

NOTWITHSTANDING ORDINANCE PERMITTING RENOVATION & NEW CONSTRUCTION ON GOETHE STREET IN MT. AUBURN

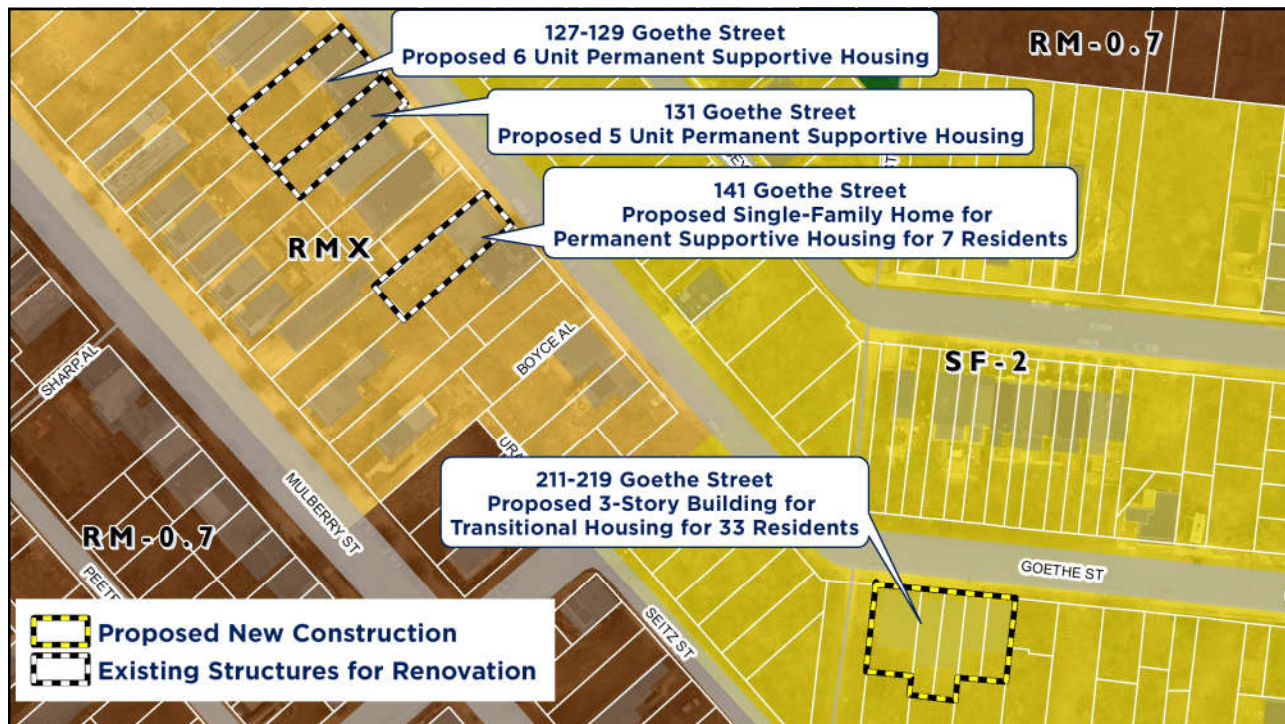
Economic Growth & Zoning Committee | April 13, 2021

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PROJECT LOCATION



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PROPOSED NOTWITHSTANDING ORDINANCE

Authorizes the renovation of three existing buildings and the construction of a proposed building notwithstanding:

- **Use and density limitations** contained in Chapter 1403, “**Single-Family District**”
- **Use and density limitations** contained in Chapter 1405 “**Residential Multi-Family Districts**”
- **Parking limitations** contained in Chapter 1425, “Parking and Loading Regulations”
- **Development standards** contained in Chapter 1433, “**Hillside Overlay Districts**” of the Cincinnati Municipal Code

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RENOVATION OF EXISTING BUILDINGS

127-129 Goethe St.



Current: 35 residents in 6 units

Proposed: 19 residents in 12 units; no change to height or building footage

131 Goethe St.



Relief requested (through NWO) for:

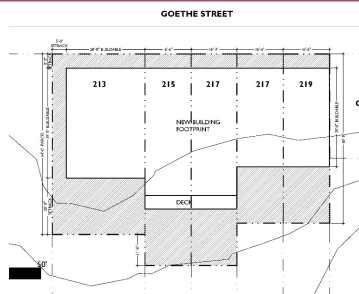
- **Use** of buildings as transitional housing/permanent supportive housing
- **Dwelling Units**
Permitted: 3 units per building
Proposed: 6 units (127-129 Goethe St) and 5 units (131 Goethe St)
- **Parking**
Required: Each site requires 2 off-street parking spaces
Proposed: 0 off-street parking spaces

141 Goethe St.



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NEW CONSTRUCTION



- 3-story, 14,000 SF
- 33 residents
- Bedrooms & bathrooms
- Office spaces
- Amenities for residents: Gym, lounge, library, back deck

Relief requested (through NWO) for:

Use of building as transitional housing

Parking

Required: 5 off-street parking spaces
Proposed: 0 off-street parking spaces

Rear Yard Setback, Height, and Cut Excavation Variances (pending Hillside Review)

