

November 8, 2022

To: Mayor and Members of City Council 202201876
From: Sheryl M. M. Long, City Manager
Subject: Emergency Ordinance – Notwithstanding Ordinance for 2000 Dunlap Street

Transmitted is an Emergency Ordinance captioned:

AUTHORIZING the construction of a new congregate-housing facility containing up to forty-four dwelling units on the real property located at 2000 Dunlap Street in the Over-the-Rhine neighborhood, **NOTWITHSTANDING** the density and setback regulations contained in Section 1410-07, “Development Regulations,” of Cincinnati Municipal Code Chapter 1410, “Urban Mix District,” and **NOTWITHSTANDING** the requirement for a certificate of appropriateness contained in Section 1435-09, “Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance,” of Cincinnati Municipal Code Chapter 1435, “Historic Preservation.”

The City Planning Commission recommended approval of the notwithstanding ordinance at its October 21, 2022 meeting.

Summary:

Councilmembers Reggie Harris, Liz Keating, and Meeka Owens, supported by the property owner, Over-the-Rhine Community Housing (OTRCH), have proposed a Notwithstanding Ordinance to permit the construction of a new congregate-housing facility containing up to forty-four dwelling units at 2000 Dunlap Street in Over-the-Rhine.

OTRCH proposes to construct a new four-story, congregate-housing facility with forty-four dwelling units maintained as affordable units in compliance with the Low-Income Housing Tax Credit (LIHTC) program. The building would also include communal dining facilities and certain other facilities for the use and benefit of its residents.

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

APPROVE the Notwithstanding Ordinance with consider the following conditions:

- 1) The new construction must substantially conform to the project specifications outlined in this report and included as Exhibit D, including:
 - a. A four-story structure
 - b. Zero-lot line rear setback
 - c. Up to forty-four residential units on the upper floors

- 2) The Notwithstanding Ordinance does not provide a variance from any other laws of the City of Cincinnati, and the property shall remain subject to all other provisions of the Cincinnati Municipal Code, or the UM, “Urban Mix” zoning district, and the Over-the-Rhine Local Historic District.
- 3) The use of 2000 Dunlap Street as a congregate-housing facility with forty-four dwelling units pursuant this to ordinance shall not be considered a nonconforming use of land unless otherwise permitted by law.

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