



# City of Cincinnati

801 Plum Street  
Cincinnati, Ohio 45202

## CALENDAR

### Cincinnati City Council

Wednesday, May 10, 2023

2:00 PM

Council Chambers, Room 300

#### ROLL CALL

#### PRAYER AND PLEDGE OF ALLEGIANCE

#### FILING OF THE JOURNAL

#### MAYOR AFTAB

#### Banks Community Authority

1. [202301390](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Kaitlyn Geiger to the Banks Community Authority for a term of two years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Female/White)  
**Recommendation** HOLD ONE WEEK PURSUANT TO THE RULES OF COUNCIL  
**Sponsors:** Mayor
2. [202301391](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Markiea Carter to the Banks Community Authority for a term of two years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Female/African American)  
**Recommendation** HOLD ONE WEEK PURSUANT TO THE RULES OF COUNCIL  
**Sponsors:** Mayor
3. [202301392](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Jason Barron to the Banks Community Authority for a term of two years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Male/White)  
**Recommendation** HOLD ONE WEEK PURSUANT TO THE RULES OF COUNCIL  
**Sponsors:** Mayor
4. [202301372](#) **RESOLUTION**, submitted by Mayor Aftab Pureval, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** the month of May 2023 as Asian American, Native Hawaiian, and Pacific Islander Heritage Month in Cincinnati.  
**Recommendation** PASS  
**Sponsors:** Mayor

#### MS. KEATING

5. [202301387](#) **RESOLUTION**, submitted by Mayor Aftab Pureval and Councilmember Keating, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** the City's

childcare providers and EXPRESSING the appreciation of the Mayor and the Council of the City of Cincinnati for their essential role in providing for the future of Cincinnati.

**Recommendation** PASS

**Sponsors:** Keating and Mayor

## MS. KEARNEY

6. [202301344](#) **MOTION**, submitted by Vice Mayor Kearney, **WE MOVE** that Glenwood Avenue, between Vine Street and Harvey Avenue, be given the honorary, secondary street name of "Lincoln Ware Way" in honor of his 50 years in radio broadcasting, and in honor of "The Lincoln Ware Show" that began at WCIN Radio on Glenwood Avenue. (STATEMENT ATTACHED)

**Recommendation** HEALTHY NEIGHBORHOODS COMMITTEE

**Sponsors:** Kearney

7. [202301367](#) **ORDINANCE**, submitted by Vice Mayor Kearney, from Emily Smart Woerner, City Solicitor, **MODIFYING** Title XIV, "Zoning Code of the City of Cincinnati," of the Cincinnati Municipal Code, by **REPEALING AND REORDAINING** the provisions of Section 1437-07, "Applications Subject to Review," and Section 1437-09, "Development Standards in Urban Design Overlay Districts," to allow the placement of sandwich board signs in Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods.

**Recommendation** CITY PLANNING COMMISSION

**Sponsors:** Kearney

8. [202301379](#) **MOTION**, submitted by Vice Mayor Kearney, **WE MOVE** that Cincinnati City Council add an additional \$25,000.00 to the Safe & Clean Fund, managed by Keep Cincinnati Beautiful, from the FY23 Council Contingency Fund in order to provide an avenue to support gun violence reduction initiatives led by community-based organizations during the summer of 2023 and beyond. Priority should be given to those organizations or programs serving neighborhoods experiencing the most gun violence (shootings). The City should contract with Keep Cincinnati Beautiful to manage the Safe & Clean Fund with the understanding that the application process should be expedited so that funds are available by June 1, 2023.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** Kearney

## CITY MANAGER

9. [202301322](#) **REPORT**, dated 5/10/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Drug Court Beyond the Courthouse.

**Recommendation** FILE

**Sponsors:** City Manager

10. [202301345](#) **REPORT**, dated 5/10/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for CSO Pride Concert - ICON Festival Stage at Smale Park.



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

11. [202301352](#) **REPORT**, dated 5/10/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 3100 Vandercar Way Inc., DBA Mi Cozumel, 3100 Vandercar Way & Patio. (#8869601, D5, Transfer) [Objections: No]

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

12. [202301353](#) **REPORT**, dated 5/10/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Danger Wheel 2023.

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

13. [202301354](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$175,000 in FY 2023 Microgrants - Community Policing Development funds from the U.S. Department of Justice, Office of Community Oriented Policing Services (ALN 16.710), to aid in piloting the Cincinnati Police Department's Workforce Development Program to recruit and retain cadets; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23WDEV.

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

14. [202301355](#) **RESOLUTION** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **APPROVING** Do You Live CT? as the planning guide for the Columbia Tusculum neighborhood.

**Recommendation** EQUITABLE GROWTH AND HOUSING COMMITTEE**Sponsors:** City Manager

15. [202301357](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 3701 President Drive in the Villages at Roll Hill neighborhood from the SF-2, "Single-family," zoning district to the RM-2.0, "Residential Multi-family," zoning district to facilitate the construction of a community service facility.

**Recommendation** EQUITABLE GROWTH AND HOUSING COMMITTEE**Sponsors:** City Manager

16. [202301358](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Fair Oaks Enterprises, Ltd., thereby authorizing an eleven-year tax exemption for 100 percent of the value of improvements made to real property located at 3005 Vandercar Way in the Oakley neighborhood of Cincinnati, in connection with the construction of a new hotel consisting of approximately 117 rooms, containing approximately 71,000 square feet of commercial space in aggregate, which construction shall be completed in

compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$15,500,000. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

17. [202301359](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Lot 3 Local Oakley, LLC, thereby authorizing an eleven-year tax exemption for 100 percent of the value of improvements made to real property located at 2910 Disney Street in the Oakley neighborhood of Cincinnati, in connection with the construction of a new hotel, consisting of approximately 116 rooms, containing approximately 73,621 square feet of commercial space in aggregate, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$11,400,000. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

18. [202301360](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Pleasant Cake LLC, thereby authorizing a fifteen-year tax exemption for one hundred percent of the value of improvements made to real property located at 1527-1531 Pleasant Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the construction of a mixed-use building consisting of approximately 959 square feet of commercial office space and approximately 7,208 square feet of residential space, comprised of approximately five residential rental units, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$3,158,393. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

19. [202301361](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **AUTHORIZING** a payment of \$5,184 from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x5000x7276 to Specific Waste Industries, LLC as a moral obligation of the City of Cincinnati for pharmaceutical waste removal services provided to the Cincinnati Fire Department.

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

20. [202301362](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$6,250,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services, FY 2023 COPS Hiring Program (ALN 16.710) to hire up to fifty entry-level police officers; and further **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23COPS.

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

21. [202301363](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **AMENDING** Ordinance No. 317-2022 to authorize the City Manager to accept and appropriate grant resources in an amount up to \$35,000 from the United States Environmental Protection Agency, Region 5 (ALN 66.034) and to authorize the Director of Finance to deposit the grant resources into Environmental Studies Fund revenue account no. 436x8543.

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

22. [202301364](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **AUTHORIZING** the establishment of capital improvement program project account nos. 980x233x232324, "WHV - CEO LBR 2018 Grant," 980x233x232325, "WHV - CEO LBR 2018 HC Match," 980x233x232326, "WHV - OKI STBG 2019 Grant," and 980x233x232327, "WHV - OKI STBG 2019 HC Match," for the purpose of providing resources for the design, right-of-way acquisition, and construction of the Western Hills Viaduct project; and **AUTHORIZING** the City Manager to appropriate grant and matching resources in an amount up to \$12,375,000 according to the attached Schedule of Appropriation.

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

23. [202301365](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **AUTHORIZING** the City Manager to apply for grants from the federal Surface Transportation Block Grant and Congestion Mitigation and Air Quality (ALN 20.205) grant programs in an amount of up to \$8,000,000, and to apply for a

grant in an amount of up to \$1,000,000 from the Transportation Alternatives Grant (ALN 20.205) awarded by the Ohio-Kentucky-Indiana Regional Council of Governments, all for the timely completion of several transportation projects managed by the City's Department of Transportation & Engineering.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

24. [202301366](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **AUTHORIZING** the transfer of the sum of \$4,395,307 within the Restricted Funds, from and to various operating accounts and the unappropriated surplus of the respective Restricted Funds according to the attached Schedules of Transfer, to realign and provide funds for the ongoing needs of City departments; and further **AUTHORIZING** the transfer and return to source of the sum of \$10,009,632 to the unappropriated surplus of various Restricted Funds in accordance with the attached Schedules of Transfer to realign funds for City departments.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

25. [202301380](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **AUTHORIZING** the transfer of \$12,806,912 within the General Fund, from and to various operating accounts and the unappropriated surplus of the General Fund according to the attached Schedules of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments; **AUTHORIZING** the transfer and return to source of the sum of \$70,000 from the Department of Human Resources General Fund non-personnel operating budget account no. 050x121x7200 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer and return to source of the sum of \$26,000 from the non-departmental Lump Sum Payments personnel operating budget account no. 050x924x7100 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer and appropriation of the sum of \$96,000 from the unappropriated surplus of the General Fund to existing capital improvement program project account no. 980x981x232505, "Fleet Replacements," for the purpose of providing resources for automotive and motorized equipment for City agencies supported by the General Fund with the intent of purchasing a truck for use by the Department of Human Resources for Commercial Driver's License training; **AUTHORIZING** the transfer and return to source of the sum of \$72,739 from the Department of City Planning and Engagement General Fund personnel operating budget account no. 050x171x7100 and \$19,261 from the Department of City Planning and Engagement General Fund fringe benefit operating budget account no. 050x171x7500 to the unappropriated surplus of the General Fund; **ESTABLISHING** new capital improvement program project account no. 980x255x232520, "Centennial II Office Renovation," for the purpose of providing resources for renovating space in Centennial II including, but not limited to, expansion of office space to accommodate additional staff in

the Department of City Planning and Engagement; **AUTHORIZING** the transfer and appropriation of the sum of \$42,000 from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x255x232520, "Centennial II Office Renovation," for the purpose of providing resources for renovating space in Centennial II including, but not limited to, expansion of office space to accommodate additional staff in the Department of City Planning and Engagement; **AUTHORIZING** the transfer and appropriation of the sum of \$50,000 from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x091x220920, "Video Conference Room Equipment," for the purpose of providing resources for the acquisition and installation of audio/visual equipment and other equipment necessary to support video conferencing capabilities in Centennial II with the intent to support the City Planning Commission; **AUTHORIZING** the transfer and return to source of the sum of \$15,000 from the balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer and appropriation of the sum of \$15,000 from the unappropriated surplus of the General Fund to City Planning and Engagement General Fund non-personnel operating budget account no. 050x171x7200 for the purpose of providing resources to support the 2023 Cincinnati Housing Solutions Summit; **AUTHORIZING** the transfer and return to source of the sum of \$63,196 from the Cincinnati Parks Department General Fund non-personnel operating budget account no. 050x202x7200 to the unappropriated surplus of the General Fund; **ESTABLISHING** new capital improvement program project account no. 980x203x232038, "Parks Fleet Replacement - GF FAO," for the purpose of providing resources for automotive and motorized equipment including but not limited to mowers for the Cincinnati Parks Department; and **AUTHORIZING** the transfer and appropriation of the sum of \$63,196 from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x203x232038, "Parks Fleet Replacement - GF FAO," for the purpose of providing resources for automotive and motorized equipment including, but not limited to, mowers for the Cincinnati Parks Department.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

## CLERK OF COUNCIL

26. [202301351](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for David Mann/Former Councilmember. (ETHICS)

**Recommendation** FILE

**Sponsors:** Clerk of Council

27. [202301375](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Reginald Harris/Councilmember. (ETHICS)

**Recommendation** FILE

**Sponsors:** Clerk of Council



**BUDGET AND FINANCE COMMITTEE**

28. [202301235](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/26/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with MCA Center, LLC, an affiliate of Model Group, Inc., thereby authorizing a fifteen-year tax exemption for 100% of the value of improvements made to real property located at 414 Walnut Street and 115 Fifth Street in the Central Business District of Cincinnati, in connection with the remodeling of two existing buildings into mixed-use space containing, in aggregate, approximately 47,103 square feet of commercial space, approximately 27,826 square feet of office space, and approximately 124,302 square feet of residential space, consisting of approximately 156 residential units, at a total construction cost of approximately \$52,700,523. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

29. [202301246](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/26/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Findlay Parkside, LLC, an affiliate of The Model Group, Inc., thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 1804 Vine Street, 31 E. McMicken Avenue, 1812-1816 Vine Street, 1822 Vine Street, 29 E. McMicken Avenue, 118 Findlay Street, 1720 Elm Street, and 116 W. Elder Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of existing buildings into a mixed-use development consisting of, in aggregate, approximately 16,456 square feet of commercial space and approximately 31,403 square feet of residential space, comprised of approximately 51 residential rental units, which remodeling shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total remodeling cost of approximately \$15,710,420. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

30. [202301291](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/3/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2023 Port Security Grant Program (ALN 97.056), in an amount of up to \$134,983 to support the Cincinnati Police Department's Marine Unit Emergency Response and the Port of Cincinnati Ohio River Surveillance Camera Network and up to \$262,500 to support the Cincinnati Fire Department's Fire Boat Refurbishment Project; and **AUTHORIZING** the Director of Finance to deposit the grant funds in an amount up to \$134,983 for the Police Department into Law Enforcement Grant Fund 368x8553, Project

Account No. 23PORT, and to deposit the grant funds in an amount up to \$262,500 for the Fire Department into Fire Grant Fund 472x8542.

**Recommendation** PASS

**Sponsors:** City Manager

31. [202301297](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/3/2023, **ESTABLISHING** new capital improvement program project account no. 980x232x232311, "Transportation Safety Action Plan Grant," to provide grant resources to conduct a transportation safety action plan ("TSAP") to prevent deaths and serious injuries on City of Cincinnati roadways; AUTHORIZING the City Manager to accept and appropriate a grant in an amount of up to \$250,000 from the U.S. Department of Transportation's Safe Streets and Roads for All (SS4A) Grant Program (ALN 20.939) to newly established capital improvement program project account no. 980x232x232311, "Transportation Safety Action Plan Grant," to conduct a TSAP to prevent deaths and serious injuries on City of Cincinnati roadways; and AUTHORIZING the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

32. [202301304](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Owens, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the City Manager and the employees of the Office of Councilmember Owens to solicit and accept donations of money, in-kind contributions, and other things of value from the Cincinnati business community, individual benefactors, and other available sources to host Social Service Day; and AUTHORIZING the Director of Finance to deposit funds donated to the City of Cincinnati for Social Service Day into Fund No. 314, "Special Events."

**Recommendation** PASS EMERGENCY

**Sponsors:** Owens

33. [202301292](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/3/2023, **Authorizing** the payment of \$5,200 from the Cincinnati Police Department Law Enforcement Grant Fund non-personnel operating budget account no. 368x227x4200x7289x22WELL as a moral obligation to E-S Press, Inc. for outstanding charges for a guest speaker at the Emotional Survival for Law Enforcement as a part of the Mental Health America training course in January 2023.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

34. [202301293](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/3/2023, **LEVYING** assessments for unpaid costs incurred by the City in making emergency repairs to sidewalks, sidewalk areas, curbs, and gutters at various locations in the City through the City of Cincinnati's Sidewalk Safety Program, in accordance with Cincinnati Municipal Code Sections 721-149 through 721-169.

**Recommendation** PASS



**Sponsors:** City Manager

35. [202301285](#) **REPORT**, dated 5/3/2023, submitted Sheryl M. M. Long, City Manager, regarding the Department of Finance Reports for the Month Ended March 31, 2023.

**Recommendation** APPROVE & FILE

**Sponsors:** City Manager

## HEALTHY NEIGHBORHOODS COMMITTEE

36. [202301276](#) **MOTION**, submitted by Councilmember Owens, **WE MOVE** that the Administration, in coordination with Motion #2022-00108, provide a strategic report within forty-five days on how City services, facilities, and resources can incorporate nonpartisan voter engagement, registration and identification assistance, and voting law education. The report should, at a minimum, identify which City departments are appropriate for providing such services and outline how each department can use its specific footprint and ongoing interaction with the public to do such voter-engagement work. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED).

**Recommendation** ADOPT

**Sponsors:** Owens

## SUPPLEMENTAL ITEMS

### CLIMATE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE

37. [202301316](#) **RESOLUTION**, submitted by Mayor Aftab Pureval, Councilmember Owens, Vice Mayor Kearney and Councilmembers Cramerding, Harris and Walsh, from Emily Smart Woerner, City Solicitor, **EXPRESSING** the desire of the Mayor and Council that the City of Cincinnati continue advocating for improvements throughout the progressive design-build process that encourage the shared priorities of minimizing the urban footprint of the Brent Spence Bridge Corridor Project through further design enhancements.

**Recommendation** PASS

**Sponsors:** Mayor, Owens, Kearney, Cramerding, Harris and Walsh

38. [202301389](#) **RESOLUTION (B VERSION)**, submitted by Mayor Aftab Pureval, Councilmember Owens, Vice Mayor Kearney and Councilmembers Cramerding, Harris and Walsh, from Emily Smart Woerner, City Solicitor, **EXPRESSING** the desire of the Mayor and Council that the City of Cincinnati continue advocating for improvements throughout the progressive design-build process that encourage the shared priorities of minimizing the urban footprint of the Brent Spence Bridge Corridor Project through further design enhancements.

**Recommendation** PASS

**Sponsors:** Mayor, Owens, Kearney, Cramerding, Harris and Walsh

39. [202301313](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/3/2023, **AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to

facilitate the performance of construction activities for Interstate 75 from Findlay Street to south of Marshall Avenue including interchanges to the new Western Hills Viaduct in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

**Recommendation** PASS

**Sponsors:** City Manager

40. [202301314](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/3/2023, **AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 from Linn Street to Findlay Street in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

**Recommendation** PASS

**Sponsors:** City Manager

41. [202301315](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 5/3/2023, **AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 and the Brent Spence Bridge and companion bridge over the Ohio River to Linn Street in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

**Recommendation** PASS

**Sponsors:** City Manager

42. [202301277](#) **MOTION**, submitted by Councilmember Owens, **WE MOVE** for the City Administration to submit an application to the Federal Highway Administration and / or Ohio Department of Transportation to have the City of Cincinnati formalized as a participating agency. (STATEMENT ATTACHED).

**Recommendation** ADOPT

**Sponsors:** Owens

43. [202301262](#) **MOTION**, submitted by Councilmember Jeffreys, **WE MOVE** that the Administration report within thirty (30) days on the status of the updates the City is making to its hillside regulations. This update should include, but is not limited to, an update on: Funding sources to cover construction mishaps associated with construction within the hillside district. Regulations associated with stormwater runoff. Work that is being done to update CAGIS' Hillside Overlay District Map.

**Recommendation**

ADOPT

**Sponsors:** Jeffreys

44. [202301269](#) **MOTION**, submitted by Councilmembers Jeffreys and Cramerding, **WE MOVE**, that the Administration report back to Council within ninety (90) days on the

cost and feasibility of design alternatives that prevent drivers from using a shared, bi-directional, center turn lane as a passing lane. Specifically, the Administration should take into consideration improvements that include, but are not limited to, implementing rumble strips in the center turn lane, using reflective pylons or concrete to create “islands” in portions of the turn lane, or paving the center turn lane with alternative materials like cobble stone. (STATEMENT ATTACHED).

**Recommendation**

ADOPT

**Sponsors:**

Jeffreys and Cramerding

## **EQUITABLE GROWTH & HOUSINGS COMMITTEE**

45. [202301201](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 4/19/2023, **AMENDING** certain provisions of the Over-the-Rhine Local Historic District Conservation Guidelines governing the conservation and development of the Over-the-Rhine Local Historic District in the Over-the-Rhine, Pendleton, and Mt. Auburn neighborhoods.

**Recommendation** PASS

**Sponsors:**

City Manager

46. [202301243](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/26/2023, **AMENDING** Ordinance 07-2021 to depict the actual artwork to be donated to the City in Exhibit A to the ordinance.

**Recommendation** PASS EMERGENCY

**Sponsors:**

City Manager

## **ANNOUNCEMENTS**

Adjournment



**AFTAB PUREVAL**

City of Cincinnati, Office of the Mayor

May 2023

**REAPPOINTMENT**

I hereby reappoint Kaitlyn Geiger to the Banks Community Authority for a term of two years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



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Mayor Aftab Pureval



**AFTAB PUREVAL**

City of Cincinnati, Office of the Mayor

May 2023

**REAPPOINTMENT**

I hereby reappoint Markiea Carter to the Banks Community Authority for a term of two years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



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Mayor Aftab Pureval



**AFTAB PUREVAL**

City of Cincinnati, Office of the Mayor

May 2023

**APPOINTMENT**

I hereby appoint Jason Barron to the Banks Community Authority for a term of two years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



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Mayor Aftab Pureval

202301312  
**Date:** May 10, 2023

**To:** Mayor Aftab Pureval  
**From:** Emily Smart Woerner, City Solicitor *ESW*  
**Subject:** **Resolution – Asian American Pacific Island Month**

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Transmitted herewith is a resolution captioned as follows:

**RECOGNIZING** the month of May 2023 as Asian American, Native Hawaiian, and Pacific Islander Heritage Month in Cincinnati.

ESW/CMZ(dmm)  
Attachment  
383032



**RESOLUTION NO. \_\_\_\_\_ - 2023**

**RECOGNIZING** the month of May 2023 as Asian American, Native Hawaiian, and Pacific Islander Heritage Month in Cincinnati.

WHEREAS, during Asian American, Native Hawaiian, and Pacific Islander ("AANHPI") Heritage Month, we pay tribute to the significant contributions, accomplishments, and leadership of generations of AANHPI individuals to this country and the state of Ohio for more than 200 years; and

WHEREAS, the month of May was selected for Asian American, Native Hawaiian, Pacific Islander Heritage Month because the first Japanese immigrants arrived in the United States on May 7, 1843, and the first transcontinental railroad was completed on May 10, 1869, with substantial contributions from Chinese immigrants; and

WHEREAS, we acknowledge the vast diversity of languages, religions, and cultural traditions of Asian Americans, Native Hawaiians, and Pacific Islanders; and

WHEREAS, we stand in solidarity with the AANHPI community as we work to dismantle the systems that contributed to our history of discrimination and ongoing inequity towards individuals of Asian descent since our country's earliest days, during the COVID-19 pandemic, and today; and

WHEREAS, we honor the leadership and legacies of Asian American and Pacific Islanders in Cincinnati such as Bobby Balena, the first Major League Baseball player of Filipino descent who played for the Cincinnati Reds in 1956; Takeshi "Ben" Yamaguchi and Yoshio Shimuzu, who were detained in internment camps in the 1940s and later started Soya Food Products, a tofu company in Price Hill; and Nghiep Ho, who moved to the U.S. from Vietnam with his parents in 1976 and whose parents founded Saigon Market the same year, which Mr. Ho still owns and operates to this day at Findlay Market; and

WHEREAS, we continue to celebrate the diversity and influence of AANHPI culture, organizations, businesses, and communities as we make Cincinnati a more diverse, thriving, and welcoming city for all; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize the month of May 2023 as Asian American, Native Hawaiian, and Pacific Islander Heritage Month.

Section 2. That this resolution be spread upon the minutes of Council and a copy be provided to the Asian American Cultural Association of Cincinnati by the Office of Mayor Pureval.

Passed: \_\_\_\_\_, 2023

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

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

Submitted by Mayor Aftab Pureval

**Date:** May 10, 2023

**To:** Mayor Aftab Pureval and Councilmember Liz Keating

**From:** Emily Smart Woerner, City Solicitor *EESW*

**Subject:** **Resolution – Child Care Provider Resolution**

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Transmitted herewith is resolution captioned as follows:

**RECOGNIZING** the City's childcare providers and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for their essential role in providing for the future of Cincinnati.

EESW/LES(dmm)  
Attachment  
383271

## RESOLUTION NO. \_\_\_\_\_ - 2023

**RECOGNIZING** the City's childcare providers and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for their essential role in providing for the future of Cincinnati.

WHEREAS, National Child Care Provider Day is Friday, May 12, 2023; and

WHEREAS, Cincinnati is home to over 900 childcare programs, consisting of over 400 childcare centers and nearly 500 licensed high-quality childcare homes; and

WHEREAS, each day 30,000 of Cincinnati's children are cared for by these providers at a crucial time in their lives; and

WHEREAS, 12,000 of these children come from families who are eligible for publicly funded childcare; and

WHEREAS, childcare providers make the health, safety, and education of our youngest children a priority, making it possible for thousands of working parents to go to their jobs every day; and

WHEREAS, hundreds of these providers care for children in the evening, at night, and over the weekend to serve parents who work in second and third shift jobs; and

WHEREAS, childcare providers prepare our children for success in school and beyond as today's 5-year-old students will be our front-end workers in just fifteen years; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize the City's childcare providers for their unwavering dedication to Cincinnati's children and families.

Section 2. That this resolution be spread upon the minutes of Council and that copies be provided to representative City childcare providers through the office of Councilmember Liz Keating.

Passed: \_\_\_\_\_, 2023

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

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

Submitted by Mayor Aftab Pureval and Councilmember Liz Keating

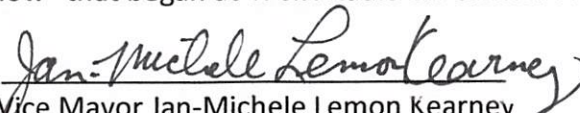


**Jan-Michele Lemon Kearney**  
Vice Mayor

May 1, 2023

## MOTION

WE MOVE that Glenwood Avenue, between Vine Street and Harvey Avenue, be given the honorary, Secondary street name of "Lincoln Ware Way" in honor of his 50 years in radio broadcasting, and in honor of "The Lincoln Ware Show" that began at WCIN Radio on Glenwood Avenue.

  
Vice Mayor Jan-Michele Lemon Kearney

_____	_____
_____	_____
_____	_____
_____	_____

## STATEMENT

Lincoln Ware served in the U.S. Marine Corps as a member of the Armed Forces Radio and Television Service. He was a DJ aboard the aircraft carrier, the USS Midway. In 1973, after being discharged from the Marines, Mr. Ware applied for and was hired as a disc jockey at the WCIN-AM Radio Station, and "The Lincoln Ware Show" was born. WCIN was the second-oldest Black radio station in the country and was located on Glenwood Avenue in the Cincinnati neighborhood of Avondale.

Mr. Ware later left WCIN to join WDBZ-AM 1230 "The Buzz" where "The Lincoln Ware Show" continues to this day. This year, 2023, marks the 50<sup>th</sup> year for Mr. Ware's radio career, making him the longest-running local radio personality on the air today.

Mr. Ware also hosts the television program, "Cincinnati Issues" on WSTR 64 TV, and makes appearances on CNN, MSNBS, and SiriusXM.

He was honored with the award as one of America's Top 100 Talk Show Hosts for 10 consecutive years; one of America's Most Important Radio Talk Show Hosts by *Talker's Magazine*; Crime Stopper of the Year (Media) Award in 2016; Men of Honor Award; UC Health Humanitarian Award; and the Urban League of Greater Southwestern Ohio Glorifying the Lions Award.

Mr. Ware also established the Lincoln Ware Walking Club to promote health and wellness in the African American community.



CAL → Healthy Neighborhoods  
JMLK

202301307  
**Date:** May 10, 2023

**To:** Vice Mayor Jan-Michele Lemon Kearney  
**From:** Emily Smart Woerner, City Solicitor *ESW*  
**Subject:** **Ordinance – Modifying Title XIV, “Zoning Code of the City of Cincinnati,”  
of Sections 1437-07 and 1437-09**

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Transmitted herewith is an ordinance captioned as follows:

**MODIFYING** Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by **REPEALING AND REORDAINING** the provisions of Section 1437-07, “Applications Subject to Review,” and Section 1437-09, “Development Standards in Urban Design Overlay Districts,” to allow the placement of sandwich board signs in Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods.

ESW/MEH (dmm)  
Attachment  
360700

# City of Cincinnati

MEH

EESW

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

- 2023

**MODIFYING** Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by **REPEALING AND REORDAINING** the provisions of Section 1437-07, “Applications Subject to Review,” and Section 1437-09, “Development Standards in Urban Design Overlay Districts,” to allow the placement of sandwich board signs in Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods.

WHEREAS, City Council wishes to permit the placement of sandwich board signs in the Urban Design Overlay Districts in the College Hill, Hyde Park, and Mt. Airy neighborhoods (“Districts”) to allow for the efficient and affordable marketing of businesses within those Districts; and

WHEREAS, the use of sandwich board signs will allow for temporary marketing of neighborhood businesses and the dissemination of messages without detracting from the aesthetics, character, or safety of the Districts or the surrounding area; and

WHEREAS, allowing the use of sandwich board signs will support and facilitate future development in the Districts and is compatible with existing commercial uses in the Districts; and

WHEREAS, at its regularly scheduled meeting on \_\_\_\_\_, the City Planning Commission reviewed and considered proposed text amendments to allow the placement of sandwich board signs in the Districts, and it determined that the text amendments are in the interest of the public’s health, safety, morals, and general welfare; and

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

WHEREAS, the text amendments are in accordance with the Live Initiative Area of Plan Cincinnati (2012), particularly the goal to “create a more livable community” by supporting and stabilizing our neighborhoods (p. 156); and

WHEREAS, this ordinance is additionally necessary to reinstate amendments to the provisions of Section 1437-07, “Applications Subject to Review,” and Section 1437-09, “Development Standards in Urban Design Overlay Districts,” that were ordained by Ord. No. 418-2021 and inadvertently modified by Ord. No. 320-2022; and

WHEREAS, the Council finds the proposed text amendments to be in the best interest of the City and the public’s health, safety, morals, and general welfare; now, therefore,

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

Section 1. That existing Sections 1437-07, “Applications Subject to Review,” and 1437-09, “Development Standards in Urban Design Overlay Districts,” of the Cincinnati Municipal Code are hereby repealed.

Section 2. That Section 1437-07, “Applications Subject to Review,” of the Cincinnati Municipal Code is hereby reordained as follows:

**§ 1437-07. Applications Subject to Review.**

- (a) The Zoning Administrator has the duty to review applications for the following permits in an established Urban Design Overlay District for compliance with the base requirements of the district:
  - (1) *Signs*: Permits for the installation of all signs, with the exception of sandwich board signs authorized pursuant to § 723-9.
  - (2) *Awnings*: Permits for the installation of all awnings.
  - (3) *Mechanical Equipment and Utilities*: Permits for the installation of all exterior mechanical equipment and utility service connections.
  - (4) *Replacement Windows*: Permits for the installation of replacement windows.
  - (5) *Exterior Renovation or Alterations of Existing Structures*: Permits for exterior renovations, alterations, or additions.
  - (6) *Eating and Drinking Establishments*: Permits for Restaurants, Limited.
- (b) The Zoning Board of Appeals shall approve, approve with conditions, or disapprove an application for the following types of development in an established Urban Design Overlay District in accordance with the base requirements of the district:
  - (1) *New construction*: Permits for new construction.
  - (2) *Demolition*: Permits for demolition.
- (c) The City Planning Commission is authorized to exercise the powers granted to the Zoning Board of Appeals pursuant to this Chapter when an application is submitted in connection with an application to subdivide land.

- (c) The Director of Buildings and Inspections is authorized to order the demolition of a building located in an established Urban Design Overlay District, notwithstanding the provisions of subsection (b), if he or she finds that the building poses an immediate threat to public health or safety.

Section 3. That Section 1437-09, "Development Standards in Urban Design Overlay Districts," of the Cincinnati Municipal Code is hereby reordained as follows:

**§ 1437-09. – Development Standards in Urban Design Overlay Districts.**

Development within individual Urban Design Overlay Districts must comply with the standards prescribed below that the ordinance that establishes the Urban Design Overlay District declares applicable to that district. These standards are intended to implement policies in adopted urban design plans. Whenever the standards conflict with the development regulations of the underlying district, these standards supersede those regulations. The following regulations will apply to some or all of the Urban Design Overlay Districts as determined by the urban design plan prepared and adopted for each district. Refer to Schedule 1437-09 for applicability.

**Urban Design Overlay District Standards**

**Schedule 1437-09**

	UD #1	UD #2	UD #3	UD #4	UD #5	UD #6	UD #7	UD #8	UD #9	UD #10	UD #11	UD #12	UD #13	UD #14	UD #15
S1		X	X	X	X	X	X	X	X	X	X	X	X	X	X
S2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S3	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
S5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

S6	X			X				X	X						
A1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
M1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
W1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
R2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
E1		X	X	X	X		X				X				
F1		X													X
N1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
N2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
D1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

UD #1 - College Hill Business District	UD #9 - Mt. Airy Business District
UD #2 - Clifton Business District	UD #10 - Columbia-Tusculum Business District
UD #3 - Hartwell Business District	UD #11 - Hyde Park East Business District
UD #4 - Hyde Park Square Business District	UD #12 - Mt. Lookout Square
UD #5 - Oakley Square Business District	UD #13 - Pleasant Ridge Business District
UD #6 - University Village Business District	UD #14 - Kennedy Heights Business District
UD #7 - North Avondale Along Reading Road	UD #15 - Roselawn Business District
UD #8 - Mt. Washington Business District	

(a) *Signs and Signage Standards:*

S1. Prohibited Signs:

- All blinking, flashing, rotating or moving signs, except barber poles and theater marquees;
- Neon signs;
- Banners, portable or temporary signs except sandwich board signs where permitted pursuant to Schedule 1437-09;
- Rooftop signs, signs or awnings extending above the roofline of the building, or signs or awnings that extend above the window sill line of the second floor of the building;
- Any advertising sign on or about an unoccupied building, except those related to the sale or rental of that building;
- All signs, handbills, or flyers on utility poles, except those installed by the city and state.
- All outdoor advertising signs, as that term is defined in Cincinnati Municipal Code Chapter 895.

S2. Projecting Signs

- Projecting signs shall not be used except for small identification or trademark signs symbolic of the business identified.



- The copy of all signs should identify the predominant business on the premises or its principal product or service.
  - Advertising signs are prohibited.
  - Projecting signs shall not exceed six square feet per sign face and shall not exceed 12 square feet for all faces.
  - Projecting signs should be located over entry doors or building columns or piers and shall be limited to one projecting sign per business.
  - All sign supports shall be simple in nature, have no visible guy wires and be made less obtrusive with camouflaging color in harmony with the surrounding environment.
- S3. In the case where buildings have multiple storefronts occupied by different tenants, the allowable signage area for each tenant will be calculated based upon the storefront street frontage in order to maintain a proportional distribution of signage area.
- S4. For businesses located within an interior portion of a building, or on the second floor or higher story of a building and lacking an exterior wall or window area, a sign identifying the business no larger than six square feet may be affixed to the exterior of the building. This sign area shall be included in the maximum allowable area for all signs on the property.
- S5. Ground signs: where permitted, ground signs shall meet the following standards:
- Ground signs shall be a maximum sign area of not more than one square foot of sign area per linear foot of street frontage per sign face, up to a maximum sign area of 30 square feet per face, or 60 square feet for all sign faces.
  - Ground signs shall be limited to two sign faces and shall not exceed six feet in height.
  - Ground signs shall be located at or near the primary street frontage.
  - Ground signs shall be compatible with the design of the building in proportion, shape, scale, materials, colors, and lighting.
- S6. Sandwich board signs are permitted, subject to the provisions of § 723-9 and § 1427-26.

*(b) Awning Standards:*

A1. Awnings shall meet the following standards:

- Awnings shall project no more than two-thirds the width of the sidewalk or six feet, whichever is less.
- Awnings shall run parallel to the face of the building.

- Awnings shall be located within the existing building framework - between columns and below spandrel panels. Awning colors and design shall be compatible with the colors and design of the building.
- Structural supports for all awnings shall be contained within the awning covering.
- Each storefront bay shall have a similar awning to the other storefront bays on the same building.
- Awnings shall be designed to be harmonious with the architecture of the building that they are to be placed on. They shall relate in shape and proportion to the building's architectural elements such as window and opening shapes, facade articulation and general character of the building.

(c) *Mechanical Equipment and Utility Standards:*

M1. Mechanical equipment, including air conditioning, piping, ducts, and conduits external to the building shall be concealed from view from adjacent buildings or street level by grills, screens or other enclosures. Electric and other utility service connections shall be underground for new construction and encouraged for all other changes.

(d) *Replacement Window Standards:*

W1. Replacement windows shall meet the following standards:

- Replacement windows shall fit the size and style of the original openings.
- Original window and door openings shall not be enclosed or bricked-in on the street elevation. Where openings on the sides or rear of the building are to be closed, the infill materials shall match that of the wall and be recessed a maximum of three inches within the opening.

(e) *Exterior Renovation or Alterations of Existing Structures:*

- R1. Renovations, alterations or additions shall be designed and executed in a manner that is sympathetic to the particular architectural character of the structure being worked on. Architectural elements shall be sensitively designed to reflect the detailing and materials associated with the particular style of the building.
- R2. Renovations and restorations of older buildings shall respect the original building design, including structure, use of materials and details. New materials or signs shall not cover original materials and detailing. Natural materials (brick, slate, glass, stone, etc.) shall be retained in their natural state and not covered with any other contemporary materials. Materials that are out of keeping with the historic character of the building shall be removed from the facade upon significant exterior renovation or restoration of the existing structure.

(f) *Eating and Drinking Establishments:*

E1. Restaurants, Limited shall meet the following standards:

- No more than 45 percent of their gross floor area may be devoted to food preparation, related activities and other space not accessible to the public;
- No more than 35 percent of the restaurant's sales by dollar volume are carry-out and the patrons are served with other than single-use utensils, plates and beverage containers.
- The consumption of food or beverage in automobiles parked upon the premises is prohibited.

(g) *Franchise Establishments:*

F1. New businesses should contribute to the desired mix of commercial activities; franchise type establishments are acceptable provided that they are primarily pedestrian and not automobile oriented.

(h) *New Construction:*

N1. New buildings shall be compatible with their surroundings. Architectural style, bulk, shape, massing, scale and form of new buildings and the space between and around buildings shall be consistent with the area and should be in harmony with neighboring buildings.

- New buildings shall respond to the pattern of window placement in the district. The designs of new buildings shall avoid long unrelieved expanses of wall along the street by maintaining the rhythm of windows and structural bays in the district. The preferred pattern of ground floor windows is open show windows, with inset or recessed entryways; and landscaping, lighting, and other amenities equivalent to those existing in the district.
- Buildings shall de-emphasize secondary rear or side door entrances to commercial space, unless the entrances are associated with public parking areas.

N2. The Zoning Board of Appeals shall review and consider the applicable urban design plan and other applicable community plans approved by City Council when determining the compatibility of new construction proposed within an Urban Design Overlay District.

- New buildings and proposed uses shall be consistent with the goals, objectives, and guidelines of the applicable urban design plan or other applicable community plans approved by City Council.

N3 At the request of an applicant, the Zoning Board of Appeals may conduct a review of a new building or change in use of a property in two parts: (i) first, an initial review of schematic plans in which setbacks, structure and site improvement

placement, massing, building envelope, and uses are considered; and (ii) second, a subsequent review in which final plans, materials, and designs are considered.

**(i) Demolition:**

**D1.** An existing building may only be demolished if the owner of the building, or a person authorized by the owner of the building, demonstrates that one of the following standards is met:

- The building does not contribute to the physical character and economic vitality of the district, which is determined by weighing the following factors:
  - (i) whether the building is identified as a contributing building or noncontributing building by the applicable urban design plan or other applicable community plans approved by City Council;
  - (ii) whether the building is recommended for demolition by the applicable urban design plan or other applicable community plans approved by City Council;
  - (iii) whether the building's architectural style, bulk, shape, massing, scale, form, and setbacks are consistent with the predominant characteristics of the district;
  - (iv) whether the building is iconic or specially associated with the district;
  - (v) whether the demolition of the building will negatively impact the district streetscape; and
  - (vi) whether the building is obsolete, damaged, in a state of disrepair, dilapidated, or unsanitary, and whether its condition was caused by the owner or his or her predecessors through deliberate action or willful neglect.
- The demolition of the building will facilitate the construction of a new building or the establishment of a use that will contribute to the physical character and economic vitality of the district, which is demonstrated by evidence that the owner, or a person authorized by the owner, has:
  - (i) obtained final approval to construct a new building or change the use of property pursuant to the requirements of subsection (h) above;
  - (ii) obtained all building permit approvals necessary to commence the new construction or effect the change in use; and

- (iii) certified via affidavit or sworn testimony as to his or her intent and capacity to diligently pursue the construction of the new building or change in use if demolition of the building is approved.

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

Passed: \_\_\_\_\_, 2023

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

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

# City of Cincinnati



801 Plum Street, Suite 356  
Cincinnati, Ohio 45202

Phone (513) 352-5205  
Email Jan-Michele.Kearney@  
cincinnati-oh.gov  
Web www.cincinnati-oh.gov

202301379

**Jan-Michele Lemon Kearney**  
Vice Mayor

## MOTION

WE MOVE that Cincinnati City Council add an additional \$25,000.00 to the Safe & Clean Fund, managed by Keep Cincinnati Beautiful, from the FY23 Council Contingency Fund in order to provide an avenue to support gun violence reduction initiatives led by community-based organizations during the summer of 2023 and beyond. Priority should be given to those organizations or programs serving neighborhoods experiencing the most gun violence (shootings). The City should contract with Keep Cincinnati Beautiful to manage the Safe & Clean Fund with the understanding that the application process should be expedited so that funds are available by June 1, 2023.

*Jan-Michele Lemon Kearney*

_____	_____
_____	_____
_____	_____
_____	_____

CAL → Budget  
Jan-Michels

17/1/2018

Jan-Michels



Date: 5/10/2023

202301322

To: Mayor and Members of City Council  
 From: Sheryl M. M. Long, City Manager  
 Subject: **SPECIAL EVENT PERMIT APPLICATION: (Drug Court Beyond the Courthouse)**

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

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Drug Court Beyond the Courthouse  
 EVENT SPONSOR/PRODUCER: Hamilton County Drug Treatment and Recovery Court  
 CONTACT PERSON: Isaiah Lumpkins  
 LOCATION: Court Street (Between Vine St and Walnut St)  
 DATE(S) AND TIME(S): 05/26/2023 11:00am—05/26/2023 2:00pm  
 EVENT DESCRIPTION: The Hamilton County Drug Treatment and Recovery Court would like to host a community engagement event on May 26, 2023. This event is being designed to engage with the community and inform them of the court's current plans and goals for 2023 and beyond.  
 ANTICIPATED ATTENDANCE: 300  
 ALCOHOL SALES: ☐ YES. ☒ NO.  
 TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief

Date: 5/10/2023

202301345

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: CSO Pride Concert - ICON Festival Stage at Smale Park**

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

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: CSO Pride Concert - ICON Festival Stage at Smale Park  
EVENT SPONSOR/PRODUCER: MEMI  
CONTACT PERSON: David Armstrong  
LOCATION: 25 Race St.  
DATE(S) AND TIME(S): 06/29/2023 6:00pm—06/29/2023 11:00pm  
EVENT DESCRIPTION: Outdoor Concert on the Evnt Lawn.  
ANTICIPATED ATTENDANCE: 2500  
ALCOHOL SALES: ☒ YES. ☐ NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (MEMI)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 5/10/2023

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: DangerWheel 2023** **202301353**

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

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: DangerWheel 2023  
EVENT SPONSOR/PRODUCER: Danger Wheel LLC, Riding Forward, Inc.  
CONTACT PERSON: Season Huff  
LOCATION: 1200-1300 Broadway St.  
DATE(S) AND TIME(S): 07/29/2023 11:00am—07/29/2023 10:00pm  
EVENT DESCRIPTION: Adult Downhill Bigwheel Racing  
ANTICIPATED ATTENDANCE: 10,000  
ALCOHOL SALES: ☒ YES. ☐ NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: Riding Forward, Inc.

cc: Colonel Teresa A. Theetge, Police Chief

May 10, 2023

202301354

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

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

**Subject: Ordinance – Police: FY 2023 Microgrants – Community Policing Development**

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$175,000 in FY 2023 Microgrants – Community Policing Development funds from the U.S. Department of Justice, Office of Community Oriented Policing Services (ALN 16.710), to aid in piloting the Cincinnati Police Department's Workforce Development Program to recruit and retain cadets; and **AUTHORIZING** the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23WDEV.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$175,000 in FY 2023 Microgrants – Community Policing Development funds from the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS) (ALN 16.710), to aid in piloting the Cincinnati Police Department's Workforce Development Program to recruit and retain cadets. This Ordinance also authorizes the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23WDEV.

The grant is available through the U.S. Department of Justice, Office of Community Oriented Policing Services, to aid in piloting the Cincinnati Police Department's (CPD) Workforce Development Program to potentially include a consultant, research, and training. CPD's Workforce Development Program focuses on recruiting and retaining cadets, with a focus on female and minority youth.

The grant application deadline was May 8, 2023, and to meet the application deadline, CPD has applied for this grant, but no grant funds will be accepted prior to City Council approval. There are no new FTEs associated with this grant, and no matching funds are required.

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

The Administration recommends passage of this Ordinance.

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



Attachment

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$175,000 in FY 2023 Microgrants – Community Policing Development funds from the U.S. Department of Justice, Office of Community Oriented Policing Services (ALN 16.710), to aid in piloting the Cincinnati Police Department’s Workforce Development Program to recruit and retain cadets; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23WDEV.

WHEREAS, there is a grant available through the U.S. Department of Justice, Office of Community Oriented Policing Services to help fund a pilot of the Cincinnati Police Department’s (“CPD”) Workforce Development Program that potentially may include a consultant, research, and training; and

WHEREAS, CPD’s Workforce Development Program focuses on recruiting and retaining cadets, with a focus on female and minority youth; and

WHEREAS, the grant application deadline was May 8, 2023, and CPD has applied for the grant prior to Council approval, but CPD will not accept the grant without Council approval; and

WHEREAS, the grant does not require any matching funds or additional FTEs/full time equivalents; and

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

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

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a grant in the amount of up to \$175,000 in FY 2023 Microgrants – Community Policing Development funds from the U.S. Department of Justice, Office of Community Oriented Policing Services (ALN 16.710), to aid in piloting the Cincinnati Police Department’s Workforce Development Program to recruit and retain cadets.

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

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

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

Passed: \_\_\_\_\_, 2023

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

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

May 10, 2023

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

**From:** Sheryl M. M. Long, City Manager 202301355

**Subject:** Resolution for *Do You Live CT?* as the planning guide for the Columbia Tusculum neighborhood.

---

Transmitted is a Resolution captioned:

**APPROVING** *Do You Live CT?* as the planning guide for the Columbia Tusculum neighborhood.

The City Planning Commission recommended approval of the plan at its May 05, 2023 meeting.

**Summary:**

The Department of City Planning and Engagement, along with the Columbia Tusculum Community Council (CTCC), *Do You Live CT?* steering committee and community members, are pleased to share the result of a two-and-a-half-year planning effort to create their first neighborhood-wide plan for Columbia Tusculum.

The purpose of this neighborhood plan is to establish an innovative direction for the eastern community, update it to 2023 and to plan out the next ten-to-fifteen years for the neighborhood. This plan documents Columbia Tusculum's visions for the future while focusing on four theme areas: Business, Transportation & Connections, Housing & Development, and Public Space & Community.

The City Planning Commission recommended the following on May 05, 2023, to City Council:

**APPROVE** *Do You Live CT?* as the Columbia Tusculum neighborhood's guiding comprehensive plan document.

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





CHM

EESW

## Legislative Resolution

RESOLUTION NO. \_\_\_\_\_ - 2023

**APPROVING** Do You Live CT? as the planning guide for the Columbia Tusculum neighborhood.

WHEREAS, beginning in 2020, the City and a group of community stakeholders formed a Steering Committee to champion a planning process to develop an innovative, comprehensive plan for the Columbia Tusculum neighborhood; and

WHEREAS, community stakeholder engagement led to the creation of Do You Live CT? (“Plan”) to serve as the guiding instrument for the future development of the Columbia Tusculum neighborhood; and

WHEREAS, the Plan identifies four theme areas to guide containing the goals, strategies, and action steps to achieve the desired vision for the future development of Columbia Tusculum; and

WHEREAS, the Columbia Tusculum Community Council and community stakeholders desire for the Plan to be officially approved by the Council so that it may serve as the City of Cincinnati’s official planning guide for the Columbia Tusculum neighborhood; and

WHEREAS, the Plan is consistent with the Strategies for all five Initiative Areas of Plan Cincinnati (2012), including the “Compete” Initiative Area goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity” as described on page 102; the “Connect” Initiative Area goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood vitality” as described on page 129; the “Live” Initiative Area goal to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” as described on page 150; the “Sustain” Initiative Area goal to “[p]rotect our natural resources” as described on page 194; and, the Collaborate Initiative Area goal to “[w]ork in synergy with the Cincinnati community” as described on page 210; and

WHEREAS, at its meeting on May 5, 2023, the City Planning Commission reviewed the Plan and recommended it for approval; and

WHEREAS, a committee of Council considered and approved the Plan, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, Council considers the Plan to be in the best interests of the City and the public’s health, safety, morals, and general welfare; now, therefore,

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

Section 1. That Do You Live CT? furthers the goals, strategies, and visions of the City of Cincinnati and its comprehensive plan, Plan Cincinnati (2012).

Section 2. That Do You Live CT? attached hereto as Attachment "A" and incorporated herein by reference, is hereby approved.

Section 3. That this resolution be spread upon the minutes of Council, and that the Clerk of Council send a copy to the Columbia Tusculum Community Council at P.O. Box 68075, Cincinnati, OH 45206.

Passed: \_\_\_\_\_, 2023

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

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

ATTACHMENT A

# DO *You* LIVE CT?

## A Neighborhood Plan

Columbia Tusculum  
Cincinnati, OH

Columbia Tusculum Community  
Council

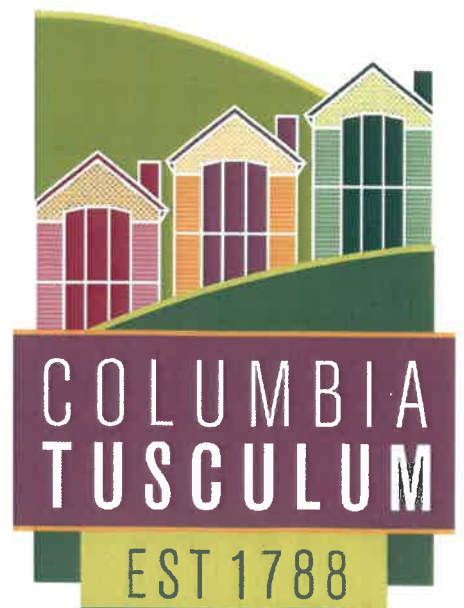
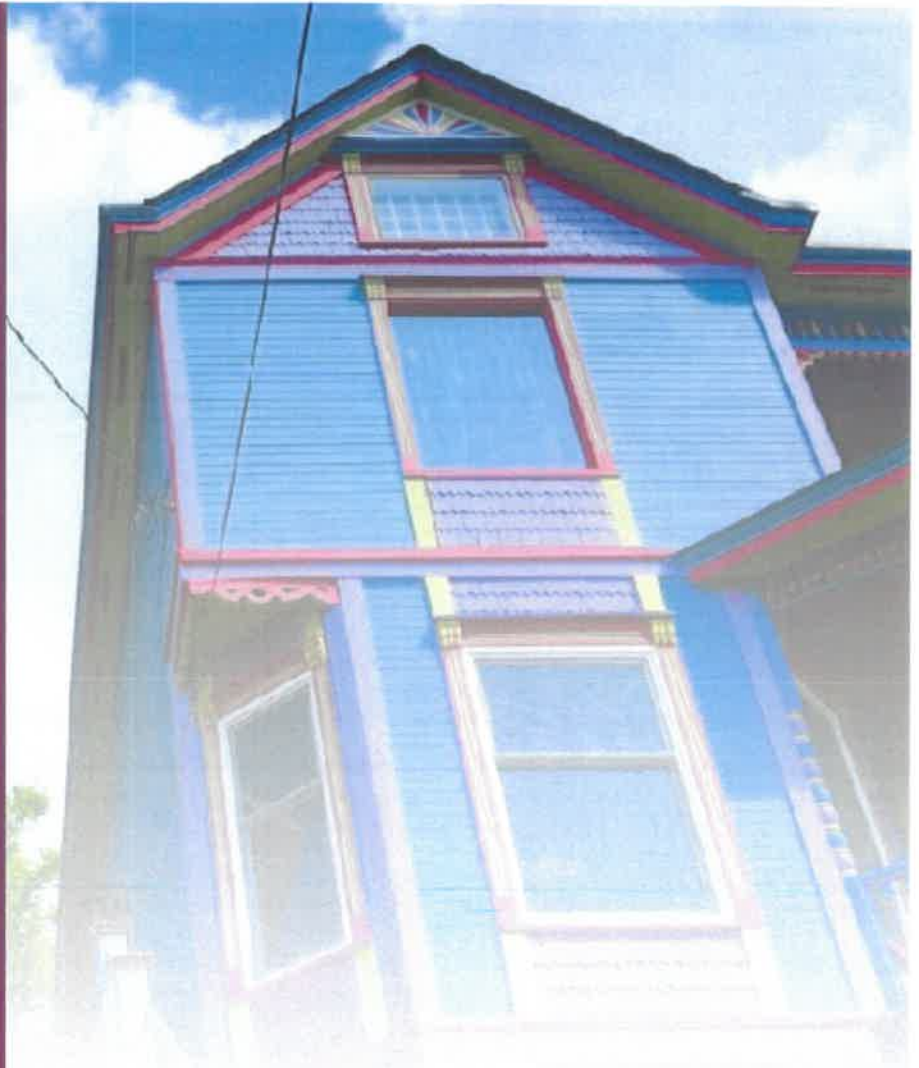
**Approved 11/21/22**

City Planning Commission

**Approved XX/XX/23**

City Council

**Approved XX/XX/23**





**APPROVED**

**Columbia Tusculum Community Council**  
**Interdepartmental Review**  
**City Planning Commission**  
**Equitable Growth and Housing Committee**  
**City Council**

11/21/2022  
04/26/2023  
xx/xx/2023  
xx/xx/2023  
xx/xx/2023



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# ACKNOWLEDGMENTS

## **City of Cincinnati Mayor**

Aftab Pureval

## **City of Cincinnati City Manager's Office**

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Victoria Parks, Council Member, President Pro Tem

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### **City Planning Commission**

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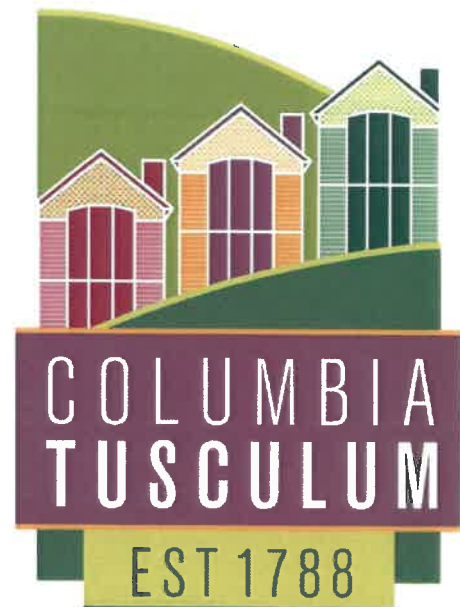
### **Housing & Development Team**

Angie Hawk  
Tim Hecker  
Anthony Ricciardi  
Faith Calgile

### **Special Thanks To...**

The Carnegie Center  
Streetside Brewery  
Columbia Tusculum Community Council  
**and more.**

This plan could not have been completed without all of those who contributed by sharing your stories, ideas, expertise, and most importantly, time.



### **Business Team**

Dustin Martin  
Garrett Hickey  
Abby Ober  
Kelly LaFrankie

### **Public Space & Community Team**

Kathie Hickey  
Ravi Patel  
Stephanie Ivec  
Adam Reubel  
Matt Yauch



## DEDICATION

**Do You Live CT?** is dedicated to former City of Cincinnati employee, colleague, and friend, **Jared Ellis**.

Jared was with Columbia Tusculum at the very start of the neighborhood plan process, and helped step up the success of this neighborhood plan. Humorous, passionate, kind, and dedicated are just a few of the million words to describe Jared. He was a hard-working and proud city planner and all the community members loved working with Jared. He was a prime example of the perfect public servant.

This plan will continue to carry Jared's spirit forward.

# EXECUTIVE SUMMARY

The Department of City Planning and Engagement, along with the Columbia Tusculum Community Council, **Do You Live CT?** Steering Committee and community members are pleased to share the results of a two and a half year effort to create the most recent neighborhood plan for Columbia Tusculum. In early 2020, the Columbia Tusculum Community Council requested assistance from the Department of City Planning and Engagement to prepare an updated plan for the neighborhood. The purpose of this new plan was to establish an innovative direction for the eastern community, updating it to 2022 and to plan out the next ten-fifteen years of the neighborhood.

This plan documents the neighborhood's vision for the future while focusing on four Theme Areas: **Transportation & Connections, Business, Housing & Development, and Public Space & Community.** These Theme Areas were created by the Steering Committee at the beginning of the planning process and helped shape the outline and vision of this document. The Theme Areas may be found below in addition to the theme vision.



## BUSINESS

CT strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, walkability, and accessibility to Cincinnati's greatest playground while honoring our colorful heritage as Cincinnati's oldest community.



## TRANSPORTATION & CONNECTIONS

Increasing safety and efficiency to promote a vibrant and diverse neighborhood for residents and visitors by implementing pedestrian safety, traffic calming, and beautification. Thereby creating connectivity within a balanced network of transportation and recreation options including enhanced roads, walkways, and trails.



## HOUSING & DEVELOPMENT

CT is a community embracing its historic roots and is inclusive to all incomes and backgrounds. We strive to maximize the 15-minute community model with an emphasis on walkability and accessibility, integrate business assets and housing in a safe and "green" way, and grow with a diverse range of structure types, sizes, costs, and uses.



## PUBLIC SPACE & COMMUNITY

Building on our history, CT is committed to developing and preserving a safe, walkable neighborhood filled with charm and areas for recreation and community engagement.

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Western Columbia Tusculum (aerialcincy.com)

## INTRODUCTION

Columbia Tusculum has not had a plan since the Columbia Tusculum Urban Design Plan Phase II which was adopted in 1999. **Do You Live CT?** is the first plan dedicated to the entire neighborhood as a whole. In addition to the Urban Design Plan, the Columbia Tusculum Neighborhood Business District Plan was adopted in 1996. Both of these previously approved plans were re-reviewed to continue the same vision but updated to the 2020s.

**Do You Live CT?** showcases the entire neighborhood's vision and goals for the next few decades. Located on the east side of the City of Cincinnati and being the City's oldest neighborhood, Columbia Tusculum offers a unique and historic experience to residents and visitors. Although, primarily a residential community, Columbia Tusculum boasts a number of well-known businesses such as Allyn's Café, Stanley's Pub and The Precinct, and is home to the Carnegie Center. Containing a number of historic homes, Columbia Tusculum is known for its prestigious, hillside housing stock which offers beautiful views of the surroundings areas.

This document outlines the history, acknowledging the neighborhood's rich past and present, existing conditions, goals and strategies, and implementation timelines. This plan, created through the community-led, lengthy process, will guide Columbia Tusculum for future policy and development recommendations, investment and programming decisions, identification of key aspects for safe and viable connections, business-promotion, and community engagement.





## *History*

# HISTORY

Benjamin Stites, **the founder of Columbia**, first explored the area when pursuing a band of Native American horse thieves up the Little Miami Valley while on a trading expedition in Kentucky. He returned to his family in Pennsylvania and traveled to New Jersey where he spoke to John Cleves Symmes, a member of Congress. Symmes had made a large purchase of land in modern-day Ohio and agreed to sell a parcel of 20,000 acres to Stites located near the junction of the Ohio and Little Miami River in what was known as the Northwest Territory.

Benjamin Stites gathered a party of 26 settlers, and they landed at the first high bank approximately one mile north of the mouth of the Little Miami on November 18th, 1788, establishing Columbia. It was the only second white settlement in Ohio and was competing to be the major village in Symmes' purchase. Due to frequent flooding from the Ohio River and the United States Army's decision to build Fort Washington at Losantiville (modern day Cincinnati), the dominant community in southwest Ohio became Cincinnati instead of Columbia.

Columbia's early days began with the establishment of guards and blockhouses, which became a fort known as Fort Miami. The settlers had initial friendly contact with the Native Americans, and the Native Americans would make visits to the blockhouses and join the settlers in festivities, but this uneasy calm lasted only a few months. In 1789, several settlers were killed and captured by the Native Americans. The conflict between the Native Americans and the settlers in the first years of Columbia was so severe that early maps marked the name of the settlement as "Slaughterhouse".

Columbia established the first school in Hamilton County on June 21st, 1790, along with a cornmill, and by the end of 1790, there were 50 cabins. However, Columbia never flourished into a major commercial center due to its flooding problem, which led to the residents of Columbia moving between 1800 and 1815 to slightly higher ground at the base of Tusculum hill. The only remains of the first location of Columbia are the Pioneer Cemetery, and the last blockhouse from the first settlement collapsing in 1838 due to an unusually large wake created by two passing steamboats.

Compared to the earlier years, Columbia became a fairly prosperous community in the 19th century and was home to an economy based on agriculture, manufacturing, and river trade due to the fertile land and the nearby Ohio River. Columbia became a center of transportation early on in its history with a road surveyed from Cincinnati to Columbia, the Anderson Turnpike passing through Columbia on its route to Chillicothe in 1835, and the incorporation of the Little Miami Railroad in 1836. The town also witnessed the evolution of flatboats to steamboats that utilized Columbia as a place to dock and trade. In 1866, the Cincinnati and Columbia Railway Company began operation of "steam dummies," which were a popular way for residents to get from Columbia to Mt. Lookout.

In 1863, Nicholas Longworth, who was the largest landowner and Cincinnati's first millionaire, passed away, and the land was subdivided and would come to be known as Longworth's Tusculum. The area covered from modern-day Eden Park to Alms Park and once held vineyards, which deteriorated due to black rot and loss of laborers during the Civil War. In 1866, Joseph Longworth laid out two major subdivisions, Undercliff and Mt. Tusculum, in that area of Columbia. The latter subdivision, which included Nicholas Longworth's vineyards, had lots ranging in size from 5,000 square feet to twelve

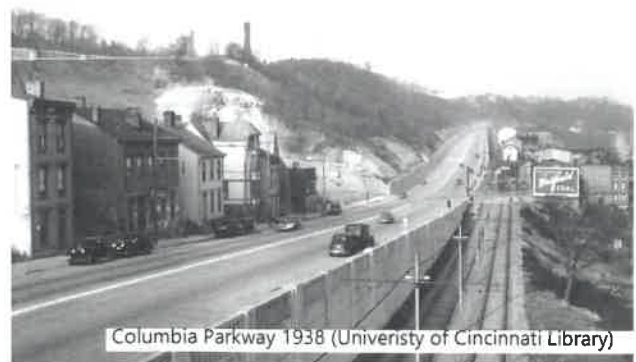
acres, which were intended for the well-to-do. These sold very slowly, while the lots in Undercliff that included smaller lots aimed at nearby workers sold three times as fast.

Due to numerous transportation connections, Columbia officially became incorporated as a village in 1868 and was annexed by the City of Cincinnati in 1873. Columbia had an extensive business district and was home to major employers such as the Boldt Glass Company on Davis Lane. In 1907, the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad, which then controlled the old Little Miami line, purchased land in Undercliff and constructed a mile-long railyard, solidifying Columbia as a hub of railroad activity. This resulted in industrial and lower-income housing being established near the river and railroad while the hillsides and hilltops of Tusculum remained middle-income and wealthy residential areas. In 1925, E.H. Lunkenheimer donated 204 acres of ground in modern-day Linwood, right next door to Columbia, for the construction of Lunken Airport, which would come to be known as one of the largest and finest municipal airports in the world in the 1930s.

Between 1930 and 1937, Columbia Avenue was improved to establish Columbia Parkway, which became the main artery connecting communities across the East End of Cincinnati, including Columbia and Tusculum.

While the town did rely on the Ohio River for its economic success in its early years, the river would cause major floods in 1913, 1918, and 1924, with the worst flood being in 1937, reaching a final crest of 80 feet and submerging most of Columbia. After the end of WWII, and with soldiers returning from the war, many people in Columbia-Tusculum started to move out to the suburbs, which resulted in a decline in the area. There were waves of migrants through the 1970s, with new residents from eastern Kentucky looking for job opportunities and moving to Columbia-Tusculum.

Starting in the late 1970s, there was renewed interest in both living in the city and Victorian architecture, which resulted in many young people returning to the area and restoring the historic homes to their former glory. New construction followed, and new businesses, including specialty stores, started establishing themselves in the commercial district along with new firms, taking the place of older industries.



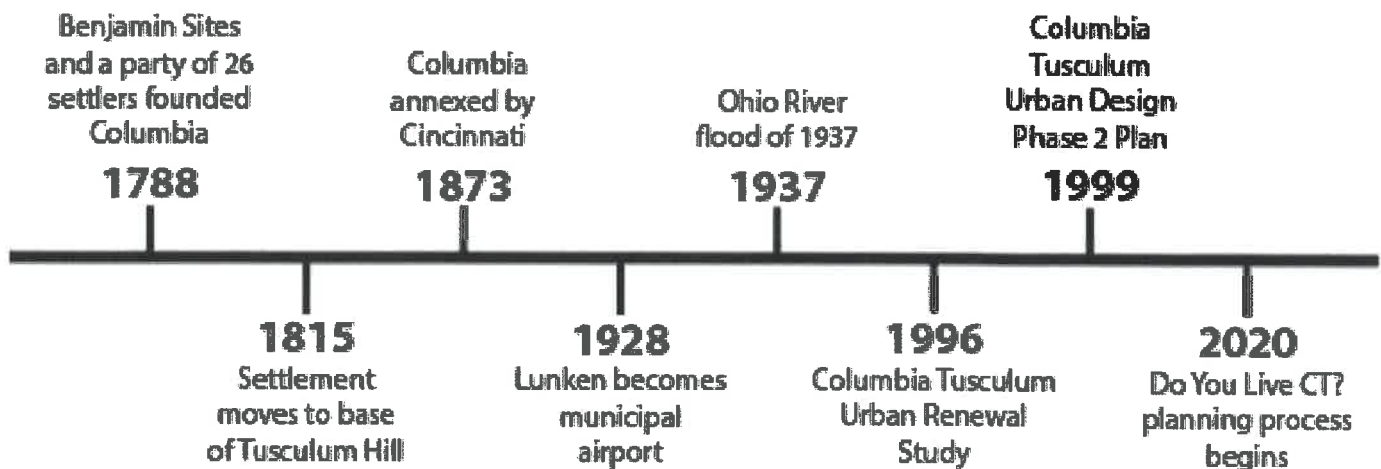


There are many historic areas and buildings in Columbia-Tusculum such as the Columbia Business District, Columbia Baptist Church, St. Stephen's Roman Catholic Church, Spencer Township Hall, Odd Fellows Temple, Columbia post office, Sixth District Police Station, McKinley Public School, and the American Legion Hall.



Source: **The Bicentennial Guide to Greater Cincinnati: A Portrait of Two Hundred Years**

### History Synopsis Timeline



*A Columbia Tusculum History*

# Historical Housing

Columbia Tusculum has a beautiful stock of historic housing that ranges over the span of the past two centuries. Additionally, the neighborhood was the site of Homearama 2020, which added a fair amount of new luxury housing to the area. With housing stock ranging from the early 1800's homes of prominent families to modern-day mini-McMansions, the neighborhood has homes from every decade, with surpluses of housing occurring during the neighborhood's most popular decades.

With railway, streetcar and steamboat transportation methods allowing the area to be substantially more accessible, a multitude of housing was built during the late 1800's up until the early 1920's. Classic Victorian homes were built to line the streets of the neighborhood, creating a uniform-looking area.

It wasn't until the late 1970's and into the 80's that after a gradual decline in population due to a want for a more suburban lifestyle, Columbia Tusculum gained a revival of interest due to the oil crisis and new interest in Victorian architecture. This resulted in another surplus of new homes to be built, in addition to the Victorian homes being renovated and restored to the glory of their earlier days.

This new interest towards living in the city while still being able to live within a small, suburban-style community has only gained more momentum since the late 1970's and as such, a combination of modern row houses and luxury suburban homes have been built throughout the neighborhood.

**31%**  
**1930 & Before**  
Source: 2016-2020 ACS



533 Tusculum Ave  
circa **1880**  
(zillow.com)



**1%**  
**1940 - 1949**  
Source: 2016-2020 ACS

617 Athens Ave  
circa **1946**  
(realtor.com)



548 Hoge St circa **1959**  
(realtor.com)

**7%**  
**1950 - 1959**  
Source: 2016-2020 ACS

*Historic Homes*





**7%**

**1960 - 1969**

Source: 2016-2020 ACS

**736 Elsinboro Dr circa 1969**  
(realtor.com)



**18%**

**1970 - 1979**

Source: 2016-2020 ACS

**701 Reisling Knoll**  
circa **1978**  
(realtor.com)



**8%**

**1980 - 1989**

Source: 2016-2020 ACS

**443 Flinn Ave**  
circa **1938**  
(realtor.com)



**15%**

**1990 - 1999**

Source: 2016-2020 ACS

**606 Athens Ave circa 1994**  
(realtor.com)



**5%**

**2000 - 2009**

Source: 2016-2020 ACS

**533 Hoge St circa 2000** (realtor.com)



**8%**

**after 2009**

Source: 2016-2020 ACS

**558 Empress Ave circa 2015** (zillow.com)

15

# 1977 East End Urban Design Plan

The 1977 plan was developed as an outline for the future of East End, giving direction for future public improvement projects. A general focus of the design plans was to encourage rehabilitation and preservation of exiting residential units where economically feasible with a lesser emphasis on commercial and industrial development.

Although the 1977 East End Urban Design Plan encompasses goals and strategies for the entirety of the East End Area, Columbia Tusculum was designated as the focus area since it contained the largest concentration of people, and the neighborhood's location lent the area to be a "major image-maker" for the rest of East End.

## The plan identified five major goals for the Columbia Tusculum Area:

- 1) Create a "new" historical image tied to the community's river heritage,
- 2) Reinforce an active neighborhood center on Eastern Avenue including a revitalized commercial district and public events,
- 3) Develop safe and attractive linkages to connect the community,
- 4) Provide a reasonable balance between pedestrian and vehicular needs, and
- 5) Upgrade the visual image of the community through good urban design.

East  
End  
Urban  
Design  
Plan



# 1996 Columbia Tusculum Urban Renewal Study

The 1996 study of Columbia Tusculum's Neighborhood Business District (NBD) focused on determining whether the study area should be considered blighted based on the definition laid out in the Cincinnati Municipal Code.

Based on fourteen (14) factors of blight, the study found that 89% of structures or vacant parcels in the study area fulfilled the outlined criteria.

The study concluded that Columbia Tusculum's NBD should be designated as a "blighted area," proposing development options for large vacant parcels at Delta Avenue and Columbia Parkway to improve and further develop those areas.





# PREVIOUSLY APPROVED PLANS

Columbia Tusculum has had two past plans – one **Neighborhood Business District Urban Renewal Study** (1996) and one **Neighborhood Business District Urban Design Plan** (1999) – and was also mentioned in the **East End Urban Design Plan** (1977). These plans were considered in the creation of this plan. This section provides an overview of the past plans for the neighborhood.

## 1999 Columbia Tusculum Urban Design Phase II Plan

Following the 1996 urban renewal study, the goal of the 1999 Neighborhood Business District Urban Design Plan was to modify and direct new strategies for development and the community based current conditions and a review of the goals, strategies, and implementation of the earlier Phase and the Columbia Tusculum Focus Area of the 1977 East End Urban Design Plan.

Under the three umbrellas of Image & Identity, Design & Infrastructure, and Business Development, Retention & Recruitment, the Phase II Plan identified the following goals:

- Create an attractive, positive image and identity for the district;
- Provide attractive, safe, and serviceable vehicular and pedestrian circulation into and through the district;
- Improve the serviceability of flood prone areas;
- Maintain the existing historic architectural character of the district;
- Improve alternative transportation options through the district;
- Reconnect Columbia Tusculum to the river and its river history;
- And maintain and strengthen the neighborhood's economic environment.

Neighborhood plans are crucial for residents to have a concrete vision of their neighborhood which may be used to reference and guide the future of their community.

Neighborhood plans also make it easier to obtain grants or other funds for recommendations in their plan.

Lastly, plans make it easier to get support from City Council on the direction the community wishes to proceed in regarding development.



Prepared for  
Department of Economic Development  
City of Cincinnati

Final  
February 17, 1999

Prepared by  
Office of Architecture and Urban Design  
Division of Engineering  
Department of Public Works &  
Department of City Planning  
City of Cincinnati

# EXISTING CONDITIONS

Columbia Tusculum offers residents **a dense suburban feel**, often referred to as “the San Francisco” of Cincinnati. As the city’s oldest neighborhood, it maintains its historical housing stock proudly, being famous for its many “Painted Lady” Victorian houses. The neighborhood is home to many young professionals as it offers an easy commute Downtown and boasts a variety of restaurants, bars, and breweries.

The map below outlines the boundary of Columbia Tusculum, also displaying the Urban Design Overlay District, Neighborhood Business District, and the Overlap Boundary with the East End. Columbia Tusculum is one of Cincinnati’s smallest neighborhoods at 0.88 square miles (563.2 acres).

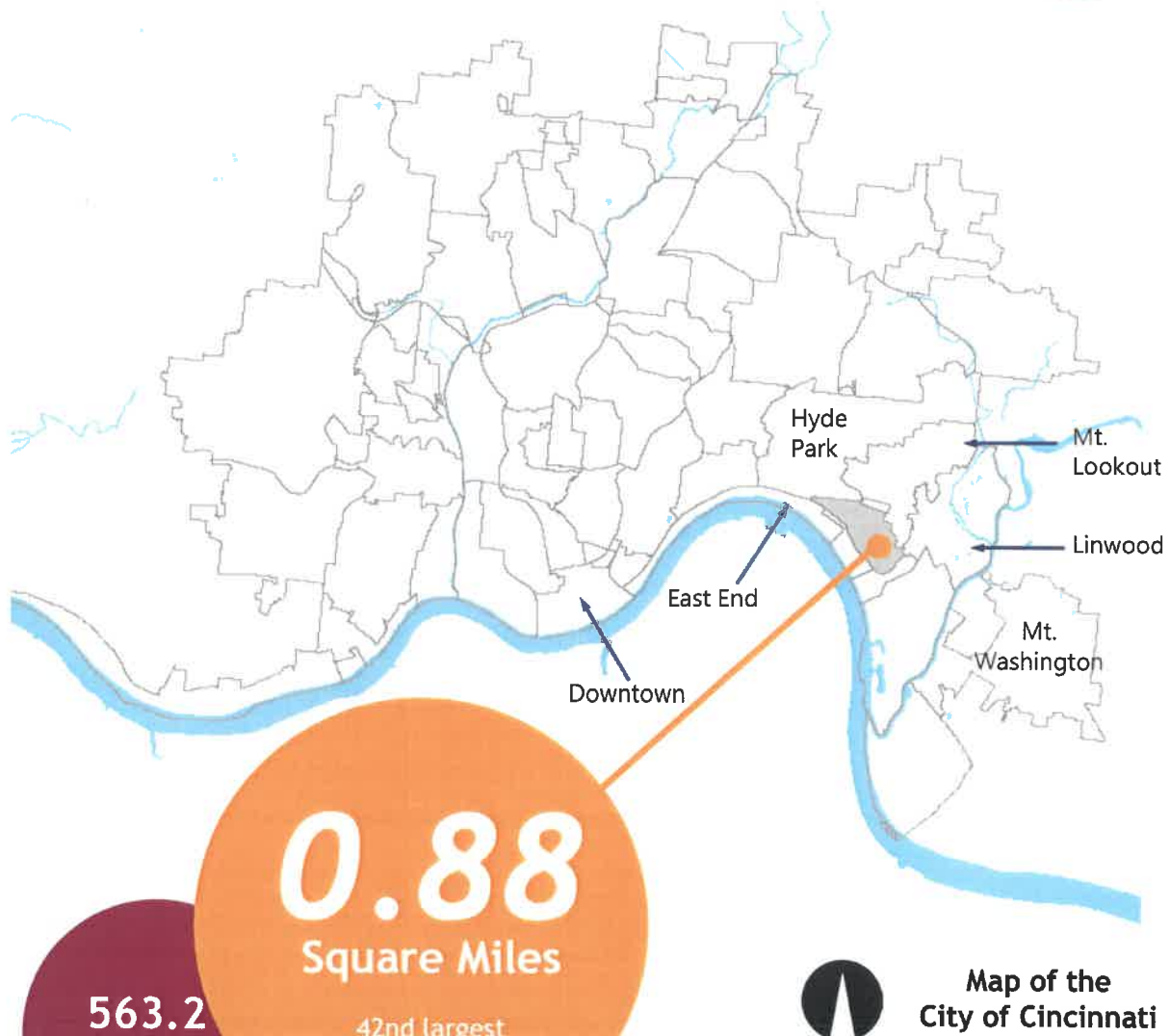
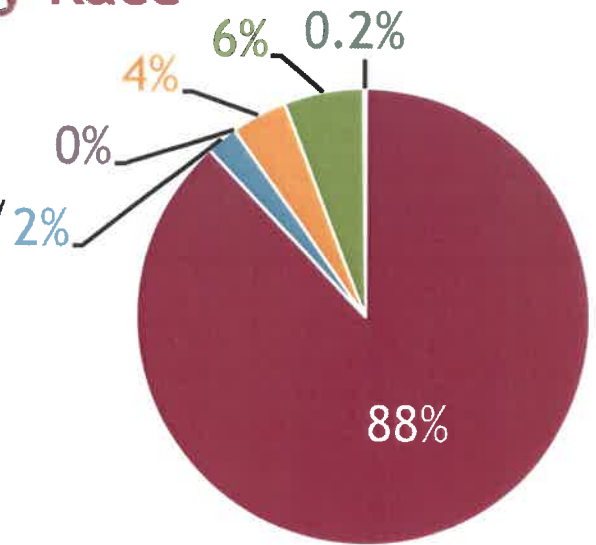


## Population by Race

Columbia Tusculum is situated in the "east side" of the City and is directly adjacent to the neighborhoods of Hyde Park, Mt. Lookout, Linwood, and the East End.

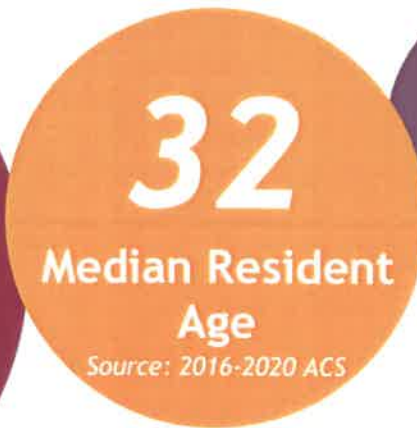
There is additionally an Overlay portion of the neighborhood shared with the East End.

- White
- Black
- American Indian/  
Alaska Native
- Asian/Pacific  
Islander
- Mixed
- Other





# Population



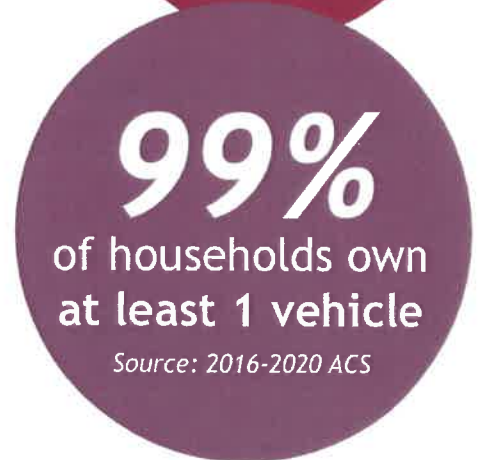
**17%**

Population increase  
from 2010 to 2020  
*Source: 2010 & 2020 Census*



**71%**  
of residents moved to  
Columbia Tusculum  
after 2010  
*Source: 2016-2020 ACS*

Columbia Tusculum and  
Cincinnati 2020 Median Income  
*Source: 2020 Census*





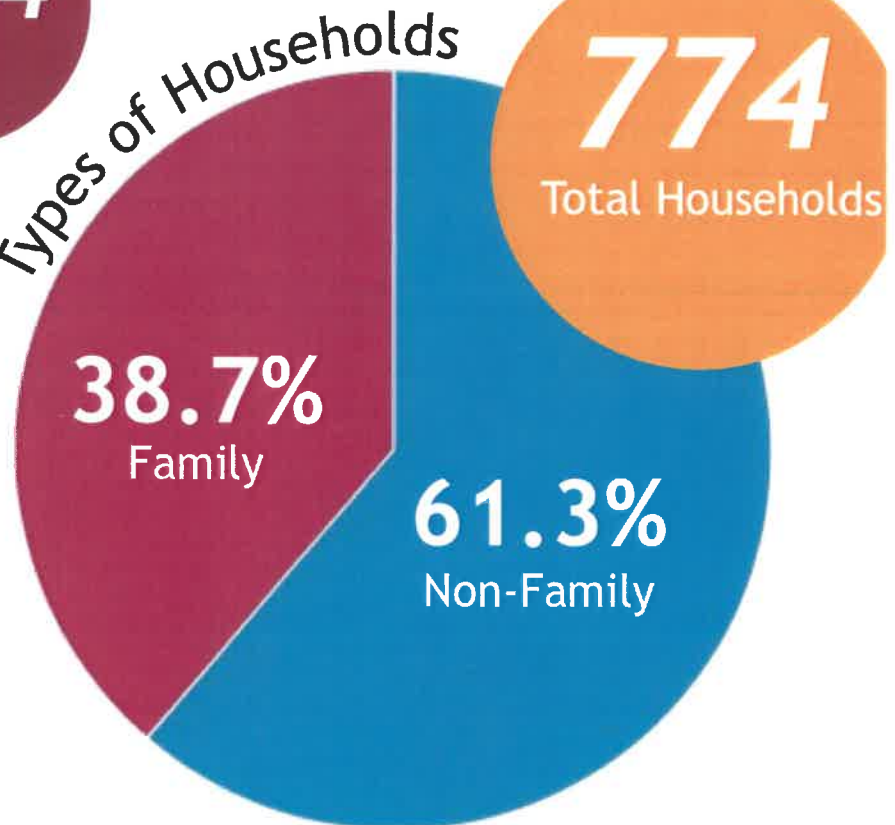
## Housing



With being the **42nd largest neighborhood** in Cincinnati, Columbia has a population just over 1,500 residents and is 0.88 square miles.

The housing stock and historic homes in Columbia Tusculum are the main components on what makes the neighborhood the way it is today. The median home value of \$384,000 is nearly three times more than the City-wide median which is \$138,000.

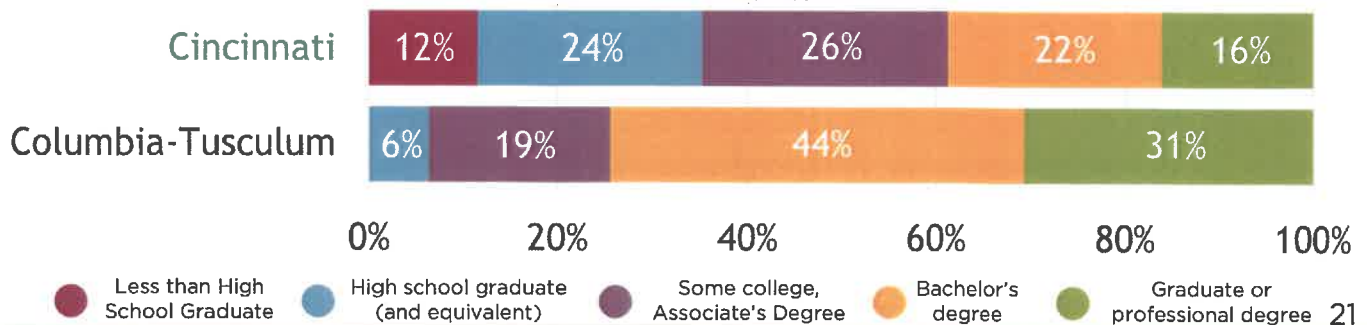
## Types of Households



## Education

### Educational Attainment in Columbia Tusculum compared to Cincinnati

Source: 2016-2020 ACS



# What does CT mean to you?



## NEIGHBORHOOD PLAN WORKING GROUP MEETING #3

### DO YOU LIVE CT? COLUMBIA TUSCUM

DO YOU LIVE CT? is a neighborhood plan focused on Columbia Tuscum's new visions for the future. You are invited to attend our upcoming Working Group meeting to discuss goals and action steps focused around accomplishing this revitalization in the following theme areas:



Business



Housing & Development



Transportation & Connections



Public Space & Community

All are welcome and encouraged to join!

If you are interested in learning more, signing up for a working group, or attending the meeting, please contact:  
Jesse Urbancsik at [jesse.urbancsik@cincinnati-oh.gov](mailto:jesse.urbancsik@cincinnati-oh.gov)

#### WHEN + WHERE

**MONDAY, November 29, 2021**

Starting at 6:00pm

at the CARNEGIE CENTER

3738 Eastern Avenue, Cincinnati, OH 45226

SCAN ME



For more information, please visit <http://www.cincinnati-oh.gov/planning/> or scan the QR Code above



## COLUMBIA TUSCUM is BEAUTIFUL...

C.T. is beautiful because ANYONE  
C.T. is beautiful because Green Space  
C.T. is beautiful because entertainment District  
C.T. is beautiful because Good BBQ  
C.T. is beautiful because Architecture  
C.T. is beautiful because colorful houses  
C.T. is beautiful because PEOPLE  
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C.T. is beautiful because Shoreline  
C.T. is beautiful because Historic Homes  
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All photos on this page were provided by:  
Andy Juengling and Jesse Urbancsik



# PLANNING PROCESS

The **Do You Live CT?** planning process consisted of a two-and-a-half-year long community-led process. The Columbia Tusculum Community Council requested a neighborhood plan through the Department of City Planning and Engagement. This planning process began in early 2020, right before the Covid-19 Pandemic commenced.

The kickoff meeting for **Do You Live CT?** was held on February 24, 2020 at the Carnegie Center, much like the rest of the working group meetings. The kickoff was a huge success with over 35 residents and community members attending. This meeting allowed community members to become familiar with and learn about the neighborhood planning process and to voice their comments regarding their vision for the neighborhood. The Kickoff had boards and input stations showcased at the Carnegie Center to gather feedback on what the priorities of the plan should be, including the plan name, **Do You Live CT?**, which was picked by residents.

The goal of the Kickoff meeting was to identify the potential themes of the plan, while establishing a steering committee of residents, business owners and community council officials who would oversee the planning process along with the Department of City Planning & Engagement. Four official theme areas were created: Transportation & Connections, Business, Housing & Development and Public Space & Community. These theme areas ultimately guided conversations between the steering committee, staff, and residents to assist them in moving forward in the formation of the goals, strategies, and action steps found in this plan. (These Theme Areas are additionally found on p. 7).

The steering committee held meetings to plan future working groups and to prioritize topics and future goals. The working groups were split up and identified by the themes mentioned above. The first working group meeting was held on June 21, 2021 at the Carnegie Center to outline the roles of each working group and to develop vision statements for each theme. The second meeting was held on September 20, 2021 with a focus on creating goals for each of the four themes. The third meeting was held on November 29, 2021 which finessed the goals and drafted strategies and action steps for the theme areas. The last meeting was held on March 28, 2022 which finalized these strategies and action steps as well as oriented the conversations around land use and zoning. All working group meetings were notified via social media and the Department's webpage, as well as the inclusion of physical flyers in which steering committee members passed out to businesses and residences.

A total of four steering committee meetings were held, mostly virtually via Zoom due to the Pandemic, and a total of four working group meetings were hosted and held for the public. Snacks and beverages were additionally provided by generous members of the steering committee. Over 50 individuals from the Columbia Tusculum neighborhood attended or participated in providing input for this plan.

The planning process was also uplifted by assistance from a University of Cincinnati student who curated a website that described the ongoing planning process, in addition to the draft priorities, existing conditions, history, and past plans. The webpage also enabled additional involvement from the public by allowing residents to sign up for updates, take a survey, and upload their favorite photos of the neighborhood!

*Visit!*

Columbia Tusculum Neighborhood Planning Process ArcGis Hub:  
<https://do-you-live-ct-ucgissa.hub.arcgis.com/>

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# PLAN THEME AREAS

The steering committee worked to identify **Theme Areas** that will transform into Working Groups for the planning process. These themes are centered around transportation and connections, business, housing and development, and public space and community. All four of these themes were developed through collaboration with city planners as well as the working groups representing the Columbia Tusculum neighborhood.

These Theme Areas will help to guide conversations moving forward and assist in the formation of the goals and strategies that will be identified in this plan. Each of the theme areas will be found on the next several pages, including the goals, strategies, and action steps for all four. The vision statements for all four may are below:



## BUSINESS

*CT strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, walkability, and accessibility to Cincinnati's greatest playground while honoring our colorful heritage as Cincinnati's oldest community.*



## TRANSPORTATION & CONNECTIONS

*Increasing safety and efficiency to promote a vibrant and diverse neighborhood for residents and visitors by implementing pedestrian safety, traffic calming, and beautification. Thereby creating connectivity within a balanced network of transportation and recreation options including enhanced roads, walkways, and trails.*



## HOUSING & DEVELOPMENT

*CT is a community embracing its historic roots and is inclusive to all incomes and backgrounds. We strive to maximize the 15-minute community model with an emphasis on walkability and accessibility, integrate business assets and housing in a safe and "green" way, and grow with a diverse range of structure types, sizes, costs, and uses.*



## PUBLIC SPACE & COMMUNITY

*Building on our history, CT is committed to developing and preserving a safe, walkable neighborhood filled with charm and areas for recreation and community engagement.*

Photo by: Moey Inc



Photo by: Moey Inc



# BUSINESS THEME AREA

## Goal 1 Increase Business Density



### 1.1: Fill empty storefronts and prioritize filling of empty lots

- 1.1.1: Identify anchor businesses and create a map to share with business owners and community members*
- 1.1.2: Identify property owners and find out why lots or properties are vacant*
- 1.1.3: Conduct exercises and participatory mechanisms where residents and stakeholders can provide input on priority reinvestment areas*
- 1.1.4: Continue to work with business owners, developers, and real estate agencies to enhance and maintain relationships for the good of Columbia Tusculum*

### 1.2: Encourage a mix of developments within the neighborhood consistent with existing businesses in scale

- 1.2.1: Analyze existing areas within the neighborhood where multi-use development can occur and where it is appropriate with the permitted land use*
- 1.2.2: Incentivize energy efficient and sustainable developments*

### 1.3: Establish and promote clear incentives for redevelopment of certain types of projects

- 1.3.1: Work with current and future property owners for the potential of creating Business Improvement Districts (BIDs)*
- 1.3.2: Research existing incentives and resources that could assist property owners or future developers for infill development*
- 1.3.3: Explore additional development incentives including tax incentives, density bonuses, reduce and alternate parking requirements to attract appropriate and meaningful development*
- 1.3.4: Collaborate with the Department of Community and Economic Development to utilize existing incentives such as Tax Increment Financing (TIFs), Community Reinvestment Area Tax Abatements, and Neighborhood Business District Support Grants (NBDSG)*

- 1.3.5: Set up a business sub-committee of Columbia Tusculum Community Council*

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## **Invest in a multi-modal connection between businesses and community members/visitors**

**2.1: Make Columbia Tusculum a unique destination by looking for opportunities to enhance social interaction on foot, bicycle or in vehicles**

- 2.1.1: Encourage new amenities and activities that will continue to make Columbia Tusculum a more attractive community to business, residents, and visitors*
- 2.1.2: Expand partnerships with City Departments, Cincinnati Parks, Carnegie Center, and other visual arts programs or organizations to promote a variety of arts and cultural components*
- 2.1.3: Encourage the community council to invest in guerrilla urbanism to help make roads safer for pedestrians and bicyclists*
- 2.1.4: Continue to sponsor events that bring attention to the neighborhood like the annual Flying Pig Marathon water station, Historic Home Tour, and more*

**2.2: Capitalize on proximity to bike trails**

- 2.2.1: Implement more signage to encourage walking/biking*



## **Focus our community on local business programs and certifications**

**3.1: Emphasize the importance of Business Enterprises**

- 3.1.1: Focus on Small Business Enterprises (SBEs)*
- 3.1.2: Focus on Minority-Owned Business Enterprises (MBEs)*
- 3.1.3: Focus on Women-Owned Business Enterprises (WBEs)*

**3.2: Collaborate with different organizations in the City to promote the incentives of existing programs**

- 3.2.1: Continue to promote the Columbia Tusculum Business Association to get more businesses to join*
- 3.2.2: Promote the City's Small Business Assistance funds (MicroCity Loan and Grow*



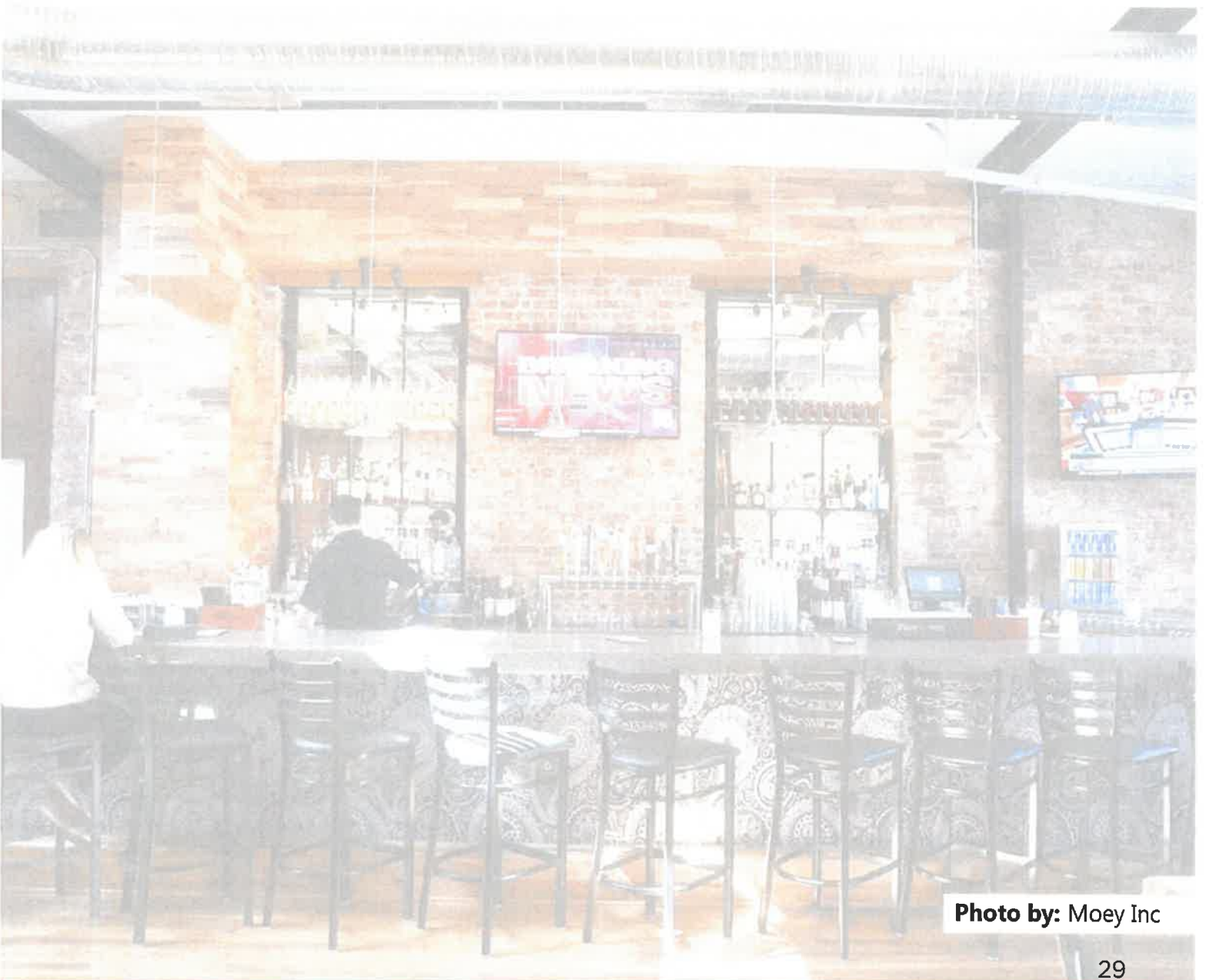
# Goal 4

## Encourage and promote affordability options in businesses

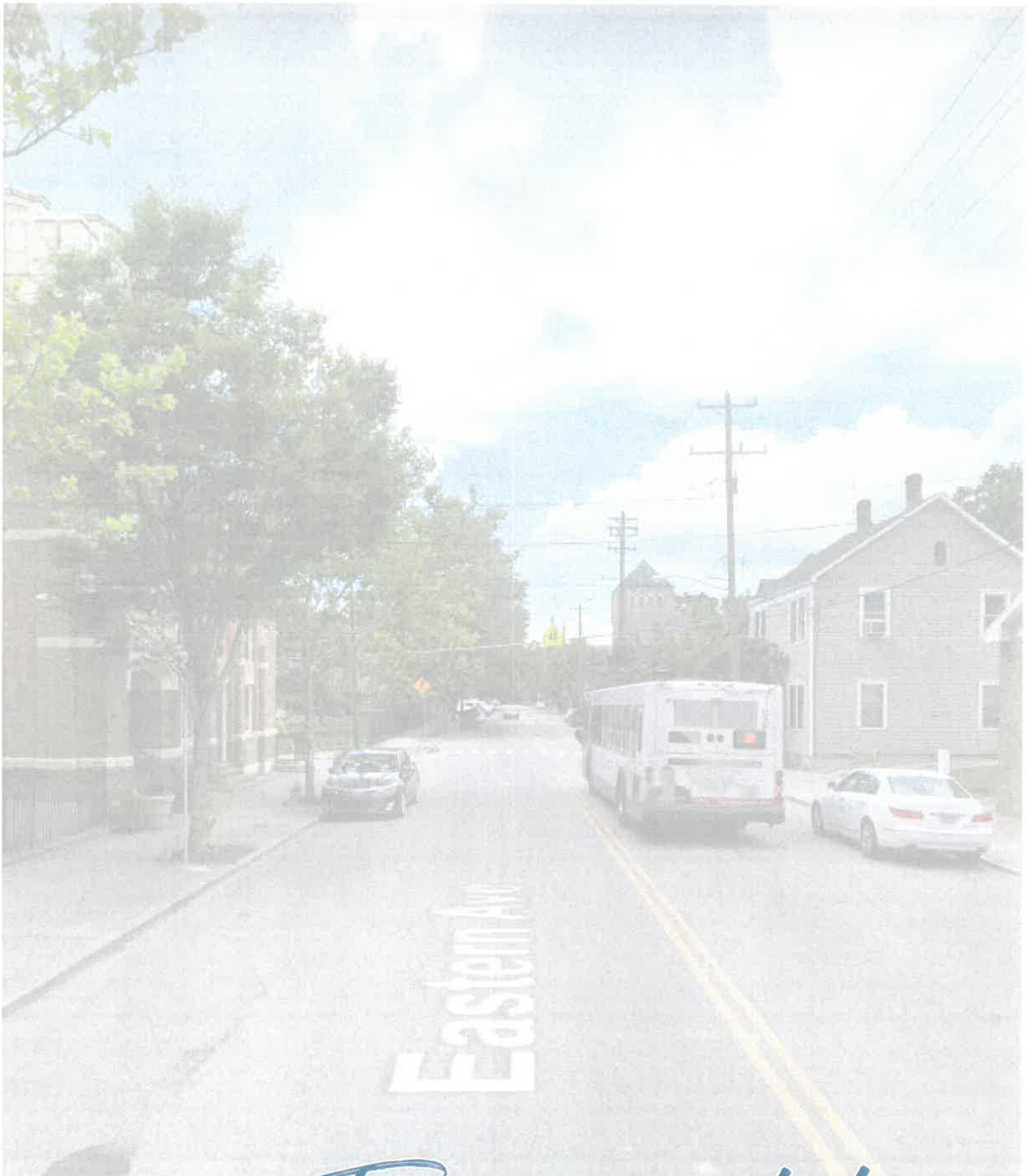
**4.1: Support creative options in order to attract new businesses, restaurants, and local entrepreneurial efforts**

**4.1.1: *Catalog and identify grants and resources to help offset costs of opening business or remediation of environmental issues***

**4.1.2: *Create affordable rent program for small businesses***



**Photo by:** Moey Inc



**Photo by:** Google Maps

# TRANSPORTATION & CONNECTIONS THEME AREA



## Goal 1 Capitalize on regional bicycle connections

**1.1: Promote completion of trails in the vicinity of Columbia Tusculum that are identified in adopted or officially recognized trail plans**

*1.1.1: Identify regional trail network gaps in Columbia Tusculum vicinity*

*1.1.2: Identify preferred locations for trail heads, bike rental (Red-Bike), and bike racks, using zone districts to avoid incompatible areas*

*1.1.3: Track and report on City/OKI/State trail planning efforts for Columbia Tusculum trail advocacy*

*1.1.4: Partner with neighborhood institutions, and public agencies (i.e. Cincinnati Parks and Recreation) to share underused surface parking lots and locate bike racks*

*1.1.5: Invite trail planning and funding agencies (OKI, Green Umbrella/Tri-State Trails, and Devou Good) to CTCC meetings or Transportation Committee working groups to inform CT on proposed routes/plans*

**1.2: Develop & maintain accessible, well-lit entrances to the trail network**

*1.2.1: Optimally use available parking and commercial zone districts to locate bike amenities*

## Goal 2 Promote pedestrian safety & connectivity throughout the neighborhood

**2.1: Partner with DOTE to identify best practices and locations for traffic calming, focusing on pedestrian safety along Columbia Parkway between Tusculum Avenue and Delta Avenue (in the Neighborhood Business District (NBD))**

*2.1.1: Submit speed cushion locations*

**2.1.2:** *Contact DOTE-Transportation Planning and Design (TPUD) Street Calming Program to discuss problem areas that may warrant speed bumps/cushions, traffic signs, pavement markings, and other Ped. Safety Program tools*

**2.1.3:** *Contact DOTE-Traffic Engineering for new or replacement signs, signals, and pavement markings*

## **2.2: Prioritize sidewalk safety and maintenance**

**2.2.1:** *Partner with DOTE (Street Rehab Program and Sidewalk Safety Program) to identify and map gaps in sidewalk network*

**2.2.2:** *Prioritize areas for sidewalk construction and submit requests via the City's Community Budget Request process*

## **2.3: Employ a carrot and stick approach to discourage or eliminate truck traffic on one-lane residential streets, such as Morris Place, and direct it to Kellogg Ave and Eastern Ave**

**2.3.1:** *Request DOTE truck traffic management tools and work with local businesses to educate truck drivers on appropriate and efficient travel routes through Columbia Tusculum*

# **Goal 3 Promote access to quality transportation alternatives and options**

## **3.1: Promote alternatives to personal gas-powered vehicles including bus ridership, bike share, ride share, electric vehicles (EV) and other alternative transportation modes**

**3.1.1:** *Participate in METRO planning studies and widely circulate surveys to residents*

**3.1.2:** *Apply to CNBDU for additional bus stop amenities consistent with existing Columbia Tusculum urban streetscape*

**3.1.3:** *Identify optimal Red-Bike station locations in Columbia Tusculum and work with Red-Bike to install*

**3.1.4:** *Promote group ride share trips to the CBD and other common destinations*

**3.1.5:** *Partner with OES to pursue grants for public EV charging stations in Columbia Tusculum*

## **3.2: Explore opportunities to expand connectivity to adjacent neighborhoods**



*3.2.1: Complete a neighborhood survey to gain insight into residents' transportation preferences. Use this information to promote neighborhood preferences (could include additional opportunities in bus ridership, bike share, electric vehicles)*

*3.2.2: Promote trails and paths north of rail road tracks to minimize rail crossing*

*3.3: Coordinate with Planning & Development to encourage future developments to include adequate parking where on-street parking is saturated*



## **Maintain and enhance community character while expanding transportation infrastructure**

*4.1: Expand place-making and wayfinding opportunities to complement existing urban design*

*4.1.1: Identify funding sources or other resources for urban design and street amenities*

*4.1.2: Photo, document, and map thoroughfares in need of urban design (e.g. Eastern Avenue between Delta Avenue and Carrel Street, Stanley Avenue between Kellogg Avenue and Vineyard Place)*

*4.1.3: Engage landscape architecture professionals and City resources to create a vision for significant thoroughfares (Eastern, Stanley) and develop streetscape proposals to beautify streets, as well as enhance connectivity and calm traffic*

*4.1.4: Consult with Urban Forestry on street tree availability*

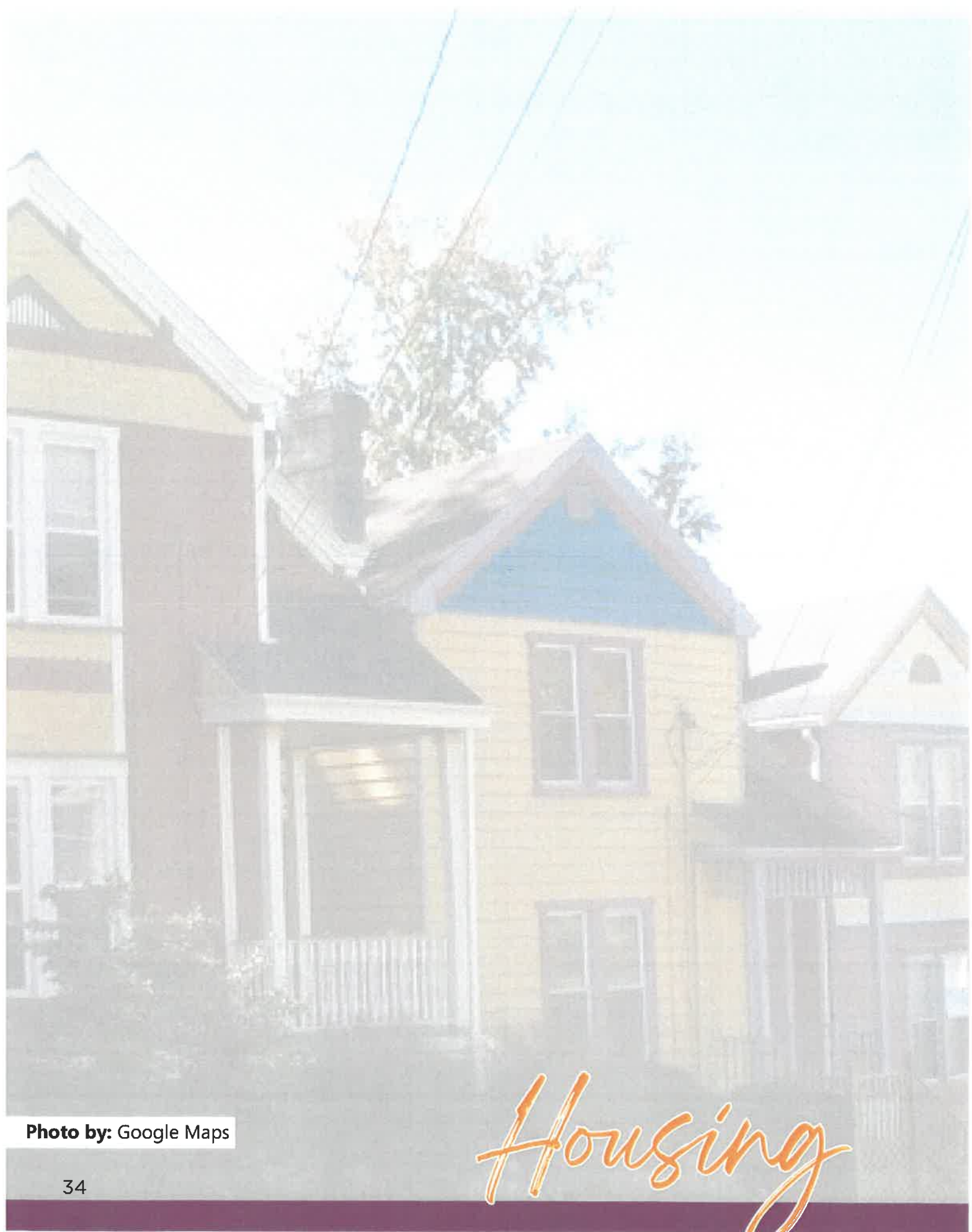
*4.1.5: Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in conjunction with the Public Space & Community Committee)*

*4.1.6: Partner with DOTE-UD (Graphic Design) to develop CT identity, gateway, or wayfinding concepts that reflect CT community character and compliment or tie into existing systems*

*4.2: Continue the ongoing maintenance of existing infrastructure*

*4.2.1: Assemble a neighborhood committee to complete improvements and maintain the railroad tunnel at Congress Avenue & Eastern Avenue*

*4.2.2: Report city roadway and sidewalk maintenance issues via Fixit Cincy App or the City 'Contact Us' online portal - Publicize reporting contact information*



**Photo by:** Google Maps

# *Housing*

# HOUSING & DEVELOPMENT THEME AREA



## Goal 1 Embrace and promote density in the neighborhood

**1.1: Provide and increase a full spectrum of housing options and price points**

**1.1.1: Focus on not just single-family, but also two-family, four-family, and multi-family developments**

**1.2: Use the existing development momentum to further spur development activity**

**1.2.1: Ramp up housing production to catch-up with other regions**

**1.2.2: Continue educating residents and promoting progressive trends that correlate with City- and Region-wide goals such as: Transit-Oriented Development (TODs), Microneighborhoods, and Placemaking**

**1.3: Review existing guidelines and codes to identify potential adjustments**

**1.3.1: Support the future inclusion of Accessory Dwelling Units (ADUs) into the Cincinnati Zoning Code**

**1.3.2: Review the existing Historic District Conservation Guidelines and consider potential changes**

## Goal 2 Continue embracing Columbia Tusculum's historic roots while welcoming all backgrounds and incomes

**1.1: Target future residential (or mixed) developments in transit- and amenity-rich locations**

**1.1.1: Educate neighborhood about existing incentives/assistance for tax abatements, code compliance (to improve existing housing stock/conditions), infill housing, and assisting seniors in staying in their homes or neighborhood**

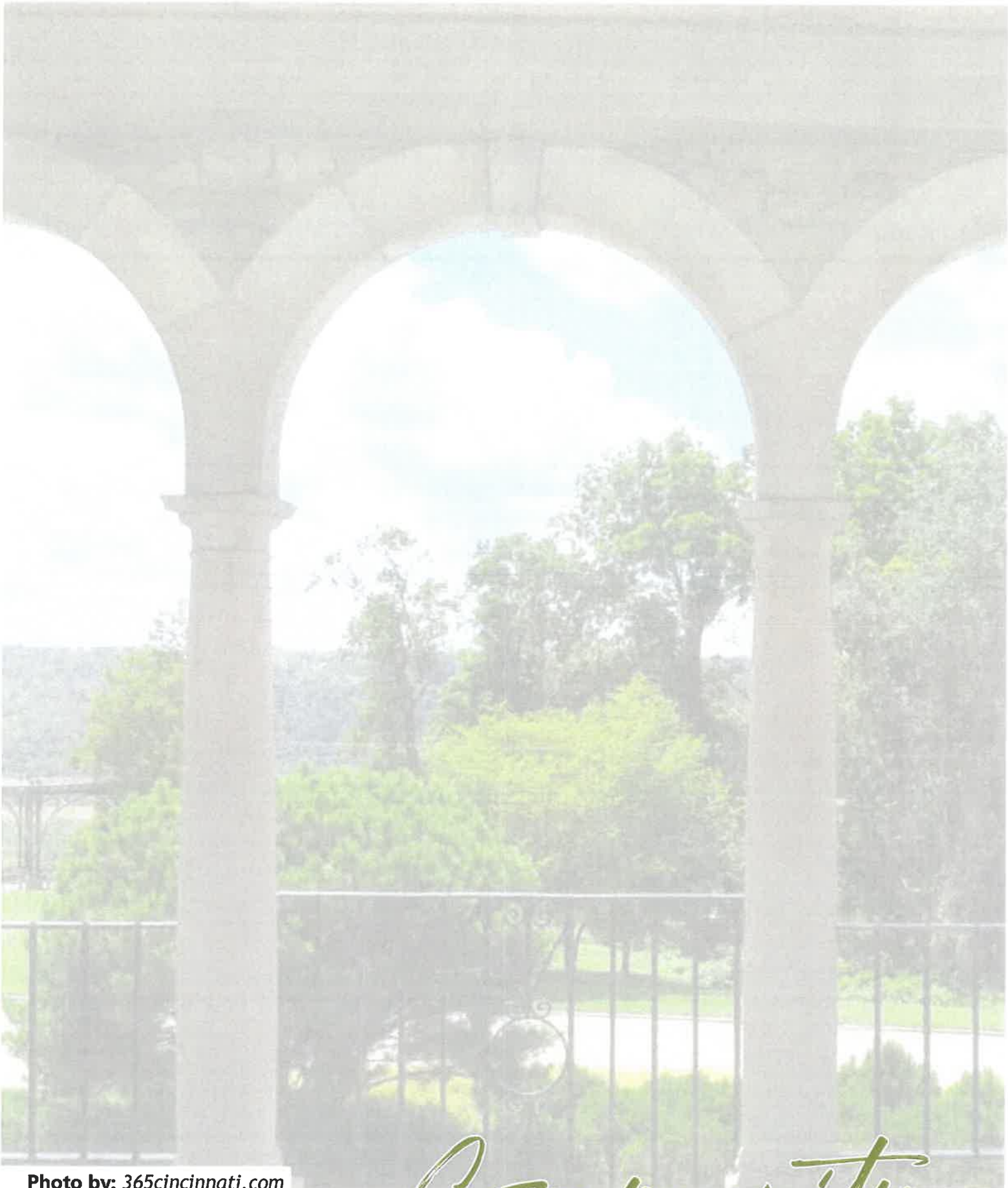


Photo by: [365cincinnati.com](http://365cincinnati.com)

# Community



# PUBLIC SPACE & COMMUNITY THEME AREA



## Goal 1 Foster relationships within the community

**1.1: Continue building relationships with existing organizations within Columbia Tusculum**

*1.1.1: Foster relationships specifically with Alms Park Allies, 3 East Business Association, CROWN, Irish Heritage Center of Cincinnati, St. Stephen Catholic Church, and Columbia Baptist*

**1.2: Focus on programming and events to improve community interaction and communication**

*1.2.1: Leverage the existing Cincinnati Park Advisory Council (CPAC) for Alms Park improvements and potential programming*

*1.2.2: Build a calendar of community-focused neighborhood events to highlight events such as Street Fest, Fall Festival at the Carnegie, Flying Pig and Queen Bee cheer stations, Wine Tasting and Art Show, and more*

*1.2.3: Share event information on Facebook and in the monthly e-newsletter*

## Goal 2 Celebrate CT's historic charm

**2.1: Continue ongoing maintenance of existing historic buildings and aesthetic details, as well as find financial support for historic recreation**

*2.1.1: Create a historic maintenance plan for areas and buildings within the Historic District (i.e., period lighting, brick alleys)*

*2.1.2: Consider the use of tax credits for capital projects*

*2.1.3: Consider revisions to the Historic District Conservation Guidelines*

*2.1.4: Apply for Certified Local Government funding from the State Historic Preservation Office to create self-guided walking tours*

*2.1.5: Identify and create a map of unique assets, landmarks, natural features, streetscapes, and patterns of development that distinguish each character area and create a “sense of place”*

## *Goal* **3** **Ensure complete, safe connections within the neighborhood**

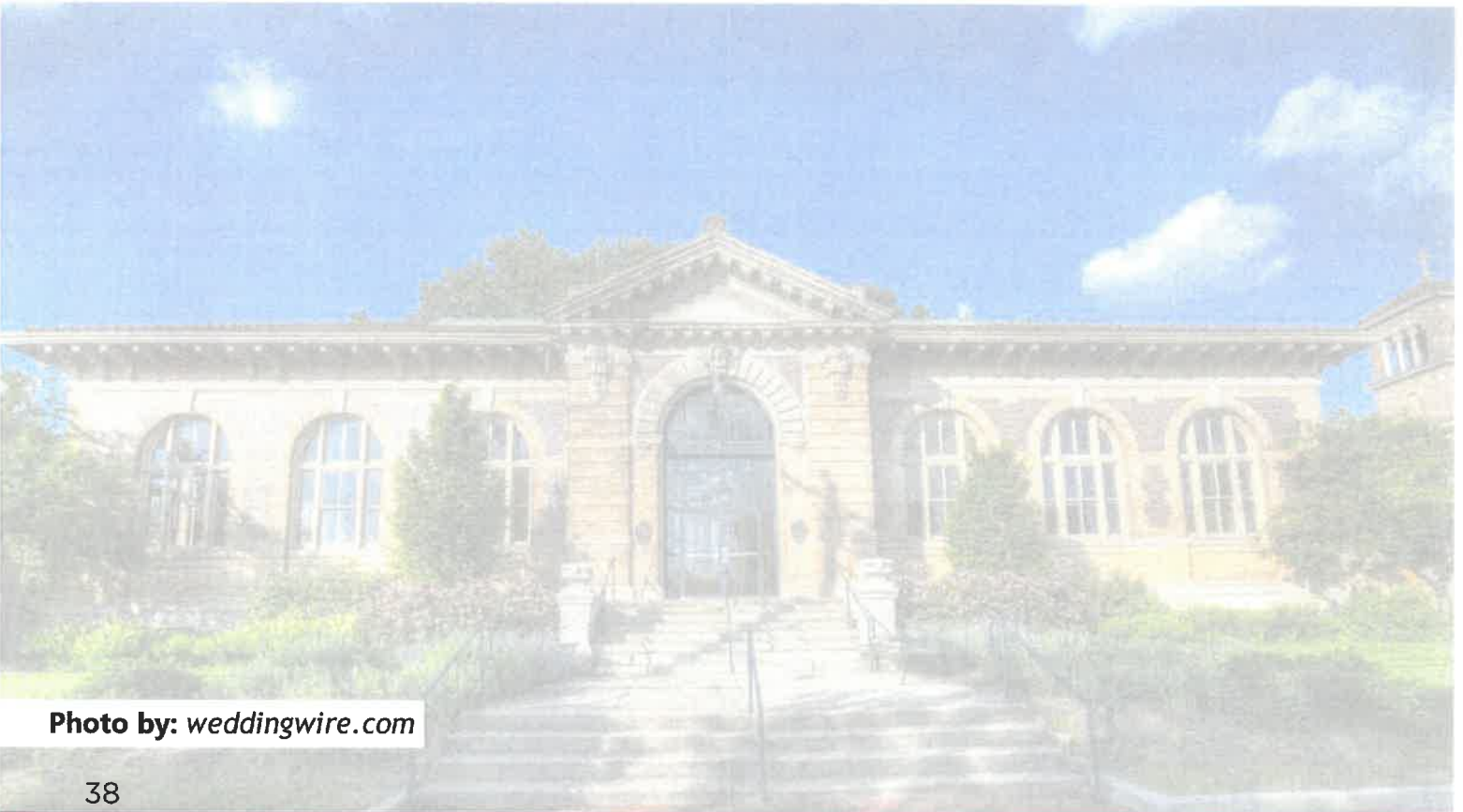
**3.1: Ensure continuity and access of sidewalks for a more walkable neighborhood**

*3.1.1: Identify missing sidewalk and pedestrian connections and promote ideas to integrate them into the existing pedestrian network*

*3.1.2: Determine the appropriate funding mechanism and partners for connectivity opportunities*

*3.1.3: Connect with Cincinnati Riding or Walking Network (CROWN) regarding the Oasis Trail*

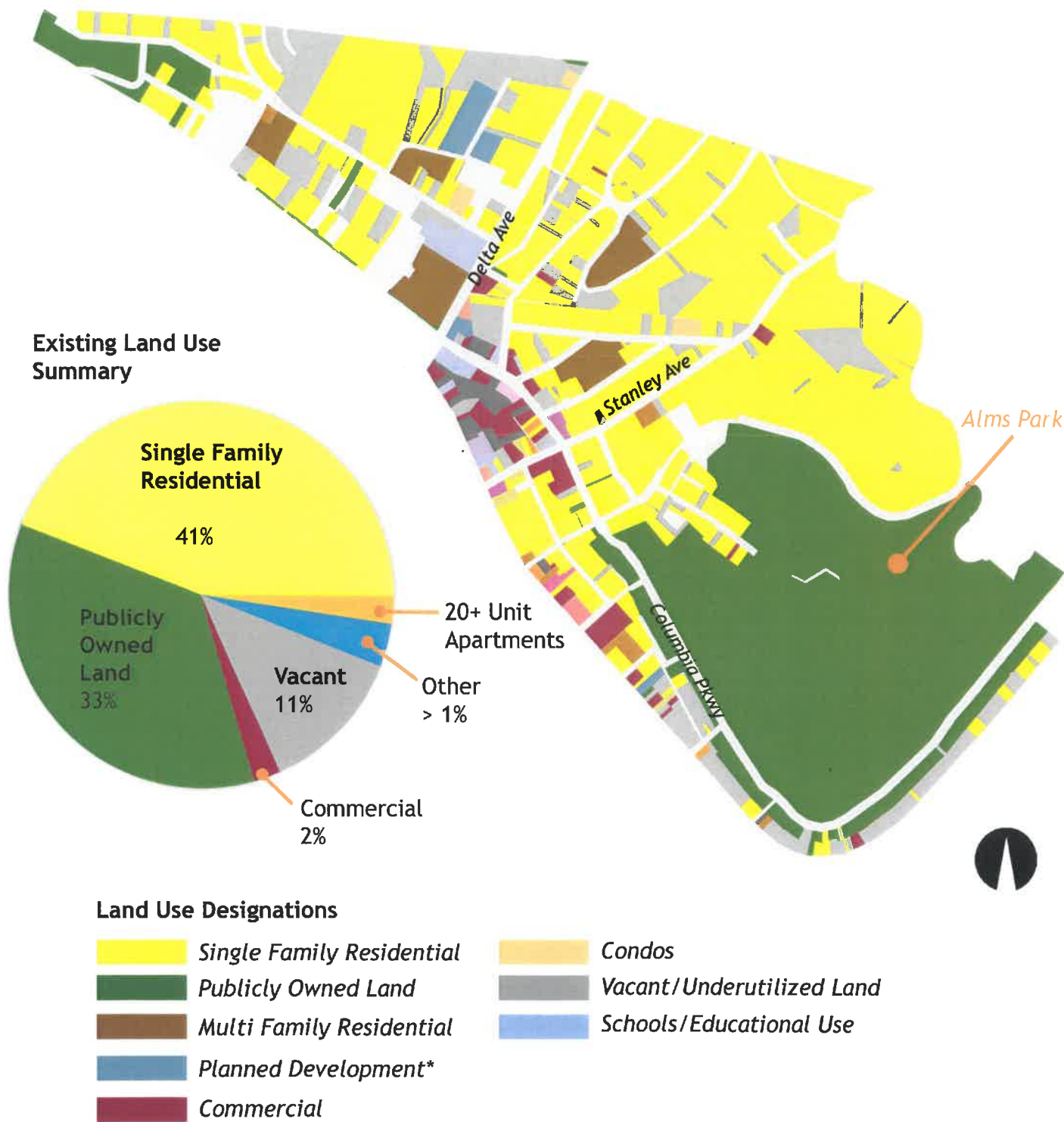
*3.1.4: Gain an understanding of the proposed route/plans and insure the implementation of the Transportation & Connections strategies and action steps*



**Photo by:** [weddingwire.com](http://weddingwire.com)

# EXISTING LAND USE

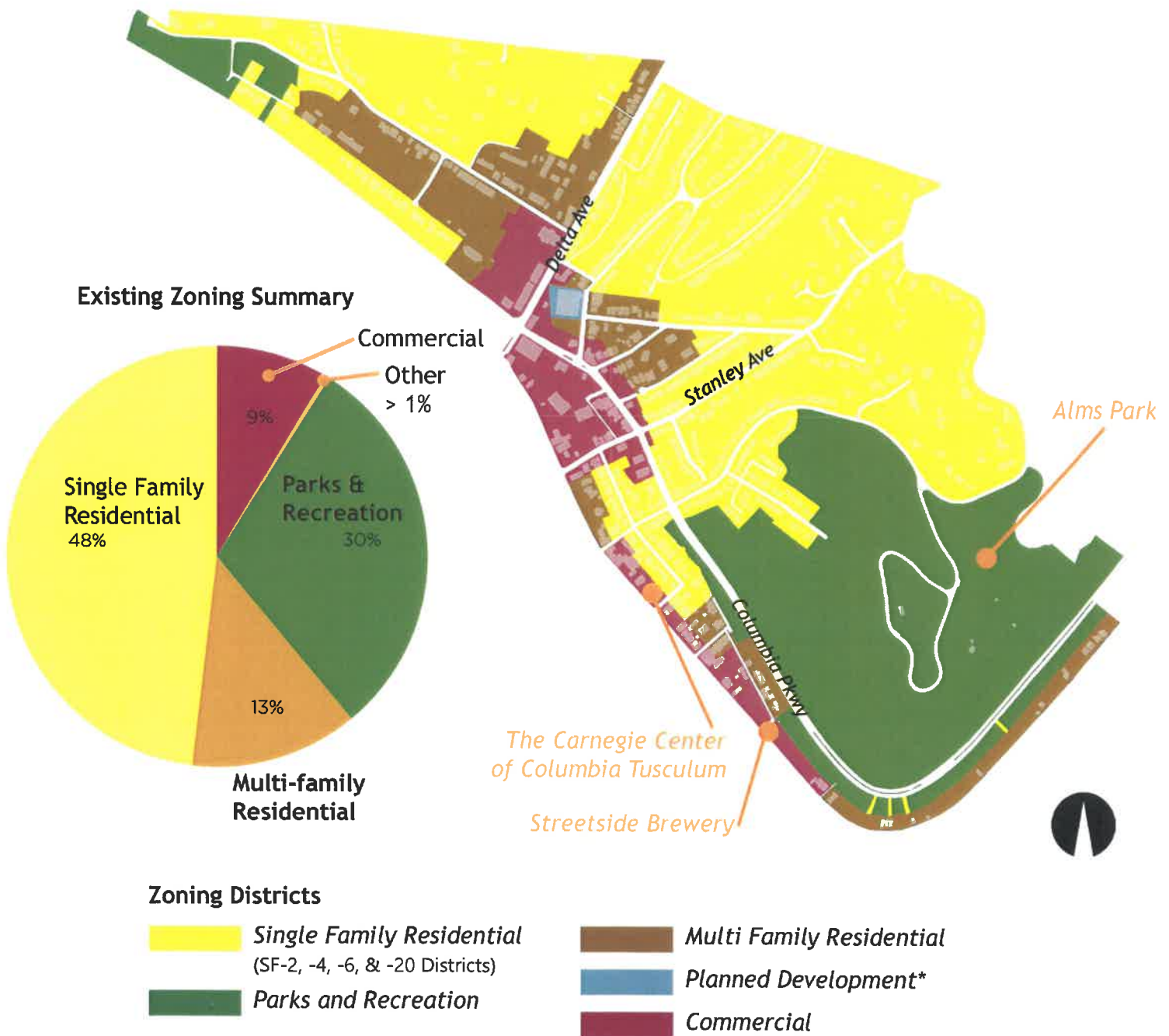
The **existing land use** of Columbia Tusculum may be found on the map below. It is important to note that land use and zoning are different terms. Land use refers to the building and occupancies of the land while zoning highlights the activities and development permitted.





# EXISTING ZONING

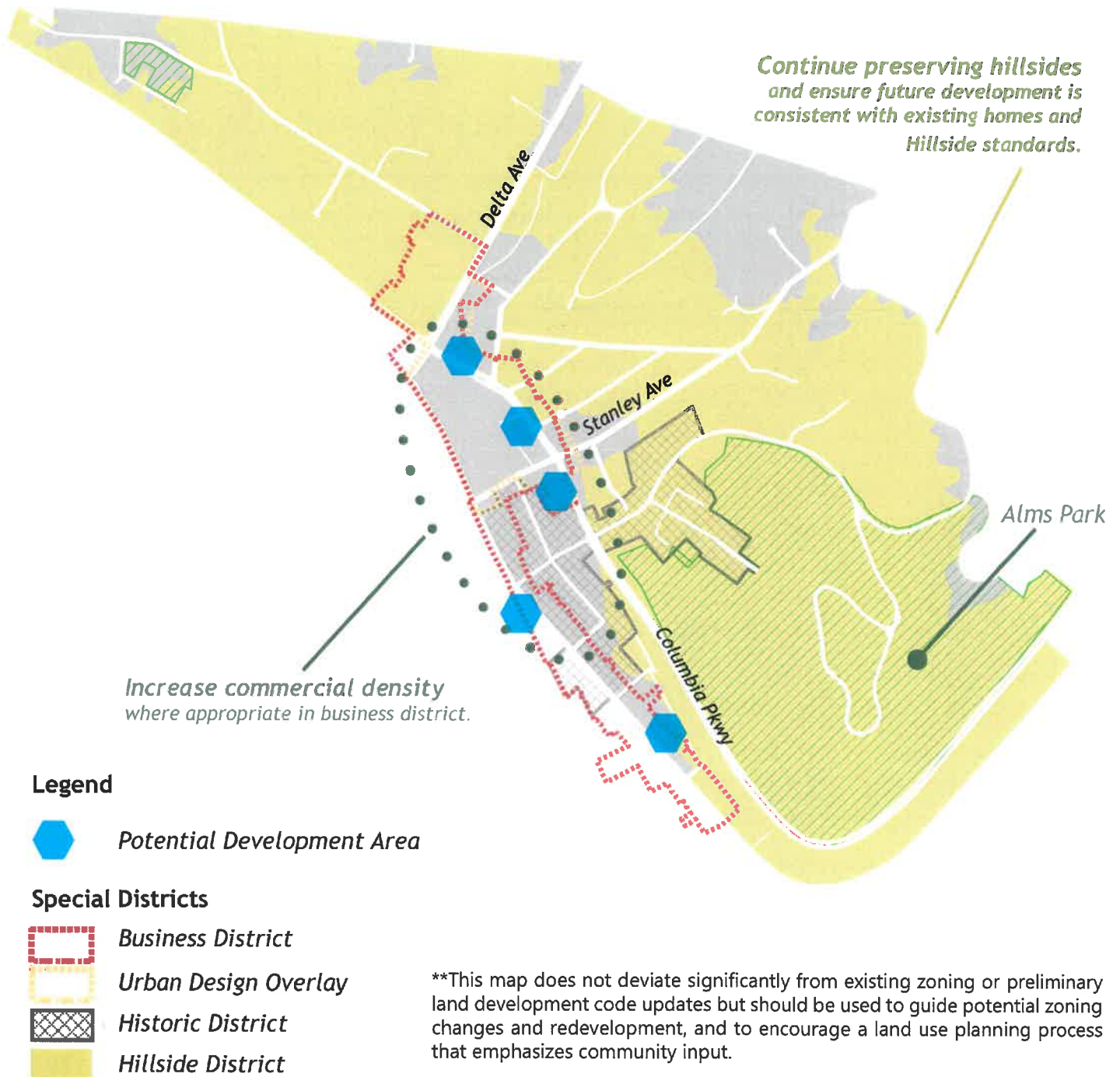
The **existing zoning** of Columbia Tusculum may be found on the map below. The majority of the existing zoning in Columbia Tusculum is single-family, which consists of Single Family SF-2, SF-4, SF-6, and SF-20. The second largest zoning district is Parks and Recreation, with the majority of the space being taken up by the well-known Alms Park.



\*Planned Development means a large, integrated development adhering to a comprehensive site plan and located on a single site (§ 1401-01-P12).

# FUTURE LAND USE

For Columbia Tusculum being one of the smallest neighborhoods in Cincinnati, it has many important districts located within it: an Urban Design Overlay District, Historic District, Hillside Overlay District, and its own Neighborhood Business District. The map below highlights this including possible opportunity areas.



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# CONSISTENCY WITH PLAN CINCINNATI (2012)

**Do You Live CT?** is consistent with all five Initiative Areas of **Plan Cincinnati** - Compete, Connect, Live, Sustain, and Collaborate.

These Initiative Areas align with the Guiding Policy Principles by increasing our population, building on our assets, becoming recognized, being aggressive and strategic in future growth and development, and to develop a culture of health embodied by thriving residents.

## **Compete** | *Be the pivotal economic force of the region.*

Goal to "Foster a climate conducive to growth, investment, stability, and opportunity" (p. 102) and the Strategy to "Pursue new growth and business recruitment efforts in target industries" (p. 108). This plan is additionally consistent with the Goal to "Become nationally and internationally recognized as a vibrant and unique city" (p. 121) through the Strategy to "Promote Cincinnati's lifestyle" (p. 122).

As it states in Plan Cincinnati, "Cincinnati is a special place...our distinctive housing, unique and walkable neighborhoods...Cincinnati can begin to grow into a large city while maintaining the benefits of a smaller community" (p. 122).

## **Connect** | *Bring people and places together.*

Goal to "develop an efficient multi-modal transportation system that supports neighborhood vitality" (p. 129) and the Strategy to "support regional and intercity transportation initiatives" (p. 144).

## **Live** | *Strengthen our magnetic City with energized people.*

Goals to "build a robust public life" (p. 149) and "create a more liveable community" (p. 156) and the Strategies to "develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people" (p. 150), to "become more walkable" (p. 157), to "support and stabilize our neighborhoods" (p. 160).

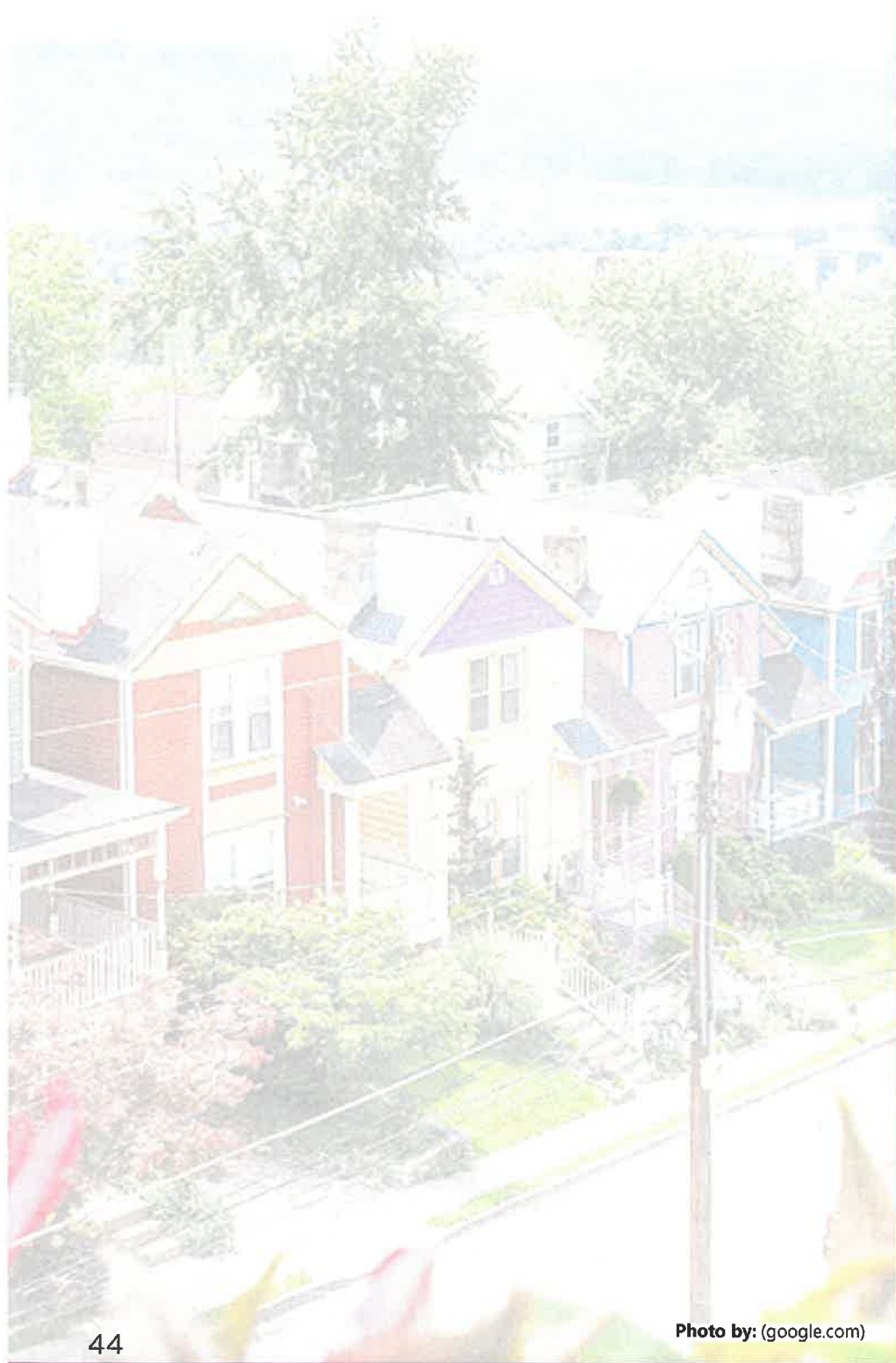
## **Sustain** | *Steward resources and ensure long-term vitality.*

Goals to "become a healthier Cincinnati" (p. 181) and to "preserve our natural and built environment" (p. 193) with the Strategies to "protect our natural resources" (p. 194) and "preserve our built history" (p. 197).

