

October 26, 2022

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager *SMM*

Subject: Emergency Ordinance for the Extending the Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for an additional nine months

202201998

Transmitted is an Emergency Ordinance captioned:

EXTENDING Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" as an overlay district for a period of NINE months, pursuant to Chapter 1431, "Interim Development Control Overlay District Regulations," of the Cincinnati Municipal Code.

The City Planning Commission recommended approval of the extension of IDC 88, Surface Parking in the Downtown Development Zoning District, for nine additional months at its October 21, 2022 meeting.

Summary:

In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing the development of surface parking lots in the DD, "Downtown Development," zoning district. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study of the proposed legislation, make recommendations for modifying the legislation, if any, and pursue an Interim Development Control (IDC) Overlay District over the DD, "Downtown Development," zoning district for the duration of the study.

The City Planning Commission recommended approval of an emergency three-month IDC to Cincinnati City Council on September 16, 2022, and Cincinnati City Council approved the establishment of IDC No. 88 on September 21, 2022.

The City Planning Commission recommended the following on October 21, 2022, to City Council:

ADOPT the Department of City Planning and Engagement's staff findings that the proposed extension of IDC No. 88 meets the criteria set forth in Cincinnati Zoning Code Section 1431-11, One-Year IDC Overlay Districts, as discussed on pages 1 – 3 of the staff report; and,


RECOMMEND that City Council extend Interim Development Control (IDC) Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for a period of nine additional months, or until the Department of City Planning and Engagement's zoning study is complete and implemented.

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

KKJ

October 26, 2022

To: Office of the Clerk of Council

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

Copies to: Maria Dienger, City Planner, Department of City Planning and Engagement

Subject: Emergency Ordinance – Extending the Interim Development Control Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District,” for an additional nine months.

The above referenced Emergency Ordinance is ready to be included on a City Council Committee agenda. This item requires a public hearing following a 7-day notification period by mail and in the City Bulletin, Cincinnati Enquirer, and affected Community Councils and Community Development Corporations.

Included in this submission are the following items:

- 1) The transmittal letter to the Mayor and City Council;
- 2) A copy of the City Planning Commission staff report dated October 21, 2022;
- 3) The Emergency Ordinance (transmitted by Law);
- 4) The mailing labels for notification of all property owners within IDC 88;
- 5) A copy of the mailing labels for your records.

October 26, 2022

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

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

EXTENDING Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" as an overlay district for a period of NINE months, pursuant to Chapter 1431, "Interim Development Control Overlay District Regulations," of the Cincinnati Municipal Code.

Summary:

In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing development in the DD, "Downtown Development," zoning district to study the potential impacts of surface parking lots and make recommendations for potential zoning code text amendments. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study and propose an Interim Development Control (IDC) Overlay District over the Downtown Development zoning district for the duration of the study. The City Planning Commission recommended approval of the IDC 88, Surface Parking in the Downtown Development Zoning District, at its September 16, 2022 meeting, and City Council approved the establishment of IDC 88 at its September 21, 2022 meeting.

The City Planning Commission recommended the following on October 21, 2022, to City Council:

ADOPT the Department of City Planning and Engagement's staff findings that the proposed extension of IDC No. 88 meets the criteria set forth in Cincinnati Zoning Code Section 1431-11, One-Year IDC Overlay Districts, as discussed on pages 1 – 3 of the staff report; and,

RECOMMEND that City Council extend Interim Development Control (IDC) Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for a period of nine additional months, or until the Department of City Planning and Engagement's zoning study is complete and implemented.

Motion to Approve: Ms. Sesler

Seconded: Ms. Smitherman

Ayes: Mr. Samad

Mr. Weber

Mr. Stallworth

Ms. Sesler

Mr. Eby

Ms. Smitherman

Ms. Kearney

THE CITY PLANNING COMMISSION



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

SUBJECT: A report and recommendation on a proposed extension of Interim Development Control (IDC) Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District” in the Central Business District, for a period of nine additional months.

ATTACHMENTS:

Provided in addition to this report are:

- Exhibit A - Location Map
- Exhibit B - IDC Review Criteria
- Exhibit C – IDC Directive

BACKGROUND:

In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing the development of surface parking lots in the DD, “Downtown Development,” zoning district. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study of the proposed legislation, make recommendations for modifying the legislation, if any, and pursue an Interim Development Control (IDC) Overlay District over the DD, “Downtown Development,” zoning district for the duration of the study.

The City Planning Commission recommended approval of an emergency three-month IDC to Cincinnati City Council on September 16, 2022, and Cincinnati City Council approved the establishment of IDC No. 88 on September 21, 2022. The approved IDC No. 88 provides that the following permits and approvals are subject to review by the Department of City Planning and Engagement and the City Planning Commission while the zoning study is underway:

- building permits, certificates of compliance, and certificates of appropriateness for new construction, alterations, modification, or expansion of existing surface parking facilities
- changes in use to a surface parking facility
- site improvements associated with surface parking facilities

IDC No. 88 encompasses most of Downtown and parts of East End, Mount Adams, Mount Auburn, Pendleton, Over-the-Rhine, and West End neighborhoods.

The Department of Planning and Engagement’s study will include research and analysis of surface parking related to public interests and services, case study, and best-practice research, and additional topics surfaced through public-engagement activities. Department of City Planning and Engagement (DCPE) staff is planning an initial community engagement meeting in late 2022 to identify questions, concerns, and desires of stakeholders affected by the DD zoning district. DCPE staff intends to conduct study research and hold additional community engagement activities as needed in the first 2-4 months of 2023. DCPE staff would then present findings and recommendations to the City Planning Commission and City Council in the spring of 2023.

