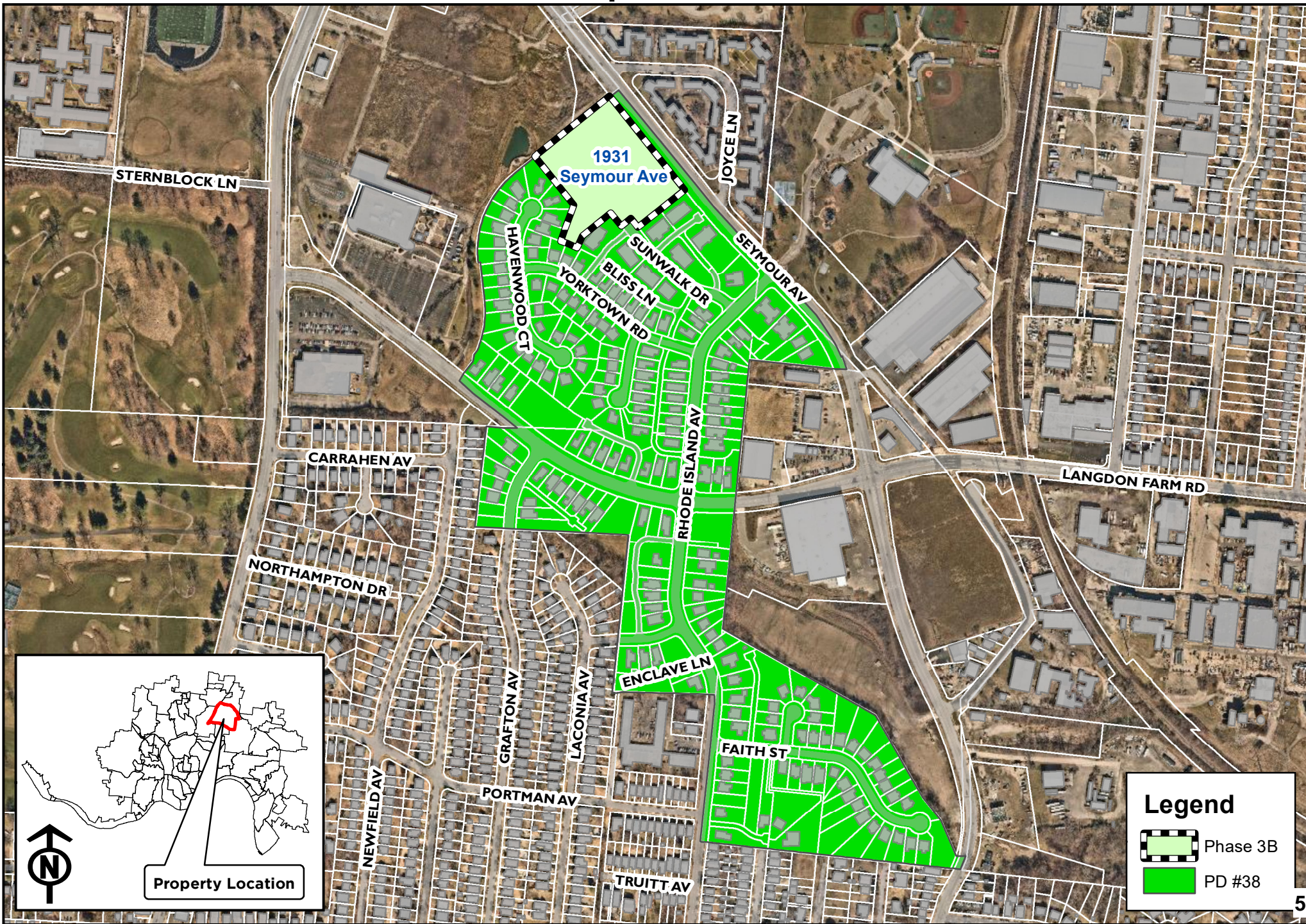
WHEREAS, the proposed residential units will be reserved for residents earning 50-70% of the Area Median Income and DerbyCity is applying for financial assistance through the Ohio Housing Finance Agency for Low-Income Housing Tax Credits to increase the supply of quality affordable rental housing in the City; and

WHEREAS, at its regularly scheduled meeting on August 16, 2024, the City Planning Commission recommended approval of the proposed major amendment to the concept plan and development program statement for PD-38; and



WHEREAS, a committee of Council held a public hearing on the major amendment to the concept plan and development program statement for PD-38 following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the major amendment, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, the proposed major amendment to the concept plan and development program statement for PD-38 is in accordance with the “Live” goal to “[p]rovide a full spectrum of housing options and improve housing quality and affordability” and to “[o]ffer housing options of varied sizes and types for residents at all stages of life” as described on pages 164 and 169 of Plan Cincinnati (2012); and

# Proposed Major Amendment to the Concept Plan & Development Program Statement and a Final Development Plan for PD #38 in Bond Hill



**Legend**

-  Phase 3B
-  PD #38

# EXHIBIT A

## Legal Description 4.3112 Acre Tract

Situated in Section 6, Township 3, Fractional Range 2, Between the Miami's, City of Cincinnati, Mill Creek Township, Hamilton County, Ohio and being part of the lands of Allen Temple-Tryed Stone Development, Ltd. as conveyed in O.R. 9698, Page 2460 of the Hamilton County Recorder's Office, being more particularly described as follows:

Beginning at a found 5/8" iron pin (capped Hartig #8765) at the northwest corner of The Villages of Daybreak, Phase 2, as recorded in Plat Book 395, Page 47, also being on the southerly right of way line of Seymour Avenue (100');

- Thence, from said point of beginning, departing the southerly line of said Seymour Avenue, and with the westerly line of said The Villages of Daybreak, Phase 2, South 51° 19' 05" West, 243.29 feet to a found cross notch on the northerly right of way line of Sunwalk Drive (50');
- Thence, with said northerly line of Sunwalk Drive, North 38° 40' 55" West, 46.70 feet to a found 5/8" iron pin (capped Hartig #8765);
- Thence, with the terminus of said Sunwalk Drive, South 51° 19' 05" West, 50.00 feet to a found 5/8" iron pin (capped Hartig #8765) on the southerly line of Sunwalk Drive;
- Thence, with the north line of Lot 75 of said The Villages of Daybreak, Phase 2, North 38° 40' 55" West, 67.99 feet to a found 5/8" iron pin (capped Hartig #8765);
- Thence, South 51° 19' 05" West, 148.28 feet to a found 5/8" iron pin (capped Hartig #8765);
- Thence, South 22° 52' 26" West, 52.08 feet to a found 5/8" iron pin (capped Hartig #8765) on the north line of Lot 121 of The Villages of Daybreak, Phase 3A as recorded in Plat Book 404, Page 31;
- Thence, with said north line of Lot 121, North 67° 07' 34" West, 44.25 feet to a found 5/8" iron pin (capped Hartig #8765);
- Thence, North 70° 00' 49" West, 28.21 feet to a found 5/8" iron pin (capped Hartig #8765) at the southeast corner of Lot 117, The Villages of Daybreak, Phase 3A;
- Thence, with the common line of The Villages of Daybreak, Phase 3A, North 19° 59' 02" East, 156.07 feet to a found 5/8" iron pin (no cap) at a corner of Lot 115;
- Thence, with the northerly line of said Lot 115 and Lot 114, North 38° 40' 55" West, 254.40 feet to a found 5/8" iron pin (capped CLS #6930) on the easterly line of Port of Greater Cincinnati Development Authority, as conveyed in O.R. 12255, Page 1626;
- Thence, with said Port of Greater Cincinnati Development Authority line, North 51° 19' 05" East, 389.80 feet to a found 5/8" iron pin (capped Hartig #8765) at the northeast corner of Port of Greater Cincinnati Development Authority, as conveyed in O.R. 12258, Page 1749, also being on the southerly right of way line of said Seymour Avenue;
- Thence, with said south line of Seymour Avenue, South 38° 40' 55" East, 488.45 feet to the point of beginning, containing 4.3112 acres of land, more or less, and subject to all easements and rights of way of record.

Basis of Bearings: NAD83 (2011) Ohio State Plane Coordinates, South Zone (3402).

The above description was prepared from a survey made by Ct Consultants on August 16, 2021 under the direction of Terry W. Cook, Professional Surveyor #7950 in the State of Ohio.

All set iron pins are 5/8" x 30" with ID cap "CT Cons. Cook OH PS 7950"

# SEYMOUR STATION

1931 SEYMOUR AVE., CINCINNATI, OH 45237



## PRELIM DESIGN

## SEYMOUR STATION

1931 SEYMOUR AVE., CINCINNATI, OH 45237

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NOTE:  
1. ALL BIDDERS SHALL VISIT THE SITE AND BECOME FAMILIAR WITH THE EXISTING CONDITIONS AND REQUIREMENTS OF THE PROJECT AND SHALL NOTIFY THE ARCHITECT OF ANY ERRORS AND OMISSIONS SUBSEQUENTLY DISCOVERED IN THE CONTRACT DOCUMENTS.  
2. THE CONTRACT DOCUMENTS ARE COMPRISED OF THE DRAWINGS AND THE PROJECT MANUAL IN THEIR ENTIRETY. THE INFORMATION IN THESE DOCUMENTS IS DEPENDENT UPON AND COMPLEMENTARY OF EACH OTHER.  
3. SEPARATION OF THE CONTRACT DOCUMENTS SHALL NOT BE PERMITTED. IF THE CONTRACTOR CHOOSES TO SEPARATE THE DOCUMENTS, THEY DO SO AT THEIR OWN RISK AND EXPENSE.  
4. ADDITIONALLY, SEE GENERAL INFORMATION ON "140" SHEETS.  
5. THE CLIENT ACKNOWLEDGES THE CONSULTANTS (ARCHITECT) DRAWINGS AND SPECIFICATION INCLUDING ALL DOCUMENTS ON ELECTRONIC MEDIA AS INSTRUMENTS OF THE CONSULTANTS (ARCHITECT) PROFESSIONAL SERVICE. THE CLIENT SHALL NOT REUSE OR MAKE OR PERMIT TO BE MADE ANY MODIFICATION TO THE DRAWINGS AND SPECIFICATIONS WITHOUT THE PRIOR WRITTEN AUTHORIZATION OF THE CONSULTANT (ARCHITECT). THE CLIENT AGREES TO WAIVE ANY CLAIM AGAINST THE CONSULTANT (ARCHITECT) ARISING FROM ANY UNAUTHORIZED TRANSFER, REUSE OR MODIFICATION OF THE DRAWINGS AND SPECIFICATIONS.  
6. ARCHITECT CANNOT WARRANT THE ACCURACY OF DATA CONTAINED HEREIN. ANY USE OR REUSE OF ORIGINAL OR ALTERED CAD/DWG DESIGN MATERIALS BY THE USER OR OTHER PARTIES WITHOUT THE REVIEW AND WRITTEN APPROVAL OF THE ARCHITECT SHALL BE AT THE SOLE RISK OF THE USER. FURTHERMORE, USER AGREES TO DEFEND, INDEMNIFY, AND HOLD ARCHITECT HARMLESS FROM ALL CLAIMS, INJURIES, DAMAGES, LOSSES, EXPENSES, AND ATTORNEY'S FEES ARISING OUT OF THE MODIFICATION OR REUSE OF THESE MATERIALS.  
7. THESE DRAWINGS AS PART OF THE CONTRACT DOCUMENTS ARE DIAGNOSTIC AND ARE NOT INTENDED TO BE EXACT QUANTITIES. LOCATIONS OR CODIFIED REQUIREMENTS THE DRAWINGS SHALL NOT BE SCALED. EXACT STATE AND LOCAL CODE REQUIREMENTS AND OTHER APPLICABLE CODE REQUIREMENTS SHALL BE VERIFIED BY AND ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR OR ANY INFORMATION WHICH DIRECTLY CONFLICTS WITH ANY OF THESE CODES OR ANY DISCREPANCIES FOUND IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT ARCHITECT.