## **Collaborate** | *Partner to reach our common goals.*

Goal to "Work in Synergy with the Cincinnati Community" through the Strategy to "unite our communities" (p. 210).







# APPENDIX

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# ABBREVIATIONS

**B&I** – Department of Buildings and Inspections  
**CP** - Cincinnati Parks  
**CPAC** - Cincinnati Park Advisory Council  
**CPD** – Cincinnati Police Department  
**CPS** – Cincinnati Public Schools  
**CRC** - City Recreation Commission  
**CSR** – Customer Service Request (system)  
**CTCC** – Columbia Tusculum Community Council  
**DCED** – Department of Community and Economic Development  
**DCPE** – Department of City Planning and Engagement  
**DPS** – Department of Public Services  
**DOT** – Department of Transportation and Engineering  
**ODOT** – Ohio Department of Transportation  
**OES** – Office of Environment and Sustainability  
**OKI** – Ohio Kentucky Indiana Regional Council of Governments  
**TST** – Tri-State Trails

*CITY COUNCIL RESOLUTION*



# IMPLEMENTATION TABLES

## BUSINESS THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Increase Business Density	Fill Empty Storefronts and prioritize filling of empty lots	Identify anchor businesses and create a map to share with business owners and community members	Medium	3-6 Months	DCED, DCPE, Business Owners, CTCC
		Identify property owners and find out why lots or property is open	Medium	3-6 Months	Hamilton County, DCED, DCPE, Realtors
		Conduct exercises and participatory mechanisms where residents and stakeholders can provide input on priority reinvestment areas	Medium	Ongoing	Business Owners, Residents
		Continue to work with business owners, developers, real estate agencies to enhance and maintain relationships for the good of Columbia Tusculum	High	Ongoing	Business Owners, Residents, Realtors, CTCC
	Encourage a mix of developments within the neighborhood	Analyze existing areas within the neighborhood where multi-use development can occur and where it is appropriate with the permitted land use	High	3-6 Months	DCPE, DCED
		Incentivize energy efficient developments	High	Ongoing	Developers, OES

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Increase Business Density	Establish and promote clear incentives for redevelopment of certain types of projects	potential of creating Business Improvement Districts (BIDs)	High	2-3 Years	Residents, DCED
		Research existing incentives and resources that could assist property owners or future developers for infill development	Medium	Ongoing	DCED, DCPE, Business Owners, CTCC
		Explore additional development incentives including tax incentives, density bonuses, reduce and alternate parking requirements to attract appropriate and meaningful development	Medium	1-2 Years	Parking Services, DCPE
		Collaborate with the Department of Community and Economic Development to utilize existing incentives such as Tax Increment Financing (TIFs), Community Reinvestment Area Tax Abatements, and Neighborhood Business District Support Grants (NBD SG)	Medium	Ongoing	DCED, CTCC
		Set up a business sub-committee of CT Community Council	Low	1-2 Years	CTCC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Invest in a multi-modal connection between businesses and community members/visitors	Make Columbia Tusculum a unique destination by looking for opportunities to enhance social interaction on foot, bicycle or in vehicles	activities that will continue to make Columbia Tusculum a more attractive community to business, residents, and visitors	High	Ongoing	CTCC, Residents
		Expand partnerships with City Departments, Cincinnati Parks, Carnegie Center, and other visual arts programs or organizations to promote a variety of arts and cultural components	Medium	Ongoing	Parks, CTCC
		Encourage the community council to invest in guerrilla urbanism to help make roads safer for pedestrians and bicyclists	Medium	Ongoing	CTCC
		Continue to sponsor events that bring attention to the neighborhood like the annual Flying Pig Marathon water station, Historic Home Tour, and more	Low	Ongoing	CTCC, City Departments
	Capitalize on proximity to bike trails	Implement more signage to encourage walking/biking	Medium	2-5 Years	City Departments, Tri-State Trails
		Plan out and identify potential opportunities for new trail expansions	Low	1-2 Years	Tri-State Trails, CTCC



Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Focus our community on local business programs and certifications	Emphasize the importance of Business Enterprises	Focus on Small Business Enterprises (SBEs)	High	Ongoing	DCED, Business Owners
		Focus on Minority-Owned Business Enterprises (MBEs)	High	Ongoing	DCED, Business Owners
		Focus on Women-Owned Business Enterprises (WBEs)	High	Ongoing	DCED, Business Owners
	Collaborate with different organizations in the City to promote the incentives of existing programs	Continue to promote the Columbia Tusculum Business Association to get more businesses to join	Medium	Ongoing	Business Owners, CTCC
		Promote the City's Small Business Assistance funds (MicroCity Loan and Grow Cincinnati Fund) to encourage expansion within the small business community	Medium	Ongoing	City Departments
Encourage and promote affordability options in businesses	Support creative options in order to attract new businesses, restaurants, and local entrepreneurial efforts	Catalog and identify grants and resources to help offset costs of opening business or remediation of environmental issues	Low	1 Year	Business Owners, DCED, Hamilton County
		Create affordable rent program for small businesses	Low	2-5 Years	City Departments, Hamilton County, State of Ohio

# TRANSPORTATION & CONNECTIVITY THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Capitalize on regional bicycle connections	Promote completion of trails in the vicinity of CT that are identified in adopted or officially recognized trail plans	Identify regional trail network gaps in CT vicinity	High	3-6 Months	OKI, TST
		Identify preferred locations for trail heads, bike rental (Red-Bike), and bike racks, using zone districts to avoid incompatible areas	Medium	1 Year	OKI, TST, CTCC
		Track and report on City/OKI/State trail planning efforts for CT trail advocacy	High	Ongoing	City Departments, OKI, TST, ODOT
		Partner with neighborhood institutions, and public agencies (i.e. Cincinnati Parks, and Recreation) to share underused surface parking lots and locate bike racks	Medium	Ongoing	CP, CRC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Capitalize on regional bicycle connections	Promote completion of trails in the vicinity of CT that are identified in adopted or officially recognized trail plans	Invite trail planning and funding agencies (OKI, Green Umbrella/Tri-State Trails...) to CTCC meetings or Transportation Committee working groups to inform CT on proposed routes/plans	Medium	Ongoing	TST, OKI
		Optimally use available parking and commercial zone districts to locate bike amenities	Medium	Ongoing	DCED, DCPE, CTCC
	Partner with DOTE to identify best practices and locations for traffic calming, focusing on pedestrian safety along Columbia Parkway between Tusculum Avenue and Delta Avenue (in the Neighborhood	Submit speed cushion locations	High	Ongoing	CTCC, City Departments
		Contact DOTE-Transportation Planning and Design (TPUD) Street Calming Program to discuss problem areas that may warrant speed bumps/cushions, traffic signs, pavement	Medium	2-3 Years	DOTE

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote pedestrian safety & connectivity throughout the neighborhood	Neighborhood Business District (NBD)).	traffic signs, pavement markings, and other Ped. Safety Program tools			
		Contact DOTE-Traffic Engineering for new or replacement signs, signals, and pavement markings	Medium	Ongoing	DOTe
	Prioritize sidewalk safety and maintenance	Partner with DOTE (Street Rehab Program and Sidewalk Safety Program) to identify and map gaps in sidewalk network	High	1-2 Years	CTCC, DOTE
		Prioritize areas for sidewalk construction and submit requests via the City's Community Budget Request process	High	1 Year	DOTe, City Departments
	Employ a carrot and stick approach to discourage or eliminate truck traffic on one-lane residential streets, such as Morris Place, and direct it to Kellogg	Request DOTE truck traffic management tools and work with local businesses to educate truck drivers on appropriate and efficient travel routes through CT	Medium	Ongoing	DOTe



Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote pedestrian safety & connectivity throughout the neighborhood	Promote alternatives to personal gas-powered vehicles including bus ridership, bike share, ride share, electric vehicles (EV) and other alternative transportation modes	Participate in METRO planning studies (CTCC) and widely circulate surveys to residents	Medium	Ongoing	METRO, CTCC, DOTE
		Apply to CNBDU for additional bus stop amenities consistent with existing CT urban streetscape	Medium	Ongoing	City Departments
		Identify optimal Red-Bike station locations in CT (see map for sites to be approved by CTCC) and work with Red-Bike to install	Low	3-6 Months	CTCC, Red Bike
Promote access to quality transportation alternatives and options		Promote group ride share trips to the CBD and other common destinations	Low	Ongoing	CTCC
		Partner with OES to pursue grants for public EV charging stations in CT	Low	Ongoing	OES
		Complete a neighborhood survey to gain insight into residents' transportation preferences. Use this information to			



Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote access to quality transportation alternatives and options	Explore opportunities to expand connectivity to adjacent neighborhoods	preferences. Use this information to promote neighborhood preferences (could include additional opportunities in bus ridership, bike share, electric vehicles)	Medium	1 Year	City Departments
		Promote trails and paths north of RR tracks to minimize rail crossing	High	Ongoing	TST, OKI
	Coordinate with Planning & Development to encourage future developments to include adequate parking where on-street parking is saturated	Optimally use available parking and commercial zone districts to locate bike amenities	High	Ongoing	City Departments
		Identify funding sources or other resources for urban design and street amenities	High	1-2 Years	City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Maintain and enhance community character while expanding transportation infrastructure	Expand place-making and wayfinding opportunities to complement existing urban design	Photo document and map thoroughfares in need of urban design (e.g.: Eastern Avenue between Delta Avenue and Carrel Street, Stanley Avenue between Kellogg Avenue and Vineyard Place)	Low	6-8 Months	CTCC
		Engage landscape architecture professionals and City resources to create a vision for significant thoroughfares (Eastern, Stanley) and develop streetscape proposals to beautify streets, as well as enhance connectivity and calm traffic	Low	2-5 Years	CTCC
		Consult with Urban Forestry on street tree availability	Low	Ongoing	City Departments
		Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in	Medium	Ongoing	DOTC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
enhance community character while expanding transportation infrastructure		Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in conjunction with the Public Space & Community Committee) Design, to develop CT identity, gateway or wayfinding concepts that reflect CT community character and compliment or tie into existing systems	Medium	Ongoing	DOT
			Low	2-3 Years	DOT
	Continue the ongoing maintenance of existing infrastructure	Assemble a neighborhood committee to complete improvements and maintain the railroad tunnel at Congress Avenue & Eastern Avenue	Low	1-2 Years	CTCC
		Report city roadway and sidewalk maintenance issues via FixIt Cincy App or the City 'Contact Us' online portal. Publicize reporting contact information	Medium	Ongoing	DOT, City Departments

# HOUSING & DEVELOPMENT THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Embrace and promote density in the neighborhood	Provide and increase a full spectrum of housing options and price points	Focus on not just single-family, but also two-family, four-family, and multi-family developments	High	Ongoing	DCPE, DCED, City Departments
	Use the existing development momentum to further spur development activity	Ramp up housing production to catch-up with other regions	Medium	Ongoing	Developers, DCED
		Continue educating residents and promoting progressive trends that correlate with City- and Region-wide goals such as Transit-Oriented Development (TODs), Microneighborhoods, and Placemaking	High	Ongoing	City Departments
	Review existing guidelines and codes to identify potential adjustments	Support the future inclusion of Accessory Dwelling Units (ADUs) into the Cincinnati Zoning Code	High	Ongoing	DCED, DCPE, City Council
		Review the existing conservation guidelines and consider potential changes	Low	2-3 Years	City Departments
Continue embracing Columbia Tusculum's historic roots while welcoming all backgrounds and incomes	Target future residential (or mixed) developments in transit- and amenity-rich locations	Educate neighborhood about existing incentives/assistance for tax abatements, code compliance (to improve existing housing stock/conditions), infill housing, and assisting seniors in staying in their homes or neighborhood	High	Ongoing	Developers, DCED, DCPE, City Departments



# PUBLIC SPACE & COMMUNITY THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Foster relationships within the community	Continue building relationships with existing organizations within Columbia Tusculum	Foster relationships specifically with Alms Park Allies, 3 East Business Association, CROWN, Irish Heritage Center of Cincinnati, St. Stephen Catholic Church, and Columbia Baptist	Medium	Ongoing	Alms Park Allies, 3 East Business Association, Irish Heritage Center, Churches
	Focus on programming and events to improve community interactive and communication	Leverage the existing Cincinnati Park Advisory Council (CPAC) for Alms Park improvements and potential programming	Medium	Ongoing	CP, CPAC
		Build a calendar of community-focused neighborhood events to highlight events such as Street Fest, Fall Festival at the Carnegie, Flying Pig and Queen Bee cheer stations, Wine Tasting and Art Show, and more	Low	Ongoing	CTCC
		Share event information on Facebook and in the monthly e-newsletter	High	Ongoing	CTCC, DCPE
Celebrate CT's historic charm		Create a historic maintenance plan for areas and buildings within the Historic District (i.e., period lighting, brick alleys)	Medium	1-2 Years	City Departments
		Consider the use of tax credits for capital projects	High	Ongoing	City Departments



Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/Resources
Celebrate CT's historic charm	Continue ongoing maintenance of existing historic buildings and aesthetic details, as well as find financial support for historic recreation	Consider revisions to the Historic District Conservation Guidelines	Low	2-3 Years	Cincinnati Preservation Association
		Apply for Certified Local Government funding from the State Historic Preservation Office to create self-guided walking tours	Medium	Ongoing	City Departments
		Identify and create a map of unique assets, landmarks, natural features, streetscapes, and patterns of development that distinguish each character area and create a "sense of place"	High	3-6 Months	DCPE
Ensure complete, safe connections within the neighborhood	Ensure continuity and access of sidewalks for a more walkable neighborhood.	Identify missing sidewalk and pedestrian connections and promote ideas to integrate them into the existing pedestrian network	High	1-2 Years	DOT, ODOT, City Departments
		Determine the appropriate funding mechanism and partners for connectivity opportunities	Medium	Ongoing	City Departments
		Connect with Cincinnati Riding or Walking Network (CROWN) regarding the Oasis Trail	Medium	5-10 Years	TST, DOT, City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
		Gain an understanding of the proposed route/plans and insure the implement of the Transportation & Connections strategies and action steps	Medium	2-5 years	DOT, ODOT, City Departments

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# DO *You* LIVE CT?

## A Neighborhood Plan

Columbia Tusculum  
Cincinnati, OH

Columbia Tusculum Community  
Council

**Approved 11/21/22**

City Planning Commission

**Approved XX/XX/23**

City Council

**Approved XX/XX/23**



COLUMBIA  
TUSCULUM

EST 1788





# APPROVED

**Columbia Tusculum Community Council**  
**Interdepartmental Review**  
**City Planning Commission**  
**Equitable Growth and Housing Committee**  
**City Council**

11/21/2022  
04/26/2023  
xx/xx/2023  
xx/xx/2023  
xx/xx/2023





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## ***DEDICATION***

**Do You Live CT?** is dedicated to former City of Cincinnati employee, colleague, and friend, **Jared Ellis**.

Jared was with Columbia Tusculum at the very start of the neighborhood plan process, and helped step up the success of this neighborhood plan. Humorous, passionate, kind, and dedicated are just a few of the million words to describe Jared. He was a hard-working and proud city planner and all the community members loved working with Jared. He was a prime example of the perfect public servant.

This plan will continue to carry Jared's spirit forward.

# EXECUTIVE SUMMARY

The Department of City Planning and Engagement, along with the Columbia Tusculum Community Council, **Do You Live CT?** Steering Committee and community members are pleased to share the results of a two and a half year effort to create the most recent neighborhood plan for Columbia Tusculum. In early 2020, the Columbia Tusculum Community Council requested assistance from the Department of City Planning and Engagement to prepare an updated plan for the neighborhood. The purpose of this new plan was to establish an innovative direction for the eastern community, updating it to 2022 and to plan out the next ten-fifteen years of the neighborhood.

This plan documents the neighborhood's vision for the future while focusing on four Theme Areas: **Transportation & Connections, Business, Housing & Development, and Public Space & Community.** These Theme Areas were created by the Steering Committee at the beginning of the planning process and helped shape the outline and vision of this document. The Theme Areas may be found below in addition to the theme vision.



## **BUSINESS**

CT strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, walkability, and accessibility to Cincinnati's greatest playground while honoring our colorful heritage as Cincinnati's oldest community.



## **TRANSPORTATION & CONNECTIONS**

Increasing safety and efficiency to promote a vibrant and diverse neighborhood for residents and visitors by implementing pedestrian safety, traffic calming, and beautification. Thereby creating connectivity within a balanced network of transportation and recreation options including enhanced roads, walkways, and trails.



## **HOUSING & DEVELOPMENT**

CT is a community embracing its historic roots and is inclusive to all incomes and backgrounds. We strive to maximize the 15-minute community model with an emphasis on walkability and accessibility, integrate business assets and housing in a safe and "green" way, and grow with a diverse range of structure types, sizes, costs, and uses.



## **PUBLIC SPACE & COMMUNITY**

Building on our history, CT is committed to developing and preserving a safe, walkable neighborhood filled with charm and areas for recreation and community engagement.



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## INTRODUCTION

Columbia Tusculum has not had a plan since the Columbia Tusculum Urban Design Plan Phase II which was adopted in 1999. **Do You Live CT?** is the first plan dedicated to the entire neighborhood as a whole. In addition to the Urban Design Plan, the Columbia Tusculum Neighborhood Business District Plan was adopted in 1996. Both of these previously approved plans were re-reviewed to continue the same vision but updated to the 2020s.

**Do You Live CT?** showcases the entire neighborhood's vision and goals for the next few decades. Located on the east side of the City of Cincinnati and being the City's oldest neighborhood, Columbia Tusculum offers a unique and historic experience to residents and visitors. Although, primarily a residential community, Columbia Tusculum boasts a number of well-known businesses such as Allyn's Café, Stanley's Pub and The Precinct, and is home to the Carnegie Center. Containing a number of historic homes, Columbia Tusculum is known for its prestigious, hillside housing stock which offers beautiful views of the surroundings areas.

This document outlines the history, acknowledging the neighborhood's rich past and present, existing conditions, goals and strategies, and implementation timelines. This plan, created through the community-led, lengthy process, will guide Columbia Tusculum for future policy and development recommendations, investment and programming decisions, identification of key aspects for safe and viable connections, business-promotion, and community engagement.



*History*

# HISTORY

Benjamin Stites, **the founder of Columbia**, first explored the area when pursuing a band of Native American horse thieves up the Little Miami Valley while on a trading expedition in Kentucky. He returned to his family in Pennsylvania and traveled to New Jersey where he spoke to John Cleves Symmes, a member of Congress. Symmes had made a large purchase of land in modern-day Ohio and agreed to sell a parcel of 20,000 acres to Stites located near the junction of the Ohio and Little Miami River in what was known as the Northwest Territory.

Benjamin Stites gathered a party of 26 settlers, and they landed at the first high bank approximately one mile north of the mouth of the Little Miami on November 18th, 1788, establishing Columbia. It was the only second white settlement in Ohio and was competing to be the major village in Symmes' purchase. Due to frequent flooding from the Ohio River and the United States Army's decision to build Fort Washington at Losantiville (modern day Cincinnati), the dominant community in southwest Ohio became Cincinnati instead of Columbia.

Columbia's early days began with the establishment of guards and blockhouses, which became a fort known as Fort Miami. The settlers had initial friendly contact with the Native Americans, and the Native Americans would make visits to the blockhouses and join the settlers in festivities, but this uneasy calm lasted only a few months. In 1789, several settlers were killed and captured by the Native Americans. The conflict between the Native Americans and the settlers in the first years of Columbia was so severe that early maps marked the name of the settlement as "Slaughterhouse".

Columbia established the first school in Hamilton County on June 21st, 1790, along with a cornmill, and by the end of 1790, there were 50 cabins. However, Columbia never flourished into a major commercial center due to its flooding problem, which led to the residents of Columbia moving between 1800 and 1815 to slightly higher ground at the base of Tusculum hill. The only remains of the first location of Columbia are the Pioneer Cemetery, and the last blockhouse from the first settlement collapsing in 1838 due to an unusually large wake created by two passing steamboats.

Compared to the earlier years, Columbia became a fairly prosperous community in the 19th century and was home to an economy based on agriculture, manufacturing, and river trade due to the fertile land and the nearby Ohio River. Columbia became a center of transportation early on in its history with a road surveyed from Cincinnati to Columbia, the Anderson Turnpike passing through Columbia on its route to Chillicothe in 1835, and the incorporation of the Little Miami Railroad in 1836. The town also witnessed the evolution of flatboats to steamboats that utilized Columbia as a place to dock and trade. In 1866, the Cincinnati and Columbia Railway Company began operation of "steam dummies," which were a popular way for residents to get from Columbia to Mt. Lookout.

In 1863, Nicholas Longworth, who was the largest landowner and Cincinnati's first millionaire, passed away, and the land was subdivided and would come to be known as Longworth's Tusculum. The area covered from modern-day Eden Park to Alms Park and once held vineyards, which deteriorated due to black rot and loss of laborers during the Civil War. In 1866, Joseph Longworth laid out two major subdivisions, Undercliff and Mt. Tusculum, in that area of Columbia. The latter subdivision, which included Nicholas Longworth's vineyards, had lots ranging in size from 5,000 square feet to twelve



acres, which were intended for the well-to-do. These sold very slowly, while the lots in Undercliff that included smaller lots aimed at nearby workers sold three times as fast.

Due to numerous transportation connections, Columbia officially became incorporated as a village in 1868 and was annexed by the City of Cincinnati in 1873. Columbia had an extensive business district and was home to major employers such as the Boldt Glass Company on Davis Lane. In 1907, the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad, which then controlled the old Little Miami line, purchased land in Undercliff and constructed a mile-long railyard, solidifying Columbia as a hub of railroad activity. This resulted in industrial and lower-income housing being established near the river and railroad while the hillsides and hilltops of Tusculum remained middle-income and wealthy residential areas. In 1925, E.H. Lunkenheimer donated 204 acres of ground in modern-day Linwood, right next door to Columbia, for the construction of Lunken Airport, which would come to be known as one of the largest and finest municipal airports in the world in the 1930s.

Between 1930 and 1937, Columbia Avenue was improved to establish Columbia Parkway, which became the main artery connecting communities across the East End of Cincinnati, including Columbia and Tusculum.

While the town did rely on the Ohio River for its economic success in its early years, the river would cause major floods in 1913, 1918, and 1924, with the worst flood being in 1937, reaching a final crest of 80 feet and submerging most of Columbia. After the end of WWII, and with soldiers returning from the war, many people in Columbia-Tusculum started to move out to the suburbs, which resulted in a decline in the area. There were waves of migrants through the 1970s, with new residents from eastern Kentucky looking for job opportunities and moving to Columbia-Tusculum.

Starting in the late 1970s, there was renewed interest in both living in the city and Victorian architecture, which resulted in many young people returning to the area and restoring the historic homes to their former glory. New construction followed, and new businesses, including specialty stores, started establishing themselves in the commercial district along with new firms, taking the place of older industries.



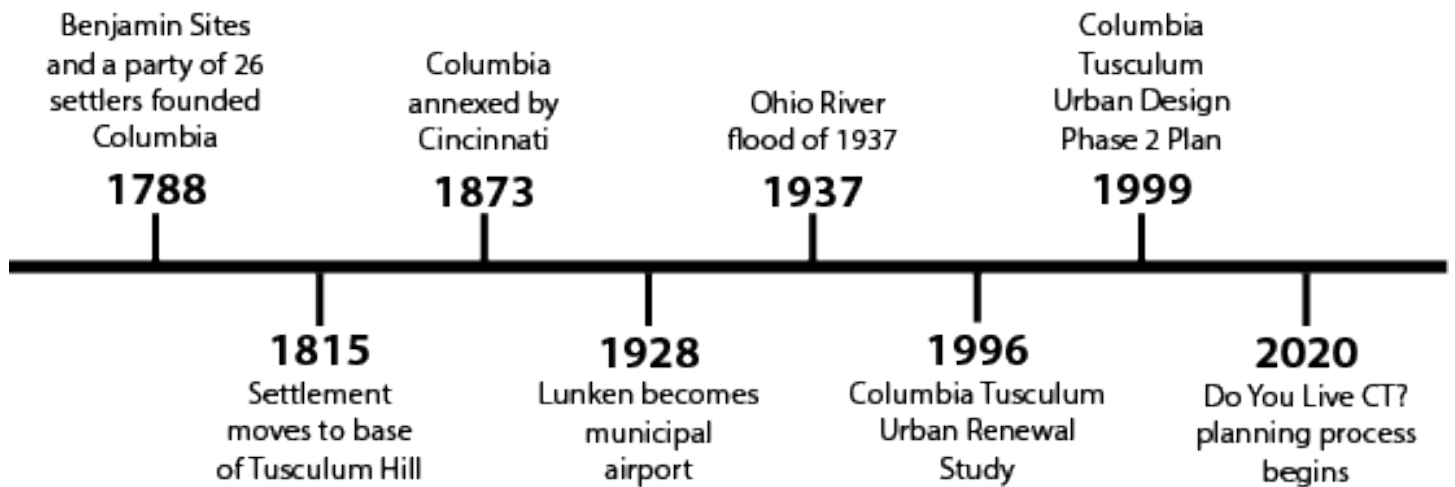


There are many historic areas and buildings in Columbia-Tusculum such as the Columbia Business District, Columbia Baptist Church, St. Stephen's Roman Catholic Church, Spencer Township Hall, Odd Fellows Temple, Columbia post office, Sixth District Police Station, McKinley Public School, and the American Legion Hall.



Source: **The Bicentennial Guide to Greater Cincinnati: A Portrait of Two Hundred Years**

### History Synopsis Timeline



*A Columbia Tusculum History*

# Historical Housing

Columbia Tusculum has a beautiful stock of historic housing that ranges over the span of the past two centuries. Additionally, the neighborhood was the site of Homearama 2020, which added a fair amount of new luxury housing to the area. With housing stock ranging from the early 1800's homes of prominent families to modern-day mini-McMansions, the neighborhood has homes from every decade, with surpluses of housing occurring during the neighborhood's most popular decades.

With railway, streetcar and steamboat transportation methods allowing the area to be substantially more accessible, a multitude of housing was built during the late 1800's up until the early 1920's. Classic Victorian homes were built to line the streets of the neighborhood, creating a uniform-looking area.

It wasn't until the late 1970's and into the 80's that after a gradual decline in population due to a want for a more suburban lifestyle, Columbia Tusculum gained a revival of interest due to the oil crisis and new interest in Victorian architecture. This resulted in another surplus of new homes to be built, in addition to the Victorian homes being renovated and restored to the glory of their earlier days.

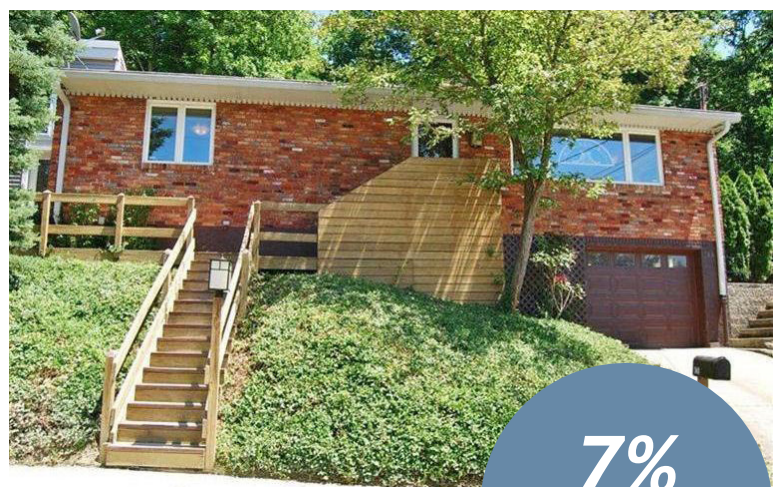
This new interest towards living in the city while still being able to live within a small, suburban-style community has only gained more momentum since the late 1970's and as such, a combination of modern row houses and luxury suburban homes have been built throughout the neighborhood.



533 Tusculum Ave  
circa **1880**  
(zillow.com)



617 Athens Ave  
circa **1946**  
(realtor.com)



548 Hoge St circa **1959**  
(realtor.com)

*Historic Homes*





7%

1960 - 1969

Source: 2016-2020 ACS

736 Elsinboro Dr circa **1969**  
(realtor.com)



18%

1970 - 1979

Source: 2016-2020 ACS

701 Reisling Knoll  
circa **1978**  
(realtor.com)



8%

1980 - 1989

Source: 2016-2020 ACS

443 Flinn Ave  
circa **1938**  
(realtor.com)



15%

1990 - 1999  
Source: 2016-2020 ACS

606 Athens Ave circa **1994**  
(realtor.com)



5%

2000 - 2009

Source: 2016-2020 ACS

533 Hoge St circa **2000** (realtor.com)



8%

after 2009

Source: 2016-2020 ACS

558 Empress Ave circa **2015** (zillow.com)

15



# 1977 East End Urban Design Plan

The 1977 plan was developed as an outline for the future of East End, giving direction for future public improvement projects. A general focus of the design plans was to encourage rehabilitation and preservation of exiting residential units where economically feasible with a lesser emphasis on commercial and industrial development.

Although the 1977 East End Urban Design Plan encompasses goals and strategies for the entirety of the East End Area, Columbia Tusculum was designated as the focus area since it contained the largest concentration of people, and the neighborhood's location lent the area to be a "major image-maker" for the rest of East End.

## The plan identified five major goals for the Columbia Tusculum Area:

- 1) Create a "new" historical image tied to the community's river heritage,
- 2) Reinforce an active neighborhood center on Eastern Avenue including a revitalized commercial district and public events,
- 3) Develop safe and attractive linkages to connect the community,
- 4) Provide a reasonable balance between pedestrian and vehicular needs, and
- 5) Upgrade the visual image of the community through good urban design.

### East End Urban Design Plan

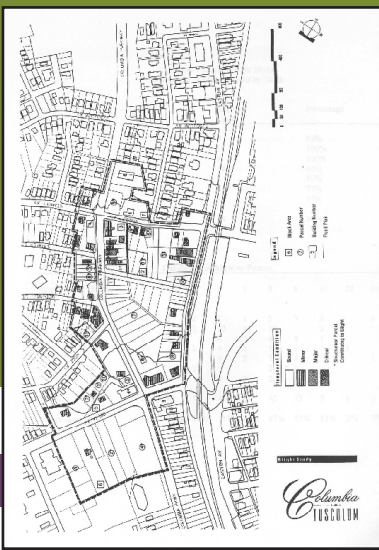
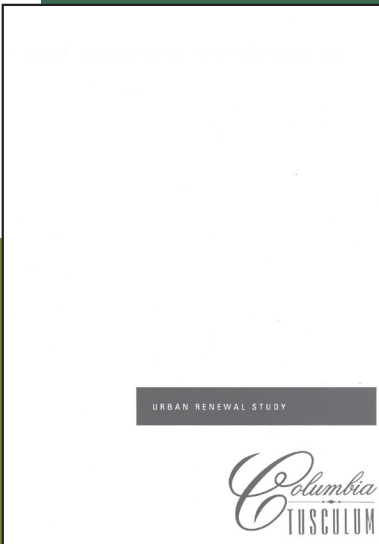


## 1996 Columbia Tusculum Urban Renewal Study

The 1996 study of Columbia Tusculum's Neighborhood Business District (NBD) focused on determining whether the study area should be considered blighted based on the definition laid out in the Cincinnati Municipal Code.

Based on fourteen (14) factors of blight, the study found that 89% of structures or vacant parcels in the study area fulfilled the outlined criteria.

The study concluded that Columbia Tusculum's NBD should be designated as a "blighted area," proposing development options for large vacant parcels at Delta Avenue and Columbia Parkway to improve and further develop those areas.



# PREVIOUSLY APPROVED PLANS

Columbia Tusculum has had two past plans – one **Neighborhood Business District Urban Renewal Study** (1996) and one **Neighborhood Business District Urban Design Plan** (1999) – and was also mentioned in the **East End Urban Design Plan** (1977). These plans were considered in the creation of this plan. This section provides an overview of the past plans for the neighborhood.

## 1999 Columbia Tusculum Urban Design Phase II Plan

Following the 1996 urban renewal study, the goal of the 1999 Neighborhood Business District Urban Design Plan was to modify and direct new strategies for development and the community based current conditions and a review of the goals, strategies, and implementation of the earlier Phase and the Columbia Tusculum Focus Area of the 1977 East End Urban Design Plan.

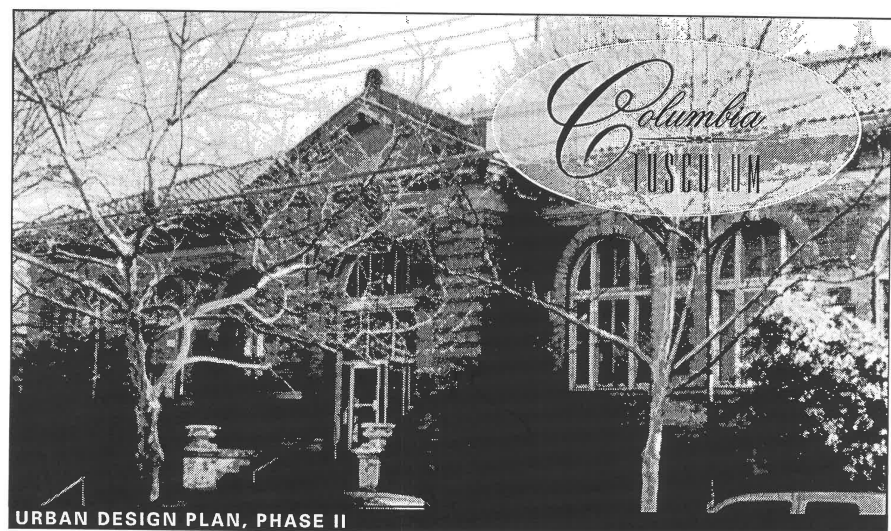
Under the three umbrellas of Image & Identity, Design & Infrastructure, and Business Development, Retention & Recruitment, the Phase II Plan identified the following goals:

- Create an attractive, positive image and identity for the district;
- Provide attractive, safe, and serviceable vehicular and pedestrian circulation into and through the district;
- Improve the serviceability of flood prone areas;
- Maintain the existing historic architectural character of the district;
- Improve alternative transportation options through the district;
- Reconnect Columbia Tusculum to the river and its river history;
- And maintain and strengthen the neighborhood's economic environment.

Neighborhood plans are crucial for residents to have a concrete vision of their neighborhood which may be used to reference and guide the future of their community.

Neighborhood plans also make it easier to obtain grants or other funds for recommendations in their plan.

Lastly, plans make it easier to get support from City Council on the direction the community wishes to proceed in regarding development.



Prepared for  
Department of Economic Development  
City of Cincinnati

Final  
February 17, 1999

Prepared by  
Office of Architecture and Urban Design  
Division of Engineering  
Department of Public Works &  
Department of City Planning  
City of Cincinnati



# EXISTING CONDITIONS

Columbia Tusculum offers residents **a dense suburban feel**, often referred to as “the San Francisco” of Cincinnati. As the city’s oldest neighborhood, it maintains its historical housing stock proudly, being famous for its many “Painted Lady” Victorian houses. The neighborhood is home to many young professionals as it offers an easy commute Downtown and boasts a variety of restaurants, bars, and breweries.

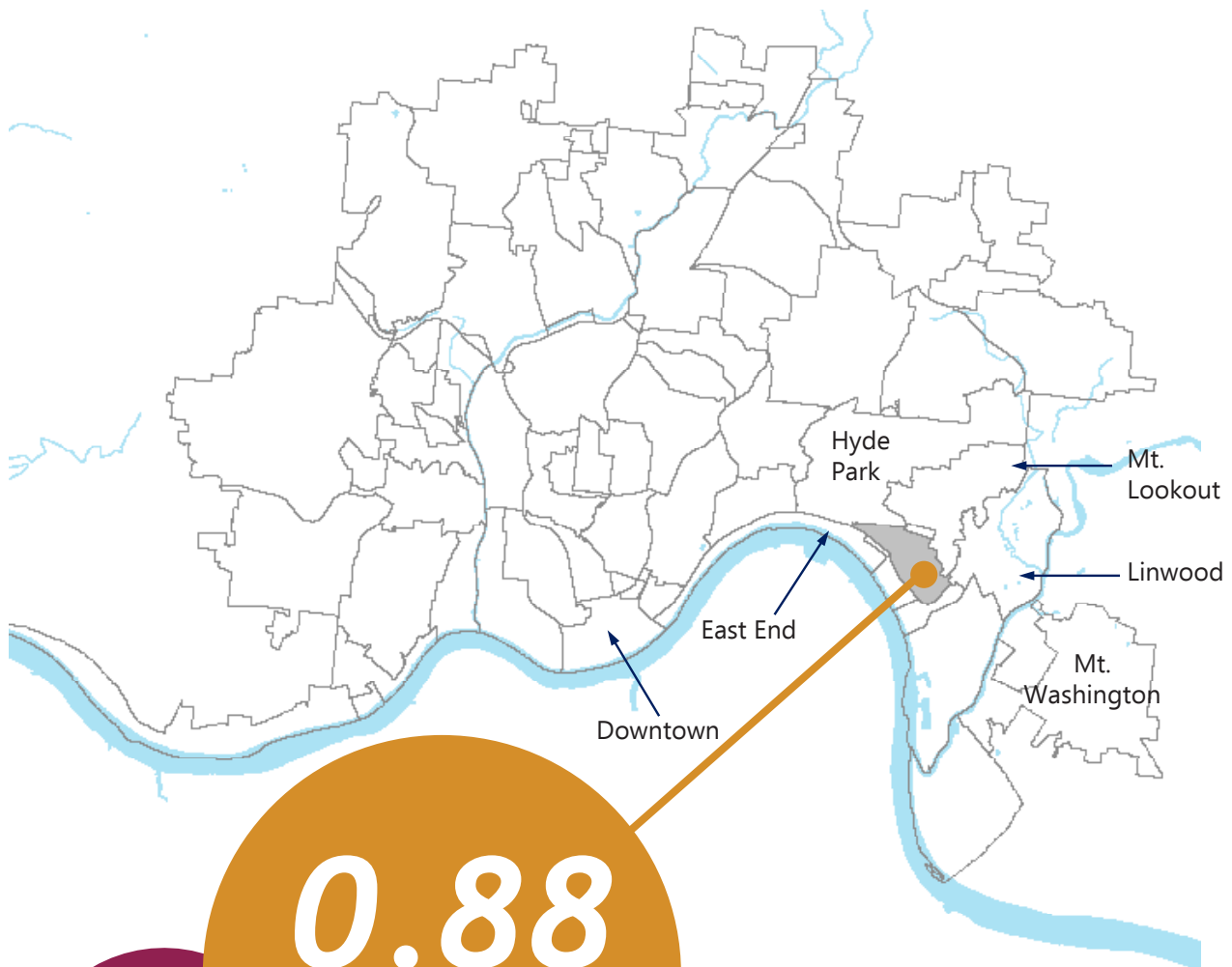
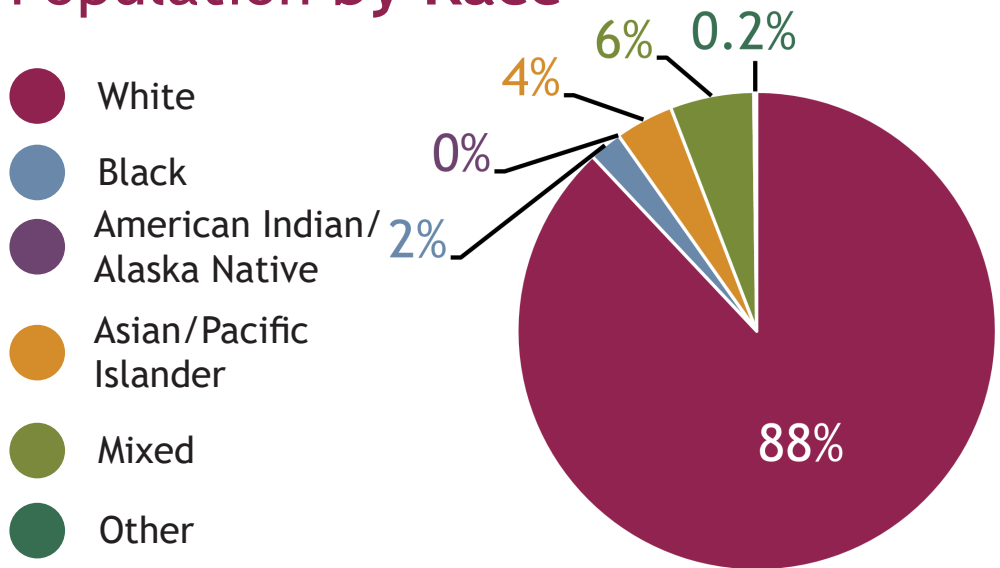
The map below outlines the boundary of Columbia Tusculum, also displaying the Urban Design Overlay District, Neighborhood Business District, and the Overlap Boundary with the East End. Columbia Tusculum is one of Cincinnati’s smallest neighborhoods at 0.88 square miles (563.2 acres).



## Population by Race

Columbia Tusculum is situated in the "east side" of the City and is directly adjacent to the neighborhoods of Hyde Park, Mt. Lookout, Linwood, and the East End.

There is additionally an Overlay portion of the neighborhood shared with the East End.



**0.88**  
Square Miles

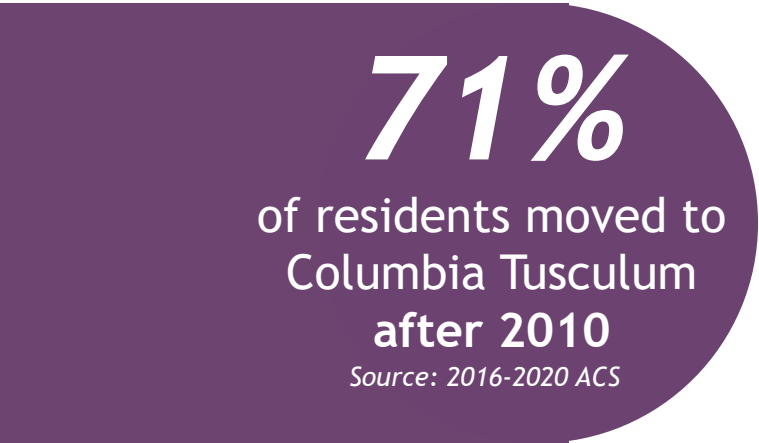
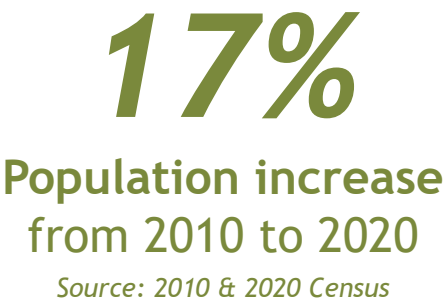
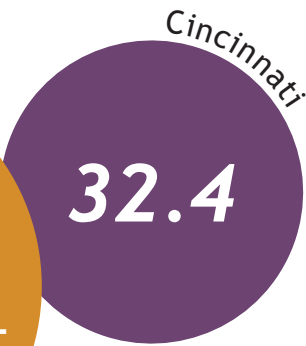
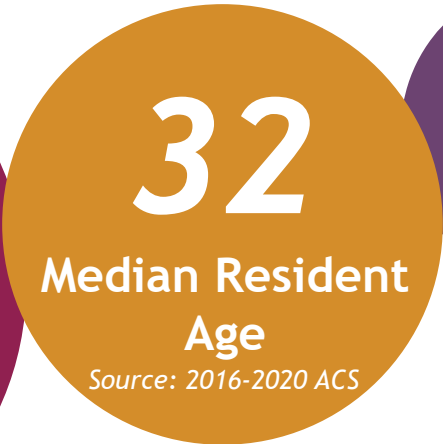
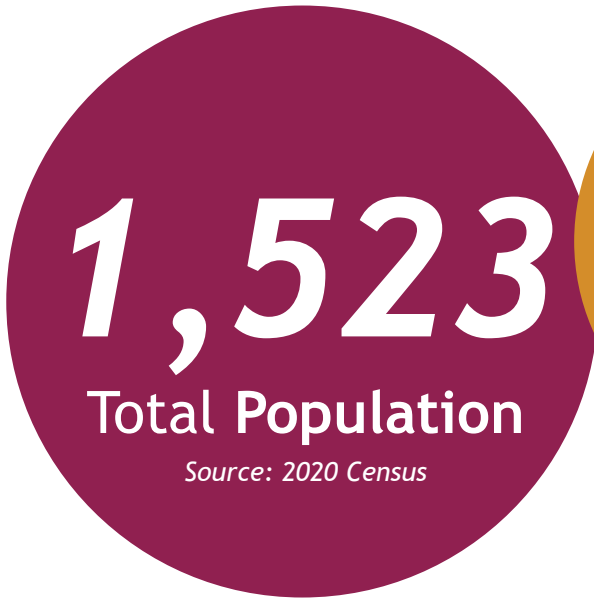
42nd largest  
neighborhood

**563.2**  
acres



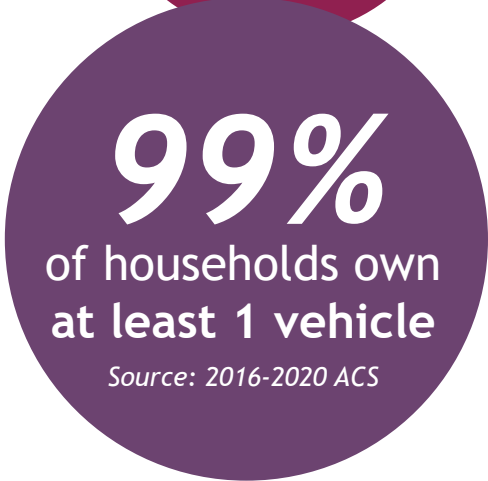
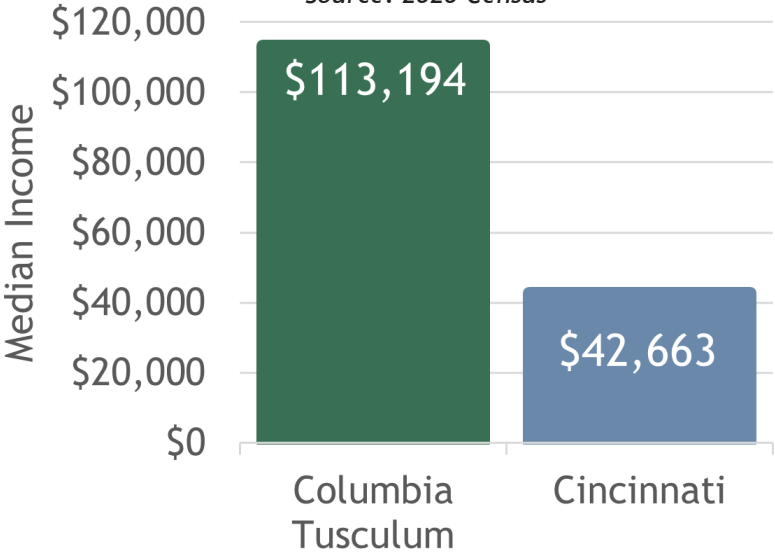
Map of the  
City of Cincinnati

# Population

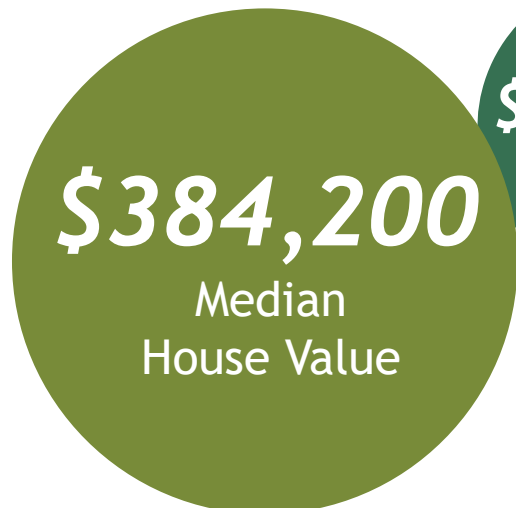


Columbia Tusculum and  
Cincinnati 2020 Median Income

*Source: 2020 Census*



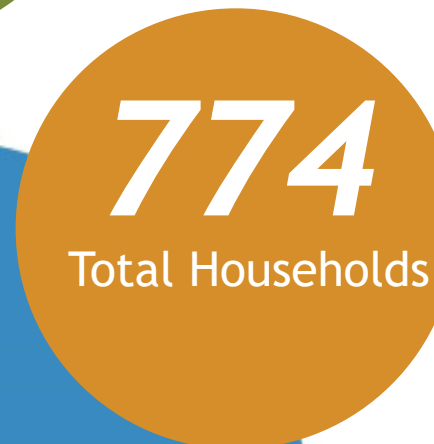
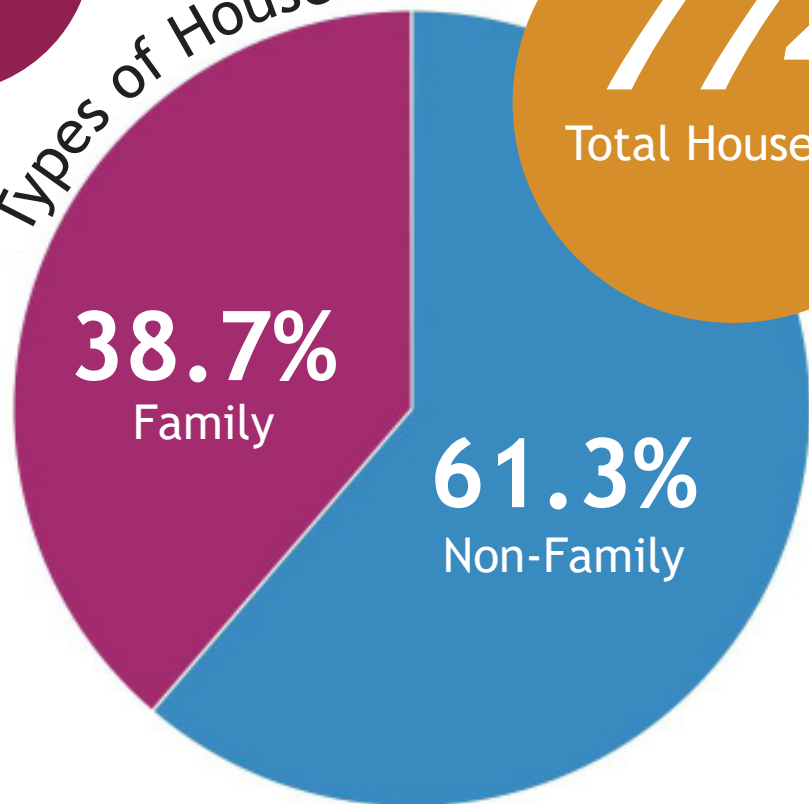
# Housing



With being the **42nd largest neighborhood** in Cincinnati, Columbia has a population just over 1,500 residents and is 0.88 square miles.

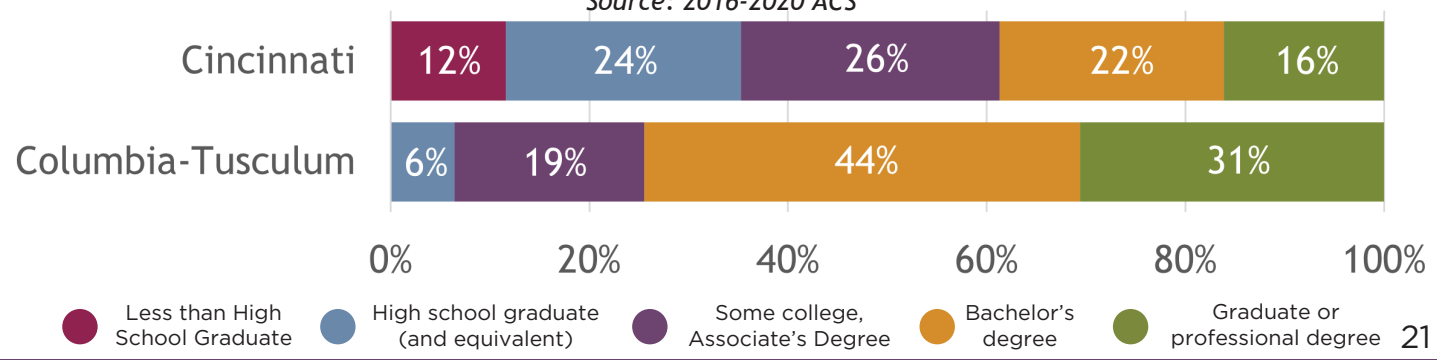
The housing stock and historic homes in Columbia Tusculum are the main components on what makes the neighborhood the way it is today. The median home value of \$384,000 is nearly three times more than the City-wide median which is \$138,000.

Types of Households



# Education

Educational Attainment in Columbia Tusculum compared to Cincinnati  
Source: 2016-2020 ACS





# What does CT mean to you?



## DO YOU LIVE CT? COLUMBIA TUSCULUM

**DO YOU LIVE CT?** is a neighborhood plan focused on Columbia Tusculum's new visions for the future. You are invited to attend our upcoming Working Group meeting to **discuss goals and action steps** focused around accomplishing this revitalization in the following theme areas:

 Business



Housing & Development



Transportation & Connections



Public Space & Community

**All are welcome and encouraged to join!**

If you are interested in learning more, signing up for a working group, or attending the meeting, please contact:

Jesse Urbancsik at [jesse.urbancsik@cincinnati-oh.gov](mailto:jesse.urbancsik@cincinnati-oh.gov)

### WHEN + WHERE

**MONDAY, November 29, 2021**

Starting at 6:00pm

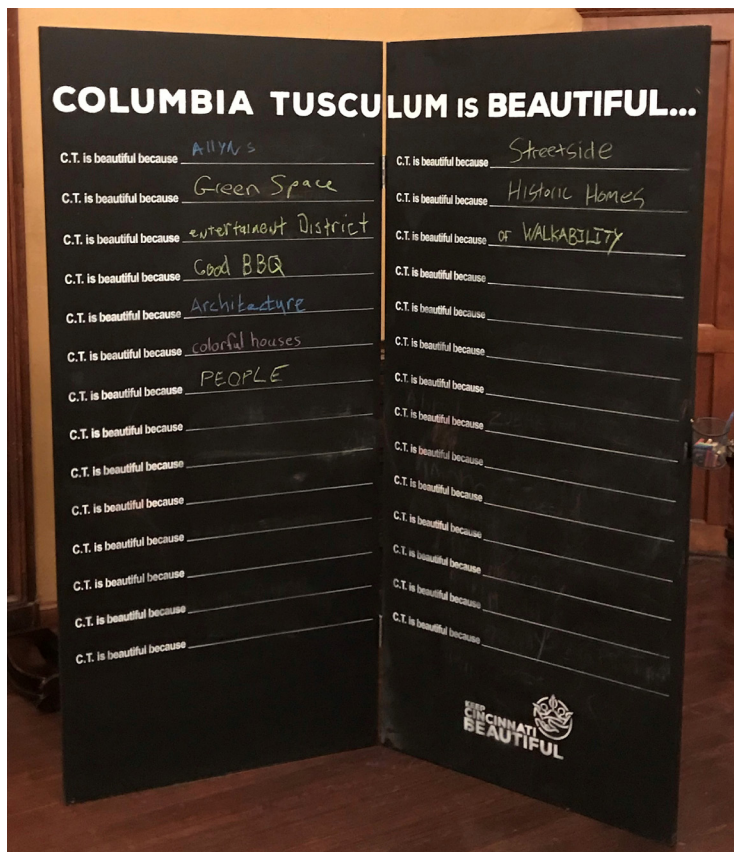
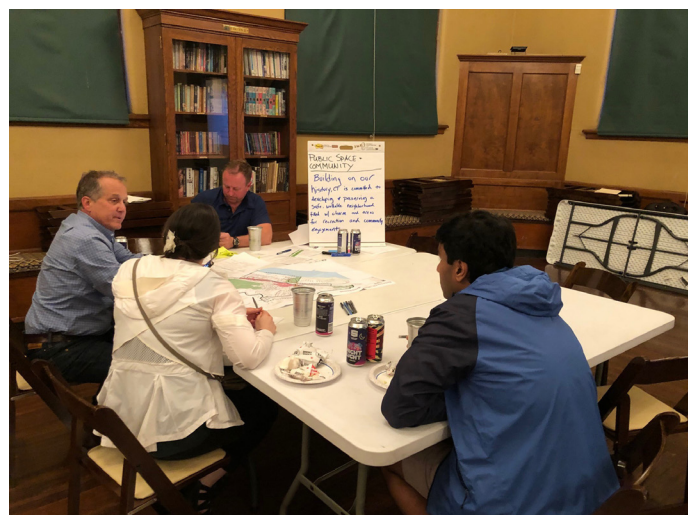
at the CARNEGIE CENTER

3738 Eastern Avenue, Cincinnati, OH 45226

SCAN ME



For more information, please visit <http://www.cincinnati-oh.gov/planning/> or scan the QR Code above



**All photos on this page were provided by:**  
Andy Juengling and Jesse Urbancsik



# PLANNING PROCESS

The **Do You Live CT?** planning process consisted of a two-and-a-half-year long community-led process. The Columbia Tusculum Community Council requested a neighborhood plan through the Department of City Planning and Engagement. This planning process began in early 2020, right before the Covid-19 Pandemic commenced.

The kickoff meeting for **Do You Live CT?** was held on February 24, 2020 at the Carnegie Center, much like the rest of the working group meetings. The kickoff was a huge success with over 35 residents and community members attending. This meeting allowed community members to become familiar with and learn about the neighborhood planning process and to voice their comments regarding their vision for the neighborhood. The Kickoff had boards and input stations showcased at the Carnegie Center to gather feedback on what the priorities of the plan should be, including the plan name, **Do You Live CT?**, which was picked by residents.

The goal of the Kickoff meeting was to identify the potential themes of the plan, while establishing a steering committee of residents, business owners and community council officials who would oversee the planning process along with the Department of City Planning & Engagement. Four official theme areas were created: Transportation & Connections, Business, Housing & Development and Public Space & Community. These theme areas ultimately guided conversations between the steering committee, staff, and residents to assist them in moving forward in the formation of the goals, strategies, and action steps found in this plan. (These Theme Areas are additionally found on p. 7).

The steering committee held meetings to plan future working groups and to prioritize topics and future goals. The working groups were split up and identified by the themes mentioned above. The first working group meeting was held on June 21, 2021 at the Carnegie Center to outline the roles of each working group and to develop vision statements for each theme. The second meeting was held on September 20, 2021 with a focus on creating goals for each of the four themes. The third meeting was held on November 29, 2021 which finessed the goals and drafted strategies and action steps for the theme areas. The last meeting was held on March 28, 2022 which finalized these strategies and action steps as well as oriented the conversations around land use and zoning. All working group meetings were notified via social media and the Department's webpage, as well as the inclusion of physical flyers in which steering committee members passed out to businesses and residences.

A total of four steering committee meetings were held, mostly virtually via Zoom due to the Pandemic, and a total of four working group meetings were hosted and held for the public. Snacks and beverages were additionally provided by generous members of the steering committee. Over 50 individuals from the Columbia Tusculum neighborhood attended or participated in providing input for this plan.

The planning process was also uplifted by assistance from a University of Cincinnati student who curated a website that described the ongoing planning process, in addition to the draft priorities, existing conditions, history, and past plans. The webpage also enabled additional involvement from the public by allowing residents to sign up for updates, take a survey, and upload their favorite photos of the neighborhood!

*Visit!*

Columbia Tusculum Neighborhood Planning Process ArcGis Hub:  
<https://do-you-live-ct-ucgissa.hub.arcgis.com/>

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# PLAN THEME AREAS

The steering committee worked to identify **Theme Areas** that will transform into Working Groups for the planning process. These themes are centered around transportation and connections, business, housing and development, and public space and community. All four of these themes were developed through collaboration with city planners as well as the working groups representing the Columbia Tusculum neighborhood.

These Theme Areas will help to guide conversations moving forward and assist in the formation of the goals and strategies that will be identified in this plan. Each of the theme areas will be found on the next several pages, including the goals, strategies, and action steps for all four. The vision statements for all four may are below:



## BUSINESS

*CT strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, walkability, and accessibility to Cincinnati's greatest playground while honoring our colorful heritage as Cincinnati's oldest community.*



## TRANSPORTATION & CONNECTIONS

*Increasing safety and efficiency to promote a vibrant and diverse neighborhood for residents and visitors by implementing pedestrian safety, traffic calming, and beautification. Thereby creating connectivity within a balanced network of transportation and recreation options including enhanced roads, walkways, and trails.*



## HOUSING & DEVELOPMENT

*CT is a community embracing its historic roots and is inclusive to all incomes and backgrounds. We strive to maximize the 15-minute community model with an emphasis on walkability and accessibility, integrate business assets and housing in a safe and "green" way, and grow with a diverse range of structure types, sizes, costs, and uses.*



## PUBLIC SPACE & COMMUNITY

*Building on our history, CT is committed to developing and preserving a safe, walkable neighborhood filled with charm and areas for recreation and community engagement.*

**Photo by:** Moey Inc



**Photo by:** Moey Inc

# BUSINESS THEME AREA

## Goal 1 Increase Business Density



### 1.1: Fill empty storefronts and prioritize filling of empty lots

- 1.1.1: Identify anchor businesses and create a map to share with business owners and community members*
- 1.1.2: Identify property owners and find out why lots or properties are vacant*
- 1.1.3: Conduct exercises and participatory mechanisms where residents and stakeholders can provide input on priority reinvestment areas*
- 1.1.4: Continue to work with business owners, developers, and real estate agencies to enhance and maintain relationships for the good of Columbia Tusculum*

### 1.2: Encourage a mix of developments within the neighborhood consistent with existing businesses in scale

- 1.2.1: Analyze existing areas within the neighborhood where multi-use development can occur and where it is appropriate with the permitted land use*
- 1.2.2: Incentivize energy efficient and sustainable developments*

### 1.3: Establish and promote clear incentives for redevelopment of certain types of projects

- 1.3.1: Work with current and future property owners for the potential of creating Business Improvement Districts (BIDs)*
- 1.3.2: Research existing incentives and resources that could assist property owners or future developers for infill development*
- 1.3.3: Explore additional development incentives including tax incentives, density bonuses, reduce and alternate parking requirements to attract appropriate and meaningful development*
- 1.3.4: Collaborate with the Department of Community and Economic Development to utilize existing incentives such as Tax Increment Financing (TIFs), Community Reinvestment Area Tax Abatements, and Neighborhood Business District Support Grants (NBDSG)*
- 1.3.5: Set up a business sub-committee of Columbia Tusculum Community Council*





## **Invest in a multi-modal connection between businesses and community members/visitors**

### **2.1: Make Columbia Tusculum a unique destination by looking for opportunities to enhance social interaction on foot, bicycle or in vehicles**

- 2.1.1: Encourage new amenities and activities that will continue to make Columbia Tusculum a more attractive community to business, residents, and visitors*
- 2.1.2: Expand partnerships with City Departments, Cincinnati Parks, Carnegie Center, and other visual arts programs or organizations to promote a variety of arts and cultural components*
- 2.1.3: Encourage the community council to invest in guerrilla urbanism to help make roads safer for pedestrians and bicyclists*
- 2.1.4: Continue to sponsor events that bring attention to the neighborhood like the annual Flying Pig Marathon water station, Historic Home Tour, and more*

### **2.2: Capitalize on proximity to bike trails**

- 2.2.1: Implement more signage to encourage walking/biking*



## **Focus our community on local business programs and certifications**

### **3.1: Emphasize the importance of Business Enterprises**

- 3.1.1: Focus on Small Business Enterprises (SBEs)*
- 3.1.2: Focus on Minority-Owned Business Enterprises (MBEs)*
- 3.1.3: Focus on Women-Owned Business Enterprises (WBEs)*

### **3.2: Collaborate with different organizations in the City to promote the incentives of existing programs**

- 3.2.1: Continue to promote the Columbia Tusculum Business Association to get more businesses to join*
- 3.2.2: Promote the City's Small Business Assistance funds (MicroCity Loan and Grow*

# Goal 4

## Encourage and promote affordability options in businesses

### 4.1: Support creative options in order to attract new businesses, restaurants, and local entrepreneurial efforts

*4.1.1: Catalog and identify grants and resources to help offset costs of opening business or remediation of environmental issues*

*4.1.2: Create affordable rent program for small businesses*



Photo by: Moey Inc





Photo by: Google Maps

# TRANSPORTATION & CONNECTIONS THEME AREA



## Goal 1 Capitalize on regional bicycle connections

**1.1: Promote completion of trails in the vicinity of Columbia Tusculum that are identified in adopted or officially recognized trail plans**

- 1.1.1: Identify regional trail network gaps in Columbia Tusculum vicinity*
- 1.1.2: Identify preferred locations for trail heads, bike rental (Red-Bike), and bike racks, using zone districts to avoid incompatible areas*
- 1.1.3: Track and report on City/OKI/State trail planning efforts for Columbia Tusculum trail advocacy*
- 1.1.4: Partner with neighborhood institutions, and public agencies (i.e. Cincinnati Parks and Recreation) to share underused surface parking lots and locate bike racks*
- 1.1.5: Invite trail planning and funding agencies (OKI, Green Umbrella/Tri-State Trails, and Devou Good) to CTCC meetings or Transportation Committee working groups to inform CT on proposed routes/plans*

**1.2: Develop & maintain accessible, well-lit entrances to the trail network**

- 1.2.1: Optimally use available parking and commercial zone districts to locate bike amenities*

## Goal 2 Promote pedestrian safety & connectivity throughout the neighborhood

**2.1: Partner with DOTE to identify best practices and locations for traffic calming, focusing on pedestrian safety along Columbia Parkway between Tusculum Avenue and Delta Avenue (in the Neighborhood Business District (NBD))**

- 2.1.1: Submit speed cushion locations*

- 2.1.2: Contact DOTE-Transportation Planning and Design (TPUD) Street Calming Program to discuss problem areas that may warrant speed bumps/cushions, traffic signs, pavement markings, and other Ped. Safety Program tools*
- 2.1.3: Contact DOTE-Traffic Engineering for new or replacement signs, signals, and pavement markings*

## **2.2: Prioritize sidewalk safety and maintenance**

- 2.2.1: Partner with DOTE (Street Rehab Program and Sidewalk Safety Program) to identify and map gaps in sidewalk network*
- 2.2.2: Prioritize areas for sidewalk construction and submit requests via the City's Community Budget Request process*

## **2.3: Employ a carrot and stick approach to discourage or eliminate truck traffic on one-lane residential streets, such as Morris Place, and direct it to Kellogg Ave and Eastern Ave**

- 2.3.1: Request DOTE truck traffic management tools and work with local businesses to educate truck drivers on appropriate and efficient travel routes through Columbia Tusculum*

# *Goal* **3 Promote access to quality transportation alternatives and options**

## **3.1: Promote alternatives to personal gas-powered vehicles including bus ridership, bike share, ride share, electric vehicles (EV) and other alternative transportation modes**

- 3.1.1: Participate in METRO planning studies and widely circulate surveys to residents*
- 3.1.2: Apply to CNBDU for additional bus stop amenities consistent with existing Columbia Tusculum urban streetscape*
- 3.1.3: Identify optimal Red-Bike station locations in Columbia Tusculum and work with Red-Bike to install*
- 3.1.4: Promote group ride share trips to the CBD and other common destinations*
- 3.1.5: Partner with OES to pursue grants for public EV charging stations in Columbia Tusculum*

## **3.2: Explore opportunities to expand connectivity to adjacent neighborhoods**



*3.2.1: Complete a neighborhood survey to gain insight into residents' transportation preferences. Use this information to promote neighborhood preferences (could include additional opportunities in bus ridership, bike share, electric vehicles)*

*3.2.2: Promote trails and paths north of rail road tracks to minimize rail crossing*

**3.3: Coordinate with Planning & Development to encourage future developments to include adequate parking where on-street parking is saturated**



## **Maintain and enhance community character while expanding transportation infrastructure**

**4.1: Expand place-making and wayfinding opportunities to complement existing urban design**

*4.1.1: Identify funding sources or other resources for urban design and street amenities*

*4.1.2: Photo, document, and map thoroughfares in need of urban design (e.g. Eastern Avenue between Delta Avenue and Carrel Street, Stanley Avenue between Kellogg Avenue and Vineyard Place)*

*4.1.3: Engage landscape architecture professionals and City resources to create a vision for significant thoroughfares (Eastern, Stanley) and develop streetscape proposals to beautify streets, as well as enhance connectivity and calm traffic*

*4.1.4: Consult with Urban Forestry on street tree availability*

*4.1.5: Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in conjunction with the Public Space & Community Committee)*

*4.1.6: Partner with DOTE-UD (Graphic Design) to develop CT identity, gateway, or wayfinding concepts that reflect CT community character and compliment or tie into existing systems*

**4.2: Continue the ongoing maintenance of existing infrastructure**

*4.2.1: Assemble a neighborhood committee to complete improvements and maintain the railroad tunnel at Congress Avenue & Eastern Avenue*

*4.2.2: Report city roadway and sidewalk maintenance issues via Fixit Cincy App or the City 'Contact Us' online portal - Publicize reporting contact information*



**Photo by:** Google Maps

# Housing

# HOUSING & DEVELOPMENT THEME AREA



## *Goal* **1** Embrace and promote density in the neighborhood

### **1.1: Provide and increase a full spectrum of housing options and price points**

*1.1.1: Focus on not just single-family, but also two-family, four-family, and multi-family developments*

### **1.2: Use the existing development momentum to further spur development activity**

*1.2.1: Ramp up housing production to catch-up with other regions*

*1.2.2: Continue educating residents and promoting progressive trends that correlate with City- and Region-wide goals such as: Transit-Oriented Development (TODs), Microneighborhoods, and Placemaking*

### **1.3: Review existing guidelines and codes to identify potential adjustments**

*1.3.1: Support the future inclusion of Accessory Dwelling Units (ADUs) into the Cincinnati Zoning Code*

*1.3.2: Review the existing Historic District Conservation Guidelines and consider potential changes*

## *Goal* **2** Continue embracing Columbia Tusculum's historic roots while welcoming all backgrounds and incomes

### **1.1: Target future residential (or mixed) developments in transit- and amenity-rich locations**

*1.1.1: Educate neighborhood about existing incentives/assistance for tax abatements, code compliance (to improve existing housing stock/conditions), infill housing, and assisting seniors in staying in their homes or neighborhood*



Photo by: [365cincinnati.com](http://365cincinnati.com)

# Community

# PUBLIC SPACE & COMMUNITY THEME AREA

## Goal 1 Foster relationships within the community



**1.1: Continue building relationships with existing organizations within Columbia Tusculum**

*1.1.1: Foster relationships specifically with Alms Park Allies, 3 East Business Association, CROWN, Irish Heritage Center of Cincinnati, St. Stephen Catholic Church, and Columbia Baptist*

**1.2: Focus on programming and events to improve community interaction and communication**

*1.2.1: Leverage the existing Cincinnati Park Advisory Council (CPAC) for Alms Park improvements and potential programming*

*1.2.2: Build a calendar of community-focused neighborhood events to highlight events such as Street Fest, Fall Festival at the Carnegie, Flying Pig and Queen Bee cheer stations, Wine Tasting and Art Show, and more*

*1.2.3: Share event information on Facebook and in the monthly e-newsletter*

## Goal 2 Celebrate CT's historic charm

**2.1: Continue ongoing maintenance of existing historic buildings and aesthetic details, as well as find financial support for historic recreation**

*2.1.1: Create a historic maintenance plan for areas and buildings within the Historic District (i.e., period lighting, brick alleys)*

*2.1.2: Consider the use of tax credits for capital projects*

*2.1.3: Consider revisions to the Historic District Conservation Guidelines*

*2.1.4: Apply for Certified Local Government funding from the State Historic Preservation Office to create self-guided walking tours*



*2.1.5: Identify and create a map of unique assets, landmarks, natural features, streetscapes, and patterns of development that distinguish each character area and create a “sense of place”*

## **Goal 3** Ensure complete, safe connections within the neighborhood

### **3.1: Ensure continuity and access of sidewalks for a more walkable neighborhood**

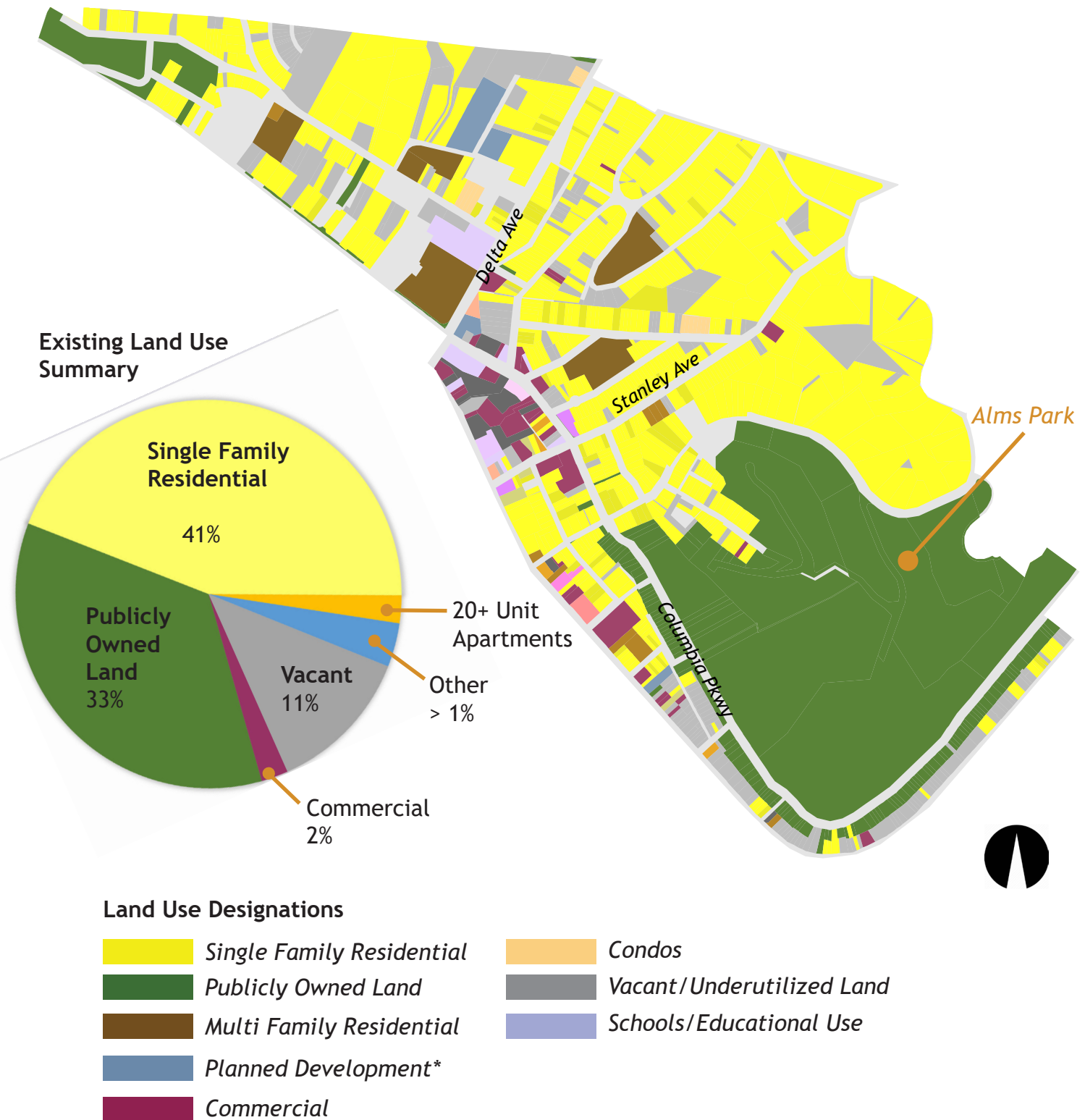
- 3.1.1: Identify missing sidewalk and pedestrian connections and promote ideas to integrate them into the existing pedestrian network*
- 3.1.2: Determine the appropriate funding mechanism and partners for connectivity opportunities*
- 3.1.3: Connect with Cincinnati Riding or Walking Network (CROWN) regarding the Oasis Trail*
- 3.1.4: Gain an understanding of the proposed route/plans and insure the implementation of the Transportation & Connections strategies and action steps*



**Photo by:** weddingwire.com

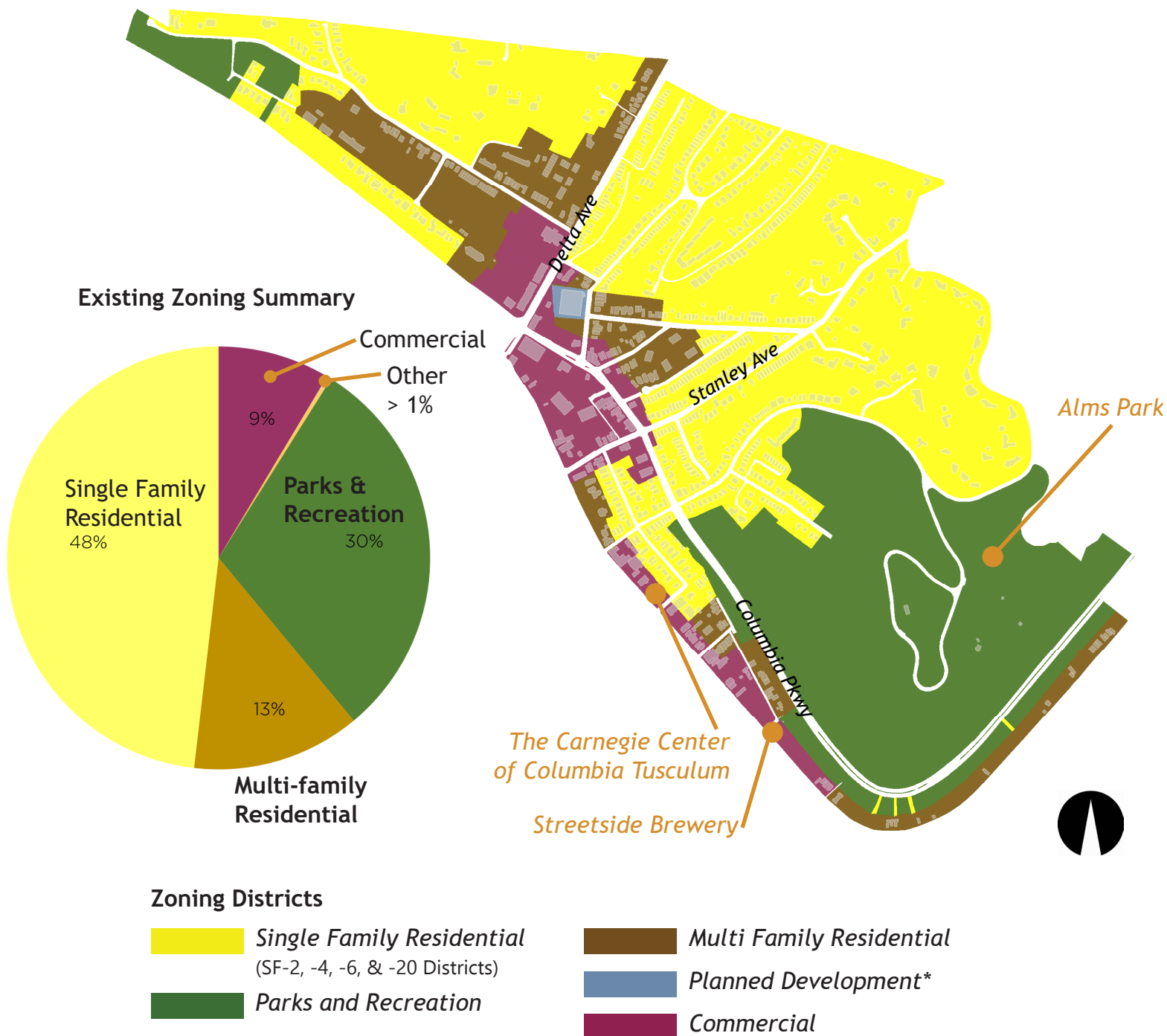
# EXISTING LAND USE

The **existing land use** of Columbia Tusculum may be found on the map below. It is important to note that land use and zoning are different terms. Land use refers to the building and occupancies of the land while zoning highlights the activities and development permitted.



# EXISTING ZONING

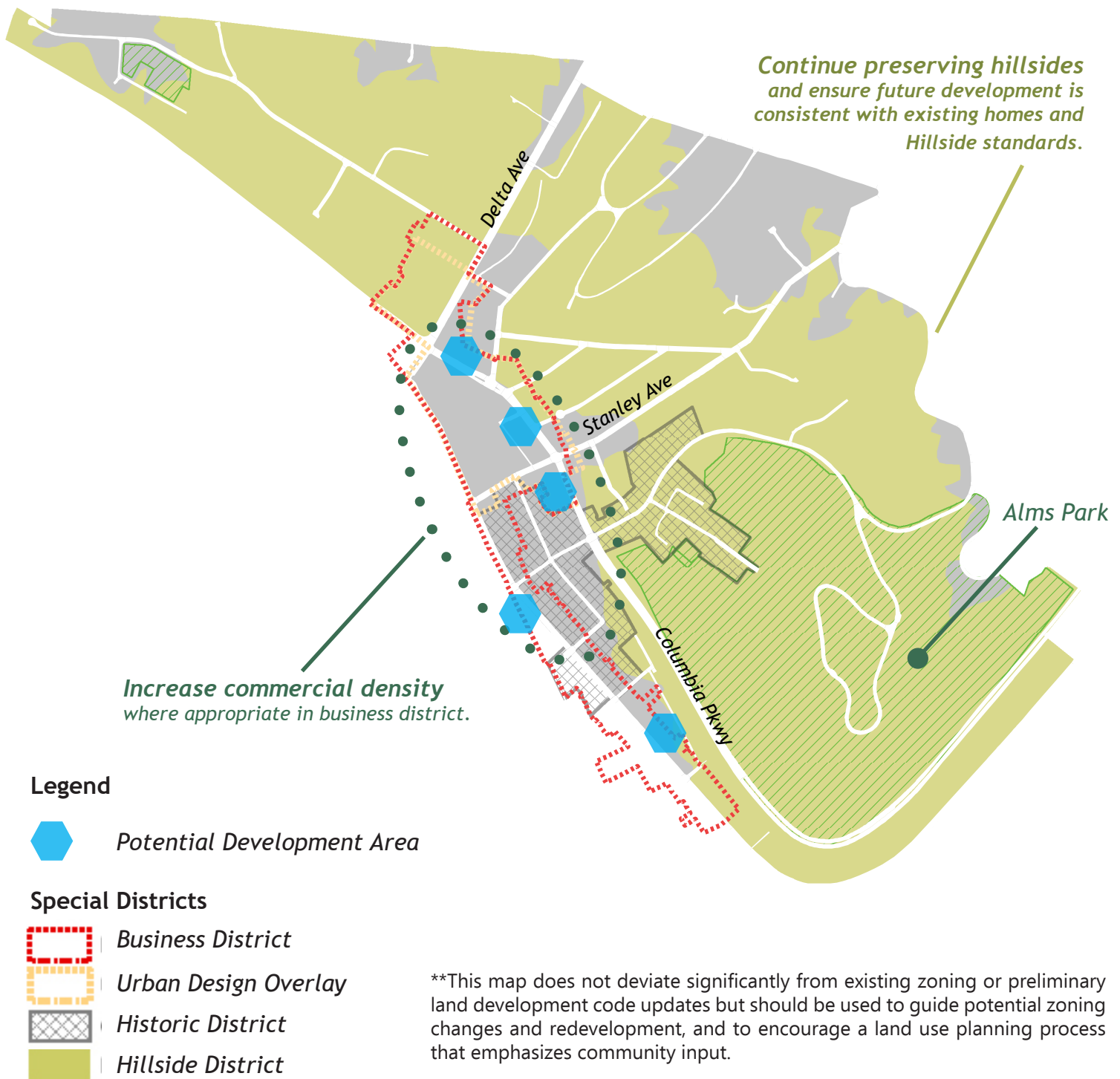
The **existing zoning** of Columbia Tusculum may be found on the map below. The majority of the existing zoning in Columbia Tusculum is single-family, which consists of Single Family SF-2, SF-4, SF-6, and SF-20. The second largest zoning district is Parks and Recreation, with the majority of the space being taken up by the well-known Alms Park.



\*Planned Development means a large, integrated development adhering to a comprehensive site plan and located on a single site (§ 1401-01-P12).

# FUTURE LAND USE

For Columbia Tusculum being one of the smallest neighborhoods in Cincinnati, it has many important districts located within it: an Urban Design Overlay District, Historic District, Hillside Overlay District, and its own Neighborhood Business District. The map below highlights this including possible opportunity areas.



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# CONSISTENCY WITH PLAN CINCINNATI (2012)

**Do You Live CT?** is consistent with all five Initiative Areas of **Plan Cincinnati** - Compete, Connect, Live, Sustain, and Collaborate.

These Initiative Areas align with the Guiding Policy Principles by increasing our population, building on our assets, becoming recognized, being aggressive and strategic in future growth and development, and to develop a culture of health embodied by thriving residents.

## **Compete** | *Be the pivotal economic force of the region.*

Goal to "Foster a climate conducive to growth, investment, stability, and opportunity" (p. 102) and the Strategy to "Pursue new growth and business recruitment efforts in target industries" (p. 108). This plan is additionally consistent with the Goal to "Become nationally and internationally recognized as a vibrant and unique city" (p. 121) through the Strategy to "Promote Cincinnati's lifestyle" (p. 122).

As it states in Plan Cincinnati, "Cincinnati is a special place...our distinctive housing, unique and walkable neighborhoods...Cincinnati can begin to grow into a large city while maintaining the benefits of a smaller community" (p. 122).

## **Connect** | *Bring people and places together.*

Goal to "develop an efficient multi-modal transportation system that supports neighborhood vitality" (p. 129) and the Strategy to "support regional and intercity transportation initiatives" (p. 144).

## **Live** | *Strengthen our magnetic City with energized people.*

Goals to "build a robust public life" (p. 149) and "create a more liveable community" (p. 156) and the Strategies to "develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people" (p. 150), to "become more walkable" (p. 157), to "support and stabilize our neighborhoods" (p. 160).

## **Sustain** | *Steward resources and ensure long-term vitality.*

Goals to "become a healthier Cincinnati" (p. 181) and to "preserve our natural and built environment" (p. 193) with the Strategies to "protect our natural resources" (p. 194) and "preserve our built history" (p. 197).

## **Collaborate** | *Partner to reach our common goals.*

Goal to "Work in Synergy with the Cincinnati Community" through the Strategy to "unite our communities" (p. 210).



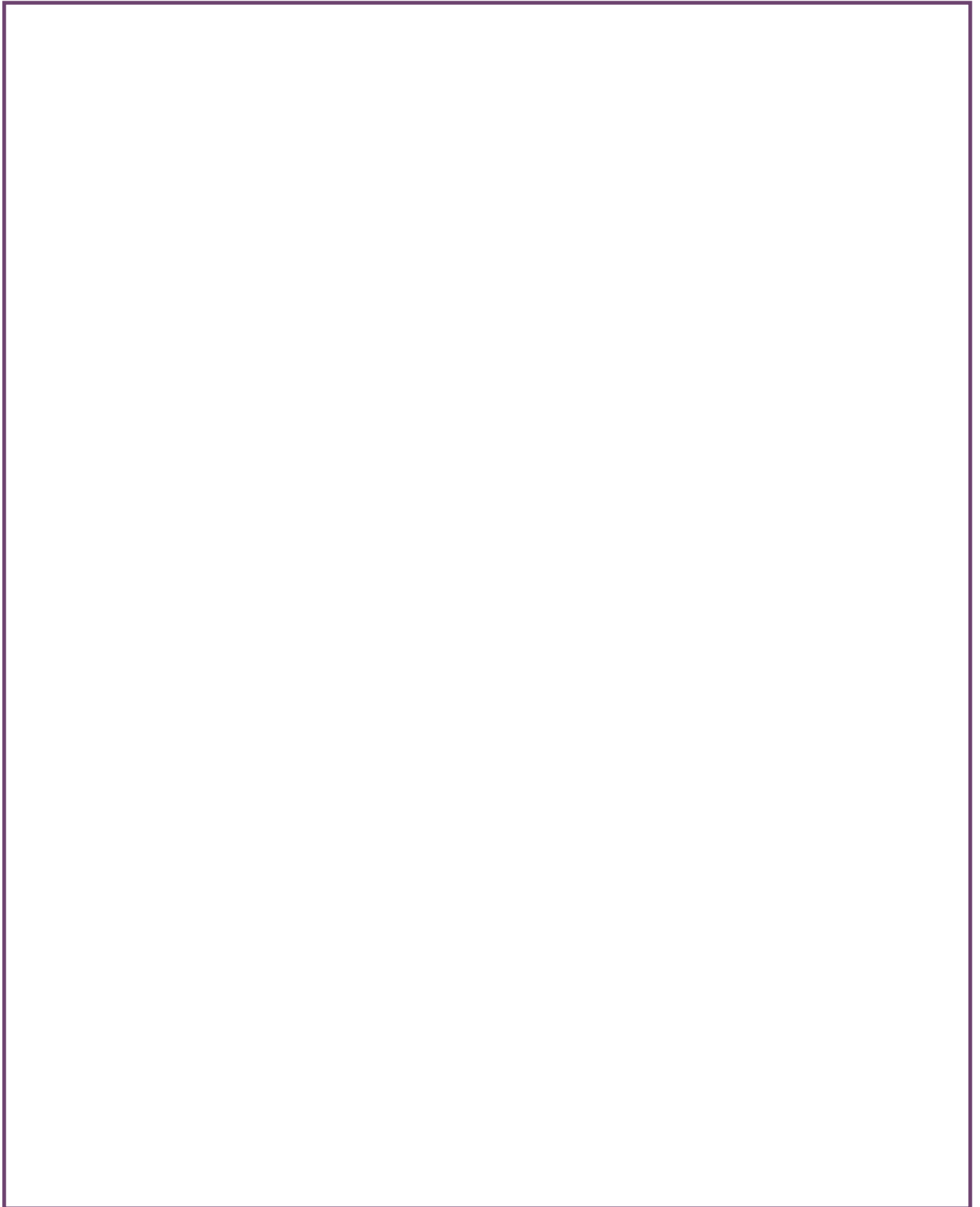
# APPENDIX

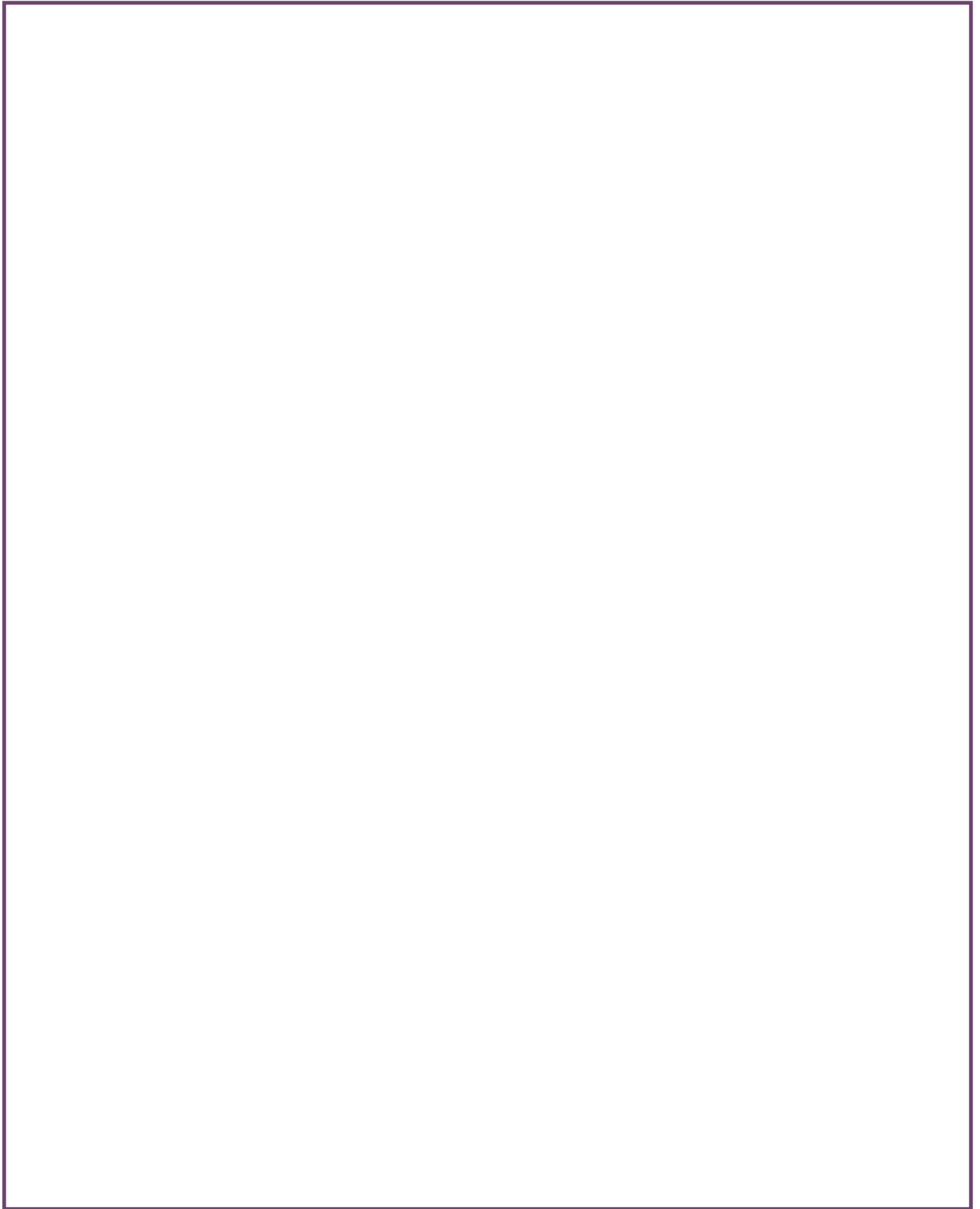
- A. City Council Resolution..... 46
- B. Implementation Tables..... 48
  - Business..... 48
  - Transportation & Connectivity..... 52
  - Housing & Development..... 59
  - Public Space & Community..... 60

# ABBREVIATIONS

- B&I** – Department of Buildings and Inspections
- CP** - Cincinnati Parks
- CPAC** - Cincinnati Park Advisory Council
- CPD** – Cincinnati Police Department
- CPS** – Cincinnati Public Schools
- CRC** - City Recreation Commission
- CSR** – Customer Service Request (system)
- CTCC** – Columbia Tusculum Community Council
- DCED** – Department of Community and Economic Development
- DCPE** – Department of City Planning and Engagement
- DPS** – Department of Public Services
- DOT** – Department of Transportation and Engineering
- ODOT** – Ohio Department of Transportation
- OES** – Office of Environment and Sustainability
- OKI** – Ohio Kentucky Indiana Regional Council of Governments
- TST** – Tri-State Trails

# *CITY COUNCIL RESOLUTION*







# IMPLEMENTATION TABLES

## BUSINESS THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Increase Business Density	Fill Empty Storefronts and prioritize filling of empty lots	Identify anchor businesses and create a map to share with business owners and community members	Medium	3-6 Months	DCED, DCPE, Business Owners, CTCC
		Identify property owners and find out why lots or property is open	Medium	3-6 Months	Hamilton County, DCED, DCPE, Realtors
		Conduct exercises and participatory mechanisms where residents and stakeholders can provide input on priority reinvestment areas	Medium	Ongoing	Business Owners, Residents
		Continue to work with business owners, developers, real estate agencies to enhance and maintain relationships for the good of Columbia Tusculum	High	Ongoing	Business Owners, Residents, Realtors, CTCC
	Encourage a mix of developments within the neighborhood	Analyze existing areas within the neighborhood where multi-use development can occur and where it is appropriate with the permitted land use	High	3-6 Months	DCPE, DCED
		Incentivize energy efficient developments	High	Ongoing	Developers, OES

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
<b>Increase Business Density</b>	<b>Establish and promote clear incentives for redevelopment of certain types of projects</b>	potential of creating Business Improvement Districts (BIDs)	High	2-3 Years	Residents, DCED
		Research existing incentives and resources that could assist property owners or future developers for infill development	Medium	Ongoing	DCED, DCPE, Business Owners, CTCC
		Explore additional development incentives including tax incentives, density bonuses, reduce and alternate parking requirements to attract appropriate and meaningful development	Medium	1-2 Years	Parking Services, DCPE
		Collaborate with the Department of Community and Economic Development to utilize existing incentives such as Tax Increment Financing (TIFs), Community Reinvestment Area Tax Abatements, and Neighborhood Business District Support Grants (NBDSG)	Medium	Ongoing	DCED, CTCC
		Set up a business sub-committee of CT Community Council	Low	1-2 Years	CTCC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Invest in a multi-modal connection between businesses and community members/visitors	Make Columbia Tusculum a unique destination by looking for opportunities to enhance social interaction on foot, bicycle or in vehicles	activities that will continue to make Columbia Tusculum a more attractive community to business, residents, and visitors	High	Ongoing	CTCC, Residents
		Expand partnerships with City Departments, Cincinnati Parks, Carnegie Center, and other visual arts programs or organizations to promote a variety of arts and cultural components	Medium	Ongoing	Parks, CTCC
		Encourage the community council to invest in guerrilla urbanism to help make roads safer for pedestrians and bicyclists	Medium	Ongoing	CTCC
		Continue to sponsor events that bring attention to the neighborhood like the annual Flying Pig Marathon water station, Historic Home Tour, and more	Low	Ongoing	CTCC, City Departments
	Capitalize on proximity to bike trails	Implement more signage to encourage walking/biking	Medium	2-5 Years	City Departments, Tri-State Trails
		Plan out and identify potential opportunities for new trail expansions	Low	1-2 Years	Tri-State Trails, CTCC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Focus our community on local business programs and certifications	Emphasize the importance of Business Enterprises	Focus on Small Business Enterprises (SBEs)	High	Ongoing	DCED, Business Owners
		Focus on Minority-Owned Business Enterprises (MBEs)	High	Ongoing	DCED, Business Owners
		Focus on Women-Owned Business Enterprises (WBEs)	High	Ongoing	DCED, Business Owners
	Collaborate with different organizations in the City to promote the incentives of existing programs	Continue to promote the Columbia Tusculum Business Association to get more businesses to join	Medium	Ongoing	Business Owners, CTCC
		Promote the City's Small Business Assistance funds (MicroCity Loan and Grow Cincinnati Fund) to encourage expansion within the small business community	Medium	Ongoing	City Departments
Encourage and promote affordability options in businesses	Support creative options in order to attract new businesses, restaurants, and local entrepreneurial efforts	Catalog and identify grants and resources to help offset costs of opening business or remediation of environmental issues	Low	1 Year	Business Owners, DCED, Hamilton County
		Create affordable rent program for small businesses	Low	2-5 Years	City Departments, Hamilton County, State of Ohio

# TRANSPORTATION & CONNECTIVITY THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Capitalize on regional bicycle connections	Promote completion of trails in the vicinity of CT that are identified in adopted or officially recognized trail plans	Identify regional trail network gaps in CT vicinity	High	3-6 Months	OKI, TST
		Identify preferred locations for trail heads, bike rental (Red-Bike), and bike racks, using zone districts to avoid incompatible areas	Medium	1 Year	OKI, TST, CTCC
		Track and report on City/OKI/State trail planning efforts for CT trail advocacy	High	Ongoing	City Departments, OKI, TST, ODOT
		Partner with neighborhood institutions, and public agencies (i.e. Cincinnati Parks, and Recreation) to share underused surface parking lots and locate bike racks	Medium	Ongoing	CP, CRC



Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Capitalize on regional bicycle connections	Promote completion of trails in the vicinity of CT that are identified in adopted or officially recognized trail plans	Invite trail planning and funding agencies (OKI, Green Umbrella/Tri-State Trails...) to CTCC meetings or Transportation Committee working groups to inform CT on proposed routes/plans	Medium	Ongoing	TST, OKI
		Optimally use available parking and commercial zone districts to locate bike amenities	Medium	Ongoing	DCED, DCPE, CTCC
		Submit speed cushion locations	High	Ongoing	CTCC, City Departments
	Partner with DOTE to identify best practices and locations for traffic calming, focusing on pedestrian safety along Columbia Parkway between Tusculum Avenue and Delta Avenue (in the Neighborhood	Contact DOTE-Transportation Planning and Design (TPUD) Street Calming Program to discuss problem areas that may warrant speed bumps/cushions, traffic signs, pavement	Medium	2-3 Years	DOTE

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote pedestrian safety & connectivity throughout the neighborhood	Neighborhood Business District (NBD)).	traffic signs, pavement markings, and other Ped. Safety Program tools			
		Contact DOTE-Traffic Engineering for new or replacement signs, signals, and pavement markings	Medium	Ongoing	DOTe
	Prioritize sidewalk safety and maintenance	Partner with DOTE (Street Rehab Program and Sidewalk Safety Program) to identify and map gaps in sidewalk network	High	1-2 Years	CTCC, DOTE
		Prioritize areas for sidewalk construction and submit requests via the City's Community Budget Request process	High	1 Year	DOTe, City Departments
	Employ a carrot and stick approach to discourage or eliminate truck traffic on one-lane residential streets, such as Morris Place, and direct it to Kellogg	Request DOTE truck traffic management tools and work with local businesses to educate truck drivers on appropriate and efficient travel routes through CT	Medium	Ongoing	DOTe

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote pedestrian safety & connectivity throughout the neighborhood	Promote alternatives to personal gas-powered vehicles including bus ridership, bike share, ride share, electric vehicles (EV) and other alternative transportation modes	Participate in METRO planning studies (CTCC) and widely circulate surveys to residents	Medium	Ongoing	METRO, CTCC, DOTE
		Apply to CNBDU for additional bus stop amenities consistent with existing CT urban streetscape	Medium	Ongoing	City Departments
		Identify optimal Red-Bike station locations in CT (see map for sites to be approved by CTCC) and work with Red-Bike to install	Low	3-6 Months	CTCC, Red Bike
Promote access to quality transportation alternatives and options		Promote group ride share trips to the CBD and other common destinations	Low	Ongoing	CTCC
		Partner with OES to pursue grants for public EV charging stations in CT	Low	Ongoing	OES
		Complete a neighborhood survey to gain insight into residents' transportation preferences. Use this information to			

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote access to quality transportation alternatives and options	Explore opportunities to expand connectivity to adjacent neighborhoods	preferences. Use this information to promote neighborhood preferences (could include additional opportunities in bus ridership, bike share, electric vehicles)	Medium	1 Year	City Departments
		Promote trails and paths north of RR tracks to minimize rail crossing	High	Ongoing	TST, OKI
	Coordinate with Planning & Development to encourage future developments to include adequate parking where on-street parking is saturated	Optimally use available parking and commercial zone districts to locate bike amenities	High	Ongoing	City Departments
		Identify funding sources or other resources for urban design and street amenities	High	1-2 Years	City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Maintain and enhance community character while expanding transportation infrastructure	Expand place-making and wayfinding opportunities to complement existing urban design	Photo document and map thoroughfares in need of urban design (e.g.: Eastern Avenue between Delta Avenue and Carrel Street, Stanley Avenue between Kellogg Avenue and Vineyard Place)	Low	6-8 Months	CTCC
		Engage landscape architecture professionals and City resources to create a vision for significant thoroughfares (Eastern, Stanley) and develop streetscape proposals to beautify streets, as well as enhance connectivity and calm traffic	Low	2-5 Years	CTCC
		Consult with Urban Forestry on street tree availability	Low	Ongoing	City Departments
		Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in	Medium	Ongoing	DOT



Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
enhance community character while expanding transportation infrastructure		Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in conjunction with the Public Space & Community Committee)	Medium	Ongoing	DOTe
		Design, to develop CT identity, gateway or wayfinding concepts that reflect CT community character and compliment or tie into existing systems	Low	2-3 Years	DOTe
	Continue the ongoing maintenance of existing infrastructure	Assemble a neighborhood committee to complete improvements and maintain the railroad tunnel at Congress Avenue & Eastern Avenue	Low	1-2 Years	CTCC
		Report city roadway and sidewalk maintenance issues via FixIt Cincy App or the City 'Contact Us' online portal. Publicize reporting contact information	Medium	Ongoing	DOTe, City Departments

# HOUSING & DEVELOPMENT THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Embrace and promote density in the neighborhood	Provide and increase a full spectrum of housing options and price points	Focus on not just single-family, but also two-family, four-family, and multi-family developments	High	Ongoing	DCPE, DCED, City Departments
	Use the existing development momentum to further spur development activity	Ramp up housing production to catch-up with other regions	Medium	Ongoing	Developers, DCED
		Continue educating residents and promoting progressive trends that correlate with City- and Region-wide goals such as Transit-Oriented Development (TODs), Microneighborhoods, and Placemaking	High	Ongoing	City Departments
	Review existing guidelines and codes to identify potential adjustments	Support the future inclusion of Accessory Dwelling Units (ADUs) into the Cincinnati Zoning Code	High	Ongoing	DCED, DCPE, City Council
		Review the existing conservation guidelines and consider potential changes	Low	2-3 Years	City Departments
Continue embracing Columbia Tusculum's historic roots while welcoming all backgrounds and incomes	Target future residential (or mixed) developments in transit- and amenity-rich locations	Educate neighborhood about existing incentives/assistance for tax abatements, code compliance (to improve existing housing stock/conditions), infill housing, and assisting seniors in staying in their homes or neighborhood	High	Ongoing	Developers, DCED, DCPE, City Departments

# PUBLIC SPACE & COMMUNITY THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Foster relationships within the community	Continue building relationships with existing organizations within Columbia Tusculum	Foster relationships specifically with Alms Park Allies, 3 East Business Association, CROWN, Irish Heritage Center of Cincinnati, St. Stephen Catholic Church, and Columbia Baptist	Medium	Ongoing	Alms Park Allies, 3 East Business Association, Irish Heritage Center, Churches
	Focus on programming and events to improve community interactive and communication	Leverage the existing Cincinnati Park Advisory Council (CPAC) for Alms Park improvements and potential programming	Medium	Ongoing	CP, CPAC
		Build a calendar of community-focused neighborhood events to highlight events such as Street Fest, Fall Festival at the Carnegie, Flying Pig and Queen Bee cheer stations, Wine Tasting and Art Show, and more	Low	Ongoing	CTCC
		Share event information on Facebook and in the monthly e-newsletter	High	Ongoing	CTCC, DCPE
Celebrate CT's historic charm		Create a historic maintenance plan for areas and buildings within the Historic District (i.e., period lighting, brick alleys)	Medium	1-2 Years	City Departments
		Consider the use of tax credits for capital projects	High	Ongoing	City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Celebrate CT's historic charm	Continue ongoing maintenance of existing historic buildings and aesthetic details, as well as find financial support for historic recreation	Consider revisions to the Historic District Conservation Guidelines	Low	2-3 Years	Cincinnati Preservation Association
		Apply for Certified Local Government funding from the State Historic Preservation Office to create self-guided walking tours	Medium	Ongoing	City Departments
		Identify and create a map of unique assets, landmarks, natural features, streetscapes, and patterns of development that distinguish each character area and create a "sense of place"	High	3-6 Months	DCPE
Ensure complete, safe connections within the neighborhood	Ensure continuity and access of sidewalks for a more walkable neighborhood.	Identify missing sidewalk and pedestrian connections and promote ideas to integrate them into the existing pedestrian network	High	1-2 Years	DOT, ODOT, City Departments
		Determine the appropriate funding mechanism and partners for connectivity opportunities	Medium	Ongoing	City Departments
		Connect with Cincinnati Riding or Walking Network (CROWN) regarding the Oasis Trail	Medium	5-10 Years	TST, DOT, City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
		Gain an understanding of the proposed route/plans and insure the implement of the Transportation & Connections strategies and action steps	Medium	2-5 years	DOT, ODOT, City Departments



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**SUBJECT:** A report and recommendation on the proposed *Do You Live CT?* as the Columbia Tusculum neighborhood's guiding comprehensive plan document.

**BACKGROUND:**

The Department of City Planning and Engagement, along with the Columbia Tusculum Community Council (CTCC), *Do You Live CT?* steering committee and community members, are pleased to share the result of a two-and-a-half-year planning effort to create their first neighborhood-wide plan for Columbia Tusculum.

The purpose of this neighborhood plan is to establish an innovative direction for the eastern community, update it to 2023 and to *plan* out the next ten-to-fifteen years for the neighborhood. This plan documents Columbia Tusculum's visions for the future while focusing on four theme areas: Business, Transportation & Connections, Housing & Development, and Public Space & Community.

Neighborhood plans are crucial for residents to have a concrete vision of their neighborhood which may be used to reference and guide the future of their community. The plans make it easier to obtain grants or other funds for recommendations within their plan. Lastly, plans make it easier to get support from City Council on the direction the community wishes to proceed regarding future development and direction.

**NEIGHBORHOOD PLANNING PROCESS & COMMUNITY ENGAGEMENT:**

The *Do You Live CT?* planning process consisted of a two-and-a-half-year long community-led process. The Columbia Tusculum Community Council requested a neighborhood plan through the Department of City Planning and Engagement. This planning process began in early 2020, shortly before the COVID-19 Pandemic.

The kickoff meeting for *Do You Live CT?* was held on February 24, 2020 at the Carnegie Center. The kickoff was a success with over 35 residents and community members attending. This meeting allowed community members to become familiar with and learn about the neighborhood planning process and to voice their comments regarding their vision for the neighborhood. The kickoff meeting had boards and input stations showcased to gather feedback on what the priorities of the plan should be, including the plan name, *Do You Live CT?*, which was picked by residents.

The goal of the kickoff meeting was to identify the potential themes of the plan, while establishing a steering committee of residents, business owners, and community council officials who would oversee the planning process along with the Department of City Planning & Engagement. The four official theme areas were created at this time. These theme areas ultimately guided conversations between the steering committee, staff, and residents to assist them in moving forward in the formation of the goals, strategies, and action steps found in this plan. These theme areas are additionally found on p. 7 on the plan document or see "Theme Areas and Goals, Strategies, and Action Steps" section of this staff report.

The steering committee held meetings to plan future working groups and to prioritize topics and future goals. The working groups were split up and identified by the themes mentioned above. Following a pause during the Pandemic, the first working group meeting was held on June 21, 2021 at the Carnegie Center to outline the roles of each working group and to develop vision statements for each theme. The second meeting was held on September 20, 2021 with a focus on creating goals for each of the four themes. The third meeting was held on November 29, 2021 which finessed the goals and drafted strategies and action

steps for the theme areas. The last meeting was held on March 28, 2022 which finalized these strategies and action steps as well as oriented the conversations around land use and zoning. All working group meetings were notified via social media and the Department's webpage, as well as the inclusion of physical flyers in which steering committee members passed out to businesses and residences.

A total of four steering committee meetings were held, mostly virtually via Zoom due to the Pandemic, and a total of four working group meetings were hosted and held for the public. Snacks and beverages were additionally provided by generous members of the steering committee. Over 50 individuals from the Columbia Tusculum neighborhood attended or participated in providing input for this plan.

The planning process received additional support from a University of Cincinnati student, Jacob Gagnon, who curated a website that described the ongoing planning process, in addition to the draft priorities, existing conditions, history, and past plans. The webpage also enabled additional involvement from the public by allowing residents to sign up for updates, take a survey, and upload their favorite photos of the neighborhood.

This website may be accessed here: <https://do-you-live-ct-ucgissa.hub.arcgis.com/>.

### **PLAN OVERVIEW:**

The neighborhood plan consists of 63 pages of detailed thoughts and goals which includes public input from a span of over more than two years. This document outlines the history, acknowledging the neighborhood's rich past and present, existing conditions, goals and strategies, and implementation timelines. This plan, created through the community-led, lengthy process, will guide Columbia Tusculum for future policy and development recommendations, investment and programming decisions, identification of key aspects for safe and viable connections, business-promotion, and community engagement.

### ***Introduction to the Columbia Tusculum Neighborhood***

Columbia Tusculum is located on the east side of the City of Cincinnati and is the City's oldest neighborhood. Columbia Tusculum offers a unique and historic experience to residents and visitors. Primarily a residential community, Columbia Tusculum boasts several well-known businesses such as Allyn's Café, Stanley's Pub, and The Precinct, and is home to the Carnegie Center. Containing several historic homes, Columbia Tusculum is known for its prestigious, hillside housing stock which offers beautiful views of the surroundings areas.

### ***Dedication to Jared Ellis***

The *Do You Live CT?* steering committee and project manager are ecstatic to dedicate this plan to former project manager and City Planner, Jared Ellis. Jared was a passionate City employee, colleague, and friend. Jared commenced the neighborhood planning process with the Columbia Tusculum community and collaborated with them before the COVID-19 Pandemic. He was the definition of the ideal public servant who was proud to serve Cincinnati and work with all 52 neighborhoods. This plan, among other efforts, will continue to carry Jared's spirit forward.

### ***History, Housing and Past Plans***

The history section of the plan contains a three-page summary of the history of the neighborhood, including a simple timeline and a section regarding the historical housing stock. It is interesting to note that approximately 31% of the housing stock within Columbia Tusculum was built in 1930 or before.

There have been a few plans in the past that have included Columbia Tusculum but *Do You Live CT?* is the first neighborhood plan to encapsulate the entire neighborhood. These plans included the *Neighborhood Business District Urban Renewal Study* (1996) and the *Neighborhood Business District Urban Design Plan* (1999). The neighborhood was additionally mentioned in the *East End Design Plan* (1977).

### ***Existing Conditions***

The existing conditions are presented in the plan with updated 2020 US Census data, highlighting information such as median income, median house value, types of households, educational attainment and more. Columbia Tusculum is the 42<sup>nd</sup> largest neighborhood in the City at just under 0.88 square miles and is bordered by Hyde Park, Mt. Lookout, Linwood and the East End. Approximately 1,500 residents reside in the neighborhood and it has a median income of \$113,000 as of the 2020 Census.

### ***Theme Areas and Goals, Strategies, and Action Steps***

There are four theme areas with a total of 13 goals, 26 strategies, and 69 action steps.

#### ***Business:***

*CT strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, walkability, and accessibility to Cincinnati's greatest playground while honoring our colorful heritage as Cincinnati's oldest community.*

The Business theme area has four (4) goals with eight (8) strategies and 23 action steps. The main objectives of this portion of the plan include increasing business density and developments. There is support in identifying creative options to attract new businesses, restaurants and entrepreneurial efforts while focusing on retaining and incentivizing existing small businesses.

Specific strategies outlined in this theme area include capitalizing on the proximity to existing and future bike trails, expanding and collaborating with City partnerships, and continuing to make Columbia Tusculum a unique destination by looking for opportunities to enhance social interaction via bicycle, vehicle or on foot. This plan lastly stresses the importance of business enterprises and highlights the desire to focus on small business enterprises (SBEs) and increasing opportunities for minority-owned business enterprises (MBEs), and women-owned business enterprises (WBEs).

Some innovative actions steps will allow the community to learn more about guerilla urbanism (tactical urbanism), education regarding tax incentives, participatory mechanisms where residents and stakeholders can provide input on priority reinvestment areas and incentivizing sustainable and energy efficient options for developments.

#### ***Transportation & Connections:***

*Increasing safety and efficiency to promote a vibrant and diverse neighborhood for residents and visitors by implementing pedestrian safety, traffic calming, and beautification. Thereby creating connectivity within a balanced network of transportation and recreation options including enhanced roads, walkways, and trails.*

The Transportation & Connections theme area has four (4) goals, ten (10) strategies and 27 action steps. This theme area has the most action steps compared to the other three theme

areas. Transportation and connections are vital for thriving neighborhoods and the main objective of this section and reiterates the action steps of the Business theme area by promoting bike trail usage and continuing trail/biking efforts.

Specific innovative outcomes highlighted in this section include pursuing grants for electric vehicle (EV) charging stations, conducting a neighborhood-wide transportation preference study, and engaging landscape architectural professionals and City resources for new streetscape efforts on top of street calming ideas.

### ***Housing & Development:***

*CT is a community embracing its historic roots and is inclusive of all incomes and backgrounds. We strive to maximize the 15-minute community model with an emphasis on walkability and accessibility, integrate business assets and housing in a safe and “green” way, and grow with a diverse range of structure types, sizes, costs, and uses.*

The Housing & Development theme area has two (2) goals, four (4) strategies and five (5) action steps. Columbia Tusculum wants to embrace and promote density within their neighborhood by providing and increasing a full spectrum of housing options and price points by focusing not just on single-family, but also only two-, three-, and four-family units including multi-family developments.

One of the action steps in this section specifically states to support the future inclusion of accessory dwelling units (ADUs).

### ***Public Space & Community:***

*Building on our history, CT is committed to developing and preserving a safe, walkable neighborhood filled with charm and areas for recreation and community engagement.*

The Public Space & Community theme area has three (3) goals, four (4) strategies and 13 action steps. The ideas in this theme area focus on continuing the connections with existing organizations such as Alms Park Allies, Cincinnati Park Advisory Council, 3 East Business Association, CROWN, and more. The neighborhood wants to continue to leverage the existing organizations and highlight all what Alms Park and Columbia Tusculum have to offer.

Lastly, Columbia Tusculum has a unique charm to it, also sometimes being known as the “San Francisco of Cincinnati”. This plan identifies these historic assets and roots and prioritizes the ongoing maintenance of existing historic buildings and aesthetic details with specific action steps of creating a historic maintenance plan and considering revisions to the Historic District Conservation Guidelines.

### ***Existing Land Use and Zoning***

The majority of Columbia Tusculum is predominantly residential, specifically single-family residential consisting of nearly half of the zoning within the neighborhood. Alms Park makes up 30 percent of the neighborhood. The existing land use and zoning maps may be found on p. 39 and p. 40 in the plan.



### ***Future Land Use and Existing Overlay Areas/Tools***

Future land use is important for neighborhoods, and the City as a whole, and is integral to building and managing the future of properties and vacant land. Considerate planning may also reduce environmental footprint, promote social connectivity, support transportation options, and enhance communities. Columbia Tusculum additionally has tools implemented within the neighborhood to help preserve its spirit and keep it unique.

Columbia Tusculum currently has an Urban Design Plan and a significant portion is located within an Urban Design Overlay District (UDOD). UDODs (referenced in Chapter 1437 of the Cincinnati Zoning Code) are intended to protect and enhance the physical character or the business district, prevent the deterioration of property and blighted conditions, encourage private investment to improve and stimulate the economic vitality and social character of selected business districts, and to ensure that infill development does not adversely affect the physical character of the area.

Columbia Tusculum is known for its vast hillsides. The majority of the community is located within the Hillside Overlay District which is an overlay district that mandates any development within this area to specific regulations to ensure the design is up to standards due to the steep topography.

Historic Districts (referenced in Chapter 1435-07-01 of the Cincinnati Zoning Code) are commonly found throughout Cincinnati, 26 in total, and Columbia Tusculum has one as well, the Columbia Tusculum Historic District. All of these districts mandate special requirements to continue preserving the neighborhood's character. They are comprised of two or more parcels and contain two or more Historic Assets typical of one or more eras in the city's history or representing an assemblage of structures important to the city's history.

Ideas for the future include preserving hillsides and ensuring that future development is consistent with homes and hillside standards and increase commercial density where appropriate within the neighborhood business district.

### ***Implementation Charts and Additional Appendices***

The Appendix includes implementation charts for each of the four (4) theme areas. The charts provide the following information on each action step within the plan's strategies and goals:

- *Time Frame:* The time frames are approximations of how long it would take an action step to be completed, ranging anywhere from 3 months up to 10 years, including multiple ongoing items.
- *Priority Level:* The priority level was determined by the steering committee in collaboration with City staff.
- *Potential Partners:* This identifies additional organizations that could assist in the completion of the action steps such as other City Departments, businesses, Tri-State Trails, and Ohio Kentucky Indiana Regional Council of Governments (OKI).

### **CONSISTENCY WITH PLAN CINCINNATI (2012):**

*Do You Live CT?* is constructed upon and consistent with the comprehensive plan for the City of Cincinnati, *Plan Cincinnati*, that was adopted by City Council in 2012. The plan is consistent with all five Initiative Areas of *Plan Cincinnati* - Compete, Connect, Live, Sustain, and Collaborate. These Initiative Areas align with the Guiding Policy Principles by increasing our population, building on our assets, becoming

recognized, being aggressive and strategic in future growth and development, and to develop a culture of health embodied by thriving residents.

### ***Compete Initiative Area***

Goal to “Foster a climate conducive to growth, investment, stability, and opportunity” (p. 102) and Goal to “Become nationally and internationally recognized as a vibrant and unique city” (p. 121). As it states in *Plan Cincinnati*, “Cincinnati is a special place...our distinctive housing, unique and walkable neighborhoods...Cincinnati can begin to grow into a large city while maintaining the benefits of a smaller community” (p. 122).

Columbia Tusculum has stated their goals to increase business density, invest in multi-modal connection between businesses and the community, turn the attention to local business programs and certifications, and to continue promoting and encouraging affordability options in the business world. Emphasizing the importance of Business Enterprises is specially outlined in Goal 3 of this section, focusing on small business enterprises, minority owned business enterprises, and women-owned business enterprises.

### ***Connect Initiative Area***

Goal to “Develop an efficient multi-modal transportation system that supports neighborhood livability” (p. 129) and the Strategy to “Support regional and intercity transportation initiatives” (p. 144). Columbia Tusculum plans to capitalize on regional bicycle connections while promoting pedestrian safety and connectivity throughout the neighborhood. They intend to additionally promote access to quality transportation alternatives and to enhance community character while expanding its transportation infrastructure.

### ***Live Initiative Area***

Goals to “Build a robust public life” (p. 149), “Create a more livable community” (p. 156), and “Provide a full spectrum of housing options, and improve housing quality and affordability” (p. 164) and the Strategies to “Develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” (p. 150), “Become more walkable” (p. 157), and to “Support and stabilize our neighborhoods” (p. 160). Columbia Tusculum may have a high house value, however they plan to embrace and promote density throughout the entire neighborhood while continue embracing its roots and welcoming individuals from all backgrounds and incomes.

### ***Sustain Initiative Area***

Goal to “Become a healthier Cincinnati” (p. 181), specifically through the Strategies to “Preserve our natural and built environment” (p. 193), “Protect our natural resources” (p. 194) and to “Preserve our built history” (p. 197). Preserving the historic assets of Cincinnati’s oldest neighborhood is extremely vital. Columbia Tusculum has stated in its goals some sustainable ideas such as promoting group ride share trips to Downtown or other destinations and partnering with OES to pursue grants for public EV charging stations in the neighborhood.

### ***Collaborate Initiative Area***

Goal to “Work in synergy with the Cincinnati community” (p. 209) and the Strategy to “Unite our communities” (p. 210). The Public Space & Community theme area is very consistent with this Initiative Area as Columbia Tusculum will continue fostering relationships with the community while celebrating its historic charm and ensuring complete, safe connections within the neighborhood.

**RECOMMENDATION:**

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

**APPROVE** the proposed *Do You Live CT?* plan as the Columbia Tusculum neighborhood's guiding comprehensive plan document.

Respectfully submitted:



Jesse Urbancsik, Senior City Planner  
Department of City Planning and Engagement

Approved:



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

# DO *You* LIVE CT?

## A Neighborhood Plan

Columbia Tusculum  
Cincinnati, OH

Columbia Tusculum Community  
Council

**Approved 11/21/22**

City Planning Commission

**Approved XX/XX/23**

City Council

**Approved XX/XX/23**



COLUMBIA  
TUSCULUM

EST 1788





# APPROVED

**Columbia Tusculum Community Council**  
**Interdepartmental Review**  
**City Planning Commission**  
**Equitable Growth and Housing Committee**  
**City Council**

11/21/2022  
04/26/2023  
xx/xx/2023  
xx/xx/2023  
xx/xx/2023





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# ACKNOWLEDGMENTS

## **City of Cincinnati Mayor**

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### **Special Thanks To...**

The Carnegie Center  
Streetside Brewery  
Columbia Tusculum Community Council  
**and more.**

This plan could not have been completed without all of those who contributed by sharing your stories, ideas, expertise, and most importantly, time.



### **Business Team**

Dustin Martin  
Garrett Hickey  
Abby Ober  
Kelly LaFrankie

### **Public Space & Community Team**

Kathie Hickey  
Ravi Patel  
Stephanie Ivec  
Adam Reubel  
Matt Yauch



## ***DEDICATION***

**Do You Live CT?** is dedicated to former City of Cincinnati employee, colleague, and friend, **Jared Ellis**.

Jared was with Columbia Tusculum at the very start of the neighborhood plan process, and helped step up the success of this neighborhood plan. Humorous, passionate, kind, and dedicated are just a few of the million words to describe Jared. He was a hard-working and proud city planner and all the community members loved working with Jared. He was a prime example of the perfect public servant.

This plan will continue to carry Jared's spirit forward.

# EXECUTIVE SUMMARY

The Department of City Planning and Engagement, along with the Columbia Tusculum Community Council, **Do You Live CT?** Steering Committee and community members are pleased to share the results of a two and a half year effort to create the most recent neighborhood plan for Columbia Tusculum. In early 2020, the Columbia Tusculum Community Council requested assistance from the Department of City Planning and Engagement to prepare an updated plan for the neighborhood. The purpose of this new plan was to establish an innovative direction for the eastern community, updating it to 2022 and to plan out the next ten-fifteen years of the neighborhood.

This plan documents the neighborhood's vision for the future while focusing on four Theme Areas: **Transportation & Connections, Business, Housing & Development, and Public Space & Community.** These Theme Areas were created by the Steering Committee at the beginning of the planning process and helped shape the outline and vision of this document. The Theme Areas may be found below in addition to the theme vision.



## **BUSINESS**

CT strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, walkability, and accessibility to Cincinnati's greatest playground while honoring our colorful heritage as Cincinnati's oldest community.



## **TRANSPORTATION & CONNECTIONS**

Increasing safety and efficiency to promote a vibrant and diverse neighborhood for residents and visitors by implementing pedestrian safety, traffic calming, and beautification. Thereby creating connectivity within a balanced network of transportation and recreation options including enhanced roads, walkways, and trails.



## **HOUSING & DEVELOPMENT**

CT is a community embracing its historic roots and is inclusive to all incomes and backgrounds. We strive to maximize the 15-minute community model with an emphasis on walkability and accessibility, integrate business assets and housing in a safe and "green" way, and grow with a diverse range of structure types, sizes, costs, and uses.



## **PUBLIC SPACE & COMMUNITY**

Building on our history, CT is committed to developing and preserving a safe, walkable neighborhood filled with charm and areas for recreation and community engagement.



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## INTRODUCTION

Columbia Tusculum has not had a plan since the Columbia Tusculum Urban Design Plan Phase II which was adopted in 1999. **Do You Live CT?** is the first plan dedicated to the entire neighborhood as a whole. In addition to the Urban Design Plan, the Columbia Tusculum Neighborhood Business District Plan was adopted in 1996. Both of these previously approved plans were re-reviewed to continue the same vision but updated to the 2020s.

**Do You Live CT?** showcases the entire neighborhood's vision and goals for the next few decades. Located on the east side of the City of Cincinnati and being the City's oldest neighborhood, Columbia Tusculum offers a unique and historic experience to residents and visitors. Although, primarily a residential community, Columbia Tusculum boasts a number of well-known businesses such as Allyn's Café, Stanley's Pub and The Precinct, and is home to the Carnegie Center. Containing a number of historic homes, Columbia Tusculum is known for its prestigious, hillside housing stock which offers beautiful views of the surroundings areas.

This document outlines the history, acknowledging the neighborhood's rich past and present, existing conditions, goals and strategies, and implementation timelines. This plan, created through the community-led, lengthy process, will guide Columbia Tusculum for future policy and development recommendations, investment and programming decisions, identification of key aspects for safe and viable connections, business-promotion, and community engagement.



## History

# HISTORY

Benjamin Stites, **the founder of Columbia**, first explored the area when pursuing a band of Native American horse thieves up the Little Miami Valley while on a trading expedition in Kentucky. He returned to his family in Pennsylvania and traveled to New Jersey where he spoke to John Cleves Symmes, a member of Congress. Symmes had made a large purchase of land in modern-day Ohio and agreed to sell a parcel of 20,000 acres to Stites located near the junction of the Ohio and Little Miami River in what was known as the Northwest Territory.

Benjamin Stites gathered a party of 26 settlers, and they landed at the first high bank approximately one mile north of the mouth of the Little Miami on November 18th, 1788, establishing Columbia. It was the only second white settlement in Ohio and was competing to be the major village in Symmes' purchase. Due to frequent flooding from the Ohio River and the United States Army's decision to build Fort Washington at Losantiville (modern day Cincinnati), the dominant community in southwest Ohio became Cincinnati instead of Columbia.

Columbia's early days began with the establishment of guards and blockhouses, which became a fort known as Fort Miami. The settlers had initial friendly contact with the Native Americans, and the Native Americans would make visits to the blockhouses and join the settlers in festivities, but this uneasy calm lasted only a few months. In 1789, several settlers were killed and captured by the Native Americans. The conflict between the Native Americans and the settlers in the first years of Columbia was so severe that early maps marked the name of the settlement as "Slaughterhouse".

Columbia established the first school in Hamilton County on June 21st, 1790, along with a cornmill, and by the end of 1790, there were 50 cabins. However, Columbia never flourished into a major commercial center due to its flooding problem, which led to the residents of Columbia moving between 1800 and 1815 to slightly higher ground at the base of Tusculum hill. The only remains of the first location of Columbia are the Pioneer Cemetery, and the last blockhouse from the first settlement collapsing in 1838 due to an unusually large wake created by two passing steamboats.

Compared to the earlier years, Columbia became a fairly prosperous community in the 19th century and was home to an economy based on agriculture, manufacturing, and river trade due to the fertile land and the nearby Ohio River. Columbia became a center of transportation early on in its history with a road surveyed from Cincinnati to Columbia, the Anderson Turnpike passing through Columbia on its route to Chillicothe in 1835, and the incorporation of the Little Miami Railroad in 1836. The town also witnessed the evolution of flatboats to steamboats that utilized Columbia as a place to dock and trade. In 1866, the Cincinnati and Columbia Railway Company began operation of "steam dummies," which were a popular way for residents to get from Columbia to Mt. Lookout.

In 1863, Nicholas Longworth, who was the largest landowner and Cincinnati's first millionaire, passed away, and the land was subdivided and would come to be known as Longworth's Tusculum. The area covered from modern-day Eden Park to Alms Park and once held vineyards, which deteriorated due to black rot and loss of laborers during the Civil War. In 1866, Joseph Longworth laid out two major subdivisions, Undercliff and Mt. Tusculum, in that area of Columbia. The latter subdivision, which included Nicholas Longworth's vineyards, had lots ranging in size from 5,000 square feet to twelve



acres, which were intended for the well-to-do. These sold very slowly, while the lots in Undercliff that included smaller lots aimed at nearby workers sold three times as fast.

Due to numerous transportation connections, Columbia officially became incorporated as a village in 1868 and was annexed by the City of Cincinnati in 1873. Columbia had an extensive business district and was home to major employers such as the Boldt Glass Company on Davis Lane. In 1907, the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad, which then controlled the old Little Miami line, purchased land in Undercliff and constructed a mile-long railyard, solidifying Columbia as a hub of railroad activity. This resulted in industrial and lower-income housing being established near the river and railroad while the hillsides and hilltops of Tusculum remained middle-income and wealthy residential areas. In 1925, E.H. Lunkenheimer donated 204 acres of ground in modern-day Linwood, right next door to Columbia, for the construction of Lunken Airport, which would come to be known as one of the largest and finest municipal airports in the world in the 1930s.

Between 1930 and 1937, Columbia Avenue was improved to establish Columbia Parkway, which became the main artery connecting communities across the East End of Cincinnati, including Columbia and Tusculum.

While the town did rely on the Ohio River for its economic success in its early years, the river would cause major floods in 1913, 1918, and 1924, with the worst flood being in 1937, reaching a final crest of 80 feet and submerging most of Columbia. After the end of WWII, and with soldiers returning from the war, many people in Columbia-Tusculum started to move out to the suburbs, which resulted in a decline in the area. There were waves of migrants through the 1970s, with new residents from eastern Kentucky looking for job opportunities and moving to Columbia-Tusculum.

Starting in the late 1970s, there was renewed interest in both living in the city and Victorian architecture, which resulted in many young people returning to the area and restoring the historic homes to their former glory. New construction followed, and new businesses, including specialty stores, started establishing themselves in the commercial district along with new firms, taking the place of older industries.



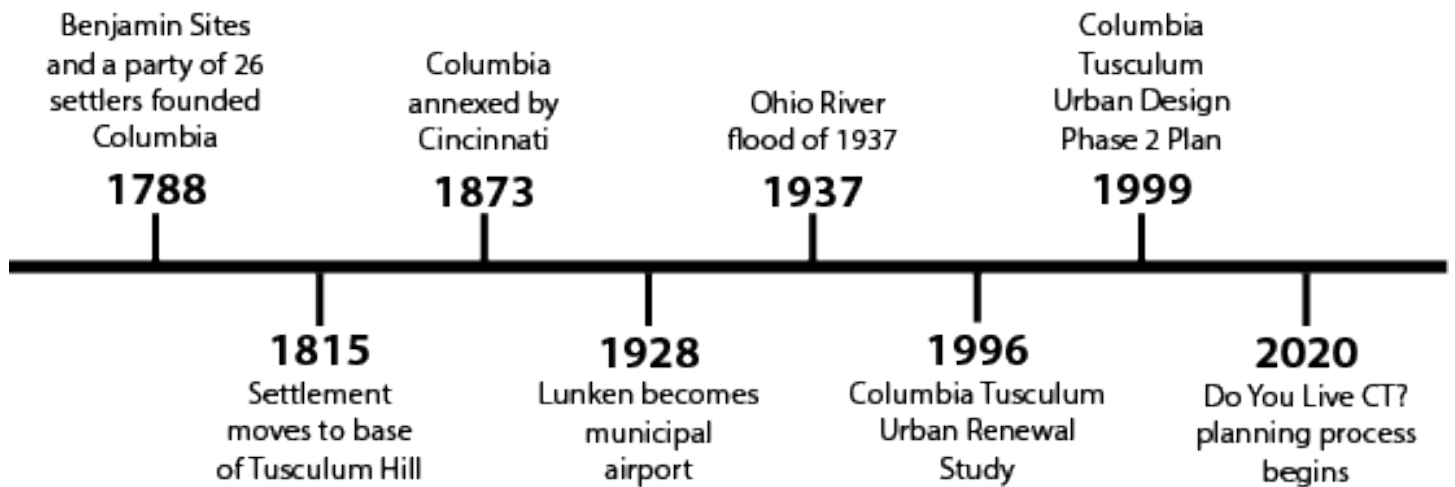


There are many historic areas and buildings in Columbia-Tusculum such as the Columbia Business District, Columbia Baptist Church, St. Stephen's Roman Catholic Church, Spencer Township Hall, Odd Fellows Temple, Columbia post office, Sixth District Police Station, McKinley Public School, and the American Legion Hall.



