

AUTHORIZING the renovation of the three existing buildings located at 127-129, 131, and 141 Goethe Street in the Mt. Auburn neighborhood and the construction of a new three-story building on vacant land located at 211-219 Goethe Street in the Mt. Auburn neighborhood for use as transitional housing, **NOTWITHSTANDING** (i) the use and density limitations contained in Chapter 1403, “Single-Family Districts,” of the Cincinnati Municipal Code, (ii) the use and density limitations contained in Chapter 1405, “Residential Multi-Family Districts,” of the Cincinnati Municipal Code, (iii) the parking limitations contained in Chapter 1425, “Parking and Loading Regulations,” of the Cincinnati Municipal Code, and (iv) the development standards contained in Chapter 1433, “Hillside Overlay Districts,” of the Cincinnati Municipal Code.

WHEREAS, the City Gospel Mission (“Owner”), through its affiliated entities CURE Properties LLC and HTCTC Properties LLC, owns the three existing buildings located at 127-129, 131, and 141 Goethe Street (“Existing Buildings”) and owns the vacant land located at 211-219 Goethe Street (“Vacant Property”), which properties are all located in the Mt. Auburn neighborhood; and

WHEREAS, the Owner has operated the *Having the Courage to Change* program, an all-women recovery program, within the Existing Buildings for more than 20 years, and it now wishes to renovate those buildings and to construct a new three-story building in proximity to them on the Vacant Property (“Project”); and

WHEREAS, once the Project is completed, the Existing Buildings would continue to be used by the *Having the Courage to Change* program as permanent supportive housing, and the new building on the Vacant Property would be used by the program to provide transitional housing and related services for program participants; and

WHEREAS, the Owner has requested authorization to construct the Project notwithstanding certain zoning code provisions that may otherwise restrict it because reasonable deviations from those provisions will provide for substantial public benefits in the form of new and improved housing options for program participants as well as enhanced services for those participants; and

WHEREAS, the Existing Buildings are located in the RMX, “Residential Multi-Family,” zoning district, and the Owner seeks authorization to renovate those buildings to increase their aggregate unit total by 6 units (but decrease their aggregate bed count by 16 persons) notwithstanding the use, density, and parking restrictions applicable to the properties in that district; and

WHEREAS, the Vacant Property is located in the SF-2, “Single Family,” zoning district and the “Hillside Overlay District,” and the Owner seeks authorization to construct a new three-

story building on the property that will house up to 33 residents and provide resident amenities including a kitchen and dining area, meeting rooms, a lounge, a library, and a gym, notwithstanding the use, density, development standards, and parking restrictions applicable to the properties in those districts; and

WHEREAS, the Project reflects modifications made by the Owner following its participation in community engagement meetings in which the Mt. Auburn Community Council and other community members and stakeholders outlined concerns about the Project related to density, parking, neighborhood compatibility, and the future use of the new building on the Vacant Property; and

WHEREAS, in response to these concerns, the Owner reduced the allowable occupancy in the new building on the Vacant Property, agreed to place limitations on and proactively manage parking associated with its buildings, and redesigned its new building to be constructed on the Vacant Property to resemble three single-family townhomes and to permit its physical separation into three single-family townhomes in the event the Owner ceases operations on the Vacant Property; and

WHEREAS, the above commitments were memorialized in a document entered between the Owner and established community organizations; and

WHEREAS, the Council wishes to authorize the construction of the Project notwithstanding (i) the use and density limitations contained in Cincinnati Municipal Code ("CMC") Chapter 1403, "Single-Family Districts"; (ii) the use and density limitations contained in CMC Chapter 1405, "Residential Multi-Family Districts"; (iii) the parking limitations contained in CMC Chapter 1425, "Parking and Loading Regulations"; and (iv) the development standards contained in CMC Chapter 1433, "Hillside Overlay Districts"; and

WHEREAS, the Council finds that authorizing the Project will result in the creation of new quality housing stock and the improvement of existing historic housing stock for an underserved section of the population, and will ensure that safe and effective transitional housing-related services are available to those participating in the Owner's program; and

WHEREAS, the Council further finds that the Project will return a vacant lot to productive use and that the scale, massing, and overall appearance of the new building to be constructed in connection with the Project reflects the historic use of the property and will fit within the context of Goethe Street and the Mt. Auburn community; and

WHEREAS, the Council additionally finds that permitting the Project will not have an adverse effect on the character of the area or the public health, safety, and welfare because, among other things, it provides for a reasonable expansion of a transitional housing program that has long operated on the street, the program expansion will facilitate the delivery of enhanced services and programming to program participants that further serves to mitigate any potential negative impacts associated with the program, if any, and the topographic isolation of Goethe Street and the significant amount of vacancy on the street will drastically limit the Project's impact on adjacent properties or streets; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on March 5, 2021, upon considering the factors set forth in CMC Section 111-5, recommended adoption of a notwithstanding ordinance permitting the construction of the Project subject to certain conditions; and

WHEREAS, a committee of Council held a public hearing on this ordinance following due and proper notice pursuant to CMC Section 111-5, and upon considering the factors in CMC Section 111-5 and the recommendation of the City Planning Commission, the committee approved the ordinance, finding that authorizing the Project notwithstanding the zoning code provisions that would otherwise restrict it will not have an adverse effect on the character of the area or the public health, safety, and welfare, and further finding that permitting the Project to proceed is consistent with the purposes of the CMC and the zoning districts in which they are located; and

WHEREAS, a legislative variance from applicable zoning code provisions related to use, density, parking, and hillside regulations to authorize the construction of the Project is consistent with the *Mt. Auburn Community Plan* (1992), including its Goal to “[r]etain existing housing stock by encouraging selected demolition, rehabilitation, and infill housing” (p. 11) and its Objective to “[e]ncourage housing in the southwest quadrant for upper, middle, and lower income groups” (p. 12); and