## PRELIM DESIGN

PROJECT DATE: 06-26-24  
PROJECT #: 23174

| # | Description | Date |
|---|-------------|------|
|---|-------------|------|

## COVER SHEET

# A.000

**BERARDI+**  
ARCHITECTURE | INTERIOR DESIGN | ENGINEERING  
1398 GOODALE BOULEVARD, COLUMBUS, OHIO 43212  
P 614.221.1110 | berardipartners.com

### location map



| Sheet Number | Sheet Name                            | CSR 01-18-24 | TECH CSR 03-28-24 | TECH CSR 06-13-24 | CSR MTG - 8-16-24 |
|--------------|---------------------------------------|--------------|-------------------|-------------------|-------------------|
| A.000        | COVER SHEET                           | *            | *                 | *                 | *                 |
| A.100        | AERIAL SITE PLAN                      | *            | *                 | *                 | *                 |
| A.110        | BUILDING 1 FLOOR PLANS                | *            | *                 | *                 | *                 |
| A.112        | BUILDING 2 FIRST FLOOR PLAN           | *            | *                 | *                 | *                 |
| A.113        | BUILDING 2 SECOND THROUGH FOURTH FLRS | *            | *                 | *                 | *                 |
| A.115        | CLUBHOUSE FLOOR PLAN                  | *            | *                 | *                 | *                 |
| A.128        | BUILDING 1 ROOF PLAN                  | *            | *                 | *                 | *                 |
| A.129        | BUILDING 2 ROOF PLAN                  | *            | *                 | *                 | *                 |
| A.201        | BUILDING 1 EXT. ELEV. - RENDERINGS    | *            | *                 | *                 | *                 |
| A.202        | BUILDING 2 EXT. ELEV. - RENDERINGS    | *            | *                 | *                 | *                 |
| A.203        | BUILDING 1 EXT. ELEV. - TECHNICAL     | *            | *                 | *                 | *                 |
| A.204        | BUILDING 2 EXT. ELEV. - TECHNICAL     | *            | *                 | *                 | *                 |

### LDG - BLDG 1 UNIT COUNT MIX

| UNIT TYPE w/ balcony | Count     |
|----------------------|-----------|
| 1BDRM                | 12        |
| 2BDRM                | 18        |
| 2BDRM END UNIT       | 6         |
| 3BDRM GRNR           | 6         |
| 3BDRM                | 12        |
| <b>TOTAL</b>         | <b>54</b> |

### LDG - BLDG 2 UNIT COUNT MIX

| UNIT TYPE w/ balcony | Count     |
|----------------------|-----------|
| 1BDRM                | 32        |
| 2BDRM                | 40        |
| 2BDRM GRNR           | 4         |
| 3BDRM                | 20        |
| <b>TOTAL</b>         | <b>96</b> |

### BUILDING AREA BY LEVEL BUILDING 1

| Name                           | Area             |
|--------------------------------|------------------|
| <b>Building 1</b>              |                  |
| 1ST FLOOR                      |                  |
| 1A1                            | 754 SF           |
| 1B1                            | 2,297 SF         |
| 2B1                            | 7,045 SF         |
| 3A1                            | 1,162 SF         |
| 3B1                            | 1,162 SF         |
| 3B2                            | 4,808 SF         |
| CORRIDOR                       | 2,638 SF         |
| ELEV.                          | 126 SF           |
| MECH.                          | 265 SF           |
| PATIO                          | 1,161 SF         |
| STAIR                          | 343 SF           |
| STORAGE                        | 0 SF             |
| TRSH.                          | 64 SF            |
| <b>1ST FLOOR</b>               | <b>21,836 SF</b> |
| 2ND FLOOR                      |                  |
| 1B1                            | 3,011 SF         |
| 2A1                            | 882 SF           |
| 2B1                            | 6,163 SF         |
| 3A2                            | 1,202 SF         |
| 3B1                            | 2,325 SF         |
| 3B2                            | 3,601 SF         |
| BALCONY                        | 1,161 SF         |
| CORRIDOR                       | 2,638 SF         |
| MECH.                          | 265 SF           |
| STAIR                          | 343 SF           |
| STORAGE                        | 126 SF           |
| TRSH.                          | 64 SF            |
| <b>2ND FLOOR</b>               | <b>21,836 SF</b> |
| 3RD FLOOR                      |                  |
| 1B1                            | 3,011 SF         |
| 2B1                            | 5,218 SF         |
| 2B2                            | 1,761 SF         |
| 3A2                            | 1,202 SF         |
| 3B1                            | 2,325 SF         |
| 3B2                            | 3,601 SF         |
| BALCONY                        | 1,161 SF         |
| CORRIDOR                       | 2,638 SF         |
| MECH.                          | 324 SF           |
| STAIR                          | 343 SF           |
| STORAGE                        | 126 SF           |
| <b>3RD FLOOR</b>               | <b>21,836 SF</b> |
| <b>TOTAL W/ PATIO/BALC.</b>    | <b>65,509 SF</b> |
| <b>TOTAL W/OUT PATIO/BALC.</b> | <b>62,007 SF</b> |

### BUILDING AREA BY LEVEL BUILDING 2

| Name                           | Area              |
|--------------------------------|-------------------|
| <b>Building 2</b>              |                   |
| 1ST FLOOR                      |                   |
| 1A1                            | 745 SF            |
| 1B1                            | 5,214 SF          |
| 2A1                            | 882 SF            |
| 2A2                            | 1,244 SF          |
| 2B1                            | 7,958 SF          |
| 3A2                            | 1,202 SF          |
| 3B2                            | 4,808 SF          |
| CORRIDOR                       | 2,911 SF          |
| ELEV.                          | 152 SF            |
| MECH.                          | 260 SF            |
| PATIO                          | 1,338 SF          |
| STAIR                          | 656 SF            |
| TRSH.                          | 69 SF             |
| <b>1ST FLOOR</b>               | <b>27,518 SF</b>  |
| 2ND FLOOR                      |                   |
| 1B1                            | 5,959 SF          |
| 2A1                            | 889 SF            |
| 2B1                            | 7,943 SF          |
| 2B2                            | 1,244 SF          |
| 3A2                            | 1,203 SF          |
| 3B2                            | 4,808 SF          |
| BALCONY                        | 1,338 SF          |
| CORRIDOR                       | 2,911 SF          |
| ELEV.                          | 152 SF            |
| MECH.                          | 63 SF             |
| STAIR                          | 656 SF            |
| TRSH.                          | 69 SF             |
| <b>2ND FLOOR</b>               | <b>27,321 SF</b>  |
| 3RD FLOOR                      |                   |
| 1B1                            | 5,959 SF          |
| 2A1                            | 889 SF            |
| 2B1                            | 7,943 SF          |
| 2B2                            | 1,244 SF          |
| 3A2                            | 1,203 SF          |
| 3B2                            | 4,808 SF          |
| BALCONY                        | 1,338 SF          |
| CORRIDOR                       | 2,911 SF          |
| ELEV.                          | 152 SF            |
| MECH.                          | 63 SF             |
| STAIR                          | 656 SF            |
| TRSH.                          | 69 SF             |
| <b>3RD FLOOR</b>               | <b>27,321 SF</b>  |
| 4TH FLOOR                      |                   |
| 1B1                            | 5,959 SF          |
| 2A1                            | 889 SF            |
| 2B1                            | 9,181 SF          |
| 3A2                            | 1,203 SF          |
| 3B2                            | 4,808 SF          |
| BALCONY                        | 1,338 SF          |
| CORRIDOR                       | 2,911 SF          |
| ELEV.                          | 152 SF            |
| MECH.                          | 63 SF             |
| STAIR                          | 656 SF            |
| TRSH.                          | 69 SF             |
| <b>4TH FLOOR</b>               | <b>27,321 SF</b>  |
| <b>TOTAL W/ PATIO/BALC.</b>    | <b>109,481 SF</b> |
| <b>TOTAL W/OUT PATIO/BALC.</b> | <b>104,129 SF</b> |

### perspective



### BUILDING AREA BY LEVEL CLUBHOUSE

| Name             | Area            |
|------------------|-----------------|
| <b>1ST FLOOR</b> |                 |
| ASST. MANAGER    | 146 SF          |
| COMMUNITY        | 129 SF          |
| KITCHEN          | 418 SF          |
| COMMUNITY ROOM   | 276 SF          |
| CORR.            | 9 SF            |
| FILE STORAGE     | 264 SF          |
| IT. CLOS.        | 24 SF           |
| LEASING AREA     | 315 SF          |
| MAIL ROOM        | 372 SF          |
| MAINTENANCE      | 168 SF          |
| MANAGER          | 148 SF          |
| MECH.            | 64 SF           |
| PANTRY           | 74 SF           |
| RESTROOM         | 135 SF          |
| SERVICE COORD.   | 150 SF          |
| VESTIBULE        | 202 SF          |
| WATER ROOM       | 173 SF          |
| WORK ROOM        | 174 SF          |
| <b>TOTAL</b>     | <b>3,241 SF</b> |

### site plan



### PROJECT INFORMATION

PROJECT TYPE: NEW CONSTRUCTION  
ADDRESS: 1931 SEYMOUR AVE, CINCINNATI, OH 45237  
COUNTY: HAMILTON  
CLIMATE ZONE: 6A  
SEISMIC ZONE: SEISMIC DESIGN CATEGORY B, SITE CLASS D  
DESIGN WIND SPEED: 140 NOMINAL  
FEMA FLOOD ZONE: n8  
USE GROUP: R2  
CONSTRUCTION TYPE: 5A  
SPRINKLER SYSTEM SPECIFICATION  
BLDG 1: NFPA 13R  
BLDG 2: NFPA 13R  
CLUBHOUSE: NFPA 13