Source: **The Bicentennial Guide to Greater Cincinnati: A Portrait of Two Hundred Years**

### History Synopsis Timeline



*A Columbia Tusculum History*

# Historical Housing

Columbia Tusculum has a beautiful stock of historic housing that ranges over the span of the past two centuries. Additionally, the neighborhood was the site of Homearama 2020, which added a fair amount of new luxury housing to the area. With housing stock ranging from the early 1800's homes of prominent families to modern-day mini-McMansions, the neighborhood has homes from every decade, with surpluses of housing occurring during the neighborhood's most popular decades.

With railway, streetcar and steamboat transportation methods allowing the area to be substantially more accessible, a multitude of housing was built during the late 1800's up until the early 1920's. Classic Victorian homes were built to line the streets of the neighborhood, creating a uniform-looking area.

It wasn't until the late 1970's and into the 80's that after a gradual decline in population due to a want for a more suburban lifestyle, Columbia Tusculum gained a revival of interest due to the oil crisis and new interest in Victorian architecture. This resulted in another surplus of new homes to be built, in addition to the Victorian homes being renovated and restored to the glory of their earlier days.

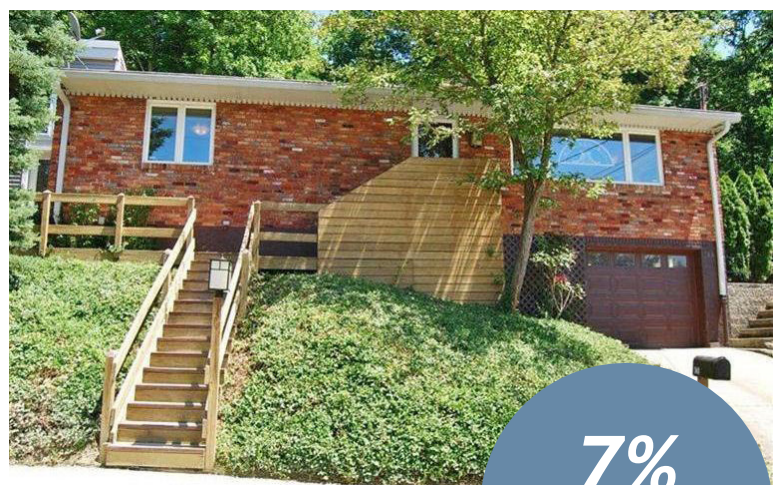
This new interest towards living in the city while still being able to live within a small, suburban-style community has only gained more momentum since the late 1970's and as such, a combination of modern row houses and luxury suburban homes have been built throughout the neighborhood.



533 Tusculum Ave  
circa **1880**  
(zillow.com)



617 Athens Ave  
circa **1946**  
(realtor.com)



548 Hoge St circa **1959**  
(realtor.com)

*Historic Homes*





7%

1960 - 1969

Source: 2016-2020 ACS

736 Elsinboro Dr circa **1969**  
(realtor.com)



18%

1970 - 1979

Source: 2016-2020 ACS

701 Reisling Knoll  
circa **1978**  
(realtor.com)



8%

1980 - 1989

Source: 2016-2020 ACS

443 Flinn Ave  
circa **1938**  
(realtor.com)

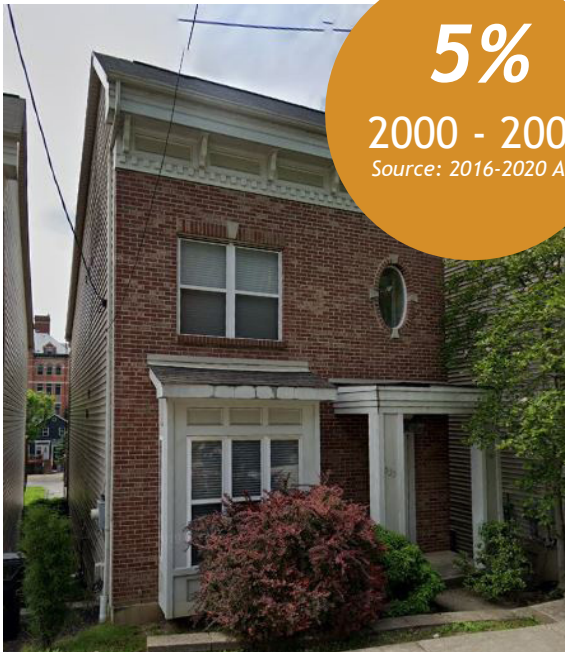


15%

1990 - 1999

Source: 2016-2020 ACS

606 Athens Ave circa **1994**  
(realtor.com)



5%

2000 - 2009

Source: 2016-2020 ACS

533 Hoge St circa **2000** (realtor.com)



8%

after 2009

Source: 2016-2020 ACS

558 Empress Ave circa **2015** (zillow.com)

15



# 1977 East End Urban Design Plan

The 1977 plan was developed as an outline for the future of East End, giving direction for future public improvement projects. A general focus of the design plans was to encourage rehabilitation and preservation of exiting residential units where economically feasible with a lesser emphasis on commercial and industrial development.

Although the 1977 East End Urban Design Plan encompasses goals and strategies for the entirety of the East End Area, Columbia Tusculum was designated as the focus area since it contained the largest concentration of people, and the neighborhood's location lent the area to be a "major image-maker" for the rest of East End.

## The plan identified five major goals for the Columbia Tusculum Area:

- 1) Create a "new" historical image tied to the community's river heritage,
- 2) Reinforce an active neighborhood center on Eastern Avenue including a revitalized commercial district and public events,
- 3) Develop safe and attractive linkages to connect the community,
- 4) Provide a reasonable balance between pedestrian and vehicular needs, and
- 5) Upgrade the visual image of the community through good urban design.

### East End Urban Design Plan



# 1996 Columbia Tusculum Urban Renewal Study

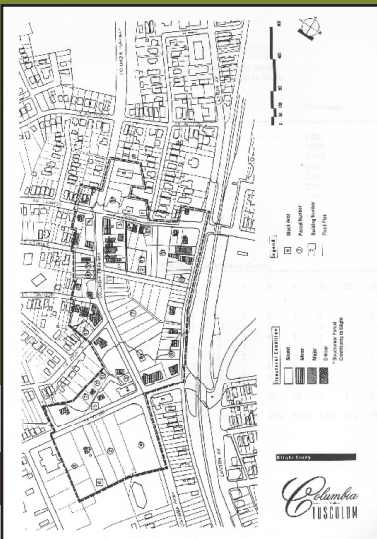
The 1996 study of Columbia Tusculum's Neighborhood Business District (NBD) focused on determining whether the study area should be considered blighted based on the definition laid out in the Cincinnati Municipal Code.

Based on fourteen (14) factors of blight, the study found that 89% of structures or vacant parcels in the study area fulfilled the outlined criteria.

The study concluded that Columbia Tusculum's NBD should be designated as a "blighted area," proposing development options for large vacant parcels at Delta Avenue and Columbia Parkway to improve and further develop those areas.

URBAN RENEWAL STUDY

Columbia  
TUSCULUM



Columbia  
TUSCULUM

# PREVIOUSLY APPROVED PLANS

Columbia Tusculum has had two past plans – one **Neighborhood Business District Urban Renewal Study** (1996) and one **Neighborhood Business District Urban Design Plan** (1999) – and was also mentioned in the **East End Urban Design Plan** (1977). These plans were considered in the creation of this plan. This section provides an overview of the past plans for the neighborhood.

## 1999 Columbia Tusculum Urban Design Phase II Plan

Following the 1996 urban renewal study, the goal of the 1999 Neighborhood Business District Urban Design Plan was to modify and direct new strategies for development and the community based current conditions and a review of the goals, strategies, and implementation of the earlier Phase and the Columbia Tusculum Focus Area of the 1977 East End Urban Design Plan.

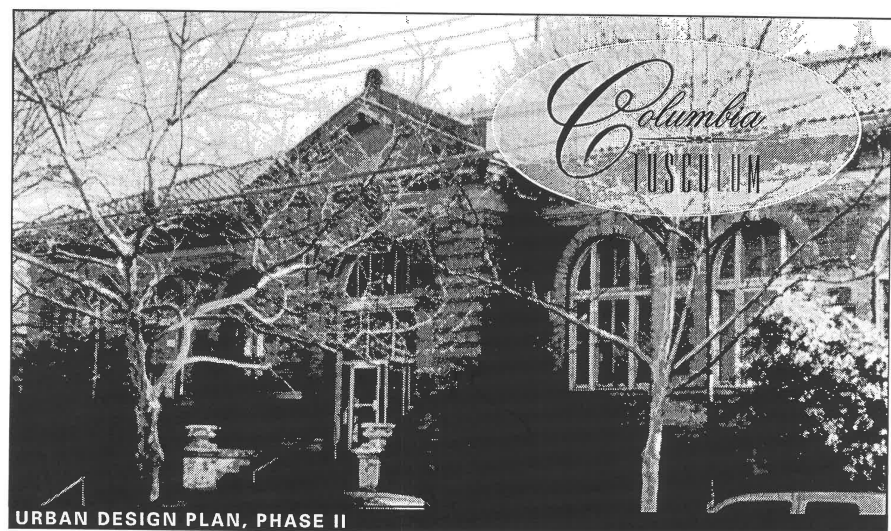
Under the three umbrellas of Image & Identity, Design & Infrastructure, and Business Development, Retention & Recruitment, the Phase II Plan identified the following goals:

- Create an attractive, positive image and identity for the district;
- Provide attractive, safe, and serviceable vehicular and pedestrian circulation into and through the district;
- Improve the serviceability of flood prone areas;
- Maintain the existing historic architectural character of the district;
- Improve alternative transportation options through the district;
- Reconnect Columbia Tusculum to the river and its river history;
- And maintain and strengthen the neighborhood's economic environment.

Neighborhood plans are crucial for residents to have a concrete vision of their neighborhood which may be used to reference and guide the future of their community.

Neighborhood plans also make it easier to obtain grants or other funds for recommendations in their plan.

Lastly, plans make it easier to get support from City Council on the direction the community wishes to proceed in regarding development.



Prepared for  
Department of Economic Development  
City of Cincinnati

Final  
February 17, 1999

Prepared by  
Office of Architecture and Urban Design  
Division of Engineering  
Department of Public Works &  
Department of City Planning  
City of Cincinnati



# EXISTING CONDITIONS

Columbia Tusculum offers residents **a dense suburban feel**, often referred to as “the San Francisco” of Cincinnati. As the city’s oldest neighborhood, it maintains its historical housing stock proudly, being famous for its many “Painted Lady” Victorian houses. The neighborhood is home to many young professionals as it offers an easy commute Downtown and boasts a variety of restaurants, bars, and breweries.

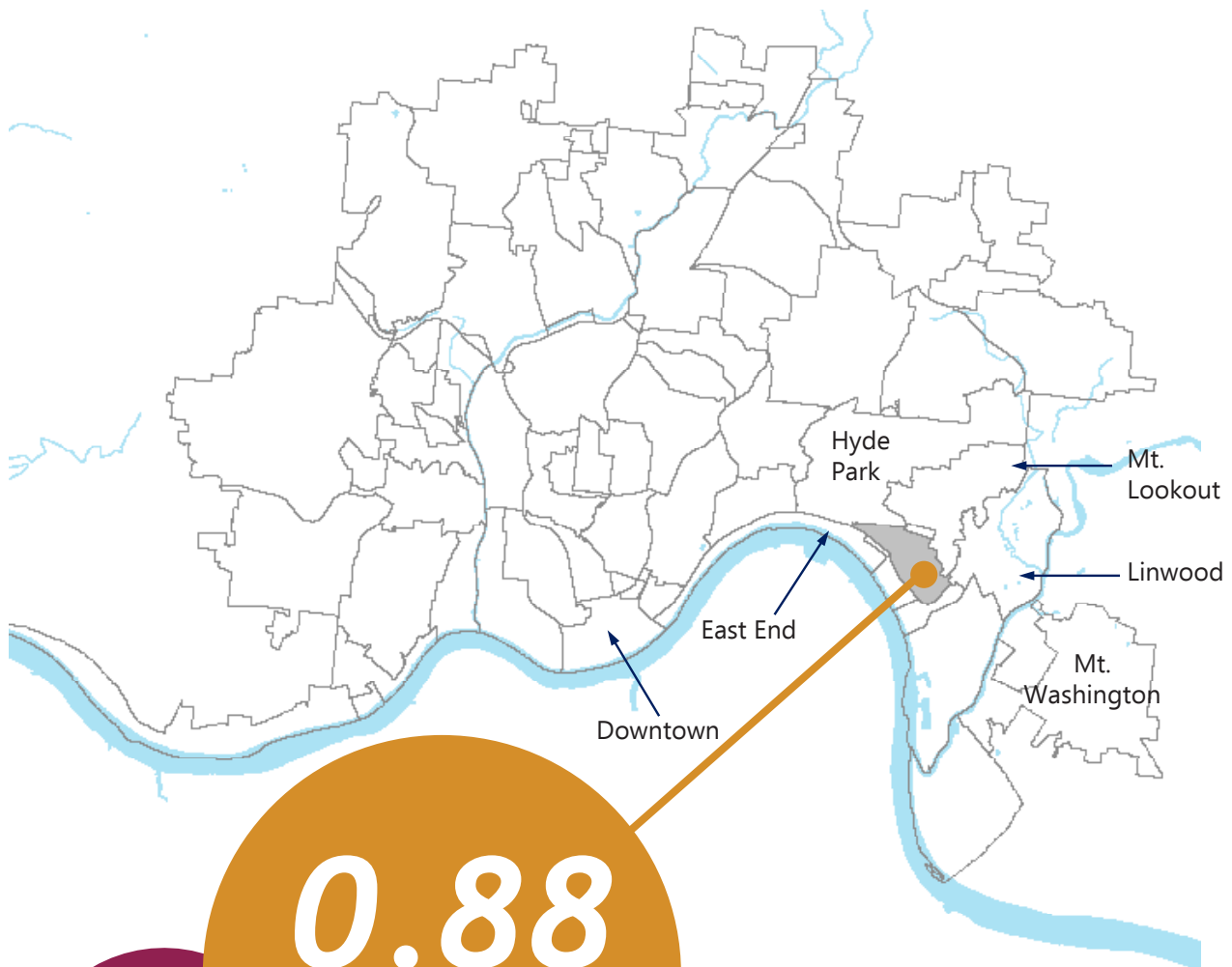
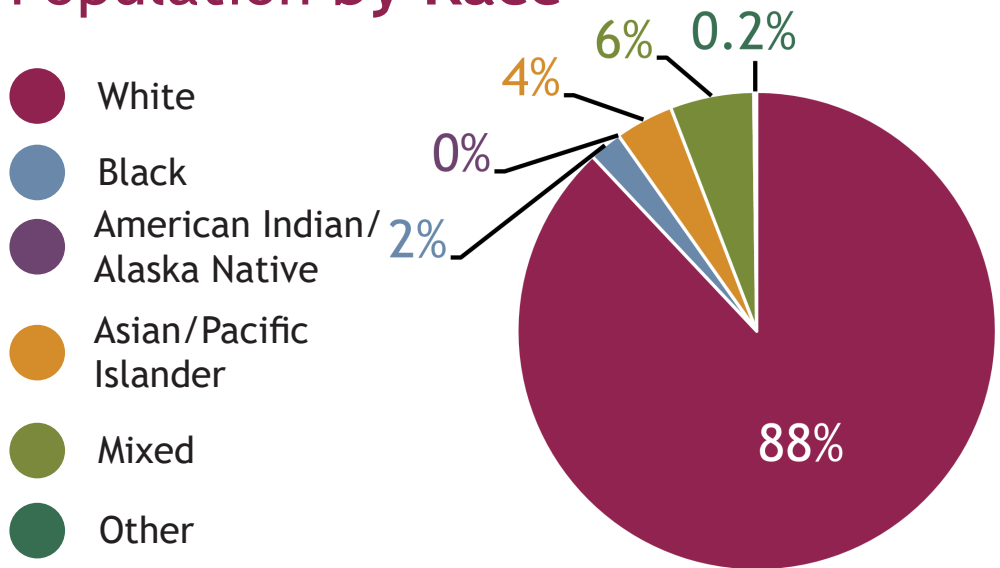
The map below outlines the boundary of Columbia Tusculum, also displaying the Urban Design Overlay District, Neighborhood Business District, and the Overlap Boundary with the East End. Columbia Tusculum is one of Cincinnati’s smallest neighborhoods at 0.88 square miles (563.2 acres).



## Population by Race

Columbia Tusculum is situated in the "east side" of the City and is directly adjacent to the neighborhoods of Hyde Park, Mt. Lookout, Linwood, and the East End.

There is additionally an Overlay portion of the neighborhood shared with the East End.



**0.88**  
Square Miles

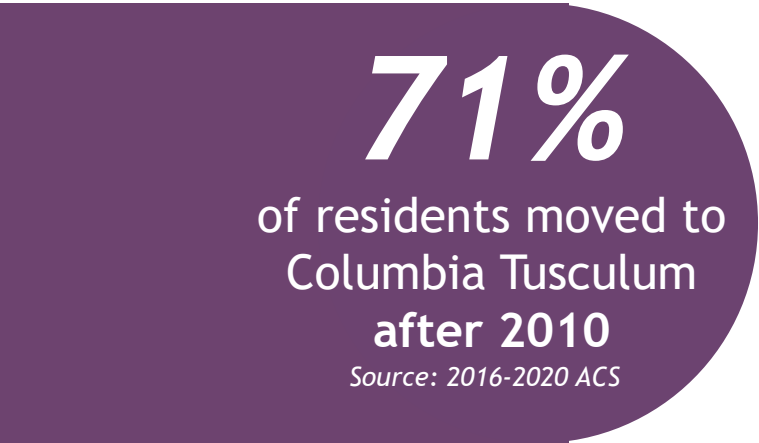
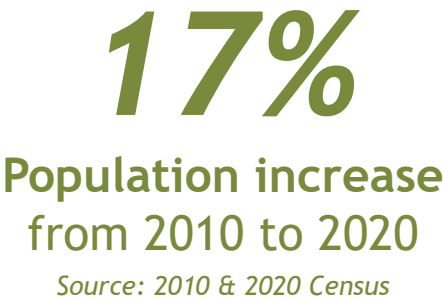
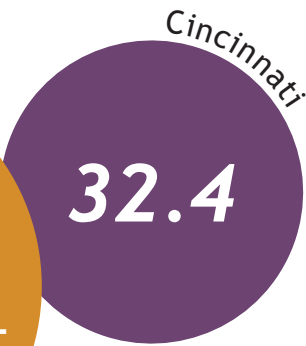
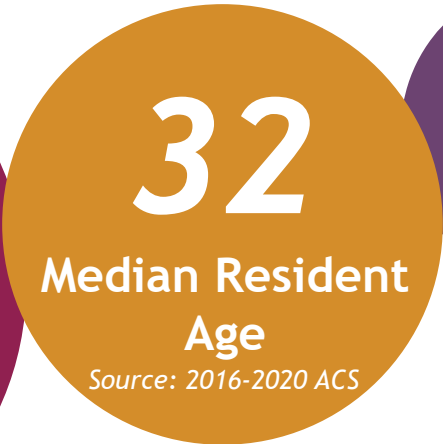
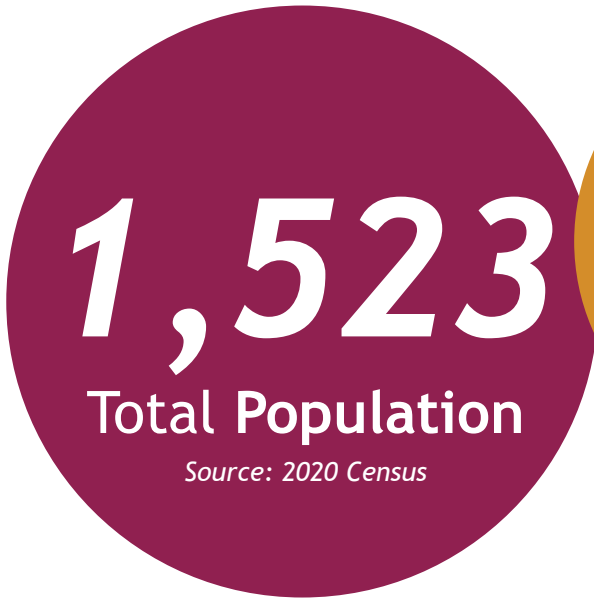
42nd largest  
neighborhood

**563.2**  
acres



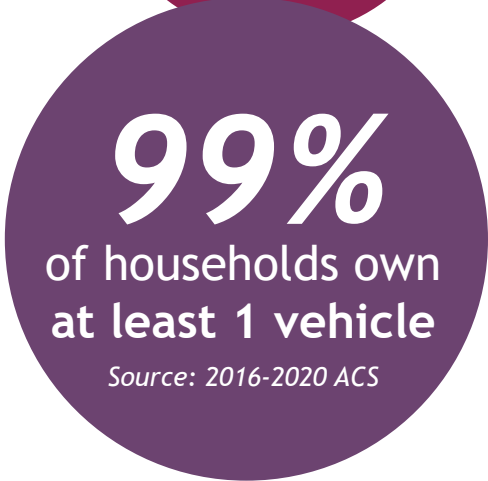
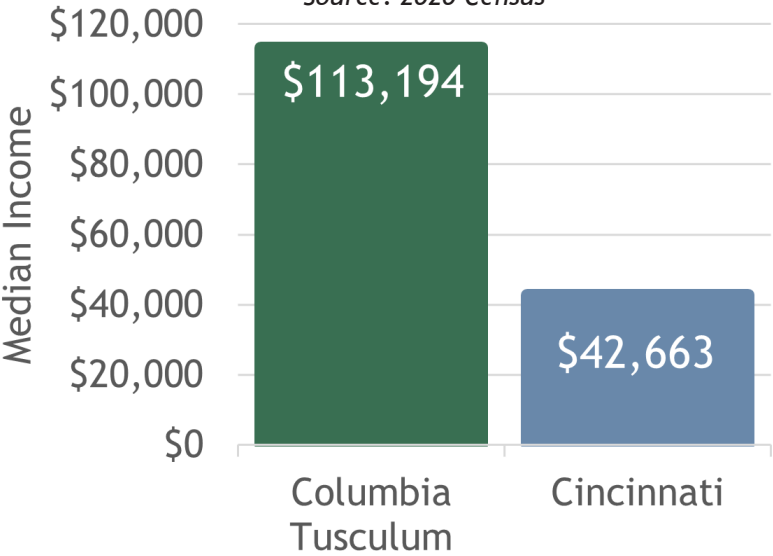
Map of the  
City of Cincinnati

# Population

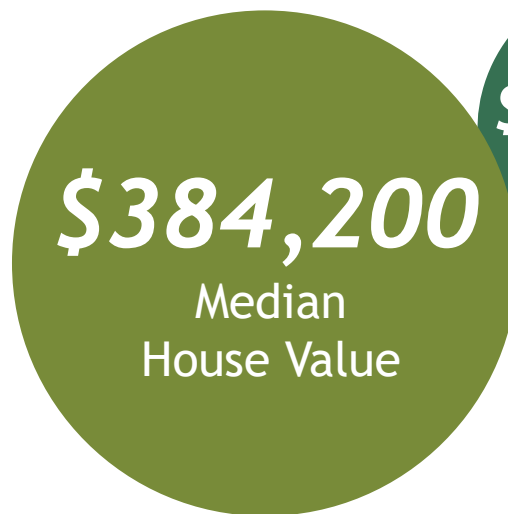


Columbia Tusculum and  
Cincinnati 2020 Median Income

*Source: 2020 Census*



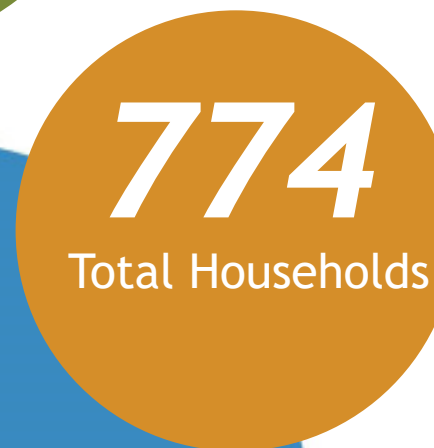
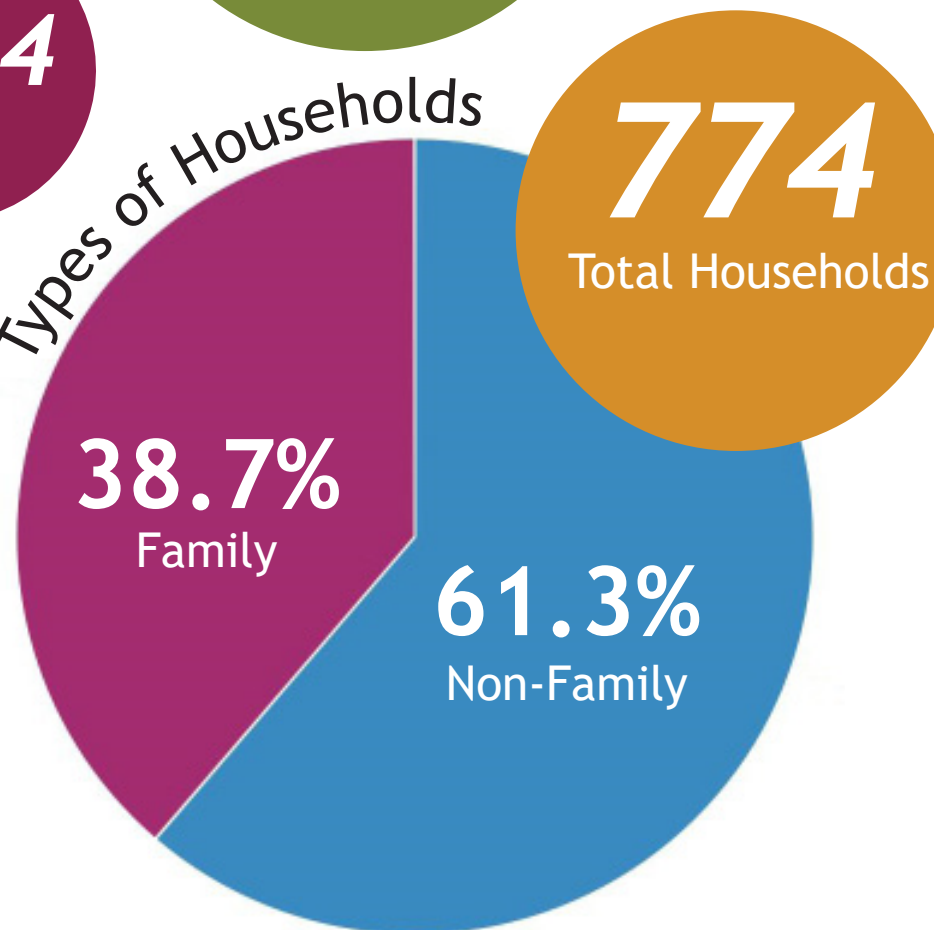
# Housing



With being the **42nd largest neighborhood** in Cincinnati, Columbia has a population just over 1,500 residents and is 0.88 square miles.

The housing stock and historic homes in Columbia Tusculum are the main components on what makes the neighborhood the way it is today. The median home value of \$384,000 is nearly three times more than the City-wide median which is \$138,000.

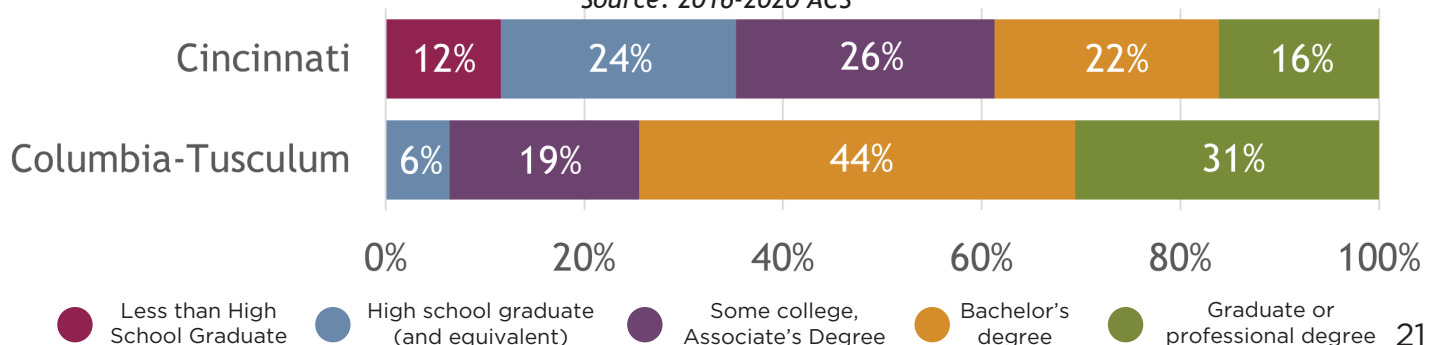
## Types of Households



# Education

## Educational Attainment in Columbia Tusculum compared to Cincinnati

Source: 2016-2020 ACS





# What does CT mean to you?



## DO YOU LIVE CT? COLUMBIA TUSCULUM

**DO YOU LIVE CT?** is a neighborhood plan focused on Columbia Tusculum's new visions for the future. You are invited to attend our upcoming Working Group meeting to **discuss goals and action steps** focused around accomplishing this revitalization in the following theme areas:

 **Business**



**Housing & Development**



**Transportation & Connections**



**Public Space & Community**

**All are welcome and encouraged to join!**

If you are interested in learning more, signing up for a working group, or attending the meeting, please contact:

Jesse Urbancsik at [jesse.urbancsik@cincinnati-oh.gov](mailto:jesse.urbancsik@cincinnati-oh.gov)

### WHEN + WHERE

**MONDAY, November 29, 2021**

Starting at 6:00pm

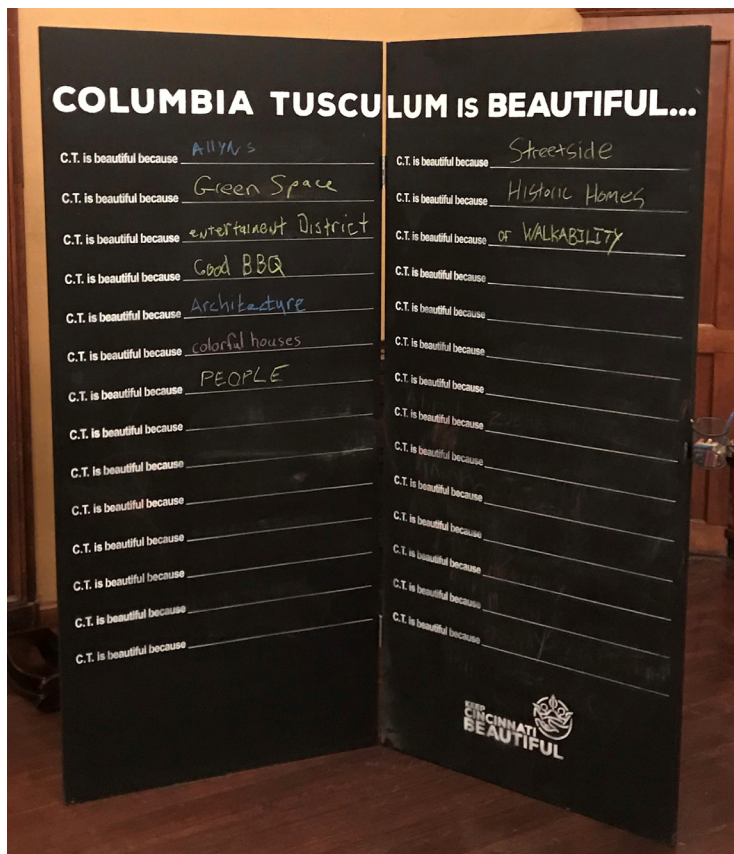
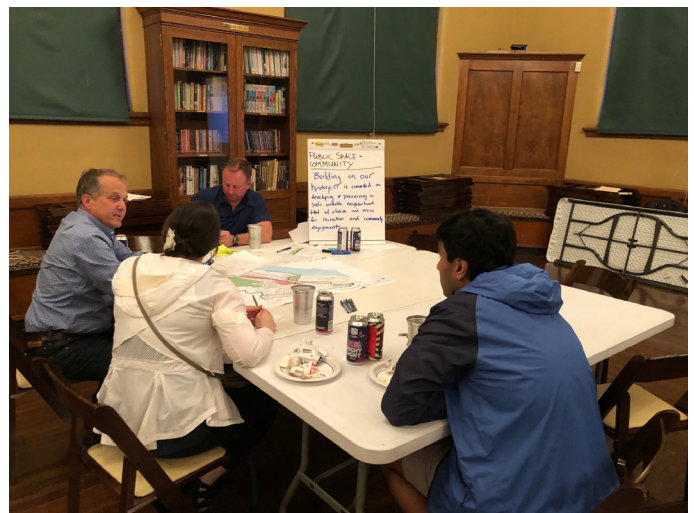
at the CARNEGIE CENTER

3738 Eastern Avenue, Cincinnati, OH 45226

SCAN ME



For more information, please visit <http://www.cincinnati-oh.gov/planning/> or scan the QR Code above



**All photos on this page were provided by:**  
Andy Juengling and Jesse Urbancsik



# PLANNING PROCESS

The **Do You Live CT?** planning process consisted of a two-and-a-half-year long community-led process. The Columbia Tusculum Community Council requested a neighborhood plan through the Department of City Planning and Engagement. This planning process began in early 2020, right before the Covid-19 Pandemic commenced.

The kickoff meeting for **Do You Live CT?** was held on February 24, 2020 at the Carnegie Center, much like the rest of the working group meetings. The kickoff was a huge success with over 35 residents and community members attending. This meeting allowed community members to become familiar with and learn about the neighborhood planning process and to voice their comments regarding their vision for the neighborhood. The Kickoff had boards and input stations showcased at the Carnegie Center to gather feedback on what the priorities of the plan should be, including the plan name, **Do You Live CT?**, which was picked by residents.

The goal of the Kickoff meeting was to identify the potential themes of the plan, while establishing a steering committee of residents, business owners and community council officials who would oversee the planning process along with the Department of City Planning & Engagement. Four official theme areas were created: Transportation & Connections, Business, Housing & Development and Public Space & Community. These theme areas ultimately guided conversations between the steering committee, staff, and residents to assist them in moving forward in the formation of the goals, strategies, and action steps found in this plan. (These Theme Areas are additionally found on p. 7).

The steering committee held meetings to plan future working groups and to prioritize topics and future goals. The working groups were split up and identified by the themes mentioned above. The first working group meeting was held on June 21, 2021 at the Carnegie Center to outline the roles of each working group and to develop vision statements for each theme. The second meeting was held on September 20, 2021 with a focus on creating goals for each of the four themes. The third meeting was held on November 29, 2021 which finessed the goals and drafted strategies and action steps for the theme areas. The last meeting was held on March 28, 2022 which finalized these strategies and action steps as well as oriented the conversations around land use and zoning. All working group meetings were notified via social media and the Department's webpage, as well as the inclusion of physical flyers in which steering committee members passed out to businesses and residences.

A total of four steering committee meetings were held, mostly virtually via Zoom due to the Pandemic, and a total of four working group meetings were hosted and held for the public. Snacks and beverages were additionally provided by generous members of the steering committee. Over 50 individuals from the Columbia Tusculum neighborhood attended or participated in providing input for this plan.

The planning process was also uplifted by assistance from a University of Cincinnati student who curated a website that described the ongoing planning process, in addition to the draft priorities, existing conditions, history, and past plans. The webpage also enabled additional involvement from the public by allowing residents to sign up for updates, take a survey, and upload their favorite photos of the neighborhood!

*Visit!*

Columbia Tusculum Neighborhood Planning Process ArcGis Hub:  
<https://do-you-live-ct-ucgissa.hub.arcgis.com/>

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# PLAN THEME AREAS

The steering committee worked to identify **Theme Areas** that will transform into Working Groups for the planning process. These themes are centered around transportation and connections, business, housing and development, and public space and community. All four of these themes were developed through collaboration with city planners as well as the working groups representing the Columbia Tusculum neighborhood.

These Theme Areas will help to guide conversations moving forward and assist in the formation of the goals and strategies that will be identified in this plan. Each of the theme areas will be found on the next several pages, including the goals, strategies, and action steps for all four. The vision statements for all four may are below:



## BUSINESS

*CT strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, walkability, and accessibility to Cincinnati's greatest playground while honoring our colorful heritage as Cincinnati's oldest community.*



## TRANSPORTATION & CONNECTIONS

*Increasing safety and efficiency to promote a vibrant and diverse neighborhood for residents and visitors by implementing pedestrian safety, traffic calming, and beautification. Thereby creating connectivity within a balanced network of transportation and recreation options including enhanced roads, walkways, and trails.*



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## PUBLIC SPACE & COMMUNITY

*Building on our history, CT is committed to developing and preserving a safe, walkable neighborhood filled with charm and areas for recreation and community engagement.*

Photo by: Moey Inc



Photo by: Moey Inc

# BUSINESS THEME AREA

## Goal 1 Increase Business Density



### 1.1: Fill empty storefronts and prioritize filling of empty lots

- 1.1.1: *Identify anchor businesses and create a map to share with business owners and community members*
- 1.1.2: *Identify property owners and find out why lots or properties are vacant*
- 1.1.3: *Conduct exercises and participatory mechanisms where residents and stakeholders can provide input on priority reinvestment areas*
- 1.1.4: *Continue to work with business owners, developers, and real estate agencies to enhance and maintain relationships for the good of Columbia Tusculum*

### 1.2: Encourage a mix of developments within the neighborhood consistent with existing businesses in scale

- 1.2.1: *Analyze existing areas within the neighborhood where multi-use development can occur and where it is appropriate with the permitted land use*
- 1.2.2: *Incentivize energy efficient and sustainable developments*

### 1.3: Establish and promote clear incentives for redevelopment of certain types of projects

- 1.3.1: *Work with current and future property owners for the potential of creating Business Improvement Districts (BIDs)*
- 1.3.2: *Research existing incentives and resources that could assist property owners or future developers for infill development*
- 1.3.3: *Explore additional development incentives including tax incentives, density bonuses, reduce and alternate parking requirements to attract appropriate and meaningful development*
- 1.3.4: *Collaborate with the Department of Community and Economic Development to utilize existing incentives such as Tax Increment Financing (TIFs), Community Reinvestment Area Tax Abatements, and Neighborhood Business District Support Grants (NBDSG)*
- 1.3.5: *Set up a business sub-committee of Columbia Tusculum Community Council*





## **Invest in a multi-modal connection between businesses and community members/visitors**

### **2.1: Make Columbia Tusculum a unique destination by looking for opportunities to enhance social interaction on foot, bicycle or in vehicles**

- 2.1.1: Encourage new amenities and activities that will continue to make Columbia Tusculum a more attractive community to business, residents, and visitors*
- 2.1.2: Expand partnerships with City Departments, Cincinnati Parks, Carnegie Center, and other visual arts programs or organizations to promote a variety of arts and cultural components*
- 2.1.3: Encourage the community council to invest in guerrilla urbanism to help make roads safer for pedestrians and bicyclists*
- 2.1.4: Continue to sponsor events that bring attention to the neighborhood like the annual Flying Pig Marathon water station, Historic Home Tour, and more*

### **2.2: Capitalize on proximity to bike trails**

- 2.2.1: Implement more signage to encourage walking/biking*



## **Focus our community on local business programs and certifications**

### **3.1: Emphasize the importance of Business Enterprises**

- 3.1.1: Focus on Small Business Enterprises (SBEs)*
- 3.1.2: Focus on Minority-Owned Business Enterprises (MBEs)*
- 3.1.3: Focus on Women-Owned Business Enterprises (WBEs)*

### **3.2: Collaborate with different organizations in the City to promote the incentives of existing programs**

- 3.2.1: Continue to promote the Columbia Tusculum Business Association to get more businesses to join*
- 3.2.2: Promote the City's Small Business Assistance funds (MicroCity Loan and Grow*

# Goal 4

## Encourage and promote affordability options in businesses

### 4.1: Support creative options in order to attract new businesses, restaurants, and local entrepreneurial efforts

4.1.1: *Catalog and identify grants and resources to help offset costs of opening business or remediation of environmental issues*

4.1.2: *Create affordable rent program for small businesses*



Photo by: Moey Inc





Photo by: Google Maps

# TRANSPORTATION & CONNECTIONS THEME AREA



## Goal 1 Capitalize on regional bicycle connections

**1.1: Promote completion of trails in the vicinity of Columbia Tusculum that are identified in adopted or officially recognized trail plans**

- 1.1.1: Identify regional trail network gaps in Columbia Tusculum vicinity*
- 1.1.2: Identify preferred locations for trail heads, bike rental (Red-Bike), and bike racks, using zone districts to avoid incompatible areas*
- 1.1.3: Track and report on City/OKI/State trail planning efforts for Columbia Tusculum trail advocacy*
- 1.1.4: Partner with neighborhood institutions, and public agencies (i.e. Cincinnati Parks and Recreation) to share underused surface parking lots and locate bike racks*
- 1.1.5: Invite trail planning and funding agencies (OKI, Green Umbrella/Tri-State Trails, and Devou Good) to CTCC meetings or Transportation Committee working groups to inform CT on proposed routes/plans*

**1.2: Develop & maintain accessible, well-lit entrances to the trail network**

- 1.2.1: Optimally use available parking and commercial zone districts to locate bike amenities*

## Goal 2 Promote pedestrian safety & connectivity throughout the neighborhood

**2.1: Partner with DOTE to identify best practices and locations for traffic calming, focusing on pedestrian safety along Columbia Parkway between Tusculum Avenue and Delta Avenue (in the Neighborhood Business District (NBD))**

- 2.1.1: Submit speed cushion locations*

- 2.1.2: Contact DOTE-Transportation Planning and Design (TPUD) Street Calming Program to discuss problem areas that may warrant speed bumps/cushions, traffic signs, pavement markings, and other Ped. Safety Program tools*
- 2.1.3: Contact DOTE-Traffic Engineering for new or replacement signs, signals, and pavement markings*

## **2.2: Prioritize sidewalk safety and maintenance**

- 2.2.1: Partner with DOTE (Street Rehab Program and Sidewalk Safety Program) to identify and map gaps in sidewalk network*
- 2.2.2: Prioritize areas for sidewalk construction and submit requests via the City's Community Budget Request process*

## **2.3: Employ a carrot and stick approach to discourage or eliminate truck traffic on one-lane residential streets, such as Morris Place, and direct it to Kellogg Ave and Eastern Ave**

- 2.3.1: Request DOTE truck traffic management tools and work with local businesses to educate truck drivers on appropriate and efficient travel routes through Columbia Tusculum*

# *Goal* **3 Promote access to quality transportation alternatives and options**

## **3.1: Promote alternatives to personal gas-powered vehicles including bus ridership, bike share, ride share, electric vehicles (EV) and other alternative transportation modes**

- 3.1.1: Participate in METRO planning studies and widely circulate surveys to residents*
- 3.1.2: Apply to CNBDU for additional bus stop amenities consistent with existing Columbia Tusculum urban streetscape*
- 3.1.3: Identify optimal Red-Bike station locations in Columbia Tusculum and work with Red-Bike to install*
- 3.1.4: Promote group ride share trips to the CBD and other common destinations*
- 3.1.5: Partner with OES to pursue grants for public EV charging stations in Columbia Tusculum*

## **3.2: Explore opportunities to expand connectivity to adjacent neighborhoods**



*3.2.1: Complete a neighborhood survey to gain insight into residents' transportation preferences. Use this information to promote neighborhood preferences (could include additional opportunities in bus ridership, bike share, electric vehicles)*

*3.2.2: Promote trails and paths north of rail road tracks to minimize rail crossing*

**3.3: Coordinate with Planning & Development to encourage future developments to include adequate parking where on-street parking is saturated**



## **Maintain and enhance community character while expanding transportation infrastructure**

**4.1: Expand place-making and wayfinding opportunities to complement existing urban design**

*4.1.1: Identify funding sources or other resources for urban design and street amenities*

*4.1.2: Photo, document, and map thoroughfares in need of urban design (e.g. Eastern Avenue between Delta Avenue and Carrel Street, Stanley Avenue between Kellogg Avenue and Vineyard Place)*

*4.1.3: Engage landscape architecture professionals and City resources to create a vision for significant thoroughfares (Eastern, Stanley) and develop streetscape proposals to beautify streets, as well as enhance connectivity and calm traffic*

*4.1.4: Consult with Urban Forestry on street tree availability*

*4.1.5: Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in conjunction with the Public Space & Community Committee)*

*4.1.6: Partner with DOTE-UD (Graphic Design) to develop CT identity, gateway, or wayfinding concepts that reflect CT community character and compliment or tie into existing systems*

**4.2: Continue the ongoing maintenance of existing infrastructure**

*4.2.1: Assemble a neighborhood committee to complete improvements and maintain the railroad tunnel at Congress Avenue & Eastern Avenue*

*4.2.2: Report city roadway and sidewalk maintenance issues via Fixit Cincy App or the City 'Contact Us' online portal - Publicize reporting contact information*



**Photo by:** Google Maps

# Housing

# HOUSING & DEVELOPMENT THEME AREA



## *Goal* **1** Embrace and promote density in the neighborhood

### **1.1: Provide and increase a full spectrum of housing options and price points**

*1.1.1: Focus on not just single-family, but also two-family, four-family, and multi-family developments*

### **1.2: Use the existing development momentum to further spur development activity**

*1.2.1: Ramp up housing production to catch-up with other regions*

*1.2.2: Continue educating residents and promoting progressive trends that correlate with City- and Region-wide goals such as: Transit-Oriented Development (TODs), Microneighborhoods, and Placemaking*

### **1.3: Review existing guidelines and codes to identify potential adjustments**

*1.3.1: Support the future inclusion of Accessory Dwelling Units (ADUs) into the Cincinnati Zoning Code*

*1.3.2: Review the existing Historic District Conservation Guidelines and consider potential changes*

## *Goal* **2** Continue embracing Columbia Tusculum's historic roots while welcoming all backgrounds and incomes

### **1.1: Target future residential (or mixed) developments in transit- and amenity-rich locations**

*1.1.1: Educate neighborhood about existing incentives/assistance for tax abatements, code compliance (to improve existing housing stock/conditions), infill housing, and assisting seniors in staying in their homes or neighborhood*



Photo by: [365cincinnati.com](http://365cincinnati.com)

# Community

# PUBLIC SPACE & COMMUNITY THEME AREA

## Goal 1 Foster relationships within the community



**1.1: Continue building relationships with existing organizations within Columbia Tusculum**

*1.1.1: Foster relationships specifically with Alms Park Allies, 3 East Business Association, CROWN, Irish Heritage Center of Cincinnati, St. Stephen Catholic Church, and Columbia Baptist*

**1.2: Focus on programming and events to improve community interaction and communication**

*1.2.1: Leverage the existing Cincinnati Park Advisory Council (CPAC) for Alms Park improvements and potential programming*

*1.2.2: Build a calendar of community-focused neighborhood events to highlight events such as Street Fest, Fall Festival at the Carnegie, Flying Pig and Queen Bee cheer stations, Wine Tasting and Art Show, and more*

*1.2.3: Share event information on Facebook and in the monthly e-newsletter*

## Goal 2 Celebrate CT's historic charm

**2.1: Continue ongoing maintenance of existing historic buildings and aesthetic details, as well as find financial support for historic recreation**

*2.1.1: Create a historic maintenance plan for areas and buildings within the Historic District (i.e., period lighting, brick alleys)*

*2.1.2: Consider the use of tax credits for capital projects*

*2.1.3: Consider revisions to the Historic District Conservation Guidelines*

*2.1.4: Apply for Certified Local Government funding from the State Historic Preservation Office to create self-guided walking tours*



*2.1.5: Identify and create a map of unique assets, landmarks, natural features, streetscapes, and patterns of development that distinguish each character area and create a “sense of place”*

## **Goal 3** Ensure complete, safe connections within the neighborhood

### **3.1: Ensure continuity and access of sidewalks for a more walkable neighborhood**

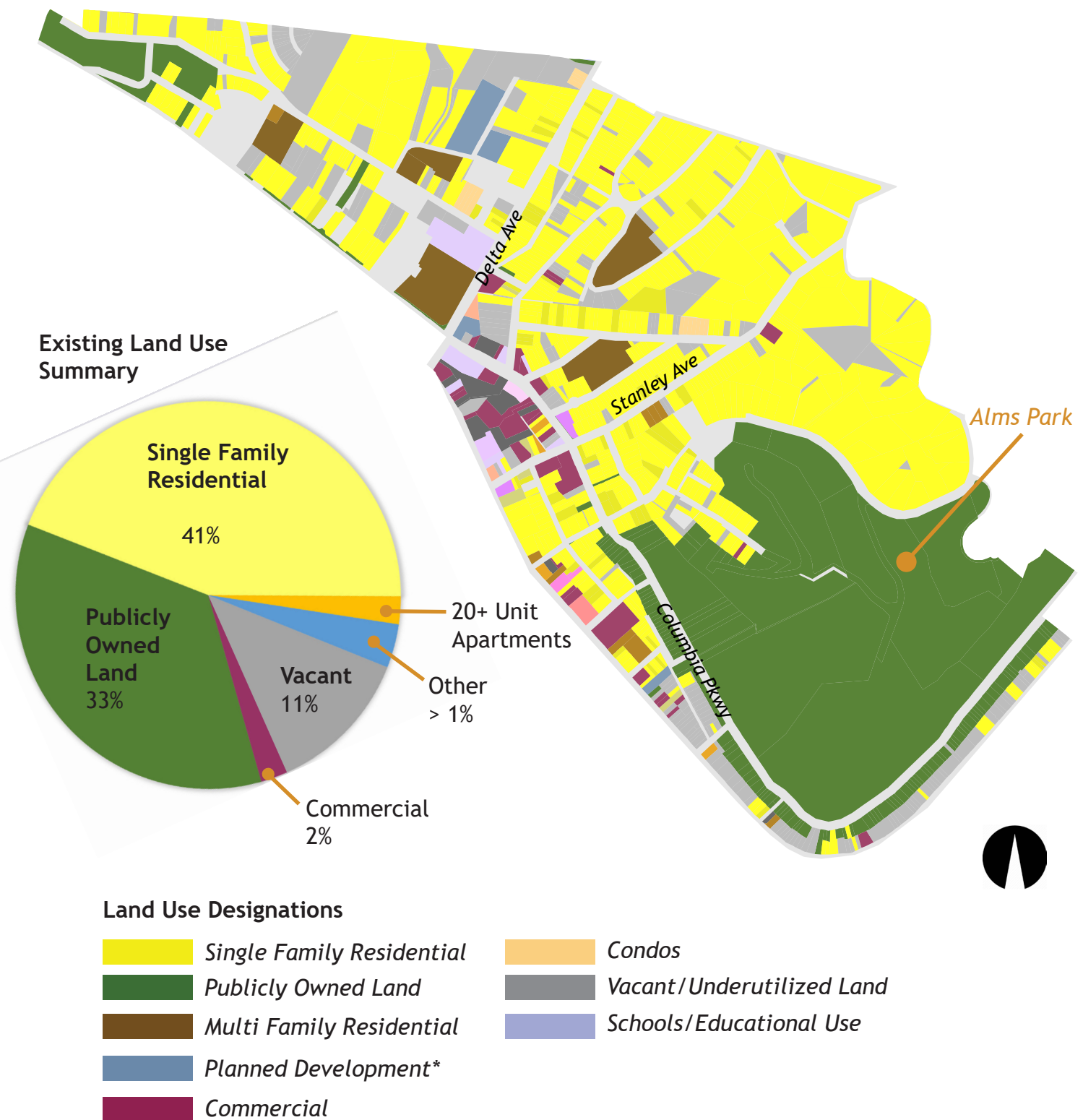
- 3.1.1: Identify missing sidewalk and pedestrian connections and promote ideas to integrate them into the existing pedestrian network*
- 3.1.2: Determine the appropriate funding mechanism and partners for connectivity opportunities*
- 3.1.3: Connect with Cincinnati Riding or Walking Network (CROWN) regarding the Oasis Trail*
- 3.1.4: Gain an understanding of the proposed route/plans and insure the implementation of the Transportation & Connections strategies and action steps*



**Photo by:** weddingwire.com

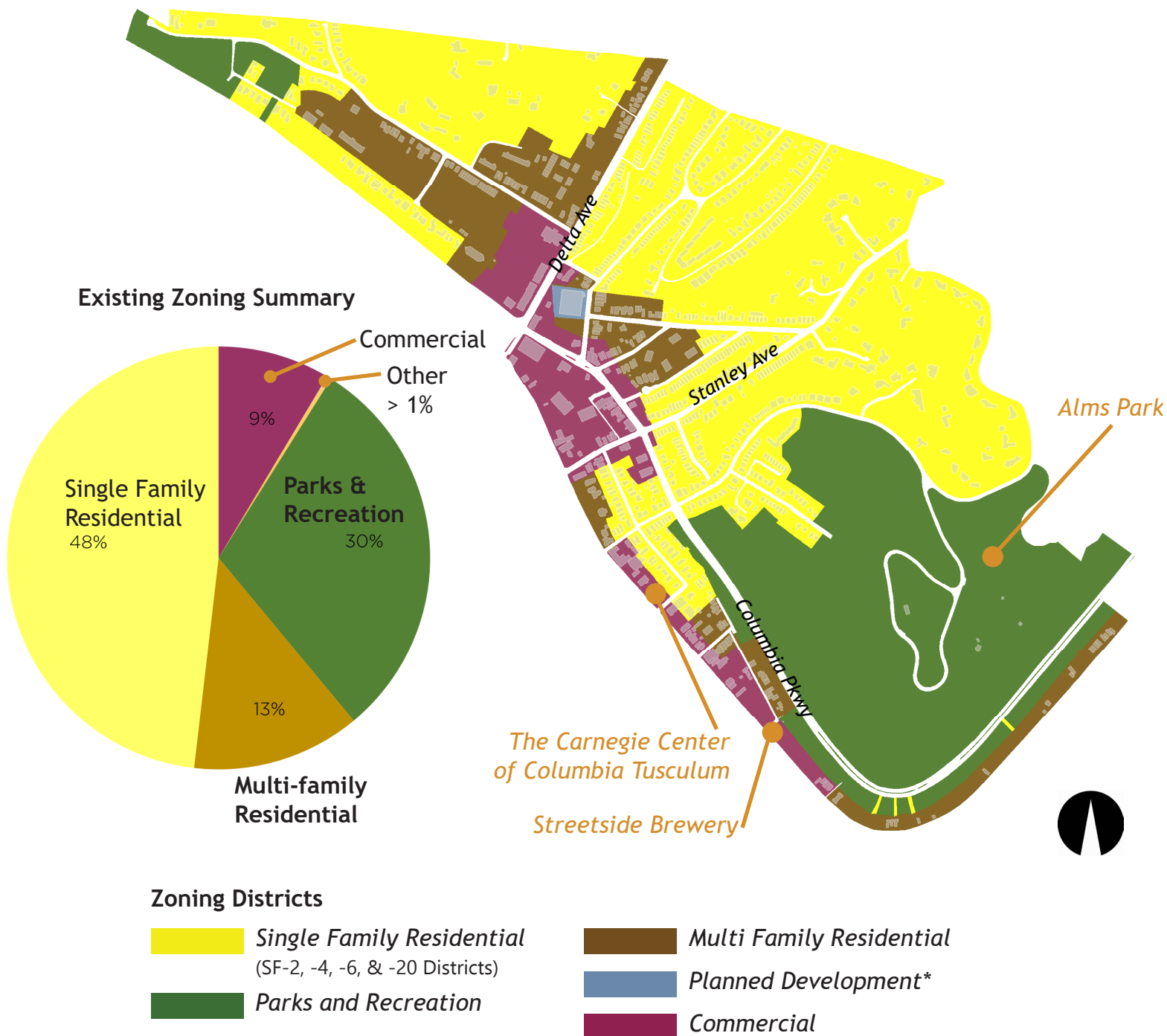
# EXISTING LAND USE

The **existing land use** of Columbia Tusculum may be found on the map below. It is important to note that land use and zoning are different terms. Land use refers to the building and occupancies of the land while zoning highlights the activities and development permitted.



# EXISTING ZONING

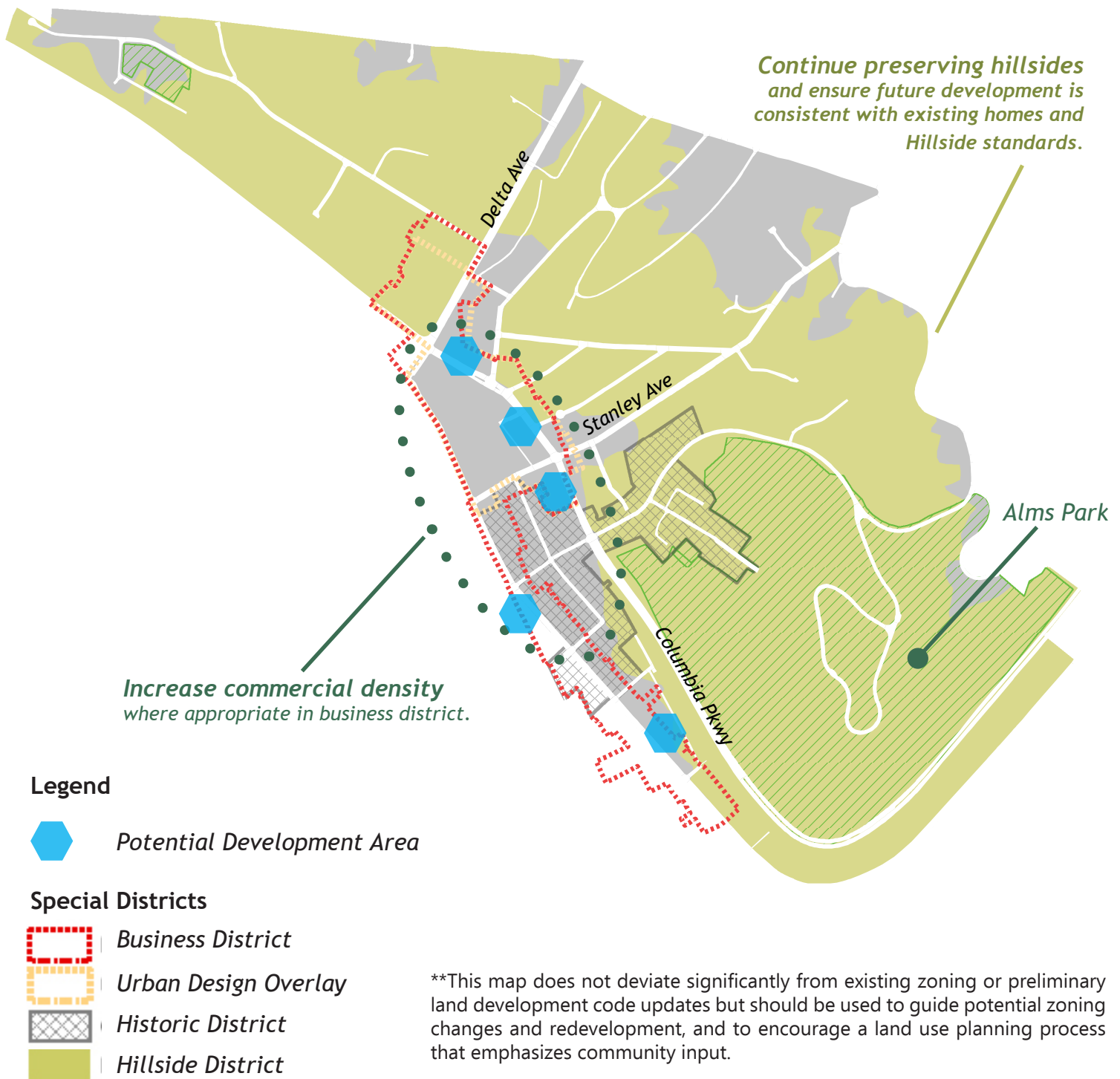
The **existing zoning** of Columbia Tusculum may be found on the map below. The majority of the existing zoning in Columbia Tusculum is single-family, which consists of Single Family SF-2, SF-4, SF-6, and SF-20. The second largest zoning district is Parks and Recreation, with the majority of the space being taken up by the well-known Alms Park.



\*Planned Development means a large, integrated development adhering to a comprehensive site plan and located on a single site (§ 1401-01-P12).

# FUTURE LAND USE

For Columbia Tusculum being one of the smallest neighborhoods in Cincinnati, it has many important districts located within it: an Urban Design Overlay District, Historic District, Hillside Overlay District, and its own Neighborhood Business District. The map below highlights this including possible opportunity areas.



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# CONSISTENCY WITH PLAN CINCINNATI (2012)

**Do You Live CT?** is consistent with all five Initiative Areas of **Plan Cincinnati** - Compete, Connect, Live, Sustain, and Collaborate.

These Initiative Areas align with the Guiding Policy Principles by increasing our population, building on our assets, becoming recognized, being aggressive and strategic in future growth and development, and to develop a culture of health embodied by thriving residents.

## **Compete** | *Be the pivotal economic force of the region.*

Goal to "Foster a climate conducive to growth, investment, stability, and opportunity" (p. 102) and the Strategy to "Pursue new growth and business recruitment efforts in target industries" (p. 108). This plan is additionally consistent with the Goal to "Become nationally and internationally recognized as a vibrant and unique city" (p. 121) through the Strategy to "Promote Cincinnati's lifestyle" (p. 122).

As it states in Plan Cincinnati, "Cincinnati is a special place...our distinctive housing, unique and walkable neighborhoods...Cincinnati can begin to grow into a large city while maintaining the benefits of a smaller community" (p. 122).

## **Connect** | *Bring people and places together.*

Goal to "develop an efficient multi-modal transportation system that supports neighborhood vitality" (p. 129) and the Strategy to "support regional and intercity transportation initiatives" (p. 144).

## **Live** | *Strengthen our magnetic City with energized people.*

Goals to "build a robust public life" (p. 149) and "create a more liveable community" (p. 156) and the Strategies to "develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people" (p. 150), to "become more walkable" (p. 157), to "support and stabilize our neighborhoods" (p. 160).

## **Sustain** | *Steward resources and ensure long-term vitality.*

Goals to "become a healthier Cincinnati" (p. 181) and to "preserve our natural and built environment" (p. 193) with the Strategies to "protect our natural resources" (p. 194) and "preserve our built history" (p. 197).

## **Collaborate** | *Partner to reach our common goals.*

Goal to "Work in Synergy with the Cincinnati Community" through the Strategy to "unite our communities" (p. 210).



# APPENDIX

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    Transportation & Connectivity..... 52

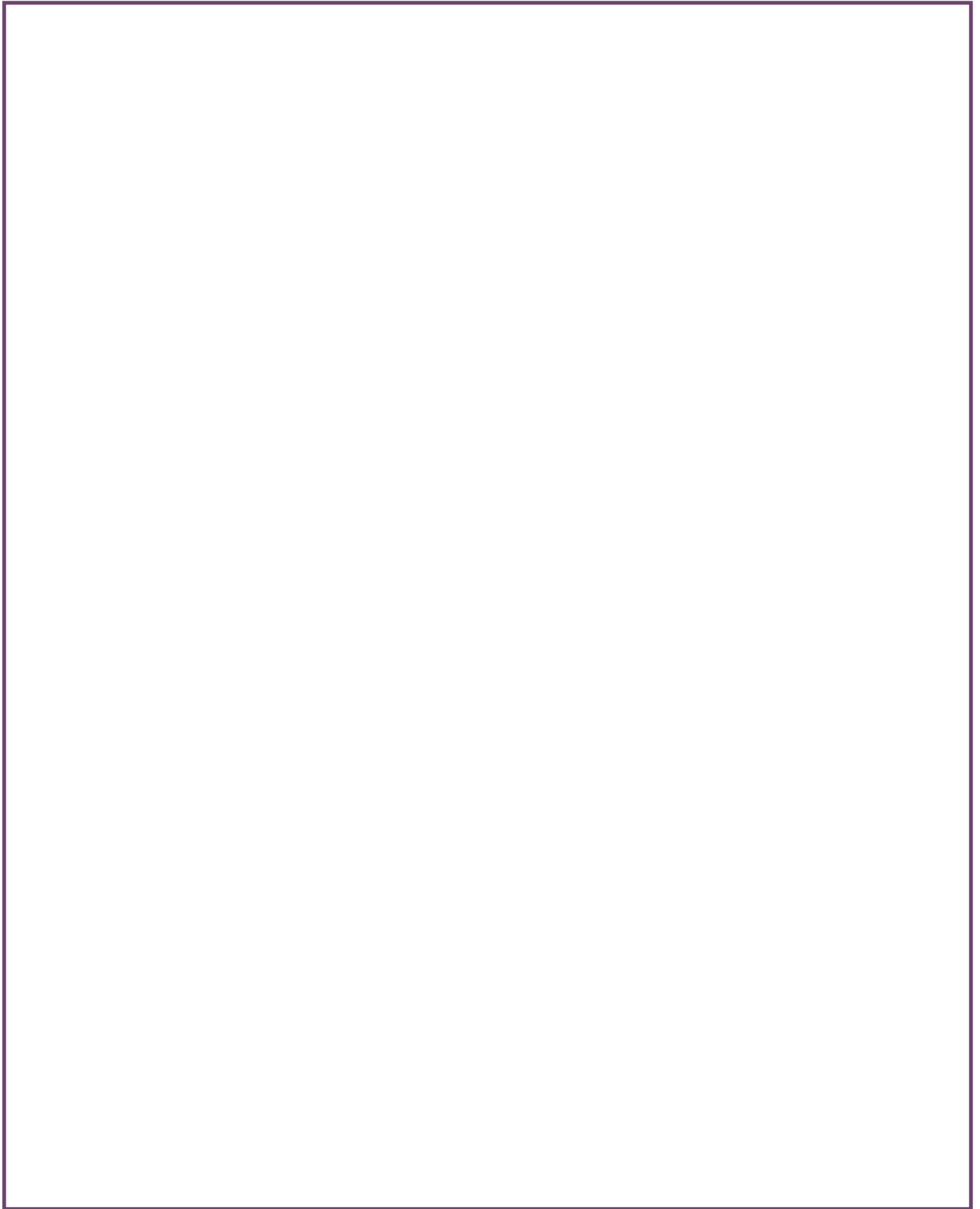
    Housing & Development..... 59

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# ABBREVIATIONS

- B&I** – Department of Buildings and Inspections
- CP** - Cincinnati Parks
- CPAC** - Cincinnati Park Advisory Council
- CPD** – Cincinnati Police Department
- CPS** – Cincinnati Public Schools
- CRC** - City Recreation Commission
- CSR** – Customer Service Request (system)
- CTCC** – Columbia Tusculum Community Council
- DCED** – Department of Community and Economic Development
- DCPE** – Department of City Planning and Engagement
- DPS** – Department of Public Services
- DOT** – Department of Transportation and Engineering
- ODOT** – Ohio Department of Transportation
- OES** – Office of Environment and Sustainability
- OKI** – Ohio Kentucky Indiana Regional Council of Governments
- TST** – Tri-State Trails

# *CITY COUNCIL RESOLUTION*





# IMPLEMENTATION TABLES

## BUSINESS THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
<b>Increase Business Density</b>	<b>Fill Empty Storefronts and prioritize filling of empty lots</b>	Identify anchor businesses and create a map to share with business owners and community members	Medium	3-6 Months	DCED, DCPE, Business Owners, CTCC
		Identify property owners and find out why lots or property is open	Medium	3-6 Months	Hamilton County, DCED, DCPE, Realtors
		Conduct exercises and participatory mechanisms where residents and stakeholders can provide input on priority reinvestment areas	Medium	Ongoing	Business Owners, Residents
		Continue to work with business owners, developers, real estate agencies to enhance and maintain relationships for the good of Columbia Tusculum	High	Ongoing	Business Owners, Residents, Realtors, CTCC
	<b>Encourage a mix of developments within the neighborhood</b>	Analyze existing areas within the neighborhood where multi-use development can occur and where it is appropriate with the permitted land use	High	3-6 Months	DCPE, DCED
		Incentivize energy efficient developments	High	Ongoing	Developers, OES

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
<b>Increase Business Density</b>	<b>Establish and promote clear incentives for redevelopment of certain types of projects</b>	potential of creating Business Improvement Districts (BIDs)	High	2-3 Years	Residents, DCED
		Research existing incentives and resources that could assist property owners or future developers for infill development	Medium	Ongoing	DCED, DCPE, Business Owners, CTCC
		Explore additional development incentives including tax incentives, density bonuses, reduce and alternate parking requirements to attract appropriate and meaningful development	Medium	1-2 Years	Parking Services, DCPE
		Collaborate with the Department of Community and Economic Development to utilize existing incentives such as Tax Increment Financing (TIFs), Community Reinvestment Area Tax Abatements, and Neighborhood Business District Support Grants (NBDSG)	Medium	Ongoing	DCED, CTCC
		Set up a business sub-committee of CT Community Council	Low	1-2 Years	CTCC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Invest in a multi-modal connection between businesses and community members/visitors	Make Columbia Tusculum a unique destination by looking for opportunities to enhance social interaction on foot, bicycle or in vehicles	activities that will continue to make Columbia Tusculum a more attractive community to business, residents, and visitors	High	Ongoing	CTCC, Residents
		Expand partnerships with City Departments, Cincinnati Parks, Carnegie Center, and other visual arts programs or organizations to promote a variety of arts and cultural components	Medium	Ongoing	Parks, CTCC
		Encourage the community council to invest in guerrilla urbanism to help make roads safer for pedestrians and bicyclists	Medium	Ongoing	CTCC
		Continue to sponsor events that bring attention to the neighborhood like the annual Flying Pig Marathon water station, Historic Home Tour, and more	Low	Ongoing	CTCC, City Departments
	Capitalize on proximity to bike trails	Implement more signage to encourage walking/biking	Medium	2-5 Years	City Departments, Tri-State Trails
		Plan out and identify potential opportunities for new trail expansions	Low	1-2 Years	Tri-State Trails, CTCC

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Focus our community on local business programs and certifications	Emphasize the importance of Business Enterprises	Focus on Small Business Enterprises (SBEs)	High	Ongoing	DCED, Business Owners
		Focus on Minority-Owned Business Enterprises (MBEs)	High	Ongoing	DCED, Business Owners
		Focus on Women-Owned Business Enterprises (WBEs)	High	Ongoing	DCED, Business Owners
	Collaborate with different organizations in the City to promote the incentives of existing programs	Continue to promote the Columbia Tusculum Business Association to get more businesses to join	Medium	Ongoing	Business Owners, CTCC
		Promote the City's Small Business Assistance funds (MicroCity Loan and Grow Cincinnati Fund) to encourage expansion within the small business community	Medium	Ongoing	City Departments
Encourage and promote affordability options in businesses	Support creative options in order to attract new businesses, restaurants, and local entrepreneurial efforts	Catalog and identify grants and resources to help offset costs of opening business or remediation of environmental issues	Low	1 Year	Business Owners, DCED, Hamilton County
		Create affordable rent program for small businesses	Low	2-5 Years	City Departments, Hamilton County, State of Ohio

# TRANSPORTATION & CONNECTIVITY THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Capitalize on regional bicycle connections	Promote completion of trails in the vicinity of CT that are identified in adopted or officially recognized trail plans	Identify regional trail network gaps in CT vicinity	High	3-6 Months	OKI, TST
		Identify preferred locations for trail heads, bike rental (Red-Bike), and bike racks, using zone districts to avoid incompatible areas	Medium	1 Year	OKI, TST, CTCC
		Track and report on City/OKI/State trail planning efforts for CT trail advocacy	High	Ongoing	City Departments, OKI, TST, ODOT
		Partner with neighborhood institutions, and public agencies (i.e. Cincinnati Parks, and Recreation) to share underused surface parking lots and locate bike racks	Medium	Ongoing	CP, CRC



Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Capitalize on regional bicycle connections	Promote completion of trails in the vicinity of CT that are identified in adopted or officially recognized trail plans	Invite trail planning and funding agencies (OKI, Green Umbrella/Tri-State Trails...) to CTCC meetings or Transportation Committee working groups to inform CT on proposed routes/plans	Medium	Ongoing	TST, OKI
		Optimally use available parking and commercial zone districts to locate bike amenities	Medium	Ongoing	DCED, DCPE, CTCC
		Submit speed cushion locations	High	Ongoing	CTCC, City Departments
	Partner with DOTE to identify best practices and locations for traffic calming, focusing on pedestrian safety along Columbia Parkway between Tusculum Avenue and Delta Avenue (in the Neighborhood	Contact DOTE-Transportation Planning and Design (TPUD) Street Calming Program to discuss problem areas that may warrant speed bumps/cushions, traffic signs, pavement	Medium	2-3 Years	DOTE

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote pedestrian safety & connectivity throughout the neighborhood	Neighborhood Business District (NBD)).	traffic signs, pavement markings, and other Ped. Safety Program tools			
		Contact DOTE-Traffic Engineering for new or replacement signs, signals, and pavement markings	Medium	Ongoing	DOTe
	Prioritize sidewalk safety and maintenance	Partner with DOTE (Street Rehab Program and Sidewalk Safety Program) to identify and map gaps in sidewalk network	High	1-2 Years	CTCC, DOTE
		Prioritize areas for sidewalk construction and submit requests via the City's Community Budget Request process	High	1 Year	DOTe, City Departments
	Employ a carrot and stick approach to discourage or eliminate truck traffic on one-lane residential streets, such as Morris Place, and direct it to Kellogg	Request DOTE truck traffic management tools and work with local businesses to educate truck drivers on appropriate and efficient travel routes through CT	Medium	Ongoing	DOTe

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote pedestrian safety & connectivity throughout the neighborhood	Promote alternatives to personal gas-powered vehicles including bus ridership, bike share, ride share, electric vehicles (EV) and other alternative transportation modes	Participate in METRO planning studies (CTCC) and widely circulate surveys to residents	Medium	Ongoing	METRO, CTCC, DOTE
		Apply to CNBDU for additional bus stop amenities consistent with existing CT urban streetscape	Medium	Ongoing	City Departments
		Identify optimal Red-Bike station locations in CT (see map for sites to be approved by CTCC) and work with Red-Bike to install	Low	3-6 Months	CTCC, Red Bike
Promote access to quality transportation alternatives and options		Promote group ride share trips to the CBD and other common destinations	Low	Ongoing	CTCC
		Partner with OES to pursue grants for public EV charging stations in CT	Low	Ongoing	OES
		Complete a neighborhood survey to gain insight into residents' transportation preferences. Use this information to			

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Promote access to quality transportation alternatives and options	Explore opportunities to expand connectivity to adjacent neighborhoods	preferences. Use this information to promote neighborhood preferences (could include additional opportunities in bus ridership, bike share, electric vehicles)	Medium	1 Year	City Departments
		Promote trails and paths north of RR tracks to minimize rail crossing	High	Ongoing	TST, OKI
	Coordinate with Planning & Development to encourage future developments to include adequate parking where on-street parking is saturated	Optimally use available parking and commercial zone districts to locate bike amenities	High	Ongoing	City Departments
		Identify funding sources or other resources for urban design and street amenities	High	1-2 Years	City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Maintain and enhance community character while expanding transportation infrastructure	Expand place-making and wayfinding opportunities to complement existing urban design	Photo document and map thoroughfares in need of urban design (e.g.: Eastern Avenue between Delta Avenue and Carrel Street, Stanley Avenue between Kellogg Avenue and Vineyard Place)	Low	6-8 Months	CTCC
		Engage landscape architecture professionals and City resources to create a vision for significant thoroughfares (Eastern, Stanley) and develop streetscape proposals to beautify streets, as well as enhance connectivity and calm traffic	Low	2-5 Years	CTCC
		Consult with Urban Forestry on street tree availability	Low	Ongoing	City Departments
		Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in	Medium	Ongoing	DOT



Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
enhance community character while expanding transportation infrastructure		Apply for CNBDU funding or other sources to fund gateways or wayfinding systems (in conjunction with the Public Space & Community Committee)	Medium	Ongoing	DOTe
		Design, to develop CT identity, gateway or wayfinding concepts that reflect CT community character and compliment or tie into existing systems	Low	2-3 Years	DOTe
	Continue the ongoing maintenance of existing infrastructure	Assemble a neighborhood committee to complete improvements and maintain the railroad tunnel at Congress Avenue & Eastern Avenue	Low	1-2 Years	CTCC
		Report city roadway and sidewalk maintenance issues via FixIt Cincy App or the City 'Contact Us' online portal. Publicize reporting contact information	Medium	Ongoing	DOTe, City Departments

# HOUSING & DEVELOPMENT THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Embrace and promote density in the neighborhood	Provide and increase a full spectrum of housing options and price points	Focus on not just single-family, but also two-family, four-family, and multi-family developments	High	Ongoing	DCPE, DCED, City Departments
	Use the existing development momentum to further spur development activity	Ramp up housing production to catch-up with other regions	Medium	Ongoing	Developers, DCED
		Continue educating residents and promoting progressive trends that correlate with City- and Region-wide goals such as Transit-Oriented Development (TODs), Microneighborhoods, and Placemaking	High	Ongoing	City Departments
	Review existing guidelines and codes to identify potential adjustments	Support the future inclusion of Accessory Dwelling Units (ADUs) into the Cincinnati Zoning Code	High	Ongoing	DCED, DCPE, City Council
		Review the existing conservation guidelines and consider potential changes	Low	2-3 Years	City Departments
Continue embracing Columbia Tusculum's historic roots while welcoming all backgrounds and incomes	Target future residential (or mixed) developments in transit- and amenity-rich locations	Educate neighborhood about existing incentives/assistance for tax abatements, code compliance (to improve existing housing stock/conditions), infill housing, and assisting seniors in staying in their homes or neighborhood	High	Ongoing	Developers, DCED, DCPE, City Departments

# PUBLIC SPACE & COMMUNITY THEME AREA

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/Resources
Foster relationships within the community	Continue building relationships with existing organizations within Columbia Tusculum	Foster relationships specifically with Alms Park Allies, 3 East Business Association, CROWN, Irish Heritage Center of Cincinnati, St. Stephen Catholic Church, and Columbia Baptist	Medium	Ongoing	Alms Park Allies, 3 East Business Association, Irish Heritage Center, Churches
	Focus on programming and events to improve community interactive and communication	Leverage the existing Cincinnati Park Advisory Council (CPAC) for Alms Park improvements and potential programming	Medium	Ongoing	CP, CPAC
		Build a calendar of community-focused neighborhood events to highlight events such as Street Fest, Fall Festival at the Carnegie, Flying Pig and Queen Bee cheer stations, Wine Tasting and Art Show, and more	Low	Ongoing	CTCC
		Share event information on Facebook and in the monthly e-newsletter	High	Ongoing	CTCC, DCPE
Celebrate CT's historic charm		Create a historic maintenance plan for areas and buildings within the Historic District (i.e., period lighting, brick alleys)	Medium	1-2 Years	City Departments
		Consider the use of tax credits for capital projects	High	Ongoing	City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
Celebrate CT's historic charm	Continue ongoing maintenance of existing historic buildings and aesthetic details, as well as find financial support for historic recreation	Consider revisions to the Historic District Conservation Guidelines	Low	2-3 Years	Cincinnati Preservation Association
		Apply for Certified Local Government funding from the State Historic Preservation Office to create self-guided walking tours	Medium	Ongoing	City Departments
		Identify and create a map of unique assets, landmarks, natural features, streetscapes, and patterns of development that distinguish each character area and create a "sense of place"	High	3-6 Months	DCPE
Ensure complete, safe connections within the neighborhood	Ensure continuity and access of sidewalks for a more walkable neighborhood.	Identify missing sidewalk and pedestrian connections and promote ideas to integrate them into the existing pedestrian network	High	1-2 Years	DOT, ODOT, City Departments
		Determine the appropriate funding mechanism and partners for connectivity opportunities	Medium	Ongoing	City Departments
		Connect with Cincinnati Riding or Walking Network (CROWN) regarding the Oasis Trail	Medium	5-10 Years	TST, DOT, City Departments

Goal	Strategy	Action Step	Priority Low, Medium, High	Time Frame Short, Medium, Long	Partners/ Resources
		Gain an understanding of the proposed route/plans and insure the implement of the Transportation & Connections strategies and action steps	Medium	2-5 years	DOT, ODOT, City Departments



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May 10, 2023

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

Dear Members of Council:

We are transmitting herewith a Resolution captioned as follows:

**APPROVING** *Do You Live CT?* as the planning guide for the Columbia Tusculum neighborhood.

The City Planning Commission recommended approval of the neighborhood plan at its May 05, 2023 meeting.

**Summary:**

The Department of City Planning and Engagement, along with the Columbia Tusculum Community Council (CTCC), *Do You Live CT?* steering committee and community members, are pleased to share the result of a two-and-a-half-year planning effort to create their first neighborhood-wide plan for Columbia Tusculum.

The purpose of this neighborhood plan is to establish an innovative direction for the eastern community, update it to 2023 and to plan out the next ten-to-fifteen years for the neighborhood. This plan documents Columbia Tusculum's visions for the future while focusing on four theme areas: Business, Transportation & Connections, Housing & Development, and Public Space & Community.

The City Planning Commission recommended the following on May 05, 2023 to City Council:

Motion to Approve: Ms. Kearney

Ayes:

Ms. Beltran

Mr. Eby

Seconded: Mr. Samad

Ms. Kearney

Mr. Samad

Mr. Stallworth

Mr. Weber

THE CITY PLANNING COMMISSION



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

May 10, 2023

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

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

**Subject:** Emergency Ordinance for the Rezoning of 3701 President Drive in the Villages at Roll Hill

---

Transmitted is an Emergency Ordinance captioned:

**AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 3701 President Drive in the Villages at Roll Hill neighborhood from the SF-2, "Single-family," zoning district to the RM-2.0, "Residential Multi-family," zoning district to facilitate the construction of a community service facility.

The City Planning Commission recommended approval of the zone change at its May 5, 2023 meeting.

**Summary:**

The petitioner, Fay Limited Partnership, requests a zone change located at 3701 President Drive in the Villages at Roll Hill from the SF-2, "Single-family," zoning district to the RM-2.0, "Residential Multi-family," zoning district to facilitate the construction of a new Boys and Girls Club Community Center.

The City Planning Commission recommended the following on May 5, 2023, to City Council:

**APPROVE** the proposed zone change from Single-family (SF-2) to Residential Multi-family (RM-2.0) at 3701 President Drive in the Villages at Roll Hill.

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

May 10, 2023

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

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Motion to Approve: Ms. Kearney

Ayes:

Ms. Beltran

Mr. Eby

Seconded: Mr. Samad

Ms. Kearney

Mr. Samad

Mr. Stallworth

Mr. Weber

THE CITY PLANNING COMMISSION



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

**SUBJECT:** A report and recommendation on a proposed zone change from Single-family (SF-2) to Residential Multi-family (RM-2.0) at 3701 President Drive in the Villages at Roll Hill.

**GENERAL INFORMATION:**

Location: 3701 President Drive, Cincinnati OH, 45225

Petitioner: Craig Abercrombie, Abercrombie & Associates, Inc.

Petitioner's Address: 8111 Cheviot Road, Suite 200, Cincinnati, OH 45247

Property Owner: Fay Limited Partnership

Owner's Address: 7778 East Kemper Road, Cincinnati, OH 45249

**ATTACHMENTS:**

- Exhibit A – Location Map
- Exhibit B – Site Photo
- Exhibit C – Zone Change Application
- Exhibit D – Zone Change Plat
- Exhibit E – Legal Description
- Exhibit F – Coordinated Site Review (CSR) Letter CPRE230003
- Exhibit G – Public Comment

**BACKGROUND:**

The petitioner, Craig Abercrombie, on behalf of property owner Fay Limited Partnership, is requesting a zone change at 3701 President Drive in the Villages at Roll Hill from Single-family (SF-2) to Residential Multi-family (RM-2.0). The subject property is currently occupied by basketball courts and grass fields and is adjacent to the Villages at Roll Hill Community Center, which is a small building that hosts various community functions. The applicant wishes to change the zoning to facilitate the construction of a new Boys and Girls Club Community Center, since the current SF-2 zoning district does not permit a community service use. The new Boys & Girls Club Community Center will be significantly larger than the Villages at Roll Hill Community Center building and will be focused on providing services to area youth, although it will be available for other community functions as well. Following the zone change process, the applicant intends to request Conditional Use approval for a community service facility in RM-2.0 and any other necessary zoning relief. The parcel is not located in a Hillside Overlay District or Local Historic District. The total zone change area measured to the street centerline will be approximately 1.4269 acres after the lot is split from one larger parcel into two through the City's Minor Subdivision process. This project has been submitted for and is currently going through the Minor Subdivision process.

**ADJACENT LAND USE AND ZONING:**

The property is currently zoned Single-family (SF-2) and the proposed RM-2.0 zoning is the same for other adjacent parcels. The zoning and land uses are as follows (also see Exhibit A):

**North:**

Zoning: Residential Multi-family (RM-2.0)

Use: Multi-family buildings



**South:**

Zoning: Single-family (SF-2)

Use: Community center

**East:**

Zoning: Residential Multi-family (RM-2.0)

Use: Multi-family buildings

**West:**

Zoning: Single-family (SF-2)

Use: Single-family homes

**PROPOSED DEVELOPMENT:**

The applicant intends to construct a new Boys & Girls Club Community Center, which will provide daily services for area children and teens. This use has been determined to be a “community service facility” according to the Zoning Code.

**COORDINATED SITE REVIEW:**

The proposed project was reviewed by City departments through the Coordinated Site Review process. No departments had concerns about the proposed project, except to ensure utility coordination. Department comments are included in Exhibit F.

**PUBLIC COMMENT AND NOTIFICATION:**

A virtual Public Staff Conference was held on Tuesday, April 18, 2023 to discuss the proposed zone change. Members of staff from the Department of City Planning and Engagement and the applicant team were present, and four members of the public attended. All public attendees were either in support or did not state a position. Notice of the Public Staff Conference, as well as the May 5, 2023 City Planning Commission meeting, was sent to all property owners within 400 feet of the property, the East Westwood Improvement Association, and South Cumminsville Community Council. The Villages at Roll Hill currently does not have an active community council. There was one letter received in support of the project, which is shown in Exhibit G. The applicant has stated they will be hosting additional engagement events in the Villages at Roll Hill about the project in May 2023.

**CONSISTENCY WITH PLANS:**

*Plan Cincinnati (2012)*

The proposed zone change is consistent with the Live Initiative Area of *Plan Cincinnati (2012)* and the goal to “create a welcoming civic atmosphere” (p. 153), by providing a space where young people can gather and learn in healthy and positive ways.

**CONCLUSION**

The staff of the Department of City Planning and Engagement supports the proposed change in zoning for the following reasons:

1. The proposed zone is consistent with the existing surrounding zoning.
2. The proposed use is consistent with Plan Cincinnati’s Live Initiative Area.
3. The proposed use will benefit the area’s young people and has the support of community members.

**RECOMMENDATION:**

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

**APPROVE** the proposed zone change from Single-family (SF-2) to Residential Multi-family (RM-2.0) at 3701 President Drive in the Villages at Roll Hill.

Respectfully submitted:

Handwritten signature of Andrew Halt in black ink.

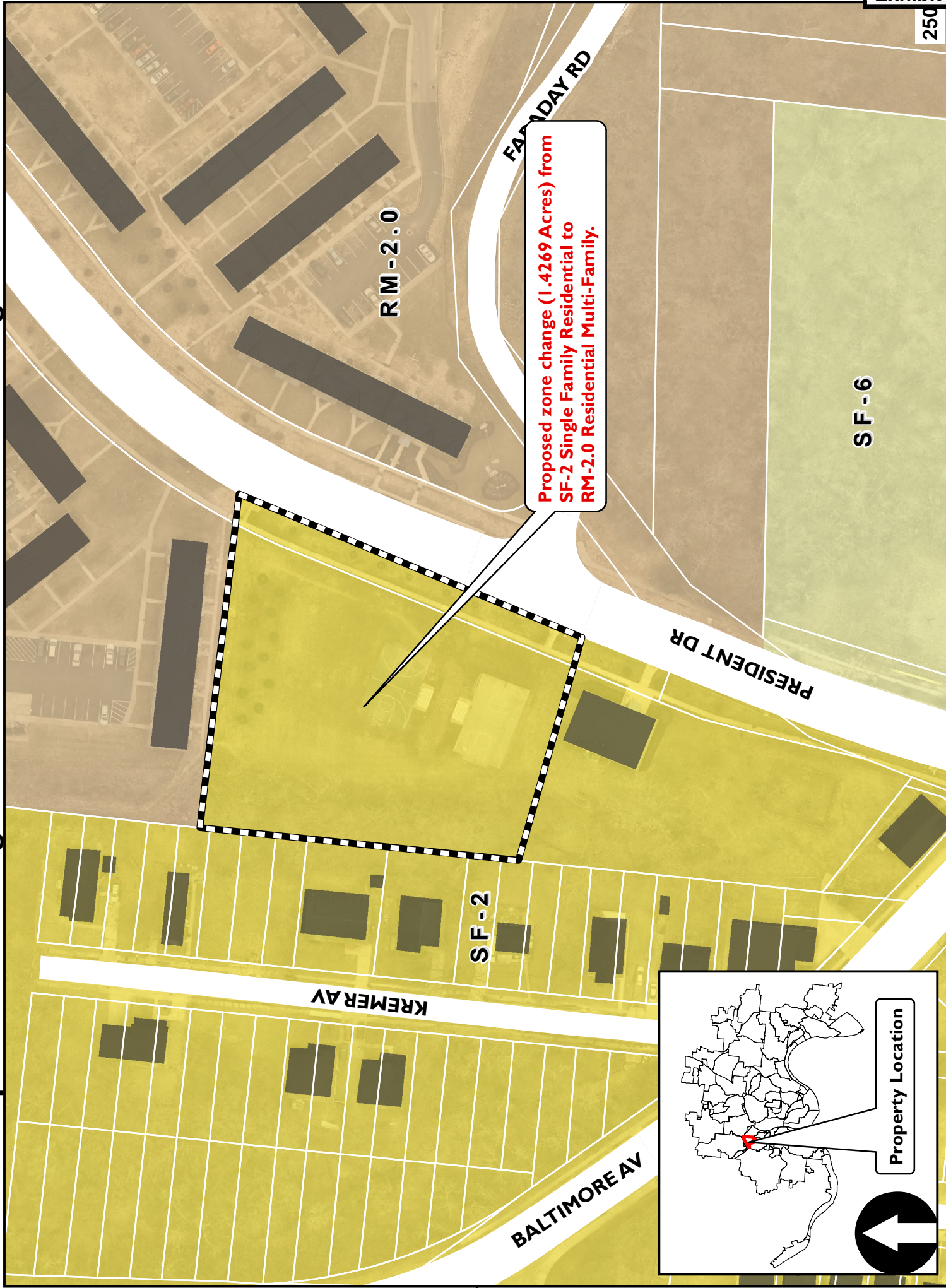
Andrew Halt, AICP, PE (PA), City Planner  
Department of City Planning and Engagement

Approved:

Handwritten signature of Katherine Keough-Jurs in black ink.

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

# Proposed Zone Change at 3701 President Drive in the Villages at Roll Hill



Property Location







**Abercrombie  
& Associates, Inc.**  
Civil Engineering + Surveying

**To:** City of Cincinnati **Attention:** Andrew Halt  
Dept. of City Planning & Engagement  
Two Centennial Plaza  
805 Central Avenue, Suite 720 **Job No.:** 22-0016  
Cincinnati, Ohio 45202 **Date:** 3/29/23

**Ref:** 3701 President Drive

**LETTER OF TRANSMITTAL**

☒ **VIA COURIER**

**We are sending you the following items:**

☒ Prints ☐ Calculations ☐ CD ☒ Check  
☐ Copy of Letter ☒ Legal Description ☒ Application ☐ Other

Copies	Date	Description
2		Petition for Change of Zoning
1		Legal Description
1		Zone Change Plat
1		Check for \$1,500.00

**These are transmitted as checked below:**

☐ As Requested ☐ For Information ☐ For your Approval  
☐ Per Attached ☐ Your Signature ☐ Per Phone Call  
☒ For Review & Comment ☐ At the Request of \_\_\_\_\_

**Remarks:**

If enclosures are not as noted, kindly notify us at once.

**Copy To:** \_\_\_\_\_ **By:** Craig Abercrombie



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

To: The Honorable Council of the City of Cincinnati

Date: 03/28/2023

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the SF-2 Zone District to the RM-2.0 Zone District.

Location of Property (Street Address): 3701 President Drive

Area Contained in Property (Excluding Streets): 1.4269 Ac. (Gross)

1.1277 Ac. (Net)

Present Use of Property: Open Space & Tennis Courts

Proposed Use of Property & Reason for Change: New Community Center for Boys & Girls Club of Greater Cincinnati

Property Owner's Signature: 

Name Typed: Fay Limited Partnership-Brian Hendy

Address: 7778 East Kemper Road, Cincinnati, OH 45249 Phone: 614-552-5945

Agent Signature: 

Name Typed: Fay Limited Partnership-Brian Hendy

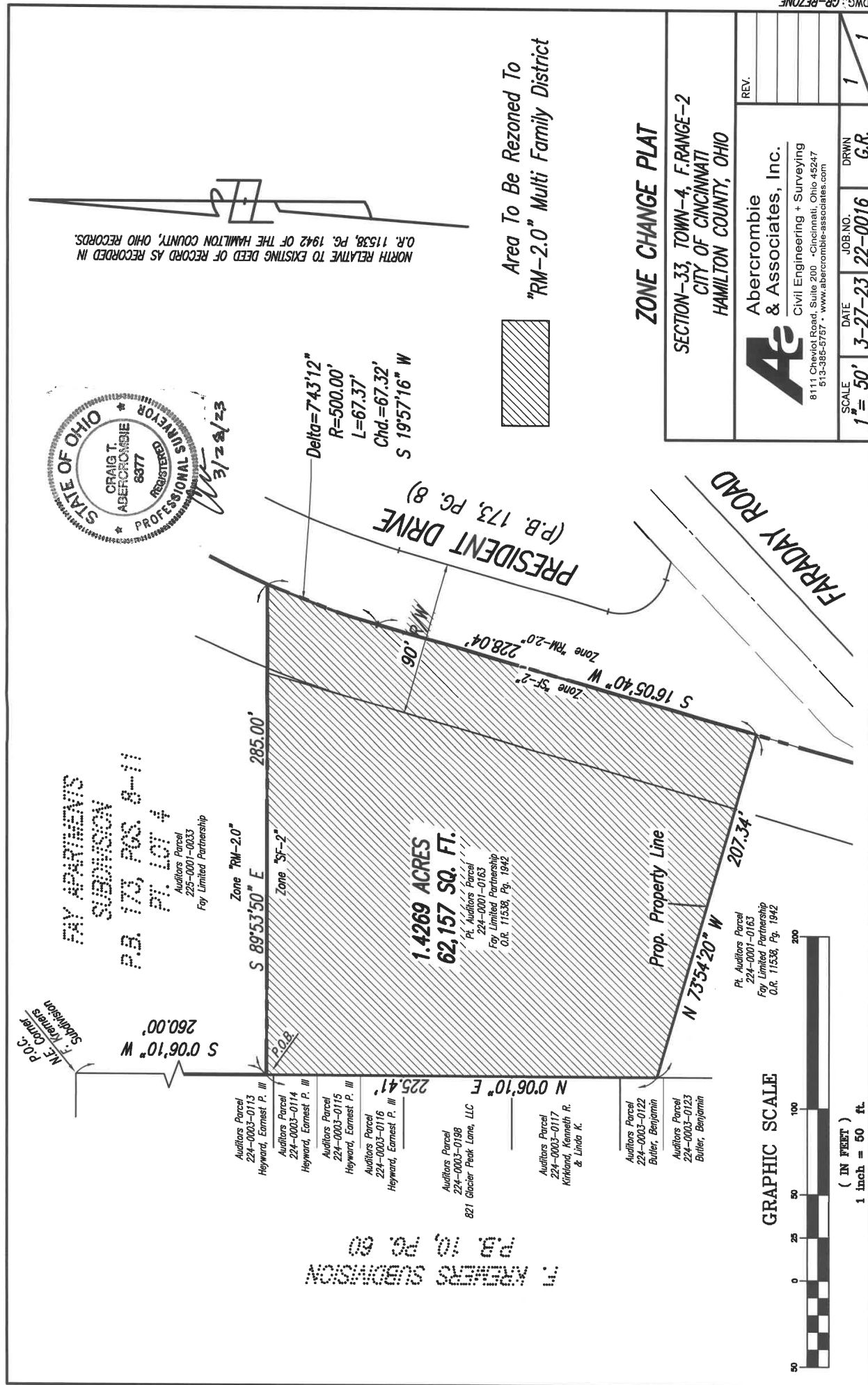
Address: 7778 East Kemper Road, Cincinnati, OH 45249 Phone: 614-552-5945

Please Check if the Following Items are Attached

Application Fee XX

Copies of Plat XX

Copies of Metes and Bounds XX





**Abercrombie  
& Associates, Inc.**

Civil Engineering + Surveying

MARCH 29, 2023

**LEGAL DESCRIPTION  
PARCEL "A"  
1.4269 ACRES**

SITUATE IN SECTION 33, TOWN 3, FRACTIONAL RANGE 2, MILLCREEK TOWNSHIP, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF F. KREMER'S SUBDIVISION AS RECORDED IN PLAT BOOK 10, PAGE 60 OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID F. KREMER'S SUBDIVISION, SOUTH 00°06'10" WEST, 260.00 FEET TO AN EXISTING CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF FAY APARTMENTS SUBDIVISION AS RECORDED IN PLAT BOOK 173, PAGES 8 THRU 11 OF THE HAMILTON COUNTY, OHIO RECORDS AND THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE LEAVING THE EASTERLY LINE OF SAID F. KREMER'S SUBDIVISION, ALONG THE SOUTHERLY LINE OF SAID FAY APARTMENTS SUBDIVISION, SOUTH 89°53'50" EAST, PASSING A SET  $\frac{5}{8}$ " IRON PIN AND CAP (#8377) AT 233.48 FEET, A TOTAL DISTANCE OF 285.00 FEET TO THE CENTERLINE OF PRESIDENT DRIVE (90' RIGHT-OF-WAY);

THENCE WITH THE CENTERLINE OF SAID PRESIDENT DRIVE, SOUTH 16°05'40" WEST, 228.04 FEET TO A POINT;

THENCE LEAVING SAID CENTERLINE OF PRESIDENT DRIVE, ALONG A NEW DIVISION LINE, NORTH 73°54'20" WEST, PASSING A SET  $\frac{5}{8}$ " IRON PIN AND CAP (#8377) AT 45.00 FEET, A TOTAL DISTANCE OF 207.34 FEET TO A SET  $\frac{5}{8}$ " IRON PIN AND CAP (#8377) IN THE EASTERLY LINE OF THE AFOREMENTIONED F. KREMER'S SUBDIVISION;

8111 Cheviot Road • Suite 200 • Cincinnati, Ohio 45247  
Phone: (513) 385-5757 • Fax: (513) 245-5161  
[www.abercrombie-associates.com](http://www.abercrombie-associates.com)

THENCE ALONG THE EASTERLY LINE OF SAID F. KREMER'S SUBDIVISION, NORTH 00°06'10" EAST, 225.41 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 1.4269 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS USED IN THIS LEGAL DESCRIPTION ARE BASED ON OFFICIAL RECORD 11538, PAGE 1942 OF THE HAMILTON COUNTY, OHIO REGISTERED LAND RECORDS.



February 17, 2023

Mr. Nicholas Keyes  
JS Held  
3950 Virginia Avenue  
Cincinnati, Ohio 45227

Re: 3710 President Drive | Boys & Girls Club (D) – **(CPRE230003)** Final Recommendations

Dear Mr. Keyes,

This letter is to inform you that our CSR Advisory-TEAM and CSPRO Committee has reviewed your proposed project at **3710 President Drive** in the Community of East Westwood. It is my understanding that you are proposing to construct a new Boys and Girls Club with parking and utilities. The information provided is the recommendations of the City of Cincinnati and must be followed as you move forward with your project. As a reminder, we will have a **Teams conference call meeting** with you on **February 21, 2022 @ 10 am** to discuss this information. Please see the feedback listed below. Thank you for developing within the City of Cincinnati.

### **City Planning & Engagement – Planning Division**

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

1. **A Zone Change from Single-Family Residential (SF-2) to the adjacent Multi-Family Residential (RM-2.0) will be required for the proposal as it is submitted.**
2. Zone Change Process:
  - Application and plans need to be submitted to the Department of City Planning and Engagement (including \$1500 fee)
  - Staff Conference (3-4 week process)
  - City Planning Commission (4-6 weeks)
  - Equitable Growth & Housing Committee/City Council (4-14 weeks)

#### **Requirements to obtain permits:**

- None

#### **Recommendations:**

1. It is strongly advised that the applicant engages with the East Westwood Improvement Association, the Villages at Roll Hill, and adjacent property owners.
2. Contact information for community councils can be found here: <https://bit.ly/CommunityCouncilContacts>.

#### **Contact:**

- **Andrew Halt** | City Planning | 513-352-4854 | [andrew.halt@cincinnati-oh.gov](mailto:andrew.halt@cincinnati-oh.gov)



## **City Planning & Engagement – Zoning Division**

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

1. The existing SF 2 zoning does not permit a community service (boys/girls club) use. Re-zoning of the site to RM 2.0 would allow for the proposed community service use as a conditional use. Conditional use approval would be needed after re-zoning is approved.
2. If re-zoned to RM 2.0, bufferyard "A" of 10' in width with a 6' tall screen fence is required along the west and south property line of the new parcel- these sides abut an SF zone. The building could be shifted north a few feet to the 5' side setback - to allow for the 10' buffer on the south as surface parking is not allowed in the bufferyard- and still respect the 5' side setback requirement on the north.
3. It appears that the building is less than the 45' height limit of the RM 2.0 district, but confirmation the building height in the area of the gym is needed.
4. The site plan provided shows most of the required information, but more information is needed such as exterior lighting, dumpster/screening, parking lot landscaping, bufferyard etc. to be able to finalize the review of the project.
5. Parking is required at a ratio of one parking space per 100 SF of building. The facility is estimated to be 25,000 SF and thus approximately 250 parking spaces would be required. A variance would be needed as it appears that 28 parking spaces are provided.
6. The signage shown on the east façade drawing would require a size variance as a sign for a non-residential use in a residential zone is limited to 24 SF. The instructional signage above the two doors on the south façade are exempt if less than 6 SF.
7. The proposed 13.6' rear setback requires a 21.4' rear setback variance from the RM 2.0 35' rear setback requirement.

### **Requirements to obtain permits:**

1. Exterior lights are required to be contained within the fixture and not visible from off-site and limited to 20' height above the ground.

### **Recommendations:**

- None

### **Contact:**

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

## **Metropolitan Sewer District (MSD)**

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

- None

### **Requirements to obtain permits:**

1. You may want to contact Rob Franklin at 513-557-7188 or at [rob.franklin@cincinnati-oh.gov](mailto:rob.franklin@cincinnati-oh.gov) for Sewer Availability Extension. Your Availability is good until March 22, 2023.
2. Detention will be reviewed by Jeff Chen at [jeff.chen@cincinnati-oh.gov](mailto:jeff.chen@cincinnati-oh.gov) or 513-244-1357 per Section 303 of the MSD Rules and Regulations. For additional site storm water requirements within the City of Cincinnati, contact the Stormwater Management Utility (SMU) at 513.591.5050.
3. An approved site utility plan will be required for building to receive approved permit.

### **Recommendations**

- None

**Contact:**

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

**Stormwater Management Utility (SMU)**

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

- None

**Requirements to obtain permits:**

1. Detention and Water Quality is required.
2. Use SMU rules, refer to SMU Rules & Regs, Chapter 12 [https://cincinnati-oh.gov/sites/stormwater/assets/File/smu\\_rules\\_and\\_regs\(1\).pdf](https://cincinnati-oh.gov/sites/stormwater/assets/File/smu_rules_and_regs(1).pdf)
3. Submit following documents - detention/water quality calculations, drainage map, detention control structure with elevations, detentions shop drawings (manufacturer drawing)
4. Utility Plan
  - Label all pipes materials.
  - In the public R/W, pipes to be DIP or RCP.
  - Show Top & Invert elevations for all Appurtenances.
  - Show slopes for all pipes.
  - Curb cuts: driveway aprons at min. 5' away from SMU inlets
  - No pipes connections allowed into Public Inlets.
5. Grading Plan
  - Grading must show existing and proposed contours.
  - Impervious surfaces are NOT permitted to drain towards adjacent properties.
  - Contours changes are NOT allowed to push more runoff towards adjacent properties (as compared to pre-development conditions).
  - Runoff from all pavements must be captured and conveyed to the stormwater system. Only 800 sf of pavement may sheet flow to the public R/W.
6. Erosion & Sediment Control Plan is required. Refer to link: <https://cincinnati-oh.gov/stormwater/construction-and-design/standards/sediment-and-erosion-control/>
7. SMU Standards Plans Notes is required. Refer to link: <https://www.cincinnati-oh.gov/stormwater/construction-and-design/standards/smu-standard-plan-notes-april-2022/>
8. As-Built survey is required. SMU will require an As-Built survey at the end of construction. The survey should include the following information:
  - State Plane Coordinates (N,E) for all MH's and Catch Basins
  - Inverts and Top elevations for all MHs and Catch Basins
  - Slopes, sizes, and materials for all storm lines.

**Recommendation:**

- None

**Contact:**

- **Kevin Gold** | SMU | 513-222-3643 | [kevin.gold@cincinnati-oh.gov](mailto:kevin.gold@cincinnati-oh.gov)

## **Water Works**

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

- None

### **Requirements to obtain permits:**

1. Greater Cincinnati Water Works (GCWW) will require a stamped and recorded plat before any building permits are approved or water service branches sold.
2. Each building will need its own water service branch(es).
3. Water service branches are not to cross parcel lines.
4. The backflow preventer will need to be in a heated structure directly behind the meter setting.
5. **The new building will require its separate water service branch(es). The proposed location of the water service branch as shown on the "Grading/Utility Plan" will not be allowed. The location shown is between two main line system valves. The location of the proposed branch needs to be at least 5 feet away from the main line valve or any bends.**
6. The subject development property is receiving water service from the following:

Address	Branch #	Size	Meter #	Size
3691 President Dr.	H-261143	1"	261143	1"

7. If the existing water service branch for this project is not to be used for this development, it must be properly disconnected at the owner's / developer's expense. Owner would be required to fill out the online Discontinuance Form (FOD) at <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/fod/> authorizing removal of any existing water service branch before any new water service can be sold.

### **Recommendations:**

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

### **Contact:**

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

## **Fire Department**

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

1. A site plan is needed showing 2 readily **accessible** Fire Hydrants within 400 feet of all sides of your project.
2. The minimum fire flow requirements for Commercial structures: 2,000 gallons/per/minutes (GPM) @ 20 pressure/per/square inch (psi) (138Kpa).
3. Emergency Responder Bidirectional Antenna radio required in your building.
4. The Site Plan needs to show the location of the FDC and the distance in feet from the closest Fire Hydrant.

### **Requirements to obtain Permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Elton B. Britton** | Fire Dept. | 513-357-7596 | [elton.britton@cincinnati-oh.gov](mailto:elton.britton@cincinnati-oh.gov)

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

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

- None

**Requirements to obtain permits:**

1. Commercial waste, including construction and demolition debris, generated during this development project must utilize a City franchised commercial waste collection service per Cincinnati Municipal Code Chapter 730. Additional information can be found at <https://www.cincinnati-oh.gov/oes/commercial-waste-hauler-program/>.
2. If offsite sourced fill is to be placed onsite, then it must receive OES environmental approval when it exceeds 500 cubic yards as per City Municipal Code Chapters 1101 and 1031.

**Recommendations:**

1. The following recommendation is based on State of Ohio requirements:
  - a. Due to the age of the existing site building, asbestos, lead based paint, and other hazardous building materials should be surveyed and, if needed, abatement should be conducted following all applicable state regulations prior to its demolition.
2. The following recommendations are based on adopted City of Cincinnati environmental and sustainability policies:
  - a. The development goal should be to earn at a minimum the LEED Certified rating level.
  - b. Rooftop solar should be considered in the design as a renewable energy source.
  - c. Site parking should include electric vehicle charging stations.
  - d. Site areas designated for trash dumpsters should also have at least equal space designated for recycling dumpsters.
  - e. The use of trees in the landscape design should be included to enhance urban forestry.
  - f. The use of pervious surfaces should be maximized to the extent practical in the design.

**Contact:**

- **Amanda Testerman** | OES | 513-352-5310 | [amanda.testerman@cincinnati-oh.gov](mailto:amanda.testerman@cincinnati-oh.gov)

**Parks Department (Urban Forestry)**

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

- None

**Requirements to obtain permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Matt Dickman** | Urban Forestry | 513-861-9070 | [matt.dickman@cincinnati-oh.gov](mailto:matt.dickman@cincinnati-oh.gov)

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

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

- None

### **Requirements to obtain permits:**

1. Provide City DOTE standard concrete driveway apron. Driveway is to meet proper clearance requirements.
2. Curb ramp is required on west side of President Dr. If it is to be relocated, a corresponding ramp is required on the east side too.
3. All work in the public right-of-way will require a separate DOTE permit.
4. The assigned address for the proposed Boys & Girls Club will be 3701 President Drive. This is the address that should be used for all permits, licenses, marketing, etc. Once constructed, the address number must be posted and visible from the street. Contact DTEaddress@cincinnati-oh.gov with any questions.

### **Recommendations:**

- None

### **Contact:**

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

## **Buildings & Inspections – Buildings**

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

- None

### **Requirements to obtain permits:**

1. Each existing structure will require a wrecking permit.
2. the proposed grading cannot extend beyond the property lines.
3. Exterior wall ratings must conform to OBC Table 602.

### **Recommendations:**

- None

### **Contact:**

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

## **Law Department**

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

1. No comment at this time.

### **Requirements to obtain permits:**

- None

### **Recommendations:**

- None

### **Contact:**

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



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

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

- None

#### **Requirements to obtain permits:**

- None

#### **Recommendations:**

- None

#### **Contact:**

- **Robert Bertsch** | DCED | 513-352-3773 | [robert.bertsch@cincinnati-oh.gov](mailto:robert.bertsch@cincinnati-oh.gov)

### **Health Department**

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

- None

#### **Requirements to obtain permits:**

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

#### **Recommendations:**

- None

#### **Contact:**

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

### **Police Department**

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

- None currently.

#### **Requirements to obtain permits:**

- No comments.

#### **Recommendations:**

- None

#### **Contact:**

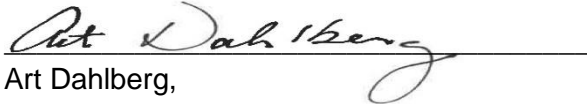
- **Katalin Howard** | Police Dept. | 513-352-3298 | [katalin.howard@cincinnati-oh.gov](mailto:katalin.howard@cincinnati-oh.gov)
- **Brandon Kyle** | Police Dept. | 513-564-1870 | [brandon.kyle@cincinnati-oh.gov](mailto:brandon.kyle@cincinnati-oh.gov)

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FINAL ACTION: The CSR Advisory-TEAM and CSPRO Committee believes that the proposed project plans are moving in the appropriate direction and recommends that the project move forward to the City Planning Commission subject to the following condition.

- **The subject development must follow the requirements listed above to ensure that the development meets the requirements of all agencies as they apply for all permits.**

Sincerely,



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

AD:RDR:hs



Rodney D. Ringer,  
Development Manager

**Halt, Andrew**

---

**From:** Linda Kirkland <kirk4760@gmail.com>  
**Sent:** Tuesday, April 11, 2023 9:02 AM  
**To:** Halt, Andrew  
**Subject:** [External Email] Boys and Girl's Club at Villages at Roll Hill

You don't often get email from kirk4760@gmail.com. [Learn why this is important](#)

**External Email Communication**

I received a letter regarding a meeting for proposed zone change in order to build the Boys and Girls Club. I was very sad when the plans for it were stopped after hearing details about it being built. I have lived in the community for over 25 years and raised children here. Now my grandchildren live in this community. The children in this neighborhood really need a positive place to gather for social, physical and emotional support.

I will not be participating in the Zoom meeting and appreciate the opportunity to send you my comments by email. I am very glad to hear the plans for the Club are moving forward with this meeting. I am in full support of the Boys and Girls Club being built.

Thank you for your time.

Linda Kirkland

## **EMERGENCY**

**CHM**

**- 2023**

**AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 3701 President Drive in the Villages at Roll Hill neighborhood from the SF-2, “Single-family,” zoning district to the RM-2.0, “Residential Multi-family,” zoning district to facilitate the construction of a community service facility.

WHEREAS, Fay Limited Partnership, an Ohio limited partnership (“Petitioner”), has petitioned to rezone certain real property located at 3701 President Drive in the Villages at Roll Hill neighborhood (“Property”) from the SF-2, “Single-family,” zoning district to the RM-2.0, “Residential Multi-family,” zoning district; and

WHEREAS, the Petitioner desires to facilitate the construction of a new Boys and Girls Club Community Center on the Property; and

WHEREAS, a zone change is necessary to permit the community service facility use of the Property because the current SF-2, “Single-family,” zoning district does not permit community service facility uses; and

WHEREAS, the proposed zone change from the SF-2, “Single-family,” zoning district to the RM-2.0, “Residential Multi-family,” zoning district would allow for the Property to be developed and used in a manner that is consistent with its existing use for recreation and community services; and

WHEREAS, the proposed zone change is consistent with Plan Cincinnati (2012), including the goal to “create a welcoming civic atmosphere” as described on page 153; and

WHEREAS, at its regularly scheduled meeting on May 5, 2023, the City Planning Commission determined that the proposed zone change is in the interest of the public’s health, safety, morals, and general welfare, and it recommended rezoning the Property from the SF-2, “Single-family,” zoning district to the RM-2.0, “Residential Multi-family,” zoning district; and

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

WHEREAS, the Council resolves to rezone the Property from the SF-2, “Single-family,” zoning district to the RM-2.0, “Residential Multi-family,” zoning district, finding it to be in the interest of the public’s health, safety, morals, and general welfare; now, therefore,

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

Section 1. That the shape and area of the City of Cincinnati's official zoning map in the location of the real property located at 3701 President Drive in the Villages at Roll Hill neighborhood, shown on the map attached hereto as Attachment "A" and incorporated herein by reference, and being more particularly described on the legal description contained in Attachment "B" attached hereto and incorporated herein by reference, is hereby amended from the SF-2, "Single-family," zoning district to the RM-2.0, "Residential Multi-family," zoning district.

Section 2. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the petitioner to proceed with its redevelopment plans so that the City may receive and enjoy the corresponding benefits of the new community service facility at the earliest possible date.

Passed: \_\_\_\_\_, 2023

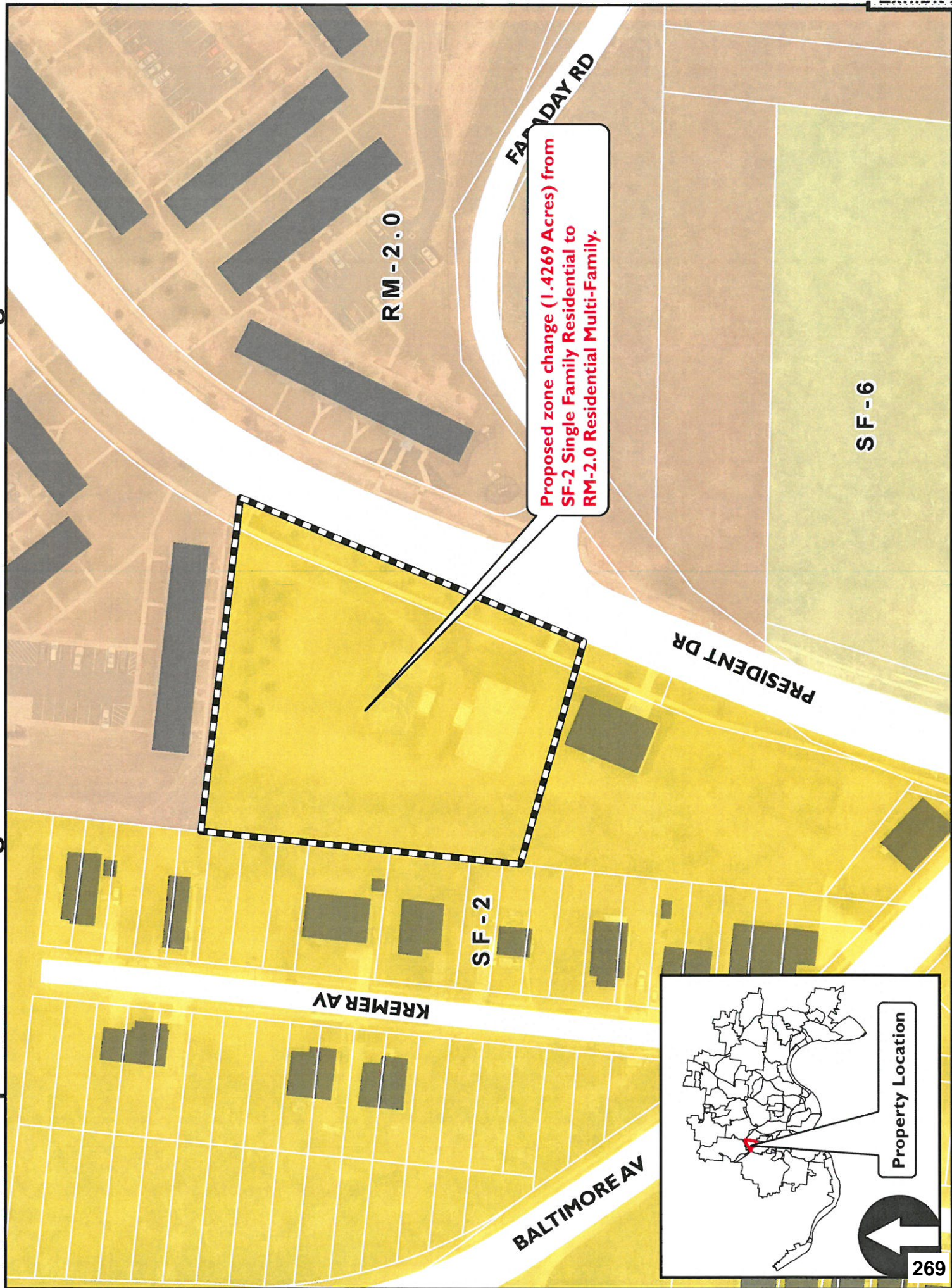
\_\_\_\_\_  
Aftab Pureval, Mayor

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



ATTACHMENT A

# Proposed Zone Change at 3701 President Drive in the Villages at Roll Hill



ATTACHMENT B





**Abercrombie  
& Associates, Inc.**

Civil Engineering + Surveying

MARCH 29, 2023

**LEGAL DESCRIPTION**

**PARCEL "A"**

**1.4269 ACRES**

SITUATE IN SECTION 33, TOWN 3, FRACTIONAL RANGE 2, MILLCREEK TOWNSHIP, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF F. KREMER'S SUBDIVISION AS RECORDED IN PLAT BOOK 10, PAGE 60 OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID F. KREMER'S SUBDIVISION, SOUTH 00°06'10" WEST, 260.00 FEET TO AN EXISTING CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF FAY APARTMENTS SUBDIVISION AS RECORDED IN PLAT BOOK 173, PAGES 8 THRU 11 OF THE HAMILTON COUNTY, OHIO RECORDS AND THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE LEAVING THE EASTERLY LINE OF SAID F. KREMER'S SUBDIVISION, ALONG THE SOUTHERLY LINE OF SAID FAY APARTMENTS SUBDIVISION, SOUTH 89°53'50" EAST, PASSING A SET 5/8" IRON PIN AND CAP (#8377) AT 233.48 FEET, A TOTAL DISTANCE OF 285.00 FEET TO THE CENTERLINE OF PRESIDENT DRIVE (90' RIGHT-OF-WAY);

THENCE WITH THE CENTERLINE OF SAID PRESIDENT DRIVE, SOUTH 16°05'40" WEST, 228.04 FEET TO A POINT;

THENCE LEAVING SAID CENTERLINE OF PRESIDENT DRIVE, ALONG A NEW DIVISION LINE, NORTH 73°54'20" WEST, PASSING A SET 5/8" IRON PIN AND CAP (#8377) AT 45.00 FEET, A TOTAL DISTANCE OF 207.34 FEET TO A SET 5/8" IRON PIN AND CAP (#8377) IN THE EASTERLY LINE OF THE AFOREMENTIONED F. KREMER'S SUBDIVISION;

8111 Cheviot Road • Suite 200 • Cincinnati, Ohio 45247

Phone: (513) 385-5757 • Fax: (513) 245-5161

[www.abercrombie-associates.com](http://www.abercrombie-associates.com)

THENCE ALONG THE EASTERLY LINE OF SAID F. KREMER'S SUBDIVISION, NORTH 00°06'10" EAST, 225.41 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 1.4269 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS USED IN THIS LEGAL DESCRIPTION ARE BASED ON OFFICIAL RECORD 11538, PAGE 1942 OF THE HAMILTON COUNTY, OHIO REGISTERED LAND RECORDS.



**May 10, 2023**

202301358

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

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

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

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Attached is an Emergency Ordinance captioned:

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

#### **BACKGROUND/CURRENT CONDITIONS**

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

#### **DEVELOPER INFORMATION**

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

**RECOMMENDATION**

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

Attachment: Project Outline

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

# Project Outline

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

## Project Image



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

## **EMERGENCY**

**EVK**

**- 2023**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

Section 2. That Council authorizes the City Manager:

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

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

Passed: \_\_\_\_\_, 2023

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

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

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

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

Recitals:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

Section 11. Small Business Enterprise Program.

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

(i) Including qualified SBEs on solicitation lists.

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

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

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

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

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

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

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

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

Section 13. Job Creation and Retention.

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

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

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

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

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

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

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

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

Section 18. Revocation.

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

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

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

Section 19. False Statements; Penalties; Material Representations.

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

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

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

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

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



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

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

To the City:

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

To the Company:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 36. Wage Enforcement.

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF CINCINNATI,  
an Ohio municipal corporation

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

By: \_\_\_\_\_  
Sheryl M. M. Long, City Manager

Date: \_\_\_\_\_, 2023

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

Authorized by resolution dated \_\_\_\_\_

Approved as to Form:

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

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

Fund/Code: \_\_\_\_\_

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

By: \_\_\_\_\_  
Karen Alder, City Finance Director

## Exhibit A to CRA Agreement

### LEGAL DESCRIPTION OF PROPERTY

**Property Address:** 3005 Vandercar Way, Cincinnati, Ohio 45209

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

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

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

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

Containing 65,259 Square Feet or 1.4981 Acres.

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

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



**Exhibit B to CRA Agreement**  
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

## APPLICATION FOR COMMERCIAL TAX ABATEMENT

### CITY OF CINCINNATI COMMUNITY REINVESTMENT AREA



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

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

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

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

### SECTION I – Applicant/Project Information

#### **Applicant Information:**

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

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

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

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

Federal Tax ID #(s): 8-4325694

Applicant Contact Person: Doug Steinke Title: Member

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

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

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

City of Cincinnati Neighborhood: Oakley Station

Is any other financial assistance being requested from the City of Cincinnati for this project? ☐ Yes ☒ No

If yes, please indicate the Development Analyst with whom you are working:

**Space/Units to be constructed/renovated:**

Construction Type: ☒ New Construction ☐ Renovation  
What percentage of the existing structure is currently occupied: \_\_\_\_\_ %

Total sqft/units to be constructed/renovated:

Commercial: 71,000 (sqft) Office: \_\_\_\_\_ (sqft) Industrial: \_\_\_\_\_ (sqft)  
Residential: \_\_\_\_\_ (sqft) Residential: \_\_\_\_\_ (# of units)

**Project Type:**

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

☒ Yes 15 % ☐ No

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

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

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

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

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

**General Project Information:**

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

Description of the project:

117 Room Marriott Hotel

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Have developed 20 hotel over the last 27 years.

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

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

If Commercial or Industrial, state the nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site: total/average NAES Code 7111

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

*not* Oakley Community Council.

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

## SECTION II – Job Creation/Retention

### **Job Creation and Retention:**

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

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

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

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

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

Address of Other Location(s): N/A

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

Address of Other Location(s): \_\_\_\_\_

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

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

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

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

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

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

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

Full-Time Equivalent 18-22 employees (Total); total annual payroll \$850,000  
During the first twelve months of the agreement: 3 positions  
During the second twelve months of the agreement: 15 additional positions  
During the third twelve months of the agreement: 3-4 additional positions  
Temporary Construction 200 jobs; total annual payroll \$3,000,000  
Length of Construction Period: 18 months

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

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

Hotel Management, Sales, Maintenance & Housekeepers

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

### SECTION III – Project Investment

**Real Estate Investment:**

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

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

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

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

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

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



**Other Investment**Investment in Machinery & Equipment (M&E) at the Property: \$ N/AInvestment in Furniture, Fixtures, and Equipment (FF&E) at the Property: \$ 2,000,000

Other Investment: \$ \_\_\_\_\_

Description of Other Investment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_**SECTION IV – Applicant Certifications**

Does the property owner owe:

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

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

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

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

Please initial that you have read the above. X DS**Project Completion:**

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

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

X DS

**Additional Certifications by Applicant:**

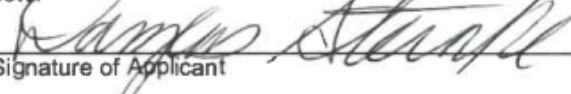
- o The Applicant acknowledges that the property is **Not Eligible** for tax exemption if construction activities are commenced prior to the execution of a Community Reinvestment Area Tax Exemption Agreement between the Applicant and the City. No agreement may be executed by the City without prior approval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

Please initial that you have read the above. X DS

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

Please initial that you have read the above. X DS

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

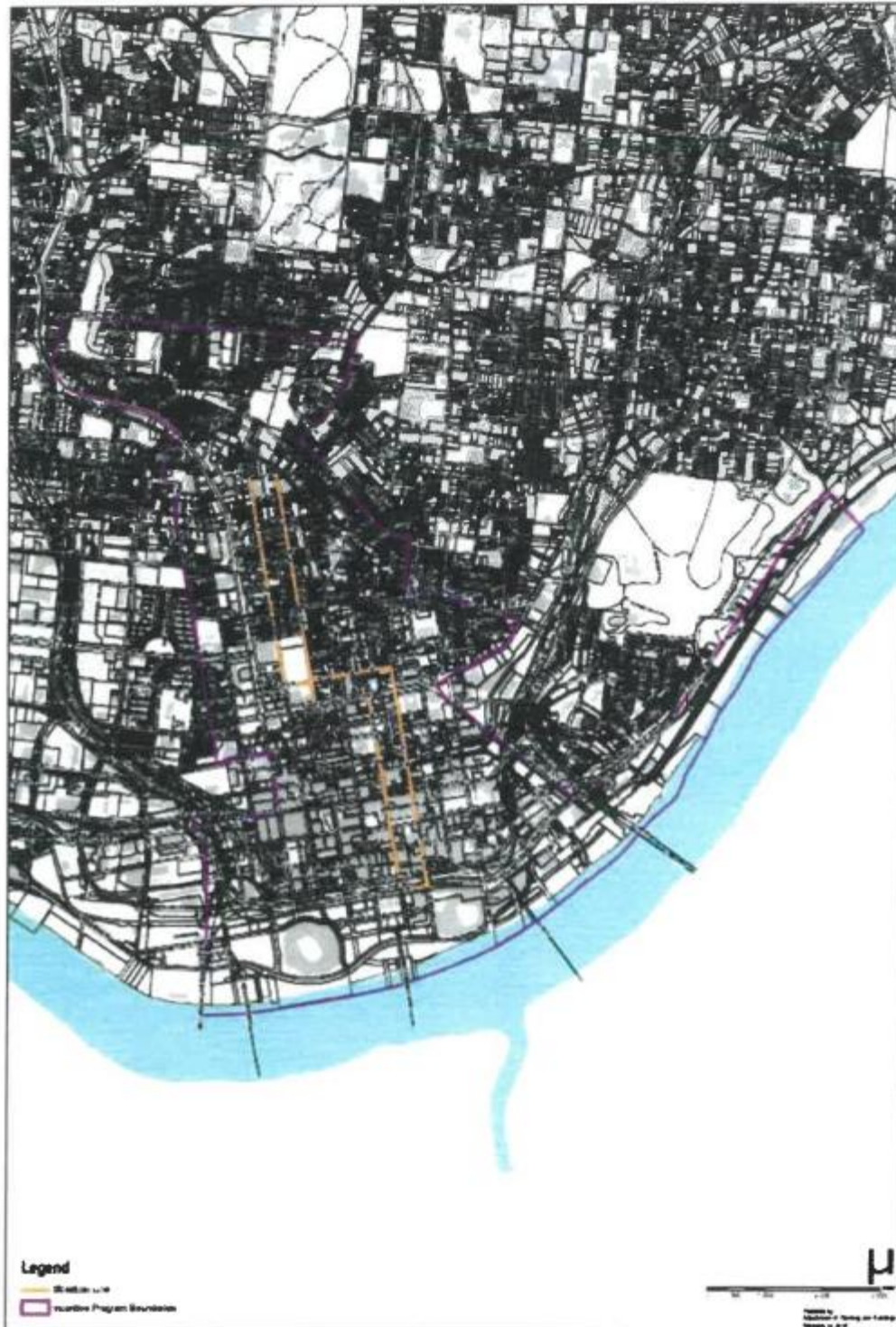
	<u>12-29-22</u>
Signature of Applicant	Date
Douglas L. Steinke	Member
Printed Name	Title (if signed as officer)

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

**Send Completed Application to:**

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

## STREETCAR VTICA AREA





## Small Business Enterprise (SBE) Utilization Plan

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

**Project Name:** Marriott Oakley

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

  
Signature of Authorized Representative

12-24-22  
Date

\_\_\_\_\_  
Community & Economic Development Approval

\_\_\_\_\_  
Date



**May 10, 2023**

202301359

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

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

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

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Attached is an Emergency Ordinance captioned:

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

#### **BACKGROUND/CURRENT CONDITIONS**

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

#### **DEVELOPER INFORMATION**

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

**RECOMMENDATION**

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

Attachment: Project Outline

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

# Project Outline

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

## Project Image



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

## EMERGENCY

EVK

- 2023

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

Section 2. That Council authorizes the City Manager:

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

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

Passed: \_\_\_\_\_, 2023

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

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

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

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

Recitals:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

Section 11. Business Enterprise Program.

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

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

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

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

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

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

Section 13. Job Creation and Retention.

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

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

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

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

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

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

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

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

Section 18. Revocation.

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

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

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

Section 19. False Statements; Penalties; Material Representations.

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

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

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

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

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

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

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

To the City:

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

To the Company:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

Section 36. Wage Enforcement.

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF CINCINNATI,  
an Ohio municipal corporation

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

By: \_\_\_\_\_  
Sheryl M. M. Long, City Manager

Date: \_\_\_\_\_, 2023

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

Authorized by resolution dated \_\_\_\_\_

Approved as to Form:

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

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

Fund/Code: \_\_\_\_\_

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

By: \_\_\_\_\_  
Karen Alder, City Finance Director

**Exhibit A to CRA Agreement**

**LEGAL DESCRIPTION OF PROPERTY**

**Property Address:** 2910 Disney Street, Cincinnati, Ohio 45209

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

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

**Exhibit B to CRA Agreement**  
**APPLICATION FOR TAX EXEMPTION**

TO BE ATTACHED



May 10, 2023

202301360

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

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

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

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Attached is an Emergency Ordinance captioned:

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

### **BACKGROUND/CURRENT CONDITIONS**

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

### **DEVELOPER INFORMATION**

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

**RECOMMENDATION**

The Administration recommends approval of this Emergency Ordinance.

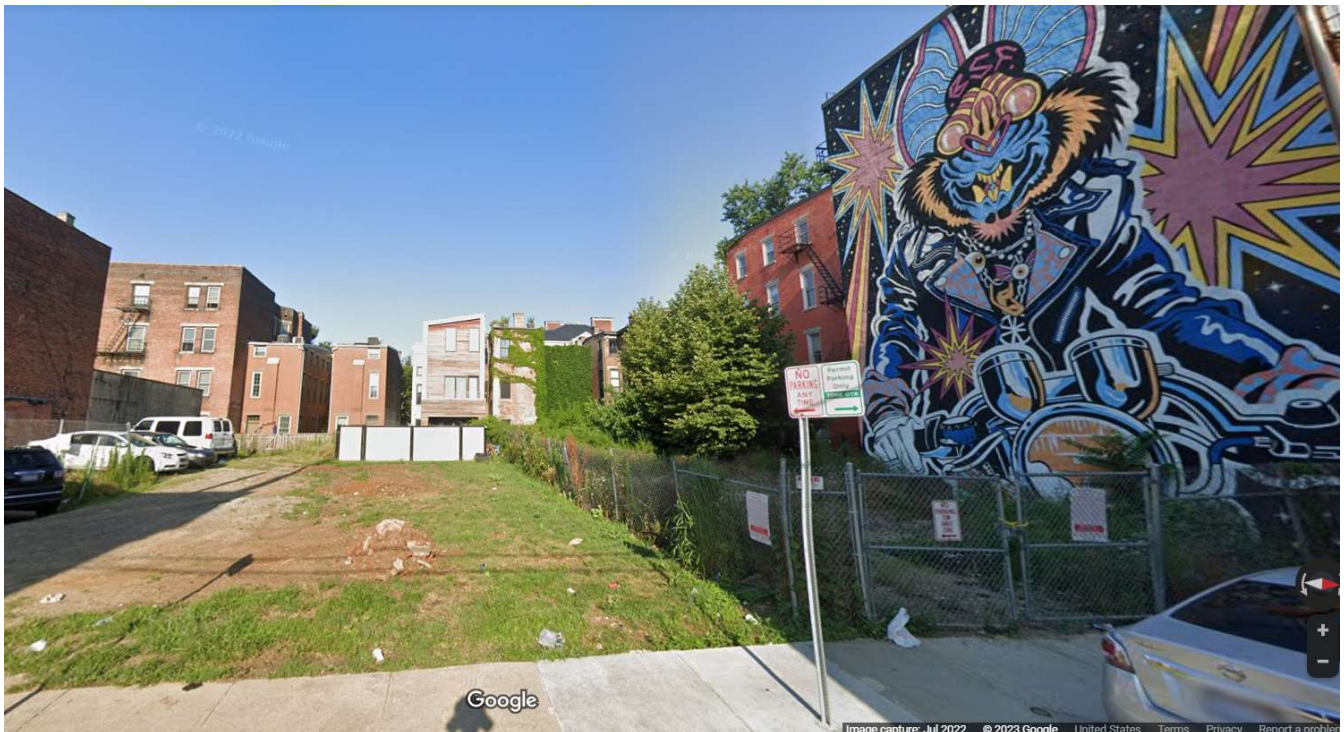
Attachment: Project Outline

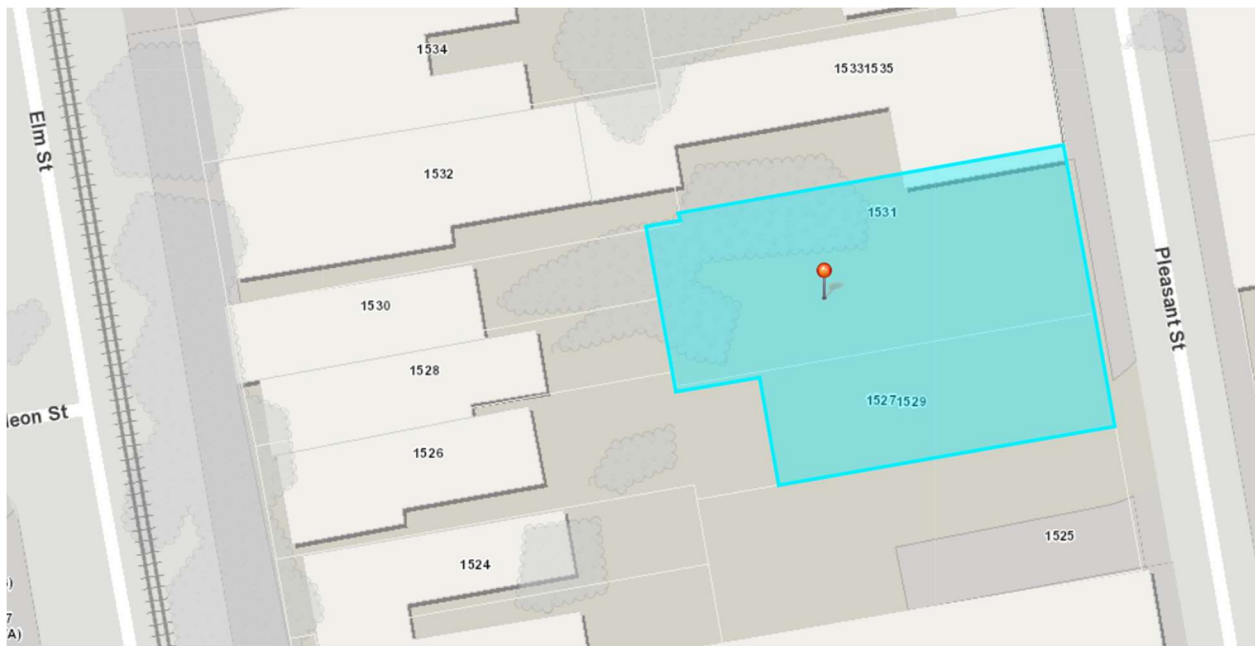
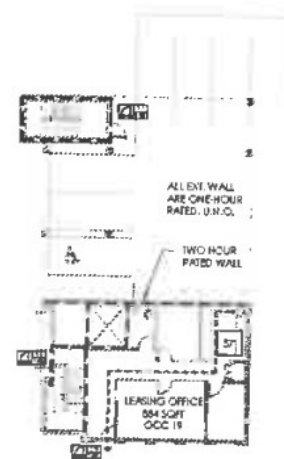
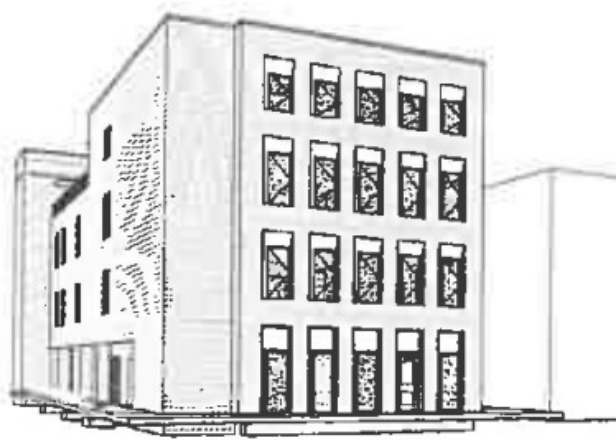
Copy: Markiea L. Carter, Director, Department of Community & Economic Development

# Project Outline

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

## Project Images and Site Map





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

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

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

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



## **EMERGENCY**

SSB

- 2023

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. That Council authorizes the City Manager:

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

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

Passed: \_\_\_\_\_, 2023

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

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

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

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

Recitals:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

Section 11. Small Business Enterprise Program.<sup>1</sup>

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

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources.

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

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

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

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

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

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

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

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

Section 13. Job Creation and Retention.

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

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

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

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

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

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

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

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

Section 18. Revocation.

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

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

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

Section 19. False Statements; Penalties; Material Representations.

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

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

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

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

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

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

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

To the City:

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

To the Company:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

Section 36. Wage Enforcement.

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF CINCINNATI,  
an Ohio municipal corporation

PLEASANT CAKE LLC,  
an Ohio limited liability company

By: \_\_\_\_\_  
Sheryl M. M. Long, City Manager

Date: \_\_\_\_\_, 2023

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

Authorized by resolution dated \_\_\_\_\_

Approved as to Form:

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

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

Fund/Code: \_\_\_\_\_

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

By: \_\_\_\_\_  
Karen Alder, City Finance Director

**Exhibit A to CRA Agreement**

LEGAL DESCRIPTION OF PROPERTY

**Address: 1527-1531 Pleasant Street, Cincinnati, Ohio 45202**

**Parcel ID No.: 081-0002-0619-00**

SITUATE IN SECTION 18, TOWN 4, FRACTIONAL RANGE 1, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO BEING PART OF OUTLOT 49 AS SHOWN ON THE PLAN OF SAID CITY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF FIFTEEN STREET WITH THE WESTERLY LINE OF PLEASANT STREET; THENCE ALONG THE WESTERLY RIGHT OF WAY OF PLEASANT STREET, NORTH 16°30'00" WEST, 220.50 FEET TO THE NORTHEAST CORNER OF THE PROPERTY AS CONVEYED TO THE SYCAMORE HAMMOND REALTY CORP IN DEED BOOK 5996, PAGE 1358 OF THE HAMILTON COUNTY, OHIO RECORDS AND THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT, BEING WITNESSED BY A SET CROSS NOTCH, WHICH BEARS NORTH 73°54'00" EAST, 5.00 FEET; THENCE LEAVING THE WESTERLY RIGHT OF WAY OF PLEASANT STREET, ALONG THE NORTHERLY LINE OF SAID SYCAMORE HAMMOND REALTY CORP TRACT, THE FOLLOWING THREE COURSES AND DISTANCES, SOUTH 73°54'00" WEST, 20.00 FEET TO A POINT; THENCE NORTH 16°30'00" WEST, 0.08 FEET TO A POINT AND THENCE SOUTH 73°54'00" WEST, 54.19 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE LEAVING THE NORTHERLY LINE OF SAID SYCAMORE HAMMOND REALTY CORP TRACT, NORTH 16°30'00" WEST, 23.84 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 73°30'00" WEST, 18.31 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE NORTH 16°30'00" WEST, 36.51 FEET TO A SET 5/8" IRON PIN AND CAP (#7862) IN THE SOUTHERLY LINE OF THE PROPERTY AS CONVEYED TO RACE STREET TENANT ORGANIZATION IN DEED BOOK 4330, PAGE 1737 OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE ALONG THE SOUTHERLY LINE OF RACE STREET TENANT ORGANIZATION TRACT, NORTH 73°42'00" EAST, 7.50 FEET TO THE SOUTHEAST CORNER OF SAID RACE STREET TENANT ORGANIZATION TRACT; THENCE ALONG THE EASTERLY LINE OF SAID RACE STREET TENANT ORGANIZATION TRACT,

NORTH 16°30'00" WEST, 1.75 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY AS CONVEYED TO OTR HOUSING GROUP, LLC IN OFFICIAL RECORD 13489, PAGE 2538 OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE LEAVING THE EASTERLY LINE OF SAID RACE STREET TENANT ORGANIZATION TRACT, ALONG THE SOUTHERLY LINE OF SAID OTR HOUSING GROUP TRACT, NORTH 73°54'00" EAST, 85.00 FEET TO THE SOUTHEAST CORNER OF SAID OTR HOUSING GROUP TRACT, BEING IN THE WESTERLY RIGHT OF WAY OF PLEASANT STREET AND BEING WITNESSED BY A SET CROSS NOTCH WHICH BEARS NORTH 73°54'00" EAST, 5.00 FEET; THENCE LEAVING THE SOUTHERLY LINE OF SAID OTR HOUSING GROUP TRACT, ALONG THE WESTERLY RIGHT OF WAY OF PLEASANT AVENUE, SOUTH 16°30'00" EAST, 62.08 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 0.1214 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS USED IN THIS LEGAL DESCRIPTION ARE RELATIVE TO REGISTERED LAND CERTIFICATE 240007 OF THE HAMILTON COUNTY, OHIO REGISTERED LAND RECORDS.

**Exhibit B to CRA Agreement**  
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED



**May 10, 2023**

202301361

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

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

**Subject: Emergency Ordinance – Cincinnati Fire Department: Moral  
Obligation Payment to Specific Waste Industries, LLC**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** a payment of \$5,184 from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x5000x7276 to Specific Waste Industries, LLC as a moral obligation of the City of Cincinnati for pharmaceutical waste removal services provided to the Cincinnati Fire Department.

Approval of this Emergency Ordinance will authorize the payment \$5,184 from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x5000x7276 to Specific Waste Industries, LLC as a moral obligation of the City of Cincinnati for pharmaceutical waste removal services provided to the Cincinnati Fire Department.

The Cincinnati Fire Department's contract with Specific Waste Industries, LLC expired July 31, 2022. Additional work was performed outside of a contract in August 2022, for which funds were not certified, necessitating a moral obligation payment. A new contract for waste removal services with Greenleaf Environmental Services, LLC is now in place.

To avoid moral obligations in the future, Fire Department staff have been notified of the proper financial and procurement processes.

The reason for the emergency is the immediate need to pay Specific Waste Industries, LLC in a timely manner for services provided to the Cincinnati Fire Department.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

## **EMERGENCY**

**CNS**

**- 2023**

**AUTHORIZING** a payment of \$5,184 from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x5000x7276 to Specific Waste Industries, LLC as a moral obligation of the City of Cincinnati for pharmaceutical waste removal services provided to the Cincinnati Fire Department.

WHEREAS, the Cincinnati Fire Department's ("CFD") contract with Specific Waste Industries, LLC ("SWI") for pharmaceutical waste removal services expired on July 31, 2022; and

WHEREAS, additional work was performed by SWI in August 2022, for which funds were not certified, necessitating a moral obligation payment; and

WHEREAS, sufficient resources are available in CFD General Fund non-personnel operating budget account no. 050x271x5000x7276 to pay for the services provided by SWI; and

WHEREAS, Council desires to provide payment of \$5,184 to SWI for services provided to CFD; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of \$5,184 from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x5000x7276 to Specific Waste Industries, LLC as a moral obligation of the City for pharmaceutical waste removal services.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is

the immediate need to pay Specific Waste Industries, LLC in a timely manner for services provided to the Cincinnati Fire Department.

Passed: \_\_\_\_\_, 2023

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

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



May 10, 2023

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

202301362

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

**Subject: Ordinance – Police: FY 2023 COPS Hiring Program Grant**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$6,250,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services, FY 2023 COPS Hiring Program (ALN 16.710) to hire up to fifty entry-level police officers; and further **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23COPS.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$6,250,000 from the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS), FY 2023 COPS Hiring Program (ALN 16.710) to hire up to fifty entry-level police officers. This Ordinance also authorizes the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23COPS.

The FY 2023 COPS Hiring Program grant is available through the U.S. Department of Justice, Office of Community Oriented Policing Services, to hire up to fifty entry-level police officers. The grant covers salary and fringe benefit expenses up to \$125,000 per officer for a maximum of three years per position.

An additional 50 FTEs will result from this grant. The COPS Hiring Program grant requires matching funds of up to \$7,964,532 depending on the exact amount of the grant award and the percentage of local match. The match will be provided by the Cincinnati Police Department (CPD) General Fund Operating Budget. CPD must retain all grant funded police officer positions for a minimum of twelve months following the 36-month grant funding period per position.

The grant application deadline was May 11, 2023, and to meet the application deadline, CPD has applied for this grant, but no grant funds will be accepted prior to City Council approval.

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

The Administration recommends passage of this Ordinance.

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

Attachment



**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$6,250,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services, FY 2023 COPS Hiring Program (ALN 16.710) to hire up to fifty entry-level police officers; and further **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23COPS.

WHEREAS, a grant of up to \$6,250,000 is available from the U.S. Department of Justice, Office of Community Oriented Policing Services (“COPS”), FY 2023 COPS Hiring Program (ALN 16.710) to hire up to fifty entry-level police officers within the Cincinnati Police Department (“CPD”); and

WHEREAS, an additional fifty FTEs will result from this grant; and

WHEREAS, the COPS Hiring Program grant requires matching funds of up to \$7,964,532, depending upon the exact amount of the grant award and the percentage of local match, which will be provided by CPD’s General Fund Operating Budget; and

WHEREAS, the grant covers salary and fringe benefit expenses up to \$125,000 per officer for a maximum of three years per position; and

WHEREAS, CPD must retain all grant-funded police officer positions for a minimum of twelve months following the 36 month grant funding period per position; and

WHEREAS, the grant application deadline is May 11, 2023, but no funds will be accepted without approval of Council; and

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

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

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a grant of up to \$6,250,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services, FY 2023 COPS Hiring Program (ALN 16.710) to hire of up to fifty entry-level police officers.

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

Section 3. That the required local match of up to \$7,964,532 will be funded from the Cincinnati Police Department's General Fund Operating Budget.

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

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

Passed: \_\_\_\_\_, 2023

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

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



**May 10, 2023**

202301363

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

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

**Subject: Emergency Ordinance – OES: Amend Ordinance No. 0317-2022**

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Attached is an Emergency Ordinance captioned:

**AMENDING** Ordinance No. 317-2022 to authorize the City Manager to accept and appropriate grant resources in an amount up to \$35,000 from the United States Environmental Protection Agency, Region 5 (ALN 66.034) and to authorize the Director of Finance to deposit the grant resources into Environmental Studies Fund revenue account no. 436x8543.

This Emergency Ordinance amends Ordinance No. 0317-2022 to authorize the City Manager to accept and appropriate grant resources in an amount up to \$35,000 from the United States Environmental Protection Agency (EPA), Region 5 (ALN 66.034) and authorize the Director of Finance to deposit the grant resources into Environmental Studies Fund revenue account no. 436x8543.

Ordinance No. 0317-2022 authorized the City Manager to accept and appropriate a grant in the amount of up to \$35,000 from the EPA, Region 5 to the Office of Environment and Sustainability (OES) General Fund non-personnel operating budget account no. 050x104x7200 for the purpose of designing and implementing the Electrify Cincy Education Program. This Ordinance also authorized the Director of Finance to deposit grant resources into General Fund revenue account no. 050x8543. The Department of Finance has since received guidance from the Ohio Auditor of State that Federal grant resources should not be deposited into the General Fund.

Ordinance No. 0317-2022 must therefore be amended to not appropriate EPA grant resources to the OES General Fund non-personnel budget and to instead deposit grant resources into Environmental Studies Fund revenue account no. 436x8543.

The reason for the emergency is the immediate need to amend Ordinance No. 317-2022 to deposit the United States Environmental Protection Agency grant resources into Environmental Studies Fund revenue account no. 436x8543.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

## EMERGENCY

IMD

- 2023

**AMENDING** Ordinance No. 317-2022 to authorize the City Manager to accept and appropriate grant resources in an amount up to \$35,000 from the United States Environmental Protection Agency, Region 5 (ALN 66.034) and to authorize the Director of Finance to deposit the grant resources into Environmental Studies Fund revenue account no. 436x8543.

WHEREAS, Ordinance No. 317-2022, passed on October 12, 2022, authorized the City Manager to accept and appropriate a grant in the amount of up to \$35,000 from the United States Environmental Protection Agency (“EPA”), Region 5 (ALN 66.034) to the Office of Environment and Sustainability (“OES”) General Fund non-personnel operating budget account no. 050x104x7200 for the purpose of designing and implementing the Electrify Cincy Education Program, and authorized the Director of Finance to deposit grant resources into General Fund revenue account no. 050x8543; and

WHEREAS, the Department of Finance has since received guidance from the Ohio Auditor of State that federal grant resources should not be deposited into the General Fund; and

WHEREAS, Ordinance No. 317-2022 must be amended to not appropriate EPA grant resources to the OES General Fund non-personnel budget and to instead deposit the grant resources into Environmental Studies Fund revenue account no. 436x8543; now, therefore,

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

Section 1. That Sections 1 and 2 of Ordinance No. 317-2022 are hereby amended to read as follows:

Section 1. That the City Manager is hereby authorized to accept and appropriate a grant in the amount of up to \$35,000 from the United States Environmental Protection Agency, Region 5 (ALN 66.034) ~~to the Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7200~~ for the purpose of designing and implementing the Electrify Cincy Education Program, a training for residents and technical experts that supports residential electrification efforts, including weatherization, reduced energy consumption, and renewable energy upgrades.

Section 2. That the Director of Finance is hereby authorized to deposit the grant resources into ~~General Fund revenue account no. 050x8543~~ Environmental Studies Fund revenue account no. 436x8543.

Section 2. That all terms of Ordinance No. 317-2022 not amended by this ordinance remain in full force and effect.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to amend Ordinance No. 317-2022 to deposit United States Environmental Protection Agency grant resources into Environmental Studies Fund revenue account no. 436x8543.

Passed: \_\_\_\_\_, 2023

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

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

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

**May 10, 2023**

202301364

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

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

**Subject: Emergency Ordinance – DOTE: Western Hills Viaduct Grants**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the establishment of capital improvement program project account nos. 980x233x232324, “WHV – CEAO LBR 2018 Grant,” 980x233x232325, “WHV – CEAO LBR 2018 HC Match,” 980x233x232326, “WHV – OKI STBG 2019 Grant,” and 980x233x232327, “WHV – OKI STBG 2019 HC Match,” for the purpose of providing resources for the design, right-of-way acquisition, and construction of the Western Hills Viaduct project; and **AUTHORIZING** the City Manager to appropriate grant and matching resources in an amount up to \$12,375,000 according to the attached Schedule of Appropriation.

This Emergency Ordinance authorizes the establishment of capital improvement program project account nos. 980x233x232324, “WHV – CEAO LBR 2018 Grant,” 980x233x232325, “WHV – CEAO LBR 2018 HC Match,” 980x233x232326, “WHV – OKI STBG 2019 Grant,” and 980x233x232327, “WHV – OKI STBG 2019 HC Match,” for the purpose of providing resources for the design, right-of-way acquisition, and construction of the Western Hills Viaduct project. This Emergency Ordinance also authorizes the City Manager to appropriate grant and matching resources in an amount up to \$12,375,000 according to the attached Schedule of Appropriation.

On June 17, 2020, the City Council approved Ordinance No. 0186-2020, which authorized the City Manager to accept grant and matching resources in an amount up to \$23,026,315.79 and to appropriate the sum of \$10,651,315.79. Resources that were not yet available were not appropriated by this Ordinance, including a Surface Transportation Block Grant (STBG) awarded by the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) and a Local Bridge Program grant awarded by the County Engineers Association of Ohio (CEAO).

Grant and matching resources totaling up to \$12,375,000 are now available and must be appropriated to capital improvement program project accounts for the purpose of providing resources for the Western Hills Viaduct project. No new FTEs are associated with the acceptance of these resources.

The Western Hills Viaduct project is in accordance with the “Connect” goal to “[d]evelop a regional transportation system that promotes economic vitality,” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 127-138 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to appropriate and encumber resources before the end of the State of Ohio's fiscal year.

The Administration recommends passage of this Emergency Ordinance.

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



Attachments

## **EMERGENCY**

**IMD**

**- 2023**

**AUTHORIZING** the establishment of capital improvement program project account nos. 980x233x232324, “WHV – CEAO LBR 2018 Grant,” 980x233x232325, “WHV – CEAO LBR 2018 HC Match,” 980x233x232326, “WHV – OKI STBG 2019 Grant,” and 980x233x232327, “WHV – OKI STBG 2019 HC Match,” for the purpose of providing resources for the design, right-of-way acquisition, and construction of the Western Hills Viaduct project; and **AUTHORIZING** the City Manager to appropriate grant and matching resources in an amount up to \$12,375,000 according to the attached Schedule of Appropriation.

WHEREAS, the design, right-of-way acquisition, and construction of the Western Hills Viaduct (the “Project”) is currently expected to cost \$398,000,000 and take approximately eight years to complete, with six construction phases and four ongoing maintenance phases being implemented as funding becomes available; and

WHEREAS, on June 17, 2020, Council approved Ordinance No. 186-2020, which authorized the City Manager to accept grant and matching resources (collectively, the “Funds”) in an amount up to \$23,026,315.79 and which appropriated the sum of \$10,651,315.79 in Funds to the Project; and

WHEREAS, Funds that were not yet available were not appropriated by Ordinance No. 186-2020, including a Surface Transportation Block Grant (“STBG”) awarded by the Ohio-Kentucky-Indiana Regional Council of Governments (“OKI”) and a Local Bridge Program grant awarded by the County Engineers Association of Ohio (“CEAO”); and

WHEREAS, Funds totaling up to \$12,375,000 from the STBG awarded by OKI and the Local Bridge Program grant awarded by CEAO are now available and must be appropriated to capital improvement program project accounts for the purpose of providing resources for the Project; and

WHEREAS, there are no new FTEs/full time equivalents associated with acceptance of these newly available Funds; and

WHEREAS, the Project is in accordance with the “Connect” goal to “[d]evelop a regional transportation system that promotes economic vitality,” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 127-138 of Plan Cincinnati (2012); now, therefore,

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



Section 1. That the Director of Finance is hereby authorized to establish the following capital improvement program project accounts: nos. 980x233x232324, “WHV – CEAO LBR 2018 Grant”; 980x233x232325, “WHV – CEAO LBR 2018 HC Match”; 980x233x232326, “WHV – OKI STBG 2019 Grant”; and 980x233x232327, “OKI STBG 2019 HC Match,” to provide resources for the design, right-of-way acquisition, and construction of the Western Hills Viaduct project.

Section 2. That the City Manager is hereby authorized to appropriate grant and matching resources in an amount up to \$12,375,000 according to the attached Schedule of Appropriation.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to appropriate and encumber resources before the end of the State of Ohio’s fiscal year.

Passed: \_\_\_\_\_, 2023

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

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

Western Hills Viaduct Grants - Schedule of Appropriation

That the amounts set forth hereinafter totaling \$12,375,000 are hereby appropriated and allocated to the individual project account for the improvements listed hereinafter:

DEPT. DIVISION	PROGRAM TO BE TRANSFERRED FROM DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS PRIOR	REVISED	AMOUNT TO BE APPROPRIATED OR TRANSFERRED
Transp. & Eng. Engineering 233	County Engineers Association of Ohio Local Bridge Program (CEAO LBR)	232324 WHV - CEAO LBR 2018 Grant	-	5,000,000.00	5,000,000.00
	Hamilton County Matching Funds (for CEAO LBR)	232325 WHV - CEAO LBR 2018 HC Match	-	625,000.00	625,000.00
	Ohio-Kentucky-Indiana Regional Council of Governments (OKI) Surface Transportation Block Grant (STBG)	232326 WHV - OKI STBG 2019 Grant	-	6,000,000.00	6,000,000.00
	Hamilton County Matching Funds (for OKI STBG)	232327 WHV - OKI STBG 2019 HC Match	-	750,000.00	750,000.00

**May 10, 2023**

202301365

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

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

**Subject: Ordinance – DOTE: STBG, CMAQ, and TA Grants Application**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for grants from the federal Surface Transportation Block Grant and Congestion Mitigation and Air Quality (ALN 20.205) grant programs in an amount of up to \$8,000,000, and to apply for a grant in an amount of up to \$1,000,000 from the Transportation Alternatives Grant (ALN 20.205) awarded by the Ohio-Kentucky-Indiana Regional Council of Governments, all for the timely completion of several transportation projects managed by the City's Department of Transportation & Engineering.

Approval of this Ordinance authorizes the City Manager to apply for grants from the federal Surface Transportation Block Grant (STBG) and Congestion Mitigation and Air Quality (CMAQ) grant programs in an amount of up to \$8,000,000, and to apply for a grant in an amount of up to \$1,000,000 from the Transportation Alternatives Grant awarded by the Ohio-Kentucky-Indiana Regional Council of Governments (OKI), all for several transportation projects managed by the City's Department of Transportation & Engineering (DOTE).

DOTE identified a list of potential projects for grant funding, which is provided as an attachment. However, the list is subject to change, and DOTE may apply for resources to support projects not included in the attachment.

Grant applications are due on June 3, 2023, but no funds will be accepted without City Council approval. The grants require a 20% local match, which will be identified in future capital improvement program project funding if the grants are awarded. No new FTEs are required in association with these grants.

The rehabilitation and improvement of the City's transportation infrastructure is in accordance with the "Connect" goal to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability" and strategies to "[e]xpand options for non-automotive travel" and "[p]lan, design and implement a safe and sustainable transportation system," as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



**AUTHORIZING** the City Manager to apply for grants from the federal Surface Transportation Block Grant and Congestion Mitigation and Air Quality (ALN 20.205) grant programs in an amount of up to \$8,000,000, and to apply for a grant in an amount of up to \$1,000,000 from the Transportation Alternatives Grant (ALN 20.205) awarded by the Ohio-Kentucky-Indiana Regional Council of Governments, all for the timely completion of several transportation projects managed by the City's Department of Transportation & Engineering.

WHEREAS, the Department of Transportation & Engineering ("DOTE") identified the attached list of projects for potential grant funding, although the list is subject to change and DOTE may apply for resources for projects not included in the attachment; and

WHEREAS, the grant applications are due on June 3, 2023, and no funds will be accepted without approval of Council; and

WHEREAS, the grants require a twenty percent local match, which will be identified in future capital project funding, if the grants are awarded; and

WHEREAS, no new FTEs/full time equivalents are required in association with these grants; and

WHEREAS, the rehabilitation and improvement of the City's transportation infrastructure is in accordance with the "Connect" goal to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability," and strategies to "[e]xpand options for non-automotive travel," and "[p]lan, design and implement a safe and sustainable transportation system," as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for grants from the federal Surface Transportation Block Grant and Congestion Mitigation and Air Quality (ALN 20.205) grant programs in an amount of up to \$8,000,000, and to apply for the Transportation Alternatives Grant (ALN 20.205) awarded by the Ohio-Kentucky-Indiana Regional Council of Governments in an amount of up to \$1,000,000, all for the timely completion of several transportation projects managed by the City's Department of Transportation & Engineering.

Section 2. That the proper City officials are authorized to take all necessary actions to carry out the terms of the grants and Section 1.

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

Passed: \_\_\_\_\_, 2023

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

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



ATTACHMENT A

## **STBG/CMAQ Potential Grant Application Projects**

### **June 2023 Application**

- A. North Bend Road – Colerain to eastern Corp
  - a. Rehabilitation North Bend Road in College Hill and Mt Airy
  - b. Re-stripe the roadway for safety improvements
  - c. Potential bridge rehabilitation or removal at Kirby overpass
  - d. Total cost is to-be-determined
  - e. Design and local match would come from existing and future capital programs.
  
- B. Lick Run/Dunham/Rapid Run trail connection
  - a. Extend the Lick Run Trail along Queen City Boulevard to Dunham Recreation Center and Rapid Run Park in South Fairmount, West Price Hill, and Westwood
  - b. Sunset Avenue rehabilitation
  - c. Total cost is to-be-determined
  - d. Design and preliminary engineering already under funded by Council appropriation of ARPA funds, and design is underway
  - e. Local match will need to come from future capital budget allocations.
  
- C. West Eight Street – Nebraska to Elberon
  - a. Re-stripe the roadway for safety improvements in East Price Hill and West Price Hill
  - b. Pedestrian safety improvements with bump-outs
  - c. Traffic signals replaced
  - d. Total cost is to-be-determined
  - e. Design and local match would come from existing and future capital programs.
  
- D. Victory Parkway – McMillan to Reading Road
  - a. Re-stripe the roadway for safety improvements in Walnut Hills, East Walnut Hills, Evanston, Avondale, North Avondale, and Paddock Hills
  - b. Pedestrian safety improvements with bump-outs
  - c. Traffic signals replaced
  - d. Total cost is to-be-determined
  - e. Design and local match would come from existing and future capital programs.

## **TA Potential Grant Application Projects June 2023**

### **Application**

- A. Reading Road Sidewalk
  - a. Install missing sidewalk link between Asmann Avenue and Victory Parkway in Paddock Hills
  - b. Total cost is to-be-determined
  - c. Design and local match would come from existing and future capital programs.
- B. Murray Avenue Sidewalk
  - a. Construct sidewalk on Murray Avenue between Erie Avenue and the Murray Bike Path in Madisonville
  - b. *The project would be added to the rehabilitation of Murray Avenue.*
  - c. Total cost is to-be-determined
  - d. Design and local match would come from existing and future capital programs.
- C. Gilsey Road – Gellenbeck to Talbert
  - a. Install sidewalk to create a continuous path (370 feet of sidewalk) in West Price Hill
  - b. Total cost is to-be-determined
  - c. Design and local match would come from existing and future capital programs.
- D. North Fred Shuttlesworth – Edgehill Place to 704 North Fred Shuttlesworth
  - a. Install sidewalk to create a continuous path (520 feet of sidewalk) in North Avondale.
  - b. Total cost is to-be-determined
  - c. Design and local match would come from existing and future capital programs.
- E. Eggleston to Ohio River Trail (ORT) connection
  - a. New crosswalk on east side of intersection, connect Eggleston side path to ORT in Sawyer Point Park in Downtown neighborhood
  - b. Total cost is to-be-determined
  - c. Design and local match would come from existing and future capital programs.

**May 10, 2023**

202301366

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

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

**Subject: Emergency Ordinance – FY 2023 Restricted Funds Operating Budget Final Adjustment Ordinance (FAO)**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer of the sum of \$4,395,307 within the Restricted Funds, from and to various operating accounts and the unappropriated surplus of the respective Restricted Funds according to the attached Schedules of Transfer, to realign and provide funds for the ongoing needs of City departments; and further **AUTHORIZING** the transfer and return to source of the sum of \$10,009,632 to the unappropriated surplus of various Restricted Funds in accordance with the attached Schedules of Transfer to realign funds for City departments.

The attached Emergency Ordinance balances the City's Restricted Fund accounts as required by state law and authorizes transfers for 12 appropriated restricted funds. These include transfers within appropriations, as well as increases to appropriations for two funds and the return of funds to the unappropriated surplus of two funds.

## **RESTRICTED FUND TRANSFERS WITHIN CURRENT APPROPRIATION**

The transfers within the current FY 2023 appropriation are for the following ten funds: Water Works Fund 101, Parking System Facilities Fund 102, Stormwater Management Fund 107, Street Construction, Maintenance and Repair Fund 301, Income Tax-Infrastructure Fund 302, Municipal Motor Vehicle License Tax Fund 306, Recreation Special Activities Fund 323, Community Health Center Activities Fund 395, Cincinnati Health District Fund 416, and Streetcar Operations Fund 455.

The information below summarizes the need and transfers for each fund.

### **Water Works Fund 101 – \$1,030,000**

#### **Department of Water Works – \$1,030,000**

A transfer in the amount of \$1,030,000 is needed for non-personnel items due to increased collection fees, utility costs, and critical material costs.

### **Parking System Facilities Fund 102 – \$300**

#### **Non-Departmental Accounts – \$300**

A transfer in the amount of \$300 is needed for General Fund Overhead in the non-departmental accounts. Savings from the Department of Finance will offset this need.

### **Stormwater Management Fund 107 – \$339,134**

#### **Department of Buildings and Inspections – \$50,000**

Buildings and Inspections will require a transfer within appropriations in the amount of \$50,000 for a need in contractual services related to the Private Lot Abatement Program (PLAP).

#### **Department of Public Services – \$289,134**

Public Services will require a transfer within appropriations in the amount of \$289,134 related to unbudgeted Fleet Services expenses.

### **Street Construction, Maintenance, and Repair Fund 301 – \$288,270**

#### **Department of Transportation and Engineering – \$20,000**

A transfer in the amount of \$20,000 will be necessary to account for a need in Traffic Services for additional streetlight parts.

#### **Department of Public Services – \$268,270**

A transfer in the amount of \$268,270 will be necessary to account for a need in the Transportation and Road Operations Division (TROP) and the Neighborhood Operations Division (NOD) including pavement expenses, reflective safety clothing, and landscaping.

### **Income Tax-Infrastructure Fund 302 – \$726,368**

#### **Department of Transportation & Engineering – \$642,000**

A transfer in the amount of \$642,000 is needed to account for a shortfall in personnel and benefits costs in the Office of the Director, Division of Transportation Planning, and Engineering. There is also a non-personnel need in the Office of the Director, Engineering, and Traffic Services for new computers, GPS equipment, and additional streetlight parts.

#### **Department of Public Services – \$84,368**

A transfer in the amount of \$84,368 will be necessary to account for a need in the Transportation and Road Operations Division (TROP) and the City Facility Management Division (CFM) including unbudgeted personnel expenses and a Police facility energy audit. Savings from the non-departmental lump sum payments account will offset this need.

### **Municipal Motor Vehicle License Tax Fund 306 – \$171,930**

#### **Department of Transportation and Engineering – \$10,000**

A transfer in the amount of \$10,000 will be necessary to account for a need in Traffic Services for additional streetlight parts.

#### **Department of Public Services – \$161,930**

Public Services will require a transfer within appropriations in the amount of \$161,930 related to training and winter operations expenses.

### **Recreation Special Activities Fund 323 – \$428,305**

#### **Department of Recreation – \$428,305**

Recreation will require a transfer within appropriations in the amount of \$428,305 to cover various non-personnel needs in the West Region, East Region, and Central Region as well as a personnel need in Support Services.

### **Community Health Center Activities Fund 395 – \$282,000**

#### **Health Department – \$282,000**

A transfer in the amount of \$282,000 to the Division of Primary Health Care Programs, Division of Primary Health Care Centers, and Division of School and Adolescent Health is needed due to higher than budgeted personnel and benefits expenses as well as temporary staffing.

### **Cincinnati Health District Fund 416 – \$950,000**

#### **Health Department – \$950,000**

A transfer in the amount of \$950,000 to the Office of the Commissioner, Division of Technical Resources, Division of Community Health Centers, Division of Primary Health Care Programs, and Division of School and Adolescent Health is needed to cover higher than expected personnel costs, temporary personnel costs, and increased security costs.

### **Streetcar Operations Fund 455 – \$75,000**

#### **Department of Transportation and Engineering – \$75,000**

DOT will require a transfer in the amount of \$75,000 due to higher than budgeted personnel expenses.

## **TRANSFERS RESULTING IN A SUPPLEMENTAL APPROPRIATION**

The following two funds require supplemental increases in appropriations in FY 2023 as described below:



### **Stormwater Management Fund 107 – \$96,000**

#### **Office of the City Manager – \$96,000**

A need of \$96,000 exists in the Office of Environment and Sustainability (OES) for contractual services related to recycling.

### **Employee Safety and Risk Management Fund 212 – \$8,000**

#### **Office of the City Manager – \$8,000**

A need of \$8,000 exists in the Office of Environment and Sustainability (OES) due to unbudgeted personnel and fringe benefit expenses.

## **TRANSFERS TO UNAPPROPRIATED SURPLUS RESULTING FROM SAVINGS**

The following two funds have departmental savings that will be returned to the unappropriated surplus of each fund:

### **Bond Retirement Fund 151 – \$9,594,000**

#### **Department of Finance – \$9,594,000**

The Department of Finance reports a total savings of \$9,594,000 in the Bond Retirement Fund primarily due to a reduction in debt service notes and issuance costs. There is also a personnel savings resulting from a position vacancy.

### **Income Tax-Infrastructure Fund 302 – \$415,632**

#### **Non-Departmental Accounts – \$415,632**

The non-departmental accounts have a savings of \$415,632 due to lower than expected needs for Lump Sum Payments and Reserve for Contingencies.

The reason for the emergency is the immediate need to provide funds for the continuation of uninterrupted services through the end of the fiscal year.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

## **EMERGENCY**

**CMZ**

**-2023**

**AUTHORIZING** the transfer of the sum of \$4,395,307 within the Restricted Funds, from and to various operating accounts and the unappropriated surplus of the respective Restricted Funds according to the attached Schedules of Transfer, to realign and provide funds for the ongoing needs of City departments; and further **AUTHORIZING** the transfer and return to source of the sum of \$10,009,632 to the unappropriated surplus of various Restricted Funds in accordance with the attached Schedules of Transfer to realign funds for City departments.

WHEREAS, a need has arisen since the beginning of Fiscal Year 2023 to transfer various sums according to the attached Schedules of Transfer in order to realign and provide funds for the ongoing needs of City departments; now, therefore,

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

Section 1. That the sum of \$4,395,307 existing within various Restricted Funds and the unappropriated surplus of various Restricted Funds is hereby transferred from and to various operating accounts according to the Schedules of Transfer attached hereto and by reference made a part hereof, to realign certain accounts and provide funds for the ongoing needs of City departments until the end of fiscal year 2023.

Section 2. That the sum of \$10,009,632 is hereby transferred and returned to the unappropriated surplus of various Restricted Funds according to the Schedules of Transfer attached hereto and by reference made a part hereof to realign funds for City departments.

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

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

the immediate need to provide funds for the continuation of uninterrupted services through the end of the fiscal year.

Passed: \_\_\_\_\_, 2023

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

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

**FY 2023 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE**  
Fund 101 Water Works

376

**FY 2023 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE**  
Fund 102 Parking System Facilities

377

**SCHEDULE OF TRANSFER**

**FY 2023 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE**

Fund 107 Stormwater Management

REDUCTIONS		Fund	Agency	Appropriation Unit	\$ Amount	INCREASES		Fund	Agency	Appropriation Unit	\$ Amount		
TRANSFERS WITHIN APPROPRIATIONS						TRANSFERS WITHIN APPROPRIATIONS							
SOURCE ACCOUNTS						USE ACCOUNTS							
DEPARTMENT OF BUILDINGS AND INSPECTIONS		107	212	7100	50,000	DEPARTMENT OF BUILDINGS AND INSPECTIONS		107	212	7200	50,000		
PROPERTY MAINTENANCE CODE ENFORCEMENT						PROPERTY MAINTENANCE CODE ENFORCEMENT							
DEPARTMENT OF PUBLIC SERVICES		107	253	7100	180,018	DEPARTMENT OF PUBLIC SERVICES		107	253	7300	84,514		
NEIGHBORHOOD OPERATIONS		107	253	7500	109,116	NEIGHBORHOOD OPERATIONS		107	253	7200	204,620		
NEIGHBORHOOD OPERATIONS						NEIGHBORHOOD OPERATIONS							
Subtotal Transfers Within Appropriations					339,134	Subtotal Transfers Within Appropriations					339,134		
SUPPLEMENTAL APPROPRIATIONS						SUPPLEMENTAL APPROPRIATIONS							
SOURCE ACCOUNTS						SOURCE ACCOUNTS							
UNAPPROPRIATED SURPLUS		107			96,000	CITY MANAGER'S OFFICE							
						OFFICE OF ENVIRONMENT AND SUSTAINABILITY		107	104	7200	96,000		
Subtotal Supplemental Appropriations					96,000	Subtotal Supplemental Appropriations					96,000		
TOTAL FUND 107 REDUCTIONS						435,134	TOTAL FUND 107 INCREASES						435,134



## FY 2023 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

<i>REDUCTIONS</i>	Fund	Agency	Appropriation Unit	\$ Amount	<i>INCREASES</i>	Fund	Agency	Appropriation Unit	\$ Amount
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
DEPARTMENT OF FINANCE					UNAPPROPRIATED SURPLUS				
TREASURY	151	134	7100	44,000		151			9,594,000
TREASURY	151	134	7200	1,315,000					
TREASURY	151	134	7400	120,000					
TREASURY	151	134	7500	15,000					
TREASURY	151	134	7700	8,100,000					
Subtotal Supplemental Appropriations				9,594,000	Subtotal Supplemental Appropriations				9,594,000
TOTAL FUND 151 REDUCTIONS				9,594,000	TOTAL FUND 151 INCREASES				9,594,000

**SCHEDULE OF TRANSFER**

**FY 2023 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE**  
Fund 212 Employee Safety and Risk Management

REDUCTIONS		Fund	Agency	Appropriation Unit	\$ Amount	INCREASES		Fund	Agency	Appropriation Unit	\$ Amount
SUPPLEMENTAL APPROPRIATIONS						SUPPLEMENTAL APPROPRIATIONS					
SOURCE ACCOUNTS						USE ACCOUNTS					
UNAPPROPRIATED SURPLUS						212					
											8,000
Subtotal Supplemental Appropriations											
											8,000
											2,000
											6,000
											8,000
						</					

**SCHEDULE OF TRANSFER**

**FY 2023 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE**

Fund 301 Street Construction Maintenance & Repair

<i>REDUCTIONS</i>	<i>Fund</i>	<i>Agency</i>	<i>Appropriation Unit</i>	<i>\$ Amount</i>	<i>INCREASES</i>	<i>Fund</i>	<i>Agency</i>	<i>Appropriation Unit</i>	<i>\$ Amount</i>
<b>TRANSFERS WITHIN APPROPRIATIONS</b>					<b>TRANSFERS WITHIN APPROPRIATIONS</b>				
<b>SOURCE ACCOUNTS</b>					<b>USE ACCOUNTS</b>				
DEPARTMENT OF TRANSPORTATION AND ENGINEERING	301	238	7100	15,000	DEPARTMENT OF TRANSPORTATION AND ENGINEERING	301	238	7300	20,000
TRAFFIC SERVICES	301	238	7500	5,000	TRAFFIC SERVICES				
TRAFFIC SERVICES									
DEPARTMENT OF PUBLIC SERVICES	301	252	7500	30,981	DEPARTMENT OF PUBLIC SERVICES	301	252	7200	20,981
TRAFFIC AND ROAD OPERATIONS	301	253	7100	137,470	TRAFFIC AND ROAD OPERATIONS	301	252	7300	10,000
NEIGHBORHOOD OPERATIONS	301	253	7500	99,819	TRAFFIC AND ROAD OPERATIONS	301	252	7600	75,000
NEIGHBORHOOD OPERATIONS					NEIGHBORHOOD OPERATIONS	301	253	7200	162,289
<b>Subtotal Transfers Within Appropriations</b>				<b>288,270</b>	<b>Subtotal Transfers Within Appropriations</b>				<b>288,270</b>
<b>TOTAL FUND 301 REDUCTIONS</b>					<b>TOTAL FUND 301 INCREASES</b>				
<b>288,270</b>					<b>288,270</b>				

**SCHEDULE OF TRANSFER**

**FY 2023 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE**

Fund 302 Income Tax-Infrastructure

REDUCTIONS			INCREASES		
Fund	Agency	Appropriation Unit	Fund	Agency	Appropriation Unit
		\$ Amount			\$ Amount
TRANSFERS WITHIN APPROPRIATIONS					
SOURCE ACCOUNTS					
DEPARTMENT OF TRANSPORTATION AND ENGINEERING					
	302	233	7100		400,000
ENGINEERING				231	180,000
TRAFFIC SERVICES	302	238	7100		160,000
TRAFFIC SERVICES	302	238	7500		25,000
				231	30,000
				232	60,000
				232	130,000
				232	7500
				233	25,000
				233	50,000
				238	142,000
DEPARTMENT OF PUBLIC SERVICES					
TRAFFIC AND ROAD OPERATIONS	302			252	40,868
CITY FACILITY MANAGEMENT	302			255	7100
CITY FACILITY MANAGEMENT	302			255	13,500
					30,000
		726,368	Subtotal Transfers Within Appropriations		726,368
SUPPLEMENTAL APPROPRIATIONS					
SOURCE ACCOUNTS					
NON-DEPARTMENTAL ACCOUNTS					
LUMP SUM PAYMENTS	302	924	7100		115,632
RESERVE FOR CONTINGENCIES	302	990	7200		300,000
		415,632	Subtotal Supplemental Appropriations		415,632
TOTAL FUND 302 REDUCTIONS		1,142,000	TOTAL FUND 302 INCREASES		1,142,000

**SCHEDULE OF TRANSFER**

**FY 2023 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE**

Fund 306 Municipal Motor Vehicle License Tax

REDUCTIONS		Fund	Agency	Appropriation Unit	\$ Amount	INCREASES		Fund	Agency	Appropriation Unit	\$ Amount
TRANSFERS WITHIN APPROPRIATIONS						TRANSFERS WITHIN APPROPRIATIONS					
SOURCE ACCOUNTS						USE ACCOUNTS					
DEPARTMENT OF TRANSPORTATION AND ENGINEERING						DEPARTMENT OF TRANSPORTATION AND ENGINEERING					
TRAFFIC SERVICES						306	238	7100	10,000		
DEPARTMENT OF PUBLIC SERVICES						DEPARTMENT OF PUBLIC SERVICES					
TRAFFIC AND ROAD OPERATIONS						306	252	7100	91,530		
TRAFFIC AND ROAD OPERATIONS						306	252	7500	70,400		
Subtotal Transfers Within Appropriations						Subtotal Transfers Within Appropriations					
						171,930					
TOTAL FUND 306 REDUCTIONS						TOTAL FUND 306 INCREASES					
						171,930					

**SCHEDULE OF TRANSFER**

**FY 2023 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE**

Fund 323 Recreation Special Activities

<i>REDUCTIONS</i>		<i>FUND</i>		<i>AGENCY</i>	<i>APPROPRIATION</i>	<i>\$ AMOUNT</i>	<i>INCREASES</i>		<i>FUND</i>	<i>AGENCY</i>	<i>APPROPRIATION</i>	<i>\$ AMOUNT</i>
					UNIT						UNIT	
<b>TRANSFERS WITHIN APPROPRIATIONS</b>												
<b>SOURCE ACCOUNTS</b>												
CINCINNATI RECREATION COMMISSION												
	WEST REGION	323	191	7100		136,081			323	191	7200	61,597
	WEST REGION	323	191	7500		7,114			323	191	7300	81,598
	EAST REGION	323	192	7100		111,642			323	192	7200	59,243
	EAST REGION	323	192	7500		6,843			323	192	7300	59,242
	CENTRAL REGION	323	193	7100		146,046			323	193	7200	88,313
	CENTRAL REGION	323	193	7500		5,579			323	193	7300	63,312
	SUPPORT SERVICES	323	199	7200		15,000			323	199	7100	15,000
	<b>Subtotal Transfers Within Appropriations</b>					<b>428,305</b>						<b>428,305</b>
<b>TOTAL FUND 323 REDUCTIONS</b>						<b>428,305</b>	<b>TOTAL FUND 323 INCREASES</b>					



**SCHEDULE OF TRANSFER**

**FY 2023 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE**

Fund 395 Community Health Center Activities

<i>REDUCTIONS</i>			<i>INCREASES</i>		
Fund	Agency	Appropriation Unit	Fund	Agency	Appropriation Unit
<b>TRANSFERS WITHIN APPROPRIATIONS</b>			<b>TRANSFERS WITHIN APPROPRIATIONS</b>		
SOURCE ACCOUNTS			USE ACCOUNTS		
CINCINNATI HEALTH DEPARTMENT			CINCINNATI HEALTH DEPARTMENT		
395	265	7100	395	264	7100
DIVISION OF PRIMARY HEALTH CARE - CENTERS			DIVISION OF PRIMARY HEALTH CARE - PROGRAMS		
			395	264	7200
			DIVISION OF PRIMARY HEALTH CARE - CENTERS		
			395	265	7200
			DIVISION OF SCHOOL & ADOLESCENT HEALTH		
			395	266	7200
Subtotal Transfers Within Appropriations			Subtotal Transfers Within Appropriations		
		282,000			282,000
<b>TOTAL FUND 395 REDUCTIONS</b>			<b>TOTAL FUND 395 INCREASES</b>		
		282,000			282,000

**FY 2023 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE**  
Fund 416 Cincinnati Health District

386

**SCHEDULE OF TRANSFER**

**FY 2023 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE**

Fund 455 Streetcar Operations

<i>REDUCTIONS</i>		<i>INCREASES</i>		<i>\$ Amount</i>	
Fund	Agency	Fund	Agency	Appropriation Unit	\$ Amount
<b>TRANSFERS WITHIN APPROPRIATIONS</b>		<b>TRANSFERS WITHIN APPROPRIATIONS</b>			
SOURCE ACCOUNTS		USE ACCOUNTS			
DEPARTMENT OF TRANSPORTATION AND ENGINEERING		DEPARTMENT OF TRANSPORTATION AND ENGINEERING			
TRAFFIC SERVICES	238	STREETCAR OPERATIONS	236	7100	75,000
Subtotal Transfers Within Appropriations		Subtotal Transfers Within Appropriations			75,000
<b>TOTAL FUND 455 REDUCTIONS</b>		<b>TOTAL FUND 455 INCREASES</b>			<b>75,000</b>

**May 10, 2023**

202301380

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

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

**Subject: Emergency Ordinance – FY 2023 General Fund Operating Budget Final Adjustment Ordinance (FAO)**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer of \$12,806,912 within the General Fund, from and to various operating accounts and the unappropriated surplus of the General Fund according to the attached Schedules of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments; **AUTHORIZING** the transfer and return to source of the sum of \$70,000 from the Department of Human Resources General Fund non-personnel operating budget account no. 050x121x7200 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer and return to source of the sum of \$26,000 from the non-departmental Lump Sum Payments personnel operating budget account no. 050x924x7100 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer and appropriation of the sum of \$96,000 from the unappropriated surplus of the General Fund to existing capital improvement program project account no. 980x981x232505, "Fleet Replacements," for the purpose of providing resources for automotive and motorized equipment for City agencies supported by the General Fund with the intent of purchasing a truck for use by the Department of Human Resources for Commercial Driver's License training; **AUTHORIZING** the transfer and return to source of the sum of \$72,739 from the Department of City Planning and Engagement General Fund personnel operating budget account no. 050x171x7100 and \$19,261 from the Department of City Planning and Engagement General Fund fringe benefit operating budget account no. 050x171x7500 to the unappropriated surplus of the General Fund; **ESTABLISHING** new capital improvement program project account no. 980x255x232520, "Centennial II Office Renovation," for the purpose of providing resources for renovating space in Centennial II including, but not limited to, expansion of office space to accommodate additional staff in the Department of City Planning and Engagement; **AUTHORIZING** the transfer and appropriation of the sum of \$42,000 from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x255x232520, "Centennial II Office Renovation," for the purpose of providing resources for renovating space in Centennial II including, but not limited to, expansion of office space

to accommodate additional staff in the Department of City Planning and Engagement; **AUTHORIZING** the transfer and appropriation of the sum of \$50,000 from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x091x220920, "Video Conference Room Equipment," for the purpose of providing resources for the acquisition and installation of audio/visual equipment and other equipment necessary to support video conferencing capabilities in Centennial II with the intent to support the City Planning Commission; **AUTHORIZING** the transfer and return to source of the sum of \$15,000 from the balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer and appropriation of the sum of \$15,000 from the unappropriated surplus of the General Fund to City Planning and Engagement General Fund non-personnel operating budget account no. 050x171x7200 for the purpose of providing resources to support the 2023 Cincinnati Housing Solutions Summit; **AUTHORIZING** the transfer and return to source of the sum of \$63,196 from the Cincinnati Parks Department General Fund non-personnel operating budget account no. 050x202x7200 to the unappropriated surplus of the General Fund; **ESTABLISHING** new capital improvement program project account no. 980x203x232038, "Parks Fleet Replacement – GF FAO," for the purpose of providing resources for automotive and motorized equipment including but not limited to mowers for the Cincinnati Parks Department; and **AUTHORIZING** the transfer and appropriation of the sum of \$63,196 from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x203x232038, "Parks Fleet Replacement – GF FAO," for the purpose of providing resources for automotive and motorized equipment including, but not limited to, mowers for the Cincinnati Parks Department.

The attached Emergency Ordinance balances the City's General Fund operating budget accounts for FY 2023. The accounts are balanced by transferring appropriations within and between General Fund departments and relies on unappropriated surplus and the Reserve for Operating Budget Contingencies. The Emergency Ordinance also transfers resources from the General Fund unappropriated surplus to various capital improvement program project accounts.

## **GENERAL FUND TRANSFERS WITHIN CURRENT APPROPRIATIONS**

A total of \$8,942,240 will be transferred within current appropriations in order to offset various anticipated needs as outlined below.

### **City Manager's Office – \$718,875**

A total non-personnel need in the City Manager's office of \$718,875 is needed for various contractual services expenses. \$585,000 will be offset from savings within the

City Manager's Offset, and \$133,875 will be offset from various departmental and non-departmental savings.

The City Manager's Office requires \$90,000 for temporary personnel in the City Manager's Office, \$30,000 for an executive search contract, \$8,000 for the Talbert House for social services provided to citizens during City Council meetings, \$96,000 for a Cincinnati Police Department climate assessment, \$35,000 for a collaborative agreement consultant, \$50,000 towards the Mobile Crisis Response Team, and \$108,875 for the Women Helping Women training for the Cincinnati Fire Department.

The Emergency Communications Center (ECC) needs to transfer \$140,000 from personnel to non-personnel to properly account for expenses related to the Alternative Response to Crisis (ARC) program.

The Office of Environment and Sustainability (OES) requires \$161,000 to offset non-personnel needs related to recycling services, new recycling carts, and other contractual services.

#### **Department of Finance – \$25,000**

A total of \$25,000 in personnel savings will be transferred from the Treasury Division to offset an insurance need in Risk Management.

#### **Department of Community and Economic Development – \$140,000**

Personnel savings in an amount of \$140,000 will be transferred within the Economic Development Division to address a need in contractual services related to operating expenses for the Saks Fifth Avenue and Shillito's West buildings.

#### **Department of City Planning and Engagement – \$4,309**

A transfer of \$4,309 in personnel savings will be necessary to offset needs associated with telephone charges and office supplies for City Planning and Engagement staff.

#### **Citizen Complaint Authority – \$44,015**

An amount of \$44,015 of various department and non-department savings will be transferred to the Citizen Complaint Authority (CCA) to address various needs. \$40,000 is needed in personnel due to vacant positions that were filled at higher than anticipated salaries as well as merit increases and equity adjustments for investigation staff. An additional \$4,015 is needed for telephone services, sundry services, vehicle repairs, and equipment rental.

#### **Cincinnati Recreation Commission – \$589,570**

A transfer of \$589,570 in personnel, benefits, and properties savings will be necessary to cover various non-personnel needs related to automotive maintenance, utility expenses, childcare training, recreation center supplies, and information technology (IT) related needs.



### **Department of Buildings and Inspections – \$80,000**

Personnel savings in the amount of \$5,000 will be transferred within the Property Maintenance and Code Enforcement Division to offset various non-personnel needs related to postage, telephone charges, travel expenses, and fleet services.

An amount of \$75,000 in various department and non-departmental savings will be transferred to the Buildings and Inspections, Licenses and Permits Division to address a need for Accela portal devices used in the field to track licensing and permit information.

### **Cincinnati Police Department – \$3,524,129**

Personnel and benefits savings in the Administration Bureau in the amount of \$2,450,000 will be transferred primarily to offset personnel and benefits needs in the Investigations and Support Bureaus.

A transfer of \$1,074,129 from various department and non-departmental savings is also necessary to address needs related to the central warrant fees from Hamilton County, laptops for the Police Academy, and the Video Alliance contract.

### **Department of Transportation and Engineering – \$50,000**

Personnel and fringe benefits savings in the Engineering Division in the amount of \$50,000 will be transferred to offset a personnel need as well as a non-personnel need for computers for new staff members in the Office of the Director.

### **Department of Public Services – \$330,457**

A total of \$198,407 in personnel and benefits savings will be transferred within the Neighborhood Operations Division (NOD) to address various non-personnel needs including administration office renovations, garage door repairs, Rumpke services, and uniforms.

Various department and non-departmental savings in an amount of \$132,050 will be transferred to the Department of Public Services to address non-personnel needs resulting from increased Stormwater utility expenses.

### **Cincinnati Fire Department – \$3,234,885**

A total of \$3,114,454 in personnel and fringe benefits savings in the Support Services Division will be transferred to offset personnel and benefits needs in the Response Division primarily due to increased overtime.

An amount of \$120,431 in various department and non-departmental savings will be transferred to the Cincinnati Fire Department to address non-personnel needs related to fire recruit training, firefighting foam used for chemical burns, and female firefighting training.

### **Department of Economic Inclusion – \$201,000**

A total of \$201,000 in various departmental and non-departmental savings will be transferred to address a need in the Department of Economic Inclusion due to

personnel and fringe benefits costs resulting from the hiring of staff and the completion of the department's staffing plan.

## **GENERAL FUND SUPPLEMENTAL APPROPRIATIONS**

Two departments require supplemental appropriations totaling \$3,864,672. These needs will be addressed using General Fund unappropriated surplus.

### **Cincinnati Police Department – \$833,871**

Supplemental appropriations totaling \$833,871 are needed in the Cincinnati Police Department to address Police Visibility Overtime (PVO) and personnel and fringe benefits needs in the Support Division.

### **Cincinnati Fire Department – \$3,030,801**

The Cincinnati Fire Department requires a supplemental appropriation of \$3,030,801 primarily due to greater than anticipated overtime costs and associated wage-based fringe benefits costs resulting from the unexpected attrition of sworn personnel.

## **OPERATING BUDGET CONTINGENCIES BALANCE SHEET RESERVE ACCOUNT TRANSFER**

### **Department of City Planning and Engagement – \$15,000**

A sum of \$15,000 will be transferred from the Reserve for Operating Budget Contingencies balance sheet reserve account to the unappropriated surplus of the General Fund. The sum of \$15,000 will then be transferred from the unappropriated surplus of the General Fund to the Department of City Planning and Engagement to provide resources to support the 2023 Cincinnati Housing Solutions Summit pursuant to Council Motion #202201913.

## **GENERAL FUND TRANSFERS TO CAPITAL BUDGET**

Three departments require a transfer from the General Fund unappropriated surplus to various capital improvement program project accounts. A total of \$251,196 will be transferred as a result of General Fund departmental and non-departmental savings.

### **Human Resources – \$96,000**

A transfer in the amount of \$96,000 from the unappropriated surplus of the General Fund is required to the Department of Public Services' existing capital improvement program project account no. 980x981x232505, "Fleet Replacements" for the purpose of providing resources for automotive and motorized equipment for City agencies supported by the General Fund with the intent of purchasing a truck for use by the Department of Human Resources for Commercial Driver's License training. Of the \$96,000 needed, \$70,000 will be provided by contractual services savings in the Department of Human Resources and \$26,000 will be provided by personnel savings in the Lump Sum Payments non-departmental account.

**Department of City Planning and Engagement – \$92,000**

The Department of City Planning and Engagement has personnel savings of \$92,000, which will be returned to the General Fund unappropriated surplus and subsequently appropriated to two capital improvement program project accounts. \$42,000 will be appropriated to newly created capital improvement program project account no. 980x255x232520, “Centennial II Office Renovation,” for the purpose of renovating space in Centennial II including, but not limited to, expansion of office space to accommodate additional staff in the Department of City Planning and Engagement. \$50,000 will be appropriated to existing capital improvement program project account no. 980x091x220920, “Video Conference Room Equipment,” for the purpose of providing resources for the acquisition and installation of audio/visual equipment and other equipment necessary to support video conferencing capabilities in Centennial II with the intent to support the City Planning Commission.

**Cincinnati Parks Department – \$63,196**

The Cincinnati Parks Department has a non-personnel savings of \$63,196, which will be returned to the General Fund unappropriated surplus and appropriated to a newly established capital improvement program project account no. 980x203x232038, “Parks Fleet Replacement – GF FAO,” for the purpose of providing resources for automotive and motorized equipment including, but not limited to, mowers for the Cincinnati Parks Department.

The reason for the emergency is the immediate need to realign and provide funds for the ongoing needs of City departments.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

## EMERGENCY

CNS

- 2023

**AUTHORIZING** the transfer of \$12,806,912 within the General Fund, from and to various operating accounts and the unappropriated surplus of the General Fund according to the attached Schedules of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments; **AUTHORIZING** the transfer and return to source of the sum of \$70,000 from the Department of Human Resources General Fund non-personnel operating budget account no. 050x121x7200 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer and return to source of the sum of \$26,000 from the non-departmental Lump Sum Payments personnel operating budget account no. 050x924x7100 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer and appropriation of the sum of \$96,000 from the unappropriated surplus of the General Fund to existing capital improvement program project account no. 980x981x232505, "Fleet Replacements," for the purpose of providing resources for automotive and motorized equipment for City agencies supported by the General Fund with the intent of purchasing a truck for use by the Department of Human Resources for Commercial Driver's License training; **AUTHORIZING** the transfer and return to source of the sum of \$72,739 from the Department of City Planning and Engagement General Fund personnel operating budget account no. 050x171x7100 and \$19,261 from the Department of City Planning and Engagement General Fund fringe benefit operating budget account no. 050x171x7500 to the unappropriated surplus of the General Fund; **ESTABLISHING** new capital improvement program project account no. 980x255x232520, "Centennial II Office Renovation," for the purpose of providing resources for renovating space in Centennial II including, but not limited to, expansion of office space to accommodate additional staff in the Department of City Planning and Engagement; **AUTHORIZING** the transfer and appropriation of the sum of \$42,000 from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x255x232520, "Centennial II Office Renovation," for the purpose of providing resources for renovating space in Centennial II including, but not limited to, expansion of office space to accommodate additional staff in the Department of City Planning and Engagement; **AUTHORIZING** the transfer and appropriation of the sum of \$50,000 from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x091x220920, "Video Conference Room Equipment," for the purpose of providing resources for the acquisition and installation of audio/visual equipment and other equipment necessary to support video conferencing capabilities in Centennial II with the intent to support the City Planning Commission; **AUTHORIZING** the transfer and return to source of the sum of \$15,000 from the balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer and appropriation of the sum of \$15,000 from the unappropriated surplus of the General Fund to City Planning and Engagement General Fund non-personnel operating budget account no. 050x171x7200 for the purpose of providing resources to support the 2023 Cincinnati Housing Solutions Summit; **AUTHORIZING** the transfer and return to source of the sum of \$63,196 from the Cincinnati Parks Department General Fund non-personnel operating budget account no. 050x202x7200 to the unappropriated surplus of the General Fund; **ESTABLISHING** new capital improvement program project account no. 980x203x232038, "Parks Fleet Replacement – GF FAO," for the purpose of providing resources

for automotive and motorized equipment including, but not limited to, mowers for the Cincinnati Parks Department; and AUTHORIZING the transfer and appropriation of the sum of \$63,196 from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x203x232038, “Parks Fleet Replacement – GF FAO,” for the purpose of providing resources for automotive and motorized equipment including, but not limited to, mowers for the Cincinnati Parks Department.

WHEREAS, a need has arisen since the beginning of the Fiscal Year 2023 to transfer various sums according to the attached Schedules of Transfer in order to realign and provide funds for the ongoing needs of City departments; and

WHEREAS, \$8,942,240 is being transferred within current Fiscal Year 2023 appropriations and \$3,864,672 is being transferred from the unappropriated surplus of the General Fund for these ongoing needs; and

WHEREAS, the Department of Human Resources needs to purchase a Commercial Driver’s License (“CDL”) training truck, which is estimated to cost \$96,000, for the purpose of training employees for the state CDL certification exam; and

WHEREAS, the Department of Human Resources has realized a General Fund savings of \$70,000 in its contractual services budget to partially offset the cost of this purchase; and

WHEREAS, the non-departmental Lump Sum Payments account has realized additional savings to be utilized for the remaining \$26,000 needed for the CDL training truck; and

WHEREAS, the Department of City of Planning and Engagement (“DCPE”) needs to renovate its office space in Centennial II to accommodate additional staff and upgrade the information technology infrastructure in the Griesel Conference Room to accommodate City Planning Commission meetings; and

WHEREAS, the estimated cost of the Centennial II Office Renovation project is \$42,000, and the cost of the Video Conference Room Equipment project is \$50,000; and

WHEREAS, DCPE has sufficient General Fund operating budget savings that can be utilized for the Centennial II Office Renovation and Video Conference Room Equipment projects; and

WHEREAS, pursuant to Council Motion #202201913 adopted by Council on October 19, 2022, \$15,000 can be allocated from the Reserve for Operating Budget Contingencies balance sheet reserve account to DCPE to support the 2023 Cincinnati Housing Solutions Summit; and

WHEREAS, the Cincinnati Parks Department needs to purchase two new mowers estimated to cost \$63,196 total to maintain green space across City parks; and

WHEREAS, Parks has sufficient General Fund operating budget savings that can be utilized for the Parks Fleet Replacement – GF FAO project; now, therefore,

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

Section 1. That a total of \$12,806,912 existing within the General Fund and the unappropriated surplus of the General Fund is transferred within said fund according to the attached Schedules of Transfer for the purpose of realigning certain operating accounts and for providing funds for the ongoing needs of City departments.

Section 2. That the sum of \$70,000 is hereby transferred and returned to source from the Department of Human Resources General Fund non-personnel operating budget account no. 050x121x7200 to the unappropriated surplus of the General Fund.

Section 3. That the sum of \$26,000 is hereby transferred and returned to source from the non-departmental Lump Sum Payments personnel operating budget account no. 050x924x7100 to the unappropriated surplus of the General Fund.

Section 4. That the sum of \$96,000 is hereby transferred and appropriated from the unappropriated surplus of the General Fund to existing capital improvement program project account no. 980x981x232505, "Fleet Replacements," for the purpose of providing resources for automotive and motorized equipment for City agencies supported by the General Fund with the intent of purchasing a truck for use by the Department of Human Resources for Commercial Driver's License training.

Section 5. That the sum of \$72,739 is hereby transferred and returned to source from the Department of City Planning and Engagement General Fund personnel operating budget account no. 050x171x7100 and the sum of \$19,261 is hereby transferred from the Department of City Planning and Engagement General Fund fringe benefit operating budget account no. 050x171x7500 to the unappropriated surplus of the General Fund.

Section 6. That the Director of Finance is hereby authorized to establish new capital improvement program project account no. 980x255x232520 "Centennial II Office Renovation,"



for the purpose of providing resources for renovating space in Centennial II including, but not limited to, expansion of office space to accommodate additional staff in the Department of City Planning and Engagement.

Section 7. That the sum of \$42,000 is hereby transferred and appropriated from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x255x232520, “Centennial II Office Renovation,” for the purpose of providing resources for renovating space in Centennial II including, but not limited to, expansion of office space to accommodate additional staff in the Department of City Planning and Engagement.

Section 8. That the sum of \$50,000 is hereby transferred and appropriated from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x091x220920, “Video Conference Room Equipment,” for the purpose of providing resources for the acquisition and installation of audio/visual equipment and other equipment necessary to support video conferencing capabilities in Centennial II with the intent to support the City Planning Commission.

Section 9. That the sum of \$15,000 is hereby transferred and returned to source from balance sheet reserve account no. 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of the General Fund.

Section 10. That the sum of \$15,000 is hereby transferred and appropriated from the unappropriated surplus of the General Fund to the Department of City Planning and Engagement General Fund non-personnel operating budget account no. 050x171x7200 for the purpose of providing resources to support the 2023 Cincinnati Housing Solutions Summit.

Section 11. That the sum of \$63,196 is hereby transferred and returned to source from the Cincinnati Parks Department General Fund non-personnel operating budget account no. 050x202x7200 to the unappropriated surplus of the General Fund.

Section 12. That the Director of Finance is hereby authorized to establish new capital improvement program project account no. 980x203x232038, “Parks Fleet Replacement – GF FAO,” for the purpose of providing resources for automotive and motorized equipment including, but not limited to, mowers for the Cincinnati Parks Department.

Section 13. That the sum of \$63,196 is hereby transferred and appropriated from the unappropriated surplus of the General Fund to capital improvement program project account no. 980x203x232038, “Parks Fleet Replacements – GF FAO,” for the purpose of providing resources for automotive and motorized equipment including, but not limited to, mowers for the Cincinnati Parks Department.

Section 14. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 through 13 and the attached Schedules of Transfer.

Section 15. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to realign and provide funds for the ongoing needs of City departments.

Passed: \_\_\_\_\_, 2023

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

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

**FY 2023 GENERAL FUND 050 FINAL ADJUSTMENT ORDINANCE**  
Fund 050 General Fund

399

# SCHEDULE OF TRANSFER

## FY 2023 GENERAL FUND 050 FINAL ADJUSTMENT ORDINANCE

Fund 050 General Fund

REDUCTIONS		INCREASES	
Fund	Agency	Appropriation Unit	\$ Amount
<b>TRANSFERS WITHIN APPROPRIATIONS</b>			
CINCINNATI POLICE DEPARTMENT			
ADMINISTRATION	050	227	7100
ADMINISTRATION	050	227	7500
			1,750,000
			700,000
DEPARTMENT OF TRANSPORTATION AND ENGINEERING			
ENGINEERING	050	233	7100
ENGINEERING	050	233	7500
			40,000
			10,000
DEPARTMENT OF PUBLIC SERVICES			
NEIGHBORHOOD OPERATIONS	050	253	7100
NEIGHBORHOOD OPERATIONS	050	253	7500
			105,310
			93,097
CINCINNATI FIRE DEPARTMENT			
SUPPORT SERVICES	050	272	7100
SUPPORT SERVICES	050	272	7500
			1,840,231
			1,274,223
NON-DEPARTMENTAL ACCOUNTS			
WORKERS' COMPENSATION	050	921	7500
LUMP SUM PAYMENTS	050	924	7100
			1,015,000
			500,000
<b>TRANSFERS WITHIN APPROPRIATIONS</b>			
CINCINNATI POLICE DEPARTMENT			
INVESTIGATIONS	050	225	7100
INVESTIGATIONS	050	225	7500
SUPPORT	050	226	7100
SUPPORT	050	226	7200
SUPPORT	050	226	7500
SUPPORT	050	227	7200
ADMINISTRATION	050	227	7500
ADMINISTRATION	050	227	7200
			800,000
			800,000
DEPARTMENT OF TRANSPORTATION AND ENGINEERING			
OFFICE OF THE DIRECTOR	050	231	7100
OFFICE OF THE DIRECTOR	050	231	7300
			30,000
			20,000
DEPARTMENT OF PUBLIC SERVICES			
NEIGHBORHOOD OPERATIONS	050	253	7200
NEIGHBORHOOD OPERATIONS	050	253	7300
CITY FACILITY MANAGEMENT	050	255	7200
			161,111
			37,296
			132,050
CINCINNATI FIRE DEPARTMENT			
RESPONSE	050	271	7100
RESPONSE	050	271	7300
RESPONSE	050	271	7500
SUPPORT SERVICES	050	272	7200
			1,840,231
			96,197
			1,274,223
			24,234
DEPARTMENT OF ECONOMIC INCLUSION			
ECONOMIC INCLUSION	050	281	7100
ECONOMIC INCLUSION	050	281	7500
			180,000
			21,000
<b>TOTAL FUND 050 REDUCTIONS</b>		<b>8,942,240</b>	
<b>TOTAL FUND 050 INCREASES</b>		<b>8,942,240</b>	
<b>TOTAL FUND 050 INCREASES</b>		<b>8,942,240</b>	

**SCHEDULE OF TRANSFER**

**FY 2023 GENERAL FUND 050 FINAL ADJUSTMENT ORDINANCE**

Fund 050 General Fund

REDUCTIONS		Fund	Agency	Appropriation Unit	\$ Amount	INCREASES		Fund	Agency	Appropriation Unit	\$ Amount
SUPPLEMENTAL APPROPRIATIONS						SUPPLEMENTAL APPROPRIATIONS					
SOURCE ACCOUNTS						USE ACCOUNTS					
UNAPPROPRIATED SURPLUS						CINCINNATI POLICE DEPARTMENT					
						PATROL					
						CINCINNATI FIRE DEPARTMENT					
						RESPONSE					
						RESPONSE					

April 26, 2023

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

202301235

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

**Subject: Emergency Ordinance – Approving and Authorizing a CRA Tax Abatement with MCA Center, LLC**

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Attached is an Emergency Ordinance captioned:

**APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with MCA Center, LLC, an affiliate of Model Group, Inc., thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 414 Walnut Street and 115 Fifth Street in the Central Business District of Cincinnati, in connection with the remodeling of two existing buildings into mixed-use space containing, in aggregate, approximately 47,103 square feet of commercial space, approximately 27,826 square feet of office space, and approximately 124,302 square feet of residential space, consisting of approximately 156 residential units, at a total construction cost of approximately \$52,700,523.

### **BACKGROUND/CURRENT CONDITIONS**

MCA Center, LLC will be renovating the office buildings located at 414 Walnut Street and 115 Fifth Street in the Central Business District neighborhood of Cincinnati. 414 Walnut Street is home to the Mercantile Library. This project will transform the mostly vacant buildings into 156 apartment units (124,302 square feet of residential space), 47,103 square feet of commercial space and 27,826 square feet of office space, as well as the expansion of the Mercantile Library.

### **DEVELOPER INFORMATION**

MCA Center, LLC is affiliated with The Model Group, who has developed more than \$750 Million in real estate, including over 400 historic properties in Ohio. This includes a diverse mix of market rate and affordable residential, as well as commercial real estate. TMG has extensive experience working with multiple funding sources, routinely layering them together in complex financing structures to maximize the impact of scarce resources and get challenging projects completed.

### **RECOMMENDATION**

The Administration recommends approval of this Ordinance.



CRA Tax Abatement

*Common Ground Community Development, LLC* Page **2** of 4

Attachment: Project Outline

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

# Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	Mercantile Library Redevelopment
Street Address	414 Walnut Street 115 Fifth Street
Property Condition	Office buildings currently sit mostly vacant; The Mercantile Library is in 414 Walnut Street.
Neighborhood	Central Business District
Incentive Application Process	Commercial CRA – Streetcar (Non-LEED)
Recent or other projects by Developer	Findlay Market Square
Approval at planning commission/Neighborhood support	Downtown Residents Council has submitted a letter of support
Plan Cincinnati Goals	Achieves the Compete Initiative Area Goal 2 (pages 114-120) and Sustain Initiative Area Goal 2 (pages 193-198) of Plan Cincinnati

## Project Image



<b><u>Incentive Summary Category</u></b>	<b><u>Explanation</u></b>
Abatement Term and amount	15-year, net 59.5%
Construction Cost & Private investment committed	\$52,700,523 in hard construction costs, \$23,878,311 in soft costs; Developer has received a construction loan for up to \$33,000,000.
Sq. Footage by Use	124,302 – residential 47,103 – commercial 27,826 – office
Number of units and rental ranges	156 residential units Ranging from \$1,350/month- \$4,800/month
Jobs created/retained and payroll (living wage)	Projected to create 72 FTE positions at \$2,546,600 in annual payroll (avg. of \$35,369 annually per job)
“But For”	This project would not proceed without an abatement; the developer would lose money on the project post-construction with their projected ROI
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	Without Abatement: Year 5: -1.88% (stabilized vacancy) With Abatement: Year 5: 2.6% (stabilized vacancy)
LEED or other environmental build	Non-LEED
Neighborhood VTICA	Streetcar VTICA – 7.5%, with payments beginning in year 10 of the agreement.
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$4.65 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$3,374,333
MBE/WBE Goals	N/A
Transit Access/Walkability	Sits along Streetcar line near Fountain Square stop, one block from METRO’s Government Square hub   96 Walk Score
Geography	Located in an Opportunity Zone
Historic Preservation/Existing Building Renovation	This project will renovate two largely vacant office buildings and bring them back into use, as well as result in the expansion of the historic Mercantile Library.
Public Infrastructure Improvements	N/A

<b>Rent</b>	<b>Affordable to Salary</b>	<b>City Jobs (Min Salary exceeds affordable salary)</b>
<b>\$1350.00</b>	\$53,520	Building And Ground Maintenance Crew Leader, Assistant Parking Services Supervisor, Building and Grounds Crew Leader, Automotive Street Cleaning Equipment Operator
<b>\$4,800.00</b>	\$192,000	Director Level and Higher

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

## EMERGENCY

ZDS

- 2023

**APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with MCA Center LLC, an affiliate of The Model Group, Inc., thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 414 Walnut Street and 115 Fifth Street in the Central Business District of Cincinnati, in connection with the remodeling of two existing buildings into mixed-use space containing, in aggregate, approximately 47,103 square feet of commercial space, approximately 27,826 square feet of office space, and approximately 124,302 square feet of residential space, consisting of approximately 156 residential rental units, at a total construction cost of approximately \$52,700,523.

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

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

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

WHEREAS, MCA Center LLC (the “Company”) desires to remodel two existing buildings on real property at 414 Walnut Street and 115 Fifth Street located within the corporate boundaries of the City of Cincinnati into mixed-use space containing, in aggregate, approximately 47,103 square feet of commercial space, approximately 27,826 square feet of office space, and approximately 124,302 square feet of residential space, consisting of approximately 156 residential rental units (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

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

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

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

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

WHEREAS, the City of Cincinnati’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$605,552; and

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to 7.5 percent of the exempt real property taxes for years ten through fifteen of the exemption, which funds shall be committed by the third-party organization to support the streetcar that specially benefits the property; and

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

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

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with MCA Center LLC (the “Agreement”), thereby authorizing a fifteen-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 414 Walnut Street and 115 Fifth Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of two existing buildings into mixed-use space containing, in aggregate, approximately 47,103 square feet of commercial space, approximately 27,826 square feet of office space, and approximately 124,302 square feet of residential space, consisting of approximately 156 residential rental units, to be completed at a total construction cost of approximately \$52,700,523.



Section 2. That Council authorizes the City Manager:

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

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

Passed: \_\_\_\_\_, 2023

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

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

### Community Reinvestment Area Tax Exemption Agreement

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

#### Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. The Company is the sole owner of certain real property within the City, located at 414 Walnut Street and 115 Fifth Street, Cincinnati, Ohio 45202 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed to remodel two buildings located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.

- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, and has remitted with the Application the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past three (3) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. City Council passed (i) Motion No. 201401368 on November 19, 2014, establishing a tax incentive policy that incentivizes each applicant for a real property tax abatement in the neighborhoods of Downtown and OTR to enter into a voluntary tax incentive contribution agreement with a third-party organization ("VTICA") for an amount equal to a percentage of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement, which funds shall be committed by a third-party organization to support the streetcar that specially benefits the abated property, and (ii) Motion No. 201501592 on December 16, 2015, which established that the VTICA contribution to be recognized by the Director of the Department of Community and Economic Development is 15% of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement. The Commercial Policy Ordinance confirmed that such motions have not been superseded and remain the will of Council.
- P. Notwithstanding the foregoing, the Company is willing to make a 7.5% VTICA contribution (the "VTICA Contribution") for years 10 through 15 of the exemption period, and the Department of Community and Economic Development believes that, on balance, the Project merits the assistance described in this Agreement because of the financial constraints of the Project, the value of the VTICA Contribution, the scale and significance of the investment in the Property and the transformative nature of the Project, the job and payroll creation in connection with the Project, and the impact that a continuous 15% contribution would have on the Project's feasibility.

- Q. The Company acknowledges that the Streetcar will specially benefit the Project due to (a) the Streetcar's enhancement of public transit options in such neighborhoods and (b) the anticipated increase in property values attributable to public investment in Streetcar infrastructure.
- R. The Company represents and warrants to the City that the Company has entered or will enter into a VTICA and shall pay the VTICA Contribution each year for the term of the abatement beginning in the 10<sup>th</sup> year of exemption.
- S. This Agreement has been authorized by Ordinance No. \_\_\_\_\_-2023, passed by Cincinnati City Council on \_\_\_\_\_, 2023.
- T. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

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

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel two existing buildings on the Property into mixed-use space containing, in aggregate, approximately 47,103 square feet of commercial space, approximately 27,826 square feet of office space, and approximately 124,302 square feet of residential space, consisting of approximately 156 residential rental units (collectively, the "Improvements") at an estimated aggregate cost of Fifty-Two Million Seven Hundred Thousand Five Hundred Twenty-Three Dollars (\$52,700,523) to commence after the execution of this Agreement and to be completed no later than December 31, 2024; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

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

Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption and (D) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2039 or (ii) the end of the fifteenth (15<sup>th</sup>) year of exemption.

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

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

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

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

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

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

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

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

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

Section 11. Small Business Enterprise Program.<sup>1</sup>

A. Compliance with Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"), which includes SBEs owned by minorities and women ("MBEs" and "WBEs", respectively, as used within CMC Chapter 324, and collectively with SBEs, "Certified Firms"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve (i) the City's goal of voluntarily meeting thirty percent (30%) SBE participation, and (ii) a sub-goal, being the Company's Project-specific voluntary commitment, of meeting the City's economic inclusion program goals to achieve a standard of no less than: fifteen percent (15%) MBE participation; and fifteen percent (15%) WBE participation. A list of SBEs, MBEs, and WBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE, MBE, or WBE. The Company shall comply with the provisions of CMC Chapters 323 and 324, including without limitation taking at least the following affirmative steps:

- (i) Including qualified Certified Firms on solicitation lists.
- (ii) Assuring that Certified Firms are solicited whenever they are potential sources. The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to Certified Firms to provide services, to supply materials, or to bid on construction contracts, as applicable.
- (iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum Certified Firm participation.

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



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

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

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

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

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, there are (i) 182 full-time equivalent employees at the Property with a total annual payroll of \$8,190,000 (the "Retained Jobs"), and (ii) the Company has no existing employment at any other locations in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Retained by Company. The Company agrees to use its best efforts to retain the Retained Jobs in connection with the Project.

B. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 72 full-time equivalent permanent jobs, and (ii) 1,101 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

C. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$2,546,600 of additional annual payroll with respect to the full-time permanent jobs, and (ii) \$15,848,351 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

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

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

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

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

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

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

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax

exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (C) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

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

Section 19. False Statements; Penalties; Material Representations.

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

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

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

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

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

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

To the City:

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

To the Company:

MCA Center LLC  
Attn: Jason Chamlee  
1826 Race Street  
Cincinnati, OH 45202

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 36. Wage Enforcement.

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

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

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

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

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

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

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



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

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

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

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

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

CITY OF CINCINNATI,  
an Ohio municipal corporation

MCA CENTER LLC,  
an Ohio limited liability company

By: \_\_\_\_\_  
Sheryl M. M. Long, City Manager

Date: \_\_\_\_\_, 2023

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

Authorized by resolution dated \_\_\_\_\_

Approved as to Form:

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

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

Fund/Code: \_\_\_\_\_

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

By: \_\_\_\_\_  
Karen Alder, City Finance Director

**Exhibit A to CRA Agreement**

**LEGAL DESCRIPTION OF PROPERTY**

**PARCEL ONE:**

**Auditor's Parcel No.: 081-0003-0126-00**

Situate in Section 18, Town 4, Fractional Range 1, Miami Purchase, Cincinnati Township, in the City of Cincinnati, Hamilton County, Ohio, being part of In Lots 139 and 140 of said city and being more particularly described as follows: Beginning at a point in the east line of Walnut Street (a 66 foot street) which is North 16° 11' West, 51.33 feet from the north line of Fourth Street (a 66 foot street); thence North 16 deg. 11' West, along the east line of Walnut Street, 148.47 feet to the south line of Mercantile Place; thence North 74° 03' 30" East, along the south line of Mercantile Place, 110.13 feet to the westerly line of the land described in Registered Land Certificate of Title 62144; thence along the westerly line of said Registered Land, South 16° 13' East 60.17 feet, South 74° 03' 30" West 10 feet, South 16° 13' East 76.46 feet, North 74° 00' East 0.73 feet and South 16° 13' East 11.73 feet; and thence South 74° 00' West 100.95 feet to the place of beginning. ~~Being the same premises described in Registered Land Certificate of Title No. 170856.~~

**PARCEL TWO:**

**Auditor's Parcel No.: 083-0001-0141-00**

Situate, lying and being in Section 18, Town 4, Fractional Range 1, Cincinnati Township, City of Cincinnati, Hamilton County, Ohio and being all of Lots 12 through 15 and part of Lot 11 of Hamilton County Subdivision as recorded in Deed Book V-2, Page 417, Hamilton County Recorder's Office, and also being part of In Lots 139 and 140 of the In Lots as recorded in Deed Book E-2, Pages 62 to 66, Hamilton County Recorder's Office and also being all of Tract B (a fee simple estate), all of Tract C (a fee simple estate) and all of Tract E (a fee simple estate) and also being part of Tract A (a fee simple estate) and part of Tract D (a fee simple estate) of Registered Land Certificate No. 78982 (City of Cincinnati) which is recorded in Hamilton County, Ohio Registered Land Records, and also being all of Traction Place (a 10 foot alley), and also being part of Mercantile Place (an 18 foot street), and being more particularly described as follows:

Beginning at the intersection of the south line of Fifth Street (a 130 foot street) and the west line of Traction Place (a 10 foot alley); thence North  $81^{\circ} 08' 30''$  East along the south line of Fifth Street 112.70 feet to the west line of Tract B-2, Parcel 2 (Federal Reserve Bank); thence South  $9^{\circ} 23' 30''$  East along the west line of Tract B-2, Parcel 2, and the west line of Tract B-2, Parcel 1 (Federal Reserve Bank) 334.83 feet to a point in the north line of Fourth Street (said point being 225.00 feet westwardly from the northwest corner of Fourth Street and Main

Street (a 66 foot street); thence South  $81^{\circ} 04' 50''$  West along the north line of Fourth Street 172.52 feet to the east line of Walnut Street (a 66 foot street); thence North  $9^{\circ} 06' 00''$  West along the east line of Walnut Street 51.33 feet to the south line of the property presently owned by the Cincinnati College, an Ohio corporation, thence North  $81^{\circ} 04' 50''$  East along said south line and 51.33 feet north of and parallel to the north line of Fourth Street 100.95 feet to the west line of Tract C of Registered Land Certificate No. 78982; thence North  $9^{\circ} 08' 10''$  West along said west line 11.73 feet to the south line of Tract E of Registered Land Certificate No. 78982; thence South  $81^{\circ} 04' 50''$  West along said south line 0.73 feet to the west line of said Tract E; thence North  $9^{\circ} 08' 10''$  West along said west line 76.46 feet to the north line of said Tract E; thence North  $81^{\circ} 08' 20''$  East along said north line 10.00 feet to a point in the west line of Tract C of Registered Land Certificate No. 78982; thence North  $9^{\circ} 08' 10''$  West along said west line and the west line extended northwardly 75.17 feet to a point 15 feet north of the south line of Mercantile Place (an 18 foot street); thence South  $81^{\circ} 08' 30''$  West along a line 15 feet north of and parallel to the south line of Mercantile Place 51.99 feet to the west line of Traction Place; thence North  $9^{\circ} 06' 00''$  West along the west line of Traction Place 120.20 feet to the south line of Fifth Street and the Place of Beginning and containing 33,378 square feet, more or less.

Included in the above described Tract are the following parcels of land registered under Registered Land Certificate Nos. 177272 and 177273:

Situate in the City of Cincinnati, Hamilton County, Ohio, being more particularly described as follows:

Tract A

Beginning at a point in the north line of Fourth Street (a 66 foot street) a distance of 225.22 feet - westwardly from the northwest corner of Fourth Street and Main Street (a 66 foot street); thence North  $16^{\circ} 27'$  West a distance of 63.00 feet; thence South  $74^{\circ}$  West a distance of 11.72 feet; thence South  $16^{\circ}$  East a distance of 63.00 feet to the north line of Fourth Street; thence North  $74^{\circ}$  East along the north line of Fourth Street a distance of 12.24 feet to the Place of Beginning.

Tract B

Beginning at a point in the north line of Fourth Street (a 66 foot street) a distance of 237.46 feet westwardly from the northwest corner of Fourth Street and Main Street (a 66 foot street); thence North  $16^{\circ}$  West a distance of 63.00 feet; thence South  $74^{\circ}$  West a distance of 21.50 feet; thence South  $16^{\circ}$  East a distance of 63.00 feet to the north line of Fourth Street; thence North  $74^{\circ}$  East along the north line of Fourth Street a distance of 21.50 feet to the Place of Beginning.

Tract C

Beginning at a point in the North line of Fourth Street (a 66 foot street) a distance of 258.96 feet westwardly from the northwest corner of Fourth Street and Main Street (a 66 foot street); thence North  $16^{\circ} 00'$  a distance of 90 feet; thence North  $74^{\circ}$  East a distance of 7.14 feet; thence  $16^{\circ}$  West a distance of 26.31 feet; thence South  $74^{\circ}$  West a distance of 23.86 feet; thence North  $16^{\circ}$  West a distance of 83.19 feet to the north line of said Registered Land; thence South  $74^{\circ} 03' 30''$  West along the north line of said Registered Land, a distance of 12.55 feet; thence South  $16^{\circ} 13'$  East a distance of 136.45 feet; thence South  $74^{\circ}$  West a distance of 9.27 feet; thence South  $16^{\circ} 13'$  East a distance of 63.06 feet to a point in the north line of Fourth Street and thence North  $74^{\circ}$  East along the north line of Fourth Street, a distance of 37.79 feet to the Place of Beginning.

#### Tract D

From a point in the north line of Fourth Street (a 66 foot street) which is 258.96 feet westwardly from the northwest corner of Fourth Street and Main Street (a 66 foot street); measure North  $16^{\circ}$  West a distance of 63.00 feet to the Place of Beginning; thence North  $74^{\circ}$  East a distance of 33.22 feet; thence North  $16^{\circ} 28' 20''$  West a distance of 136.46 feet to the north line of said Registered Land; thence South  $74^{\circ} 03' 30''$  West along the north line of said Registered Land a distance of 48.82 feet; thence South  $16^{\circ}$  East a distance of 83.19 feet; thence North  $74^{\circ}$  East a distance of 23.86 feet; thence South  $16^{\circ}$  East a distance of 26.31 feet; thence South  $74^{\circ}$  West a distance of 7.14 feet; thence South  $16^{\circ}$  East a distance of 27.00 feet to the Place of Beginning.

#### Tract E

From a point in the north line of Fourth Street (a 66 foot street) which is South  $74^{\circ}$  West a distance of 296.75 feet from the northwest corner of Fourth Street and Main Street (a 66 foot street); measure North  $16^{\circ} 13'$  West a distance of 63.06 feet to the Place of Beginning; thence North  $74^{\circ}$  East a distance of 9.27 feet; thence North  $16^{\circ} 13'$  West a distance of 76.45 feet; thence South  $74^{\circ} 03' 30''$  West a distance of 10 feet; thence South  $16^{\circ} 13'$  East a distance of 76.46 feet; thence North  $74^{\circ}$  East a distance of 0.73 feet to the Place of Beginning.

**PARCEL THREE:**

**Auditor's Parcel No.: 083-0001-0257-00**

Beginning at the intersection of the east line of Walnut Street (a 66 foot street) and the south line of Mercantile Place (a 15 foot alley), thence North  $81^{\circ} 08' 30''$  East, along the south line of said Mercantile Place, a distance of 110.14 feet to the westerly line of that part of Mercantile Place vacated by Ordinance 345-1968, City of Cincinnati; thence North  $9^{\circ} 08' 10''$  West along the westerly line of said vacated Mercantile Place, a distance of 15 feet; thence South  $81^{\circ} 08' 30''$  West, along the northerly line of said Mercantile Place, as narrowed, and the North line of Mercantile Place a distance of 110.13 feet to the east line of said Walnut Street; thence South  $9^{\circ} 06''$  East, along the east line of said Walnut Street, a distance of 15 feet to the place of beginning.



**Exhibit B to CRA Agreement**  
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

April 26, 2023

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

202301246

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

**Subject: Emergency Ordinance – Approving and Authorizing a Community Reinvestment Area Tax Exemption Agreement with Findlay Parkside, LLC**

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Attached is an Emergency Ordinance captioned:

**APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Findlay Parkside, LLC, an affiliate of The Model Group, Inc., thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 1804 Vine Street, 31 E. McMicken Avenue, 1812-1816 Vine Street, 1822 Vine Street, 29 E. McMicken Avenue, 118 Findlay Street, 1720 Elm Street, and 116 W. Elder Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of existing buildings into a mixed-use development consisting of, in aggregate, approximately 16,456 square feet of commercial space and approximately 31,403 square feet of residential space, comprised of approximately 51 residential rental units, which remodeling shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total remodeling cost of approximately \$15,710,420.

#### **BACKGROUND/CURRENT CONDITIONS**

In March 2023, The Model Group (TMG) (the “Developer”) completed their applications for financial assistance for the project called Findlay Parkside. This application included properties that had already received a Commercial CRA tax abatement from the City under the name “Findlay Exchange” approved by Council Ordinance 374-2022. Findlay Parkside, LLC, an affiliate of TMG, plans to rehabilitate ten (10) historic, mixed-use buildings at 1804 Vine, 31 E McMicken, 1812 Vine, 1814 Vine, 1816 Vine, 1822 Vine, 29 E McMicken, 118 Findlay, 1720 Elm, and 116 W Elder in the Over-the-Rhine neighborhood.

The Developer holds title to all parcels for the Findlay Parkside project. The City sold 116 W Elder Street to Nassau Avenue Investments, LLC (another affiliate of the Developer) in 2021 for \$1. The buildings are 97% vacant and contain apartment units and commercial storefronts.

### **DEVELOPER INFORMATION**

This project is being developed by Findlay Parkside, LLC, an affiliate of the Developer. The Developer has developed more than \$750 million in real estate, including over 400 historic properties in Ohio. This includes a mix of market rate and affordable residential, as well as commercial real estate. Previous mixed-use projects include Willkommen (OTR), Broadway Square (Pendleton), Paramount Square (Walnut Hills), and Market Square Phases I-III (OTR).

### **RECOMMENDATION**

The Administration recommends approval of this Emergency Ordinance. This Ordinance is an emergency in nature because the Developer has an April financial closing deadline, particularly for the New Market Tax Credits.

Attachment: Project Outline

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

# Project Outline

<b><u>Project Description Details</u></b>	<b><u>Explanation</u></b>
Project Name	Findlay Parkside
Street Address	1804 Vine, 31 E McMicken, 1812 Vine, 1814 Vine, 1816 Vine, 1822 Vine, 29 E McMicken, 118 Findlay, 1720 Elm, and 116 W Elder
Property Condition	Ten (10) historic buildings are 97% vacant and contain apartments units and commercial storefronts. Eckerlin Meats currently occupies part of the first floor of 116 W Elder and will remain post-construction. The City sold 116 W Elder Street to Nassau Avenue Investments, LLC (another affiliate of TMG) in 2021 for \$1. Developer holds title to all properties.
Neighborhood	Over-the-Rhine
Incentive Application Process	Commercial CRA – Downtown Streetcar Area (LEED)
Recent or other projects by Developer	Wilkommen, Broadway Square, Paramount Launch, Griffon Apartments, Peebles Apartments
Approval at planning commission/Neighborhood support	Planning Commission N/A Developer has received more than 15 letters of support to-date from area businesses and organizations.
Plan Cincinnati Goals	Achieves the Compete Initiative Area Goal 2 (pages 114-120), Live Initiative Area Goals 2 and 3 (pages 156-177) and Sustain Initiative Area Goal 2 (pages 193-198) of <i>Plan Cincinnati</i> (2012)

## Project Images



1804 Vine Street and 31 E McMicken Avenue from Vine Street



1812-1816 Vine Street from Vine Street



1822 Vine Street from Vine Street





1804-1816 Vine Street, 29-31 E McMicken Avenue from E McMicken Avenue



118 Findlay Street, 1720 Elm Street, 116 W Elder Street

<b><u>Incentive Summary Category</u></b>	<b><u>Explanation</u></b>
Abatement Term and amount	15-year, net 52%
Construction Cost & Private investment committed	\$15,710,420 in hard construction costs, \$2,715,200 in acquisition costs, \$7,331,736 in soft costs, and \$2,680,880 in developer fee; Developer will utilize New Market Tax Credits, State and Federal Historic Tax Credits as well as senior debt. Developer is also committing up to \$4,467,681 in sponsor and investor equity, including the entire \$2,680,880 developer fee.
Sq. Footage by Use	16,456 sf – commercial, 31,403 sf – residential (net sf)
Number of units and rental ranges	51 (25 studios, 20 1-BR, 6 2-BR), \$800-\$1,500, the Developer is proposing to keep 51% of the units affordable to households at 80% AMI
Jobs created/retained and payroll (living wage)	Projected to retain 5 FTE at \$150,000 in annual payroll and create 48 FTE positions at \$1,080,000 in annual payroll (avg. of \$23,207.55 annually per job)
“But For”	This project would not proceed without an abatement; the developer would lose money on the project for at least 15 years post-construction with their projected ROI
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	Without Abatement: Year 5: -2% (stabilized vacancy) With Abatement: Year 5: 1% (stabilized vacancy)
LEED or other environmental build	LEED Silver
Neighborhood VTICA	Streetcar VTICA – 15%
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$1.17 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$431,892
MBE/WBE Goals	SBE Goal of 30%
Transit Access/Walkability	All or part of the Project sits along or within walking distance of the 6, 16, 17, 19, 20, 21, 24, 46, 49, 64, 67, 78 and Metro Plus bus routes and Streetcar route; also located in or within walking distance of Findlay Market, Washington Park, the OTR Vine Street Business District, and the OTR Main Street Business District



Geography	Located in Opportunity Zones and the OTR-West End Neighborhood Revitalization Strategy Area
Historic Preservation/Existing Building Renovation	This project will renovate ten (10) historic buildings, preserving and reactivating them for future use
Public Infrastructure Improvements	N/A

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
<b>\$800.00</b>	\$32,000.00	Health Caseworker, Video Production Specialist, Lifeguard, Pool Monitor, Community Center Director 2
<b>\$1,500.00</b>	\$60,000.00	Permit Technician 3, Industrial Waste Inspector, Law Enforcement Instructor, Building Inspector 1, Optician

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

## EMERGENCY

SSB

- 2023

**APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Findlay Parkside, LLC, an affiliate of The Model Group, Inc., thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 1804 Vine Street, 31 E. McMicken Avenue, 1812-1816 Vine Street, 1822 Vine Street, 29 E. McMicken Avenue, 118 Findlay Street, 1720 Elm Street, and 116 W. Elder Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of existing buildings into a mixed-use development consisting of, in aggregate, approximately 16,456 square feet of commercial space and approximately 31,403 square feet of residential space, comprised of approximately 51 residential rental units, which remodeling shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total remodeling cost of approximately \$15,710,420.

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

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

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

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

WHEREAS, Findlay Parkside, LLC (the “Company”) desires to remodel existing buildings on real property at 1804 Vine Street, 31 E. McMicken Avenue, 1812-1816 Vine Street, 1822 Vine Street, 29 E. McMicken Avenue, 118 Findlay Street, 1720 Elm Street, and 116 W. Elder Street located within the corporate boundaries of the City of Cincinnati into a mixed-use development consisting of, in aggregate, approximately 16,456 square feet of commercial space and approximately 31,403 square feet of residential space, comprised of approximately 51 residential rental units, to LEED or LBC standards (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

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

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

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

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

WHEREAS, the City’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$114,764; and

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

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

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

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Findlay Parkside, LLC (the “Agreement”), thereby authorizing a fifteen-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 1804 Vine Street, 31 E. McMicken Avenue, 1812-1816 Vine Street, 1822 Vine Street, 29 E. McMicken Avenue, 118 Findlay Street, 1720 Elm Street, and 116 W. Elder Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of existing buildings into a mixed-use development consisting of, in aggregate, approximately 16,456 square feet of commercial space and approximately 31,403 square feet of residential space, comprised of approximately 51 residential rental units, to be constructed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council) or Living Building Challenge standards (as described in the Agreement and as determined by the International Living Future Institute and the Cascadia Green Building Council, as applicable) at a total remodeling cost of approximately \$15,710,420.

Section 2. That Council authorizes the City Manager:

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the

emergency is the immediate need to allow the remodeling described in this ordinance and the corresponding revitalization of the City of Cincinnati and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: \_\_\_\_\_, 2023

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

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

Contract No. \_\_\_\_\_

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

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

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. Pursuant to the Commercial Policy Ordinance, a project that is constructed or remodeled to (1) Leadership in Energy and Environmental Design ("LEED") Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council), or (2) receives a (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the "Energy Petal" of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (such qualifying remodeling or construction is referred to, collectively, as "LBC" remodeling or construction), may qualify for a longer term and/or greater abatement.
- E. The Company is the sole owner of certain real property within the City, located at 1804 Vine Street, 31 E. McMicken Avenue, 1812-1816 Vine Street, 1822 Vine Street, 29 E. McMicken Avenue, 118 Findlay Street, 1720 Elm Street, and 116 W. Elder Street, Cincinnati, Ohio 45202 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- F. The Company has proposed the remodeling of several buildings located on the Property to LBC standards or LEED Silver, Gold or Platinum standards, as defined by the U.S. Green Building Council, within the boundaries of the City of Cincinnati, as more fully described in Section 1

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herein (the "Project"); provided that the appropriate development incentives are available to support the economic viability of the Project.

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



15% of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement. The Commercial Policy Ordinance confirmed that such motions have not been superseded and remain the will of Council.

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

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

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel the existing buildings on the Property into a mixed-use development consisting of approximately 16,456 square feet of commercial space and approximately 31,403 square feet of residential space, comprised of approximately 51 residential rental units (the "Improvements") at an estimated aggregate cost of \$15,710,420 to commence after the execution of this Agreement and to be completed no later than December 31, 2024; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code and zoning regulations, as well as complying with LBC standards or LEED Silver, Gold or Platinum standards, as defined by the U.S. Green Building Council. The Company hereby represents that either or both of the following clauses (a) and (b) are true: (a) it has registered with the U.S. Green Building Council with intent to certify compliance with LEED Silver, Gold or Platinum standards, or (b) it has registered with the International Living Future Institute and/or the Cascadia Green Building Council with intent to certify compliance with LBC standards. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

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Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 15 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption, (D) compliance with LBC standards or LEED Silver, Gold or Platinum standards, as defined by the U.S. Green Building Council, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2039 or (ii) the end of the 15<sup>th</sup> year of exemption.

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

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

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

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

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any

other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

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

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

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

Section 11. Small Business Enterprise Program.<sup>1</sup>

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

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources.

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

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

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

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

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

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

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

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, (a) there are 5 full-time equivalent employees at the Property with a total annual payroll of \$150,000 (the "Retained Jobs"), and (b) the Company has no existing employment at any other locations in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Retained by Company. The Company agrees to use its best efforts to retain the Retained Jobs in connection with the Project.

B. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 48 full-time permanent jobs and (ii) 168.5 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

C. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$1,080,000 of additional annual payroll with respect to the full-time permanent jobs and (ii) \$4,158,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

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

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

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

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

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

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

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax

exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (E) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

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

**Section 19. False Statements; Penalties; Material Representations.**

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

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

**Section 20. Conflict of Interest.** The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the

Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

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

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

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

To the City:

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

To the Company:

Findlay Parkside, LLC  
c/o Model Group  
Attention: Jason Chamlee  
1826 Race Street  
Cincinnati, Ohio 45202

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

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

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

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



obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

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

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

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

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

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

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

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

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

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

Section 36. Wage Enforcement.

{00381830-1}

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF CINCINNATI,  
an Ohio municipal corporation

FINDLAY PARKSIDE, LLC,  
an Ohio limited liability company

By: \_\_\_\_\_  
Sheryl M. M. Long, City Manager

Date: \_\_\_\_\_, 2023

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

Authorized by resolution dated \_\_\_\_\_

Approved as to Form:

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

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

Fund/Code: \_\_\_\_\_

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

By: \_\_\_\_\_  
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

**Property Address:** 1804 Vine Street, Cincinnati, Ohio 45202  
**Auditor's Parcel No.:** 094-0005-0440-00

Situated in Section 13, Town 3, Fractional Range 2 Between the Miamis, Millcreek Township, The City of Cincinnati, Hamilton County, Ohio, and being all of Tract 1 of Nassau Avenue Investments, LLC, as recorded in Official Record 14016, Page 2074 of the Hamilton County Recorder's Office containing 0.1186 acres and being further described as follows:

Begin at the northeast intersection of the east right of way of Vine Street (66') and the south right of way of East Elder Street (30'), said intersection being the southeast corner of Cincinnati Central Credit Union, Inc, as recorded in Official Record 12725, Page 560; thence, departing said East Elder Street, and with the east right-of-way of said Vine Street, North 09°39'00" West, 36.00 feet to the northwest corner of said Cincinnati Central Credit Union, Inc., being referenced by a set cross north at North 80°06'00" East, 3.00 feet and the True Point of Beginning:

thence, from the true point of beginning and departing said Cincinnati Central Credit Union, Inc, and with the east right-of-way of said Vine Street, North 09° 39' 00" West, 44.00 feet to the southwest corner of Cincy Investment X, LLC as recorded in Official Record 13109, Page 1213, said corner being referenced by a set cross notch at South 80°16'20" West, 3.00 feet;

thence, departing the east right-of-way of said Vine Street, and with the south line of said Cincy Investment X, LLC and also with the south line of said SLG Properties, LLC as recorded in Official Record 13918, Page 1587, North 80° 16' 20" East, 126.13 feet to the west right-of-way of East McMicken Avenue (66'), said point being referenced by a set cross notch at North 80°16'20" East, 3.00 feet;

thence, departing said SLG Properties, LLC, and with the west right-of-way of said East McMicken Avenue, South 41° 02' 00" East, 35.28 feet to the northeast corner of Lighthouse Worship Center as recorded in Official Record 7962, Page 1722, said corner being referenced by a set cross notch at North 80°21'00" East, 3.00 feet,

thence, departing the west right-of-way of said East McMicken Avenue, and with the north and west lines of said Lighthouse Worship Center, the following two courses: South 80° 21' 00" West, 65.13 feet,

thence, South 09° 39' 00" East, 13.70 feet to the northeast corner of said Cincinnati Central Credit Union, Inc;

thence, departing said Lighthouse Worship Center, and with the north line of said Cincinnati Central Credit Union, Inc, South 80° 06' 00" West, 79.37 feet to the True Point of Beginning containing 0.1186 acres of land, more or less.

**Property Address:** 31 E. McMicken Avenue, Cincinnati, Ohio 45202  
**Auditor's Parcel No.:** 094-0005-0441-00

**Commented [BS1]:** The application listed this property as 1810 Vine Street, but per Auditor/CAGIS, it is currently identified as 31 E. McMicken Avenue.

**Date:** January 23, 2023, Rev. March 30, 2023  
**Description:** 1810 Vine Street and 31 E. McMicken Avenue  
Consolidation - Parcel 2  
**Location:** City of Cincinnati  
Hamilton County, Ohio



Situated in Section 13, Town 3, Fractional Range 2 Between the Miamis, Millcreek Township, The City of Cincinnati, Hamilton County, Ohio, and being all of Parcels 1 and 2 of Nassau Avenue Investments, LLC, as recorded in Official Record 14169, Page 2991 of the Hamilton County Recorder's Office containing 0.0499 acres and being further described as follows:

Begin at the northeast intersection of the east right of way of Vine Street (66') and the south right of way of East Elder Street (30'), said intersection being the southeast corner of Cincinnati Central Credit Union, Inc, as recorded in Official Record 12725, Page 560; thence, departing said East Elder Street, and with the east right-of-way of said Vine Street, North 09°39'00" West, 100.00 feet to the northwest corner of Cincy Investment X, LLC as recorded in Official Record 13109, Page 1213, said corner being referenced by a set cross notch at South 80°16'20" West, 3.00 feet and the True Point of Beginning:

thence, from the true point of beginning and departing said Cincy Investment X, LLC, and with the east right-of-way of said Vine Street North 09° 39' 00" West, 20.02 feet to the southwest corner of Nassau Avenue Investments, LLC as recorded in Official Record 14016, Page 2070, said corner being referenced by a set cross notch at South 77°47'30" West, 3.00 feet;

thence, departing the east right-of-way of said Vine Street, and with the south lines of said Nassau Avenue Investments, LLC as recorded in Official Record 14016, Page 2070, North 77° 47' 30" East, 99.22 feet to the west right-of-way of East McMicken Avenue, said point being referenced by a set cross notch at North 77°47'30" East, 3.00 feet;

thence, departing said Nassau Avenue Investments, LLC as recorded in Official Record 14016, Page 2070 and with the west right-of-way of said East McMicken Avenue, South 41° 02' 00" East, 24.42 feet to the northeast corner of SLG Properties LLC as recorded in Official Record 13918, Page 1587, said corner being referenced by a set cross notch at North 78° 36' 20" East, 3.00 feet;

thence, departing the west right-of-way of said East McMicken Avenue, and with the north line of said SLG Properties LLC, South 78° 36' 20" West, 55.83 feet to the northeast corner of said Cincy Investment X, LLC;

thence, departing said SLG Properties LLC and with the north line of said Cincy Investment X, LLC, South 78° 24' 27" West, 56.06 feet to the True Point of Beginning containing 0.0499 acres of land, more or less.

The above description was prepared from a consolidation plat made on November 14, 2022 under the direction of Jeffrey O. Lambert, Professional Surveyor #7568 in the State of Ohio.

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

**Property Address:** Vine Street, Cincinnati, Ohio 45202 (formerly identified as 1812-14 Vine Street)  
**Auditor's Parcel No.:** 094-0005-0439-00

Situated in Section 13, Town 3, Fractional Range 2 Between the Miamis, Millicreek Township, The City of Cincinnati, Hamilton County, Ohio, and being all of Parcels 1 and 2 of Nassau Avenue Investments, LLC, as recorded in Official Record 14016, Page 2070 and also being all of Tract 2 of Nassau Avenue Investments, LLC, as recorded in Official Record 14016, Page 2074 of the Hamilton County Recorder's Office containing 0.0649 acres and being further described as follows:

Begin at the northeast intersection of the east right of way of Vine Street (66') and the south right of way of East Elder Street (30'), said intersection being the southeast corner of Cincinnati Central Credit Union, Inc, as recorded in Official Record 12725, Page 580; thence, departing said East Elder Street, and with the east right-of-way of said Vine Street, North 09°39'00" West, 120.02 feet to the northwest corner of Nassau Avenue Investments, LLC, as recorded in Official Record 14016, Page 2074, said corner being referenced by a set cross notch at South 77° 47' 30" West, 3.00 feet and the True Point of Beginning:

thence, from the true point of beginning, departing said Nassau Avenue Investments, LLC, as recorded in Official Record 14016, Page 2074, and with the east right-of-way of said Vine Street, North 09° 39' 00" West, 45.19 feet to the southwest corner of Parcel 3 of Nassau Avenue Investments, LLC, as recorded in Official Record 14016, Page 2070, said corner being referenced by a set cross notch at South 77° 18' 25" West, 3.00 feet;

thence, departing the east right-of-way of said Vine Street, and with the South line of said Parcel 3 of Nassau Avenue Investments, LLC, as recorded in Official Record 14016, Page 2070, North 77° 18' 25" East, 72.03 feet to the west right-of-way of East McMillan Avenue, said point being referenced by a set cross notch at North 77° 18' 25" East, 3.00 feet;

thence, departing said Parcel 3 of Nassau Avenue Investments, LLC, as recorded in Official Record 14016, Page 2070, and with the west right-of-way of said East McMillan Avenue, South 41° 02' 00" East, 29.33 feet to the northeast corner of Tract 2 of Nassau Avenue Investments, LLC, as recorded in Official Record 14016, Page 2074;

thence, departing the west right-of-way of said East McMillan Avenue, and with the north and west lines of said Tract 2 of Nassau Avenue Investments, LLC, as recorded in Official Record 14016, Page 2074, the following two courses: South 77° 47' 30" West, 47.28 feet;

thence, South 09° 39' 00" East, 20.08 feet a point on the north line of Parcel 1 of Nassau Avenue Investments, LLC, as recorded in Official Record 14169, Page 2991;

thence, departing said Tract 2 of Nassau Avenue Investments, LLC, as recorded in Official Record 14016, Page 2074 and with the north line of said Parcel 1 of Nassau Avenue Investments, LLC, as recorded in Official Record 14169, Page 2991, South 77° 47' 30" West, 40.00 feet to the True Point of Beginning containing 0.0649 acres of land, more or less.

**Property Address:** 1816 Vine Street, Cincinnati, Ohio 45202  
**Auditor's Parcel No.:** 094-0005-0310-00

Situate in the City of Cincinnati, Hamilton County, State of Ohio, being part of Lot No. 26 of James Findlay Subdivision as per plat recorded in Deed Book R. No. 2, Page 334 of the Hamilton County Recorder's Office and more fully described as follows:

BEGINNING at a point in the East side of Vine Street, at the Northwest corner of the lot now owned by Anna Shuster, which point is also 121.32 feet South of McMicken Avenue, thence at an angle 87 deg. 01' Seventy-Two and 36/100 (72.36) feet to McMicken Avenue; thence Northwestwardly with McMicken Avenue, Forty (40) feet; thence Westwardly Fifty-One (51) feet to the East side of Vine Street, thence Southwardly along the East side of Vine Street, Thirty-Five (35) feet to the place of beginning; said beginning point being shown on the Auditor's Plat as One Hundred and Twenty-One (121) feet South of McMicken Avenue.

{00381830-1}

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**Property Address:** 1822 Vine Street, Cincinnati, Ohio 45202  
**Auditor's Parcel No.:** 094-0005-0309-00

Situated in Cincinnati City, Hamilton County, Ohio.

All that certain lot or parcel of ground lying and situated at the intersection of Hamilton Road (now McMicken Avenue) and Vine Street in the City of Cincinnati, Ohio described as follows:

Commencing at the intersection of said streets, thence running southwardly along the eastwardly line of Vine Street, 86.62 feet to the northwardly line of John Becker's brick wall, which wall is the northwardly line of John Becker's lot, thence eastwardly along the brick wall of John Becker's house 51.30 feet, more or less, to McMicken Avenue (formerly Hamilton Road); thence along Hamilton Road (now McMicken Avenue), 98.40 feet to Vine Street and the place of beginning, being a triangular lot.

**Property Address:** 29 E. McMicken Avenue, Cincinnati, Ohio 45202  
**Auditor's Parcel No.:** 094-0005-0312-00

Situated in the City of Cincinnati, County of Hamilton and State of Ohio, to-wit: Lying near the junction of Vine Street and Hamilton Road (now McMicken Avenue) and fronting twenty (20) feet more or less on the Southerly side of said Hamilton Road (now McMicken Avenue) and extending back between parallel lines to a lot conveyed by John Ridiman and wife to Michael Brauer, lying next Southeastwardly of a lot formerly owned by Mrs. Rice. Said premises being more particularly described as follows: Beginning at a point in the Southwesterly line of McMicken Avenue one hundred and forty-four and 87/100 (144.87) feet Northwesterly from the intersection of McMicken Avenue and Elder Street; thence Northwesterly along said Southerly line of McMicken Avenue twenty-three and one-half (23-1/2) feet to a point; thence Westerly from said two points between parallel lines to a line parallel to and forty (40) feet East of Vine Street, being forty-seven and 44/100 (47.44) feet in depth on the Northerly and fifty-nine and 64/100 (59.64) feet in depth on the Southerly line, as per survey made by B.W. Harrison, County Surveyor, recorded in Volume 21, Page 5, of the Records of the Office of the Surveyor of Hamilton County, Ohio.

**Property Address:** 118 Findlay Street, Cincinnati, Ohio 45202  
**Auditor's Parcel No.:** 096-0006-0055-00

Situate in the City of Cincinnati, Hamilton County, State of Ohio and bounded and described as follows:

Beginning at the northwest corner of Findlay and Pleasant Streets in said city; running thence westwardly along the north line of Findlay Street Twenty-Five (25) feet to a point; thence northwardly on a line parallel with the west line of Pleasant Street One Hundred (100) feet to the south line of Forbus Alley; thence eastwardly along the south line of Forbus Alley Twenty-Five (25) feet to the west line of Pleasant Street; thence southwardly along the west line of Pleasant Street One Hundred (100) feet to the Place of Beginning. Being Lot No. Nine (9) of Square "H" of the Subdivision laid out by James Findlay and J.D. Garrard, a Plat of which Subdivision is recorded in Deed Book No. 47, Page 319 of the records of Hamilton County, Ohio.

{00381830-1}

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**Property Address:** 1720 Elm Street, Cincinnati, Ohio 45202  
**Auditor's Parcel No.:** 094-0008-0128-00

Situate in the City of Cincinnati, Hamilton County, Ohio, and being all of Lot 39 of Block "F" as subdivided by the Commissioners in Partition of the Estates of James and Jane Findlay, deceased, said Lot 39 fronting twenty-five (25) feet on the east side of Elm Street and running back eastwardly between parallel lines a distance of ninety-three (93) feet to a twelve foot alley.

**Property Address:** 116 W. Elder Street, Cincinnati, Ohio 45202  
**Auditor's Parcel No.:** 094-0008-0276-00

Situate in Section 13, Fractional Range 2, Town 3, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being all of Lots 7, 8 and 9 of Findlay and Garrard's Subdivision as recorded in Deed Book 45, Page 319 of the Hamilton County Recorder's Office and being more particularly described as follows:

Beginning at the intersection of the East line of Pleasant Street, 30' R/W and the North line of Elder Street, 45' R/W measure in said East line North  $16^{\circ} 32' 28''$  West, 80.31 feet to a point in the South line of Sellow Alley 12' R/W, thence with said South line North  $73^{\circ} 49' 45''$  East, 60.00 feet to a point in the West line of a tract of land belonging to Michael Luken as recorded in Deed Book 4312 Page 1353; thence with said West line South  $16^{\circ} 32' 28''$  East, 80.28 feet to a point in the North line of said Elder Street; thence, with said North line South  $73^{\circ} 47' 50''$  West, 60.00 feet to the Place of Beginning. Containing 4,818 square feet of land, more or less. Subject to all legal highways easements and restriction of record. Based on drawing G-44-10-80 of the City Engineer's Office. Bearings based on line survey #29-22 of the City Engineer's office.

**Exhibit B to CRA Agreement**

**APPLICATION FOR TAX EXEMPTION**

TO BE ATTACHED TO EXECUTION VERSION

May 3, 2023

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

202301291

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

**Subject: Ordinance – Police & Fire: FY 2023 Port Security Grant Program**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2023 Port Security Grant Program (ALN 97.056), in an amount of up to \$134,983 to support the Cincinnati Police Department's Marine Unit Emergency Response and the Port of Cincinnati Ohio River Surveillance Camera Network and up to \$262,500 to support the Cincinnati Fire Department's Fire Boat Refurbishment Project; and **AUTHORIZING** the Director of Finance to deposit the grant funds in an amount up to \$134,983 for the Police Department into Law Enforcement Grant Fund 368x8553, Project Account No. 23PORT, and to deposit the grant funds in an amount up to \$262,500 for the Fire Department into Fire Grant Fund 472x8542.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant from the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), FY 2023 Port Security Grant Program (ALN 97.056), in an amount of up to \$134,983 for the purpose of supporting the Cincinnati Police Department's Marine Unit Emergency Response and the Port of Cincinnati River Surveillance Camera Network and up to \$262,500 for the purpose of supporting the Cincinnati Fire Department's Fire Boat Refurbishment Project. This Ordinance also authorizes the Finance Director to deposit the grant funds in an amount up to \$134,983 for the Police Department into Law Enforcement Grant Fund 368x8553, Project Account No. 23PORT, and to deposit the grant funds in an amount up to \$262,500 for the Fire Department into Fire Grant Fund 472x8542.

The FY 2023 Port Security Grant Program is available through the U.S. Department of Justice (DOJ), Federal Emergency Management Agency, to provide support for the Cincinnati Police Department's (CPD) Marine Unit Emergency Response and the Port of Cincinnati Ohio River Surveillance Network as well as the Cincinnati Fire Department's (CFD) Fire Boat Refurbishment Project.

The grant application deadline is May 18, 2023. CPD and CFD intend to apply for the grant by that date, but no grant funds will be accepted without City Council approval.

There are no new FTEs associated with this grant. The grant requires a local match of 25% of the total project cost, or up to \$132,494. CPD will provide \$26,483 of the

matching funds for the Marine Unit Emergency Response from IRS Forfeiture Fund 373 and an in-kind match of donated staff time in the amount of \$18,511 for the Port of Cincinnati Ohio River Surveillance Camera Network. CFD will provide \$87,500 of matching funds for CFD's Fire Boat Refurbishment Project from the Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x271x7200.

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

The Administration recommends passage of this Ordinance.

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



Attachment

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2023 Port Security Grant Program (ALN 97.056), in an amount of up to \$134,983 to support the Cincinnati Police Department's Marine Unit Emergency Response and the Port of Cincinnati Ohio River Surveillance Camera Network and up to \$262,500 to support the Cincinnati Fire Department's Fire Boat Refurbishment Project; and **AUTHORIZING** the Director of Finance to deposit the grant funds in an amount up to \$134,983 for the Police Department into Law Enforcement Grant Fund 368x8553, Project Account No. 23PORT, and to deposit the grant funds in an amount up to \$262,500 for the Fire Department into Fire Grant Fund 472x8542.

WHEREAS, a grant of up to \$134,983 to fund the Cincinnati Police Department's ("CPD") Marine Unit Emergency Response and the Port of Cincinnati Ohio River Surveillance Camera Network and an additional amount of up to \$262,500 to support the Cincinnati Fire Department's ("CFD") Fire Boat Refurbishment Project are available from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2023 Port Security Grant Program (ALN 97.056); and

WHEREAS, the grant requires matching funds of twenty-five percent, or up to \$132,494; and

WHEREAS, CPD will provide \$26,483 of the matching funds for the Marine Unit Emergency Response from IRS Forfeiture Fund 373; and

WHEREAS, CPD will provide an in-kind match of donated staff time in the amount of \$18,511 for the Port of Cincinnati Ohio River Surveillance Camera Network; and

WHEREAS, CFD will provide \$87,500 of matching funds for CFD's Fire Boat Refurbishment Project from General Fund non-personnel operating budget account no. 050x271x7200; and

WHEREAS, there are no additional FTEs/full time equivalents associated with the grant; and

WHEREAS, the grant application deadline is May 18, 2023, and CPD and CFD intend to apply for the grant by that date, but no grant funds will be accepted without Council approval; and

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

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

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a grant from the United States Department of Homeland Security, Federal Emergency Management Agency, for a grant from the FY 2023 Port Security Grant Program (ALN 97.056) in an amount of up to \$134,983 to support the Cincinnati Police Department's Marine Unit Emergency Response and the Port of Cincinnati Ohio River Surveillance Camera Network, and up to \$262,500 to support the Cincinnati Fire Department's Fire Boat Refurbishment Project.

Section 2. That the Director of Finance is authorized to deposit the grant funds in an amount up to \$134,983 for the Police Department into Law Enforcement Grant Fund 368x8553, Program Account No. 23PORT.

Section 3. That the Director of Finance is further authorized to deposit the grant funds in an amount up to \$262,500 for the Fire Department into Fire Grant Fund 472x8542.

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

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

Passed: \_\_\_\_\_, 2023

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

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



May 3, 2023

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

202301297

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

**Subject: Emergency Ordinance – DOTE: Safe Streets and Roads for All (SS4A) Grant Program**

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Attached is an Emergency Ordinance captioned:

**ESTABLISHING** new capital improvement program project account no. 980x232x232311, “Transportation Safety Action Plan Grant,” to provide grant resources to conduct a transportation safety action plan (“TSAP”) to prevent deaths and serious injuries on City of Cincinnati roadways; **AUTHORIZING** the City Manager to accept and appropriate a grant in an amount of up to \$250,000 from the U.S. Department of Transportation’s Safe Streets and Roads for All (SS4A) Grant Program (ALN 20.939) to newly established capital improvement program project account no. 980x232x232311, “Transportation Safety Action Plan Grant,” to conduct a TSAP to prevent deaths and serious injuries on City of Cincinnati roadways; and **AUTHORIZING** the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

Approval of this Emergency Ordinance will establish capital improvement program project account no. 980x232x232311, “Transportation Safety Action Plan Grant,” for the purpose of providing grant resources to conduct a Transportation Safety Action Plan (“TSAP”) to prevent deaths and serious injuries on City of Cincinnati roadways. Approval of this Emergency Ordinance will also authorize the City Manager to accept and appropriate a grant in an amount of up to \$250,000 from the U.S. Department of Transportation’s Safe Streets and Roads for All (SS4A) Grant Program (ALN 20.939) to newly established capital improvement program project account no. 980x232x232311, “Transportation Safety Action Plan Grant.” Finally, this Emergency Ordinance authorizes the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

On September 8, 2022, the City Council approved Ordinance No. 0267-2022, which authorized the City Manager to apply for a grant in the amount of up to \$250,000 from the U.S. Department of Transportation’s SS4A Grant Program to conduct a Transportation Safety Action Plan (TSAP) to prevent deaths and serious injuries on City of Cincinnati roadways. The City received the grant award, which requires City Council authorization to accept and appropriate.

Acceptance of the grant requires local matching resources of up to 20% of the total project amount, totaling up to \$62,500, which may be provided from existing and

future capital improvement program projects, including existing account nos. 980x232x232383, “Pedestrian Safety Improvements,” and 980x232x232336, “Neighborhood Transportation Strategies.” Acceptance of grant resources does not require additional FTEs.

The TSAP is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 127-138 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept the SS4A grant resources to begin the transportation safety action plan in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



## EMERGENCY

AKS

- 2023

**ESTABLISHING** new capital improvement program project account no. 980x232x232311, “Transportation Safety Action Plan Grant,” to provide grant resources to conduct a transportation safety action plan (“TSAP”) to prevent deaths and serious injuries on City of Cincinnati roadways; **AUTHORIZING** the City Manager to accept and appropriate a grant in an amount of up to \$250,000 from the U.S. Department of Transportation’s Safe Streets and Roads for All (SS4A) Grant Program (ALN 20.939) to newly established capital improvement program project account no. 980x232x232311, “Transportation Safety Action Plan Grant,” to conduct a TSAP to prevent deaths and serious injuries on City of Cincinnati roadways; and **AUTHORIZING** the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

WHEREAS, on September 8, 2022, Council approved Ordinance No. 267-2022, which authorized the City Manager to apply for a grant in the amount of up to \$250,000 from the U.S. Department of Transportation’s SS4A Grant Program for the purpose of conducting a transportation safety action plan (“TSAP”) to prevent deaths and serious injuries on City of Cincinnati roadways; and

WHEREAS, resources in the amount of up to \$250,000 are available from the U.S. Department of Transportation’s SS4A Grant Program for the purpose of conducting a TSAP; and

WHEREAS, acceptance of the grant requires local matching resources of up to twenty percent of the total project amount, totaling up to \$62,500, which may be provided from existing and future capital improvement program projects, including existing account nos. 980x232x232383, “Pedestrian Safety Improvements,” and 980x232x232336, “Neighborhood Transportation Strategies”; and

WHEREAS, acceptance of grant resources does not require additional FTEs/full time equivalents; and

WHEREAS, the TSAP is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 127-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish capital improvement program project account no. 980x232x232311, “Transportation Safety Action Plan Grant,” for the purpose of providing grant resources to conduct a transportation safety action plan (“TSAP”) to prevent deaths and serious injuries on City of Cincinnati roadways.

Section 2. That the City Manager is hereby authorized to accept and appropriate a grant in an amount of up to \$250,000 from the U.S. Department of Transportation's Safe Streets and Roads for All (SS4A) Grant Program ("SS4A") (ALN 20.939) to newly established capital improvement program project account no. 980x232x232311, "Transportation Safety Action Plan Grant," for the purpose of conducting a TSAP to prevent deaths and serious injuries on City of Cincinnati roadways.

Section 3. That the City Manager is authorized to enter into any agreements necessary for the receipt and administration of these grant resources.

Section 4. That the Director of Finance is authorized to deposit such grant resources in an amount up to \$250,000 into newly established capital improvement program project account no. 980x232x232311, "Transportation Safety Action Plan Grant."

Section 5. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 through 4 hereof.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept the SS4A grant resources to begin the transportation safety action plan in a timely manner.

Passed: \_\_\_\_\_, 2023

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

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

**Date:** May 2, 2023

**To:** Councilmember Meeka Owens  
**From:** Emily Smart Woerner, City Solicitor *EESW*  
**Subject:** **Emergency Ordinance – Donations for Social Service Day**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**AUTHORIZING** the City Manager and the employees of the Office of Councilmember Owens to solicit and accept donations of money, in-kind contributions, and other things of value from the Cincinnati business community, individual benefactors, and other available sources to host Social Service Day; and **AUTHORIZING** the Director of Finance to deposit funds donated to the City of Cincinnati for Social Service Day into Fund No. 314, "Special Events."

EESW/KKF(dmm)  
Attachment  
382329



EMERGENCY

City of Cincinnati

KKF

JESW

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

- 2023

**AUTHORIZING** the City Manager and the employees of the Office of Councilmember Owens to solicit and accept donations of money, in-kind contributions, and other things of value from the Cincinnati business community, individual benefactors, and other available sources to host Social Service Day; and **AUTHORIZING** the Director of Finance to deposit funds donated to the City of Cincinnati for Social Service Day into Fund No. 314, "Special Events."

WHEREAS, Social Service Day will be held on June 3, 2023, and is sponsored by Councilmember Owens for the purpose of connecting the community with City departments, social service agencies, community organizations, and other groups to provide information, resources, and services that promote resiliency and sustainability in neighborhoods; and

WHEREAS, Social Service Day is in accordance with the "Live" goal to "[c]reate a more livable community," and strategy to "[s]upport and stabilize our neighborhoods," as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager and the employees of the Office of Councilmember Owens are hereby authorized to solicit and accept donations of money, in-kind contributions, and other things of value to host Social Service Day.

Section 2. That the Director of Finance is hereby authorized to deposit any funds donated to the City of Cincinnati for Social Service Day into Fund No. 314, "Special Events."

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide resources to prepare for Social Service Day.

Passed: \_\_\_\_\_, 2023

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

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



**May 3, 2023**

202301292

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

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

**Subject: Emergency Ordinance – Police: Moral Obligation Payment to E-S Press, Inc.**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the payment of \$5,200 from the Cincinnati Police Department Law Enforcement Grant Fund non-personnel operating budget account no. 368x227x4200x7289x22WELL as a moral obligation to E-S Press, Inc. for outstanding charges for a guest speaker at the Emotional Survival for Law Enforcement as a part of the Mental Health America training course in January 2023.

This Emergency Ordinance authorizes the payment of \$5,200 from the Cincinnati Police Department Law Enforcement Grant Fund non-personnel operating budget account no. 368x227x4200x7289x22WELL as a moral obligation to E-S Press, Inc. for outstanding charges in the form of services rendered for a guest speaker at the Emotional Survival for Law Enforcement as part of the Mental Health America training course in January 2023.

In January 2023, a guest speaker was invited to speak at a training session for the Cincinnati Police Department (CPD). The CPD Finance Management Section was not notified of the need to pay the vendor before the training took place and missed critical steps in certifying the funds for the service.

The Cincinnati Police Department is committed to training new staff to ensure the proper steps are followed in the future.

The reason for the emergency is the immediate need to pay E-S Press, Inc. for the outstanding charges for the guest speaker provided for Cincinnati Police Department training in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

## **EMERGENCY**

**AKS**

**- 2023**

**AUTHORIZING** the payment of \$5,200 from the Cincinnati Police Department Law Enforcement Grant Fund non-personnel operating budget account no. 368x227x4200x7289x22WELL as a moral obligation to E-S Press, Inc. for outstanding charges for a guest speaker at the Emotional Survival for Law Enforcement as a part of the Mental Health America training course in January 2023.

WHEREAS, in January 2023 a guest speaker was invited to speak at a training session for the Cincinnati Police Department (“CPD”); and

WHEREAS, the CPD Finance Management Section was not notified of the need to pay the vendor before the training took place and missed critical steps in certifying the funds for the service; and

WHEREAS, CPD is committed to training new staff to ensure the proper steps are followed in the future; and

WHEREAS, Council desires to provide payment for such services in an amount totaling \$5,200; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of \$5,200 from the Cincinnati Police Department Law Enforcement Grant Fund non-personnel operating budget account no. 368x227x4200x7289x22WELL as a moral obligation to E-S Press, Inc. for outstanding charges for a guest speaker at the Emotional Survival for Law Enforcement as a part of the Mental Health America training course in January 2023.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate

need to pay E-S Press, Inc. for the outstanding charges for the guest speaker provided for Cincinnati Police Department training in a timely manner.

Passed: \_\_\_\_\_, 2023

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

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



Date: May 3, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202301293

Subject: LEVYING SIDEWALK ASSESSMENTS (2022 SSP MISC. EMERGENCY REPAIRS)

Attached is an ordinance captioned as follows:

**LEVYING** assessments for unpaid costs incurred by the City in making emergency repairs to sidewalks, sidewalk areas, curbs, and gutters at various locations in the City through the City of Cincinnati's Sidewalk Safety Program, in accordance with Cincinnati Municipal Code Sections 721-149 through 721-169.

As required by state and local laws, this ordinance declares the necessity of levying assessments to reimburse the City for the cost and expense of repairing, reconstructing, and constructing concrete sidewalk and driveways on certain properties (Exhibit No. 1) abutting the following streets within the City of Cincinnati: Bodmann Avenue, Ehrman Avenue, Fischer Place, Glengyle Avenue, Hardisty Avenue, Hegry Circle, Linda Drive, Linwood Avenue, Montana Avenue, Observatory Avenue, Park Avenue, Parkway Avenue, Robinwood Avenue, Rogers Place, Tahiti Drive, Turrill Street, Utopia Place, Wildwood Street, and Woodbine Avenue for a total amount of \$37,038.08.

We have notified the abutting property owners of the need for these repairs. After providing time for property owners to arrange for repairs, the City directed its contractor to complete the remainder. Abutting property owners were then billed the cost of the repairs performed by the City's contractor.

With passage of this ordinance, bills not paid within thirty days will be assessed as provided by the Ohio Revised Code and the Cincinnati Municipal Code. These amounts are scheduled to be paid over a three-year, five-year, or ten-year, as indicated on the attached Exhibit.

The Administration recommends passage of the attached ordinance.

Attachment I – Exhibit A

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

**LEVYING** assessments for unpaid costs incurred by the City in making emergency repairs to sidewalks, sidewalk areas, curbs, and gutters at various locations in the City through the City of Cincinnati's Sidewalk Safety Program, in accordance with Cincinnati Municipal Code Sections 721-149 through 721-169.

