

Opposition to the Proposed Reduction and Removal of Density Restrictions in all Multifamily Districts and various others, except not Single-Family Districts - 8 March 2022

Dear Mayor, Vice Mayor, Cincinnati City Council Members, City Manager and Director of Planning and Engagement Department:

I am a homeowner in Northside and an architect working from an historic firehouse in the Pendleton neighborhood of OTR. And I care about the people who live here.

This ordinance does not address the real housing challenges: housing affordability, and quality of life in Cincinnati's various neighborhoods. I would like to see responsible development -- development that does not overburden already dense areas and adds more homes to the less dense areas while keeping the buildings at a similar scale; and the adoption of an Inclusionary Housing policy for new residential developments to ensure that a certain percentage of new units are affordable.

The best way to increase housing affordability varies for each neighborhood. The housing challenge calls for good Planning – not an overly broad wholesale abandonment of good sense that will cause much harm to many of Cincinnati's residents and communities.

The Pendleton Neighborhood of Over-the-Rhine

Pendleton is one of the densest areas in the City, and this proposal would allow, by right, double and more increased density with no parking requirements. It is crowded and there are large multiple-block sections where the majority are low-income households who rely on their cars for access to good paying jobs throughout the region, healthy groceries for families and much more. Please reject the proposed ordinance and act to protect Cincinnati's vulnerable residents.

The challenges in the Pendleton Community are many, all will be exacerbated by doubling the allowable density as proposed by this ordinance:

- Lack of green space and play areas for children, in or near where they live.

Dense neighborhood: Lack of outdoor Communal Spaces - Lack of Green Space - Parking full every evening and weekends when residents return home from work.- This is the condition of the several blocks of E. 12th and 13th Streets between Broadway and Reading Rd. - Narrow streets are overcapacity already. 500 Block of East 12th St. looking West.



- Lack of Outdoor Communal spaces within new developments for social interaction.
- Scarcity of Street Parking and no public parking within a half mile radius.

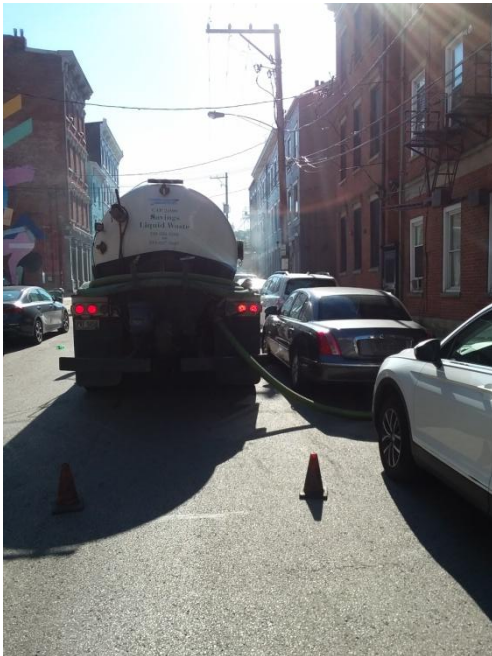


Parking overcapacity. Narrow one-way street with no pull off spaces. 500 Block of E. 12th St, looking East



Parking overcapacity. 500 Block of East 12th St, looking West.

- One-way narrow streets that are often blocked by double parked vehicles making deliveries, drop offs, construction vehicles, garbage trucks etc. causing congestion and impeding emergency services.



Street blockages are commonplace due to deliveries, pick-ups, drop offs...with no pull off spaces. 500 Block of East 12th Street.



Street blockages are commonplace impeding traffic and emergency services. 500 block of East 12th Street.

- Ownership of the majority of properties by large developers. Many are absentee landlords. Many are not local and not responsive to keeping properties in safe and sanitary conditions. Lack of home ownership.



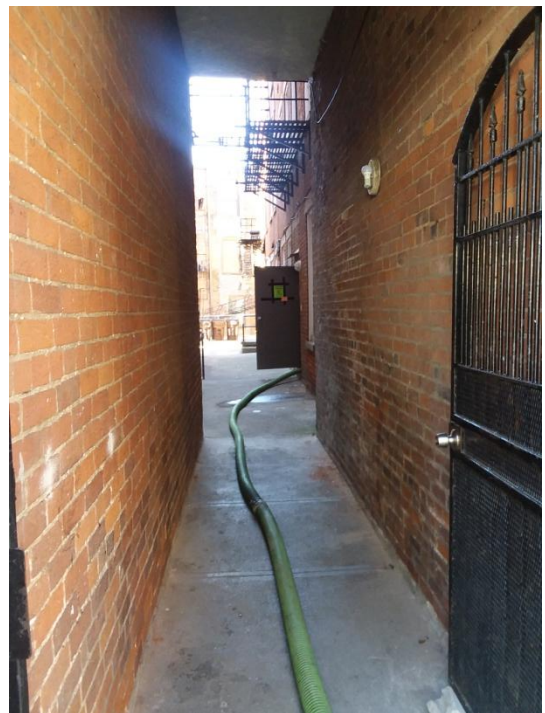
Garbage management neglected. Overflowing receptacles are the norm for many buildings, not safe or sanitary, attracts vermin.