### BUILDING CODE ANALYSIS

**APPLICABLE BUILDING CODES:**  
CODE LIST IS NOT NECESSARILY EXHAUSTIVE OF ALL AHJs

2024 OHIO BUILDING CODE  
2024 OHIO PLUMBING CODE  
2024 OHIO MECHANICAL CODE  
2024 NATIONAL ELECTRIC CODE - NFPA 70  
2015 INTERNATIONAL FUEL GAS CODE  
SAFE HARBOR  
ANSI A117.1/2011  
2012 INTERNATIONAL ENERGY CONSERVATION CODE  
2010 ASHRAE 90.1  
NATIONAL FIRE ALARM & SIGNALING CODE - NFPA 12-16  
AUTOMATIC SPRINKLER SYSTEMS - NFPA 13R  
2024 OHIO FIRE CODE

OHIO ADMINISTRATIVE CODE  
CITY OF CINCINNATI BUILDING & ZONING ORDINANCES  
CODE LIST IS NOT NECESSARILY EXHAUSTIVE OF ALL CODES HAVING JURISDICTION

### USE & OCCUPANCY CLASSIFICATION (CHAPTER 9):

GROUND FLOOR [R-2](OCCUPANCY)  
SECOND FLOOR [R-2](OCCUPANCY)  
THIRD FLOOR [R-2](OCCUPANCY)  
FOURTH FLOOR [R-2](OCCUPANCY)

architect:  
Berardi + Partners, LLC  
Columbus, Ohio

civil:  
Evans Engineering  
Cincinnati, Ohio

NOT FOR CONSTRUCTION



**SEYMOUR STATION**

1931 SEYMOUR AVE.,  
CINCINNATI, OH 45237

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**PRELIM DESIGN**

PROJECT DATE: 06-26-24  
PROJECT #: 23174

| # | Description | Date |
|---|-------------|------|
|   |             |      |

**AERIAL SITE PLAN**

**A.100**

**BERARDI+**  
ARCHITECTURE | INTERIOR DESIGN | ENGINEERING  
1398 GOODALE BOULEVARD, COLUMBUS, OHIO 43212  
P 614.221.1110 [berardipartners.com](http://berardipartners.com)

**NOT FOR CONSTRUCTION**



**Planned Development District 38**  
**Development Program Statement**

PD-38 consists of two distinct residential developments.

The first is The Villages of Daybreak, which consists of single-family homes and condominium units that were constructed by Allen Temple-Tryed Stone Development, Ltd., an Ohio limited liability company.

The second is Seymour Station, a multi-family residential development to be constructed by MBL DerbyCity Development, LLC, a Texas limited liability company, on the real property located at 1931 East Seymour Avenue (Hamilton County, Ohio Auditor's Parcel Id. No. 117-0003-0113-00). MBL DerbyCity Development, LLC shall cause 150 residential units to be constructed on the aforementioned property, along with associated utilities, parking areas, and landscaping.

Honorable City Planning Commission  
Cincinnati, Ohio

**SUBJECT:** A report and recommendation on a proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, in Bond Hill.

**GENERAL INFORMATION:**

Location: 1931 E. Seymour Avenue, Cincinnati OH, 45237

Petitioner: MBL DerbyCity Development, LLC  
1502 Vine Street, 4<sup>th</sup> Floor, Cincinnati OH, 45202

Owner: Allen Temple-Tryed Stone Development Ltd.  
7700 Shawnee Run Road, Cincinnati OH, 45243

Request: A proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, in Bond Hill, to establish a multifamily use and corresponding development parameters at 1931 E. Seymour Avenue.

**ATTACHMENTS:**

Provided in addition to this report are the following exhibits:

- Exhibit A – PD-38 Concept Plan Map
- Exhibit B – Major Amendment Application
- Exhibit C – Application Cover Letter
- Exhibit D – Amended Development Program Statement
- Exhibit E – Updated Concept Plan
- Exhibit F – Updated Renderings
- Exhibit G – May 2024 Letter to Adjacent Property Owners
- Exhibit H – July 2024 Community Engagement Session Flyer
- Exhibit I – August 2024 Community Engagement Session Flyer
- Exhibit J – September 2023 Draft Community Benefits Agreement
- Exhibit K – Expert Opinion from a Certified Professional Planner
- Exhibit L – Letter from Current Property Owner
- Exhibit M – Conservation Easement
- Exhibit N – Purchase and Sale Agreement
- Exhibit O – Legal Description
- Exhibit P – The Villages of Daybreak Letter of Opposition and Signed Petition
- Exhibit Q – Written Comment

**BACKGROUND:**

Planned Development #38 (PD-38), The Villages of Daybreak, was established on November 24, 2004 by Ordinance 368-2004, in which City Council approved the zone change and Concept Plan and Development Program Statement. The project consisted of the redevelopment of 60-acres of land formerly occupied by the Huntington Meadows Apartments into roughly 300 units, consisting primarily of detached single-family homes with some condominiums. It also included new utilities, roadways, sidewalks and landscaping, and was to be completed through six total phases. To date, the vast majority of the project has been constructed.

A Final Development Plan for Phases 1-3 was approved by the City Planning Commission on November 19, 2004. The subject property, located at 1931 E. Seymour Avenue, is considered Phase 3B of the project and was

intended to be the last phase constructed. The property consists of 4.3 acres, and the previously approved Final Development Plan proposed 43 attached condominium units, the same as the existing adjacent condo units within the PD. However, this phase was ultimately never constructed, and 1931 E. Seymour Avenue remains vacant.

The petitioner, MBL DerbyCity Development, is an affiliate of LDG Development based in Louisville, KY. The petitioner is currently under contract to purchase the property from Allen Temple-Tryed Stone Development, the developers of the other phases of The Villages of Daybreak. The petitioner's new proposal requires a Major Amendment to the Concept Plan and Development Program Statement of PD-38.

The proposed Major Amendment and accompanying Final Development Plan were reviewed and held at the June 21, 2024 City Planning Commission meeting. The motion to hold the items called for the project to return to the City Planning Commission pending a meeting between the petitioner, residents of The Villages of Daybreak, and The Villages of Daybreak Homeowner's Association (HOA). Two meetings hosted by the petitioner were held on July 2 and August 6 of 2024, and a meeting hosted by the HOA was held on July 13, 2024. The application materials were also revised following the June 21, 2024 public hearing according to feedback from residents; the revisions are outlined in the Proposed Development and Changes to Concept Plan section below.

### **ADJACENT LAND USE AND ZONING:**

The site is currently zoned Planned Development (PD-38). The adjacent zoning and land uses are as follows:

**North:**

Zoning: Planned Development (PD)  
Use: Vacant land (MidPointe Crossing site)

**East:**

Zoning: Residential Multi-family (RMX)  
Use: Multifamily residences (Roselawn Village Apartments)

**South:**

Zoning: Planned Development (PD-38)  
Use: Attached condominiums

**West:**

Zoning: Planned Development (PD-38)  
Use: Single-family residential

### **PROPOSED DEVELOPMENT AND CHANGES TO CONCEPT PLAN:**

The petitioner is proposing to develop the currently vacant site into an affordable multifamily development entitled Seymour Station. The proposed project consists of two multifamily residential buildings, with three stories and 54 units in Building 1 and four stories and 96 units in Building 2. Units will include a mix of one-, two-, and three-bedroom layouts, each with a patio or balcony. The developer is using Low-Income Housing Tax Credits (LIHTC), and units will be affordable to tenants making 50%, 60%, and 70% of the Area Median Income (AMI). In addition to the two residential buildings, the project also includes a clubhouse, playground, and six-foot privacy fence surrounding the property. The proposal includes 190 parking spaces, and the site will be accessed from Seymour Avenue. Emergency vehicles will have additional access through a locked gate where the property meets Sunwalk Drive.

Changes to the original application following the June 21, 2024 City Planning Commission meeting are outlined in the Application Cover Letter (Exhibit C), and include the following: removed the proposed pool, reduced the height of Building 1 from four stories to three, reduced the total unit count from 168 to 150, added an additional 20 parking spaces, included additional landscaping and preserved the existing oak tree on site, replaced the proposed bollards at Sunwalk Drive with a locked gate, and moved the clubhouse location further away from the adjacent single-family homes. Additional materials were also provided, including a letter of professional opinion that the project is compatible and necessary in the City (Exhibit K), and a letter from the current property owner expressing that the current site plan is no longer economically viable (Exhibit L).

The development proposes a change in density and use from the single-family residential proposal established in the previously approved Concept Plan and Development Program Statement. The change is considered a Major Amendment to establish a multi-family use and the corresponding development parameters.

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

According to §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 existing Planned Development consists of 60 contiguous acres.

- b. **Ownership** – *Evidence that the petitioner 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 provided the purchase and sale agreement for the property at 1931 E. Seymour Avenue (Exhibit N) with the current owner, Allen Temple-Tryed Stone Development.

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

The proposed Major Amendment includes two residential buildings, a clubhouse building, and a playground on the site.

- 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 site is located within a historic district, nor contains 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.*

No portion of the site is located within the 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.*

No portion of the site is 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. 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 petitioner has submitted a proposed Major Amendment to the Concept Plan and Development Program Statement that includes sufficient information regarding proposed uses, building locations, street access, pedestrian circulation systems, and open space and landscaping.

- b. **Ownership** – Evidence that the petitioner 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 has provided the purchase and sale agreement for the property at 1931 E. Seymour Avenue (Exhibit N) with the current owner, Allen Temple-Tryed Stone Development.

- 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 project will be constructed in a single phase.

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

The project has gone through both Development and Technical Design Reviews available through the City’s Coordinated Site Review Process (see “Coordinated Site Review”).

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

The project has a proposed density of 35 units per acre and 30% of the site is set aside as open space (approximately 56,323 square feet).

**MAJOR AMENDMENT:**

The Cincinnati Zoning Code § 1429-12 allows for amendments to the Concept Plan and Development Program Statement. Major Amendments must be approved by the City Planning Commission and City Council. A Major Amendment to the Concept Plan and Development Program Statement has been requested as the petitioner wishes to change the permitted uses. The Major Amendment includes:

- A change in the uses from single-family residential to multi-family residential
- An increase in density by more than ten percent

**FINAL DEVELOPMENT PLAN:**

According to §1429-13 *Final Development Plan*, a Final Development Plan must be submitted for any portion of an approved Concept Plan that the petitioner wishes to develop following approval of the Concept Plan and Development Program Statement and the Planned Development (PD) designation by City Council. The Final Development Plan must substantially conform to the approved Concept Plan and Development Program Statement. A Final Development Plan for 1931 E. Seymour Avenue was submitted concurrently with the proposed Major Amendment to the Concept Plan and Development Program Statement. The petitioner has filed for a Final Development Plan, which is filed under a separate request and will be considered as Item 3 on the August 16, 2024 agenda.

**COORDINATED SITE REVIEW:**

The project was reviewed at the Development Design Review level through the City’s Coordinated Site Review (CSR) process in February of 2024, and the Technical Design Review level in May of 2024; no concerns were identified. The Department of Transportation and Engineering has reviewed the submitted Traffic Impact study for this project and approved its finding that no changes to the existing right-of-way are necessary.