WHEREAS, Cincinnati Municipal Code Chapter 721 requires property owners to keep the sidewalks, sidewalk areas, curbs, and gutters abutting their properties safe and in good repair; and

WHEREAS, Cincinnati Municipal Code Section 721-165 authorizes the City to make emergency repairs to sidewalks, sidewalk areas, curbs, and gutters without prior notice to the abutting property owner when necessary to provide for public safety and also to bill the owner for the cost of the work; and

WHEREAS, City inspectors documented the need for emergency sidewalk repairs adjacent to each of the properties listed in the attached Attachment A (the "Properties"); and

WHEREAS, the City performed the repairs after the owners of the Properties received written notice to make the repairs and failed to do so; and

WHEREAS, the City Council thereafter passed Resolution 15-2023 declaring the need for the emergency sidewalk repairs and the need to assess the Properties for repair and administrative costs incurred by the City in making the repairs; and

WHEREAS, the owners of the Properties have each agreed to have their respective properties assessed to reimburse the City for its costs, and the Clerk of Council has not received any objections to the assessments; and

WHEREAS, in accordance with Cincinnati Municipal Code Sections 721-149 through 721-169, the Council hereby levies assessments on those Properties for which repair and administrative costs remain outstanding following the property owners' failure to pay such amounts within thirty days of being billed, which assessments shall be certified to the County Auditor and shall be collected in the same manner as real estate taxes; now, therefore,

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

Section 1. That the City Council hereby assesses those properties identified on the attached Attachment A (the "Assessed Properties"), incorporated herein by reference, for

outstanding repair and administrative costs incurred by the City in making emergency repairs to the sidewalks, sidewalk areas, curbs, and gutters abutting the Assessed Properties.

Section 2. That each of the Assessed Properties is listed in Attachment A together with the amount of the assessment, the length of the assessment period, and reference to the resolution previously passed by Council giving notice of the City's intent to assess each property.

Section 3. That the assessments shall be payable in cash to the City Treasurer within thirty days after the passage of this ordinance or, at the option of each property owner, in semi-annual installments for the assessment period.

Section 4. That the assessments not paid in cash within thirty days are to be certified to the County Auditor by the City Treasurer with interest at the rate of 7.18% for 3-year assessments, 6.94% for 5-year assessments, and 6.79% for 10-year assessments.

Section 5. That notes and bonds of the City of Cincinnati may be issued in anticipation of the collection of the assessments.

Section 6. That any amount received as a result of the assessments levied herein shall be deposited into the Sidewalk Special Assessment Fund No. 791.

Section 7. That a property owner's right under Section 721-159 of the Cincinnati Municipal Code to file a protest against an assessment shall expire 180 days following the date of the first tax bill containing a sidewalk assessment for the protested work.

Section 8. That the Clerk of Council is hereby directed to cause notice to be published once in a newspaper of general circulation within the City of Cincinnati, which notice shall state that the assessments have been made, that they are on file with the Clerk of Council, and that they are available for public inspection and examination by persons interested therein.

Section 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

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

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



ATTACHMENT A

**Resolution No. 15-2023**

Total Assessment Amount                      \$37,038.08

Term Years:    3

Term Assessment Amount:                      \$21,913.26

Location #	Neighborhood	Billing Parcel	Location	Collection Amount
1	Avondale	021600450026	216 EHRMAN Av	\$764.61
2	Hartwell	024400020077	133 PARKWAY Av	\$2,002.30
3	Hartwell	024300040082	208 PARKWAY Av	\$269.54
4	Hartwell	024300040013	214 PARKWAY Av	\$400.73
5	Hartwell	024400030047	8230 WOODBINE Av	\$1,543.86
6	Hartwell	024400020020	153 WILDWOOD St	\$2,236.92
7	Hyde Park	003900010061	3225 OBSERVATORY Av	\$2,497.38
8	Mount Lookout	004600030077	2840 LINWOOD Av	\$269.54
9	Mount Lookout	00430A010080	2982 LINWOOD Av	\$434.56
10	Mount Lookout	004400030074	3220 GLENGYLE Av	\$325.65
11	Mount Lookout	004400020083	3252 LINWOOD Av	\$451.23
12	Mount Lookout	00430A010062	2917 UTOPIA PI	\$319.71
13	Mt. Lookout - Columbia Tusculum	004400030057	3231 HARDISTY Av	\$628.97
14	Northside	019400110206	3911 TURRILL St	\$4,271.89
15	Roselawn	01170A070364	1519 ROBINWOOD Av	\$682.10
16	West Price Hill	018000800498	4664 LINDA Dr	\$1,233.12
17	Westwood	020900020032	2680 MONTANA Av	\$784.88
18	Westwood	020800550201	2917 FISCHER PI	\$1,859.06
19	Westwood	024800010252	3028 S Hegry Cir	\$937.23

Term Years:    5

Term Assessment Amount:                      \$4,038.40

Location #	Neighborhood	Billing Parcel	Location	Collection Amount
20	Walnut Hills	006300030064	2343 PARK Av	\$1,628.16
21	Walnut Hills	006700010151	933 ROGERS PI	\$2,410.24

Term Years:    10

Term Assessment Amount:                      \$11,086.42

Location #	Neighborhood	Billing Parcel	Location	Collection Amount
22	College Hill	023700010106	6119 TAHITI Dr	\$3,622.51
23	Mt. Auburn	008700050119	299 BODMANN Av	\$7,463.91

May 3, 2023

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

202301285

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

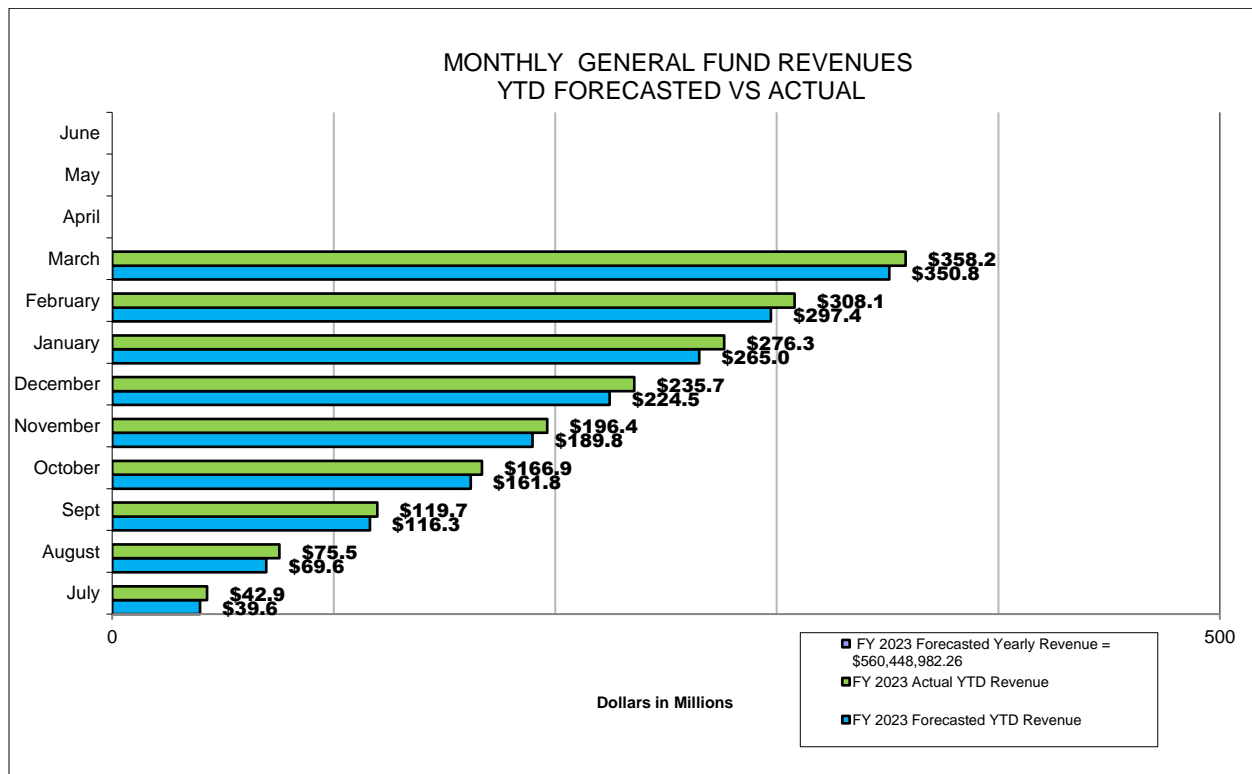
**SUBJECT:** Department of Finance Reports for the Month Ended March 31, 2023

**MARCH 2023  
MONTHLY FINANCIAL REPORTS**

The following report provides an update on the City of Cincinnati's financial condition as of the month ending March 31, 2023. Variances are based on current year estimates and prior year activity in attached schedules.

A more detailed explanation of revenues is attached for review, including reports comparing current year actual revenue vs. forecasted revenue and prior year actual revenue vs. current year actual revenue. Both of those reports are presented on a monthly and year-to-date basis.

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through March 31, 2023 and shows that actual revenue of \$358.2 million was above forecasted revenue of \$350.8 million by \$7.4 million.



The major revenue components of the General Fund are listed in the table below. This table highlights the year-to-date variance (favorable and unfavorable) in General Fund revenue collections as compared to forecasted revenue collections. Each major category that differs significantly from forecasted collections will be discussed in further detail.

<b>GENERAL FUND REVENUE SOURCES</b>		
	<b>FAVORABLE VARIANCE</b>	<b>(UNFAVORABLE) VARIANCE</b>
General Property Tax		(\$995,708)
City Income Tax	5,482,712	
Admissions Tax	1,623,369	
Short Term Rental Excise Tax	407,650	
Licenses & Permits		(\$596,890)
Fines, Forfeitures, & Penalties		(\$297,569)
Investment Income	2,748,273	
Local Government		(\$290,668)
Casino	428,345	
Police	321,322	
Buildings and Inspections		(\$203,172)
Fire	532,654	
Parking Meter	450	
Other		(\$1,705,309)
	11,544,775	(\$4,089,317)
Difference	7,455,459	

**General Fund (favorable variance) is \$7.5 million** above the amount forecasted thru March in the FY 2023 Budget. This is the ninth month's report for the fiscal year. What follows is an explanation of significant variances of individual General Fund revenue components.

**Property Tax (unfavorable variance) is \$1 million** below estimate due to the decrease in the millage for this half. The millage for the second half is set at a higher rate which will offset this unfavorable variance. The Administration anticipates Property Tax revenue will be on target at year end. This is a semi-annual payment. The second payment will be received in late Spring.

**Income Tax (favorable variance) is \$5.5 million** above the forecasted amount. This amount can fluctuate throughout the year as quarterly net profits are due. The Finance Department will continue to watch the trends, including those related to remote work, very closely.

**Admission Tax (favorable variance) is \$1.6 million** above estimate. Many estimates were set at pre-pandemic levels; however, businesses have rebounded stronger than expected.

**Investment Income (favorable variance) is \$2.7 million above estimate.** This is a result of better interest rates and a new contract with an investment manager yielding results above our projections. The market is volatile right now with the banking crisis so Finance will keep an eye on the rates going forward this Fiscal Year.

**Fire (favorable variance) is \$533k** above the forecasted amount. There has been an increase in Basic Life Support runs contributing to the increased revenue.

**Other (unfavorable variance) is \$1.7 million** below forecast. This category is made up of many small sources of revenue that fluctuate from time to time. The Finance Department will continue to monitor these various revenue sources.

#### **Restricted Funds:**

**Parking Garages (favorable variance) is up \$961k.** The estimate was very conservative this year as the decline from the pandemic is still lingering in this category. We are monitoring how many companies are bringing their employees back to the office and utilizing the lots and garages.

**Parking Meter (unfavorable variance) is \$953k** below estimate. Even with a reduction in the current year estimate from last year, there is still less demand leading to a negative variance.

**Sawyer Point (unfavorable variance) is down \$275k.** This variance is partly due to a large concert cancellation at the beginning of the fiscal year and less demand for parking at the riverfront.

Submitted herewith are the following Department of Finance reports:

1. Comparative Statement of Revenue (Actual, Forecast and Prior Year) as of March 31, 2023.
2. Audit of the City Treasurer's Report for the month ended February 28, 2023.
3. Statement of Balances in the various funds as of March 31, 2023.

By approval of this report, City Council appropriates the revenues received in the various restricted funds on the attached Statement of Balances and as stated in greater detail on the records maintained by the Department of Finance, Division of Accounts & Audits. Such revenues are to be expended in accordance with the purposes for which the funds were established.

c: William "Billy" Weber, Assistant City Manager  
Karen Alder, Finance Director

# City of Cincinnati



801 Plum Street, Suite 348  
Cincinnati, Ohio 45202

Phone: (513) 352-3466  
Email: meeka.owens@cincinnati-oh.gov  
Web: www.cincinnati-oh.gov

202301276

**Meeka D. Owens**  
Cincinnati City Council

April 25, 2023

## MOTION

*Cincinnati Votes: Civic Education and Voter Registration & Identification Assistance*

**WE MOVE** that the Administration, in coordination with Motion #2022-00108, provide a strategic report within forty-five days on how City services, facilities, and resources can incorporate nonpartisan voter engagement, registration and identification assistance, and voting law education. The report should, at a minimum, identify which City departments are appropriate for providing such services and outline how each department can use its specific footprint and ongoing interaction with the public to do such voter-engagement work. It should also consider the cost and feasibility of incorporating the following strategies:

- Provide resources at neighborhood recreation centers, health centers, police districts, fire stations, and other City facilities, including information on changes in voter identification law and the paperwork for voter registration and vote-by-mail ballot applications. These engagements would be similar to efforts to register voters at the Bureau of Motor Vehicles, Library, or federal agency initiatives as those outlined in *Executive Order 14019, "Promoting Access to Voting" (Attachment A)*.
- Assess how City departments, offices, or programs that interface with residents off-site in the community can similarly provide assistance and education to citizens.
- Partner with SORTA / Metro and other relevant community organizations to arrange free transportation to the BMV to remove barriers to citizens' ability to receive a free photo ID being provided by the State of Ohio.
- Offer multiple trainings, either through the City or through a nonpartisan partner organization, to build capacity among city departments, employees, and partner nonprofit organizations to provide such education and voter ID assistance services, including assisting constituents to complete voter registration and/or vote-by-mail ballot applications.

**WE FURTHER MOVE** that as part of this strategy, nonprofit organizations receiving funds from the City of Cincinnati who perform direct service to Cincinnati residents be tasked with incorporating similar voter engagement efforts into their work, including informing those they serve about Ohio's registration and new voter identification requirements, and report back to the City about their plans to do so, as well as any current activity in furtherance of that mission.

  
Councilmember Meeka D. Owens

## STATEMENT

The right to vote is the foundation of American democracy, one method by which the American people can share their collective will and shape the course of our country, states, and cities. Yet on April 7th, strict new changes to the state's voter identification law went into place in the State of Ohio, which will impact a majority of urban voters, voters of color, senior voters, and young voters. Citizens are adversely impacted by these changes. As few voters are aware of these changes, they are disenfranchised without their knowledge.

These changes come after additional restrictions which disproportionately impact Ohio's urban communities, 1) including years of voter roll purges, 2) limiting voter drop boxes to one per county, and 3) other new restrictions on opportunities to vote early in person or absentee / by mail. Together, these measures do great damage to populous counties like Hamilton and cities like Cincinnati.

The civic health of our city and region depends on access to the ballot and an individual's ability to participate in civic affairs. And when civic engagement erodes, the strength of a community erodes as well. This also has a direct detrimental impact on the social determinants of health of our residents.

Just as the City has a direct interest in ensuring our population is accurately counted for the ten-year U.S. Census process, so too does Cincinnati have a direct interest in ensuring our constituents are aware of and can overcome these obstacles to their participation in our democracy. Each decade, the City works hard to do its part for the Census process and now too should Cincinnati work hard to do its part in encouraging a healthy democracy. Providing the means to engage and be aware of these changes, as well as the resources to overcome these obstacles, is pivotal to ensuring our citizens' participation in our democracy.

As a government, the City of Cincinnati should work to meet people where they are, in the places where people congregate. City departments and partner organizations that directly serve our citizens in need are positioned to be providers of this type of civic engagement assistance. Assisting their constituents to participate in democracy is a critical part of our broader missions. No institutions are better positioned to assist than the City departments and the agencies we support, many of which serve the very communities disproportionately impacted by these state-imposed changes.

This motion does not seek to circumvent the new state laws, but rather to educate and inform the citizens of Cincinnati about the regulations so they are prepared to continue their participation in our democracy. There are institutions across the country—such as Nonprofit Vote and VoteRiders—which provide training for nonprofits and other public-serving institutions to do this work effectively and in compliance with all legal requirements.

We have an obligation to support the historically disenfranchised citizens of our city. Providing civic engagement and voter registration & identification assistance through City and partner services is one strategy we can employ to ensure that voices who have not historically been engaged by the government can still receive equal opportunity to participate in our democracy.



MARCH 07, 2021

# Executive Order on Promoting Access to Voting

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. Purpose.** The right to vote is the foundation of American democracy. Free and fair elections that reflect the will of the American people must be protected and defended. But many Americans, especially people of color, confront significant obstacles to exercising that fundamental right. These obstacles include difficulties with voter registration, lack of election information, and barriers to access at polling places. For generations, Black voters and other voters of color have faced discriminatory policies and other obstacles that disproportionately affect their communities. These voters remain more likely to face long lines at the polls and are disproportionately burdened by voter identification laws and limited opportunities to vote by mail. Limited access to language assistance remains a barrier for many voters. People with disabilities continue to face barriers to voting and are denied legally required accommodations in exercising their fundamental rights and the ability to vote privately and independently. Members of our military serving overseas, as well as other American citizens living abroad, also face challenges to exercising their fundamental right to vote.

The Constitution and laws of the United States prohibit racial discrimination and protect the right to vote. The Voting Rights Act of 1965 and other Federal statutes implement those protections and assign the Federal Government a key role in remedying disenfranchisement and unequal access to the polls. In passing the National Voter Registration Act of 1993, the Congress found that it is the duty of Federal, State, and local governments to promote the exercise of the fundamental right to vote. Executive departments and agencies (agencies) should partner with State, local, Tribal, and territorial election officials to protect and promote the exercise of the right to vote, eliminate discrimination and other barriers to voting, and expand access to voter registration and accurate election information. It is our duty to ensure that registering to vote and the act of voting be made simple and easy for all those eligible to do so.

**Sec. 2. Policy.** It is the policy of my Administration to promote and defend the right to vote for all Americans who are legally entitled to participate in elections. It is the responsibility of the Federal Government to expand access to, and education about, voter registration and election information, and to combat misinformation, in order to enable all eligible Americans to participate in our democracy.

**Sec. 3. Expanding Access to Voter Registration and Election Information.** Agencies shall consider ways to expand citizens' opportunities to register to vote and to obtain information about, and participate in, the electoral process.

(a) The head of each agency shall evaluate ways in which the agency can, as appropriate and consistent with applicable law, promote voter registration and voter participation. This effort shall include consideration of:

- (i) ways to provide relevant information in the course of activities or services that directly engage with the public — including through agency materials, websites, online forms, social media platforms, and other points of public access — about how to register to vote, how to request a vote-by-mail ballot, and how to cast a ballot in upcoming elections;
- (ii) ways to facilitate seamless transition from agencies' websites directly to State online voter registration systems or appropriate Federal websites, such as Vote.gov;
- (iii) ways to provide access to voter registration services and vote-by-mail ballot applications in the course of activities or services that directly engage with the public, including:
  - (A) distributing voter registration and vote-by-mail ballot application forms, and providing access to applicable State online systems for individuals who can take advantage of those systems;
  - (B) assisting applicants in completing voter registration and vote-by-mail ballot application forms in a manner consistent with all relevant State laws; and
  - (C) soliciting and facilitating approved, nonpartisan third-party organizations and State officials to provide voter registration services on agency premises;
- (iv) ways to promote and expand access to multilingual voter registration and election information, and to promote equal participation in the electoral process for all eligible citizens of all backgrounds; and
- (v) whether, consistent with applicable law, any identity documents issued by the agency to members of the public can be issued in a form that satisfies State voter identification laws.

(b) Within 200 days of the date of this order, the head of each agency shall submit to the Assistant to the President for Domestic Policy a strategic plan outlining the ways identified under this review that the agency can promote voter registration and voter participation.

(c) The Administrator of the Office of Electronic Government, Office of Management and Budget, shall, consistent with applicable law, coordinate efforts across agencies to improve or modernize Federal websites and digital services that provide election and voting information to the American people, including ensuring that Federal websites are accessible to individuals with disabilities and people with limited English proficiency. As appropriate, the Administrator of the United States Digital Service may support agencies in implementing the strategic plans directed in subsection (b) of this section.

**Sec. 4. Acceptance of Designation Under the National Voter Registration Act.** (a) This order shall supersede section 3 of Executive Order 12926 of September 12, 1994

(Implementation of the National Voter Registration Act of 1993).

(b) Each agency, if requested by a State to be designated as a voter registration agency pursuant to section 7(a)(3)(B)(ii) of the National Voter Registration Act, shall, to the greatest extent practicable and consistent with applicable law, agree to such designation. If an agency declines to consent to such designation, the head of the agency shall submit to the President a written explanation for the decision.

(c) The head of each agency shall evaluate where and how the agency provides services that directly engage with the public and, to the greatest extent practicable, formally notify the States in which the agency provides such services that it would agree to designation as a voter registration agency pursuant to section 7(a)(3)(B)(ii) of the National Voter Registration Act.

Sec. 5. Modernizing Vote.gov. The General Services Administration (GSA) shall take steps to modernize and improve the user experience of Vote.gov. In determining how to do so, GSA shall coordinate with the Election Assistance Commission and other agencies as appropriate, and seek the input of affected stakeholders, including election administrators, civil rights and disability rights advocates, Tribal Nations, and nonprofit groups that study best practices for using technology to promote civic engagement.

(a) GSA's efforts to modernize and improve Vote.gov shall include:

- (i) ensuring that Vote.gov complies, at minimum, with sections 504 and 508 of the Rehabilitation Act of 1973;
- (ii) ensuring that Vote.gov is translated into languages spoken by any of the language groups covered under section 203 of the Voting Rights Act anywhere in the United States; and
- (iii) implementing relevant provisions of the 21st Century Integrated Digital Experience Act (Public Law 115-336).

(b) Within 200 days of the date of this order, GSA shall submit to the Assistant to the President for Domestic Policy a strategic plan outlining the steps to modernize and improve the user experience of Vote.gov.

Sec. 6. Increasing Opportunities for Employees to Vote. It is a priority of my Administration to ensure that the Federal Government, as the Nation's largest employer, serves as a model employer by encouraging and facilitating Federal employees' civic participation. Accordingly, the Director of the Office of Personnel Management shall take the following actions within 200 days of the date of this order:

(a) coordinate with the heads of executive agencies, as defined in 5 U.S.C. 105, to provide recommendations to the President, through the Assistant to the President for Domestic Policy, on strategies to expand the Federal Government's policy of granting employees time off to vote in Federal, State, local, Tribal, and territorial elections. Such recommendations should include efforts to ensure Federal employees have opportunities to participate in early voting.

(b) Coordinate with the heads of executive agencies, as defined in 5 U.S.C. 105, to provide recommendations to the President, through the Assistant to the President for Domestic Policy,

on strategies to better support Federal employees who wish to volunteer to serve as non-partisan poll workers or non-partisan observers, particularly during early or extended voting periods.

**Sec. 7. Ensuring Equal Access for Voters with Disabilities.** Within 270 days of the date of this order, the National Institute of Standards and Technology (NIST) within the Department of Commerce shall evaluate the steps needed to ensure that the online Federal Voter Registration Form is accessible to people with disabilities. During that period, NIST, in consultation with the Department of Justice, the Election Assistance Commission, and other agencies, as appropriate, shall also analyze barriers to private and independent voting for people with disabilities, including access to voter registration, voting technology, voting by mail, polling locations, and poll worker training. By the end of the 270-day period, NIST shall publish recommendations regarding both the Federal Voter Registration Form and the other barriers it has identified.

**Sec. 8. Ensuring Access to Voting for Active Duty Military and Overseas Citizens.** (a) Within 200 days of the date of this order, the Secretary of Defense shall establish procedures, consistent with applicable law, to affirmatively offer, on an annual basis, each member of the Armed Forces on active duty the opportunity to register to vote in Federal elections, update voter registration information, or request an absentee ballot.

(b) Within 200 days of the date of this order, the Secretary of Defense shall evaluate the feasibility of implementing an online system to facilitate the services described in subsection (a) of this section.

(c) The Secretary of Defense, in coordination with the Department of State, the Military Postal Service Agency, and the United States Postal Service, shall take all practical steps to establish procedures to enable a comprehensive end-to-end ballot tracking system for all absentee ballots cast by military and other eligible overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. 20301 *et seq.* Within 200 days of the date of this order, the Secretary of Defense shall submit a report to the Assistant to the President for Domestic Policy with a strategic plan for establishing the aforementioned tracking system.

(d) The head of each agency with overseas employees shall designate an employee to be responsible for coordinating with the Federal Voting Assistance Program, including to promote voter registration and voting services available to the agency's overseas employees. The Director of the Office of Management and Budget may issue guidance to assist agencies in making such designations.

**Sec. 9. Ensuring Access to Voter Registration for Eligible Individuals in Federal Custody.** (a) The Attorney General shall establish procedures, consistent with applicable law, to provide educational materials related to voter registration and voting and, to the extent practicable, to facilitate voter registration, for all eligible individuals in the custody of the Federal Bureau of Prisons. Such educational materials shall be incorporated into the reentry planning

procedures required under section 4042(a)(7) of title 18, United States Code. The educational materials should also notify individuals leaving Federal custody of the restrictions, if any, on their ability to vote under the laws of the State where the individual resides and, if any such restrictions exist, the point at which the individual's rights will be restored under applicable State law.

(b) The Attorney General shall establish procedures, consistent with applicable law, to ensure the United States Marshals Service includes language in intergovernmental agreements and jail contracts to require the jails to provide educational materials related to voter registration and voting, and to facilitate voting by mail, to the extent practicable and appropriate.

(c) The Attorney General shall establish procedures, consistent with applicable law, for coordinating with the Probation and Pretrial Services Office of the Administrative Office of the United States Courts to provide educational materials related to voter registration and voting to all eligible individuals under the supervision of the Probation and Pretrial Services Office, and to facilitate voter registration and voting by such individuals.

(d) The Attorney General shall take appropriate steps, consistent with applicable law, to support formerly incarcerated individuals in obtaining a means of identification that satisfies State voter identification laws, including as required by 18 U.S.C. 4042(a)(6)(B).

Sec. 10. Establishing a Native American Voting Rights Steering Group. (a) There is hereby established an Interagency Steering Group on Native American Voting Rights (Steering Group) coordinated by the Domestic Policy Council.

(b) The Steering Group shall be chaired by the Assistant to the President for Domestic Policy and shall include the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs or their designees. The Chair may invite the participation of the heads or senior representatives of other agencies, as the Chair determines to be helpful to complete the work of the Steering Group. The Steering Group shall consult with agencies not represented on the Steering Group to facilitate the sharing of information and best practices, as appropriate and consistent with applicable law.

(c) The Steering Group shall engage in meaningful and robust consultation with Tribal Nations and Native leaders to inform the Steering Group regarding concerns and potential areas of focus for the report described in subsection (d) of this section, and to assist the Steering Group in developing that report.

(d) The Steering Group shall study best practices for protecting voting rights of Native Americans and shall produce a report within 1 year of the date of this order outlining recommendations for providing such protection, consistent with applicable law, including recommendations for:

(i) increasing voter outreach, education, registration, and turnout in Native American

communities; increasing voting access for Native American communities (including increasing accessibility for voters with disabilities); and mitigating internet accessibility issues that may hinder voter registration and ballot access in Native American communities;

(ii) increasing language access and assistance for Native American voters, including evaluating existing best practices;

(iii) mitigating barriers to voting for Native Americans by analyzing and providing guidance on how to facilitate the use of Tribal government identification cards as valid voter identification in Federal, State, local, Tribal, and territorial elections;

(iv) facilitating collaboration among local election officials, Native American communities, and Tribal election offices; and

(v) addressing other areas identified during the consultation process.

(e) The Department of the Interior shall provide administrative support for the Steering Group to the extent permitted by law.

Sec. 11. Definition. Except as otherwise defined in section 6 of this order, “agency” means any authority of the United States that is an “agency” under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

Sec. 12. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,  
March 7, 2021.

202301316

**Date:** May 3, 2023

**To:** Mayor Aftab Pureval, Councilmember Meeka D. Owens, Vice Mayor Jan-Michele Lemon Kearney, and Councilmembers Jeff Cramerding, Reggie Harris, and Seth Walsh

**From:** Emily Smart Woerner, City Solicitor *EESW*

**Subject:** **Resolution – Brent Spence Bridge Vertical Design**

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Transmitted herewith is a resolution captioned as follows:

**EXPRESSING** the desire of the Mayor and Council that the City of Cincinnati continue advocating for improvements throughout the progressive design-build process that encourage the shared priorities of minimizing the urban footprint of the Brent Spence Bridge Corridor Project through further design enhancements.

ESW/CNS(dmm)  
Attachment  
382517



EESW

## RESOLUTION NO. \_\_\_\_\_ - 2023

**EXPRESSING** the desire of the Mayor and Council that the City of Cincinnati continue advocating for improvements throughout the progressive design-build process that encourage the shared priorities of minimizing the urban footprint of the Brent Spence Bridge Corridor Project through further design enhancements.

WHEREAS, the historic, bipartisan Infrastructure Investment and Jobs Act (“IIJA”) has supported initiatives that have reconnected communities that were severed by highways in the 1950s and 1960s; and

WHEREAS, the Brent Spence Bridge Corridor (“BSBC”) Project will address issues of both the past and present around road safety, environmental impact, and climate justice while emphasizing core themes of equity, sustainability, and job creation; and

WHEREAS, the Central Business District, the West End, and what is now Queensgate were significantly affected by the initial construction of the Brent Spence Bridge and the Mill Creek Expressway, which is a part of I-75; and

WHEREAS, the construction of the Mill Creek Expressway was, at the time of its inception, the second largest so-called “slum clearance” project in the nation and included the total demolition of the Kenyon-Barr neighborhood and the displacement of over 27,000 people in 9,800 families, 97 percent of whom were Black Cincinnatians; and

WHEREAS, since its construction in 1963, the BSBC has been a pivotal part of the national network for the transportation of goods such that nearly three percent of the national Gross Domestic Product (GDP) passes across the Brent Spence Bridge each year; and

WHEREAS, the BSBC Project is a once-in-a-century project that will have a substantial, long-term impact on the region, and thus should be constructed in an intentional way as to minimize displacement, correct issues and failures of the past, and ensure the maximum benefit to the City and the region; and

WHEREAS, intraregional transportation is changing rapidly, leading to an increase in people commuting to work, school, amenities, and other locations by bike, foot, or bus, which demonstrates the environmental imperative to build on the need to expand facilities to support multimodality; and

WHEREAS, improvements made to the BSBC design in 2022 will increase the connectivity between communities of Cincinnati; and

WHEREAS, encouraging and accommodating increased connectivity between communities is in line with both the climate action goals set by the 2023 Green Cincinnati Plan and the federal government's environmental justice goals set as part of the IIJA and Inflation Reduction Act; and

WHEREAS, the BSBC Project has been awarded \$1.635 billion in funding from the IIJA, with additional contributions from the Ohio Department of Transportation ("ODOT") and Kentucky Transportation Cabinet ("KYTC"); and

WHEREAS, the progressive design-build process adopted by ODOT is an approach that allows participants and stakeholders, including the Federal Highway Administration ("FHWA"), ODOT, KYTC, the design-build team, impacted municipalities, and the local community, to consider and address major project topics in an open format and create the basis of design, overall project requirements, and final design intent before substantial work begins; and

WHEREAS, continuing to explore the feasibility of incorporating additional innovative design concepts into the BSBC Project will place our region on a path towards success and further economic growth in the coming decades; and

WHEREAS, the City, ODOT, and FHWA have stated their shared commitment to ensuring that the BSBC Project is a world-class, innovative infrastructure improvement project; now, therefore,

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

Section 1. That the Mayor and Council express their support for the Administration's continued advocacy that the Brent Spence Bridge Corridor Project design explore all options to reclaim additional land throughout the corridor; and that the Mayor and Council further encourage the Administration to advocate for the Ohio Department of Transportation ("ODOT") to consider additional improvements throughout the existing progressive design-build process that could further reduce the width of the total right-of-way, streamline and reduce the footprint of downtown entry/exit points, improve existing pedestrian and bicycle access and safety, and potentially return additional developable land or greenspaces to public use, including reviewing and considering various innovative concepts submitted to ODOT, while either maintaining or reducing the current timelines, budget, and construction schedules.

Section 2. That the Administration continue its cooperative relationship with ODOT, while supporting and encouraging efforts to explore the feasibility of additional proposals with the understanding that this once-in-a-century infrastructure project will impact the future of Cincinnati's growth and development for decades to come.

Section 3. That the Mayor and Council request that the Administration and ODOT report back to Council on the outcome of ODOT's evaluation of external proposals, including that shown on Attachment A and any other public comments submitted for the Brent Spence Bridge Corridor Project that provide recommendations for achieving the City's goals.

Section 4. That copies of this resolution be spread upon the minutes of Council and provided to the Ohio Department of Transportation, Tammy Campbell – ODOT District 8, 505 S. State Route 741, Lebanon, OH 45036, tammy.campbell@dot.ohio.gov; the Kentucky Transportation Cabinet, Stacey Hans – KYTC District 6, 421 Buttermilk Pike, Fort Mitchell, KY 41017, stacey.hans@ky.gov; and the Federal Highway Administration, Laurie Leffler – FHWA Ohio Division, 200 North High Street – Room 328, Columbus, OH 43215, laurie.leffler@dot.gov.

Passed: \_\_\_\_\_, 2023

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

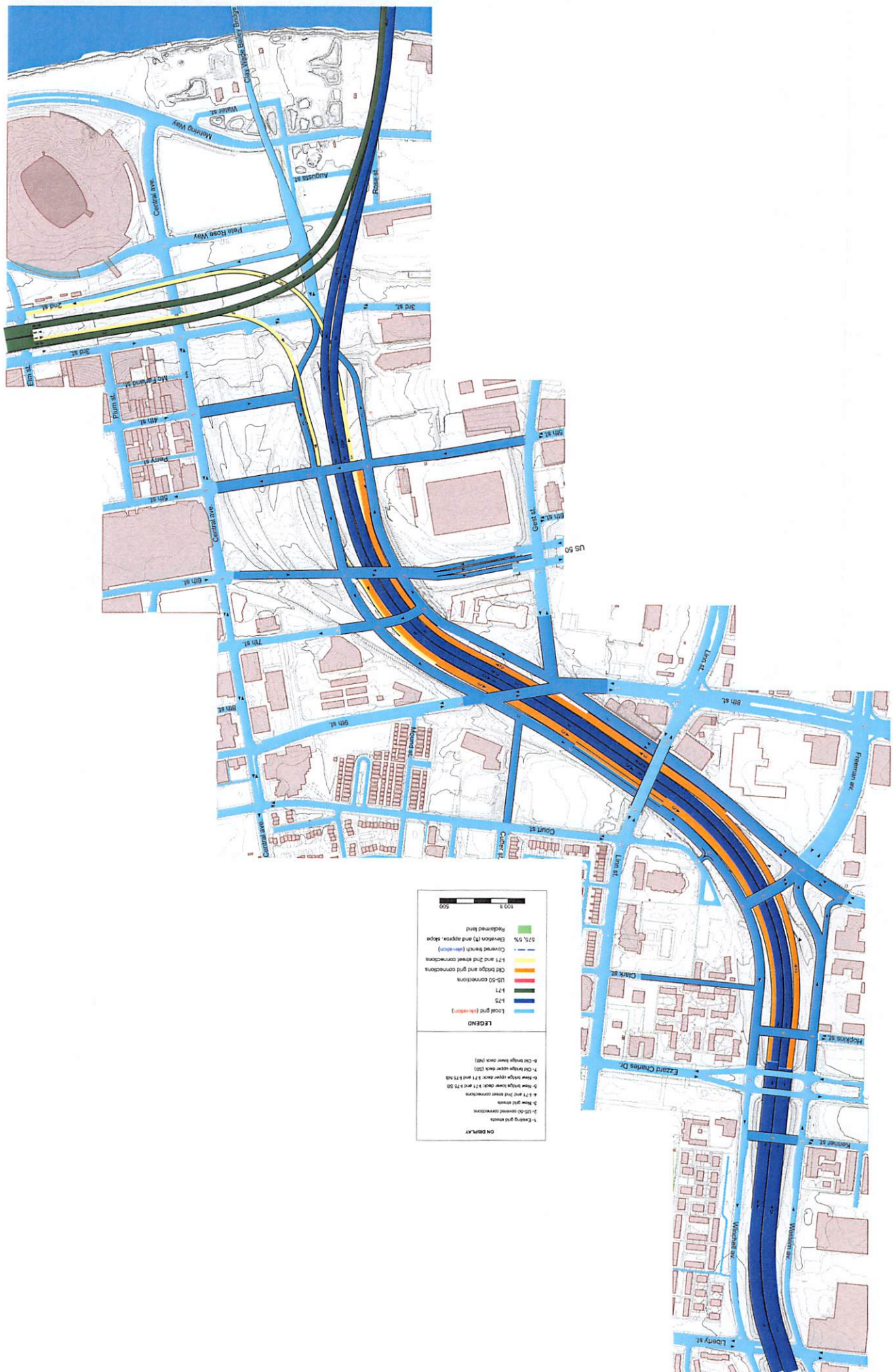
Attest: \_\_\_\_\_  
Clerk

Submitted by Mayor Aftab Pureval, Councilmember Meeka D. Owens, Vice Mayor Jan-Michele Lemon Kearney, and Councilmembers Jeff Cramerding, Reggie Harris, and Seth Walsh.





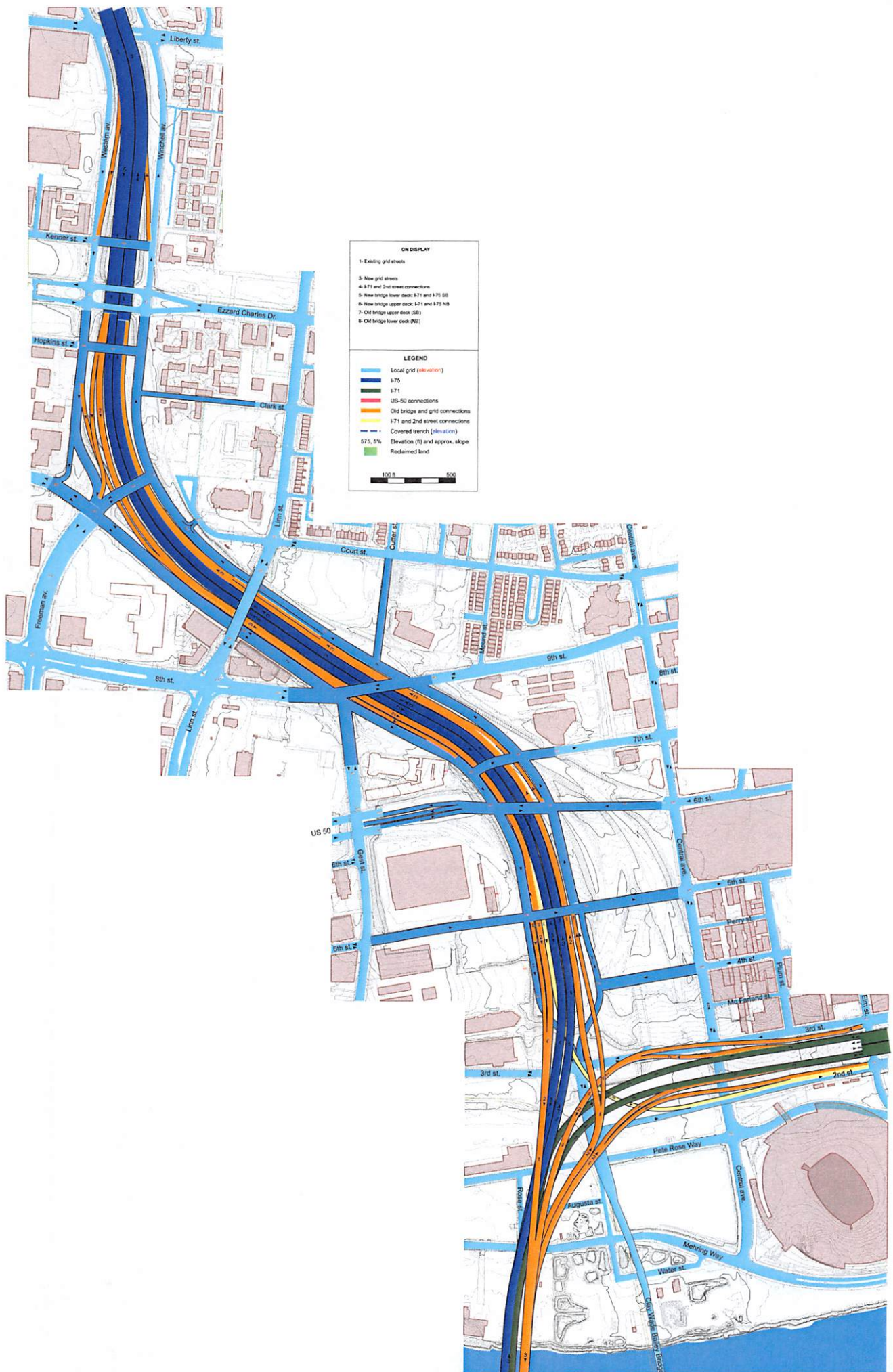








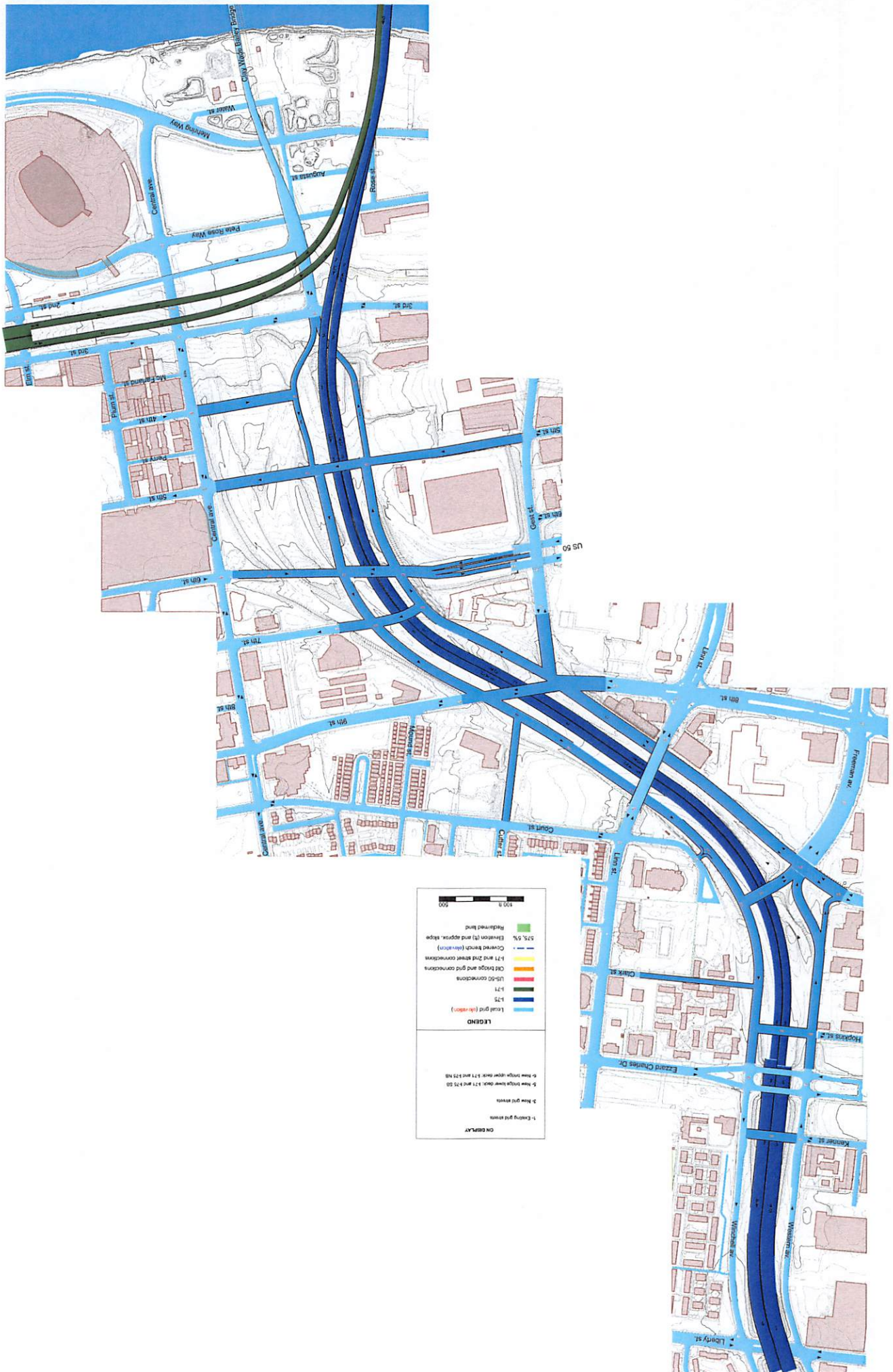




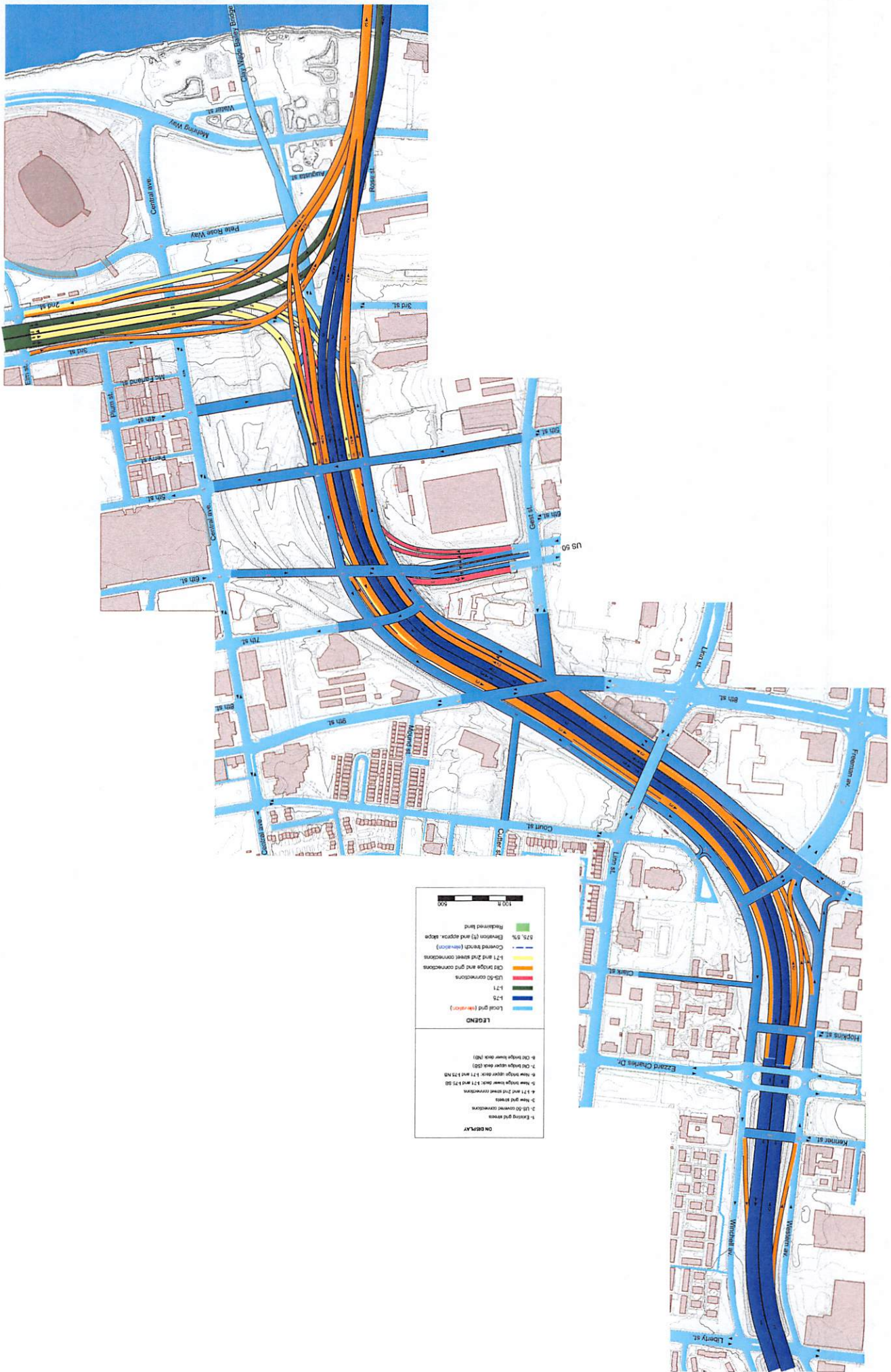




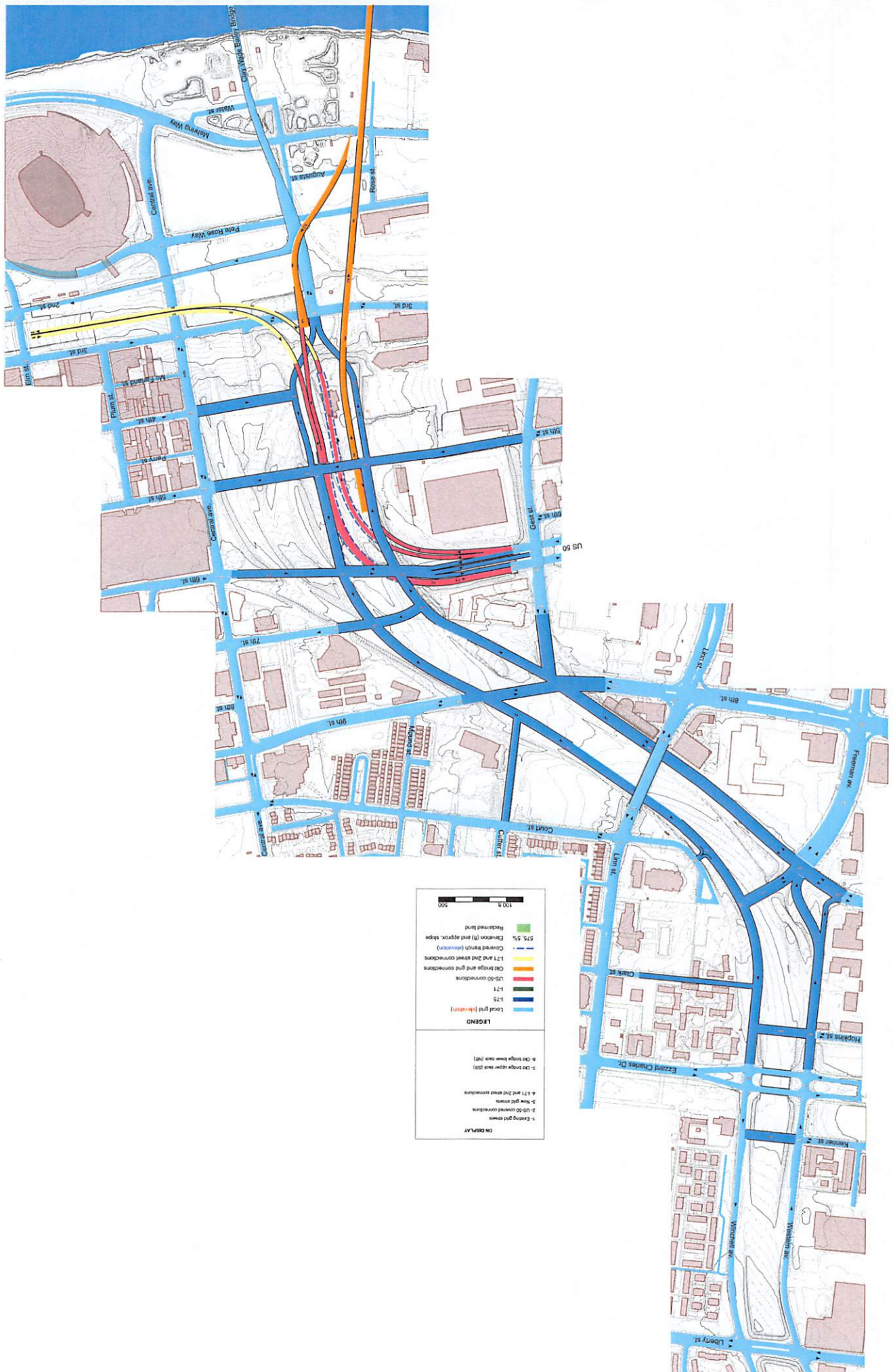












**Date:** May 10, 2023

**To:** Mayor Aftab Pureval, Councilmember Meeka D. Owens, Vice Mayor Jan-Michele Lemon Kearney, and Councilmembers Jeff Cramerding, Reggie Harris, and Seth Walsh

**From:** Emily Smart Woerner, City Solicitor *ESW*

**Subject:** **Resolution – Brent Spence Bridge Vertical Design – B VERSION**

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Transmitted herewith is a resolution captioned as follows:

**EXPRESSING** the desire of the Mayor and Council that the City of Cincinnati continue advocating for improvements throughout the progressive design-build process that encourage the shared priorities of minimizing the urban footprint of the Brent Spence Bridge Corridor Project through further design enhancements.

ESW/CNS(dmm)  
Attachment  
382517



EESW

## RESOLUTION NO. \_\_\_\_\_ - 2023

**EXPRESSING** the desire of the Mayor and Council that the City of Cincinnati continue advocating for improvements throughout the progressive design-build process that encourage the shared priorities of minimizing the urban footprint of the Brent Spence Bridge Corridor Project through further design enhancements.

WHEREAS, the historic, bipartisan Infrastructure Investment and Jobs Act (“IIJA”) has supported initiatives that have reconnected communities that were severed by highways in the 1950s and 1960s; and

WHEREAS, the Brent Spence Bridge Corridor (“BSBC”) Project will address issues of both the past and present around road safety, environmental impact, and climate justice while emphasizing core themes of equity, sustainability, and job creation; and

WHEREAS, the Central Business District, the West End, and what is now Queensgate were significantly affected by the initial construction of the Brent Spence Bridge and the Mill Creek Expressway, which is a part of I-75; and

WHEREAS, the construction of the Mill Creek Expressway was, at the time of its inception, the second largest so-called “slum clearance” project in the nation and included the total demolition of the Kenyon-Barr neighborhood and the displacement of over 27,000 people in 9,800 families, 97 percent of whom were Black Cincinnatians; and

WHEREAS, since its construction in 1963, the BSBC has been a pivotal part of the national network for the transportation of goods such that nearly three percent of the national Gross Domestic Product (GDP) passes across the Brent Spence Bridge each year; and

WHEREAS, the BSBC Project is a once-in-a-century project that will have a substantial, long-term impact on the region, and thus should be constructed in an intentional way as to minimize displacement, correct issues and failures of the past, and ensure the maximum benefit to the City and the region; and

WHEREAS, intraregional transportation is changing rapidly, leading to an increase in people commuting to work, school, amenities, and other locations by bike, foot, or bus, which demonstrates the environmental imperative to build on the need to expand facilities to support multimodality; and

WHEREAS, improvements made to the BSBC design in 2022 will increase the connectivity between communities of Cincinnati; and

WHEREAS, encouraging and accommodating increased connectivity between communities is in line with both the climate action goals set by the 2023 Green Cincinnati Plan and the federal government's environmental justice goals set as part of the IIJA and Inflation Reduction Act; and

WHEREAS, the BSBC Project has been awarded \$1.635 billion in funding from the IIJA, with additional contributions from the Ohio Department of Transportation ("ODOT") and Kentucky Transportation Cabinet ("KYTC"); and

WHEREAS, the progressive design-build process adopted by ODOT is an approach that allows participants and stakeholders, including the Federal Highway Administration ("FHWA"), ODOT, KYTC, the design-build team, impacted municipalities, and the local community, to consider and address major project topics in an open format and create the basis of design, overall project requirements, and final design intent before substantial work begins; and

WHEREAS, continuing to explore the feasibility of incorporating additional innovative design concepts into the BSBC Project will place our region on a path towards success and further economic growth in the coming decades; and

WHEREAS, the City, ODOT, and FHWA have stated their shared commitment to ensuring that the BSBC Project is a world-class, innovative infrastructure improvement project; now, therefore,

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

Section 1. That the Mayor and Council express their support for the Administration's continued advocacy that the Brent Spence Bridge Corridor Project design explore all options to reclaim additional land throughout the corridor; and that the Mayor and Council further encourage the Administration to advocate for the Ohio Department of Transportation ("ODOT") to consider additional improvements throughout the existing progressive design-build process that could further reduce the width of the total right-of-way, streamline and reduce the footprint of downtown entry/exit points, improve existing pedestrian and bicycle access and safety, and potentially return additional developable land or greenspaces to public use, including reviewing and considering various innovative concepts submitted to ODOT, while either maintaining or reducing the current timelines, budget, and construction schedules.



Section 2. That the Administration continue its cooperative relationship with ODOT, while supporting and encouraging efforts to explore the feasibility of additional proposals with the understanding that this once-in-a-century infrastructure project will impact the future of Cincinnati's growth and development for decades to come.

Section 3. That the Mayor and Council request that the Administration and ODOT report back to Council on the outcome of ODOT's evaluation of the cost, feasibility, and other pertinent considerations of alternative proposals, including that shown on Attachment A, any other public comments submitted for the Brent Spence Bridge Corridor Project that provide recommendations for achieving the City's goals, and any other designs proposed by ODOT that reclaim a similar magnitude of developable land to Attachment A.

Section 4. That copies of this resolution be spread upon the minutes of Council and provided to the Ohio Department of Transportation, Tammy Campbell – ODOT District 8, 505 S. State Route 741, Lebanon, OH 45036, tammy.campbell@dot.ohio.gov; the Kentucky Transportation Cabinet, Stacey Hans – KYTC District 6, 421 Buttermilk Pike, Fort Mitchell, KY 41017, stacey.hans@ky.gov; and the Federal Highway Administration, Laurie Leffler – FHWA Ohio Division, 200 North High Street – Room 328, Columbus, OH 43215, laurie.leffler@dot.gov.

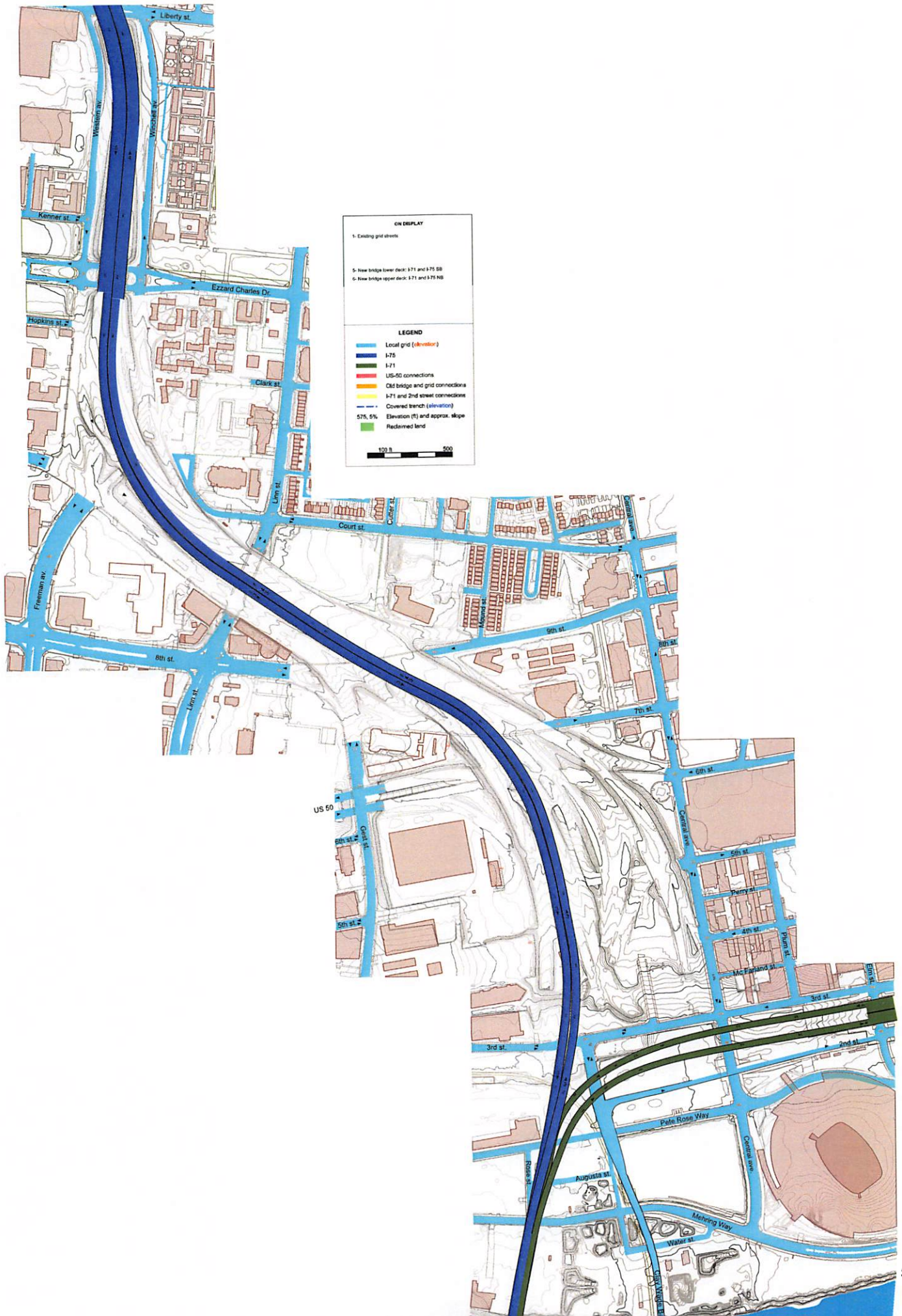
Passed: \_\_\_\_\_, 2023

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Aftab Pureval, Mayor

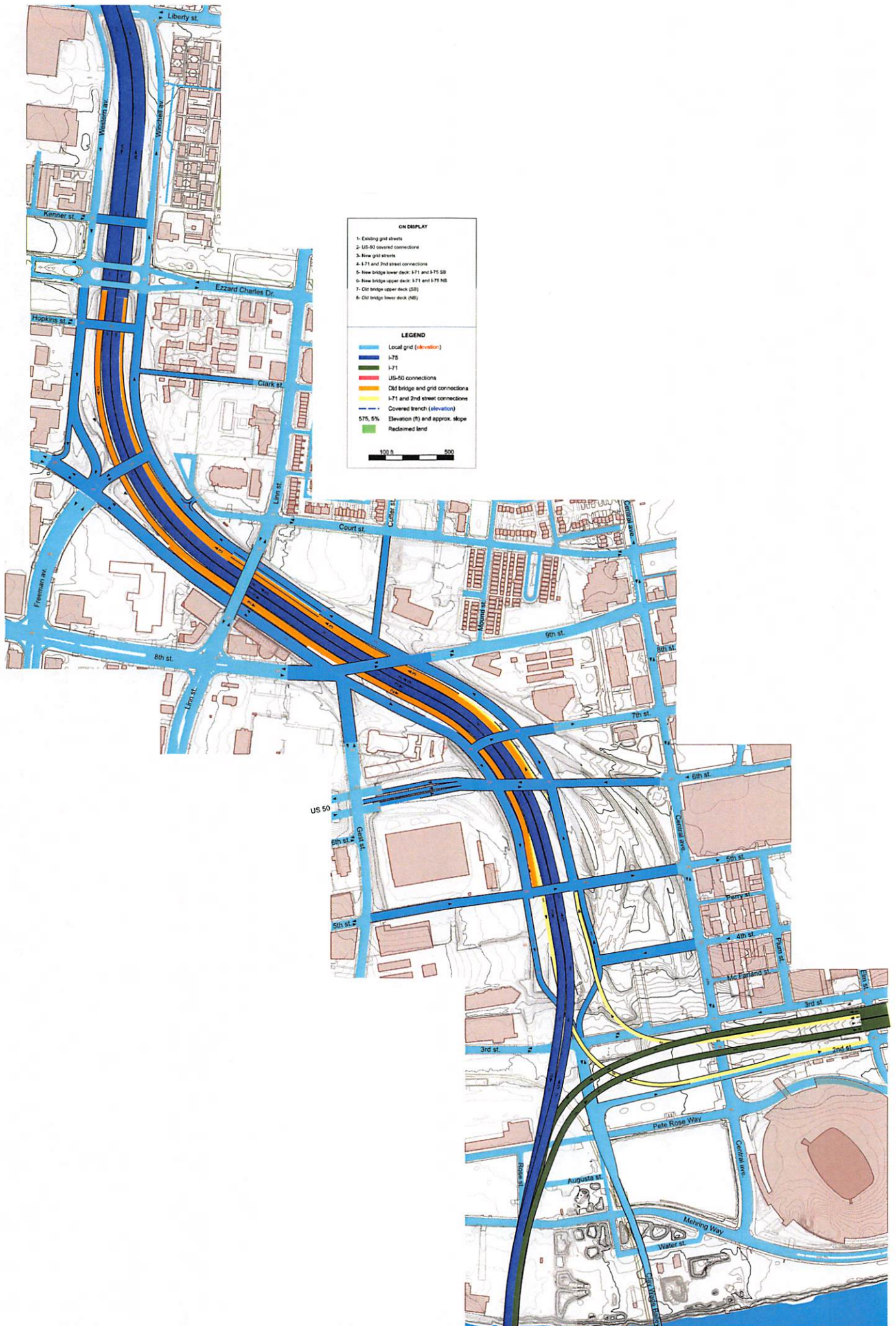
Attest: \_\_\_\_\_  
Clerk

Submitted by Mayor Aftab Pureval, Councilmember Meeka D. Owens, Vice Mayor Jan-Michele Lemon Kearney, and Councilmembers Jeff Cramerding, Reggie Harris, and Seth Walsh.

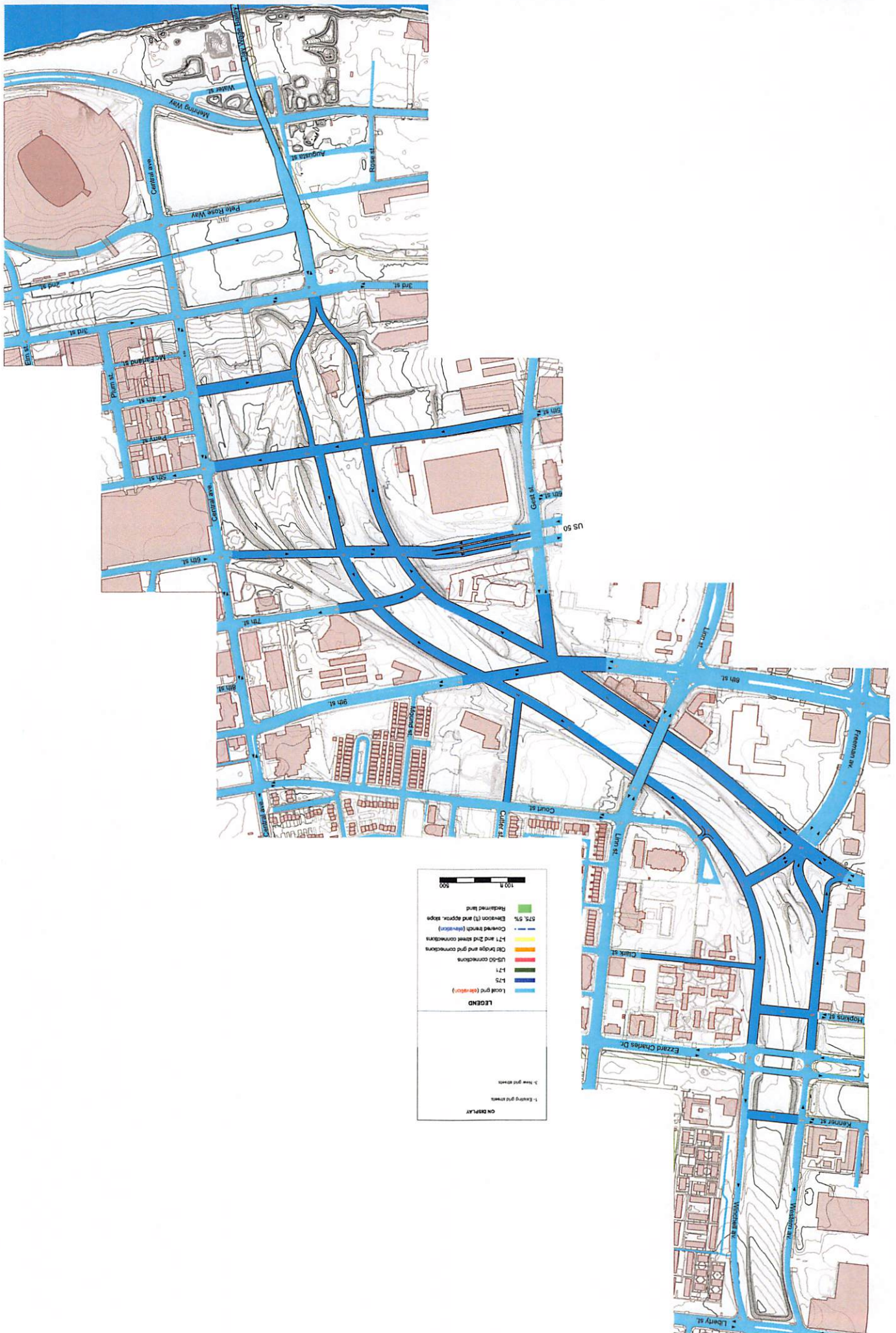
**ATTACHMENT A**



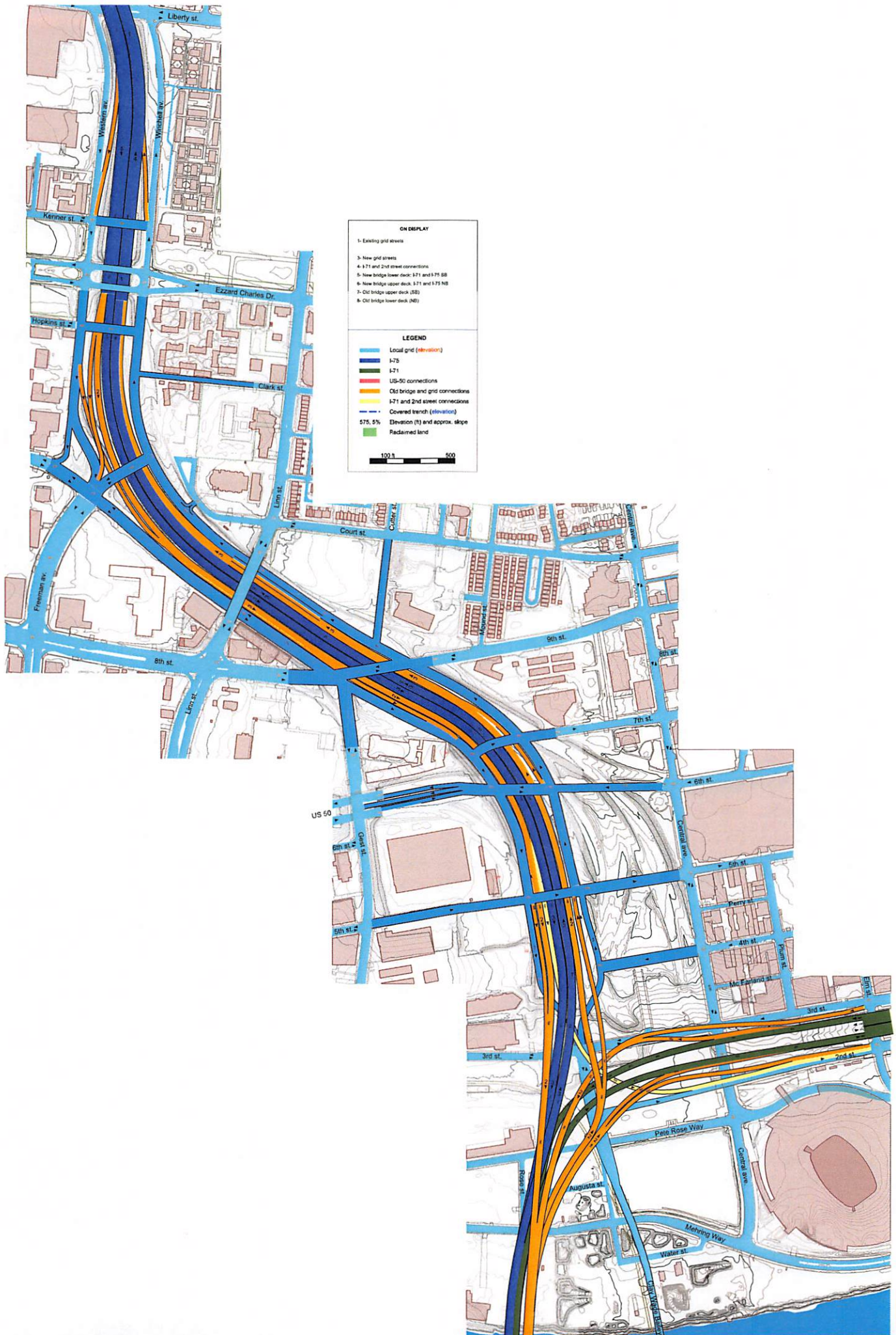








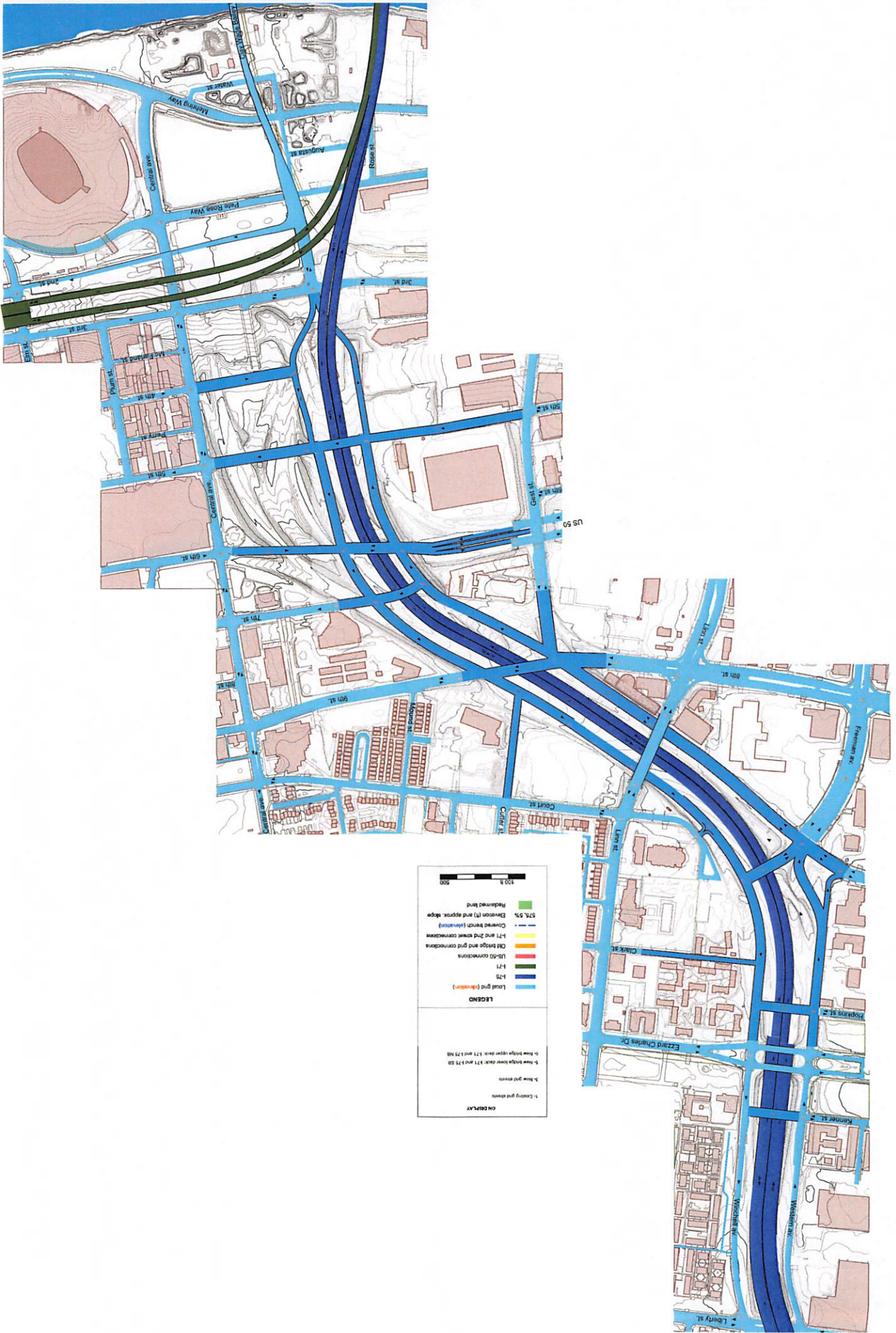




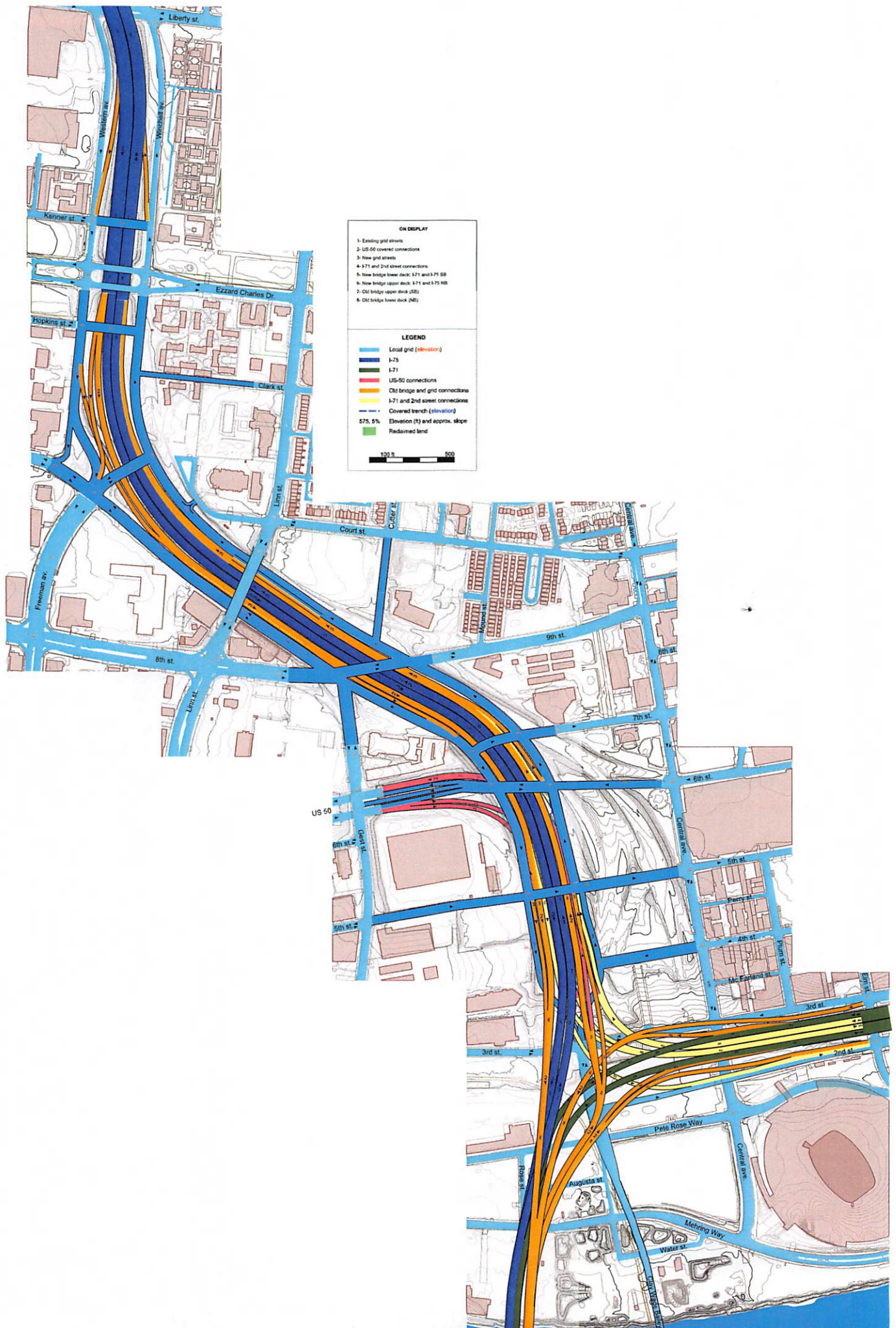
















Date: May 3, 2023

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: ORDINANCE – ODOT BRENT SPENCE BRIDGE – FINDLAY STREET TO MARSHALL AVENUE

202301313

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Attached is an ordinance captioned as follows:

**AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 from Findlay Street to south of Marshall Avenue including interchanges to the new Western Hills Viaduct in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

This ordinance will allow the City to continue to collaborate with the Ohio Department of Transportation for the projects along the Brent Spence Corridor. This ordinance is specific to Phase I of the project with limits from Findlay Street to just south of Marshall Ave.

The Administration recommends passage of the attached ordinance/resolution.

Attachment I – Ordinance  
Attachment II - Brent Spence Bridge Corridor Projects map

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

**AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 from Findlay Street to south of Marshall Avenue including interchanges to the new Western Hills Viaduct in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

WHEREAS, the Ohio Department of Transportation ("ODOT") has identified the need to perform construction activities as part of the Brent Spence Bridge Corridor project including the reconstruction of Interstate 75 from Findlay Street to south of Marshall Avenue and construction of interchanges on Interstate 75 to connect to the new Western Hills Viaduct project (PID No. 114161) (the "Project"); and

WHEREAS, except as needed for temporary access, no transfer of City right-of-way is required for the Project, and no change in the use of City streets is expected to arise from the Project; and

WHEREAS, the State of Ohio shall provide one hundred percent of the eligible cost of the Project; and

WHEREAS, ODOT has requested that all necessary rights-of-way in the Project area be made available for the Project in accordance with current state and federal regulations; and

WHEREAS, the City's Department of Transportation & Engineering has reviewed and approved the proposed Project; and

WHEREAS, the extent of City streets and changes in their use are subject to review and approval by the City Planning Commission, but no changes requiring the commission's review have been identified at this stage of the Project; and

WHEREAS, upon completion of the Project, ODOT and the City desire for the City to continue its existing maintenance responsibilities for the right-of-way in the Project area, as applicable, and other duties required by applicable state and federal law; now, therefore,

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

Section 1. That the City of Cincinnati consents to and shall cooperate with the Director of the Ohio Department of Transportation ("ODOT"), on behalf of the State of Ohio, to facilitate the

performance of construction activities as part of the Brent Spence Bridge Corridor project including the reconstruction of Interstate 75 from Findlay Street to south of Marshall Avenue and construction of interchanges on Interstate 75 to connect to the new Western Hills Viaduct project (PID No. 114161) (the “Project”).

Section 2. That the State of Ohio will assume and bear one hundred percent of the cost of the improvements proposed as part of the Project.

Section 3. That the City shall bear one hundred percent of the cost of those features, if any, requested by the City that ODOT and the Federal Highway Administration determine to be unnecessary for the Project; as of the date of this ordinance, no such features have been identified.

Section 4. That the City agrees to make available to ODOT all City rights-of-way required for the Project, including utility relocation, in accordance with current state and federal regulations and subject to any additional City approvals required for the encumbrance or acquisition of City property or change in use of City streets. The City acknowledges that all utility accommodation, relocation, and reimbursement in connection with the Project will comply with the current provisions of 23 C.F.R. 645 and the ODOT Utilities Manual.

Section 5. That, from time to time, change orders and extra-work contracts may be required to fulfill the Project, and ODOT shall provide written notice to the City, which shall process such as needed and contribute the City’s share of the costs of those items; as of the date of this ordinance, no such costs have been identified.

Section 6. That, to the extent applicable and unless otherwise agreed, the City upon completion of the Project shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, 23 U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for any City maintenance responsibilities in



connection with the Project; (3) to the extent required by state and federal law, maintain the right-of-way and keep it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 7. That the City Manager is hereby authorized to enter into any agreements and process any change orders or extra-work orders connected thereto with the Director of ODOT, or ODOT-prequalified consultants, as necessary to complete the Project in accordance with the terms of this ordinance.

Section 8. That the City Manager is further authorized to execute any documents, upon the request of ODOT, necessary to allow ODOT to recover damages or exercise its rights and remedies under any contracts arising from any errors or omissions of any contractors or consultants.

Section 9. That the City Manager and the appropriate City officials are hereby authorized to take all necessary and proper actions to cooperate with the Director of ODOT to facilitate the Project.

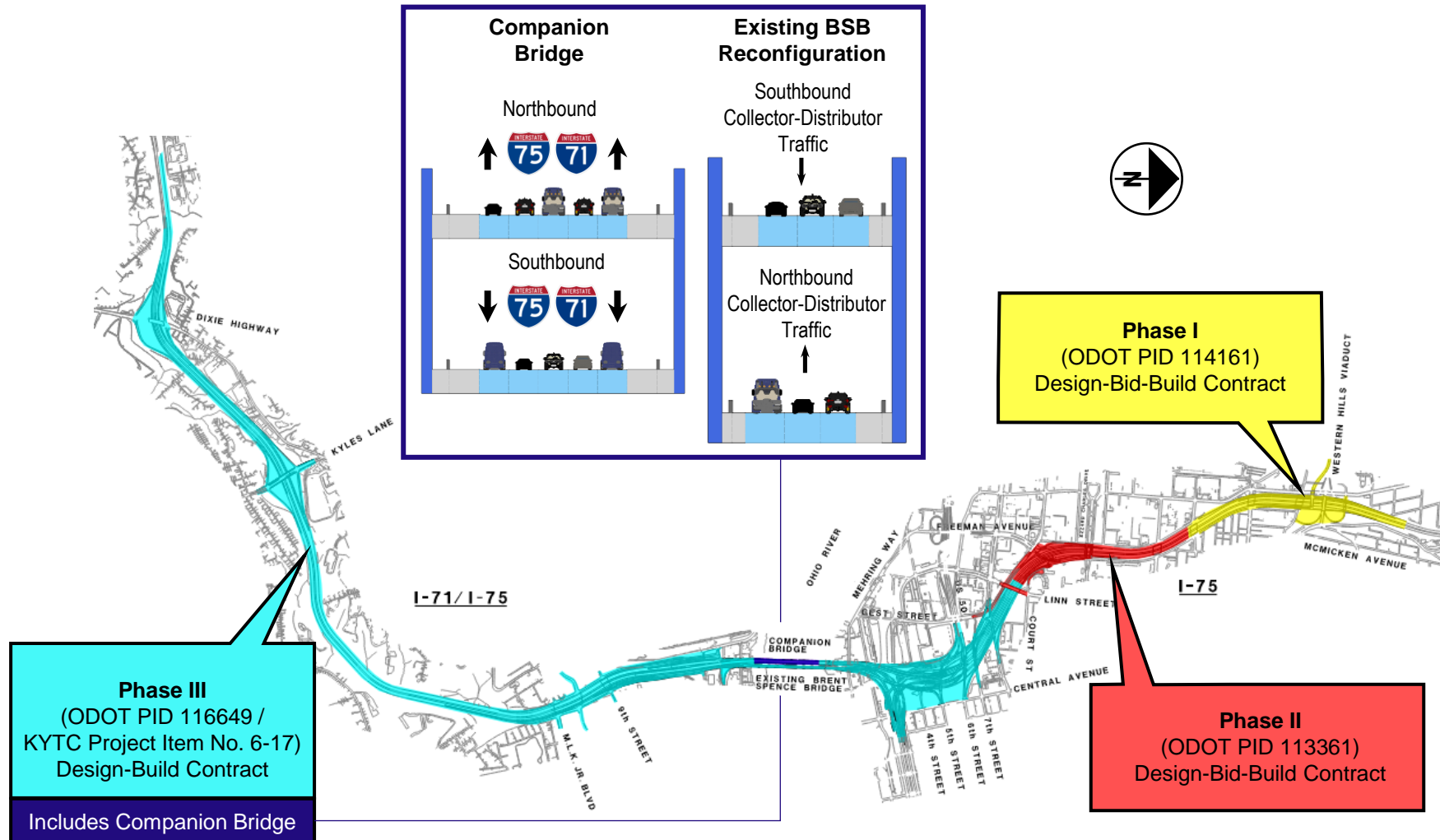
Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

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

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

# PROJECT DELIVERY



Date: May 3, 2023

202301314

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: ORDINANCE – ODOT BRENT SPENCE BRIDGE – LINN STREET TO FINDLAY STREET

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Attached is an ordinance captioned as follows:

**AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 from Linn Street to Findlay Street in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

This ordinance will allow the City to continue to collaborate with the Ohio Department of Transportation for the projects along the Brent Spence Corridor. This ordinance is specific to Phase II of the project with limits from Linn Street to Findlay Street.

The Administration recommends passage of the attached ordinance/resolution.

Attachment I – Ordinance  
Attachment II - Brent Spence Bridge Corridor Projects map

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

**AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 from Linn Street to Findlay Street in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

WHEREAS, the Ohio Department of Transportation ("ODOT") has identified the need to perform construction activities as part of the Brent Spence Bridge Corridor project including the reconstruction and widening of Interstate 75 north of the Linn Street overpass to the northern limits of the bridge over Findlay Street; the replacement of the Linn Street overpass with Interstate 75 and reconstruction of Gest Street from Freeman Avenue to U.S. Route 50; the elimination of the roadway connection from Gest Street to Linn Street; the replacement of pedestrian access from Gest Street to Linn Street; the replacement of the Ezzard Charles Drive bridge over Interstate 75; the reconstruction of portions of Western Avenue and the West Court Street cul-de-sac; and the construction of new Interstate 75 ramps to and from Freeman Avenue, Western Avenue, and Ninth Street (PID No. 113361) (the "Project"); and

WHEREAS, except as needed for temporary access, no transfer of City right-of-way is required for the Project, and no change in the use of City streets is expected to arise from the Project; and

WHEREAS, the State of Ohio shall provide one hundred percent of the eligible cost of the Project; and

WHEREAS, ODOT has requested that all necessary rights-of-way in the Project area be made available for the Project in accordance with current state and federal regulations; and

WHEREAS, the City's Department of Transportation & Engineering has reviewed and approved the proposed Project; and

WHEREAS, the extent of City streets and changes in their use are subject to review and approval by the City Planning Commission, but no changes requiring the commission's review have been identified at this stage of the Project; and

WHEREAS, upon completion of the Project, ODOT and the City desire for the City to continue its existing maintenance responsibilities for the right-of-way in the Project area, as applicable, and other duties required by applicable state and federal law; now, therefore,

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

Section 1. That the City of Cincinnati consents to and shall cooperate with the Director of the Ohio Department of Transportation (“ODOT”), on behalf of the State of Ohio, to facilitate the performance of construction activities as part of the Brent Spence Bridge Corridor project including the reconstruction and widening of Interstate 75 north of the Linn Street overpass to the northern limits of the bridge over Findlay Street; the replacement of the Linn Street overpass with Interstate 75 and reconstruction of Gest Street from Freeman Avenue to U.S. Route 50; the elimination of the roadway connection from Gest Street to Linn Street; the replacement of pedestrian access from Gest Street to Linn Street; the replacement of the Ezzard Charles Drive bridge over Interstate 75; the reconstruction of portions of Western Avenue and the West Court Street cul-de-sac; and the construction of new Interstate 75 ramps to and from Freeman Avenue, Western Avenue, and Ninth Street (PID No. 113361) (the “Project”).

Section 2. That the State of Ohio will assume and bear one hundred percent of the cost of the improvements proposed as part of the Project.

Section 3. That the City shall bear one hundred percent of the cost of those features, if any, requested by the City that ODOT and the Federal Highway Administration determine to be unnecessary for the Project; as of the date of this ordinance, no such features have been identified.

Section 4. That the City agrees to make available to ODOT all City rights-of-way required for the Project, including utility relocation, in accordance with current state and federal regulations and subject to any additional City approvals required for the encumbrance or acquisition of City property or change in use of City streets. The City acknowledges that all utility accommodation, relocation, and reimbursement in connection with the Project will comply with the current provisions of 23 C.F.R. 645 and the ODOT Utilities Manual.

Section 5. That, from time to time, change orders and extra-work contracts may be required to fulfill the Project, and ODOT shall provide written notice to the City, which shall process such as needed and contribute the City's share of the costs of those items; as of the date of this ordinance, no such costs have been identified.

Section 6. That, to the extent applicable and unless otherwise agreed, the City upon completion of the Project shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, 23 U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for any City maintenance responsibilities in connection with the Project; (3) to the extent required by state and federal law, maintain the right-of-way and keep it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 7. That the City Manager is hereby authorized to enter into any agreements and process any change orders or extra-work orders connected thereto with the Director of ODOT, or ODOT-prequalified consultants, as necessary to complete the Project in accordance with the terms of this ordinance.

Section 8. That the City Manager is further authorized to execute any documents, upon the request of ODOT, necessary to allow ODOT to recover damages or exercise its rights and remedies under any contracts arising from any errors or omissions of any contractors or consultants.

Section 9. That the City Manager and the appropriate City officials are hereby authorized to take all necessary and proper actions to cooperate with the Director of ODOT to facilitate the Project.



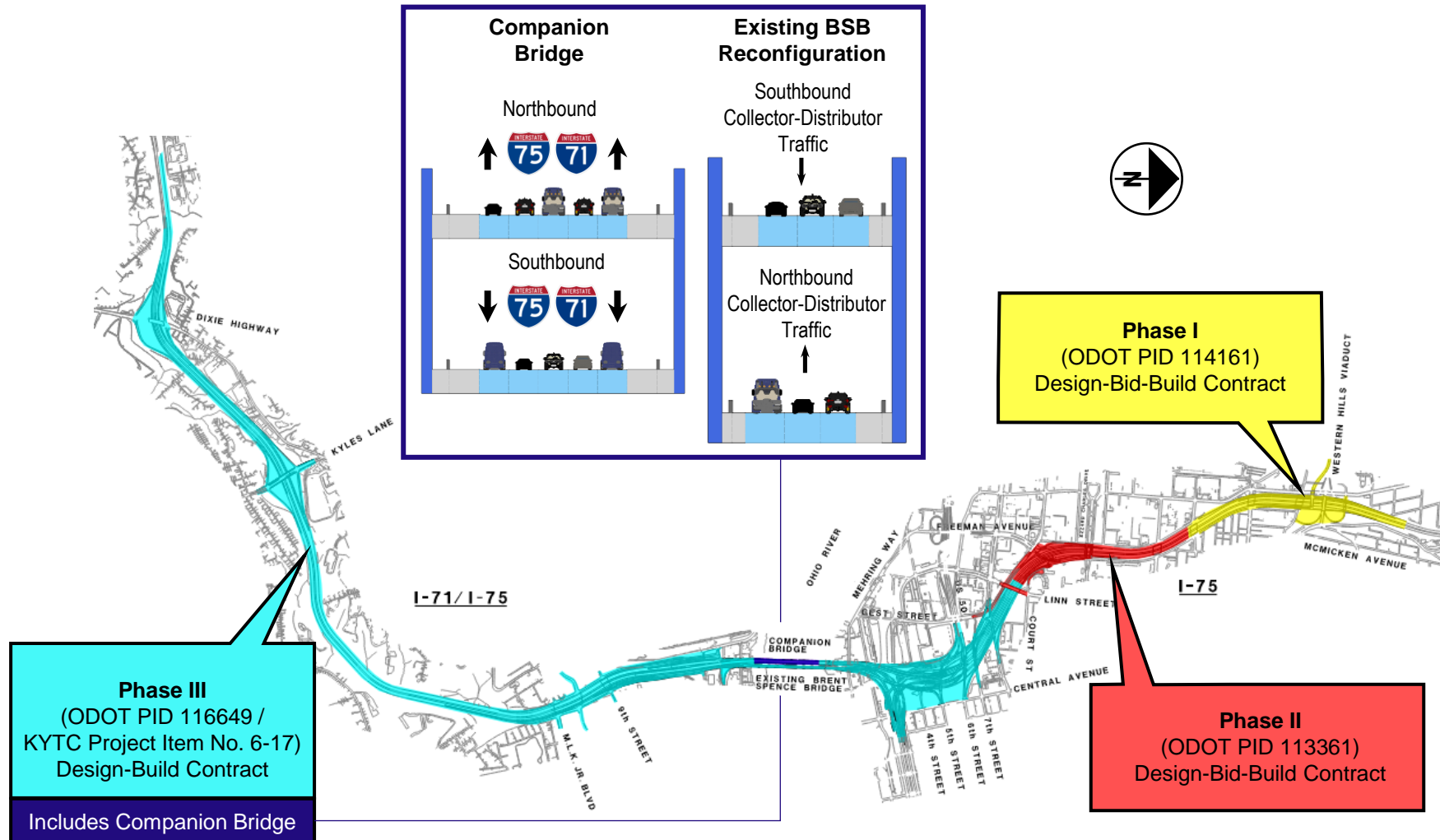
Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

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

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

# PROJECT DELIVERY



Date: May 3, 2023

To: Mayor and Members of City Council

202301315

From: Sheryl M. M. Long, City Manager

Subject: ORDINANCE – ODOT BRENT SPENCE BRIDGE – BRENT SPENCE BRIDGE (KY) TO LINN STREET

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Attached is an ordinance captioned as follows:

**AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 and the Brent Spence Bridge and companion bridge over the Ohio River to Linn Street in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

This ordinance will allow the City to continue to collaborate with the Ohio Department of Transportation for the projects along the Brent Spence Corridor. This ordinance is specific to Phase III of the project which within the City of Cincinnati, consists of the State of Kentucky to Linn Street overpass.

The Administration recommends passage of the attached ordinance/resolution.

Attachment I – Ordinance

Attachment II – Brent Spence Bridge Corridor Projects map

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

**AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 and the Brent Spence Bridge and companion bridge over the Ohio River to Linn Street in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

WHEREAS, the Ohio Department of Transportation ("ODOT") has identified the need to perform construction activities as part of the Brent Spence Bridge Corridor project including the construction or reconstruction of the Brent Spence Bridge and the companion bridge over the Ohio River from the State of Kentucky to Linn Street in the City of Cincinnati (PID No. 116649) (the "Project"); and

WHEREAS, except as needed for temporary access, no transfer of City right-of-way is required for the Project, and no change in the use of City streets is expected to arise from the Project; and

WHEREAS, the State of Ohio shall provide one hundred percent of the eligible cost of the Project; and

WHEREAS, ODOT has requested that all necessary rights-of-way in the Project area be made available for the Project in accordance with current state and federal regulations; and

WHEREAS, the City's Department of Transportation & Engineering has reviewed and approved the proposed Project; and

WHEREAS, the extent of City streets and changes in their use are subject to review and approval by the City Planning Commission, but no changes requiring the commission's review have been identified at this stage of the Project; and

WHEREAS, upon completion of the Project, ODOT and the City desire for the City to continue its existing maintenance responsibilities for the right-of-way in the Project area, as applicable, and other duties required by applicable state and federal law; now, therefore,

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

Section 1. That the City of Cincinnati consents to and shall cooperate with the Director of the Ohio Department of Transportation ("ODOT"), on behalf of the State of Ohio, to facilitate the

performance of construction activities as part of the Brent Spence Bridge Corridor project including the construction or reconstruction of the Brent Spence Bridge and the companion bridge over the Ohio River from the State of Kentucky to Linn Street in the City of Cincinnati (PID No. 116649) (the “Project”).

Section 2. That the State of Ohio will assume and bear one hundred percent of the cost of the improvements proposed as part of the Project.

Section 3. That the City shall bear one hundred percent of the cost of those features, if any, requested by the City that ODOT and the Federal Highway Administration determine to be unnecessary for the Project; as of the date of this ordinance, no such features have been identified.

Section 4. That the City agrees to make available to ODOT all City rights-of-way required for the Project, including utility relocation, in accordance with current state and federal regulations and subject to any additional City approvals required for the encumbrance or acquisition of City property or change in use of City streets. The City acknowledges that all utility accommodation, relocation, and reimbursement in connection with the Project will comply with the current provisions of 23 C.F.R. 645 and the ODOT Utilities Manual.

Section 5. That, from time to time, change orders and extra-work contracts may be required to fulfill the Project, and ODOT shall provide written notice to the City, which shall process such as needed and contribute the City’s share of the costs of those items; as of the date of this ordinance, no such costs have been identified.

Section 6. That, to the extent applicable and unless otherwise agreed, the City upon completion of the Project shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, 23 U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for any City maintenance responsibilities in

connection with the Project; (3) to the extent required by state and federal law, maintain the right-of-way and keep it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 7. That the City Manager is hereby authorized to enter into any agreements and process any change orders or extra-work orders connected thereto with the Director of ODOT, or ODOT-prequalified consultants, as necessary to complete the Project in accordance with the terms of this ordinance.

Section 8. That the City Manager is further authorized to execute any documents, upon the request of ODOT, necessary to allow ODOT to recover damages or exercise its rights and remedies under any contracts arising from any errors or omissions of any contractors or consultants.

Section 9. That the City Manager and the appropriate City officials are hereby authorized to take all necessary and proper actions to cooperate with the Director of ODOT to facilitate the Project.

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

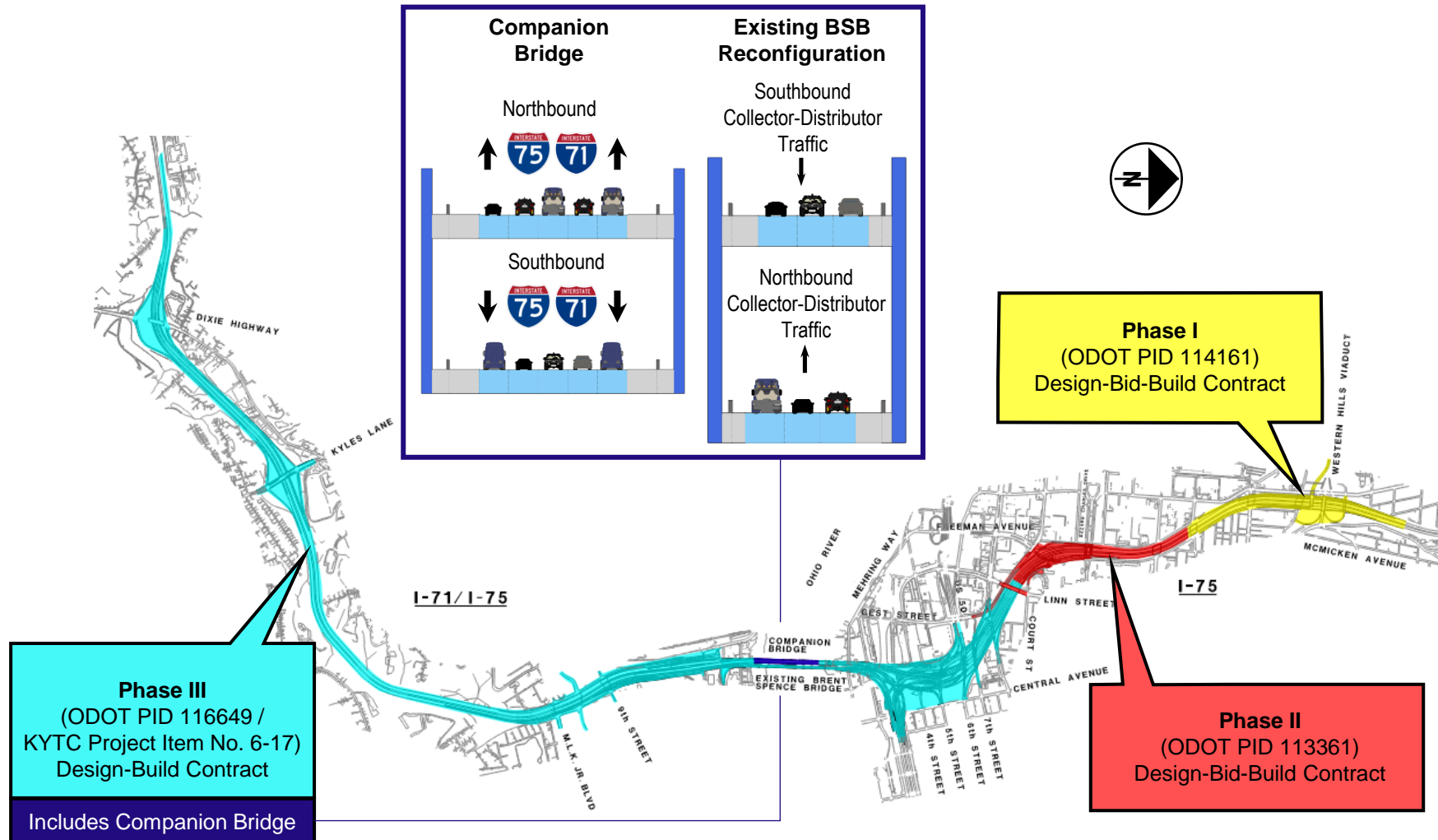
Passed: \_\_\_\_\_, 2023

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

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



# PROJECT DELIVERY



# City of Cincinnati



801 Plum Street, Suite 348  
Cincinnati, Ohio 45202

Phone: (513) 352-3466  
Email: meeka.owens@cincinnati-oh.gov  
Web: www.cincinnati-oh.gov

202301277

**Meeka D. Owens**  
*Cincinnati City Council*

April 25, 2023

## MOTION

**WE MOVE** for the City Administration to submit an application to the Federal Highway Administration and / or Ohio Department of Transportation to have the City of Cincinnati formalized as a participating agency.

  
*Councilmember Meeka D. Owens*

## STATEMENT

The City of Cincinnati has long been involved in the reconstruction of the Brent Spence Bridge Corridor (BSBC) project, which runs through the urban heart of Cincinnati. Through the project development from 2005 to present, City staff has engaged with the Ohio Department of Transportation and provided feedback and guidance as to how the project impacts the local transportation network and residents' quality-of-life.

Federal Highway Administration regulations require that any Federal, state, tribal, regional, and local government agencies that may have an interest in a project must be invited to serve as participating agencies (*see* Attachment A (Letter from ODOT) and Attachment B (23 U.S.C. 139(d)(2))). The intent of a participating agency's role is to enhance interagency coordination, ensure that issues of concern are identified early, and encourage governmental agencies at any level with an interest in the proposed project to be active participants in the NEPA process.

Tammy K. Campbell, ODOT District 8 Deputy Director, took the important step to invite the City of Cincinnati to participate beyond the role of a traditional participating agency. We appreciate this new, innovative way to include local government stakeholders at the table.

However as one of Ohio's most populated metro areas, the City of Cincinnati has a major interest in the development in the BSBC project. Therefore, we believe it to be in the best interest for the City to formalize its role in the project as a participating agency. Taking this step expresses the City's commitment building the best bridge possible, and the promises we have made as a Council to our residents.



# OHIO DEPARTMENT OF TRANSPORTATION

Mike DeWine, Governor

Jack Marchbanks, Ph.D., Director

District 8

505 S. State Route 741, Lebanon, OH 45036

513-933-6568

transportation.ohio.gov

September 13, 2022

Mayor Aftab Pureval  
City of Cincinnati  
801 Plum Street, Suite 150  
Cincinnati, OH 45202

Dear Mayor Pureval,

I am writing to thank you and your team at the City for your continued support and input into the efforts to complete the reconstruction of the Brent Spence Bridge Corridor (BSBC) within the City. The City's partnership on this project has been a tremendous benefit to us. Throughout the project development from 2005-present, City staff has engaged and supported our efforts by providing feedback and guidance with respects to the project and specifically how it impacts their transportation network.

FHWA's regulations require that any Federal, State, tribal, regional, and local government agencies that may have an interest in the project must be invited to serve as participating agencies. [23 U.S.C. 139(d)(2)]. The intent of a participating agency's role is to enhance interagency coordination, ensure that issues of concern are identified early, and encourage governmental agencies at any level with an interest in the proposed project to be active participants in the NEPA process. As one of Ohio's most populated metro areas, the City of Cincinnati's input into the BSB project is vital not only for Cincinnati's success, but for ODOT's as well. ODOT's view of the City goes beyond just a participating agency. ODOT considers the City of Cincinnati as a primary stakeholder and a vital partner in the development of this project.

FHWA expects the roles and responsibilities of participating agencies to include:

- Participating in the NEPA process at the start of the NEPA scoping process when participating agency identification occurs and invitations are sent. Agencies should provide input with regard to the development of the purpose and need statement, range of alternatives, methodologies, and the level of detail for the analysis of alternatives. The City was involved in this process beginning in 2005 until 2012 when the NEPA document was approved.
- Carrying out the agencies' obligations under other applicable laws concurrently with the review required under NEPA, unless doing so would impair the ability of the agency to carry out those obligations. (23 U.S.C. 139(d)(7)(A))
- Identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts.
- Providing meaningful and timely input on unresolved issues.
- Reviewing any proposed project schedule provided by the lead agencies and providing either concurrence and/or comments when a schedule is developed as part of the project's coordination plan or when a schedule is developed as part of enhanced technical assistance.
- Reviewing draft environmental documentation as established in the project coordination plan.

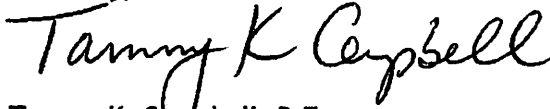
**Excellence in Government**

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To go beyond the traditional role of a participating agency, ODOT is looking for the City's continued cooperation as a true partner in the development of the BSBC project. ODOT's goals for the project are consistent with the City's previously expressed goals to improve pedestrian and bicycles access and safety as well as looking for opportunities for the use of green spaces and reclaimed land. Having the City's thoughts and expertise involved throughout the project development process is vital to the further development and accomplishment of these goals. Whether we are discussing aesthetics or providing thoughts on the selection of the Design-Build team, the City's expertise will help to ensure that this project is poised to meet the City's current and future goals for their community as well as ODOT's.

Again, thank you for your continued support on this vital project.

Sincerely,

A handwritten signature in black ink that reads "Tammy K Campbell". The signature is written in a cursive, flowing style.

Tammy K. Campbell, P.E.  
District 8 Deputy Director

**23 USC 139: Efficient environmental reviews for project decisionmaking and One Federal Decision**  
Text contains those laws in effect on April 17, 2023

**From Title 23-HIGHWAYS**

**CHAPTER 1-FEDERAL-AID HIGHWAYS**

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[Amendments](#)

[Effective Date](#)

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## **§139. Efficient environmental reviews for project decisionmaking and One Federal Decision**

(a) **DEFINITIONS.**-In this section, the following definitions apply:

(1) **AGENCY.**-The term "agency" means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

(2) **AUTHORIZATION.**-The term "authorization" means any environmental license, permit, approval, finding, or other administrative decision related to the environmental review process that is required under Federal law to site, construct, or reconstruct a project.

(3) **ENVIRONMENTAL DOCUMENT.**-The term "environmental document" includes an environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) **ENVIRONMENTAL IMPACT STATEMENT.**-The term "environmental impact statement" means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) **ENVIRONMENTAL REVIEW PROCESS.**-

(A) **IN GENERAL.**-The term "environmental review process" means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) **INCLUSIONS.**-The term "environmental review process" includes the process and schedule, including a timetable for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(6) **LEAD AGENCY.**-The term "lead agency" means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

(7) **MAJOR PROJECT.**-

(A) **IN GENERAL.**-The term "major project" means a project for which-

(i) multiple permits, approvals, reviews, or studies are required under a Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(ii) the project sponsor has identified the reasonable availability of funds sufficient to complete the project;

(iii) the project is not a covered project (as defined in section 41001 of the FAST Act (42 U.S.C. 4370m)); and

(iv)(I) the head of the lead agency has determined that an environmental impact statement is required; or

(II) the head of the lead agency has determined that an environmental assessment is required, and the project sponsor requests that the project be treated as a major project.

(B) **CLARIFICATION.**-In this section, the term "major project" does not have the same meaning as the term "major project" as described in section 106(h).

(8) **MULTIMODAL PROJECT.**-The term "multimodal project" means a project that requires the approval of more than 1 Department of Transportation operating administration or secretarial office.

(9) **PROJECT.**-

(A) **IN GENERAL.**-The term "project" means any highway project, public transportation capital project, or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the Department of Transportation.

(B) **CONSIDERATIONS.**-In determining whether a project is a project under subparagraph (A), the Secretary shall take into account, if known, any sources of Federal funding or financing identified by the project sponsor, including

any discretionary grant, loan, and loan guarantee programs administered by the Department of Transportation.

(10) **PROJECT SPONSOR.**-The term "project sponsor" means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

(11) **STATE TRANSPORTATION DEPARTMENT.**-The term "State transportation department" means any statewide agency of a State with responsibility for one or more modes of transportation.

**(b) APPLICABILITY.-**

(1) **IN GENERAL.**-The project development procedures in this section are applicable to all projects, including major projects, for which an environmental impact statement is prepared under the National Environmental Policy Act (42 U.S.C. 4321 et seq.) of 1969 and may be applied, as requested by a project sponsor and to the extent determined appropriate by the Secretary, to other projects for which an environmental document is prepared pursuant to such Act.

(2) **FLEXIBILITY.**-Any authorities granted in this section may be exercised, and any requirements established under this section may be satisfied, for a project, class of projects, or program of projects.

**(3) PROGRAMMATIC COMPLIANCE.-**

(A) **IN GENERAL.**-The Secretary shall allow for the use of programmatic approaches to conduct environmental reviews that-

- (i) eliminate repetitive discussions of the same issues;
- (ii) focus on the actual issues ripe for analyses at each level of review; and
- (iii) are consistent with-
  - (I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)<sup>1</sup> and
  - (II) other applicable laws.

(B) **REQUIREMENTS.**-In carrying out subparagraph (A), the Secretary shall ensure that programmatic reviews-

- (i) promote transparency, including the transparency of-
  - (I) the analyses and data used in the environmental reviews;
  - (II) the treatment of any deferred issues raised by agencies or the public; and
  - (III) the temporal and spatial scales to be used to analyze issues under subclauses (i) and (ii);
- (ii) use accurate and timely information, including through establishment of-
  - (I) criteria for determining the general duration of the usefulness of the review; and
  - (II) a timeline for updating an out-of-date review;
- (iii) describe-
  - (I) the relationship between any programmatic analysis and future tiered analysis; and
  - (II) the role of the public in the creation of future tiered analysis;
- (iv) are available to other relevant Federal and State agencies, Indian tribes, and the public; and
- (v) provide notice and public comment opportunities consistent with applicable requirements.

**(c) LEAD AGENCIES.-**

**(1) FEDERAL LEAD AGENCY.-**

(A) **IN GENERAL.**-The Department of Transportation, or an operating administration thereof designated by the Secretary, shall be the Federal lead agency in the environmental review process for a project.

(B) **MODAL ADMINISTRATION.**-If the project requires approval from more than 1 modal administration within the Department, the Secretary may designate a single modal administration to serve as the Federal lead agency for the Department in the environmental review process for the project.

(2) **JOINT LEAD AGENCIES.**-Nothing in this section precludes another agency from being a joint lead agency, in accordance with regulations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **PROJECT SPONSOR AS JOINT LEAD AGENCY.**-Any project sponsor that is a State or local governmental entity receiving funds under this title or chapter 53 of title 49 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and may prepare any such environmental document required in support of any action or approval by the Secretary if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted by the Secretary prior to the Secretary taking any subsequent action or making any approval based on such document, whether or not the Secretary's action or approval results in Federal funding.

(4) **ENSURING COMPLIANCE.**-The Secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary.



**(5) ADOPTION AND USE OF DOCUMENTS.**-Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that such Federal agency could adopt or use a document prepared by another Federal agency.

**(6) ROLES AND RESPONSIBILITY OF LEAD AGENCY.**-With respect to the environmental review process for any project, the lead agency shall have authority and responsibility-

(A) to take such actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project;

(B) to prepare or ensure that any required environmental impact statement or other document required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law;

(C) to consider and respond to comments received from participating agencies on matters within the special expertise or jurisdiction of those agencies; and

(D) to calculate annually the average time taken by the lead agency to complete all environmental documents for each project during the previous fiscal year.

**(7) PROCESS IMPROVEMENTS FOR PROJECTS.**-

(A) **IN GENERAL.**-The Secretary shall review-

(i) existing practices, procedures, rules, regulations, and applicable laws to identify impairments to meeting the requirements applicable to projects under this section; and

(ii) best practices, programmatic agreements, and potential changes to internal departmental procedures that would facilitate an efficient environmental review process for projects.

(B) **CONSULTATION.**-In conducting the review under subparagraph (A), the Secretary shall consult, as appropriate, with the heads of other Federal agencies that participate in the environmental review process.

(C) **REPORT.**-Not later than 2 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes-

(i) the results of the review under subparagraph (A); and

(ii) an analysis of whether additional funding would help the Secretary meet the requirements applicable to projects under this section.

**(d) PARTICIPATING AGENCIES.**-

(1) **IN GENERAL.**-The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

(2) **INVITATION.**-Not later than 45 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency shall identify any other Federal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall set a deadline for responses to be submitted. The deadline may be extended by the lead agency for good cause.

(3) **FEDERAL PARTICIPATING AGENCIES.**-Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency-

(A) has no jurisdiction or authority with respect to the project;

(B) has no expertise or information relevant to the project; and

(C) does not intend to submit comments on the project.

**(4) EFFECT OF DESIGNATION.**-

(A) **REQUIREMENT.**-A participating agency shall comply with the requirements of this section.

(B) **IMPLICATION.**-Designation as a participating agency under this subsection shall not imply that the participating agency-

(i) supports a proposed project; or

(ii) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

(5) **COOPERATING AGENCY.**-A participating agency may also be designated by a lead agency as a "cooperating agency" under the regulations contained in part 1500 of title 40, Code of Federal Regulations.

(6) **DESIGNATIONS FOR CATEGORIES OF PROJECTS.**-The Secretary may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

(7) **CONCURRENT REVIEWS.**-Each participating agency and cooperating agency shall-

(A) carry out the obligations of that agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out those obligations; and

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

**(8) SINGLE ENVIRONMENTAL DOCUMENT.-**

(A) **IN GENERAL.**-Except as inconsistent with paragraph (7) and except as provided in paragraph (D), to the maximum extent practicable and consistent with Federal law, all Federal authorizations and approvals for a project shall rely on a single environmental document for each kind of environmental document produced under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the leadership of the lead agency.

**(B) USE OF DOCUMENT.-**

(i) **IN GENERAL.**-To the maximum extent practicable, the lead agency shall develop environmental documents sufficient to satisfy the requirements for any Federal approval or other Federal action required for the project, including authorizations by other Federal agencies.

(ii) **COOPERATION OF PARTICIPATING AGENCIES.**-Other participating agencies shall cooperate with the lead agency and provide timely information to help the lead agency carry out this subparagraph.

(C) **TREATMENT AS PARTICIPATING AND COOPERATING AGENCIES.**-A Federal agency required to take an approval or take an action for a project, as described in subparagraph (B), shall act with the lead agency to the project to ensure that the agency making the approval or taking the action is treated as being bound and participating as a cooperating agency for the project.

(D) **EXCEPTIONS.**-The lead agency may waive the application of subparagraph (A) with respect to a project if-

(i) the project sponsor requests that agencies issue separate environmental documents;

(ii) the obligations of a cooperating agency or participating agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have already been satisfied with respect to the project; or

(iii) the lead agency determines that reliance on a single environmental document (as described in subparagraph (A)) would not facilitate timely completion of the environmental review process for a project.

**(9) PARTICIPATING AGENCY RESPONSIBILITIES.**-An agency participating in the environmental review process under this section shall-

(A) provide comments, responses, studies, or methodologies on those areas within its special expertise or jurisdiction of the agency; and

(B) use the process to address any environmental issues of concern to the agency.

**(10) TIMELY AUTHORIZATIONS FOR MAJOR PROJECTS.-**

(A) **DEADLINE.**-Except as provided in subparagraph (C), all authorization decisions and approvals for construction of a major project shall be completed by not later than 90 days after the date of the issuance of a record of decision for the major project.

(B) **DETAIL.**-The final environmental impact statement for a major project shall include an adequate level of detail to inform decisions necessary for the role of the participating agencies and cooperating agencies in the environmental review process.

(C) **EXTENSION OF DEADLINE.**-The head of the lead agency may extend the deadline under subparagraph (A) if-

(i) Federal law prohibits the lead agency or another agency from issuing an approval or action within the period described in that subparagraph;

(ii) the project sponsor requests that the permit or approval follow a different timeline; or

(iii) an extension would facilitate completion of the environmental review and authorization process of the major project.

**(e) PROJECT INITIATION.-**

(1) **IN GENERAL.**-The project sponsor shall notify the Secretary of the type of project, the location of the proposed project (including any additional information that the project sponsor considers to be important to initiate the process for the proposed project), together with a statement of any Federal approvals anticipated to be necessary for the proposed project, for the purpose of informing the Secretary that the environmental review process should be initiated.

(2) **SUBMISSION OF DOCUMENTS.**-The project sponsor may satisfy the requirement under paragraph (1) by submitting to the Secretary any relevant documents containing the information described in that paragraph, including a draft notice for publication in the Federal Register announcing the preparation of an environmental review for the project.

(3) **REVIEW OF APPLICATION.**-Not later than 45 days after the date on which the Secretary receives notification under paragraph (1), the Secretary shall provide to the project sponsor a written response that, as applicable-

(A) describes the determination of the Secretary-

(i) to initiate the environmental review process, including a timeline and an expected date for the publication in the Federal Register of the relevant notice of intent; or

(ii) to decline the application, including an explanation of the reasons for that decision; or

(B) requests additional information, and provides to the project sponsor an accounting regarding what documentation is necessary to initiate the environmental review process.

**(4) REQUEST TO DESIGNATE A LEAD AGENCY.-**

(A) **IN GENERAL.**-Any project sponsor may submit to the Secretary a request to designate the operating administration or secretarial office within the Department of Transportation with the expertise on the proposed project to serve as the Federal lead agency for the project.

**(B) SECRETARIAL ACTION.-**

(i) **IN GENERAL.**-If the Secretary receives a request under subparagraph (A), the Secretary shall respond to the request not later than 45 days after the date of receipt.

(ii) **REQUIREMENTS.**-The response under clause (i) shall-

(I) approve the request;

(II) deny the request, with an explanation of the reasons for the denial; or

(III) require the submission of additional information.

(iii) **ADDITIONAL INFORMATION.**-If additional information is submitted in accordance with clause (ii)(II), the Secretary shall respond to the submission not later than 45 days after the date of receipt.

**(5) ENVIRONMENTAL CHECKLIST.-**

(A) **DEVELOPMENT.**-The lead agency for a project, in consultation with participating agencies and, as appropriate, as appropriate, a checklist to help project sponsors identify potential cultural, historical, and other resources in the area of the project.

**(B) PURPOSE.**-The purposes of the checklist are-

(i) to identify agencies and organizations that can provide information about natural, cultural, and historic resources;

(ii) to develop the information needed to determine the range of alternatives; and

(iii) to improve interagency collaboration to help expedite the permitting process for the lead agency and participating agencies.

**(f) PURPOSE AND NEED; ALTERNATIVES ANALYSIS.-**

(1) **PARTICIPATION.**-As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

(2) **DEFINITION.**-Following participation under paragraph (1), the lead agency shall define the purpose and need for purposes of any document which the lead agency is responsible for preparing for the project.

(3) **OBJECTIVES.**-The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include-

(A) achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan;

(B) supporting land use, economic development, or growth objectives established in applicable Federal, state, local, or tribal plans; and

(C) serving national defense, national security, or other national objectives, as established in Federal laws, plans, or policies.

**(4) ALTERNATIVES ANALYSIS.-**

**(A) PARTICIPATION.-**

(i) **In general.**-As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

(ii) **COMMENTS OF PARTICIPATING AGENCIES.**-To the maximum extent practicable and consistent with applicable law, each participating agency receiving an opportunity for involvement under clause (i) shall limit the comments of the agency to subject matter areas within the special expertise or jurisdiction of the agency.

(iii) **EFFECT OF NONPARTICIPATION.**-A participating agency that declines to participate in the development of the purpose and need and range of alternatives for a project shall be required to comply with the schedule developed under subsection (g)(1)(B).

**(B) RANGE OF ALTERNATIVES.-**

(i) **DETERMINATION.**-Following participation under subparagraph (A), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

(ii) **USE.**-To the maximum extent practicable and consistent with Federal law, the range of alternatives determined for a project under clause (i) shall be used for all Federal environmental reviews and permit processes required for the project unless the alternatives must be modified-

(I) to address significant new information or circumstances, and the lead agency and participating agencies agree that the alternatives must be modified to address the new information or circumstances; or

(II) for the lead agency or a participating agency to fulfill the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in a timely manner.

(C) **METHODOLOGIES.**-The lead agency also shall determine, in collaboration with participating agencies, at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

(D) **PREFERRED ALTERNATIVE.**-At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.

(E) **REDUCTION OF DUPLICATION.**-

(i) **IN GENERAL.**-In carrying out this paragraph, the lead agency shall reduce duplication, to the maximum extent practicable, between-

(I) the evaluation of alternatives under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(II) the evaluation of alternatives in the metropolitan transportation planning process under section 34 or an environmental review process carried out under State law (referred to in this subparagraph as a "State environmental review process")

(ii) **CONSIDERATION OF ALTERNATIVES.**-The lead agency may eliminate from detailed consideration an alternative proposed in an environmental impact statement regarding a project if, as determined by the lead agency-

(I) the alternative was considered in a metropolitan planning process or a State environmental review process by a metropolitan planning organization or a State or local transportation agency, as applicable;

(II) the lead agency provided guidance to the metropolitan planning organization or State or local transportation agency, as applicable, regarding analysis of alternatives in the metropolitan planning process or State environmental review process, including guidance on the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal law necessary for approval of the project;

(III) the applicable metropolitan planning process or State environmental review process included an opportunity for public review and comment;

(IV) the applicable metropolitan planning organization or State or local transportation agency rejected the alternative after considering public comments;

(V) the Federal lead agency independently reviewed the alternative evaluated or approved by the applicable metropolitan planning organization or State or local transportation agency; and

(VI) the Federal lead agency determined-

(aa) in consultation with Federal participating or cooperating agencies, that the alternative to be eliminated from consideration is not necessary for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(bb) with the concurrence of Federal agencies with jurisdiction over a permit or approval required for a project, that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other Federal law.

(g) **COORDINATION AND SCHEDULING.**-

(1) **COORDINATION PLAN.**-

(A) **IN GENERAL.**-Not later than 90 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project or category of projects. The coordination plan may be incorporated into a memorandum of understanding.

(B) **SCHEDULE.**-

(i) **IN GENERAL.**-The lead agency shall establish as part of such coordination plan, after consultation with and the concurrence of each participating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for completion of the environmental review process for the project.

(ii) **FACTORS FOR CONSIDERATION.**-In establishing the schedule, the lead agency shall consider factors such as-

(I) the responsibilities of participating agencies under applicable laws;

(II) resources available to the cooperating agencies;

(III) overall size and complexity of the project;

(IV) the overall time required by an agency to conduct an environmental review and make decisions under applicable Federal law relating to a project (including the issuance or denial of a permit or license) and the cost of the project; and

(V) the sensitivity of the natural and historic resources that could be affected by the project.

(iii) **MAJOR PROJECT SCHEDULE.**-To the maximum extent practicable and consistent with applicable Federal law, in the case of a major project, the lead agency shall develop, in concurrence with the project sponsor, a schedule for the major project that is consistent with an agency average of not more than 2 years for the completion of the environmental review process for major projects, as measured from, as applicable-

(I) the date of publication of a notice of intent to prepare an environmental impact statement in the record of decision; or

(II) the date on which the head of the lead agency determines that an environmental assessment is required to a finding of no significant impact.

(C) **CONSISTENCY WITH OTHER TIME PERIODS.**-A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

(D) **MODIFICATION.**-

(i) **IN GENERAL.**-Except as provided in clause (ii), the lead agency may lengthen or shorten a schedule established under subparagraph (B) for good cause.

(ii) **EXCEPTIONS.**-

(I) **MAJOR PROJECTS.**-In the case of a major project, the lead agency may lengthen a schedule under clause (i) for a cooperating Federal agency by not more than 1 year after the latest deadline established for the major project by the lead agency.

(II) **SHORTENED SCHEDULES.**-The lead agency may not shorten a schedule under clause (i) if doing so would impair the ability of a cooperating Federal agency to conduct necessary analyses or otherwise carry out relevant obligations of the Federal agency for the project.

(E) **FAILURE TO MEET DEADLINE.**-If a cooperating Federal agency fails to meet a deadline established under subparagraph (D)(i)(I)-

(i) the cooperating Federal agency shall submit to the Secretary a report that describes the reasons why the deadline was not met; and

(ii) the Secretary shall-

(I) transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the report under clause (i) and

(II) make the report under clause (i) publicly available on the Internet.

(F) **DISSEMINATION.**-A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be-

(i) provided to all participating agencies and to the State transportation department of the State in which the project is located (and, if the State is not the project sponsor, to the project sponsor); and

(ii) made available to the public.

(2) **COMMENT DEADLINES.**-The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such document, unless-

(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause.

(B) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the materials on which comment is requested, unless-

(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause.

(3) **DEADLINES FOR DECISIONS UNDER OTHER LAWS.**-In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required to be made by the later of the date that is 180 days after the date on which the Secretary made all final decisions of the lead agency with respect to the project, or 180 days after the date on which an application was submitted for the permit or license, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and publish on the Internet-

(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

(B) every 60 days thereafter until such date as all decisions of the Federal agency were made in the record, have been made by the Federal agency, an additional notice that describes the number and details of the Federal agency that remain outstanding as of the date of the additional notice.

(4) INVOLVEMENT OF THE PUBLIC.-Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law, including NEPA.

**(h) ISSUE IDENTIFICATION AND RESOLUTION.-**

(1) COOPERATION.-The lead agency and the participating agencies shall cooperate in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

(2) LEAD AGENCY RESPONSIBILITIES.-The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the location of the project, the socioeconomic resources located within the project area and the general location of the project area under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

(3) PARTICIPATING AGENCY RESPONSIBILITIES.-Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts. In this paragraph, issues of concern include any issue that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

(4) ISSUE RESOLUTION.-Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.

**(5) INTERIM DECISION ON ACHIEVING ACCELERATED DECISIONMAKING.-**

(A) IN GENERAL.-Not later than 30 days after the close of the public comment period on a draft environmental impact statement, the Secretary may convene a meeting with the project sponsor, the lead agency, participating agencies, and any relevant State agencies to ensure that all parties are prepared to make accelerated decision-making decisions to be made regarding the project.

(B) DEADLINES.-The deadlines referred to in subparagraph (A) shall be those established under subsection (g), or any other deadlines established by the lead agency, in consultation with the project sponsor and other relevant agencies.

(C) FAILURE TO ASSURE.-If the relevant agencies cannot provide reasonable assurance that the conditions described in subparagraph (B) will be met, the Secretary may initiate the issue resolution and referral process described under paragraph (6) before the completion of the record of decision.

**(6) ACCELERATED ISSUE RESOLUTION AND REFERRAL.-**

**(A) AGENCY ISSUE RESOLUTION MEETING.-**

(i) IN GENERAL.-A Federal agency of jurisdiction, project sponsor, or the chief executive officer of a State in which a project is located may request an issue resolution meeting to be conducted by the lead agency.

(ii) ACTION BY LEAD AGENCY.-The lead agency shall convene an issue resolution meeting in accordance with (i) with the relevant participating agencies and the project sponsor, including the Governor only if the meeting was requested by the Governor, to resolve issues that could-

- (I) delay completion of the environmental review process; or
- (II) result in denial of any approvals required for the project under applicable laws.

(iii) DATE.-A meeting requested under this subparagraph shall be held by not later than 30 days after the date of receipt of the request for the meeting, unless the lead agency determines that there is good cause to extend the time for the meeting.

(iv) NOTIFICATION.-On receipt of a request for a meeting under this subparagraph, the lead agency shall notify all relevant participating agencies of the request, including the issue to be resolved and the date for the meeting.

(v) DISPUTES.-If a relevant participating agency with jurisdiction over an approval required for a project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the lead agency disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.

(vi) CONVENION BY LEAD AGENCY.-A lead agency may convene an issue resolution meeting under this subsection at any time without the request of the Federal agency of jurisdiction, project sponsor, or the Governor of a State.

**(B) ELEVATION OF ISSUE RESOLUTION.-**

(i) IN GENERAL.-If issue resolution is not achieved by not later than 30 days after the date of a relevant meeting under subparagraph (A), the Secretary shall notify the lead agency, the heads of the relevant participating agencies, and the project sponsor (including the Governor only if the initial issue resolution meeting request came from the Governor) that an issue resolution meeting will be convened.



(ii) **REQUIREMENTS.**-The Secretary shall identify the issues to be addressed at the meeting and convene the meeting not later than 30 days after the date of issuance of the notice.

**(C) REFERRAL OF ISSUE RESOLUTION.-**

**(i) REFERRAL TO COUNCIL ON ENVIRONMENTAL QUALITY.-**

(I) **IN GENERAL.**-If resolution is not achieved by not later than 30 days after the date of an issue resolution meeting under subparagraph (B), the Secretary shall refer the matter to the Council on Environmental Quality.

(II) **MEETING.**-Not later than 30 days after the date of receipt of a referral from the Secretary under subclause (I), the Council on Environmental Quality shall hold an issue resolution meeting with the lead agency, the heads of relevant participating agencies, and the project sponsor (including the Governor only if an initial request for an issue resolution meeting came from the Governor).

(ii) **REFERRAL TO THE PRESIDENT.**-If a resolution is not achieved by not later than 30 days after the date of the meeting convened by the Council on Environmental Quality under clause (i)(II), the Secretary shall refer the matter directly to the President.

**(7) FINANCIAL PENALTY PROVISIONS.-**

(A) **IN GENERAL.**-A Federal agency of jurisdiction over an approval required for a project under applicable laws shall complete any required approval on an expeditious basis using the shortest existing applicable process.

**(B) FAILURE TO DECIDE.-**

(i) **IN GENERAL.**-If an agency described in subparagraph (A) fails to render a decision under any Federal law relating to a project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, or other approval by the date described in clause (ii), an amount of funding equal to the amounts specified in subclause (I) or (II) shall be rescinded from the applicable office of the head of the agency, or equivalent office to which the authority for rendering the decision has been delegated by law by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)-

(I) \$20,000 for any project for which an annual financial plan is required under subsection (h) or (i) of section 106; or

(II) \$10,000 for any other project requiring preparation of an environmental assessment or environmental impact statement.

(ii) **DESCRIPTION OF DATE.**-The date referred to in clause (i) is-

(I) the date that is 30 days after the date for rendering a decision as described in the project schedule established pursuant to subsection (g)(1)(B);

(II) if no schedule exists, the later of-

(aa) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

(bb) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), or

(III) a modified date in accordance with subsection (g)(1)(D).

**(C) LIMITATIONS.-**

(i) **IN GENERAL.**-No rescission of funds under subparagraph (B) relating to an individual project shall exceed, in any fiscal year, an amount equal to 2.5 percent of the funds made available for the applicable agency office.

(ii) **FAILURE TO DECIDE.**-The total amount rescinded in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 7 percent of the funds made available for the applicable agency office for that fiscal year.

(D) **NO FAULT OF AGENCY.**-A rescission of funds under this paragraph shall not be made if the lead agency for the project certifies that-

(i) the agency has not received necessary information or approvals from another entity, such as the project sponsor, in a manner that affects the ability of the agency to meet any requirements under State, local, or Federal law; or

(ii) significant new information or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application.

(E) **LIMITATION.**-The Federal agency with jurisdiction for the decision from which funds are rescinded pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

(F) **AUDITS.**-In any fiscal year in which any funds are rescinded from a Federal agency pursuant to this paragraph, the Inspector General of that agency shall-

- (i) conduct an audit to assess compliance with the requirements of this paragraph; and
- (ii) not later than 120 days after the end of the fiscal year during which the rescission occurred, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the reasons why the transfers were levied, including allocations of resources.