Raw sewage had been flowing into the basement of this property for several months as it was occupied above, and had to be pumped out. Out of Town owners.



Same as previous photo.



Hose to basement to pump out raw sewage that had been collecting as tenants lived above.

- Increased fire hazards due to the proximity of old historic building that are not up to current codes and lack of access to the rear of properties due to inaccessible alleys



Ladder rescue to rear of East 13th St. Multifamily building had to be made from a vacant lot at East 12th St. because the alley between the Streets is too narrow for fire trucks. New oversized developments will block access to the alley for fire fighting.



8.5' wide and obstructed Bolivar Alley is too narrow for navigation and for fire trucks to fight fires at the rear of 12th and 13th Street buildings.

- 37% percent of households are living below the Federal Poverty Guideline. This is 1.4 times the rate in Cincinnati overall and twice the rate of Hamilton County (from 2019 ACS Census Estimates.) See chart below comparing the Federal Poverty Guidelines to incomes considered to be 60% area median income of the Pendleton market area.

Table of Income Levels

Persons in Family or Household	US Federal Poverty Yearly Income ¹	60% ami of primary market area
1	\$12,880	\$36,000
2	17,420	41,460
3	21,960	46,620
4	26,500	51,000
5	31,040	60,120

Notes:

1. Federal poverty guidelines for 48 contiguous states from- <https://aspe.hhs.gov/poverty-guidelines>

Despite the challenges in the Pendleton neighborhood of OTR, this is a community with many longtime residents. The City's push to double the density of OTR began in 2018, with the negative effects and displacement already in evidence. 43% percent of OTR's Black population has been lost in the last ten years. Current residents deserve equitable treatment relative to housing and quality of life.

The allowable density in this neighborhood should not be increased, when there are many less dense areas in the City that have much more room. There are many opportunities throughout OTR and Pendleton to add housing units without increasing the allowable density, such as many vacant units that are above storefronts and restaurants.

Each neighborhood has its own story to tell, and these should be taken into account as the City develops a Comprehensive Plan to solve the housing shortage.

Gentle Density

"Gentle Density" is a concept I came across while reading an article about Minneapolis's effort to increase the housing supply, a Brookings article titled "Gentle Density can save our neighborhoods." In December of 2018 Minneapolis adopted a "new comprehensive plan with two objectives: reducing racial segregation and improving housing affordability. Its method to do this was through zoning - the plan effectively banned single-family-exclusive zoning - by allowing three-family buildings in all residential neighborhoods across the city."

If planned well, increased density in single-family neighborhoods does not result in more cars competing for street parking (as it would in already dense neighborhoods.) Cars are key to opportunity (see discussion on page 11 of this letter.)

Three ideas for improving housing affordability:

1. Add more homes while keeping the buildings at a similar scale.
2. Allow smaller homes that use less land improves affordability. Gentle density allows a better match "between the size of one's house and the size one's household."
3. "Diversifying the housing stock in exclusive neighborhoods creates better access to economic opportunity."



A "Gentle Density" plan would make a lot of sense for Cincinnati and would have a large impact, since the majority of our land for housing is zoned Single-Family and would avoid overburdening the already dense Multi-Family areas. There is a high demand for duplexes, starter homes, and mother-in-law units.

<https://www.brookings.edu/research/gentle-density-can-save-our-neighborhoods/>

By contrast to "Gentle Density" below is an example of a Cincinnati development that is breaking ground soon. It is located in the 500 block of E 12th Street, in the OTR Historic District and is an oversized/incompatible residential development with 56 new residential units and no provision of parking. It received a multitude of variances, including nearly double the allowable density, even though it does not comply with Historic Guidelines, was opposed by the neighborhood council and adjacent neighbors, and will deprive current residents of their much-needed access to street parking.



Historically significant 2-story firehouse & historic union hall.



Developer's rendering of proposed 5-story building that is 3-stories taller than adjacent 2-story historic buildings which are whited out (see actual buildings at photo left) - destroying the historic neighborhood's scale and providing no parking.

The Over-the-Rhine Federal Historic District designation is in danger. It is a source of funding for development, especially in the form of Historic Tax Credits. Loss of historic designation would mean a loss of Federal Historic Tax Credits to renovate the many vacant units throughout the neighborhood, still needing renovation.