**PUBLIC COMMENT AND NOTIFICATION:**

A combined notice for the June 5, 2024, Public Staff Conference and the June 21, 2024, City Planning Commission meeting was sent to all property owners within 400 feet of the site, The Villages of Daybreak Homeowner’s Association (HOA), the Bond Hill Community Council, the Roselawn Community Council, and the Bond Hill Roselawn Collaborative.

The June 5, 2024 virtual Public Staff Conference was held for both the proposed Major Amendment and Final Development Plan. There were a total of 11 members of the public in attendance, as well as members of City staff and the development team. Attendees were curious about the level of engagement with the Bond Hill Community Council and The Villages of Daybreak HOA, to which Planning staff and the petitioner explained how the two organizations had been involved in the process to date. There were some concerns about recent instances of surveyors trespassing on the residential properties without notice, which the petitioner addressed. There were a number of questions related to project specifics, including the building design and orientation, the proposed privacy fence along the perimeter of the property, vehicle access, the affordability component, and if the project will be affiliated with The Villages of Daybreak HOA, all of which the petitioner addressed. Attendees seemed generally supportive of the project and the vacant land finally being developed.

A letter of opposition and accompanying petition with 142 signatures was submitted as additional correspondence to the City Planning Commission on June 20, 2024 (Exhibit P). The concerns outlined in the letter included the proposed density of the project, the increased density of rental units in the area, the traffic impact on the neighborhood, noise and light pollution, safety concerns, impact on surrounding property values, and an insufficient level of community engagement. Thirteen members of the public spoke at the June 21, 2024 City Planning Commission hearing in opposition to the project, and both items related to it were held pending further engagement with the community.

A meeting hosted by LDG Development was held on July 2, 2024 with over 50 members of the public and one member of City staff in attendance (flyer is included as Exhibit H). LDG presented information about the company, other projects completed, and an economic analysis of the site. The main concerns expressed by attendees were that the development was incompatible with its surroundings due to the proposed density and increase in rental units abutting a single-family area; the project was not what they were told would be done on the site when they purchased their homes; a desire for ownership products on the site; a potential negative impact on property values; and inadequate engagement with the community by the petitioner. A number of residents were opposed to the affordability component of the project, but not all. Other concerns voiced during the meeting included exacerbated traffic issues on Seymour Avenue, increased noise, and insufficient parking.

The Villages of Daybreak HOA hosted its annual meeting on July 13, 2024, at which the proposed project was discussed. Residents of The Villages of Daybreak and representatives from the applicant team were in attendance, however no members of City staff were present.

Another meeting hosted by LDG Development was held on August 6, 2024 with approximately 50 members of the public and one member of City staff in attendance (flyer is included as Exhibit I). LDG staffed information stations related to various community concerns and answered questions. Resident's questions were primarily about how many of the prospective tenants would be using Section 8 vouchers, the use and hours of the clubhouse, and the safety measures for the property. Residents reiterated concerns about noise, crime and safety, parking, traffic on Seymour, density, and trash management.

Notice of the August 16, 2024 City Planning Commission meeting was sent to all property owners within 400 feet of the site, The Villages of Daybreak HOA, the Bond Hill Community Council, the Roselawn Community Council, and the Bond Hill Roselawn Collaborative. Additionally, email notification was sent to all who attended the June 5, 2024 Public Staff Conference and signed in at the June 21, 2024 City Planning Commission meeting.

The petitioner has outlined all community engagement efforts related to the project thus far in the Application Cover Letter (Exhibit C). The Bond Hill Community Council issued a letter of support for the project in October of 2023, but rescinded the letter in July of 2024. Two pieces of written comment have been received by City staff, both of which are included as Exhibit Q.

**CONSISTENCY WITH PLANS:**

### *Plan Cincinnati (2012)*

The proposed Major Amendment is consistent with the Live Initiative Area of *Plan Cincinnati (2012)*, including the goal to “Provide a full spectrum of housing options,” (p. 164) and the strategy to “Offer housing options of varied sizes and types for residents at all stages of life” (p. 169). The project will bring 168 units of affordable housing to Bond Hill, with a variety of unit sizes and bedrooms to accommodate differing household needs.

### *Bond Hill + Roselawn Plan (2016)*

The proposed Major Amendment is inconsistent with the Future Land Use plan in the *Bond Hill + Roselawn Plan (2016)*, which calls for low density residential use of the site (p. 19). However, during the time since this plan was approved, the property has sat vacant. This indicates that some level of change to the currently approved low-density residential use of the site is necessary to facilitate any new development there.

The project is consistent with the Housing Theme of the *Bond Hill + Roselawn Plan (2016)*, including the goal to “Increase homeownership and diversity of housing options, including expanding access to a variety of market-rate and affordable housing choices in Bond Hill” (p. 15), and the Action Steps to “Increase the quality and diversity of existing rental property” and “Identify private investors to improve existing properties and build new ones” (p. 32). While the proposed development is not increasing homeownership, it addresses the rest of the goal in the Housing Theme by providing affordable rental units to the area with a diversity of sizes and bedroom options. The proposed development will improve the quality of the rental stock in Bond Hill by aligning with the second Action Step to create new, quality rental housing units in the neighborhood on a currently vacant site.

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

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

1. *The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;*

The proposal is partially consistent with the Housing Theme of the *Bond Hill + Roselawn Plan (2016)*, and consistent with the Live Initiative Area of *Plan Cincinnati (2012)* (see “Consistency with Plans”). It is also compatible with surrounding development as it is adjacent to lower-density multifamily condominiums to the south, which act as a transition into the low-density single-family housing; the multifamily Roselawn Village Apartments complex to the north; and the proposed high-density, mixed-use Midpoint Crossing site to the west.

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;*

The proposal is an amendment to an already approved and established Planned Development district. The subject property has sat vacant for decades, indicating that under the current regulations established in the Concept Plan and Development Program Statement, development is infeasible. The proposed amendment allows for an achievable development on the parcel, thus enhancing the district.

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 proposal is an amendment to an already approved and established Planned Development. As described above, the fact that the subject property has been vacant and unused for two decades indicates that deviations to the current regulations established in the Concept Plan and

Development Program Statement are necessary to facilitate any new development on the site.

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

All aspects are covered in the submitted Concept Plan and Development Program Statement and the concurrently submitted Final Development Plan.

**ANALYSIS:**

The proposed Major Amendment to the Concept Plan and Development Program Statement would establish a new multifamily use at 1931 E. Seymour Avenue located within Planned Development District #38, The Villages of Daybreak, and its associated development parameters. The proposed development would contain two high-density multifamily residential buildings with amenities, compared to the originally proposed attached single-family residences.

The current regulations for the property located at 1931 E. Seymour Avenue as established by the Concept Plan and Development Program Statement, as well as the Final Development Plan for Planned Development #38, have proven unsuccessful in fostering new development on the site since their establishment. This is illustrated by the fact that the property has remained vacant and underutilized for over two decades, despite the completion of all other phases of The Villages of Daybreak development. Thus, some level of change to the Planned Development district for this property is required.

The Seymour Station project proposes a productive development that will provide 150 designated affordable housing units with amenities to Bond Hill, and will complete the last remaining large parcel in The Villages of Daybreak. The petitioner has engaged with the community (including the Bond Hill Community Council, The Villages of Daybreak HOA, and nearby residents) on several occasions, and has revised the project to accommodate a number of their concerns.

**FINDINGS:**

It is the opinion of staff of the Department of City Planning and Engagement that the proposed Major Amendment to the Concept Plan and Development Program Statement is in compliance with §1429-12 *Amendments to a Planned Development Concept Plan*. The proposal is consistent with the purpose of the Planned Development District Regulations, and the petitioner has successfully met all basic requirements of the Planned Development District. The Major Amendment will not negatively impact the existing character of the surrounding area.

**RECOMMENDATION:**

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

1. **ADOPT** the Department of City Planning and Engagement Findings as detailed in this report; and
2. **APPROVE** the proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, as outlined in this report.

Respectfully submitted:

Approved:



Gabrielle Couch, City Planner  
Department of City Planning & Engagement

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



September 10, 2024

Cincinnati City Council  
 Council Chambers, City Hall  
 Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

**APPROVING** a major amendment to the concept plan and development program statement governing Planned Development No. 38 to change the density and uses permitted within the planned development to allow for greater density and to facilitate the construction of a new multi-family residential development at 1931 E. Seymour Avenue in the Bond Hill neighborhood.

Summary:

MBL DerbyCity Development LLC, on behalf of LDG Development, has submitted an application for a Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 – The Villages of Daybreak in Bond Hill. This request is to facilitate the construction of a 150-unit affordable housing development using LIHTC credits at 1931 E. Seymour Avenue. The currently approved Concept Plan and Development Program Statement proposes 43 attached condominium units, which were never developed. The site is currently vacant.

The City Planning Commission recommended the following on August 16, 2024 to City Council:

**ADOPT** the Department of City Planning and Engagement Findings as detailed in this report; and

**APPROVE** the proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, as outlined in this report.

|                    |             |       |                |
|--------------------|-------------|-------|----------------|
| Motion to Approve: | Mr. Weber   | Ayes: | Ms. Beltran    |
| Seconded:          | Ms. Beltran |       | Mr. Samad      |
|                    |             |       | Mr. Weber      |
|                    |             | Nays: | Mr. Stallworth |

THE CITY PLANNING COMMISSION



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

September 10, 2024

TO: Members of the Equitable Growth & Housing Committee

FROM: Sheryl M. M. Long, City Manager **202401954**

SUBJECT: Presentation – Approving a Major Amendment to the Concept Plan and  
Development Program Statement Governing Planned Development No. 38

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Attached is the presentation for the Major Amendment to the Concept Plan and Development Program Statement Governing Planned Development No. 38.