CRITERIA FOR A ONE-YEAR IDC DISTRICT

Pursuant to Section 1431-11 of the Cincinnati Zoning Code, City Council may extend an IDC Overlay District established pursuant to Section 1431-09 for nine additional months if notice has been given and a public hearing held in accordance with Section 111-1, Hearings on Zoning Amendments, of the Municipal Code and on finding that:

- (a) *Ongoing Study*. The City Planning Commission is studying proposed Cincinnati Zoning Code or map amendments that would affect the area within the IDC District;
- (b) *Study Completion*. The study is not yet completed, but may reasonably be expected to be completed and Cincinnati Zoning Code amendments enacted within the year; and
- (c) *Inconsistent Uses*. There is a prospect of changes in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

Staff findings on the above criteria is described further in the “Analysis” section of this report.

ANALYSIS:

The initial three-month period of IDC Overlay District No. 88 is currently set to expire on December 20, 2022, unless City Council approves an extension of IDC Overlay District No. 88 for an additional nine months. The City Council must receive an affirmative recommendation from the City Planning Commission to make this extension. An additional nine months would leave IDC Overlay District No. 88 in effect until September 21, 2023 (if approved by City Council), or until the zoning study is complete and any potential text amendments have been approved by City Council, at which time the IDC Overlay District could be dissolved by ordinance.

As described above, the City Council may extend IDC No. 88 for a period of nine months if the City Planning Commission gives them an affirmative recommendation on the finding that:

- a) *Ongoing Study*. The City Planning Commission is studying proposed Cincinnati Zoning Code or map amendments that would affect the area within the IDC District;

Staff analysis: The Zoning Code text amendments proposed by Council Member Jeffreys would prohibit the creation of new surface parking lots in the study area. Since the DD zoning district is in one of the City’s densest commercial and residential areas, the proposed legislation could affect how a large number of users access and traverse the Central Business District. Additionally, prohibiting new surface parking facilities could impact City services and commercial activity in and around the study area. Therefore, the Department of City Planning and Engagement staff believe these impacts require more study before making recommendations on the proposed text amendments.

- b) *Study Completion*. The study is not yet completed, but may reasonably be expected to be completed and Cincinnati Zoning Code amendments enacted within the year; and

Staff analysis: As indicated in the study plan, the Department of City Planning and Engagement staff intend to conduct research and community engagement over a two-to-four-month period with the possibility of an additional three to six months should any zoning code changes be pursued after

the study is complete. With this timeline, a three-month IDC is insufficient to complete the study and possible zone changes and will require the nine-month extension.

- c) *Inconsistent Uses.* There is a prospect of changes in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

Staff analysis: IDC No. 88 was established to study the impacts and appropriateness of surface parking in the study area. In the five-day period between the City Planning Commission's affirmative recommendation and City Council's establishment of IDC No. 88, the Department of Buildings and Inspections received two permits for new surface parking lots. The Department of City Planning and Engagement Staff are concerned more permits to build or expand surface parking lots will be submitted if IDC No. 88 is dissolved before the study is complete and potential amendments are approved. The Department of City Planning and Engagement staff believe new and expanded surface parking lots would be inconsistent with the preliminary objectives for IDC No. 88 and that its extension is needed to protect against this likely outcome.

IDC No. 88 helps to ensure the compatibility of any proposed surface parking facilities in the DD zoning district while the Department of City Planning and Engagement studies the effect of surface parking in that area. The proposed extension of IDC No. 88 for nine additional months will give the Administration enough time to complete its zoning study, engage the community, and take any proposal(s) through the approval process of City Planning Commission and City Council. If it becomes necessary, IDC No. 88 could potentially be extended two more times, each for six additional months, with City Planning Commission and City Council approval. An IDC is meant to be temporary and cannot be in place for more than two years.

PUBLIC COMMENT:

Department of City Planning and Engagement staff posted notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period within ten business days of the establishment of IDC No. 88 by placing an advertisement in the Cincinnati Enquirer on September 30, 2022. Staff has received no public inquiry to-date.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

Plan Cincinnati does not specifically address the concerns related to the establishment of IDC No. 88, however conducting a zoning study in this scenario is consistent with three Initiatives Areas. It is consistent with the Compete Initiative Area in the Strategy to “target investment to geographic areas where there is already economic activity” (page 115) and the Action Step to “continue development of existing growth opportunity areas” (page 116), which specifically identifies the “Central Business District (CBD), Over-the-Rhine (OTR), and the Uptown neighborhoods as the primary sources of City tax revenue”, which surface parking lots do little to support. Secondly, there is consistency with the Live Initiative Area to “become more walkable” (page 157) because large expanses of surface parking along street fronting properties discourage human-scale activity and movability. Lastly, this is consistent with the Connect Initiative Area Goal to “Develop an efficient multi-modal transportation system that supports neighborhood livability” (page 129) and more specifically with the Strategy to “expand options for non-automotive travel” (page 130) in that it could encourage people to walk instead of use cars to access and move around Downtown.

Cincinnati 2000 Comprehensive Development Plan for Downtown (1986)

The proposal is also consistent with *Cincinnati 2000 Comprehensive Development Plan for Downtown (1986)* which calls for “preservation of the City’s historic and architecturally significant buildings” (p. 2).

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’s staff findings that the proposed extension of IDC No. 88 meets the criteria set forth in Cincinnati Zoning Code Section 1431-11, *One-Year IDC Overlay Districts*, as discussed on pages 1 – 3 of this report; and,
- 2) **RECOMMEND** that City Council extend Interim Development Control (IDC) Overlay District No. 88, “Surface Parking in the Downtown Development Zoning District,” for a period of nine additional months, or until the Department of City Planning and Engagement’s zoning study is complete and implemented.

Respectfully submitted:



Maria Dienger, City Planner
Department of City Planning and Engagement

Approved:



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