Plan Cincinnati - Consider Inclusionary Zoning

Plan Cincinnati and other adopted City Plans are often "cherry-picked" in an attempt to show support for the proposed ordinance to reduce and/or eliminate Density Restrictions. Plan Cincinnati is the result of a collaboration and thorough study by many community partners. It does not recommend this approach, instead a variety of housing options and a time table are provided (see highlighted excerpts at back of this letter.) A big concept from the plan is to "evenly distribute Affordable Housing throughout the City." In order to accomplish this, we must first have a clear understanding of both quantities and locations of subsidized and naturally affordable housing throughout all Multi- and Single- Family districts in Cincinnati. Plan Cincinnati recommends beginning regulatory reform by adopting an "Inclusionary Zoning" policy. Inclusionary zoning requires builders of market-rate housing to include some units that the local work-force and low-income households can own or rent (typically 10 to 30%) in exchange for certain incentives. Inclusionary zoning has been adopted in more than 500 communities nationwide, both large and small cities. It is well suited for communities in which there is high demand for housing, development and rising costs. This would fit Cincinnati well and would promote mixed income development. Cincinnati has a low rate of home ownership. Home ownership creates generational wealth and neighborhood stability.

<https://inclusionaryhousing.org/inclusionary-housing-explained/what-is-inclusionary-housing/>

Risks of Approving This Ordinance

The proposed ordinance is a blunt instrument that will do much harm. Approval of this would be irresponsible and careless. A comprehensive plan and regulations are needed to make sure that new development will take into account affordable housing needs in a way that reinforces the positive characteristics of Cincinnati's various neighborhoods.

Some Risks of Approval of this Ordinance:

- Overcrowding: loss of much needed parking access in Over-the-Rhine because of the misapplication of the Parking Overlay, loss of greenspace, rear yards, loss of play areas for children, poor garbage management and sanitation, increased fire risks and congestion of traffic.
- Over-the-Rhine will lose its diversity, as only those who can afford to pay for parking will be able to comfortably live here.
- Housing prices will rise: units in new moderate-rise buildings can cost as much as five times as much to build as units in low rise buildings. Units in new moderate-rise

buildings (as encouraged by this ordinance) are not affordable unless they are tiny. These would be for young urban professionals and not for families. For a proposed new 4-story development on the 500 block of East 12th Street, the average construction cost is \$350,000 per unit (one of (56) one- to three-bedroom units.)

- Property values of "upzoned" properties will go up, further rising prices for housing. Recent Chicago "**upzoning**" **that increased allowable density and reduced parking requirements along transit corridors, led to higher prices, not to more affordability**. This is according to the MIT published study "Upzoning Chicago: Impacts of a Zoning Reform on Property Values and Housing Construction" by Yonah Freemark. The price of land increased in the "upzoned" areas, and affordability decreased.

<https://48hills.org/2019/01/yimby-narrative-wrong/>

<https://yonahfreemark.com/wp-content/uploads/2019/01/Freemark-Upzoning-Chicago.pdf>

- The areas that are most in demand will see naturally affordable housing bought up, lots combined, buildings demolished and far more expensive housing being built. This will be a "community buster" displacing many moderate and low-income residents. Many large national and international developers will come in and take control away from locals. **Home ownership will become much more elusive.**
- Missed opportunity for Inclusionary housing, in high demand areas to incentivize the inclusion of affordable units in market-rate development projects
- Giving "Carte Blanche" to developers is asking for trouble. The City Planning Department has been telling us not to worry about oversized incompatible developments because all other regulations about building designs will still be enforced. This is not credible and has not been the case. We have seen over and over again that the City does not hold the line with large developers on compliance with Historic Guidelines, Urban Design Overlay District guidelines, Hillside Development Regulations, and City-adopted Community Plans. With large projects there is tremendous pressure to approve all variances. Review of traffic, parking, storm water and sewer capacity do not happen -- maybe sometimes only after a development is completed and reasonably foreseeable negative impacts have become obvious and have already done their damage.

This process is working Backwards and should not begin by the Planning Department reacting to a motion by a Councilmember. Such a significant undertaking as increasing density should begin with: the Best ideas of the city's experts in Zoning and Planning informed by the new 2020 Census data, research into what other Cities are doing and what has been shown to work for legacy, moderate and low-income residents, planning studies of all areas affected along with communication and coordination with the neighborhood being affected.

Apparently, the City intends to rely upon private, for profit developers to solve the Affordable Housing shortage through the Low Income Housing Tax Credit program. How much profit is enough? Oversized development that do not blend into neighborhoods score better with OHFA and are encouraged. This is a real problem if we want successfully integrated mixed income, diverse neighborhoods.

Housing affordability is improved if workers can get to good-paying jobs throughout the region. Many of these jobs cannot be reached by Metro bus or the streetcar. The majority of jobs are located in outer suburbs and Northern Kentucky that cannot be reached by Cincinnati Metro.

Families will do better when their children have play areas, and they can use their cars to bring home healthy food and access medical care. Cars are a necessity in Cincinnati, and will remain that way until adequate transportation systems are in place. So please don't allow double the density in Over-the-Rhine without any parking requirements.

Every project that is allowed an increased density variance, without providing parking, increases the critical parking shortage.

Pendleton is a dense neighborhood already, increasing the allowable density here will cause hardships. Current residents have and need cars and nearby places to park them. The 2019 ACS Census Estimate states that 37% of Pendleton households are living below the Federal Poverty Guidelines. This is 1.4 times the rate of poverty in Cincinnati overall, and more than double the rate in Hamilton County. 57% of workers drive to work. Less than 25% of the region's jobs can be reached by a 90 minute or less bus ride.