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

# Proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 The Villages of Daybreak

Equitable Growth & Housing Committee

September 10, 2024

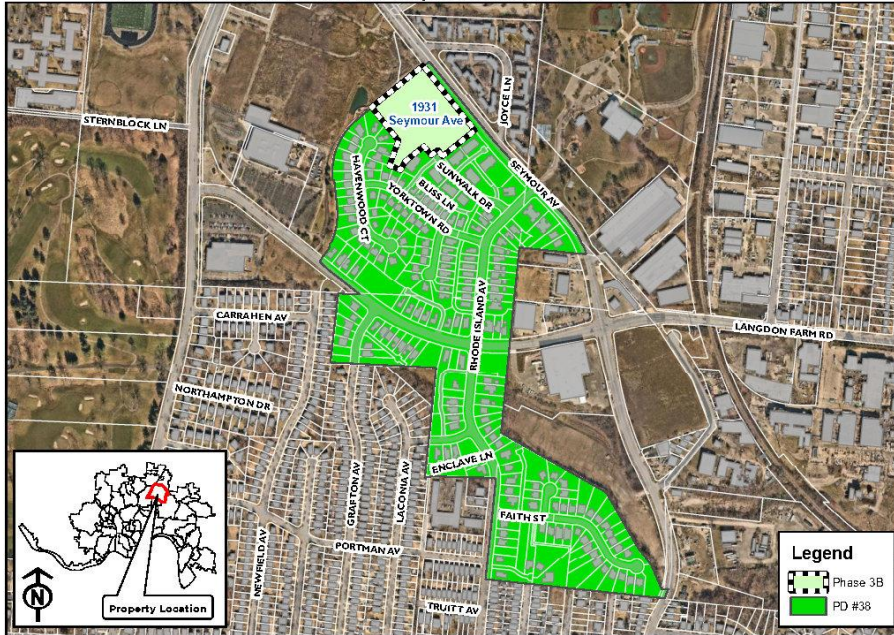
## Background



### Planned Development District #38

- Established 2004
- 60-acre development
- Roughly 300 single-family homes
- 11 condo buildings
- Completed through six total phases

**Proposed Major Amendment to the Concept Plan & Development Program Statement and a Final Development Plan for PD #38 in Bond Hill**



## Background



- Final Development Plan approved 2004
- 10 attached 5-unit condo buildings
- Never completed

# Proposed Project



## Seymour Station

- Multi-family residential
- Two buildings
- 150 total units
- 190 parking spaces
- One, two, and 3 bedrooms with balconies
- Affordable to tenants making 50%, 60%, and 70% of the Area Median Income (AMI)

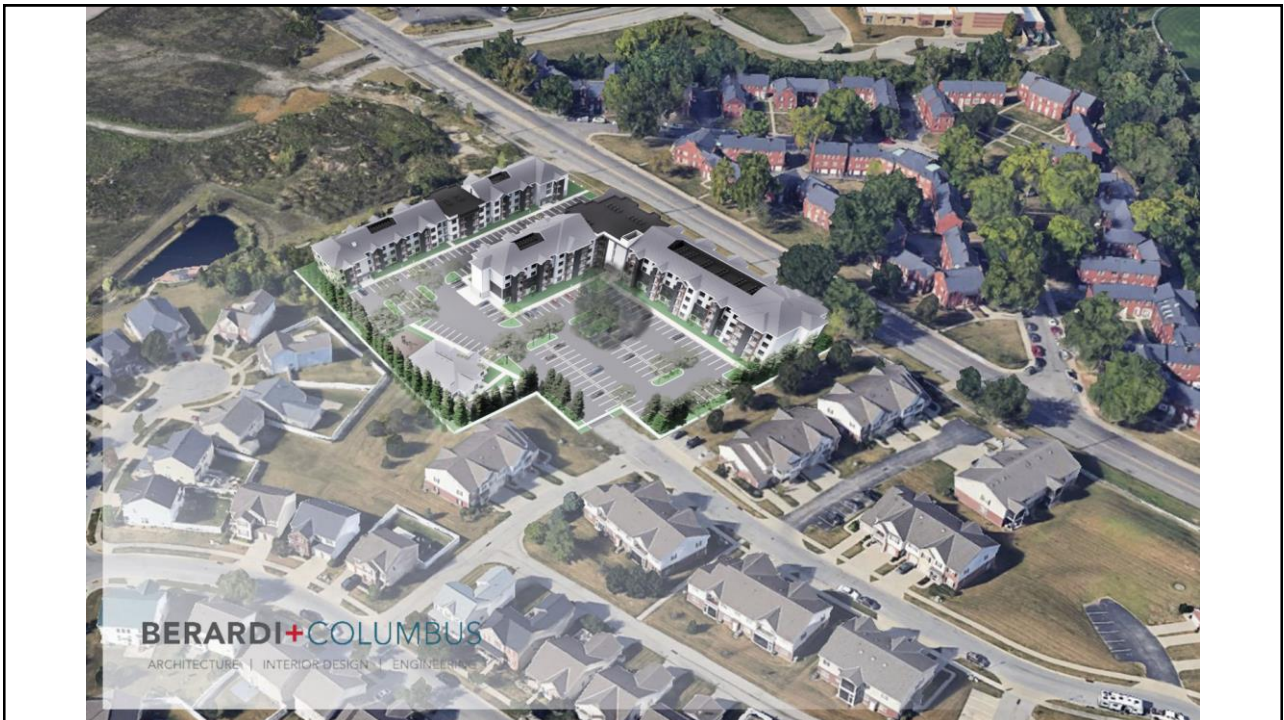
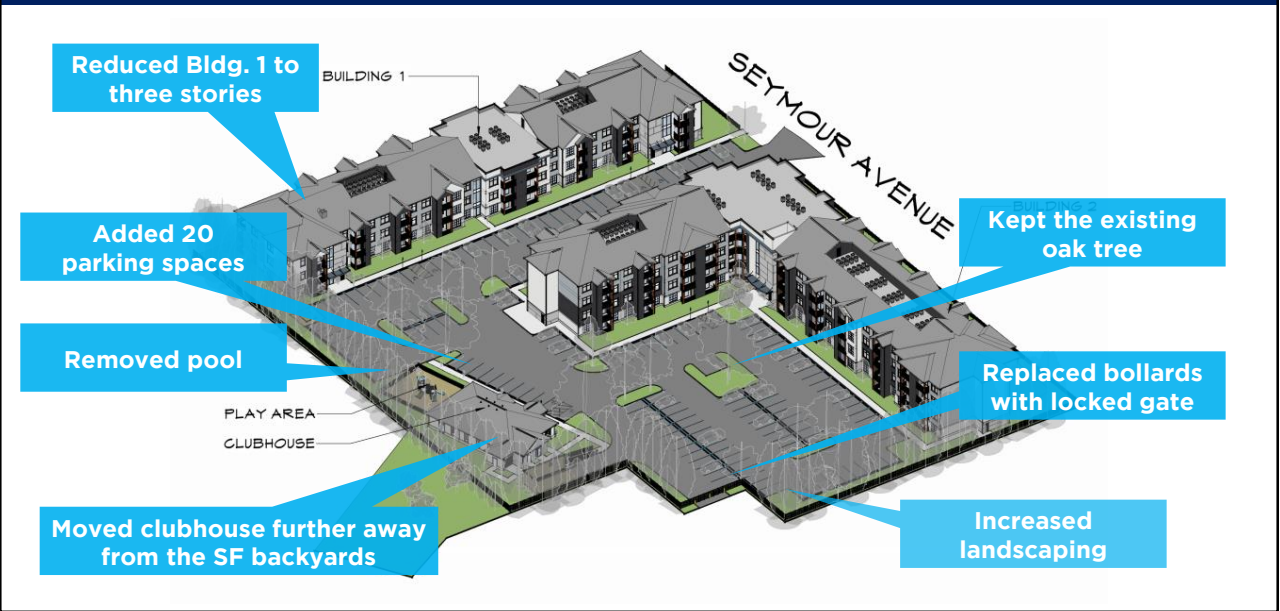
# Proposed Project



## Amenities:

- Clubhouse
  - Fitness center
  - Business center
  - Community room
- Playground

# Project Revisions







## Major Amendment

The requested Major Amendment is considered such because it proposes

- **A change in use** to multi-family residential
- **An increase in density** by more than ten percent



## Coordinated Site Review

- **Development Design Review:** February 2024
- **Technical Design Review:** May 2024

No concerns were identified.

## Traffic Impact Study

Conducted by TEC Engineering, approved by DOTE on June 6, 2024.

Found that the development will not have a significant impact on Seymour Ave, and a left turn lane was not recommended.

# Engagement Timeline

|                        |   |                                                                          |
|------------------------|---|--------------------------------------------------------------------------|
| <b>Fall 2023</b>       | ● | Meetings with the Bond Hill Community Council, granted Letter of Support |
| <b>Winter 2023</b>     | ● | Meetings with the Villages of Daybreak Board of Trustees                 |
| <b>May 2024</b>        | ● | Letters about the project sent to abutting property owners               |
| <b>June 5, 2024</b>    | ● | Virtual Public Staff Conference hosted by DCPE                           |
| <b>June 20, 2024</b>   | ● | Letter of Opposition and petition submitted                              |
| <b>June 21, 2024</b>   | ● | Planning Commission hearing, project held for further engagement         |
| <b>July 2, 2024</b>    | ● | Engagement session hosted by applicant                                   |
| <b>July 13, 2024</b>   | ● | Villages of Daybreak HOA Annual Meeting, applicant in attendance         |
| <b>July 16, 2024</b>   | ● | Bond Hill Community Council rescinds Letter of Support                   |
| <b>August 6, 2024</b>  | ● | Second engagement session hosted by applicant                            |
| <b>August 16, 2024</b> | ● | Planning Commission approval                                             |

# Public Comment

## **Bond Hill Letter of Support** | October 11, 2023

- Conditional in order to provide adequate time to “work through the nuances of a Community Benefits Agreement.”

## **Bond Hill Rescission of LOS** | July 16, 2024

- Rescinded the Letter of Support due to “lack of consultation, collaboration, or contact” from LDG with the community council.

## Public Comment

### **Combined Virtual Public Staff Conference** | June 5, 2024

- Curiosity about engagement thus far
- Concern about surveyors trespassing
- General questions about the project overall

## Public Comment

### **Letter of Opposition and Signed Petition** | June 20, 2024

- Increased residential density
- Increased density of rental units in the area
- Traffic impact
- Noise and light pollution
- Safety
- Impact on surrounding property values
- Insufficient community engagement

# Public Comment

## LDG Engagement Session #1 | July 2, 2024

- Project is incompatible due to density and increase in rental units
- Project is not what residents were told would be done on the site when they purchased homes
- Desire for ownership products
- Concern about impact on property values
- Inadequate engagement with the community
- Some opposed to the affordability component
- Concern about traffic, increased noise, and insufficient parking

# Public Comment

## LDG Engagement Session #2 | August 6, 2024

- Questions about project specifics
  - How many prospective tenants would be using Section 8 vouchers
  - Use and hours of the clubhouse
  - Safety measures for the property
- Continued concerns about noise, crime, safety, parking, traffic on Seymour, density, and trash management.

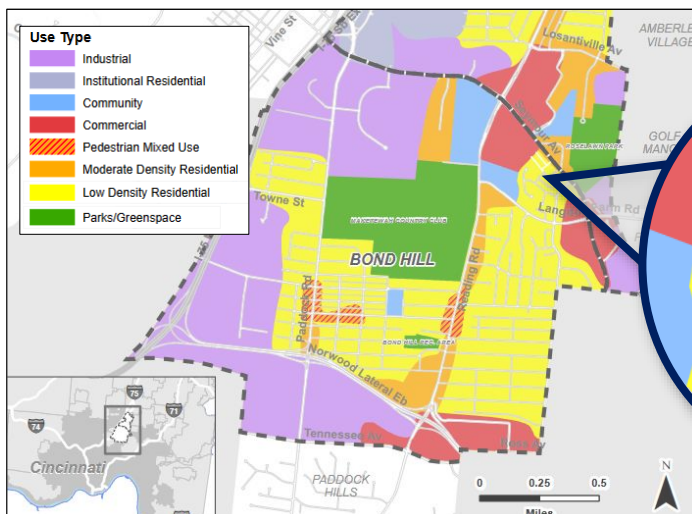
# Consistency with *Plan Cincinnati* (2012)

## Live Initiative Area

**Goal:** Provide a full spectrum of housing options

**Strategy:** Offer housing options of varied sizes and types for residents at all stages of life

# Consistency with *Bond Hill + Roselawn Plan* (2016)



## Consistency with *Bond Hill + Roselawn Plan* (2016)

### Housing Theme

**Goal:** Increase homeownership and **housing options**, including market-rate and **affordable choices**.

**Actions:** Identify investors to improve existing properties and **build new ones**.

## Analysis

- The current development requirements established by the approved PD plans have **proven unsuccessful in fostering new development** on the site, as seen by the long-term vacancy of the property.
- The Seymour Station project proposes **a productive development** that will provide 150 affordable apartments with amenities to Bond Hill.
- The petitioner has **engaged with the community** on several occasions and has **revised the project** to accommodate a number of concerns.

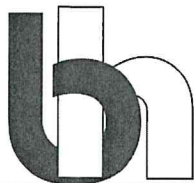
## Findings

Staff finds that the proposed Major Amendment **is in compliance with all applicable purposes and requirements** for PDs and Amendments.

## Recommendation

**The City Planning Commission recommends that City Council take the following action:**

1. **ADOPT** the DCPE findings as detailed in the Staff Report;
2. **APPROVE** the proposed Major Amendment to the Concept Plan and Development Program Statement for PD #38, The Villages of Daybreak.



Bond Hill Community Council  
P.O. Box 37627  
Cincinnati, Ohio 45222

**DATE:** July 16, 2024

**TO:** City of Cincinnati- City Planning

**FROM:** The Bond Hill Community Council

**RE: Rescind Support to:** LDG Development Seymour Avenue, Multi-Family Project

To Whom It May Concern:

It is with regret that we inform you that on July 11, 2024, the Bond Hill Community Council voted to Rescind its support to LDG Development Seymore Avenue Multi-Family Project.

During a council meeting on October 5, 2023, the Bond Hill Community Council voted to give a Conditional Support Letter to LDG. The letter was sent to the City of Cincinnati-City Planning Commission, clearly stating that the support be conditional on LDG engaging and collaborating with the community to work through the nuances and clarity of a Community Benefits Agreement (see the October 11,2023 letter attached).

Unfortunately, the council has had no engagement or collaboration with LDG since October 5, 2023.

About a week ago, the council was contacted by LDG regarding a community meeting regarding opposition to this project from the Villages of Daybreak. At that time, the Bond Hill community Council learned that there had been changes made to the original housing design presented on October 5, 2024. Additionally, the council has not been contacted to develop the Community Benefits agreement.

As a result of the lack of consultation, collaboration or just basic contact from LDG, the Bond Hill Executive Team had questions and could not provide answers to the community council. The motion to rescind support for LDG, does not in any way diminish the community's commitment to its desire to ensure that our neighbors secure housing and that Bond Hill remains a welcoming place to live.

With respect,

Jacqueline R. Edmerson

President, Bond Hill Community Council

The Bond Hill Community Council

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<https://www.bond-hill.org>

**Bond Hill, Building Community Together.**



August 7, 2024

To: Mayor and Members of City Council  
From: Sheryl M.M. Long, City Manager  
Subject: Cincinnati Futures Commission – Response and Next Steps

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**Reference Document #202401283**

On May 8, 2024, the City Council referred the following item for report:

MOTION, submitted by Mayor Aftab Pureval, WE MOVE that the Administration provide a report in 60 days regarding the "Cincinnati Futures Commission, A Vision for the Future Cincinnati" recommendations. This report will allow the Mayor and Council to be intentional around the recommendations that require policy guidance. (BALANCE OF STATEMENT ON FILE)

**INTRODUCTION**

The purpose of this report is to respond to the Mayor’s motion regarding the Cincinnati Futures Commission report. The Mayor and Council have made clear that their overarching goal for the City is equitable growth—growing our entire City in a way that drives increased economic prosperity but also leaves no one behind. To accomplish that goal, the City must have a strong financial footing so we can provide excellent city services and invest in our neighborhoods and residents.

I want to acknowledge the foresight and leadership of our Mayor in convening this commission, and I want to thank the business, labor, and civic leaders who volunteered their time to take on our most difficult challenges and recommend strategies for our City to thrive.

The hard work of the Commission has produced a robust and thoughtful road map for improving the finances of the City and for Cincinnati’s continued growth. This report lays out proposed next steps for undertaking and vetting the Futures Commission recommendations. In this report, the recommendations are organized into three sections:

- Section I – Recommendations Completed or Underway
- Section II - Recommendations Requiring Additional Policy Guidance or a Vote of the Electorate
- Section III – Recommendations Requiring Additional Due Diligence

As described below, work on a significant portion of the recommendations is either underway or even completed. This consistency of vision is notable and provides significant momentum for implementation of many recommendations. The recommendations addressed in Sections II and III will require additional public conversation, vetting, and decision-making. The Administration looks forward to working in tight coordination with our elected officials on those efforts.

## **I. Recommendations Completed or Underway**

It is encouraging that many of the recommendations from the Futures Commission report are aligned with existing long-term Administration initiatives and policy initiatives, many that have been underway for one or more years. Of the twenty-five enumerated recommendations in the report, fourteen (56%) of the report recommendations are underway or completed.

### **Connected Communities and Update Plan Cincinnati – Page 24**

The Futures Commission report supports passage of the Connected Communities legislation as well as recommends an update to Plan Cincinnati.

Over the last two years under the leadership of Mayor Aftab, Councilmember Harris, and Councilmember Cramerding, Connected Communities was thoughtfully developed. The policy includes pro-growth changes to equitably move our City forward. City Council considered and approved that legislation on June 5, 2024.

Plan Cincinnati is the City’s comprehensive plan, and it has not been updated in over a decade. The City’s FY 2025 Budget Update includes resources for undertaking a full update to Plan Cincinnati. The update process is being planned now and will be launched later in this fiscal year.

### **Industrial Redevelopment for Job Creation – Page 29**

The Futures Commission report recommends investing resources to acquire and improve sites to support commercial and industrial development that will create good jobs. This is a strategy that is in line with previous actions of the Mayor and Council, with \$7 million in resources allocated in FY23 to an initiative with the Port Authority for industrial site acquisition and redevelopment and an additional \$1.3 million allocated to the same initiative in FY24. Those resources are still being deployed. Before allocating additional resources to this initiative, the Administration recommends completing the process to clearly establish strategic economic development objectives for the City, as discussed in detail in Section II of this report, and reviewing the structure and impact of the previous investment.

## Neighborhood Growth Funding – Page 34

The Futures Commission report recommends investing additional resources to support development projects in neighborhoods, suggesting \$5 million annually for 10 years. The FY 2025 Budget Update includes over \$6.2 million in new resources to support this use, including an additional \$1 million allocated to the Neighborhood Business District Improvement Program, \$1 million for strategic acquisitions by the City, \$1 million for the new Quick Strike Fund, and another approximately \$3.2 million allocated to additional neighborhood development initiatives. These additional resources build on investments made over the past few years by the Mayor and Council for neighborhood growth by increasing funding to existing programs, establishing new programs, and providing funding directly to community development corporation projects. New programs like the Neighborhood Catalytic Capital Improvement Fund, Empower Neighborhoods program, and the Quick Strike Fund are directly putting dollars towards the use recommended by the Futures Commission.

## Affordable Housing Leverage Fund Investments – Page 35

The Futures Commission report recommends increasing funding to the Affordable Housing Leverage Fund to \$10 million per year. Over the last several years the Mayor and Council have significantly increased contributions to this initiative. In FY24, the City contributed \$6.5 million to the Affordable Housing Leverage Fund. In FY25, this amount is projected at approximately \$7 million per year—with \$1.9 million in the approved FY 2025 Budget Update as well as an additional \$5 million expected from the carryover in the fall. Increases in short-term rental registration revenues and the changes to the stabilization policy introduced by the Mayor in February of 2022 have enabled this increased contribution. In addition to the sources above, the City's VTICA (Voluntary Tax Incentive Contribution Agreement) program generates a small but growing amount of revenue for the Affordable Housing Leverage Fund each year.

Historic trends predict increasing short-term rental revenues and VTICA revenues. That growth will drive increased contributions to the Affordable Housing Leveraged Fund, in line with the report's recommendation.

## Homebase and Community Development Corporation (CDC) Capacity Building – Page 36

The Futures Commission report recommends increased funding to support CDC capacity building. Recent and continuing funding by the Mayor and Council for this purpose demonstrates significant existing alignment on this recommendation.

Prior to 2023 the City typically provided about \$600,000 a year in operating support to Homebase and neighborhood community development corporations. Beginning in 2023 the City nearly doubled that annual operating support to approximately \$1.1

million per year. This is in addition to the millions of additional dollars that have been invested in project support.

Before allocating additional resources to this initiative, the Administration recommends completing the process to clearly establish strategic economic development objectives for the City, as discussed in detail in Section II of this report, and reviewing the structure and impact of the previous investment.

### Equitable Economy Recommendations – Pages 36-38

To achieve a more equitable economy, the report recommends (1) The above discussed investment in industrial redevelopment and (2) Additional investment of \$2.5 million annually in the Lincoln and Gilbert initiative to support the growth of minority-owned businesses.

To date, the City has provided \$5 million to the Lincoln and Gilbert initiative. Further, the City has significantly invested in growing minority-owned businesses—both through investments with partners supporting minority-owned businesses as well as through providing additional resources and policies for economic development projects that support minority-owned businesses. Before allocating additional resources to this initiative, the Administration recommends completing the process to clearly establish strategic economic development objectives for the City, as discussed in detail in Section II of this report, and reviewing the structure and impact of the previous investment.

### Police and Fire Operational Studies – Pages 47-48

The Futures Commission report recommends that the City engage in an in-depth study of police and fire operations. That process is underway with a contractor already engaged to assess facility and operational needs of both police and fire. The study is analyzing operations to benchmark against peers, identify industry best practices, and suggest any adjustments to facilities and staffing necessary to maintain and improve public safety services. The City has engaged a vendor and the FY 2025 Budget Update includes \$2 million to fully fund this study.

The project is broken out into five phases:

- Phase A: Data Collection, June 2024 – July 2024
- Phase B: Space and Programming Needs Assessment, June 2024 – October 2024
- Phase C: Facilities Condition Assessment, August 2024 – January 2025
- Phase D: Sustainability Strategy, September 2024 – December 2024
- Phase E: Public Safety Facilities Master Plan, January 2025 – July 2025

The report also mentions increased use of civilians within Police. Police Chief Teresa Theetge is leading an ongoing effort to examine the use of civilians for the work of the Cincinnati Police Department (CPD). In the FY 2025 Budget Update, there are

personnel changes that will return four sworn officers to the street. The City has also proposed civilianization efforts through the ongoing collective bargaining negotiation process.