(G) **EFFECT OF PARAGRAPH.**—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

(8) **EXPEDIENT DECISIONS AND REVIEWS.**—To ensure that Federal environmental decisions and reviews are expeditiously made—

(A) adequate resources made available under this title shall be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are completed on an expeditious basis and that the shortest existing applicable process under that Act is implemented; and

(B) the President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, not less frequently than once every 120 days after the date of enactment of the MAP-21, a report on the status and progress of the following projects and activities funded under this title with respect to compliance with applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):

- (i) Projects and activities required to prepare an annual financial plan under section 106(d);
- (ii) A sample of not less than 5 percent of the projects requiring preparation of an environmental impact statement or environmental assessment in each State.

(i) **PERFORMANCE MEASUREMENT.**—The Secretary shall establish a program of measures and reports designed toward improving and expediting the planning and environmental review process.

(j) **ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—

(A) **AUTHORITY TO PROVIDE FUNDS.**—The Secretary may allow a public entity receiving financial assistance from the Department of Transportation under this title or chapter 53 of title 49 to provide funds to Federal agencies (including the Department), State agencies, and Indian tribes participating in the environmental review process for the project or program.

(B) **USE OF FUNDS.**—Funds referred to in subparagraph (A) may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project or program.

(2) **ACTIVITIES ELIGIBLE FOR FUNDING.**—Activities for which funds may be provided under paragraph (1) include transportation planning activities that precede the initiation of the environmental review process; activities directly related to the environmental review process; dedicated staffing; training of agency personnel; information gathering and mapping; and development of programmatic agreements.

(3) **USE OF FEDERAL LANDS HIGHWAY FUNDS.**—The Secretary may also use funds made available under section 204 <sup>1</sup> for a project for the purposes specified in this subsection with respect to the environmental review process for the project.

(4) **AMOUNTS.**—Requests under paragraph (1) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to meet the time limits for environmental review.

(5) **CONDITION.**—A request under paragraph (1) to expedite time limits for environmental review may be approved only if such time limits are less than the customary time necessary for such review.

(6) **AGREEMENT.**—Prior to providing funds approved by the Secretary for dedicated staffing at an affected agency under paragraphs (1) and (2), the affected agency and the requesting public entity shall enter into an agreement that establishes the projects and priorities to be addressed by the use of the funds.

(k) **JUDICIAL REVIEW AND SAVINGS CLAUSE.**—

(1) **JUDICIAL REVIEW.**—Except as set forth under subsection (l), nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

(2) **SAVINGS CLAUSE.**—Nothing in this section shall be construed as superseding, amending, or modifying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(3) **LIMITATIONS.**—Nothing in this section shall preempt or interfere with—

- (A) any practice of seeking, considering, or responding to public comment; or
- (B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local government agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to projects, plans, or programs.

**(l) LIMITATIONS ON CLAIMS.-**

(1) **IN GENERAL.**-Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation capital project shall be barred unless it is filed within 150 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is lawfully sought. In this subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

(2) **NEW INFORMATION.**-The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations. The preparation of a supplemental environmental impact statement when required shall be considered a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 150 days after the date of publication of a notice in the Federal Register announcing such action.

**(m) ENHANCED TECHNICAL ASSISTANCE AND ACCELERATED PROJECT COMPLETION.-**

(1) **DEFINITION OF COVERED PROJECT.**-In this subsection, the term "covered project" means a project-

(A) that has an ongoing environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) for which at least 2 years, beginning on the date on which a notice of intent is issued, have elapsed without the issuance of a record of decision.

(2) **TECHNICAL ASSISTANCE.**-At the request of a project sponsor or the Governor of a State in which a project is located, the Secretary shall provide additional technical assistance to resolve for a covered project any outstanding issues and project delay, including by-

(A) providing additional staff, training, and expertise;

(B) facilitating interagency coordination;

(C) promoting more efficient collaboration; and

(D) supplying specialized onsite assistance.

**(3) SCOPE OF WORK.-**

(A) **IN GENERAL.**-In providing technical assistance for a covered project under this subsection, the Secretary shall establish a scope of work that describes the actions that the Secretary will take to resolve the outstanding issues and project delays, including establishing a schedule under subparagraph (B).

**(B) SCHEDULE.-**

(i) **IN GENERAL.**-The Secretary shall establish and meet a schedule for the completion of any permit, approval, review, or study, required for the covered project by the date that is not later than 4 years after the date on which a notice of intent for the covered project is issued.

(ii) **INCLUSIONS.**-The schedule under clause (i) shall-

(I) comply with all applicable laws;

(II) require the concurrence of the Council on Environmental Quality and each participating agency for the project with the State in which the project is located or the project sponsor, as applicable; and

(III) reflect any new information that becomes available and any changes in circumstances that may result in new significant impacts that could affect the timeline for completion of any permit, approval, review, or study required for the covered project.

(4) **CONSULTATION.**-In providing technical assistance for a covered project under this subsection, the Secretary shall consult, if appropriate, with resource and participating agencies on all methods available to resolve the outstanding issues and project delays for a covered project as expeditiously as possible.

**(5) ENFORCEMENT.-**

(A) **IN GENERAL.**-All provisions of this section shall apply to this subsection, including the financial penalty provisions under subsection (h)(6).

(B) **RESTRICTION.**-If the Secretary enforces this subsection under subsection (h)(6), the Secretary may use a date included in a schedule under paragraph (3)(B) that is created pursuant to and is in compliance with this subsection in lieu of the dates under subsection (h)(6)(B)(ii).

**(n) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.-**

(1) **IN GENERAL.**-In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets-

(A) cite the sources, authorities, and reasons that support the position of the agency; and

(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

(2) **SINGLE DOCUMENT.**-To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless-

(A) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

(B) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.

(3) **LENGTH OF ENVIRONMENTAL DOCUMENT.**-

(A) **IN GENERAL.**-Notwithstanding any other provision of law and except as provided in subparagraph (B), to the maximum extent practicable, the text of the items described in paragraphs (4) through (6) of section 1502.10(a) of title 40, Code of Federal Regulations (or successor regulations) of an environmental impact statement for a project shall be 200 pages or fewer.

(B) **EXEMPTION.**-An environmental impact statement for a project may exceed 200 pages if the lead agency establishes a new page limit for the environmental impact statement for that project.

(o) **IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.**-

(1) **IN GENERAL.**-Not later than 18 months after the date of enactment of this subsection, the Secretary shall-

(A) use the searchable Internet website maintained under section 41003(b) of the FAST Act-

(i) to make publicly available the status and progress of projects requiring an environmental assessment or an environmental impact statement with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal, State, or local approval required for those projects; and

(ii) to make publicly available the names of participating agencies not participating in the development of a project purpose and need and range of alternatives under subsection (f); and

(B) issue reporting standards to meet the requirements of subparagraph (A).

(2) **FEDERAL, STATE, AND LOCAL AGENCY PARTICIPATION.**-

(A) **FEDERAL AGENCIES.**-A Federal agency participating in the environmental review or permitting process for a project shall provide to the Secretary information regarding the status and progress of the approval of the project for publication on the Internet website referred to in paragraph (1)(A), consistent with the standards established under paragraph (1)(B).

(B) **STATE AND LOCAL AGENCIES.**-The Secretary shall encourage State and local agencies participating in the environmental review permitting process for a project to provide information regarding the status and progress of the approval of the project for publication on the Internet website referred to in paragraph (1)(A).

(3) **STATES WITH DELEGATED AUTHORITY.**-A State with delegated authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) pursuant to section 327 shall be responsible for supplying to the Secretary project development and compliance status for all applicable projects.

(p) **ACCOUNTABILITY AND REPORTING FOR MAJOR PROJECTS.**-

(1) **IN GENERAL.**-The Secretary shall establish a performance accountability system to track each major project.

(2) **REQUIREMENTS.**-The performance accountability system under paragraph (1) shall, for each major project, track, at a minimum-

(A) the environmental review process for the major project, including the project schedule;

(B) whether the lead agency, cooperating agencies, and participating agencies are meeting the schedule established for the environmental review process; and

(C) the time taken to complete the environmental review process.

(q) **DEVELOPMENT OF CATEGORICAL EXCLUSIONS.**-

(1) **IN GENERAL.**-Not later than 60 days after the date of enactment of this subsection, and every 4 years thereafter, the Secretary shall-

(A) in consultation with the agencies described in paragraph (2), identify the categorical exclusions described in section 771.117 of title 23, Code of Federal Regulations (or successor regulations), that would accelerate delivery of a project if those categorical exclusions were available to those agencies;

(B) collect existing documentation and substantiating information on the categorical exclusions described in subparagraph (A); and

(C) provide to each agency described in paragraph (2)-

(i) a list of the categorical exclusions identified under subparagraph (A); and

(ii) the documentation and substantiating information under subparagraph (B).

(2) AGENCIES DESCRIBED.—The agencies referred to in paragraph (1) are—

- (A) the Department of the Interior;
- (B) the Department of the Army;
- (C) the Department of Commerce;
- (D) the Department of Agriculture;
- (E) the Department of Energy;
- (F) the Department of Defense; and
- (G) any other Federal agency that has participated in an environmental review process for a project, as determined by the Secretary.

(3) ADOPTION OF CATEGORICAL EXCLUSIONS.—

(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary provides a list under paragraph (1) (C), an agency described in paragraph (2) shall publish a notice of proposed rulemaking to propose any categorical exclusions from the list applicable to the agency, subject to the condition that the categorical exclusion identified under paragraph (1)(A) meets the criteria for a categorical exclusion under section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).

(B) PUBLIC COMMENT.—In a notice of proposed rulemaking under subparagraph (A), the applicable agency may solicit comments on whether any of the proposed new categorical exclusions meet the criteria for a categorical exclusion under section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).

(Added Pub. L. 109–59, title VI, §6002(a), Aug. 10, 2005, 119 Stat. 1857 ; amended Pub. L. 112–141, div. A, title I, §§1305–1309, July 6, 2012, 126 Stat. 533–539 ; Pub. L. 114–94, div. A, title I, §1304(a)–(j)(1), Dec. 4, 2015, 129 Stat. 1378–1385 ; Pub. L. 117–58, div. A, title I, §§11301(a), 11525(h), Nov. 15, 2021, 135 Stat. 525 , 607 )

#### EDITORIAL NOTES

#### REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsecs. (a)(3)–(5), (7)(A)(i), (b)(1), (3)(A)(iii)(I), (c)(2), (3), (6)(B), (d)(7)(A), (8)(A), (D)(ii), (f)(4)(B)(ii)(II), (E)(i)(I), (ii)(II), (VI)(aa), (h)(7)(B)(ii)(II)(bb), (8), (k)(2), (m)(1)(A), (n)(1), and (o)(1)(A)(i), (3), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852 , which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The date of enactment of the Surface Transportation Reauthorization Act of 2021 and the date of enactment of this subsection, referred to in subsecs. (c)(7)(C) and (q)(1), are the date of enactment of div. A of Pub. L. 117–58, which was approved Nov. 15, 2021.

The date of enactment of the MAP–21, referred to in subsec. (h)(8)(B), is deemed to be Oct. 1, 2012, see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of this title.

Section 204 of this title, referred to in subsec. (j)(3), was repealed and a new section 204 enacted by Pub. L. 112–141, div. A, title I, §1119(a), July 6, 2012, 126 Stat. 473 , 489.

The date of enactment of this subsection, referred to in subsec. (o)(1), is the date of enactment of Pub. L. 114–94, which was approved Dec. 4, 2015.

Section 41003(b) of the FAST Act, referred to in subsec. (o)(1)(A), is section 41003(b) of Pub. L. 114–94, known as the FAST Act and also known as the Fixing America's Surface Transportation Act, which is classified to section 4370m–2(b) of Title 42, The Public Health and Welfare.

#### CODIFICATION

Section 6002(a) of Pub. L. 109–59, which directed that this section be inserted after section 138 of subchapter I of chapter 1 of this title, was executed by adding this section after section 138 of chapter 1 of this title, to reflect the probable intent of Congress and the amendment by Pub. L. 109–59, §1602(b)(6)(A), which struck out the subchapter I heading preceding section 101 of this title.

#### PRIOR PROVISIONS

A prior section 139, added Pub. L. 90–495, §16(a), Aug. 23, 1968, 82 Stat. 823 ; amended Pub. L. 91–605, title I, §§106(b)(1), 140, Dec. 31, 1970, 84 Stat. 1716 , 1736 ; Pub. L. 94–280, title I, §125, May 5, 1976, 90 Stat. 440 ; Pub. L. 97–134, §10, Dec. 29, 1981, 95 Stat. 1702 ; Pub. L. 97–424, title I, §116(a)(3), Jan. 6, 1983, 96 Stat. 2109 ; Pub. L. 98–229, §8(a), Mar. 9, 1984, 98 Stat. 56 , related to additions to the Interstate System, prior to repeal by Pub. L. 105–178, title I, §1106(c)(2)(A), June 9, 1998, 112 Stat. 136 .

#### AMENDMENTS



**2021**-Pub. L. 117-58, §11301(a)(1), substituted "decisionmaking and Decision Making" in section catchline.

Subsec. (a)(2) to (5). Pub. L. 117-58, §11301(a)(2)(A) to (B), redesignated former pars. (2) and (3) as (4) and (5), respectively. Former pars. (4) and (5) redesignated (1) and (3), respectively.

Subsec. (a)(5)(B). Pub. L. 117-58, §11301(a)(2)(C), substituted "process for and completion of any environmental permit" for "process for and completion of any environmental permit".

Subsec. (a)(6). Pub. L. 117-58, §11301(a)(2)(F), redesignated par. (6) as (8). Former par. (6) redesignated (9).

Subsec. (a)(7). Pub. L. 117-58, §11301(a)(2)(D), added par. (7). Former par. (7) redesignated (8).

Subsec. (a)(8) to (11). Pub. L. 117-58, §11301(a)(2)(A), redesignated pars. (8) to (11) as (9), (10), (11), and (11), respectively.

Subsec. (b)(1). Pub. L. 117-58, §11525(h)(1), inserted "(42 U.S.C. 4321 et seq.)" after "Act of 1968".

Pub. L. 117-58, §11301(a)(3), inserted ", including major projects," after "all projects" and "is requested by a project sponsor and" after "applied,".

Subsec. (c). Pub. L. 117-58, §11525(h)(2), inserted "(42 U.S.C. 4321 et seq.)" after "Act of 1968" wherever appearing.

Subsec. (c)(6)(D). Pub. L. 117-58, §11301(a)(4)(A), added subpar. (D).

Subsec. (c)(7). Pub. L. 117-58, §11301(a)(4)(E), added par. (7).

Subsec. (d)(8). Pub. L. 117-58, §11301(a)(5)(A)(i), substituted "environmental" for "NEPA" in heading.

Subsec. (d)(8)(A). Pub. L. 117-58, §11301(a)(5)(A)(ii), inserted "and except as provided in subparagraph (D)" after "paragraph (7)" and substituted "authorizations" for "permits" and "single environmental document for each kind of environmental document" for "single environmental document".

Subsec. (d)(8)(B)(i). Pub. L. 117-58, §11301(a)(5)(A)(iii), substituted "environmental documents" for "an environmental document" and "authorizations" for "permits issued".

Subsec. (d)(8)(D). Pub. L. 117-58, §11301(a)(5)(A)(iv), added subpar. (D).

Subsec. (d)(10). Pub. L. 117-58, §11301(a)(5)(B), added par. (10).

Subsec. (g)(1)(B)(ii)(IV). Pub. L. 117-58, §11301(a)(6)(A)(i), substituted "time required by an agency to conduct an environmental review and make decisions under applicable Federal law relating to a project (including the issuance or denial of a permit or license) and the cost of" for "schedule for and cost of".

Subsec. (g)(1)(B)(iii). Pub. L. 117-58, §11301(a)(6)(A)(ii), added cl. (iii).

Subsec. (g)(1)(D). Pub. L. 117-58, §11301(a)(6)(B), added subpar. (3) and struck out former subpar. (D). Prior to amendment, text read as follows: "The lead agency may-

"(i) lengthen a schedule established under subparagraph (B) for good cause; and

"(ii) shorten a schedule only with the concurrence of the affected cooperating agency."

Subsec. (g)(1)(E), (F). Pub. L. 117-58, §11301(a)(6)(C), (D), added subpar. (E) and redesignated former subpar. (E) as (F).

Subsec. (k)(2). Pub. L. 117-58, §11525(h)(3), inserted "(42 U.S.C. 4321 et seq.)" after "Act of 1968".

Subsec. (n)(3). Pub. L. 117-58, §11301(a)(7), added par. (3).

Subsecs. (p), (q). Pub. L. 117-58, §11301(a)(8), added subsecs. (p) and (q).

**2015**-Subsec. (a)(5). Pub. L. 114-94, §1304(a)(1), added par. (5) and struck out former par. (5). Prior to amendment, text read as follows: "The term 'multimodal project' means a project funded, in whole or in part, under this title or chapter 53 of title 49 and involving the participation of more than one Department of Transportation administration or agency."

Subsec. (a)(6). Pub. L. 114-94, §1304(a)(2), added par. (6) and struck out former par. (6). Prior to amendment, text read as follows: "The term 'project' means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary."

Subsec. (b)(3)(A). Pub. L. 114-94, §1304(b)(1), struck out "initiate a rulemaking to" after "shall" in introductory provisions.

Subsec. (b)(3)(B). Pub. L. 114-94, §1304(b)(2), added subpar. (B) and struck out former subpar. (B) which related to programmatic compliance requirements.

Subsec. (c)(1)(A). Pub. L. 114-94, §1304(c)(1), inserted ", or an operating administration thereof designated by the Secretary," after "Department of Transportation".

Subsec. (c)(6)(C). Pub. L. 114-94, §1304(c)(2), added subpar. (C).

Subsec. (d)(2). Pub. L. 114-94, §1304(d)(1), substituted "Not later than 45 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency shall identify" for "The lead agency shall identify, as early as practicable in the environmental review process for a project,".

Subsec. (d)(8), (9). Pub. L. 114-94, §1304(d)(2), added pars. (8) and (9).



Subsec. (e)(1). Pub. L. 114–94, §1304(e)(1), inserted "(including pay and other non-representational project sponsor considers to be important to initiate the project under the environmental review process, the general location of the proposed project)".

Subsec. (e)(3) to (5). Pub. L. 114–94, §1304(e)(2), added pars. (3) to (5).

Subsec. (f). Pub. L. 114–94, §1304(f)(1), inserted "Alternatives Analysis" and a comma after "analysis".

Subsec. (f)(4)(A). Pub. L. 114–94, §1304(f)(2)(A), added subpar. (A) and struck out former subpar. (A). Prior to amendment, text read as follows: "As early as practicable during the environmental review process, the lead agency shall provide an opportunity for input from by persons or organizations of the public in determining the range of alternatives to be considered for a project."

Subsec. (f)(4)(B). Pub. L. 114–94, §1304(f)(2)(B), designated existing provisions as subpar. (B), inserted heading, substituted "Following participation under subgraph (A) for the following a determination under paragraph (1)", and added cl. (ii).

Subsec. (f)(4)(E). Pub. L. 114–94, §1304(f)(2)(C), added subpar. (E).

Subsec. (g)(1)(A). Pub. L. 114–94, §1304(g)(1)(A), substituted "Not later than 60 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency" for "The lead agency".

Subsec. (g)(1)(B)(i). Pub. L. 114–94, §1304(g)(1)(B), substituted "shall establish as part of such coordination plan" for "may establish as part of the coordination plan".

Subsec. (g)(3). Pub. L. 114–94, §1304(g)(2), inserted "and publish on the public information site of Representatives" in introductory provisions.

Subsec. (h)(4). Pub. L. 114–94, §1304(h)(1)(B), added par. (4). Former par. (4) redesignated (5).

Subsec. (h)(5). Pub. L. 114–94, §1304(h)(1)(A), redesignated par. (4) as (2), former par. (5) redesignated (6).

Subsec. (h)(5)(C). Pub. L. 114–94, §1304(h)(2), substituted "paragraph (6)" for "paragraph (a) and".

Subsec. (h)(6). (7). Pub. L. 114–94, §1304(h)(1)(A), redesignated pars. (5) and (6) as (3) and (4), respectively. Former par. (7) redesignated (8).

Subsec. (h)(7)(B)(i)(I). Pub. L. 114–94, §1304(h)(3)(A), substituted "is required under subsection (b) or (i) of section 106" for "under section 106(i) is required".

Subsec. (h)(7)(B)(ii). Pub. L. 114–94, §1304(h)(3)(B), added cl. (ii) and struck out former cl. (i). Prior to amendment, text read as follows: "The date referred to in clause (i) is the date of:

"(I) the date that is 180 days after the date on which an application for the public use-sea approval is complete; and

"(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Subsec. (h)(8). Pub. L. 114–94, §1304(h)(1)(A), redesignated par. (7) as (8).

Subsec. (j)(1). Pub. L. 114–94, §1304(i)(1), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: "For a project that is subject to the environmental review process established under this section and for which funds are made available to a State under this title or chapter 53 of title 49, the Secretary may approve a request by the State to provide funds that are made available under this title or such chapter 53 to affected Federal agencies (including the Department of Transportation), State agencies, and Indian tribes participating in the environmental review process for the projects in that State or participating in a State process that has been approved by the Secretary for that State. Such funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving transportation project planning and delivery for projects in that State."

Subsec. (j)(2). Pub. L. 114–94, §1304(i)(2), inserted "activities directly related to the environmental review process," before "dedicated staffing".

Subsec. (j)(6). Pub. L. 114–94, §1304(i)(3), added par. (6) and struck out former par. (6). Prior to amendment, text read as follows: "Prior to providing funds approved by the Secretary for dedicated staffing at an affected Federal agency under paragraphs (1) and (2), the affected Federal agency and the State agency shall enter into a memorandum of understanding that establishes the projects and priorities to be addressed by the use of the funds."

Subsecs. (n), (o). Pub. L. 114–94, §1304(j)(1), added subsec. (n) and (o).

2012-Subsec. (b)(2). Pub. L. 112–141, §1305(a)(1), inserted ", and any requirements established under this section may be satisfied," after "exercised".

Subsec. (b)(3). Pub. L. 112–141, §1305(a)(2), added par. (3).

Subsec. (c)(1). Pub. L. 112–141, §1305(b)(1), designated existing provisions as subpar. (A), inserted subpar. heading, and added subpar. (B).

Subsec. (d)(4). Pub. L. 112–141, §1305(c)(1), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: "Designation as a participating agency under this subsection shall not imply that the participating agency-

"(A) supports a proposed project; or

"(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project."

Subsec. (d)(7). Pub. L. 112–141, §1305(c)(2), added par. (7) and struck out former par. (7). Prior to amendment, text read as follows: "Each Federal agency shall, to the maximum extent practicable—

"(A) carry out obligations of the Federal agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to carry out those obligations; and

"(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner."

Subsec. (e). Pub. L. 112–141, §1305(d), designated existing provisions as par. (1), inserted par. heading, and added par. (2).

Subsec. (g)(1)(B)(i). Pub. L. 112–141, §1305(e), inserted "and the concurrence of" after "consultation with".

Subsec. (h)(4) to (7). Pub. L. 112–141, §1306, added pars. (4) to (7) and struck out former par. (4) which related to issue resolution.

Subsec. (j)(6). Pub. L. 112–141, §1307, added par. (6).

Subsec. (l). Pub. L. 112–141, §1308, substituted "150 days" for "180 days" in pars. (1) and (2).

Subsec. (m). Pub. L. 112–141, §1309, added subsec. (m).

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–58 effective Oct. 1, 2021, see section 10003 of Pub. L. 117–58, set out as a note under section 101 of this title.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

#### IMPLEMENTATION OF PROGRAMMATIC COMPLIANCE

Pub. L. 114–94, [div. A, title I, §1304\(k\), Dec. 4, 2015](#), 129 Stat. 1386, provided that:

"(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act [Dec. 4, 2015], the Secretary [of Transportation] shall complete a rulemaking to implement the provisions of section 139(b)(3) of title 23, United States Code, as amended by this section.

"(2) CONSULTATION.—Before initiating the rulemaking under paragraph (1), the Secretary shall consult with relevant Federal agencies, relevant State resource agencies, State departments of transportation, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches.

"(3) REQUIREMENTS.—In carrying out this subsection, the Secretary shall ensure that the rulemaking meets the requirements of section 139(b)(3)(B) of title 23, United States Code, as amended by this section.

"(4) COMMENT PERIOD.—The Secretary shall—

"(A) allow not fewer than 60 days for public notice and comment on the proposed rule; and

"(B) address any comments received under this subsection."

#### EXISTING ENVIRONMENTAL REVIEW PROCESS

Pub. L. 109–59, [title VI, §6002\(b\), Aug. 10, 2005](#), 119 Stat. 1865, provided that: "Nothing in this section [enacting this section and repealing provisions set out as a note under section 109 of this title] affects any existing State environmental review process, program, agreement, or funding arrangement approved by the Secretary [of Transportation] under section 1309 of the Transportation Equity Act for the 21st Century [Pub. L. 105–178] (112 Stat. 232; 23 U.S.C. 109 note) as such section was in effect on the day preceding the date of enactment of the SAFETEA–LU [Aug. 10, 2005]."

#### EXECUTIVE DOCUMENTS

#### MEMORANDA OF AGENCY AGREEMENTS FOR EARLY COORDINATION

Pub. L. 112–141, div. A, title I, §1320, July 6, 2012, 126 Stat. 551, provided that:

"(a) **IN GENERAL.**—It is the sense of Congress that—

"(1) the Secretary [of Transportation] and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other and other agencies in early environmental review and project delivery activities at the earliest practicable time to provide early coordination of effort later in the process, head off potential conflicts, and ensure that planning and project development decisions reflect environmental values; and

"(2) such cooperation should include the development of policies and the preparation of plans that advise planning agencies or project sponsors of studies or other information to establish a basis for later Federal action and early consultation with appropriate State and local agencies and tribes, if any.

"(b) **TECHNICAL ASSISTANCE.**—If requested at any time by a State or local planning agency, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process shall, to the extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or local planning agency on accomplishing the early coordination activities described in subsection (d).

"(c) **MEMORANDUM OF AGENCY AGREEMENT.**—If requested at any time by a State or local planning agency, the lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the project sponsor, State, and local governments and other appropriate entities to accomplish the early coordination activities described in subsection (d).

"(d) **EARLY COORDINATION ACTIVITIES.**—Early coordination activities shall include, to the maximum extent practicable, the following:

"(1) Technical assistance on identifying potential impacts and mitigation measures in an integrated fashion.

"(2) The potential appropriateness of using planning products and decisions in later environmental reviews.

"(3) The identification and elimination from detailed study in the environmental review process of the issues that are not significant or that have been covered by prior environmental reviews.

"(4) The identification of other environmental review and consultation requirements so that the lead and cooperating agencies may prepare, as appropriate, other required analyses and studies concurrently with planning activities.

"(5) The identification by agencies with jurisdiction over any permits related to the project of any and all relevant information that will reasonably be required for the project.

"(6) The reduction of duplication between requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and State and local planning and environmental review requirements, unless the agencies are specifically barred from doing so by applicable law.

"(7) Timelines for the completion of agency actions during the planning and environmental review processes.

"(8) Other appropriate factors."

### **DELEGATION OF A REPORTING AUTHORITY**

Memorandum of President of the United States, Jan. 31, 2013, 78 F.R. 8351, provided:

Memorandum for the Secretary of Transportation

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority conferred upon the President by section 1306 of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141, to make the specified reports to the Congress.

You are authorized and directed to notify the appropriate congressional committees and publish this memorandum in the Federal Register.

BARACK OBAMA.

<sup>1</sup> See References in Text note below.



202301262

**Mark Jeffreys**  
Councilmember

April 25, 2023

## MOTION

### *Hillside Districts*

WE MOVE that, the Administration report within thirty (30) days on the status of the updates the City is making to its hillside regulations. This update should include, but is not limited to, an update on:

- Funding sources to cover construction mishaps associated with construction within the hillside district.
- Regulations associated with stormwater runoff
- Work that is being done to update CAGIS' Hillside Overlay District Map

Councilmember Mark Jeffreys


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**Mark Jeffreys**  
Councilmember

April 25, 2023

## MOTION

### *Pedestrian Safety and Traffic Calming*

WE MOVE, that the Administration report back to Council within ninety (90) days on the cost and feasibility of design alternatives that prevent drivers from using a shared, bi-directional, center turn lane as a passing lane. Specifically, the Administration should take into consideration improvements that include, but are not limited to, implementing rumble strips in the center turn lane, using reflective pylons or concrete to create “islands” in portions of the turn lane, or paving the center turn lane with alternative materials like cobble stone.

## STATEMENT

The Administration has been working to “right-size” many streets throughout Cincinnati as a part of its multi-year effort to calm traffic and make our streets safer for all road users. A typical method used to calm traffic is reducing the number of travel lanes. On streets like Glenway and Montana, this has meant reducing the number of travel lanes from four to three, with one shared, bi-directional, center turn lane. Unfortunately, some road users have used this center turn lane as a passing lane—a dangerous maneuver that puts all road users at risk. This motion hopes to give Council a better understanding of the costs and feasibility of different design choices that can be implemented to prevent certain road users from using the turn lane as a passing lane.

*JEFF CRAMERDING*

Councilmember Jeff Cramerding

*Mark Jeffreys*

Councilmember Mark Jeffreys



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April 19, 2023

**To:** Mayor and Members of City Council 202301201  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** Ordinance – Proposed Amendments to the OTR Local Historic District Guidelines

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Transmitted is an Ordinance captioned:

**AMENDING** certain provisions of the Over-the-Rhine Local Historic District Conservation Guidelines governing the conservation and development of the Over-the-Rhine Local Historic District in the Over-the-Rhine, Pendleton, and Mt. Auburn neighborhoods.

**Summary**

The Over-the-Rhine Foundation (OTRF), a non-profit organization dedicated to the preservation of the Over-the-Rhine (OTR) neighborhood, began work in 2014 on a proposal to revise the Over-the-Rhine Local Historic District Conservation Guidelines to incorporate more detailed rules for new construction. The current guidelines were adopted in 2003 and have been utilized to guide development in the OTR Local Historic District since that time.

The OTRF's revised proposal was presented to the Historic Conservation Board (HCB) on August 3, 2020. Following an extended discussion, the HCB recommended adoption of the proposal with certain conditions recommended by the City's Urban Conservator, including that further review and revision to the proposal occur (specifically regarding the provisions around height) prior to its submission to the City Planning Commission for consideration.

On September 24, 2020, the City Planning Commission (CPC) reviewed a proposal to revise the Over-the-Rhine (OTR) Local Historic District Guidelines New Construction Section. This proposal was tabled with instruction for the Department of City Planning and Engagement (DCPE) staff to conduct additional community engagement prior to returning to the CPC with their revised proposal.

The revised submission from OTRF was submitted on November 18, 2022, and was subsequently scheduled for the City Planning Commission on December 2, 2022.

**CITY PLANNING COMMISSION ACTION ON DECEMBER 2, 2022:**

At the City Planning Commission meeting on December 2, 2022, representatives of the OTRF steering committee and historic preservationists spoke in favor of the OTRF's proposed revisions to the OTR New Construction guidelines. In addition, numerous architects, developers, contractors, consultants and the Department of Community and Economic Development Department (DCED) spoke in favor of DCPE staff's recommendation. After extensive testimony from both sides, the City Planning Commission voted in favor of staff's recommendation to:

**PROVISIONALLY APPROVE** the proposed New Construction Infill Guidelines on the condition that staff for the Department of City Planning and Engagement prepare and present the following documents to the City Planning Commission for final approval:

- a. A set of New Construction Infill Guidelines that incorporates the staff's proposed revisions reflected on Attachment O (Recommended Changes on 11/18/2022 submittal and new language for

- conditional approval), Attachment P (Revised Monumental Building List), and Attachment Q (Revised Glossary List); and
- b. A set of the existing Over-the-Rhine Local Historic District Guidelines modified to address guidelines that are obsolete or will be inconsistent with the New Construction Infill Guidelines upon their adoption.

The vote was as follows:

Moved to approve the staff's recommendation on the Legislative Discussion Agenda.

Motion:	Mr. Weber
Second:	Ms. Sesler
Ayes:	Mr. Eby, Ms. Sesler, Mr. Weber
Nays:	Mr. Samad, Ms. Smitherman
Absent:	Ms. Kearney
Excused:	Mr. Stallworth

DCPE staff and the applicants made the revisions approved by the City Planning Commission. The Law Department and the Urban Conservator have reviewed and amended the original existing historic guidelines by replacing the former new construction section with an incorporated reference to the approved new construction guidelines document. In addition, there were some other minor housekeeping adjustments made to the existing guidelines.

On April 7, 2023, the City Planning Commission voted unanimously to take the following actions:

1. ACCEPT the revisions made to the Over-the-Rhine Local Historic District New Construction Guidelines made by Department of City Planning and Engagement staff as directed by the City Planning Commission's motion at the meeting dated December 2, 2022; and
2. CONFIRM the approval of the New Construction Guidelines, as so revised by Department of City Planning and Engagement staff, as more particularly detailed in Attachment A; and
3. APPROVE the revisions made by Department of City Planning and Engagement staff to the Over-the-Rhine Local Historic District Guidelines, as more particularly detailed in Attachment B.

On April 7, 2023, the City Planning Commission voted unanimously to recommend approval of the amendments to the OTR Local Historic District Guidelines to City Council.

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

**AMENDING** certain provisions of the Over-the-Rhine Local Historic District Conservation Guidelines governing the conservation and development of the Over-the-Rhine Local Historic District in the Over-the-Rhine, Pendleton, and Mt. Auburn neighborhoods.

WHEREAS, Council enacted Ordinance No. 195-2003, on June 18, 2003, to establish a consolidated Over-the-Rhine Local Historic District from the Over-the-Rhine (South) and Over-the-Rhine (North) Local Historic Districts and adopt conservation guidelines to promote the conservation and development of the consolidated Over-the-Rhine Local Historic District (the “OTR Historic District”) in the Over-the-Rhine, Pendleton, and Mt. Auburn neighborhoods; and

WHEREAS, Council enacted Ordinance No. 62-2017, on March 16, 2017, to authorize the Administration to apply for and accept grant monies through the Federal FY 2017 Certified Local Government Grant Program to revise and update the OTR Historic District Conservation Guidelines, enabling the Urban Conservator and community stakeholders, including the Over-the-Rhine Foundation, residents, developers, and design professionals to collaborate and develop comprehensive amendments to the OTR Historic District Conservation Guidelines; and

WHEREAS, following a public staff conference, the Historic Conservation Board, at its regularly scheduled meeting on August 3, 2020, and upon considering the factors outlined under Cincinnati Municipal Code Section 1435-07-2-B, recommended approval of the proposed amendments to the OTR Historic District Conservation Guidelines and further recommended adoption of the amended OTR Historic District Conservation Guidelines to govern the conservation and development of the OTR Historic District; and

WHEREAS, upon receipt of the recommendation of the Historic Conservation Board, the City Planning Commission, following two regularly scheduled meetings held on December 2, 2022, and April 7, 2023, and upon considering the factors outlined under Cincinnati Municipal Code Section 1435-07-2-B(c), recommended approval and adoption of the OTR Historic District Conservation Guidelines, as amended and attached to this ordinance as Attachment A and incorporated herein by reference (“Revised OTR Historic District Conservation Guidelines”), to govern the future conservation and development of the OTR Historic District; and

WHEREAS, Council finds that the Revised OTR Historic District Conservation Guidelines are in accordance with Cincinnati Municipal Code Section 1435-07-02-C and promote the conservation, development, and use of the OTR Historic District and its special historic, architectural, community, and aesthetic interest and value; and

WHEREAS, Council finds that the amended OTR Historic District Conservation Guidelines conforms to Plan Cincinnati (2012), particularly the “Sustain” goal, which aims to preserve the City’s built history as described on page 197, and the second and eighth policy principles, which seek to build on and preserve the City’s historic resources as described on pages 75 and 81; and

WHEREAS, Council considers the adoption of the amended OTR Historic District Conservation Guidelines to be in the best interest of the City and the general public's health, safety, and general welfare; now, therefore,

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

Section 1. That, pursuant to Chapter 1435 of the Zoning Code of the City of Cincinnati, Council hereby adopts revised conservation guidelines for the Over-the-Rhine Local Historic District in the form attached to this ordinance as Attachment A and incorporated herein by reference ("Over-the-Rhine Local Historic District Conservation Guidelines"), which Over-the-Rhine Local Historic District Conservation Guidelines shall govern the conservation and development of the Over-the-Rhine Local Historic District in the Over-the-Rhine, Pendleton, and Mt. Auburn neighborhoods.

Section 2. That the Over-the-Rhine Local Historic District Conservation Guidelines adopted by Council pursuant to Section 1 of this ordinance shall take effect and be in force for all certificate of appropriateness applications submitted to the Administration from and after July 8, 2023.

Section 3. That the conservation guidelines for the Over-the-Rhine Local Historic District adopted pursuant to Section 4 of Ordinance No. 195-2003, approved by Council on June 18, 2003, shall continue in force and effect for all certificate of appropriateness applications duly submitted and deemed complete and accepted by the Administration on or before July 7, 2023.

Section 4. That the Over-the-Rhine Local Historic District Conservation Guidelines adopted by Council pursuant to Section 1 of this ordinance shall supersede the conservation guidelines for the Over-the-Rhine Local Historic District adopted pursuant to Section 4 of Ordinance No. 195-2003, approved by Council on June 18, 2003, in their entirety from and after July 8, 2023.

Section 5. That the Clerk of Council is hereby directed to notify the Historic Conservation Board, the City Planning Commission, the Director of City Planning and Engagement, the Director of Buildings and Inspections, and the City Solicitor of Council's adoption of the revised Over-the-Rhine Local Historic District Conservation Guidelines.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

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

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



# **CONSERVATION GUIDELINES OVER-THE-RHINE HISTORIC DISTRICT**

*Adopted by Ordinance No. 195-2003, and effective as of July 18, 2003,  
as amended by Ordinance No. [ ]-2023, and effective as of July 8, 2023*

## **New Construction**

New construction will be reviewed using the Over-the-Rhine Historic Conservation Guidelines for New Construction attached hereto as Attachment A and incorporated herein by reference.

## **Additions**

### **Intent and General Guidelines**

1. Additions are allowed and should follow new construction guidelines. They should be compatible in character with the original. They should be sympathetic but not imitative in design.
2. Additions should be designed to relate architecturally to adjacent buildings in general and to the building they are a part of in particular.
3. Additions should not overpower the original building.
4. The appropriateness of design solutions will be based on balancing the program needs of the applicant with 1) how well the proposed design relates to the original building and neighboring buildings and 2) how closely the proposal meets the intent of these general guidelines and the specific guidelines for new construction.

## **Rehabilitation**

### **A. Intent and General Guidelines**

These guidelines are intended to assure that rehabilitation will maintain significant features of buildings. The guidelines are not hard-and-fast rules but are used by the Historic Conservation Board as a guide to assess the compatibility and the appropriateness of proposed changes. Reviews are limited to the exterior changes proposed for buildings; alterations made to the interior of buildings are not reviewed by the Historic Conservation Office.

1. Ordinary repair and maintenance which does not change the appearance of the building shall not be reviewed.
2. Existing features in good condition should be conserved, and damaged features should be repaired wherever possible.
3. Replace badly damaged or missing features sensitively to harmonize with the character of the original feature. Replication is appropriate, but it is not essential.
4. Completely new features and materials should be compatible with the building in design, color, detailing, texture, size, and shape. By their nature adaptively reused buildings may require more flexible and creative design approaches.

## B. Specific Guidelines

1. **Materials:** Missing or deteriorated materials should be replaced with recycled or new materials that match the original as closely as possible with regard to the following: type, color, style, shape, and texture of material. The composition, type of joint, size of units, placement and detailing should be appropriate for the building. Synthetic materials such as aluminum or vinyl siding, imitation brick or plastic are inappropriate. Other types of synthetic materials such as split-face concrete block may be approved on a case-by-case basis.
2. **Door and Window Openings:** Among the most important features of any building are its openings – its windows and doors. The size and location of openings are an essential part of the overall design and an important element in the building's architecture. Don't alter or fill-in original openings. Roll down shutters and metal bar systems installed on the exterior of the building that cover door and window openings are not appropriate.
3. **Door and Window Sash:** Repair original doors and window sashes rather than replace whenever possible. If replacement is necessary, the new door or window sash should match the original in material, size, and style as closely as possible. Synthetic replacement windows are generally discouraged. Consult with the Historic Conservation Office about acceptable replacement windows.
4. **Ornamentation:** Significant architectural features such as window hoods, decorative piers, quoins, bay windows, door and window surrounds, porches, cast-iron storefronts, and other ornamental elements should be preserved. These distinctive features help identify and distinguish the buildings in Over-the-Rhine. Don't remove or replace ornamentation with substitutes that are of a different scale or design or an incompatible material. Make replacement ornamentation match the character of the existing feature closely as possible with respect to type, color, style, shape, and texture of material. Some synthetic materials including fiberglass castings may be approved on a case-by-case basis.
5. **Roofs:** Chimneys, dormers or towers and other architectural features that give the roofline of an existing building its identifying character should be preserved. Most of the buildings in Over-the-Rhine have flat or single-pitch roofs. The addition of vents, skylights, and roof top utilities should be inconspicuously placed or screened where necessary. Retain and repair the original roof materials such as slate, which is common on churches, institutional buildings and buildings with mansard roofs, and standing seam metal roofs, which are common on smaller buildings with gable roofs. Do not use wood shakes and plastic roofing products, which are inappropriate materials in Over-the-Rhine. Simulated slate may be approved on a case-by-case basis.
6. **Cleaning:** Clean exterior surfaces with the gentlest method possible. For masonry structures, begin with scraping by hand or scrubbing with a bristle brush and mild detergent. Some types of chemical cleaning can be used, but test patches should be carried out in inconspicuous areas first. Don't sandblast or use other abrasive cleaning methods that destroy the surface of brick and stone and shorten the life of the building. Don't use wire brushes because they can also damage masonry surfaces.
7. **Repointing Masonry:** Repoint historic masonry with mortar that matches the existing in color, content, and texture and with joints that match in type and thickness. The mortar joints in masonry construction deteriorate for a variety of reasons. Repointing these joints can significantly aid the rehabilitation of a structure. Generally, buildings built prior to 1900 used a lime-based mortar. A typical lime-based mortar has the following formula: 8 parts sand, 2

- parts lime, and 1-part portland cement. This mortar is softer than the portland cement-based mortar of today. Hard modern mortar used on historic masonry causes bricks to crack or spall during the freeze-thaw cycle.
8. **Water-Repellent Coatings:** Don't use water-repellent coatings on historic masonry. Most historic structures have survived without the need of water-repellent coatings. Water-related damage on the interior of buildings is usually the result of a failing roof, deteriorated or faulty gutters and downspouts, deteriorated mortar, rising damp, or condensation. Water-repellent coatings will not solve these problems and may make them worse.
  9. **Painting:** Repaint buildings that were historically painted. Most buildings built before 1890 in Over-the-Rhine were originally painted. Paint is part of the aesthetic design of these buildings and should be maintained. Paint also protects porous nineteenth century masonry and masks alterations and inappropriate repairs. Masonry that has not been painted in the past should not be painted. Because color can have a significant impact on the neighborhood, use paint colors that are appropriate to your building's age and style. Historically, most paint schemes were relatively simple. The Historic Conservation Office can provide owners with color combinations that are appropriate for a building's age and style. Varying the choice of color between neighboring buildings is preferred.
  10. **Wood Siding:** Retain and repair original wood siding. When replacement is necessary, the new wood should match the original in size, shape, profile, and detail. All wood siding should be painted. Aluminum or vinyl siding is not appropriate for replacing or covering original wood siding. Artificial stone, asbestos, asphalt siding and other similar resurfacing materials are not acceptable. The use of composite cement siding may be approved on a case-by-case basis.
  11. **Shutters and other outside attachments:** Original shutters should be repaired and retained. Many buildings in Over-the-Rhine have or had wood shutters for the windows. Reintroducing missing shutters must be based on physical evidence and the shutters must fit the opening and be operable. Exterior light fixtures should be appropriate to the style of the building. Colonial "coach" lights are not appropriate. Mercury vapor and other streetlights are not appropriate for attachment to the façade. Exterior light fixtures should be mounted in a way that does not cast undue glare onto neighboring properties.
  12. **Storefronts:** Retain and repair the design and materials of storefronts in historic buildings. First-floor storefronts are common in Over-the-Rhine and are found in all types of architectural styles. Detailing and materials vary considerably. Each design should be considered individually, and original materials should be retained. If the storefront has been altered or if none of the original materials remain, old photographs may indicate the original design. Original masonry storefront materials should be cleaned with the gentlest method possible (see section on cleaning). Cast-iron storefronts may be cleaned by abrasive methods including sandblasting. Adjacent materials must be protected, and the pressure should be less than 100 p.s.i. Don't reduce the size of storefront openings. Transparency and scale are very important to storefronts and their relationship to the remainder of the building as well as to the streetscape. Don't cover or remove significant elements such as piers, lintels, transoms, original doors, or other similar details. Roll down shutters and metal bar systems installed on the exterior of the building are not appropriate.
  13. **Signs:** Signs should be designed for clarity, legibility and compatibility with the building or property on which they are located. Signs should be located above the storefront, on the storefront windows or on awnings and should not cover any architectural features. Signs should capitalize on the special character of the building and reflect the nature of the business. Wall

and projecting signs should be located above the storefront or first story and below the second story sills. The size of wall signs shall be limited to one square foot per lineal foot of building frontage. Projecting signs should be no larger than 3 feet, 6 inches in width or height. Small projecting signs such as symbol signs are appropriate. Billboards and internally illuminated signs are not permitted. Neon signs may be approved on a case-by-case basis.

14. **Awnings:** The installation of fabric awnings on storefronts is encouraged. Awnings add color and variety to commercial buildings and highlight the businesses. Awnings should be installed so they do not cover or require the removal of any original architectural feature. Awnings of metal, plastic, vinyl (not vinyl coated fabric) or wood will be reviewed on a case-by-case basis. Internally illuminated awnings are not acceptable.

## Site Improvements

### A. Intent and General Guidelines

1. Site improvements such as parking lots, parking pads, paving, fences, decks, and trees should be in character with the contributing buildings in the district and should respond to the colors, textures, materials and scale found in the area of the improvement.
2. The design of any site improvement should be compatible with district buildings and not detract from the character of the district.
3. The design of site improvements should capitalize on the unique character of the area and could incorporate elements from the district. Site improvements should enhance the experience of pedestrians in the district.

### B. Specific Guidelines

1. **Parking Lots:** Cars in parking lots should be screened from public view. Appropriate screening includes low masonry walls in conjunction with planting areas and landscaping, low masonry walls with wrought iron fencing and planting areas with landscaping and wrought iron fencing. Chain link fence along sidewalks is inappropriate.

Parking lots with a capacity of 10 or more cars should contain trees within the lot as well as around the perimeter of the lot. Concrete curbs, not rolled asphalt bumpers, are appropriate edges for parking lots.

A lot used for surface parking of motor vehicles should be for the exclusive use of owners, occupants and customers of a building located within 300 feet of the lot and shall be subject to a restrictive covenant to implement this provision.

2. **Parking Pads:** Parking pads (parking for one or two cars) are permitted at the rear of the property, with access at alleys or existing curb cuts whenever possible. Parking pads in areas other than the rear yard shall be judged on a case-by-case basis and judged by their impact on the property and on the district.
3. **Fences and Walls:** Wrought-iron or cast-iron fences are encouraged along the sidewalks of vacant lots or where buildings are setback from the sidewalk. Fencing may be set between wrought iron and cast-iron posts, natural stone posts or pre-cast concrete posts. Fencing may also be set on a concrete curb or on top of a retaining wall. Landscaping in front of a fence is encouraged. Plain board fences (vertical boards nailed side-by-side on horizontal stringers) or wire fences are appropriate at the rear of the property or along the side of the property. Wood

fences should be painted or stained but not left to weather naturally. Chain link, stockade, shadow board, basket weave and lattice designs are not appropriate. Masonry privacy walls are not encouraged.

Retaining walls built along the front property line or along street frontage should be built of or faced with fieldstone or limestone. Retaining walls at other locations should be built of fieldstone, limestone, brick, or specialized masonry block such as split-face concrete block. Concrete products including cinder block, stucco and unfinished concrete masonry units should not be used as the finish material for any retaining wall.

4. **Decks:** Wood decks should be stained or painted. Rooftop decks should not be highly visible from the principal façade. Metal balconies should not be discouraged.
5. **Paving for sidewalks, patios, and other similar areas:** Materials used for paving should have the appearance of individual units to give the surface scale. Appropriate materials include brick, stone, scored concrete and unit pavers. Concrete should be limited to sidewalks and should not be used in large slabs over big areas, such as driveways and parking lots.
6. **Street Furniture and Amenities:** Existing historic elements in the right of way such as steps, mounting blocks, fences, paving, natural stone curbs and splash blocks should be retained. Historic materials such as pavers, curbs or steps shall be returned to their same location, even if they are to be paved over, when they are removed to install or repair utilities such as water, sewer, electric, gas, cable, security or for any other purpose. Flower boxes, planters, urns, and similar elements are encouraged but should be appropriate to the property where they are placed and with the district as a whole. The installation of these elements should not cover or require the alteration of any architectural details.
7. **Trees:** Street trees and trees on private property are encouraged. Don't cut down mature, healthy trees.

## **Demolition**

No building or part of a building may be demolished except as provided below:

1. Inappropriate additions, non-significant portions of a building, and non-contributing buildings may be demolished provided the demolition does not adversely affect the integrity of a contributing building or the character of the streetscape or the district. In reviewing a proposed demolition of an addition, non-significant portion of a building, or non-contributing building and its impact on contributing buildings, the streetscape, and the district, the Historic Conservation Board may consider whether the applicant's plans for new improvements in place of the demolished structure or portion thereof are consistent with the "New Construction" and "Site Improvements" sections of this document, as applicable.

2. The demolition is necessary to carry out an Urban Design Plan, an Urban Renewal Plan, or a Planned Unit Development (PUD) approved by the City Council.

## **Non-Contributing Buildings**

### **A. Intent and General Guidelines**

1. A number of buildings in the district do not contribute to the historic character of the district. The Historic Conservation Board will review the proposed alteration or demolition of these buildings based on the guidelines in this section. These guidelines encourage changes in the

district that will reinforce its historic and architectural character but acknowledge that some buildings are of a different age or architectural period.

2. Buildings that do not contribute to the historic character of the district fall into two general categories:
3. **Newer buildings:** Most buildings that were built within the past fifty years do not fit the historic or architectural context of the neighborhood. Due to their more recent date of construction, these buildings did not contribute to the development of Over-the-Rhine as an urban, nineteenth-century neighborhood. The majority of these newer buildings differ architecturally from the district's historic buildings, especially in scale, building materials, and detailing.
4. **Significantly altered buildings:** Some older buildings have lost the integrity of their original design due to substantial, incompatible exterior alterations. Buildings in this category not only have been stripped of architectural details but have been altered completely in their appearance. The basic design, scale and rhythm of these buildings no longer relate to the historic buildings of the district.

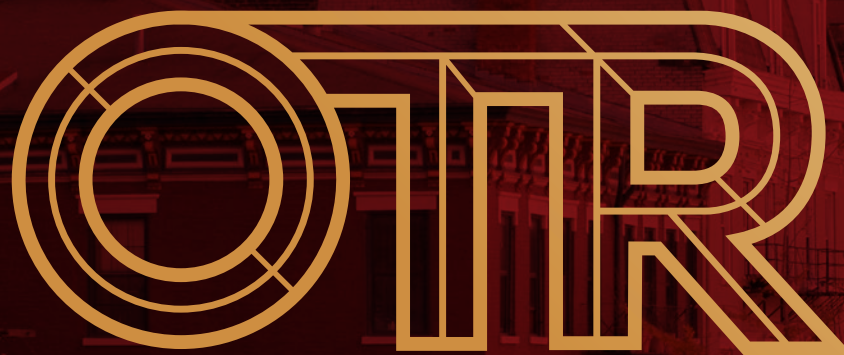
## B. Specific Guidelines

1. **Rehabilitation:** The rehabilitation of non-contributing buildings should comply with the guidelines for rehabilitation, as outlined in the "Rehabilitation" section of this document. These rehabilitation guidelines provide a framework for maintaining a building's basic architectural character; they do not suggest that a building be redesigned or altered to appear older than it is. Alterations to a newer building should be compatible with the original architectural character of that structure or should help the building to relate better architecturally to the surrounding historic district. The rehabilitation of an older, altered structure should restore elements of the building's historic character, whenever possible, based on remaining physical evidence, historic documentation, or similar buildings nearby. Alterations to non-contributing buildings should not create a false sense of history. In many cases it is preferable to rehabilitate and reuse a non-contributing building than to have a vacant parcel or parking lot.
2. **Additions:** Additions to non-contributing buildings should comply with the guidelines outlined in the "Additions" section of this document. Additions should be designed to relate architecturally to adjacent buildings and to the building of which they are a part. Additions should not overpower the original building.

**List of Non-Contributing Buildings:** The buildings identified on Attachment B incorporated herein by reference, are deemed to be non-contributing buildings that do not contribute to the historic or architectural character of the Over-the-Rhine Historic District.



OVER-THE-RHINE ★ HISTORIC DISTRICT



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#THISISOTR



# ACKNOWLEDGEMENTS

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This document was developed through a community effort led by the Over-the-Rhine Foundation, the Over-the-Rhine Foundation's Infill Committee, and professional consultants. We wish to acknowledge the following:

## **Over-the-Rhine Foundation Board of Trustees:**

Darrick Dansby  
David Fatherree  
Tom Hadley  
Marge Hammelrath  
Reid Hartmann  
Andy Holzhauser, Treasurer  
Marilyn Hyland  
Danny Klingler, Infill Committee Co-Chair  
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Kristen M. Myers, Secretary  
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Ann Senefeld  
Sean Suder  
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Matt Deininger  
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Shannon Hokanson  
Elizabeth Ickes  
Seth Maney  
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Sean Suder  
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Beth Johnson, Urban Conservator

## **Document design by:**

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M+A Architects

## **Special thanks to:**

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## **Over-the-Rhine Infill Design Competition:**

Sanyog Rathod, Sol Design + Consulting, 1st Place  
Maren Kuspan, 2nd Place  
O'Sam Mardin, Professional Design Associates, Inc.,  
Honorable Mention

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Cincinnati Preservation Association  
3CDC  
8K Construction Company  
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AIA Cincinnati  
The Christian Moerlein Brewing Company  
An Anonymous Donor

# INTRODUCTION

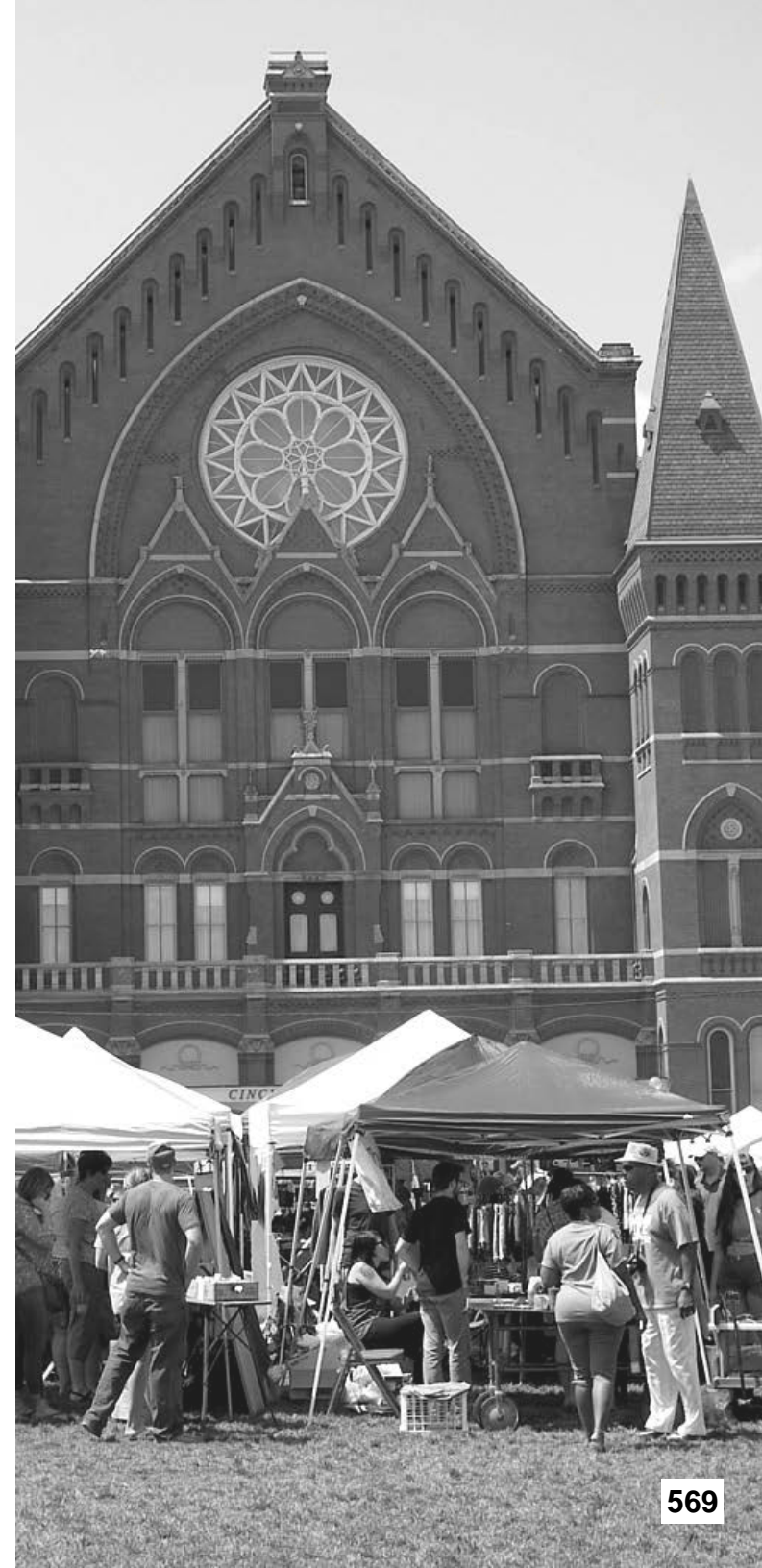
The Over-the-Rhine Historic District is Cincinnati's historic heart, and a national treasure. Few neighborhoods in America inspire like Over-the-Rhine, with its expansive collection of Italianate churches, breweries, and tenements providing one of the best surviving examples in the country of a 19th century urban neighborhood. The Historic District serves not only as the showpiece of Cincinnati's cultural heritage, but also as an economic engine and driver of the local economy. The famed travel historian Arthur Frommer said of the neighborhood, "When I look at [Over-the-Rhine], I see in my mind the possibility of a revived district that literally could rival similar prosperous and heavily visited areas."<sup>1</sup> Indeed, it is precisely the unique historic character of Over-the-Rhine and Pendleton that has fueled the renewal of the area and helped to facilitate a resurgence in the city as a whole.

As a national exemplar for what historic preservation can do, it is essential that the Over-the-Rhine Historic District continue to be preserved and protected so that its status as both a cultural and an economic asset for the city of Cincinnati is maintained. This includes protection not only from demolition of the historic structures that comprise the District, but also from insensitive new construction built on vacant sites in the neighborhood.

New construction has powerful impacts on the fabric and sense of place of the Over-the-Rhine Historic District, and can either enhance the historic character of the District, or damage it in harmful and irreparable ways. Moreover, due to demolition that occurred in the 20th century, new construction will ultimately comprise a very significant portion of the Historic District, and will thus play a substantial role in defining its sense of place.

Scant reference to new infill construction is present in the Revised Over-the-Rhine Historic District Conservation Guidelines of 2003. What is provided lacks clarity of intent and instruction. This document emerges from a need for a more comprehensive and illustrated set of guidelines dedicated to new infill construction, and is designed to provide extensive guidance to owners, architects, developers, city officials, citizen board members and others in the conception and review of appropriate new infill.

*The Over-the-Rhine  
Historic District  
is Cincinnati's  
historic heart, and  
a national treasure.*



These guidelines are intended to provide a regulatory framework for new construction that supports the existing historic architecture and protects the character of the Over-the-Rhine Historic District for current and future generations of Cincinnatians and visitors alike. Definitions of key items are found in the Glossary beginning on p. 57.

**The following statements describe the intention of this document:**

1. Language used throughout the document is intended to convey the level of importance of compliance with each guideline referenced. Guidelines containing the words “must” or “must not” indicate that the guideline ought to be complied with in all circumstances. Guidelines containing the words “should” or “should not” indicate the intention that the guideline is very important and should be complied with in most cases, while recognizing that some high caliber designs will still comply with the spirit and intent of the Guidelines without strict adherence to the guideline in question, and warrant exemption from these guidelines. Guidelines containing the word “may” indicate the intention that compliance is optional.
2. Illustrations provided in this document are intended to accompany and clarify language provided but do not supersede it.
3. New construction is allowed on vacant sites in the Over-the-Rhine Historic District, because gaps due to demolition weaken the streetscape and the overall character of the District.
4. New construction should support and enhance the historic architecture of the Over-the-Rhine Historic District, and should not overwhelm or detract from the character of the District. The exceptional quality of the existing historic buildings in the District provides an outstanding framework for new construction.
5. New construction should be well-designed, contemporary yet compatible with, and complementary to, the surrounding historic buildings in the District. The understanding and interpretation of patterns in the surrounding historic context is essential to infill design. New construction should honor the patterns found in the height<sup>1</sup>, massing, shape, footprint, roofs, openings, and rhythm of the surrounding historic context, but must not replicate the architectural detailing found on historic buildings.
6. The Historic Conservation Board’s review of new construction will focus on the design compatibility with contributing historic structures located within the same block face.<sup>2</sup> At times, a dearth of extant historic buildings will make it necessary to expand consideration to include historic context on the opposing block face, and/or additional block faces in both directions. Design compatibility will be assessed based on common patterns among these contributing buildings, rather than conditions found on individual contributing buildings. Review of new construction will focus particular attention on massing, scale, height, rhythm, and setback.
7. These guidelines will be used to judge the design compatibility of new construction with the historic architecture of the District.

**Note**

- 1 See Height Character Map on page 12 to understand the height, scale, and massing characteristics of different parts of the Historic District.
- 2 See Context Hierarchy on page 8. Context reference is based on contributing structures in proximate block faces and blocks. Materials and Openings are exceptions and these may reference contributing structures located throughout the entire District.



# HISTORY<sup>1</sup>

The Over-the-Rhine Historic District is significant in the continuing history of Cincinnati and the United States. In 1983 the District was listed on the National Register of Historic Places, in recognition of both its exceptional nineteenth-century architecture and its association with the successive waves of German immigration to America in the nineteenth century.

The Historic District's collection of commercial, residential, religious and civic architecture is one of America's largest and most cohesive surviving examples of an urban, nineteenth century community. Similar neighborhoods in other cities have been decimated or lost entirely. The Over-the-Rhine Historic District, however, continues to display its original dense, urban development patterns and buildings of excellent architectural quality, imbuing the neighborhood with a "sense of time and place." Rows of three-to five-story brick buildings constructed along the sidewalk characterize the streetscape. Many buildings have storefronts on the first floor with residential space on the upper floors. The Italianate style is the predominant architectural style in the District. Other nineteenth-century styles, including Federal, Greek Revival, Second Empire, Queen Anne, and Renaissance Revival, add to the flavor of the District.

The District also has many simply designed, working-class buildings that display modest elements of the high architectural styles.

The Over-the-Rhine Historic District encompasses a dense, urban area that displays a visual continuity conveying a sense of time and place. The physical relationship of adjacent buildings in a dense environment is accentuated by the uniform faced lines imposed on the streets. The buildings' consistent scale and height, similar materials, and architectural detailing blend to create distinctive streetscapes reflecting the historic development of the area.

In the nineteenth century Over-the-Rhine and Pendleton were home to businessmen of means and their families, shop owners, working-class families, and the poorest of immigrants. Like other urban centers of the period, this area was part of the 'walking city,' in which most people could easily walk from their homes to places of employment, entertainment, and worship. Building exteriors were designed to be experienced and appreciated by pedestrians along the sidewalks, and buildings were placed at the front of their lots for easy pedestrian access.





# PROCESS OF DEVELOPING NEW CONSTRUCTION

Prior to designing an infill building in the Over-the-Rhine Historic District, developers contemplating a new construction project should undertake the following pre-design steps.



01

## Understand the historic neighborhood

All successful new construction will emerge from an understanding and respect for the significance of the Over-the-Rhine Historic District as a historical place; it is therefore essential that this understanding be in place before any design efforts have begun. It is recommended that developers and their designers tour the District on foot, and study written materials on the history and significance of Over-the-Rhine.<sup>1</sup>

02

## Understand the site and surrounding context

Each vacant site in the Over-the-Rhine Historic District is contextually related to the historic buildings in the micro-context surrounding the site. Successful new construction will sensitively integrate into this micro-context. Developers and their designers should tour the area surrounding the site extensively, studying the historic buildings within the same block face and their attributes, including height, massing, setback, proportion, rhythm of openings, composition, and roofscapes. This study should focus on broad patterns that bring cohesiveness to the block face, rather than isolated anomalies on individual buildings. If there is insufficient extant historic context within the block face, developers and their designers should expand their study to the opposing block face and additional block faces in either direction, as described in the Context Hierarchy on page 8. It is also helpful to review Sanborn Fire Insurance maps to gain an understanding of what previously existed on the site, as well as the Height Character Map on page 12 to understand the existing height, scale, and massing characteristics of the historic micro-context.

03

## Thoroughly review these guidelines

Once a baseline understanding of the history of the District, the development site, and the surrounding historic micro-context has been achieved, developers and their designers should consult these guidelines to work toward a high-quality design that is compatible with the historic context.

04

## Notify the Community

Early in the design process, developers and their designers are encouraged to notify the appropriate community councils and other neighborhood groups of their intent to build. These community groups can provide knowledge, context, and insight to a developer/designer that will aid in the design of the project and assist in obtaining community support. This step also provides an opportunity to enhance the developer/designer's understanding of the Over-the-Rhine Historic District through the transfer of information from long-standing stakeholders in the District.

05

## Compliance with Building Codes

Nothing in these guidelines shall prevent new construction from complying with all relevant building codes, including the Americans with Disabilities Act. Building Code and ADA compliance should be a foundation of the design process.

# CONTEXT HIERARCHY

The foundational principal of this document is that the existing contributing historic buildings within the Over-the-Rhine Historic District provide an ideal framework for guiding compatible and sensitive new infill development. Accordingly, many of the guidelines herein ask developers and their designers to look to the surrounding historic micro-context to inform key aspects of infill design, such as height, setback, composition, rhythm, window openings, and roof shape.

The levels of contextual reference required in this document begin at the level of greatest proximity to the building site (i.e., the block face) and move outward as necessary.

**Insufficient Extant Historic Context:** If there are fewer than three (3) non-monumental contributing buildings located within the applicable Level of Contextual Reference, then there is Insufficient Extant Historic Context and the next level of contextual reference shall apply.



OTR

## LEVELS OF CONTEXTUAL REFERENCE

01

### Block Face

The first level of contextual reference in this document shall be to "non-monumental contributing buildings located within the same block face". The block face is given primacy because it is the most fundamental building block of development in the Over-the-Rhine Historic District. Buildings within the same block face were often developed at or around the same time, under similar site constraints, and as a rule they exhibit similarities in dimensionality, urban design, and architectural language. Due to demolition, however, in some cases there is insufficient extant historic context in a particular block face on which to base important decisions about infill development. In such cases, it is necessary to expand the frame of reference to capture a wider swath of historic context.

02

### Block

If insufficient extant historic context is available, the second level of contextual reference shall be to "non-monumental contributing buildings located within the same block". The block widens the contextual reference area to include not just those buildings located within the same block face, but also those contributing buildings located directly across the street on the opposing block face. While opposing block faces do occasionally exhibit significant differences in building typology, use, setback, and height, in general, buildings on opposing block faces share an underlying consistency of rhythm that makes them identifiable as cohesive blocks.

03

### Additional Block Faces

After looking at the block, if there is still insufficient extant historic context available, the third level of contextual reference shall be to "non-monumental contributing buildings located within the same block plus the next block face on either side of the subject block face". This is the next most coherent context to inform infill development, as homogeneity of form and design is generally expressed at the street level throughout the Over-the-Rhine Historic District, and adjacent block faces within streets exhibit greater commonality than block faces further down.

If there is still insufficient extant historic context available, the final level of contextual reference shall be to "non-monumental contributing buildings located within the same block plus the next block face on either side of both the subject block face and the opposing block face."



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HEIGHT & SCALE**

02 **SETBACK**

03 **COMPOSITION**

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06 **ROOF**

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08 **MISCELLANEOUS**

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## MASSING, HEIGHT & SCALE

At right: 372 Lafayette Street in New York City demonstrates consistency in width, height, and massing with its historic context.





# MASSING, HEIGHT & SCALE

## HISTORIC CONTEXT

Massing, Height and Scale are fundamental to the unique identity and character of the Over-the-Rhine Historic District. The District was developed on long, narrow lots of land, resulting in the construction of tall, long, narrow buildings designed to maximize density. Thus, the quintessential building is significantly taller and longer than it is wide, with either a rectangular or “L” shape volume. The massing and height of each building varies from its neighbors, but within a limited range, resulting in the particular scale that defines each block.

The archetypal block in the Over-the-Rhine Historic District ranges from 2-3 stories, to 3-4 stories in height. Several blocks -primarily in the southern half of the District- feature a 3-5 story character. The edge of the Historic District along Central Parkway is distinctly different in character than the rest of the District and features some significantly taller buildings oriented toward the Central Business District and the West End.

Most buildings in the District are relatively narrow, 20-40 feet in width. The northwestern section of the District, reflecting the brewing heritage of the neighborhood, contains many larger footprint industrial buildings. Portions of Central Parkway are characterized by buildings of greater massing than is typical of the District.

The Height Character Analysis Map on the following page is provided to show the block-by-block height character of the Over-the-Rhine Historic District.



24-30 E. 15th Street typifies the massing, height, and scale of buildings found in the Over-the-Rhine Historic District.

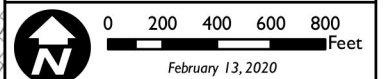
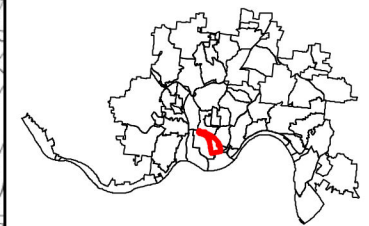
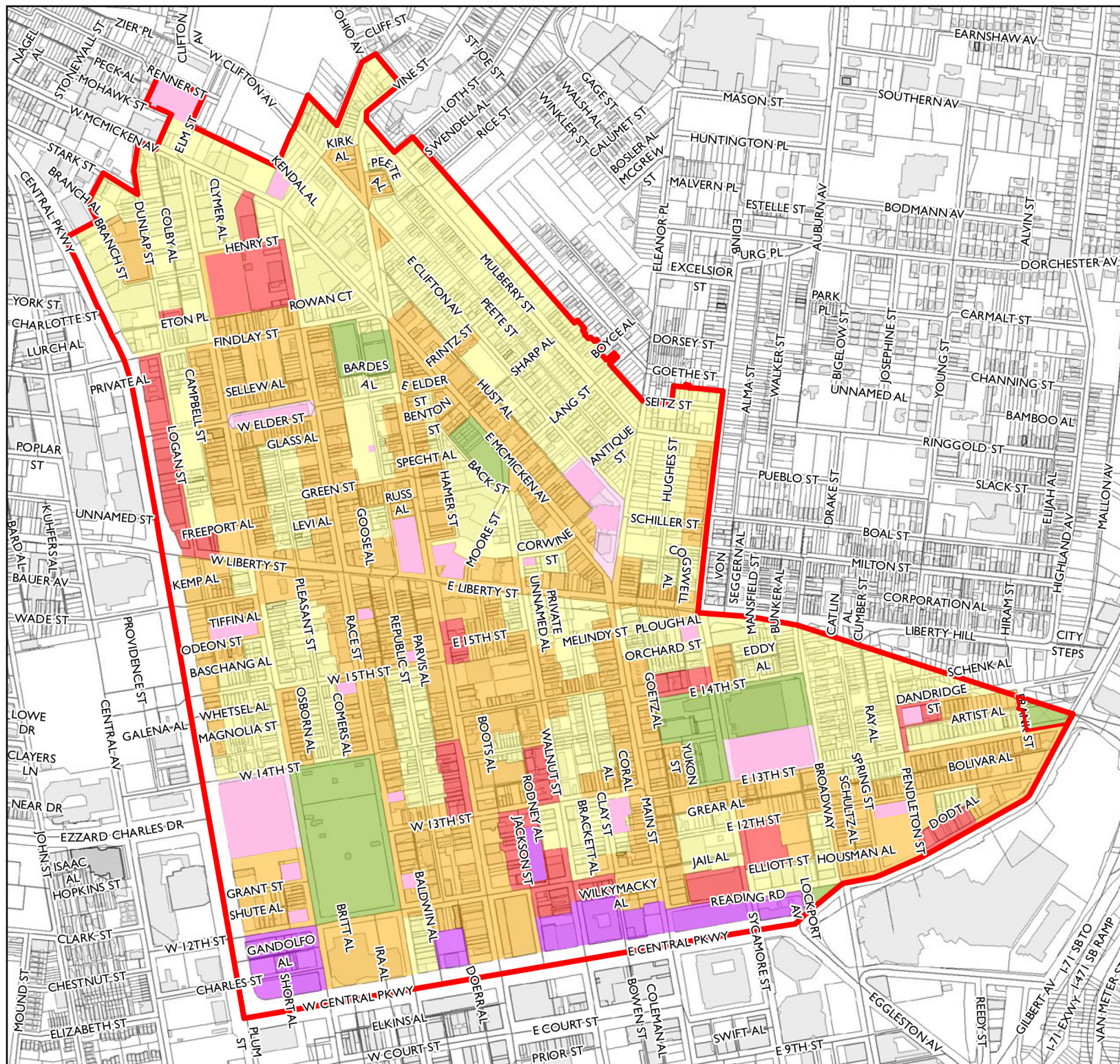


1430-1438 Race Street typifies the massing, height, and scale of buildings found in the Over-the-Rhine Historic District.



# Over-the-Rhine Historic District

- Over-the-Rhine Historic District
- Buildings
- Building Heights**
  - 2 - 3 Stories
  - 3 - 4 Stories
  - 3 - 5 Stories
  - 5+ Stories
  - Park
  - Monumental Buildings

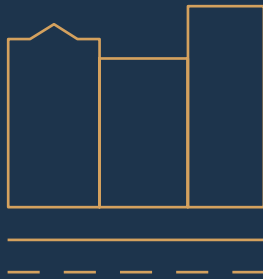




# MASSING, HEIGHT & SCALE

01

The height of new construction should not vary more than one story from adjacent contributing buildings. Most buildings in Over-the-Rhine are between two and five stories.



## SETBACK

At right: This building in central Amsterdam responds to its historic context by meeting the edge of all four property lines.



# SETBACK

## HISTORIC CONTEXT

The Over-the-Rhine Historic District was developed as a dense walking neighborhood with the vast majority of buildings built directly up to the sidewalk. This mostly zero setback environment presents a rich pedestrian experience full of vitality, visual interest, and public access to commercial property. A majority of buildings are also built up to the side lot lines, though some buildings have small side setbacks. In rare cases, small, detached residential buildings are set back from the street using a low, visually-permeable, decorative iron fence to mark the edge. Some larger iconic buildings such as schools, churches, and public buildings are set back from the street to provide public space, adding to their civic monumentality.

The Over-the-Rhine Historic District is dominated by zero setback streetscapes, as seen here in the 1400 block of Vine.



Some block faces have groups of buildings with small front and/or side setbacks, as seen here at 211-217 Orchard Street.



# SETBACK

## GUIDELINE INTENTION

New buildings are to respect the established setback pattern on the street. A zero lot line setback at the front and on the sides will be the first response to a new construction project unless a majority of other contributing buildings along the block face have setbacks.

### 01

**Buildings should be built with zero setback from front lot lines, side street lot lines, and side alley lot lines, except as defined in 02.<sup>1</sup>**

### 02

**Buildings should have a front setback if all of the following conditions exist:**

- The building is a residential building.
- The building is not located on a corner lot.
- There are at least three non-monumental contributing buildings extant within the same block face, and a majority of these have a front setback of at least 2 feet.
- The depth of the setback is consistent with the setbacks of those contributing buildings defined in 02:c.

### 03

**Buildings should be built with zero setback from all interior side lot lines for at least the first 20 feet of depth of the building, except as defined in 04.**

### 04

**Buildings should have an interior side setback on one or both sides if all of the following conditions exist:**

- The building is a residential building.
- There are at least three non-monumental contributing buildings extant within the same block face, and a majority of these have an interior side setback on at least one side.
- The depth of the setback is consistent with the interior side setbacks of those contributing buildings defined in 04:b.

#### Note

<sup>1</sup> See Glossary on p. 57 for definition of *articulative recesses* and *setback*.

# 01 Buildings should be built with zero setback from front lot lines, side street lot lines, and side alley lot lines, except as defined in 02.<sup>1</sup>

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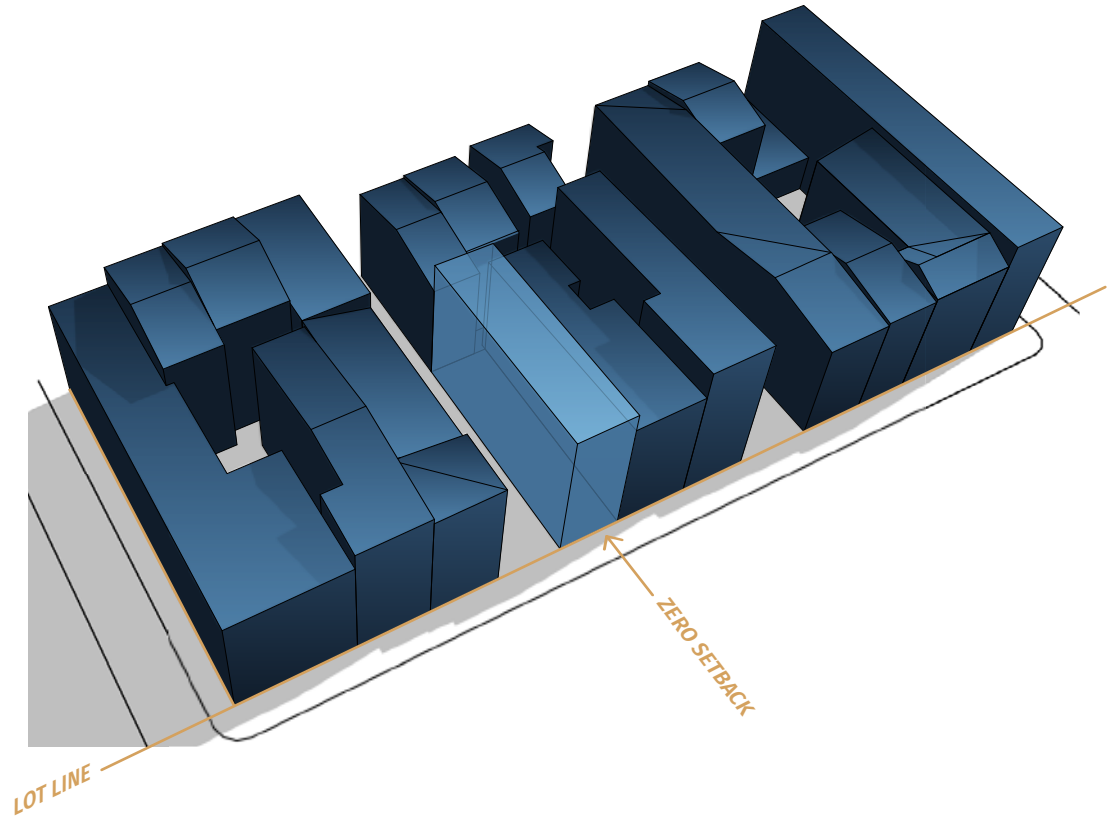
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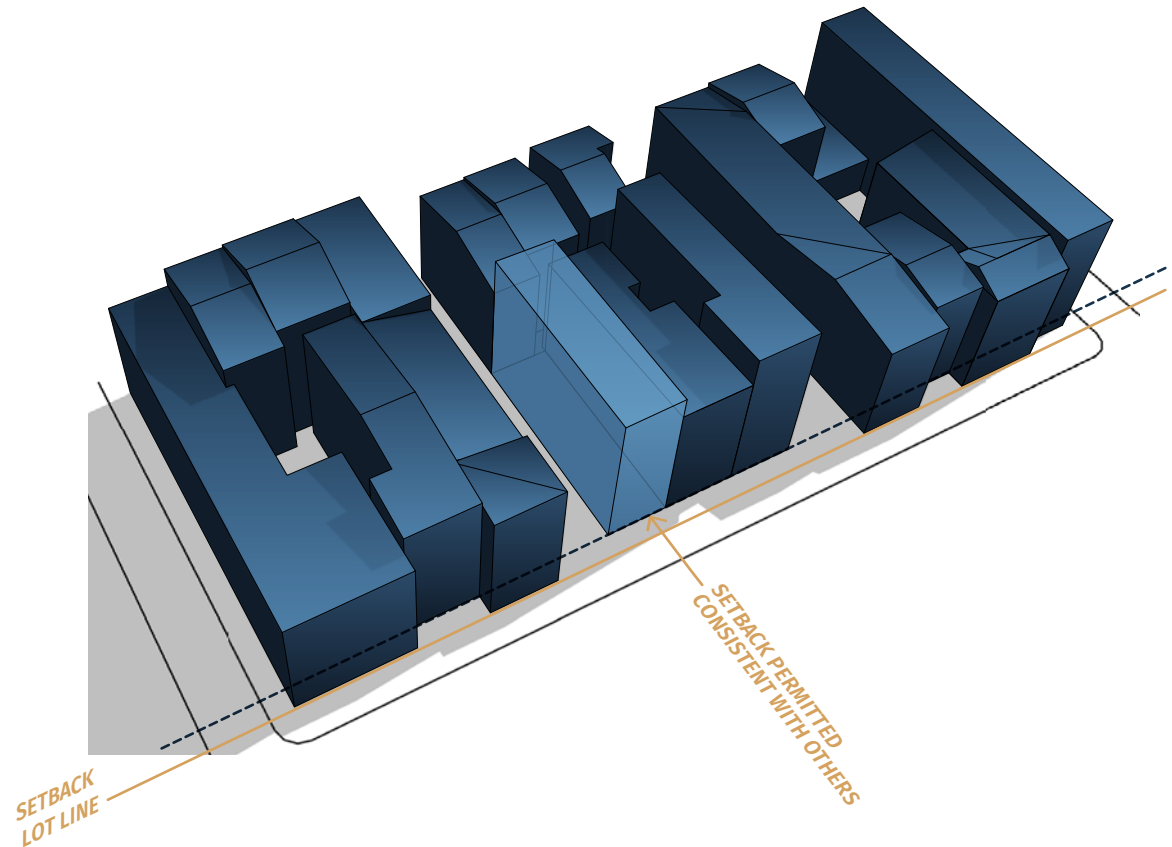
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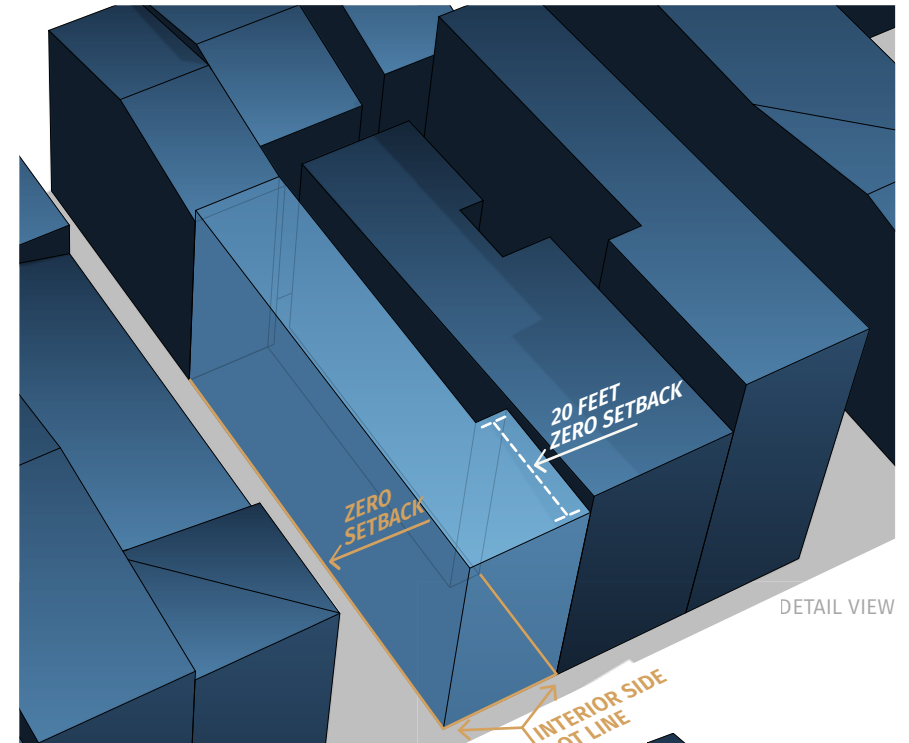
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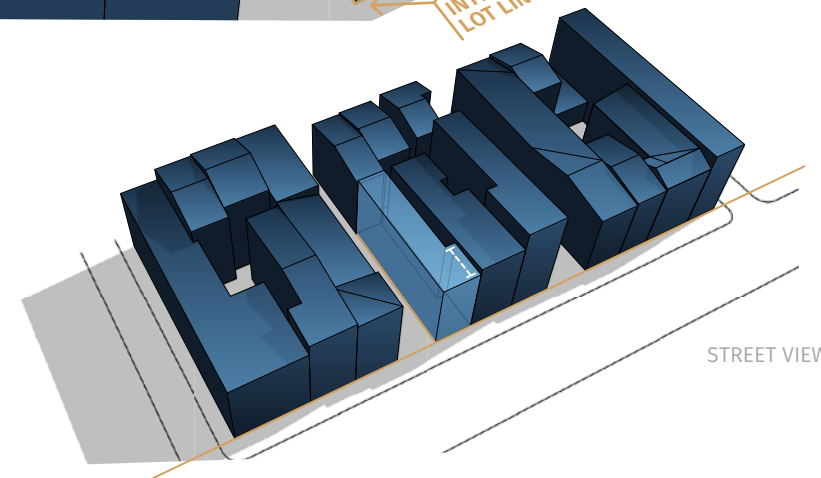
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DETAIL VIEW



STREET VIEW

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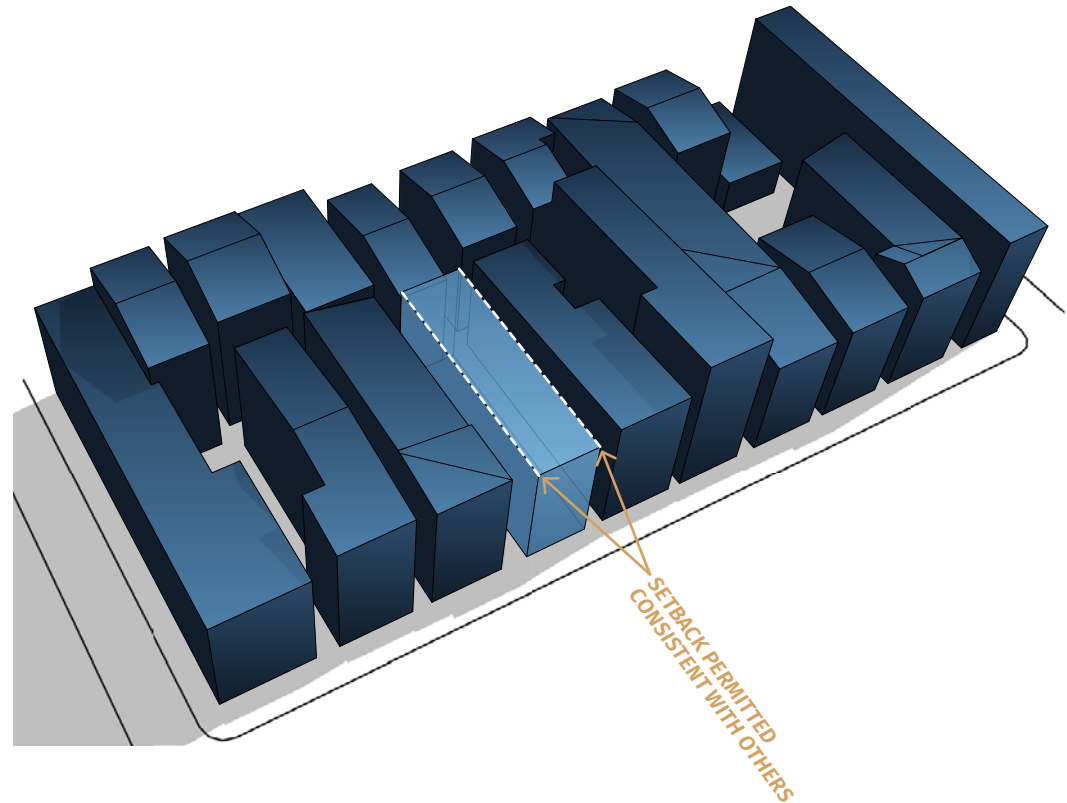
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C. TOP

B. MIDDLE

A. BASE

## COMPOSITION





# COMPOSITION

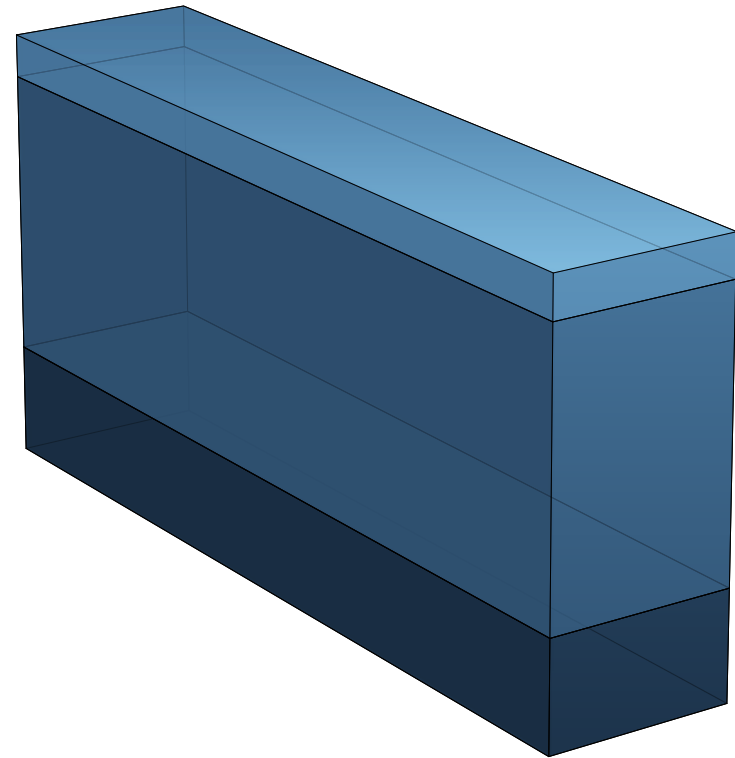
## HISTORIC CONTEXT

The typical building in the Over-the-Rhine Historic District has a three-part organization consisting of a base, middle, and top. Each of these elements plays a specific role in the composition of the building.

While there is a distinct difference in the bases of commercial and residential buildings, the middle and top components of buildings in the District are similar across different uses.



1119 and 1121 Walnut Street illustrate the differences between commercial and residential bases.



# COMPOSITION: BASE

## HISTORIC CONTEXT

### Commercial Storefronts

First-floor storefronts are common and are a significant architectural feature in the District's commercial and mixed-use buildings. Storefronts take on a dual role. First, as the place where merchants display their wares, they allow customers to “window shop”, thus providing intimate contact with the pedestrian. Second, by forming the architectural base of the building, they also give scale, rhythm, and texture to the street.

Storefronts are prevalent on commercial arterials but are also found interspersed on predominantly residential streets – particularly on corner buildings. Corner storefronts typically wrap the primary façade to face both streets.

During the latter decades of the 19th-century, most storefronts in the District were built of brick columns faced with sandstone or cast iron pilasters. Architecturally, styles include Greek Revival, Italianate, and Queen Anne. Detailing ranges from very simple stone piers and lintels to very elaborate cast iron columns assembled in a variety of patterns. The exact size, scale and level of detail vary greatly from building to building, but most storefronts share a common design framework.

### Residential Bases

Residential bases often consist of a stone foundation, typically rising 9 to 24 inches above grade and capped by a projecting sandstone or limestone water table. Some bases contain windows that provide ventilation and light to the building's basement. Residential bases may also be characterized by the presence of stoops leading to an elevated entry. These stoops vary in height, but are generally consistent in form and height with other stoops within the same block face.



1708 Elm Street exhibits the characteristics of residential bases.



119 E 12th Street exhibits the characteristics of commercial storefronts.

# COMPOSITION: BASE

## COMMERCIAL/MIXED-USE BUILDINGS

### GUIDELINE INTENTION

New storefronts will evoke the scale, verticality, shadow detail, rhythm, and proportionality of historic storefronts in the District.

## 01

**Commercial/mixed-use buildings should have a storefront, and the storefront should conform to the following:**

- a. Storefronts should feature the basic components of a storefront system, including a bulkhead, transom windows, display windows, substantial vertical divisions, header/continuous lintel, and primary entry door. They may also include components such as columns, pilasters, sills, and storefront cornice.
- b. Storefronts should span the full width of primary façades and may wrap the corner onto secondary façades.<sup>1</sup>
- c. Storefront height should be consistent with the general height of contributing storefronts located within the same block face.<sup>2</sup>
- d. Storefront windows should be recessed nominally from the plane of the façade.
- e. The ratio of storefront glazing to total storefront area should be consistent with the ratio of storefront glazing to total storefront area on contributing storefronts located within the District.
- f. Storefront glazing should not be covered by systems that obscure the view of the glazing from the public realm.
- g. Storefronts may be operable provided that the division, configuration, orientation, and recess of windows is consistent with the division, configuration, orientation, and recess of windows on contributing storefronts located within the same block face.<sup>2</sup>

## 02

**Storefronts should be taller than individual upper floors.**

## 03

**Commercial/mixed-use buildings may have vehicular entry. Vehicular entry may be placed on a street-facing wall if all of the following conditions exist:**

- a. The building is a garage or a commercial building for which parking is a significant part of the program.
- b. There is no feasible or practical alley access, as determined by the Department of Transportation and Engineering, that would permit the placement of vehicular entry on an alley rather than a street-facing wall.
- c. If garage doors are used, they are designed to blend inconspicuously into the wall system.
- d. If garage doors are not used, the vehicular entry and any associated equipment is set back from the plane of the façade.

### Note

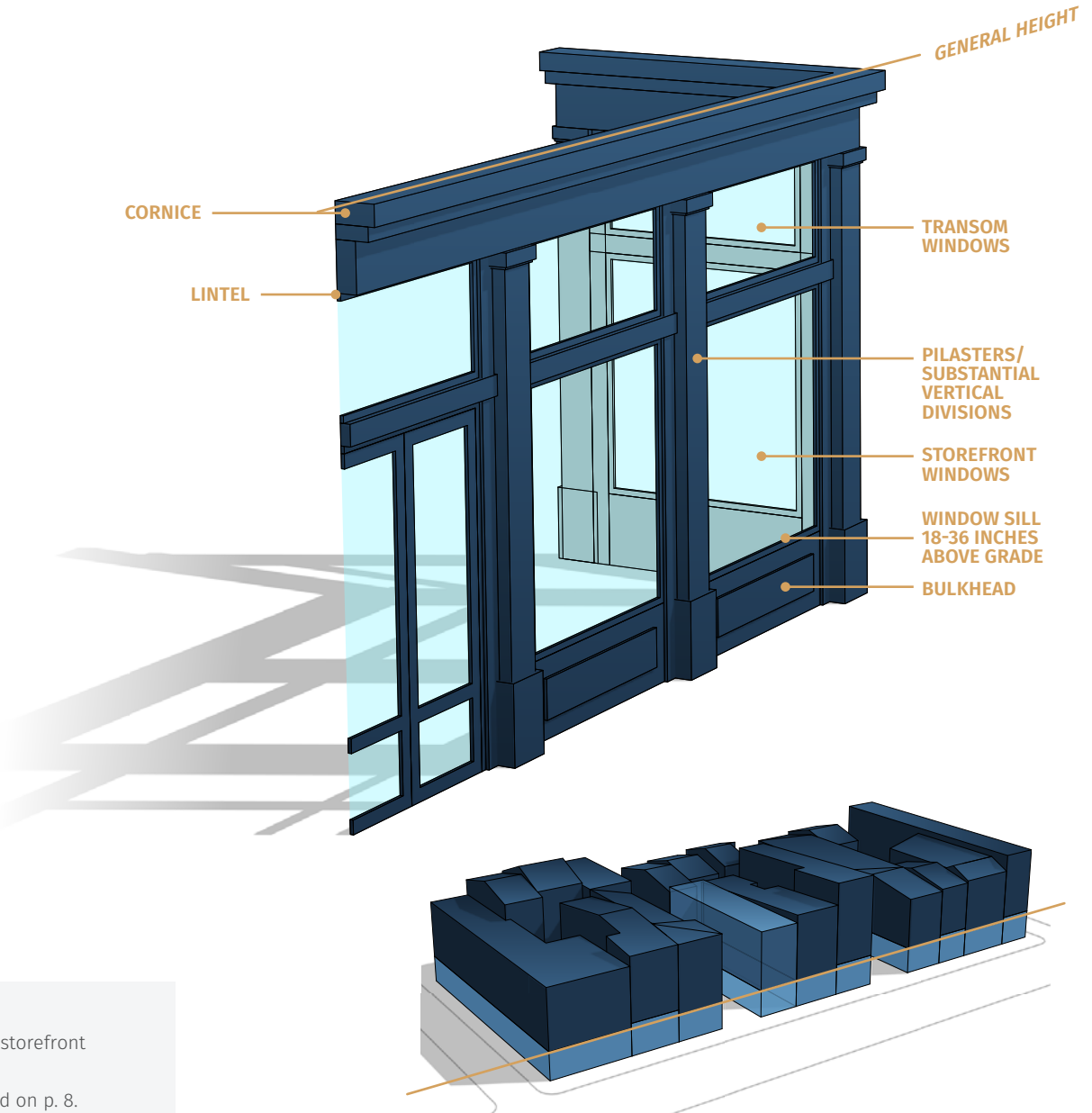
- 1 Storefront height on secondary façades should match the storefront height on the primary façade.
- 2 Must follow the rules for levels of context hierarchy defined on p. 8.



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- g. Storefronts may be operable provided that the division, configuration, orientation, and recess of windows is consistent with the division, configuration, orientation, and recess of windows on contributing storefronts located within the same block face.<sup>2</sup>



## 02

**Storefronts should be taller than individual upper floors.**

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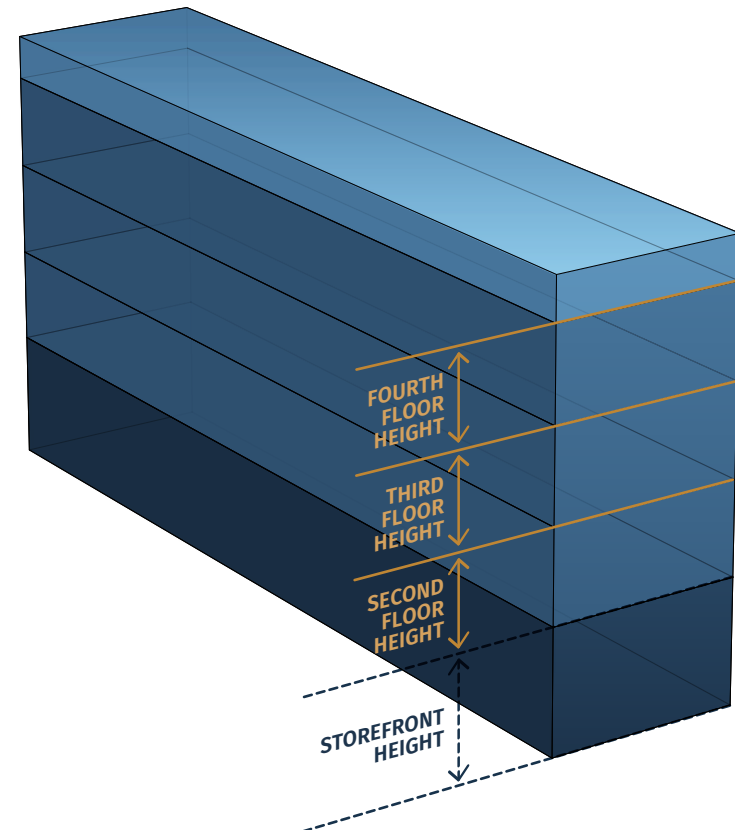
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## 02

**Storefronts should be taller than individual upper floors.**



# COMPOSITION: BASE

## RESIDENTIAL BUILDINGS

### GUIDELINE INTENTION

Residential bases will be well defined and distinguishable from the middle component of a building.

01

**Residential buildings should have a base component represented by a change in material and/or design that marks the transition from base component to middle component.**

02

**Base component height should be consistent with the general height of base components on non-monumental contributing residential buildings located within the same block face.<sup>1</sup>**

03

**Residential buildings may have vehicular entry. Vehicular entry may be placed on a street-facing wall if all of the following conditions exist:**

- a. The vehicular entry is not located on the primary façade.
- b. A majority of existing buildings located within the same block have vehicular entry.
- c. If garage doors are used, they are placed at the lot line, and are designed so as to blend inconspicuously into the wall system.
- d. If garage doors are not used, the vehicular entry and any associated equipment is set back from the plane of the façade.

#### Note

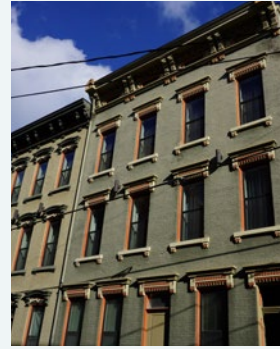
<sup>1</sup> Must follow the rules for levels of context hierarchy defined on p. 8.

# COMPOSITION: MIDDLE

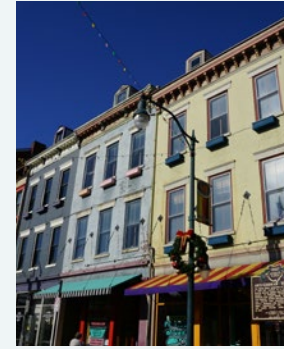
## HISTORIC CONTEXT

The middle component of buildings in the Over-the-Rhine Historic District is the area between the top of the base component, and the bottom of the cornice. The middle component contains window openings, sills, lintels, and other detailing and articulation that contributes greatly to both the vertical emphasis and rhythm of the design.

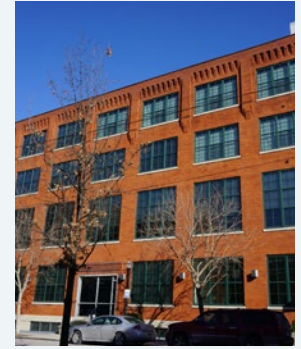
In commercial/mixed-use buildings, the middle component is typically distinguished from the storefront below through a strong horizontal element, such as a stone or cast iron lintel or cornice corresponding to a division in the use of the building. In residential buildings, the horizontal element dividing middle from base is the top of the stone foundation or water table that terminates below the building entry. In both building types, the middle component is distinguished from the more decorative top component through the application of a strong horizontal element.



1222 and 1224 Republic Street exhibit the characteristics of composition: middle in residential buildings.



118-128 W. Elder Street exhibit the characteristics of composition: middle in mixed-use buildings.



1212 Jackson Street exhibits the characteristics of composition: middle in industrial buildings.

# COMPOSITION: MIDDLE

## GUIDELINE INTENTION

The design of the middle component will provide a consistent architectural vocabulary along the streetscape.

01

**Buildings should have a change in material and/or design that marks the transition from base component to middle component, and from middle component to top.**

# COMPOSITION: TOP

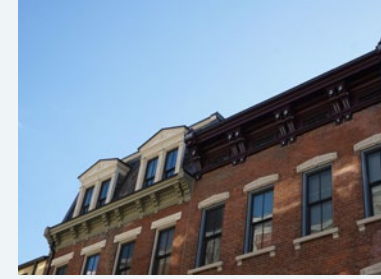
## HISTORIC CONTEXT

Strong terminating elements at the tops of buildings are defining features of buildings in the Over-the-Rhine Historic District. Projecting cornices supported by decorative brackets and bold, decorative frieze panels are the quintessential tops found in the District. Historically, cornices projected over buildings to minimize rainfall on façades. Decorative cornices in the District often exhibit their own micro-composition of base, middle, top, while remaining consistent with an overarching theme throughout the District.

Some buildings feature less elaborate building tops – such as bracket-less box gutters and corbelled parapet walls – that nevertheless serve as strong terminating elements to the building. On other buildings the entire uppermost story serves as a top, realized by a mansard roof or a lower secondary cornice.



116 W. Elder Street exhibits the characteristics of composition: top.



213 and 219 Odeon Street exhibit the characteristics of composition: top.



8 Green Street exhibits the characteristics of early 20th-century composition: top.



1408 Elm Street exhibits the characteristics of composition: top.



# COMPOSITION: TOP

## GUIDELINE INTENTION

New buildings will provide a crowning visual termination to the composition.

01

Buildings should employ a strong top component that terminates the façade and creates shadow detail.

02

Top components should not imitate the District's historic cornices.

03

Top components should have a height that is consistent with the general height of historic top components on non-monumental contributing buildings located within the same block face.<sup>1</sup>

04

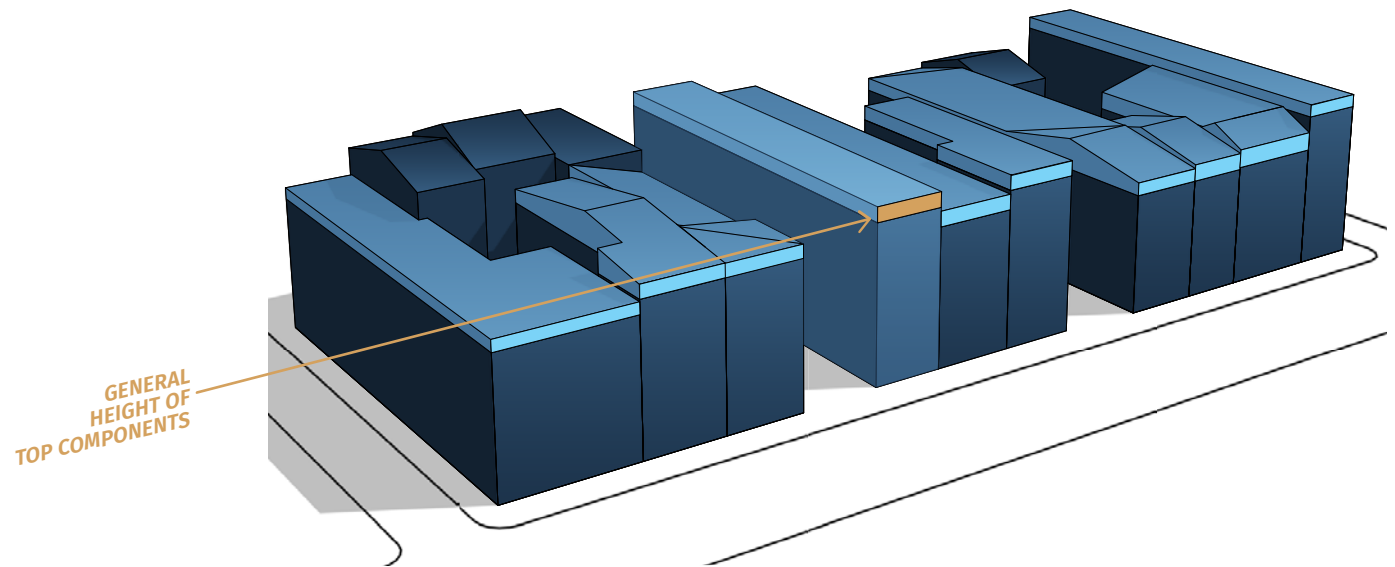
The projection (overhang) of top components beyond the plane of the façade must not exceed the furthest projection among top components on non-monumental contributing buildings located within the same block.

### Note

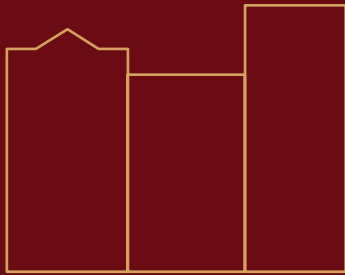
<sup>1</sup> Must follow the rules for levels of context hierarchy defined on p. 8.

## 03

Top components should have a height that is consistent with the general height of historic top components on non-monumental contributing buildings located within the same block face.<sup>1</sup>

**Note**

<sup>1</sup> Must follow the rules for levels of context hierarchy defined on p. 8.



## RHYTHM

At right: This building in New York City maintains the historic rhythm of the streetscape by honoring the height, width, pattern of window openings, and planar articulation of its neighbors.





# RHYTHM

## HISTORIC CONTEXT

The “rhythm” formed by the repetition of buildings is one of the core elements that knits the Over-the-Rhine Historic District together into a cohesive fabric. Most buildings are tall and narrow – typically 20-40 feet in width and three to four stories in height – and exhibit a variation in height from one building to the next. Most buildings also feature regularly spaced, horizontally and vertically aligned, symmetrically placed window openings that display a remarkable consistency from one building to the next. Finally, buildings tend to have articulated wall surfaces (e.g., sills, lintels, and bracketed cornices), resulting in the consistent projection of elements from the plane of façades of buildings along the streetscape.

This repetition of tall, narrow buildings of varying height, consistent fenestration geometries, and articulated wall surfaces results in a particular pattern, or “rhythm”, that gives the District’s streetscapes harmony and coherence.

1405-1417 Main Street  
exemplifies the  
Over-the-Rhine  
Historic District’s  
distinctive rhythm.



529-541 E. 13th Street  
exemplifies the  
Over-the-Rhine  
Historic District’s  
distinctive rhythm.



# RHYTHM

## GUIDELINE INTENTION

New buildings will reflect the visual continuity established by the repetition of similarly designed and scaled contributing buildings along the streetscape.

01

Primary façade height should vary from the primary façade height of any neighboring buildings.

02

The rhythm of window openings should be consistent with the rhythm of window openings created by non-monumental contributing buildings located within the District.

03

Buildings should sensitively maintain the established rhythm created by non-monumental contributing buildings located within the same block face.<sup>1</sup>

04

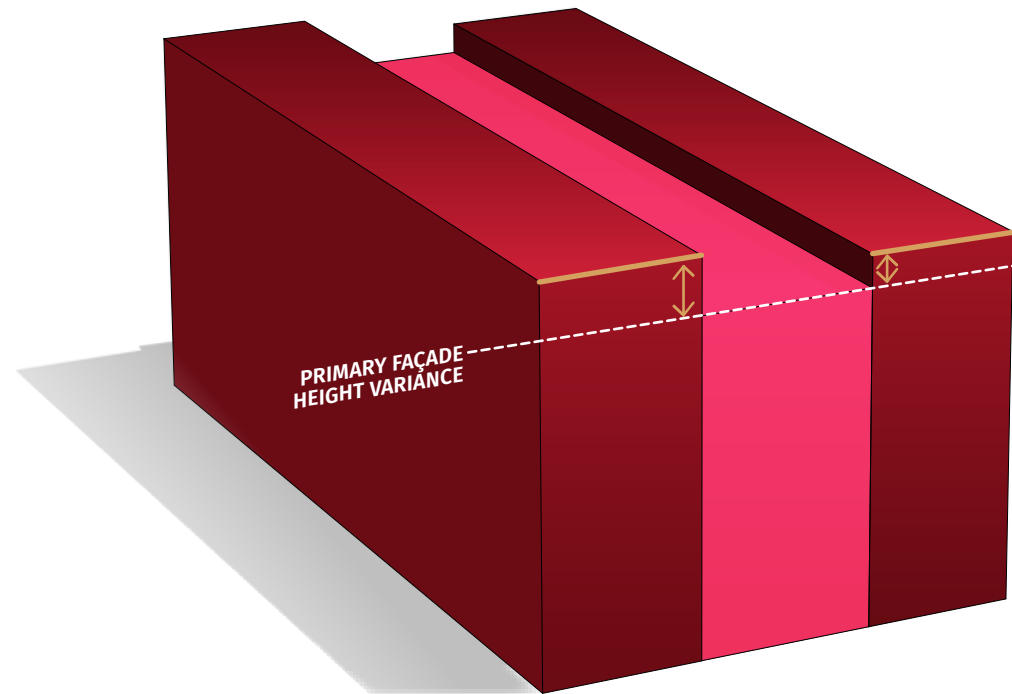
If primary façade width is greater than primary façade height, the façade design should be organized to create vertical emphasis.

### Note

<sup>1</sup> Must follow the rules for levels of context hierarchy defined on p. 8.

**01** Primary façade height should vary from the primary façade height of any neighboring buildings.

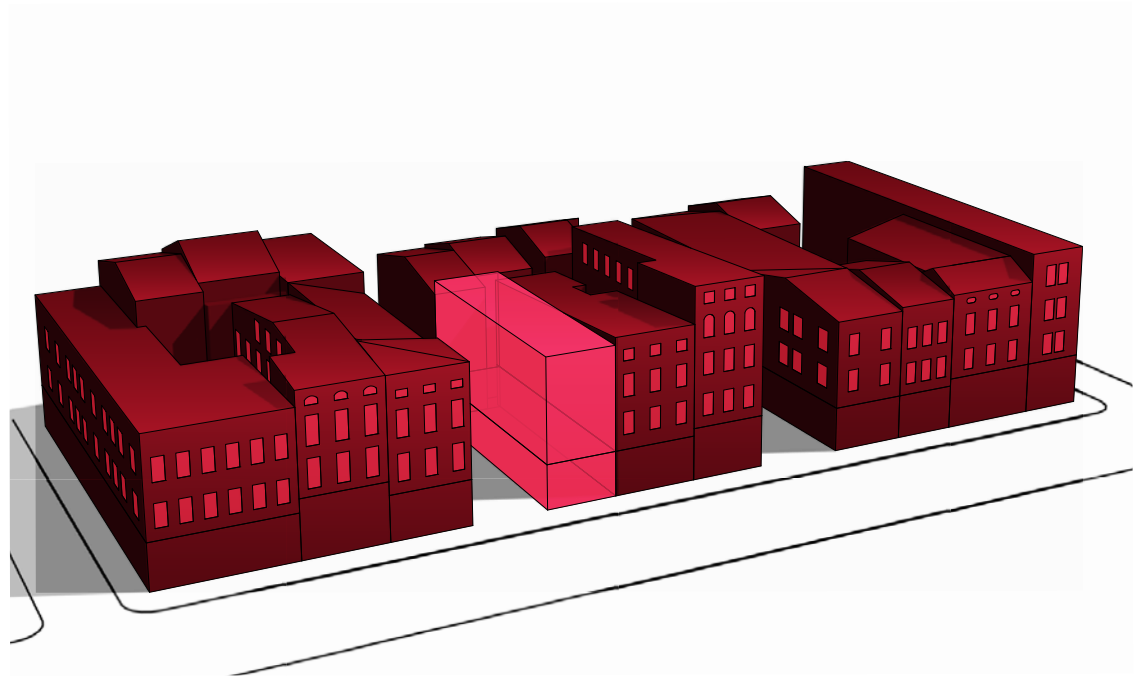
**02** The rhythm of window openings should be consistent with the rhythm of window openings created by non-monumental contributing buildings located within the District.

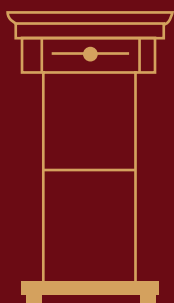




**01** Primary façade height should vary from the primary façade height of any neighboring buildings.

**02** The rhythm of window openings should be consistent with the rhythm of window openings created by non-monumental contributing buildings located within the District.





## OPENINGS

At right: Bahnhofstrasse 92 in Zurich, Switzerland has vertically oriented punched window openings arranged into rows and columns in reference to its historic surroundings.



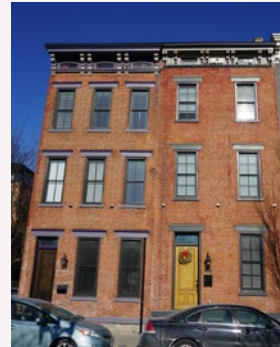
# OPENINGS

## HISTORIC CONTEXT

Openings are fundamental to the distinctive rhythm that defines the Over-the-Rhine Historic District. Openings are found both on primary and secondary façades as well as on non-street-facing walls. Most buildings feature regularly spaced, vertically oriented individual window openings formed into horizontally and vertically aligned, symmetrical rows and columns. Windows are typically recessed into the opening, creating a strong shadow detail. Windows are typically double hung and often have decorative stone sills and lintels.

Buildings with commercial uses on the upper floors and many built after the turn of the century often feature more variation in window openings, including groupings of openings that create more of a horizontal orientation.

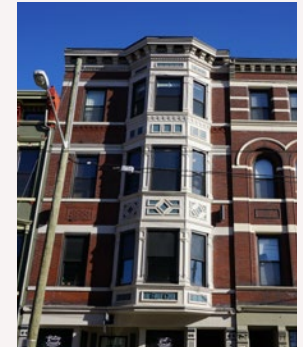
While oriel windows are not defining features of the Over-the-Rhine Historic District, they are present at a number of locations in both residential and mixed-use buildings. Oriels are designed to provide functional benefits to interior space and are also architectural expressions that add distinction and three-dimensionality to the District's typically planar masonry façades.



118 and 120 W. 14th Street exhibit the characteristics of window and door openings



1126 Walnut exhibits the characteristics of grouped window openings.



1428 Race exhibits the characteristics of oriel windows.

Door openings follow the patterns and characteristics of windows, accentuating the verticality and symmetry of buildings. Entries have different sizes, locations, and styles depending on the use and period of the building. Entrances to residential buildings usually feature a single wooden door, set off to one side of the primary façade and recessed into the brick. On mixed-use buildings, especially along north-south commercial arterials, entrances to the residential upper floors are placed either in one of the outermost bays of the primary façade, or on a side exterior wall of the building accessible through a narrow breezeway.

# OPENINGS<sup>1</sup>

## GUIDELINE INTENTION

The openings of new buildings will establish a relationship with the size, placement, and configuration of openings found on non-monumental contributing buildings in the District.

01

**Window openings should be taller than they are wide in a proportion consistent with the general proportions of window openings on non-monumental contributing buildings located in the District.**

02

**The ratio of window openings to total area of the middle component of the façade should be consistent with the ratio of window openings to total area of the middle components of façades on non-monumental contributing buildings located in the District.**

03

### Windows:

- Should be recessed nominally from the plane of the wall.
- Must not have internal-only grids.

04

**Buildings may have oriel windows<sup>2</sup> under the following conditions:**

- Oriels should be used only in limited instances, with a well designed and quality approach.
- The introduction of oriels should not disrupt the feeling of continuity of the wall surface.

### Note

- Storefront openings must follow the requirements set forth in Chapter 03: Composition: Base.
- Oriels are found infrequently and are not intended to be a dominant feature within the District, nor are they intended to be a dominant feature within a facade design.
- Must follow the rules for levels of context hierarchy defined on p. 8.

05

**Window openings should be arranged into columns, as follows:**

- The number of columns of openings should be consistent with the number of columns found on non-monumental contributing buildings of similar width in the District.
- Columns should be evenly spaced.
- Window openings should be vertically aligned with other openings within the same column.
- Columns should be symmetrical.

06

**Window openings should be arranged into rows, as follows:**

- Rows should be present for each story.
- Rows should be evenly spaced.
- Window openings should be horizontally aligned with other openings within the same row.

07

**Buildings should have a door opening providing access to the sidewalk.**

08

**The size and proportions of door openings should be consistent with the general size and proportions of door openings found on non-monumental contributing buildings located within the same block face.<sup>3</sup>**

09

**Door openings should not be sunken below grade. Door openings on residential buildings may be elevated but must not be substantially higher than the height of the base component.**

## 05

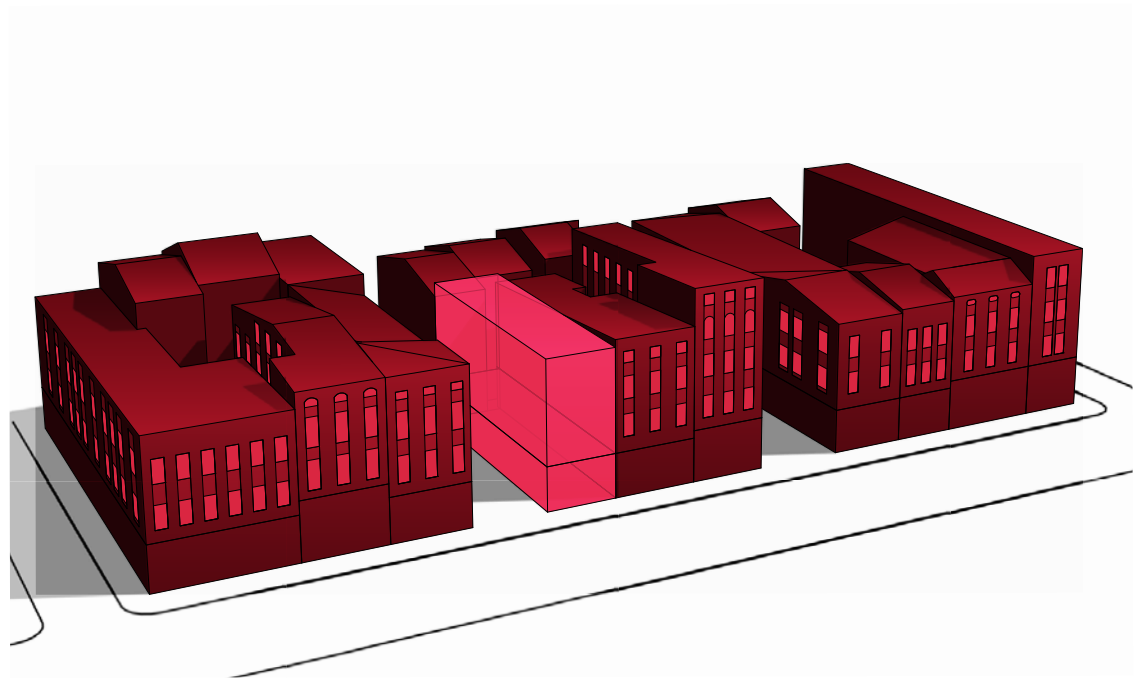
**Window openings should be arranged into columns, as follows:**

- a. The number of columns of openings should be consistent with the number of columns found on non-monumental contributing buildings of similar width in the District.
- b. Columns should be evenly spaced.
- c. Window openings should be vertically aligned with other openings within the same column.
- d. Columns should be symmetrical.

## 06

**Window openings should be arranged into rows, as follows:**

- a. Rows should be present for each story.
- b. Rows should be evenly spaced.
- c. Window openings should be horizontally aligned with other openings within the same row.



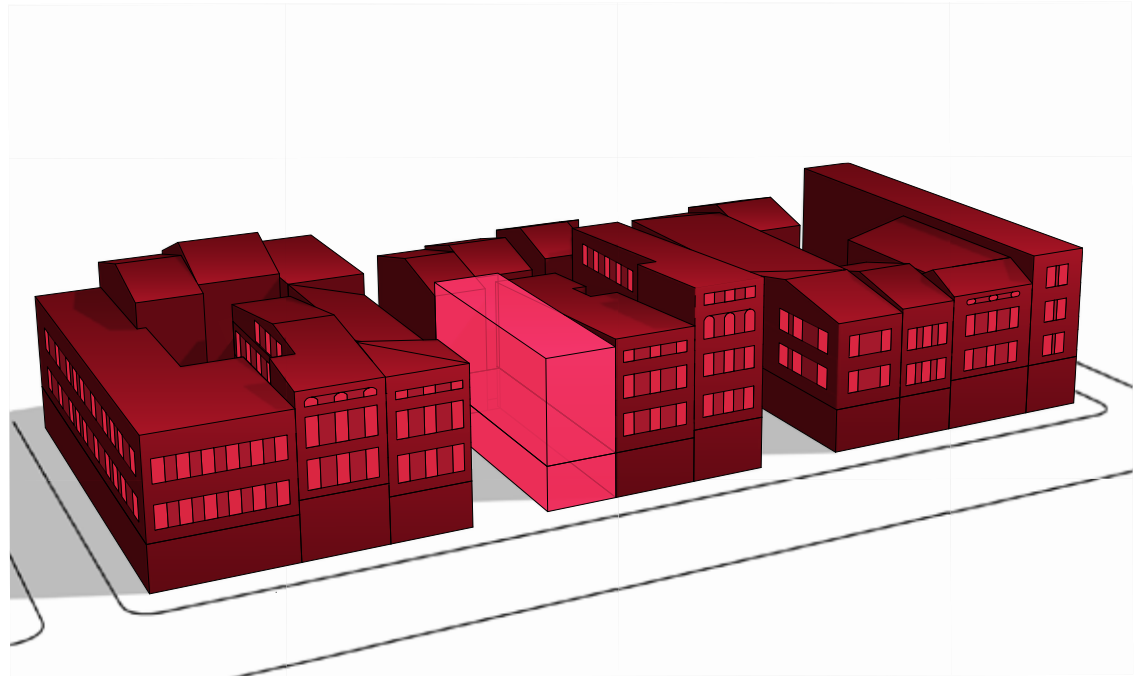


## 05 Window openings should be arranged into columns, as follows:

- a. The number of columns of openings should be consistent with the number of columns found on non-monumental contributing buildings of similar width in the District.
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- c. Window openings should be vertically aligned with other openings within the same column.
- d. Columns should be symmetrical.

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## ROOF

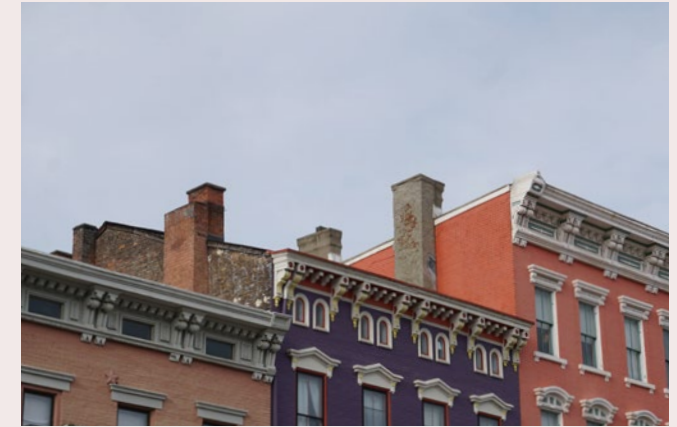
At right: The reception hall at the Musée de Cluny at 28 Rue du Sommerard in Paris, France draws inspiration from the roof forms of the adjacent Roman ruins – the Thermes de Cluny.



# ROOF

## HISTORIC CONTEXT

Roofs help define not only the pedestrian experience of the Over-the-Rhine Historic District from street level, but also the unique aerial views of the District from hillsides and rooftops. The roofs that are featured most commonly in the District are side-gabled roofs and low-pitched shed roofs. Mansard roofs and sawtooth roofs at the rear of buildings are found sporadically. Monumental buildings in the District feature a variety of roof shapes, including dormers, multiple gables, hip roofs, and towers.



1425 and 1427 Main Street typify roof forms commonly found in the Over-the-Rhine Historic District.

# ROOF

## GUIDELINE INTENTION

Roof profiles will reflect the roof profiles of contributing buildings within the block face. The impacts of rooftop appendages on street-level, aerial and elevated panoramic views of the District will be minimized.

### 01

**Roofs should be built using a roof profile found on at least one non-monumental contributing building located within the same block face.<sup>1</sup> The following profiles are appropriate:**

- a. Side-Gabled Roof
- b. Side-Gabled Sawtooth Roof
- c. Descending Low-Pitched Shed Roof
- d. Ascending Low-Pitched Shed Roof
- e. Flat Roof<sup>2</sup>

### 02

**Roof pitch should be consistent with the pitch of corresponding roof profiles found on non-monumental contributing buildings located within the same block face.<sup>1</sup>**

### 03

**Rooftop decks and roof access enclosures should be no more than minimally visible from abutting streets, and should not be highly visible from the public realm. Roof access enclosures should be no larger than the minimum size required for access when visible from the street and/or exceeding the permitted height.**

### 04

**Mechanical systems, elevated solar panel arrays, and other non-deck rooftop appendages should not be highly visible from contiguous streets at any point within 40 feet of the building and should not be highly visible from the public realm.**

#### Note

- 1 Must follow the rules for levels of context hierarchy defined on p. 8.
- 2 Flat roofs may be used regardless of whether there are any flat roofs found in the surrounding historic context

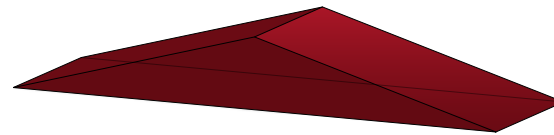
**01** Roofs should be built using a roof profile found on at least one non-monumental contributing building located within the same block face.<sup>1</sup> The following profiles are appropriate:

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- e. Flat Roof<sup>2</sup>

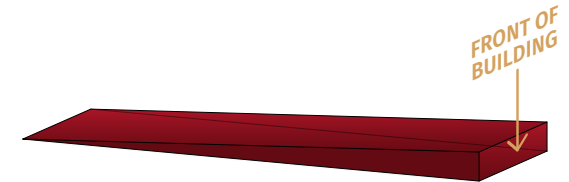
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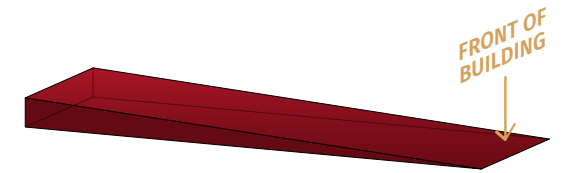
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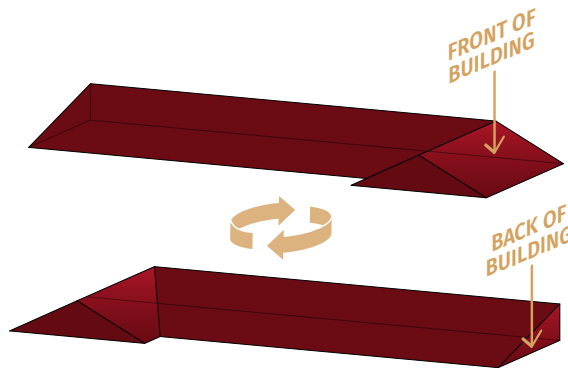
SIDE-GABLED ROOF



DESCENDING LOW-PITCHED SHED ROOF



ASCENDING LOW-PITCHED SHED ROOF



SIDE-GABLED SAWTOOTH ROOF

#### Note

- 1 Must follow the rules for levels of context hierarchy defined on p. 8.
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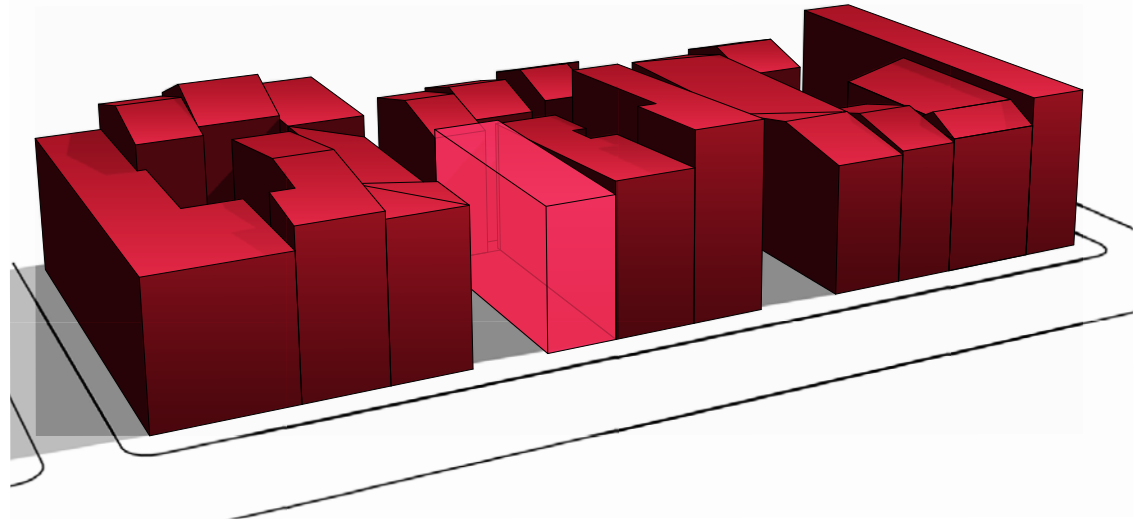
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- c. Descending Low-Pitched Shed Roof
- d. Ascending Low-Pitched Shed Roof
- e. Flat Roof

**02** Roof pitch should be consistent with the pitch of corresponding roof profiles found on non-monumental contributing buildings located within the same block face.<sup>1</sup>

**03** Rooftop decks and roof access enclosures should be no more than minimally visible from abutting streets, and should not be highly visible from the public realm. Roof access enclosures should be no larger than the minimum size required for access when visible from the street and/or exceeding the permitted height.

**04** Mechanical systems, elevated solar panel arrays, and other non-deck rooftop appendages should not be highly visible from contiguous streets at any point within 40 feet of the building and should not be highly visible from the public realm.



#### Note

<sup>1</sup> Must follow the rules for levels of context hierarchy defined on p. 8.