Comments on the City's List of Density Variances Granted Since 2016

In an attempt to support doubling the allowable density – The City of Cincinnati Planning Staff included, in the Planning Commission report, a list of 40 or so increased density projects that were approved since 2016 - the vast majority of these were in OTR.

- I have reviewed the Historic Conservation Board staff reports for all of the projects on the list and learned that the majority did require parking - parking continued to be required for significant increased density projects for nearly two years after the Parking Overlay went in to effect in October 2018. See highlighted HCB staff report excerpts at back of this letter for documentation of policy for applying the Parking Overlay in the granting of significant increased density variances.
- During the Summer of 2020 there was an unexplained shift in the application of the Parking Ordinance, that is not backed up by the legislation. The shift is that the Historic Conservation Review Board was instructed to stop considering loss of parking to current residents as an **adverse effect** when weighing decisions on whether to grant Density Variances, according to the HCB Chairman's statement during a hearing. This

unexplained instruction ended the Historic Conservator's policy of requiring parking to offset increased density. The text of the Parking Overlay Ordinance does not change the Zoning rules for reviewing Variances -- which require that multiple factors and effects be weighed in determining whether granting the Variance is in the public interest.

The Parking Overlay Ordinance had been in effect since October 2018, so how can this be happening nearly two years later? After repeated inquiries with the City, I was never told the form or legal basis for this new instruction.

This unexplained change in policy has already done much harm to Over-the-Rhine. We are seeing a worsening of the parking shortage. Moderate- and Low-Income residents are being pushed out. Soon, only those who can afford to pay for parking will be able to live and thrive here.

OTR Trends related to Density

In OTR the latest trends of Increased density are the following:

- Historic buildings with naturally affordable housing are being emptied of tenants and rebuilt to double the number of units - often for market-rate. This will increase displacement. Is the City trying to make a return to the days of overcrowded tenement buildings and slum-like conditions?
- Large Market rate developments regularly provide parking.
- Affordable housing developments do not provide parking.
- This is causing hardships for existing residents - it is an unfair parking apartheid, causing a turnover to make Over-the-Rhine only livable for those with money, those who can afford to pay for parking.
- Those losing out - are the elderly, persons with mobility challenges, low-income residents and minorities.

Cincinnati Residents Have and Need Cars with Access to Parking

Policymakers who are repeatedly trying to take away access to parking while touting walkability, just don't get it. Walkability does not negate the need for cars in Cincinnati - it simply means some errands can be accomplished on foot. This is not New York City or Paris and we do not have an efficient transit system. We do not have transit corridors! There are no Transit Corridors that connect the region which includes Hamilton County, Cincinnati and its suburbs, and Northern Kentucky. A true transit corridors would be regional and include light rail and Bus

Rapid Transit (dedicated bus lanes to avoid traffic). **This region does not have a high-quality transit system that delivers fast, comfortable, and cost-effective services.**

I am sure most policymakers have cars themselves and a nearby place to park them - so why do they think it is ok to take other's access to parking away? Cars are key to opportunity.

“For many low-income families, cars may be key to greater opportunity.” This is the title of an Urban Institute blog article which states “at least one group that may need to drive more, not less, low-income residents of high-poverty neighborhoods.”

<https://www.urban.org/urban-wire/many-low-income-families-cars-may-be-key-greater-opportunity>

The 2014 Urban Institute Study “Driving to Opportunity: Understanding the Links between Transportation Access, Residential Outcomes, and Economic Opportunity for Housing Voucher Recipients.” The study states “In the absence of building extensive transit networks which are fiscally impractical in all but the densest US metropolitan areas, our study suggests that cars present a more viable means of connecting low-income workers to jobs.” This was a conclusion drawn in the 2014 Urban Institute Study, page 58.

<https://www.urban.org/research/publication/driving-opportunity-understanding-links-among-transportation-access-residential-outcomes-and-economic-opportunity-housing-voucher-recipients>

Lately we have been hearing from City officials and developers alike that low-income households typically don't have cars. This is not true - even homeless individuals and families often have cars that are their last hope for getting back on their feet and their last refuge.

The Cincinnati Health Assessment 2017, by the City of Cincinnati Health Department (page 3) states that among adults in Cincinnati who are living at or below the federal poverty level: 8.2% lack vehicles. Table 2 on page 28 further expands upon this to show that the remainder of this group do have access to one or more cars.

[https://www.cincinnati-oh.gov/sites/health/assets/File/EDIT%20THIS%20CHA_12_21_17%20FINAL\(1\).pdf](https://www.cincinnati-oh.gov/sites/health/assets/File/EDIT%20THIS%20CHA_12_21_17%20FINAL(1).pdf)

Increased competition for the scarce on-street parking will deprive existing and new residents of parking. This will hurt the current and longtime residents who rely upon on-street parking to have access to good jobs throughout the region, to shop for supplies and groceries, and get to doctor's appointments.