WHEREAS, a legislative variance from applicable zoning code provisions related to use, density, parking, and hillside regulations to authorize the construction of the Project is further consistent with *Plan Cincinnati* (2012), including the goals in the Live Initiative Area to “[p]rovide a full spectrum of housing options, and improve housing quality and affordability” (p. 164) and to “provide quality healthy housing for all income levels” (page 165); and

WHEREAS, the Council additionally finds that a legislative variance from applicable zoning code provisions related to use, density, parking, and hillside regulations to authorize the construction of the Project will not have an adverse effect on the character of the area or the public health, safety, and welfare, and it is in the best interests 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, after its own independent review and consideration, the City Council incorporates the foregoing recitals as if fully rewritten herein, and it hereby confirms that the legislative variance criteria set forth in Section 111-5 of the Cincinnati Municipal Code are satisfied in all respects.

Section 2. That the Council specifically finds that a legislative variance authorizing the renovation of three existing buildings located at 127-129, 131, and 141 Goethe Street in the Mt. Auburn neighborhood and the construction of a new three-story building on vacant land located at

211-219 Goethe Street in the Mt. Auburn neighborhood for use as transitional housing (“Project”), which properties are depicted on the map attached hereto as Exhibit A and incorporated herein by reference, and which Project is more particularly depicted and described on the plans and materials attached hereto as Exhibits B, C, D, E, and F and incorporated herein by reference, will not have an adverse effect on the character of the surrounding area or the public's health, safety, and general welfare and that it is consistent with the purposes of the Cincinnati Municipal Code and the zoning district within which the properties are located.

Section 3. That the Council further finds that a legislative variance authorizing the construction of the Project on the Property:

- a. will provide new quality housing options that serve an underserved segment of the population; and
- b. will provide for the renovation of existing historic buildings that have provided housing for underserved segments of the population for over 20 years; and
- c. will return a vacant lot to productive use through the construction of a new infill building with a scale, massing, and overall appearance that reflects the historic use of the property and will fit within the context of Goethe Street and the Mt. Auburn community; and
- d. will not have an adverse effect on the character of the area, or the public health, safety, and welfare because it provides for a reasonable expansion of a long-existing transitional housing program, will facilitate the delivery of enhanced services and programming to participants of the program that further serves to mitigate any potential negative impacts associated with the program, if any, and the topographic isolation of Goethe Street and the significant amount of vacancy on the street will drastically limit the Project’s impact on adjacent properties or streets; and
- e. will foster a convenient, harmonious, and workable relationship among land uses.

Section 4. That the Council authorizes the construction of the Project and its use as transitional housing, subject to the terms and conditions set forth in this ordinance. This authorization is granted notwithstanding (i) the use and density limitations contained in Chapter 1403, “Single-Family Districts”; of the Cincinnati Municipal Code; (ii) the use and density

limitations contained in Chapter 1405, “Residential Multi-Family Districts,” of the Cincinnati Municipal Code; (iii) the parking limitations contained in Chapter 1425, “Parking and Loading Regulations,” of the Cincinnati Municipal Code; and (iv) the development standards contained in Chapter 1433, “Hillside Overlay Districts,” of the Cincinnati Municipal Code, and any other applicable zoning regulations that would restrict the construction of the Project and its use as transitional housing.

Section 5. That the Council authorizes the construction of the Project and its use as transitional housing subject to the following conditions:

- a. That the renovation of the existing buildings at 127-129, 131, and 141 Goethe Street and the construction of the new building at 211-219 Goethe Street must substantially conform to the project descriptions and plans set forth in Exhibits B, C, D, E and F, respectively; and
- b. That the use of the new and renovated buildings for transitional housing purposes must substantially conform to the definition of “transitional housing” set forth in Cincinnati Municipal Code Section 1401-01-T; and
- c. That, following construction and renovation, the density and occupancy levels of 127-129 Goethe Street shall not exceed six dwelling units and seven residents, the density and occupancy levels of 131 Goethe Street shall not exceed five dwelling units and five residents, the density and occupancy levels of 141 Goethe Street shall not exceed one unit and seven residents, and the occupancy level of 211-219 Goethe Street shall not exceed 33 residents; and
- d. That the building permit application for the new construction at 211-219 Goethe Street shall include the following materials in addition to other materials prescribed by law:
 - i. a geotechnical report which addresses relative hillside stability and includes recommendations for foundation design; and
 - ii. a landscaping plan showing plant installation to promote hillside stability; and
 - iii. site and grading plans stamped by a civil engineer or land surveyor showing existing and proposed grades, the proposed above sea level (“ASL”) data for the lowest floor and ASL data correlated to the building section design; and

- iv. information on trash and dumpster location.
- e. That, prior to the issuance of a building permit for new construction at 211-219 Goethe Street, the Director of the Department of Buildings and Inspections shall conduct a review of the construction documents and geotechnical report for the new construction at 211-219 Goethe Street and ensure that the design of the foundation, retaining walls, and proposed grading is consistent with the recommendations of the geotechnical report and that the structural design substantially conforms with the criteria set forth in Cincinnati Municipal Code Section 1433-23.

Section 6. That this 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, the SF-2, "Single-Family," zoning district, the RMX, "Residential Multi-Family," zoning district, and the Hillside Overlay District.

Section 7. That the use of the three-story building to be constructed in connection with the Project and used as transitional housing shall not be considered a nonconforming use of land.

Section 8. That the City Manager and the appropriate City officials are authorized to take all necessary and proper actions to implement this ordinance, including by issuing building permits and related approvals provided they conform to applicable building codes, housing codes, accessibility laws, or other laws, rules, or regulations.

Section 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk