

June 4, 2021

Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT: A report and recommendation on a proposed Notwithstanding Ordinance to permit an office use with no parking requirements in a Residential Mixed (RMX) zoning district at 2215 Fulton Avenue in Walnut Hills.

GENERAL INFORMATION:

Location: 2215 Fulton Avenue
Cincinnati OH 45206

Petitioner: First Step Home Inc.
2203 Fulton Avenue
Cincinnati, OH 45206

EXHIBITS:

Provided in addition to this report are the following exhibits:

- Exhibit A Location Map
- Exhibit B Application
- Exhibit C Letter of Support

BACKGROUND:

The applicant, First Step Home, requests a Notwithstanding Ordinance to permit the rehabilitation of an existing residential structure at 2215 Fulton Avenue into office space in Walnut Hills. The subject property is located on Fulton Avenue, approximately 150-feet north of First Step Home's main administrative building at 2203 Fulton Avenue. The subject property is zoned Residential Mixed (RMX).

First Step Home is a non-profit organization that helps women break the cycle of addiction and abuse and become self-sufficient. The agency provides individual and group counseling, access to medical services, mental health assessments, life skills training, financial assistance, on-site childcare, and connections to job readiness programs. In addition, First Step Home offers a comprehensive child and family development program. Through the programs offered at First Step Home, women learn self-sufficiency and gain the ability to live drug-free with their children.

In 1999, First Step Home purchased the property at 2203 Fulton Avenue for use as a residential treatment facility. The property provided residential services to women and their children with some additional outpatient services. In 2010, First Step Home applied for a Notwithstanding Ordinance to allow the nonconforming use (transitional housing) to continue and to convert the existing carriage house into program space at 2203 Fulton Avenue. City Council granted the Notwithstanding Ordinance (Ordinance No. 2010-00222). This took place before the City Planning Commission reviewed Notwithstanding Ordinances for land use matters.

First Step Home applied for an additional Notwithstanding Ordinance in 2013 for their property located at 2211 Fulton Avenue. At that time, they proposed using the building exclusively for offices and meeting space to support the transitional housing property at 2203 Fulton Avenue. The City Planning Commission recommended approval of the Notwithstanding Ordinance, which City Council granted (Ordinance No. 2013-00098).

PROPOSED NOTWITHSTANDING ORDINANCE:

First Step Home is requesting a third Notwithstanding Ordinance to permit an office use in an RMX zoning district at 2215 Fulton Avenue and to waive any associated parking requirements. First Step Home proposes using 2215 Fulton Avenue as the Family Unity Center that will house the new Child Resiliency Program as well as administrative personnel, group treatment facilities, and admissions staff. The Family Unity Center is a place for holistic services which will include treatment to enhance the bonding between women and their children. There is a focus on treatment for the whole family, including significant others, as First Step Home recognizes success in recovery requires the support of those close to the client and their children.

As part of their Notwithstanding Ordinance application, First Step Home also seeks relief from any associated parking requirements for the office use. Most of the women receiving treatment at First Step Home do not have a car and often utilize public transportation, rideshare companies, or are dropped off by family or friends. First Step Home does have several parking spaces among their properties located on Fulton Avenue and has a long-standing relationship with the church across the street which allows access to four parking spaces for staff and/or clients. Additionally, on-street parking exists along Fulton Avenue.

Approval of the requested Notwithstanding Ordinance will allow First Step Home to enhance and continue its services at 2215 Fulton Avenue.

Rehabilitation of 2215 Fulton Avenue

The rehabilitation will convert the existing residential building from housing to become the Family Unity Center offices where family outpatient programs take place. The first, second, and third floors will be included in the rehabilitation. Improvements to the first floor will make it ADA compliant. The first floor will have office spaces for a speech pathologist and child therapist, a child activity area, reception area and bathroom. The second floor will house treatment and administrative offices in addition to a bathroom. The third floor will be prepared for group offices for administration and programming, in addition to a bathroom and a small storage area.

The applicant is requesting relief through the Notwithstanding Ordinance for the following:

Use (Sec. 1405-05)

The proposed office use is not permitted in the RMX zoning district per Sec. 1405-05 of the Cincinnati Zoning Code. The proposed Notwithstanding Ordinance would formalize permission to use the property for offices.