Public transit in Cincinnati cannot come close to matching the mobility of having a car. Bus trips can be quite long and add hours to your work day. This can be tough for working families. Having a car gives people access to more options for better paying jobs, health care, food choices... There may be shops, restaurants and bars nearby to help people accomplish some daily errands without a car, but the good paying jobs — which pay more than subsistence wages—are farther out, where public transit coverage of the region is not good.

Because of significant grade differences and frequent inclement weather, daily errands on foot in the Pendleton neighborhood are difficult if not impossible for the elderly, mothers with young children, and persons with mobility challenges. In Pendleton:

- There may be off-street parking spaces to rent, but these are up to one half mile away and are costly. How many of the current and new residents will be able to afford off street parking? New residents will look for free off-street parking before paying for parking they cannot afford - this will make parking nearly impossible for current residents. Jack Casino does not offer residential parking permits.
- Garage parking is not a suitable parking solution for late hours, women, children, the elderly, and persons with disabilities in this high-crime area. It would not be safe to park so far away from their homes.
- Zipcar is an 11-minute walk away. The cheapest car rental is listed at \$9 per hour and \$74 per day + additional fees. This is not convenient but even more importantly the expense would add up quickly.
- The walk to Kroger from this site takes 11 minutes. Families with large grocery needs and elderly tenants will have difficulty carrying groceries home. Having groceries delivered is expensive.
- Public transportation in the greater Cincinnati region is not conducive for flexible work hours, late work shifts, or for access to good jobs that are beyond the City beltway, such as across the river to the Amazon Fulfillment Center in Hebron.
 - Cars provide mobility: For more options for jobs that pay more than a mere subsistence wage, vehicles are needed.
- Cincinnati has not endorsed creating alternative transit systems. The streetcar is a good example of the uncertainty stemming from the lack of political commitment to build and expand public transit for the future.

Transit Reports - Cincinnati Ranks Last Among Peer Cities

A report measuring transit in Cincinnati shows that the region trails its peer cities when it comes to funding, ridership and access with only 22.5 percent of the region's jobs accessible by a 90-minute or less bus ride.

Furthermore, the Regional Indicator's Report on Transit states the following:

- Many parts of the Cincinnati region are not accessible by public transit. Among peer cities "Cincinnati ranks last...with only 58.9% of our region's jobs reachable by public transit.", page 4
- 2.1% of Cincinnati workers commute to work by bus or rail, page 3
- Cincinnati's investment in transit is extremely low compared to peer cities, page 6
<https://media.bizj.us/view/img/7599552/transitstudy.pdf>

Alltransit Rankings compare public transit in major US cities. The Alltransit Performance score is an overall transit score that looks at connectivity, access to jobs, and frequency of service. Cincinnati's score of 6.8 is well below the scores of the densest US metropolitan areas and even lower than Portland Oregon's score of 8.9.

Performance scores for a few US Cities for comparison:

▪ NYC & San Francisco	9.6
▪ Washington DC & Boston	9.5
▪ Chicago	9.1
▪ Portland	8.9
▪ Cincinnati	6.8
▪ Columbus OH	5.2

<https://alltransit.cnt.org/rankings/>

Conclusion

Any increases to the allowable density should be done in a measured way and only where appropriate - "Gentle Density." Single-Family Districts have more room and should be allowed increased density in the form of accessory dwellings, duplexes, triplexes and four-family buildings. It is less costly to accommodate parking and other amenities in these areas. Inclusionary Zoning plus incentives should be adopted for new market-rate residential developments to create diverse, mixed income neighborhoods full of opportunity.

The allowable density should not be increased in Cincinnati's densest neighborhoods, such as OTR, Pendleton and the West End. Any increased density Variances to be granted, moving forward, in these areas must be accompanied by parking to offset the increased number of vehicles, in order to avoid the adverse effect of loss of parking to current residents, many of whom are vulnerable. New developments should blend in and not be oversized.

Whatever measures are taken to improve housing affordability, negative impacts need to be understood and minimized -- impacts on green space, quality of life, traffic, parking, hillsides and sewer and storm water infrastructure.

I respectfully ask this Committee to reject the proposed Zoning Code changes. Thank you for your careful consideration.

Sincerely,

Michelle Avery Keely

Ken Jones & Associates Architects
542 East Twelfth Street
Cincinnati Ohio 45202

Attachments:
-Plan Cincinnati excerpts
-Historic Conservation Board
Parking Discussion excerpts

PLAN CINCINNATI

a comprehensive plan for the future

Adopted by Cincinnati City Council
November 21, 2012



Partners in helping Cincinnati provide a variety of housing options:

- Council on Aging of Southwestern Ohio
- Affordable Housing Advocates (AHA)
- Strategies to End Homelessness (formerly the Cincinnati/Hamilton County Continuum of Care for the Homeless)
- Working in Neighborhoods (WIN)
- Center for Independent Living Options
- Cincinnati Metropolitan Housing Authority (CMHA)
- Homebuilders Association of Greater Cincinnati
- Community Development Corporations (CDCs)
- Housing Opportunities Made Equal (HOME)
- Local Initiatives Support Corporation (LISC)
- Cincinnati Visitability Task Force
- Council on Aging of Southwest Ohio
- All Community Councils and Other Community Organizations
- Local non-profit organizations
- Local foundations and funding organizations

City Agencies:

- Department of Community Development
- Department of City Planning and Buildings
- Cincinnati Health Department
- Economic Development Division
- Department of Transportation and Engineering
- Office of Budget and Evaluation
- Finance Department
- Law Department



Evenly distribute housing that is affordable throughout the City.

When focusing on new housing opportunities that are appropriate for residents of all income levels, we will be strategic in targeting where to locate them. We will begin evenly distributing these units across all neighborhoods in Cincinnati.



Create a stock of housing in each neighborhood that is affordable at all income levels.

Cincinnati will make investments that strengthen our neighborhoods, not simply add units. In order to do so, we need to begin focusing on initiatives such as sustainable homeownership instead of the number of homebuyers.

Short-range (1-3 years):

- Provide public education about housing cost burden, what affordable housing is, and who needs and qualifies for affordable housing.
- Incorporate inclusionary zoning policies into the new Land Development Code.
- Target public funding

Current Initiatives:

- **Affordable Housing Advocates (AHA)** is a group of housing providers, advocates, and civic groups who promote, educate, and advocate for affordable housing in Cincinnati and identify and work to overcome barriers to affordable housing. Their focus is on meeting the housing needs of very low, low, and moderate-income individuals and families.
- **Cincinnati Metropolitan Housing Authority (CMHA)** was established in 1933 to provide quality, affordable housing for low- to moderate-income families. CMHA serves nearly 5,200 Public Housing households in neighborhoods throughout Hamilton County. In addition, the Housing Choice

Voucher Program provides affordable housing options for 11,300 families. Most residents served by CMHA are elderly and working families.

- Cincinnati **Habitat for Humanity** builds and rehabilitates simple, affordable homes in partnership with low-income families and volunteers from the community and sells the homes to low-income buyers with a no-interest loan. Over 240 homes have been built in Cincinnati's neighborhoods.

for affordable housing geographically to areas where the greatest impact will be realized.

- Work with developers of new or rehabilitated affordable housing products to ensure that it is architecturally consistent with the character of the surrounding neighborhood.

Mid-range (4-7 years):

- Incentivize development that includes a mix of affordable units with market rate units.
- Incentivize development of higher-income units in transitional neighborhoods.
- Assist developers by identifying and helping to assemble parcels city-wide where new, mixed-income housing could be developed.

Long-range (8-10 years):

- Improve affordability by increasing transit options in all neighborhoods.
- Consider providing public funding only for projects that include units for a mix of incomes.



Image Source: Alex Peppers

Newly redeveloped Washington Park is a place for community engagement

the potential to help people overcome poverty, build stability, and improve their lives; housing that improves neighborhoods, and revitalizes the entire community.

Source for Additional Information:
<http://www.ahacincy.org/>

Incentive Zoning: Incentive zoning allows the property owners to build at higher intensity or density in return for providing certain community amenities. These amenities can be in the form of urban design (plazas, courtyards, green space etc), affordable housing, or transit (access to transit/ transit amenities). Incentive zoning is a flexible tool that is increasingly being used by communities.

Source for Additional Information:
<http://www.smartgrowth.org/library/articles.asp?art=1721&res=1280>

Inclusionary Housing: Inclusionary housing is a tool used by several communities across the country to increase affordable housing opportunities for low- and moderate-income households. In this model, housing developers are either mandated or encouraged to

provide low cost housing at affordable rates to low- and moderate-income households. These affordable housing units are typically built as part of the market rate housing in order to allow for a mixed-income neighborhood.

Inclusionary housing in several communities is aimed at providing workforce housing, defined as housing affordable to teachers, firefighters, police officers and other essential workforce who are increasingly being priced out of market rate housing.

Source for Additional Information:
http://www.housingpolicy.org/toolbox/strategy/policies/inclusionary_zoning.html

Industrial Land Use: An industrial use is a land use category in which properties are used to extract raw materials, conduct research and development of goods, or manufacture goods that are used in the production of final goods.

Interstate-75 Focus Areas: Four focus areas within a study that developed strategies for economic development,

transportation systems, green infrastructure and neighborhood redevelopment within the I-75 corridor from the Brent Spence Bridge to Mitchell Avenue exit.

Source for Additional Information:
https://dl.dropbox.com/u/22062185/ReviveCincinnati_Report110303.pdf

Joint Economic Development Districts (JEDD): JEDDs are contractual agreements, which enable townships, cities and villages to cooperatively address economic development issues. Each JEDD is unique and different based on the needs and demands of the communities involved. The JEDD program is designed to encourage cooperation among local communities by providing mutual economic benefits to all communities involved.