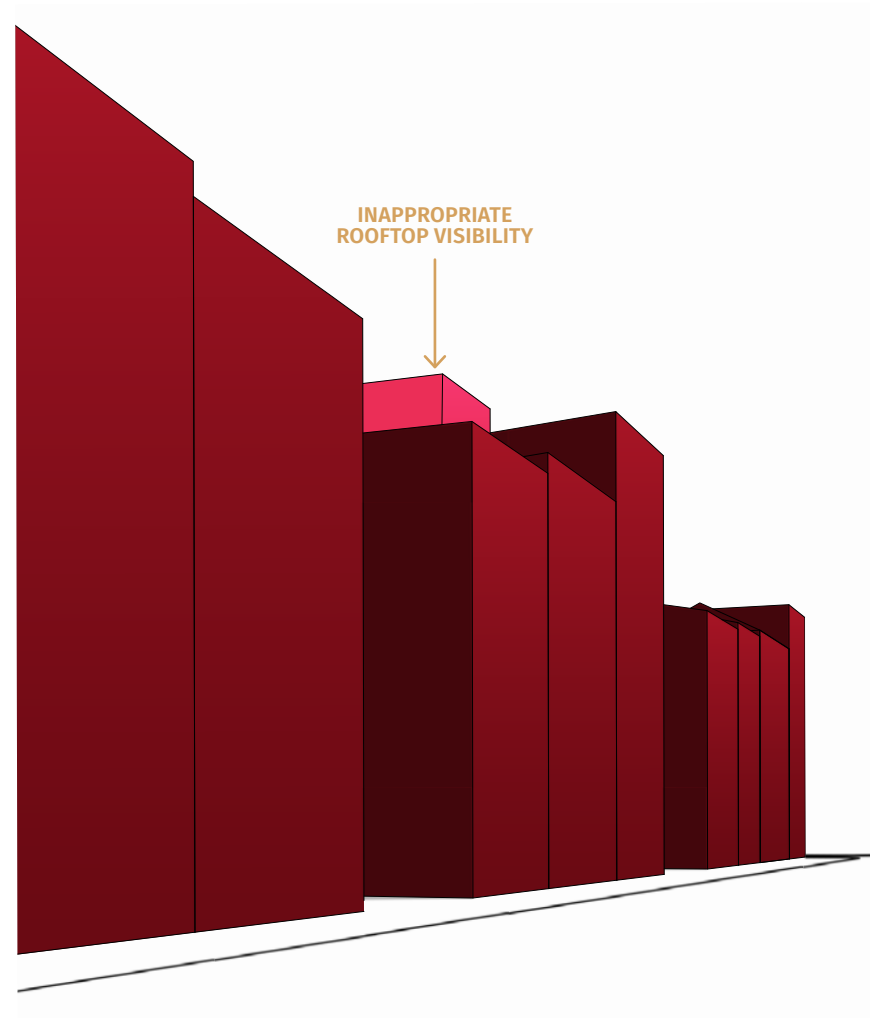
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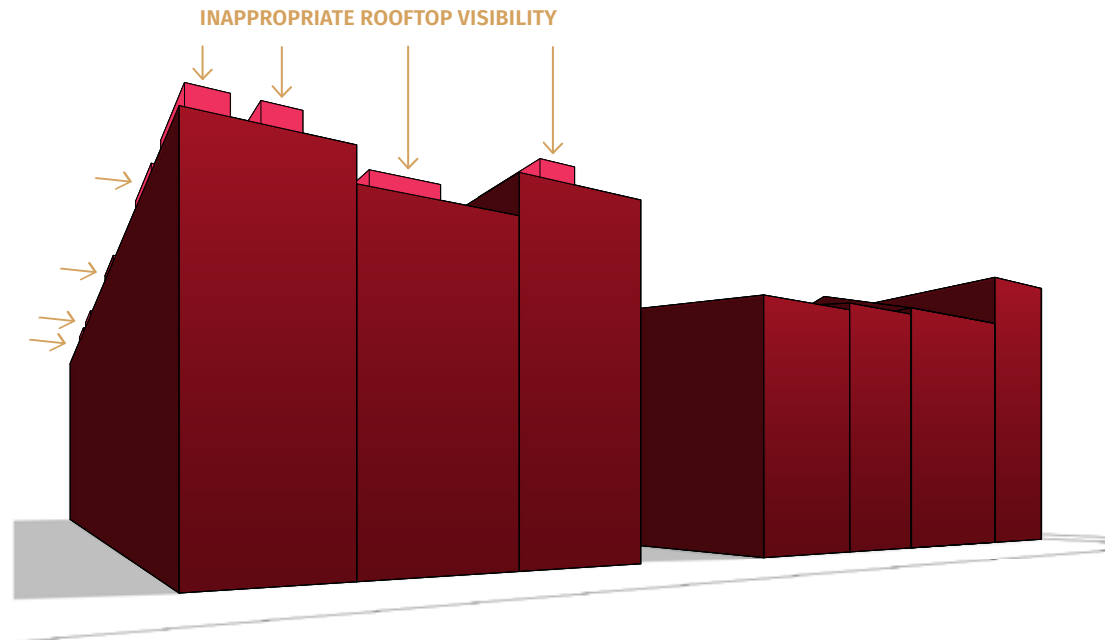
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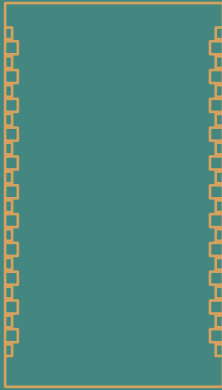
- a. Side-Gabled Roof
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## MATERIALS

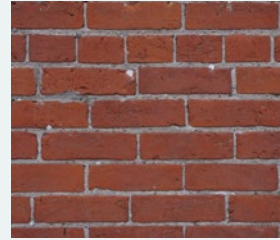
At right: This building in London, England successfully evinces the quality and solidity of materials on its historic neighbors by using a contemporary, modular brick cladding and a distinctive accent material on the oriel window and window surrounds.



# MATERIALS

## HISTORIC CONTEXT

Materials form an essential part of the identity of the Over-the-Rhine Historic District, and brick is the character-defining material of the District. The neighborhood evolved from primarily wood frame construction with wood clapboard siding in the earlier part of the 19th-century, to primarily brick masonry buildings in the mid-to-late 19th-century as the District entered what is considered to be its period of significance. Thus, the vast majority of Over-the-Rhine buildings are made of brick. Other materials characteristic of the District include limestone and sandstone (sills, lintels, and the occasional façade), wood (doors, windows, box gutters, cornices, and siding on early buildings), metal (lintels, sills, cornices, and roofs), cast iron (storefronts), and wrought iron (fire escapes, fencing).



Buildings in the District are primarily constructed of handmade, orange-red clay bricks stacked using the common bond pattern, as seen here at 1219 Sycamore Street.



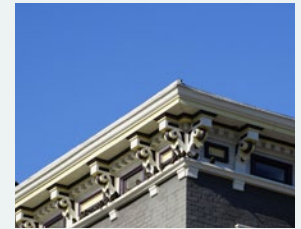
Decorative metal header at 1418 Elm Street.



Decorative stone lintel at 1431 Elm Street.



Decorative cast iron storefront at 116 East 14th Street.



Decorative metal brackets and wood trim form the cornice at 116 West 14th Street.

# MATERIALS

## GUIDELINE INTENTION

Materials used on new construction will rise to the standards of quality, authenticity, and durability set by materials found on contributing buildings in the District.

01

**Buildings should use materials found on contributing buildings or materials that honor the best qualities of historic materials.**

02

**Materials should meet the quality standards of materials found on contributing buildings in the District. Quality of materials is based on the following criteria:**

- Life span/durability.
- Authenticity.
- Visual continuity with non-monumental contributing buildings located within the District.
- Color, texture, design, dimension, reflectivity.

03

**Brick used as exterior cladding should meet the following requirements:**

- King and Queen sized brick are not appropriate and should not be used.
- Brick should have either historic (2½ x 8¼ inches) or modular (2¼ x 7⅝ inches) dimensions.
- At least one full wythe of 4 inches (depth) brick should be used.
- Faux-historic brick is not appropriate and should not be used. Brick should seek to root itself in its current time.

04

**Materials should be used in a well-designed approach on all sides of the building**

05

**Lintels and sills should be made of limestone or sandstone, cast stone with a limestone veneer applied, or an appropriate alternate material.**

06

**Window components should be made of wood, aluminum clad wood, metal, or an appropriate alternate material.**

07

**Storefront systems should meet the following requirements:**

- Lintels, pilasters, and vertical divisions should be made of cast iron, steel, limestone, sandstone, or cast stone with a limestone veneer applied. Brick is permitted where contributing brick storefronts are extant within the same block.
- Window framing and muntins should be made of wood, steel, or a dark colored alternate material.

08

**Residential bases should be made of stone or an appropriate alternate material.**

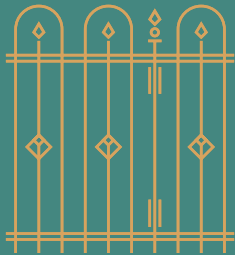
09

**Doors should be made of wood, metal, or a stain grade material.**

10

**Buildings must not use stucco, synthetic stucco, vinyl, CMU, or plastic as cladding materials.**





## MISCELLANEOUS

At right: This building at Oudeschans 53 in Amsterdam integrates balconets into the rhythm of openings on the façade.

Amsterdam, the Netherlands

# MISCELLANEOUS

## HISTORIC CONTEXT

A number of important features of buildings in the Over-the-Rhine Historic District fall within the Miscellaneous category, including porches, balconies, and stoops.

### Porches

Side porches (veranda) are found on some buildings in the District. Typically, they are built into the “L” of the building, filling the void created by the building’s keyback. Front porches do not exist in the District.

### Balconies

True balconies are rare in the District. Fire escapes are prevalent and often double as balconies.

### Stoops

Stoops are common in the District on residential buildings with elevated entries. Stoops serve as a form of street furniture and foster increased pedestrian interaction in the public realm.



# MISCELLANEOUS

## PORCHES

01

Buildings should not have front porches.

02

Buildings may have side porches if they are placed in the void created by an interior side setback.

03

Side porches should be built in a rectangular geometry.

## BALCONIES

01

Buildings may have protruding balconies if they are placed at the rear of the building, or on a non-street-facing wall in the void created by a keyback.

02

Buildings may have recessed balconies if they are placed on a non-street-facing wall.

03

Buildings may have balconets on any exterior building wall, provided that they are rectangular in form.

## STOOPS

01

Residential buildings may have one or more stoops if a stoop is present on at least one non-monumental contributing building located within the same block.<sup>1</sup>

02

Stoop height, width and depth should be consistent with the general height, width and depth of stoops on non-monumental contributing buildings located within the same block.<sup>1</sup>

03

Stoops should not have railings; however, where railings are required by law, they should be simple metal railings similar in style, scale, thickness, and diameter to historic railings, fencing, or other iron work found on non-monumental contributing buildings located within the District.

## ARCHAEOLOGICAL RESOURCES

01

Building sites should be evaluated for their potential for archaeological resources. If, after a survey of Sanborn Maps and consultation with staff, or if during construction archaeological resources are discovered, existing archaeological survey protocols must be followed.

### Note

<sup>1</sup> Must follow the rules for levels of context hierarchy defined on p. 8.

# APPENDIX



**Abutting** Having lot lines in common.

**Abutting Street** A street that is abutting a lot containing the subject building.

**Alley** A public or private way less than 21 feet in width that may provide vehicular access to abutting properties.

**Articulative Recess** A slight change in plane in part of an exterior wall, usually decorative.

**Attic** A story directly under the roof of a contributing building that is shorter than the other stories in the building.

**Balconet** A false, non-structural balcony or railing at the outer plane of a glazed window-opening reaching to the floor, and having, when the window or door is open, the appearance of a balcony.

**Base Component** The bottommost portion of a building, commonly represented in commercial buildings by a storefront, and in residential buildings by a foundation capped by a water table.

**Block** A block face and its opposing block face.

**Block Face** The properties abutting each other on one side of the street, and lying between the two nearest intersecting or intercepting streets.

**Building Width** The horizontal distance between the sides of the primary façade.

**Cladding** The outermost material layer covering the exterior of a building.

**Commercial Building** A building developed entirely for commercial purposes.

**Composition** The arrangement of a building into base, middle, and top components.

**Contributing Building** A historic building that is designated by the City of Cincinnati as contributing to the historic significance of the Over-the-Rhine Historic District.

**Corner Lot** A lot bounded on two or more adjacent sides by streets, or by portions of such streets.

**Cornice** A molded, decorative, projecting horizontal member that crowns the top of a building.

## CORNICE COMPONENTS

**Box Gutter** A rectangular rain gutter built into the slope of a roof, above the cornice.

**Bracket** An angled structural and/or decorative element that actually or visually supports the box gutter/cornice soffit.

**Corbel** A type of bracket built into a wall and projecting outward to support the box gutter/cornice soffit.

**Dentil** One of a series of small, decorative rectangular blocks placed at regular intervals under the soffit of a cornice.

**Frieze** A decorative horizontal band typically containing rectangular trimmed panels and through-the-cornice windows.

**Through-the-Cornice Windows**  
Attic windows built into the cornice.

**Elevated Solar Panel Array** An array of solar panels attached to a roof in which the panels are angled toward the sun, and do not lay flat against the roof surface.

**Faux-Historic Brick** Modern brick that attempts to match the color and texture of historic brick.

**Front Lot Line** A lot line dividing a lot from a street. On a corner lot only one street line may be considered as a front line; provided that, where the length of a shorter street line is less than 90 percent of the length of the longer street line, the shorter street line is considered as the front lot line.

**Front Setback** A space or gap between the front lot line and any portion of the primary façade, excluding articulative recesses.

**Grade** Ground level, as measured by the average of the slope between two points.

**Historic** Being from the period of significance (1840-1941) of the Over-the-Rhine Historic District, with special emphasis on the period 1840-1900.

**Historic Lot** A lot in the Over-the-Rhine Historic District as it existed historically, as represented on the 1904 Sanborn Insurance Maps of Cincinnati.

**Historic Non-Monumental Corner Lot** A historic corner lot with a depth of up to 90 feet.

**Interior Side Lot Line** A side lot line separating a lot from another lot or lots.

**Interior Side Setback** A space or gap between an interior side lot line and any portion of the side exterior wall(s), excluding articulative recesses.

**Keyback** An interior side setback beginning at a point at least 20 feet removed from the primary façade, typically extending back to the rear lot line, and resulting in a private breezeway, alleyway, or outdoor space.

**Lintel** A horizontal member, typically structural, that spans the top of a window or door opening.



**Lot** A parcel of land occupied or capable of being occupied by a use, building, or group of buildings and accessory buildings and uses, together with such open spaces as are required by the Cincinnati Zoning Code and having frontage on a street.

**Lot Line** The boundary enclosing a lot.

**Massing** The general shape and size of a building.

**Materials** The substances that are used to form the visible exterior of a building.

**Mechanical Equipment** Any device or apparatus used relating to heating, ventilation, air conditioning, plumbing, fire suppression, transportation, or any other building system.

**Micro-Context** The contributing buildings in closest proximity to the subject building, and defined at the smallest level as those contributing buildings located within the same block face.

**Middle Component** The area of a building located between the base component and the top component, typically constituting the largest bulk of the building and containing the majority of its design elements.

**Mixed-Use Building** A building developed for two or more types of end use.

**Monumental Building** Contributing buildings in the Over-the-Rhine Historic District recognized for their special cultural significance and/or distinctive qualities of height, massing, and scale.

**Neighboring Building** A building on a lot that shares an interior side lot line with the subject building.

**Opposing Block Face** The block face directly across from the subject block face.

**Oriel Window** A bay window projecting from an upper story (or stories) on a building façade.

**Over-the-Rhine Historic District** A geographic area covering parts of Over-the-Rhine, Pendleton, and Mount Auburn that is protected by the City of Cincinnati based on its cultural and architectural significance as a representation of the period in Cincinnati's urban development from 1840-1941, and particularly that period prior to 1900.

**Primary Façade** The street-facing wall that faces the primary street.

**Primary Façade Height (New Construction)** Primary façade height is measured from the established grade at the lot line or from the average natural grade at the building line, to the top of the primary façade, including any terminating ornamental/functional features.

**Primary Street** The abutting street with the widest right of way.

**Public Realm** Any portion of the Over-the-Rhine Historic District that is accessible to the public, including streets, alleys, rights of way, and public parks.

**Rear Lot Line** A lot line opposite the front lot line. In the case of an irregular, or triangular lot, it means a line within the lot, ten feet long, parallel to and at the maximum distance from the front lot line.

**Residential Building** A building that is entirely residential in use, single or multi-family, and does not have a storefront.

**Rhythm** A regularly recurring sequence or pattern within and among buildings.

**Right of Way** Real property for or devoted to (1) public transportation purposes; or (2) the placement of the city's municipal utility easements and other traditional uses along a transportation route. The definition of right of way includes, without limitation, public highways, streets, avenues, alleys, sidewalks, bridges, aqueducts, and viaducts within the city.

**Roof** The structure forming the upper covering of a building.

**Roof Access Enclosure** A small structure on or above the roof of a building whose exclusive purpose is to provide access to a rooftop.

**Roof Deck** A flat surface on or above the roof of a building that provides space for recreation, typically surrounded by railings.

**Roof Pitch** A numerical measure of the steepness, or slope, of a roof.

**Rooftop Appendage** Any structure, surface, fixture, equipment, furniture, or other item that is attached to the roof.

**Scale** The size of a building judged in relation to other buildings.

**Secondary Façade** Any street-facing wall that is not the primary façade.

**Secondary Façade Height (New Construction)** Secondary façade height is measured from the established grade at the lot line or from the average natural grade at the building line, to the top of the façade, including any terminating ornamental/ functional features.

**Secondary Street** An abutting street that is not the primary street.

**Shadow Detail** An area of darkness cast on an exterior building wall caused by a protrusion or recession in the plane of the wall.

**Side Alley Lot Line** A side lot line separating a lot from an alley.

**Side Lot Line** A lot line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Side Street Lot Line** A side lot line separating a lot from a street.

**Significant Part of the Program (Parking)** Where there are at least 50 onsite parking spaces, or at least 50% of the total project square footage is dedicated to parking.

**Sill** A horizontal member that spans the bottom of a window opening.

**Stoop** A small uncovered exterior stair ending in a platform at the entrance to a building.

**Storefront** The ground floor façade of a retail store, restaurant, bar, personal services establishment, or other commercial enterprise.

## STOREFRONT COMPONENTS

**Bulkhead/Knee Wall** The portion of a storefront that serves as a platform for the display windows.

**Column** A vertical structural member designed to support compressive loads in a storefront system.

**Display Windows** Large windows in a storefront used to attract attention to a business and its merchandise or services.

**Pilaster** A projecting, non-load bearing vertical member having the appearance of a column, with a capital and a base, but being purely ornamental in function.

**Storefront Cornice/Lintel** A horizontal member that terminates the uppermost portion of the storefront, separating it from the upper floors above.

**Transom Windows** Windows located above the main display windows and separated by a transom.

**Story/Floor** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**Street** A public or private right-of-way 21 feet or more in width whose primary function is to furnish the chief means of access to properties abutting it.

**Street-Facing Wall** An exterior building wall that faces an abutting street.

**Subject Building** A building or structure being considered for a Certificate of Appropriateness.

**Top Component** The uppermost horizontal terminating element of a building façade, often represented by a change in both plane and material.

**Transom** A horizontal crosspiece separating the top of a window or door from a smaller window above.

**Use** The type of human activity for which a building is purposed.

**Water Table** A horizontal projecting string course, molding, or ledge placed at the top of the foundation so as to divert rainwater from a building.

**Window Opening** An opening in the wall of a building for admission of light and air.

**Wythe** A single thickness of brick in masonry construction.

Definitions taken from the following resources:

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Ching, Frank. *A Visual Dictionary of Architecture*. Wiley, 2012.

Curl, James Stevens. *A Dictionary of Architecture and Landscape Architecture*. Oxford University Press, 2006.

*Design Guidelines for Historic Commercial Properties & Districts in Salt Lake City*, [www.slcdocs.com/historicpreservation/GuideCom/CommercialGuidelines.pdf](http://www.slcdocs.com/historicpreservation/GuideCom/CommercialGuidelines.pdf). PDF download.

*Dictionary.com*. Houghton Mifflin Harcourt Publishing Company, 2005.

*Dictionary.Cambridge.org*. Cambridge University Press, 2018.

"Glossary of Architectural Terms". *Make History, Preserve Manitoba's Past*, [www.gimliheritage.ca/pdfs/Glossary%20of%20Architectural%20Terms.pdf](http://www.gimliheritage.ca/pdfs/Glossary%20of%20Architectural%20Terms.pdf). PDF download.

*Merriam-Webster.com*. Merriam-Webster, 2018.

"Ohio Building Code", 2017, *Ohio Revised Code*, 2018, <http://codes.ohio.gov/oac/4101%3A1>.

*OxfordDictionaries.com*. Oxford University Press, 2018.

*Wikipedia.com*. Wikimedia Foundation, 2018.

"Zoning Code of the City of Cincinnati", 2020, *Municipal Code of the City of Cincinnati*, 2020, [https://library.municode.com/oh/cincinnati/codes/code\\_of\\_ordinances?nodeId=TXIZOCOCI](https://library.municode.com/oh/cincinnati/codes/code_of_ordinances?nodeId=TXIZOCOCI).

# LIST OF MONUMENTAL BUILDINGS

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## BUILDING :

6th District Public School Building  
 15th District School Building (Rothenberg School)  
 Baptisten Kirche (German Baptist Church)  
 Cincinnati Music Hall  
 Deutsche Evangelisch Reformierte Salem's Kirche  
 (Salem German Evangelical Reformed Church)  
 Deutsche Evangelische St. Paulus Kirche  
 (St. Paul's German Evangelical Church)  
 Deutsche Evangelische Zion's Kirche  
 (German Evangelical Church of Zion)  
 Deutsche Protestantische St. Johannes Kirche  
 (St. John's German Protestant Church)  
 Findlay Market Building  
 First English Lutheran Church  
 Hamilton County Memorial Building  
 Jackson Brewery Building  
 Krohn-Fecheimer Shoe Co. Building  
 Nast Trinity Methodist Church  
 Old Woodward School Building  
 Philippus Kirche (Philippus Church)  
 Prince of Peace Lutheran Church  
 St. Francis Seraph Church  
 St. Francis Seraph School Building  
 St. John the Baptist Church Steeple  
 St. Marien Kirche (Old St. Mary's Church)  
 St. Paul's Church

## ADDRESS:

1525 Elm St, Cincinnati, OH 45202  
 241 E Clifton Ave, Cincinnati, OH 45202  
 1610 Walnut Street, Cincinnati, OH 45202  
 1241 Elm St, Cincinnati, OH 45202  
 1425 Sycamore St, Cincinnati, OH 45202  
  
 1429 Race St, Cincinnati, OH 45202  
  
 14 W 15th St, Cincinnati, OH 45202  
  
 1205 Elm St, Cincinnati, OH 45202  
  
 1801 Race St, Cincinnati, OH 45202  
 1208 Race St, Cincinnati, OH 45202  
 1225 Elm St, Cincinnati, OH 45202  
 208 Mohawk Street, Cincinnati, OH 45214  
 1310 Pendleton St, Cincinnati, OH 45202  
 1310 Race St, Cincinnati, OH 45202  
 1310 Sycamore St, Cincinnati, OH 45202  
 106 W McMicken Ave, Cincinnati, OH 45202  
 1528 Race St, Cincinnati, OH 45202  
 1615 Vine St, Cincinnati, OH 45202  
 14 E Liberty St, Cincinnati, OH 45202  
 1715 Republic St, Cincinnati, OH 45202  
 123 E 13th St, Cincinnati, OH 45202  
 444 Reading Rd, Cincinnati, OH 45202

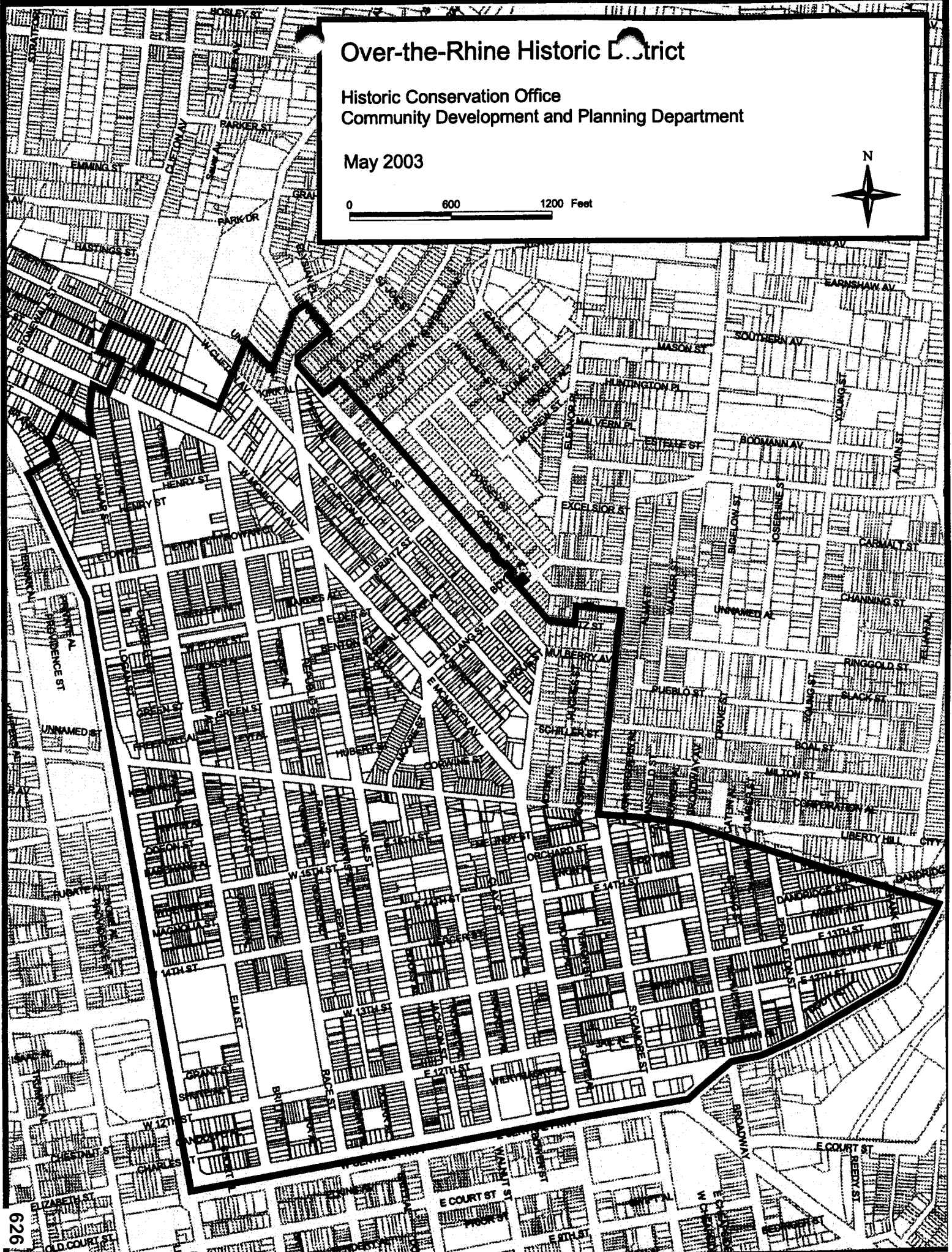


# Over-the-Rhine Historic District

Historic Conservation Office  
Community Development and Planning Department

May 2003

0 600 1200 Feet









This project was made possible in part by a grant from the National Park Service, U.S. Department of the Interior administered by the State Historic Preservation Office of the Ohio History Connection. Department of the Interior regulations prohibit unlawful discrimination in departmental federally assisted programs on the basis of race, color, national origin, age or disability. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Office of Equal Opportunity, U.S. Department of the Interior, National Park Service, 1849 C. Street, N.W. Washington, D.C. 20240.




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Over-the-Rhine Foundation

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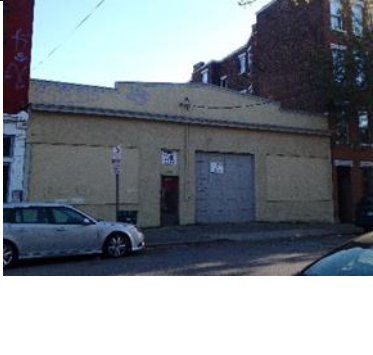
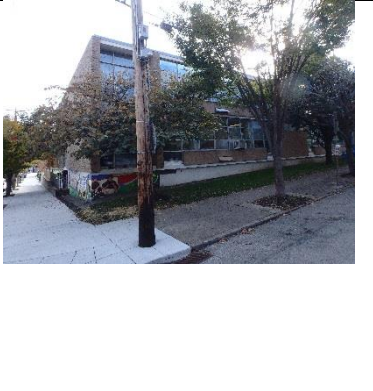
## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

Address	Photo	Recommendation	Justification	Notes & Sources
<b>544 East Twelfth Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age and massing.	Appears on the 1904/1934 Sanborn Map. Adjacent to fire station (now Ken Jones architects)
<b>211 - 225 West Twelfth Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction	Shakespeare Festival Theater
<b>12 East Thirteenth Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Despite historic details, this building was built in the 1990s.
<b>28 East Thirteenth Street (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to building type, age and massing.	Appears on the 1904/1934 Sanborn Map. This is an example of a "back house" (or rear house) once ubiquitous throughout the district. This type has not been adequately celebrated within the district, probably due to the fact that they are often less visible from the street.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>101 East Thirteenth Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>106 East Thirteenth Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>331 East Thirteenth Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This building contributes to the industrial history of the neighborhood.	Though the massing and scale of this building is different from the vertical Italianate buildings for which the district is best known, the preservation of sites of industrial heritage (more horizontal in nature) is important to telling the full story of the history of Over-the-Rhine as a mixed-use enclave. This building is currently under renovation.
<b>400 East Thirteenth Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age and massing.	Appears on the 1904/1934 Sanborn Map.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>510 East Thirteenth Street</b>		<b>Retain</b> from Non-Contributing Buildings List	This building is not within the period of significance for the district.	Mr. Bubbles carwash. This building does not appear on the 1904/1934 Sanborn map (there are two frame buildings on the lot at that time), rather it documents midcentury/post-war industrial development.
<b>545 East Thirteenth Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This building contributes to the district due to age and as a document of the neighborhood's industrial heritage and contributes to the density of the district by providing a continuous street wall.	Appears on 1904/1934 Sanborn.
<b>227 East Fourteenth Street</b>		<b>Retain</b> from Non-Contributing Buildings List	This building is not within the period of significance for the district.	Peaslee Neighborhood Center, formerly an annex building to the Peaslee School building on Woodward Street. This building later served the entire Peaslee School population once the old building was demolished. It's use as a neighborhood arts center is a beacon in Over-the-Rhine's history of neighborhood activism.






## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




<b>113 West Fifteenth Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	This building is the same as 1440 Pleasant Street.
<b>115 West Fourteenth Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now Washington Park.	Formerly Washington Park Elementary School.
<b>124 West Fifteenth Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
<b>218 West Fifteenth Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction.	The current building is not the original non-contributing building on this site. An earlier building has been demolished and replaced with new construction in the last 12-18 months.






## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>27 Back Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This building contributes to the district due to age and as a document of the neighborhood's industrial heritage.	Appears on the 1904/1934 Sanborn Map. Formerly New York Steam Laundry.
<b>2020 Branch Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This building contributes to the district due to age and as a document of the neighborhood's industrial heritage.	Appears on the 1904/1934 Sanborn Map. Formerly Lang & Wanner Tannery.
<b>1117 Broadway (Rear)</b>		<b>Retain</b> on Non-Contributing Buildings List		Cinderblock garage.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1131 Broadway</b>		<b>Remove</b> from Non-Contributing Buildings List	This building contributes to the district due to age and as a document of the neighborhood's industrial heritage and contributes to the density of the district by providing a continuous street wall.	Appears on 1904/1934 Sanborn as a garage.
<b>1211 Broadway</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributing building due to type and age.	Appears on 1904/1934 Sanborn. This is a typical late nineteenth/early twentieth century Italianate tenement building characteristic of the district.
<b>1712 Campbell Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributing building due to age and verticality and contributes to the density of the district by providing a continuous streetwall.	Appears on 1904/1934 Sanborn.




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>114 East Central Parkway</b>		<b>Retain</b> from Non-Contributing Buildings List	This building is not within the period of significance for the district.	Salvation Army Offices and Chapel. While the rear façade (visible from 12 <sup>th</sup> and Jackson Streets) is very modern, suffers from low quality materials and is not in keeping with the character of the district, the midcentury Central Parkway façade is of higher quality. Site of former Model Laundry building.
<b>16 West Central Parkway</b>		<b>Retain</b> from Non-Contributing Buildings List	This building is not within the period of significance for the district.	Cincinnati Metropolitan Housing Authority. Though the massing and horizontally oriented façade are not in keeping with other buildings in the district this distinctive façade, located on Central Parkway, speaks to the difference between the majority of the district and its wider edge thoroughfares.
<b>1317 Clay Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	Bracken Village

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




1327 Clay Street		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	Bracken Village
1335 Clay Street		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	Bracken Village
1343 Clay Street		<b>Remove</b> from Non-Contributing Buildings List	Contributing building due to age. Contributes to the density of the district by providing a continuous streetwall.	Appears on the 1904/1934 Sanborn Map. The building has an updated façade. Has a plaque on the façade commemorating it's designation as the "Lally-Loftin Home" in 1976. Lally and Loftin seem to have been police officers who died in the line of duty.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1412 Clay Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Lot now vacant.	
<b>1413 Clay Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Lot now vacant.	
<b>104 East Clifton Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Lot now vacant.	



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




<b>108 East Clifton Avenue</b>			<b>Retain</b> on Non-Contributing Buildings List.	Modern Construction.	
<b>131 East Clifton Avenue</b>			<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Lot now vacant.	
<b>134 East Clifton Avenue</b>			<b>Retain</b> on Non-Contributing Buildings List.	Modern Construction.	




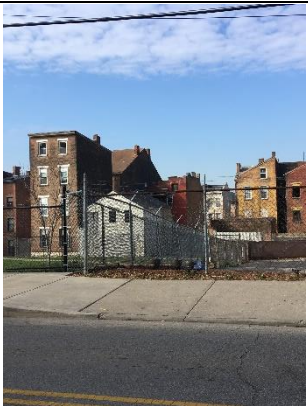

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>136 East Clifton Avenue</b>		<b>Retain</b> on Non-Contributing Buildings List.	Modern Construction.	
<b>135 East Clifton Avenue</b>		<b>Retain</b> on Non-Contributing Buildings List.	Modern Construction.	
<b>139 East Clifton Avenue (rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	These buildings contribute to the district due to age and massing.	Appears on the 1904/1934 Sanborn Map. This is a series of three historic back buildings.




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

145 East Clifton Avenue		<b>Remove</b> from Non-Contributing Buildings List	Contributing building due to age and verticality, and contributes to the density of the district by providing a continuous streetwall.	Appears on the 1904/1934 Sanborn. This is a classic Italianate tenement characteristic of the district.
200 East Clifton Avenue		<b>Retain</b> on Non-Contributing Buildings List.	Modern construction.	This Art Deco/Modern tax payer with chamfered corner is distinct in the district, but offers a record of depression-era development and neighborhood change. The rear portion of this building is clearly non-contributing, though the portion at the street is an interesting part of the district. The lot is vacant on the 1904/1934 Sanborn map. Home of Sally's café in the 1950s.
201 East Clifton Avenue		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<p><b>207 East Clifton Avenue (rear)</b></p>		<p><b>Retain</b> on the Non-Contributing Buildings List</p>	<p>Modern construction.</p>	
<p><b>211 East Clifton Avenue (rear)</b></p>		<p><b>Remove</b> from the Non-contributing Buildings List</p>	<p>Building Demolished. Lot now vacant.</p>	<p>Now part of Rothenberg School playground.</p>
<p><b>222 East Clifton Avenue (rear)</b></p>		<p><b>Remove</b> from Non-Contributing Buildings List</p>	<p>Was added to the list in error.</p>	<p>Though the rear façade looks very different from the front of this building, they are one structure, so this is part of a contributing building.</p>

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List





<b>1701 East Clifton Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
<b>103 West Clifton Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
<b>112 Corwine Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1918 Dunlap Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>2008 Dunlap Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Cinderblock garage.
<b>6 West Elder Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>115-117 West Elder Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction	SEC Elder and Pleasant.





## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1413-1417 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
1428 Elm Street		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	Recent development by Huber Homes.
1429 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	This building contributes to the district due to age, and materials.	Appears on the 1904/1934 Sanborn.
1437 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	





## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1515 Elm Street		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
1604 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
1624 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
1715 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1719 Elm Street		Retain on Non-Contributing Buildings List	Modern Construction	Findlay Kitchen
1727 Elm Street		Retain on Non-Contributing Buildings List	Simple façade with asymmetrical openings. No detail or ornament.	This building, built in 1930, appears on the 1934 Sanborn, but does not contribute to the character of the district.
1829 Elm Street		Retain on Non-Contributing Buildings List	Modern Construction	New Prospect Baptist Church
1900 Elm Street		Retain on Non-Contributing Buildings List	Modern Construction	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List





1905 Elm Street		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Auditor's website (which is notoriously unreliable) lists the building as constructed in 1959.
2001 Elm Street		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
2010 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on the 1904/1934 Sanborn. Includes some modest art deco-like detailing of brick columns.
2014 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on the 1904/1934 Sanborn. Same building as 2016 and 2020 Elm. Includes some modest art deco-like detailing of brick columns.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

2016 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on the 1904/1934 Sanborn. Same building as 2014 and 2020 Elm. Includes some modest art deco-like detailing of brick columns.
2017 Elm Street (Rear)		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	No rear building at this address.
2020 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on the 1904/1934 Sanborn. Same building as 2014 ad 2016 Elm. Includes some modest art deco-like detailing of brick columns.



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




<b>220 Findlay Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	Parking lot for 230 Findlay
<b>230 Findlay Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction.	
<b>1708 Frintz Sreet</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	Parking for TruPartner Credit Union.
<b>1716 Frintz Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on 1904/1934 Sanborn.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List





<b>221 Grant Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Does not appear on 1904/1934 Sanborn
<b>34 Green St</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Over-the-Rhine Child Care Center at the corner of Green and Race.
<b>1120 Jackson Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Though it has been significantly altered, the building still contributes to the industrial heritage of the district.	Know Theater. Appears on the 1904/1934 Sanborn.
<b>1705 Lang Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	Former Wesley Mission Baptist Church. Corner of Lang and East McMicken.







## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>30 East Liberty Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	Shell gas station
<b>116 East Liberty Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	Free Store Foodbank
<b>128 East Liberty Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
<b>12-24 West Liberty Street</b>		<b>Retain</b> on Non-Contributing Buildings List	This building is not within the period of significance for the district.	Saint Anthony Messenger (old building).





## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>26-32 West Liberty Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Saint Anthony Messenger (new building). Though this building is interesting architecturally and in scale with the surrounding buildings, its construction is too new to qualify it as a contributing part of the district.
<b>208 West Liberty</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
<b>1612 Logan Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
<b>1800 Logan Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1822 Logan Street		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears in 1904/1934 Sanborn.
1215 Main Street		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears in 1904/1934 Sanborn.
1434 Main Street		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	
1440 Main Street		<b>Retain</b> on Non-Contributing Buildings List	This building is not within the period of significance for the district.	Comey and Shepard Office.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List



1604 Main Street			<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	Former site of White Castle.
1616 Main Street			<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
1630 Main Street			<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
1722 Main Street			<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Though this building has been covered in stucco, it is clearly a brick building.



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




<b>6 – 10 East McMicken Avenue</b>			<b>Retain</b> on Non-Contributing Buildings List	This building is not within the period of significance for the district.	
<b>18 – 20 East McMicken Avenue</b>			<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Note that many previously hidden cast iron and pressed metal historic details have been recently exposed on this building due to a marquee collapse.
<b>48 East McMicken Avenue (Rear)</b>			<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>50 East McMicken Avenue (Rear)</b>			<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




<p><b>54 East McMicken Avenue (Rear)</b></p>		<p><b>Remove</b> from Non-Contributing Buildings List</p>	<p>Contributes to the district due to age, materials, and massing.</p>	<p>Appears on the 1904/1934 Sanborn. Rear houses like this one are an essential piece of the architectural heritage and character of Over-the-Rhine. Examples like this one should be carefully protected to preserve the density and historic configuration of the neighborhood.</p>
<p><b>66 East McMicken Avenue</b></p>		<p><b>Remove</b> from Non-Contributing Buildings List</p>	<p>Building demolished. Now vacant lot.</p>	




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>68 East McMicken Avenue (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Rear houses like this one are an essential piece of the architectural heritage and character of Over-the-Rhine. Examples like this one should be carefully protected to preserve the density and historic configuration of the neighborhood.
<b>70 East McMicken Avenue (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Rear houses like this one are an essential piece of the architectural heritage and character of Over-the-Rhine. Examples like this one should be carefully protected to preserve the density and historic configuration of the neighborhood.
<b>111 East McMicken Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age and materials.	Appears on the 1904/1934 Sanborn. This is the first story of a once-taller building. The remaining ground floor contains a sandstone store front characteristic of those throughout the district.





## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<p><b>113 East McMicken Avenue</b></p>		<p><b>Remove</b> from Non-Contributing Buildings List</p>	<p>This address does not exist.</p>	<p>It appears that this lot has ceased to exist. 113 East McMicken should be the address for the mini-market listed above at 111 East McMicken, but the building is clearly labeled 111. 111 should be the address now in the middle of Walnut Street, but the market seems to have taken over this address.</p> 
<p><b>38 West McMicken Avenue</b></p>		<p><b>Remove</b> from Non-Contributing Buildings List</p>	<p>Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.</p>	<p>Appears on 1904/1934 Sanborn.</p>

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>48 West McMicken Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on 1904/1934 Sanborn.
<b>54 West McMicken Avenue</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>115-121 West McMicken Avenue</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Façade Cladding.	VoA Building. A small building appears on this lot in the 1904/1934 Sanborn, while the majority of the lot seems to have been recently cleared. Based on the steel casement windows on the side of this building, it was probably built in the 1940s, however, because of the low-quality, modern façade materials, it does not seem to contribute to the district in the way that many other industrial buildings of the same age do.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List


<b>112 West McMicken Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on the 1904/1934 Sanborn. Owned by Rhinegeist
<b>203 West McMicken Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>1608 Moore Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>1621 Moore Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on the 1904/1934 Sanborn. Moerlein brewery/former Huesman's potato chips. Known to have significant underground lagering cellars which add significantly to the cultural heritage of the district.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>31 Mulberry Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>33 Mulberry Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction (same as above).	
<b>127 Mulberry Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Adjacent garage is modern construction.
<b>138 Mulberry Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	






## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List





<b>320 Mulberry Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn
<b>19 Peete Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>75 Peete Street (Rear)</b>		<b>Retain</b> on Non-Contributing Buildings List	This simple two-bay garage does not possess any features which contribute to the character of the district.	Appears on the 1904/1934 Sanborn map.
<b>106 Peete Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	





## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>107 Peete Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>114 Peete Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials.	The 1904/1934 Sanborn map shows a wood frame building on this site the proportions of which seem to match the existing building (which is also wood frame). Though the façade of this building has been heavily altered with the addition of a roll-up garage door, original wood frame buildings are extremely rare in Over-the-Rhine, giving this building additional significance of one of the few remaining.
<b>119 Peete Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>124 Peete Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	Now part of 127 Mulberry Street to the rear.
<b>127 Peete Street</b>		<b>Retain</b> on the Non-Contributing Buildings List	Modern Construction.	
<b>1301 Pendelton Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn map.
<b>1413 Pleasant Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<p><b>1511 – 1519 Pleasant Street</b></p>		<p><b>Retain Half of This Address</b> on Non-Contributing Buildings List and <b>Remove Half of this Address</b> from the Non-Contributing Buildings List</p>	<p>1515-1517 Pleasant Street are Modern Construction. 1519 Pleasant contributes to the district due to age, materials, and massing.</p>	<p>Over-the-Rhine Community Housing garage and storage. 1519 appears on the 1904/1934 Sanborn. This address should be split so that 1519 Pleasant Street is removed from the Non-Contributing Buildings List while the modern garage at 1515-1517 remains on the list.</p>
<p><b>1553 – 1561 Pleasant Street</b></p>		<p><b>Retain</b> on Non-Contributing Buildings List</p>	<p>Modern Construction</p>	<p>Cell phone store. SEC Pleasant and Liberty.</p>

# Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




<b>1615 - 1617 Pleasant Street</b>			<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Though this buildings is currently covered with formstone, it is clearly a brick building.
<b>1618 Pleasant Street</b>			<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>1914 Pleasant Street</b>			<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	Building demolished. Now Streetcar maintenance yard.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1216 Race Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This industrial building contributes to the district as an example of its multi-use nature in which industrial, commercial, residential, and cultural/civic buildings existed side-by-side.	Appears on the 1904/1934 Sanborn map. Demolition Approved.
<b>1218 Race Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This early garage contributes to the district as an example of adaptation to the presence of automobiles in this dense urban neighborhood.	Appears as an auto garage on the 1904/1934 Sanborn map. Demolition Approved.
<b>Washington Park Comfort Station</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now Washington Park	Former pool house.







## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List





1530 Race Street			<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
1538 Race St			<b>Remove</b> from Non-Contributing Buildings List	This industrial building contributes to the district as an example of its multi-use nature in which industrial, commercial, residential, and cultural/civic buildings existed side-by-side.	Appears on the 1904/1934 Sanborn. Auditor's site photos from 1993 shows building with a decorative parapet wall not missing.
1715 Race Street			<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	






## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1720 Race Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Over-the-Rhine Senior Center
<b>1723 Race Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on 1904/1934 Sanborn. Formstone cladding at the base.
<b>1725 Race Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This is a bad address. No such address exists.	Alley north of 1723 Race.
<b>1730 Race Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age and materials	Appears on 1904/1934 Sanborn. Our Daily Bread. This is the first floor of a once-taller historic building. It features historic cast iron columns and may have additional historic detail hidden





## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

				behind current façade cladding/infill.	
1812 Race Street (rear)			Remove from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Significant as an example of rear or back house construction common in the district.
1814 Race Street (rear)			Remove from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Significant as an example of rear or back house construction common in the district.
1826 Race Street			Remove from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn map.
1920 Race Street			Remove from Non-Contributing Buildings List	This building contributes to the industrial heritage of the northern part of the district.	Appears on 1904/1934 Sanborn. Currently Rookwood Pottery. Formerly Wagner and Sons Soda.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>315 – 319 Reading Road</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district as an example of the early twentieth-century industrial heritage.	Appears on the 1904/1934 Sanborn map as Tire and Battery repair.
<b>South West Corner of Reading Road and Liberty Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Verdon Bell Tower
<b>1332 Republic Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age and materials. This early garage contributes to the district as an example of adaptation to the presence of automobiles in this dense urban neighborhood.	Appears on the 1904/1934 Sanborn as a garage.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




1415 Republic Street		<b>Remove</b> from Non-Contributing Buildings List	This early garage contributes to the district as an example of adaptation to the presence of automobiles in this dense urban neighborhood.	Appears on 1904/1934 Sanborn.
1308 Spring Street		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	This garage is attached to 1306 Spring Street which is a contributing building.
1322 Spring Street		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears in 1904/1934 Sanborn map.
1324 - 1326 Spring Street		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1123 Sycamore Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Hamilton County Parking Garage
<b>1203 Sycamore Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Out of scale and context with the architecture of the neighborhood.	The Diner
<b>1301 Sycamore Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	This was the WPA pool house, but it would now apply to the new comfort station in Zigler Park.
<b>1408 Sycamore Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing. This early garage contributes to the district as an example of adaptation to the presence of automobiles in this dense urban neighborhood.	Appears on the 1904/1934 Sanborn map as a garage.



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1425 Sycamore Street</b>		<b>Retain</b> on from Non-Contributing Buildings List	This building is not within the period of significance for the district.	Gabriel's Corner
<b>1601 Sycamore Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	Photo shows building prior to 2017 demolition.
<b>1113 Vine Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Frame construction! Appears in the 1904/1934 Sanborn.






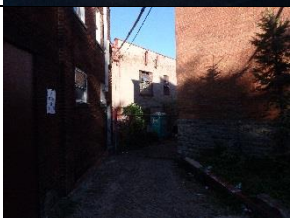
## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1314 Vine Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Mercer Commons
<b>1324 Vine Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Mercer Commons
<b>1331 Vine Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	This address should be combined with 1335 Vine.
<b>1335 Vine Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	This address should be combined with 1331 Vine.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1406 – 1408 Vine Street (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List and amend address listing.	Building demolished. Now vacant lot.	Now the Kaze courtyard. 1408 Vine should be separated from 1406. 1408 is the former Weillerts Saloon and Beer Garden which is one of the most important historic locations in Over-the-Rhine.
<b>1412 Vine Street (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn This is the building with the round windows you see from the Kroger parking lot.
<b>1414 – 1416 Vine Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>1518 Vine Street ( 5 E Liberty St)</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Crossroads Health Center
<b>1521-1525 Vine St</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	





## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1630 Vine St</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now parking lot.	
<b>1800 Vine St</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	TruPartner Credit Union, formerly Provident Bank. Appears on the 1904./1934 Sanborn map. Undergoing renovation and a historic façade has been revealed.
<b>1801-1805 Vine St</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on 1904.1934 Sanborn map. Formstone cladding.
<b>1929 Vine St (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1920 Vine St</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on 1904.1934 Sanborn map.
<b>2026 Vine St</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>208 Wade St</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>210 Wade St</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>212 Wade St</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>214 Wade St</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on 1904.1934 Sanborn map.
<b>1200 Walnut Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Now within the period of significance for the district.	Coffee Emporium grindery and warehouse. A two-story building appears on the corner of this lot in the lot.1904/1934 Sanborn Map, but the long portion on 12 <sup>th</sup> Street does not. Chamfered corner entrance.
<b>1209 Walnut Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Now within the period of significance for the district.	Does not appear in 1904/1934 Sanborn.
<b>1212-1224 Walnut Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>1228-1232 Walnut Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village








## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List


<b>1302 Walnut Street</b>			<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>1306-1316 Walnut Street</b>			<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>1328 Walnut Street</b>			<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>1334-1340 Walnut Street</b>			<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>1350 Walnut Street</b>			<b>Retain</b> on Non-Contributing Buildings List	Constructed within the last 30 years.	Bracken Village.



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1426 Walnut Street (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>1429 Walnut Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction	
<b>1430 Walnut Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>1627 Walnut Street (1624 Moore Street Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on 1904/1934 Sanborn map.
<b>1630 Walnut Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Southern portion of the building contributes to the district as a document of the industrial heritage of this district, particularly the northern portion.	This address encompasses 1630-1642 Walnut. The northern portion of the building is non-contributing. Column details similar to those at 2014-2016 Elm Street. Address should be separated to denote contributing and non-contributing portions.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>215 Yukon Street (now Hanover Street)</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, massing and characteristic wooden porches.	Appears on the 1904/1934 Sanborn map.
--	---	--	---	---------------------------------------

Buildings that were not listed as Non-Contributing but are not within the Boundaries of the National Register District and are not within the period of significance or have been significantly altered.

Address	Picture	
1804-1812 Central Pkwy		Built 1947

# Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1718 Central Pkwy			1960
220 Findlay St			1941

**Over-the-Rhine Historic District  
Recommended Updates to the Non-Contributing Building List**




1522 Central Pkwy		1986
1514-1520 Central Pkwy		1997

# Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1428 Central Pkwy			1961
1424-1426 Central Pkwy			1941






## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1416 Central Pkwy		1900, but significantly altered to remove any historic integrity
108 W Central Pkwy		2008
1150 Vine Street		2005






## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

10 E Central Pkwy		2004
208 Reading Rd		1998
1133 Sycamore Street		1946

# Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

209-221 E 12 <sup>th</sup> Street			1946
508 Reading Rd			

# Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

550 Reading Rod		1964
528 E 12 <sup>th</sup> Street		
508-518 Dandridge		2007

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

### Non-Contributing Buildings

209-221 E 12 <sup>th</sup> Street	207 East Clifton Avenue (rear)
528 E 12 <sup>th</sup> Street	508-518 Dandridge
211-225 West 12 <sup>th</sup> St	1918 Dunlap Street
12 E 13 <sup>th</sup> Street	2008 Dunlap Street
101 E 13 <sup>th</sup> Street	6 West Elder Street
106 E 13 <sup>th</sup> Street	115-117 West Elder Street
510 E 13 <sup>th</sup> Street	1428 Elm Street
227 E 14 <sup>th</sup> Street	1515 Elm Street
113 W 15 <sup>th</sup> Street	1719 Elm Street
115 W 14 <sup>th</sup> Street	1727 Elm Street
218 15 <sup>th</sup> Street	1829 Elm Street
1117 Broadway Street (rear)	1900 Elm Street
10 E Central Pkwy	1905 Elm Street
114 E Central Parkway	2001 Elm Street
16 W Central Parkway	220 Findlay St
108 W Central Pkwy	230 Findlay Street
1416 Central Pkwy	221 Grant Street
1424-1426 Central Pkwy	34 Green St
1428 Central Pkwy	30 East Liberty Street
1514-1520 Central Pkwy	116 East Liberty Street
1522 Central Pkwy	12-24 West Liberty Street
1718 Central Pkwy	26-32 West Liberty Street
1804-1812 Central Pkwy	1434 Main Street
1317 Clay Street	1440 Main Street
1327 Clay Street	6 – 10 East McMicken Avenue
1335 Clay Street	115-121 West McMicken Avenue
108 E Clifton Av	31 Mulberry Street
134 E Clifton Av	33 Mulberry Street
136 E Clifton Av	75 Peete Street (Rear)
135 E Clifton Av	119 Peete Street
200 E Clifton Av	127 Peete Street

## **Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List**

1413 Pleasant Street  
1519 Pleasant Street  
1553 – 1561 Pleasant Street  
1530 Race Street  
1720 Race Street  
South West Corner of Reading Road and Liberty Street  
208 Reading Rd  
508 Reading Rd  
550 Reading Rod  
1308 Spring Street  
1123 Sycamore Street  
1133 Sycamore Street  
1203 Sycamore Street  
1301 Sycamore Street  
1425 Sycamore Street  
1150 Vine Street  
1314 Vine Street

1324 Vine Street  
1331 Vine Street  
1335 Vine Street  
1518 Vine Street ( 5 E Liberty St)  
208 Wade St  
210 Wade St  
212 Wade St  
1200 Walnut Street  
1209 Walnut Street  
1212-1224 Walnut Street  
1228-1232 Walnut Street  
1302 Walnut Street  
1306-1316 Walnut Street  
1328 Walnut Street  
1334-1340 Walnut Street  
1350 Walnut Street  
1429 Walnut Street

## Non-Contributing Building List

209-221 E 12 <sup>th</sup> Street	34 Green St
528 E 12 <sup>th</sup> Street	30 East Liberty Street
211-225 West 12 <sup>th</sup> St	116 East Liberty Street
12 E 13 <sup>th</sup> Street	12-24 West Liberty Street
101 E 13 <sup>th</sup> Street	26-32 West Liberty Street
106 E 13 <sup>th</sup> Street	1434 Main Street
510 E 13 <sup>th</sup> Street	1440 Main Street
227 E 14 <sup>th</sup> Street	6 – 10 East McMicken Avenue
113 W 15 <sup>th</sup> Street	115-121 West McMicken Avenue
115 W 14 <sup>th</sup> Street	31 Mulberry Street
218 15 <sup>th</sup> Street	33 Mulberry Street
1117 Broadway Street (rear)	75 Peete Street (Rear)
10 E Central Pkwy	119 Peete Street
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1424-1426 Central Pkwy	1530 Race Street
1428 Central Pkwy	1720 Race Street
1514-1520 Central Pkwy	South West Corner of Reading Rd and Liberty St
1522 Central Pkwy	208 Reading Rd
1718 Central Pkwy	508 Reading Rd
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1317 Clay Street	1308 Spring Street
1327 Clay Street	1123 Sycamore Street
1335 Clay Street	1133 Sycamore Street
108 E Clifton Av	1203 Sycamore Street
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508-518 Dandridge	1331 Vine Street
1918 Dunlap Street	1335 Vine Street
2008 Dunlap Street	1518 Vine Street (5 E Liberty St)
6 West Elder Street	208 Wade St
115-117 West Elder Street	210 Wade St
1428 Elm Street	212 Wade St
1515 Elm Street	1200 Walnut Street
1719 Elm Street	1209 Walnut Street
1727 Elm Street	1212-1224 Walnut Street
1829 Elm Street	1228-1232 Walnut Street
1900 Elm Street	1302 Walnut Street
1905 Elm Street	1306-1316 Walnut Street
2001 Elm Street	1328 Walnut Street
220 Findlay St	1334-1340 Walnut Street
230 Findlay Street	1350 Walnut Street
221 Grant Street	1429 Walnut Street



**Honorable City Planning Commission  
Cincinnati, Ohio**

**April 7, 2023**

**SUBJECT:** A report and recommendation on the final amendments to the Over-the-Rhine (OTR) Local Historic District guidelines approved by City Planning Commission on 12/2/22 in Over-the-Rhine, Pendleton, and Mt. Auburn.

**GENERAL INFORMATION:**

**Location:** Various addresses generally bounded by Central Parkway on the West and South, Reading Road and Sycamore Street on the East and West McMicken and Seitz Street on the North.

**Petitioners:** Over-the-Rhine Foundation, 1311 Vine Street, Cincinnati, OH 45202

**ATTACHMENTS:**

Provided in addition to this report are the following:

- A. Over-the-Rhine New Construction Guidelines revised as approved by the City Planning Commission on 12/2/22, dated 3/23
- B. Existing Guidelines revisions dated 3/23
- C. Non-Contributing Building List unchanged since 12/2/22
- D. Non-Contributing List (Addresses Only) unchanged since 12/2/22

**BACKGROUND:**

The Over-the-Rhine Foundation (OTRF), a non-profit organization dedicated to the preservation of the Over-the-Rhine (OTR) neighborhood, began work in 2014 on a proposal to revise the Over-the-Rhine Local Historic District Conservation Guidelines to incorporate more detailed rules for new construction. The current guidelines were adopted in 2003 and have been utilized to guide development in the OTR Local Historic District since that time.

The OTRF submitted their initial proposal for revising the guidelines to the City in August of 2019. After their initial review, both City staff and external stakeholders raised concerns with the OTRF regarding the proposal's potential to materially impact development in the OTR Local Historic District. The OTRF then agreed to conduct additional stakeholder engagement in an attempt to refine and develop the guidelines to address those concerns.

Several additional meetings were held with City staff, and one additional meeting was held with City staff and external stakeholders, including developers, architects, and contractors. Following these meetings, the OTRF revised its original proposal; however, those revisions did not resolve many of the initial concerns raised by City staff and external stakeholders, including the Department of Community and Economic Development and many developers and architectural firms that are active in redevelopment of OTR.

The OTRF's initial revised proposal was presented to the Historic Conservation Board (HCB) on August 3, 2020. In addition to written testimony, the HCB hearing included several parties speaking in favor of the application and multiple groups speaking against it. Following an extended discussion, the HCB recommended adoption of the proposal with certain conditions recommended by the City's Urban

Conservator, including that further review and revision to the proposal occur (specifically regarding the provisions around height) prior to its submission to the City Planning Commission for consideration.

On September 24, 2020, the City Planning Commission (CPC) reviewed a proposal to revise the Over-the-Rhine (OTR) Local Historic District Guidelines New Construction Section. This proposal was tabled with instruction for the Department of City Planning and Engagement (DCPE) staff to conduct additional community engagement prior to returning to the CPC with their revised proposal.

In January 2021, DCPE staff began seeking to conduct virtual and phone engagement with every person who submitted comments in writing or testified at the City Planning Commission meeting (9/24/20). These interviews continued throughout 2021. The interviews also included those who testified at the public staff conference held on 7/15/20, the collection of written comments, and people who testified at the CPC meeting on 9/24/20. DCPE staff reached out to a total of approximately 50 people and interviewed 40. There were 13 architects, 10 developers, 15 property owners and 2 non-profits. Some individuals contacted did not return the engagement request. The goal of the engagement was to capture any additional thoughts each person may have had regarding the subject.

In July 2022, OTRF submitted revisions to the design guidelines to the Urban Conservator. The Urban Conservator and Zoning Administrator met with the applicants on July 26, 2022, and detailed feedback/comments were sent with suggested new language. The applicant sent the same submission with no changes in October 2022 and the Urban Conservator and Zoning Administrator met with the applicant on October 20, 2022, sending comments again without further changes. The final submission from OTRF was made on November 18, 2022, with no changes since the July 26, 2022 submission. This item was subsequently scheduled for the City Planning Commission on December 2, 2022.

**CITY PLANNING COMMISSION ACTION ON DECEMBER 2, 2022:**

At the City Planning Commission meeting on December 2, 2022, representatives of the OTRF steering committee and historic preservationists spoke in favor of the OTRF's proposed revisions to the OTR New Construction guidelines. In addition, numerous architects, developers, contractors, consultants and the Department of Community and Economic Development Department (DCED) spoke in favor of DCPE staff's recommendation. After extensive testimony from both sides, the City Planning Commission voted in favor of staff's recommendation to:

**PROVISIONALLY APPROVE** the proposed New Construction Infill Guidelines on the condition that staff for the Department of City Planning and Engagement prepare and present the following documents to the City Planning Commission for final approval:

- a. A set of New Construction Infill Guidelines that incorporates the staff's proposed revisions reflected on Attachment O (Recommended Changes on 11/18/2022 submittal and new language for conditional approval), Attachment P (Revised Monumental Building List), and Attachment Q (Revised Glossary List); and

- b. A set of the existing Over-the-Rhine Local Historic District Guidelines modified to address guidelines that are obsolete or will be inconsistent with the New Construction Infill Guidelines upon their adoption.

The vote was as follows:

Moved to approve the staff's recommendation on the Legislative Discussion Agenda.

Motion:	Mr. Weber
Second:	Ms. Sesler
Ayes:	Mr. Eby, Ms. Sesler, Mr. Weber
Nays:	Mr. Samad, Ms. Smitherman
Absent:	Ms. Kearney
Excused:	Mr. Stallworth

Over the last four months, DCPE staff and the applicants have made the revisions approved by the City Planning Commission. DCPE staff has reviewed the complete document for accuracy and completeness. Also, the Law Department and the Urban Conservator have reviewed and amended the original existing historic guidelines by replacing the former new construction section with an incorporated reference to the approved new construction guidelines document. In addition, there were some other minor housekeeping adjustments made to the existing guidelines. The Non-Contributing Building List has not changed since the December 2, 2022, City Planning Commission meeting.

***STAFF'S PROPOSED REVISIONS APPROVED BY CITY PLANNING COMMISSION ON DECEMBER 2, 2022:***

- 1) Approved Revised Storefront Guidelines:** New storefronts should feature the basic components of a storefront system, including a bulkhead, transom windows and display windows.
- 2) Approved Revised Setback Guidelines:** State that setbacks should be consistent with adjacent similar uses along the street.
- 3) Approved Revised Height Guidelines:** Height guidelines state that a new building can be one story higher or lower than adjacent buildings.
- 4) Approved Revised Balcony Guidelines:** Balconies should be sympathetically added to provide for outdoor space without sacrificing contextual development such as creating large voids in an otherwise solid plane along the street or large projections that are not part of the contextual fabric.
- 5) Approved Revised Roof Deck Guidelines:** Rooftop decks and roof access enclosures should be no more than minimally visible from abutting streets, must not be highly visible from the public realm, and must minimize disturbance of roof top views from other buildings.
- 6) Approved Revised Vehicular Entrance Guidelines:** Vehicular entrances are inappropriate and not permitted on front facades and side elevations.
- 7) Approved Revisions to the Use of the words "must" and "should" in the Guidelines:**

The guidelines have been revised so the use of “must” was changed to “should” in many places throughout the guidelines.

**CONSISTENCY WITH PLANS:**

*Plan Cincinnati (2012)*

These proposed amendments to the Over-the-Rhine Local Historic District New Construction Guidelines are consistent with *Plan Cincinnati* (2012) in the Sustain Initiative Area, in the Goal that recommends to “preserve our natural and built environment” and “preserve our built history with new development incentives and regulatory measures” (pages 193-194).

*Over-the-Rhine Comprehensive Plan (2002)*

These proposed amendments are consistent with the *Over-the-Rhine Comprehensive Plan* (2002) in that the design guidelines for the locally designated OTR Historic District “provide a framework for continual revitalization” (page 32).

**ANALYSIS:**

DCPE staff feels that the proposed amendments to the OTR Local Historic District guidelines provide value to the historic review process, especially incorporating graphic representations of the guidelines within the final document. The applicants and DCPE staff have made the changes to the proposed new construction guidelines that the City Planning Commission approved on December 2, 2022. DCPE staff has reviewed the revisions for completeness and accuracy and recommends that the City Planning Commission accept the revisions as requested on 12/2/22 and then the revised OTR Local Historic District Guidelines will go to City Council for final approval.

**RECOMMENDATION:**

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

1. **ACCEPT** the revisions made to the Over-the-Rhine Local Historic District New Construction Guidelines made by Department of City Planning and Engagement staff as directed by the City Planning Commission’s motion at the meeting dated December 2, 2022; and
2. **CONFIRM** the approval of the New Construction Guidelines, as so revised by Department of City Planning and Engagement staff, as more particularly detailed in Attachment A; and
3. **APPROVE** the revisions made by Department of City Planning and Engagement staff to the Over-the-Rhine Local Historic District Guidelines, as more particularly detailed in Attachment B.

Respectfully submitted:

Approved:



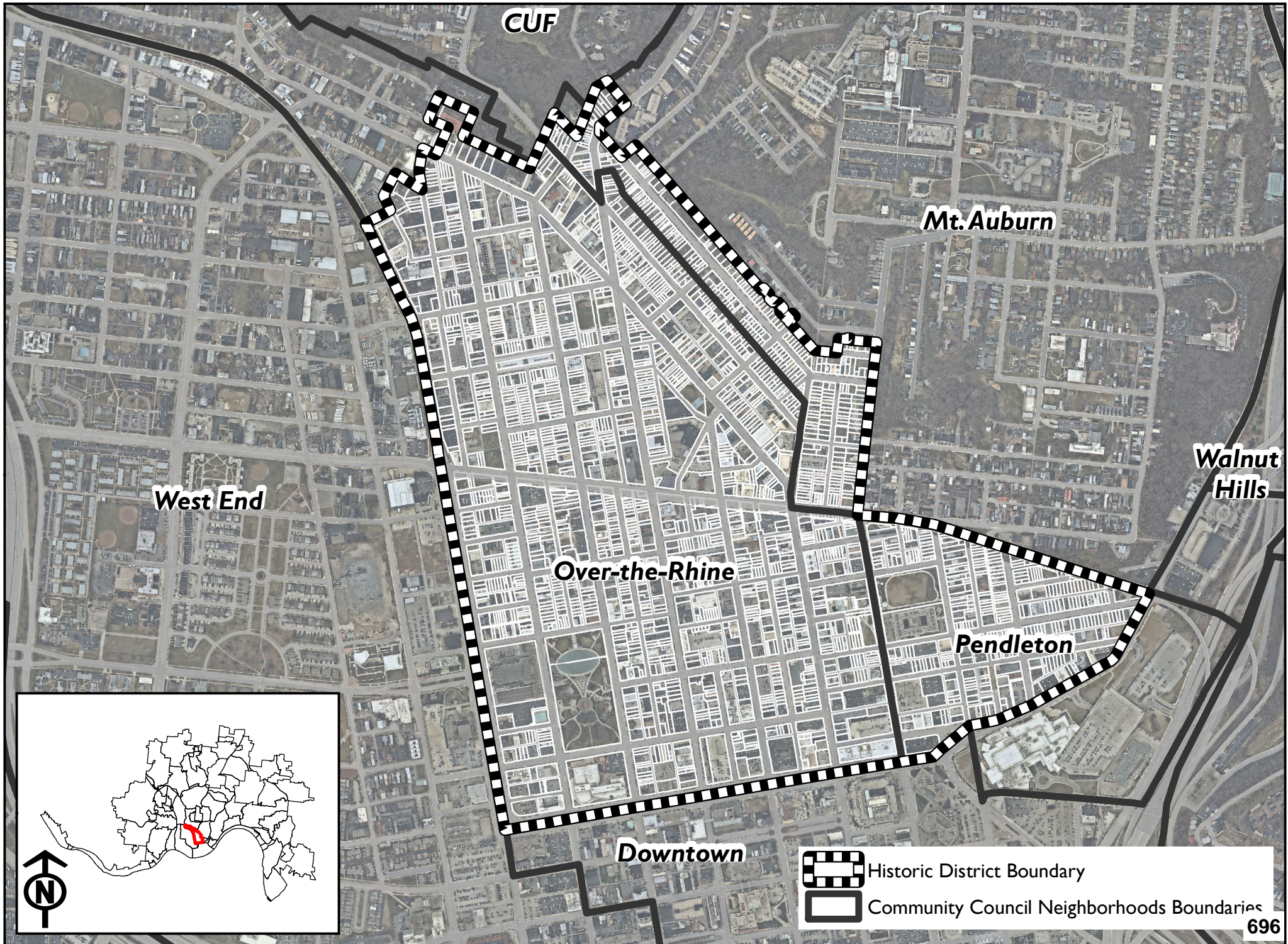
Caroline Hardy Kellam, Senior City Planner  
Department of City Planning and Engagement



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



# Over-the-Rhine Historic District





OVER-THE-RHINE



HISTORIC DISTRICT

OTR

18



40







#THISISOTR



# ACKNOWLEDGEMENTS

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This document was developed through a community effort led by the Over-the-Rhine Foundation, the Over-the-Rhine Foundation's Infill Committee, and professional consultants. We wish to acknowledge the following:

## **Over-the-Rhine Foundation Board of Trustees:**

Darrick Dansby  
David Fatherree  
Tom Hadley  
Marge Hammelrath  
Reid Hartmann  
Andy Holzhauser, Treasurer  
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Ann Senefeld  
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## **Infill Committee Professional Volunteers:**

Matt Deininger  
Nick Dewald  
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Elizabeth Ickes  
Seth Maney  
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## **Consultation provided by the City of Cincinnati Office of the Urban Conservator:**

Beth Johnson, Urban Conservator

## **Document design by:**

Hyperquake  
M+A Architects

## **Special thanks to:**

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## **Over-the-Rhine Infill Design Competition:**

Sanyog Rathod, Sol Design + Consulting, 1st Place  
Maren Kuspan, 2nd Place  
O'Sam Mardin, Professional Design Associates, Inc.,  
Honorable Mention

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The Christian Moerlein Brewing Company  
An Anonymous Donor

# INTRODUCTION

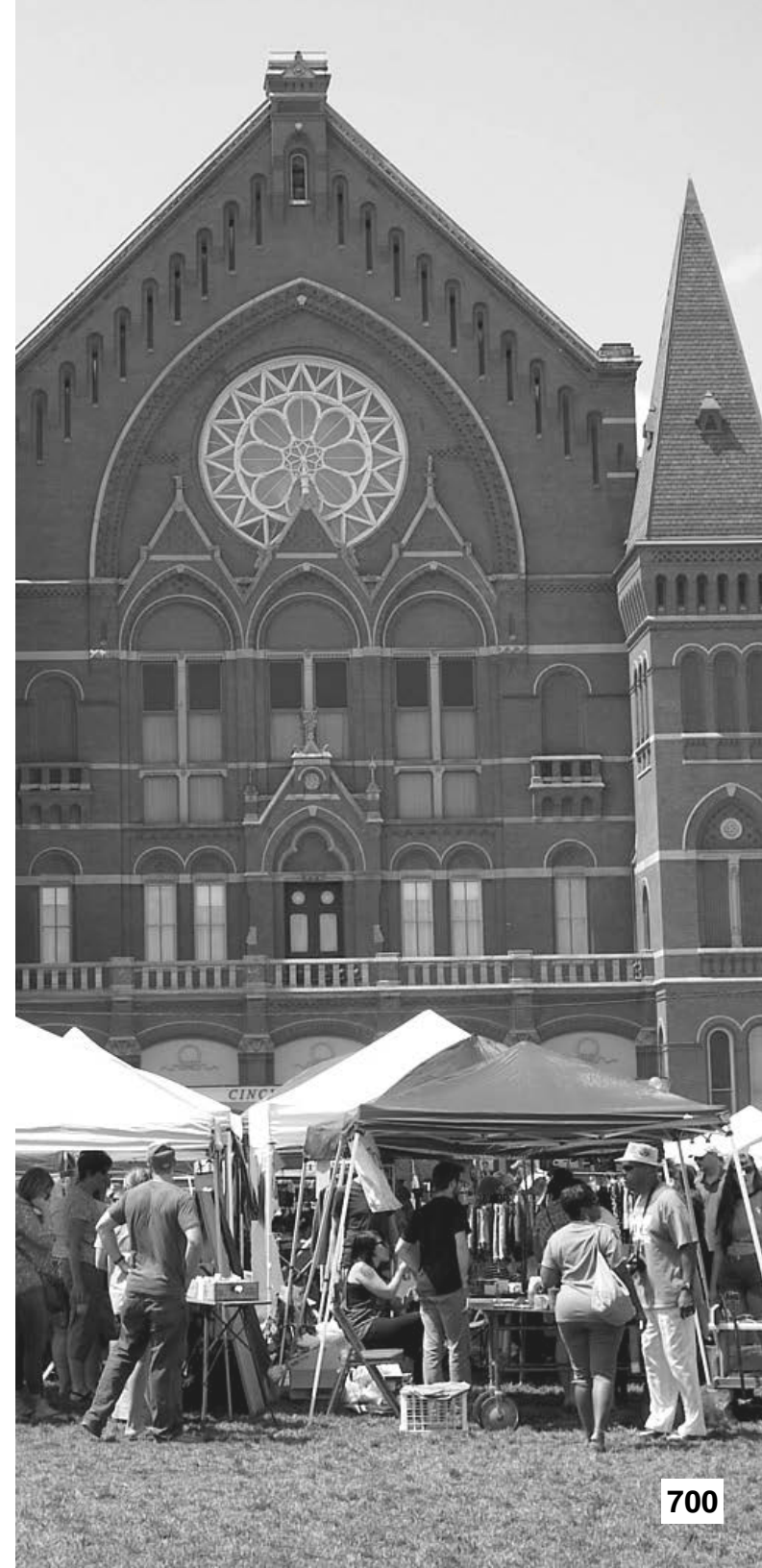
The Over-the-Rhine Historic District is Cincinnati's historic heart, and a national treasure. Few neighborhoods in America inspire like Over-the-Rhine, with its expansive collection of Italianate churches, breweries, and tenements providing one of the best surviving examples in the country of a 19th century urban neighborhood. The Historic District serves not only as the showpiece of Cincinnati's cultural heritage, but also as an economic engine and driver of the local economy. The famed travel historian Arthur Frommer said of the neighborhood, "When I look at [Over-the-Rhine], I see in my mind the possibility of a revived district that literally could rival similar prosperous and heavily visited areas."<sup>1</sup> Indeed, it is precisely the unique historic character of Over-the-Rhine and Pendleton that has fueled the renewal of the area and helped to facilitate a resurgence in the city as a whole.

As a national exemplar for what historic preservation can do, it is essential that the Over-the-Rhine Historic District continue to be preserved and protected so that its status as both a cultural and an economic asset for the city of Cincinnati is maintained. This includes protection not only from demolition of the historic structures that comprise the District, but also from insensitive new construction built on vacant sites in the neighborhood.

New construction has powerful impacts on the fabric and sense of place of the Over-the-Rhine Historic District, and can either enhance the historic character of the District, or damage it in harmful and irreparable ways. Moreover, due to demolition that occurred in the 20th century, new construction will ultimately comprise a very significant portion of the Historic District, and will thus play a substantial role in defining its sense of place.

Scant reference to new infill construction is present in the Revised Over-the-Rhine Historic District Conservation Guidelines of 2003. What is provided lacks clarity of intent and instruction. This document emerges from a need for a more comprehensive and illustrated set of guidelines dedicated to new infill construction, and is designed to provide extensive guidance to owners, architects, developers, city officials, citizen board members and others in the conception and review of appropriate new infill.

*The Over-the-Rhine  
Historic District  
is Cincinnati's  
historic heart, and  
a national treasure.*



These guidelines are intended to provide a regulatory framework for new construction that supports the existing historic architecture and protects the character of the Over-the-Rhine Historic District for current and future generations of Cincinnatians and visitors alike. Definitions of key items are found in the Glossary beginning on p. 57.

**The following statements describe the intention of this document:**

1. Language used throughout the document is intended to convey the level of importance of compliance with each guideline referenced. Guidelines containing the words “must” or “must not” indicate that the guideline ought to be complied with in all circumstances. Guidelines containing the words “should” or “should not” indicate the intention that the guideline is very important and should be complied with in most cases, while recognizing that some high caliber designs will still comply with the spirit and intent of the Guidelines without strict adherence to the guideline in question, and warrant exemption from these guidelines. Guidelines containing the word “may” indicate the intention that compliance is optional.
2. Illustrations provided in this document are intended to accompany and clarify language provided but do not supersede it.
3. New construction is allowed on vacant sites in the Over-the-Rhine Historic District, because gaps due to demolition weaken the streetscape and the overall character of the District.
4. New construction should support and enhance the historic architecture of the Over-the-Rhine Historic District, and should not overwhelm or detract from the character of the District. The exceptional quality of the existing historic buildings in the District provides an outstanding framework for new construction.
5. New construction should be well-designed, contemporary yet compatible with, and complementary to, the surrounding historic buildings in the District. The understanding and interpretation of patterns in the surrounding historic context is essential to infill design. New construction should honor the patterns found in the height<sup>1</sup>, massing, shape, footprint, roofs, openings, and rhythm of the surrounding historic context, but must not replicate the architectural detailing found on historic buildings.
6. The Historic Conservation Board’s review of new construction will focus on the design compatibility with contributing historic structures located within the same block face.<sup>2</sup> At times, a dearth of extant historic buildings will make it necessary to expand consideration to include historic context on the opposing block face, and/or additional block faces in both directions. Design compatibility will be assessed based on common patterns among these contributing buildings, rather than conditions found on individual contributing buildings. Review of new construction will focus particular attention on massing, scale, height, rhythm, and setback.
7. These guidelines will be used to judge the design compatibility of new construction with the historic architecture of the District.

**Note**

- 1 See Height Character Map on page 12 to understand the height, scale, and massing characteristics of different parts of the Historic District.
- 2 See Context Hierarchy on page 8. Context reference is based on contributing structures in proximate block faces and blocks. Materials and Openings are exceptions and these may reference contributing structures located throughout the entire District.



# HISTORY<sup>1</sup>

The Over-the-Rhine Historic District is significant in the continuing history of Cincinnati and the United States. In 1983 the District was listed on the National Register of Historic Places, in recognition of both its exceptional nineteenth-century architecture and its association with the successive waves of German immigration to America in the nineteenth century.

The Historic District's collection of commercial, residential, religious and civic architecture is one of America's largest and most cohesive surviving examples of an urban, nineteenth century community. Similar neighborhoods in other cities have been decimated or lost entirely. The Over-the-Rhine Historic District, however, continues to display its original dense, urban development patterns and buildings of excellent architectural quality, imbuing the neighborhood with a "sense of time and place." Rows of three-to five-story brick buildings constructed along the sidewalk characterize the streetscape. Many buildings have storefronts on the first floor with residential space on the upper floors. The Italianate style is the predominant architectural style in the District. Other nineteenth-century styles, including Federal, Greek Revival, Second Empire, Queen Anne, and Renaissance Revival, add to the flavor of the District.

The District also has many simply designed, working-class buildings that display modest elements of the high architectural styles.

The Over-the-Rhine Historic District encompasses a dense, urban area that displays a visual continuity conveying a sense of time and place. The physical relationship of adjacent buildings in a dense environment is accentuated by the uniform faced lines imposed on the streets. The buildings' consistent scale and height, similar materials, and architectural detailing blend to create distinctive streetscapes reflecting the historic development of the area.

In the nineteenth century Over-the-Rhine and Pendleton were home to businessmen of means and their families, shop owners, working-class families, and the poorest of immigrants. Like other urban centers of the period, this area was part of the 'walking city,' in which most people could easily walk from their homes to places of employment, entertainment, and worship. Building exteriors were designed to be experienced and appreciated by pedestrians along the sidewalks, and buildings were placed at the front of their lots for easy pedestrian access.



# PROCESS OF DEVELOPING NEW CONSTRUCTION

Prior to designing an infill building in the Over-the-Rhine Historic District, developers contemplating a new construction project should undertake the following pre-design steps.



01

## Understand the historic neighborhood

All successful new construction will emerge from an understanding and respect for the significance of the Over-the-Rhine Historic District as a historical place; it is therefore essential that this understanding be in place before any design efforts have begun. It is recommended that developers and their designers tour the District on foot, and study written materials on the history and significance of Over-the-Rhine.<sup>1</sup>

02

## Understand the site and surrounding context

Each vacant site in the Over-the-Rhine Historic District is contextually related to the historic buildings in the micro-context surrounding the site. Successful new construction will sensitively integrate into this micro-context. Developers and their designers should tour the area surrounding the site extensively, studying the historic buildings within the same block face and their attributes, including height, massing, setback, proportion, rhythm of openings, composition, and roofscapes. This study should focus on broad patterns that bring cohesiveness to the block face, rather than isolated anomalies on individual buildings. If there is insufficient extant historic context within the block face, developers and their designers should expand their study to the opposing block face and additional block faces in either direction, as described in the Context Hierarchy on page 8. It is also helpful to review Sanborn Fire Insurance maps to gain an understanding of what previously existed on the site, as well as the Height Character Map on page 12 to understand the existing height, scale, and massing characteristics of the historic micro-context.

03

## Thoroughly review these guidelines

Once a baseline understanding of the history of the District, the development site, and the surrounding historic micro-context has been achieved, developers and their designers should consult these guidelines to work toward a high-quality design that is compatible with the historic context.

04

## Notify the Community

Early in the design process, developers and their designers are encouraged to notify the appropriate community councils and other neighborhood groups of their intent to build. These community groups can provide knowledge, context, and insight to a developer/designer that will aid in the design of the project and assist in obtaining community support. This step also provides an opportunity to enhance the developer/designer's understanding of the Over-the-Rhine Historic District through the transfer of information from long-standing stakeholders in the District.

05

## Compliance with Building Codes

Nothing in these guidelines shall prevent new construction from complying with all relevant building codes, including the Americans with Disabilities Act. Building Code and ADA compliance should be a foundation of the design process.



# CONTEXT HIERARCHY

The foundational principal of this document is that the existing contributing historic buildings within the Over-the-Rhine Historic District provide an ideal framework for guiding compatible and sensitive new infill development. Accordingly, many of the guidelines herein ask developers and their designers to look to the surrounding historic micro-context to inform key aspects of infill design, such as height, setback, composition, rhythm, window openings, and roof shape.

The levels of contextual reference required in this document begin at the level of greatest proximity to the building site (i.e., the block face) and move outward as necessary.

**Insufficient Extant Historic Context:** If there are fewer than three (3) non-monumental contributing buildings located within the applicable Level of Contextual Reference, then there is Insufficient Extant Historic Context and the next level of contextual reference shall apply.



OTR

## LEVELS OF CONTEXTUAL REFERENCE

01

### Block Face

The first level of contextual reference in this document shall be to "non-monumental contributing buildings located within the same block face". The block face is given primacy because it is the most fundamental building block of development in the Over-the-Rhine Historic District. Buildings within the same block face were often developed at or around the same time, under similar site constraints, and as a rule they exhibit similarities in dimensionality, urban design, and architectural language. Due to demolition, however, in some cases there is insufficient extant historic context in a particular block face on which to base important decisions about infill development. In such cases, it is necessary to expand the frame of reference to capture a wider swath of historic context.

02

### Block

If insufficient extant historic context is available, the second level of contextual reference shall be to "non-monumental contributing buildings located within the same block". The block widens the contextual reference area to include not just those buildings located within the same block face, but also those contributing buildings located directly across the street on the opposing block face. While opposing block faces do occasionally exhibit significant differences in building typology, use, setback, and height, in general, buildings on opposing block faces share an underlying consistency of rhythm that makes them identifiable as cohesive blocks.

03

### Additional Block Faces

After looking at the block, if there is still insufficient extant historic context available, the third level of contextual reference shall be to "non-monumental contributing buildings located within the same block plus the next block face on either side of the subject block face". This is the next most coherent context to inform infill development, as homogeneity of form and design is generally expressed at the street level throughout the Over-the-Rhine Historic District, and adjacent block faces within streets exhibit greater commonality than block faces further down.

If there is still insufficient extant historic context available, the final level of contextual reference shall be to "non-monumental contributing buildings located within the same block plus the next block face on either side of both the subject block face and the opposing block face."



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## MASSING, HEIGHT & SCALE

At right: 372 Lafayette Street in New York City demonstrates consistency in width, height, and massing with its historic context.



# MASSING, HEIGHT & SCALE

## HISTORIC CONTEXT

Massing, Height and Scale are fundamental to the unique identity and character of the Over-the-Rhine Historic District. The District was developed on long, narrow lots of land, resulting in the construction of tall, long, narrow buildings designed to maximize density. Thus, the quintessential building is significantly taller and longer than it is wide, with either a rectangular or “L” shape volume. The massing and height of each building varies from its neighbors, but within a limited range, resulting in the particular scale that defines each block.

The archetypal block in the Over-the-Rhine Historic District ranges from 2-3 stories, to 3-4 stories in height. Several blocks -primarily in the southern half of the District- feature a 3-5 story character. The edge of the Historic District along Central Parkway is distinctly different in character than the rest of the District and features some significantly taller buildings oriented toward the Central Business District and the West End.

Most buildings in the District are relatively narrow, 20-40 feet in width. The northwestern section of the District, reflecting the brewing heritage of the neighborhood, contains many larger footprint industrial buildings. Portions of Central Parkway are characterized by buildings of greater massing than is typical of the District.

The Height Character Analysis Map on the following page is provided to show the block-by-block height character of the Over-the-Rhine Historic District.



24-30 E. 15th Street typifies the massing, height, and scale of buildings found in the Over-the-Rhine Historic District.

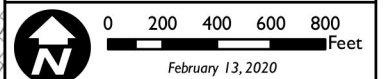
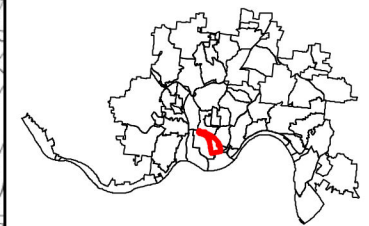
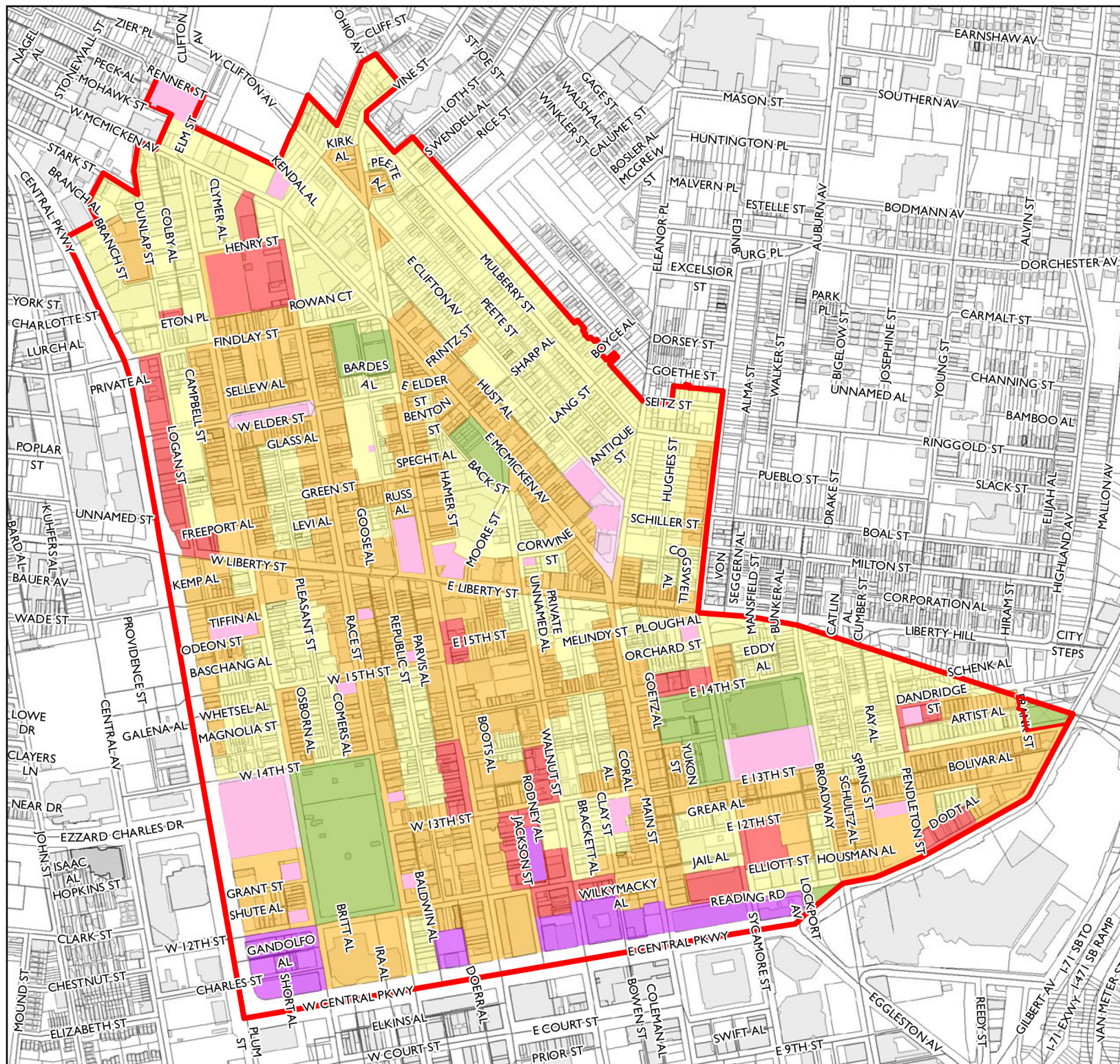


1430-1438 Race Street typifies the massing, height, and scale of buildings found in the Over-the-Rhine Historic District.



# Over-the-Rhine Historic District

- Over-the-Rhine Historic District
- Buildings
- Building Heights**
  - 2 - 3 Stories
  - 3 - 4 Stories
  - 3 - 5 Stories
  - 5+ Stories
  - Park
  - Monumental Buildings



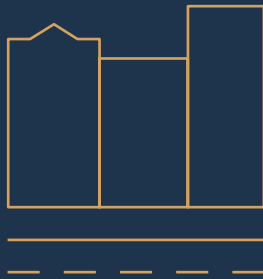


# MASSING, HEIGHT & SCALE

01

The height of new construction should not vary more than one story from adjacent contributing buildings. Most buildings in Over-the-Rhine are between two and five stories.





## SETBACK

At right: This building in central Amsterdam responds to its historic context by meeting the edge of all four property lines.



# SETBACK

## HISTORIC CONTEXT

The Over-the-Rhine Historic District was developed as a dense walking neighborhood with the vast majority of buildings built directly up to the sidewalk. This mostly zero setback environment presents a rich pedestrian experience full of vitality, visual interest, and public access to commercial property. A majority of buildings are also built up to the side lot lines, though some buildings have small side setbacks. In rare cases, small, detached residential buildings are set back from the street using a low, visually-permeable, decorative iron fence to mark the edge. Some larger iconic buildings such as schools, churches, and public buildings are set back from the street to provide public space, adding to their civic monumentality.

The Over-the-Rhine Historic District is dominated by zero setback streetscapes, as seen here in the 1400 block of Vine.



Some block faces have groups of buildings with small front and/or side setbacks, as seen here at 211-217 Orchard Street.



# SETBACK

## GUIDELINE INTENTION

New buildings are to respect the established setback pattern on the street. A zero lot line setback at the front and on the sides will be the first response to a new construction project unless a majority of other contributing buildings along the block face have setbacks.

### 01

**Buildings should be built with zero setback from front lot lines, side street lot lines, and side alley lot lines, except as defined in 02.<sup>1</sup>**

### 02

**Buildings should have a front setback if all of the following conditions exist:**

- The building is a residential building.
- The building is not located on a corner lot.
- There are at least three non-monumental contributing buildings extant within the same block face, and a majority of these have a front setback of at least 2 feet.
- The depth of the setback is consistent with the setbacks of those contributing buildings defined in 02:c.

### 03

**Buildings should be built with zero setback from all interior side lot lines for at least the first 20 feet of depth of the building, except as defined in 04.**

### 04

**Buildings should have an interior side setback on one or both sides if all of the following conditions exist:**

- The building is a residential building.
- There are at least three non-monumental contributing buildings extant within the same block face, and a majority of these have an interior side setback on at least one side.
- The depth of the setback is consistent with the interior side setbacks of those contributing buildings defined in 04:b.

#### Note

<sup>1</sup> See Glossary on p. 57 for definition of *articulative recesses* and *setback*.

# 01 Buildings should be built with zero setback from front lot lines, side street lot lines, and side alley lot lines, except as defined in 02.<sup>1</sup>

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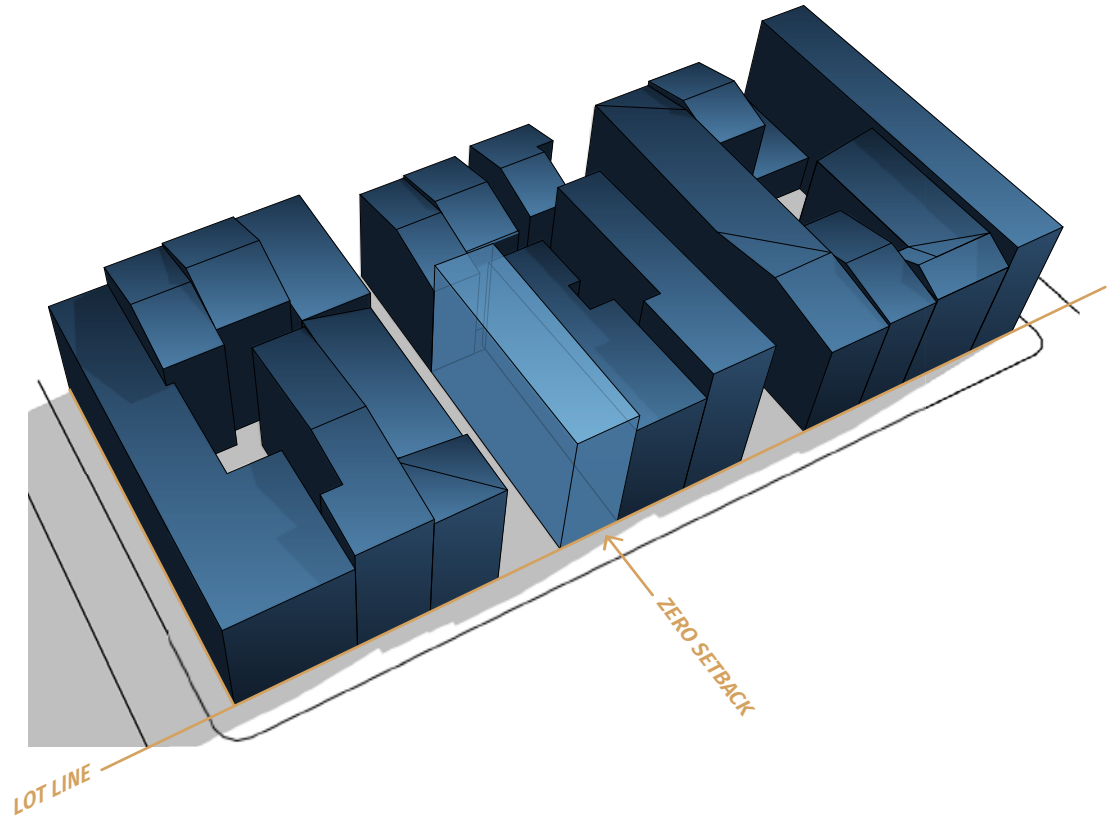
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- The depth of the setback is consistent with the interior side setbacks of those contributing buildings defined in 04:b.

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<sup>1</sup> See Glossary on p. 57 for definition of *articulative recesses* and *setback*.





**01** Buildings should be built with zero setback from front lot lines, side street lot lines, and side alley lot lines, except as defined in 02.

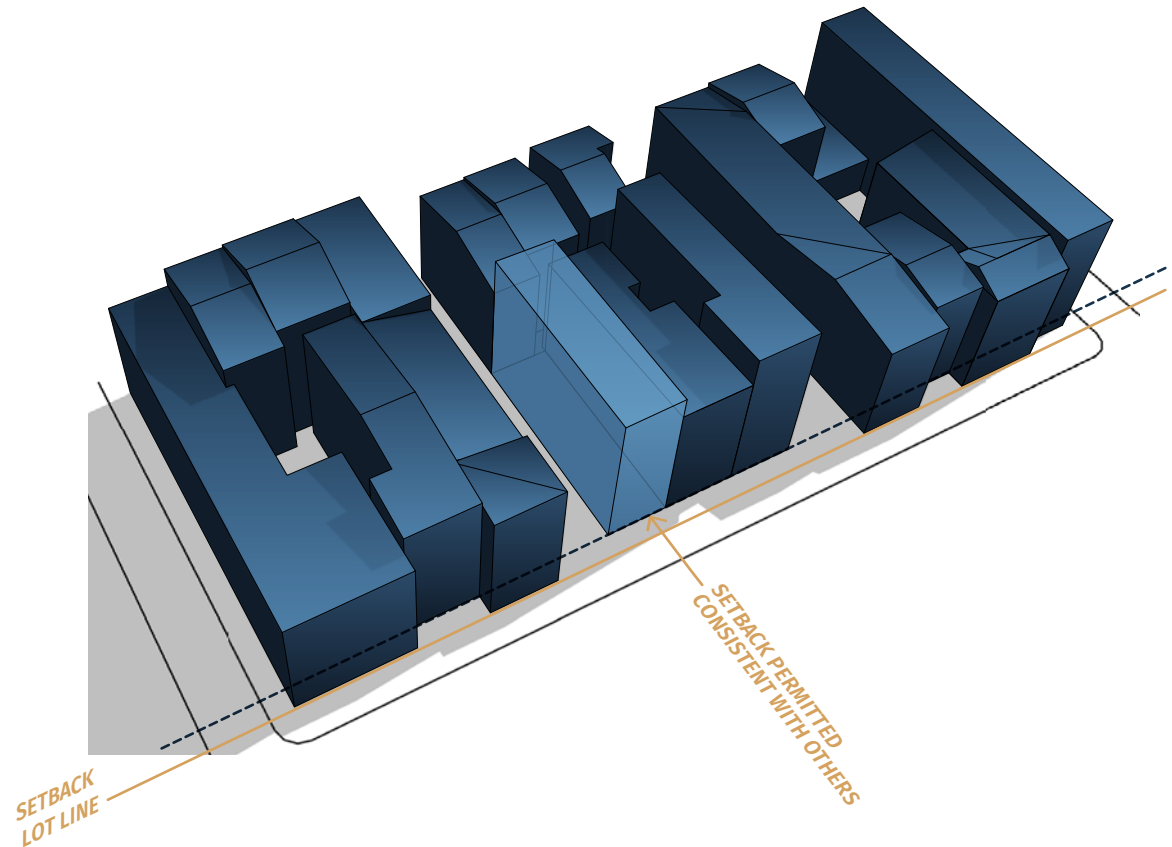
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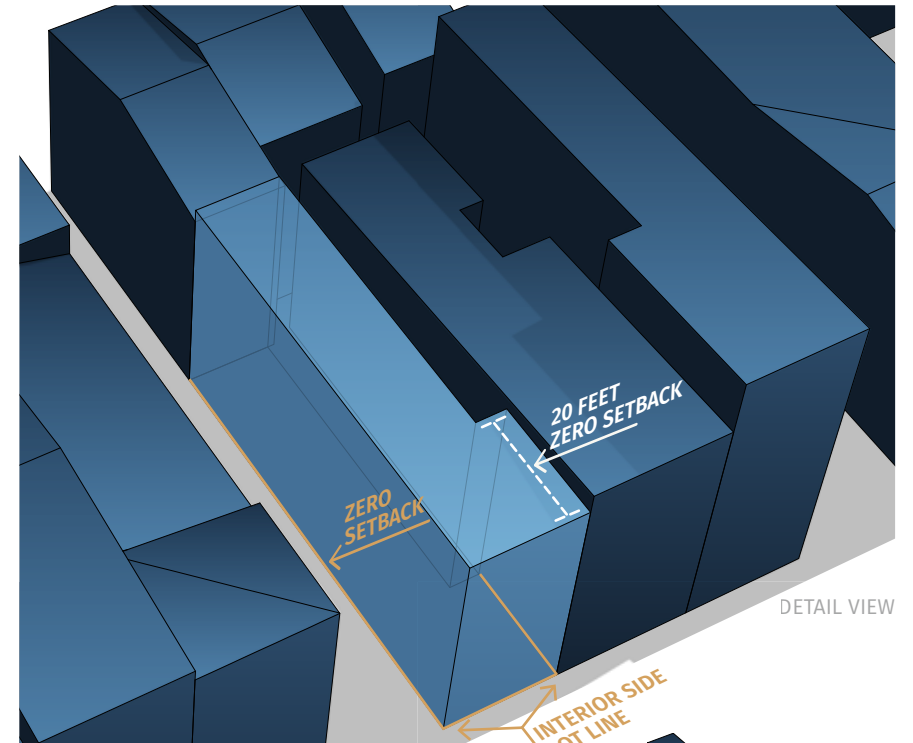
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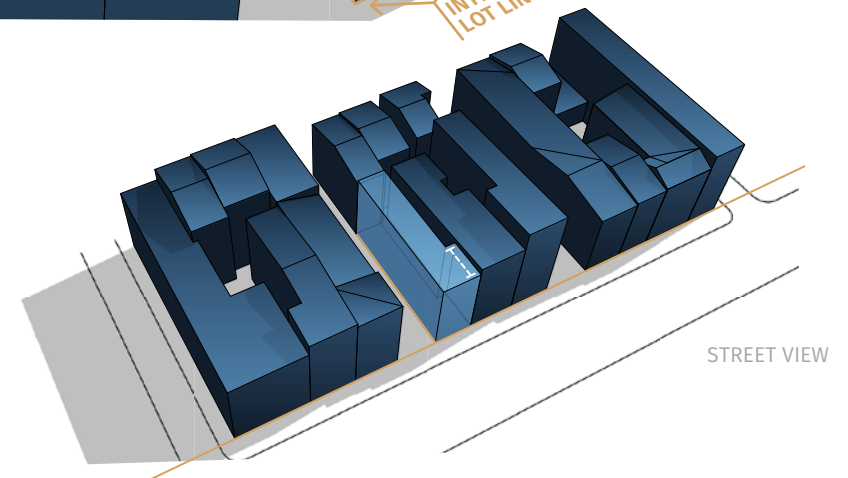
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DETAIL VIEW



STREET VIEW



**01** Buildings should be built with zero setback from front lot lines, side street lot lines, and side alley lot lines, except as defined in 02.

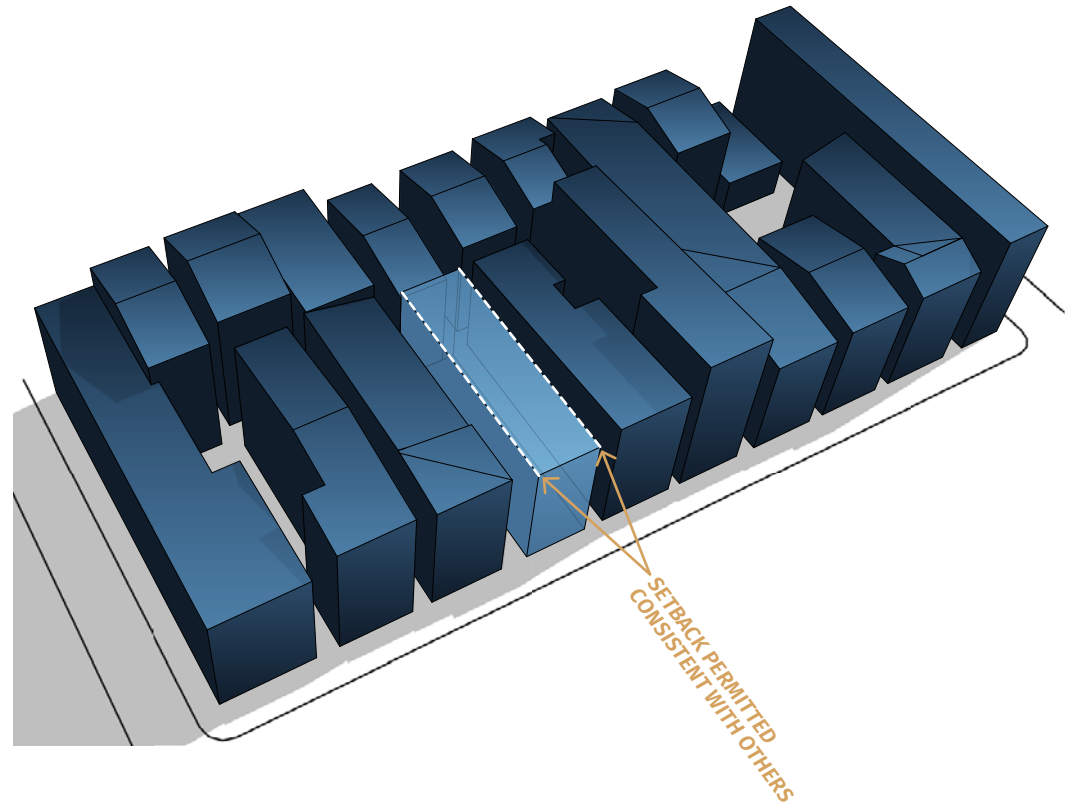
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C. TOP

B. MIDDLE

A. BASE

## COMPOSITION



# COMPOSITION

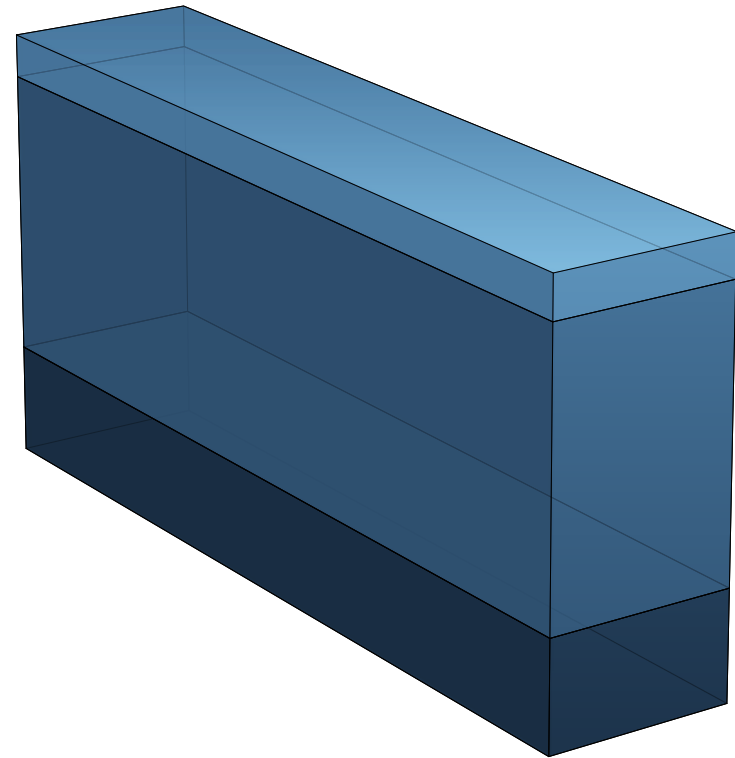
## HISTORIC CONTEXT

The typical building in the Over-the-Rhine Historic District has a three-part organization consisting of a base, middle, and top. Each of these elements plays a specific role in the composition of the building.

While there is a distinct difference in the bases of commercial and residential buildings, the middle and top components of buildings in the District are similar across different uses.



1119 and 1121 Walnut Street illustrate the differences between commercial and residential bases.





# COMPOSITION: BASE

## HISTORIC CONTEXT

### Commercial Storefronts

First-floor storefronts are common and are a significant architectural feature in the District's commercial and mixed-use buildings. Storefronts take on a dual role. First, as the place where merchants display their wares, they allow customers to “window shop”, thus providing intimate contact with the pedestrian. Second, by forming the architectural base of the building, they also give scale, rhythm, and texture to the street.

Storefronts are prevalent on commercial arterials but are also found interspersed on predominantly residential streets – particularly on corner buildings. Corner storefronts typically wrap the primary façade to face both streets.

During the latter decades of the 19th-century, most storefronts in the District were built of brick columns faced with sandstone or cast iron pilasters. Architecturally, styles include Greek Revival, Italianate, and Queen Anne. Detailing ranges from very simple stone piers and lintels to very elaborate cast iron columns assembled in a variety of patterns. The exact size, scale and level of detail vary greatly from building to building, but most storefronts share a common design framework.

### Residential Bases

Residential bases often consist of a stone foundation, typically rising 9 to 24 inches above grade and capped by a projecting sandstone or limestone water table. Some bases contain windows that provide ventilation and light to the building's basement. Residential bases may also be characterized by the presence of stoops leading to an elevated entry. These stoops vary in height, but are generally consistent in form and height with other stoops within the same block face.



1708 Elm Street exhibits the characteristics of residential bases.



119 E 12th Street exhibits the characteristics of commercial storefronts.

# COMPOSITION: BASE

## COMMERCIAL/MIXED-USE BUILDINGS

### GUIDELINE INTENTION

New storefronts will evoke the scale, verticality, shadow detail, rhythm, and proportionality of historic storefronts in the District.

## 01

**Commercial/mixed-use buildings should have a storefront, and the storefront should conform to the following:**

- Storefronts should feature the basic components of a storefront system, including a bulkhead, transom windows, display windows, substantial vertical divisions, header/continuous lintel, and primary entry door. They may also include components such as columns, pilasters, sills, and storefront cornice.
- Storefronts should span the full width of primary façades and may wrap the corner onto secondary façades.<sup>1</sup>
- Storefront height should be consistent with the general height of contributing storefronts located within the same block face.<sup>2</sup>
- Storefront windows should be recessed nominally from the plane of the façade.
- The ratio of storefront glazing to total storefront area should be consistent with the ratio of storefront glazing to total storefront area on contributing storefronts located within the District.
- Storefront glazing should not be covered by systems that obscure the view of the glazing from the public realm.
- Storefronts may be operable provided that the division, configuration, orientation, and recess of windows is consistent with the division, configuration, orientation, and recess of windows on contributing storefronts located within the same block face.<sup>2</sup>

## 02

**Storefronts should be taller than individual upper floors.**

## 03

**Commercial/mixed-use buildings may have vehicular entry. Vehicular entry may be placed on a street-facing wall if all of the following conditions exist:**

- The building is a garage or a commercial building for which parking is a significant part of the program.
- There is no feasible or practical alley access, as determined by the Department of Transportation and Engineering, that would permit the placement of vehicular entry on an alley rather than a street-facing wall.
- If garage doors are used, they are designed to blend inconspicuously into the wall system.
- If garage doors are not used, the vehicular entry and any associated equipment is set back from the plane of the façade.

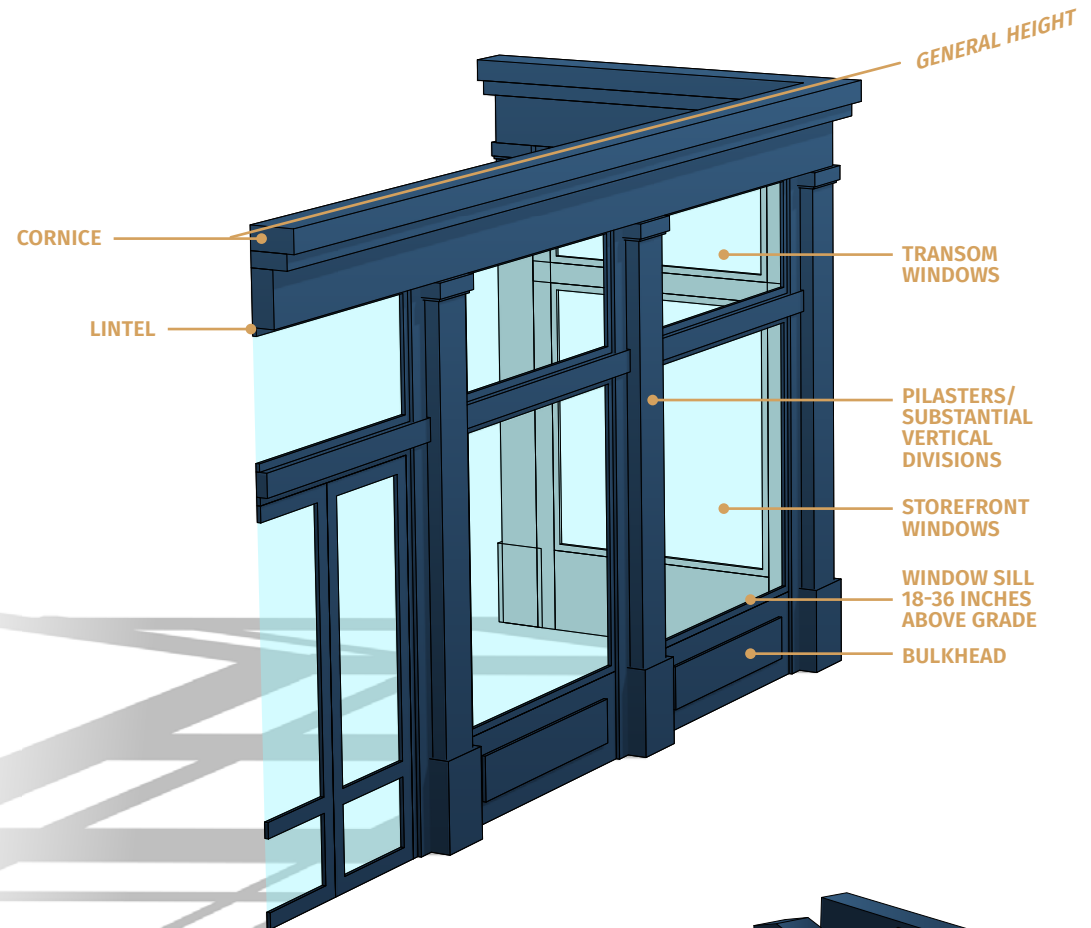
### Note

- Storefront height on secondary façades should match the storefront height on the primary façade.
- Must follow the rules for levels of context hierarchy defined on p. 8.

## 01

**Commercial/mixed-use buildings should have a storefront, and the storefront should conform to the following:**

- a. Storefronts should feature the basic components of a storefront system, including a bulkhead, transom windows, display windows, substantial vertical divisions, header/continuous lintel, and primary entry door. They may also include components such as columns, pilasters, sills, and storefront cornice.
- b. Storefronts should span the full width of primary façades and may wrap the corner onto secondary façades.<sup>1</sup>
- c. Storefront height should be consistent with the general height of contributing storefronts located within the same block face.<sup>2</sup>
- d. Storefront windows should be recessed nominally from the plane of the façade.
- e. The ratio of storefront glazing to total storefront area should be consistent with the ratio of storefront glazing to total storefront area on contributing storefronts located within the District.
- f. Storefront glazing should not be covered by systems that obscure the view of the glazing from the public realm.
- g. Storefronts may be operable provided that the division, configuration, orientation, and recess of windows is consistent with the division, configuration, orientation, and recess of windows on contributing storefronts located within the same block face.<sup>2</sup>

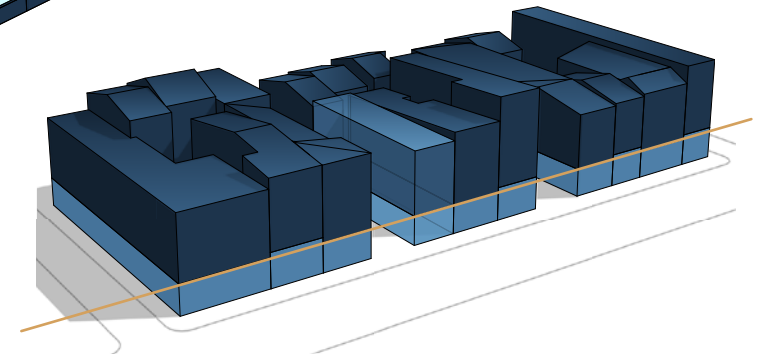


## 02

**Storefronts should be taller than individual upper floors.**

**Note**

- 1 Storefront height on secondary façades should match the storefront height on the primary façade.
- 2 Must follow the rules for levels of context hierarchy defined on p. 8.

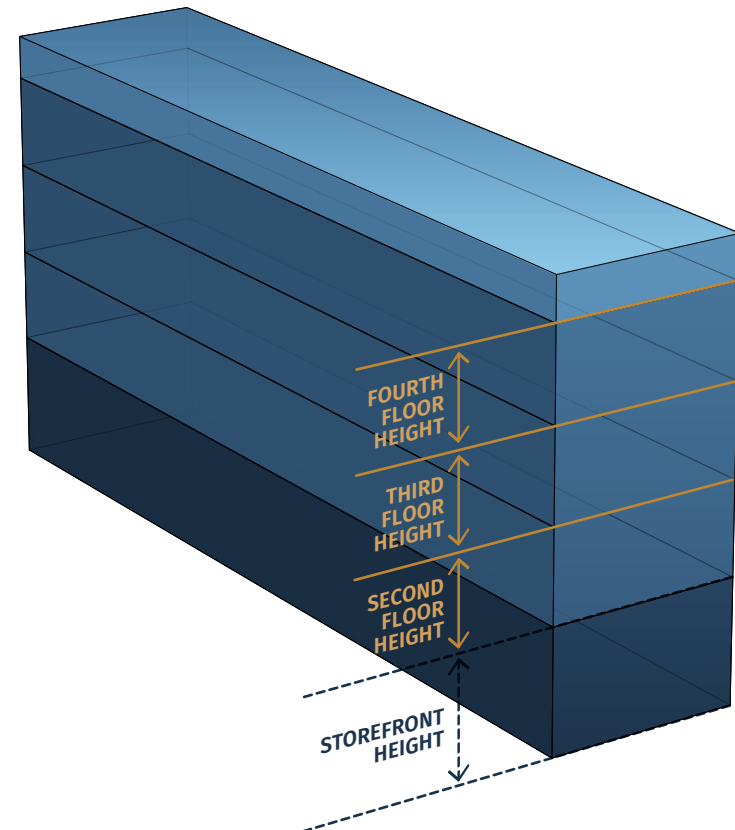




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- d. Storefront windows should be recessed nominally from the plane of the façade.
- e. The ratio of storefront glazing to total storefront area should be consistent with the ratio of storefront glazing to total storefront area on contributing storefronts located within the District.
- f. Storefront glazing should not be covered by systems that obscure the view of the glazing from the public realm.
- g. Storefronts may be operable provided that the division, configuration, orientation, and recess of windows is consistent with the division, configuration, orientation, and recess of windows on contributing storefronts located within the same block face.

## 02 Storefronts should be taller than individual upper floors.



# COMPOSITION: BASE

## RESIDENTIAL BUILDINGS

### GUIDELINE INTENTION

Residential bases will be well defined and distinguishable from the middle component of a building.

01

**Residential buildings should have a base component represented by a change in material and/or design that marks the transition from base component to middle component.**

02

**Base component height should be consistent with the general height of base components on non-monumental contributing residential buildings located within the same block face.<sup>1</sup>**

03

**Residential buildings may have vehicular entry. Vehicular entry may be placed on a street-facing wall if all of the following conditions exist:**

- a. The vehicular entry is not located on the primary façade.
- b. A majority of existing buildings located within the same block have vehicular entry.
- c. If garage doors are used, they are placed at the lot line, and are designed so as to blend inconspicuously into the wall system.
- d. If garage doors are not used, the vehicular entry and any associated equipment is set back from the plane of the façade.

#### Note

<sup>1</sup> Must follow the rules for levels of context hierarchy defined on p. 8.

# COMPOSITION: MIDDLE

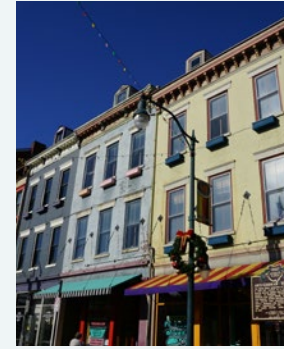
## HISTORIC CONTEXT

The middle component of buildings in the Over-the-Rhine Historic District is the area between the top of the base component, and the bottom of the cornice. The middle component contains window openings, sills, lintels, and other detailing and articulation that contributes greatly to both the vertical emphasis and rhythm of the design.

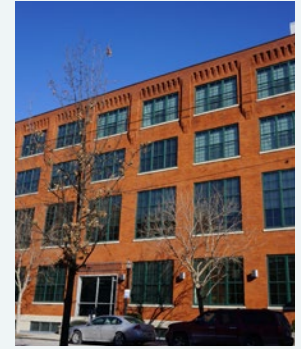
In commercial/mixed-use buildings, the middle component is typically distinguished from the storefront below through a strong horizontal element, such as a stone or cast iron lintel or cornice corresponding to a division in the use of the building. In residential buildings, the horizontal element dividing middle from base is the top of the stone foundation or water table that terminates below the building entry. In both building types, the middle component is distinguished from the more decorative top component through the application of a strong horizontal element.



1222 and 1224 Republic Street exhibit the characteristics of composition: middle in residential buildings.



118-128 W. Elder Street exhibit the characteristics of composition: middle in mixed-use buildings.



1212 Jackson Street exhibits the characteristics of composition: middle in industrial buildings.

# COMPOSITION: MIDDLE

## GUIDELINE INTENTION

The design of the middle component will provide a consistent architectural vocabulary along the streetscape.

01

**Buildings should have a change in material and/or design that marks the transition from base component to middle component, and from middle component to top.**

# COMPOSITION: TOP

## HISTORIC CONTEXT

Strong terminating elements at the tops of buildings are defining features of buildings in the Over-the-Rhine Historic District. Projecting cornices supported by decorative brackets and bold, decorative frieze panels are the quintessential tops found in the District. Historically, cornices projected over buildings to minimize rainfall on façades. Decorative cornices in the District often exhibit their own micro-composition of base, middle, top, while remaining consistent with an overarching theme throughout the District.

Some buildings feature less elaborate building tops – such as bracket-less box gutters and corbelled parapet walls – that nevertheless serve as strong terminating elements to the building. On other buildings the entire uppermost story serves as a top, realized by a mansard roof or a lower secondary cornice.



116 W. Elder Street exhibits the characteristics of composition: top.



213 and 219 Odeon Street exhibit the characteristics of composition: top.



8 Green Street exhibits the characteristics of early 20th-century composition: top.



1408 Elm Street exhibits the characteristics of composition: top.

# COMPOSITION: TOP

## GUIDELINE INTENTION

New buildings will provide a crowning visual termination to the composition.

01

Buildings should employ a strong top component that terminates the façade and creates shadow detail.

02

Top components should not imitate the District's historic cornices.

03

Top components should have a height that is consistent with the general height of historic top components on non-monumental contributing buildings located within the same block face.<sup>1</sup>

04

The projection (overhang) of top components beyond the plane of the façade must not exceed the furthest projection among top components on non-monumental contributing buildings located within the same block.

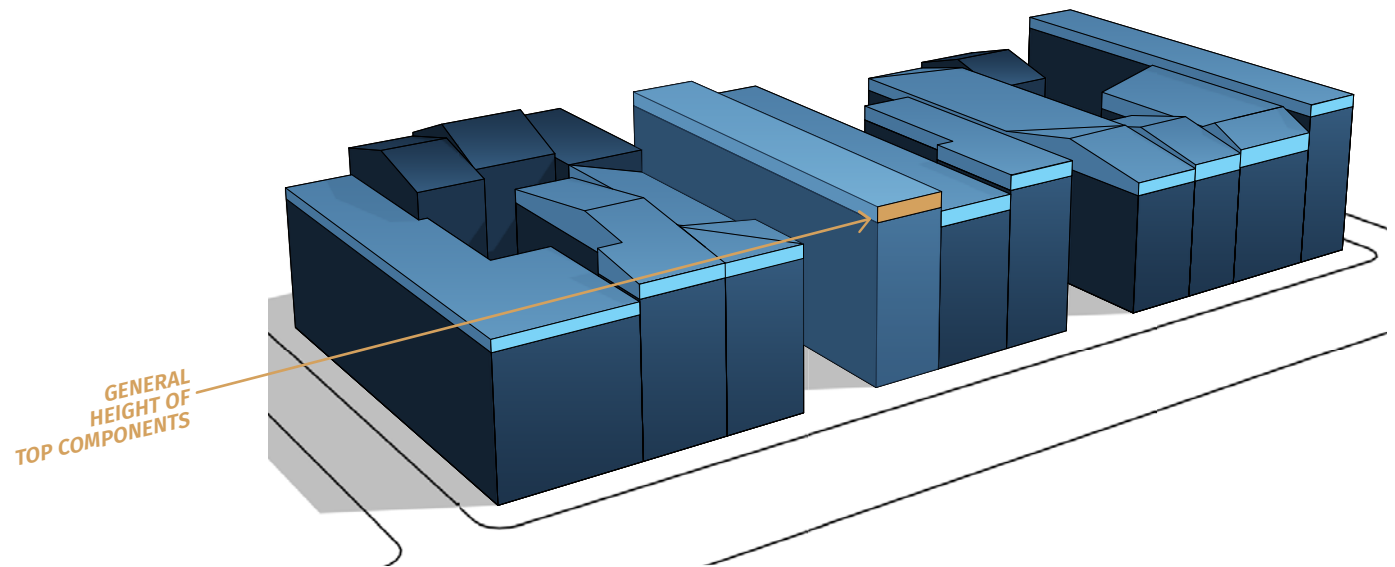
### Note

<sup>1</sup> Must follow the rules for levels of context hierarchy defined on p. 8.

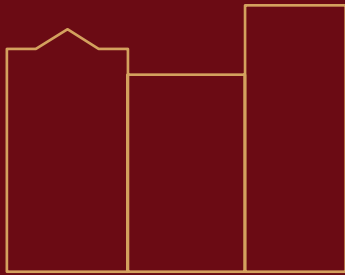


## 03

Top components should have a height that is consistent with the general height of historic top components on non-monumental contributing buildings located within the same block face.<sup>1</sup>

**Note**

<sup>1</sup> Must follow the rules for levels of context hierarchy defined on p. 8.



## RHYTHM

At right: This building in New York City maintains the historic rhythm of the streetscape by honoring the height, width, pattern of window openings, and planar articulation of its neighbors.



# RHYTHM

## HISTORIC CONTEXT

The “rhythm” formed by the repetition of buildings is one of the core elements that knits the Over-the-Rhine Historic District together into a cohesive fabric. Most buildings are tall and narrow – typically 20-40 feet in width and three to four stories in height – and exhibit a variation in height from one building to the next. Most buildings also feature regularly spaced, horizontally and vertically aligned, symmetrically placed window openings that display a remarkable consistency from one building to the next. Finally, buildings tend to have articulated wall surfaces (e.g., sills, lintels, and bracketed cornices), resulting in the consistent projection of elements from the plane of façades of buildings along the streetscape.

This repetition of tall, narrow buildings of varying height, consistent fenestration geometries, and articulated wall surfaces results in a particular pattern, or “rhythm”, that gives the District’s streetscapes harmony and coherence.

1405-1417 Main Street  
exemplifies the  
Over-the-Rhine  
Historic District’s  
distinctive rhythm.



529-541 E. 13th Street  
exemplifies the  
Over-the-Rhine  
Historic District’s  
distinctive rhythm.





# RHYTHM

## GUIDELINE INTENTION

New buildings will reflect the visual continuity established by the repetition of similarly designed and scaled contributing buildings along the streetscape.

01

Primary façade height should vary from the primary façade height of any neighboring buildings.

02

The rhythm of window openings should be consistent with the rhythm of window openings created by non-monumental contributing buildings located within the District.

03

Buildings should sensitively maintain the established rhythm created by non-monumental contributing buildings located within the same block face.<sup>1</sup>

04

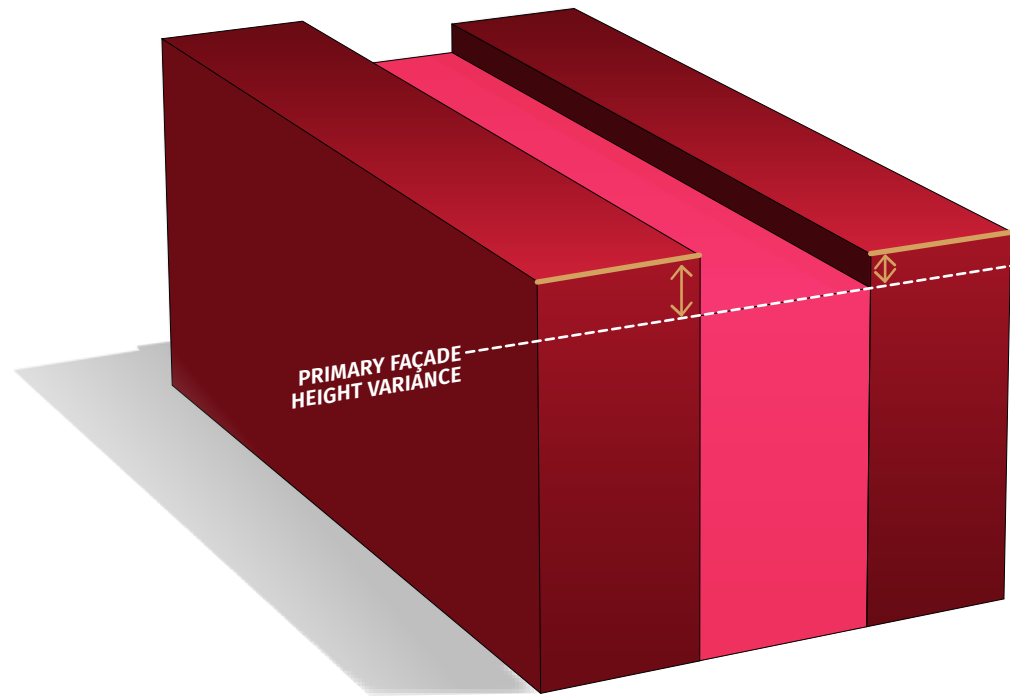
If primary façade width is greater than primary façade height, the façade design should be organized to create vertical emphasis.

### Note

<sup>1</sup> Must follow the rules for levels of context hierarchy defined on p. 8.

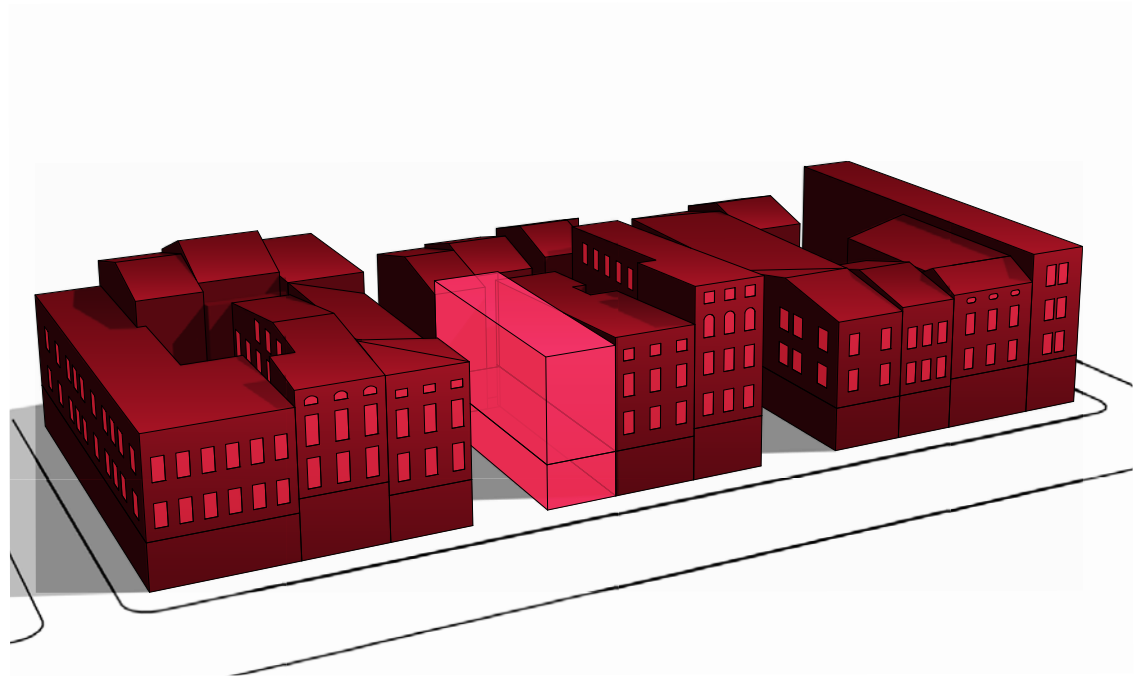
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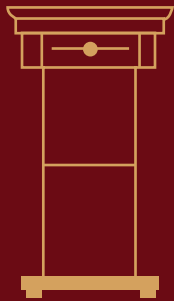


**01** Primary façade height should vary from the primary façade height of any neighboring buildings.

**02** The rhythm of window openings should be consistent with the rhythm of window openings created by non-monumental contributing buildings located within the District.







## OPENINGS

At right: Bahnhofstrasse 92 in Zurich, Switzerland has vertically oriented punched window openings arranged into rows and columns in reference to its historic surroundings.



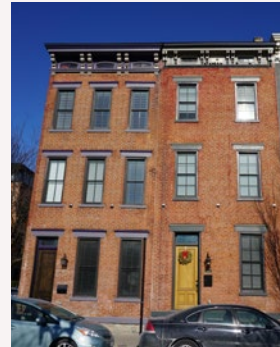
# OPENINGS

## HISTORIC CONTEXT

Openings are fundamental to the distinctive rhythm that defines the Over-the-Rhine Historic District. Openings are found both on primary and secondary façades as well as on non-street-facing walls. Most buildings feature regularly spaced, vertically oriented individual window openings formed into horizontally and vertically aligned, symmetrical rows and columns. Windows are typically recessed into the opening, creating a strong shadow detail. Windows are typically double hung and often have decorative stone sills and lintels.

Buildings with commercial uses on the upper floors and many built after the turn of the century often feature more variation in window openings, including groupings of openings that create more of a horizontal orientation.

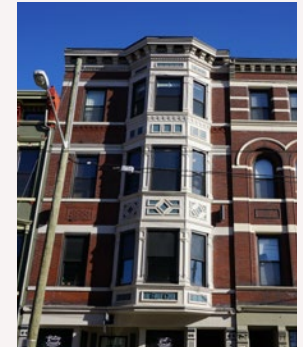
While oriel windows are not defining features of the Over-the-Rhine Historic District, they are present at a number of locations in both residential and mixed-use buildings. Oriels are designed to provide functional benefits to interior space and are also architectural expressions that add distinction and three-dimensionality to the District's typically planar masonry façades.



118 and 120 W. 14th Street exhibit the characteristics of window and door openings



1126 Walnut exhibits the characteristics of grouped window openings.



1428 Race exhibits the characteristics of oriel windows.

Door openings follow the patterns and characteristics of windows, accentuating the verticality and symmetry of buildings. Entries have different sizes, locations, and styles depending on the use and period of the building. Entrances to residential buildings usually feature a single wooden door, set off to one side of the primary façade and recessed into the brick. On mixed-use buildings, especially along north-south commercial arterials, entrances to the residential upper floors are placed either in one of the outermost bays of the primary façade, or on a side exterior wall of the building accessible through a narrow breezeway.

# OPENINGS<sup>1</sup>

## GUIDELINE INTENTION

The openings of new buildings will establish a relationship with the size, placement, and configuration of openings found on non-monumental contributing buildings in the District.

01

**Window openings should be taller than they are wide in a proportion consistent with the general proportions of window openings on non-monumental contributing buildings located in the District.**

02

**The ratio of window openings to total area of the middle component of the façade should be consistent with the ratio of window openings to total area of the middle components of façades on non-monumental contributing buildings located in the District.**

03

### Windows:

- Should be recessed nominally from the plane of the wall.
- Must not have internal-only grids.

04

**Buildings may have oriel windows<sup>2</sup> under the following conditions:**

- Oriels should be used only in limited instances, with a well designed and quality approach.
- The introduction of oriels should not disrupt the feeling of continuity of the wall surface.

### Note

- Storefront openings must follow the requirements set forth in Chapter 03: Composition: Base.
- Oriels are found infrequently and are not intended to be a dominant feature within the District, nor are they intended to be a dominant feature within a facade design.
- Must follow the rules for levels of context hierarchy defined on p. 8.

05

**Window openings should be arranged into columns, as follows:**

- The number of columns of openings should be consistent with the number of columns found on non-monumental contributing buildings of similar width in the District.
- Columns should be evenly spaced.
- Window openings should be vertically aligned with other openings within the same column.
- Columns should be symmetrical.

06

**Window openings should be arranged into rows, as follows:**

- Rows should be present for each story.
- Rows should be evenly spaced.
- Window openings should be horizontally aligned with other openings within the same row.