Parking (Sec. 1425-19-A)

Per Sec. 1425-19-A of the Cincinnati Zoning Code, office uses require parking at a ratio of one space per 400 square feet. Based on the 3,552 square feet of gross floor area, nine parking spaces would be required for 2215 Fulton Avenue. The applicant is proposing zero off-street parking spaces.

PUBLIC COMMENT AND NOTIFICATION:

The Department of City Planning held a virtual public staff conference on this proposed Notwithstanding Ordinance on May 17, 2021. Notices were sent to property owners within a 400-foot radius of the subject property and the Walnut Hills Area Council. There were four members of the petitioner's team present,

in addition to Department of City Planning staff members. No members of the public requested access to the meeting.

All property owners within a 400-foot radius of the subject property and the Walnut Hills Area Council were notified of the City Planning Commission meeting on May 20, 2021. The Walnut Hills Area Council submitted a letter of support for the proposed Notwithstanding Ordinance (Exhibit C). The letter highlights the importance of First Step Home's work and their history of being a good neighbor. Staff has not received any additional correspondence to-date.

ANALYSIS:

The Department of City Planning has consistently taken a position to not support any Notwithstanding Ordinances because they do not comply with the Cincinnati Zoning Code that the department is charged with developing and enforcing. However, Cincinnati Municipal Code Section 111-5 establishes a list of factors by which a City Council committee may consider a notwithstanding ordinance application. As such, the City Planning Commission shall consider the following when making a recommendation on notwithstanding ordinances to City Council:

- 1) Whether the proposed application will not have an adverse effect on the character of the area or the public health, safety and welfare;

The proposed use and rehabilitation of the building at 2215 Fulton Avenue will not have an adverse effect on the area. The rehabilitation and use of the building will provide much needed services and keep the older building in use.

- 2) Whether the proposed application is consistent with the purposes of this code and the zoning district where the subject property is located including but not limited to:

- (a) Providing a guide for the physical development of the city.

Not applicable to this application.

- (b) Preserving the character and quality of residential neighborhoods.

The proposed Notwithstanding Ordinance would permit the rehabilitation of an existing residential structure at 2215 Fulton Avenue into office space. By using the existing building, the character of the neighborhood is preserved, and the quality of the building will be improved as it undergoes a rehabilitation.

- (c) Fostering convenient, harmonious and workable relationships among land uses.

The predominant land use surrounding the subject property is transitional and multi-family housing which is compatible with the area. While the proposed use of 2215 Fulton Avenue is for offices, it will retain its appearance and blend seamlessly with the rest of the street.

First Step Home owns the properties along the west side of Fulton Avenue on this block. Several adjacent properties have apartments for women going through treatment. The addition of services allows First Step Home to provide a safe, effective campus for the women they serve.

- (d) Achieving the arrangement of land uses described in the comprehensive plan for the development of the city as may have been adopted by council.

The proposed Notwithstanding Ordinance is consistent with Plan Cincinnati (2012) (see "Consistency with Plans" for further analysis).

- (e) Promoting the economic stability of existing land uses and protecting them from intrusions by inharmonious or harmful land uses.

First Step Home has operated on Fulton Avenue for over 20 years. The proposed Notwithstanding Ordinance will permit them to expand their operations in a building designed to meet the needs of their programs.

- (f) Providing opportunities for economic development and new housing for all segments of the community.

Not applicable to this application.

- (g) Creating pedestrian-friendly environments to reduce reliance on the automobile for travel.

The subject property is located within 0.10 miles walking distance of Gilbert Avenue and 0.20 miles of the E. McMillan Street and Gilbert Avenue intersection. The location provides staff and clients of First Step Home with access to twelve bus stops along four bus lines (SORTA Routes 1, 4, 11, and 31), all within a five-minute walk.

- (h) Preventing excessive population densities and overcrowding of land or buildings.

The proposed Notwithstanding Ordinance would permit an office use in a building currently being used in a residential capacity; no additional density or overcrowding is anticipated.