It is important to highlight that the Futures Commission report's discussion related to public safety does not fully account for the realities of the collective bargaining negotiation process. The report states that the City should maintain its annual expense growth for public safety at 2.7% (Page 45). This recommendation is not feasible, without forced staffing reductions. Police and Fire expenditure growth is largely driven by wage increases negotiated through the collective bargaining process, which is controlled by state law. In the absence of a negotiated agreement, wage increases are decided by a third-party in mediation. Over the last ten years, this process has driven an average expense growth rate of 3.6% per year for CPD and 4.9% per year for Fire. Any plan to create a more sustainable financial structure for the City must account for the realities of collective bargaining.

#### Billing for Emergency Medical Services (EMS) – Page 48

The Futures Commission report recommends that the City adjust its policies around EMS fees and reimbursement to increase revenues, specifically by accessing additional federal funds through the Ground Emergency Medical Transport program. To do this, the State of Ohio must expand Medicaid benefits to encompass this program, and the City is underway in working with its lobbyist to advocate for this expansion. Additionally, in alignment with the stated goal of the recommendation, the City has already reviewed and updated its EMS billing rates.

#### Performance Management and Performance-Based Budgeting – Page 54

The Futures Commission report generally recommends leveraging data to improve public services—mentioning specifically applications for the Department of Public Services as well as budgeting. The Administration has been hard at work on this for several years and continues to make great strides, in line with the recommendation.

The adoption of data-based management practices has been a primary strategic goal of the Administration for City operations. These efforts include implementing a rigorous performance management process and putting the City on a three-year plan to migrate from pure continuation budgeting to performance-based budgeting.

The recommendation for use of performance management to improve Fleet operations is also aligned with ongoing efforts. The Administration has been working over the last two years to modernize our fleet management and routing processes—including investments in technology and staffing. The FY2025 Budget Update includes a new data analyst position to further this work.

This progress lays a deep foundation for lasting operational improvements, and the City appreciates the Futures Commission report’s recommendation and recognition of this work’s value.

### Gainsharing – Page 55

The report recommends the adoption of a gainsharing strategy — a process by which employees who reduce costs while maintaining service standards can receive a share of the savings from increased operational efficiency. The City is employing a version of gainsharing strategy in its Green Cincinnati Revolving Loan Fund, where Departments can re-capture operating funds saved via sustainability projects. The FY 2025 Budget Update includes a significant contribution to this revolving loan fund.

The report identifies other opportunities to employ a gainsharing strategy to create additional operating efficiencies. The City Administration will work internally to identify feasible opportunities, including for fleet maintenance.

### Cincinnati Southern Railway Recommendations – Pages 65-67

The Futures Commission report acknowledges the forthcoming benefits stemming from the sale of the Cincinnati Southern Railway. The report recommends focusing investment on road repaving; pedestrian-friendly infrastructure; and parks, recreation, and public safety facilities. It also recommends focusing investments on projects that will create operating budget savings.

In the FY 2025 Budget Update, the City laid out the first installment of the Cincy On Track initiative, an effort to provide a high-level of transparency on investment of the proceeds from the sale of the railway. Of the \$29.2 million available for this year, 59.7% is being invested in road and bridge repair projects—including pedestrian-friendly infrastructure such as the Complete Streets overhaul of Victory Parkway. The remaining resources are split among investments in parks, recreation, health, and other city facilities. These investments closely track the recommendation from the report.

FY26 will be the first year where the City expects to see a substantial increase in capital resources from the sale of the Cincinnati Southern Railway. To prepare the Administration continues to enhance the structure, sophistication, and transparency of capital resource allocation decisions. The report’s recommendations will be incorporated into those efforts.

### Admission Tax Changes – Page 70

The Futures Commission report recommends changing the City’s Admission Tax to better capture revenue from resale of tickets through third-party resellers. In January of 2024, Council approved an amendment to the Cincinnati Municipal Code to accomplish this.

## Parking Enforcement and Meters – Page 71

The Futures Commission report recommends increasing parking enforcement, expanding parking meter assets, and removing peak hour parking restrictions.

Work on increasing parking enforcement has been well underway for over a year through an Administration initiative to identify service delivery challenges and opportunities for increased efficiency and revenue generation. This work resulted in a staffing proposal that was included in the FY 2025 Budget Update. By converting existing, vacant part-time positions to full-time positions, adding four Parking Enforcement Officers, and filling all current vacant Parking Enforcement Officer positions, the City has more than doubled the number of deployed Parking Enforcement Officers as of July 1, 2024. This will allow for significant increases in service delivery and increased revenues. This work tightly aligns to the recommendation contained within the report.

Regarding the footprint of meters, the Administration is establishing a process for periodic curb usage review, which will include review for addition of on-street meters. Additional curb usage fees are also being explored.

The Futures Commission report also recommends removal of rush hour lane restrictions. Based on a motion dated May 31, 2022 (Item# 202201296) and outlined in an Administration report (Item# 202201915) DOTE has an ongoing initiative to re-evaluate rush hour lane restrictions and remove these restrictions where possible. Recently rush hour lane restrictions have been removed on State Avenue in Lower Price Hill, Hamilton Avenue and North Bend in College Hill, Woodburn Avenue in East Walnut Hills, E. McMillan Avenue in Walnut Hills, and Observatory Avenue in Hyde Park. Upcoming removals are planned for W. McMillan Avenue in CUF, Burnet Avenue in Avondale, and Gilbert Avenue in Walnut Hills. Rush hour lane restrictions in the Central Business District are currently being studied and removals will be completed by mid-2025.

## **II. Recommendations Requiring Additional Policy Guidance or a Vote of the Electorate**

### Economic Development Strategic Objectives and Measures (Page 17) and Economic Development Service Delivery (Pages 22-23)

The Futures Commission report criticizes the City for a lack of clear communication of defined economic development goals and measures and also critiques the City's service delivery related to economic development.

While the Mayor and our elected officials have clearly articulated their goal of equitable growth for our City, a clear, written, and collective statement of strategic objectives for this growth from the Mayor and Council would be helpful in achieving

that goal. It will enable the City Administration to offer specific recommendations about administrative structure, staffing, capital investments, and measurable metrics to track progress in achieving these objectives. The City Administration is prepared to facilitate a process to achieve this collective statement of strategic objectives.

We acknowledge that the service delivery challenges identified in the report are real, and we have been diligently focused on solutions. Many of the challenges identified in the report are the result of years of insufficient resources, lack of management oversight, and failure to prioritize long-term initiatives needed to address inefficiencies. Although these issues will take time to correct, significant process has already been made on addressing staffing challenges in the Department of Building and Inspections, streamlining processes in the Department of Community and Economic Development, and securing technology improvements for permitting and development applications.

The Futures Commission report recommends a consultant-led development services review and the establishment of an Office of Strategic Growth. The Administration recommends that consideration of these recommendations be sequenced after the clarification of strategic objectives (discussed above) is completed. This sequencing will ensure that, if pursued, these efforts are structured and aligned properly with those objectives.

#### Increase Earnings Tax by 0.1% for Economic Development Initiatives – Page 39

The Futures Commission report proposes a 0.1% earnings tax increase to fund economic development initiatives. As noted in the report, this requires voter approval. This change would raise approximately \$23 million per year. The proposed expenditures related to this recommendation are largely a question of economic development policy. If the City's elected officials choose to pursue this recommendation, the Administration is available to support that process and will develop an administrative plan for implementation. As described above and in line with the report, the Administration recommends that as a first step, the City's elected officials articulate their strategic objectives for economic development in a consolidated written statement to aid in communication to the public and structuring of any investments of resources.

#### Increase Earnings Tax by 0.05% for Public Safety Expenses – Page 49

The Futures Commission report recommends a 0.05% earnings tax increase to support public safety spending. As noted in the report, this will also require voter approval. This change would raise approximately \$11.5 million per year. If the City's elected officials choose to pursue this recommendation, one aspect to consider for this recommendation is how, as proposed, this revenue growth could lead to accelerated expense growth beyond the recommended 2.7% growth per year, in light of the collective bargaining process. Another aspect to consider is the timebound nature of the proposed tax increase. Public safety spending is primarily wages for personnel,



which is an ongoing expense. If the income tax increase were not renewed, adjusting to this significant loss of revenue would likely require layoffs.

### Create A Waste Collection Fee – Pages 52-53

The Futures Commission report recommends establishing a waste collection fee. As noted in the report, the Charter requires voter approval for the proposed fee. The Futures Commission report projects that the proposed fee would raise \$164 million over ten years, or \$16.4 million per year. If the City’s elected officials choose to pursue this recommendation, the Administration will develop a proposed plan for implementation, billing, and collection, including a plan for specifying criteria and verifying eligibility for the proposed reduced fee.

### Redeploy Smale 0.1% Infrastructure Income Tax to Fund City Operations – Page 69

The Futures Commission report recommends passing an ordinance to redirect a portion of the revenue received under the City’s 0.1% income tax, the “Smale Tax,” for infrastructure spending. As proposed, this recommendation is not feasible. The Ohio Constitution strictly regulates municipal income tax processes and requires that (1) Every income tax be approved by the voters and (2) Income taxes must be used only for the purpose stated in the ballot language.

The Smale Tax was approved by the Cincinnati electorate in 1988 for the specific purpose of providing for “direct and indirect costs related to the construction, operation, maintenance, equipment and repair of the city’s streets, bridges, parks and recreation areas, buildings, structures, fixtures, and other portions of the infrastructure.” Given the Ohio Constitution’s limits on municipal income tax and the stated purpose of the Smale Tax, the proposed change to how the Smale Tax is deployed requires approval by the electorate and may not be accomplished by an act of City Council alone.

## **III. Recommendations Requiring Additional Due Diligence**

The Futures Commission report recommends some changes that require further due diligence before the City Administration can present options to the Mayor and Council. These include changes to the City’s pension, sale of the assets of Greater Cincinnati Water Works, shared Parks and Recreation services, and the sale or lease of City real property assets.

### Transfer the City’s Pension to the Ohio Public Employees Retirement System (OPERS) – Pages 56-59

The City Administration will evaluate the report’s recommendation that the City transfer the Cincinnati Retirement System (CRS) to the OPERS. The initial evaluation will be done by an internal working group and focused on determining the State’s criteria for accepting CRS into OPERS and identifying impacts to the City’s active and retired employees.

As a threshold matter, a transition of the CRS to OPERS would involve significant benefit changes for employees and retirees. Therefore, this recommendation must be diligently studied to understand those impacts before any decisions are made.