Source for Additional Information:
<http://ohioline.osu.edu/cd-fact/pdf/1560.pdf>

Land Banking: Land banking is a tool used by communities to allow for the redevelopment of blighted, vacant, or underutilized properties. Typically a government or a quasi

government entity acquires and assembles underutilized parcels. These parcels are then resold/ reused to pursue a community's priorities and their local land use or economic development plan.

Sources for Additional Information:
<http://www.umich.edu/~econdev/landbank/>
<http://www.cincinnatiport.org/hclrc/>

LEED-ND: The U.S. Green Building Council establishes the LEED (Leadership in Energy and Environmental Design) for neighborhood development ratings system. This system is used to rate a community based on smart growth, urbanism and green building principles: LEED-ND serves as a neutral third party verification or validation of environmentally responsible neighborhood design. In addition to the energy efficient features within the buildings, LEED-ND takes into consideration factors such as site selection, neighborhood pattern and design, infrastructure etc.

Source for Additional Information:
<http://www.usgbc.org/DisplayPage.aspx?CMSPageID=148>

Proposed Conditions:

The proposal at 528 E 12th Street

1. Construct a new 5-story, 56 unit residential building with a lobby and parking on the first floor and 4 stories of apartments above.
2. The first floor will have a portion that is set back from the street
3. The building will be clad in brick as a main material with wood and black metal accents.
4. The garage will be accessed with automated garage doors that are glass.

Previous Review: NA

Applicable Zoning Code Sections:

Zoning District:	Section 1409	Commercial
Variance Requests:	Section 1409	Development Standards
	Section 1425	Parking Regulations
Variance Authority:	Section 1445-07	
HCB authority:	Section 1435-05-4	
Variance Standard:	Section 1445-13	General Standards: Public Interest
	Section 1445-15	Standards for Variances
Overlays:	Section 1435	Historic Preservation
Historic District/Reg:		Over the Rhine Historic District
COA Standard:	Section 1435-09-2	COA; Standard of Review

Zoning Analysis:

Density:

When considering Density Variances, three of the major issues that staff consider are the ramifications that a Density Variance would have on 1) Parking and Traffic patterns 2) Trash and Utility management and 3) Design of the Building. The design of the building and its appropriateness with the neighborhood will be discussed in the COA section below.

1) Parking and Traffic Patterns

On September 19, 2018, City Council passed the Urban Parking Overlay Zone #1, which exempts all projects within the boundary of the overlay from parking requirements. This overlay became law on October 20, 2018.

While the property would be exempt from parking requirements, the project is still substantially providing parking for the project within the building and at a nearby proposed parking lot at the corner of 12th Street and Reading. The building will have 29 parking spaces at the first floor and there will be an additional 25 spaces at the proposed surface lot to be submitted under separate permit. With the new parking overlay, the project would have been exempt to provide parking for the permitted density which would have been 23 spaces. This is an increased parking demand of 33

spaces. Applicants are providing between garage parking and a lot at 600 E 12th Street 54 spaces serving 56 dwelling units. The proposed parking lot layout is included in page 8 of the 11x17 inch bound document. The applicants have stated twice (once in a letter dated 11/2/2018 and one dated 12/3/2018) in their submitted materials, that they are providing for 54 spots for this project. The proposal is providing parking to manage the most significant negative impact of the proposed significant increase in density. Staff has stated from its initial meeting with the applicant that such a significant density proposal would require a significant provision of parking at or near the zoning minimum requirements, consistent with previous staff recommendations to the Board prior to and since the enactment of the overlay. Without this parking, Staff would have been unsupportive of the density proposed.

As for on street parking demand: There concerns have been raised that this project is removing on-street parking. Currently there are 2 curb cuts at the site which take away 2 spaces from on-street parking. While the curb cuts will be moved, there will still only be 2 curb cuts and therefore on-street parking will not be impacted (page 5 of revised submission).

This project is also within a CC-P zone which requires that alleys be used whenever practical. The applicants have provided analysis which shows that this alley is not practical for use due to the narrow width of the alley, only around 8.5 feet in some spots due to retaining walls directly on the property line. A turn radius analysis submitted by the applicant's civil engineer has also been performed and if alley access or alley circulation were required for the parking area, it would result in a net decrease of 4 parking spaces. In a project that is trying to balance parking demand in a neighborhood that expressed concerns for on-street parking, this would create more demand for on-street parking. DOTE has reviewed the information provided and concurred that for the scale of the site, alley only access is not encouraged and concurs with the proposal. It should be noted that DOTE, in consideration of this issue, supported Staff efforts to narrow the automated garage door accesses, to limit their visual impact along the street. Staff will be encouraging grading to be matched as close as possible to the alley grade to allow for potential 'breathing room' in the event some of the other smaller scale property owners in the future chooses to utilize alley access for their vehicles.

2) Trash and Utility Management

When an increase in density is requested for a property, providing adequate trash and utility management within the building or on the property is necessary as to not create a collection of trash receptacles on public right of ways, either on streets or on alleys. The applicants have made accommodations on the first floor for trash enclosed entirely within the building. This is providing a large buffer from trash and associated issues with trash enclosures.

determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).