- (i) Ensuring the provision of adequate open space for light, air and fire safety.

The proposed Notwithstanding Ordinance does not provide a variance from any other laws of the City of Cincinnati. The owner would need to abide by the building code and fire regulations outlined in the Cincinnati Municipal Code.

- (j) Ensuring that development is compatible with the environment, particularly on the hillsides and along the riverfront.

Not applicable to this application.

- (k) Promoting the conservation, protection, restoration and enhancement of the historic resources of the city.

The subject property is not located within a historic district. The proposed Notwithstanding Ordinance would permit the rehabilitation of an existing buildings, preserving the built character on the street.

- (l) Lessening congestion in the public streets by providing for off-street parking and loading areas for commercial vehicles.

According to Sec. 1425-19-A of the Cincinnati Zoning Code, a total of nine parking spaces are required for the offices at 2215 Fulton Avenue. The proposal

does not provide any off-street parking, and thus seeks relief through the Notwithstanding Ordinance. As previously stated, many of the women receiving treatment at First Step Home do not have a car and often utilize public transportation, rideshare companies, or are dropped off by family or friends. There is parking provided among their properties and at the church across the street, in addition to on-street parking.

- (m) Providing effective signage that is compatible with the surrounding urban environment.

Proposed signage for the building was not submitted as part of the application. However, a condition of the proposed Notwithstanding Ordinance is that the property shall remain subject to all other provisions of the Cincinnati Municipal Code, including the RMX, "Residential Mixed," zoning district. This would include any signage regulations.

- (n) Setting standards by which a nonconforming use may continue to function and to provide for the adaptive reuse of nonconforming buildings.

One of the recommended conditions, should the City Planning Commission approve the proposed Notwithstanding Ordinance, is that the use of the property should not be considered a nonconforming use.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposed Notwithstanding Ordinance is consistent with *Plan Cincinnati* (2012) in the Sustain Initiative Area, specifically the Goal to "Become a healthier Cincinnati" (page 81). First Step Home empowers women to overcome substance abuse disorders and mental health related issues. The proposed Notwithstanding Ordinance would permit First Step Home to expand their existing social services.

Walnut Hills Reinvestment Plan (2017)

The proposed Notwithstanding Ordinance and this specific area of the neighborhood are not addressed in the *Walnut Hills Reinvestment Plan* (2017). The Plan does have an *Action Item* to "Invest in People, Places, and Homes" (page 42). First Step Home's mission to "help women achieve self-sufficiency and provide a safe and nurturing environment for their children" speaks directly to investing in people.

CONCLUSIONS:

The proposed Notwithstanding Ordinance would permit an office use in an RMX zoning district at 2215 Fulton Avenue and waive all associated parking requirements. Approval of the requested Notwithstanding Ordinance will allow First Step Home to respond to the increased demand for their services in the community and expand their offerings of treatment services while preserving an existing building. The requested relief through the Notwithstanding Ordinance has been found to be reasonable considering the use of Notwithstanding Ordinances for First Step Home on this block and the parking arrangements that have already been made. The proposed Notwithstanding Ordinance is consistent with portions of the *Walnut Hills Reinvestment Plan* (2017) and *Plan Cincinnati* (2012).

The Department of City Planning has consistently taken the position to not support any Notwithstanding Ordinances for land use decisions because they do not comply with the zoning laws that the department is charged with developing and enforcing.

RECOMMENDATION:

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

DENY the Notwithstanding Ordinance to permit an office use in the Residential Mixed (RMX) zoning district at 2215 Fulton Avenue in Walnut Hills.

- 1) The Department of City Planning cannot support any Notwithstanding Ordinances for land use decisions because the ordinances do not comply with the zoning laws that the Department of City Planning is charged with developing and enforcing.

If the City Planning Commission decides to recommend approval of the Notwithstanding Ordinance, the City Planning Commission should consider the following conditions:

- 1) The renovations at 2215 Fulton Avenue must substantially conform to the project specifications outlined in this report and the applicant will provide all required items for building permit review.
- 2) The Notwithstanding Ordinance does not provide a variance from any other laws of the City of Cincinnati, and the properties shall remain subject to all other provisions of the Cincinnati Municipal Code, RMX, "Residential Mixed," zoning district.
- 3) The use of the property should not be considered a nonconforming use.