07

**Buildings should have a door opening providing access to the sidewalk.**

08

**The size and proportions of door openings should be consistent with the general size and proportions of door openings found on non-monumental contributing buildings located within the same block face.<sup>3</sup>**

09

**Door openings should not be sunken below grade. Door openings on residential buildings may be elevated but must not be substantially higher than the height of the base component.**

## 05

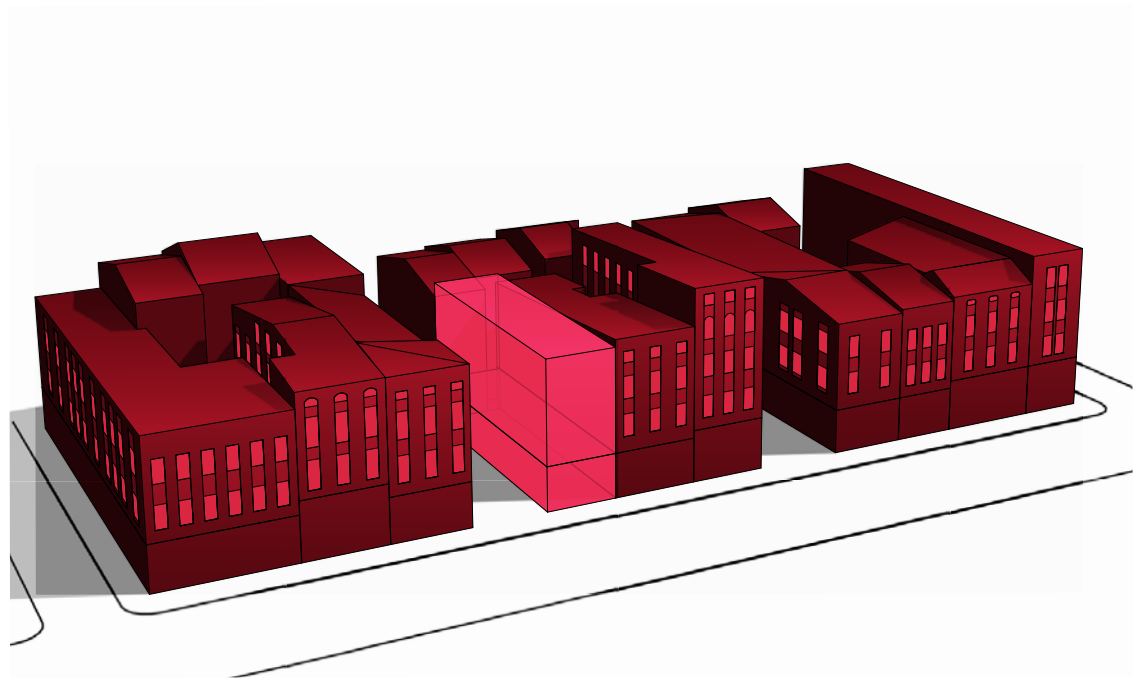
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- d. Columns should be symmetrical.

## 06

**Window openings should be arranged into rows, as follows:**

- a. Rows should be present for each story.
- b. Rows should be evenly spaced.
- c. Window openings should be horizontally aligned with other openings within the same row.

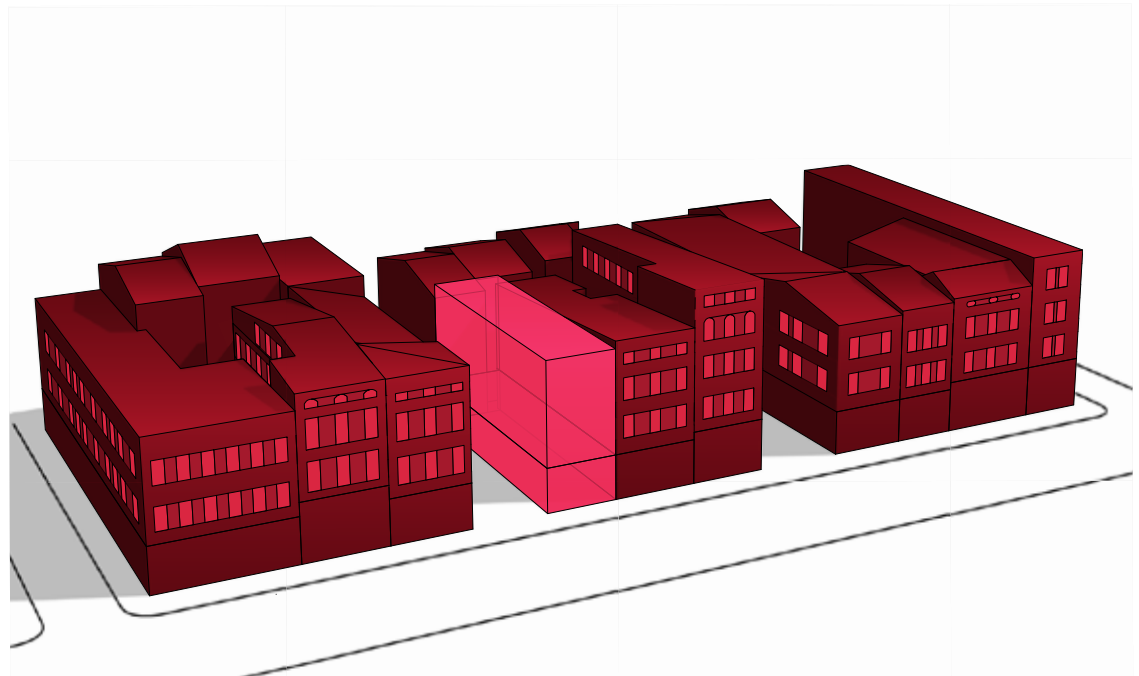


## 05 Window openings should be arranged into columns, as follows:

- a. The number of columns of openings should be consistent with the number of columns found on non-monumental contributing buildings of similar width in the District.
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- d. Columns should be symmetrical.

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- a. Rows should be present for each story.
- b. Rows should be evenly spaced.
- c. Window openings should be horizontally aligned with other openings within the same row.







## ROOF

At right: The reception hall at the Musée de Cluny at 28 Rue du Sommerard in Paris, France draws inspiration from the roof forms of the adjacent Roman ruins – the Thermes de Cluny.

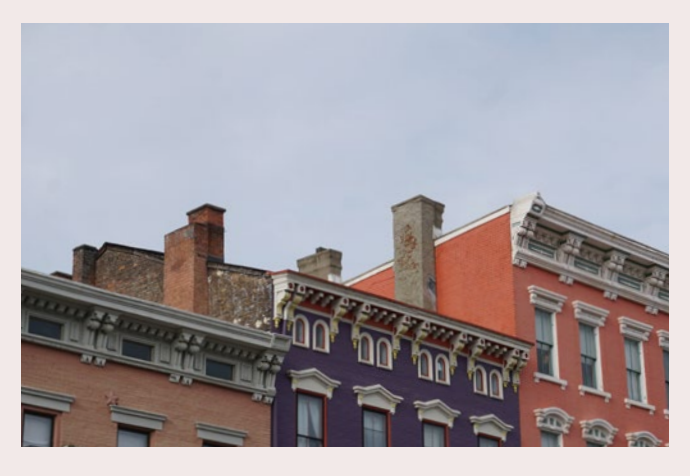




# ROOF

## HISTORIC CONTEXT

Roofs help define not only the pedestrian experience of the Over-the-Rhine Historic District from street level, but also the unique aerial views of the District from hillsides and rooftops. The roofs that are featured most commonly in the District are side-gabled roofs and low-pitched shed roofs. Mansard roofs and sawtooth roofs at the rear of buildings are found sporadically. Monumental buildings in the District feature a variety of roof shapes, including dormers, multiple gables, hip roofs, and towers.



1425 and 1427 Main Street typify roof forms commonly found in the Over-the-Rhine Historic District.

# ROOF

## GUIDELINE INTENTION

Roof profiles will reflect the roof profiles of contributing buildings within the block face. The impacts of rooftop appendages on street-level, aerial and elevated panoramic views of the District will be minimized.

### 01

**Roofs should be built using a roof profile found on at least one non-monumental contributing building located within the same block face.<sup>1</sup> The following profiles are appropriate:**

- a. Side-Gabled Roof
- b. Side-Gabled Sawtooth Roof
- c. Descending Low-Pitched Shed Roof
- d. Ascending Low-Pitched Shed Roof
- e. Flat Roof<sup>2</sup>

### 02

**Roof pitch should be consistent with the pitch of corresponding roof profiles found on non-monumental contributing buildings located within the same block face.<sup>1</sup>**

### 03

**Rooftop decks and roof access enclosures should be no more than minimally visible from abutting streets, and should not be highly visible from the public realm. Roof access enclosures should be no larger than the minimum size required for access when visible from the street and/or exceeding the permitted height.**

### 04

**Mechanical systems, elevated solar panel arrays, and other non-deck rooftop appendages should not be highly visible from contiguous streets at any point within 40 feet of the building and should not be highly visible from the public realm.**

#### Note

- 1 Must follow the rules for levels of context hierarchy defined on p. 8.
- 2 Flat roofs may be used regardless of whether there are any flat roofs found in the surrounding historic context

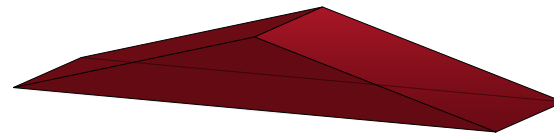
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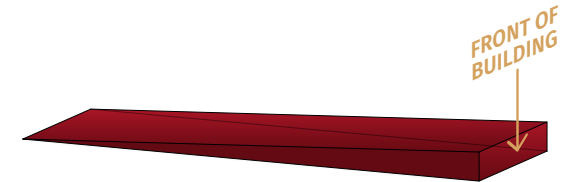
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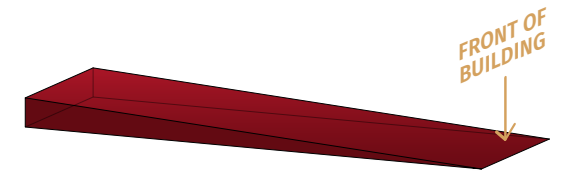
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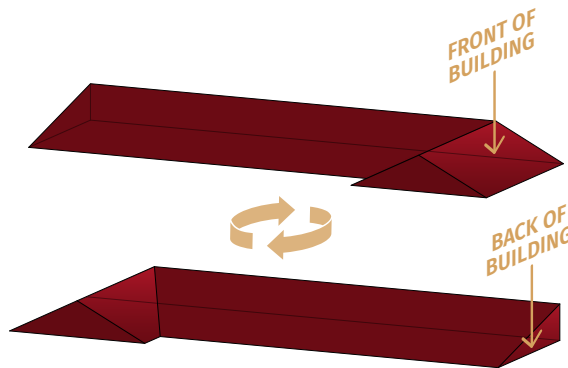
SIDE-GABLED ROOF



DESCENDING LOW-PITCHED SHED ROOF



ASCENDING LOW-PITCHED SHED ROOF



SIDE-GABLED SAWTOOTH ROOF

#### Note

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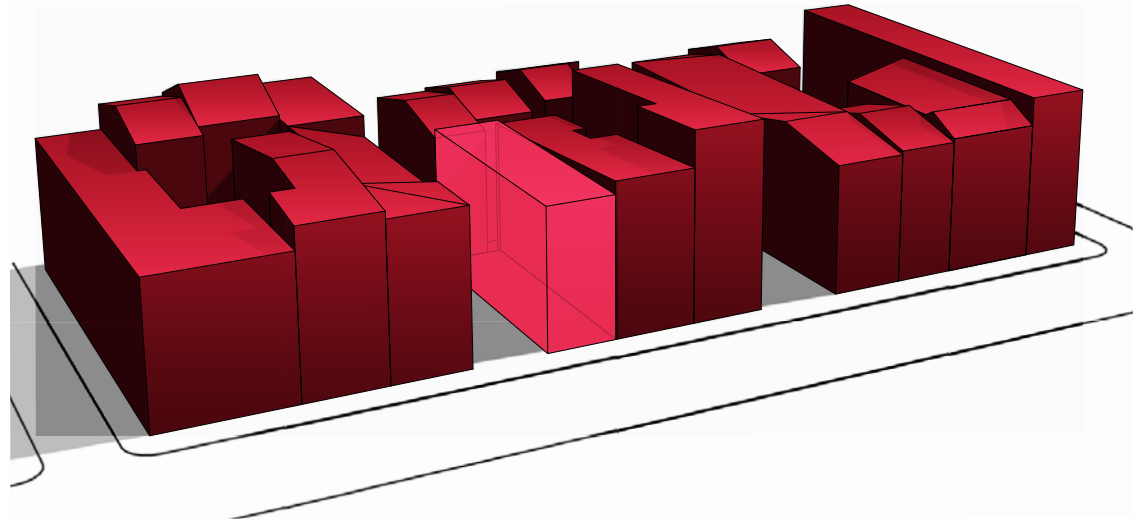
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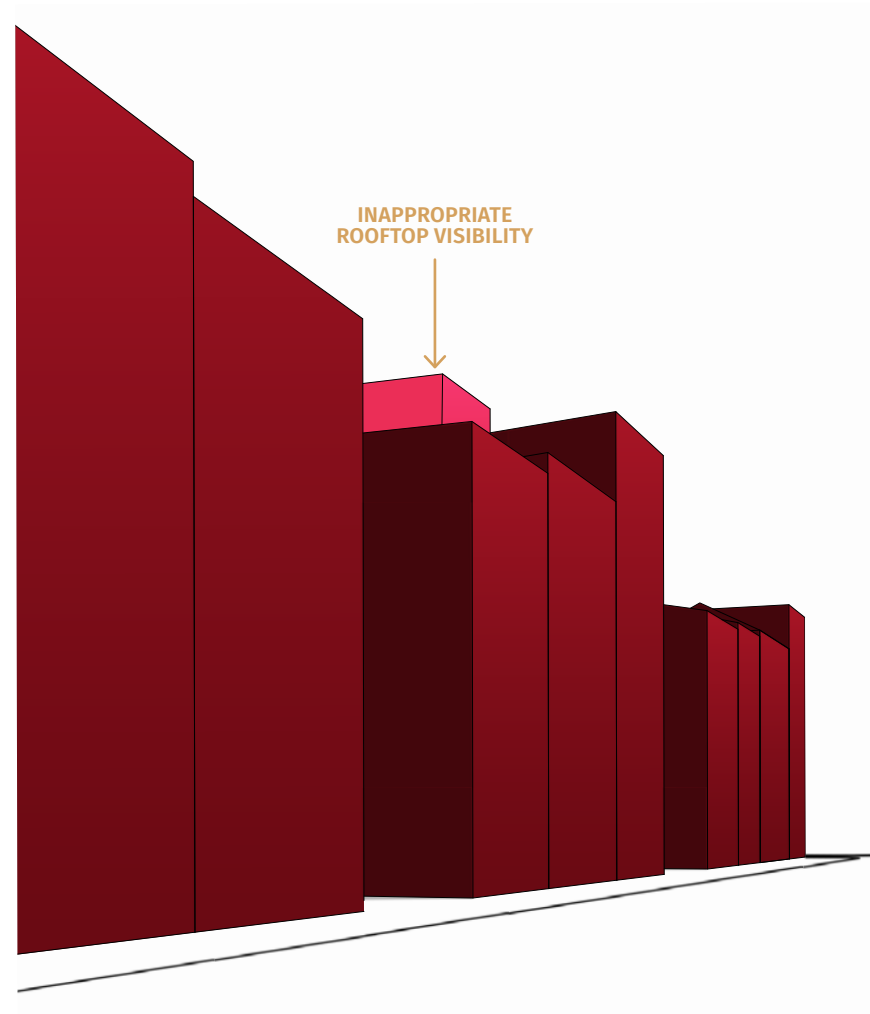
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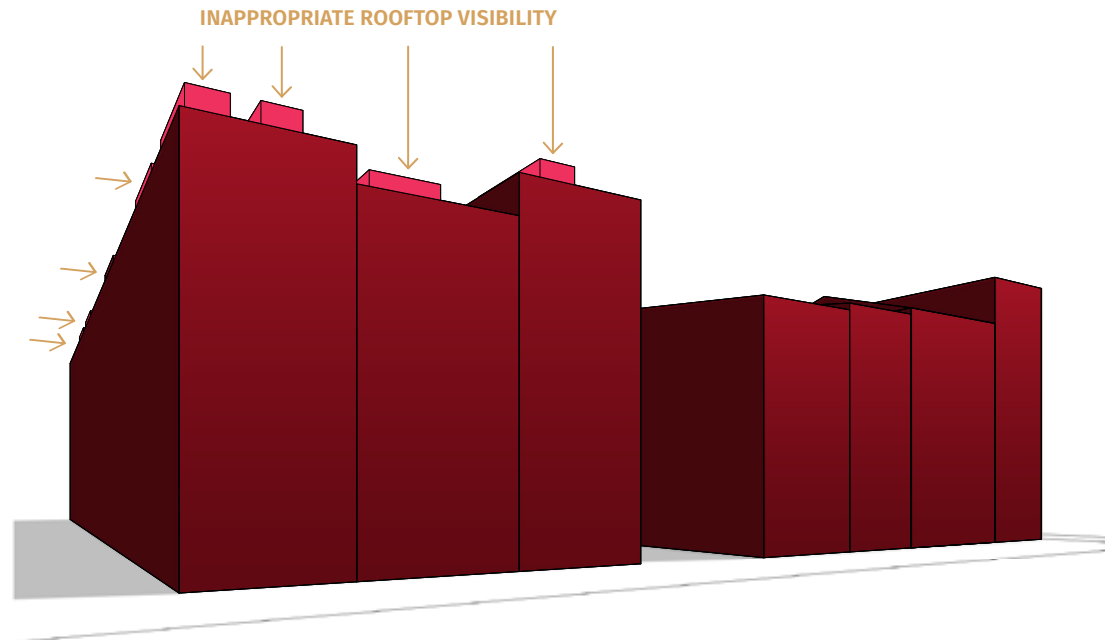
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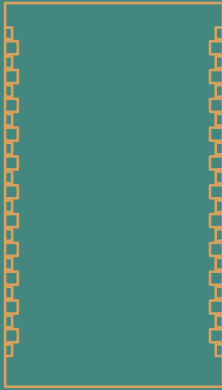
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## MATERIALS

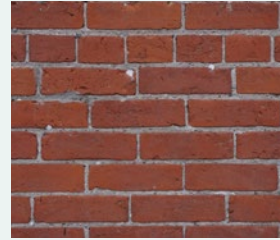
At right: This building in London, England successfully evinces the quality and solidity of materials on its historic neighbors by using a contemporary, modular brick cladding and a distinctive accent material on the oriel window and window surrounds.



# MATERIALS

## HISTORIC CONTEXT

Materials form an essential part of the identity of the Over-the-Rhine Historic District, and brick is the character-defining material of the District. The neighborhood evolved from primarily wood frame construction with wood clapboard siding in the earlier part of the 19th-century, to primarily brick masonry buildings in the mid-to-late 19th-century as the District entered what is considered to be its period of significance. Thus, the vast majority of Over-the-Rhine buildings are made of brick. Other materials characteristic of the District include limestone and sandstone (sills, lintels, and the occasional façade), wood (doors, windows, box gutters, cornices, and siding on early buildings), metal (lintels, sills, cornices, and roofs), cast iron (storefronts), and wrought iron (fire escapes, fencing).



Buildings in the District are primarily constructed of handmade, orange-red clay bricks stacked using the common bond pattern, as seen here at 1219 Sycamore Street.



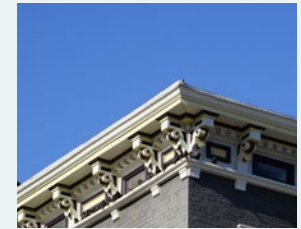
Decorative metal header at 1418 Elm Street.



Decorative stone lintel at 1431 Elm Street.



Decorative cast iron storefront at 116 East 14th Street.



Decorative metal brackets and wood trim form the cornice at 116 West 14th Street.

# MATERIALS

## GUIDELINE INTENTION

Materials used on new construction will rise to the standards of quality, authenticity, and durability set by materials found on contributing buildings in the District.

01

**Buildings should use materials found on contributing buildings or materials that honor the best qualities of historic materials.**

02

**Materials should meet the quality standards of materials found on contributing buildings in the District. Quality of materials is based on the following criteria:**

- Life span/durability.
- Authenticity.
- Visual continuity with non-monumental contributing buildings located within the District.
- Color, texture, design, dimension, reflectivity.

03

**Brick used as exterior cladding should meet the following requirements:**

- King and Queen sized brick are not appropriate and should not be used.
- Brick should have either historic (2½ x 8¼ inches) or modular (2¼ x 7⅞ inches) dimensions.
- At least one full wythe of 4 inches (depth) brick should be used.
- Faux-historic brick is not appropriate and should not be used. Brick should seek to root itself in its current time.

04

**Materials should be used in a well-designed approach on all sides of the building**

05

**Lintels and sills should be made of limestone or sandstone, cast stone with a limestone veneer applied, or an appropriate alternate material.**

06

**Window components should be made of wood, aluminum clad wood, metal, or an appropriate alternate material.**

07

**Storefront systems should meet the following requirements:**

- Lintels, pilasters, and vertical divisions should be made of cast iron, steel, limestone, sandstone, or cast stone with a limestone veneer applied. Brick is permitted where contributing brick storefronts are extant within the same block.
- Window framing and muntins should be made of wood, steel, or a dark colored alternate material.

08

**Residential bases should be made of stone or an appropriate alternate material.**

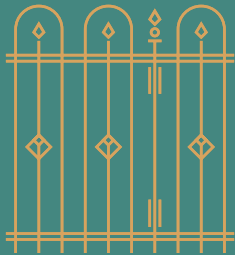
09

**Doors should be made of wood, metal, or a stain grade material.**

10

**Buildings must not use stucco, synthetic stucco, vinyl, CMU, or plastic as cladding materials.**





## MISCELLANEOUS

At right: This building at Oudeschans 53 in Amsterdam integrates balconets into the rhythm of openings on the façade.

Amsterdam, the Netherlands

# MISCELLANEOUS

## HISTORIC CONTEXT

A number of important features of buildings in the Over-the-Rhine Historic District fall within the Miscellaneous category, including porches, balconies, and stoops.

### Porches

Side porches (veranda) are found on some buildings in the District. Typically, they are built into the “L” of the building, filling the void created by the building’s keyback. Front porches do not exist in the District.

### Balconies

True balconies are rare in the District. Fire escapes are prevalent and often double as balconies.

### Stoops

Stoops are common in the District on residential buildings with elevated entries. Stoops serve as a form of street furniture and foster increased pedestrian interaction in the public realm.

# MISCELLANEOUS

## PORCHES

01

Buildings should not have front porches.

02

Buildings may have side porches if they are placed in the void created by an interior side setback.

03

Side porches should be built in a rectangular geometry.

## BALCONIES

01

Buildings may have protruding balconies if they are placed at the rear of the building, or on a non-street-facing wall in the void created by a keyback.

02

Buildings may have recessed balconies if they are placed on a non-street-facing wall.

03

Buildings may have balconets on any exterior building wall, provided that they are rectangular in form.

## STOOPS

01

Residential buildings may have one or more stoops if a stoop is present on at least one non-monumental contributing building located within the same block.<sup>1</sup>

02

Stoop height, width and depth should be consistent with the general height, width and depth of stoops on non-monumental contributing buildings located within the same block.<sup>1</sup>

03

Stoops should not have railings; however, where railings are required by law, they should be simple metal railings similar in style, scale, thickness, and diameter to historic railings, fencing, or other iron work found on non-monumental contributing buildings located within the District.

## ARCHAEOLOGICAL RESOURCES

01

Building sites should be evaluated for their potential for archaeological resources. If, after a survey of Sanborn Maps and consultation with staff, or if during construction archaeological resources are discovered, existing archaeological survey protocols must be followed.

### Note

<sup>1</sup> Must follow the rules for levels of context hierarchy defined on p. 8.



# APPENDIX



**Abutting** Having lot lines in common.

**Abutting Street** A street that is abutting a lot containing the subject building.

**Alley** A public or private way less than 21 feet in width that may provide vehicular access to abutting properties.

**Articulative Recess** A slight change in plane in part of an exterior wall, usually decorative.

**Attic** A story directly under the roof of a contributing building that is shorter than the other stories in the building.

**Balconet** A false, non-structural balcony or railing at the outer plane of a glazed window-opening reaching to the floor, and having, when the window or door is open, the appearance of a balcony.

**Base Component** The bottommost portion of a building, commonly represented in commercial buildings by a storefront, and in residential buildings by a foundation capped by a water table.

**Block** A block face and its opposing block face.

**Block Face** The properties abutting each other on one side of the street, and lying between the two nearest intersecting or intercepting streets.

**Building Width** The horizontal distance between the sides of the primary façade.

**Cladding** The outermost material layer covering the exterior of a building.

**Commercial Building** A building developed entirely for commercial purposes.

**Composition** The arrangement of a building into base, middle, and top components.

**Contributing Building** A historic building that is designated by the City of Cincinnati as contributing to the historic significance of the Over-the-Rhine Historic District.

**Corner Lot** A lot bounded on two or more adjacent sides by streets, or by portions of such streets.

**Cornice** A molded, decorative, projecting horizontal member that crowns the top of a building.

## CORNICE COMPONENTS

**Box Gutter** A rectangular rain gutter built into the slope of a roof, above the cornice.

**Bracket** An angled structural and/or decorative element that actually or visually supports the box gutter/cornice soffit.

**Corbel** A type of bracket built into a wall and projecting outward to support the box gutter/cornice soffit.

**Dentil** One of a series of small, decorative rectangular blocks placed at regular intervals under the soffit of a cornice.

**Frieze** A decorative horizontal band typically containing rectangular trimmed panels and through-the-cornice windows.

**Through-the-Cornice Windows**  
Attic windows built into the cornice.

**Elevated Solar Panel Array** An array of solar panels attached to a roof in which the panels are angled toward the sun, and do not lay flat against the roof surface.

**Faux-Historic Brick** Modern brick that attempts to match the color and texture of historic brick.

**Front Lot Line** A lot line dividing a lot from a street. On a corner lot only one street line may be considered as a front line; provided that, where the length of a shorter street line is less than 90 percent of the length of the longer street line, the shorter street line is considered as the front lot line.

**Front Setback** A space or gap between the front lot line and any portion of the primary façade, excluding articulative recesses.

**Grade** Ground level, as measured by the average of the slope between two points.

**Historic** Being from the period of significance (1840-1941) of the Over-the-Rhine Historic District, with special emphasis on the period 1840-1900.

**Historic Lot** A lot in the Over-the-Rhine Historic District as it existed historically, as represented on the 1904 Sanborn Insurance Maps of Cincinnati.

**Historic Non-Monumental Corner Lot** A historic corner lot with a depth of up to 90 feet.

**Interior Side Lot Line** A side lot line separating a lot from another lot or lots.

**Interior Side Setback** A space or gap between an interior side lot line and any portion of the side exterior wall(s), excluding articulative recesses.

**Keyback** An interior side setback beginning at a point at least 20 feet removed from the primary façade, typically extending back to the rear lot line, and resulting in a private breezeway, alleyway, or outdoor space.

**Lintel** A horizontal member, typically structural, that spans the top of a window or door opening.

**Lot** A parcel of land occupied or capable of being occupied by a use, building, or group of buildings and accessory buildings and uses, together with such open spaces as are required by the Cincinnati Zoning Code and having frontage on a street.

**Lot Line** The boundary enclosing a lot.

**Massing** The general shape and size of a building.

**Materials** The substances that are used to form the visible exterior of a building.

**Mechanical Equipment** Any device or apparatus used relating to heating, ventilation, air conditioning, plumbing, fire suppression, transportation, or any other building system.

**Micro-Context** The contributing buildings in closest proximity to the subject building, and defined at the smallest level as those contributing buildings located within the same block face.

**Middle Component** The area of a building located between the base component and the top component, typically constituting the largest bulk of the building and containing the majority of its design elements.

**Mixed-Use Building** A building developed for two or more types of end use.

**Monumental Building** Contributing buildings in the Over-the-Rhine Historic District recognized for their special cultural significance and/or distinctive qualities of height, massing, and scale.

**Neighboring Building** A building on a lot that shares an interior side lot line with the subject building.

**Opposing Block Face** The block face directly across from the subject block face.

**Oriel Window** A bay window projecting from an upper story (or stories) on a building façade.

**Over-the-Rhine Historic District** A geographic area covering parts of Over-the-Rhine, Pendleton, and Mount Auburn that is protected by the City of Cincinnati based on its cultural and architectural significance as a representation of the period in Cincinnati's urban development from 1840-1941, and particularly that period prior to 1900.

**Primary Façade** The street-facing wall that faces the primary street.

**Primary Façade Height (New Construction)** Primary façade height is measured from the established grade at the lot line or from the average natural grade at the building line, to the top of the primary façade, including any terminating ornamental/functional features.

**Primary Street** The abutting street with the widest right of way.

**Public Realm** Any portion of the Over-the-Rhine Historic District that is accessible to the public, including streets, alleys, rights of way, and public parks.

**Rear Lot Line** A lot line opposite the front lot line. In the case of an irregular, or triangular lot, it means a line within the lot, ten feet long, parallel to and at the maximum distance from the front lot line.

**Residential Building** A building that is entirely residential in use, single or multi-family, and does not have a storefront.

**Rhythm** A regularly recurring sequence or pattern within and among buildings.

**Right of Way** Real property for or devoted to (1) public transportation purposes; or (2) the placement of the city's municipal utility easements and other traditional uses along a transportation route. The definition of right of way includes, without limitation, public highways, streets, avenues, alleys, sidewalks, bridges, aqueducts, and viaducts within the city.

**Roof** The structure forming the upper covering of a building.

**Roof Access Enclosure** A small structure on or above the roof of a building whose exclusive purpose is to provide access to a rooftop.

**Roof Deck** A flat surface on or above the roof of a building that provides space for recreation, typically surrounded by railings.

**Roof Pitch** A numerical measure of the steepness, or slope, of a roof.

**Rooftop Appendage** Any structure, surface, fixture, equipment, furniture, or other item that is attached to the roof.

**Scale** The size of a building judged in relation to other buildings.

**Secondary Façade** Any street-facing wall that is not the primary façade.

**Secondary Façade Height (New Construction)** Secondary façade height is measured from the established grade at the lot line or from the average natural grade at the building line, to the top of the façade, including any terminating ornamental/ functional features.

**Secondary Street** An abutting street that is not the primary street.

**Shadow Detail** An area of darkness cast on an exterior building wall caused by a protrusion or recession in the plane of the wall.



**Side Alley Lot Line** A side lot line separating a lot from an alley.

**Side Lot Line** A lot line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Side Street Lot Line** A side lot line separating a lot from a street.

**Significant Part of the Program (Parking)** Where there are at least 50 onsite parking spaces, or at least 50% of the total project square footage is dedicated to parking.

**Sill** A horizontal member that spans the bottom of a window opening.

**Stoop** A small uncovered exterior stair ending in a platform at the entrance to a building.

**Storefront** The ground floor façade of a retail store, restaurant, bar, personal services establishment, or other commercial enterprise.

## STOREFRONT COMPONENTS

**Bulkhead/Knee Wall** The portion of a storefront that serves as a platform for the display windows.

**Column** A vertical structural member designed to support compressive loads in a storefront system.

**Display Windows** Large windows in a storefront used to attract attention to a business and its merchandise or services.

**Pilaster** A projecting, non-load bearing vertical member having the appearance of a column, with a capital and a base, but being purely ornamental in function.

**Storefront Cornice/Lintel** A horizontal member that terminates the uppermost portion of the storefront, separating it from the upper floors above.

**Transom Windows** Windows located above the main display windows and separated by a transom.

**Story/Floor** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**Street** A public or private right-of-way 21 feet or more in width whose primary function is to furnish the chief means of access to properties abutting it.

**Street-Facing Wall** An exterior building wall that faces an abutting street.

**Subject Building** A building or structure being considered for a Certificate of Appropriateness.

**Top Component** The uppermost horizontal terminating element of a building façade, often represented by a change in both plane and material.

**Transom** A horizontal crosspiece separating the top of a window or door from a smaller window above.

**Use** The type of human activity for which a building is purposed.

**Water Table** A horizontal projecting string course, molding, or ledge placed at the top of the foundation so as to divert rainwater from a building.

**Window Opening** An opening in the wall of a building for admission of light and air.

**Wythe** A single thickness of brick in masonry construction.

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# LIST OF MONUMENTAL BUILDINGS

60

## BUILDING :

6th District Public School Building  
 15th District School Building (Rothenberg School)  
 Baptisten Kirche (German Baptist Church)  
 Cincinnati Music Hall  
 Deutsche Evangelisch Reformierte Salem's Kirche  
 (Salem German Evangelical Reformed Church)  
 Deutsche Evangelische St. Paulus Kirche  
 (St. Paul's German Evangelical Church)  
 Deutsche Evangelische Zion's Kirche  
 (German Evangelical Church of Zion)  
 Deutsche Protestantische St. Johannes Kirche  
 (St. John's German Protestant Church)  
 Findlay Market Building  
 First English Lutheran Church  
 Hamilton County Memorial Building  
 Jackson Brewery Building  
 Krohn-Fecheimer Shoe Co. Building  
 Nast Trinity Methodist Church  
 Old Woodward School Building  
 Philippus Kirche (Philippus Church)  
 Prince of Peace Lutheran Church  
 St. Francis Seraph Church  
 St. Francis Seraph School Building  
 St. John the Baptist Church Steeple  
 St. Marien Kirche (Old St. Mary's Church)  
 St. Paul's Church

## ADDRESS:

1525 Elm St, Cincinnati, OH 45202  
 241 E Clifton Ave, Cincinnati, OH 45202  
 1610 Walnut Street, Cincinnati, OH 45202  
 1241 Elm St, Cincinnati, OH 45202  
 1425 Sycamore St, Cincinnati, OH 45202  
  
 1429 Race St, Cincinnati, OH 45202  
  
 14 W 15th St, Cincinnati, OH 45202  
  
 1205 Elm St, Cincinnati, OH 45202  
  
 1801 Race St, Cincinnati, OH 45202  
 1208 Race St, Cincinnati, OH 45202  
 1225 Elm St, Cincinnati, OH 45202  
 208 Mohawk Street, Cincinnati, OH 45214  
 1310 Pendleton St, Cincinnati, OH 45202  
 1310 Race St, Cincinnati, OH 45202  
 1310 Sycamore St, Cincinnati, OH 45202  
 106 W McMicken Ave, Cincinnati, OH 45202  
 1528 Race St, Cincinnati, OH 45202  
 1615 Vine St, Cincinnati, OH 45202  
 14 E Liberty St, Cincinnati, OH 45202  
 1715 Republic St, Cincinnati, OH 45202  
 123 E 13th St, Cincinnati, OH 45202  
 444 Reading Rd, Cincinnati, OH 45202

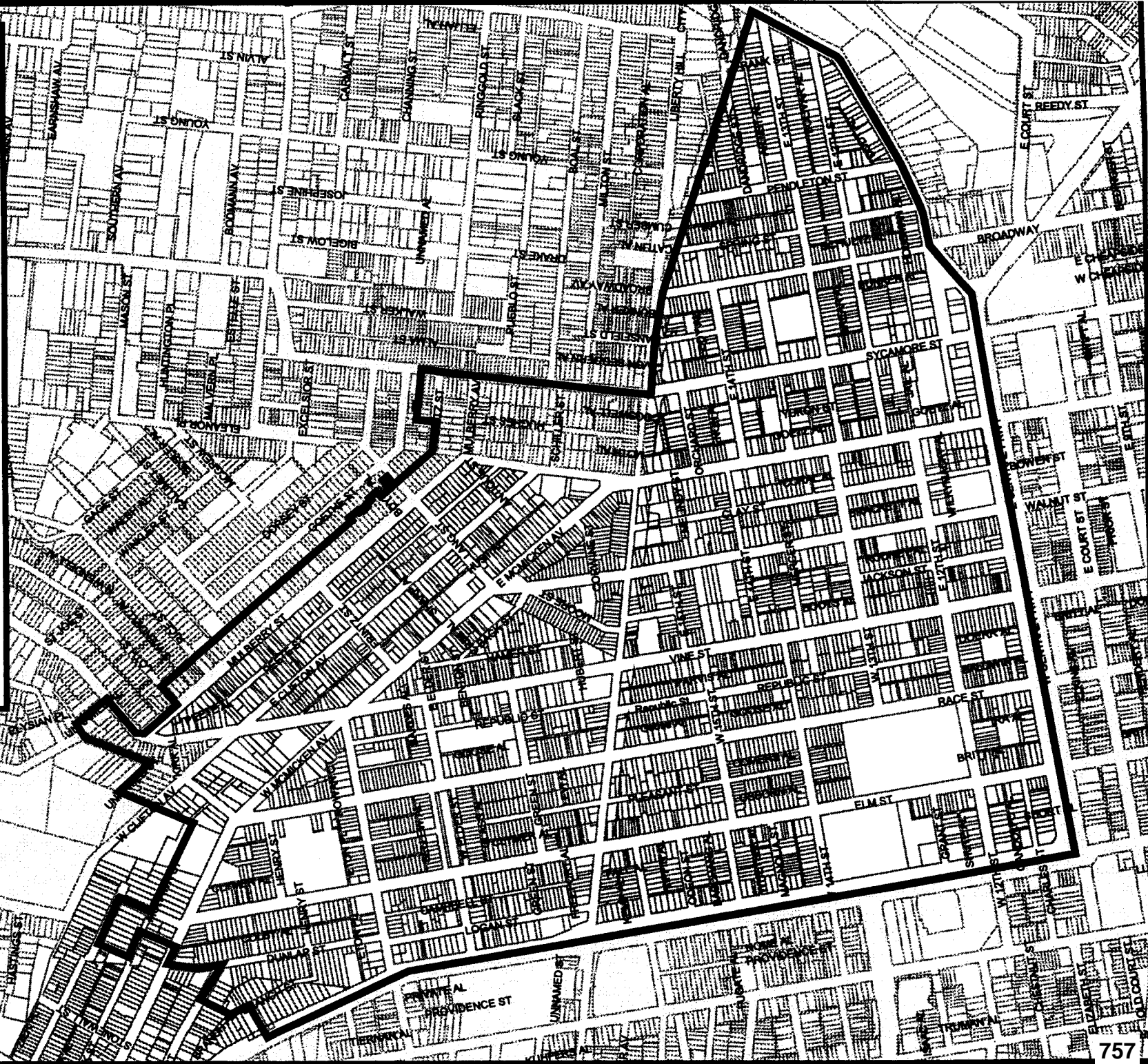
# Over-the-Rhine Historic District

Historic Conservation Office  
Community Development and Planning Department

May 2003



0 600 1200 Feet







This project was made possible in part by a grant from the National Park Service, U.S. Department of the Interior administered by the State Historic Preservation Office of the Ohio History Connection. Department of the Interior regulations prohibit unlawful discrimination in departmental federally assisted programs on the basis of race, color, national origin, age or disability. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Office of Equal Opportunity, U.S. Department of the Interior, National Park Service, 1849 C. Street, N.W. Washington, D.C. 20240.

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Hyperquake & M+A Architects  
Over-the-Rhine Foundation

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## CONSERVATION GUIDELINES OVER-THE-RHINE HISTORIC DISTRICT

*July 18, 2003 and revised XXXX XX, 2023*

### New Construction

New construction will be reviewed using the Over-the-Rhine Historic Conservation Guidelines for New Construction attached hereto as Attachment \_\_\_\_\_ and incorporated herein by reference.

#### A. Intent and General Guidelines

1. ~~Infill construction is allowed on vacant sites in Over the Rhine, because gaps due to demolition weaken the streetscape and the overall character of the district. New construction can improve both the physical quality and economic vitality of the neighborhood.~~
2. ~~New construction should be well designed but should not replicate the existing buildings. The exceptional quality of the existing buildings in the district provides an outstanding framework for new construction.~~
3. ~~The Historic Conservation Board's review of new construction will focus on the design compatibility with the surrounding contributing structures. The appropriateness of design solutions will be based on balancing the programmatic needs of the applicant with how well the design relates to the neighboring buildings and to the intent of these guidelines. New design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion and height.~~
4. ~~The new construction guidelines for this district will be used to judge the compatibility of new work. The specific site and programmatic needs of each project will be taken into consideration.~~

#### B. Specific Guidelines

1. ~~**Composition:** New buildings should respond to the traditional subdivisions found on historic property: a base, a middle and a top. Most buildings in Over the Rhine are built of brick with the principal facade parallel to the street it faces. The most important features of buildings in Over the Rhine are the arrangement of openings on the principal facade and an overall vertical emphasis of the whole design. Each building provides its own variations, but collectively they share many basic features.~~

~~**Base:** New buildings should have a well defined base. Within the district most buildings have a base that is distinguishable from the rest of the building. This is accomplished through a change of materials, a change of scale, and/or a lintel or other type of horizontal banding. In larger buildings the original base may include more than the first floor.~~

~~**Middle:** Details on new buildings should relate to the detailing of adjacent or nearby buildings. Buildings in the district often incorporate architectural details such as changes in plane or changes in materials on their upper floors. Decorative, horizontal bands indicating the floor lines, sill heights or lintel heights should not overpower the vertical emphasis of the design.~~

~~**Top:** New construction must employ a strong element that terminates the uppermost part of the building. Distinctive elements in the architecture of Over the Rhine are elaborate projecting cornices, decorative parapets and the expressive use of materials.~~

2. ~~**Roofs:** Roofs for new construction should be similar to roofs of adjacent and nearby buildings of similar size and use. In the district, buildings of three or more stories generally have low-pitched shed roofs that are not visible above the principal facade. Smaller buildings in the district typically have simple gable roofs on which the gables are perpendicular to the principal facade. Institutional buildings in Over the Rhine have a variety of roof shapes, including dormers, multiple gables, hip roofs and towers. Roofs in this district have little or no overhang.~~

3. ~~**Window Openings:** Window openings are extremely important in this district. The openings of new buildings should be related to the size and placement of openings found on historic structures of similar use in the district. In residential buildings, window openings are typically found individually rather than in pairs or grouped. The openings are taller and wide (typically in a proportion of 2:1), window sash are set back from the wall surface, and openings have some form of definition, such as lintels, sills or decorative surrounds. Window openings, which are typically aligned vertically, usually occupy between 20% and 50% of the principal facade.~~

~~In commercial, industrial and institutional buildings, windows are often grouped within a single opening. These building types may also use a combination of window sash, including double-hung, awning and hopper.~~

~~If muntins are used in new window sash, they must provide true divided lights. Within the individual opening, window sash are usually divided into two or more lights. In all cases the glass must be clear; tinted or reflective glass is not acceptable. Also, roll down shutters and metal bar systems installed on the exterior of the building that cover door and window openings are not appropriate.~~

4. ~~**Storefronts:** New storefronts should relate to the characteristics of existing storefronts on historic buildings. Storefronts in the district are typically taller than individual upper floors; framed by piers and/or columns and have a lintel separating them from the upper floors; are divided into bays which increases their verticality and provides a pedestrian scale and proportion; and have large, fixed expanses of clear (not tinted or reflective) glass. As with rehabilitated original storefronts, roll down shutters and metal bar systems installed on the exterior of the building are not appropriate elements for new storefronts.~~

~~The storefront lintels are 12 to 18 feet above grade; the window sill height is between 18 inches and 3 feet above grade; and storefront windows are set back from the structural elements approximately 12 inches.~~

5. ~~**Setback:** Setback is an important issue in a dense urban area such as Over the Rhine. The setback for new construction should be consistent with the buildings of similar use on adjacent and nearby sites. In Over the Rhine, most commercial buildings are built up to the property line. Some residential property, especially detached buildings, have shallow setbacks but retain an "edge" at the property line with a fence. Some larger institutional buildings such as schools, churches and public buildings are setback from the street to provide public space and to add to their monumentality. In most cases new construction on corner sites should be built up to the edge of both outside property lines.~~

6. ~~**Rhythm:** New buildings should incorporate design features, such as window groupings, articulation of wall surfaces, and decorative elements such as columns or piers in an effort to~~

~~maintain the rhythm that already exists in the district. New construction should avoid creating long unrelieved expanses of wall along the street by maintaining the rhythm of bays found on the district. Most buildings in Over the Rhine are relatively narrow, 25 to 50 feet in width. A building facade typically displays vertical subdivisions that establish a visual rhythm. In dense commercial areas such as Vine Street, there are no setbacks, creating a solid wall along the street. This wall is articulated by the individual buildings, which in turn are divided by window groupings, changes in wall planes and decorative elements such as pilasters, columns or piers.~~

- ~~7. **Emphasis:** New residential and mixed use construction should have a vertical emphasis, because in Over the Rhine buildings are taller than they are wide, window openings are tall and narrow, and storefronts have slender columns, which emphasize verticality. Commercial and industrial buildings, which may have an overall horizontal emphasis, often incorporate vertical elements, such as pilasters or vertically oriented openings.~~
- ~~8. **Height:** The height of new construction should not vary more than one story from adjacent contributing buildings. Most buildings in Over the Rhine are between two and five stories.~~
- ~~9. **Materials:** New construction should use materials that are found on the historic buildings in Over the Rhine. Clearly the dominant material in Over the Rhine is brick, but other materials such as limestone, sandstone, cast iron, slate, wood and sheet metal are important as well. Materials such as stucco, synthetic stucco and plastic are not appropriate and should not be considered as exposed finish materials for new construction in this district.~~

## Additions

### Intent and General Guidelines

1. Additions are allowed and should follow new construction guidelines. They should be compatible in character with the original. They should be sympathetic but not imitative in design.
2. Additions should be designed to relate architecturally to adjacent buildings in general and to the building they are a part of in particular.
3. Additions should not overpower the original building.
4. The appropriateness of design solutions will be based on balancing the program needs of the applicant with 1) how well the proposed design relates to the original building and neighboring buildings and 2) how closely the proposal meets the intent of these general guidelines and the specific guidelines for new construction.

## Rehabilitation

### A. Intent and General Guidelines

These guidelines are intended to assure that rehabilitation will maintain significant features of buildings. The guidelines are not hard-and-fast rules, but are used by the Historic Conservation Board as a guide to assess the compatibility and the appropriateness of proposed changes. Reviews are limited to the exterior changes proposed for buildings; alterations made to the interior of buildings are not reviewed by the Historic Conservation Office.

1. Ordinary repair and maintenance which does not change the appearance of the building shall not be reviewed.
2. Existing features in good condition should be conserved, and damaged features should be repaired wherever possible.
3. Replace badly damaged or missing features sensitively to harmonize with the character of the original feature. Replication is appropriate, but it is not essential.
4. Completely new features and materials should be compatible with the building in design, color, detailing, texture, size and shape. By their nature adaptively reused buildings may require more flexible and creative design approaches.

## B. Specific Guidelines

1. **Materials:** Missing or deteriorated materials should be replaced with recycled or new materials that match the original as closely as possible with regard to the following: type, color, style, shape, and texture of material. The composition, type of joint, size of units, placement and detailing should be appropriate for the building. Synthetic materials such as aluminum or vinyl siding, imitation brick or plastic are inappropriate. Other types of synthetic materials such as split-face concrete block may be approved on a case-by-case basis.
2. **Door and Window Openings:** Among the most important features of any building are its openings – its windows and doors. The size and location of openings are an essential part of the overall design and an important element in the building's architecture. Don't alter or fill-in original openings. Roll down shutters and metal bar systems installed on the exterior of the building that cover door and window openings are not appropriate.
3. **Door and Window Sash:** Repair original doors and window sashes rather than replace whenever possible. If replacement is necessary, the new door or window sash should match the original in material, size and style as closely as possible. Synthetic replacement windows are generally discouraged. Consult with the Historic Conservation Office about acceptable replacement windows.
4. **Ornamentation:** Significant architectural features such as window hoods, decorative piers, quoins, bay windows, door and window surrounds, porches, cast-iron storefronts and other ornamental elements should be preserved. These distinctive features help identify and distinguish the buildings in Over-the-Rhine. Don't remove or replace ornamentation with substitutes that are of a different scale or design or an incompatible material. Make replacement ornamentation match the character of the existing feature closely as possible with respect to type, color, style, shape and texture of material. Some synthetic materials including fiberglass castings may be approved on a case-by-case basis.
5. **Roofs:** Chimneys, dormers or towers and other architectural features that give the roofline of an existing building its identifying character should be preserved. Most of the buildings in Over-the-Rhine have flat or single-pitch roofs. The addition of vents, skylights, and roof top utilities should be inconspicuously placed or screened where necessary. Retain and repair the original roof materials such as slate, which is common on churches, institutional buildings and buildings with mansard roofs, and standing seam metal roofs, which are common on smaller buildings with gable roofs. Do not use wood shakes and plastic roofing products,

which are inappropriate materials in Over-the-Rhine. Simulated slate may be approved on a case-by-case basis.

6. **Cleaning:** Clean exterior surfaces with the gentlest method possible. For masonry structures, begin with scraping by hand or scrubbing with a bristle brush and mild detergent. Some types of chemical cleaning can be used, but test patches should be carried out in inconspicuous areas first. Don't sandblast or use other abrasive cleaning methods that destroy the surface of brick and stone and shorten the life of the building. Don't use wire brushes, because they can also damage masonry surfaces.
7. **Repointing Masonry:** Repoint historic masonry with mortar that matches the existing in color, content and texture and with joints that match in type and thickness. The mortar joints in masonry construction deteriorate for a variety of reasons. Repointing these joints can significantly aid the rehabilitation of a structure. Generally, buildings built prior to 1900 used a lime-based mortar. A typical lime-based mortar has the following formula: 8 parts sand, 2 parts lime, and 1 part portland cement. This mortar is softer than the portland cement-based mortar of today. Hard modern mortar used on historic masonry causes bricks to crack or spall during the freeze-thaw cycle.
8. **Water-Repellent Coatings:** Don't use water-repellent coatings on historic masonry. Most historic structures have survived without the need of water-repellent coatings. Water-related damage on the interior of buildings is usually the result of a failing roof, deteriorated or faulty gutters and downspouts, deteriorated mortar, rising damp or condensation. Water-repellent coatings will not solve these problems and may make them worse.
9. **Painting:** Repaint buildings that were historically painted. Most buildings built before 1890 in Over-the-Rhine were originally painted. Paint is part of the aesthetic design of these buildings and should be maintained. Paint also protects porous nineteenth century masonry and masks alterations and inappropriate repairs. Masonry that has not been painted in the past should not be painted. Because color can have a significant impact on the neighborhood, use paint colors that are appropriate to your building's age and style. Historically, most paint schemes were relatively simple. The Historic Conservation Office can provide owners with color combinations that are appropriate for a building's age and style. Varying the choice of color between neighboring buildings is preferred.
10. **Wood Siding:** Retain and repair original wood siding. When replacement is necessary, the new wood should match the original in size, shape, profile and detail. All wood siding should be painted. Aluminum or vinyl siding is not appropriate for replacing or covering original wood siding. Artificial stone, asbestos, asphalt siding and other similar resurfacing materials are not acceptable. The use of composite cement siding may be approved on a case-by-case basis.
11. **Shutters and other outside attachments:** Original shutters should be repaired and retained. Many buildings in Over-the-Rhine have or had wood shutters for the windows. Reintroducing missing shutters must be based on physical evidence and the shutters must fit the opening and be operable.

Exterior light fixtures should be appropriate to the style of the building. Colonial "coach" lights are not appropriate. Mercury vapor and other streetlights are not appropriate for



attachment to the façade. Exterior light fixtures should be mounted in a way that does not cast undue glare onto neighboring properties.

12. **Storefronts:** Retain and repair the design and materials of storefronts in historic buildings. First-floor storefronts are common in Over-the-Rhine and are found in all types of architectural styles. Detailing and materials vary considerably. Each design should be considered individually and original materials should be retained. If the storefront has been altered or if none of the original materials remain, old photographs may indicate the original design. Original masonry storefront materials should be cleaned with the gentlest method possible (see section on cleaning). Cast-iron storefronts may be cleaned by abrasive methods including sandblasting. Adjacent materials must be protected and the pressure should be less than 100 p.s.i.

Don't reduce the size of storefront openings. Transparency and scale are very important to storefronts and their relationship to the remainder of the building as well as to the streetscape. Don't cover or remove significant elements such as piers, lintels, transoms, original doors or other similar details. Roll down shutters and metal bar systems installed on the exterior of the building are not appropriate.

13. **Signs:** Signs should be designed for clarity, legibility and compatibility with the building or property on which they are located. Signs should be located above the storefront, on the storefront windows or on awnings and should not cover any architectural features. Signs should capitalize on the special character of the building and reflect the nature of the business.

Wall and projecting signs should be located above the storefront or first story and below the second story sills. The size of wall signs shall be limited to one square foot per lineal foot of building frontage. Projecting signs should be no larger than 3 feet, 6 inches in width or height. Small projecting signs such as symbol signs are appropriate. Billboards and internally illuminated signs are not permitted. Neon signs may be approved on a case-by-case basis.

14. **Awnings:** The installation of fabric awnings on storefronts is encouraged. Awnings add color and variety to commercial buildings and highlight the businesses. Awnings should be installed so they do not cover or require the removal of any original architectural feature. Awnings of metal, plastic, vinyl (not vinyl coated fabric) or wood will be reviewed on a case-by-case basis. Internally illuminated awnings are not acceptable.

## Site Improvements

### A. Intent and General Guidelines

1. Site improvements, such as parking lots, parking pads, paving, fences, decks and trees should be in character with the contributing buildings in the district and should respond to the colors, textures, materials and scale found in the area of the improvement.
2. The design of any site improvement should be compatible with district buildings and not detract from the character of the district.
3. The design of site improvements should capitalize on the unique character of the area and could incorporate elements from the district. Site improvements should enhance the experience of pedestrians in the district.

## B. Specific Guidelines

1. **Parking Lots:** Cars in parking lots should be screened from public view. Appropriate screening includes low masonry walls in conjunction with planting areas and landscaping, low masonry walls with wrought iron fencing and planting areas with landscaping and wrought iron fencing. Chain link fence along sidewalks is inappropriate.

Parking lots with a capacity of 10 or more cars should contain trees within the lot as well as around the perimeter of the lot. Concrete curbs, not rolled asphalt bumpers, are appropriate edges for parking lots.

A lot used for surface parking of motor vehicles should be for the exclusive use of owners, occupants and customers of a building located within 300 feet of the lot, and shall be subject to a restrictive covenant to implement this provision.

2. **Parking Pads:** Parking pads (parking for one or two cars) are permitted at the rear of the property, with access at alleys or existing curb cuts whenever possible. Parking pads in areas other than the rear yard shall be judged on a case-by-case basis and judged by their impact on the property and on the district.
3. **Fences and Walls:** Wrought-iron or cast-iron fences are encouraged along the sidewalks of vacant lots or where buildings are setback from the sidewalk. Fencing may be set between wrought iron and cast-iron posts, natural stone posts or pre-cast concrete posts. Fencing may also be set on a concrete curb or on top of a retaining wall. Landscaping in front of a fence is encouraged. Plain board fences (vertical boards nailed side-by-side on horizontal stringers) or wire fences are appropriate at the rear of the property or along the side of the property. Wood fences should be painted or stained but not left to weather naturally. Chain link, stockade, shadow board, basket weave and lattice designs are not appropriate. Masonry privacy walls are not encouraged.

Retaining walls built along the front property line or along street frontage should be built of or faced with fieldstone or limestone. Retaining walls at other locations should be built of fieldstone, limestone, brick or specialized masonry block such as split-face concrete block. Concrete products including cinder block, stucco and unfinished concrete masonry units should not be used as the finish material for any retaining wall.

4. **Decks:** Wood decks should be stained or painted. Rooftop decks should not be highly visible from the principal façade. Metal balconies should not be discouraged.
5. **Paving for sidewalks, patios and other similar areas:** Materials used for paving should have the appearance of individual units to give the surface scale. Appropriate materials include brick, stone, scored concrete and unit pavers. Concrete should be limited to sidewalks and should not be used in large slabs over big areas, such as driveways and parking lots.
6. **Street Furniture and Amenities:** Existing historic elements in the right-of-way such as steps, mounting blocks, fences, paving, natural stone curbs and splash blocks should be retained. Historic materials such as pavers, curbs or steps shall be returned to their same location, even if they are to be paved over, when they are removed to install or repair utilities such as water, sewer, electric, gas, cable, security or for any other purpose. Flower boxes, planters, urns and similar elements are encouraged but should be appropriate to the property

where they are placed and with the district as a whole. The installation of these elements should not cover or require the alteration of any architectural details.

7. **Trees:** Street trees and trees on private property are encouraged. Don't cut down mature, healthy trees.

## Demolition

~~Demolition regulations for designated property in Cincinnati set forth in Chapter, Historic Conservation, of the Cincinnati Municipal Code. See particularly Section 741-13, Regulation of Alterations, Demolitions and Environmental Changes, and Section 741-15, Demolition. Generally, demolition of existing buildings is permitted if one of the following conditions exist: No building or part of a building may be demolished except as provided below:~~

- ~~1. Demolition has been ordered by the Director of Buildings and Inspections for public safety because of an unsafe or dangerous condition which constitutes an emergency. See Section 741-21(e).~~
- ~~2. 1. Inappropriate additions, non-significant portions of a building, and non-contributing buildings may be demolished provided the demolition does not adversely affect the integrity of a contributing building or the character of the streetscape or the district. In reviewing a proposed demolition of an addition, non-significant portion of a building, or non-contributing building and its impact on contributing buildings, the streetscape, and the district, the Historic Conservation Board may consider whether the applicant's plans for new improvements in place of the demolished structure or portion thereof are consistent with the "New Construction" and "Site Improvements" sections of this document, as applicable.~~
- ~~3. The owner can demonstrate to the satisfaction of the Historic Conservation Board that the structure cannot be reused for any use or a reasonable economic return from the use of all or part of the building or from the sale of the property proposed for demolition cannot be realized. See Section 741-13(h)(2).~~
- ~~4. The owner is a non-profit corporation or organization and can demonstrate to the satisfaction of the Historic Conservation Board that the denial of the application to demolish would also deny the owner the use of the property in a manner compatible with its organizational purposes and would amount to a taking of the owner's property without just compensation. See Section 741-13(h)(3).~~
- ~~5. The demolition request is for an inappropriate addition or a non-significant portion of a building and the demolition will not adversely affect those parts of the building which are significant as determined by the Historic Conservation Board.~~

## Supplemental Demolition Guidelines for the Over the Rhine Historic District:

- ~~1. The Historic Conservation Board, when acting on any application for a Certificate of Appropriateness seeking approval of demolition, may:~~
- ~~2. Approve the demolition of a non-contributing building or a building of a later period and the demolition will not adversely affect the character of the streetscape or the district as determined by the Historic Conservation Board. A list of the non-contributing buildings is provided below.~~

- ~~3. Approve 2. The demolition if it is necessary to carry out an Urban Design Plan, or an Urban Renewal Plan, approved by Council or a Planned Unit Development (PUD) approved by the City Council.~~
- ~~4. Delay or deny the application if it finds that the reason that the structure cannot be reused for any use or the owner cannot realize a reasonable economic return from the use of all or part of the building or from the sale of the property proposed for demolition is that the owner has failed to provide the minimum maintenance required by Section 741-19(a) through willful action or neglect.~~
- ~~5. New construction on the cleared site will be subject to the guidelines for new construction and site improvements for the Over the Rhine Historic District.~~

## Non-Contributing Buildings

### A. Intent and General Guidelines

1. A number of buildings in the district do not contribute to the historic character of the district. The Historic Conservation Board will review the proposed alteration or demolition of these buildings based on the guidelines in this section. These guidelines encourage changes in the district that will reinforce its historic and architectural character, but acknowledge that some buildings are of a different age or architectural period.
2. Buildings that do not contribute to the historic character of the district fall into two general categories:
3. **Newer buildings:** Most buildings that were built within the past fifty years do not fit the historic or architectural context of the neighborhood. Due to their more recent date of construction, these buildings did not contribute to the development of Over-the-Rhine as an urban, nineteenth-century neighborhood. The majority of these newer buildings differ architecturally from the district's historic buildings, especially in scale, building materials, and detailing.
4. **Significantly altered buildings:** Some older buildings have lost the integrity of their original design due to substantial, incompatible exterior alterations. Buildings in this category not only have been stripped of architectural details, but have been altered completely in their appearance. The basic design, scale and rhythm of these buildings no longer relate to the historic buildings of the district.

### B. Specific Guidelines





1. **Rehabilitation:** The rehabilitation of non-contributing buildings should comply with the guidelines for rehabilitation, as outlined in the "Rehabilitation" section of this document. These rehabilitation guidelines provide a framework for maintaining a building's basic architectural character; they do not suggest that a building be redesigned or altered to appear older than it is. Alterations to a newer building should be compatible with the original architectural character of that structure or should help the building to relate better architecturally to the surrounding historic district. The rehabilitation of an older, altered structure should restore elements of the building's historic character, whenever possible, based on remaining physical evidence, historic documentation, or similar buildings nearby. Alterations to non-contributing buildings should not create a false sense of history. In many cases it is preferable to rehabilitate and reuse a non-contributing building than to have a vacant parcel or parking lot.

2. **Additions:** Additions to non-contributing buildings should comply with the guidelines outlined in the "Additions" section of this document. Additions should be designed to relate architecturally to adjacent buildings and to the building of which they are a part. Additions should not overpower the original building.
3. ~~**Demolition:** Non-contributing buildings may be demolished if the demolition will not adversely affect the character of the district. The Historic Conservation Board's review of an application to demolish a non-contributing building will include an evaluation of plans for the redevelopment of the cleared site, based on the "New Construction" and "Site Improvements" sections of this document.~~

**List of Non-Contributing Buildings:** The following buildings identified on Attachment \_\_\_\_\_, incorporated herein by reference, are deemed to be non-contributing buildings that do not contribute to the historic or architectural character of the Over-the-Rhine Historic District.




~~(See Attached List)~~

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List


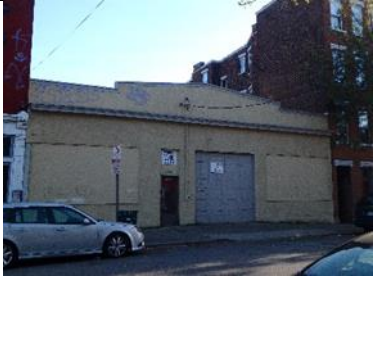
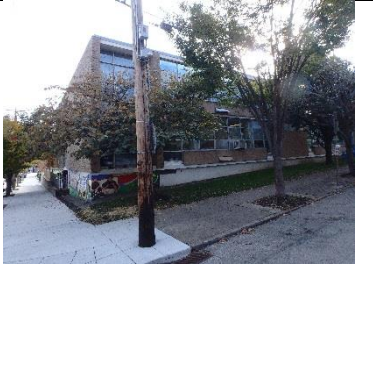
Address	Photo	Recommendation	Justification	Notes & Sources
<b>544 East Twelfth Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age and massing.	Appears on the 1904/1934 Sanborn Map. Adjacent to fire station (now Ken Jones architects)
<b>211 - 225 West Twelfth Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction	Shakespeare Festival Theater
<b>12 East Thirteenth Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Despite historic details, this building was built in the 1990s.
<b>28 East Thirteenth Street (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to building type, age and massing.	Appears on the 1904/1934 Sanborn Map. This is an example of a "back house" (or rear house) once ubiquitous throughout the district. This type has not been adequately celebrated within the district, probably due to the fact that they are often less visible from the street.



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>101 East Thirteenth Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>106 East Thirteenth Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>331 East Thirteenth Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This building contributes to the industrial history of the neighborhood.	Though the massing and scale of this building is different from the vertical Italianate buildings for which the district is best known, the preservation of sites of industrial heritage (more horizontal in nature) is important to telling the full story of the history of Over-the-Rhine as a mixed-use enclave. This building is currently under renovation.
<b>400 East Thirteenth Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age and massing.	Appears on the 1904/1934 Sanborn Map.




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<p><b>510 East Thirteenth Street</b></p>		<p><b>Retain</b> from Non-Contributing Buildings List</p>	<p>This building is not within the period of significance for the district.</p>	<p>Mr. Bubbles carwash. This building does not appear on the 1904/1934 Sanborn map (there are two frame buildings on the lot at that time), rather it documents midcentury/post-war industrial development.</p>
<p><b>545 East Thirteenth Street</b></p>		<p><b>Remove</b> from Non-Contributing Buildings List</p>	<p>This building contributes to the district due to age and as a document of the neighborhood's industrial heritage and contributes to the density of the district by providing a continuous street wall.</p>	<p>Appears on 1904/1934 Sanborn.</p>
<p><b>227 East Fourteenth Street</b></p>		<p><b>Retain</b> from Non-Contributing Buildings List</p>	<p>This building is not within the period of significance for the district.</p>	<p>Peaslee Neighborhood Center, formerly an annex building to the Peaslee School building on Woodward Street. This building later served the entire Peaslee School population once the old building was demolished. It's use as a neighborhood arts center is a beacon in Over-the-Rhine's history of neighborhood activism.</p>




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>113 West Fifteenth Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	This building is the same as 1440 Pleasant Street.
<b>115 West Fourteenth Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now Washington Park.	Formerly Washington Park Elementary School.
<b>124 West Fifteenth Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
<b>218 West Fifteenth Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction.	The current building is not the original non-contributing building on this site. An earlier building has been demolished and replaced with new construction in the last 12-18 months.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




<b>27 Back Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This building contributes to the district due to age and as a document of the neighborhood's industrial heritage.	Appears on the 1904/1934 Sanborn Map. Formerly New York Steam Laundry.
<b>2020 Branch Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This building contributes to the district due to age and as a document of the neighborhood's industrial heritage.	Appears on the 1904/1934 Sanborn Map. Formerly Lang & Wanner Tannery.
<b>1117 Broadway (Rear)</b>		<b>Retain</b> on Non-Contributing Buildings List		Cinderblock garage.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1131 Broadway</b>		<b>Remove</b> from Non-Contributing Buildings List	This building contributes to the district due to age and as a document of the neighborhood's industrial heritage and contributes to the density of the district by providing a continuous street wall.	Appears on 1904/1934 Sanborn as a garage.
<b>1211 Broadway</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributing building due to type and age.	Appears on 1904/1934 Sanborn. This is a typical late nineteenth/early twentieth century Italianate tenement building characteristic of the district.
<b>1712 Campbell Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributing building due to age and verticality and contributes to the density of the district by providing a continuous streetwall.	Appears on 1904/1934 Sanborn.



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




<b>114 East Central Parkway</b>		<b>Retain</b> from Non-Contributing Buildings List	This building is not within the period of significance for the district.	Salvation Army Offices and Chapel. While the rear façade (visible from 12 <sup>th</sup> and Jackson Streets) is very modern, suffers from low quality materials and is not in keeping with the character of the district, the midcentury Central Parkway façade is of higher quality. Site of former Model Laundry building.
<b>16 West Central Parkway</b>		<b>Retain</b> from Non-Contributing Buildings List	This building is not within the period of significance for the district.	Cincinnati Metropolitan Housing Authority. Though the massing and horizontally oriented façade are not in keeping with other buildings in the district this distinctive façade, located on Central Parkway, speaks to the difference between the majority of the district and its wider edge thoroughfares.
<b>1317 Clay Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	Bracken Village






## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1327 Clay Street		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	Bracken Village
1335 Clay Street		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	Bracken Village
1343 Clay Street		<b>Remove</b> from Non-Contributing Buildings List	Contributing building due to age. Contributes to the density of the district by providing a continuous streetwall.	Appears on the 1904/1934 Sanborn Map. The building has an updated façade. Has a plaque on the façade commemorating it's designation as the "Lally-Loftin Home" in 1976. Lally and Loftin seem to have been police officers who died in the line of duty.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1412 Clay Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Lot now vacant.	
<b>1413 Clay Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Lot now vacant.	
<b>104 East Clifton Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Lot now vacant.	




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>108 East Clifton Avenue</b>			<b>Retain</b> on Non-Contributing Buildings List.	Modern Construction.	
<b>131 East Clifton Avenue</b>			<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Lot now vacant.	
<b>134 East Clifton Avenue</b>			<b>Retain</b> on Non-Contributing Buildings List.	Modern Construction.	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List


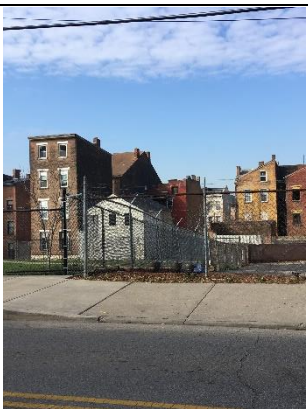

<b>136 East Clifton Avenue</b>		<b>Retain</b> on Non-Contributing Buildings List.	Modern Construction.	
<b>135 East Clifton Avenue</b>		<b>Retain</b> on Non-Contributing Buildings List.	Modern Construction.	
<b>139 East Clifton Avenue (rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	These buildings contribute to the district due to age and massing.	Appears on the 1904/1934 Sanborn Map. This is a series of three historic back buildings.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

145 East Clifton Avenue		<b>Remove</b> from Non-Contributing Buildings List	Contributing building due to age and verticality, and contributes to the density of the district by providing a continuous streetwall.	Appears on the 1904/1934 Sanborn. This is a classic Italianate tenement characteristic of the district.
200 East Clifton Avenue		<b>Retain</b> on Non-Contributing Buildings List.	Modern construction.	This Art Deco/Modern tax payer with chamfered corner is distinct in the district, but offers a record of depression-era development and neighborhood change. The rear portion of this building is clearly non-contributing, though the portion at the street is an interesting part of the district. The lot is vacant on the 1904/1934 Sanborn map. Home of Sally's café in the 1950s.
201 East Clifton Avenue		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn.






## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List


<b>207 East Clifton Avenue (rear)</b>		<b>Retain</b> on the Non-Contributing Buildings List	Modern construction.	
<b>211 East Clifton Avenue (rear)</b>		<b>Remove</b> from the Non-contributing Buildings List	Building Demolished. Lot now vacant.	Now part of Rothenberg School playground.
<b>222 East Clifton Avenue (rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Was added to the list in error.	Though the rear façade looks very different from the front of this building, they are one structure, so this is part of a contributing building.







# Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1701 East Clifton Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
<b>103 West Clifton Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
<b>112 Corwine Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn.



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1918 Dunlap Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>2008 Dunlap Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Cinderblock garage.
<b>6 West Elder Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>115-117 West Elder Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction	SEC Elder and Pleasant.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1413-1417 Elm Street		Remove from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
1428 Elm Street		Retain on Non-Contributing Buildings List	Modern construction.	Recent development by Huber Homes.
1429 Elm Street		Remove from Non-Contributing Buildings List	This building contributes to the district due to age, and materials.	Appears on the 1904/1934 Sanborn.
1437 Elm Street		Remove from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1515 Elm Street		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
1604 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
1624 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
1715 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




1719 Elm Street		Retain on Non-Contributing Buildings List	Modern Construction	Findlay Kitchen
1727 Elm Street		Retain on Non-Contributing Buildings List	Simple façade with asymmetrical openings. No detail or ornament.	This building, built in 1930, appears on the 1934 Sanborn, but does not contribute to the character of the district.
1829 Elm Street		Retain on Non-Contributing Buildings List	Modern Construction	New Prospect Baptist Church
1900 Elm Street		Retain on Non-Contributing Buildings List	Modern Construction	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List





<b>1905 Elm Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Auditor's website (which is notoriously unreliable) lists the building as constructed in 1959.
<b>2001 Elm Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>2010 Elm Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on the 1904/1934 Sanborn. Includes some modest art deco-like detailing of brick columns.
<b>2014 Elm Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on the 1904/1934 Sanborn. Same building as 2016 and 2020 Elm. Includes some modest art deco-like detailing of brick columns.



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

2016 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on the 1904/1934 Sanborn. Same building as 2014 and 2020 Elm. Includes some modest art deco-like detailing of brick columns.
2017 Elm Street (Rear)		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	No rear building at this address.
2020 Elm Street		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on the 1904/1934 Sanborn. Same building as 2014 ad 2016 Elm. Includes some modest art deco-like detailing of brick columns.




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>220 Findlay Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	Parking lot for 230 Findlay
<b>230 Findlay Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction.	
<b>1708 Frintz Sreet</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	Parking for TruPartner Credit Union.
<b>1716 Frintz Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on 1904/1934 Sanborn.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List





<b>221 Grant Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Does not appear on 1904/1934 Sanborn
<b>34 Green St</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Over-the-Rhine Child Care Center at the corner of Green and Race.
<b>1120 Jackson Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Though it has been significantly altered, the building still contributes to the industrial heritage of the district.	Know Theater. Appears on the 1904/1934 Sanborn.
<b>1705 Lang Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	Former Wesley Mission Baptist Church. Corner of Lang and East McMicken.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List





<b>30 East Liberty Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	Shell gas station
<b>116 East Liberty Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	Free Store Foodbank
<b>128 East Liberty Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
<b>12-24 West Liberty Street</b>		<b>Retain</b> on Non-Contributing Buildings List	This building is not within the period of significance for the district.	Saint Anthony Messenger (old building).



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List





<b>26-32 West Liberty Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Saint Anthony Messenger (new building). Though this building is interesting architecturally and in scale with the surrounding buildings, its construction is too new to qualify it as a contributing part of the district.
<b>208 West Liberty</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
<b>1612 Logan Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
<b>1800 Logan Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1822 Logan Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears in 1904/1934 Sanborn.
<b>1215 Main Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears in 1904/1934 Sanborn.
<b>1434 Main Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction.	
<b>1440 Main Street</b>		<b>Retain</b> on Non-Contributing Buildings List	This building is not within the period of significance for the district.	Comey and Shepard Office.





## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1604 Main Street			<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	Former site of White Castle.
1616 Main Street			<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
1630 Main Street			<b>Remove</b> from Non-Contributing Buildings List	Building Demolished. Now vacant lot.	
1722 Main Street			<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Though this building has been covered in stucco, it is clearly a brick building.




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>6 – 10 East McMicken Avenue</b>			<b>Retain</b> on Non-Contributing Buildings List	This building is not within the period of significance for the district.	
<b>18 – 20 East McMicken Avenue</b>			<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Note that many previously hidden cast iron and pressed metal historic details have been recently exposed on this building due to a marquee collapse.
<b>48 East McMicken Avenue (Rear)</b>			<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>50 East McMicken Avenue (Rear)</b>			<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<p><b>54 East McMicken Avenue (Rear)</b></p>		<p><b>Remove</b> from Non-Contributing Buildings List</p>	<p>Contributes to the district due to age, materials, and massing.</p>	<p>Appears on the 1904/1934 Sanborn. Rear houses like this one are an essential piece of the architectural heritage and character of Over-the-Rhine. Examples like this one should be carefully protected to preserve the density and historic configuration of the neighborhood.</p>
<p><b>66 East McMicken Avenue</b></p>		<p><b>Remove</b> from Non-Contributing Buildings List</p>	<p>Building demolished. Now vacant lot.</p>	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>68 East McMicken Avenue (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Rear houses like this one are an essential piece of the architectural heritage and character of Over-the-Rhine. Examples like this one should be carefully protected to preserve the density and historic configuration of the neighborhood.
<b>70 East McMicken Avenue (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Rear houses like this one are an essential piece of the architectural heritage and character of Over-the-Rhine. Examples like this one should be carefully protected to preserve the density and historic configuration of the neighborhood.
<b>111 East McMicken Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age and materials.	Appears on the 1904/1934 Sanborn. This is the first story of a once-taller building. The remaining ground floor contains a sandstone store front characteristic of those throughout the district.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<p><b>113 East McMicken Avenue</b></p>		<p><b>Remove</b> from Non-Contributing Buildings List</p>	<p>This address does not exist.</p>	<p>It appears that this lot has ceased to exist. 113 East McMicken should be the address for the mini-market listed above at 111 East McMicken, but the building is clearly labeled 111. 111 should be the address now in the middle of Walnut Street, but the market seems to have taken over this address.</p> 
<p><b>38 West McMicken Avenue</b></p>		<p><b>Remove</b> from Non-Contributing Buildings List</p>	<p>Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.</p>	<p>Appears on 1904/1934 Sanborn.</p>







## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>48 West McMicken Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on 1904/1934 Sanborn.
<b>54 West McMicken Avenue</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>115-121 West McMicken Avenue</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Façade Cladding.	VoA Building. A small building appears on this lot in the 1904/1934 Sanborn, while the majority of the lot seems to have been recently cleared. Based on the steel casement windows on the side of this building, it was probably built in the 1940s, however, because of the low-quality, modern façade materials, it does not seem to contribute to the district in the way that many other industrial buildings of the same age do.



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>112 West McMicken Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on the 1904/1934 Sanborn. Owned by Rhinegeist
<b>203 West McMicken Avenue</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>1608 Moore Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>1621 Moore Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials and industrial and mixed-use character of the northern portion of the district.	Appears on the 1904/1934 Sanborn. Moerlein brewery/former Huesman's potato chips. Known to have significant underground lagering cellars which add significantly to the cultural heritage of the district.




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>31 Mulberry Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>33 Mulberry Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction (same as above).	
<b>127 Mulberry Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Adjacent garage is modern construction.
<b>138 Mulberry Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	





## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>320 Mulberry Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn
<b>19 Peete Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>75 Peete Street (Rear)</b>		<b>Retain</b> on Non-Contributing Buildings List	This simple two-bay garage does not possess any features which contribute to the character of the district.	Appears on the 1904/1934 Sanborn map.
<b>106 Peete Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List



<b>107 Peete Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>114 Peete Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to materials.	The 1904/1934 Sanborn map shows a wood frame building on this site the proportions of which seem to match the existing building (which is also wood frame). Though the façade of this building has been heavily altered with the addition of a roll-up garage door, original wood frame buildings are extremely rare in Over-the-Rhine, giving this building additional significance of one of the few remaining.
<b>119 Peete Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>124 Peete Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	Now part of 127 Mulberry Street to the rear.
<b>127 Peete Street</b>		<b>Retain</b> on the Non-Contributing Buildings List	Modern Construction.	
<b>1301 Pendelton Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn map.
<b>1413 Pleasant Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	






## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




<p><b>1511 – 1519 Pleasant Street</b></p>		<p><b>Retain Half of This Address</b> on Non-Contributing Buildings List and <b>Remove Half of this Address</b> from the Non-Contributing Buildings List</p>	<p>1515-1517 Pleasant Street are Modern Construction. 1519 Pleasant contributes to the district due to age, materials, and massing.</p>	<p>Over-the-Rhine Community Housing garage and storage. 1519 appears on the 1904/1934 Sanborn. This address should be split so that 1519 Pleasant Street is removed from the Non-Contributing Buildings List while the modern garage at 1515-1517 remains on the list.</p>
<p><b>1553 – 1561 Pleasant Street</b></p>		<p><b>Retain</b> on Non-Contributing Buildings List</p>	<p>Modern Construction</p>	<p>Cell phone store. SEC Pleasant and Liberty.</p>






## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1615 - 1617 Pleasant Street</b>			<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Though this buildings is currently covered with formstone, it is clearly a brick building.
<b>1618 Pleasant Street</b>			<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>1914 Pleasant Street</b>			<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	Building demolished. Now Streetcar maintenance yard.




## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1216 Race Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This industrial building contributes to the district as an example of its multi-use nature in which industrial, commercial, residential, and cultural/civic buildings existed side-by-side.	Appears on the 1904/1934 Sanborn map. Demolition Approved.
<b>1218 Race Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This early garage contributes to the district as an example of adaptation to the presence of automobiles in this dense urban neighborhood.	Appears as an auto garage on the 1904/1934 Sanborn map. Demolition Approved.
<b>Washington Park Comfort Station</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now Washington Park	Former pool house.





## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1530 Race Street			<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
1538 Race St			<b>Remove</b> from Non-Contributing Buildings List	This industrial building contributes to the district as an example of its multi-use nature in which industrial, commercial, residential, and cultural/civic buildings existed side-by-side.	Appears on the 1904/1934 Sanborn. Auditor's site photos from 1993 shows building with a decorative parapet wall not missing.
1715 Race Street			<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List




<b>1720 Race Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Over-the-Rhine Senior Center
<b>1723 Race Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on 1904/1934 Sanborn. Formstone cladding at the base.
<b>1725 Race Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This is a bad address. No such address exists.	Alley north of 1723 Race.
<b>1730 Race Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age and materials	Appears on 1904/1934 Sanborn. Our Daily Bread. This is the first floor of a once-taller historic building. It features historic cast iron columns and may have additional historic detail hidden

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

					behind current façade cladding/infill.
1812 Race Street (rear)			Remove from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Significant as an example of rear or back house construction common in the district.
1814 Race Street (rear)			Remove from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn. Significant as an example of rear or back house construction common in the district.
1826 Race Street			Remove from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn map.
1920 Race Street			Remove from Non-Contributing Buildings List	This building contributes to the industrial heritage of the northern part of the district.	Appears on 1904/1934 Sanborn. Currently Rookwood Pottery. Formerly Wagner and Sons Soda.







## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>315 – 319 Reading Road</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district as an example of the early twentieth-century industrial heritage.	Appears on the 1904/1934 Sanborn map as Tire and Battery repair.
<b>South West Corner of Reading Road and Liberty Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Verdon Bell Tower
<b>1332 Republic Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age and materials. This early garage contributes to the district as an example of adaptation to the presence of automobiles in this dense urban neighborhood.	Appears on the 1904/1934 Sanborn as a garage.






## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1415 Republic Street</b>		<b>Remove</b> from Non-Contributing Buildings List	This early garage contributes to the district as an example of adaptation to the presence of automobiles in this dense urban neighborhood.	Appears on 1904/1934 Sanborn.
<b>1308 Spring Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	This garage is attached to 1306 Spring Street which is a contributing building.
<b>1322 Spring Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears in 1904/1934 Sanborn map.
<b>1324 - 1326 Spring Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1123 Sycamore Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Hamilton County Parking Garage
<b>1203 Sycamore Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Out of scale and context with the architecture of the neighborhood.	The Diner
<b>1301 Sycamore Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	This was the WPA pool house, but it would now apply to the new comfort station in Zigler Park.
<b>1408 Sycamore Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing. This early garage contributes to the district as an example of adaptation to the presence of automobiles in this dense urban neighborhood.	Appears on the 1904/1934 Sanborn map as a garage.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1425 Sycamore Street</b>		<b>Retain</b> on from Non-Contributing Buildings List	This building is not within the period of significance for the district.	Gabriel's Corner
<b>1601 Sycamore Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	Photo shows building prior to 2017 demolition.
<b>1113 Vine Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Frame construction! Appears in the 1904/1934 Sanborn.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List





<b>1314 Vine Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Mercer Commons
<b>1324 Vine Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Mercer Commons
<b>1331 Vine Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	This address should be combined with 1335 Vine.
<b>1335 Vine Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	This address should be combined with 1331 Vine.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1406 – 1408 Vine Street (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List and amend address listing.	Building demolished. Now vacant lot.	Now the Kaze courtyard. 1408 Vine should be separated from 1406. 1408 is the former Weillerts Saloon and Beer Garden which is one of the most important historic locations in Over-the-Rhine.
<b>1412 Vine Street (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on the 1904/1934 Sanborn This is the building with the round windows you see from the Kroger parking lot.
<b>1414 – 1416 Vine Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>1518 Vine Street ( 5 E Liberty St)</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Crossroads Health Center
<b>1521-1525 Vine St</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List





<b>1630 Vine St</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now parking lot.	
<b>1800 Vine St</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	TruPartner Credit Union, formerly Provident Bank. Appears on the 1904./1934 Sanborn map. Undergoing renovation and a historic façade has been revealed.
<b>1801-1805 Vine St</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on 1904.1934 Sanborn map. Formstone cladding.
<b>1929 Vine St (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1920 Vine St</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on 1904.1934 Sanborn map.
<b>2026 Vine St</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>208 Wade St</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>210 Wade St</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	
<b>212 Wade St</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	






## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>214 Wade St</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on 1904.1934 Sanborn map.
<b>1200 Walnut Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Now within the period of significance for the district.	Coffee Emporium grindery and warehouse. A two-story building appears on the corner of this lot in the lot.1904/1934 Sanborn Map, but the long portion on 12 <sup>th</sup> Street does not. Chamfered corner entrance.
<b>1209 Walnut Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Now within the period of significance for the district.	Does not appear in 1904/1934 Sanborn.
<b>1212-1224 Walnut Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>1228-1232 Walnut Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village


## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1302 Walnut Street</b>			<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>1306-1316 Walnut Street</b>			<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>1328 Walnut Street</b>			<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>1334-1340 Walnut Street</b>			<b>Retain</b> on Non-Contributing Buildings List	Modern Construction	Bracken Village
<b>1350 Walnut Street</b>			<b>Retain</b> on Non-Contributing Buildings List	Constructed within the last 30 years.	Bracken Village.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>1426 Walnut Street (Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>1429 Walnut Street</b>		<b>Retain</b> on Non-Contributing Buildings List	Modern construction	
<b>1430 Walnut Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Building demolished. Now vacant lot.	
<b>1627 Walnut Street (1624 Moore Street Rear)</b>		<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, and massing.	Appears on 1904/1934 Sanborn map.
<b>1630 Walnut Street</b>		<b>Remove</b> from Non-Contributing Buildings List	Southern portion of the building contributes to the district as a document of the industrial heritage of this district, particularly the northern portion.	This address encompasses 1630-1642 Walnut. The northern portion of the building is non-contributing. Column details similar to those at 2014-2016 Elm Street. Address should be separated to denote contributing and non-contributing portions.

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

<b>215 Yukon Street (now Hanover Street)</b>			<b>Remove</b> from Non-Contributing Buildings List	Contributes to the district due to age, materials, massing and characteristic wooden porches.	Appears on the 1904/1934 Sanborn map.
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Buildings that were not listed as Non-Contributing but are not within the Boundaries of the National Register District and are not within the period of significance or have been significantly altered.

Address	Picture	
1804-1812 Central Pkwy		Built 1947



# Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1718 Central Pkwy			1960
220 Findlay St			1941






**Over-the-Rhine Historic District  
Recommended Updates to the Non-Contributing Building List**

1522 Central Pkwy		1986
1514-1520 Central Pkwy		1997




**Over-the-Rhine Historic District  
Recommended Updates to the Non-Contributing Building List**

1428 Central Pkwy			1961
1424-1426 Central Pkwy			1941

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

1416 Central Pkwy		1900, but significantly altered to remove any historic integrity
108 W Central Pkwy		2008
1150 Vine Street		2005

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

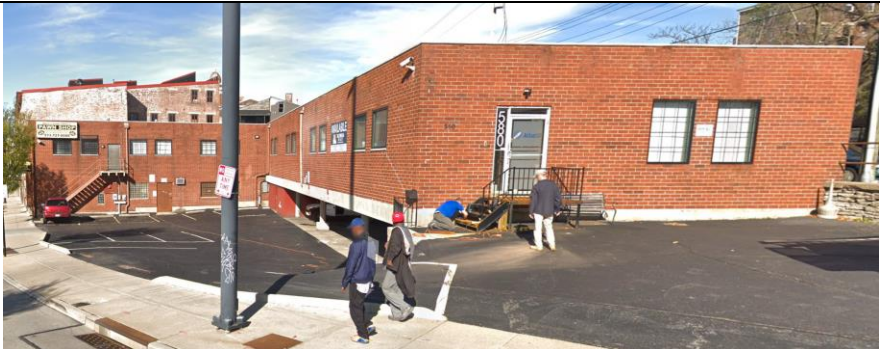


10 E Central Pkwy		2004
208 Reading Rd		1998
1133 Sycamore Street		1946



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

209-221 E 12 <sup>th</sup> Street		1946
508 Reading Rd		

## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

550 Reading Rod		1964
528 E 12 <sup>th</sup> Street		
508-518 Dandridge		2007



## Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List

### Non-Contributing Buildings

209-221 E 12 <sup>th</sup> Street	207 East Clifton Avenue (rear)
528 E 12 <sup>th</sup> Street	508-518 Dandridge
211-225 West 12 <sup>th</sup> St	1918 Dunlap Street
12 E 13 <sup>th</sup> Street	2008 Dunlap Street
101 E 13 <sup>th</sup> Street	6 West Elder Street
106 E 13 <sup>th</sup> Street	115-117 West Elder Street
510 E 13 <sup>th</sup> Street	1428 Elm Street
227 E 14 <sup>th</sup> Street	1515 Elm Street
113 W 15 <sup>th</sup> Street	1719 Elm Street
115 W 14 <sup>th</sup> Street	1727 Elm Street
218 15 <sup>th</sup> Street	1829 Elm Street
1117 Broadway Street (rear)	1900 Elm Street
10 E Central Pkwy	1905 Elm Street
114 E Central Parkway	2001 Elm Street
16 W Central Parkway	220 Findlay St
108 W Central Pkwy	230 Findlay Street
1416 Central Pkwy	221 Grant Street
1424-1426 Central Pkwy	34 Green St
1428 Central Pkwy	30 East Liberty Street
1514-1520 Central Pkwy	116 East Liberty Street
1522 Central Pkwy	12-24 West Liberty Street
1718 Central Pkwy	26-32 West Liberty Street
1804-1812 Central Pkwy	1434 Main Street
1317 Clay Street	1440 Main Street
1327 Clay Street	6 – 10 East McMicken Avenue
1335 Clay Street	115-121 West McMicken Avenue
108 E Clifton Av	31 Mulberry Street
134 E Clifton Av	33 Mulberry Street
136 E Clifton Av	75 Peete Street (Rear)
135 E Clifton Av	119 Peete Street
200 E Clifton Av	127 Peete Street

## **Over-the-Rhine Historic District Recommended Updates to the Non-Contributing Building List**

1413 Pleasant Street  
1519 Pleasant Street  
1553 – 1561 Pleasant Street  
1530 Race Street  
1720 Race Street  
South West Corner of Reading Road and Liberty Street  
208 Reading Rd  
508 Reading Rd  
550 Reading Rod  
1308 Spring Street  
1123 Sycamore Street  
1133 Sycamore Street  
1203 Sycamore Street  
1301 Sycamore Street  
1425 Sycamore Street  
1150 Vine Street  
1314 Vine Street

1324 Vine Street  
1331 Vine Street  
1335 Vine Street  
1518 Vine Street ( 5 E Liberty St)  
208 Wade St  
210 Wade St  
212 Wade St  
1200 Walnut Street  
1209 Walnut Street  
1212-1224 Walnut Street  
1228-1232 Walnut Street  
1302 Walnut Street  
1306-1316 Walnut Street  
1328 Walnut Street  
1334-1340 Walnut Street  
1350 Walnut Street  
1429 Walnut Street

## Non-Contributing Building List

209-221 E 12 <sup>th</sup> Street	34 Green St
528 E 12 <sup>th</sup> Street	30 East Liberty Street
211-225 West 12 <sup>th</sup> St	116 East Liberty Street
12 E 13 <sup>th</sup> Street	12-24 West Liberty Street
101 E 13 <sup>th</sup> Street	26-32 West Liberty Street
106 E 13 <sup>th</sup> Street	1434 Main Street
510 E 13 <sup>th</sup> Street	1440 Main Street
227 E 14 <sup>th</sup> Street	6 – 10 East McMicken Avenue
113 W 15 <sup>th</sup> Street	115-121 West McMicken Avenue
115 W 14 <sup>th</sup> Street	31 Mulberry Street
218 15 <sup>th</sup> Street	33 Mulberry Street
1117 Broadway Street (rear)	75 Peete Street (Rear)
10 E Central Pkwy	119 Peete Street
114 E Central Parkway	127 Peete Street
16 W Central Parkway	1413 Pleasant Street
108 W Central Pkwy	1519 Pleasant Street
1416 Central Pkwy	1553 – 1561 Pleasant Street
1424-1426 Central Pkwy	1530 Race Street
1428 Central Pkwy	1720 Race Street
1514-1520 Central Pkwy	South West Corner of Reading Rd and Liberty St
1522 Central Pkwy	208 Reading Rd
1718 Central Pkwy	508 Reading Rd
1804-1812 Central Pkwy	550 Reading Rod
1317 Clay Street	1308 Spring Street
1327 Clay Street	1123 Sycamore Street
1335 Clay Street	1133 Sycamore Street
108 E Clifton Av	1203 Sycamore Street
134 E Clifton Av	1301 Sycamore Street
136 E Clifton Av	1425 Sycamore Street
135 E Clifton Av	1150 Vine Street
200 E Clifton Av	1314 Vine Street
207 East Clifton Avenue (rear)	1324 Vine Street
508-518 Dandridge	1331 Vine Street
1918 Dunlap Street	1335 Vine Street
2008 Dunlap Street	1518 Vine Street (5 E Liberty St)
6 West Elder Street	208 Wade St
115-117 West Elder Street	210 Wade St
1428 Elm Street	212 Wade St
1515 Elm Street	1200 Walnut Street
1719 Elm Street	1209 Walnut Street
1727 Elm Street	1212-1224 Walnut Street
1829 Elm Street	1228-1232 Walnut Street
1900 Elm Street	1302 Walnut Street
1905 Elm Street	1306-1316 Walnut Street
2001 Elm Street	1328 Walnut Street
220 Findlay St	1334-1340 Walnut Street
230 Findlay Street	1350 Walnut Street
221 Grant Street	1429 Walnut Street

**SUBJECT:** A report and recommendation on proposed amendments to the Over-the-Rhine (OTR) Local Historic District guidelines in Over-the-Rhine, Pendleton, and Mt. Auburn.

**GENERAL INFORMATION:**

**Location:** Various addresses generally bounded by Central Parkway on the West and South, Reading Road and Sycamore Street on the East and West McMicken and Seitz Street on the North.

**Petitioners:** Over-the-Rhine Foundation, 1311 Vine Street, Cincinnati, OH 45202

**ATTACHMENTS:**

Provided in addition to this report are the following:

- A. Application submitted in 2020
- B. Over-the-Rhine New Construction Guidelines submitted by applicants in 2020
- C. Timeline of Engagement and Development in 2020
- D. Non-Contributing List Analysis dated 2020
- E. Amendments to Existing Guidelines by applicants dated 7/6/2020
- F. Comparison Chart between Existing Guidelines and Proposed in 2020
- G. Height Comparison Analysis Map dated 2020
- H. Staff Conference Attendance on 7/15/20
- I. Submitted Comments for 9/24/20 City Planning Commission meeting
- J. Department of Community and Economic Development comments submitted in September 2020
- K. Additional Comments post-Historic Conservation Board meeting in August 2020
- L. Revised Comparison Chart between Existing Guidelines and Proposed Guidelines 8/20/2020
- M. Historic Conservation Board Official Recommendation 8/25/2020
- N. Revised Comparison Chart between Existing Guidelines, Proposed Guidelines 9/24/20, Revised guidelines for 12/2/22
- O. Recommended changes on 11/18/22 submittal and new language for conditional approval
- P. Revised Monumental Building list proposed by staff 11/14/22
- Q. Revised Glossary list proposed by staff 11/14/22
- R. Comments - 2021 interviews, and written comments and testimony from 2020
- S. More recent correspondence for 12/2/22 City Planning Commission meeting

**BACKGROUND:**

The Over-the-Rhine Foundation (OTRF), a non-profit organization dedicated to the preservation of the Over-the-Rhine (OTR) neighborhood, began work in 2014 on a proposal to revise the Over-the-Rhine Local Historic District Conservation Guidelines to incorporate more detailed rules for new construction. The current guidelines were adopted in 2003 and have been utilized to guide development in the OTR Local Historic District since that time.

The OTRF submitted their initial proposal for revising the guidelines to the City in August of 2019. After their initial review, both City staff and external stakeholders raised concerns with the OTRF regarding the proposal's potential to materially impact development in the OTR Historic District. The OTRF then agreed to conduct additional stakeholder engagement in an attempt to refine and develop the guidelines to address those concerns.

Several additional meetings were held with City staff, and one additional meeting was held with City staff and external stakeholders, including developers, architects, and contractors. Following these meetings, the OTRF revised its original proposal; however, those revisions did not resolve many of the initial concerns raised by internal and external stakeholders, including the Department of Community and Economic Development and many developers and architectural firms that are active in redevelopment of OTR. The more prominent concerns are described below in the Public Comment section.

The OTRF's revised proposal was presented to the Historic Conservation Board (HCB) on August 3, 2020. In addition to written testimony, the HCB hearing included several parties speaking in favor of the application and multiple groups speaking against them. Following an extended discussion, the HCB recommended adoption of the proposal with certain conditions recommended by the City's Urban Conservator, including that further review and revision to the proposal occur (specifically regarding the provisions around height) prior to its submission to the City Planning Commission for consideration.

On September 24, 2020, the Cincinnati Planning Commission (CPC) reviewed a proposal to revise the Over-the-Rhine (OTR) Local Historic District Guidelines New Construction Section. This proposal was tabled with instruction for Planning staff to conduct additional community engagement prior to returning to the CPC with their revised proposal.

Staff started in January 2021, seeking to conduct Zoom interviews with every person who submitted comments in writing or testified at the September 24, 2020, City Planning Commission meeting. These interviews continued throughout 2021. The interviews included those who testified at the public staff conference held on 7/15/20, the collection of written comments, and people who testified at the CPC meeting on 9/24/20. Staff reached out to a total of approximately 50 people and interviewed 40. There were 13 architects, 10 developers, 15 property owners and 2 Non-Profits. Some people contacted did not return messages from staff requesting an interview. The goal of the interviews was to capture any additional thoughts each person may have had regarding the subject.

In July 2022 the applicant submitted revisions to the design guidelines to the Urban Conservator. The Urban Conservator and Zoning Administrator met with the applicants on July 26, 2022, and detailed feedback/comments were sent with suggested new language. The applicant sent the same submission with no changes in October and the Urban Conservator and Zoning Administrator met with the applicant on October 20, 2022, sending comments again without further changes. The final submission was made on November 18, 2022, with no changes since the July 26, 2022, submission.

**EXISTING GUIDELINES, PROPOSED REVISIONS SUBMITTED BY APPLICANT 2020 AND CURRENT 2022 PROPOSED GUIDELINES BY APPLICANT WITH STAFF'S PROPOSED REVISIONS:**

- 1) **Storefronts Existing Guidelines:** The **existing guidelines** state that new storefronts should be similar to existing historic storefronts.

**Proposed 2020 revised guidelines** state that storefronts should feature the basic components of a storefront system, including a bulkhead, transom windows and display windows.

**Opponents** say that this would prevent them from designing a full height storefront glass and folding glass doors. This limits business's ability to have open air, indoor/outdoor dining, which may become the norm for bars and restaurants in the future.

**2022 Proposed Revised Guidelines:** Keep proposed 2020 language submitted by applicant (Attachment O).

- 2) **Setbacks Existing Guidelines:** The **existing guidelines** state that setbacks should be consistent with adjacent similar uses along the street.

**Proposed 2020 Revised Guidelines** state similar language.

**2022 Proposed Revised Guidelines: Reconciled** (Attachment O).

- 3) **Height Existing Guidelines:** The **existing guidelines** state that a new building can be one story higher or lower than adjacent buildings. Height is one of the most important elements of a building that can automatically make a building overpower and detract from neighboring contributing buildings. The current guideline provided limitations in both creating times when new construction would be too tall and overpower the neighboring buildings, but it has also provided times where new construction was limited because of buildings that were either taller or shorter than the majority of the buildings on a block.

**Proposed 2020 revised guidelines**

- (a) Using median height as the general goal removes the anomalies from the block and could allow for a taller building while also making sure new buildings are compatible in height and do not overpower the historically tallest building on the block.
- (b) Having an allowance for buildings along Central Parkway to be taller recognizes the reality that Central Parkway is a unique situation that always had a unique building pattern and history within the neighborhood. While the intention was to allow buildings along the East West portion of Central Parkway to also be taller, the current guideline does not read that way and historic staff does propose to amend the guideline on page 15 Guideline 09 to read
  - Buildings on Central Parkway north of Liberty Street and on the East West portion of Central Parkways...



- (c) Allowing corner buildings to be taller while still limiting that it should be secondary to the tallest historic building on the block recognizes that corners were historically taller and anchors while still respecting the tallest historic building on a block.
- (d) Staff has done an analysis show in Attachment H of some major sites within the district that are vacant or non-contributing buildings that could be potential development sites. This is not a study of all developable sites, but was intended to see the impact of the proposed guidelines on major sites. In the analysis staff compared if the existing guidelines of one story above or below adjacent contributing buildings (i.e. the buildings directly neighboring on the same block face) what the allowable height would be versus what the allowable height would be in looking at the median height of the block face. With just a handful of exceptions the height for the majority of the sites studied would be either the same or higher under the proposed guidelines. In some calculations provided on the map there would be 17 sites of the 45 studied that would be allowed to have more stories than under the existing guidelines, 6 sites that would have fewer stories, and 22 that would remain the same as what would be allowed today.
- (e) The applicant has discussed the concerns regarding height with many community groups/developers and architects. While Historic Staff believes that what has been presented is appropriate, staff is supportive of continued dialogue and potential adjustments to the language prior to final approval given that what is presented is still consistent with preservation best practices. Historic Staff is also supportive of the limitation that new construction shouldn't be taller than or appear taller than historic contributing buildings as new construction should not overwhelm existing buildings. In the National Trust for Historic Preservation Publication "Regulating New Construction in Historic Districts" it states "*The height of the new construction should fall within the ranges seen for the block, and if there are varying heights among different building types, again the dimensions for the building type proposed should govern.*" Historic Staff supports this as a foundation/principle for a guideline for height and the specifics of how this is applied for a specific district can be detailed further in the guidelines for that district.

**Opponents** are concerned about the limitations on height preventing more density, which is crucial in developing affordable housing. Also, the average lot size in Over-the-Rhine is 25' wide by 85' to 100' deep. Building taller is the only way to create more square footage to meet the market demand for single-family homes.

#### **2022 Proposed Revised Guidelines**

Proposal is that any new construction can be as tall or as short as the tallest or shortest contributing building on the block. However, the applicants submitted a Monumental Building list that excludes taller contributing historic buildings from being included in a calculation for determining height in any block. That list has been revised by Historic staff deleting buildings that should not be on the list (Attachment O).

- 4) Balconies Existing Guidelines:** Currently the **existing new construction guidelines** don't explicitly address balconies. There is only one line in Site Improvements that states "metal balconies are not discouraged."

This does not give any framework of where they are appropriate. In general buildings in Over-the-Rhine are set to the street and the only projections from buildings are oriel windows, the natural undulation from sills and lintels, cornices, and signs. Although balconies are not common, they do exist in Over-the-Rhine, sometimes on the rear or side of a building. Fire escapes were later additions and are necessary for building egress and safety issues, however they are often used for outdoor space as well. It is understandable to want private outdoor spaces within a dense urban environment.

**Proposed 2020 revised guidelines** state how to sympathetically add in balconies and provide for outdoor space without sacrificing contextual development such as creating large voids in an otherwise solid plane along the street or large projections that are not part of the contextual fabric.

**Opponents** want the guidelines to provide for more flexibility when designing balconies on the front façade.

**2022 Proposed Revised Guidelines:** Reconciled to keep 2020 proposed language (Attachment O).

- 5) **Roof Decks Existing Guidelines** simply state that “Rooftop decks should not be highly visible from the principal façade.”

**Proposed 2020 revised guidelines** state that “rooftop decks and roof access enclosures must be no more than minimally visible from abutting streets, must not be highly visible from the public realm, and must minimize disturbance of roof top views from other buildings.”

The one element that Staff does have concern for is the statement regarding “must minimize disturbances of rooftop views from other buildings.” As the historic district has its foundation in that a designation is for the “public good” having a guideline that is specifically about a private dominion is problematic.

**Opponents** find this guideline confusing and overly restrictive. Well-designed decks should be visible as an architectural feature of the new building. The majority of new construction projects desire roof decks, with additional amenities and rooftop access enclosures.

**2022 Proposed Guidelines:** changed the “must” to a “should” (Attachment O).

- 6) **Vehicular Entrances Existing Guidelines** have no mention of vehicular entrances. Also, it is crucial to maintain the pedestrian friendly nature of Over-the-Rhine. Numerous curb cuts and cars pulling out across pedestrian sidewalks into the street is not safe.

**Proposed 2020 Revised Guidelines** A simple solution would be to say they are simply inappropriate and not permitted on front facades and side elevations.

**Opponents** say that is not practical to market a development that requires parking on the street or in a nearby garage. However, the reality is that the automobile is necessary and crucial to

marketing real estate in Over-the-Rhine. Even as there are not parking requirements within the district, parking is still desired.

The proposed guidelines do not dictate a style. There is no mention of a requirement or guideline regarding the need to be a specific style. Rather the guidelines outline the individual elements and characteristics of a building and how new construction should incorporate those patterns and characteristics to provide a compatible and sensitive design.

Providing a strong framework for compatible design helps to minimize negative impacts of new construction that would detract from the historic district. It helps to provide economic stability in property values to the existing property owners.

**Proposed 2022 Guidelines:** Accept the applicant's proposed change (Attachment O).

#### **7) Use of the words “must” and “should” Existing Guidelines**

The word “must” is rarely used and the word “should” is preferred

**Proposed 2020 Revised Guidelines** excessively use the word “must” over “should”

**Proposed 2022 Guidelines** Historic staff has revised the use of “must” to “should” in many places throughout (Attachment O).

#### **HISTORIC CONSERVATION BOARD REVIEW PROCESS**

New infill construction requires review and approval by the Historic Conservation Board (HCB). In order to apply to the HCB, the applicant must first receive an adjudication letter from the Urban Conservator (UC). Applicants will typically submit preliminary building designs to the UC for an initial review. During this review the UC reviews the proposed infill against the Historic Conservation Guidelines for the district. If the UC feels that there are certain aspects of the project that do not comply with the guidelines, these concerns are communicated to the applicant to give them a chance to revise the drawings to better comply. Ultimately, after the initial review, the applicant may decide to make changes to the drawings, or they may elect to proceed to the HCB as is.

After the complete Certificate of Appropriateness (COA) application is officially submitted to and accepted by the Law Department, it is scheduled for a future HCB agenda. UC Staff then reviews the full application and prepares a Staff Report with a recommendation for the HCB. The staff recommendation is based on substantial compliance with the Conservation Guidelines. Staff recommendations are typically for approval, approval with conditions, or denial. At the hearing, the UC presents the project and summarizes the Staff Report, findings and recommendations. The HCB then may ask specific questions of Staff and/or the applicants, and also hears any testimony provided by members of the public before ultimately making their decision.

Per Section 1435-09-2 of the Cincinnati Zoning Code, in order to approve a project, the HCB must find that the project substantially conforms to the Conservation Guidelines, or that the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the COA is not approved. Decisions of the HCB are appealable to the Zoning Board of Appeals (ZBA).

Per Section 1449-17, the Zoning Board of Appeals may find that the order, adjudication, or decision is illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record. Consistent with its findings, the board may affirm, reverse, vacate, or modify the order, adjudication, or decision, or remand the cause to the officer or body appealed from with instructions to enter an order, adjudication, or decision consistent with the findings or opinion of the Board.

**PUBLIC COMMENTS:**

In addition to engagement prior to submission, a joint public staff conference with the City's Historic Conservation Office and the Department of City Planning and Engagement was held on July 15, 2020, to receive public feedback concerning the OTRF's proposal. It was held in-person in City Hall's City Council Chambers, and there was also a virtual option for attendees to participate via Zoom. Notices were sent to property owners within the boundary of the OTR Local Historic District, the OTR Foundation, Pendleton Community Council, Mt. Auburn Community Council and the Over-the-Rhine Community Council.

The OTRF and proponents of the proposed revised guidelines focused their comments on the goal of preserving the historic fabric of OTR and ensuring that new construction in the district will enhance the built environment. Additionally, they believe the proposed guidelines provide additional clarity to the existing guidelines and are sufficiently flexible.

However, several groups challenged this position and raised serious questions over the appropriateness and economic impact of the proposed revised guidelines in 2020. They included developers and numerous design and architecture professionals that are all active and heavily involved in the redevelopment and preservation of OTR: 3CDC, The Model Group, Inc., Urban Sites, GBBN, and Platte Architecture and Design, New Republic Architecture, Northpoint Group, and Cincinnati Development Fund.

Since 2020 the applicants have met with many of these groups to discuss and better understand their comments and concerns and made some revisions as a result. On 10/20/22 3CDC submitted a letter not objecting to the proposed guidelines, but not directly providing support. In addition, Model Group and Urban Sites also submitted letters recently not objecting to the proposed guidelines, but not directly providing support (Attachment T). City staff has not received written communication on the current submittal from other developers or architects that commented in 2020. The City's Department of Community and Economic Development (DCED) voiced concerns at the proposed guidelines as originally submitted in 2020. DCED has not provided comment on the most recent submittal. DCED's primary concerns ranged from the comprehensive to the specific.

More comprehensive DCED concerns raised in 2020 included the following:

- That new guidelines would increase development costs, which would make it harder for smaller and minority-owned developers to work in OTR and will increase City-subsidy required to support projects;

- That new guidelines would result in reduced density, which would negatively impact the development of affordable housing, housing affordability in a general sense, and the economic base available to support neighborhood businesses;
- That new guidelines would unintentionally encourage “faux historic” development, undermining the integrity of the OTR historic district;
- That the new guidelines were too strict and prescriptive or formulaic, preventing flexibility in meeting challenging development problems, reducing creativity in new building design, and undermining the discretion of the Historic Conservation Board members; and
- That due to the far-ranging nature of the shifts proposed in the new guidelines and the potential impacts that much more stakeholder engagement was necessary.

Some of the specific concerns raised were:

- The extensive use of the word “must” versus “should,” as compared to their typical use in historic district guidelines;
- The proposed height regulations were too strict and would negatively impact the economic feasibility of projects;
- The need for flexibility in building storefronts;
- The need to permit greater setbacks on upper floors to allow for structures to be built at greater heights without negatively impacting the view from the street level; and
- The need to allow for greater flexibility in permitting balconies, roof decks, and vehicular entrances in order to meet modern needs and trends. Commercial properties such as office buildings, bars/restaurants and hotels could be prevented from having any type of rooftop deck, garden, bar, restaurant, etc.

#### **THE ROLE OF THE CITY PLANNING COMMISSION:**

The City Planning Commission’s consideration of the OTRF’s proposal should be comprehensive. While the Historic Conservation Board narrowly focuses on proposed guidelines’ effectiveness at preserving historic districts and structures, the law prescribes a broader review for the City Planning Commission that considers not only the preservation of historic districts and structures but also planning and economic development considerations. Specifically, Cincinnati Municipal Code (CMC) Section 1435-07-2-B provides that the City Planning Commission shall consider all of the following factors in making its recommendation to the City Council:

In making a determination, the City Planning Commission shall consider all of the following factors:

- (1) The relationship of the proposed revised OTR New Construction Guidelines to the comprehensive plans of the city and of the community in which the proposed Historic Guidelines apply; and

*The revised guidelines are consistent with Plan Cincinnati (2012). In the Sustain Initiative Area, a Goal recommends to “preserve our natural and built environment” and “preserve our built history with new development incentives and regulatory measures” (pages 193-194).*

*The revised guidelines as proposed also are partially consistent with the Over-the-Rhine Comprehensive Plan (2002) in that the design guidelines for the locally designated OTR Local Historic District “provide a framework for continual revitalization” (page 32). However, they go too far in the area of height and rooftop amenities restrictions, the use of the words “must” and*

*“should” and the arbitrary list of Monumental buildings. Staff has suggested alternative language.*

- (2) The effect of the proposed amendments on the surrounding areas and economic development plans of the city; and

*The revised guidelines as proposed could inhibit the revitalization of the area and may have a negative impact on the community and economic development plans of the city unless staff’s suggested revisions are made.*

- (3) Such other planning and historic preservation considerations as may be relevant to the proposed designation.

*The revised guidelines as proposed may not assist in the redevelopment of the Over-the-Rhine Local Historic District by promoting overly restrictive infill construction within the historic district and the Over-the-Rhine community unless staff’s suggested revisions are made.*

### **CONSISTENCY WITH PLANS:**

These amendments to the Over-the-Rhine Local Historic District New Construction Guidelines in OTR is consistent with *Plan Cincinnati* (2012) in the Sustain Initiative Area, a Goal recommends to “preserve our natural and built environment” and “preserve our built history with new development incentives and regulatory measures” (pages 193-194).

This designation also is partially consistent with the *Over-the-Rhine Comprehensive Plan* (2002) in that the design guidelines for the locally designated OTR Historic District “provide a framework for continual revitalization” (page 32). However, they go too far in the area of height and rooftop amenities restrictions, the use of the words “must” and “should” and the arbitrary list of monumental buildings which can be reconciled with staff’s suggested revisions.

### **ANALYSIS:**

Since 2020, the applicants have made some changes to the proposed guidelines and City Planning Staff is grateful to the applicants for the extensive time and energy they spent engaging with stakeholders and reconsidering certain elements of their submittal. Overall, Staff feels that the proposed Infill Guidelines provide value to the historic review process, especially through the use of graphic representations of the guidelines within the final document. However, the final set of revisions submitted by the applicant did not incorporate some of Staff’s recommended revisions. For instance, Staff still has serious concerns regarding the proposed guidelines for application requirements related to building height, roof top amenities, and with portions of the proposed text, primarily in the prevalence of the use of “must” and the complexity of the language. A glossary of historic and architectural terms for use when reading through the proposed guidelines, which is new in 2022, was provided by the applicant and Historic Staff has proposed a revised list (Attachment Q).

#### *Height*

Regarding height, in general, Staff finds the proposed height guidelines very specific and possibly difficult for the layperson to comprehend and would likely make development more costly and difficult for applicants. Historic Conservation Staff does not have the capacity to survey entire block faces, which would put this on the applicant. In cases where proposed heights are close to maximums based on context, applicants will need to survey entire block faces at a minimum and include them in elevation



drawings. In some cases, this would extend to additional block faces as well. Conforming with a specific measure on height instead of compatibility doesn't allow for evaluation of setback minimally visible additional height, or the different visual impact of different roof forms. As noted above, Staff finds the existing language to be defensible, produce compatible outcomes, and easy to understand and would not recommend changes to the way height is reviewed. Some changes they considered were particularly in the area of height, by recommending that any new construction can be as tall or as short as the tallest or shortest contributing building on the block. However, the applicants submitted a Monumental Building list that excludes taller contributing historic buildings from being included in a calculation for determining height in any particular block. The list has been updated by Historic Staff proposing removing some significant taller historic buildings so they can be used for calculated height in their respective blocks where those buildings exist (Attachment P).

#### *Specific Language of Must and Should*

The use of "must" indicates that applicants must comply with the standard in all circumstances and is used heavily throughout the document. In a district as large and varied as Over-the-Rhine, Staff feels that it is important for the Historic Conservation Board (HCB) to analyze projects based on their specific merits, and the immediate surrounding historic context. Staff has concerns that the prevalence of "must" will inhibit the HCB's ability to ensure site-specific compatible development. The applicants have stated that it is their intention that the HCB should never approve a project against a "must", but the applicant would have the option to appeal the HCB decision to the Zoning Board of Appeals (ZBA). Staff feels that the HCB is in a better position to make a determination of compatibility on historic projects than the ZBA. The use of "should" instead of "must" would allow greater flexibility on a case-by-case basis without requiring the additional time and expense of requiring an appeal to the ZBA (Attachment P).

The City Planning Commission must additionally consider how the proposed revised guidelines would fit comprehensively into the framework of *Plan Cincinnati* and overall development in Cincinnati, including, among other things, the long-term impacts on economic development, neighborhood sustainability, and housing affordability and equity. These concerns are embodied in the Live Goal to "provide quality healthy housing for all incomes levels" and to "develop additional incentives for inclusion of affordable units in new-construction rental properties" (pp. 165-166), and the Sustain Action Step to "incentivize development that involves the community at the outset of a project through faster review and permitting" (p.197).

Overall, Staff feels that the proposed Infill Guidelines provide value to the historic review process, especially through the use of graphic representations of the guidelines within the final document. Staff does, however, have serious concerns with portions of the proposed text, primarily in the prevalence of the use of "must" and the complexity of the language and application requirements related to building height.

The use of "must" indicates that applicants must comply with this standard in all circumstances and is used heavily throughout the document. In a district as large and varied as Over-the-Rhine, Staff feels that it is important for the Historic Conservation Board (HCB) to analyze projects based on their specific merits, and the immediate surrounding historic context. Staff has concerns that the prevalence of "must" will inhibit the HCB's ability to ensure site-specific compatible development. The applicants have stated that it is their intention that the HCB should never approve a project against a "must", but the applicant would have the option to appeal the HCB decision to the Zoning Board of Appeals (ZBA). Staff feels

that the HCB is in a better position to make a determination of compatibility on historic projects than the ZBA. The use of “should” instead of “must” would allow greater flexibility on a case-by-case basis without requiring the additional time and expense of requiring an appeal to the ZBA.

The recommendation below covers provisionally approving the New Construction Infill Guidelines with staff’s revisions, the revised Monumental Building list and the revised Glossary List with the condition that all of these revisions come back to Planning Commission for final approval.

**RECOMMENDATION:**

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

**PROVISIONALLY APPROVE** the proposed New Construction Infill Guidelines on the condition that staff for the Department of City Planning and Engagement prepare and present the following documents to the City Planning Commission for final approval:

- a. A set of New Construction Infill Guidelines that incorporates the staff’s proposed revisions reflected on Attachment O (Recommended Changes on 11/18/2022 submittal and new language for conditional approval), Attachment P (Revised Monumental Building List), and Attachment Q (Revised Glossary List); and
- b. A set of the existing Over-the-Rhine Local Historic District Guidelines modified to address guidelines that are obsolete or will be inconsistent with the New Construction Infill Guidelines upon their adoption.

Respectfully submitted:

Approved:

A handwritten signature in black ink, reading "Katherine Keough-Jurs". The signature is written in a cursive, flowing style.

Caroline Hardy Kellam, Senior City Planner  
Department of City Planning and Engagement

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

April 19, 2023

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

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

**AMENDING** certain provisions of the Over-the-Rhine Local Historic District Conservation Guidelines governing the conservation and development of the Over-the-Rhine Local Historic District in the Over-the-Rhine, Pendleton, and Mt. Auburn neighborhoods.

Summary

The Over-the-Rhine Foundation (OTRF), a non-profit organization dedicated to the preservation of the Over-the-Rhine (OTR) neighborhood, began work in 2014 on a proposal to revise the Over-the-Rhine Local Historic District Conservation Guidelines to incorporate more detailed rules for new construction. The current guidelines were adopted in 2003 and have been utilized to guide development in the OTR Local Historic District since that time.

The OTRF's revised proposal was presented to the Historic Conservation Board (HCB) on August 3, 2020. Following an extended discussion, the HCB recommended adoption of the proposal with certain conditions recommended by the City's Urban Conservator, including that further review and revision to the proposal occur (specifically regarding the provisions around height) prior to its submission to the City Planning Commission for consideration.

On September 24, 2020, the City Planning Commission (CPC) reviewed a proposal to revise the Over-the-Rhine (OTR) Local Historic District Guidelines New Construction Section. This proposal was tabled with instruction for the Department of City Planning and Engagement (DCPE) staff to conduct additional community engagement prior to returning to the CPC with their revised proposal.

The revised submission from OTRF was submitted on November 18, 2022, and was subsequently scheduled for the City Planning Commission on December 2, 2022.

**CITY PLANNING COMMISSION ACTION ON DECEMBER 2, 2022:**

At the City Planning Commission meeting on December 2, 2022, representatives of the OTRF steering committee and historic preservationists spoke in favor of the OTRF's proposed revisions to the OTR New Construction guidelines. In addition, numerous architects, developers, contractors, consultants and the Department of Community and Economic Development Department (DCED) spoke in favor of DCPE staff's recommendation. After extensive testimony from both sides, the City Planning Commission voted in favor of staff's recommendation to:

**PROVISIONALLY APPROVE** the proposed New Construction Infill Guidelines on the condition that staff for the Department of City Planning and Engagement prepare and present the following documents to the City Planning Commission for final approval:

- a. A set of New Construction Infill Guidelines that incorporates the staff's proposed revisions reflected on Attachment O (Recommended Changes on 11/18/2022 submittal and new language

for conditional approval), Attachment P (Revised Monumental Building List), and Attachment Q (Revised Glossary List); and

- b. A set of the existing Over-the-Rhine Local Historic District Guidelines modified to address guidelines that are obsolete or will be inconsistent with the New Construction Infill Guidelines upon their adoption.

The vote was as follows:

Moved to approve the staff's recommendation on the Legislative Discussion Agenda.

Motion: Mr. Weber  
Second: Ms. Sesler  
Ayes: Mr. Eby, Ms. Sesler, Mr. Weber  
Nays: Mr. Samad, Ms. Smitherman  
Absent: Ms. Kearney  
Excused: Mr. Stallworth

DCPE staff and the applicants made the revisions approved by the City Planning Commission. The Law Department and the Urban Conservator have reviewed and amended the original existing historic guidelines by replacing the former new construction section with an incorporated reference to the approved new construction guidelines document. In addition, there were some other minor housekeeping adjustments made to the existing guidelines.

On April 7, 2023, the City Planning Commission voted unanimously to take the following actions:

1. **ACCEPT** the revisions made to the Over-the-Rhine Local Historic District New Construction Guidelines made by Department of City Planning and Engagement staff as directed by the City Planning Commission's motion at the meeting dated December 2, 2022; and
2. **CONFIRM** the approval of the New Construction Guidelines, as so revised by Department of City Planning and Engagement staff, as more particularly detailed in Attachment A; and
3. **APPROVE** the revisions made by Department of City Planning and Engagement staff to the Over-the-Rhine Local Historic District Guidelines, as more particularly detailed in Attachment B.

Motion to Approve the  
Administration's recommendation: Mr. Samad

Ayes: Mr. Weber  
Ms. Kearney  
Mr. Stallworth  
Ms. Sesler  
Mr. Samad  
Ms. Beltran

Seconded: Mr. Weber

THE CITY PLANNING COMMISSION



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

Date: April 26, 2023

To: Mayor and Members of City Council 202301243  
From: Sheryl M. M. Long, City Manager  
Subject: EMERGENCY ORDINANCE – MARYLAND AVENUE ARTWORK

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Attached is an emergency ordinance captioned as follows:

**AMENDING** Ordinance 07-2021 to depict the actual artwork to be donated to the City in Exhibit A to the ordinance.

On January 6, 2021, Council passed Emergency Ordinance 0007-2021 for artwork donated by Price Hill Will, depicting a mural, freestanding planters with artwork, and a sculpture, to be installed in the public right-of-way on Maryland Avenue in the Lower Price Hill and East Price Hill neighborhoods.

The mural and planters have been installed. The vision for the sculpture installation has evolved, as structural, maintenance, and utility concerns were noted during review of the detail drawings. The sculpture depicted in Attachment B reflects the coordination between DOTE, the artist, and Price Hill Will.

This amendment to the original ordinance is needed due to the change in the artwork image and shape. The location of the sculpture has not changed. An emergency ordinance is needed to allow for installation by Price Hill Will at the earliest time possible.

The Administration recommends passage of the attached ordinance.

Attachment A – Ordinance #0007-2021

Attachment B – Proposed Artwork, updated April 7, 2023

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

## **EMERGENCY**

**JRS**

**- 2023**

**AMENDING** Ordinance 07-2021 to depict the actual artwork to be donated to the City in Exhibit A to the ordinance.

WHEREAS, on January 6, 2021, Council approved Ordinance 07-2021 authorizing the City Manager to install and maintain artwork within City-owned right-of-way in the Lower Price Hill and East Price Hill neighborhoods known as Maryland Avenue; and

WHEREAS, Exhibit A to Ordinance 07-2021 depicted a mural and sculptural arches to be displayed as the City's own expression notwithstanding any provisions of the Cincinnati Municipal Code that would normally restrict such displays; and

WHEREAS, the neighborhood communities, including Price Hill are, upon further reflection and additional community engagement with the Administration, seeking to modify the artwork intended to be donated to and displayed by the City; and

WHEREAS, Ordinance 07-2021 must be amended to substitute the attached Attachment A, which depicts the actual artwork to be donated to and displayed by the City; now, therefore,

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

Section 1. That Ordinance 07-2021, approved by Council on January 6, 2021, is hereby amended to substitute the attached Attachment A for Exhibit A attached to Ordinance 07-2021.

Section 2. That all terms of Ordinance No. 07-2021 not amended by this ordinance remain in full force and effect.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the public art project to proceed to allow for the



corresponding benefits to the City and the neighborhoods of Lower Price Hill and East Price Hill to begin at the earliest possible time.

Passed: \_\_\_\_\_, 2023

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

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



EMERGENCY

City of Cincinnati

An Ordinance No. 7

JRS

- 2020

BWB

**AUTHORIZING** the City Manager to install and maintain a mural and sculpture arches in certain public right-of-way in the Lower Price Hill and East Price Hill neighborhoods known as Maryland Avenue, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the mural and sculpture arches.

WHEREAS, the City of Cincinnati wishes to install a mural and sculpture arches ("Artwork"), as depicted in Exhibit A to this ordinance, in certain City-owned right-of-way known as Maryland Avenue in the Lower Price Hill and East Price Hill neighborhoods in order to enliven the space and to promote public awareness of the arts; and

WHEREAS, the City may designate one or more agents or contractors, including Price Hill Will ("Price Hill Will"), to carry out all or a portion of the work required to install and maintain the Artwork; and

WHEREAS, the City may also accept donations from one or more persons, including Price Hill Will, in order to offset the cost and expense associated with the installation and maintenance of the Artwork and to ensure the installation and maintenance of the Artwork shall have little or no impact on the General Fund of the City of Cincinnati; and

WHEREAS, the installation and maintenance of the Artwork shall be performed under the management of the Department of Transportation and Engineering ("DOT"), and any agents or contractors of the City, including Price Hill Will, shall comply with rules and regulations established by DOT regarding the installation and maintenance of the mural, including rules and regulations concerning its location, size, materials, and means of installation and maintenance as necessary to ensure public safety; and

WHEREAS, the City's installation and maintenance of the Artwork is the City's own expression, constitutes government speech, and does not signify the City's intent to create a free speech forum; and

WHEREAS, the City will own the Artwork created under this project, will maintain complete control over the public right-of-way as necessary for public safety, and will require the artists who install and maintain the mural to waive their rights to the installation, including waiving all applicable rights to the Artwork under the federal Visual Artists Rights Act of 1990, 17 U.S.C. §§ 106A and 113(d), so as to ensure that expression made through the Artwork constitutes government speech; and

WHEREAS, the extent of maintenance and repair of the Artwork shall remain within the City's discretion, and the Artwork shall remain subject to removal by the City, in part or in whole, at any time; and

WHEREAS, DOTE has determined that the Artwork will not detract from, interfere with, or obscure official traffic control devices, will be safe, and will not unreasonably interfere with the use of Maryland Avenue by pedestrians and motorists; and

WHEREAS, the City has an interest in promoting the arts, including within the public right-of-way, notwithstanding the provisions of the Cincinnati Municipal Code that would normally prohibit such displays, when the proposed display will not negatively impact the health, safety, or welfare of residents and users of the right-of-way; and

WHEREAS, Council finds that the installation and maintenance of the Artwork in Lower Price Hill and East Price Hill will beautify the public right-of-way, enhance civic pride, and advance public health and wellness goals; and

WHEREAS, the installation and maintenance of this Artwork is consistent with the "Live" goal to "Create a more livable community" as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Council hereby declares the installation and maintenance of the mural and sculpture arches identified on the attached Exhibit A ("Artwork") in certain City-owned right-of-way in the Lower Price Hill and East Price Hill neighborhoods known as Maryland Avenue to be a matter of significant public interest, and it hereby resolves to raise public awareness of the arts through the installation and maintenance of this conspicuous interactive and visual art; further that, notwithstanding the provisions of the Cincinnati Municipal Code that would normally restrict such displays within the public right-of-way, Council has determined that the installation and maintenance of the Artwork is in the interest of the public health, safety, morals, and general welfare and will not negatively impact the health, safety, morals, or welfare of residents and users of the public right-of-way.

Section 2. That the City's installation and maintenance of the Artwork is the City's own expression, constitutes government speech, and does not signify the City's intent to create a free speech forum.

Section 3. That the City Manager is hereby authorized to install and maintain the Artwork in that certain City-owned right-of-way in the Lower Price Hill and East Price Hill neighborhoods known as Maryland Avenue, which Artwork shall be substantially consistent with the design depicted on the attached Exhibit A, attached hereto and incorporated herein by reference, and shall be located in the area depicted on the same exhibit, notwithstanding any conflicting Department of Transportation and Engineering ("DOTE") rules and regulations, and any provisions of the Cincinnati Municipal Code.

Section 4. That the installation and maintenance of the Artwork shall be performed under the management of the Department of Transportation and Engineering ("DOTE"), and any agents or contractors of the City, including Price Hill Will, shall comply with rules and regulations established by DOTE regarding the installation and maintenance of the Artwork, including rules and regulations concerning its location, size, materials, and means of installation and maintenance as necessary to ensure public safety.

Section 5. That the City Manager is authorized to engage one or more agents or contractors to assist with the City's installation and maintenance of the street mural on such terms and conditions that the City Manager determines are in the best interests of the City, and any work performed by the agents and contractors so engaged by the City Manager shall be performed under the management of the City Manager or her designee, who shall have the sole authority to approve the design, location, size, materials, and means of installation and

maintenance of the mural and to establish rules and regulations for the same as necessary to ensure public safety.

Section 6. That the extent of maintenance and repair of the Artwork shall remain within the City's discretion, and the Artwork shall remain subject to removal by the City, in part or in whole, at any time.

Section 7. That the City will own the Artwork created under this project, will maintain complete control over the right-of-way as necessary for public safety, and will require the artists who install and maintain the Artwork to waive their rights to the installation, including waiving all applicable rights to the Artwork under the federal Visual Artists Rights Act of 1990, 17 U.S.C. §§ 106A and 113(d), so as to ensure that expression made through the Artwork constitutes government speech.

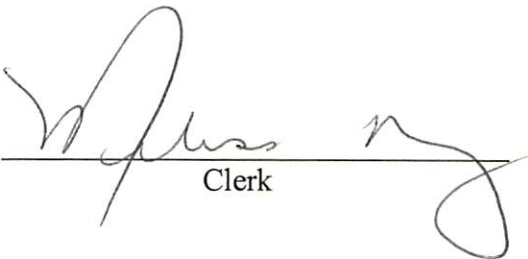
Section 8. That the City Manager is authorized to accept donations, including materials, labor, money, and in-kind services, on such terms and conditions that the City Manager determines are in the best interests of the City, in order to offset the cost and expense associated with the installation and maintenance of the Artwork, so that the installation and maintenance of the Artwork shall have little or no impact on the General Fund of the City of Cincinnati.

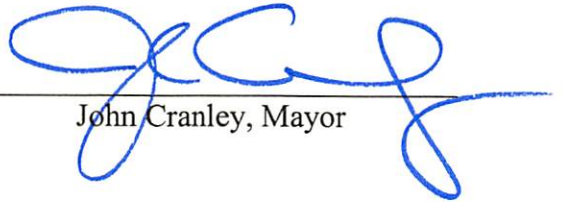
Section 9. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Sections 1 through Section 8 hereof.

Section 10. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the public art project described in this ordinance to

proceed as scheduled and to allow the corresponding benefits to the City and the neighborhoods of Lower Price Hill and East Price Hill to begin at the earliest possible time.

Passed: January 4, 2020

Attest:   
Clerk

  
John Cranley, Mayor

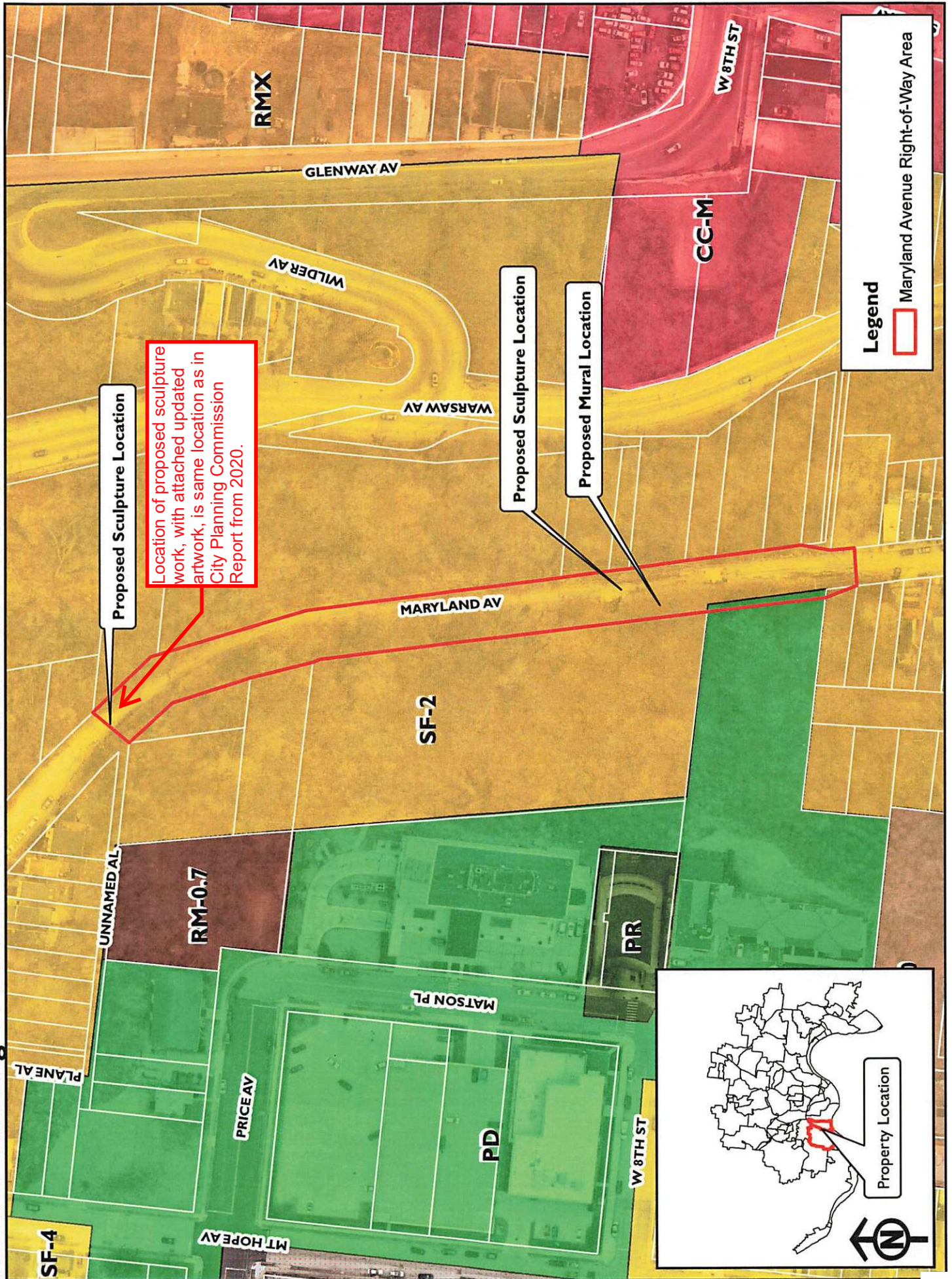
I HEREBY CERTIFY THAT ORDINANCE NO. 7-2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 1-19-2021  
Melissa Antley  
CLERK OF COUNCIL



ATTACHMENT A

April 7, 2023

# Notwithstanding Ordinance for Artwork Installation in East Price Hill and Lower Price Hill







Depicted artwork and location  
remains same

April 7, 2023



WELDS



5X5 TUBE WELDED TO BACK OF 3 I-BEAMS

BACK  
VIEW



5X5 SQUARE TUBE 154" WELDED  
TO ALL THREE VERTICAL  
EXISTING VERTICAL POSTS

Updated artwork for proposed sculpture work

April 7, 2023

FRONT  
VIEW