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PUBLIC COMMENT COMMUNITY ENGAGEMENT

Applicant's community engagement:

- Mt. Auburn Community Council
- 2 virtual community meetings in January with 18-27 people in attendance at each
- Approx. 10+ meetings with nearby property owners and residents

City staff held 2 community meetings following January 15th CPC:

- January 28: Listening/feedback session
- February 11: Responding to feedback
- Approx. 11 community members in attendance



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PUBLIC COMMENT COMMUNITY ENGAGEMENT

Feedback/discussion included: (focused on 211-219 Goethe Street)

- Density – reduced occupancy by more than 25% (48 to 33 residents)
- Parking – created a parking plan outlined in MOU
- Consistency with the surrounding – new façade design & review
neighborhood character committee outlined in MOU
- Future use of the building – committed to selling as 3 separate
buildings as outlined in MOU
- Alternate Site



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PUBLIC COMMENT NOTICE + WRITTEN COMMENT

- **Notice of community meetings** sent to anyone who submitted public comment or attended the 1/15/21 CPC; posted on 4 community Facebook pages; sent to Mt. Auburn Community Council and CDC boards/membership
- **Notice of City Planning Commission** sent to all property owners within 400', the Mt. Auburn Community Council, Over-the-Rhine Community Council, and anyone who submitted public comment or attended a meeting
- **Staff has received:**
 - 26 letters of support from 26 individuals
 - Including Mt. Auburn Community Council and Community Development Corporation
 - 32 letters of concern/opposition from 28 individuals



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CONSISTENCY WITH PLANS

PLAN CINCINNATI (2012)

Live Initiative Area

Goal: "Provide a full spectrum of housing options, and improve housing quality and affordability"

Strategy: "Provide quality healthy housing for all income levels"

Strategy: "Offer housing options of varied sizes and types for residents at all stages of life"

MT. AUBURN COMMUNITY PLAN (1992)

Goal: "Retain existing housing stock by encouraging selected demolition, rehabilitation, and infill housing"

Objective: "Encourage housing in the southwest quadrant for upper, middle, and lower income groups"

Housing Map: Identifies area for "Major New Housing Redevelopment Paired with Rehabilitation"



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ANALYSIS

Section 111-5 of the Cincinnati Municipal Code

The committee of council shall consider the following when making a recommendation to council:

- Whether the proposed application will not have an adverse effect on the character of the area or the public health, safety and welfare;
- 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:
 - (see staff report for details)

CONCLUSIONS

- The proposed NWO:
 - Permits the coordinated development of existing structures and new construction providing additional housing for women in need
 - Provides relief found to be reasonable considering size limits of parcel and topography
 - Is consistent with *Plan Cincinnati* and *Mt. Auburn Community Plan*
- Applicant has conducted further community engagement and modified plans based on feedback, but there are still concerns from some nearby residents/property owners as well as local builders/developers
- 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 City Planning Commission recommends that City Council take the following action:

APPROVE the Notwithstanding Ordinance permitting the renovation of three existing structures at 127-129, 131, and 141 Goethe Street into permanent supportive housing and the new construction of a transitional housing facility at 211-219 Goethe Street in Mt. Auburn with the following conditions:



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RECOMMENDATION

- 1) The new construction must substantially conform to the project specifications outlined in this report, including:
 - a. A three-story structure
 - b. Use as transitional housing as outlined in Sec. 1401-01-T in the Cincinnati Zoning Code with no more than 33 residents
- 2) The renovations at 127-129, 131, and 141 Goethe Street must substantially conform to the project specifications outlined in this report, including:
 - a. Six dwelling units at 127-129 Goethe Street with no more than seven residents
 - b. Five dwelling units at 131 Goethe Street with no more than five residents
 - c. Single-family home with no more than seven unrelated residents at 141 Goethe Street
 - d. Use as transitional housing as outlined in Sec. 1401-01-T in the Cincinnati Zoning Code or as permanent supportive housing



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RECOMMENDATION

- 3) The applicant will provide the following items for review in the building permit application:
 - a. A geotechnical report which addresses relative hillside stability and includes recommendations for foundation design.
 - b. A landscaping plan showing plant installation to promote hillside stability.
 - c. Site and grading plan stamped by civil engineer or land surveyor showing existing and proposed grades, the proposed ASL (above sea level) data for the lowest floor and with ASL data also noted and correlated to the building section design; also information on trash dumpster location.
- 4) The Director of Buildings and Inspections will conduct a final review of the construction documents and geotechnical evaluation to ensure an appropriate factor of safety in the design. This review is intended to confirm that:
 - a. The structural design substantially conforms with the Hillside Development Standards of 1433-23 of the Zoning Code to ensure harmonious relationships with adjacent buildings and the hillside environment.
 - b. The design of the foundation, retaining walls, and grading are consistent with the recommendations of the geotechnical report.



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RECOMMENDATION

- 5) 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, the SF-2, "Single-family," zoning district or RMX, "Residential Mixed," zoning district.
- 6) The use of 211-219 Goethe Street should not be considered a nonconforming use.



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