Further, any migration of CRS into OPERS is contingent upon court approval. The City's pension is subject to a Collaborative Settlement Agreement (CSA) that governs certain obligations of the City related to CRS. Pursuing the report's recommendation that CRS transfer to OPERS would require a renegotiation of CSA terms, which are currently in effect until 2045. Finally, any change impacting employees or retiree benefits could result in legal challenges from the parties to the CSA and existing members of the pension.

Once the initial evaluation of this recommendation is completed, the Administration will provide a formal report to the Mayor and Council to support additional policy discussions on this recommendation.

#### Regional Water Authority – Pages 59-64

The Futures Commission report recommends monetizing Greater Cincinnati Water Works (GCWW) by selling its assets to a newly created regional water district.

The recommendation is premised on the concept that the funds realized by the sale will provide cash resources that can be utilized as a lump sum contribution to CRS to raise its funding levels to what OPERS will require for the recommended transfer. The report estimates the cash payment for GCWW assets as \$680 million. The report does not provide an in-depth analysis of how this transaction would be structured, how ratepayers would be impacted by the sale, or how the resulting liability will impact the regional water authority. For context, all currently outstanding debt for GCWW operations is approximately \$422 million. It also does not provide an analysis on the impacts to current GCWW employees or to CRS from the loss of their contributions. The recommendation is further premised on the concept that GCWW's growth is being curtailed as a result of its current legal structure.

The report does acknowledge the need for additional extensive due diligence and voter approval to change the Cincinnati Charter to allow the transaction. The Administration agrees that additional and extensive due diligence of this recommendation is needed, including an analysis of the above premises. Further, the analysis must closely investigate the benefit to the City, as opposed to benefits to the region, from the proposed transaction—as there are many City-specific benefits that arise from GCWW being a city-owned enterprise.

Therefore, the Administration supports the report's recommendation of creating a dedicated task force comprised of, among others, GCWW and MSD staff and consultant experts as needed to fully examine this proposal. This task force will have to be structured with legal guidance.

## Shared Services for Parks and Recreation Operations – Pages 49-51

The Futures Commission report recommends further diligence of several efficiency proposals related to Parks and Recreation operations and facilities—including shared services between the two departments and exploring outsourcing management of certain facilities to Great Parks of Hamilton County. The Administration recommends that the Park Board and Recreation Commission undergo a feasibility assessment and produce a report outlining the findings and opportunities.

## Sale or Lease of City Assets – Page 72

The Futures Commission report recommends the divestiture or lease of City assets that do not support what the Commission considers core services of the City, including City-owned golf courses, parking assets, and Lunken Airport. The recommendation suggests that the sale or lease of these assets can generate revenue to the City or be leveraged as development incentives. Consistent with this recommendation, City staff will assemble a catalogue of City assets, and the City Solicitor will provide an opinion laying out the parameters for disposition. Once this process is complete, the creation of one or more task forces may be appropriate to perform necessary due diligence to understand the impacts of divesting each asset and make recommendations.

## Conclusion

Thank you again to the business, labor, and civic leaders who volunteered their time to take on our most difficult challenges and recommend strategies for our City to thrive. As City manager, I am encouraged that the Futures Commission is in alignment with the vision that our elected officials have articulated, evidenced by the number of recommendations that are in close alignment with ongoing or completed policy and administrative initiatives. However, as noted above, some recommendations require further discussion and diligence.

The City Administration looks forward to supporting our elected officials as they undertake the challenging task of making decisions about the City's future. I am energized by the work that remains and look forward to creating a Cincinnati for all to thrive.

September 5, 2024

To: Mayor and Members of City Council 202401903  
From: Sheryl M.M. Long, City Manager  
Subject: **COUNCIL REPORT – DCED Contract Timelines**

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**REFERENCE DOCUMENT #202302026**

The Equitable Growth & Housing Committee at its session on September 27, 2023 referred the following item for review and report:

WE MOVE that the Administration provide a report about the process and historic timeline of creating, vetting, and sending out Contracts with entities who are receiving financial support from the City. Support includes but is not limited to NBDIP, NOFA, TIF Funding, tax abatements, and leveraged support. This report should detail a typical timeline from when these contracts are first brought to the Administration to when they are executed.

**BACKGROUND**

The contracting process begins when an entity:

1. Receives an award of funding from City Council through the budgeting process and that funding is assigned to a specific department.
2. Receives an award of funding through a competitive funding program previously allocated by City Council like NOFA or NBDIP.
3. Completes an application for financial assistance and receives an offer of assistance from the Department of Community & Economic Development.

Depending on the type of financial support offered/awarded, as the contracting process begins the entity will need to provide documents/information to Community & Economic Development to begin the contracting process. This may include pre-contracting information like a final scope of work and budget, evidence of other sources of funding required to complete the project or outline of business terms that will be required by the City of the entity to complete the project (which may be outlined in a non-binding term sheet). The amount of time entities take to complete

pre-contracting information varies on the type of financial support, the entity involved, and project complexity. In addition, once the legal services process begins, more information may be necessary from the external entity or the contracting Department (like Community & Economic Development). Finally, sometimes the timing or key terms of a project will change, which can result in additional time before an agreement can be completed.

The Administration historically had a request for legal services process that was tracked through a Microsoft Access database. This database, which is no longer supported by Microsoft, did not allow for easy tracking of the status of legal services agreements in the pipeline for completion by either the Law Department or departmental clients. This database did not allow for tracking contracts from request to completion.

The Administration has created an OnBase platform for better tracking of Requests for Legal Services. This new database rolled out in October 2023. It is accessible through the City's intranet, and its functionality permits both the Law Department and all department Directors to view and track pending requests for legal services, which encompass the legal services required for each of these contracts. Efforts are underway to expand the database's functionality to increase capability for communication, document sharing, and tracking of key performance data to enhance performance management of this work.

For executing contracts, the Administration has a contract routing process that is either an email-based process where departments circulate an email from one Department account to the next to obtain required approvals or where physical signatures are required, a paper process that moves from one Department office to the next. While the contracting department may keep a log of contracts to track when contracts began routing, neither the email-based routing system nor the paper-based routing system allows for easy tracking of how much time each Department takes to approve the contract in the process. The Administration has discussed implementing a contract routing platform to better allow for tracking approvals in the contract routing process. ETS is currently vetting technological solutions and is working with City Purchasing to begin the appropriate solicitation process.

## **TYPICAL TIMELINES FOR AGREEMENTS**

While the Administration does not have historical data on the actual times taken for specific contracts, the Administration has sought to make the contracting process more predictable for external entities. Community & Economic Development has added anticipated contracting or processing timelines to its applications or competitive funding processes to aid external entities in planning out the contracting times into their program schedules.

To provide more transparency on certain current timelines, the general Financial Assistance Application that covers TIF District requests and other similar financial

support lists an eighteen-week process from when an application is deemed complete for the City Administration to review the request, make an offer, draft and negotiate a contract, obtain legislative approval and execute the agreement. This timeline is an estimate as the timeline is dependent upon the complexity of the assistance request and the time required by the entity to compile, review, and deliver materials needed during the contracting process.

The Notice of Funding Availability (NOFA) program guidelines state that applicants must be able to execute a funding agreement within a year of the date of award. This requirement is intended to ensure that applicants move quickly through the pre-contracting process and deliver materials necessary for contract drafting so that the contract can be executed and the project is underway within a year of the date of award.

The Neighborhood Business District Improvement Program (NBDIP) program guidelines require the projects to be completed within a two-year timeframe. DCED is working on adding standard contracting timelines similar to those within the financial assistance application to provide clearer expectations for contract timing following award.

The leveraged funding process was not centralized until FY24 when the City Manager's office began coordinating all Departments that had been assigned a leveraged funding agreement. Before this point, the timing varied by Department. In FY25 the Administration is working to make this process more efficient by training contract managers on requirements to minimize delays once the RLS is submitted. Ideally this will allow to have organization under contract o by the second quarter of the fiscal year.

Each type of financial support the City provides to external entities has a different process from application/allocation to contract due to the requirements of that type of financial support. The City Administration is working to both streamline these processes and make them more predictable to external partners so both timelines and expectations of external partners are clearer earlier in the process.

## **CONTRACTING & PROCESS IMPROVEMENTS**

The Administration is working to further streamline the internal process for contracting to provide a more uniform and clear external experience.

### **Development-related Contracting Process Improvements**

Analyzing our development process in Cincinnati has brought forth details that the existing process features inefficiencies and results in frustration among stakeholders. To address this, we engaged in the SIET (Strategic Initiative Execution Team)

process to thoroughly examine the issues, identify objectives for improvement, and recommend solutions with a focus on the Department of Community and Economic Development (DCED). In addition to DCED, the Office of Performance and Data Analytics, the Law Department, the Office of Grant Administration, and dedicated key staff and time to these improvements.

Over the past year through stakeholder input and department input, the following issues were identified: prolonged and inconsistent approval processes, inefficient sequencing of information gathering and sharing, inefficiencies in the legal documentation process (drafting, revising, executing contracts), communication breakdowns across stages of project review and limited empowerment of staff to expedite reviews and make independent approvals.

Our goal this year, and moving forward, is to enhance the efficiency, effectiveness, and customer satisfaction of city services by rapidly investing in technology and innovation. To achieve this, we have mapped out the entire development process to identify inefficiencies and areas for improvement in specific programs within DCED. This will be followed by implementing a clear strategic vision and endorsed policies to guide decision-making and streamline processes. We will also begin integrating technological solutions to automate and improve efficiency in the approval and documentation processes. Additionally, we plan to optimize underwriting and contract negotiation processes to ensure faster and more consistent outcomes, incorporating efficiency improvements in supporting departments such as Law.

### Leveraged Support Funding Agreements

Improvements to the Leveraged Support Funding Agreements has been another area of focus of the Administration. Part of the work the City Manager's Office has done in centralizing oversight of these agreements is to create a set of standardized metrics for the agreements so that the City can assess the efficacy of the funded programs. In addition, the Law Department has invested significant time and resources into standardizing leveraged support funding agreements to reduce legal drafting time. As part of this, the Law Department has created a series of training for departments tasked with managing leveraged funding agreements, with particular focus on identifying what information will be required from external partners in order to create a sufficient scope of work and budget. These videos are available on the City's intranet at <http://citymatters.rcc.org/citymatters/departments/law/client-training-resources/>. Finally, sample leveraged support funding agreements have been published publicly along with announcements soliciting applications so that potential partners can see the City's funding agreement at the earliest possible time.

By identifying and implementing these improvements, we anticipate a significant reduction in approval and legal documentation processing times. These enhancements will streamline interactions between DCED/CMO, external stakeholders, residents, and developers, ultimately increasing satisfaction and boosting our competitiveness in the current economy. While exact time savings will

vary depending on the project type, we estimate that these changes could reduce processing times by 20-30%, enabling more rapid development and economic growth in the city.

## **RECOMMENDATION**

The Administration recommends approval of this Report. No action by the City Council is recommended at this time.

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

Emily Smart Woerner, City Solicitor