Respectfully submitted:



Stacey Hoffman, Senior City Planner
Department of City Planning

Approved:



Katherine Keough-Jurs, AICP, Director
Department of City Planning

Proposed Notwithstanding Ordinance at 2215 Fulton Avenue in Walnut Hills

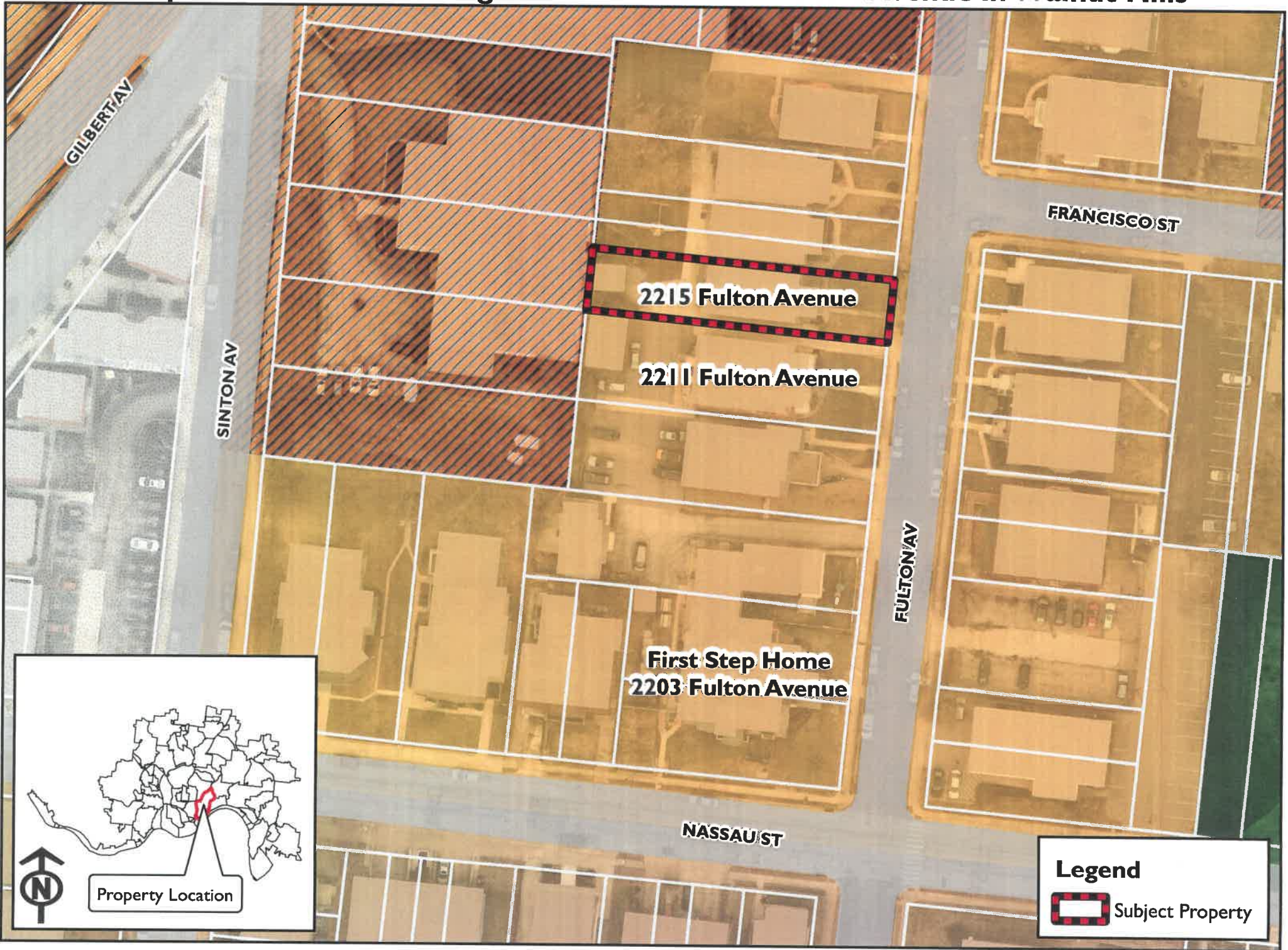


Exhibit B



805 CENTRAL AVE, SUITE 720
 CINCINNATI OHIO 45202
 P 513 352 3271
 F 513 352 2579
 WWW.CINCINNATI-OH.GOV
 CAGIS.HAMILTON-CO.ORG