A denial of the density variance would not result in the deprivation of all economically viable use. The building could be rehabilitated into the grandfathered 11 dwelling units or could be developed with even less units, with larger areas and higher prices. However, the unit count as proposed is needed for the required mix for the financing package that include low-income housing tax credits. The applicant has provided information on the economics of the overall project, bearing out this determination.

General Standards; Public Interest

Below is analysis of the consideration factors for all of the requested zoning actions, utilizing Section 1445-13, General Standards; Public Interest.

- a. **Zoning.** *The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.*

The underlying zoning is RM 1.2. The proposal does not conform to the underlying zoning allowances for density.

- b. **Guidelines.** *The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.*

The proposed work substantially conforms to the Historic Conservation guidelines for the Over-the-Rhine District.

- c. **Plans.** *The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.*

A stated goal of the 2002 Over-the-Rhine Comprehensive Plan is “Encourage and welcome new investment at all income levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents.” The project as a whole is providing a diverse range of housing options, both in size, configuration and availability to different economic levels.

Increasing the unit count is necessary to meet the unit count and configuration required for the overall project to use the Low-Income housing tax credits and overall economics work. The use of the tax-credits makes affordable units feasible.

- d. **Traffic.** *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.*

The building is a residential use building within a residential district. **While parking is no longer required in Over-the-Rhine due to the Urban Parking**

Overlay District, the property would have been given a 50% reduction on required parking per the zoning code section 1425-23 (d) which allows residential uses in an RM district to have 50% reduction on required parking if it is located within 600 feet of a streetcar stop **and if it means that fewer than 3 spaces are required , than no spaces would need to be provided.** As the property is only proposing an increase of 1 unit over the last known density the project would therefore not have been required to park the project.

- h. **Neighborhood Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.*

The proposed density is at 283 sf. of land area per unit. This is similar in density with other recently approved projects within the RM 1.2 zoning district in Over-the-Rhine within existing buildings:

- 1505 Republic St: 210 sf. lot area/unit
- 1513 Republic St 148 sf lot area/unit
- 1515 Republic St: 148 sf. lot area/unit

The property is large enough that all trash for the units will be able to be accommodated onsite and not within adjoining alleys.

- i. **Economic Benefits.** The promotion of the Cincinnati economy.
The proposed project is creating more housing opportunities in the urban core providing more density and patrons of local businesses.*
- m. **Job Creation.** The creation of jobs both permanently and during construction.
There will be temporary jobs during construction.*
- n. **Tax Valuation.** Any increase in the real property tax duplicate.
The rehabilitation of the building will increase the property value of the property.*
- o. **Private Benefits.** The economic and other private benefits to the owner or applicant.
The owner of the property will have a benefit to redeveloping the property and creating an income stream.*
- p. **Public Benefits.** The public peace, health, safety or general welfare.
The overall project is creating a diversity of housing options for a range of economic levels. This is a desire of the community and a city as a whole.*

Certificate of Appropriateness Review:

the zoning compliant projects still have a gap that is between 1.5-1.7 times the gap for the requested increase density.

A project with a compliant density would also decrease the total number of affordable units the project is able to create. As it has been a stated desire within the Over-the-Rhine Community Plan and Plan Cincinnati for more affordable units, to support this goal a higher density is required. Also allowing for a higher density allows for a mixed income approach in the buildings, both new construction and in the historic rehabilitations. This helps to create affordable housing in otherwise high-opportunity areas that provide greater access to jobs, public transit and amenities.

While typically we cannot consider the proposed rents of a project when considering economic feasibility due to lack of legal accountability for the stated rents, with Low-Income Housing Tax Credits there is a requirement that the units maintain the stated affordability for 30 years to be able to capture the tax credits. That is a factor of consideration here today, as this is a substantial property encumbrance that will be borne by the property owner if the project executed.

When looking at the density variance, two areas of concern that we have consistently considered are Parking and Traffic Patterns and Trash and Utility Management.

1) Parking and Traffic Patterns

On September 19, 2018, City Council passed the Urban Parking Overlay Zone #1, which exempts all projects within the boundary of the overlay from parking requirements. This overlay became law on October 20, 2018. While the property would be exempt from parking requirements, the project is asking for an increase in residential density which does increase the anticipated parking demand based on the zoning code allowances. Overall the major increase in parking demand is created by the New Construction as the rehabilitation portion of the project is only increasing the parking demand generated by 2 additional dwelling units (net 12 trips/day per national standards). Per the zoning code, the new construction would have been permitted to have 26 units over the 4 properties and they are creating 90 units. **This creates an increased parking demand for 64 dwelling units. In order to offset this increased demand, the applicants own 2 parking lots within a block of each of the projects that together have 166 parking spaces. These would more than be able to accommodate the needs for the increased parking demand.** Additionally, and uniquely within OTR, transit capacity and opportunities within walking distance for jobs, goods and services, should, in actuality, minimize, the parking demand of the more urban context. Applicants and their management team have experience with properties within OTR and should be able to demonstrate previous experience in similar projects in the neighborhood.