

June 9, 2021

To: Mayor and Members of City Council 202102135
From: Paula Boggs Muething, City Manager
Subject: Emergency Ordinance – Notwithstanding Ordinance Authorizing Use of 2215 Fulton Avenue as Offices and Waiving Parking Requirements for First Step Home

Transmitted is an Emergency Ordinance captioned:

AUTHORIZING the existing building located at 2215 Fulton Avenue in the Walnut Hills neighborhood to be renovated and used as an office NOTWITHSTANDING the provisions of Section 1405-05, “Land Use Regulations,” of Chapter 1405, “Residential Multi-Family,” and Section 1425-19-A, “Off-Street Parking and Loading Requirements,” of Chapter 1425, “Parking and Loading Regulations,” of the Cincinnati Zoning Code and any other applicable provisions of the Cincinnati Zoning Code and the Cincinnati Municipal Code.

The City Planning Commission recommended approval of the amendments at its June 4, 2021 meeting.

Summary

First Step Home requested a Notwithstanding Ordinance to permit an office use in a Residential Mixed (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.

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. 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.

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.

The City Planning Commission recommended the following on June 4, 2021 to City Council:

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

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