Notwithstanding Ordinance Application
INITIALIZED BY _____

Part A - Identification

Subject Property Address (Please print in blue or black ink only) 2215 Fulton Ave.		
Applicant - Name (Print) First Step Home, Margo Spence, President & CEO	Phone No 513.961.4663 ext. 106	E-mail Address margo.spence@firststephome.org
Street Number & Name 2211 Fulton Ave.	City / State / Zip Code Cincinnati, OH 45206	Phone No / Fax No 513.961.4663
Relationship of Applicant to Owner: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee <input type="checkbox"/> Attorney		
Property Owner - Name (Print) First Step Home, Margo Spence, President & CEO	Phone No 513.961.4663 ext. 106	E-mail Address margo.spence@firststephome.org
Street Number & Name 2211 Fulton Ave.	City / State / Zip Code Cincinnati, OH 45206	Phone No / Fax No 513.961.4663

Part B - Submission Requirements (Please provide the following for a complete application)

1. A copy of the zoning map showing the subject property. A copy may be obtained through the Zoning Administration by emailing zoninginfo@cincinnati-oh.gov or by calling (513) 352-2430.
2. A written statement outlining all of the practical difficulties created by following existing legislative and administrative procedures.
3. Submit one (1) paper copy and one (1) digital copy of the application to the Director of City Planning at 805 Central Avenue, Suite 720, Cincinnati, Ohio 45202. Payment must be included with the application. (Payable to the City of Cincinnati)

Part C - Authorization

The applicant or agent undersigned does hereby certify that the information and statements given on the application, drawings, and inspections are to the best of their knowledge, true and correct. The undersigned further certifies their authorization to grant consent to the inspection by employees of the City of Cincinnati of the described premises at any time when work on those premises is ongoing and hereby grants their consent.

Applicant's Signature Margo Spence  Digitally signed by Margo Spence
Date: 2021.03.24 09:22:02 -0400 Date 3-24-2021

FOR OFFICE USE ONLY

Reviewed By:  Processing Fee \$1000 PD BY ✓ # 58884
 City Planning Staff _____ Date Application Complete 4/23/2021

Notwithstanding Ordinance Application

General Information:

Location: 2215 Fulton Ave, Cincinnati, Ohio 45206

Petitioner: First Step Home Inc.

Petitioner's Address: 2203 Fulton Ave, Cincinnati, Ohio 45206

Attachment: Zoning Map

Background:

First Step Home Inc. ("FSH") is the owner of 2215 Fulton Ave, Cincinnati, Ohio 45206.

First Step Home is requesting a notwithstanding ordinance for 2215 Fulton Ave. to continue to better serve the women and their children receiving treatment and living on its campus. FSH's mission is to empower women to overcome substance abuse disorders so that they can achieve self-sufficiency and provide a safe and nurturing environment for their children.

Currently, 2215 Fulton Ave. is zoned RMX (Residential Mixed) which prohibits office use. The existing two-family residential facility currently contains approximately 3,940 square foot of residential space.

FSH is requesting a notwithstanding ordinance which will allow the property to be used for offices, therefore, allow us to provide a safe, effective campus for the women FSH serves. Increased demand for services in our community necessitates FSH's expansion of treatment services. The current RMX zoning does not allow FSH to appropriately respond to that demand. FSH's main administrative building is located at 2203 Fulton with additional offices at 2211 Fulton. Both properties have received notwithstanding ordinances, in 2010 and 2013 respectively. Several adjoining properties have apartments for the women going through treatment. The City has provided notwithstanding ordinances in the past to support FSH's treatment of women and their children in our community. The NWO has been the most effective and efficient mechanism for the City to respond in a timely fashion as other methods are not readily available.

The rehabilitation will include first, second and third story rehab and construction:

- Rehabilitation of 2215 Fulton Ave from housing to become the Family Unity Center offices and family outpatient programs
- Electrical and HVAC work in basement
- Making the first floor ADA accessible with a ramp and wheelchair accessible bathroom
- Making the first floor ready for a Child Resiliency Program office, 'play-room' for the children in treatment, including therapist room, waiting/greeting area in the front hall, kitchenette, and rehabbed bath.
- Making the second floor ready for treatment and administrative offices and bathroom
- Making a new staircase from the second floor to the third floor
- Making the third floor ready for group offices for administration and programming

The Family Unity Center will house the new Child Resiliency Program as well as administrative personnel, group treatment facilities and admissions staff. The Family Unity Center is a place for holistic services which will include treatment to enhance the bonding between women and their babies and children. There will be a strong emphasis on trauma and other mental health related issues, with a focus on

treatment for the whole family, including significant others, as FSH recognizes success in recovery requires the support of those close to the client and their children.

The first floor will have office spaces for a speech pathologist and child therapist, a child activity area, reception area and bathroom. The second floor will have offices for the associate accountant, an assistant accountant, and a development associate, a bathroom and a small storage area. The third floor will have offices for two Intensive Outpatient Therapists, project manager, and other personnel. Rehabbing the third floor allows us room for growth as an agency and frees up space in our main treatment facility, bringing staff over to create more room for beds for clients and their children in residential treatment.

FSH also respectfully requests that any associated parking requirement for office use at the property also be waived or included in the notwithstanding ordinance. Most of the women receiving treatment at FSH do not have a car. They utilize public transportation, rideshare companies like Uber/Lyft or are dropped off by friends or family. FSH does have a number of parking spaces "on campus" and has a long-standing relationship with the church across the street which allows access to 4 parking spaces for staff and/or clients. On any given day, there is adequate availability of parking in the general vicinity of the property including on-street parking.

2236 GILBERT LLC
7395 DRAKE RD
CINCINNATI, OH 45243

ADVANCE LINKS LLC
3745 HARVARD ACRES
CINCINNATI, OH 45227

ATAMAN, CLAIRE NEMIDE
2158 SINTON AVE
CINCINNATI, OH 45206

BERGER, KIMBERLY
2160 SINTON AVE
CINCINNATI, OH 45206

BINFORD PROPERTIES LLC
2471 LEGENDS WAY
FT MITCHELL, KY 41017-3480

BROWN, TIANNA
927 NASSAU ST
CINCINNATI, OH 45206

BYES, KENNETH
919 NASSAU ST
CINCINNATI, OH 45206

CABLE HOUSE PROPERTIES LLC
2245 GILBERT AVE
CINCINNATI, OH 45206

CARGILE, OBIE L @11
2225 ST JAMES AVE
CINCINNATI, OH 45206

CINCINNATI CHURCH OF THE
BRETHREN
950 NASSAU ST
CINCINNATI, OH 45206

CINCINNATI METROPOLITAN
HOUSING AUTHORITY
1635 WESTERN AVE
CINCINNATI, OH 45214

FIRST STEP HOME HOLDINGS LLC
2211 FULTON AVE
CINCINNATI, OH 45206

THE FIRST STEP HOME INC
2118 ST MICHAEL ST
CINCINNATI, OH 45204

THE FIRST STEP HOME INC
2203 FULTON AVE
CINCINNATI, OH 45206

FULTON CHATEAU LTD
7778 E KEMPER RD
CINCINNATI, OH 45249

FULTON HOTEL INC
2208 FULTON AVE
CINCINNATI, OH 45206

GILBERT AVENUE
DEVELOPMENT 2020 LLC
2550 WOODBURN AVE
CINCINNATI, OH 45206

GONZALEZ, JULIO
4159 ALLENDALE DR APT
CINCINNATI, OH 45209

GOODMAN, FREDERICK
2221 SAINT JAMES AVE
CINCINNATI, OH 45206-2614

HAJJAR, MAJED
906 NASSAU ST
CINCINNATI, OH 45206

HAMILTON COUNTY LAND
REUTILIZATION CORPORATION
3 EAST FOURTH STREET
CINCINNATI, OH 45202

HOME STAY I LLC
3608 EASTERN AVE
CINCINNATI, OH 45226

HYDE PARK REALTY INVESTMENTS
4960 RIDGE AVE
CINCINNATI, OH 45209

IKUBO, TOMO
3081 PROMENADE CIR
ANN ARBOR, MI 48108

JACKSON, KATRINA & JOHN
929 NASSAU STREET
CINCINNATI, OH 45206

KRAMER, STEVEN
917 NASSAU ST
CINCINNATI, OH 45206

LEY, DANIEL
2164 SINTON AVE
CINCINNATI, OH 45206

OHAIR, JANET
2217 SAINT JAMES AVE
CINCINNATI, OH 45206-2614

POINDEXTER, DAVID & BRENDA
800 STANTON AVE
TERRACE PARK, OH 45174

RICHARD, LISA &
STEVEN WESLEY CROUT
957 NASSAU ST
CINCINNATI, OH 45206-2624

ROTH, DAVID
c/o RAW PROPERTY MGMT
5535 COLERAIN AVE
CINCINNATI, OH 45239

RUFFIN, MYKEA
2236 FULTON AVE
CINCINNATI, OH 45206

SECOND TRINITY BAPTIST CHURCH
911 NASSAU ST
CINCINNATI, OH 45206

SMITH, SUNGIA
921 NASSAU ST
CINCINNATI, OH 45206

SPIEGEL, ROGER & MARY
2150 UNION CHAPEL RD
BATAVIA, OH 45103

STRADTMAN, DANA & ROBERT
959 FRANCISCO ST
CINCINNATI, OH 45206

TEMPLETON, GARY
955 FRANCISCO ST
CINCINNATI, OH 45206

VINSON, LYNNETTE
923 NASSAU ST
CINCINNATI, OH 45206

VLS PROPERTIES LLC
2230 GILBERT AVE
CINCINNATI, OH 45237

WADE, BRITTANY
2162 SINTON AVE
CINCINNATI, OH 45206

WITRY, JOHN
963 FRANCISCO ST
CINCINNATI, OH 45206

YOUNGBLOOD, DORENE
961 FRANCISCO
CINCINNATI, OH 45206

WALNUT HILLS AREA COUNCIL
2640 KEMPER LANE
CINCINNATI, OH 45206

Exhibit C



area
council

2640 Kemper Lane
Cincinnati, Ohio 45206

www.wearewalnuthills.org

August 28, 2020

Honorable Mayor John Cranley
City Council Members
801 Plum Street
Cincinnati, Ohio 45202

Delightful Day:

The Walnut Hills Area Council (WHAC) supports First Step Home's ongoing efforts to enhance their services to children through the Child Resiliency Program. The WHAC has been a supporter of First Step Home since they first joined the fabric of our community over twenty-years ago. The ability of First Step Home to recognize the importance of the mothers' role, in breaking the cycle of addiction and returning to society as productive mothers and citizens - without separating parent & child has been an innovation that the WHAC has fully supported. The Child Resiliency Program which enhances mental health, speech and medical services for children in their care is First Step Home's next innovation.

Launched in 2019 the Child Resiliency Program has been a success during its first year. It does require additional and coordinated space to provide specialized services for the children of their clients and First Step Home has identified one of the homes that they currently own as the Family Unity Center. The house is located at 2215 Fulton Avenue. The building will provide them a reasonable investment level compared with buying a new building or using a building that would need extensive additions. First Step Home shared with the WHAC they anticipate treating about 150 children, women, and families in the Family Unity Center next year.

As I stated earlier, the WHAC has been a supporter of First Step Home since they first joined the fabric of our community over twenty-years ago; we are impressed with the work they do and the resources they rally around women who are in need of services and housing.

Share your joy,

A handwritten signature in black ink that reads 'K. Gardette'.

Kathryne Gardette
President, Walnut Hills Area Council